Legislative Assembly,

Friday, 20th January, 1911.

The SPEAKER took the Chair at 10.30 a.m., and read prayers.

BILL—NARALING-YUNA RAILWAY.

Introduced by the Minister for Works and read a first time.

PAPERS—COAL MINING DISASTER, COLLIE.

On motion by Mr. A. A. WILSON ordered, "That all papers and reports dealing with the recent accident in the Proprietary Mine, Collie, be laid on the Table of the House."

BILL—ROADS.

Recommittal.

On motion by the MINISTER FOR WORKS, Bill recommitted for further consideration of Clauses 2, 8, and 228.

Mr. Taylor in the Chair.

Mr. JACOBY: Had the hon. member brought down the amendment suggested in regard to timber on roads?

The MINISTER FOR WORKS: The amendment, if it arrived in time, could be inserted on further recommittal.

Clause 2—Commencement:

The MINISTER FOR WORKS: The clause provided the Bill should come into operation on the 1st January, 1911. As this date was already passed an amendment was needed. He proposed that the measure should come into operation on the first day of the next financial year, and moved an amendment—

That "January" be struck out and "July" inserted in lieu.

Amendment passed: the clause as amended agreed to.

Clause 8—The Governor may constitute, unite, divide, or abolish districts:

The MINISTER FOR WORKS: It was suggested that the mandatory provising of abolishing boards with a revenue of less than £150 should be removed and discretionary power given to the Minister. There were strong reasons why the Minister should be compelled to abolish those boards in receipt of a very small revenue; but there were exceptions in regard to a few boards in the North. He therefore proposed to make it optional for the Minister to abolish boards in the North and moved an amendment—

That in line 3 of Subclause 3 after "twenty-five" the words "unless the district is situated north of the twenty-sixth parallel of latitude" be inserted.

This would leave it mandatory so far as the southern boards were concerned. He knew of no case in the southern or eastern parts of the State where hardship would come about through the operation of the provision, but there was one case, at all events, in the North where the enforcement of this clause would entail hardship on the people of the district. The population there was so sparse and the area was so large that either the administration of local affairs would have to be practically entirely undertaken by the Minister himself, or else this provision would have to be made. If the provision were made it would not be compulsory on the Minister to refrain from abolishing the board because it happened to be in the North, but it would give him the option of doing so. That option would only be exercised where the administration of the board was being carried on at a very low expense. There were, he was pleased to say, not only members who were willing to sit on a roads board and attend the meetings at great personal inconvenience, but there were also men willing almost gratuitously to discharge the duties of secretary. On consideration he thought it advisable to withdraw the amendment he had moved with the object of substituting one slightly differently worded.

Amendment by leave withdrawn.

The MINISTER FOR WORKS moved a further amendment—

That in line 2 of Sub-clause 3 after the word "board" the following be in-

serted:—"whose district is situated southward of the twenty-seventh parallel south latitude.

The effect would be similar; the drafting only had been slightly improved.

Mr. COWCHER: The Marradong board in the district he represented had a revenue of £180 and paid its secretary £60 a year, and it had the best roads in the State. This board spent its money well and if the amendment were carried they would be seriously affected. He desired that the power should be discretionary.

Mr. ANGWIN: The Committee should not agree to the amendment proposed by the Minister for Works. It was surprising to hear the member for Williams say that the Marradong roads board would be affected by the amendment.

The Minister for Works: This can be exercised everywhere; it is discretionary above the parallel.

Mr. ANGWIN: Why not have it below as well?

The Minister for Works: Because there is no reason for it.

Mr. ANGWIN: There might be reason. While he had no objection to giving the Minister discretionary power all over the State, he disagreed with the proposal that it should only apply to one part of the State as far as the abolition of a roads board was concerned.

Mr. BUTCHER: It might not be out of place if the power were extended all over the State; there might be smaller conditions existing in the far east, the south-west or the south-east. The Minister should give discretionary power where the revenue was below the amount provided in the clause. He would like to quote the case of the Shark Bay road board. Shark Bay was a small township, a pearling camp practically, of about 150 people, and most of them pearlers. There were roads throughout the country there which required to be maintained. Shark Bay was 120 miles from Carnarvon, the nearest centre of the district which they were originally a part of. These people had had to go 100 odd miles to attend a meeting of the roads board. They took a day to get to their destination, and with the head winds which always blew there it took them a week to get back; thus they were occupied seven days in attending the road board meetings. It was absolutely impossible for them to continue to do this and the consequence was that they became disfranchised; they were not represented at all and the money was spent in other parts of the district because they had no representation; they were starved out. He interviewed the Minister and the Minister agreed to separate the district from the others. Whatever small rates they raised they expended in maintaining the roads in the town or on the foreshore and effecting other improvements in the town, and the work they had done was a credit to them. It would be a great hardship if these people did not have a board of their own. It was to be hoped the Committee would agree to the amendment. Better still, if the Minister were given discretionary power in this matter it could be exercised to the advantage of many boards.

The MINISTER FOR WORKS: If it was the wish of the Committee that this power should be made discretionary in the Minister he would withdraw his amendment and move to strike out "shall" with a view to inserting "may."

Mr. Johnson: Does it not mean the same thing?

The Minister for Works: Not in this context.

Mr. JOHNSON: The member for Williams had expressed the desire that the Minister should be given discretionary power, and had explained that the Marradong roads board did not raise sufficient revenue to enable them to remain a board. If these remarks were contrasted with those made by the Premier and the Attorney General in referring to the increase of population when dealing with the Redistribution of Seats Bill, it would be seen that there was, somewhere, a great discrepancy. On the one hand the Ministers had said there was a great increase of population in the locality, while the member for Williams had now declared that the roads board could not raise sufficient money for its purposes. Either the

board did not rate sufficiently high or the Ministers had been wrong in their figures given in support of the Redistribution of Seats Bill.

Mr. GEORGE: The difficulty was that in all such districts the population was scattered. It was not a question of increase or decrease of population.

Mr. Johnson: If they are there they ought to pay.

Mr. GEORGE: All were agreed that people should pay their just contributions to the revenue of their respective boards. This Marradong district was a very fertile valley, notwithstanding which the populations was by no means large. The population had been kept down by the fact that no facilities for communication with the city had been provided. It was not so many years since the carting of their stuff to Perth had involved a journey of 5½ days each way.

Mr. Johnson: It is an absolute crime that they have not had a railway before.

Mr. GEORGE: As for the hon. member's remarks with reference to the alleged discrepancy in the population figures, if he was smarting from the events of last week he should take a little counsel and remember that it was not necessary to introduce outside matters into the debate. This was a question of roads boards, not of a redistribution of seats.

Mr. Bath: Then why do you introduce it?

Mr. Swan: Because he likes to pose as an authority on all matters.

Mr. GEORGE: At one time he had had sufficient authority over the hon. member, and his only regret was that he had not dealt with the hon. member as he deserved. There was one danger in connection with the proposed amendment. Throughout many of the various roads boards it would be found that one portion of a district was discontented with the work done, and the Minister might find it embarrassing to discover that one section of a roads board district seriously desired separation. While not in favour of making a district too large he would like to see a provision by which there would be assured to the different wards of a district the spending of a fair proportion of the revenue within their boundaries. He had in his mind two boards in the South-West in each of which considerable dissatisfaction existed. In these districts the great bulk of the rates raised and of the subsidy given by the Government was spent, not on the outlying roads where it should have been spent, but within the respective townships. The object of having a roads board was to provide facilities for people to get their produce to the railways, and the more remote settler was better entitled to have the money spent in such a way as would enable him to get his produce to market than was the man close in to the township. The settlers in the South ward of the Murray roads district paid their rates, but the only satisfaction they got was in seeing the money spent in Pinjarra. The Minister should have power to insist on the money being spent in the different wards.

Amendment by leave withdrawn.

The MINISTER FOR WORKS moved a further amendment—

That in line 4 the word "shall" be struck out and "may" inserted in lieu.

This would give discretionary power to the Minister all over the State.

Amendment put and passed; the clause as amended agreed to.

Clause 288—Appeals to the board:

The MINISTER FOR WORKS: When discussing this clause last night the member for Claremont had raised a complaint in regard to the heavy amount of deposit. He (the Minister) proposed to amend Subclause 3 with a view of bringing it into line with the present Municipalities Act. He moved an amendment—

That all words after "the" in line 4 of Subclause 3 be struck out and "first moiety of the rate payable in respect of the valuation appealed against" be inserted in lieu.

That would be a moderate provision. So far it had proved satisfactory in the municipal law.

Amendment passed; the clause as amended agreed to.

Bill again reported with further amendments.

Further recommittal.

On motion by the MINISTER FOR WORKS, Bill again recommitted for amendment.

Mr. Taylor in the Chair; the Minister for Works in charge of the Bill.

Clause 22—Annual retirement of members:

The MINISTER FOR WORKS moved an amendment—

That in line 1 of Subclause 1 the words "fourth Thursday in March" be struck out, and "second Wednesday in April" be inserted in lieu.

The amendment was consequential. The date of election has been altered in the Bill, but the date of the termination of office had not. And, unless the amendment were made, there would be a term from the fourth Thursday in March to the second Wednesday in April during which seven persons would have ceased to be members of the board, and there would be no one to replace them.

Amendment put and passed, the clause as amended agreed to.

Clause 48—Copy of roll to be evidence:

The MINISTER FOR WORKS moved an amendment—

That the following words be added to the clause:—"Provided that such electoral roll shall at all reasonable times be open to inspection by any member of the board or ratepayer, and such person may take copies or extracts from such roll without payment of any fee."

Mr. ANGWIN: Would this amendment enable the board to refuse to supply a copy of the roll at a cost of five shillings?

The MINISTER FOR WORKS: The amendment could not cancel Clause 49, which was definite in the requirement that the board should supply a copy of the electoral roll.

Amendment put and passed, the clause as amended agreed to.

Clause 147—Roads and materials thereof vested in the board:

The MINISTER FOR WORKS moved an amendment—

That the following words be added to the clause to stand as Subclause (c):—"All timber and indigenous or ornamental trees and shrubs."

The object of this amendment was to vest in the roads boards the timber on the roads in their districts. In one case at least it had been found necessary for the board to prosecute for the removal of timber from the roads.

Mr. ANGWIN: Whilst he did not object to the amendment, it did seem strange that the Minister should last night have asked members to refrain from moving amendments, and should to-day be moving amendments himself.

The Minister for Works: You were the first offender.

Mr. ANGWIN: That was because the Minister had already accepted the amendment. To-day the Minister was bringing forward a number of amendments which were not on the Notice Paper, and which nobody knew anything about. The position he was taking to-day was in opposition to the stand he had taken last night. Many members would have liked to move amendments, but they had to forgo their desire with a view to getting the Bill through.

The MINISTER FOR WORKS: The objections of the member for East Fremantle were most unfair. On the previous evening, although not objecting to the hon. member's amendment, he had pointed out that he was anxious to pass the Bill without amendment. The hon. member had insisted on his amendment, and it had been carried. That having been done, there was not the same reason for objecting to any amendment at all, because there was no longer the opportunity of passing the Bill through all its stages last night. All the amendments which had been brought forward to-day were submitted in accordance with the request made by the Committee last night. Only one trivial amendment had come from him, and that was the alteration of the date of the termination of office. It was most unfair and unwarranted that he should be attacked and abused for being anxious to oblige hon. members.

Amendment put and passed, the clause as amended agreed to.

Bill again reported with further amendments, and the report adopted.

BILL—PUBLIC LIBRARY, MUSEUM, AND ART GALLERY OF WESTERN AUSTRALIA.

Second Reading.

