the board last year, there have been great delays. I remember, too, the Premier saying that no application was delayed for more than six months, and that delays occurred only by reason of the necessity for investigating the bona fides of applicants. My impression is that for two or three years past applicants have had to wait 12 months and more. The Premier's idea that there is no delay to applications other than those needing investigation is discounted by the fact that the board are trailing about 300 applications behind. When I interjected to that effect recently, the Premier would not have it at all.

The MINISTER FOR JUSTICE: I have not all the information required. As regards preparations for workers' homes, the building trade is comparatively busy now and practically all the men capable of being employed in the industry are being employed.

Hon. P. D. Ferguson: And all the bricks, too.

The MINISTER FOR JUSTICE: Yes. All the work that can be gone on with is being proceeded with in an expeditious manner. Until building materials are available, not much progress will be made. The £15,000 proposed to be spent represents fresh capital. All the repayments coming in from existing homes, on which about £1,000,000 is owing, also go in. The amount spent, therefore, is very much more than £15,000.

Mr. Doney: I understand that, but there is the fact that we are £15,000 down on last year's capitalisation.

The MINISTER FOR JUSTICE: For many years no new capital was made available. Last year, the financial position being more favourable, £15,000 of new capital was supplied.

Mr. Doney: The Premier said there was not much demand for workers' homes last year.

The MINISTER FOR JUSTICE: No. In 1931, owing to the depression, there was not much demand for workers' homes. There has been a demand, but it has not been met, principally because, as mentioned by the Premier last week, architects and so forth have not been available. The Premier assured the House that there is sufficient money to carry on the operations of the board and to deal with all applications that can be approved. Necessarily, many applications are not approved. We have the board's assurance that no applicant will have to wait more than six months.

Mr. Doney: I do not think that is correct.

Mr. Sampson: Recently the board told me differently.

Vote put and passed.

Resolutions reported, and the report adopted.

House adjourned at 12.18 a.m. (Friday).

Legislative Council,

Tuesday, 5th November, 1935.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Industries Assistance Act Continuance Bill.

QUESTION—AGRICULTURAL BANK COMMISSION.

Chairmanship, Persons Approached and Conditions.

Hon. J. J. HOLMES asked the Chief Secretary: 1, Was the President of the Primary Producers' Association, or any other person other than the present occupant, offered the position of chairman of the Agricultural Bank Commission at a salary

of £2,000 per annum for a period of seven years? 2, If not, what salary was offered, and what period of employment was offered?

The CHIEF SECRETARY replied: 1 and 2, As is usual in appointments of this nature negotiations took place with persons considered suitable for membership of the Commission. The two gentlemen concerned were in sequence offered a position on the Commission before consideration was given to who would be chairman. The position, after consideration by both gentlemen, was refused without reference to the question of salary. The term, namely 7 years, was fixed in accordance with the Agricultural Bank Act.

MINISTERIAL STATEMENT—SUPPLY BILL (No. 2).

Personal Explanation.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.37]: I would like to make a personal explanation bearing on the question and reply I have just dealt with. When the appointments of the chairman and commissioners of the Agricultural Bank were made, I was out of the State, and I had no personal knowledge of what took place in connection with the filling of those positions. After Mr. Cornell had made his speech in criticism of the Government in reference to this and other matters, I communicated with the different departments affected, requesting information to enable me to reply. One of those departments was the Lands Department. On the day I made my statement in reply to Mr. Cornell, information was telephoned to me by the Lands Department. My record of it is as follows:—

> It was not a political appointment. Mr. McCallum did not seek it. The President of the Primary Producers' Association was offered it, and a National member of the Upper House.

I assumed from this, that the position of chairman had, in sequence, been specifically offered to the gentlemen mentioned. That assumption was responsible for my interjection, "Oh, yes I did," when Mr. Holmes stated that I had not told the House whether someone else had been offered the job at £2,000 a year with a seven years' tenure. I regret that Mr. Holmes and the House were misled by what now appears to have been either a defective record of the information telephoned me, or an erroneous construction placed on the words, due to my lack of knowledge of what transpired in connection with the matter during my absence from the State.

BILL—WILUNA WATER BOARD FURTHER LOAN GUARANTEE.

Second Reading.

Debate resumed from the 31st October.

HON. J. J. HOLMES (North) [4.40]: When I moved the adjournment of the debate I had not had an opportunity to look through the Bill. I have since looked through it and I find it is quite all right. The Wiluna people are to be complimented upon accepting the responsibility for the further loan.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—WORKERS' HOMES AMENDMENT (No. 2).

Received from the Assembly and, on motion by Hon. J. Cornell, read a first time.

BILL—ELECTORAL.

Second Reading.

Debate resumed from the 31st October.

HON. J. NICHOLSON (Metropolitan) [4.45]: It will be agreed, I think, that this Bill is essentially one for consideration in Committee. There are two outstanding features of it, firstly, the question of absentee voting, for which provisions have been inserted to endeavour to overcome the unfortunate circumstances which have arisen in past years in connection with our electoral affairs, and, secondly, the question of the qualifications of electors. There has been a transposition from the Constitution Act of those sections which were incorporated in that Act dealing with the qualifications of electors. I quite admit that

various other important provisions are contained in the Bill, but those mentioned are the most important. The other provisions also will require that full consideration which the Committee alone can give them. One matter to which I desire particularly to refer is that regarding absentee voting. Many departures have been made from the existing provisions, but there is one very important departure which I am sure will not escape the attention of members. I refer to the provision in Clause 77 that any elector may, after the issue of the writs but not before, make application to the Chief Electoral Officer, or to an electoral registrar, for a ballot paper. True, under Subclause 4 of the proviso, although the application may be granted, the Chief Electoral Officer or other officer to whom the application is made is not permitted to send to the applicant the necessary forms for voting until after nominations have been received. That, of course, is self-explanatory, because it would be impossible to fill in the necessary forms until nominations had closed. The point to which I wish to direct attention is that the application may be made immediately on the issue of the writs, whereas, under the existing law, an elector may not make any move towards obtaining a ballot paper until after nominations have actually been declared. In certain instances a very long time may elapse between the date of the issue of the writ for an election and the date when the election is actually held. The dates are provided for in the earlier portions of the Bill. I think the period extends to 90 days, say, for the North Province, and there is an interval of 14 to 30 days between the issue of the writ and the date of the election in other provinces. But the very evil which it is attempted by the new provisions to check and rectify, I consider, will be increased many times by the amendment making it possible for an elector to apply for a ballot paper for postal or absentee voting immediately on the issue of the writs. It will give more time in which to play with a dangerous instrument, and the more the time made available in that way, the wider will be opened the door, I am afraid, to the perpetration of fraud. I am of opinion that the shorter the period is made, the better and safer it will be for all parties.

Hon. J. M. Macfarlane: Who will be the judge as to what is the right time?

Hon. J. NICHOLSON: I suggest that it certainly should not be done until after nominations have closed.

The Honorary Minister: In that event you would probably disfranchise many people.

Hon. J. M. Macfarlane: Certainly.

Hon. J. NICHOLSON: I do not think so. It will be seen by earlier provisions of the Bill that a long time is to be allowed. For example, it is provided that the date fixed for the polling shall be not less than 14 days or more than 60 days after the date of nominations.

Hon. G. W. Miles: It should be altered to 21 days.

Hon. J. NICHOLSON: That point can be considered later. What I wish to urge is that we are trying to check what was obviously an evil, and I am afraid that we shall be leaving the door open to the perpetration of further fraud.

Hon. W. J. Mann: It will make the position worse.

Hon. J. NICHOLSON: I, too, think so; very much worse. When the Bill was introduced in another place, it stipulated that application could be made after nominations, not after the issue of the writs, and I understand that the measure was amended in another place. Subclause 4 of the proviso to Clause 77 directs that papers for absentee voting or sick voting may not be issued by the electoral registrar until after nominations have been received. As I have pointed out, the reason for that is obvious. Until the nominations have closed, it will be impossible for the registrar to fill in the names. But an application may be lodged for an absent voting paper after the issue of the writs, and the result will be an inundation of requests of this kind. The Bill provides that a person applying to vote as an absent voter must show that he has reason to believe that, on the polling day fixed for any election and during polling hours, he will not be within seven miles of any polling place at which he is entitled to vote. I maintain that where an interval of 60 or 90 days occurs between the date of the issue of the writs and the date of the election, nobody can say whether he is going to be within a certain distance of a polling place on election day. To suggest otherwise would be ridiculous.

Hon. R. G. Moore: Suppose an elector proposed to leave the State, would not he know?

Hon. J. NICHOLSON: At first sight that might appear to be quite an important point. But we must bear in mind what a great difference there will be between the date of the issue of the writ and the date of the closing of nominations. The electoral registrar will be unable to forward the voting paper to the elector who has made application until nominations have closed.

Hon. W. J. Mann: Otherwise, the elector could not be sure of returning a valid vote.

Hon. J. NICHOLSON: That is so. Mr. R. G. Moore evidently has in mind that an elector might be leaving in three months' time for the Eastern States or the Old Country. If he left within a week or two after submitting his application, nominations might not then have closed, and the ballot paper, when forwarded, by the electoral registrar, would not reach him.

Hon. H. S. W. Parker: Otherwise he would get only half the nominations.

The Honorary Minister: He could only vote when he did receive the paper.

Hon. J. NICHOLSON: The strong point I make is that no man can say definitely so long beforehand that he is going to be beyond a certain distance of a polling booth on the date of election. Many things might intervene, and at a period closer to the date of the election and after nominations have been received, he might be able to regulate his plans more definitely.

Hon. H. S. W. Parker: Is there any harm if he does not?

Hon. J. NICHOLSON: Very great harm may possibly result. The longer the time we allow between the date for making the application and the greater the facilities given to electors to make application for voting in absence, the greater will be the opportunities for fraud. An elector may apply to vote as an absent voter if he believes that he will be prevented by illness or infirmity from attending at a polling place on polling day. If anyone can make an assertion to that effect three months before polling day, all I can say is that he is more than a prophet.

The Honorary Minister: It might apply to females.

Hon. J. NICHOLSON: The existing Act contains provisions regarding females, but the Minister would not anticipate an event of that kind in his own case.

