Legislative Council,

Tuesday, 30th October, 1900.

Distillation Bill, Recommittal, reported — Railway towards Norseman, Assembly's Message—Trustees Bill, third reading—Circuit Courts Judge Bill, second reading (rejected)—Constitution Amendment Bill (electors' probationary period), second reading (rejected)—Electoral Amendment Bill, discharge of order—Adjournment.

The PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

DISTILLATION BILL.

RECOMMITTAL.

Order read, for third reading.

On motion by the COLONIAL SECRETARY, Bill recommitted for certain amendments.

Clause 9—Return to be furnished:

THE COLONIAL SECRETARY moved that in line 24 the words "office in Perth" be struck out, and "principal office" inserted in lieu. Probably the officer would not have an office in Perth; his principal office might be in Fremantle.

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

Clause 13 — Wine maker to keep journal:

THE COLONIAL SECRETARY moved that in lines 15 and 16 the words "office in Perth" be struck out, and "principal office" inserted in lieu. This was a consequential amendment.

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

Clause 19—Office for the inspector:

THE COLONIAL SECRETARY moved that in line 1, after "distillery" the words "licensed under this part" be inserted. It was never intended that persons licensed to distil from flowers or vegetables should be compelled to build an office for an excise officer.

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

Clause 22 - Returns to be furnished:

THE COLONIAL SECRETARY moved that in line 21 the words "office in Perth" be struck out, and "principal office" inserted in lieu. This was a consequential amendment.

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

Clause 38—Certain licenses to become void in certain cases:

THE COLONIAL SECRETARY moved that in line 8, the words "fresh water from salt" be struck out.

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

Fourteenth Schedule—Section 34:

THE COLONIAL SECRETARY moved that in line five "£5" be struck out and "10s." inserted in lieu. It was thought better to retain the old fee of 10s. as many of the distilleries were of small moment, and it would be a hardship on persons to charge them £5 license fee for a small distillery.

Amendment put and passed.

THE COLONIAL SECRETARY moved that in line 8 the words "fresh water from salt" be struck out.

HON. A. P. MATHESON: Was there any limitation to the effect of the words?

THE COLONIAL SECRETARY: None whatever.

HON. A. P. MATHESON: Would the clause apply to persons distilling fresh water?

THE COLONIAL SECRETARY: For distilling fresh water.

HON. A. P. MATHESON: Every man who distilled fresh water on the goldfields would have to pay a license of 10s. Hitherto the trade of distilling water for human consumption had been an open trade. It was an unheard of thing to charge a man a license for distilling that which was an absolute necessity for human consumption.

THE COLONIAL SECRETARY: The license fee was only 10s.

HON. A. P. MATHESON: That was a large amount for a poor man to pay. When the Bill passed through the Committee on a former occasion he understood the Committee referred only to the distillation of strong drink, but the words appeared to be very far-reaching. An injustice would be done to persons who lived by distilling fresh water from salt. He would oppose the schedule as it stood.

THE COLONIAL SECRETARY: It was necessary that every person who had a still in his possession should come under some regulations: at any rate, it should be known that he was distilling, because the still might be used for other

purposes. The fee of 10s. a year for distilling fresh water was only reasonable. A person to be charged a fee of 10s. must have a still in his possession capable of distilling spirits. This Bill was taken from the South Australian Act, which had been in operation for some years, and which had given every satisfaction.

Hon. A. P. MATHESON: The Colonial Secretary had never been on the goldfields, or he had never seen a condensing plant at work. A 400-gallon tank of water was set on a fire, and a lot of tubing was run away from the tank through which the water trickled. It was simply absurd to say that an apparatus such as that could be used for distilling spirits. This schedule would strike at the root of the occupation of many persons who distilled fresh water from salt. It would be just as well to charge a baker or a butcher a license of 10s.

The Colonial Secretary: If the hon. member looked at a former clause he would see that the words referred to a "still," not to a condensing apparatus.

Hon. A. P. MATHESON: Could not some words be added to the schedule saying that the license fee did not apply to condensing plant?

The Colonial Secretary: The license fee did not apply to condensing plants.

Hon. A. P. MATHESON: The words, "other than condensers," would make the meaning clear. The two things were not distinct in the least, because distilling fresh from salt water was condensing, and he protested against the clause passing as it stood.

Hon. W. G. BROOKMAN: Having some knowledge of the Eastern goldfields, he could emphatically say there was a great difference between condensing fresh water for the livelihood of man and beast, and condensing for spirits. In the former case there was no necessity for the use of a worm, because the condensers at present in use were built on a different principle altogether. Six or seven years ago it became necessary for those living on the goldfields to construct condensers, and he then erected the first condenser in Kalgoorlie. There was no suspicion whatever that in condensing water obtainable from the lakes or the various mines, a worm was employed, nor was there any scope for underhand work, or any loophole for people who wished to defraud the revenue by making spirits. He agreed strongly with Mr. Matheson that the clause should not become law, and that it would be just as reasonable to impose a tax on a baker. French brandy and German brandy were made from potatoes, and therefore any baker on the goldfields who had a large stock of potatoes was able to make any spirits he desired. But there was another and broader aspect of the question. Hon. members owed a duty to the people whom they represented, and in the Eastern goldfields Western Australia possessed a great asset, and the people there should be given every facility for making their residence there as cheap as possible. It was not desirable that a tax should be placed on people who were willing to erect condensers in order that water might be provided for the community, because water was the great necessity, and nothing should be placed in the way of those who were developing mines in that locality and making a great city of Kalgoorlie and the surrounding district.

Hon. C. SOMMERS: There were thousands of primitive condensers all over the goldfields, as part of prospectors' outfits, and to charge a license of ten shillings would be altogether wrong. The amount did not sound very large, but considering the class of plant used in many cases, it would prove unjust.

Hon. J. W. Hackett: There must be some registration.

Hon. A. P. Matheson: There was none at present.

Hon. C. SOMMERS: To pass the clause as it stood would make it compulsory on outlying prospectors to come to register, and that would prove costly and cumbersome.

The COLONIAL SECRETARY: The schedule had been in force since 1893, and Clause 30 showed the object with which the license was issued. It was quite clear that the license did not refer to condensing water, but to persons who sold certain articles necessary for distilling.

