Clause 12, lines 16 to 18 of page 4.—Strike out the words "having at any time received any rations from any institution or establishment maintained by the State and."

The COLONIAL SECRETARY moved—

That the amendment be agreed to.

Words had crept into the clause which would render it unworkable inasmuch as deportation could only be ordered in the case of natives who were in Government institutions. The amendment was necessary.

Question passed; the amendment agreed to.

Clause 14.—Strike out the first three lines of page 5, and insert the following in lieu thereof:—"Section sixty-four of the principal Act is amended by adding the words 'in the manner prescribed by the Colonial Treasurer' to the first paragraph of subsection one, and by striking out the second paragraph of subsection one and by striking out subsections two to six and inserting the following subsections in lieu thereof."

The COLONIAL SECRETARY moved—

That the amendment be agreed to.

This clause had been inserted to meet the wishes of the Treasury and the Auditor General, but it had since been found that the wording of the clause would not effect the desired object, and therefore an alteration had been made in another place.

Question passed; the amendment agreed to.

Reasons for disagreeing with one of the Assembly's amendments adopted, and a Message accordingly transmitted to the Legislative Assembly.

ADJOURNMENT—STATE OF BUSINESS.

The COLONIAL SECRETARY: I think that I will be meeting the wishes of hon. members if I move that the House do now adjourn. There is not much business on the Notice Paper, but if hon. members wish to continue I shall be agreeable to do so. I want to remind hon. members that the adjournment will be until 2.15 to-morrow afternoon, because we have already altered the hours of sitting to that effect. I beg to move—

That the House do now adjourn.

Question passed.

House adjourned at 6.21 p.m.

Legislative Assembly,

Tuesday, 31st January, 1911.

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

PETITION—NURSES' REGISTRATION.

Mr. HEITMANN (Cue): I have a petition to present which deals with the matter of the registration of nurses included in the Health Bill. When the Health Bill left this Chamber we had excluded the general nurses from the provisions dealing with the registration of nurses, making the Bill purely a midwives' measure, or at least that portion of it dealing with registration. This petition comes from the trained, certificated nurses of Perth and Fremantle.

Mr. Angwin: The Australian trained nurses?

Mr. HEITMANN: All of them, or at least most of them. They have been trained in all parts of the world. The

petition comes from no particular association of nurses, but from the nurses of Perth and Fremantle. The petition includes the signatures of the matrons of the Perth Public Hospital, Children's Hospital, Perth; Home of Peace, House of Mercy, Fremantle Public Hospital, and, I believe, all the private hospitals of Perth. I have read the petition, which is couched in respectful language and is in accordance with the rules of the House. I beg to move—

That the petition be received and read.

Question passed; petition read.

PAPERS PRESENTED.

By the Minister for Railways: Reports and returns in acordance with Sections 34 and 83 of "The Government Railways Act, 1904."

QUESTION—AVONDALE BLOCKS SELECTED.

Mr. TROY (for Mr. Collier) asked the Minister for Lands: 1, On what date were applications invited for selection of blocks on the lately purchased Avondale estate? 2, On what date did applications close? 3, How many blocks were offered? 4, How many applications were received? 5, What price per acre was paid by the Government for the estate? 6, What is the average price per acre at which the land is offered to the public?

The MINISTER FOR LANDS replied: 1, 2nd December, 1910 (date of first advertisement). 2, 21st December, 1910. 3, Nine under conditional purchase conditions and ten as working men's blocks. 4, One under conditional purchase conditions and one under working men's blocks on opening day, and one under conditional purchase and one under working men's blocks since. 5, £5 5s. 6, £5 16s. 2d.

QUESTION—WATER SUPPLY, BULLFINCH.

Mr. HORAN asked the Minister for Works: 1, Has he observed the comment in to-day's *West Australian* accentuating the complaints already made regarding the inadequacy of water supply at Bullfinch? 2, What does he propose to do about it?

The MINISTER FOR WORKS replied: 1, Yes. 2, Some shortage in discharge has been experienced, due to the accumulation of air in main. This is now being remedied, and the quantity of water henceforth available at Bullfinch will be largely in excess of the daily requirements up to date.

QUESTION—MIDLAND JUNCTION WORKSHOPS, LABOUR.

Mr. TROY (for Mr. Johnson) asked the Minister for Railways: 1, How many recent arrivals from the old country have been engaged at the State works at Midland since Christmas? 2, How many local residents and other long-established citizens have been refused work?

The MINISTER FOR RAILWAYS replied: 1, Sixteen. 2, No suitable local residents or other long-established citizens who have applied for work when a vacancy existed have been refused work. On the contrary, thirty-nine have been given employment since Christmas.

QUESTION—RAILWAY ADVISORY BOARD, WONGAN HILLS MULLEWA RAILWAY.

Mr. ANGWIN asked the Premier: 1, Will he make inquiries regarding the statement made by the hon. member for Swan (Mr. Jacoby) on the question of the construction of the Wongan Hills-Mullewa Railway, as follows:—"I have also had the opportunity of obtaining information from one of the members of the Railway Advisory Board, and, though I am not able to quote my authority, it is a sound authority. This member is one of the most cautious on that board, and I asked him what justification existed for the board bringing in a report which was favourable to the construction of the line, and whether he considered that the country he traversed justified the construction of the line. This gentleman told me that he traversed an enormous area of poor

country and that his only reason for supporting the proposition to build the line was that several settlers had been put on to certain districts along the proposed route and they had been promised by the Government that the line would be constructed. He said his justification in giving his opinion in favour of that line was the promise held out to these settlers by the Government that the line would be built." 2, Will the Premier report the result of such inquiry to the House?

The PREMIER replied: 1, Yes. 2, Yes.

QUESTION—LANDS DEPARTMENT, ACCOUNTANT'S BRANCH.

Mr. BOLTON asked the Minister for Lands: 1, What number of permanent officers are employed in the accountant's branch of the Lands Department? 2, What is the number of temporary officers? 3, What is the number of temporary officers who received increases in November last? 4, Is it the intention of the Minister to give effect to the wish of Parliament by giving increases in other branches in addition to the accountant's branch?

The MINISTER FOR LANDS replied: 1, Sixteen. 2, Twenty-three. 3, None of these officers have received increases at present, but seven have been recommended and will either be appointed to the staff or given increases as temporary employees as from 1st November last. 4, Increases will be given when, in the opinion of the Minister, they are warranted.

QUESTION — RAILWAY EXCURSION FARES.

Mr. MURPHY asked the Minister for Railways: How is it that excursion railway fares are granted during the summer months from the goldfields to Albany and Bunbury, and the same concession is not extended to Fremantle, the premier watering-place of the State?

The MINISTER FOR RAILWAYS replied: The special excursion fares from the goldfields to Albany, Bunbury, and Busselton are one and the same. The excursion to Fremantle is invariably less, and considering the large floating population ex steamer, it is not considered advisable to reduce the fare to Fremantle.

QUESTION — SUPERANNUATION ALLOWANCES.

Mr. DRAPER (without notice) asked the Premier: Have the Government come to any decision in reference to the granting of superannuation allowances? It is getting late in the session and there has for long been a motion on the Notice Paper with regard to this subject.

The PREMIER replied: The Government have recently given full and careful consideration to the question of the payment of pensions to State officers. It has been decided to cancel the Cabinet minute of the James Government of September, 1903, in regard to the limitation of pensions. Hence all public servants who had pension rights prior to the passing of the Public Service Act, 1904, can rely on such rights receiving full recognition from the Government.

POLICE DISTRICT, NORTHERN.

The PREMIER: I have now information from Broome which enables me to reply to the two questions asked by the member for Cue on the 26th inst. and which were not then replied to. The replies are: No. 2, £213; No. 3, amount of travelling allowance received by Inspector Sellenger since his arrival in the district, £227 14s.

BILL — FREMANTLE MUNICIPAL GAS AND COKE SUPPLY.

Select Committee Extension.

The MINISTER FOR WORKS moved—

That the time for bringing up the report of this select committee be extended for one week.

Mr. MURPHY: Would the Minister tell the House whether the committee had met or had any intention of meeting?

The MINISTER FOR WORKS: It had been impossible for him to secure a

meeting of the committee. He proposed to make a further effort. Meetings had been called, but at none of them was a quorum present. He thought that possibly finality might be reached if this extension were granted. At all events, he would see that the meeting was convened.

Mr. Scaddan: Why do you not ask that those who will not attend be discharged?

Mr. ANGWIN: The explanation given by the Minister warranted the discharge of the committee. If the committee did not carry out the work they were appointed for, it would be impossible to deal with the Bill this session. Something should be done, and members should know definitely whether the committee intended to deal with the Bill, or whether it was a means of defeating the measure.

Question put and passed; extension of time granted.

BILL—MINES AND MACHINERY INSPECTION.

Introduced by the MINISTER FOR MINES, and read a first time.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.

BILL—CRIMINAL CODE ACT AMENDMENT.

Second Reading.

The ATTORNEY GENERAL (Hon. J. L. Nanson) in moving the second reading said: The main object of this Bill is to make certain amendments in the law relating to offences of a sexual character committed against children, imbeciles, and idiots.

Mr. Scaddan: Who introduced this Bill?

The ATTORNEY GENERAL: This is a Bill taken over from a private member by the Government; and I, as representing the Government, am moving the second reading.

Mr. ANGWIN: It is customary for Bills introduced by private members to take their proper turn on the Notice Paper. Since the commencement of the session I have had a Bill on the Notice Paper dealing with an amendment to the Early Closing Act. Last year it was the same. Now, if it is the practice of the Government to take up Bills from private members, I hope they will take up my Bill also. Perhaps the Bill now before us is a matter of urgency, but so is my Bill, and I am willing to agree if the Government will also take up my Bill and pilot it through the Chamber so that we may get it through this session.

The ATTORNEY GENERAL: In reply to the hon. member, I cannot undertake on behalf of the Government to take over all private Bills. That course was followed in regard to the Transfer of Land Act Amendment Bill which was introduced by the member for Dundas, and, as I then explained, the Government took over the Bill because they had intended to bring forward a Bill of an entirely similar character. This Bill, to amend the Criminal Code Act, stands on a very similar footing. It was originally introduced by the member for Claremont, and as it became apparent that, owing to the length of the session, private members' Bills could not all be proceeded with, the Government, feeling that some amendment in the law in this direction was desirable, undertook to take over the Bill and proceed with it. Therefore, in accordance with that decision, I am now, before proceeding to move that the Bill be read a second time, about to explain to hon. members the object of the Bill and the changes it seeks to make in the existing law. In December of last year a deputation consisting of a number of representatives of women's bodies, the Mothers' Union, the Fremantle Liberal League, the Children's Protection Society, the Home of Mercy, the Perth Women's Liberal League, the Women's Christian Temperance Union, the Women's Service Guild, and the Women Workers' League, waited on the Premier with the object of calling attention to the frequency with which recently offences of a sexual char-

acter against children had been committed and asking that the law for the punishment of such offences might be made more stringent. The Premier in reply to that deputation pointed out that the main object the deputation had at heart had his most emphatic sympathy, but at the same time he was not prepared to offhand give assent to the request made by the deputation that in all such offences—for the first offence, as well as for a subsequent offence—the penalty of flogging and whipping should be inflicted and no discretion allowed to a judge in imposing a sentence. But the Premier promised to look into the matter, and it was then suggested to him by one of the members of the deputation that it might be possible to make whipping compulsory for second and subsequent offences, and the Government, after giving the matter consideration, decided that it might be advisable—indeed that it was advisable—to alter the law to that extent. Since the subject has been ventilated in the public Press, I have made it my business to obtain information as to how far there has been an increase in this class of offence during recent years, because one cannot but realise that it is to some extent a slur upon the community if there is a progressive increase in offences of this description. We must all bear in mind that if necessary, in a thinly populated country like this, we must arm ourselves with the best possible powers to prevent offences of this kind increasing.

Mr. Seaddan: You have all those powers now.

The ATTORNEY GENERAL: I find from the return I have received, which goes back to the year 1904, that in 1904 there were 10 of these offences, and that in six of them convictions were obtained, while in the other four cases the defendants were discharged. In the following year, 1905, there were 19 of these offences, and out of these 19 only four convictions were obtained, it not being found possible to obtain convictions in regard to the other 15; the evidence was not sufficient.

Mr. Foulkes: What were the penalties?

The ATTORNEY GENERAL: I will come to the question of penalties later. In 1906 there were 13 of these cases, and there again there was the utmost difficulty in obtaining convictions, only four convictions being obtained. In 1907 there were also 13 cases, and the convictions numbered seven. In 1908 there were 14 cases, and again there was difficulty in regard to convictions, there being only three convictions as against 11 acquittals. In 1909 there were only seven cases, three of which resulted in convictions, and there were four acquittals.

Mr. George: Were any of those cases second offences?

The ATTORNEY GENERAL: I have not the details in regard to second offences. I was interested in having inquiries made as to whether there had been any considerable increase in this class of offence. In 1910, until the end of August, there were six cases, three resulting in convictions and three in discharges. I have only to-day been able to get later particulars in regard to the cases from the end of August, and I find that during September, October, November, and December of last year there were some eight or nine cases, and some of them are still awaiting trial. It is clear, therefore, that although we look back over a period of years, taken year by year, we may congratulate ourselves on the fact that up to the end of 1909 there was no increase in this class of case, but on the contrary a decrease. Yet we are faced with the unfortunate and regrettable fact that in the last few months at any rate there have been a considerable number of these cases, more at the latter end of the year just expired than there were in the earlier portion of the year.

Mr. Heitmann: Certainly in Australia there has not been a suitable punishment so far.

The ATTORNEY GENERAL: There is some amount of misconception in the minds of some persons in regard to the powers of a magistrate in dealing with this class of offence. Offences of this kind cannot be dealt with summarily in a court of petty sessions; they must be sent

to trial either to the Supreme Court, or to a court of quarter sessions; and when one sees in the newspapers that a person has been brought up charged with an offence of this kind and dealt with summarily in the police court, it will be found, I think, on inquiry that invariably in the opinion of the magistrate the offence was not such as to justify the charge of indecently dealing, and the charge was altered to one of common assault; and the magistrate having power to deal summarily in a charge of that kind, has in most cases inflicted the highest possible penalty, namely six months' imprisonment. I notice, for instance, that in introducing the deputation I have referred to, the member for Claremont spoke of an offence committed at Lion Mill which was tried before justices at Midland Junction. I find on inquiry that originally the charge was one of indecently dealing with a girl, and the charge was reduced in that case to one of common assault, and the magistrates inflicted the full penalty they are allowed to inflict by the law for common assault, namely six months' imprisonment. In the amendment we propose in the law, it is well that members should clearly understand that it will not affect the powers of justices or magistrates sitting in petty sessional courts, but the penalty of whipping for a second offence will be inflicted as the result of a sentence either in a court of quarter sessions or in the Supreme Court. If, in the opinion of justices sitting in a petty sessional court there is a *prima facie* case against a person on the charge of indecently dealing with children, then the case must be sent on for trial to a higher tribunal—the court of quarter sessions, or the Supreme Court. I mention these circumstances because it may easily happen that while there are some members in the House who think that the law should be stricter, yet, on the other hand, there may be other hon. members who realise that the power of compelling a judge to order a flogging is a very serious power, and that that power should not be given to a judge unless the clearest possible reasons can be brought forward for making the law more stringent in this direction. But while I admit of the stringency of the course proposed, and while I regret it should be necessary, yet on the other hand I cannot shut my eyes to the seriousness of this class of offence, and to the fact that in this country children are bound to go about without the protection which it is possible to give them in more thickly populated countries, and that we must be prepared to give the utmost protection in our power, more particularly to the children who live in sparsely populated portions of the State.

Mr. Scaddan: It is in thickly populated places where most of the offences occur.