Hon. H. S. W. Parker: Surely a man might arrange to leave on a trip three months ahead.

Hon. J. NICHOLSON: If he is going to be absent on nomination day——

Hon. H. S. W. Parker: No: he might know that he would be here after nominations closed.

Hon. J. NICHOLSON: What I want to stress is that we are trying, by these amendments to our existing laws, to correct the abuses indulged in and which have been indulged in for some years in connection with postal voting. I contend we should make the provisions in relation to postal voting or absentee voting as tight as possible, and not leave the door open by giving such a long space between the date of the issue of the writs and the date of the election for the perpetration of further frauds. That is the danger. When one looks at the times that intervene, hon. members will realise that instead of our correcting those abuses we shall probably only intensify them. There is the other matter in the Bill dealing with the qualification of electors so far as the Legislative Council is concerned. I consider that they are sacred, and should be preserved, and I will definitely oppose any departure from or any attempt to weaken the existing qualifications, as set out in the present Constitution Act. I hope members will realise the importance of maintaining those qualifications and doing nothing to weaken them. I support the second reading, recognising that the Bill is one requiring careful consideration in Committee.

HON. J. CORNELL (South) [5.4]: As I attended every meeting of the Commission which investigated the electoral position, I can claim to be able to speak fairly, and perhaps be able to clear up some of the misconceptions that exist. I desire to give to the House an interpretation of my mission as an emissary from this Chamber. I consider I was not there to alter the position of electors of this House; my real mission was, if possible, to clear up the welter of ambiguity that has existed for many years, particularly in regard to the householder qualification which has become extremely accentuated by the introduction of flat life in our community, a form of

life that found no place in our existence when the qualification for the Upper House was reduced to £17. I also took another line of reasoning, representing, as I do, a province which is vast, and parts of which are remote, almost as remote as parts of the North Province, and I set it down definitely that no act of mine was going to make it more difficult for the man in the bush to get on the roll, or more difficult for him to vote when on the roll, merely because of the existence of a few dishonest people. My intention was not to penalise the honest man in the bush just because unscrupulous men in the town had chosen to act dishonestly. I reported adversely on three phases of the findings of the Commission. Mr. Fraser supported me on a stupid scheme for which the Commission stood out. Anyone could approach an elector and say, "Are you on the roll? If not, I will put you on." Then there was a provision that the elector would have to be given a perforated receipt in duplicate. If members will turn to pages 10 and 11 of the Commission's report they will read my dissent from the findings. I reported that I was strongly opposed to the exclusion of the ratepayer-elector from the roll. That is one of the qualifications that was in the Constitution before the householder, and it was perpetuated in the Constitution when "householder" was brought in. I still contend there are persons who cannot become qualified to vote for this House other than by means of being a ratepayer. I took it that it was not our province to remove that. It was pointed out to the commission by the Chief Electoral Officer that the local governing bodies did not keep a good roll, and, as a consequence, he could not prepare a good Council roll. I saw no reason why a bona fide ratepayer should suffer, and I recommended that a provision be included in the Bill so that he should not suffer. After 25 years' experience, hon. members who know me best, and who knew the late Mr. Harris, M.L.C., will be aware that Mr. Harris and I held our places in this Chamber, in all probability, only because of our devoted attention in the direction of seeing that the Legislative Council rolls—at any rate those concerning our Province—were kept as clean as possible, and that the people entitled to be on the roll were enrolled, and that those not entitled to be on it were kept off. As a result of that struggle, which continued for a number of years, both of us were able to retain our positions in this Chamber. The Chief Secretary and Mr. Seddon will bear me out in that statement. The Chief Secretary also has represented for many years a province many parts of which are isolated, and he knows as well as I do that the only means of voting possessed by many honest electors is by post. I repeat here what I said in my report—I have behind me 25 years' Parliamentary experience and in addition ten years' experience before that—that the number of cases of fraud associated with postal voting in that time I can count on the fingers of one hand. It is for that reason I wish to retain the present system of postal voting, and we should devote attention to the two factors that really make fraud possible and they are the personal equation of the individual appointed as postal vote officer, and the condition of the roll. I have recommended that the present system of postal voting should remain, and that we should limit the scope with regard to the selection of postal vote officers. That is to say, limit it to the extent that an officer appointed to take postal votes shall be a person occupying a position of responsibility or trust. I might say that in my proposal I do not include justices of the peace. I know how some justices of the peace are appointed and so in my proposal I intend to exclude justices of the peace and commissioners for taking declarations. I went so far as to suggest to the Commission that if possible provision should be made in the Bill whereby the elector in distant and remote provinces might know exactly who the postal vote officer was to be. I thought that presiding officers might well be appointed postal vote officers. Unfortunately, I could not prevail on the Commission to agree to my view. I argued that in the case of country electors, say those who in the South Province, on polling day, have to come in from Lake Carmody or Lake Biddy, a distance of 50 miles, the presiding officer could very well be the postal vote officer. I assure members that I have gone to more trouble in connection with this Bill than with any other Bill that has been brought before this House since I have been a member of it. I have had amendments drafted to restore the old postal vot-

ing proposals. This will necessitate the calling in of all postal vote books.

Hon. G. W. Miles: That wants doing.

Hon. J. CORNELL: That must be done. Another amendment will provide that no postal vote be taken after 6 o'clock on the day prior to the taking of the poll. My experience has been that 90 per cent. of the very few cases of voting under the lap that I know of have actually occurred on polling day. It has happened perhaps that some old lady declared that she would not be bothered to go to the polling booth, and in that way a vote was taken. My proposal would work very little hardship and perhaps only in the case of a person who might be sick. Anyway, I consider the result would be that which we all desire. I will place on the Notice Paper the amendments I propose to move. They will be long, but they must be on the Notice Paper, because under my amendments all those provisions will go, lock, stock and barrel. That necessitates a rather large Notice Paper, because I propose to endeavour to restore all the old postal-vote provisions, with the two modifications, a restricted postal voting list and no vote to be taken after 6 p.m. on the day before polling day. And in case that proposal be turned down, I have also gone through what is in the Bill with a view to modifying and retaining what I fought for in the Commission. I submit that the two should be separated. They are separated in all the other Australian Acts, the Commonwealth, Queensland, New South Wales, Victorian and South Australian; I have read them all, and they all separate postal voting from voting in absence on polling day. I have provided amendments to cope with that and to give the restricted Bill some semblance of more accessibility and ease for the voting of the man in the bush. I hope the House will agree to restore the old postal voting. I see very little wrong with those provisions, but I can see quite a lot wrong with the new proposals. And we have to consider that the Bill is not likely to pass the two Houses in less than three weeks. We shall then be in December, and it is expected that a general election for the Assembly will take place either at the end of March or early in April; and of course the Council elections must be held in May. And the man who is running the department, the Chief Electoral Officer, is newly promoted and totally new to the job. I believe that, given a chance, he will make a very good officer, but all these factors should be considered, and members who have to go up for re-election must not be considered selfish if they endeavour to have as little change as possible. I am not going to vote for a change right on the eve of an election, and with a new Chief Electoral Officer in addition to the new machinery that has to be taken into consideration. The postal voting provisions are entirely new. I am not now dealing with voting in absence at polling places on polling day. It is entirely new and does not follow the provisions in any other Australian Electoral Act in operation to-day, except in some degree as to the application for a postal vote paper. It provides that all postal votes and all absent votes shall be returned to the Chief Electoral Officer for counting purposes and for the purpose of detecting fraud. But I am confident that the provisions will not work. The Commonwealth Electoral Act does not say that that shall be done. Moreover, the Chief Electoral Officer will have to count all postal votes, and the only check he can have will be by comparing them with the index cards in the office. But just consider what happens on polling day. I have seen men from Esperance whose names were on the South Province roll walk into the polling place at Boulder and claim ballot papers. That was all right and the men were accommodated, but when it comes to a man voting by post under the Bill, the Bill proposes a microscopic examination of his claim. And if some candidate in an election secures an absolute majority on the first count, all these votes have to be telegraphed to the respective returning officers. If no candidate gets an absolute majority on the first count, all the votes have to be sent on to the returning officer for the distribution of preferences, in order to ascertain who has gained an absolute majority. That does not happen under any of the Electoral Acts in the Eastern States. Their system is almost identical with our present system. A man being on the roll is taken as prima facie evidence that he is entitled to be there, and his vote goes to the returning officer, just as our votes do to-day. In this regard the Bill is totally unworkable and I suggest a return to the old system, with the limitations I have mentioned, or a serious modification of the proposal in the Bill which would make it easier for a man to vote away from his

own polling place. I do not propose to touch upon the voting in absence at a polling place within another province or district.

Hon. J. J. Holmes: Do you favour it?

Hon. J. CORNELL: I do, but I propose to divide it into two specific parts. The proposals in the Bill for voting in absence from a polling place on polling day outside a province or electorate do not follow the provisions in any of the Acts of the Eastern States, including the Federal Act. Under any of those Acts the elector can practically walk into any polling place where there is an election—and in Queensland even where there is a walk-over the registrar's office is open just as if there was an election and the voter can walk in and record his vote for any other polling place on polling day. But under the Bill it rests with the Chief Electoral Officer to say where he shall place these polling places. Compulsory voting for the Assembly appears in the Bill. This has been reached in consequence of compulsory voting in several of the Eastern States and in the Commonwealth. I submit that that voting in absence at other polling places on polling day should be enlarged and brought into line with the features of compulsory voting. However, that is more or less the Assembly's funeral, and so I do not propose to deal with it. Mr. Sayer has drafted my amendments and the Chief Electoral Officer is thoroughly conversant with them. Probably if this House agrees to re-insert the old provisions with the modifications I have mentioned, the Chief Electoral Officer himself will take into consideration some alteration and some extension of the voting-in-absence provision. The House should thoroughly understand that the Bill emanated from the Commission, and it was only on the last morning that the Commission agreed to compulsory voting, and made a simple recommendation to the effect that the Government be asked to introduce compulsory voting.

Hon. G. W. Miles: Are the whole of the Commission's recommendations contained in the Bill?