Hon. A. P. MATHESON: The schedule in the Act referred to by the Colonial Secretary said nothing about a fee of ten shillings, which was what he (Mr. Matheson) and other members objected to. There was no objection to the Governor issuing licenses free.

Amendment put and passed.

HON. C. SOMMERS moved that the word "ten" be struck out and "one" inserted in lieu, so as to reduce the license fee from 10s. to 1s.

THE COLONIAL SECRETARY: Five shillings would perhaps be a fair compromise.

HON. C. SOMMERS: One shilling was enough.

HON. A. P. MATHESON: It would be preferable to strike the clause out altogether, but the amendment of Mr. Sommers could be accepted.

HON. J. M. SPEED: According to Clauses 34 and 35, this was an annual license, and that being so, one shilling was quite sufficient.

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

Bill reported with further amendments, and the report adopted.

RAILWAY TOWARDS NORSEMAN.

ASSEMBLY'S MESSAGE.

Message from the Legislative Assembly read, notifying that the Council's resolution in reference to the construction of a railway from Coolgardie southward for 25 miles, *via* Londonderry, could not be considered, having been ruled out of order by the Speaker.

THE PRESIDENT: I may say that under the rules of the House we are not supposed to be acquainted with what has been done in another place. Had we been so acquainted, I, as President, should have ruled Mr. Brimage's motion out of order when it was brought forward.

TRUSTEES BILL.

Read a third time, on motion by HON. M. L. Moss, and returned to the Legislative Assembly with amendments.

CIRCUIT COURTS JUDGE BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETAY (Hon. G. Randell), in moving the second reading, said: It needs very few words from me to introduce this Bill to the House. For some considerable time past there has been a desire, I believe, to have a fourth Judge appointed in consequence of the business which has arisen from time to time on the Eastern goldfields. A Circuit Courts Act was passed in 1897, but up to the present time no provision has been made for a Judge to preside over that court. It is now sought to give effect to the Act passed in 1897 by making provision on the civil list for the appointment of a fourth Judge. My attention has been called to the fact that this is a constitutional question. I think it is so, because the constitution provides that a certain sum of money must be provided out of the public funds, and this will be an addition of £1,400; to that extent the Bill will be an alteration of the constitution; but that is a small point inasmuch as there is a full attendance of members here to-day, so that no question of that kind can arise.

HON. J. W. HACKETT: Will the Bill be reserved?

THE COLONIAL SECRETARY: I should think not. I believe there is a wide-spread feeling on the goldfields that a fourth Judge should be appointed, so that he may travel on circuit and try cases on the goldfields, thus obviating the necessity of sending cases for trial in Perth. I believe hon. members are quite in accord with that opinion, therefore the Bill has been introduced and passed in another place. It has come to this House for our concurrence, and I trust hon. members will disabuse their minds of any extraneous circumstances connected with the Bill, or any feelings that may exist, for we have had evidence that feeling does exist in some parts. This Bill is earnestly desired by the people on the goldfields, and the only way we can give effect to the desires of the people on the goldfields is by the appointment of a fourth Judge. I believe it has been stated on the goldfields that they want no commissioner; that they will not look with favour on the appointment of a commissioner to transact the business of the courts on the goldfields. They must have a judge of the Supreme Court. With reference to the person to be appointed one hon. member the other night—I just heard the remark—said that unless I was prepared to give a promise that one particular person would not be appointed he would oppose the Bill. Hon. members will see how extremely improper it would be to make such a promise; it is improper

to ask the question, and it would be more improper to give an answer.

Hon. R. S. Haynes: Why not? There is a precedent for it.

The COLONIAL SECRETARY: If hon. members are not willing to trust the Government in making the appointment, as far as I am concerned there is an end of it. The Government have given evidence——

Hon. R. S. Haynes: Especially in the appointment of magistrates.

The COLONIAL SECRETARY: The responsibility rests with the Government. Apart from the requirements of the goldfields it is necessary and desirable that a fourth Judge should be appointed. It is very improper for hon. members to refer in connection with this Bill to any individual who, it is suspected. may be appointed to the position. I am not prepared to say who will be appointed.

Hon. F. Whitcombe: We only want you to say who will not be.

The COLONIAL SECRETARY: I read a statement the other night from the Premier that he had given no intimation on his part of appointing any particular person; that he had not mentioned to any person his intention in that respect. This matter has again been questioned, and I referred once more to the Premier, who has reiterated his statement, and I believe his statement is a correct one. I am prepared to accept it as being the actual fact. I have every confidence that whoever is appointed will be a fit and proper person for the position. We have had complaints from time to time of arrears of business in the courts, and it is desirable that these arrears, in the interest of suitors, should be overtaken. The only way of doing that is by the appointment of a Judge. A Bill is before hon. members for the provision of the salary of a judge, and the appointment will have to be left to the Government of the day. If the appointment is not made now, it will have to be made by the succeeding Government——

Hon. R. S. Haynes: Hear, hear.

The COLONIAL SECRETARY: Whoever that may be composed of. It is for hon. members to say whether they are willing to trust the present Government or whether they are desirous of postponing the appointment of a fourth Judge, and leave the selection to a Government which does not at present exist, and the constitution of which members are not acquainted with at all. I do not think I need labour the question now. I am afraid some members have come with their minds made up on the question, and nothing I may say can possibly alter their feelings. I look at it as extremely to be regretted that the steps which have been taken in different quarters should have been taken: such a thing is altogether to be deplored. Without saying any more with regard to the matter, I leave the question in the hands of hon. members. The need of a fourth Judge is admitted; the appointment has been clamoured for on the goldfields, and it is stated that a commissioner will not satisfy the demands of the people there. If hon. members refuse to pass the Bill, no Judge can be appointed until the next sitting of Parliament. I move the second reading.

