not desire that there should be any infringement whatever. It does seem reasonable that the club should supply liquor that is required on the premises. There has never been any outrageous breach of the Act by the club, and the authorities and the public thought the Act was being conformed to throughout the 30 years. The lodge authorities were also under that belief. I think the Bill will affect one other club, the Buffaloes, whose lodge room is off the licensed premises. In the case of that club too, I understand, refreshments are taken from the club to lodge meetings. However, the Bill has been introduced for the purpose of making regular the position at the Freemasons' Club.

Mr. Marshall: Explain what is meant by the reference to "necessary qualification for membership in a particular society."

The Minister for Railways: You cannot be a member of the Freemasons' Club without being a member of a masonic lodge.

Mr. H. W. MANN: The Bill has been submitted to several legal gentlemen and to the licensing authorities, and has been finalised by Dr. Stow. I do not think I need say more as to the merits of the Bill.

Mr. Marshall: The Bill permits liquor to be taken off the licensed premises and consumed.

Mr. H. W. MANN: No. The Bill permits liquor to be taken from the licensed portion of the premises to the unlicensed portion.

Mr. Corboy: It permits consumption on the unlicensed portion of the premises.

Mr. H. W. MANN: That is so.

Hon. P. Collier: It permits liquor to be bought on the licensed portion and consumed on the unlicensed portion.

Mr. H. W. MANN: Yes. It might be suggested that a way out would be to license the whole of the premises; but the constitution of a masonic lodge does not permit of its meetings being held on licensed premises. For that reason the top portion of the club premises is unlicensed. Only the ground floor of the premises is licensed as a club.

Mr. Marshall: Why not be like the Salvation Army and hold meetings in the open air?

Mr. H. W. MANN: An excellent suggestion, but I cannot at present adopt it. I have outlined the objects of the Bill, and trust it will receive the support of hon. members. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

House adjourned at 9.25 p.m.

Legislative Council,

Wednesday, 14th October, 1931.

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

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

HON. J. CORNELL (South) [4.34] in moving the second reading said: This is a very short Bill and practically explains itself. The existing provision under Section 70 of the Electoral Act is as follows:—

> The date fixed for the polling shall not be less than seven days nor more than 30 after the date of nomination.

That is to say that in any election for this House or another place, whether it be an ordinary election or an extraordinary one, the polling day may be fixed for seven days after nominations close. Another place is not circumscribed by the Constitution, inasmuch as all its members retire simultaneously and their elections can be spread over a period of eight or nine weeks from the issue of the writ to the close of nominations and to the date of the poll, and after the date of the poll. According to the Elec-

toral Act, for another place the return of writ is fixed for 60 days after its issue. But when we turn to this House we find a totally different set of circumstances regarding a general election. If members will read Subsection 2 of Section 8 of the Constitution Act, 1899, they will find that in this Council a writ for the general elections must issue before the 10th April in the year of the elections, and must be returned before the 21st May following. So the issue of the writ, the close of nominations, the date of polling and the return of the writ are all bound up in that brief period between the 10th April and the 21st May. Until the last general election of this House, it was satisfactorily worked, inasmuch as the shorter period occurred between the issue of the writ and the close of nominations, not between the close of nominations and the date of polling. But at the last general election for this House practically 20 days were allowed between the issue of the writ and the close of nominations, and less than 9½ days between the close of nominations and the date of the poll. If any member will call for the papers, I think he will find that the departure from established practice was made, not on the recommendation of the Chief Electoral Officer, but by direction of the Cabinet to the Chief Electoral Officer. Recontesting the South Province, I found—and I think Mr. Miles also found it, and I venture to say that Mr. Drew, too, found it——

Mr. Drew: I did.

Hon. J. CORNELL: —found that by no means could so many electors always vote. That is to say, where polling facilities could not be given, in some cases there was insufficient time to allow the nominations to get out and a postal vote to be returned to the central polling place in time to be included in the poll. I think that is a set of circumstances that not any member can condone, for I believe that every member is desirous of doing the right thing and giving the electors every chance to record their votes, irrespective of whom they might be recording them for. All that the Bill asks is that in future there cannot be so grave a mistake made as was made in the past, and that we shall fix the minimum period between the date of closing of nominations and the date of polling at 14 days, not seven days.

Hon. C. B. Williams: You may not get a similar set of circumstances again in a lifetime.

Hon. J. CORNELL: No, but on the other hand, we may. If I desired to recriminate, probably I should say that something might arise in the future in consequence of which the same thing will be put back on the political parties as occurred last time. I am not going into any post mortem with a view to finding reasons for the decision given. Certainly it did not surprise me, for I expected it. If it had not happened, my opponent would have been squeezed out and I would have been given a walk-over.

Hon. E. H. Harris: Tell us the story.