The ATTORNEY GENERAL: It is difficult to find any part of Australia which is thickly populated in the sense in which the term is used in older countries. I come to deal now with what the measure proposes to do. Clause 2 provides for the repeal in Section 185 of the Criminal Code of the paragraph which enacts that a prosecution for the offence of defilement or attempt at defilement of a girl under 13 years must be undertaken three months after the offence is committed. This limitation may be advisable in the case of girls over 13, but I submit that it seems scarcely in place here, and furthermore that it is scarcely consistent with Section 187 of the Code, because if hon. members will refer to the Code they will find that Section 185, the section in which we propose to make this alteration relates to the actual or attempted defilement of girls under 13, and contains this limitation that the prosecution must be taken within three months. Section 187 deals with attempted defilement of girls under 10 years of age, but contains no such limitation. The result is therefore that a prosecution for actual defilement of a girl under 10 years would be brought under Section 185 and would be subject to this limitation, while a prosecution for attempted defilement of a girl under 10 would be brought under Section 187, and would be subject to no such limitation. Hon. members will thus see that this particular amendment is to make the law more consistent than it is at present by removing from Section 185 the paragraph relating to the three months' limit.

Mr. Hudson: Do you not think inquiries are made immediately after such offence?

The ATTORNEY GENERAL: If we have it in Section 185 we should have it in all sections relating to offences of a similar character.

Mr. Hudson: Even after a lapse of two years?

The ATTORNEY GENERAL: Yes. It is proposed to abolish the limitation of three months. An important clause of the Bill is the next one, Clause 3, and the effect of it is that where a person, whether sixteen years or over, has been previously convicted of sexual offence against women or children, and then is subsequently convicted of any such offence with respect to a girl under 13 years or an idiot, on subsequent conviction, in addition to the sentence of imprisonment he must be sentenced by the court to a whipping.

Mr. Jacoby: Why not whip at once?

Mr. George: You do not go far enough.

The ATTORNEY GENERAL: During this session at any rate we do not propose to go further than is contained in this clause. Later on we shall see the effect of the clause, and if it is found that there is no diminution in this class of offence undoubtedly I shall be with the hon. member for Murray in urging that the State should arm itself with more severe powers for dealing with this class of offence.

Mr. George: Then you are waiting for victims.

The ATTORNEY GENERAL: I am not prepared to go as far as that. Hon. members will have an opportunity in Committee of ascertaining the sense of the House as to the advisability of increasing the penalty. With regard to the punishment of whipping, it is provided in Section 162 of the Code that whipping must not exceed 25 strokes in the case of offenders of sixteen years of age and upwards, and in the case of offenders under sixteen years of age twelve strokes. The court has to specify the number of strokes and also as to whether the whipping is to be inflicted with a birch, a cane, a leather strap, or a cat of nine tails. Hon. members will see that considerable discretion is permitted a judge in stating the number of strokes and the instrument by which the strokes shall be inflicted. In Clause 4 we propose an alteration dealing with Section 326 of the Code, the intention being to provide that no girl under the age of sixteen shall be capable of consenting to an indecent assault. At the present time the section provides that no girl under the age of fourteen shall be capable of consenting to a criminal or indecent assault, and I would point out that this section in its present form is scarcely consistent with Section 189 of the Code and it is considered that the discrepancy between the two sections should be removed. As the law now stands a man might be prosecuted under Section 326 for indecently dealing with a girl of fifteen, and her consent would be a good defence; but if he were prosecuted under Section 189 for indecently dealing with her—which is to all intents and purposes a similar offence—her consent would be no defence. In Queensland the age of consent is fourteen. In our own Act the age was raised to sixteen in the one case, and by an oversight no doubt the age was not raised in the other, and we seek to make the age of consent 16 years in both cases. Clause 5 deals with a matter not connected with the subject of sexual offences, but has been prepared at the suggestion of the Crown Solicitor, who has pointed out, that whilst procedure is provided by Section 696 when an ex-officio information is filed in the Supreme Court by the Attorney General, no procedure is provided in respect of such an information when filed in a Court of Quarter Sessions.

Mr. Hudson: Do you approve of these quarter sessions.

The ATTORNEY GENERAL: Yes.

Mr. Hudson: An appeal from magistrate to magistrate. The original inquiry is before a magistrate and the further hearing is before a magistrate.

The ATTORNEY GENERAL: When the Bill reaches Committee I intend to move a further clause dealing with the right of juvenile offenders having their cases dealt with summarily. At the pre-

sent time it is provided except in the cases of murder, manslaughter, and treason that a juvenile offender may at his request or the request of his guardians be dealt with summarily, and until quite recently it was thought that he had no right to demand to be dealt with by a jury in a case where the right to go to a jury did not exist with regard to adult offenders. A case was recently before the Full Court and it was there held, in addition to this right of having cases dealt with summarily, a juvenile offender could refuse to be dealt with summarily and could demand to be tried by a jury for an offence which if committed by an adult, he would not have the right of trial by jury. This is an inconsisent state of things, and therefore I am submitting when the Bill is in Committee a new clause to make the law as it was always supposed to be until the judgment of the Full Court declared differently. I beg to move—

That the Bill be now read a second time.

Mr. SCADDAN: I move—

That the debate be adjourned.

The Premier: Let us get on with it now.

Mr. Foulkes: The leader of the Opposition might allow the second reading to be taken to-day.

Mr. Scaddan: The Bill has only just reached us.

Mr. Hudson: I have not studied the Bill; it has only just been put before me.

Mr. Scaddan: If the member for Claremont desires to debate the second reading at this stage I will withdraw my motion.

Motion by leave withdrawn.

Mr. FOULKES (Claremont): I am glad that the leader of the Opposition has allowed this Bill to be discussed and I hope at any rate it will pass the second reading this afternoon. We shall have an opportunity to-morrow of dealing with it in Committee. A certain number of offences of a sexual character have been committed during the past few months, and it has had the effect on the community that a great number of parents who have been shocked with the enormity of these offences are really afraid to let their children go about, not only in the country districts, but here in the urban communities.

Mr. Scaddan: There would be no second offence if anything happened to one of mine.

Mr. FOULKES: I would like to inform hon. members that a great number of these offences have been perpetrated. The Attorney General quoted the number of cases in each year, but unfortunately there are scores which never come to light at all. I know in one locality one man assaulted no fewer than 18 children. A prosecution was brought against him in connection with one offence on one particular child, and he received a term of imprisonment which, I think, was only 12 months. The man served the 12 months, and when that term had expired he was found committing the same class of offence, showing that a short term of imprisonment is not a corrective of practices of this kind. Some of these offences have very far-reaching consequences. I know of one case where a child was assaulted, and the result was that she became subject to fits, and 18 months, or two years afterwards died. Unfortunately, according to the criminal code, the maximum imprisonment is only two years, and it is felt by a great number of people that the shortness of the term is, if not a temptation, at least evidence of the fact that Parliament does not realise the seriousness and the enormity of this class of offence. When we have the short term of two years' imprisonment provided in the Act, it shows that legislators do not realise the seriousness of the crime. A deputation waited on the Premier, and the Premier will remember that the members of that body were most anxious to have legislation framed to deal with this offence, and many of the deputationists, I know, were desirous that even a more severe form of punishment should be introduced. It has been suggested here, and in other parts of the world, that a certain kind of operation should be imposed on the offender which would prevent him from committing offences in the future. Careful

inquiries have been made, and, so far as we can learn, no legislation providing for this form of punishment has been passed in any European country. Unfortunately, in many cases, the age of the child prevents her from giving her evidence as clearly as it would be given by persons of more mature years, and the result is that while a child may have a very clear memory of what occurred within a month or two of the evidence, if the prosecution is postponed and dealt with by the Supreme Court three or four months afterwards the child's memory is not so accurate as at the first trial, and in those circumstances it is difficult to get a conviction. This Bill enables, in fact compels, the judge to order a flogging on the second offence, and I submit, and a great number of people will agree with me, that that is treating the criminal with very great leniency. But I recognise that there are so many varying opinions as to the best methods of dealing with this class of criminal, and the session being so late, all I am anxious to do is to make the punishment for this form of offence more severe than in the past. The Bill leaves it to the judge to decide how severe the flogging shall be, and I hope that if the offence is a serious one the judge will order the very severest flogging to be inflicted. There are many people, and I am one of them, who are strongly in favour of making provision for flogging the criminal on each offence, because we know quite well that amongst the criminal class there is no punishment that has such an effect as flogging. I am old enough to remember that a great number of cases of garotting took place in Lancashire many years ago, and Mr. Justice Hawkins put a stop to it by imposing in every case a flogging in addition to imprisonment.

The Attorney General: Judges had power to do that then.

Mr. FOULKES: Yes, but some judges did not avail themselves of the power: Mr. Justice Hawkins was the first to take advantage of the provision, and the result was that he put a stop to the crime of garotting in Liverpool, Manchester, and other big cities. I am satisfied that if we make a provision of this kind for the offence under consideration we shall speedily put a stop to it. Many women in the community are exceedingly anxious to prevent a continuance of this form of crime, and I maintain that it is the duty of every member to give this matter his serious consideration and endeavour to pass this Bill. I agree with the Attorney General that there is a disparity in the Criminal Code, in that in the case of an offence on a child under 13 years of age it is necessary that a prosecution shall take place within three months; whereas, for children under 10 years of age there is not the same limitation of time, and the Attorney General, in order to remove this distinction, has provided that there shall be no time limitation in either case. I agree that it is necessary that our legislation should be consistent, but I think it would be much safer and better to have a limitation of three months, within which these prosecutions should be brought forward; because, as I said before, the child's memory is not so reliable after a certain time has elapsed.

The Attorney General: It would be almost impossible to get a conviction after three months.

Mr. FOULKES: Yes, but it is a serious thing to bring this charge against a man, and I hope the Attorney will realise that aspect of the question, and will not press his amendment. I hope that the second reading will be carried.

Mr. GEORGE (Murray): I suppose we can congratulate the Attorney General on the way in which he has introduced this Bill, but I do wish that he had added more fire to it, and more earnestness, and had gone a step further in the punishment he proposes to inflict. I know of no crime that is so serious as that which not only defiles the body, but pollutes the mind of young children, and, in a country like this where we have young children going long distances to school on lonely roads, there is no punishment that can be proposed by the Attorney General, or devised by

the collective wisdom of this House, that would be too great for a man who commits this form of offence. When the Attorney General was speaking, I interjected, "Is it not a form of lunacy?" and I think he will find, if he has not already looked into it, that lunacy authorities look on this crime as a disease of the brain that eventually brings the offender to the asylum. I look on these men as a pest, and as a menace to society, and, instead of being squeamish and talking about thrashing either with a feather duster of a cat-o'-nine-tails, why cannot we go the whole hog and put it out of such men's power to do further damage in this way? Hon. members know that in connection with stock there is an operation called emasculation; some people call it "cutting." I do not care what you call it, but I would emasculate such a man, and would put it out of his power either to reproduce children with the same criminal traits in their character, or to defile more of our children. The leader of the Opposition interjected that if the offence were committed on one of his children the man would not have an opportunity of doing it a second time. And there is no man in this community, if he could come on the criminal red-handed, but would deal with him as primitive men dealt with offenders of this sort. Despite what people may say, I look to the time when not only this offence, but others against society, will be dealt with by an absolute means of preventing the commission of such offences.

Mr. Bolton: I will support you.

Mr. GEORGE: The hon. member for Claremont instances one case that I know of myself, the case of a most promising young child, the pride of her parents, who was defiled by one of these wretches. Afterwards she became subject to fits, and in a short time died. This was an offence committed on a child 10 or 11 years of age, and the effect of it was to send the child to Karrakatta. I ask what would be the feelings of any hon. member if he was the father of that child? I ask the Attorney General himself what he would do if anyone belonging to him was dealt with in this way? Never mind what people may say. Are we going to shirk our duty, and not deal with these offences in an effective way, regardless of whether such legislation exists in other countries or not. The Attorney General, when speaking, said that we might pass this amendment and see how it would work, but members do not require any further evidence as to how offences of this sort work. The very list he read out is a sufficient proof, and this with what we know ourselves of cases that do not become public, is sufficient evidence to convince us that we want no further victims, and to spur us on to do our manifest duty to our own children and the children of other people. I asked the Attorney General if the same persons' names recurred in that list, but he had not got that information. I think it would be found that the same persons have offended at least twice, and in one case three times. In most offences when punishment is inflicted it is with the idea of bringing back a man's self-respect, and giving him control of himself; but the persons who commit these offences are lunatics, they have not the same feelings as other men, and when we have persons of that kind why should we not take the bull by the horns and put it out of their way to do further mischief of this sort?

Mr. Scaddan: It might be doing him a kindness.

Mr. GEORGE: It would be doing him a kindness, because it would take away from him the feelings that might prompt him to ruin some other unfortunate girl.

Mr. Angwin: If he is a lunatic a whipping will not prevent him.

Mr. GEORGE: We cannot tell. I believe the time will come when we shall treat our criminal classes in the same way as I urge we should treat these particular persons. At present we are only concerned in this particular offence. I should like the House to go further; if that particular crime is committed the penalty should not be the lash, and not imprisonment, but the taking away from that man the means of committing the same offence again. As to sending a man to prison to reform him, that idea has been exploded

years ago. We have only to look at the criminal annals to find what we do. We provide criminals with a place of retirement where they can plot further crimes, and where they can associate with one another. That is the history of crime in all countries, once a criminal, very often seldom anything else. In our squeamishness and mawkishness we allow criminals to breed further criminals, and can we expect anything else when children are born in crime. I feel strongly on this point. The words I would like to use will not come. I want to make no mistake; if we are going to deal with the thing, do not dangle with it, deal with it in a proper way, and boldly put down our foot and say we will emasculate the man so that he will not have the power to do it again.

Mr. JACOBY (Swan): It is very difficult to discuss the subject of these horrible and damnable crimes, and the filthy wretches who commit them, without feeling some degree of heat. Personally, I regret that the Premier has shown what is very unusual for him, some timidity in dealing with the matter, in bringing in such an ineffective, in my opinion, punishment for one of the most horrible crimes in the community. It must always be remembered that the judge does not commit these criminals without almost positive proof, but if we are to start flogging the flogging should commence on the first conviction, and for my part I should like to see that flogging continued until the wretch died; I would not stop.

Mr. Taylor: There would be no chance for reformation then.

Mr. JACOBY: The suggestion, and one which has been frequently debated, that of a surgical operation on persons of this character, it is time was seriously considered. Providing a proper amendment, and it will require some considerable drafting to put the thing in order, is prepared I will support any proposal brought before the House for consideration. A suggestion has been made that unless the prosecution for this offence can be brought forward within three months of committal, it should not be allowed. Sometimes there are opportunities of positive proof by identification, but the individual disappears, and if that individual is discovered four months afterwards surely he should not be let off the punishment for the crime. If a man has been proved guilty, no matter whether he is discovered years afterwards, the point is not when he committed the offence, but whether he committed the offence, and under the circumstances I am glad to see the amendment in the Bill.

Mr. Bolton: It is very dangerous.

Mr. JACOBY: There is to be absolute proof; you must have confidence in our judges. I would appeal to the leader of the Opposition to this extent; there is nothing more in the Bill that requires consideration than making it more severe. He is asking for a postponement of the second reading, and that can only have the effect of endangering the possibility of the Bill passing into law. Does he not think under the circumstances the most important thing is that the Bill, even in its present form, even if not more severe, should pass, and I hope he will withdraw his opposition to the Bill now passing through.

The PREMIER (Hon. Frank Wilson): I think it is the first time I have been accused of timidity in connection with any measure that I think is necessary in the interests of the people and of the State. In support of the charge of timidity it is said that the legislation does not provide for the lash being imposed for the first offence. It was after due consideration, and the fear that the stringency of the punishment would defeat the end we had in view that the Bill was drafted. There cannot be the slightest doubt, if we make the punishment so severe and so mandatory, that we will then have a difficulty with juries in getting convictions that otherwise we could get. It is all very well to say that a case is proved, and therefore you can hang a man, but you have to take the circumstances surrounding the case, and there are numbers of different circumstances, more especially in the dealings of men or youths with women and girls. I can imagine a case where a boy, perhaps of

16 years of age, may be tempted by a girl of 13 or 14.

Mr. Scaddan: Easily seduced.

The PREMIER: Possibly it may so happen. In an instance of that sort, it would be wrong and cruel to inflict the lash, or make a lad a reproach to himself for all time. I do not make it mandatory now on the first offence, but I ask the House to accept an amendment making the lash mandatory on the second offence. When it is proved a man has done a thing of this sort a second time then he should suffer the lash.