Hon. C. SOMMERS (North-East): It is with considerable regret I have to oppose this Bill, being a member for one of the largest goldfields provinces, I refer to the North-East, which has the largest proportion of the population on the Eastern goldfields. Much as the people on the goldfields desire Circuit Courts and will have eventually a fourth Judge to carry out the work of the courts, at the present juncture I personally have to oppose the Bill. Such a state of affairs as that at present existing has hardly ever occurred. We have practically the whole of the bar of the metropolis opposing the appintment of a certain person who, it is supposed, will be appointed to the judgeship. We have practically the whole of the bar on the Eastern goldfields and we have the Press on the Eastern goldfields unanimous on the question. When such a combination occurs it makes one feel that this is a matter of the greatest importance. It is not an appointment for a month or two: it is an appointment for a lifetime. When such appointments have to be made, members should disabuse their minds of what they have heard outside, and consider what is best for the country at large. I know that extreme pressure has been brought to bear on members from outside. I will not deal with what class of pressure it is, but I hope hon. members will not con-

sider the effect it may have on them and the members of the bar either in their profession or personally. I regret the Government have not seen fit to give us some guarantee that a certain gentleman will not be appointed. I do not want to know particularly who will be appointed, so long as there is an assurance that it will not be a certain gentleman.

HON. D. M. MCKAY: Judges should be above suspicion.

HON. C. SOMMERS: Judges should be above suspicion; but in this case the Judge has not been appointed.

HON. D. M. MCKAY: He will be.

HON. C. SOMMERS: The Government, I regret to say, will not make it clear to the House what their intentions are. I understand that when Mr. Justice Stone was appointed, this House took on itself to dictate terms to the home Government, and I believe that in consequence of the point being pressed, though I am open to correction, the home Government eventually appointed a colonial Judge in the person of Mr. Justice Stone, with every degree of satisfaction to the people and the colony. At that time Mr. Stone had the confidence of the bar of the colony and of the public Press; but under the present circumstances, the gentleman who we have every reason to believe will be appointed, has neither the confidence of his fellow practitioners nor the confidence of the Press generally. I can only say that, badly as we want Circuit Courts, the impression on the goldfields is that if a certain gentleman be appointed, the cost of law, instead of being lessened, will be increased. We are told that if this appointment be made, appeals will be the order of the day, and instead of having questions settled on the goldfields, cases will have to be fought all over again in the Supreme Court.

HON. J. M. SPEED: That is always so, when possible.

HON. C. SOMMERS: The hon. member who did not sign the "round robin" says that is always so when possible.

HON. A. B. KIDSON: But he is not an "expert liar."

HON. C. SOMMERS: At present the combination of circumstances is such that practically the whole of the bar of the colony, and the principal portion of the Press and of the community, are opposed to this appointment. We opposed it last year and we again oppose it vigorously now, and, as I said before, the pressure brought to bear from outside shows very clearly to my mind the Government do intend to appoint this gentleman, or why are his friends so strenuous in their efforts to secure hon. members' votes on this occasion? I believe every vote in the House has been canvassed.

THE PRESIDENT: The hon. member must not make a charge of that kind. He is imputing motives, and he must withdraw the expression.

HON. C. SOMMERS: I withdraw the expression, and say that pressure has been brought to bear.

THE PRESIDENT: The hon. member is saying the same thing, and he must withdraw those words.

HON. C. SOMMERS: Then I withdraw, though perhaps I might put in something to prove my statement, because I have certain documents.

HON. J. M. SPEED: Let us hear what they are.

HON. C. SOMMERS: I will say nothing more about the matter, except that the vast majority of the electors in the North-East Province are opposed to this Bill going through now. If we do not get the assurance which the Colonial Secretary regrets he cannot give us, I am sure the electors are prepared to do without Circuit Courts until another Government come into power. I move

That the Bill be read this day six months.

HON. A. P. MATHESON: I second the amendment.

THE COLONIAL SECRETARY: It is only right that I should reply to what Mr. Sommers has just said. It might be inferred by hon. members, and possibly will be inferred by the country at large, that the Government have made up their minds who is to have this Judgeship. I have again to distinctly state that the matter has not been introduced into the Cabinet by the Premier, or by any other member of the Government, so that consequently it has not been discussed. I am as ignorant as any member of the House as to whether any person has been selected for the office.

HON. A. B. KIDSON: The question might be discussed individually, without going into Cabinet.

THE COLONIAL SECRETARY: If the hon. member wants a categorical denial, I may state that the question has neither been discussed in the Cabinet nor individually, and I am sorry to find hon. members are unwilling to take my assurance on this point. I may say that the question has not been considered by the individual members of the Cabinet, so far as I am aware, and certainly it has never been considered in the Cabinet itself.

HON. A. JAMESON (Metropolitan Suburban): I must strongly support the amendment of Mr. Sommers, that the Bill be read this day six months. The Colonial Secretary has said that the matter has never been considered in Cabinet; but we all know there is a custom, recognised in some measure, that one of the members of the Government may appoint himself to a vacancy in the Supreme Court, and the Colonial Secretary pointed that out on the last occasion.

THE COLONIAL SECRETARY: It is impossible.

HON. R. S. HAYNES: The member of the Cabinet can only recommend.

HON. A. JAMESON: He can only recommend, but the Colonial Secretary said the member of the Cabinet might appoint himself.

THE COLONIAL SECRETARY: No.

HON. A. JAMESON: I think the Colonial Secretary said that.

THE COLONIAL SECRETARY: No; sir.

HON. R. S. HAYNES: A member of the Cabinet may only nominate.

HON. A. JAMESON: He may nominate himself and be supported by the Ministry, and as it has been a frequent custom in the past, that is the custom hon. members are afraid of now. I do not want to go into what has already been expressed by Mr. Sommers, who has pointed out that rather than the custom should be carried out, the people on the goldfields would prefer the consideration of the Bill postponed for six months. That attitude on a part of the goldfields representative is the strongest testimony we could have of the advisability of reading the Bill six months hence. Moreover, is the House perfectly assured it is absolutely necessary we should, at this time at all events, have a fourth Judge? There has been a very absurd and ridiculous custom for a generation back of appointing the Chief Justice as Administrator in the absence of a Governor. That is a thing which will no longer exist; but the Supreme Court has suffered again and again in this way by the removal of the Chief Justice, because, while he has carried on the two offices, the custom has greatly impeded judicial work. But, as I say, that custom in a short time will be no longer carried on, and the Chief Justice will not be appointed Administrator of the colony.

HON. J. W. HACKETT: Why?

HON. A. JAMESON: Because under the Commonwealth such a custom would be thoroughly unconstitutional. The Chief Justice would have to deal with cases affecting the constitution, and would thus be judge in his own case.

HON. J. W. HACKETT: It is the other way about. That clause was put in on purpose to allow the Chief Justice to act. It was struck out of the first draft of the Commonwealth Bill, and put in afterwards.