Hon. J. CORNELL: I do not desire to labour the question. The Bill will not in any way affect this place or another place when it comes to a general election. As for an extraordinary election for this place, that section of the Constitution Act which I have quoted does not apply, for the period could be made three months. As for an extraordinary election for another place, I doubt very much if the records will show that even the Assembly, which has only circumscribed electorates as compared with our provinces, has ever had so short a period between the closing of nominations and polling day as we had at our last general elections. I move—

That the Bill be now read a second time.

HON. C. B. WILLIAMS (South) [4.43]: I do not wish to oppose the Bill, but I am a little concerned about those members of the House who have been here for a number of years. I thought they were rather conservative, but I am pleased to learn they are not so conservative after all. I was of opinion that the existing Act, as quoted by Mr. Cornell, would have suited sitting members of this House, for the reason that the shorter the time given, the slighter the chance any opposing candidate would have against a sitting member. I am glad to know Mr. Cornell realises that the good work members of this Chamber have done is such that they are quite willing to prolong the time which candidates opposing them will have to tell the electors what rotters the sitting members have been in the past or are likely to be in the future. That is one pleasing feature of the Bill. In other words, we do not fear opposition, for we are propos-

ing to give a longer period to our opponents in which to oppose us. I understand what has brought this about since I had something to do with it. I should have thought Mr. Cornell would have gone a little further and, instead of making it mandatory that a person should be 30 years of age before contesting a seat in this Chamber, he would have made the age at least 21.

The Chief Secretary: Why not 18?

Hon. C. B. WILLIAMS: Let us make it 18 by all means.

Hon. G. W. Miles: A man should be 30 before he is given a vote.

Hon. C. B. WILLIAMS: We asked boys to go to the war at the age of 18, but would not give them a vote until they reached the age of 21.

Hon. E. H. Harris: There is nothing about fighting in this Bill.

Hon. C. B. WILLIAMS: It only concerns the fighting of those who are endeavouring to occupy a seat in this august Chamber. The Bill has my blessing. I believe Mr. Cornell is actuated by fair motives. I congratulate him upon the enormous number of postal votes he was able to get in a period of nine days. Recognising the undue worry to which he was put at the last election, I support the Bill, although I thought he would have been more conservative.

HON. J. CORNELL (South—in reply) [4.48]: The Chief Secretary has sent me a minute from the Chief Electoral Officer. This I have read. I do not propose to take the Bill beyond the report stage. If the Chief Electoral Officer has any amendment to put in the Bill, this can be done on recommittal. I wish to give reasons why I secured such an extraordinary number of postal votes in so short a time. This matter was referred to by Mr. Williams. Had I not known what was going to happen, I should not have got those postal votes, but I had a good idea of what was going to happen about letting the other fellow in, and I budgeted accordingly.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, and reported without amendment.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.52] in moving the second reading said: In the 1930 session an Act was passed which amended the Local Courts Act. The amending Act provided that cases set down in the Local Court, exceeding £100 in value, might be heard and determined by a Judge. In Sub-section 4 of Section 5 of that amending Act it is also provided that actions in any local court of over £100 shall be heard by a Judge, and Sub-section 5 of the same section provides that all actions may be heard by a Judge sitting in either such court or in the Supreme Court. Those provisions meant that any cases set down to be heard by a Judge at local courts other than the Perth Court would have to be taken at the place where they were set down. Since the passage of the Act the financial position has changed considerably, and it is now not desired to put the Government to the cost of Judges travelling to hear those cases to places outside of Perth. The amending Act, therefore, has not been proclaimed. Before any action along those lines is taken the House is asked to agree to a further amendment to make it quite clear that these actions shall be heard at any place a Judge chooses, which, of course, will be at the Supreme Court, Perth; and the Bill proposes to amend section 70 of the Local Courts Act accordingly. I move—

That the Bill be now read a second time.

On motion by Hon. J. M. Drew, debate adjourned.

BILL—STATE SAVINGS BANK TRANSFER.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BILL—POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.3] in moving the second reading said: This Bill is designed to correct two minor defects in the Poor Persons' Legal Assistance Act which was passed in the 1928 session. Since the passage of the Act it has been found from experience that it can be made to work more smoothly if the weaknesses, which this Bill proposes to rectify, are removed. Section 7 of the Act provides that when approval has been given for the conduct of a poor person's case, and a practitioner has been assigned for that purpose, such practitioner shall apply to a judge in Chambers under what is known as the "in forma pauperis" rule of the court, when the person may be permitted to sue, defend, etc. That procedure has not been availed of as it has been found entirely unnecessary for the smooth working of the Act to make that application. To proceed in that way unnecessary costs would be incurred and the time of a judge would be occupied in the formality.