Hon. J. CORNELL: Pretty well. That being so, the Bill was not drafted with any regard whatever to compulsory voting because, so to speak, compulsory voting was inserted as an afterthought. Returning to the postal voting provisions, there is no shadow of doubt that in order to give the electors of the Assembly a reasonable chance to record their votes now that voting is compulsory and that the electors will be fined if they do not vote, the same procedure will be followed by the Assembly as is followed under the Commonwealth law; that is to say, more polling places will be provided and greater facilities given in order that a man who has to vote compulsorily shall have a reasonable chance to record his vote. That is not going to apply to the Council. Another phase between the Council and the Assembly is that it has happened in the past that where there was a polling place for the Assembly there was no polling place for the Council. Because of the restricted franchise for the Council as against the franchise for the Assembly, I have been told, in certain places there were not sufficient Council electors to justify a polling place. So we have to be careful that we do not take a step that will make our position worse than it is and make it harder for our electors to vote.

Hon. A. M. Clydesdale: What is wrong with compulsory voting for the Council?

Hon. J. CORNELL: I would not support it unless we had also compulsory enrolment.

Hon. L. B. Bolton: Why not have that too?

Hon. J. CORNELL: The hon member is new to this business. I have taken the trouble to find out whether a man was qualified—it is easy to do that from the ratepayers' list and in other ways—and I have sat down and written him a personal letter, filled in his card and sent him a stamped envelope. I have done all that for many men, and 50 per cent. of them have kept the cards and not even sent them back. That has been my experience.

Hon. A. M. Clydesdale: I have had similar experience.

Hon. J CORNELL: Practically there is only one qualification needed for the Assembly. Of course you can have naturalisation or you can have a man who is in gaol and so cannot get on the roll. It is adult suffrage with one qualification, age. If a person is over 21 he can get on the Assembly roll. It will be possible to say to the Assembly elector, "You can be fined £2 if you do not enrol as an Assembly elector." In the case of the Council

elector, in thousands of instances he does not know whether he is entitled to vote or otherwise. We cannot justify making it compulsory for a man to get on the Council roll, if he does not know whether he is eligible or not. A man may be eligible today, and may be in a house where he is paying the requisite amount of rent. Tomorrow or next week, he may have had to move elsewhere or become a sustenance worker and no longer be eligible to go on the Council roll. I cannot see how we can be justified in making it compulsory for voters for the Legislative Council to go on the roll. If a person who is eligible does not enrol for the Legislative Council, after he had gone to the trouble of ascertaining that he was eligible for enrolment, is it fair that he should be fined £2 when his neighbour, John Brown, may have taken no steps whatever? It would be hard on the man who, through circumstances beyond his control, did not vote and yet was fined. There is a way to bring about a system of compulsory enrolment for the Legislative Council, but I do not think Mr. Clydesdale would agree to narrow the franchise to meet such a system. We could say that a person who was a registered freeholder or an equitable freeholder must be registered, and compile a register for such persons. We could say that any person occupying a Crown lease of a value of £10 must also register. We could say that any person whose name appeared on a road district list or a municipal council list of the requisite value of £15 or £17 must be enrolled. But we would have to stop there, and I do not think Mr. Clydesdale would agree to that.

Hon. A. M. Clydesdale: If it were compulsory they would have to do it

Hon. J. CORNELL: I now wish to refer to the constitutional features of the Bill. This is a very important phase, and I want to stress it. The franchise part of this Bill has been taken out of the Constitution Act. The Assembly portion has been there since 1911. I think it should come out of the Constitution Act and find a place in this Bill. It is the proper place for it to be, but there are certain dangers associated with the transfer. This is a Bill that must be agreed to on the second and third reading by 16 members of the House. When the Bill is in Committee amendments may be passed by any majority in Committee.

Hon. G. W. Miles: That is the weakness.

Hon. H. S. W. Parker: Could that not happen if the Constitution Act was being dealt with in Committee?

Hon. J. CORNELL: When the third reading is before us, and the House thinks that certain things have been done in Committee that are detrimental to the existing franchise, the only alternative under our Standing Orders would be to reject the Bill then.

Hon. J. Nicholson: Or not pass it by the requisite majority.

Hon. J. CORNELL: Sixteen members must vote for the third reading. Let us assume it goes through and the Bill is returned to another place. If another place does not agree to the amendments, a conference ensues. I would point out that the Assembly tinkered with our Constitution, whereas no member of the Royal Commission tinkered with its constitution. The Assembly put this into the Bill, "Has a right of ownership in a dwelling as a chattel in a province." Let us assume that it is knocked out in this House, and we ultimately reach the stage of a conference.

Hon. J. J. Holmes: The Constitution could be amended.

Hon. J. CORNELL: The conference may insist on the words being put in again. I maintain that the term "registered" should go back into the Bill. That is the basis on which the whole thing will swing. Suppose there is an argument at the conference about the ownership of a dwelling, and the managers stand firm. The Bill will either be lost or the conference will agree to amend the Constitution. The only instrument this House would have at its command, when the managers reported back, would be a specific motion that the report of the managers be not agreed to.

Hon. H. S. W. Parker: Would not the same thing apply if it were the Constitution Act?

Hon. J. CORNELL: This Bill is amending the Constitution Act.

Hon. G. W. Miles: The two things are being mixed up.

Hon. J. CORNELL: If that part dealing with our franchise were taken out of the Bill, we would then be back where we are now.

Hon. G. W. Miles: It ought to come out of the Bill.

Hon. J. CORNELL: I do not think so. We should endeavour to clarify the existing franchise. The term "clear annual value" is defined according to the English law, but it has never been clearly defined in our Constitution Act. An attempt has been made to give a definition to it in this Bill, but I do not agree with the definition. A further alternative is that the managers from this House could agree to the Bill on the understanding that the constitutional part of it was dropped. That would be very dangerous. I think the word "registered" ought to go back, and I am certain that the ratepayer's qualification also should go back. The definition of "clear annual value" does not meet the case. It should be more specific, and provision should be made for recourse to some assessing tribunal. There are two other phases of the Bill I wish to deal with. After a freeholder has been out of the country for a certain time, he will be struck off the roll. Take the case of the late Mr. Gleddon. He was absent from the State for a few years. He owned a large amount of property in Boulder. He was inadvertently struck off the roll as a freeholder. He came back to this country and died, and left £68,000 to the University. I do not know why his name was ever struck off the roll. I cannot see why a resident freeholder should be regarded as something different from a non-resident freeholder. If a man owns a freehold property and lives upon it he must enrol as a householder. If he moves next door and becomes a boarder there, and lets his house, he must amend his claim card for enrolment as a freeholder instead of a householder. I think the provisions regarding half-castes ought to come out of the Bill. Members will recollect the Bill that was brought down last session, when persons of the half-blood were excluded. The proposals in the Bill before us indicate how such a person shall get the vote. The position is different from what it is under the Commonwealth laws. In that case the Chief Electoral Officer is the deciding factor. Acting under a High Court ruling, the ex-Chief Justice, Sir Isaac Isaacs, being one of the Judges, said the situation was governed by the predominance of white blood plus intelligence or otherwise.

Hon. H. S. W. Parker: Such a man would not be a half-caste.

Hon. J. CORNELL: That is the guiding factor under the Commonwealth law.

Hon. G. W. Miles: Who will decide that in this case?

Hon. J. CORNELL: I made inquiries into that question last year. The answer was very much like the answer Sambo gave in a court in the United States, when the question of his eligibility to have a vote was under consideration. When asked what he thought about it all Sambo said, "You have done a lot of talking, but I guess this nigger will not get a vote." I am inclined to think that under the Commonwealth law persons of the half-blood get a vote.

Hon. J. J. Holmes: I do not think they should get a vote.

Hon. J. CORNELL: I agree that they should not, save in exceptional circumstances. I would go this far, that a person of the half-blood enrolled for the Commonwealth could be enrolled for our Assembly. Then there would be a definite basis for determining the person of the half-blood. As things are, we shall get two methods; and the person of the half-blood may be enrolled for the Commonwealth and not for the Assembly. Another feature I desire to deal with is claims. The present position is that claims have to mature for 14 days. It is proposed that claims may be received up till six o'clock on the day of issue of writ. One of the complaints I have had for years against the Electoral Act is that it tries to put the Council elector in the same category as the Assembly elector. It is quite all right for the Assembly elector, because for him there is one qualification only. As regards the Council elector, however, there is a multiplicity of qualifications and there is not always time to inquire into them. These things are apt to occur just at the time nominations close. A longer period should be allowed to the registrar for ascertaining whether a claim is bona fide. When he gets a great bundle of cards and has not time to make the necessary investigations, there is only one logical thing for him to do.

Hon. G. W. Miles: Keep the claimants off.

Hon. J. CORNELL: No; put them on.

Hon. G. W. Miles: They should be kept off if the registrar is not satisfied that they ought to be on the roll.

Hon. J. CORNELL: The fault is not that of the claimants, but that of the Legislature in allowing claims to be received at a date when there is not sufficient time to

investigate them. As regards the Council, I suggest a longer period prior to the issue of the writ. I do not know that any undue hardship would be entailed by this. A person who has not taken the trouble to enrol for the Legislative Council 21 or 28 days prior to the issue of the writ is hardly worth consideration. And that would be the total hardship involved. As regards the issue of the writ, the Bill proposes that for the North Province the writ shall be issued 90 days in advance; say, on the 20th February. Whilst on the Royal Commission I tried to get that kind of easement for the Central, North-East, and South Provinces. As regards the Central Province, a man with a 10-acre gold mining lease away up in the North Murchison can get on the roll. I propose to move an amendment leaving the North Province as it is, but fixing the date for issue of writs in the Central, South and North-East Provinces on the 8th March. That would allow 90 days between the issue and the return of the writ for the North Province, and 75 days for the South, Central, and North-East Provinces. For the other Provinces the period would be 60 days. In my opinion, that arrangement represents a fair thing. I do not think the matter should be left to the Minister, and I propose to move an amendment accordingly. The Bill provides that not less than seven or more than 30 days from the issue of the writ nominations shall be called. That is the law to-day. Then the Bill provides that the poll shall be taken not less than 14 days nor more than 60 days after the close of nominations. Perhaps the Minister can explain that. When I read the Bill, I pointed this out to the Chief Electoral Officer and to Mr. Sayer. The latter agreed that 30 days may run from the issue of the writ to the close of nominations, and that there may be 60 days from the close of nominations to polling day. Possibly there may be some reason for it, but the present law fixes seven and 30 days and 14 days and 30 days. If hon. members consider 14 days from the close of nominations to polling day too short a period, they can make the number 21 days or even more.