HON. A. JAMESON: The impression I have is that in future the Chief Justice will not act as Administrator, and it is not desirable that he should. An enormous amount of business is dealt with in the Supreme Court, and to withdraw one of the Judges in order to carry on the administration of the colony is, in the opinion of many at all events, a great mistake, and the custom will probably in future be modified.

THE COLONIAL SECRETARY: The Chief Justice still discharges his duties as Judge.

HON. A. JAMESON: Not at the present time, unfortunately. During this year there has been a great deal of sickness amongst the Judges of the Supreme Court. Last year they succeeded in completing the work, but this year they have got a little behind. At the present time there is only one Court in use, one of the Judges being unfortunately disabled and unable to act at all, and thus there are only two Judges doing the whole of the judicial work of the colony. If that be so, they must be a little behind, but still they are getting on; and why should we appoint a fourth Judge when, if we had three Judges, the whole of the work would be done? The work

always has been done, and in no colony or place with a population of 180,000 people should there be more than three Judges. What we want is a Judge for Circuit Courts, and the Bill does not provide entirely for that. No doubt the preamble provides for a Judge for Circuit Courts, but in no part is it set out that this Judge is to be purely for the Circuit Courts, but provides that there are to be four Judges for the Supreme Court. It is perfectly clear that all that is required is a Judge for Circuit Courts, and that could be provided for, as Mr. Stone so clearly pointed out, under the present administration of the Supreme Court Act, by having a commissioner appointed for the time being. Moreover, as has been pointed out, the Government should be responsible for this life appointment; but if the Government are simply to give the Judgeship to one of their supporters and then leave office, where is their responsibility? This is one of the most important appointments made since I came to the colony fifteen or sixteen years ago, and it is the appointment of an official who is practically irremovable, because a Judge cannot be removed except by a majority in both Houses of Parliament and by the consent of Her Majesty, and only for some great cause, such as lunacy. I greatly regret it should have been suggested for a moment there is any personality in the matter, because this is the most important public question that has ever come before this House, and we must deal with it purely as a public question. We must not for a moment consider the interest of individuals before the welfare and interests of the whole of the colony; and it would be a monstrous thing if an outgoing Government, in no way responsible, were to make the appointment. On purely public grounds, therefore, the evidence is very strong that the Bill should not be passed, but should be read in six months time; and I hope the amendment which Mr. Sommers has moved will be carried by a majority of the members of the House.

Amendment (six months) put, and a division taken with the following result:—

Ayes	...	...	16
Noes	...	...	10
Majority for	...	...	6

Ayes.	Noes
Hon. G. Bellingham	Hon. T. F. Brimage
Hon. W. G. Brookman	Hon. J. M. Drew
Hon. R. G. Burges	Hon. J. T. Glowrey
Hon. C. E. Dempster	Hon. J. W. Hackett
Hon. R. S. Haynes	Hon. D. McKay
Hon. A. Jameson	Hon. M. L. Moss
Hon. A. G. Jenkins	Hon. G. Randell
Hon. A. B. Kidson	Hon. J. E. Richardson
Hon. H. Lukin	Hon. J. M. Speed
Hon. W. Maley	Hon. E. McLarty
Hon. A. P. Matheson	(*Teller.*)
Hon. H. J. Saunders	
Hon. C. Sommers	
Hon. F. M. Stone	
Hon. F. Whitcombe	
Hon. W. Spencer	
(*Teller.*)	

Amendment thus passed, and the Bill arrested.

CONSTITUTION AMENDMENT BILL.

[ELECTORS' PROBATIONARY PERIOD.]

SECOND READING.

HON. A. P. MATHESON (North-East), in moving the second reading, said: The subject matter of this Bill was fairly and fully discussed on an amendment to a previous Bill; but I suppose I must now explain the circumstances under which a Bill of this sort is brought forward. At present, a British subject who wishes to get on to the roll of the colony as an effective voter has to reside six months in the colony, and after he has been on the roll six months then he can vote. I propose to do away with five months out of the last six. The Bill, if carried, will work in this way: a British subject who has been six months in the colony and is entitled to be put on the roll, after he has been one month on the roll would be entitled to vote. The time a voter is on the roll should be only sufficiently long to enable his right on the roll to be investigated, and for the purpose of investigation six months is certainly an undue period: it is a period that ought to be reduced. One hon. member, in discussing the question on a previous occasion, stated that the present Act was in accordance with the system in South Australia. I have looked up the South Australian Act and I find that any British subject, without any residential qualification whatever, is entitled to be put on the roll in South Australia, and after he has been on the roll for six months he becomes an effective voter. If this amendment of the Constitution is adopted, we shall still have one month longer residence in this colony than is required in South Aus-

tralia. The very reason why I press this amendment on the House is that recently we have had a referendum on the question whether or not we should adopt the Federal Constitution, and for the purpose of that referendum every person who had been in the colony for twelve months was allowed to vote. Under these circumstances a very large number of people who voted for the adoption of the Commonwealth Bill will be unable to vote for the election of members to the two Houses of Parliament of the Commonwealth. Owing to a section in the existing Act a large number of people who count on becoming effective voters, through the operations of the municipal roll and roads board roll, will only be put on the electoral roll for the beginning of the year prior to the 31st of December; therefore before they can become effective voters they must remain six months on the roll, which will mean the end of June. Consequently those people who are put on the roll will not be enabled to vote until the 1st July, and as the federal elections are likely to take place probably in February or March everyone of these people will be disfranchised. Another strong reason why this Bill should be adopted is this: the present Government are undoubtedly on their last legs, and the sooner we have their resignations placed before the country the better; but their reason for delaying their resignations, will be, without a doubt, that until the end of June the rolls will not be complete. That statement has practically been made already, outside the House in public, and no doubt the Government would make that same statement in the House, if pressed. The only way in which that difficulty may be overcome is by amending the Constitution in the way I suggest. If my amendment is carried every person on the municipal roll and roads board roll becomes *ipso facto* able to record a vote on the first of January. Therefore if an election takes place in February they will be able to vote without waiting until the 1st of July. Dealing with the Bill itself, the amendments which are proposed to be made are extremely simple. I merely propose to amend two sections by striking out the words "six months" and inserting "one month" in lieu thereof. I may explain which sections they are, and how they are affected. Section 15 of the Constitution Act says:

> Every person of the age of 21 years . . . if qualified as in this section is provided, be entitled to be registered as an elector and when registered for six months to vote for each of any number of candidates not exceeding the number of members to be elected.