Mr. George: Would you not make a difference between a brute dealing with a young child?

The PREMIER: Yes; but you cannot make an Act cover all classes; you must make the law so wide as to embrace all classes, but you cannot differentiate in the way of punishment, except in the number of cases.

Mr. A. A. Wilson: You can between a man and a boy.

The PREMIER: After 16 years of age a lad becomes very nearly a man, and it is very difficult to differentiate sometimes between a lad of 19 and 20 and a man, because some lads at 20 are really men, whereas some men at 25, perhaps, may never be men. The Bill which the Attorney General has introduced goes a long way in the direction advocated, and I must say at once that there is nothing which appeals to my sympathy more than the protection of children of tender age. I would hesitate to some extent before I gave the lash, even on the second occasion, for assaults on women of mature years, but we are inclined to be more severe when we consider offences against children under 13 years of age, and we have a number of cases on our records during the last few years. A little child of five years of age, an innocent little toddler, sent by her mother to the store to purchase something for the household, with the money in her hands, innocently going down a lane, and the next moment a brute accosts the child and assaults her. To-day he is liable to be flogged, but the flogging is not inflicted.

Mr. Troy: Why does not the magistrate do it?

The PREMIER: It is so difficult to get evidence beyond that of common assault, and punishment for assault is six months, and in every case the maximum punishment for assault has been given. There is no doubt that is the difficulty in a great number of these cases. We feel sure that the man is guilty of something worse, and that he ought to receive the full penalty, but the evidence is such that we cannot get a conviction, therefore the man gets six months.

Mr. Scaddan: This amendment will not assist you to get evidence.

The PREMIER: I am simply dealing with this amendment. When you do get the evidence and get a conviction, surely it is not too much to ask that if that offence is committed a second time that the man shall be flogged. But the power exists to-day on the first offence for a judge to flog, and that power is not taken away. Then it is permissible, according to a judge's discretion, on the second offence. What we ask the House to assent to is that it shall not be within the power of any judge, when a man has committed a second offence, to allow him to escape the lash. The measure of the lash shall be left to the judge, according to the nature of the offence. I am of opinion this class of criminals or lunaties, if we like to accept the word adopted by the member for Murray, would be deterred once he has tasted the lash; the fear of physical pain keeps men of this description away from this temptation, if it is a temptation—this mania, I call it. It is like a child once burned, twice shy. Once score a man's back with the lash and he is afraid.

Mr. George: Why not give it the first time?

The PREMIER: The fear is that you may force punishment and ruin a young fellow for life, whilst, perhaps, the fault was not there. It is not necessary to refer at any length to cases which have taken place in our midst; but only recently a case happened in this fair city of Perth, where a young child of 5½ years of age was assaulted; it occurred only last month in Beaufort-street. The child was taken into an empty house by an elderly man, about 5ft. 8in. high, dressed in black clothes, with a black hat. This

offence took place in the middle of the afternoon, at 3.30. The child complained to somebody in the street, and the police were comunicated with, and shortly afterwards, the same day, another little girl, five years of age, was dealt with in a lane almost adjoining, at the rear of the Shaftesbury hotel, about one and a half hours afterwards by a man, who answered to the same description. It seem that this man was, no doubt, not content with one offence in the afternoon; he immediately picked up another child, five years of age, and carried her into an empty house and repeated the offence.

Mr. Scaddan: Flogging will not stop him.

The PREMIER: Flogging will. A severe flogging he will never forget, and he will fight shy of children for the rest of his days.

Mr. Jacoby: You ought to hang him.

The PREMIER: Hanging would be too good for him. The operation suggested by the member for Murray would be too lenient. But we must make our laws for all classes of offences and, therefore, we cannot draft a clause which would deal with that one individual offence. I remember another case. I think it was at Maylands, where a poor little girl was sent to the store, and a great, burly fellow got hold of the child and took her into the bush and tampered with her. He did not actually have connection with her, but he tampered with her and injured her so badly that the child complained to her mother. There have been other cases, a number of cases, where no public complaint has been made because of the reluctance of the parents to publish their misfortune.

Mr. Troy: That occurs frequently.

The PREMIER: I believe it occurs frequently. It is a shameful thing, a most regrettable thing; it stirs one's feelings to the utmost depths. There was a case I heard of in which the mother's heart was broken, and the child ultimately died from the ill-usage received. There have been many cases of which we have no record, and in which no prosecution has followed. The man who committed these two offences the other day in Perth has, apparently, got clear away, and will probably commit further offences of the kind.

Mr. Scaddan: You had better give the next one an extra dose of whipping for this one.

The PREMIER: If the man who committed these two offences could be brought to justice I would for my part give him a good many lashes, sufficient to last him for a very long time.

Mr. Scaddan: It would be much wiser to send him to Dr. Montgomery.

The PREMIER: There was another case in which a poor little child was injured by some brute in a lonely place in the City of Perth. This ruffian waited for this child for a long time and the result was he had his way eventually. I think the least we can do is to take some steps which will at any rate put fear into the hearts of these criminals, these men that menace the fair fame of our country and endanger the lives of our children. Who among those who have little girls going to school every day do not feel some fear when the child goes even through the streets of Perth alone? I know on occasions I have had complaints made of men accosting little children. I will not say anything further than merely accosting, speaking to little girls; and, knowing that they would not accost children unless something more was in their minds I have felt so indignant that I might almost say with the leader of the Opposition that with a six-shooter in my pocket there would be an end to the offender. Still, when we legislate for these offences we must take care that our natural feelings of indignation and resentment do not take possession of or get the better of our judgment, and so make us legislate in such a way that the very extremity of our legislation will defeat the object we have in view. I hope hon. members will agree to passing this Bill for what it is worth, and we can see next session whether it is advisable to proceed further.

Mr. ANGWIN (East Fremantle): I have listened very carefully to the Premier, and while most of us agree with his statements, I cannot help forming the opinion that the Bill has been brought in

for the purpose of compelling those who have to pass judgment on offenders to carry out their duty; it is merely a want of confidence in the judges of our courts. The Premier pointed out that the judge may to-day, if he so desire, for a first offence order a whipping. I cannot put out of my mind the many times hon. members on this side of the Chamber have been condemned for criticising the action of our judges when we considered they have not done their duty; yet we find this Bill is for the purpose of condemning the actions of those judges for the very same thing. There is no doubt the views of the member for Murray are well grounded. The greater number of these offenders are lunatics, and no matter how much we whip a lunatic we will not cure him of his disease. There is a good deal in the arguments of the member for Murray when he says some other methods must be adopted to remove the danger. But I quite agree with the Premier there is a possibility that if a whipping be made compulsory for the first offence it may be ordered for some person as against whom it would not be justifiable.

Mr. Jacoby: They do not do it now when they have the power.

Mr. ANGWIN: It supports my argument that the hon. member has no confidence in those who administer the law. I maintain if the police magistrate of Perth had ordered whippings when he had the power to do so, instead of inflicting three or four weeks in gaol, we would not have this Bill. Yet the hon. member who introduced the measure would not get up and say Mr. Roe had not done his duty.

Mr. Foulkes: It is not necessary for me to do that.

Mr. ANGWIN: But you do it in an indirect manner. I say if we have in charge of our courts those who are not properly administering the law the sooner we remove them the better. If hon. members intend to pass the Bill I hope they will adopt the course advocated by the Premier.

Mr. SCADDAN (Ivanhoe): As there seems to be a general desire to discuss the Bill I do not propose to insist upon the adjournment at this stage. I differ from some hon. members in regard to the method of dealing with these offenders. While there is no member of the House but recognises the seriousness of an offence of this kind, one has to remember that children of from five to ten years of age are not aware of the seriousness of the offence from their own standpoint. No punishment is too severe for an offence such as we are considering if the offender is in his right mind at the time he commits that offence. I would like to say to hon. members, and particularly to the member for Claremont, that it would be as well to read up this question. If the hon. member did this he would find from those who have made a life study of the subject that all the punishment you care to mete out to these individuals will not prevent a recurrence of the offence. The penalty for murder is hanging, yet murder is not prevented by that; there are still murderers.

The Attorney General: It serves to reduce the number of the offences.

Mr. SCADDAN: I do not agree with that. I do not know that capital punishment has prevented murder in a single instance. I submit that while murders are decreasing year by year it is because the people are becoming better educated.

The Attorney General: The numbers are increasing in the United States, where the penalty is uncertain.

Mr. SCADDAN: For very similar offences to that under discussion at different stages in the world's history there have been even more severe punishments than these obtaining to-day. Yet in many cases those punishments had to be repealed because in their extremity they were defeating the object for which they had been devised. I want to ask the House if we are not going to extremes in making it mandatory that there should be a whipping in addition to other punishment ordered by the court?

Mr. Foulkes: It is for the second offence.

Mr. SCADDAN: I see no difference between the first and the second offence. The second offence only proves that whip-

ping is not a suitable punishment. The member for Murray struck the key-note when he advocated a punishment that would absolutely prevent the offender from committing the crime again. We are too mock-modest in these matters. This is not the only offence to which such punishment as that advocated by the member for Murray should be applied. I hold it is no punishment at all, that it is really a kindness, for the offender is not responsible for his actions. Any man who would deliberately commit an offence of this kind on a child of five or six years of age cannot possibly be in his right senses. Under the circumstances I say that to treat it in the fashion suggested by the member for Murray would be, after all, a kindness to the individual himself instead of inflicting a punishment; and, fortunately, the kindness is of that nature that he would be prevented from a recurrence of his offence, a happy consummation which the other punishment will never secure.

Mr. George: Any other punishment will only make him more cunning in seeing that he is not found out next time.

Mr. SCADDAN: The Premier has pointed out that the punishment is not suited to the offence, and that two offences were committed in one day in practically the same locality and, apparently, by the same individual, who is still at large. I would ask will inflicting a whipping upon some other person guilty of a similar offence prevent this double offender from attempting to repeat his offence on another occasion? I say it will not, because if he is maniac enough to do it once he will do it again. Cromwell set up a severe punishment for illicit sexual relationship, going even so far as the death sentence; but it had no effect—indeed the offence became more prominent. At other times, through the pressure of the church, death was made the punishment for adultery; and there was such a reaction set in that there were more crimes for that offence while that punishment was in operation than previously. The Premier, to my way of thinking, has taken the correct view of the case. We cannot, as Parliament, lay down one rule that will govern all cases of this kind. I hold, as strongly as the member for Murray or anyone else, that if an individual in his right senses commits an offence of this kind whipping is no punishment for him, is no deterrent to any other individual committing the same kind of offence. I have known girls at eleven years of age as fully developed as women, and also as capable of seducing a lad or a man as a lad is of seducing a girl. What protection are we going to give the boy? We are giving him no consideration; we are viewing the matter purely from the standpoint of some dirty old men who are guilty of most of these offences, and we are going to make the punishment so severe that probably a lad who has been seduced by a girl is going to be flogged and whipped in his young days and made a criminal all his life. We have to consider these matters carefully before inflicting a punishment of this kind. What is the position to-day? We are proposing to make it mandatory in every instance that whipping or flogging shall be inflicted for a second offence; but already the magistrates may inflict that punishment. What conclusion are we to arrive at? Either the magistrates have not been sufficiently seized of the seriousness of the offence and have not inflicted the punishment that Parliament desired should be inflicted, or they have not had evidence before them that warranted inflicting a flogging. But if we made flogging mandatory for the second offence we are going to let individuals off who may be guilty. The evidence may be sufficiently strong for a jury to convict, but if we insist that a flogging must follow the conviction the jury may have some doubt. I maintain we cannot get 12 Englishmen in any part of the world who will order the flogging of an Englishman unless they have absolutely no doubt in regard to his guilt.

Mr. Foulkes: That is just what we want.

Mr. SCADDAN: On many occasions the jury may have a doubt that the man is guilty, yet they are so satisfied in their minds that he is deserving of punishment that they will order his punishment; but

if they know well that if they find a man guilty, irrespective of the enormity of the offence, he is going to be flogged, we are allowing these individuals to be let off scot-free. I have no objection, even in the first instance, to the person being flogged who is found guilty beyond any doubt of an offence of this kind, but the Attorney General has had the remedy in his hand all the time. If he is not satisfied with the administration of the law in this matter he can circularise the magistrates and judges pointing out that they can inflict whipping, and that it is the desire of Parliament that the Criminal Code in this direction should be put into operation when there is no doubt as to the guilt of the person. If the Attorney General had told Mr. Roe by circular that it was the desire of Parliament that persons found guilty of this offence should be punished by whipping, Mr. Roe, if satisfied about the guilt of a person, would have ordered that whipping in each case. Unfortunately we are now about to do something which is going to get the guilty persons off, in order to make an appeal to the public that we are anxious to protect our children. We should not have any mock modesty in the matter. If we are anxious to have a remedy, let it be an effective remedy that will stop the recurrence of these offences, and not a remedy of that nature that will make it appear, from the standpoint of the public viewing the action we are taking, as being a remedy when it will only have the effect of allowing many persons who would otherwise be punished to get off scot-free on second offences. We must allow someone to judge between the various cases presented from time to time, and if attention is drawn to these provisions in the Criminal Code which mention 14 years' hard labour with or without a whipping, I am satisfied the effect will be greater than passing a measure of this kind and making it mandatory, because I hold there will be difficulty in getting juries to agree to convict a man unless it is absolutely beyond doubt that he is guilty. The difficulty after all is not so much the punishment as obtaining a conviction. Section 185 of the Criminal Code Act provides that a person cannot be convicted of either of the offences mentioned in the section upon the uncorroborated testimony of one witness. The difficulty in these cases is to get other witnesses. Unless a case can be proved up to the hilt the individual is going to get off scot-free. There are two classes in the community; there are people who would think nothing of taking the opportunity to blackmail and get some person a whipping. I know the case of a young man who was tried for rape in Victoria and just escaped hanging by the skin of his teeth, as the saying goes. He was sentenced to 14 years' imprisonment, but he insisted on his innocence. The judge poohpoohed it, and the jury poohpoohed it, and this young man served three years, and then the girl on her dying bed confessed that she was a consenting party, and that she only acted as she did to screen herself. This youth would have been permitted to serve the full 14 years if she had not spoken on her dying bed. But we cannot retract a whipping; it cannot be withdrawn, and we are going to ruin a man for life. While thinking seriously of the offence, let us think seriously of the remedy proposed, and whether it will have the desired effect.

Mr. Foulkes: We will try it.

Mr. SCADDAN: I do not know that I agree with the hon. member. I am quite prepared so long as he is guilty to give a man a whipping, not once but several times, in order that he may not forget it; but I do not think it would be wise to make it mandatory. We should permit the judge to decide each case and particularly draw his attention to the desire that the provisions in the Criminal Code should be put into operation for a second offence. I am satisfied with that. At the same time I say, with the member for Murray, that if a man is found guilty on a first offence beyond the shadow of a doubt, he should be flogged, and I am satisfied the magistrates will carry out the desire of Parliament in this particular matter and order floggings in cases such as have been mentioned by the Premier.

Mr. Foulkes: You must remember that the judge has power to decide how hard the whipping may be; he can order just one stroke.

Mr. SCADDAN: But the jury cannot tell what attitude the judge will adopt when they find a man guilty. I would not mind a provision allowing the jury to recommend a whipping.

Mr. Foulkes: The jury may recommend that the person be dealt with leniently; they send in a recommendation to mercy.