Hon. G. W. Miles: Twenty-one days should be the minimum.

Hon. J. CORNELL: The Bill is drafted so as to get over a section in the Constitution which declares that the writ shall be issued prior to the 10th April and returned on or before the 20th May. Probably the Chief Secretary will agree with me that the writ is rarely issued before the 7th or 8th April. So far as this House is concerned, the writ is to be returned on or before the 21st May, because that is the date on which a defeated member would cease to sit in this Chamber. I counsel members, if they decide to throw out the franchise portion of the Bill, to retain the writ portion, because it represents a distinct advantage. It imposes no hardship, but gives ample time to all concerned. The Assembly invariably has had a longer period between the issue of the writ, the closing of nominations and the poll than ever this House has had. However, the Act contains a provision that in the event of the writ not being returned by the 21st May and a sitting member being defeated, he ceases to be a member on the 21st May, and the new man takes over from that date. As Bobbie Burns said, "The best-laid schemes of mice and men gang aft agley." We have the case of Mr. Seddon, as well as the cases of other members who went up for re-election on the last occasion while the House was sitting, and came back immediately afterwards. Assume for the sake of argument that Mr. Seddon had been defeated, that the writ had not been returned by the 21st May and that the House was waiting to ascertain whether Mr. Seddon had been defeated or not—I take Mr. Seddon only as an illustration. Then Mr. Seddon could not have sat in this Chamber, because he could not be sworn in until the House was certain of his election. And the other fellow could not come in and take his seat meantime, and consequently the Chamber would have only 29 members. That is a possible contingency under the old Act. I remember that when I was returned by 18 votes for the South Province a recount was ordered. The elements were against the old "Eucla" when the ballot box was being returned from Ravensthorpe to be counted at Kalgoorlie by Mr. Mark Saunders. Mr. Saunders was not concerned about the result, because he said that the men at the polling booths knew their job; but he was concerned lest the box should not arrive in time to declare a member elected and return the writ by the 21st May. I am trying to deal briefly with the most important points of the Bill. Clause 98 should be deleted. It refers to the posi-

tion in regard to postponement of an election. Mr. Drew will have in mind an occasion at Greenough when the election had to be postponed on account of a flood. At present there is no restriction on persons who may vote at the postponed polling. I draw a parallel between that feature and another feature of the Bill. There are contingencies which cannot be guarded against without doing injustice. The Bill provides that a person eligible to sit in this or in another place can nominate, go to the poll and be elected, and then not take his seat. That happened in connection with the last election. We have cleared that matter up by leaving the Chief Electoral Officer and the Crown Law authorities to reject a nomination if they are satisfied that the person nominated could not sit. The Bill, however, provides that in the event of a poll having been postponed on account of flood or riot —I do not think the latter is a likely contingency—these words shall govern the situation, that any elector for the province or district may vote at the postponed poll if in the opinion of the presiding officer he would in ordinary circumstances have voted at the particular polling place but for the postponement. I do not think the Chief Secretary stands for making the presiding officer sit as both judge and jury. Suppose Mr. Nicholson came in to vote at the postponed polling places. Then he would have to satisfy the presiding officer that he could have voted at that polling place on the original day of polling. That is too much to put in the hands of the presiding officer. No such provision is in the existing Act, and no such provision ought to be enacted. Another place has inserted a provision dealing with the blind elector. There may be a good deal of sentiment in it, but I do not think there is much practicability. The law to-day is that any person unable to read or write, or suffering from some infirmity, or being blind, can call upon the presiding officer to take him into a compartment, all the scrutineers coming along if they like, and then the presiding officer is to mark the ballot paper and do his job. The Speaker, in his capacity as a private member of another place, moved for the inclusion of that provision regarding the blind.

Hon. E. H. Gray: He has extensive knowledge regarding the requirements of the blind.

Hon. J. CORNELL: It is not a question of a knowledge of the requirements of the blind. If we are to make that provision for the blind, what about the illiterate? There are people to-day who can neither read nor write. The requirements apply equally to them. The suggestion is that we cannot trust the presiding officer and the scrutineers to mark the ballot papers properly because a person cannot see what they are doing, yet we are to trust them to carry out the same task on behalf of the illiterate. When I make that statement, I will go further and say that I have known many returning officers and presiding officers, and have been aware of their political views. Irrespective of what those views may be, I know that those officers are strictly impartial when it comes to the transaction of their electoral duties on polling day. Most decidedly they do not allow their political views to affect them in their electoral work. It is from that standpoint I say to Mr. Gray that what is sought on behalf of the blind applies equally to illiterates and, for instance, to a returned soldier who may have had his arms amputated. In traversing the Bill, I am merely pointing out essential features that I consider should receive attention. Another matter relates to the clause that dealt with libel in connection with elections. On the motion of Hon. N. Keenan in another place, that particular reference in the Bill was struck out on the voices. For the life of me I cannot see any justification for that amendment. It was inserted deliberately by the Royal Commission. The matter was well thought out and it was analysed by the Parliamentary Draftsman, Mr. Wolff. If members compare Clause 163 in the Bill as originally approved by the Royal Commission and considered in the Legislative Assembly with the same clause in the Bill as amended by the Committee in that House and presented to this Chamber, they will see that in the amended Bill before us the clause stops at the words "undue influence." The original clause contained the following proviso, which was deliberately inserted by the Royal Commission unanimously:—

> Provided that in relation to any charge under paragraph (d)—
>
> (i) no person shall be convicted if he prove that he had reasonable ground for believing, and did in fact believe, the defamatory statement to be true; and
>
> (ii) the person charged may elect to be tried by a jury, in which case all the laws relating to committal and trial of offenders on indictment shall apply.

Paragraph (d), which indicated in which way one class of offender should be regarded as exercising undue influence, was as follows:—

(d) at any time between the issue of the writ and the close of the poll publishes or exposes, or causes to be published or exposed to the public view any document or writing or printed matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any elector.

That would deal with a person in the circumstances in which Mr. Gray found himself. The individual might act in circumstances over which he had no control, and in respect of which he honestly believed he had done no wrong. The Commission took the proviso I have quoted from the Commonwealth Act, and I think it should be included in the measure.

Hon. H. Seddon: Well, we can put it back again.

Hon. J. CORNELL: Every member who stands for justice will support that objective.

Hon. H. S. W. Parker: But you do not require a jury.

Hon. J. CORNELL: The hon. member was a member of the select committee and of the Royal Commission. I understand that, under existing conditions, a magistrate can deal with such a matter, and from his decision there is an appeal to a higher court. Surely one could put up an equally good case for the man charged with such an offence as could be raised on behalf of an individual who broke into one's house. If the burglar has the right of trial before a jury, surely the individual charged with an electoral offence should enjoy a similar concession. I think I have pointed out most of the various features that require special attention.

Hon. G. W. Miles: You have been very interesting.

Hon. J. CORNELL: There is another matter to which my attention was drawn by Mr. Macfarlane. It occurs in Clause 162, which reads—

Without limiting the effect of the general words in the preceding section, "bribery" particularly includes the supply of food, drink, or entertainment after the nominations have been officially declared, or the furnishing of any means of conveyance for any voter whilst going to or returning from the poll with a view to influencing the vote of an elector.

A section appears in the parent Act to that effect, but also includes the words "or horse or carriage hire." The reason for the deletion of those words was obviously that in these days one must go to the Museum or the Zoological Gardens to see a horse-drawn carriage. Thus in practice those words have no meaning. Evidently the draftsman, in going through the Act, excluded those words because they do not now affect the position. The clause includes the word "furnishing," and, if we take the dictionary meaning of that particular word, I believe that I could not lend my motor car to Mr. Nicholson, for instance, for his use in connection with an election. I understand that Mr. Macfarlane will move an amendment with a view to deleting "furnishing" and inserting "hiring" instead. The Bill can be summed up under three headings. The first relates to the constitutional amendment affecting the franchise for this Chamber. I do not offer any advice to members in that respect except that I hope they will stick by me when I attempt to give effect to my disagreement with the members of the Royal Commission. I hope they will agree to re-insert the reference to "ratepayers." If they think a modification is necessary to clarify the position so as to deal with flat-dwellers and householders, they may move in that direction, or they may agree to strike out the whole reference and then we will remain as we are now. Then, again, I honestly think that the new postal voting provisions will not operate as the Chief Electoral Officer thinks. That has to be taken into consideration, together with the fact that a new officer will be handling the electoral affairs of the State, on top of which there is the proximity of the general election for the Assembly and the biennial election for the Council. I think we should preserve what we can, although, perhaps, with certain modifications. Most of the other clauses in the Bill, with a few exceptions such as those referring to half-castes, represent the existing machinery.

Hon. G. W. Miles: On a point of order, Mr. President. There is an unseemly conversation proceeding all round the House, and it should be stopped. I am interested in what Mr. Cornell is saying, and I hope he will be heard in silence.

The PRESIDENT: I am sure hon. members will allow Mr. Cornell to proceed without interruption.

Hon. G. W. Miles: This is of importance to this House. If other members are not interested in what Mr. Cornell is saying, some of us are.

The PRESIDENT: I am sure members will not interrupt Mr. Cornell, who may proceed.