I propose to alter that and say:

> Shall be entitled to be registered as an elector and when registered for one month to vote for each of any number of candidates.

The other clause of the Bill is an amendment to Section 26, and the verbiage is identical. The one clause deals with the elections to the Upper House, and the other with elections to the Lower House. I commend the Bill to the attention of hon. members; it is an important amendment, and an amendment on which the whole of the country, with few exceptions, is in favour. Nearly the whole of the Press of the colony have spoken in favour of the amendment. I hardly know a single newspaper which has not done so, with the exception of the *West Australian*, and that newspaper has not touched on the subject at all. All the other papers that have come under my notice——

Hon. J. W. Hackett: It does not come under your notice.

Hon. A. P. Matheson: I fancy the newspaper would have come under my notice if it had dealt with the subject. Nearly all the papers that have come under my notice contained paragraphs in favour of the amendment, and every person I have spoken to is in favour of it, with the exception of a few of the members of this House. It is the common knowledge of hon. members that this is an amendment which the whole of the country are clamouring for. I need not take up the time of the House further, but formally move the second reading of the Bill.

The Colonial Secretary (Hon. G. Randell): I only propose to state, with regard to the motion of the hon. member, what is the practice in the other colonies. In New South Wales, Queensland, and Victoria every person has to be in the colony for twelve months before he can be placed on the roll. In South Australia a different practice prevails, to which I will refer later on. In New South Wales the holder of an elector's right is required to have his permanent place

of abode in the colony for a continuous period of one year. If he is a naturalised subject, for one year after naturalisation he must have resided for a continuous period prior to the day of application for an elector's right, for which he claims to be enrolled. In Queensland, Section 6, Sub-section 1 states he must be resident in the electoral district and during the six months then next preceding has resided in Queensland. In Victoria the same law prevails; an elector must be a resident for twelve months. Each of the colonies insist on a twelve months' residence in the colony before a person can exercise a right. A period of three months follows afterwards before he can exercise his vote supposing an election takes place. In the South Australian system a claimant is placed on the roll immediately on making the claim, but the time for inquiry is six months. He has to be six months on the roll before he can become a qualified voter. Hon. members will see from this that our law is more liberal than that existing in the eastern colonies. I do not refer to Tasmania, because there is a somewhat peculiar franchise existing there which does not concern us. We have nothing of the sort such as prevails in Tasmania. Here a person has to be resident in the colony six months, when he can put his name on the roll, and six months aferwards, without any more effort on his own part —excepting he shift his residence, when he may obtain a transfer—he may exercise the privilege of a vote. I take it that even in South Australia no resident can do better than that.

HON. A. P. MATHESON: Yes; he can.

THE COLONIAL SECRETARY: Well, that is my information. In South Australia there are certain forms to go through, which preclude a man from exercising his vote as early as he would be able to do in this colony, and, taking all things together, I think the franchise of this colony is the most liberal of the whole of the five colonies of the group. I have already expressed my own personal opinion in the matter, which is very strong, namely, that it is absolutely necessary, in the interests of the colony, that future voters should reside here long enough to make themselves fairly well acquainted with the principles which ought to influence them in voting for candidates. Then the Constitution Act was passed at a very recent date, after serious consideration from both Houses of Parliament, this question being raised in the Legislative Assembly, and discussed there at some length. The Act is a considerable advance on what was the law of the land previously, and, in my opinion, a most liberal advance, and one as reasonable as could be expected; and to alter the law because certain circumstances have arisen, would be undesirable. If we legislated on every occasion when something transpired, which for the moment appeared a little awkward, or was opposed to individuals, we should get into trouble very soon. We ought to go on certain broad lines and principles. If a person coming here and residing in the colony for six months can register his name, he is protected in the exercise of the franchise at the end of twelve months; and that is a very reasonable state of the law, which I hope will commend itself to hon. members. Every country in the world makes some effort to protect itself against persons who incidentally arrive, but the Bill, if passed, would enable a man paying a fairly long visit to the colony to exercise the franchise and influence the elections, which we know are sometimes pretty close, with only one or two votes between the candidates. A person who came, not to reside or live his life amongst us, but simply as a traveller for seven months, might under the Bill, influence elections; and that is to be deprecated very seriously. I repeat that we have a very liberal constitution, and one that has been very seriously considered; and to alter it because certain circumstances have arisen would be, to my mind, exceedingly undesirable.

HON. C. E. DEMPSTER (East Province): I agree with the Colonial Secretary that twelve months' residence in the colony is short enough to entitle anyone to have a vote. I do not, and cannot, agree with the principle of giving the right to vote to those who come to the colony only, as it were, for a few days. This would place it in the power of such persons to affect the interests and welfare of the whole of the colony, and give them the same rights as those who have ventured their all here. What interest can a man

who comes to-day and leaves to-morrow have in the country?

HON. R. S. HAYNES (Central): I cannot support the Bill. While I would gladly do anything in my power to extend the franchise for the purpose of getting people on the roll for the approaching federal elections, I think the Constitution Act is too sacred a subject to tinker at for any such consideration. If any means could be devised by which people could be placed on the rolls, so that everybody entitled to vote might vote at the next election, I should gladly support a motion in that direction, but I do not think it would be safe or prudent to amend the Constitution Act, which has only just been passed into law, and of the effects of which we have had no experience. That is altogether apart from the consideration as to whether a person should reside here twelve months or six months before he is entitled to vote; and if pressed on the point, I might say, after hearing the remarks of the Colonial Secretary, I agree with him that a person ought to be here at least twelve months. I do not think I am throwing unnecessary objections in the way of persons getting on the roll, but, at all events, a person, before he has a right to decide what shall be the Legislature of the colony, should be here twelve months, because, if he is not here for that time, he can know very little about the requirements of the community or the colony generally. But there is another objection which I look on as fatal to the Bill. In the past, when the House has thought it necessary to amend the Constitution Act, a motion has generally been introduced by a private member, affirming the desirability of that step. Let me call attention to the procedure adopted when it was decided to extend the franchise to women, and when a resolution affirming the desirability of thus extending the franchise, was passed in both Houses.