Mr. SCADDAN: That does not get over the fact that the man has to bear the flogging. If the member for Claremont will consider the advisability of an amendment to read that the jury may find a person guilty and order a flogging, I am prepared to agree to it. I am prepared to trust 12 of my countrymen better than a single individual; and if they are prepared to say a flogging is the proper penalty I am prepared to give them power to order it. Unfortunately we have numbers of cases where juries are seized with the seriousness of offences, and the judges frequently overlook them and award punishments insufficient for the enormity of the offences; while in other cases juries adopt a different view and find men guilty with recommendations to mercy, but the judges absolutely set aside these recommendations to mercy and give no consideration to them. That may apply in this case. Flogging an individual is too serious a punishment to be taken lightly; but if 12 jurymen are prepared to order it, I am prepared to give them the right to do it. So far as the magistrates are concerned, it is only necessary that their attention be drawn to the existing provision with the object of attempting to prevent the recurrence of these cases; and whipping should take place in the first instance where guilt is beyond doubt established. If the magistrates cannot deal with a case and it goes to the higher court, it remains with the jury and judge to convict and order a flogging if necessary. I am sure the Attorney General will agree with me that it would be more advisable not to make it mandatory. If we make it too severe I am afraid we are going to allow men to get off scot-free, owing to the jury having some doubt; because if they bring in a verdict of guilty they know a man must be flogged, and that their recommendation to mercy will have no effect. It may have the effect of getting a man's strokes reduced from 25 to 10, but the flogging exists all the same, and it is too serious a punishment to treat in this light manner. While we are regarding the seriousness of the offence we are forgetting the seriousness of the punishment. I hope the House will deal with the Bill in the manner I have suggested.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

In Committee.

Clause 1—agreed to.

Clause 2—Amendment of Section 185:

Mr. HUDSON moved—

That progress be reported.

Motion negatived.

Clause passed.

Clause 3—Punishment of whipping to be inflicted in certain cases:

Mr. SCADDAN: It was understood that on Clause 2 the member for Claremont intended to move an amendment.

The Attorney General: I did not agree to any amendment.

Mr. SCADDAN: It was generally conceded that to allow cases of this kind to be brought against a person for any period, would be absurd; there should be some limitation. If three months was not sufficient, some other period could be suggested.

The Attorney General: But in Section 187 of the Act there is no limitation and I am moving to make the two sections consistent.

Mr. SCADDAN moved an amendment—

That in line eleven the word "sixteen" be struck out and "twenty-one" inserted in lieu.

The proposal to whip a youth of sixteen did not meet with his approval. While we were protecting our girls we should also consider the boys. After the age of 21 years if a person was found guilty of

a second offence, whipping would be justified, but to inflict a whipping on boys of 16 was a serious matter. At the present time it was discretionary, but the Bill would make it mandatory. The worst offenders were men whose ages were between 30 and 40 years.

The ATTORNEY GENERAL: It should be pointed out that the punishment in connection with these cases was mandatory only in the case of a second offence as far as boys of 16 were concerned. If a youth of 18 were convicted on a second occasion, and if he had been previously convicted of a similar offence when 16 or 17 years, there was no reason why that youth should not receive the same punishment as if he were of the age of 21 years. The moral responsibility was equally great and it was impossible to say that at the age of 16 and upwards the lad did not perfectly realise the nature of the offence. With regard to the whipping, where it was ordered in the case of lads under 16, it was only half as severe as it was in the case of those who were 16 or over. In fixing the age of 16 or over the Government was simply following a distinction already made by the law in regard to the moral responsibility attaching to people of that age.

Amendment negatived.

Mr. SCADDAN: It was his desire to move a further amendment in the same clause. He wanted to make the punishment effective and not prevent a guilty person from getting off scot free, and with that end in view he wished to make provision that it should remain with the jury to order a whipping. The Attorney General might frame some amendment in the direction he had suggested. Unless the jury recommended that the offender should not be whipped let him be whipped. If this qualification were not inserted we would have guilty men escaping scot free. It was to be remembered that there was such a thing as blackmail.

The ATTORNEY GENERAL: Suppose a jury were to make a recommendation that flogging should not be inflicted, the judge would point out that under the law he was compelled to impose a whipping. But the judge could make that sentence purely of a nominal character, and could order a whipping of a single stroke with a cane. Suppose, again, the judge were not in agreement with the recommendation of the jury and altogether disregarded it, the jury would call public attention to the matter. And it was to be remembered the sentence of a judge was always liable to be revised by the Executive Council. So there was already a double safeguard. There was the appeal to the clemency of the Crown, and wherever there was reasonable doubt the judges and the Executive Council were inclined to be merciful if it was the wish of the jury. We must have sufficient confidence in the judges and the Executive Council to believe that if the jury recommended that no flogging should take place, and if such recommendation were justifiable, it would receive every reasonable consideration by the judge in the first place, and, if necessary, at a later stage by the Executive Council.

Mr. SCADDAN: It was all very well for the Attorney General to explain the usual procedure; but the jury would be in court to bring in a verdict of guilty or not guilty, and they would not take into consideration the possibility of the Crown extending leniency. The jury would be faced with the possibility that if the prisoner were found guilty he would be whipped, and accordingly many offenders would go scot free. While we were protecting our girls, we should not lose sight of our boys. All the authorities he could find agreed that whipping was not a deterrent against crime. There was a general abhorrence against whipping, an abhorrence shared in by juries. He agreed with the principle of indeterminate sentences, a principle which had proved much more effective than flogging.

Mr. George: Flogging settled garrotting, anyhow.

Mr. SCADDAN: That was by no means certain. However, he was not asking the Committee to amend the clause in such way as to leave flogging generally discretionary. He agreed with its being made mandatory, conditionally upon its

being made clear that in certain cases it should not be inflicted. If we did not do this, if we did not thus temper the legislation, we would defeat our own ends. Let us merely say that if the jury did not recommend that there should be no flogging, the flogging should be inflicted.

Mr. FOULKES: The proposed amendment would give power to the jury to decide what the punishment should be, which would establish a new principle altogether. The leader of the Opposition had no occasion to be afraid of leaving it to the judge to say what amount of whipping there should be. The judge would still have that power, and the judge would always consider a recommendation by the jury. And even if the judge were to take no notice of such recommendation, all the jury would have to do would be to send in a joint recommendation to the Executive Council, where it would be respected.

Mr. Heitmann: It would be referred back to the judge.

Mr. FOULKES: Time and again the Executive Council had reduced the penalties imposed by the judges. This particular penalty was only to be inflicted in the case of an offender being convicted of a second offence.

Mr. PRICE: It was surprising to hear the member for Claremont state that the recommendations of juries had any weight with the judges. He called to mind two cases within the knowledge of hon. members. Some three years ago two men on the goldfields had been found guilty of a similar offence, namely, manslaughter. In the one case the prisoner was a well-known criminal, in the other he was a respectable citizen, who, for once under the influence of liquor, had caused the death of another. The well-known criminal was sentenced to 12 months imprisonment, while the respectable citizen, who had given way to drink and killed his mate, was sentenced to seven years, despite a strong recommendation to mercy. To-day that man was still in Fremantle gaol, notwithstanding repeated applications for his release. The invariable reply from the Executive Council to a petition for mercy was that the judge could not see his way clear to support such recommendation. He trusted the suggestion of the leader of the Opposition would be adopted. He could not close his eyes to the contingency that in a desire to protect our girls we might possibly do an injury to our boys. None could deny that there had been occasions on which boys of 14 or 15 years of age were contaminated and ruined for the rest of their lives by designing, wicked females. How often was it that a boy between 16 and 18 years of age realised the full responsibility of his actions? Invariably where a youth 16 years of age had been found guilty of a second offence of the character indicated in this clause, there was grave reason to suspect that there was something wrong with him requiring the attention of an insanity expert rather than the attention of a gaoler or a flogger. He could not imagine any sane man or youth giving way to his passions to the extent of making himself liable to the penalty imposed by this Bill. When we were imposing this degrading punishment of flogging on men we should have the jury's recommendation.

Mr. George: What about the degradation of the girl?

Mr. PRICE: While sympathising with the member for Murray in his desire to protect the girl, he maintained that there was something mentally wrong with a man who committed this offence, and that where the offender was apparently the victim of circumstances special treatment should be ordered. In such circumstances the jury should have the right to say whether or not a flogging was to be imposed.

Mr. DRAPER: The desire of all members was to prevent the increase of a crime which recently had become alarming in its extent, and members were merely differing as to how that object could be attained. The amendment suggested by the leader of the Opposition was based on the fear that juries might not convict. It was true that when there was only one penalty fixed by the law, such as death, the jury were very reluctant to pronounce the doom of a prisoner; but members should consider whether they were not introducing a dangerous innovation into

the criminal law in placing not only the finding of the verdict, but also the ordering of the punishment to be inflicted, in the hands of the jury. That was not a sound principle. In some cases it might work out with unnecessary severity to the prisoner, and in other cases with undue leniency. When the judge had heard all the evidence and the facts upon which the jury had come to a decision, he was in a far better position, and in a far more impartial state of mind, to mete out that punishment, not which the guilt of the prisoner required, but which the majesty of the law required to protect the interests of citizens. The object of punishment was not to inflict on the guilty party a punishment to him personally; it was rather to impose a punishment which would protect the community and would tend to decrease crime. What the community had to consider was the prevention of the crime, and the knowledge that the law required the intending offender to be whipped if he was found guilty would have a stronger effect upon this class of criminal than punishment left to the jury —punishment which a skilled advocate might induce a jury to mitigate in the prisoner's favour. Looking at it in that way, he hoped the amendment would not be passed. Criminals of this class might be lunatics. If they were lunatics, they were deserving of no protection on this point, but he had a doubt as to whether the defence of lunacy was justified in one case in a hundred; it was generally a subterfuge on the part of counsel to get a prisoner off when no other defence could be offered. He had seldom seen a defence of lunacy set up, which, so far as he could judge, had been justified, and, to say that because persons had committed this offence they were lunatics was begging the question.

Mr. Heitmann: None but sexual maniacs would commit this offence.

Mr. UNDERWOOD: It was true, as interjected by the member for Cue, that few but sexual maniacs would commit the offence. The very committal of such an offence was proof of the insanity of the offender. The member for Murray had stated that whipping had prevented garrotting; but garrotting was not stopped yet, and burglary was still practiced. In earlier days men were hung for sheep stealing, but hanging for that offence had been discontinued, and sheep stealing was practically abolished. Severity of punisment had no tendency to diminish crime. Crime was diminishing all over the civilised world, but it was not because of the greater severity of the punishment; on the contrary, the severity of punishment had decreased also. What was making for the decrease of crime was the spread of education, and the improved social condition of the people. The member for West Perth showed none of that milk of human kindness which contributed to make a man worthy of consideration. He had stated that if a man was an imbecile he did not deserve protection.

Mr. Draper: I did not say that.

Mr. UNDERWOOD: It would be better to kill a lunatic than to flog him. The hon. member also assumed that the judge was altogether superior, and that the opinion of the jury was to be quite discounted; but the jury were entitled to the same consideration as the judge, and, whether the hon. member liked it or not, the juries were part of our judicial system and were here to stay. The member for Claremont had said that a judge would not advise in regard to a case which he had tried, but it was the invariable rule for the Executive to ask the judge who tried the case to advise them. In the case of Martha Rendall, for instance, the Executive consulted the judge, and acted upon his advice. If the Executive Council would do it in the case of hanging a female, they would do it in the case of flogging a youth or a man. It was surprising the member for Claremont should attempt to mislead lay members on this question. Again, we were told the judge would decide. But the fault was the judge was compelled to order a flogging, and when it came to the question of whether it was a light or heavy flogging it did not matter; it might as well be 20 strokes as 10; because once a man was flogged he was practically done; he was no

longer a man; all his manhood was practically flogged out of him. Speaking of flogging, Tallack in *Penological and Preventive Principles* said the spectacle was brutalising to all parties concerned; it was savage and wicked, and calculated to quench any remaining spark of self-respect or hope in the person so punished. It was barbaric torture rather than just chastisement. It was held that the frequent and habitual resort to flogging as a punishment had proved a failure and had always proved incompetency on the part of the authorities. That was the opinion of almost every man who studied criminology. But we did not require the opinion of distinguished authorities. If we met a man thoroughly brutalised it was quite possible in his early manhood that man had been flogged. The judge could not tell the flagellator to hit lightly; the judge could only reduce the number of strokes; and if we could not give the judge power to refuse to inflict a flogging altogether, it would be doing a serious wrong, and we would be passing an Act no credit to us. All abhorred crimes of this description and acknowledged fully the duty of Parliament and the Government to restrict them as far as possible, but we would not decrease the crime by mandatory flogging while possibly we were likely to spoil many a good man. It was law at one time that people should be hanged for stealing sheep, but if hanging did not stop sheep-stealing flogging would not. The matter should be viewed in a more logical and liberal manner and with some sort of feeling towards the unfortunate human beings.

Mr. GEORGE: The hon. member lost sight of one thing, that the flogging operated only after one offence was committed and the second was charged and proved. If a man came up a second time all one could say was "God help our children if the law does not protect them."

Mr. Scaddan: He is a maniac, that is all.

Mr. GEORGE: We should be protected against maniacs. What was the use of the law if it was not to protect the community? And who should be protected more than little girls? Hundreds of cases occurred which were not reported because the parents were ashamed to talk about them. Even on the cases reported there was no member who would not be as indignant as any other man if it was his own child in question.

Mr. O'Loghlen: I do not think you are right in saying there are hundreds of cases.

Mr. GEORGE: The case mentioned by the member for Claremont was that of a little girl who was a playmate of his own daughter. That little girl died from the abuse of a wretch who was not caught. He would sooner 50 wretches were flogged to death than have one child polluted.

Mr. SCADDAN: The state of mind of the member for Murray showed conclusively the hon. member was not a fit person to judge cases of this kind. In making laws we must look at these things in a calm manner and not talk about flogging 50 or 60 persons who might be innocent. Unfortunately, we were starting at the wrong end. We should prevent crime, but by passing this Bill we would be doing nothing to prevent it. Passing a Bill making a flogging mandatory was more or less an expression of absolute disgust with our police force. Unfortunately the police in Western Australia were becoming too much of a military nature. They had their regular beats to do; and that was a system of police control which, wherever put into operation, was not a success. We should have men in the police force who would roam about the streets looking for crime where it was likely to arise. Whipping for the offence was no deterrent. If it was, let the hon. member quote from history some instances of where punishment of this kind was effective. Every authority showed the very reverse was the case. Earlier in the evening he quoted where it was made an offence punishable by death, and the result was that the law had to be repealed because the crime increased instead of being reduced. It was useless to imagine that by fixing a penalty it would prevent the crime. During the tramway strike why did the Government put two police constables in each tramcar? They did not say, "There is the penalty in the law; if you dare disobey it we will inflict the punishment." They did not take up that

attitude, they took up the attitude of preventing crime.

Mr. Jacoby: If the crime is committed do you not think flogging is a just punishment?

Mr. SCADDAN: I have no faith in whipping as an effective punishment for any offence.

Mr. Foulkes: We understand your opinion; let us get to the vote.

Mr. SCADDAN: There was too much mock modesty on this question. It was imagined that because a certain number of women waited on the Premier and made all sorts of requests we should fly to the statue-book and place on it just what they desired, but those women were, like the member for Murray to-night, hysterical. If hon. members read the five volumes of Havelock Ellis they would form a totally different idea on this question. Frequently the claim of being insane was set up as a defence in order to get a prisoner off. With regard to the question of insanity he would guarantee, with the consent of the Government and Dr. Montgomery, to take any hon. member to Claremont and put him in a room with 40 inmates of the asylum, and unless that hon. member touched upon the particular subject upon which any one of these inmates was insane, that hon. member would never know that he was in a room with 40 people who were insane. The same thing applied to a man who committed two offences of the kind under discussion; that man was sexually insane. If anything was likely to prevent such offences it would be the amount of publicity given to them. The proposed amendment to the law would not affect the matter in the slightest degree. With regard to wilful murder, had capital punishment prevented it?

Mr. Draper: It has reduced it.

Mr. SCADDAN: It had done nothing of the kind.

Mr. Draper: Did they not have to resort to capital punishment again in France?

Mr. SCADDAN: There were States in America to-day which were quite free from crime and in which capital punishment had been abolished. The laws of a country did not make a man honest; if we wanted to prevent these crimes, making a person suffer a penalty would not prevent them. He was merely asking in the amendment he proposed to move that the jury might have the power of saying that a flogging should not be administered in certain cases. That merely meant placing confidence in our own countrymen. He moved an amendment—

That in line 13 after the word "shall" the words "unless otherwise directed by the jury trying the case," be inserted.