Hon. J. CORNELL: I have dealt with the main features of the Bill. The other parts I think members can take on trust, because they represent the law as it stands to-day. In framing the Bill, the draftsman, Mr. Wolff, has endeavoured to so construct it that it will have a logical sequence right through. In the existing Act references to the one matter can be found in three or four different sections. Mr. Wolff has carried out his re-drafting with a view to grouping matters under their several headings and progressing in proper sequence until finally we reach the stage of the Court of Disputed Returns. There is another matter in which I believe members would support me, although I do not think there will be time to deal with it this session. I argue that the basis upon which the Court of Disputed Returns is established is wrong. The judge is the sole determining factor in respect of law and fact. An appeal is provided from the judge's decision on a point of law but not in respect of fact. I think cases can be cited in which there have been almost contradictory interpretations of the same law, and therefore I certainly think there should be an appeal to the Full Court on matters of law. I do not contend that there should be that appeal in respect of a question of fact. However, that matter is not before the House, but I wish it could have been dealt with.

Hon. J. Nicholson: Do you intend to move an amendment along those lines?

Hon. J. CORNELL: No, I am not competent to do so. I think an amendment along those lines should have been moved in the Legislative Assembly. I shall support the second reading of the Bill, and desire to inform members that Mr. Nicholson has been good enough to agree to take the Chair when the measure is dealt with in Committee. He will have the assistance of Mr. Hamersley and Mr. Gray. That will enable me to follow the amendments I have placed on the Notice Paper right through to a conclusion. I have endeavoured to have them drafted in their proper order. With two exceptions, the amendments have all been prompted and drafted by that fine old former public servant, Mr. Sayer. I do not know that we shall ever see another like him in the service of the State. Mr. Sayer drafted the original Act, and then the amending Bill, and now these amendments that I am referring to.

On motion by Hon. C. H. Wittenoom, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [7.30] in moving the second reading said: The report of the chairman of the select committee is a full and lucid explanation of the principles of the Bill. Very little remains to be said by me. The measure which has been withdrawn sought to amend Section 35 of the Constitution Acts, 1899. As a result of the select committee's deliberations, it has been found necessary to recommend the amendment of parts of the Act other than Section 35, so that the Title of the present Bill gives general power to amend the Constitution Acts Amendment Act, 1899. Sections 31 to 38 inclusive of the Constitution Acts, 1899, are repealed by Clause 2, and new sections are proposed in lieu of those repealed. The Commonwealth Constitution Act has been taken largely as a guide. Section 32 of our Act deals with the disqualifications of members of Parliament holding contracts with the Crown. It is the section which was framed on the statute passed in England in the reign of George III. Instead of the lengthy, octopus-like section which appears in our Act, and which reaches out and seizes in its grasp almost every member of Parliament who moves about as an ordinary citizen, Section 44, paragraph 5, of the Commonwealth Constitution Act has been recommended. That section, which appears in Clause 2, paragraph (j), reads:—

> (j) has any direct or indirect pecuniary interest in any current and subsisting agreement made or entered into or accepted with, under, or from any person whomsoever for or on account of the Crown.

That is simple and easily understood. Paragraph (d) of the proviso to Clause 2 contains a very necessary amendment. It is designed to make clear that members of Parliament may deal with State Trading Concerns or with the Agricultural Bank at prices or rates similar to those charged or

imposed by the Crown in transactions of a like nature with other persons in the ordinary course of business.

A member who holds an office of profit under the Crown may seek election to either House, but, if he is returned, he must resign from the office of profit within 14 days after the declaration of the poll. Should he fail to do so, his election and return will become void. Under the law at present, he could still hold his seat until he was sworn in, and that might be many months after his election. Hence, it would be possible for him to draw a salary by virtue of his office of profit under the Crown and also by virtue of his membership of Parliament up to the date of his taking the oath of allegiance. No such case has occurred in the past, but it could occur, and it is advisable to make provision to meet it. The amendment allows him 14 days after the declaration of the poll to sever his financial connection with the Crown.

A definition of "The Crown" for the purposes of Clause 2 is included. "The Crown" includes the Government of the State, a Minister of the State in his official capacity, or an officer of the State acting in his official capacity, or any person who administers or carries on for, or on account of the State, any public social service or public utility. The protective provisions cover only those who buy from the Crown or deal with the Crown, but do not cover those who sell to the Crown.

Hon. G. W. Miles: Would not paragraph (d) on page 3 of the Bill cover those who sell to the Crown?

The CHIEF SECRETARY: In my opinion it would not cover anyone who sold in the ordinary course of business. Subclause 3 of Clause 2, for very obvious reasons, makes the proviso to Subclause 1 of Clause 2 retrospective to the 1st July last. If we omitted to do this, the doubts expressed and responsible for this Bill—that many violations of the Constitution Acts are committed quite innocently, day by day, by members of Parliament owing to the archaic character of the existing law—might induce speculative individuals to take action against them in a court of law. If Subclause 3 of Clause 2 be accepted, members will be immune as regards the past, insofar as dealing with trading concerns and other activities of the Government is concerned, for they will be protected by Section 49 of the present Act, which reads:—

> No action or other proceeding to recover any forfeiture, penalty, or sum of money under this Act shall be commenced except within three months after the time at which the right to bring such action or to take such proceedings first arose.

The proviso at the end of the Bill contains an important amendment. It removes some doubt that exists as to whether a member of Parliament can lawfully accept travelling expenses incurred by him in his capacity, for instance, as a member of a Royal Commission. Paragraph (iii) of the proviso goes further. It permits of payment being made as remuneration for service rendered to the State, subject to the payment being approved by a committee consisting of three members of the Legislative Council and three members of the Legislative Assembly, whose duty it would be to determine whether payments of such a nature should be authorised. Cases may occur where there is some special work to be done, and where a member of Parliament may, owing to his expert knowledge, be the best man available.

Secret transactions would tend, perhaps, to encourage abuses—I do not know that anything of the kind has occurred in the history of the State—but the very fact that such a matter would be brought under the notice of a joint committee of both Houses and be subject to their decision should remove all likelihood of any improper practices resulting. Very seldom, perhaps, it would be necessary for the Government to employ temporarily a member of Parliament possessed of expert knowledge to do certain work for the State for a few weeks or so.

Hon. J. J. Holmes: I think if a member of Parliament offers his services to the country, he should be capable of doing that.

The CHIEF SECRETARY: It should be possible for him to offer any expert assistance he may be able to render.

Hon. J. Nicholson: Say a doctor or a lawyer.

The CHIEF SECRETARY: Let me quote an instance from my own experience. Many years ago I was Minister for Lands and in charge of forests. A Royal Commission had to be appointed to report on forestry. My Under Secretary recommended Mr. (afterwards Sir) Newton Moore as a member, and the recommendation was supported by the Surveyor General. I made further in-

quiries, and the general opinion was that Sir Newton's services were essential to the successful operations of the Commission. Then I remembered that he was a member of Parliament—he had been elected only about six weeks before—so I placed the matter before the then Solicitor General, Mr. Sayer. He ruled that not only could Sir Newton Moore not receive any payment for his services, but that if he accepted the office when other members of the Commission were to be paid, he would be guilty of a violation of the Constitution. Sir Newton afterwards accepted the position and refused to take even his expenses. He rendered excellent service to the country, but the position in which he was placed was very unfair to him. Three or four years ago I made further investigations, and the Crown Law authorities turned up a ruling by Mr. Septimus Burt given long before Mr. Sayer gave his ruling, and it confirmed the ruling of Mr. Sayer. Thus there are dangers for members who even accept seats on a Royal Commission, dangers such as could not be anticipated by them. The second part providing for a reference to a joint committee of both Houses to investigate matters of the kind, and to decide whether members were entitled in the circumstances to an allowance and the amount of the allowance should be acceptable to members of both Houses and should not result in the occurrence of anything in the nature of corruption. I move—

That the Bill be now read a second time.

HON. J. NICHOLSON (Metropolitan) [7.45]: I formally second the motion moved by the Chief Secretary. We all acknowledge that in connection with this Bill he has followed the usual course of giving that full explanation that he invariably gives to all measures that he introduces. Indeed, so full has his explanation been that there is very little left for me to add. There is one point, however, to which I should like to draw the attention of members and that is in connection with paragraph (e) of Subclause 1 of Clause 32 which reads—

> Subject as hereinafter provided, any person who (e) is attainted of treason, or has been convicted and is under sentence or subject to be sentenced for any offence under the law of any part of His Majesty's Dominions punishable by imprisonment for one year or longer.

Hon. members will see that we agreed to a certain extent with what is provided in the Federal Constitution Act. The paragraph is very similar to the phraseology in that Act. The paragraph sets out that "any person who is attainted of treason or has been convicted and is under sentence, etc., punishable by imprisonment for one year or longer." In the existing Constitution Act the provision dealing with the subject is to be found in Section 31 of our Act of 1899. That section says, "has been in any part of Her Majesty's Dominions attainted or convicted of treason or felony." I want members to note particularly the words "has been in any part of Her Majesty's Dominions attainted or convicted of treason or felony," and that the past tense is used. The new clause which has been embodied in the Bill, as explained by the Chief Secretary has been taken from the Federal Act.

Hon. J. Cornell: Not exactly.

Hon. J. NICHOLSON: Practically so.

Hon. J. Cornell: No, it is much broader.

Hon. J. NICHOLSON: We had to adapt it to our State.

Hon. J. Cornell: You have gone much further.

Hon. J. NICHOLSON: The Federal Act reads—

> Is attainted of treason or has been convicted and is under sentence or subject to be sentenced for any offence punishable under the laws of the Commonwealth or the State by imprisonment for one year or longer.

The effect is the same, but it has been adapted to suit the circumstances of our State. The point is that one has to observe very closely the difference between the tenses used in the proposed clause and in the existing Constitution. Under the existing Act it will be noted that "where a member has been in any part of Her Majesty's Dominions attainted or convicted of treason or felony." Then he would not qualify. But by using "is attainted" not "has been attainted," which means attainted at the time of the election, or if he has been convicted and is under sentence, or subject to be sentenced for any offence under the law of any part of His Majesty's Dominions, then he will be disqualified. The position would be that unless he fulfilled those conditions, unless he is attainted at the time of his coming forward for election, or at the time when he comes forward he has been convicted, and is under sentence or

subject to be sentenced for any offence, etc., then he will be disqualified.

Hon. J. J. Holmes: Where are you making that alteration?

Hon. J. NICHOLSON: We considered there was a good deal to be said for those who were actuated thus in framing the Federal Constitution.

Hon. J. J. Holmes: But you have departed from it.