The PREMIER (Hon. F. Wilson) in moving the second reading said: I should like to briefly explain, first of all, that this is really a machinery Bill to vest in trustees the property and effects of the Public Library, Museum, and Art Gallery. The institution is so well known to hon. members that it is unnecessary for me to delay the House by recapitulating all that it has done for the public of Western Australia. I might be pardoned, however, for reminding hon. members that it is a very old-established institution, dating back, I believe, to the days before Responsible Government, about 1886 or 1887, when it was known as The Victoria Institute, and was established, as I remember it first, in an old building in St. George's Terrace. The first committee was appointed by the then Governor, and, although it was intended that the institute should contain not only a library but also an art gallery and museum, only a library could be initiated in those days, and for many years the institute remained a public library solely. In 1898, I think it was, the new buildings were erected on the present site, and then we had the museum added to the public library, and later on, of course, the art gallery, as members are aware, was erected and proved a great boon to the public generally. The committee of management which was appointed, I think, by Governor Broome, consisted of the late Sir Malcolm Fraser, Mr. Septimus Burt, and the late Mr. Hickling, and Mr. Canning and Dr. Hackett. Later on our late Speaker, Sir James Lee Steere, joined the committee when the new buildings were put up, and he was appointed chairman. The then Premier, Sir John Forrest, promised the committee on more than one occasion that a proper Bill, vesting the property in the committee as trustees, would be passed. Unfortunately it was never done, and the committee found themselves in the unenviable position that they were absolutely without any legal powers. Briefly the reason for the Bill now before us is that the committee have no legal standing whatever. They have no legal power actually to protect the exhibits in any way; there is no power of ownership nor of guardianship; the committee cannot sue or be sued; they cannot lend books, or pictures, or works of art to any other institution, unless they do so, as has been done on more than one occasion, I think, by taking the personal liability that attaches to the members of the committee. Valuable pictures were sent to Kalgoorlie a couple of years ago. Of course if they had been damaged or lost or not recovered or returned, the members of the committee would have been personally responsible for such damage or loss. They have no power even to compel the return of anything that is lent, and they cannot enter into contracts to purchase or to pay for exhibits or works of art; it is doubtful whether they can enter into a contract to pay a servant; indeed, it is doubtful whether they have any power at all. The Bill has for its object to create the trustees into a corporate body, the same as exists in each of the other States of Australia. Institutions of this kind throughout Australia are all controlled by legislation such as we now propose. The Bill has been drafted on what we consider is the most up-to-date Act yet passed in the Eastern States, that is the South Australian Act, which came into operation last November. It is the latest legislation of its description, and I think it is the best, so we have based this Bill upon it, though not following it in its entirety. The present committee of the institution consists of eight members, Sir Winthrop Hackett is chairman, and there are Doctors Harvey and Kelsall, Mr. Canning, His Honour Mr. Justice McMillan, Hon. H. Briggs, Mr. Bath, and the Right Rev. Dr. Riley, Bishop of Perth. It is proposed in this measure that we shall create 12 trustees. They are to be appointed by the Governor-in-Council, and they will be appointed for a period of six years, one-third of the number going out of

office every two years. Therefore there will be a biennial appointment of four members. The 12 trustees are to have the power to appoint by co-optation two other trustees, making 14 in all. Those co-opted trustees will be appointed, I presume, for their expert knowledge to assist the 12 trustees appointed by the Government, and they shall be appointed for a term to be fixed by the trustees, but not exceeding six years, as may be decided at the time of selection. The president under this Bill will be appointed by the Governor from among the trustees and on their recommendation, and an acting president will also be similarly appointed when the president is absent for over three months. The trustees have full responsibility. They take the full responsibility of the management of the institutions, and their responsibility, of course, is to the Governor. Any trustee, or all of them, can be removed at any time by the will of the Governor. It is provided in the measure that proper accounts are to be kept, and these are to be annually audited by the Auditor General, and submitted with an annual report to the Governor and laid upon the Table of both Houses of Parliament. Clause 14 vests the land and property in the trustees, with power to sell, lease or mortgage, but only with the consent of the Governor. Clause 15 vests the contents of the library, museum and art gallery in the trustees who are appointed.

Mr. Bolton: It is rather unusual to give that power to a quorum of five. Is it not too small with 14 trustees?

The PREMIER: I do not think so. Experience shows it is a reasonable quorum. It is very difficult to get the trustees all together. However, the hon. member can discuss that in Committee if he thinks the quorum too small. The member for Brown Hill, who is a member of the committee, and who, if he consents, will probably be appointed a trustee, will be able to give us some information and tell us whether that quorum is sufficient or otherwise. Of course the powers cannot be exercised without the consent of the Governor. The trustees cannot sell or part with any portion of the property unless they first obtain the consent of the Governor. So it is absolutely safeguarded there. Then, of course, they have the very necessary power to lend to other institutions, upon proper and sufficient guarantees being forthcoming against damage and for the due return of the exhibits works of art, or books, as the case may be. The only other principal clause is Clause 18, which gives the usual powers provided for the framing of regulations necessary to manage the institution. Members will notice more particularly that it gives power to make regulations for the copying of works of art, which is so necessary to lay the foundation of a national school of art in our State. This permission has been largely availed of to the present by students and others, and I think it will be admitted that the educational benefits, if the institution is properly managed, and if the trustees have proper legal powers, as provided in the Bill, must be enormous to the community of our State. I do not wish to dilate upon the importance of the institution. It is recognised, I think, by everyone; but I may briefly mention that nearly 70,000 people visited the museum and art gallery last year, that the average attendance on week days was 167, and on Sundays 315, that the number of people visiting the library during the year was nearly 165,000, that the library consists of 82,256 volumes, and the travelling library of 7,500 volumes, and that 6,000 volumes are added each year to the library. The institution must go on increasing year by year as the demands of the people necessitate it, and I think it will be obvious that it requires to be placed under proper legal management and control, and that the measure I am producing this morning is one that should be passed immediately in order that the property may be safely safeguarded. I need say no more on the Bill. The institution is a boon of an inestimable value to both old and young in the State, and I hope it will go on increasing and prospering so that all may benefit thereby. I have very much pleasure in moving—

That the Bill be now read a second time.

Mr. BATH (Brown Hill): I have very little to say in regard to this measure, except that the State and Parliament having accepted the principle of the appointing of a body of trustees to supervise and control this institution, it is necessary that they should be vested with the necessary power in order to control it effectively. It was pointed out by the Premier that they really have no existing legal standing to carry out the duties with which they are entrusted in the care and protection of the exhibits, or in the disposal of them, as in the case of a loan to the people of Kalgoorlie, or any other centre, or in the proper protecting of them. So long as the principle of the appointing of trustees is to be accepted, it is only right a measure of this kind should be enacted in order to give them proper legal standing.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Taylor in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Existing committee dissolved:

The PREMIER: The clause provided that the existing committee should be dissolved on the commencement of the Act, but at that stage the new trustees would not be appointed and no one would be in control of the institution. He therefore moved an amendment—

That the words "commencement of" be struck out and "appointment of trustees under" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 3 to 11—agreed to.

Clause 12—Quorum:

Mr. BOLTON: An assurance might be given by one of the trustees that a quorum of five was sufficient out of a total of 14 members. Personally he was of opinion that any board or body such as this would be given very large powers, and as it would have the control of a considerable amount of property, it should not be found difficult to get at least seven to attend. The board would be chosen from responsible gentlemen in the metropolitan area who would be easy to get at, and they could be called together at a time which would be convenient to at least seven.

The Premier: Fifty per cent. is a very big proportion.

Mr. BOLTON: It would be much better to make it appear as part of the duty of 50 per cent. of these gentlemen who had been honoured by being appointed to such a position to attend a meeting in order to form a quorum.

Mr. BATH: There was no particular reason for the appointment of five to constitute a quorum. At the present time when the members numbered eight the quorum was five. He was inclined to agree with the member for North Fremantle that five was a rather small number out of a body of 14. It would be a greater safeguard if the quorum were altered to seven. That would mean that four out of the seven would be able to carry the different proposals.

The PREMIER: There would be no objection on his part to the number being increased. His experience of these bodies had taught him that if a high quorum were fixed it would not be possible to get members to attend. They would all be gentlemen filling public positions more or less, and it was not so easy to arrange a meeting day which would suit everyone. If members thought that seven ought to be the quorum there would be no objection to the alteration being made.

Mr. BOLTON moved an amendment—

That in line 1 the word "five" be struck out and "seven" inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 13 to 17—agreed to.

Clause 18—Regulations:

Mr. PRICE: The Premier might state what would be the effect of the actual operation of paragraph (c.), which referred to the "exclusion or expulsion of the public or any individual." One could understand individuals being excluded, but why the general public?

The PREMIER: The power had to be given to close sometimes, and there had

to be power also to expel anyone for misconduct.

Mr. Price: That is as far as the individual is concerned.

The PREMIER: In the other case it was advisable to regulate the hours of closing against the public generally; there must be the power also of closing the institution altogether under certain circumstances. The regulations, however, would have to be approved by the Governor-in-Council.

Mr. PRICE: The institution had been closed to the public for the purpose of holding a private soirée. That was a matter that the people should be protected against. The trustees should not have the power to exclude the public, for the purpose of using the institution for their own purposes?

The Premier: I do not think that has been done.

Mr. Price: It had been done.

The PREMIER: The only occasion on which a function of that sort was held was the opening of the new Art Gallery, when invitations were issued by the president.

Mr. Johnson: Is that right?

The Premier: I think so.

Mr. Johnson: Why should a section of the public be invited?

The PREMIER: If the president liked to entertain and invite certain people to an official opening there should be no objection to that. For instance, at the opening of a railway the Government invited members and leading citizens, but not the general public. Hon. members were invited because they represented the general public. These things must be regulated. Because there had been a special occasion of this sort when the gallery was officially opened in the presence, by invitation, of public men and leading citizens—surely the hon. member was not going to condemn that! It was just what we did ourselves as a Government.

Mr. Johnson: You do not expect the people to take your standard.

The PREMIER: The hon. member had himself taken this standard, for the hon. member had done the same thing over and over again. The committee were not going to act in any arbitrary manner. Still they must have the power. For instance, it was necessary periodically to close the institutions for a day or two for cleaning up and repair.

Clause put and passed.

Clauses 19, 20—agreed to.

Schedule, Title—agreed to.

Bill reported with amendments.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

The MINISTER FOR MINES (Hon. H. Gregory) in moving the second reading said: In 1905 we had a comprehensive measure passed through Parliament which gave greatly increased powers in dealing with the aborigines in Western Australia. We have had some five years' experience of the working of that Act. During that time there have been many innovations brought forward for the benefit of the aborigines, innovations such as the establishment of lock hospitals on Bernier and Dorre islands, and also the establishment of stations with a view to preventing the aborigines from continuing their practice of cattle stealing. Under the Bill we have an amendment providing for the appointment of a deputy chief protector. We feel it is necessary that the Chief Protector should spend a great portion of his time in those districts where he has greater opportunities for making himself conversant not only with the life of the aborigines but with the conditions under which they live and do their work. It is impossible to carry on the head office and manage all the details of administration unless we have power to appoint a deputy while the Chief Protector is away inland. It is a purely administrative amendment which will admit of the administrative work being carried out more thoroughly than at present. Then we are taking greater powers with regard to the legal guardianship of half-caste and aboriginal children. Under the principal Act the Chief Protector cannot overrule the parental authority of the mother. We now propose to give him power to do so. I think those who are familiar with the conditions of a native camp, more especially in regard to half-caste children, many of

whom are almost white, will know the degrading conditions under which these children live in the blacks' camps, and must recognise that if we wish to have them properly looked after in an institution we must give the protector power to overrule the mother. This may seem harsh, but I am sure those who are familiar with the conditions will admit that by this action we are in every sense considering the child itself, and are justified in taking this greater power. Again, under the existing Act a reservation cannot exceed 2,000 acres. We are asking for an extension of this. The two islands where we have the hospitals each exceed 2,000 acres, and both should be declared reserves for the blacks; but under the principal Act we are not allowed to so reserve them, because they exceed 2,000 acres. Then again we have established a station up in the Kimberleys for the natives. This station contains 8,000 acres and we want to reserve, if not the whole, at any rate the greater part of it for the blacks. We are not allowed to do this under the principal Act, and we are asking in the amending Bill for power to declare greater reservations than are provided for in the Act. Then we find that under the principal Act any protector has equal power with the Chief Protector in regard to agreements entered into. In other words, a protector in an outlying district has the power to cancel an agreement made by the Chief Protector. We wish to remove that power from the protectors.

Mr. Bolton: But if it suddenly becomes necessary to cancel an agreement it may be difficult to get the Chief Protector for the purpose.

The MINISTER FOR MINES: It is very dangerous as it stands, because any one of these protectors may himself be an employer, and we do not want to give him power to cancel a contract approved by the Chief Protector. I think it will be found in the working that the alteration is in every sense necessary. Then we make provision for a wider definition of the term "place." The principal Act is not clear enough on the point, and the Supreme Court has held that a blacks' camp is not a "place" under the principal Act; consequently we are amending it. Hon. members know that a good deal of prostitution goes on in the blacks' camps and that cases have been brought before the Supreme Court in which it has been held that such a camp was not a "place" under the Act. We have amended the section by broadening the definition and so we shall have greater powers to prevent cohabitation between the two races. We are altering somewhat certain powers provided in the principal Act in connection with cases of white men living with black women. We make provision that no complaint shall be made under that section without the authority of the Chief Protector. The reason for this is that a few cases have been discovered of a white man living for many years with a black woman. They have a family and both the woman and children have been cared for; but the man refuses to marry her. Now, if the department insists that the man must either marry her or leave her it will probably result in the man clearing out and leaving the woman and children unprovided for, in which case the woman will go back into the old camps and the children will probably be deserted. Clearly such women and children are far better off to-day than they would be if the department took action. It is not considered desirable that this state of things should exist, yet it has been found there are certain instances where it is advisable not to interfere; hence the amendment. Then we want to get further powers in regard to girls in the several institutions. We want to apply to these girls and half-caste children the provisions of the State Childrens' Act, 1907. We have full control of them now up to the age of 16 years, but in certain circumstances we want to have still greater control, and this Bill will give it. Then we take greater powers in regard to the selling or supplying of liquor to the natives. The present Act is not considered sufficiently stringent in this respect and we wish to repeal the section and replace it with another providing a penalty of £100 or an alternative of imprisonment not exceeding six months. Moreover, I

propose to move an amendment which will make the minimum penalty one-fifth instead of one-tenth, so that the minimum fine will be £20 for a conviction under the clause.