Actually, in no single instance has such an application ever been made. What is now proposed in the Bill is that the law shall be brought into accord with the practice that has actually been followed, namely, that the practitioner assigned to act for a poor person shall continue to carry out such duties merely because he has been so assigned, and without the necessity for any application "in forma pauperis" to the court. That will be achieved by the amendment of Subsection 3 of Section 7 of the principal Act as proposed in Clause 2 of the Bill. At present the law is being ignored, and although no harm is being done in the infringement it is unwise that the more easy method of proceeding should be persisted in without the sanction of Parliament.

The next point dealt with in the Bill is that under Section 13 of the principal Act it is provided that any costs that an unsuccessful poor person receiving legal assistance under the Act is liable to pay, shall be provided out of moneys appropriated by Parliament. Recently a case of that description was taken to the appeal stage. It was unsuccessful and later on the opposing side demanded that the Government should pay their costs. That demand put the other side in a much more favourable position than if the individual concerned had had enough money to finance his own litigation, because if the poor person had not been assisted under the Act he would not have been in a position to pay the costs. Therefore the Crown should not be placed in the position of having to pay the costs of the other side. It is neither fair nor reasonable that the Crown should be endangered in costs in its sympathetic administration of the Act.

The Act has been very carefully administered and cases under the law are not approved unless there are good grounds for action. Hon. members are aware that in quite a number of cases of ordinary litigation the successful litigant finds himself unable to secure his costs, because the other side cannot pay them. That is one of the misfortunes of litigation, and following the same line of reasoning it is considered that the Crown should not be placed in a similar position, merely because it pays a very small fee to a lawyer to act for a poor person. The Crown does not allow people to litigate at the expense of the Government merely because they desire to do so.

Before an individual is allowed to proceed under the Poor Persons' Legal Assistance Act it is necessary that he should have what appears to be a just case in law and equity; the Government will not allow speculative actions to be indulged in at the expense of the public purse. Accordingly, it is desired to rectify the position which has arisen. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

ADJOURNMENT—STATE OF BUSINESS.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.8]: The House is aware that I am always prepared to assist those members who have to travel long distances to attend the sittings of the House. At the present time there is comparatively little business to receive our consideration, and there is not likely to be any sent forward to this Chamber for the next fortnight. Of course we are all anxious to deal with the public business immediately it comes forward, but I think at this stage we could well adjourn over next week and return pre-

pared to give consideration to the matters that will then come before us and, if necessary, sit well into the evening in order to get through the work that will be before us. Consequently I move—

That the House at its rising adjourn until Tuesday, 27th October.

Question put and passed.

House adjourned at 5.9 p.m.

Legislative Assembly,

Wednesday, 14th October, 1931.

The SPEAKER took the Chair at 1.30 p.m., and read prayers.

QUESTION—RABBIT-PROOF FENCES.

Mr. GRIFFITHS asked the Minister for Agriculture: 1, What amount of money has been expended on the construction of the rabbit-proof fences and their upkeep to the 30th September? 2, What purpose are the fences now serving? 3, Do the Government intend to continue the present expenditure on the fences? 4, Have the Government considered the advisability of distributing the fences gratuitously among the farmers and pastoralists adjacent to them? 5, Seeing that there are more rabbits between No. 1 and No. 2 fences than are outside of them, will the Government consider the advisability of cutting out the maintenance of No. 1 fence?

The MINISTER FOR LANDS (for the Minister for Agriculture) replied: 1, The original cost, £352,000; annual maintenance, 1905-30, £12,000 per annum; maintenance for 1930-31, £8,000; maintenance up to 30th September, £1,600. 2, Preventing the movement of rabbits and other vermin, such as emus, and to a lesser extent dogs, from one area to the other. 3, Yes. 4, No. 5, The Government are unaware that there are more rabbits between the No. 1 and No. 2 fences than outside of them.

QUESTION—STREET BETTING, FINES.

Mr. MARSHALL (for Hon. W. D. Johnson) asked the Premier: 1, What is the total of fines imposed for street betting during the 15 months ended 30th September? 2, What amount has been paid into general revenue as a result of those prosecutions?

The PREMIER replied: 1, £7,434 15s. 2, £7,405 5s.

QUESTION—HOSPITALS, FINANCE.

Hon. S. W. MUNSIE asked the Minister for Health: 1, How much money was collected under the Hospital Fund Act from 1st January, 1931, to 30th June, 1931? 2, What amount was paid from Consolidated Revenue towards the upkeep and maintenance of hospitals during the financial year ended 30th June, 1931?

The MINISTER FOR HEALTH replied: 1, £64,834. 2, £47,860.

BILLS (4)—FIRST READING.

1, Land Tax and Income Tax (No. 2).

2, Vermin Act Amendment (No. 2).

3, Dividend Duties Act Amendment.

4, Stamp Act Amendment (No. 4).

Introduced by the Premier.

BILL—STATE SAVINGS BANK TRANSFER.

Council's Amendment.

Returned from the Council with an amendment.