Hon. J. NICHOLSON: No; we have not used the same tense as in our present Act.

Hon. G. W. Miles: Then if he has been convicted and is not under sentence, he is eligible.

Hon. J. NICHOLSON: That is the point I am coming to. He has to be convicted and be under sentence at the time.

Hon. G. W. Miles: Then we can have any ex-criminal with us.

Hon. J. NICHOLSON: What actuated those responsible for the Federal Constitution was that when a man purged his offence he was a clean man; he had paid the penalty of the law and therefore he was as free a citizen as any other. That is the position under the Commonwealth law at the present time. If the man had been attainted of treason and had expiated that offence, the same thing would apply.

Hon. J. Cornell: If he is attainted of treason once, he is attainted for ever.

Hon. J. NICHOLSON: Under our present Constitution the words that are used are "has been in any part of Her Majesty's Dominions attainted or convicted of treason or felony." We have borrowed those words "attainted or convicted of treason or felony."

Hon. G. W. Miles: The Bill proposes to alter that particular section.

Hon. J. NICHOLSON: Yes; I am merely drawing the attention of members to the alteration from our present Constitution.

The Chief Secretary: I do not think there is any alteration.

Hon. J. NICHOLSON: There is, by using the present tense as against the past tense.

The Honorary Minister: What is the meaning of the words "is attainted"?

Hon. J. NICHOLSON: We can easily get over the difficulty by making it read "is or has been attainted," and we can add "is or has been convicted or is or has been under sentence, etc."

The Honorary Minister: I am not clear yet as to the real meaning of the words "is attainted."

Hon. J. NICHOLSON: If he is attainted of treason, then of course he is no longer a citizen.

Hon. J. Cornell: In other words it means if he is found guilty.

Hon. J. NICHOLSON: Having been convicted of such an offence, he can no longer be a citizen.

Hon. J. J. Holmes: Do you want to make a citizen of him?

Hon. J. NICHOLSON: No. These are the words that are in the Commonwealth Constitution Act. We have extended it to any part of His Majesty's Dominions so as to bring it into line with the provisions of our own Constitution Act. The Federal Constitution Act says "where a person has been convicted and is under sentence . . . . the law of the Commonwealth or of the State, by imprisonment." We extend it to any part of His Majesty's Dominions and that brings those words into line with what exists at the present time.

The Honorary Minister: What is the difference between that and the present clause in our own Constitution?

Hon. J. NICHOLSON: Where a man "has been" means in the past, not "is" as meaning the present. It may be that he is at the present time attainted of treason. In our present Constitution Act the words are "has been in any part of Her Majesty's Dominions attainted or convicted of treason or felony." There is no word about serving a sentence.

Hon. J. J. Holmes: Under our present Constitution a man once convicted is always convicted. You now propose that if he pays the penalty he becomes eligible for a seat in Parliament.

The Chief Secretary: No.

Hon. E. H. Angelo: What is the difference between the words "attainted" and "convicted."

Hon. J. NICHOLSON: "Conviction" refers to a conviction for felony, but "attainting of treason" means that when once a person is attainted of treason he is no longer entitled to the rights of citizenship.

Hon. J. J. Holmes: He will be if we pass this.

Hon. J. NICHOLSON: No. Once a man is attainted he is attainted for all time or

until he receives the King's pardon which will restore him to citizenship.

Hon. J. J. Holmes: That is a simple matter.

The Honorary Minister: Does that apply to our Constitution Act? According to the section I have before me, if a man has served his sentence or secured a free pardon, he is automatically entitled to go before the electors.

Hon. J. NICHOLSON: I am referring to Section 31 of the Constitution Act.

Hon. E. H. Angelo: Would this not be clearer if it were divided into two paragraphs?

Hon. J. Nicholson: No, it is not necessary.

The Honorary Minister: Read Section 17 of the Constitution Act Amendment Act.

Hon. J. NICHOLSON: That deals with the qualifications of an elector, whereas I am dealing with a member of the Council. All that the select committee did in regard to that was to consider the position under the Federal Act and to seek to bring our Constitution Act as nearly as possible into line with the Federal Act. And in making the suggestion in regard to this particular part of the Bill, we have done no more than seek to come into line with the Federal Act. It is only right that members should be apprised of this alteration, just as the Chief Secretary has explained the various other clauses. If there are any other matters in the Bill which members would like to have expounded——

Hon. G. W. Miles: Please explain paragraph (d), on page 3. Would that allow a member of Parliament to sell a pound of nails to the Government?

Hon. J. NICHOLSON: It does not.

Hon. G. W. Miles: Well, it should.

Hon. J. NICHOLSON: That was the subject of considerable discussion. The committee realised the gravity of opening the door so wide.

Hon. G. W. Miles: But if it were done in the ordinary course of business and the usual price were charged?

Hon. J. NICHOLSON: No, that is just where the trouble would arise. It might lead to very serious consequences. And where members are interested in any concern which might possibly have dealings with the Government, the matter can be got over by such member of Parliament forming whatever concern he is interested in into a company of 20 members. Thus the whole difficulty is overcome and the risks involved in making the clause extend to the member's capability of selling to the Government would be entirely obviated. That was considered as being the proper way and the most reasonable way of dealing with transactions of that nature. But in the opinion of the committee this paragraph (d) would not give power to any member to engage in transactions where that member was selling to the Government.

Hon. G. W. Miles: Yet you would give a professional man the right to sell his services to the Government, whereas an ordinary man is not to sell to them a pound of nails!

Hon. J. NICHOLSON: No. The position in regard to the proviso appearing at the end of the Bill is one which I am sure members would regard as being fully illustrated by the Chief Secretary, who even gave us examples.

Hon. G. W. Miles: Why should a professional man have a privilege over any ordinary citizen?

Hon. J. NICHOLSON: Take for example a doctor or a lawyer or any other professional man. Suppose we take a lawyer——

Hon. G. W. Miles: I agree, but why should not a member of Parliament be allowed to sell a pound of nails to the Government?

Hon. J. NICHOLSON: There are reasons against it.

Hon. E. H. Angelo: What if the member of Parliament is the only storekeeper in the whole district?

Hon. J. NICHOLSON: If members would give consideration to such transactions it would be recognised that it would be impossible to relieve members of their risks and responsibilities. There would be a constant tendency to run the risk from time to time, and before a member knew where he was probably he would find that he was at last a victim to his own readiness to enter into some risky transaction.

Hon. G. W. Miles: But the Government might be stuck, in a hole, for a pound of nails. Why should not the storekeeper, who is also a member of Parliament, supply them?

Hon. J. NICHOLSON: The difficulty could be overcome by the member forming his enterprise into a company of not fewer than 20 members. Once a man comes into the House, if he is engaged in any

trade, he can get over the difficulty by forming his business into a company.

Hon. G. W. Miles: And employing a lawyer to do it!

Hon. J. NICHOLSON: He would not need to employ a lawyer at all. He would be able to do the work himself. Probably in the course of time, after he had completed the formation of the company, he would give considerably more work to the lawyers than he would have done if he had gone to the lawyers in the first place; just like the man who sometimes finds he has made a mistake or a number of mistakes in drawing up his own will. Such work is often best left to the independent judgment and thought of someone not affected in the same manner as the person who is drawing up the will. The difficulty indicated by Mr. Miles would very easily be overcome. It would be much wiser for a member to take the proper course for overcoming the difficulty of trading with the Government by forming his business into a company. That seems to be the best solution of that difficulty.

The Honorary Minister: Take the case of a country storekeeper. A policeman travelling with native prisoners wants rations at the only place where he can get those rations. Is that storekeeper to commit an offence by serving the police officer?

Hon. J. NICHOLSON: The country storekeeper can sell to the policeman as an individual. If the contract were made with the Government it would be an infringement of the law.

Hon. J. J. Holmes: Would the matter be held up for the select committee to state whether it was a breach of the Constitution Act while the prisoners starved?

Hon. J. NICHOLSON: If the storekeeper desired to save the policeman and the prisoners from such a fate, he could make a gift, and he would realise that since he entered Parliament he had to run the gauntlet if he offends.

Hon. G. W. Miles: Why does not the professional man have to form himself into a limited company?

Hon. J. NICHOLSON: I will come to that in a minute. A member when he enters Parliament should realise that he has to comply with the Act.

Hon. G. W. Miles: And so should a professional man.

Hon. J. NICHOLSON: I will deal with that. Any person when he becomes a member of Parliament has to realise that there are in the Constitution Act certain provisions which have been designedly placed there to protect the people from the risk of corruption.

The PRESIDENT: I ask members to allow Mr. Nicholson to continue without interruption.

Hon. G. W. Miles: I was only seeking for information.

The PRESIDENT: That can best be obtained during the Committee stage.

Hon. J. NICHOLSON: There is always a risk of grave abuses and corruption, in association with transactions of this nature. There is a risk that a man on becoming a member of Parliament might be capable of wielding an influence, and of directing business towards himself at the expense of other members of the community. These are abuses against which the Constitution Act seeks to protect people. It is sought to prevent a man by reason of his being a member of Parliament from wielding and exercising that influence for his own special benefit at the expense of others. To prevent the difficulty and to provide facilities for people to carry on their ordinary affairs of life, the Constitution Act laid down years ago that when once a member of Parliament entered into a contract with the Government, certain penalties were attached to him. An exception, however, was made in favour of a company. It is to that position I was directing the attention of members. Any member can form his business into a company, even if it is only the business of one store in a district. If the owner of the store becomes a member of Parliament, he need only form that concern into a limited liability company, which can be achieved at a very low cost, to comply with the provisions of the law.

Hon. G. W. Miles: Just to oblige a Government department with £5 worth of goods from year to year.

Hon. J. NICHOLSON: Such a man should not become a member of Parliament.

Hon. J. Cornell: My attitude is that a professional man should not be a member, either.

The Honorary Minister: It might be the case of a station owner and not a storekeeper.

Hon. J. NICHOLSON: He should not be a member of Parliament. A man must realise that he is taking on certain responsibilities. He is placed in a favourable position, compared with the ordinary individual, and the Constitution Act is there to protect the public against one man gaining that benefit over others.