Mr. ANGWIN: There was no doubt about it that the Bill was a reflection on the honour of the judges of the Supreme Court.

The Attorney General: Certainly not.

Mr. ANGWIN: Could the Attorney General get away from the fact that the court at the present time had in its discretion power to order a whipping. The Bill practically stated that in the past the judges had not order whippings and in the future they would be made to do so.

Mr. Heitmann: We often order judges to do things.

Mr. ANGWIN: The Bill was a reflection on those who presided over the police courts and the Supreme Court. The position was that the gentleman who had the power to inflict a punishment was the man who heard the case, and of course there might be circumstances in the case which would not warrant him ordering a severe punishment and under these circumstances the punishment would not be awarded. The Bill, however, condemned that man for not ordering the severe punishment and declared that even if there was not sufficient evidence, a whipping must take place whether the case merited the whipping or not. This amounted to a reflection on the honour of the judges.

Mr. Heimann: I would do that if it would prevent crime.

Mr. ANGWIN: The hon. member would do a lot of things that other hon. members would not agree with. We should first have proof whether this punishment would prevent crime. If these persons were not responsible for their actions, would whipping prevent the crime?

Mr. Foulkes: According to you they should not be punished at all.

Mr. ANGWIN: Perhaps he would do something which the hon. member would not agree with. It was our duty to take care to prevent such crimes being committed.

Mr. HEITMANN: Whilst not seeking authorities on this subject, he had taken some little interest in the two or three questions which were included in the study of the matter. He was not, however, able to come to a conclusion as to what would be the best means for preventing these crimes. We had heard that punishment was no deterrent against crime; but the belief remained that were it not for the fear of punishment there would be a great deal more crime. While there were many school children who would not do wrong, simply because they had been taught otherwise and instinctively distinguished between right and wrong, other children would be for ever doing wrong were it not for the fear of punishment. It had been stated this evening that the man who would commit an offence such as that under discussion was insane. If so, punishment would make such a man worse. We had heard of numberless cases in which, manifestly, the person committing the crime had been of unsound mind.

Mr. Jacoby: If these offenders can prove insanity they will escape punishment, and be sent to the lunatic asylum.

Mr. HEITMANN: Personally, he could not conceive of a man in his right senses committing such a crime as that under discussion. The punishment advocated by the member for Murray would scarcely be suitable in its application to a lunatic.

Mr. George: He would not offend any more.

Mr. HEITMANN: In any case he was not in favour of flogging, because it brutalised a man and did no good whatever. Nor did he believe in inflicting upon any individual the treatment proposed by the member for Murray, because that also would brutalise the offender.

Mr. George: It would prevent him doing any more mischief.

Mr. HEITMANN: While giving way to none in the desire to punish such an offender, he would punish with the desire of thereby doing good. Under the circumstances he would vote against the whipping altogether, and also against the amendment to be proposed later by the member for Murray.

Mr. McDOWALL: Every member thought of the offence we were discussing with the utmost feelings of disgust. At the same time different members viewed the methods of prevention of such crimes in different lights. If one spoke against the clause it would be at the risk of being misunderstood. He loathed this particular crime just as much as did any other member. Still, while we effected a remedy in one direction, we might, on the other hand, be brutalising a section of the community. It went without saying that flogging was brutalising in its effect. He could scarcely see that the clause, or even the Bill, was essential. Section 185 of the Criminal Code provided imprisonment with hard labour for life, with or without a whipping; thus all necessary power was already provided. The Bill went further, and made the whipping mandatory. The judge was to have no discretion in the matter. It had been proved that although brutalising, whipping was no altogether a deterrent against crime. He would heartily support the amendment.

Amendment put and a division taken with the following result:—

Ayes	.. .. ..	18
Noes	.. .. ..	19
Majority against	..	1

AYES.

Mr. Angwin	Mr. Hudson
Mr. Bolton	Mr. McDowall
Mr. Carson	Mr. O'Loghlen
Mr. Cowcher	Mr. Price
Mr. Davies	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Hardwick	Mr. Troy
Mr. Heitmann	Mr. Underwood
Mr. Holman	(*Teller*).
Mr. Horan	

Noes.	
Mr. Brown	Mr. Male
Mr. Daglish	Mr. Monger
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Murphy
Mr. George	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Hayward	Mr. Layman
Mr. Jacoby	(*Teller*).

Amendment thus negatived.

Mr. GEORGE: Whilst not wishing to be discourteous, he desired to point out that the amendment which he now proposed to move would have to be dealt with very plainly, and that the ladies in the gallery might prefer to leave. He moved an amendment—

That the following words be added to the clause:—"or if the offender be over the age of twenty-five years, he shall be emasculated."

In the previous discussion it seemed that hon. members had been forgetting that it was the protection of the children and young girls which was being aimed at. The desire had been expressed by members of the Committee that if whipping was to be imposed it should be at the discretion of the jury, but, to his mind, if whipping was desirable after a second offence we should take the necessary steps to prevent the creation of victim after victim of man's unrestrained lust. Members had spoken about human kindness and sympathy for the offender, but where was the sympathy that should be extended to the young girls who had been polluted by these wretches? When a second offence had been committed by the same person, it seemed to him that the means of committing that crime again should be taken away. It might appear to members, and to people outside, that this was taking a retrograde step, a step that belonged more to the dark ages than to the present day, but the crime itself was a remnant of the dark ages, and if we had a crime which ordinary means of punishment did not prevent, and which was growing, surely we ought not to be mealy-mouthed and thin-skinned about going back to the dark ages to find a punishment to fit the crime. If the punishment of whipping and imprisonment was not a sufficient deterrent, what were we to do? What would any member do if his own child was the victim of such a crime? Was there any man on God's earth, whose child had been soiled and perverted and who caught the wretch red-handed, but would take primitive means of punishing the offender? Let the punishment fit the crime, and let us not for the sake of mawkishness or even on the plea of Christianity forget our duty to protect the children and the womanhood of the community.

Mr. Scaddan: You surely do not wish to punish the offender for all eternity?

Mr. GEORGE: The object was to prevent the offender from committing the crime again. He did not care whether there was any precedent for the punishment or not. We wanted a remedy for a crime that was growing in our midst, a remedy that would absolutely frighten those people from entering on this crime: and where imprisonment and whipping had both failed, the only effectual means was to remove the power for the committal of the offence. To some members it might seem a great crime to take from a man the means by which he propogated his race. In the case of an ordinary healthy-minded, healthy-bodied man, it would be a crime, but when there was an impure mind and a depraved body what was there wrong in taking away the means by which lust and crime were consummated? His sympathies were with the child whose body had been defiled, and whose mind had been polluted, and when we had instance after instance of such cases, surely members would not be doing their duty as legislators, if, for the sake of mawkish sentiment, they failed to take the steps necessary to protect and conserve the innocence of our female children. He hoped that members would vote for the amendment, because he believed that if it was passed this offence against female children would disappear right away. If there was no precedent for the punishment he did not see why Western Australia should not form a precedent.

The ATTORNEY GENERAL: This amendment was one, which, if there was

any idea of carrying it, should only be suggested when the evil complained of had assumed much larger proportions than those with which the community was faced to-day. At this late stage of the session he was prepared to give little consideration, and far less consent, to such an amendment. If it was carried it would certainly defeat its object, because it would be practically impossible to get juries to convict.

Mr. George: Will you make it a burning question at the next election?

The ATTORNEY GENERAL: No; the leader of the Opposition feared that even the small amendment which the Government proposed would deter a jury from convicting. Whilst he hoped that the hon. member's fears would prove to be unfounded, he was not prepared to support the amendment moved by the member for Murray.

Mr. SCADDAN: If the previous amendment had been carried allowing the jury to decide, he might not have objected to the proposal of the member for Murray, but the decision having been taken out of the hands of the jury the punishment became mandatory.

Mr. George: Add the words you suggest.

Mr. SCADDAN: The member for Murray had had his opportunity, and that opportunity was gone. He was not prepared now to move that amendment. The hon. member took up the right attitude, to some extent, because some of these men were sexual maniacs, and it would be doing them a kindness as well as protecting the children. It was not the only thing in this connection when such action should be taken. We allowed the criminal classes to grow in the country by allowing them to propagate; and sooner or later, as authorities recommended, we would be faced with the question of doing something in the way of natural selection among men as well as among animals. The remedy suggested by the hon. member would not be a deterrent to the crime. There should be more vigilance on the part of the police, and we should not make the punishment too severe so as to cause juries to refuse to convict. The hon. member was taking a tremendous responsibilty on himself, because in the 23rd chapter of Deuteronomy it said that no person so dealt with could enter the congregation of the Lord.

Amendment put and negatived.

Clause put, and a division taken with the following result:—

Ayes	.. .. ..	23
Noes	.. .. ..	10
Majority for	..	13

AYES.

Mr. Bolton	Mr. Male
Mr. Brown	Mr. Monger
Mr. Carson	Mr. S. F. Moore
Mr. Cowcher	Mr. Murphy
Mr. Daglish	Mr. Nanson
Mr. Davies	Mr. Osborn
Mr. Draper	Mr. Piesse
Mr. Foulkes	Mr. Swan
Mr. Gordon	Mr. Troy
Mr. Gregory	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Jacoby	(*Teller*).

NOES.

Mr. Angwin	Mr. McDowall
Mr. Bolton	Mr. O'Loghlen
Mr. George	Mr. Scaddan
Mr. Gill	Mr. Underwood
Mr. Heitmann	(*Teller*).
Mr. Horan	

Clause thus passed.

Clause 4—Amendment of Section 326:

Mr. SCADDAN: This clause proposed to raise the age of consent from 14 to 16 years, but most girls reached womanhood at 14, and yet they were not to be deemed capable of consenting until they reached 16. It was all very well to be over-anxious about protecting the girls, but what about the boys? Many of the girls were just as active in seducing boys as boys were in seducing girls. In the streets of almost any capital in Australia we would find girls between 14 and 16 years walking the streets and inducing men to take them away. As soon as a boy reached the age of 16 years, if he committed an indecent assault on a girl under 16, even if the girl consented he would be liable to conviction. It was altogether too serious. The age of 14 was quite sufficient for the purpose to provide for the protection of girls. There were many girls married and with families around them before they reached 16 years of age.

The ATTORNEY GENERAL: The section proposed to be amended was that dealing with indecent assaults on females, and it was provided that the age of consent was 14 years; but in Section 189, dealing with the indecent treatment of girls, the age of consent was 16. It was scarcely logical to have 14 years in one case and 16 years in the other. It was probably owing to an oversight that the age was not made 16 in Section 326. In Queensland in both cases the age of consent was 14 years; but our Parliament in passing the Criminal Code raised the age to 16 years in the one case and apparently overlooked the other case. To be consistent we should have the age the same in both cases. He favoured raising the age of consent to 16 years.

Mr. SCADDAN: In one section it stated distinctly that "to deal with" only applied when a girl did not consent, and then it constituted an assault, but if she did consent it did not constitute an assault. In Section 330, however, even if consent was given, the assault would still remain in the case of a girl under 14 years of age. Now we proposed to raise that age to 16 years of age. It would be rather over-doing it. When girls got to the age of 14 years they were becoming women and were undoubtedly capable of giving consent.

The ATTORNEY GENERAL: The final paragraph of Section 189 read—

> The term "deal with" includes doing any act which if done without consent would constitute an assault as hereinafter defined.

The reference there was to Section 220, which defined assault as follows:—

> A person who strikes, touches, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, under such circumstance that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault.

Clause put and passed.

Clause 5—Amendment of Section 696:

Mr. BOLTON: Was this the clause that provided that action might be taken at any time? The Attorney General promised the member for Claremont that it would be amended.

The ATTORNEY GENERAL: The member for Claremont was under a misapprehension if he thought that such a promise had been made. He (the Attorney General) had had no conversation with the member for Claremont except what passed between them on the floor of the House as to the limitation, as it had been pointed out, if the limitation was not needed in one case, it was not needed in the other. This particular Clause 5 had been introduced in order to provide procedure in the case of an ex officio indictment by the Attorney General. Procedure was provided at present where an ex officio indictment was brought in the Supreme Court, but by an oversight no procedure was provided where an indictment was brought in the court of quarter sessions. The effect of the amendment was to provide that the procedure in the case of an ex officio indictment in the Supreme Court should also be the procedure *mutatis mutandi* in the case of an indictment in the court of quarter sessions.

Clause passed.

New clause:

The ATTORNEY GENERAL moved—

That the following be added to stand as Clause 6:—"Section 676 of the Code is hereby amended by the insertion— (a) *of the words 'in case the charge is one in respect of which the right to trial by jury exists' between the words 'and if' and the word 'the' in the seventh line of Subsection (1);* (b) *of the words 'if the case is one in which the right to trial by jury exists' between the word 'then' and the words 'to address' in Subsection (3); and* (c) *of a new subsection as follows:—'(6.) No right to trial by jury shall be deemed to exist in the case of a child to whom this chapter applies in respect of any*

charge of having committed or attempted to commit an offence which is of such a nature that a person of full age might be convicted thereof summarily before justices without any consent on his part.'"

As had been explained in the second reading there was provision in the Code at present that young persons might elect to be dealt with summarily for any offence except the offences of murder, manslaughter, and treason. Owing to a recent decision of the Full Court it had been ascertained what had never before been suspected, that not only had young persons this right to demand to be dealt with summarily, but that they could go further and demand to be tried by a jury in the case where an adult had no such right. That was a somewhat absurd position. If we had a case of a trivial character in which an adult had no right to be tried by a jury he could be dealt with summarily, and it seemed absurd to say that a child between the age of 10 and 16 could demand to be tried by a jury.

Mr. Angwin: The Children's Protection Act goes to 18.

The ATTORNEY GENERAL: The intention never was that children either by themselves or their guardians should have the right of demanding to be tried by a jury in cases where that right was not enjoyed by adults. The intention of the Act was that children should have the right to be treated summarily in all cases except murder, manslaughter, and treason. The amendment provided that the law should be placed in the position that it was always supposed to be until the judgment of the Full Court was delivered on this point as recently as November last.

Mr. ANGWIN: The new clause should certainly appear on the Notice Paper, because it was a matter which hon. members should have the opportunity of making some inquiries about. A child might have a better chance of clearing himself from a charge before a jury than he would have before a magistrate. Besides, there was no immediate hurry for getting the Bill through.

The ATTORNEY GENERAL: If it were intended to adopt some novel principle or deprive juvenile offenders of a right enjoyed by adult offenders, the opposition of the hon. member could be understood. It was advisable that juvenile offenders should be dealt with speedily. The majority of cases against juveniles were not regarded with the same seriousness as were cases against grown up persons. No possible harshhip could be inflicted upon a juvenile offeder by placing him, in this particular, in the same position as an adult. The sympathies of magistrates, judges, and juries were alike with a juvenile offender, and all agreed that if he had to be punished he should be punished in a merciful way. It was in the interests of the boy himself that he should not be allowed to put forward a trivial plea and be tried by a jury.

New clause put and passed.

New clause:

The ATTORNEY GENERAL moved—

That the following be added to stand as Clause 7:—Section 678 of the Code is hereby amended by the insertion of the words "of any offence of which he could not, if of full age, be summarily convicted without his consent," immediately after the word "convicted" in the second line of Subsection 1, and by the deletion in Subsection 2 of the words "if the accused young person does not object to the justices dealing with the charge summarily," and the insertion in lieu of the words "in the case of every child proposed to be dealt with summarily under this chapter."

The amendment the Committee had just carried dealt with the summary trial of children under 12. The amendment he now moved was to the same effect in the case of a summary trial for young persons over 12 but not exceeding the age of 16. Therefore, all the arguments he had previously used would apply to this clause

Mr. ANGWIN moved—

That progress be reported.

Motion put and a division taken with the following result:—

Ayes	.. ..	4
Noes	.. ..	23
Majority against		19

Ayes.	
Mr. Angwin	Mr. Price
Mr. O'Loghlen	(*Teller*).
Mr. Troy	

Noes.	
Mr. Brown.	Mr. Jacoby
Mr. Carson	Mr. McDowall
Mr. Cowcher	Mr. Male
Mr. Davies	Mr. Monger
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Murphy
Mr. George	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Harper	M. F. Wilson
Mr. Hayward	Mr. Layman
Mr. Bolton	(*Teller*).