HON. A. P. MATHESON: You can affirm the desirability of this change now.

HON. R. S. HAYNES: A private member may introduce a motion, and when both Houses have agreed, it is competent, and it is the duty of the Ministry to introduce a measure carrying into effect the desire of the House. But I challenge Mr. Matheson to quote one instance in all the Australian parliaments where a private member has introduced a Bill altering the constitution.

HON. A. P. MATHESON: There is nothing irregular in the Bill.

HON. R. S. HAYNES: It is not irregular to come into the House without boots on, but it would be very improper.

HON. A. P. MATHESON: My introduction of the measure is not against the Standing Orders.

HON. R. S. HAYNES: No, you need not have boots, and it is not because your action is forbidden that, therefore, it is not right. The traditions of the House are that such a Bill shall not be introduced by a private member, and that is recognised by all parliaments.

THE COLONIAL SECRETARY: Hear, hear.

HON. R. S. HAYNES: Otherwise one can see the danger there would be that a private member could introduce an amendment of the Constitution Act, and practically cause a general election.

HON. A. P. MATHESON: But if the House be in sympathy with the member?

HON. R. S. HAYNES: If the House be in sympathy with the member, it must be out of sympathy with the Government.

HON. A. P. MATHESON: Hear, hear.

HON. R. S. HAYNES: If the hon. member be out of sympathy with the Government, his proper course is to table a motion of want of confidence, and I will second it.

HON. A. P. MATHESON: What effect would it have?

HON. R. S. HAYNES: But my objection to the Bill is chiefly to the way in which it has been introduced. In the second place, the necessities of the case do not call for such a drastic remedy as an amendment of the Constitution, and it is for that reason, and that reason only, I shall oppose the Bill; and to put myself in order, I move:

That the Bill be read this day six months.

HON. R. G. BURGES: I second the amendment.

HON. J. W. HACKETT (South-West): I am prepared to support the amendment of Mr. R. S. Haynes, though the question might fairly be left to the House, because I do not think the statutory majority can be obtained in support of a Bill of the kind. I rise to oppose the Bill, and do so with the greater freedom and a fuller

candour because I believe I may claim to be the same person who pointed out this blot in the Act. I am undoubtedly of opinion that it is a blot that six months ——

THE COLONIAL SECRETARY: No, no.

HON. J. W. HACKETT: Perhaps the Colonial Secretary will allow me to complete my sentence, and say it is a blot that six months registration on the parliamentary roll should be required before a vote can become effective. I am entirely with the Colonial Secretary that a year's residence should be necessary, but we should have made the qualification at the other end instead of where we have; that is, we should have fallen into line with the Eastern colonies, except South Australia, and insisted on a year's residence in the colony, and then allowed the vote to become immediately effective. That is the system in Victoria and elsewhere, though I believe it takes a year and three months before a man can poll a vote in Victoria.

THE COLONIAL SECRETARY: Our Constitution is far more liberal.

HON. J. W. HACKETT: I have not been able to consult the South Australian Act recently, but I am under the impression that from the moment the elector commences taking steps to have himself put on the roll, a year must elapse before his vote can be given. It is a pity the Government did not leave us in possession of our old Constitution, because I regard this as one of those needless amendments, introduced probably by the draftsman of the Bill, who departed from the system with which we are familiar.

THE COLONIAL SECRETARY: The amendment was made at the public request.

HON. J. W. HACKETT: To have the alteration made?

THE COLONIAL SECRETARY: Yes; at the request of a large number of people.

HON. J. W. HACKETT: To abandon the New South Wales and Victorian systems?

THE COLONIAL SECRETARY: Yes.

HON. J. W. HACKETT: Then I never heard of the request. To pass away from this, it seems to me a judicious thing to have at least a year's residence provided in the Constitution Act; but I entirely disagree with the view taken that half of the period should be counted from the time when the would-be elector places his name on the electoral roll. There are several points to which objection might be taken in regard to the Bill; and one of these has been pointed out by Mr. R. S. Haynes. It is obvious that this is one of the questions, along with the question of finance, of which the initiation should be reserved to Her Majesty. Either House may pass a resolution with regard to finance, and either House may pass a resolution with regard to an amendment of the Constitution, but neither House can do anything further. If the two Houses indorse such a motion, then the Government may take the matter up, but it must be remembered that we in this House are in a somewhat different position to those in the other House. If the Legislative Assembly, which is the Ministry-making and Ministry-destroying House, pass a resolution in favour of amending the constitution or altering the constitution, the Government must either accept that resolution or go out of office. But we in the House may pass dozens of resolutions, as we may in regard to finance, and the Government may take no notice whatever. I do not dwell on the humiliating side of the question that presents itself, but this furnishes something as nearly as possible constitutional precedent why we should not tamper with the Constitution Act unless there be crying and over powering need for alteration. If Mr. Matheson had called his common sense to his aid, he would not have taken his present course. The hon. member must know that by his action he is arousing the susceptibilities of another place, and that this will inevitably end in the Bill receiving no attention there whatever; and that for two reasons, first, because it is a constitutional question on which the life of the Government should depend, and they will resent any attempt to interfere with the Ministry-making or Ministry-destroying powers of the Assembly, and, secondly, this matter concerns in the larger degree the lower House, affecting the franchise of that Chamber to a much greater extent that it does the franchise of this Chamber. No people's Chamber in Australia or England, would consent for a moment to have a matter of this kind, in which their privileges