[*The Deputy Speaker took the Chair.*]

The MINISTER FOR MINES: The next point is in regard to the pleading of guilty under prosecution in a court. We all know how anxious the native is to say "yes." He will do anything to please. Because of this we are making provision that no aborigine shall plead guilty unless with the approval of the Chief Protector. This is a very wise provision. Those who have followed the trials of our natives in the various courts will recognise it is essential a native should not be allowed to plead guilty until after his case has been fully investigated by the Chief Protector. We provide that the courts may not accept the plea of guilty without that plea be approved by the Chief Protector. There is one other clause giving further powers in regard to the landing of Asiatics. Hon. members will realise the desirability of preventing Asiatics landing on certain parts of the coast, and, in these provisions, we have taken great care to make further reservations to prevent Asiatics landing at places where they will come into contact with and contaminate the native people. I understand that there is a desire that there shall be an adjournment of the debate. I would have liked to get the Bill through at one sitting, but, if it is earnestly desired that there shall be an adjournment till Tuesday, I will offer no objection. At the same time I hope that I will have the assistance of members, who know more about the natives than I do, to get this Bill through Committee and passed into law, because, so far as I can judge, it will do much to better the conditions of the aborigines in this State. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Price debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from 10th January.

Mr. SCADDAN (Ivanhoe): In looking through this Bill which was introduced in another place, and has now reached this Chamber, I find that there is some difficulty in comparing the Bill and its amendments with the Act which it proposes to amend. This makes it more a Bill for consideration in Committee than for debate on the second reading; but there are one or two general principles in the measure which I contend members should have the opportunity of discussing as freely as possible at this stage. I desire to say at once that I recognise the desirability of as early as possible bringing the State electoral law into conformity with that of the Commonwealth, realising, as I do, that with one or two slight exceptions the qualifications for enrolment on the State and Federal rolls are the same. May I say that I regret very much that the Attorney General has not seen the wisdom of amending our Act in the direction of permitting enrolment on the State roll of all persons who are enrolled for the Commonwealth. The serious objection which I have to permitting uniformity to the extent that the Attorney General desires it, is that if we are going to have uniform rolls for Commonwealth and State purposes, it must be recognised that there are a certain number of people in the State who will have to be enrolled for the Commonwealth, but who will not be permitted to vote for State elections, and some distinguishing mark will have to be placed against their names on the roll for the purpose of showing the returning officers that these persons are not entitled to vote at the State elections, although they are entitled to vote at Commonwealth elections.

Mr. Heitmann: Who are those persons?

Mr. SCADDAN: They are inmates of the Old Men's Home and the Old Women's Home, and others in receipt of Government relief; we have a section in our Act which prohibits these people

from being termed citizens because they have to look to the State for upkeep in their old age. In Committee I propose to give the Chamber an opportunity of reconsidering the advisability of doing that. Surely, if they are worthy of being termed citizens by the Commonwealth, and are permitted to have a voice in all matters submitted to the electors of the Commonwealth as a whole, there is nothing that can be considered sufficient to warrant the Government in prohibiting them from taking part in State affairs. It is a blot on our electoral system that this restriction has been permitted so long, and it is a greater blot on the Government that, in seeking for uniformity between the State and the Commonwealth on these matters, they should still continue to prevent these people from enjoying the franchise so far as the State is concerned. My main objection is that if there is to be a uniform roll those names cannot be excluded. How does the Attorney General propose to make a roll uniform for State and Commonwealth purposes if he does not place those distinguishing marks against the names of these people?

The Attorney General: We will do that not only against the names of persons receiving poor relief, but also against the names of persons who have a Commonwealth qualifications, but not our residential qualification.

Mr. SCADDAN: The public, seeing those marks against the names of persons receiving poor relief, and against the names of those mentioned by the Attorney General, will come to the conclusion that all whose names are marked are receiving charitable relief from the Government, and the Government will be practically saying that those persons are paupers. It will be recognised by everybody that some of these persons, against whose names a mark is made, are set down by the Government as being paupers, and the people will accept the whole of them as being paupers. That makes the position more serious.

Mr. Troy: Do I understand that the Government are going to place a mark against the names of those who are receiving poor relief?

Mr. SCADDAN: The object of this amendment, according to the Attorney General, is to bring about a uniform roll for State and Commonwealth purposes; on the Commonwealth roll inmates of our charitable homes must be enrolled, but according to the State law they are not permitted to be enrolled for State elections, and some distinguishing mark must be set against their names on the rolls. Now, the Attorney General says that the same mark must be placed against the names of persons who are qualified for the Commonwealth, but have not the residential qualifications for the State. My contention is that these latter people will be thought to be paupers also, and that will be a serious injustice to many of the citizens in our State. As I have already stated, I propose to give the Committee an opportunity of undoing that provision, which I contend is a blot on the electoral system, and it does not redound to the credit of this Parliament that we should exclude these old people and say that they are not worthy of consideration. On previous occasions I have raised objection to the proposal to make subdistricts, and the Attorney General will remember that his predecessor made a similar proposal in the Electoral Bill which he introduced, but owing to the opposition which that measure received it was dropped. The objection which I raised then still remains, but if the Government are really desirous of bringing about uniformity in Commonwealth and State electoral matters, I will be prepared to remove my objections. But, as I have pointed out, there is no desire to do that because there can be no uniformity while that difference exists so far as the recipients of poor relief are concerned.

The Attorney General: There is a difference between uniformity of electoral machinery and uniformity of franchise.

Mr. SCADDAN: I am contending that if we have not uniformity of franchise we cannot have uniformity of rolls. The rolls used for the Legislative Council could not be used as the rolls for the Legislative Assembly; but if the fran-

chise was the same for the State and the Commonwealth—as it is with the exception of the disqualification of the inmates of the homes from a vote for the State, and the fact that some persons are qualified by residence to vote for the Commonwealth but not for the State —there would be no reason why uniformity should not be brought about. Even if it were found necessary to make a mark opposite the names of those who have not resided six months in the State, there could be nothing disparaging in that, but when we make a mark also against the names of recipients of poor relief it is tantamount to saying that all those persons whose names are marked are paupers, and that is a condition of things which Parliament should not for a moment tolerate.

The Attorney General: There is nothing disgraceful in receiving poor relief.

Mr. SCADDAN: There is nothing disgraceful about it, and I hope the Attorney General will remember that when he votes for my amendment in Committee; but Parliament in the present Act says that it is disgraceful, and that the people who receive that relief are not entitled to full citizenship. I say that this is a blot on the electoral system, and that so long as it exists uniformity cannot be brought about in the Commonwealth and State electoral systems, except with that distinguishing mark which is so objectionable. Reverting to the matter of sub-districts, I repeat that I am prepared to remove any objection I previously held if there is a genuine desire on the part of the Government for proper uniformity, and if the Attorney General is prepared to come to a compromise on the matter to which I have referred and remove the objectionable feature from the present electoral law. Surely there can be no reason why these people should not be enrolled for State purposes just as they are enrolled for the Commonwealth. Surely members opposite, and the member for York will agree to that.

Mr. Monger: I absolutely disagree.

Mr. SCADDAN: The hon. member must agree that one of the reasons why the people look to the Federal Parliament is that they recognise that every individual in the Commonwealth, whether he has struck good fortune or bad fortune, is still a citizen, and is recognised as such, but in this State people who have had misfortune are held up to ridicule and disgrace, and are not considered worthy of being called citizens. In regard to the sub-districts, do I understand that if a person has left the sub-district for a period of one month he has to enrol in the new district of which he has become a resident or he is not entitled to vote; or, do I understand that so long as he does not leave the electoral district for more than three months, no matter what sub-district he lives in, he will be entitled to vote at any subsequent election in that division? I hold it is essential, because, as I have pointed out previously, very frequently a person may reside for a few months in one sub-district and remove to another sub-district, yet still remain in the same electorate, and it should not be necessary to make out a fresh claim or transfer. So long as the person remains in the same electorate he should still be entitled to vote. It would not have any result on the election, as might be the case if a person moved into another electorate and voted wrongly at an election in his old electorate. His vote could have no effect on the election if he moved to one sub-district but voted in another sub-district in the same electorate where he was enrolled. I cannot understand the necessity for bringing in these sub-districts. Already we have sufficient trouble to get electors to make transfers when they leave one district to go to another, and if we are to multiply that by placing other difficulties in the way of claiming when they remove from one sub-district to another in the same electorate, or every time a sub-district is altered by the Commonwealth or the State, we are mounting up difficulties which will land us in trouble later on. I hope the Attorney General will urge upon the Commonwealth the necessity for making our electorates their sub-districts. We shall have done sufficient on our part when we bring about uniformity in the compilation of rolls as provided in this Bill. I am pleased

the department have seen the desirability of doing away with the duplicate claim forms. They have been a source of annoyance. On many occasions people have declined to make claims because they say it is too much bother; they have to sign their names no less than four times when one signature should be sufficient. In fact, I cannot see why it is necessary even for a person to sign his name twice on the same form.

Mr. Heitmann: One is the name in full, and the other the usual signature.

Mr. SCADDAN: No; that is not so. Anyone can fill in the name of the person claiming to be enrolled in full, but the person has to sign his usual signature on both sides of the form. I cannot grasp the need for that, and it is worse under the existing system when a person has to do it four times. Again, take the position in regard to witnessing claims. In my case I am permitted to enrol in the electorate I represent or in the electorate where I reside. If I am enrolled in my own electorate, where I am residing at the time of an election, I cannot witness a claim in East Perth where I am now residing, and where I shall probably be enrolled in the future; I am not able to witness the claim of a person living next door to me in East Perth because I do not happen to be enrolled as an elector in East Perth. It is an absurdity which should not exist. If I am entitled to be enrolled in any part of Western Australia as an elector, I contend I ought to be entitled to witness the claim of any person to be an elector; and I hope an amendment will be made in this direction so that any elector, no matter where he may be enrolled, may witness a claim put in by another person. Of course there are penalties; the witness has to satisfy himself that the person claiming is entitled to be enrolled, and that the contents of the claim form are true; otherwise he is subject to a penalty. Do I understand that if I am enrolled in Ivanhoe I would not be entitled, even under the amendment, to witness a claim in East Perth? If so, it is an absurdity. An elector in any part of the State should be entitled to witness a claim. We are told by the Attorney General that the Bill has two objects, one to bring about co-operation and uniformity with the Commonwealth as to Parliamentary electoral procedure, and the other to remedy defects that have disclosed themselves in the existing Electoral Act after experience of the working of the Act. The second object is rather extensive, I am afraid, and it includes many things that have not been found defective, but are simply matters that the Attorney General and others have satisfied themselves are defects, and, let me say, in a large measure for party purposes. I regret that is so. I contended in regard to another Bill introduced that I considered an electoral measure should not be considered from a party standpoint. The Electoral Act should provide for the enrolment of persons, and for giving every opportunity to those enrolled to cast their votes and express their opinions at a general election without any bar, or anything that might possibly compel them to remain away from the polling booth, so that we may get a proper expression of the people's will. The main objection I have to this Bill is in regard to the clause which deals with compulsory voting. It is not compulsory voting, but compulsory preference voting, if I can use those terms, though I do not see that we should. The Attorney General may be able to explain them; but, according to the English language, compulsory and preference are absolutely contradictory. If we say to the people, "You have the preference to vote for any candidates you desire," we have no right to compel them to vote for those they do not desire to vote for. If we are going to have compulsory voting under the present system, that is, the alternative vote, then I contend we should be logical and also go in for compulsory voting.

Mr. Bolton: Hear, hear; compulsory enrolment also.

Mr. SCADDAN: Our present system is an exhaustive ballot on the one ballot paper. If we make compulsory preference voting it practically means that we compel every man who votes on the first ballot to go to every succeeding ballot and vote until one of the candidates has ob-

tained at successive polls a majority vote. Under the existing law a person may go to the poll and vote for a candidate he contends will express his opinion in Parliament, and may then refrain from voting for any other candidate against whom he may have conscientious objections as being persons who would not express his opinions in Parliament. By compelling him to give votes for those persons against whom he may have conscientious objections, we must get a wrong expression of the people's opinions in Parliament. But if we can compel the elector to come back and vote on a second or any subsequent ballot, then we should have the right to compel that person to come to the first ballot and vote. Our preferential system is really only a number of ballots, where the voter comes back to other polls until an absolute majority is obtained for one of the candidates; it is really an absolute majority vote on the one ballot paper; but if we do not compel the elector to come to the poll and record his vote on the first ballot, I contend we have no right to compel him to come to the poll and vote on the second, third, fourth, or fifth ballots. Yet that is exactly what the Government are proposing. They are making a person vote for candidates against whom perhaps he has conscientious objections, and I contend this is a policy not in the interests of Parliament nor of the people.

Mr. Osborn: Would you favour making voting compulsory?

Mr. SCADDAN: We cannot have compulsory voting when votes can be made informal. I admit we can compel some people to come to the poll who will record their votes conscientiously, but we would be compelling others to vote who would have no interest in any of the candidates, and it would only cause them to make their votes informal. We cannot compel a person to come to the poll and vote for any of the candidates, though we may compel him to come to the poll. The present proposition of the Government is that if a person is inclined to come to the poll on the first occasion because there is a candidate standing whom he can conscientiously support, we will nullify his vote unless he also votes for some other candidate for whom he does not desire to vote.

Mr. Hardwick: Cannot he fulfil his intention by placing that man at the bottom of the list?

Mr. Osborn: Is the hon. member in favour of compulsory voting?