Motion thus negatived.

Mr. ANGWIN: It was to be regretted the Minister had not put the new clauses on the Notice Paper; we should have the opportunity of ascertaining what would be the effect of these new clauses on the Bill.

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILLS (5)—RETURNED FROM THE COUNCIL.

1. Bread Act Amendment (without amendment).
2. Naraling-Yuna Railway (without amendment).
3. Brookton-Kunjinn Railway (without amendment).
4. Wongan Hills-Mullewa Railway (without amendment).
5. Dwellingup-Hotham Railway (without amendment).

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Mr. Taylor in the Chair; the Attorney General in charge of the Bill.

Clause 1—Short Title was amended by striking out "1910" and inserting "1911" in lieu.

The ATTORNEY GENERAL moved a further amendment—

That in line 4 the word "March" be struck out and "May" inserted in lieu.

This was necessary in order to enable the department to circulate the new form which would be in common with that used by the Commonwealth. It was anticipated this form could not be ready much before May.

Amendment passed, the clause as amended agreed to.

Clauses 2 to 5—agreed to.

Clause 6—Amendment of Section 17:

The ATTORNEY GENERAL moved an amendment—

That paragraphs (c) and (d) be struck out, and the following inserted in lieu:—(c) By inserting in subsection 1 after the words "to vote" the words "at any polling place in the district," and (d) By inserting after the word "district" in lines two and four of Subsection 2 the words "or sub-district."

Clause 17 of the Electoral Act as amended would provide for the enrolment after residence of one month in a district or sub-district, and for re-enrolment if the elector moved into another district or sub-district. It might at first be a hardship if an elector on moving from one subdivision of a district into another subdivision of the same district were compelled to re-enrol, but there was no actual hardship imposed on the State elector in that respect, because in those circumstances for Commonwealth purposes he would be compelled to re-enrol on moving to another State subdivision. The State and the Commonwealth would have common claim cards and the one re-enrolment would answer for both purposes. The creation of sub-districts would not be availed of more than was absolutely necessary, but, where it did happen that an elector moved from one Commonwealth sub-district into another sub-district, it was essential that he should be re-enrolled for the Commonwealth, and there being a common claim card, there was no extra trouble imposed on him to retain his rights as a State elector.

Mr. Heitmann: What is the object sought in subdividing an electoral district?

The ATTORNEY GENERAL: It might happen that the boundaries of a Commonwealth electoral district and a State electoral district were not coterminus; there might be a certain amount of overlapping and in these circumstances it might be necessary to create a Commonwealth sub-district. A person living in a Commonwealth subdistrict, although he might remove out of that district into any other part of the State electoral district, did not lose his right to vote as a State elector; but, if he wished to preserve his right as a Commonwealth elector, it was necessary that he should re-enrol.

Mr. Bolton: If a man is residing in one electoral sub-district and moves into another sub-district, must he re-enrol?

The ATTORNEY GENERAL: Not in order to retain his right to vote as a State elector.

Mr. Bolton: If that man did not re-enrol, would he still be eligible to vote for the State election?

The ATTORNEY GENERAL: Yes, if he had not moved out of the State electoral district.

Mr. Angwin: Will the Attorney General state what is the effect of altering the word "resided" to "lived"?

The ATTORNEY GENERAL: The word "lived" had been substituted for the word "resided" in order that the wording on the common claim cards for Commonwealth and State might be the same, but the word "lived" for the purposes of the Electoral Act meant precisely the same as the word "resided." "Lived," according to the judgment of Chief Justice Sir Henry Parker, was to be construed strictly to mean the place of actual living or residence. The alteration was made for the sake of having the same language for Commonwealth and State, but no difference was made in the effect of the law as at present.

Mr. ANGWIN: It had been held that a Perth man visiting Kalgoorlie would be "living" in Kalgoorlie for the time being, but "residing" in Perth. The amendment would allow a man to transfer his name every few weeks according to the place in which he was "living" for the time being.

The ATTORNEY GENERAL: Subsection 2 of Section 17, which this clause amended, stated explicitly "for the purposes of this Act a person shall be deemed to have resided"—we made it lived—"within the district wherein he has his usual place of abode notwithstanding his occasional absence from such district or sub-district.".

Mr. Angwin: It would still apply?

The ATTORNEY GENERAL: Yes. And the point as to what living or residing in a place meant was clearly dealt with by the Chief Justice in his judgment in the case of Gregory and Buzacott.

Mr. HOLMAN: Would men moving from one sub-district to another in the same electoral district be disfranchised if they did not re-enrol in the sub-district where they moved to?

The ATTORNEY GENERAL: If an elector moved out of one Commonwealth electoral district into another Commonwealth electoral district, obviously he must re-enrol; that was provided in the Commonwealth Act. If the elector moved out of a Commonwealth electoral district but not out of the State electoral district then his right to vote as a State elector would remain; but in order to preserve his rights as a Commonwealth elector he would need to re-enrol. And in the same way if a State elector moved out of a State electoral district into another State electoral district he must re-enrol. The section as amended provided that while it was necessary for an elector to re-enrol himself when moving from a sub-district to a sub-district within the same electoral district, he would still retain his vote at an election which might take place although he removed from the one sub-district to another in the same electoral district.

Mr. HOLMAN: If Meekatharra and Nannine were constituted separate subdistricts in the same electorate, and a man removed from Meekatharra to Nannine, could he exercise his vote at Nannine without re-enrolling?

The Attorney General: Yes: as a State elector.

Amendment put and passed.

Mr. ANGWIN moved a further amendment—

That the following be added as a subclause:—"*Subsection 3 is hereby repealed.*"

This clause provided that members and their wives could enrol if they chose in members' electorates and not where they were residing. It was pointed out during the debate on the Redistribution of Seats Bill that country members residing in the City, and having places of business in the City, really represented the City equally with the districts they were sent in to represent. His wish was that those representing country districts should reside in the districts they represented or lose their power of voting in the districts they represented. Members should enrol for the districts where they resided.

Mr. O'Loghlen: But it is used against the member that he is not on the roll for the district he represents.

Mr. ANGWIN: It would be far better for the candidate to reside in the district. He would get a far better knowledge of the requirements of the district.

Mr. Heitmann: Go on! Talk sense!

Mr. McDowall: It would cost more than £200 a year.

Mr. ANGWIN: Members seemed to be annoyed, but the only way to get a fair knowledge of one's district was to reside in the district.

Mr. Heitmann: Let the electors settle that.

Hon. A. Male (Honorary Minister): How could the member attend Parliament?

Mr. ANGWIN: Why should a member of Parliament have greater privileges than any member of the community? No other man had the opportunity of choosing the electorate in which he pleased to register.

Mr. Heitmann: I spend half my time in Cue and half in Perth. What are you going to do with me?

Mr. ANGWIN: The object of the provision was to make the electors of the various districts believe there was greater interest taken in their electorates than was really the case.

Amendment by leave withdrawn.

Clause as previously amended agreed to.

Clauses 7, 8—agreed to.

Clause 9—Amendment of Section 24:

Mr. ANGWIN: Would the Attorney General supply some information relating to the printing of the rolls?

The ATTORNEY GENERAL: In view of the fact that the co-operation with the Commonwealth provided for the annual reprint of the rolls, it had not been considered necessary to retain the obligation on the part of the registrars to print the quarterly supplementary roll. Section 24 provided that the rolls should be printed and issued under the hand of the Chief Electoral Officer whenever that officer thought fit. A similar provision was made in Section 26, so far as the supplementary rolls were concerned.

Clause put and passed.

Clauses 10 to 12—agreed to.

Clause 13—Amendment of Section 42:

Mr. SCADDAN: The clause provided that claims for enrolment sent in should be signed by the claimant in the presence of a person authorised to witness the signatures of claimants. He moved—

That all the words after "claimant," in line 1 of paragraph (b) be struck out.

There was no reason why the signature of the claimant should be witnessed at all. All that was necessary was that a person desiring to be enrolled should sign his name and send in the claim form.

The ATTORNEY GENERAL: Clause 37 provided that any person who witnessed the signature of a claimant without being satisfied that the statements contained in the claim were true, was liable to a penalty. Therefore, some amount of duty was cast on the person who witnessed the claim. Further, even if we agreed to the amendment nothing would be gained, because the Commonwealth had already provided that in respect of a claim to be enrolled as a Commonwealth elector the claim form required to be witnessed either by an elector or by a person entitled to be enrolled as such. It was proposed to use joint forms, and, therefore, when the would-be elector came along, in order to secure enrolment as a

Commonwealth elector it would be necessary to have the form witnessed. Apart from this there was good reason for having these claims witnessed; it afforded some guarantee of the correctness of the claim.

Amendment put and negatived.

Mr. SCADDAN moved a further amendment—

That the following be added as paragraph (d):—"Provided that if a claimant is unable to sign his name he shall make his distinguishing mark."

There were many cases of persons unable to sign their names; in the circumstances the distinguishing marks of such persons should be accepted as signatures.

The ATTORNEY GENERAL: It was provided by Section 208 of the principal Act that any person required to sign his name, might, on satisfying an officer that he was unable to write, make his distinguishing mark, which would be witnessed by the officer. Therefore provision was already made for the use of distinguishing marks.

Mr. Scaddan: That only provides for going to a registrar's office.

The ATTORNEY GENERAL: It was proposed later to move an amendment to provide that this Section 208 should read that any person required to sign his name might, on satisfying the attesting witness that he was unable to write, make his distinguishing mark which would thereupon be witnessed.

Mr. SCADDAN: In view of the Attorney General's explanation he would withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 14—agreed to.

Clause 15—Amendment of Section 45:

Mr. ANGWIN moved an amendment—

That in line 3 of Subclause 2 the following words be struck out:—"he may if he thinks fit submit the claim to any officer referred to in Section 35 qualified in his opinion to report thereon, and."

The clause threw the work of the Electoral Department on officers of the local governing bodies, and those officers already had sufficient to do without attending to the verifying of claims. Section 35 meant that officers of the local authority should assist the department in certain work, but it did not mean that if a claim was sent in and the Registrar was doubtful about it he should be able to send the claim back to an officer of the local authority, and order that officer to travel 50 or 60 miles to verify the claim.

The ATTORNEY GENERAL: The hon. member had missed his opportunity. Section 35 provided that all officers in the public service, or in the service of any local governing body, were authorised and required to furnish the Chief Electoral Officer with all the information he might require for the preparation and revision of the rolls. If the hon. member's amendment were carried it would not prevent the Chief Electoral Officer from continuing to avail himself of the powers given in Section 35. It was highly desirable that the Chief Electoral Officer should have the very widest power of obtaining information as to whether a claim was just or not. He opposed the amendment.

Amendment put, and a division taken with the following result:—

Ayes	15
Noes	22
Majority against ..	7

Ayes.	
Mr. Angwin	Mr. O'Loghlen
Mr. Bolton	Mr. Price
Mr. Gill	Mr. Scaddan
Mr. Heitmann	Mr. Swan
Mr. Holman	Mr. Troy
Mr. Horan	Mr. A. A. Wilson
Mr. McDowall	Mr. Underwood
Mr. Murphy	*(Teller).*

Noes.	
Mr. Brown	Mr. Jacoby
Mr. Carson	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. S. F. Moore
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Piesse
Mr. Gregory	Mr. F. Wilson
Mr. Hardwick	Mr. Layman
Mr. Harper	*(Teller)*
Mr. Hayward	

Amendment thus negatived.

Clause put and passed.

Clause 16—agreed to.

Clause 17—Amendment of Section 50; change of electors from one roll to another on redistribution of seats:

Mr. BOLTON: Was the discretionary power given to the Minister sufficient?

The ATTORNEY GENERAL: The provision was necessary to provide power for the transfer of electors without re-enrolment after a redistribution of seats.

Clause passed.

Clause 18—Amendment of Section 51:

Mr. SCADDAN moved an amendment—

That after "follows" in line 3 the following words be added "By omitting the words in paragraph (e) 'inmates of any charitable institution.'"

The section provided that the inmates of charitable institutions be removed from the roll. He proposed to strike out this provision. If we were desirous of bringing about uniformity with the Commonwealth we should allow the inmates of charitable institutions to be enrolled as they were permitted to do under the Commonwealth law. If we did not and we placed on the joint rolls a distinguishing mark to show that certain persons were not entitled to vote because they were inmates of charitable institutions, it would be a disgraceful thing to issue from any State department. It was unwise to allow persons to have their names on the roll and be held up to the community as paupers. There would be 200 or 300 electors with this distinguishing mark on the Claremont roll. When this point was raised during the discussion of the Electoral Bill, objection was raised presumably on the score that there was a possibility of the Fremantle election being upset if the inmates of the charitable institutions were permitted to vote, but now the Home was situated at Claremont there would be no chance of an election in the Claremont district being upset in that way. In any case the fact remained that they had been recognised as being worthy of enrolment by the Commonwealth, and we were not only disfranchising them but holding them up to public ridicule.

The CHAIRMAN: Before putting the amendment he would point out that however much he would like to accept the amendment, it was his duty to state that it seemed to him the amendment would have the effect of altering the Constitution. Section 73 of the Constitution Act reads as follows:—

> The Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act: Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

The first point that appealed to him was whether the amendment would alter the constitution of the Chamber. If it did so it would not be in order under Section 73 of the Constitution Act. Then there was the point whether the Governor would give his assent to the Bill if it passed. It was not his intention to rule the amendment out of order at that stage, but he was prepared to hear argument on the point.

The ATTORNEY GENERAL: If the amendment were agreed to it would certainly mean an amendment of the Constitution. It would make the Bill before the Comittee a Bill not merely to deal with our electoral laws, but it would make it a Bill to amend the Constitution, and in order to amend the Constitutiion, as the Chairman had pointed out, it was necessary for the second and third readings to be carried by an absolute majority. The second reading of the Bill had been carried, but not by an absolute majority and no provision had been made by the Government to secure an absolute majority because there had been no intention to alter the qualification of electors. There was no proposal in the Bill to make any alteration in the qualification of electors.

Mr. Angwin: You put in disqualifications.

The ATTORNEY GENERAL: The Government did not put in disqualifications. He was unable, even apart from other objections, to consent to that amendment or any other which would alter the qualifications of the electors of the Assembly. Apart from that he indicated on the second reading that the Government were not prepared to accept an amendment providing for persons wholly in receipt of relief from the State being given the right to exercise the State franchise. The matter was discussed at great length when the principal Act was introduced by the late Attorney General, and arguments both for and against had been repeated on many occasions. The Government had gone some distance already in the direction desired by the hon. member in providing in the principal Act that persons in receipt of partial relief should be able to exercise the franchise. He did not know that the fact of the Commonwealth allowing these people to exercise the Commonwealth franchise was altogether any reason why the State should do so. The Commonwealth did not contribute anything towards the support of these persons. If they were wholly dependent on the Commonwealth Government for relief, possibly it would be found in the Commonwealth Electoral Act that these persons could not exercise the franchise.

Mr. SCADDAN: There were two sections in the principal Act dealing with this question. This was really a clause dealing with the powers of the Electoral Department and he was prepared to get over the difficulty by making the clause conform with Section 18 of the principal Act. Under Section 18 to be wholly dependent on relief from the State was a disqualification. But the inmates of these homes were not wholly dependent on the State. If the Attorney General would agree to strike out the words "inmates of any public charitable institution" he (Mr. Scaddan) was prepared to accept it, although he was far from agreeing with the disfranchising of these persons. In view of the opinion of the Crown Law Department that the alteration would involve an amendment of the Constitution Act he had no desire to put the Committee or the Government in a false position, but he sincerely desired to bring the clause into conformity with Section 18 of the Act. If the Attorney General would substitute for the clause one in conformity with Section 18 he (Mr. Scaddan) would accept it. Even if the words he desired to see struck out were allowed to remain in he was doubtful whether the registrar could legally strike these people off the roll.