Hon. E. H. Angelo: You would deprive the Chamber of the best brains we have.

Hon. J. NICHOLSON: We have to deal with matters as they arise.

Hon. E. H. H. Hall: The hon. member would not say it was any use to form one's business into a limited liability company to assist one's candidature.

Hon. J. NICHOLSON: It could be done quite easily, but I am sure the hon. member has many more friends than twenty.

The PRESIDENT: I suggest that the details to which the hon. member is referring might be discussed in Committee.

Hon. J. NICHOLSON: A professional man is in exactly the same position as any other individual. The Government may require the assistance of a professional man who happens to be a member of Parliament. That man might be possessed of expert knowledge and be regarded as the most suitable person to carry out certain work essential for the benefit of the Government.

Hon. J. Cornell: Say, to go to London on the Secession question.

Hon. J. NICHOLSON: The hon. member might be regarded as an excellent advocate against secession. In Dr. Saw we had a most excellent member and medical man, whose expert knowledge might have been of great use to the Government. He could not undertake any particular work on their behalf, for any reward, in view of the Constitution Act. The same thing would apply to a lawyer of special eminence. The Government might desire to send a lawyer member to London, to appear before the Privy Council, because of his great local knowledge of certain conditions relative to this State. Such a man could not take a brief and a fee to go to London while he was a member of Parliament.

Hon. G. W. Miles: Neither should he do so unless he had formed himself into a limited liability company.

Hon. J. NICHOLSON: The hon. member will at least be sensible. In a case like that a single individual could not form himself into a company.

Hon. G. W. Miles: Why not?

Hon. J. NICHOLSON: Although his services might be of incalculable benefit to the Government, they would be deprived of them, because it would be necessary for them to get someone else.

Hon. J. J. Holmes: If he were a man of that capacity, it might suit some Government to get him out of the way.

Hon. J. NICHOLSON: If such a man thought that was the intention of the Government, he would be wide awake enough and alert enough to decline the proposal. The committee had nothing under consideration but what was bona fide and in the best interests of the State. That is what actuated the committee in making the suggestions that have been submitted to the House.

HON. J. CORNELL (South) [8.25]: Seeing that I dissented from my colleagues on the committee, I should perhaps explain my views. It was a lesson to me to be associated with three lawyers, two members of the committee and the Crown Solicitor, and I admit I learnt something from that association. The committee were faced with a hopeless task in some directions. We realised that to do the job properly we should throw the whole Constitution Act into the melting pot. Mr. Parker thought we should deal with the whole thing, but finally we rested on the matters contained in this Bill. Even under the Constitution there is much ambiguity, and under this Bill there will still be some ambiguity. As the Honorary Minister pointed out, Subsection (ii) of Section 17 of the Constitution uses these words—

> Has been attainted or convicted of treason, felony, or any infamous offence in part of Her Majesty's Dominions, and has not served the sentence for the same, or has not received a free pardon for such offence.

Such a man cannot be put on the roll. The Act also says—

> Has been attainted or convicted of treason, felony, etc.

Such a man cannot stand for Parliament. If it had been possible for the committee to deal with all the ambiguities contained in the Constitution, no doubt this would have been done. In my opinion as a layman, all that members have to concern themselves

with is the dropping of Subsection 6 of Section 31 containing these words—

> Has been in any part of Her Majesty's Dominions attainted or convicted of treason or felony.

That follows the provisions of the Commonwealth Act. The question we have to ask ourselves is whether a man, having served a sentence, is still eligible to become a member of Parliament. According to our Act, he is not eligible. That is the only point requiring to be cleared up. I am inclined to agree with the Chief Secretary that the correct way to read the Commonwealth Constitution is that once a man is out, he is always out. My dissent has been with regard to paragraphs (i), (ii) and (iii), of proposed new Section 34. At the outset we found the position very obscure as to whether a member of Parliament could do business, say, with the State Sawmills. I mean the ordinary business that the ordinary individual would do. We found a lot of ambiguity on the point, but it was agreed that he could not do the business. I think that has been cleared up. I argued, although the other members of the committee held a different view, that with regard to the engagement of a professional man by the Government, it would be better to leave things as they were. I thought any reasonable judge would take this line of reasoning if a case came before him. Say a member of Parliament was a builder. I contend he could do ordinary business with the State Sawmills. If it cut one way, it would also cut the other way. Take the case of a lawyer. The Crown might be involved in a big case. It might be thought that a member of Parliament was the best man to appear for the Crown. He would appear in the ordinary course of his avocation as a lawyer. I think in such an instance the judge would take the commonsense view that the lawyer, even though he was a member of Parliament, was acting within his rights. The lawyers are against me in this. Then we got into the realms of impracticability and impossibility. What do we set out to do? There is no dispute in regard to your doing business, Mr. President, with the State Sawmills, say, by buying a truck of timber. But let us suppose that you are an eminent lawyer and that the Crown desires to retain your services in the ordinary course of business. What tribunal does the Bill propose to decide what you are to receive? It speaks of any payment for an account for the actual and ascertainable expense necessary to be incurred in the cost of rendering the service, and it refers to any payment made to reimburse you for the amount of expense actually and necessarily incurred by you in the course of rendering these services. It goes on to say that, in order to find that ascertained or ascertainable or actual or necessary amount, a committee of three members of this House and another committee of three of another place shall do the job. That arrangement will not work, and cannot be expected to work.

Hon. J. J. Holmes: Who appoints the committee?

Hon. J. CORNELL: In the course of the debate it has been pointed out that in the House there is a variety of specialists. In the past, specialists knew what was in front of them when they entered Parliament. They knew that if they entered the service of Parliament they would be to a large extent, where the Crown was concerned, prohibited from following their ordinary employment. Now the Bill declares that a committee of three of each House shall decide the question. In the course of the debate it has been argued that there might be a dozen different varieties of specialists required. So there would have to be a committee of six super-specialists to arrive at the cost. I argued previously, and I argue now, that if we think it necessary to amend the Constitution so as to permit of the engagement of members of Parliament, possessed of special qualifications, to appear on behalf of the Crown, there is only one body to do it—the Governor-in-Council. The Governor-in-Council should be and would be in a position to decide the matter, with the aid of expert advisers. He would be always there—sitting continuously. It may seem arrogant that I, a layman, should disagree with lawyers, with our Leader, and with Mr. Baxter; but I think the provision incapable of practical application. It must necessarily break down of its own weight. I venture to say no member of Parliament would render services under those conditions. Though the idea may seem good, it is utterly impracticable.

Hon. J. J. Holmes: Would either of these committees of six comprise a member with a casting vote? Otherwise there might be deadlocks.

Hon. J. Nicholson: The rules of the House would decide that.

Hon. J. CORNELL: So far as I am aware, no similar provision is to be found in any other legislation. We have taken the Commonwealth Constitution more or less as a pattern. That Constitution makes no provision for the setting-up of committees by the Senate and the House of Representatives to say that certain specialists shall appear on behalf of the Commonwealth. If there is occasion for such a departure, it should be made first in the big arena. I am in accord with the select committee's desire to provide for all eventualities, but my experience of life tells me that one cannot go along the road of easement or practical application beyond a certain distance, and that when one has gone that distance one gets up against a proposition that is pretty hard to work out on paper, even after one has got it down.

Hon. J. J. Holmes: One has a job for the lawyers then.

Hon. J. CORNELL: If there is one thing that will bring a storm of criticism on our heads from outside the Chamber, it is this proposal, however well-intentioned it may be—and it is well-intentioned. I have stated my viewpoint, showing how the thing will not work. If the provision is to be inserted, I hope a case will be put up showing how it will work in practice. I cannot see it working at all. I support the second reading of the Bill.

On motion by the Honorary Minister, debate adjourned.

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Repeal of certain provisions:

Hon. G. W. MILES: I move an amendment—

That the words "the whole of Part II." be struck out.

The carrying of the amendment will mean that salaries will remain as they are.

The HONORARY MINISTER: I do not know whether the hon. member is serious.

The CHAIRMAN: We will assume that he is.

The HONORARY MINISTER: If the amendment is carried——

Hon. G. W. Miles: There will be a saving of £49,000 a year.

The HONORARY MINISTER: It will mean the defeat of the Bill. This provision is the Bill.

Hon. G. W. MILES: I do not know why the Minister should say that. There are other provisions as to mortgages, interest, and superannuation. I do not regard the Government as in a position to restore £49,000 to civil servants and members of Parliament. Unless the amendment is carried, whatever Government may be in power next year will ask for fresh taxation to make up the £49,000. The matter might go to a conference which might agree to the restoration of civil servants' salaries while cutting out the restoration in the case of members of Parliament.

Amendment put and negatived.

Clause put and passed.

Clauses 3, 4, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—FINANCIAL EMERGENCY TAX.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [8.45] in moving the second reading said: The present Financial Emergency Tax Act will expire on the 31st December of this year. The Bill is introduced with the object of reimposing the same rates of taxation for a further 12 months.

Hon. J. J. Holmes: With no alteration?

The HONORARY MINISTER: None whatever. The rates are exactly the same and the scope of the tax exactly similar. Although very keenly desirous to reduce the incidence of taxation of this description, if at all possible, and if it can be done consistently with their policy, the Government regret exceedingly that it is not possible at this stage to propose any reduction whatever. When dealing with previous emergency measures, I stated that the Government, in carrying out their policy, have been desirous of doing certain things, all of which were dependent upon maintaining revenue at a given figure or in accordance with a certain scale. While

it is perfectly true that our financial position has improved compared with that of last year, nevertheless it has not improved to such an extent that the Government can do without revenue that emanates from this particular legislation. The suggestion has been made that if we can give relief in certain directions, we can give it in other avenues as well. One direction in which it has been indicated that we could effect additional relief is in connection with the rate of taxation under the Financial Emergency Tax Act. Unfortunately, the Treasurer in preparing his Budget for the coming year and also in accordance with the limitations placed upon him by the Loan Council, has found it impossible to sacrifice any of the revenue he can reasonably expect to obtain from this particular legislation. It is also necessary to point out that taxation in this State compares more than favourably with that obtaining in the other States.

Hon. A. Thomson: But we have a smaller population.