Mr. SCADDAN: No, but I am in favour of compulsory enrolment, which is a totally different matter. I do not desire to compel any person to come to a poll and record a vote if he cannot conscientiously vote for any of the candidates. But even if it were brought about we could not compel the person to record an effective vote. He could make his vote informal if he so desired. The Government proposal is practically that if a person comes to one poll, and he does not come to every other poll and vote for persons against whom he has conscientious objections, we declare his first vote informal. That is the absurdity of it. Let me give an instance in point. Suppose the Attorney General and another Government supporter and an Opposition member, myself for instance, were standing at the one election. There would be hundreds, probably thousands in my electorate who would conscientiously cast a vote in my favour, but who, under no circumstances, would cast a vote in favour of the others I have mentioned. Yet the Government will compel those persons to record votes when they have conscientious objections to the other candidates, and if they do not record votes for the other candidates and so vote against their convictions, then the votes recorded for the candidate they conscientiously can vote for are declared informal. That is absolutely against a proper electoral system; it is not giving the preference, which the very words of the Act say we give. There cannot be preference and at the same time compulsion. The difference between two or more candidates that any voter may have in his mind cannot be shown by the figures 1, 2, 3, 4, and 5. The difference may be as 100 is to 1, yet for the purpose of remedying something the Attorney General has conjured up in his mind as being injurious to the system of self-

government, he is going to compel one person to say on that ballot that the difference between the candidates is as 100 to 99. That is what is being brought about by the system. We have heard some members of the Government, even the Premier, point out that we should be prepared to accept the experience of the gentleman who happens to be occupying the position of Chief Electoral Officer; but in this connection the Government gave no consideration to that gentleman's views on this point; and they are very much to the point in the direction that I am advocating. Surely the Attorney General must recognise that Mr. Stenberg is not influenced from a party standpoint in any of the utterances in the report he has submitted to Parliament. Viewing it from that standpoint it must be recognised by members, and by the public generally, that the only object the Government can have in defying his opinion in the matter is for party reasons. May I say that even in another place I find an hon. gentleman in discussing this measure said that he desired that proportional representation should be put into operation in Western Australia. The basis of this is one vote one value and that the majority shall rule, but that the minority shall have proper representation. That gentleman at the same time is prepared to support this compulsory preference which means the total annihilation of the minority. He supported the Redistribution of Seats Bill which permits of gerrymandering in order that the minority may rule, and he supports this proposal, which really means that the minority shall be annihilated. Probably this gentleman can explain the position, but I cannot understand his logic. I find the following paragraph in the Chief Electoral Officer's report—

> The compulsory preferential marking of a ballot paper right through the list has, however, its serious objections, the principal of which is that an elector may find it outside his capability or power to conscientiously express his preferences for the candidates, at any rate beyond a certain few.

I think we would have met the case if we had gone as far as they went in Tasmania. There they are compelled to cast at least three preference votes. That gives, I contend, more than is wanted. A person may go to the poll conscientiously believing that only one of the candidates will voice his opinions in Parliament, and outside of that one he will have no regard for any of the others, and yet we are compelling that person to cast a vote, and then the member will come into Parliament and say he is representing a certain number of electors. We hear frequently that one or two members in this Chamber are representing minorities. As I stated previously, we can only accept our present system of voting as being an exhaustive ballot on one ballot paper. There is nothing to compel the voter to go back a second time and, as a matter of fact, it is proved on every occasion that there is a considerable difference between the number of persons who vote in the second ballot and those who vote in the third ballot.

The Attorney General: You favour the second ballot.

Mr. SCADDAN: I am not suggesting a second ballot; I am only showing that our system is really a second, third, and fourth ballot, if necessary, until an absolute majority is obtained. In the case of a second ballot a person may record his vote on the first occasion and is not compelled to go back on the second ballot and vote. If that is not the case then it can be held that the person elected on the second ballot may just as well be representing a minority as one or two members in this Assembly are doing at the present time. To make it more clear I want to quote from our last general election returns. I am sure the member for North Perth will excuse me referring to his electorate.

Mr. Swan: Do not forget to refer to one or two others, Beverley for instance.

Mr. SCADDAN: Beverley and Geraldton, which are represented by minorities. In the North Perth electorate at the first ballot the present member obtained 1,534 votes out of a total of 5,084, less the number of informal votes cast. That is, really 5,011 effective votes were cast. This was not a majority. At the second ballot we find that the hon. member obtained 50 votes, making a total of 1,584

on the second ballot, and still not a majority; on the third ballot which was held he obtained an additional 98 votes; then the fourth ballot was held, and on that distribution, which was the final, he obtained an additional 249, making a total of 2,094, while the next highest on the list obtained 1,952. That makes a total of just over 4,000 votes, which means that just over 4,000 came back to the fourth ballot, and the present member obtained 2,094, an absolute majority of those who saw fit to go back to the last ballot and record their votes as between the present and the ex-member. That is what took place under the system of an exhaustive ballot where a number of ballots were held. Our system is an exhaustive ballot on one ballot paper. If we are going to compel a person to exercise his preferential right throughout the ballot paper for every candidate, or otherwise declare his vote informal, then we are compelling that person to go back to every subsequent poll held, and if we are to be logical we should compel every person on the roll to go to the first poll. Because a person will not come back here to a second, third, or fourth ballot we are going to declare his vote informal. That is absolutely wrong. It is possible that with a little more experience of preferential voting there would be no need for this compulsory vote. After all, it has been put into operation at only one general election and even then there were only three constituencies, two on the Government side and one on this side, which returned members without having obtained an absolute majority of those who went to the poll. That being the case, I contend that we are not warranted in altering the system at this stage. With our little experience it is evident that the people are becoming better acquainted with what is meant by preferential voting. I find in some electorates a great difficulty in inducing the people to understand that the second ballot is never taken into account until their first recorded vote is defeated. Then they recognise there is no danger in casting a second preference. Their only objection is that they may have no preference outside the individual to whom they gave their first vote, and they may be compelled to vote for any of the other candidates. This will be an injustice not to one party but to all parties in electorates where there are a number of candidates, and where one party is running, perhaps, only one candidate and another party may be running two candidates. We will compel a person to go out and record a vote for the other candidates for whom he has no time and whom he does not desire to have in Parliament to express his views. The same argument which applies to the last North Perth election might be used in the case of the Geraldton election. In connection with that electorate I say the present hon. member is not representing a majority of those who thought wise to go to the second ballot and record their votes. On the first count Mr. Carson obtained 646 votes, while Mr. Brown, his opponent, obtained 642, and Mr. Cochrane 171 votes, making a total of 1,459 votes recorded. On the first distribution of the votes Mr. Carson obtained 64 and Mr. Brown 21; this gave Mr. Carson 710 and Mr. Brown 663, and Mr. Carson was duly elected. I contend that those 85 who did deem it desirable to cast preference votes for Mr. Carson or Mr. Brown were entitled to refrain from doing so at the second ballot. Under the New South Wales system of the second ballot those 85 persons would have refrained from going to the polling booths. Would there be any good grounds for disfranchising those 85 persons who disfranchised themselves voluntarily in the second ballot, or for declaring their votes informal on the first occasion? Under the system now proposed we would disfranchise those 85 persons unless they went to the second ballot and recorded a preference for either of whom on concientious grounds they would otherwise refuse to vote. There are many other objections that one could make. My objection is we cannot have preference if preference is to be compulsory. I want to give the people the opportunity of freely expressing their opinions either for or against, or refrain, if necessary, from voting for anyone. The Government will do an injustice to the electors by compelling

them to refrain from voting because they cannot vote for more than one candidate who may be standing in support of their principles. The Attorney General said during his second reading speech that there was no intention of relieving people from penalties which they might be subjected to for having voted wrongfully. Although a person may have left an electorate and voted, while that cannot have any bearing on the petition lodged against the returned member, yet the person who voted wrongfully could be brought under the law, and would suffer the penalty. I want to remind the Attorney General that at the last general election in the Menzies electorate certain persons voted wrongfully. If they had not done so the petition which was lodged would not have been successful. Although the Chief Justice held that those persons voted wrongfully no action was taken against them for having done so. I know of one case where the intention was absolutely deliberate, and the voter knew that he was wrongly enrolled. After the election was over and the subsequent election was held, that same gentleman came into the Menzies electorate and canvassed as strongly as possible for the person for whom he had wrongly voted on the previous occasion, and assisted in upsetting the election.

Sitting suspended from 1 to 2.30 p.m.

Mr. SCADDAN: When we adjourned for lunch I was referring to another main provision in the amending Bill, providing that the roll shall be accepted by the court of disputed returns as conclusive evidence that the persons whose names appear thereon were entitled to vote at the election. In this matter a provision was made in the last Electoral Act, which we are now amending, and an assurance given by the then Attorney General, who introduced the Bill, that the provision would have exactly the same effect as the proposal now before us. In spite of that we had in a court of disputed returns the Chief Justice ruling that he could inquire as to whether the person whose name appeared on the roll was entitled to vote although that person had become disqualified in the meantime. So there appears to be some difficulty as to exactly how we are going to make the provision apply. And while we are all anxious that this provision should be enforced we want to be doubly sure the door is not going to remain open for persons to record their votes even although they are not qualified to do so. We do not want to make it easy for persons not entitled to vote to be induced to do so by a candidate anxious to secure their own election, and recognising that whatever the penalty on the person who wrongly votes, he himself would escape scot free. I want to point out what happened in the Menzies electorate. There is no doubt in my mind nor in the minds of many other people that the Minister for Mines, one of the candidates, was aware that some of those persons who voted had no qualification to vote, and therefore voted illegally. In fact, immediately the result of the election was known and he was defeated, he began to move in the direction of discovering those persons in order to lodge a petition. The Minister or his committee must have been aware of this, because as soon as the result was known, in the next morning's papers there appeared paragraphs referring to the possibility of a petition being lodged owing to people having voted wrongfully. The Minister's opponent on almost every occasion of addressing the electors had urged upon them not to record their votes if they were not fully qualified. The Minister must have been pretty well aware of the fact that a number of those enrolled were outside the boundaries of the electorate. While he made no attempt to get those boundaries properly defined before the election, yet immediately the election was over he very soon had a surveyor from the Mines Department on the spot for the purpose of ascertaining the exact position of the boundaries, with the result that the election was upset. The worst feature of all was that the Minister's opponent, who was not in any way responsible for the irregularities, had to pay the whole of the costs of the case. The danger lies in a candidate inducing the people to vote. People would think they were

entitled to do so by reason of the fact that their names were on the roll. A layman would look at this clause and assume therefrom that because his name appeared on the roll, irrespective of the fact that he had lost his qualification, he was still entitled to vote.

The Attorney General: But on going up to vote he would be asked certain questions.

Mr. SCADDAN: But the point is they do not go up to vote; many of them vote by post, and, as we know, strong partisans are appointed postal vote officers, partisans who come along and take the votes without asking any questions whatever.

The Attorney General: But you can insist upon it.

Mr. SCADDAN: Let me tell the Attorney General an incident of my own knowledge. I saw a certain postal vote officer go down to catch the express train leaving Kalgoorlie, in order to take the vote of a person who would be absent. That, mind you, is contrary to the regulations of the department itself, which lay it down that postal vote officers are not to go out to collect a vote if the voter can go and have his vote taken in the office. This particular voter did not claim to be ill, but was merely leaving Kalgoorlie and the secretary to Mr. Keenan's election committee, Mr. Eastwood, went and obtained a postal vote officer. I followed them into the railway station. They went over to the express train, where a lady was sitting in one of the compartments. The postal vote officer walked in, sat down opposite her and, to show how little he cared about the prescribed method of taking a vote, he asked no questions. I saw the lady write her name on the ballot paper. The postal vote officer did not fill in the particulars in the book, but took the ballot paper from her, put it in the envelope and sealed it, probably intending to fill in the particulars at a later stage. I met him on the platform and told him I knew of what he had done. When he found out who I was I believe he destroyed the ballot paper, and did not put it in. This goes to show that the same precaution is not taken with voting by post as when an elector goes to the booth where the scrutineers can institute questions. In respect to a vote taken by a postal vote officer, the only opportunity the scrutineer has of asking questions is when the vote is put in; and even if an objection is taken by the scrutineer it cannot be upheld. The vote must be admitted. Therefore the postal vote system offers the very safest method to those whose qualifications will not bear questioning. The name appears on the roll and the vote must be taken and counted, because the returning officer cannot reject it; and the election cannot be upset, no matter how many persons have voted wrongfully. A wealthy candidate might easily induce many people to record their votes by pointing out that the penalty is not very severe and that in very few cases is the full penalty for a breach of the law inflicted. In these circumstances it would not be very difficult for a wealthy candidate to pay the fines imposed upon a few people who, though not qualified to vote, might succeed in turning an election in his favour. There is no doubt the greatest danger of all lies in the postal votes. If we are going to continue the system of voting by post then the method of numbering the counterfoil with a corresponding number on the ballot paper should be insisted upon, and we should also give to the court of disputed returns the right to satisfy themselves as to whether a person was qualified to vote. Then if the person was so qualified the counterfoil number could be compared with that on the ballot paper, and thus a record could be got of the number of votes wrongfully cast for one candidate or the other. Under the present system if those persons voted without being entitled to do so, the wealthy candidate could use that afterwards for the purpose of upsetting the election and these people although nominally punished would not suffer the penalty. The same thing applies to-day in connection with the abuse of the bona fide traveller clause under the Licensing Act; because it is well known that the publicans themselves pay the fines, which do not amount to anything

like the profits made by the illicit trading. If a vote once recorded by a postal vote officer cannot be taken exception to either by the returning officer or by the court of disputed returns, I am afraid we shall have many abuses under this provision. I hope the Attorney General will give consideration to the advisability of amending the clause. If we cannot number the counterfoil and the ballot paper for the purpose of subsequent comparison, I contend the court of disputed returns should have power to set aside a postal vote justly objected to, otherwise we will have this postal vote system abused even more than it has been in the past.