The ATTORNEY GENERAL: There was no necessity for the amendment desired by the leader of the Opposition. The words "inmate of any public charitable institution" would necessarily be governed by Section 18, which provided for the disqualification of a person who was wholly dependent on relief from the State, or any charitable institution subsidised by the State, except as a patient for the treatment of accident or disease. If the hon. member so desired it would be possible to add after the word "institution" the words contained in Section 18. If it could be shown that a person who was an inmate of a charitable institution was not wholly dependent on the State such person could undoubtedly claim to be registered. Therefore the amendment was unnecessary.

Mr. SCADDAN: Surely there could be no objection to making it clear that the only grounds upon which the names of these inmates of public charitable institutions could be removed from the roll was that those persons were wholly dependent on the State; and that if in receipt of old-age pensions from the Commonwealth they were not wholly dependent on the State, and therefore could not be disqualified. He would alter his amendment to read—

> *That the following words be added after "amended" in line 1:—"By adding the following words to Part III. of paragraph (e):—'who are wholly dependent on relief from the State except as patients under treatment for accident or disease in a hospital.'"*

He was certainly opposed to disfranchising inmates of charitable institutions or any other persons, whether partially or

wholly dependent on the State, because he held that the majority of them were dependent on the State through no fault of their own; but as he could not get the whole of the amendment he desired he was doing the best he possibly could by providing that where such inmates were not wholly dependent upon the State they should be enrolled.

Mr. HOLMAN: A grave injustice was being done to a deserving class of people. Ministers were in the habit of toasting the pioneers and lauding them up with mealy-mouthed phrases, but when those old pioneers became worn out in building up the State, when their money was gone, and they were forced to go to the State for relief in their old age, they were deprived of their right to vote. That was a standing disgrace. Parliament had just as much right to take away the vote of those who were receiving pensions, as it had to take away the vote of those who were receiving what was called charity.

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

Clause 19—Amendment of Section 53:

Mr. HOLMAN: Why should we abolish the safeguard of the registrar forwarding to the Chief Electoral Officer notification of alterations?

The ATTORNEY GENERAL: It was not necessary under the new system. All important alterations under Section 49 were made on a form which for all intents and purposes would be equal to a new claim form which would be forwarded to the Chief Electoral Officer. Smaller alterations would be brought under his notice when the manuscript supplementary rolls came into his hands.

Mr. HOLMAN: This did not allow of alterations by way of striking off names being notified. The clause would be of little good but would do a lot of harm.

(*Mr. Jacoby took the Chair.*)

Clause put and passed.

Clause 20—agreed to.

Clause 21—Amendment of Section 60:

Mr. ANGWIN moved an amendment—

That in line 1 the words "and three" after "Subsection two" be struck out.

The subsection which he proposed to retain was that which permitted a married woman voting in her maiden name if she had not been notified from the Electoral Office of the need to submit a fresh claim.

Amendment put and negatived.

Clause put and passed.

Clause 22—Amendment of Section 63:

Mr. ANGWIN: With regard to the issue of writs the Minister might, perhaps, agree to extend the time to 14 days.

The ATTORNEY GENERAL: It had been found necessary to amend this section, which provided that the Government might, not later than 21 days in lieu of seven days as provided by the present Act, direct the issue of writs. The amending clause was proposed on account of the provision in the next section, Section 64, that 14 days' notice of the intention to issue writs must be published in the *Government Gazette*. Therefore, it was necessary, as the law at present stood, to gazette the intention to issue the warrant while Parliament was in session. It was in order to avoid that that the alteration from seven days to 21 days was proposed.

Clause put and passed.

Clauses 23 to 25—agreed to.

Clause 26—Amendment of Section 93:

Mr. ANGWIN: Would the Attorney General explain why the electoral officer did not require written applications for postal voting papers. It was to be regretted that the Minister had not provided that ballot papers should not be granted unless issued by returning officers after application in writing. There was no doubt that there were very few written applications made. In his opinion this was another step to make it easier for fraud to be carried out in connection with postal voting.

12 o'clock, midnight.

The ATTORNEY GENERAL: These words should never have appeared in the principal Act, for the reason there was no such thing as a written application for postal votes under the Act. The words were therefore meaningless.

Clause put and passed.

Clause 27—Amendment of Section 95:

Mr. ANGWIN: This was another loophole. Under the Act a returning officer had power to compare the signature on

the counterfoil with that on the claim form and, if necessary, to reject the postal vote. Under the Bill all claims would have to be sent to the Chief Electoral Officer in Perth, and it would be impossible for a returning officer at, say, Pilbara to compare the signatures of the voters. The section had been put in as a safeguard in cases where it was deemed necessary to compare the signatures. He regretted any attempt should have been made to render it easier to wrongfully use the postal vote. This was the only section in the Act which gave the returning officer power to reject a postal vote, and the passing of the clause would remove this power. It was a dangerous clause and should be struck out.

Clause put and a division taken with the following result:—

Ayes	19
Noes	12
Majority for	7

AYES.

Mr. Brown	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. George	Mr. Please
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Harper	(*Teller*).

NOES.

Mr. Angwin	Mr. Scaddan
Mr. Gill	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Horan	Mr. A. A. Wilson
Mr. McDowall	Mr. Heitmann
Mr. O'Loghlen	(*Teller*).
Mr. Price	

Clause thus passed.

Clause 28—agreed to.

Clause 29—Amendment of Section 116:

Mr. ANGWIN: Would the Minister afford some information with regard to the clause? Surely the Government could trust the returning officer to seal the ballot box, without asking the scrutineers to affix their seals as well.

The ATTORNEY GENERAL: This amendment had been made at the suggestion of the hon. Mr. Drew, of another place, who, it was understood, belonged to the same party as did the hon. member. The object of the clause was to enable scrutineers, if they thought the box was likely to be tampered with, to affix their own seals to it.

Mr. SCADDAN: Where was the need for the scrutineer to affix his seal to the ballot box? And in the event of that seal being broken in transit what action could be taken? If it were provided that the voters who taken part in an election were to be disfranchised in the event of the ballot box being tampered with it would create the possibility of an unscrupulous person temporarily in charge of the box deliberately tampering with it in order to disfranchise voters opposed to the candidate he was supporting.

The ATTORNEY GENERAL: If there was reason to believe that a box had been tampered with a note would be taken of the circumstance. The votes in that box would be set aside and identified, so that, if necessary, a petition could be brought forward to have the election upset on the ground that the box had been interfered with. It would then become a question of fact to be proved as to whether the voting papers had been interfered with or not.

Clause put and passed.

Clause 30—Amendment of Section 118:

The ATTORNEY GENERAL: It would be necessary to strike out this clause, because a new clause to take its place would be moved at a later stage. In the first place enrolment in itself was not conclusive evidence of the qualification of an Assembly elector. Section 17 of the principal Act provided that every adult person when enrolled, and so long as he continued to reside in the district, should be entitled to vote. Therefore continuous residence was essential. It was proposed in Subclause 1 of the proposed new Section 118 to make it obligatory on the presiding officer, before issuing ballot papers, to put the question, "Do you live in this electoral district"? In the majority of cases, no doubt, the answer would be in the affirmative and the ballot paper would then issue. If, however, the answer should be in the negative, two further questions

had to be put, "Have you within the last preceding three months bona fide lived within this electoral district"? and, "Where was your place of living in this electoral district"? The reason why these questions were asked was that in Section 17 of the Act it was provided that a person should have resided for a continuous period of one month immediately preceding the election in the district for which he claimed to vote, provided that an elector who had changed his place of residence to another district might, until his name was transferred to another roll, vote for the district in which his name continued enrolled, at any election held within three months after he had ceased to reside in the district. If a person claiming to vote failed to satisfy the returning officer by his answer to these questions his claim was returned under existing Section 119 of the Act. Subclause 2, containing questions which were discretionary except when requested by a scrutineer, re-enacted the existing Section 118, with the addition of the following two question:—"Are you a natural born or naturalised subject of the King"? and, "Have you lived in Western Australia for six months continuously"? Subclause 3 substantially re-enacted Subsection 2 of Section 118. The note referred to was only required to be made when questions were put under Subclause 2. Subclause 5 was proposed to remove any doubt as to the roll being conclusive evidence of the right of the individual to vote, unless he failed by his answers to satisfy the returning officer that he was entitled to vote.

Clause put and negatived.

Clause 31—Amendment of Section 127 (2):

Mr. SCADDAN: This was the clause which sought to introduce compulsory preferential voting. He recognised that this was the heart of the Bill, and he doubted whether any of the other amendments would have been brought forward had it not been that the Government desired to enforce compulsory preferential voting. He did not view the amendment in the light of its probable effect on any particular individual or party, but he regarded it as bad in principle inasmuch as it compelled a person to record a vote for a person to whom, perhaps, he had a conscientious objection. It would also have the effect of causing a person to be returned to Parliament apparently representing a certain number of his constituents, whilst in reality he was not representing their opinions in any way. For instance, supposing that Sir John Forrest, who was strongly opposed to the Labour party, was a voter in the York district, and that at the election of a member for that district there were a couple of Ministerial candidates and a couple of Labour candidates. Sir John Forrest could go to the poll and record his first preference for Monger and his second for Baxter, but then he would be compelled to cast his third preference for one of the two Labour candidates. He would thus be obliged to vote for a man in whom he had no confidence, and in the event of that candidate being returned to Parliament he would be apparently representing the views of Sir John Forrest. The position would be absurd. There were numbers of people who did not go to the polls, not because they were not interested in politics, but because there were no candidates whom they could conscientiously support. If one of those persons saw in one of the candidates a person whom he conscientiously could support, and recorded a vote for that individual and for him alone, his ballot paper became absolutely informal, although perhaps his second preference might never be required by the candidate. Thus the fact that a person had not voted for candidates to whom he had conscientious objections invalidated the whole of his ballot paper, and disfranchised the voter altogether. That was wrong in principle. Our method of conducting an election was merely an exhaustive ballot on one ballot paper, but would it not be absurd to say that if a person voted in the first ballot and refused to go to the second and third ballots his first vote should be disallowed? If we compelled voters to give effective votes for every candidate we should go the whole distance and compel them to go to the poll and vote. That would not be

so bad, because the person compelled to go to the poll could render his vote informal; but where an elector wished to give a vote for one candidate who would express his views his vote would be rendered informal if he did not at the same time cast votes for candidates who would not express his views, and thus he would be disfranchised. We gave persons the preference on the one hand, and on the other we compelled them to do as we desired. There was no such thing in operation in any other part of the world. There must be some party gain to be obtained by this move; but it would not have the effect the Government anticipated. Certainly it would mean that hundreds of electors would be disfranchised. The existing system was complicated enough, yet we were about to render it more complicated. The record of those who did not mark their votes properly at the last general election would be astounding; but we could accept the voting papers as expressing the intention of the voters, whereas now the votes must be made out in a certain method which must not be departed from. One bad effect would be that the member returned would be led to believe that he was representing the opinions of the majority of electors. In a contest with 900 votes polled, A securing 350, B 300, and C 250, where A and B represented one party and C another party, to compel those who voted for C to vote for A or B would cause them to vote for candidates who did not express their views, and the successful candidate would be elected under false pretences. At present the person returned on the final count represented a majority of those who deemed it advisable to vote on the final count. In fact few members of Parliament really represented a majority of electors though they represented a majority of those who went to the poll. In the same way a person representing a minority really represented a majority of those who went to the final poll under the preference system. We should not step in between a man and his conscience. It not be so bad if there was a saving clause that the first vote should not be rejected if the refusal to cast a second preference would not affect the result of the election. For instance in the last North Perth election the second preference votes of the second successful candidate were not counted. If a person would not exercise his preference he would not vote at a second ballot. In compelling electors to cast votes for persons to whom they objected we compelled them to tell lies. And it was all for party purposes.

The Premier: Prove it.

Mr. SCADDAN: Without breaking the confidence reposed in him by certain persons he could not do so without giving names, but he would prove it on public platforms, and would be prepared to prove on the public platform at any time in debate with the Premier that compulsory preference compelled the electors to tell lies. The principle was absolutely unsound and should not be passed by the Assembly.

The ATTORNEY GENERAL: A good deal had been heard from the leader of the Opposition as to conscientious objections. The conscientious objection entertained by hon. members opposite however was that of being prevented of returning one of their candidates by a minority vote. An objection of that kind was scarcely worthy of consideration. It was found that there was a danger of that happening as indeed it had happened in two cases, Albany and North Perth.

Mr. Scaddan: What about Beverley and Geraldton?

The ATTORNEY GENERAL: Possibly those two as well, and then the stronger was the case for compulsory voting. The member who represented a majority of the constituents in an electorate would welcome the change. A good deal had been said by an hon. member as to compulsory preferential voting having been introduced for purely party purposes. It should be pointed out however that the Chief Electoral Officer in his annual report, before the question became a burning one, pointed out that the abstention from using the privilege of marking on the ballot paper the second and subsequent preferences was sufficiently common among voters, and he

went on to point out that other instances were on record of candidates having been elected on a minority vote. The Chief Electoral Officer declared that the remedy was to compel the elector to mark his ballot paper preferentially, either right through the list of candidates or to the extent of a certain number of candidates. The Chief Electoral Officer endeavoured to look at the matter from both sides and gave arguments for and against. He (the Attorney General) did not contend for a moment that the system of compulsory preferential voting was absolutely perfect, but if we had to put on one side the objection to a member being returned to the House by a minority only of his constituents, and on the other hand we had to put aside the objection as to the voters having conscientious objections to stating their preferences, the objection to having a member representing a minority of the constituents of an electorate far outweighed the so-called conscientious objection. He could not believe that any number of voters felt so strongly on the question. The conscientious objection was really that hon. members opposite rather than fail to be returned, if they could not secure a majority vote, would sit in the Chamber with a minority vote. That was objectionable and the Government regarded it as all-important to provide for compulsory preference. There was the point as to whether the preference should be exercised right down the list so as to exhaust every candidate. When the last Bill was introduced provision was made for exercising three preferences. When that Bill was before another place in Committee the compulsory preference was altered so that it should be extended to every candidate. That amendment was carried by a substantial majority and at the present late stage, even if the Government did not attach much importance to making the preference compulsory right through, there would not be much advantage in sending a similar Bill back to the Legislative Council when they had already affirmed on two occasions the principle now sought to be embodied in the Bill. He did not feel disposed to accept the amendment to abolish the absolute preferential vote for all candidates or the amendment to limit it to a certain number of candidates.

Mr. SCADDAN: There were not three members besides the Minister in charge of the Bill and the Premier who knew anything about the clause or its effect.

Mr. Gordon: Three years ago you would have endorsed the same clause.

Mr. SCADDAN: The hon. member did not know what he was talking about. He (Mr. Scaddan) had never on any occasion publicly or privately expressed an opinion favourable to what the Attorney General termed compulsory preferential voting. He took up a strong attitude against compulsory preference being put into operation in the selection ballots by the Australian Labour Federation. It was a bad principle to compel a person to vote against his or her conscientious conviction. What the Attorney General should explain was, if there were five candidates, whether there was any provision that in the event of the preference not being exercised in the case of the fifth candidate, the votes cast would not be declared informal. It would be absurd to declare the ballot paper informal in such circumstances.

The Attorney General: Clause 33 I think will meet that objection.

Mr. SCADDAN: On looking into the clause he found that it did meet with the objection. He regretted that the Government should have resolved to compel voters at the poll to declare a falsehood.

1 o'clock a.m.

Mr. PRICE: But for the marked courtesy of the gentleman by Act of Parliament who had spoken of certain members as preferring to hold their seats on a minority vote rather than agree to compulsory preferential voting, he (Mr. Price) would have had nothing to say on this clause. The Attorney General had selected him as the object of a similar attack on the second reading. However he (Mr. Price) had survivied, despite the paltry tactics of the Attorney General and the Premier.

The Premier: You are wiped out.

Mr. PRICE: If with his paltry, dirty tactics the Premier could do it he would.

The CHAIRMAN: The hon. member would have to withdraw that remark.

Mr. PRICE: It was withdrawn. He had announced to the people of Albany that he intended to oppose the clause, and no dissentient voice had been raised against his resolve. The clause would impose upon the people a duty which, at times, must be in conflict with their principles. Imagine an elector who would support the Attorney General being compelled to vote for him (Mr. Price) or *vice versa!* Yet this was what they would be compelled to do under the clause. He was opposing this because he had a mandate from his electors to do so.