were involved, introduced to their notice by way of a Bill initiated in another House. That I lay down with the utmost confidence; it is a principle that will always hold good with regard to the Legislative Assembly. If the hon. member in his common sense really desired to carry the Bill, and to do something more than proclaim this as a sort of advertisement; instead of "tilting at windmills," if the hon. member, feeling the sense of his responsibility, at about its true value, which no doubt is great, desired to carry the principle into execution, he would have secured a member in another place to have brought in the Bill. There is a further question which has been raised by the hon. member (Mr. R. S. Haynes) that it is undesirable to tinker with the Constitution after it has been only a few months in force. Very wisely the constitution of these colonies is hedged round with a number of safeguards, and it is a serious question to take steps to alter it. The hon. member desires to break through several of these safeguards, and I, for my part, will never consent to make trumpery amendments of this kind in the constitution. I believe at the present time there are more electors on the rolls than when the referendum of the Commonwealth Bill was taken, owing partly to the new rolls being made up, and to a number of names being put on by the police. I believe that a larger number of electors would vote, if an election took place now, than voted when the referendum was held. I desire to say emphatically if we are going to alter the Constitution Acts we should do something a little more serious, and a little more important than the abortive Bill which the hon. member has brought forward. I shall fight all I can against any change being made in the Constitution Acts, to alter them or improve them, until we have to deal with such questions as a re-distribution of seats of both Houses, or an alteration in the number of members, or other important matters that transcend in mode and interest the absurd little paltry attempt to tinker with the Constitution brought forward by the hon. member. Let the hon. member begin at the beginning. There are half a dozen major questions which might be brought before the House, letting minor ones rest, and if the hon. member brings forward such a Bill we shall have an interesting debate, and we may do something in regard to the constitutional liberties of the country. At the present time I am opposed to taking any steps in the direction which the hon. member desires, first until the Government brings the matter up, or is enabled to do so by a resolution of the two Houses. I think we are courting a defeat, an insulting defeat, by introducing matters into the House which is primarily the business of another place. It is too early to tinker with the Constitution, because the constitution needs amendment, more serious than this one, in other directions. No real injury will be done to anyone in the colony, no real harm will be done to the just rights of anybody, and for these reasons, and many others that can be adduced, I am not prepared to follow the hon. member—I cannot call it an attempt because he knows it must be abortive——

HON. A. P. MATHESON: I do not know anything of the kind.

HON. J. W. HACKETT: In his experimental legislation to test the patience and capacity of hon. members.

HON. A. JAMESON (Metropolitan-Suburban): My support and sympathy are with the Bill which Mr. Matheson has brought forward. After the able arguments of the Colonial Secretary, Mr Hackett, and Mr. R. S. Haynes, perhaps it is difficult for me to bring forward anything that will affect the House. After listening to the Colonial Secretary, if the matter were entirely with this colony, I think it might be desirable to have twelve months, but what object can there be in putting names on the rolls and letting them lie there for six months? There can be no object whatever: it is quite absurd. Why are the electoral rolls, as Mr. Hackett has pointed out, flyblown practically for six months.

THE COLONIAL SECRETARY: The twelve months are for inquiry.

HON. A. JAMESON: All the inquiry could be done in one month or two months at the outside.

HON. R. S. HAYNES: Is there any inquiry?

HON. A. JAMESON: I do not suppose there is any inquiry: it is a matter of form. After all it is not the local Parliament we are dealing with, but the Federal Parliament, the national Parlia-

ment of Australia; and I should think nine out of every ten of those who are on the roll at present are Australians. It is not as if we were dealing with the American States where there are so many foreigners whom we want to be in the colony for twelve months or six months, as the case may be. A great many of the electors of this colony came from the other Australian colonies: a very few came from other parts of the world. Our colony is in a peculiar position; our population increases rapidly, and we draw our population almost entirely from New South Wales and Victoria. In giving votes for the Federal Parliament we are only giving votes to Australians. Mr. Hackett says it does not affect many. I think many will be excluded under the present rolls. There seems to be a difficulty in the procedure, and that difficulty appeals strongly to the legal minds of Mr. R. S. Haynes and Mr. Hackett; but we should not only look at the public aspect of the question, but look at it from the general welfare of the whole community. Perhaps the legal aspect does not appeal to us so strongly as to those hon. members. I would like to see, if possible, the Government carry out the Bill or support the Bill which has been brought forward by the hon. member. I certainly think it would be an act of courtesy to those who have joined us from the Australian colonies if we could give them a vote sooner. When I came to the colony there were only 35,000 people here; now we have 180,000, and all of these have come from the Australian colonies.

HON. R. G. BURGES: They have votes.

HON. A. JAMESON: Many of them have, but the difficulty, which Mr. Matheson tries to overcome, will exclude some 15,000 voters. I hope members will see their way to support Mr. Matheson in this matter. I can only say that I think it is a little hard on hon. members, such as Mr. Matheson, that another hon. member should suggest that he does not bring forward this Bill for the public weal or welfare. I cannot think so.

HON. J. W. HACKETT: You do not know the hon member.

HON. A. JAMESON: I feel convinced in my mind that Mr. Matheson has brought forward this Bill from public motives, and I shall support him.

HON. R. G. BURGES (East): The hon. member (Dr. Jameson) used a very far-fetched argument in regard to the population. He says that when he came to the colony there were 35,000 people here, now there are 180,000. If the hon. member had taken time to look into this matter he would have seen that during the last year the population only increased by a few thousands, and most of those who have come here during that time were women and children, and children have no votes at all. The hon. member could not have looked into this aspect of the question. Supposing that another Coolgardie or Kalgoorlie sprang up to-morrow just look at the population which would come from the other colonies.

HON. A. P. MATHESON: I wish it would.

HON. R. G. BURGES: There is not the slightest doubt that such a thing will occur. There are many goldfields which will be opened up, and we do not want to see a hundred thousand people come here and have a vote the moment they arrive in the country.

HON. A. P. MATHESON: Yes, we do, with the six months' qualification.

HON. R. G. BURGES: I am sure the hon. member does not mean that, speaking reasonably. This house seems to want to rule the Government altogether. Members must see from what I have pointed out that we might have a large population come here in a very short time, and wherever they come from, and they would not only come from Australia, but from all parts of the world, they would have a vote in a very short time. I know that a large percentage of those who have come here are Australians and we are glad to have them here, but would it be desirable to reduce the term when a large population might come here in a few months, and after six months' residence they would be entitled to vote and upset everything in the country. Would any man of business in the world consider that a desirable state of things? In this Upper House, where members ought to be more careful, we should not pass a Bill such as this. If we do we shall be making the Lower House more radical than it is. After the next election we shall have a much more radical Lower House than the hon. member, who does not intend to reside here much longer, thinks.

HON. A. P. MATHESON: Oh yes, I do.

HON. R. G. BURGES: The hon. member told me a very different tale the other day.

HON. A. P. MATHESON: I rise to a point of order. The hon. member is not justified in making that statement, and I ask that the hon. member should withdraw it.

HON. J. W. HACKETT: We would not lose you on any account.