Mr. George: But you can object to a postal vote.

Mr. SCADDAN: Yes, and the objection can be noted, but the returning officer must admit the vote if he is satisfied that the name appearing on the counterfoil is the name of the person whose name appears on the roll. In these circumstances he must take it and count it, irrespective of the objection. And once admitted the vote cannot be questioned; because the court of disputed returns is distinctly told that by reason of the fact that his name is on the roll the voter is entitled to vote. If we permitted scrutineers to be present to ask questions when a postal vote was being taken, then in many cases those who use the postal vote system would not vote at all. Such strong partisanship do many of these postal vote officers entertain that they do not trouble themselves about asking any questions, and make little or no attempt to comply with the instructions received as to filling out the whole particulars in the butt of the book.

Mr. George: They do not always sign the name they should sign.

Mr. SCADDAN: That is true. Abuses are likely to arise in connection with the postal votes, and we want some restrictions, because once these votes are admitted we cannot question them afterwards. While we have protection at the polling booth, where the voters are confronted with scrutineers, in connection with the postal votes the same protection is not given. This opens the door to much abuse, and places opportunities in the hands of the wealthy candidate which he can easily put into operation knowing full well that he can afford to pay the fine if his offence is discovered. I hope the Attorney General will give some consideration to the system of postal votes particularly. I hold the opinion, as I have always held it, that if a candidate is not aware of the fact that these irregularities have occurred, it is not fair to put him to the expense of testing whether or not the vote was recorded wrongfully, for not only is he liable to lose his seat, but he has also to pay the expenses, which in the case of the Menzies disputed election amounted to over £600.

Mr. Angwin: Wipe out the postal vote altogether.

Mr. SCADDAN: I do not know whether it would be wise to knock out postal voting altogether, but we could make provision that at the counting of postal votes, if the scrutineer or the candidate objected to any vote, it could be set aside before being counted, and then if the candidate could show the court of disputed returns that those votes would affect the result, the court could go into the question as to whether the voter was qualified or not, and whether the vote should be allowed or disallowed.

Mr. Angwin: The returning officer under the present Act has power to compare the signatures. This Bill strikes it out.

Mr. SCADDAN: That makes it worse. The postal facilities have been abused. Nobody can deny that, and under the circumstances we are leaving the door open to further abuse.

Mr. George: Do you not think that if there had been great abuse it would have been shown up before now?

Mr. SCADDAN: Surely the hon. member for Murray has knowledge of what occurred in the Menzies electorate.

Mr. Bolton: And in East Fremantle.

The Minister for Mines: Postal votes?

Mr. SCADDAN: Yes. Has the Minister for Mines forgotten a man living down the line—I have forgotten his name——

The Minister for Mines: McDonald?

Mr. SCADDAN: Yes, that is the man; he was not entitled to vote, but nothing was done by the department. There were others in the same position and these individuals were in the electorate during the second election doing their utmost to secure the return of the Minister for Mines, thus showing that they knew full well what they were doing. Quite a number of other cases of a similar nature could be quoted, and we ought to make provision to protect ourselves against a continuation of these abuses. I notice, too, that we are making an amendment in the clause dealing with qualifications by altering the words "resided" to "lived" and "place of residence" to "place of living." I am doubtful as to what the Attorney General means by this amendment.

The Attorney General: We are following the lines of the Commonwealth Act.

Mr. SCADDAN: The interpretation of the word "living" means where a man has lived, and it seems to me that we are leaving the way open for the enrolment of a lot of person who are not entitled to be enrolled. It has been held by the court that "residence" means the usual place of abode, the regular domicile, and not the place occupied by a person who may be, for the time being, away from his regular residence. Under the interpretation of "living" it would mean that if a person was "alive" in a place he would be entitled to be enrolled, and I am afraid that is what is going to happen. We had some difficulty in the case of the second election at Menzies on account of a certain number of commercial travellers, who could not hold for one moment that Menzies was their place of residence, but who nevertheless voted for the Minister. They were not on the roll previous to the election, and they have not been on the roll since. Nor did they ever actually live in the Menzies electorate except for a few weeks.

The Minister for Mines: Is there no provision made for that class of people to record their votes?

Mr. SCADDAN: No; but it is desirable that provision should be made for people of that type who have no fixed abode.

The Attorney General: The only reason for the alteration is to have common claim cards for Commonwealth and State.

Mr. SCADDAN: But it does not apply to the same extent in the Commonwealth as in the State. In the case of a by-election being held owing to an objection being upheld against a successful candidate, quite a number of people could for the purpose of complying with the provisions of this clause, be actually alive in the electorate for a month and have their names transferred to the roll, although their place of residence might be hundreds of miles away from the place in which they recorded their vote. In the case of Menzies, it was denied that these commercial travellers were not residents in the Menzies electorate, but I have asked other commercial travellers who know these men well, and they laughed at the idea that these travellers were residents of Menzies. They were living there for a month, and then had their names transferred. The same thing applied in the case of a contractor who had previously voted in the Leonora electorate, but who was temporarily living in Menzies while he was doing some work.

Mr. Troy: He was mayor of Malcolm by virtue of his residence qualification, and he was voting in Menzies also by virtue of his residence qualification.

The Minister for Mines: We could take no action in a case like that to prevent a man being enrolled.

Mr. SCADDAN: We do not want to make any such provision; we want to provide that a person shall be a bona fide resident of the place in which he is going to record his vote except in the case of commercial travellers and shearers, and other people who have no permanent place of abode. Is it not a fact that the gentleman we refer to now had his name removed back to the Leonora roll after the Menzies election? or was it ever taken off the Leonora roll? This gentleman was at that time mayor of Malcolm in the Leonora electorate, yet he came down to Menzies because he was temporarily employed in that electorate and was

living there. He had his name enrolled for the Menzies electorate, and voted in the subsequent election. I am afraid that if we have this word "living" inserted we are going to have many such cases.

The Attorney General: It has precisely the same meaning as the word "reside."

Mr. SCADDAN: No; not according to the decision of the Chief Justice in the case of the Menzies disputed election. In any case the meaning of the word "residence" is the act of residing, abiding, or dwelling in a place for some continuance of time, but there was no abiding in a place for a continuance of time when the man was only living temporarily in the electorate while he carried out a job. The Chief Justice dealt with the point, and I am satisfied——

The Attorney General: He draws a distinction between "residing" and "living?"

Mr. SCADDAN: Yes, and I say it is better to retain the word "residence" than to put in the word "living," because in the meaning of the word "residence" unless a man was definitely settled in a place he could not vote. If, however, the word "living" is inserted he need not reside in the electorate for any length of time before voting. A man can come into my electorate and live with me for a month, and can then have a vote.

The Attorney General: He might stay 12 months.

Mr. SCADDAN: Yes, but he need stay for only a month. Let me tell the Attorney General what could happen. The feeling of the people on the goldfields is well known; it is on the part of a large proportion of the people against the Government, and supposing at Christmas time, when great numbers of them come to the coast, an election was likely to happen within three months, and we induced them to reside here for a month and enrol themselves in the metropolitan electorates?

The Minister for Mines: Supposing men took work outside of their own electorates for three months, and while they were carrying out the work resided in another electorate, would they not be qualified to vote in that district?

Mr. SCADDAN: Yes, but under this Bill, according to my understanding of the word living," if a man was merely staying in a district for a month, he could record a vote. Therefore people from the goldfields coming to the coastal districts could live in some electorate for a month and become enrolled; and if an election took place within three months after leaving the district where they have enjoyed a month's holiday, they could record their votes in that district. That is possible under my interpretation of the word "living," and I contend it should not be, but that we should provide that electors must vote in the districts where they are permanently living, at the same time making a provision for those persons who, by the nature of their occupations, cannot live in one place for any period. For instance, commercial travellers have their headquarters at Perth as a rule, but in some cases their offices may be in Perth and they are appointed for the goldfields districts, so that their centre may be at Kalgoorlie. They should be permitted to enrol once in an electorate before a general election, and once having done so they should be entitled to vote in that electorate at the general elections. It is the same with shearers. They move about from one shed to another, but they are disfranchised because they do not reside for a sufficient period in any one electoral district. Provision should be made so that they can exercise their right of citizenship just the same as others who have permanent abodes, and I trust the Attorney General will give some consideration to an alteration of the word on the lines I have suggested. I notice there is another provision providing that a scrutineer may place a seal on the inside and outside cover of a ballot box at a booth where the counting does not take place. But what I want to know is what is going to happen in the event of the seal becoming tampered with, by accident or otherwise, between the time it is placed on the ballot box and the time the box reaches the polling place where the counting takes place? What action is going to be taken by the returning officer, or the person

counting the votes? Is he going to reject these votes and disfranchise the people whose votes are contained in the ballot box? It is useless having the seal unless we provide for what is going to occur in the event of a seal being broken. At the recent Menzies election a ballot box had to be brought in by a trap from a polling booth about 90 miles away, and in the course of the journey the box apparently fell out of the trap and was broken. I believe the ballot papers were strewn on the road, and that the person in charge of the box gathered them up and put them back in the box, and that they were afterwards counted. Under the provision proposed in this clause that box would have been sealed by a scrutineer at the outside polling booth, and the seal would have become broken. Is the returning officer in such a case to reject those ballot papers or not? If they are not rejected, what is the use of the seal? If they are rejected, then there is a possibility that an unscrupulous person may disfranchise hundreds of people because he thinks their votes are likely to go against the person he is supporting. It would be very easy for a person to break a ballot box accidently on purpose, as we used to say when we were children, and cause the seal to be interfered with, and thus cause the votes to be disallowed, affecting the result of the election. What does the Attorney General really mean by having the seal placed on a box by a scrutineer, and what effect would it have if the seal became broken in transit? There should be another provision in the Bill giving the right to the electors to recall their member in the event of their holding the belief that he is not regarding their opinions or carrying out the pledges he gave at the general election. The object of a general election is to get an expression of opinion from the people, and we can only get that expression of opinion by candidates announcing their views on various questions and pledging themselves to do certain things if returned by a majority. Now, if a member, once having obtained that majority, forgets the pledges he has given to his electors and does something contrary to that for which the electors returned him, what remedy have the people of his electorate? They have none whatever under the existing conditions until Parliament expires or a dissolution closes Parliament before it should close by effluxion of time. There are many members who imagine that if we gave this power of recall to the electors there would be many occasions when the electors would use it really against the interests of the people themselves. We know it is sometimes advisable that a person should be against popular opinion for the time being; we know of cases where men would have been recalled in times of popular crises——

Mr. Gill: About Dreadnoughts.

Mr. SCADDAN: Yes; Dreadnoughts and Boer wars. But I am so willing to trust the people that if they are foolish enough to do a wrong to-day—believing of course they are doing right, otherwise the majority would not want to do it—I believe they should be given the opportunity of doing it; and when they find they are wrong they will very soon make reparation for what they have done. The representative may suffer, but no person, I contend, has a right to set up his single judgment against the judgment of his electors, otherwise we would not get the true opinion of the people. I believe an amendment was moved in another place providing that a majority of electors on signing a petition presented to the President could demand that the seat of a member should be declared vacant, and that the seat would be declared vacant accordingly. It must be understood that the member himself would only be recalled by a majority of those enrolled, more than he was ever elected by—for no member is ever elected by a majority of those enrolled—and that he would have the opportunity of facing the electors and standing for re-election, and that if he could show that his course was the right one he would be re-elected. There would be no danger in it to the man who stood to his pledges and expressed the will of the majority of his electors; but, unfortunately, we hear so many statements by members at elections in order to obtain a majority that are afterwards forgotten, that the time has arrived when the

people should have some other control than simply waiting until Parliament has expired and the member stands for re-election.

The Minister for Mines: Do you not think it would be a most disgraceful thing to practically unseat a member who may probably have not the slightest knowledge that a petition was going around?

Mr. SCADDAN: This is in operation in some parts of America to-day, and it has not been found to work in the direction the Minister indicates. To get a majority of those enrolled to sign a petition of this kind would take some time, and the member could not be ignorant of the fact that it was being circulated in his electorate. He would have plenty of opportunity of explaining to the electors during the time they were being asked to sign the petition, and he would still have the right to seek re-election and justify his action by subsequent re-election. But while he is given that opportunity, what safeguard have the people of his electorate under the present method of seeing that the member is carrying out their wishes? None whatever. The member can defy his electors to-day and do just as he desires. I could quote instances, if necessary, in this very House where members have made pledges to their electors and shortly afterwards twisted on them and voted in a direction opposite to what they were sent in by their electors to do. The member for West Perth stood as an opponent of the land tax proposed by the Government. The Government supported a man who supported them in that particular measure, and it was on that very point of "land tax or no land tax" that the member for West Perth secured his return. Yet when he came to the House he supported the very land tax he had opposed. What protection had the people of his electorate? None whatever. They had to wait until Parliament expired and the harm had been done before they could deal with the member for breaking his pledges. Other cases could be recorded of a similar nature. What I suggest is only a fair and proper safeguard for the people to see that their wishes are carried out. The very fact of a provision like this being in the Act, a provision which could be put into operation when desired by the people, would be sufficient, in my opinion, to keep members in the right track, carrying out their pledges and complying with the wishes of their electors. The very possibility of its being put into operation would cause men to pause before doing anything deliberately opposite to the wishes of their electors. This is something that has been in operation in other parts of the world and worked successfully. It would keep men in closer touch with their electors than they are to-day.