Mr. UNDERWOOD: It was his desire to enter a protest against the clause, not from party motives but on principle. Under compulsory voting those who, at the last Albany election, while voting for either Mr. Maley or Mr. Meeks had refrained from exercising their second preference votes, would have cast those second preference votes in favour of Mr. Price. The Labour man knew how to vote and would make no informal votes. Ministers had constantly referred to members on the Opposition side having been returned on a minority vote, but they had been careful to forget that there were at least two members on the Ministerial side who were in exactly the same position. He hoped that in future the Attorney General would endeavour to win votes with facts and not with subterfuges and fallacies. He would vote against the clause, although he was convinced that whether the clause was enacted or defeated the Labour party would win just the same.

(*Mr. Foulkes took the Chair.*)

Mr. ANGWIN moved an amendment—

That all the words after "preference" in line seven to the end of the clause be struck out.

The object of the amendment was to revert to the old system of voting which had worked successfully in England and in this State. The minds of Ministers had been worried during the last couple of years, because they thought they might have won a couple of additional seats if there had been compulsory preferential voting, when, as a matter of fact, the compulsory preference would have made no difference at all. In almost every case where the preference was in operation the candidate who led on the first count was returned. The only argument used by the Attorney General in favour of the alteration was that some members had been returned on a minority vote, but it should be remembered that almost every member in the Chamber had been returned by a minority of the electors on the rolls. He hoped that even at this late hour the Government would realise that members were returned to consider the interests of the State as a whole, but it did seem that a small majority of members in the House were riding a high horse over the majority of electors. Instead of having an Assembly of 50 members for the express purpose of putting their minds together and evolving a measure that would be beneficial and satisfactory to the people as a whole, we had a Minister telling members to take what was given to them. There had been no system of compromise, and no treatment of members as if they had been sent to legislate according to their judgment and ability for the people generally. If this clause was carried there was the possibility of thousands of people being disfranchised owing to improperly filling in their ballot papers. Everything possible was done to make elections complicated, and this clause would not have the effect of sending to Parliament men who represented the majority of people. The amendment had been brought forward with the one idea on the part of the Government that it would defeat the other fellow and save themselves, but it would have no effect upon the Labour voters, who were educated as to how to vote. It would, however, press severely on a big body of people who belonged to neither party, and who, being uninstructed in the methods of voting, were liable to make their ballot papers informal.

Amendment put and a division taken with the following result:—

Ayes	12
Noes	19
Majority against ..	7

AYES.

Mr. Angwin	Mr. Price
Mr. Gill	Mr. Scaddan
Mr. Heitmann	Mr. Troy
Mr. Holman	Mr. A. A. Wilson
Mr. Horan	Mr. Underwood
Mr. McDowall	
Mr. O'Loghlen	(*Teller*).

NOES.

Mr. Brown	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Piesse
Mr. Gregory	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Jacoby	(*Teller*).

Amendment thus negatived.

Mr. ANGWIN: As members by the vote just taken declined to revert to the old system, it was to be trusted they would strike out the clause and not compel a man to cast a vote against his conscience. It would have the effect of keeping people away from the poll. Again, with so many different styles of voting errors were bound to occur.

Mr. TROY: Nothing but the gravity of the clause compelled him to speak upon it. "Compulsory" and "preference" were contradictory terms. It would have been far more satisfactory if compulsory voting had been introduced. The clause proposed to compel people to vote for candidates for whom politically and personally they had utter contempt. In order to secure the return of a Ministerial supporter the electors were to be compelled to vote against their consciences. There was nothing to recommend the clause. People had never asked for it: they did not want it. It was opposed to liberty, justice, and decency.

Clause put and a division taken with the following result:—

Ayes	19
Noes	11
Majority for ..	8

AYES.

Mr. Brown	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gordon	Mr. Piesse
Mr. Gregory	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Jacoby	(*Teller*).

NOES.

Mr. Angwin	Mr. O'Loghlen
Mr. Gill	Mr. Scaddan
Mr. Heitmann	Mr. Troy
Mr. Holman	Mr. A. A. Wilson
Mr. Horan	Mr. Underwood
Mr. McDowall	(*Teller*).

Clause thus passed.

(*Mr. Taylor resumed the Chair.*)

Clause 32—Amendment of Section 130:

Mr. ANGWIN: At the counting of votes the Press should be admitted to enable the people in other parts of the State to know as soon as possible the results of the elections. They should be admitted as a matter of privilege, and as a matter of information it was of advantage that the Press should be present. The Minister should agree to make an amendment to the clause to give the returning officer power to admit the Press to a count of votes.

The ATTORNEY GENERAL: The votes should be counted as expeditiously and as accurately as possible, and if the Press reporters were present their presence would not make for expedition. They would in ordinary circumstances be the first to know the results. In connection with the counting of votes the fewer the number of people present the better it would be.

Clause passed.

Clauses 33 to 35—agreed to.

Clause 36—Amendment of Section 161:

Mr. ANGWIN: It was not in any spirit of opposition to the Bill that he opposed the clause: it was because the clause would be detrimental to the fighting of an honest election. He desired to put it beyond the power of any candidate to shelter himself behind an elector or the Attorney General of the day. He hoped the Com-

mittee would reject the clause and continue to hold the candidate responsible for the actions of himself and those working in his behalf.

2 o'clock a.m.

Clause put and a division taken with the following result:—

Ayes	.. .. ..	18
Noes	.. .. ..	7
	Majority for ..	11

AYES.	
Mr. Brown	Mr. Male
Mr. Carson	Mr. Mitchell
Mr. Cowcher	Mr. S. F. Moore
Mr. Daglish	Mr. Nanson
Mr. Davies	Mr. Osborne
Mr. George	Mr. Plesse
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Harper	(*Teller*).
Mr. Jacoby	

NOES.	
Mr. Angwin	Mr. McDowall
Mr. Foulkes	Mr. Troy
Mr. Holman	Mr. O'Loghlen
Mr. Horan	(*Teller*).

Clause thus passed.

Clauses 37 to 42—agreed to.

New clause:

The ATTORNEY GENERAL moved—

That the following stand as a new clause:—Section 57 of the principal Act is hereby amended by adding the following words:—"and who is wholly dependent upon relief from the State."

This had been agreed to by the leader of the Opposition.

New clause put and passed.

New clause:

Mr. ANGWIN moved—

That the following be added to stand as a new clause:—Section 65 of the principal Act is hereby amended by inserting after "district" the words "and the day fixed shall be and be deemed to be a public holiday."

There had been experienced a good deal of difficulty in getting away from employment on election day, and if we had a public holiday on the occasion of a general election it would be the means of removing this difficulty.

New clause put and negatived.

New clause—Amendment of Section 118:

The ATTORNEY GENERAL moved—

That the following be added to stand as Clause 30:—"Section one hundred and eighteen of the principal Act is repealed and a section is inserted in place thereof as follows:—Questions to be put to voters. *118. (1.) 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? And if such question is answered in the negative, the following additional questions:*—(b.) *Have you within the last preceding three months bona fide lived within this electoral district?* (c.) *Where was your place of living in this electoral district? (2.) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote at any election all or any of the following additional questions:*—(d.) *Are you the person whose name appears as* [*here state name under which the person claims to vote*] *on the roll for this Province* [*or District*]*? (e.) Are you of the full age of 21 years? (f.) Are you a natural born or naturalised subject of the King? (g.) Have you lived in Western Australia for six months continuously? (h.) Have you already voted either here or elsewhere at this election? (i.) Are you disqualified from voting? And at any Assembly election the following additional question*:—(*j.*) *Where is you place of living in this electoral district? (3.) The presiding officer shall make a note in writing of the name and number on the roll of each elector questioned under Subsection two and of each elector under whose name any person questioned claimed to vote, and of each reply or refusal to reply on the part of such elector or person. (4.) The presiding officer may require any person claiming to vote to make a declaration in the prescribed form before receiving a ballot paper. (5.) The electoral roll in force at the time of the election shall be conclusive evidence of the right of*

each person enrolled thereon to vote as an elector, unless he refuses to answer fully any such question put to him by the presiding officer, or to make the declaration requested of him, or fails by his answer to satisfy the presiding officer that he is entitled to vote.

Clause 30 had been struck out with the object of inserting this clause in lieu. The reasons had already been given.

Mr. SCADDAN: There was a necessity in some electorates, where probably only two or three booths were provided, of having more officers to attend to the taking of votes. Very often booths were packed between certain hours, particularly between five and seven o'clock in the evening, and people had to go away without recording a vote because of the time they had to wait before being attended to. It was essential, when questions of the nature specified in the amendment were to be asked, questions which in some instances might occupy 15 minutes or more in the taking of one vote, that plenty of provision should be made to give the people an opportunity of voting.

Mr. ANGWIN: Paragraph 5 of the amendment indicated that a person should answer questions as to whether he was a natural born or a naturalised subject of the King. Of course, if a woman's husband was naturalised she was naturalised but there were cases where married women had been asked whether they were naturalised and had replied in the negative, and not being asked whether their husbands were naturalised, had gone away without votong.

The ATTORNEY GENERAL: There was nothing to prevent the returning officer explaining to women in those circumstances what the position was.

Mr. Angwin: Will you give instructions to the returning officers to ask that question?

The ATTORNEY GENERAL: If the necessity arose to any extent such instructions could be given, but such cases must be very few in number.

Mr. ANGWIN moved an amendment—

That in Subclause 1 of the proposed new clause, after the word "may," the following words be added:—"and shall, when required by the scrutineer."

The Attorney General: I will accept that amendment.

Amendment passed; the new clause as amended agreed to.

New clause:

Mr. ANGWIN moved an amendment—

That the following be added as a new clause:—"Section 185 of the principal Act is hereby amended by inserting new subsections as follows:—(6.) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment, as agent, clerk, committeeman, canvasser, or messenger, except as herein provided:—(a) One scrutineer for each polling booth in each polling place, and no more, who may or may not be an elector. (b.) A number of clerks and messengers (who shall not be voters) for conducting business in the committee rooms, not exceeding one clerk and one messenger for each polling place in an electoral district. (c.) One secretary."

This was a copy of a clause in the New Zealand Act with the exception of the word "knowingly" in the latter portion of the amendment. Often a number of persons were engaged in the express work of bringing about an election so that they might get employment; they were not working in the interests of the district or of the State but merely for the purpose of providing a contest so that they personally might derive a benefit.

The ATTORNEY GENERAL: The proposed new clause was not acceptable. As regarded paragraph (a) of Subclause 6, Section 113 of the Act already provided that not more than one scrutineer should be allowed for each candidate at each polling booth, and, therefore, that paragraph was not required. As regarded the number of clerks and messengers, there was no sufficient reason for limiting the number. No candidate was anxious to increase expense.

Mr. Scaddan: The candidate does not care: he does not find the money.

The ATTORNEY GENERAL: But what objection could there be to a candidate having a sufficient number of clerks

and messengers. They were employed to do perfectly bona fide work.

New clause put and negatived.

New clause—Amendment of Section 8:

The ATTORNEY GENERAL moved—

That the following be added as a new clause:—Section 208 of the principal Act is amended by striking out the word "officer" in lines 2 and 3 and inserting "attesting witness" in place thereof.

This was to meet the objection raised by he leader of the Opposition in regard to illiterate voters. Instead of making it that the claim must be attested by an officer, it was provided that it could be attested by an ordinary elector or one qualified to be an elector.

New clause put and passed.

Schedule, Title—agreed to.

[*The Deputy Speaker took the Chair.*]

Bill reported with amendments, and the report adopted.

ADJOURNMENT—SITTING HOUR, WEDNESDAY.

The PREMIER (Hon. Frank Wilson) moved—

That the House at its rising do adjourn until 2.30 p.m., Wednesday.

Mr. SCADDAN: The Premier might reconsider this in view of the fact that nearly half the members were absent, and would be unaware that the House was to meet earlier.

The Premier: I will send a notice to the Press. I informed the hon. member.

Mr. SCADDAN: In view of the fact that it was too late to introduce the Loan Estimates the Premier had asked whether he (Mr. Scaddan) would agree to meeting at 2.30, but the question was not properly decided as it was not known at what time the Electoral Bill would be completed; and seeing there was no definite arrangement, he had not informed members of the Opposition. If the Premier was going to take so long in introducing the Loan Estimates, why should he not hold it over until Thursday? It seemed that the Government were anxious to get every opportunity to advertise themselves and not give other members the opportunity. Members might wish to hear the Premier introducing the Loan Estimates, and they should be given the opportunity. It was impossible for the Premier to send messages to every member. The motion was unfair.

The PREMIER: The hon. member was unfair, having been clearly informed at an early hour during the evening that it was intended to move the adjournment of the House until 2.30 o'clock on the following day.

Mr. Scaddan: What do you call an early hour?

The PREMIER: Shortly after the tea adjournment.

Mr. Scaddan: It was nearly 11 o'clock.

The PREMIER: The hon. member's memory was faulty. The fact was mentioned to almost every member on the Government side by himself and the Whips and within the hearing of a good many members of the Opposition. A telegram would be sent to every member of the Opposition acquainting him of the fact that the House would meet at 2.30.

Mr. McDOWALL: Though believing in attending to his Parliamentary duties he had to take part in a sale at 2.30 o'clock in the afternoon and it was impossible to make other arrangements. Members should have at least a day's notice of any alteration to the sitting hour.

Mr. HOLMAN: It was not fair to give notice to any member at twenty minutes to 3 in the morning that the House would meet at 2.30 in the afternoon. At first he thought it was only by way of a joke. Could the Premier point out one instance where such a thing had occurred in the Parliament of Western Australia? Certainly towards the end of every session notice was given of intention to move that the House sit at an earlier hour after a certain date, and it was only right that members should get notice. There was no satisfaction in the way business was conducted. It was immaterial what arguments were brought forward or what evidence was adduced; no satisfaction was received; if Ministers wanted anything done or pushed through they simply relied on the support of their followers. That there would be a change in the not distant future would be a

good thing, and the sooner the general election came about the better. There was the whole year before us. Let us push on and do the business in a proper manner.

The Premier: The hon. member asked for a pair to go away a month ago.

Mr. HOLMAN: And the Premier would not give it. When the Government side wanted anything the Opposition were courteous enough to give it; yet now the Premier would not allow members to make arrangements for the following day. The sooner the session ended the better, but it was unwise to allow any hon. member to spring on the House such a motion as was put forward. It certainly was not fair. Members should have the opportunity to make their business arrangements before the Premier should ask them to met at the earlier hour, especially after the House was sitting till nearly 3 a.m.

Question put and passed.

House adjourned at 2.15 a.m. (*Wednesday*).

Legislative Council,

Wednesday, 1st February, 1911.

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTION — WICKEPIN-MERREDIN RAILWAY.

Hon. C. SOMMERS aked the Colonial Secretary: Seeing that the proposed railway from Wickepin to Merredin is to be a trunk line, will the Government construct it as direct as possible?

The COLONIAL SECRETARY replied: Instructions have been issued to the surveyors that the line in question shall be straightened as far as possible in accordance with the statement of the Hon. Minister for Works on the 18th January. (See *Hansard*, page 3009.)

BILL—PERTH MUNICIPAL ROADS DEDICATION.

Report of Committee adopted; Bill read a third time and transmitted to the Legislative Assembly.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small amendment of the Transfer of Land Act Amendment Act, 1909. It will be remembered that in that measure there was a provision for the registration of conditional purchase titles at the Titles Office, just as in the case of the title of a fee simple. It was thought that it was therein provided that should a mortgage be registered on a conditional purchase, which that amendment of the Act provided for, if it ceased to be a conditional purchase and became a fee simple, that the mortgage would continue. There is some doubt about the matter and the Associated Banks have requested that an amendment to the Act be brought in to make the matter clear. That is merely the object of this small measure. It is just a weakness which exists in the Act, and there is some doubt when a man obtains the fee simple as to whether the mortgage continues. If it did not continue of course it would be a serious matter for those advancing money, such as the banks. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.