HON. R. G. BURGES: The hon. member has done no good in interrupting.

HON. A. P. MATHESON: I appeal to you, Mr. President, to ask the hon. member to withdraw the statement. I never said anything of the sort. It is very far from my intention.

HON. R. G. BURGES: I withdraw the statement, but there is not the slightest doubt that the hon. member is going away as one of the members of the Federal Parliament. I am going to oppose the hon. member's Bill. It is not necessary to tinker with the Constitution in small matters like this. The police went round the country last September putting people on the rolls, and an election is not likely to take place before March next, therefore these people, both men and women, will have a vote by then. I do not know what the hon. member does want, unless he wishes people to be able to vote two or three times, as was done in connection with the referendum on the Commonwealth Bill.

HON. J. T. GLOWREY (South): I support the amendment proposed by Mr. R. S. Haynes, though I quite agree with some hon. members that it is desirable we should take into consideration at a very early date some alteration in our constitution, and I am in accord with the system which exists in Victoria. I do not agree with Mr. Matheson that the people on the goldfields are clamouring for this very radical change, and I really have some doubt of the sincerity of the hon. member in introducing this apparently very democratic measure.

HON. J. W. HACKETT: Others have no doubt.

HON. J. T. GLOWREY: I am referring to this particular provision.

HON. J. W. HACKETT: But we have no doubt about it.

HON. A. P. MATHESON: Speak for yourself.

HON. J. T. GLOWREY: I can assure hon. members this Bill does not represent the unanimous desire of the people of the goldfields, because those who have property and are settled down there are desirous of protecting their rights.

HON. J. M. SPEED: What do you call "rights"?

HON. A. P. MATHESON: And keep out other people.

HON. J. T. GLOWREY: We know that Mr. Matheson is aspiring to federal honours, and we have every reason to believe the Bill he is trying to introduce is for his own benefit.

HON. A. G. JENKINS: Is the hon. member in order in imputing motives?

THE PRESIDENT: The hon. member (Mr. Glowrey) must not say that.

HON. J. T. GLOWREY: I withdraw.

Amendment (six months) put, and division called for.

[Division proceeding:]

HON. J. W. HACKETT: I desire to call attention to the fact that there are not sixteen members voting against the amendment.

HON. J. M. SPEED: How did the hon. member find it out?

HON. J. W. HACKETT: By counting them.

THE PRESIDENT: After the division is taken I will give my decision.

Division taken with the following result:—

Ayes	12
Noes	10
Majority for ...	2

AYES.	NOES.
Hon. R. G. Burges	Hon. G. Bellingham
Hon. C. E. Dempster	Hon. W. G. Brookman
Hon. J. T. Glowrey	Hon. J. M. Drew
Hon. J. W. Hackett	Hon. A. Jameson
Hon. R. S. Haynes	Hon. A. G. Jenkins
Hon. H. Lukin	Hon. A. P. Matheson
Hon. D. McKay	Hon. C. Sommers
Hon. E. McLarty	Hon. J. M. Speed
Hon. G. Randell	Hon. F. Whitcombe
Hon. J. E. Richardson	Hon. W. Maley (*Teller*).
Hon. F. M. Stone	
Hon. W. Spencer (*Teller*).	

Amendment thus passed, and the Bill arrested.

ELECTORAL AMENDMENT BILL.

DISCHARGE OF ORDER.

Order read for the second reading:

HON. A. P. MATHESON (in charge of the Bill): Under the circumstances, I

move that the Order of the Day be discharged.

Question put and passed, and the Order discharged.

ADJOURNMENT.

The House adjourned at 6·30 o'clock until the next day.

Legislative Assembly,

Tuesday, 30th October, 1900.

Question: North Perth and Board of Health—Hampton Plains Railway Bill, Select Committee's Report—Standing Orders, Suspension (to expedite Bills, etc.)—Government Business, precedence—Patent Acts Amendment Bill, Recommittal, reported—Leederville Tramways Bill, Recommittal (progress) — Noxious Weeds Bill, third reading — Lands Resumption Amendment Bill, third reading—Fremantle Tramways Bill, Recommittal (progress)—Killing of Kangaroos for Food Bill, third reading—Loan Bill, second reading, in Committee, reported —Roads and Streets Closure Bill (general), second reading — Streets (Victoria Park) Closure Bill, second reading, etc.—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—NORTH PERTH AND BOARD OF HEALTH.

MR. HALL asked the Premier: 1, Whether it was the intention of the Government to carry out the resolution passed by this House last year to establish a Local Board of Health at North Perth. 2, If so, When. 3, If not, for what reason.

THE PREMIER replied: 1, Pending the result of the motion now before the Legislative Assembly, the Government proposes to defer action in regard to the matter. 2 and 3, Answered by above.

HAMPTON PLAINS RAILWAY BILL.

SELECT COMMITTEE'S REPORT.

MR. MOORHEAD brought up the report of select committee appointed to inquire into the Bill.

Report read, and ordered to be printed.

STANDING ORDERS, SUSPENSION.

TO EXPEDITE BILLS, ETC.

THE PREMIER (Right Hon. Sir J. Forrest) moved:

That in order to expedite business, the Standing Orders relating to the passing of public Bills, and the consideration of Messages from the Legislative Council, be suspended during the remainder of the session.

He said: My object in moving this motion is to expedite business, and not in any way to hurry on things at a rate hon. members do not desire. It has been usual during all previous sessions to move such a motion as this towards the end of the session, and the motion has invariably been agreed to. I can only assure the House that the Government have no desire to take any advantage of the motion; and I shall be glad to confer with my hon. friend opposite (Mr. Illingworth), so as to meet his views as far as possible in regard to giving full consideration to any measure that comes before the House.

Question put and passed.

Standing Orders suspended accordingly for the remainder of the session.

GOVERNMENT BUSINESS, PRECEDENCE.

THE PREMIER moved:

That Government business take precedence of all other business, for the remainder of the session.

He said: This motion has the same object as the one just passed. We have sat here for many years and have always had such a motion towards the end of the session, and I do not think anyone can say the Government have ever tried to take advantage of it. It is merely brought forward with the object of expediting public business, and, as I said before, I shall be glad to confer with the hon. member opposite (Mr. Illingworth) in order that any business he desires to be dealt with shall be brought forward before we prorogue.

Question put and passed.