The Minister for Mines: Do you know where it is in force?

Mr. SCADDAN: In some of the States of America; in quite a number of them in fact. Wherever it has been put into operation I do not know of an instance where it has been repealed; I must say I do not know of many instances where it has been put into operation, because, as I said before, the very fact of the provision being in the Act causes members to realise their positions, and the dread that it might be put into operation is very likely the reason why it is not. To my mind it would provide a very good safeguard. There are cases at present where the great bulk of the electors are completely out of touch with members, but they have no redress. Members, in spite of the wishes of the electors they are supposed to represent, are enacting laws and assisting in the administration of laws absolutely detrimental to the interests of the people they represent, yet these people have no redress whatsoever. If a provision such as I propose were in existence, the electors would have the power to put it into operation against those members.

The Minister for Mines: You might attempt to redress one evil by creating another.

Mr. SCADDAN: The people are the best judges of that. After all, we are only representing the will of the people; we are only here to enact what the people are desirous of our enacting; we have no right to do anything else. If the people are opposed to what we are enacting we are not doing justice to those people; and

I regard the recall provision as a safety valve in the direction I have mentioned. There are other matters which can be dealt with in Committee, and do not require much debate at this juncture.

The Minister for Mines: Do you propose moving an amendment in Committee in that direction?

Mr. SCADDAN: There are two amendments I wish to deal with, one giving the right of recall, and the other as to enrolling persons who are inmates in our homes so as to be in conformity with the Commonwealth legislation. There are other amendments that will be attempted, but I trust the Minister will give consideration to these two amendments. Particularly do I desire, before he alters the wording of our present Act in connection with "living" and "resident," and also before he deals with the question of causing a roll to be conclusive evidence that persons are entitled to vote, that the Attorney General will give consideration to some method of properly scrutinising and rejecting postal votes not in conformity with the Act.

Mr. BOLTON (North Fremantle): This apparently innocent measure, introduced by a speech of the Attorney General not calculated to awaken any interest in it, contains several dangerous clauses. The Attorney General said there were practically two alterations, one to bring our enrolments into line with the Commonwealth, and the other, of course, preferential voting. The leader of the Opposition dealing with the question of subdivision said that if he was able to obtain an amendment providing for the enrolment of certain disqualified persons under the State Act and qualified under the Federal Act he would forego his opposition to the creation of subdivisions. I think if the leader of the Opposition looks at the proposed amendment to this Bill he will notice that the Attorney General seeks to obtain power to make and unmake subdivisions by the mere issue of a notice in the *Government Gazette*. If he had seen this he would not be prepared to withdraw his opposition. At the outset I want to say that I recognise, as I think a good many members do, that this amending Bill contains some very contentious clauses, and if the Bill is to be treated as a party measure any fair and just criticism that may be offered from either side—and it does not seem that there will be much from one side—will be only wasted. I do not know whether we are to recognise that it is to be dealt with as a party measure, and although indications point to that fact, how is it possible for one to offer criticism or argument against certain amending clauses unless he can feel assured that he is being listened to in an unbiassed way by hon. members supporting the Government. I do not say that any argument one may advance will be cast to one side, but there are not many members who usually adopt an independent attitude, who are at present prepared to listen to arguments against this Bill. It is the same thing on every Friday on which day it is not possible to get members on either side to attend to listen to arguments. We have just cause for complaint. It is decidedly unfair for the Attorney General to introduce such a contentious measure at this late period of the session and expect it to be treated somewhat lightly, as has been done with other measures during the past few days. It will take some considerable time to get through portions of this Bill. There are one or two good features in the Bill but there are others which outweigh those good features very much on the heavy side. I welcome the amendment of the single claim card in lieu of the duplicate forms. I have had some personal knowledge of getting claims filled in, and I know the difficulty that arises when there are so many signatures to obtain. It is only possible to get some of these people at certain times, particularly during meal times, and they have objected in the past to signing their names in so many places. I think at least the proposed amendment is a good feature of the Bill. As I read the alteration to Section 17 of the principal Act it is necessary that there shall be one month's residence in a subdivision. The Minister seeks to obtain power to make and unmake a subdivision, and I claim under this Bill, with the amendment of Section 99, the Minister has only to issue a

notification to the Chief Electoral Officer to have a name removed from one subdivision and not necessarily enrol it in another subdivision of the same electorate. I have never seen a measure before this House which has asked that the Minister shall have power to create a new subdivision and that an elector must be enrolled on that for at least one month, and whilst it might have been created one month earlier, I take it, if an election took place, not necessarily a general election, that all the people in that subdivisioin would be disfranchised. Moreover, I take another line. If a subdivision were created and persons enrolled in an electorate which had been divided into one, two, or three subdivisions, and had not been enrolled in those subdivisions, they would not be entitled to vote in that electorate. The language of the amendment is particularly plain to me; it is the most dangerous thing I have ever seen. Not one word of explanation was offered in that regard by the Attorney General. The Government propose, when it is necessary to alter the boundaries of an electorate, or to pass a Redistribution of Seats Bill, that all that will be required will be a *Government Gazette* notice by the Minister, and the alteration of the boundaries of a subdivision will disqualify the electors enrolled in that subdivision from voting in a new division in the same electorate. As I read it Section 50 is so plainly worded that I do not think any other construction can be put upon it than that which I have given. The section reads—

> Whenever under any Act for the redistribution of seats at Parliamentary elections, the State is redivided into provinces or districts, or the boundaries of provinces or districts are altered, the Minister may, by notification in the *Government Gazette*, give such directions to the Chief Electoral Officer as are thereby rendered necessary for the change of electors from one roll to another, and effect shall be given by the Chief Electoral Officer to such directions accordingly.

What does that mean? It means that a Redistribution of Seats Bill having passed this Chamber within the last few days, it is only necessary for the Attorney General to issue a Gazette notice, which will be an instruction to the Chief Electoral Officer to take, say, myself from the North Fremantle electoral roll and place my name if he thinks fit on the North-East Fremantle roll. All that is required is not that the Chief Electoral Officer shall make the necessary canvass which is provided for under the principle Act, but the whole thing can be fixed up in an hour, or in a week by the Minister issuing a notice in the *Government Gazette* which shall be an instruction to the Chief Electoral Officer to rearrange the electors from where he likes to where he likes. I hope that the amendment will never pass this Chamber. There are other amendments proposed. It is sought to amend the postal voting sections. Again, no mention was made by the Minister on the introduction of the Bill that it was the intention of the Government to alter the time at which the writs should issue, the proposed alteration being from seven to 21 days. This is a most important amendment; it is a new departure entirely. At the present time it is necessary that a writ be issued not later than seven days after a vacancy. I might mention that this is only in regard to the postal votes. Postal votes can be taken under the present Act as soon as a writ is issued. The writ must issue after seven days. It is now proposed to amend the Act to provide that postal votes can only be taken after nomination day, but the issue of the writ need not take place before 21 days instead of seven days. Is is right that a measure with such contentious clauses as these should be briefly introduced by the Attorney General and that the most important and salient features should be overlooked. Probably this was done in the hope that these matters would escape the notice of members. The amendment of Section 66 is also, apparently, an innocent amendment but, in my opinion, it will require very careful scrutiny by members of this Chamber. The section deals with an office of profit, and it is proposed now to limit that office of profit as follows:—

"Any of the principle executive offices of the Government liable to be vacated on political grounds"; that is to say, an office of profit is now limited to an office which is liable to be vacated on political grounds, and that alone. We have had in the past members of another place in possession of other offices of profit, but now it is attempted to provide that only those which are applicable to political grounds shall be called offices of profit. This, to me, is another dangerous amendment of the Act, and no mention was made of it by the Minister in charge of the Bill. The Bill has been introduced without any possible explanation of these important amendments, just because we are at the fag end of the session. There is no need for this Bill to go through, and I hope it will not pass in its present form. If the Government want to prorogue in three weeks this Bill cannot go through, because it will take three weeks to pass it alone. It is also proposed to amend Section 35 of the principal Act. If the Chief Electoral Officer has reason to believe that claims are not in order it is proposed that he shall take quite a new action. It is proposed to give the Chief Electoral Officer power to refer these claims to a local authority. As a ratepayer of a local authority I emphatically object to the funds of that local authority having to be spent, and indirectly they must be spent by the executive of the local authority in making inquiries on behalf of the Electoral Department. We provide the department with funds with which to carry on, and if we were not so niggardly in this respect the work which is now excellently done would be done even better. Surely hon. members who have some knowledge of local authorities will not agree that these local authorities should be compelled to make inquiries as to whether so-and-so is properly enrolled. This cannot be done without due inquiry, and even at the cost of a twopenny stamp I protest against the taxpayers' money being used by the local authorities in this direction. This work must be done by the Electoral Department. I am going to appeal to hon. members on the Government side to support me in certain amendments when we are in Committee on this particular Bill. I am sure they will not agree that any responsibility at all should rest with the local governing authority. It may be said in reply that there will be no responsibility resting on them; they need not do the work. If the local authorities object to do the work the people will not be enrolled. We must make the electoral office responsible for the enrolment of these people. If the claims are forwarded to the electoral office it should be the duty of the office to make the necessary inquiries. We shall not always have as capable a gentleman as Mr. Stenberg occupying the position of Chief Electoral Officer; there is no telling who we will have there, and it may be that all those claims will be returned to the local governing bodies. The Minister need not smile. Ever since that gentleman has occupied the position of Chief Electoral Officer I have raised my voice in praise of what he has done. So, too, have most other members, and notwithstanding the smile of the Minister, I say my remarks are perfectly sincere. Yet I complain that niggardly treatment in the matter of funds has kept the office back. The leader of the Opposition pointed to the substitution of "live" for "reside," and the Minister for Mines asked him would he, in the case of a body of men who had to temporarily leave the district, deprive these men of their franchise. When we had a slump in North Fremantle, and men had to temporarily leave the district to get work their names were removed from the roll, which was thus reduced far below its proper quota. The names of the wives and mothers were still left on the roll. These men in many cases were returning to their homes each week end, or at least once a fortnight, notwithstanding which they were not allowed to retain their enrolment on the North Fremantle roll. Yet by his remark the Minister implied the wickedness of striking men off the roll merely because they had gone to work for a little while in another electorate. But with regard to this interchange of words in the Bill it seems to me we will have to retain the

word "reside"; because a ruling has been given as to the interpretation of "reside," and this would be sufficient for the electoral office, whereas we have had no interpretation of the word "live." There is the instance of the mayor of Malcolm already referred to. That gentleman was mayor of Malcolm by virtue of his living there, and a voter in the Menzies electorate—which is not anywhere near Malcolm—by virtue of his residence in Menzies. Yet it was claimed that no action could be taken, because he was rightfully enrolled.

The Attorney General: The Chief Justice decided that "residence" means an actual residence, not a prescriptive residence; that you must actually reside there, sleep there; that your abode must be there.

Mr. BOLTON: But what interpretation would be put on the word "live"? You must live there, sleep there, have your abode there. What is the difference? I am not taking the point that the judge overruled; but he having ruled as to the meaning or interpretation of the word "reside" that ruling must govern the Electoral Department, whereas no ruling has been given as to the interpretation of "live" and, therefore, they have nothing to guide them. It is proposed to do away with the printing of supplementary rolls, and in the compilation of the rolls only the printed roll is to be taken as meaning the roll for the particular province or district. Section 26 of the principal Act is to be amended by omitting paragraph (a) which provides for the printing of the rolls in March, June, September or December. It is now proposed to do away with that, and to have the roll printed each year, and also to give power to the Chief Electoral Officer to print the roll as often as instructed. I would very much prefer to say "as often as the Chief Electoral Officer deems necessary." I take it that the matter is to be left at the discretion of the Minister more than of the Chief Electoral Officer. The instructions to the printer for printing the rolls must, of course, come from the Chief Electoral Officer, but according to the reading of the clause the Minister will have the real authority. In the existing Act it is provided that names on our claim file shall be added to the roll when prepared. It is now proposed to strike out "names on the claim file." I understand there will be practically no claim file, because it is now provided that the names shall not be entered on the claim file until they have been approved by the necessary lapse of time during which they must remain in the hands of the Chief Electoral Officer before being entered in the book. Suppose that on the fourteenth day after the arrival of the claims—which would be the day of approval—suppose the writ were issued on that date; those names could not then be entered on the claim file. The question would be as to whether those names could be legally enrolled, and we should have further complications arising. The words in the principal Act could well have remained, because these claim cards have to be approved and entered before they can go on the claim file. With regard to postal voting, I think the only alteration we should make is to wipe it out altogether. Many members have spoken against postal voting; members on both sides have referred to instances of abuse under the system, and a good many have expressed themselves as being perfectly willing to support an amendment to abolish the system. They will assuredly be given an opportunity of supporting such an amendment. I think there should be no postal voting at all, and that if one cannot attend to record his or her vote, no provision should be made under which there could arise such abuses as we have had in the past. Do what we will and how we will, we will not do away with the abuses which exist in connection with postal voting until we purge it by doing away with the system altogether. Even if it costs much more to have additional polling places, would it not be better to have candidates and public alike feeling that it was a cleaner election as the result of the abolition of this pernicious system? The question of compulsory preferential voting I intend to oppose strongly. I am prepared to accept it on condition that we have also compulsory enrolment and compulsory voting, with such penalties as will make it necessary for people to go to the poll.

Since my arrival in this Chamber, and probably for many years before, election after election we have heard those opposed to us in politics whining and crying about the apathy of the electors. There is no apathy, or at all events, not the apathy they describe as being all on one side. The apathy they deplore is that their people will not come and vote, and we are told that if they did come and vote our opponents would sweep the polls in every electorate. I am prepared to give them the chance by making it compulsory voting with a heavy penalty; then we shall see whether the apathy, if any, is detrimental to one side or the other. If compulsory preferential voting is to come, let us have also compulsory enrolment and compulsory voting. Without these I decline to go to the poll to record my vote for, possibly, a man for whom I have no respect at all, a man whom, so to speak, I abhor. Is it right to force, say, Miss Ackermann, to go to the poll to record a vote for, say, Mr. Grenike; or vice versa —Miss Ackermann, who has spent practically the whole of her life in the temperance movement? I need hardly say I am using Mr. Grenike's name merely as an illustration. Would it be right, I ask, to force that lady to record a vote for Mr. Grenike?

Mr. Scaddan: It ought to be easy for her now.

[*The Deputy Speaker took the Chair.*]

Mr. BOLTON: Yes, having worked for a licensed victualler candidate, she could perhaps do this without doing any violence to her conscience. Take another admitted by members of the Chamber to be a crank on the temperance movement: I refer to Mr. Thomas Smith, who recently contested the municipal election. He would never go to the poll if the candidates were all publicans—wild horses could not drag him there. I ask, am I to be forced to the poll to vote for some man opposed to me in all things? I say if there is on the list of candidates one man whom I cannot vote for—I emphasise the words "cannot vote for"—then I ought not to be forced to lodge even my lowest preferential vote in his favour. It is not sufficient that because some think compulsory preferential voting will insure majority rule, that all should be compelled to vote preferentially. We have had, perhaps, three cases of minority rule out of 50 in the State, and just to prevent that it is proposed we should have compulsory preferential voting. It is not right that anyone should be forced to vote for someone else he has no respect for. I say that it is not right, and should never be adopted by his Chamber. Compulsory preferential voting alone must be bad. It may be urged that I am going further in advocating the addition of compulsory voting and compulsory enrolment, but it is only to make it more iniquitous and for that reason only. To make the first step compulsory preferential voting in single electorates where there may not be many candidates, and not one for whom the candidate cares, is acting wrongly, and I am satisfied that opposition must come from both sides of this Chamber, and that the opposition will be somewhat strenuous. The only other amendment I propose to refer to is that which the Minister has on the Notice Paper. He proposes to strike out Section 118 and insert other words, and I desire to call the attention of members to the mandatory character of the first question to be put. The amendment provides—

> The presiding officer shall put to any person claiming to vote at any Assembly election the following question:—(a.) Do you live in this electoral district?

Has the presiding officer before handing a paper to any man who is enrolled, to put the question, "Do you live in this electoral district"? Has he to put it to his own wife? If he does not put the question, what is the position of the voter? And if he does, what is the position of the scrutineers around the table, and the other people also waiting to be asked that silly question? Will they not all smile? Fancy a man asking his own wife that question, as he must do according to this clause!

Mr. Scaddan: How does the voter know in any case?

Mr. BOLTON: He has to do it whether he knows or not, and it will be necessary

to ask the candidate himself when he iarrives to record his vote if he resides in the district. Is it not absurd ? Why make it mandatory at all that the returning officer shall ask the question ? Could we not make provision that he may ask the question if there is any doubt as to the qualification of the voter ? At a later stage the clause says, " the presiding officer may, and at the request of any scrutineer shall". There is no such discrimination allowed to the returning officer in connection with the first question. Neither the returning officer nor his deputy can guarantee having put this question to every individual who comes to the table. and is not the clause opening up further opportunities of upsetting elections ? Will the issue not be raised that the question was not put to Tom Brown or John Smith. We should be as clear and explicit as possible in electoral matters, but this seems to tend in the very opposite way. It could be provided that the question might be put if the returning officer had any doubt, but it is absurd to say that it shall be put in all cases. It will be easier to obtain a postal vote—and postal votes have been obtained in the Fremantle district under disgraceful conditions—than it will be to obtain a vote at the polling booth. The duties of the scrutineers are very largely to know the persons who are claiming to use of a voting paper, they are chosen largely on account of their knowledge of the people of a district, and there is no need to require that this question shall be put unless there is a doubt as to the identity of the voter. I hope the amendment as suggested will not be allowed by members in this Chamber. Following up the first question the clause states—

> And if such question is answered in the negative the following additional questions—(*b.*) Have you within the last three months bona fide lived within this electoral district ? (*c.*) Where was your place of living in this electoral district ?

Now, although it is provided that a member for Parliament shall be enrolled for his own electorate, although not residing in the electorate, this clause as suggested by the Attorney General, being mandatory, will allow the returning officer to refuse the leader of the Opposition a vote for his own electorate. If the leader of the Opposition is asked whether he has within the last preceding three months lived within his electoral district, he will have to say " No," and if he is asked where was his place of living he will have to say " East Perth." Is it not absurd that it should be mandatory for the returning officer to put that question ? The leader of the Opposition alluded to the impossibility of having uniformity in the Federal and State rolls unless we have a broad arrow or some other such mark against the names of those who are qualified under the Federal law but not under the State electoral law. Surely the time has arrived to give every adult in this State a vote. It will do away with the objectionable feature of having charity bracketed against the names. It is not done in connection with the Commonwealth rolls ; every man is recognised as a citizen by the Commonwealth, and surely it is not necessary for the State to impose these restrictions. It would be very difficult to say which are the charity men, and which the men who did not possess the State residence qualification ; but it would be the care of the latter to make it public information that they were not in receipt of charity, and that the mark against their names was to notify that they had not qualified for enrolment for the State. The only way to overcome that, is to give these people who are receiving charity, equal electoral rights with ourselves as citizens of the State. The alteration as to the witnessing of claims will, I hope, go further than suggested by the Minister in charge of the Bill. It should not be limited to persons entitled to be enrolled for that electorate. If a better instance is asked for than that given by the leader of the Opposition, something enormous is required. Only for the electorate of Ivanhoe, even under this Bill, can the leader of the Opposition witness a claim. It is ridiculous ! If we can trust a person en-

titled to be enrolled to witness a claim for his particular district, why cannot we trust the same man to be a witness for another district? It is provided that he shall be convinced that the applicant for enrolment is bona fide, and has the necessary qualifications, and yet we will not allow him to witness a claim outside the district in which he is enrolled or in which he is entitled to vote.

The Attorney General: It says that an elector or any person entitled to be enrolled shall be able to witness claims.

Mr. BOLTON: Well, that is a decided improvement, and probably one of the only two provisions in the measure on which I can compliment the Attorney General. I do not suppose he has personal knowledge of every amendment suggested; he must take the advice of the head officer of this branch, but such amendments should not be accepted by this House to overcome temporary conditions created largely by the passage of a Redistribution of Seats Bill, and by the desire to have uniform rolls for the Commonwealth and the State. The proper time to do all this would be after the next census, when probably it would be found that these amendments are not all that is wanted, and we would have a better Bill brought forward. At any rate it is a most dangerous expedient to introduce compulsory voting without some other stringent provisions attached.

Mr. BATH (Brown Hill): I hardly see that the time of the House should be occupied in considering the amendments which are embodied in this Bill, in view of the fact that many of them do not appear to be very desirable, and in some instances they impose restrictions on the exercise of the franchise which are very undesirable. I may say that I am not very enamoured of the Federal system of sub-districts, and in my opinion some arrangement could very conveniently have been arrived at between the State and the Commonwealth, by which the Commonwealth might have been induced to abandon the system of sub-districts and make every unit which goes to form a division of the House of Representatives the basis for compiling a roll. It is true that there is no provision to compel the elector to exercise the franchise within the limits of the sub-district to which he belongs, but if his name is enrolled for that sub-district, and he seeks to exercise the franchise in another portion of the district, formalities will be necessary which will make the work of voting very cumbersome indeed, and lead to those delays which are becoming a feature of elections in Western Australia, owing almost entirely to the restrictions we impose. As a matter of fact, there are many cases on record where, owing to provisions in our Electoral Act of 1907, the voting proceeds very slowly; and there are instances which have come to my knowledge where people have actually been unable to exercise the franchise owing to delays occasioned by the asking of questions and the formalities necessitated by this Act. It seems to me this is altogether retrogressive. Surely we have arrived at that stage where we can trust the great body of electors, and where it is much more desirable that the freest possible facilities should be offered to the great body of electors, even if it involves malpractices on the part of one or two, rather than that we should enact provisions so that the great body, which wants to exercise the franchise in a legitimate way, is hampered in it and perhaps prevented in some cases in order to stop a very small minority from committing malpractices. In regard to this question of sub-districts, in electorates like Murchison, Mount Magnet, Leonora, Mount Margaret, Kanowna, and others, where there are scattered centres, and where electors sometimes remove from one place to another, 100 or 200 miles away and yet within the limits of the same electorate, if they are enrolled on the roll for one sub-district and they remove into another sub-district in the same electorate, difficulties are going to be occasioned thereby; because it will mean that they will have to answer questions put by the returning officer and will have to satisfy him that they are the persons who were enrolled for the

sub-district in the same electorate. It will occasion that delay it should be our endeavour to avoid. What we should do is to make the work of exercising the franchise run as smoothly as possible, and we are not taking the right step by enacting this provision for sub-districts. I think the question should have been debated with the Commonwealth people, and there should have been some give and take, and the difficulties which will be occasioned in Western Australia and which were pointed out very forcibly and truly by hon. members when discussing the measure in 1907, should have been placed before the Commonwealth authorities and some attempt made to provide a more satisfactory scheme. Then the provision is Clause 8, which amends Section 23 of the principal Act, is somewhat confusing as to what rolls are going to be printed. Let us turn up the provision and we will see that it is not clear. Clause 8 provides that Section 23 of the Principal Act is amended by inserting the word "printed" before the word "roll" in Subsections 2 and 3. Subsection 2 of Section 23 provides that "the names appearing on the rolls shall be numbered in regular, progressive arithmetical order, commencing with No. 1 for the first name"; and Subsection 3 provides that "in the supplementary roll the first name shall have the number next following that which is set against the last name on the general roll." By Clause 8 of this Bill we are to provide that the names appearing on the "printed" roll shall be numbered in regular order, and that in the supplementary "printed" roll the first name shall have the number following that which is set against the last name on the general "printed" roll. It seems to me there should be some further explanation by the Attorney General when we reach this clause in Committee. Again, Clause 11 provides that Section 27 of the principle Act is struck out and the following inserted in place of it:—

> In the printing of a second or subsequent supplementary roll, all the names in the last preceding supplementary roll shall be incorporated in lexicographical order.

Why not in the other supplementary rolls? Why only for the last supplementary roll issued? Does it mean that in the last supplementary roll is incorporated the names included in the previous supplementary rolls? If not, why is this particular method of incorporating the names, which is more convenient for reference, only applied to the last supplementary roll? I quite recognise in Bills of this kind, where the phrasing provides for amendments to another measure or the principal Act, there is some difficulty to comprehend it; but I certainly cannot see the object of restricting the printing of names in lexicographical order to the last supplementary rolls which are issued, and not to others which are issued previously. In Clause 19 we repeal Section 2 of Section 53 of the principal Act, which made it necessary for a registrar to forward notice of alteration to the Chief Electoral Officer. That is done away with in this measure. We provide beforehand that when names have been incorporated in the roll the claims shall be forwarded to the Chief Electoral Officer, and I cannot see why we should not also provide that notice of alteration should also be forwarded to the same officer. Otherwise, if this clause is allowed to pass, as the Attorney General has incorporated it in the measure, the Chief Electoral Officer will have no check upon the district or province registrar in the matter of alterations made to the roll, or it will be within the power of the registrar to make alterations which may not be warranted, and the Chief Electoral Officer will have no knowledge of it. If we are going to provide that the claims be forwarded to the Chief Electoral Officer, I think we should also provide that he should be made acquainted with any notice of alteration. Section 93 of the principal Act provides that written applications for postal vote papers shall be duly forwarded to the Chief Electoral Officer with other papers relating to postal voting, and that seems to me to be a very necessary provision, because it is under postal voting that so many

abuses have crept in. That so many of the malpractices, which have been complained of and which have been the occasion of disputed elections, have occurred through the abuse of the system of postal voting, is well known. If we are not going to exercise the safeguard that the postal vote officer shall forward the written applications he receives for postal vote papers, it will mean that we are creating opportunities for postal voting and preventing the Chief Electoral Officer, when abuses creep in and are exposed, from tracing them. I hope the Attorney General will reconsider this proposal in Clause 29. Now, on the question of the compulsory exercise of the preferential vote, I agree with the leader of the Opposition that "compulsion" and "preference" are entirely incompatible terms, and that this proposal embodies compulsion run mad. The position at the present time is that in nearly every election, at least so far as Western Australia is concerned, the elector has, among the candidates submitted for his choice, one for whom he can vote, and with whom he has something in common. Under those circumstances he can exercise his franchise in a free and conscientious manner; but if we are going to depart from that principle and say that he shall not vote only for the candidate for whom he can display some measure of preference, either greater or wrongly, and that we will go further and compel him to vote for a candidate for whom he has no preference, for whom he might have exactly the opposite feeling, then we are introducing tyranny into our electoral laws, and a spirit which is entirely at variance with the principle of democratic Government, which lies at the root of our Parliamentary institutions. I can conceive of cases, we will say in Perth or in any other electorate, where there will be one candidate of the same way of thinking as the elector, and two others who may not only be opposed to him so far as political principles are concerned, but whose previous actions in public life may be such as to make their politics and their actions absolutely abhorrent to him. Yet under this Bill we compel the elector to exercise a measure of preference on their behalf. It is absolute tyranny and a proposal I am astonished to find the Attorney General, with his past democratic professions, embodying in a measure of this kind. It was also very amusing to hear the Attorney General express the view that hon. members are desirous of representing a majority of electors. He went on to say, that he felt that this was a spirit prevailing among members sitting on his side of the House and also, he hoped and believed, among members sitting on the opposite side. It is remarkable, and certainly somewhat amusing, to find the Attorney General so keen on securing majority representation so far as individual electorates are concerned, and yet actually perpetrating a scheme in the House by which a minority of electors—and, possibly, very largely in a minority—may secure a large majority of representation in this Chamber. If the object to be gained, that of majority representation, is such a desirable thing so far as the single electorates are concerned, then it is eminently more desirable so far as the whole body of electors in the State is concerned; yet we find the Minister hypocritically professing to be anxious by this provision in the Bill to secure majority representation, and, on the other hand perpetrating a scheme by which a minority secures a majority of the representation.

The Attorney General: In the Senate elections it is quite possible one may have to vote against his convictions.

Mr. BATH: It is quite different. There is absolutely no anology between the two cases, because in the Senate elections the electors are only compelled to vote for the actual member to be returned, and, therefore, if there is any political party or body of electors desirous of having its views represented, it takes care that it has a full number of candidates running.

The Attorney General: Suppose there are six vacancies and one party nominates only two candidates.

Mr. BATH: The fact of its nominating only two candidates where three are re-

quired is very good evidence that among the other candidates nominated there are those for whom they can vote without any violation to conscience.

Mr. O'Loghlen: There were six at the time Senators DeLargie and Pearce were returned.

Mr. BATH: That is a case in point; but I know of no instance, so far as the Federal elections are concerned, where a position would occur equal to what would be possible to occur under this so-called system of compulsory preference, because here we are compelling them to exercise their vote for more than the number of candidates required. Any body of electors desiring to secure representation of their views in Parliament are likely to injure their own cause by nominating more than the number required to fill the seat in the case of single electorates, and having done so, if there are other candidates for whom they can conscientiously exercise their preference we should permit them to do so. But members of this House pretending to some measure of democracy should embody no principle in the Bill by which electors should be compelled either to refrain from voting, lose the right of exercising their franchise, or violate their conscience by having to vote for those they are freely opposed to. As far as majority representation is concerned, I assert that by this compulsory representation we will not get an embodiment of the views of the majority, because of the electors, in order to be able to vote for the candidate whom they are conscientiously in favour of, are compelled to exercise a preference for candidates whom they are opposed to, and for whom they cannot show a degree of preference, because that implies favour: it will mean even if that compulsory preference is exercised, in order that they may vote for their own candidate, that in no sense will represent what may be termed the views of the majority. It makes secure the return of a candidate with an apparent majority of votes behind him, but in no sense secures the return of a candidate whose views are supported by a majority of the electors.

The Minister for Mines: Do you prefer the second ballot?

Mr. BATH: I say that the second ballot system is cumbersome, and that under a second ballot system, in order to secure the object sought to be attained here, it would be necessary to have also a system of compulsory voting, because under the second ballot system by which a second election would be held, as pointed out by the leader of the Opposition, if there were those who voted in the first election for a candidate whom they favoured, and that candidate being defeated, and if he dropped out, a second ballot was held for the other candidates, if the views of those candidates or their actions were repugnant to certain electors, they would refrain from voting. Under this system, which is a second ballot at one operation, in order that they may exercise their vote for candidates whom they favour, and in order that that vote may be legal, they are compelled to vote for candidates who, in some instances, will be repugnant to them. In the existing Act we have gone as far as we ought to go compatible with a decent measure of liberty for the subject, in that we provide they may exercise their vote to the extent of the number of candidates required, and if they can conscientiously do so, we provide them with the opportunity of voting for other candidates in the order of preference and, in my opinion, we have gone far enough. To go further than that and to make preference compulsory is, I repeat, an absolute tyranny and a provision which should find no place in a measure of this kind. There is another matter, and it is one upon which I propose to move an amendment with the object I consider desirable, and that is to provide that after the date of a dissolution of Parliament by effluxion of time, a certain time shall be allowed to elapse for those electors who are not enrolled to have their names placed on the roll for their particular district. Under existing circumstances it is possible for a dissolution to take place and for writs to be issued in such a way that a large number of electors will be disfranchised.

The Minister for Mines: I think the Constitution provides two months for a general election.

Mr. BATH: The existing 1907 Act, which deals with the question, provides that the writs shall be issued not later than seven days after the dissolution, and a further section in that Act provides that only those claims received 14 days before the issue of the writ shall be permitted to be enrolled for that particular election. It means that a dissolution may be sprung on the electors, and the period of time before the election allowed for enrolment would absolutely have elapsed before they would receive notice to the effect that a general election was to be held. In my opinion it should be the other way. Between the time of the issue of the writs and the last day upon which electors can be enrolled a certain period of time should elapse, say seven or 14 days.

The Minister for Mines: It is 14 days' notice now.

Mr. BATH: The matter is not clear. What we want is that there should be an actual period of, say, seven or 14 days between the issue of the writ and the last day upon which voters may be enrolled.

The Minister for Mines: What time do you suggest?

Mr. BATH: I suggested in 1907, and I advise the Government now, that it should be 14 days. There should be a sufficient period allowed during which the electors would have a chance of being enrolled. If a notification were sent throughout the State, and if they really desired to have their names placed on the roll, that period of 14 days would be sufficient, and it would mean that this Parliament was really in earnest in its desire that all eligible persons should have the opportunity of exercising the franchise at elections, and nothing should be done to cause a large number to be disfranchised.

The Minister for Mines: Section 54 provides for 14 days' notice.

Mr. BATH: That means that actually on the very day that notice of the intention to hold an election is given, is the very last day upon which electors may be enrolled. That, in my opinion, is a matter that should be remedied. There is another provision to which I desire to refer, and that is in regard to witnesses to claims. I certainly would like to see a reversion to the system which worked well in Western Australia, by which an elector or a person qualified to sign an electoral claim could do so without the necessity of having to secure a witness. I will admit that the provision as it exists is fairly liberal, but it is not so liberal as that which we had in the Act of 1903-4, and I am of opinion there is no obstacle or no reason why we should not revert to the system which was altered in 1907.

Mr. McDOWALL (Coolgardie): I do not propose to enter into a detailed discussion of this Bill, because I realise that we shall have an opportunity of doing that in Committee. It seems to me that there are at least two main reasons for the introduction of this measure. One of them is to bring it into conformity with the Commonwealth Act. As far as I am concerned I should go to any distance whatever in order to have uniformity between the Commonwealth Electoral Act in the State Electoral Act.

Mr. Angwin: Even although it is detrimental?

Mr. McDOWALL: I do not hold it can possibly be detrimental to the State for us to work in unity with the Commonwealth on a question of this kind. I am not going to say they are always perfect, but, at the same time, it is an absurdity to have two or three systems of enrolment in operation in any one State, and for that reason I welcome the concentration of energy which will bring about a united roll for the State and the Commonwealth. The other feature is the question of preferential voting. I might say that as far as I am concerned I am a firm believer in it, that is, the ordinary preferential voting. It seems to me that it is a vast advance on the ordinary system of voting. The electors are given the opportunity at a single operation of expressing their preference in an election, and there is the opportunity of doing so

without returning to the ballot as would be necessary in a second ballot system. For that reason I am strongly in favour of preferential voting, and I believe that when people are properly educated as far as preferential voting is concerned it will be a system that will prevail in most civilised countries. There is, of course, an immense amount of misconception as far as that particular system is concerned. The people get a sort of impression that they injure the candidate they desire to support by affixing a number against the name of another candidate. Now, that is entirely erroneous. I may say that I have had some little experience of at least one election on the compulsory preferential ballot system. On this occasion Dr. Ellis and myself were considered the strong candidates. My supporters were placing that gentleman at the bottom of their list and his supporters were placing me at the bottom of their list, believing that they were doing me some harm. That is absolutely false, and this is the difficulty as far as preferential voting is concerned. If we could only get the people to realise that they vote actually as they ought to vote, then preferential voting is excellent in every particular. But the difficulty that arose on that occasion, and which is always likely to arise, is that the people have the idea that the casting of their No. 2 vote will do their own candidate harm. Unfortunately that idea is prevalent everywhere. The fact is that if a candidate is weak enough to go out on the first ballot it matters not to him who may be placed No. 2. If the elector votes conscientiously as he desires the candidates to be placed, then he cannot do any harm whatever to his No. 1 candidate by giving to another man his No. 2 vote. If we could only get the people to realise these things, preferential voting would become very popular. This brings us to the question of compulsory voting. I am quite open in mind so far as this system is concerned. The points for and against compulsory preferential voting are worthy of consideration. The chief point in favour of it is that the successful candidate obtains an absolute majority of the valid votes cast in an election. It does not follow that he will necessarily obtain an absolute majority of all the votes cast, because in consequence of liability to error in making out the ballot papers, a large number of informal votes may be lodged, a number sufficiently large to affect the absolute majority. Against the system we have the argument that it is not right to compel a voter to express a preference against his will. There is a great deal of force in that objection. Not all of the authorities who have made a study of compulsory preferential voting go so far as to advocate compulsion. For instance, in a pamphlet issued some years ago by E. J. Nanson, professor of mathematics in the University of Melbourne, the writer states—

> It is well to emphasise two important facts in regard to contingent or preferential voting. First an ordinary ballot paper is more easily invalidated than a contingent ballot paper,

You see here the argument practically set forth in the first instance against compulsory preferential voting, inasmuch as a paper with the slightest possible mistake would be invalidated; but in consequence of its being left optional if any preference is expressed in any way it is not rendered invalid.

> for so long as the ballot paper indicates a preference of any kind it can be used in the election. The elector may number just as many names as he pleases on his voting paper, and if it affords him any satisfaction he may use his blue pencil to score out the names of any objectionable candidates.

I think you will observe that most people who have favoured preferential voting have left it optional, as it is in this State at the present time. Two or three years ago considerable controversy raged in the Federal Parliament in connection with optional preferential voting, and the *Age* strongly took up the cudgels in favour of compulsory preferential voting; but they have never been able to carry even the ordinary preferential voting in connection with the Commonwealth Parliament. It is for reasons of this kind, and because the authorities seem to agree that it is just as well to leave it at this stage, that I on

this occasion am going to cast my vote in favour of leaving the preferential voting clauses as they stand. I believe preferential voting is a great advance on ordinary voting. Professor Nanson, in dealing with the question, said—

> Preferential voting resembles ordinary voting about as much as the cutting instruments of the present day resemble the flints of our ancestors. At no distant date contingent voting will be the rule and ordinary voting the exception. When the reform comes the wonder will be, not that it has come, but that its coming was so long delayed.

What I desire to impress on the House is that preferential voting has come in this State. We have not given it a fair trial yet, and it is now our duty instead of making further alterations in it to give it a trial a little while longer until people are educated in its effects. In respect to postal voting, I believe the system should be absolutely done away with. It will be remembered the very serious assertions made some years ago in connection with the East Fremantle election so far as postal voting was concerned. It will also be remembered in connection with my own election that there was a number of absolutely bad voting papers cast. Had it not been for that I would have had the pleasure of making the acquaintance of hon. members three years earlier than I did. On that occasion no fewer than four persons, after discovering that their votes were improperly recorded, sent word to the returning officer desiring that these votes should be withheld. But the returning officer was unable to withdraw these votes, and we knew that people who had been out of the district for years voted at that and other elections. In the circumstances I say postal voting should be abolished. Further than that, I think it would not impose any hardship on any if this were done. It has been my experience that wherever postal voting has been actively canvassed there has been little or no difference in the number of votes cast on opposite sides; in other words I think it will be found there are as many absent voters on one side as on the other. Consequently I say that the abolition of the postal voting system would result in purer elections without inflicting injustice upon anybody. I hope that in Committee the Attorney General will not treat this Bill as he did the Redistribution of Seats Bill, but will give us an opportunity of expressing our views on the various clauses. I feel sure if he will listen to reason we shall be reasonable and endeavour to make the amending Bill better than the existing Act.

Question put and passed.

Bill read a second time.

House adjourned at 4.44 p.m.

Legislative Council,

Tuesday, 24th January, 1911.

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

PAPER PRESENTED.

By the Colonial Secretary: Return showing the number of timber leases under the Land Act, 1898, and the Land Regulations in force prior to the passing of such Act.

ASSENT TO BILLS (3).

Message from the Governor received and read notifying assent to the following Bills:—

1. Permanent Reserves Rededication, No. 1.