The HONORARY MINISTER: It is not a question of the smallness of the population, but of the rate of taxation rather than the amount actually received. If a comparison is made of the rates of taxation imposed in this State and those levied in the Eastern States, it will be found clearly that Western Australia is at present the lowest taxed State in the Commonwealth, with the exception of Victoria. There is no necessity to accept my statement on that point because the matter was dealt with thoroughly by the Federal Grants Commission who devoted much time to this particular phase. As a result of their investigations, the grants that have been allocated to Western Australia have been reduced considerably because the Grants Commission claimed that our taxation was lower than it should be.

Hon. E. H. H. Hall: But the Federal Grants Commission admit, as suggested by Mr. Thomson, that you cannot go on the actual figures.

The HONORARY MINISTER: In their last report, the Grants Commission stated definitely that Western Australia, by comparison with the Eastern States, was materially undertaxed.

Hon. J. J. Holmes: And you are confirming that now?

The HONORARY MINISTER: In their first report they said that the taxation in Western Australia was 30 per cent below what it should have been.

Hon. E. H. H. Hall: Your Leader does not agree with all the Grants Commission said.

The HONORARY MINISTER: Nor do I.

Hon. E. H. H. Hall: I hope you will say so before you resume your seat.

The HONORARY MINISTER: On the other hand, I agree that we are suffering as a result of a comparison made between taxation imposed here and that levied in the other States. The hon. member cannot get away from the facts I shall submit. The facts and figures that I have are rather elaborate, but I shall not go into details because I think members have read them on numerous occasions. Nevertheless it is rather interesting to note that during 1931-32 the taxation collections per head of population show that the average for Australia was £4 19s. 6d., whereas in Western Australia the average was £3 6s. 4d. In the year 1932-33 the Australian average was £5 12s. 6d. and the Western Australian average £3 11s. 10d., while for 1933-34 the Australian average was £5 2s. 8d. and the Western Australian average £4 3s. 4d. Members will agree that those figures show a marked difference between, not the highest taxed State but the average of all States, and the rates applying in Western Australia. It is also possible to give the rates of income taxation based on specified salaries such as £200, £300, £400, £500 and so on and to indicate the average income tax collections throughout Australia. That applies to both income from personal exertion and from property. A comparison on that basis shows that the rate of taxation in Western Australia is materially lower than the average for the Commonwealth. As a matter of fact, if we take the average for all States to be 100, then Western Australia's rates are 85 on income derived from personal exertion and 72 on income from property. There again figures disclose that Western Australia is considerably lower taxed than any of the other States. I do not wish to be misunderstood; I am not advocating higher taxation. With other members, I believe that the higher we tax the people, the more difficult we make it for them to carry on. Nevertheless, it is essential that the Government shall have revenue

with which to continue the work of the country. Although the State has been passing through trying times, and it has been necessary to introduce taxation of this description, the Government can claim they have not introduced taxation, especially emergency taxation, to the extent that has been experienced by the people in the Eastern States. It might be as well to furnish a comparison in that respect. The various ranges of the special emergency taxation are as follows:—

New South Wales—6d. to 10d.
Victoria—1.02d. to 12.08d.
Queensland—3d. to 1s.
Tasmania—4d. to 1s.
Western Australia—4d. to 9d.

It will be seen that our maximum is the lowest imposed in any State of the Commonwealth. In South Australia there is no special financial emergency tax and I understand that the Government there merely increased the income tax. In those circumstances, no comparison can be made with South Australia.

Hon. H. Seddon: Have you any comparison with regard to exemptions?

The HONORARY MINISTER: I have not the comparison before me, but I can inform the hon. member that the exemptions in this State are greater than those permitted in any other State. That again indicates that the Government here have not taxed the people to the same extent that Governments have in the other States. Last year the collections under the financial emergency tax heading amounted to £684,000. It is anticipated that the returns this year will be slightly more and the Treasurer has placed the estimate at £685,000. It is not considered that there will be any great variation in the total amount received. The Treasurer exceedingly regrets that it is not possible for him to reduce collections from this particular source for the present, and he could not do so without a serious increase in the deficit. Members are aware that the Loan Council have agreed to a deficit for Western Australia of £260,000 for this financial year, and the Treasurer has budgetted for a deficit of £255,600. It might be as well to refer to the special grants that we have received from the Commonwealth Government annually for the past few years, in order to point out that those grants have been materially affected by the rates of taxation we have imposed. Two years ago, while they admitted our claim for special consideration, the Federal Grants Commission intimated that, as a result of what might be termed under-taxation by the Government, they proposed to reduce what the State was actually entitled to by £400,000. Last year they adopted the same attitude, but instead of reducing the special grant by £400,000, they reduced it by £267,000. The Commission pointed out that if the Australian average rates of taxation were taken as 100, the Western Australian figure was 87, the lowest throughout the Commonwealth with the exception of Victoria, whose average was 86. That is the position confronting us. It is necessary for the Government to have revenue from this particular tax. At present we are not in a position to say that we can agree to any reduction in the rates because of the serious inroad it would make in our revenue, automatically increasing the deficit beyond the figure agreed to by the Loan Council.

Hon. H. Tuckey: Does it mean that if this tax is not reduced in the Eastern States, this particular legislation will be carried on indefinitely?

The HONORARY MINISTER: I do not quite follow the hon. member.

Hon. H. Tuckey: If this particular form of taxation remains at the higher level in the Eastern States, shall we be asked to pass this legislation next year and again in succeeding years?

The HONORARY MINISTER: We may be.

Hon. G. W. Miles: There is no doubt about it.

The HONORARY MINISTER: It will depend upon the state of the finances.

Hon. J. J. Holmes: And on who is in charge of Treasury bench.

The HONORARY MINISTER: It may depend on that too.

Hon. G. W. Miles: It does not matter who is on the Treasury bench.

The HONORARY MINISTER: The present Government have clearly shown that they have no desire to increase taxation, but are prepared to reduce taxation as opportunities offer. They are prepared to reduce it whenever it is possible for the Government to say that they can meet their reasonable committments. Whenever the Government see that they can sacrifice some of this revenue, members can be sure the Government will do so. I have no doubt

that had we experienced better seasons, more particularly during the last couple of years, the Government's position would have been much better. In that event, serious consideration would have been given to the possibility of reducing taxation that has been imposed during recent years, but, in all circumstances, that has not been possible. I move—

That the Bill be now read a second time.

HON. C. F. BAXTER (East) [9.0]: Mr. Tuckey asked by way of interjection just now whether, if the other States continued to impose higher rates of taxation, this measure would be brought down again next year. I think the hon. member can rest assured that this legislation will be with us for many years. Though introduced as an emergency measure, it is fast becoming a permanent Act on the statute book.

Hon. G. W. Miles: It has ceased to be an emergency measure.

Hon. C. F. BAXTER: During the last three years when the Bill has been brought down to re-enact this emergency taxation, I have moved amendments designed to give relief to certain sections of the community. On this occasion the outlook for the finances is such that it would be idle for me to submit amendments proposing relief for any section of the people. I can see clearly that not only will the receipts from this tax be insufficient to meet requirements in future, but that increased taxation will be necessary. When I moved my amendments in the first year of the present Government's term of office, I received rather a bad time because I then stated that the tax in that year would yield about £500,000. The statement proved to be correct. I cannot understand how a mistake was made in advising Ministers that the tax would realise only £380,000 that year. The Minister has based his argument in support of the Bill mainly on the lower taxation existing in this State as compared with other States. It is quite true that our people are lower taxed, but it is also true that a pioneering State like Western Australia, with no secondary industries to speak of, cannot bear the same taxation as the Eastern States can carry. Really, the lower our taxation is, the better for us, because of our conditions, but we have to remember that our representatives have to attend the Loan Council and the Premiers' Conference. The best plan would be to keep clear of those references altogether. Undoubtedly this tax seems destined to become permanent, notwithstanding that it is still described as an emergency tax. The Minister told us that the Government had no intention of increasing taxation. Let me point out that by this very legislation they have increased taxation, but on only a section of the people. When the measure was originally introduced it provided for a tax of 4½d. in the pound, but the rate now ranges from 4d. to 9d. Under a rate of 4½d. in the pound we could not expect to take anything like the sum of £600,000 from the pockets of the people. That is where we ought to leave the money, if that course is at all possible. There is one virtue about this tax, namely, that it does force some people who were evading payment of income tax to contribute something towards the maintenance of the free services that the State renders them.

Hon. G. W. Miles: A good virtue, too.

Hon. C. F. BAXTER: I daresay the Income Tax Assessment Act could be amended to reach those who are not paying, but apparently no matter how keen the departmental officials may be, some people cannot be reached at present. I wonder whether the proceeds of this tax, plus the proceeds from other taxation, will be sufficient to meet the needs of the Government. Of that I am doubtful.

Hon. J. J. Holmes: The Premier said there would be no increase of taxation.

Hon. C. F. BAXTER: There will be no increase of taxation this year, but the future has to be considered.

Hon. J. J. Holmes: Another story after the elections next year?

Hon. C. F. BAXTER: I am not inferring that, but next year we may not be so fortunately placed as we are at present. Australia has gone on the loan market for £50,000,000 in two years. On the last occasion the Commonwealth Government asked for £12,500,000, and small as that amount was compared with previous borrowings, the loan was not fully subscribed. Does not that indicate that we may not be able to borrow in future such large amounts as we have borrowed in the past?

Hon. G. W. Miles: It would be a good thing if we could not.

Hon. C. F. BAXTER: In a way it would be good, but if in the next financial

year the amount of loan money is cut down by £1,000,000, or £1,500,000, what will be the position of the State? I ask that of members who say that the position has improved.

Hon. G. W. Miles: Who said the position had improved?

Hon. C. F. BAXTER: That statement has been made publicly from time to time. The Government say it has improved, so much so that they can restore the salary cuts to civil servants.

Hon. J. J. Holmes: The borrowed money goes to pay our interest bill.

Hon. C. F. BAXTER: Our trouble is that we have so few opportunities to utilise borrowed money to advantage. True, a fair amount has been invested in extending the sewerage system and in water supplies. Those undertakings earn interest and sinking fund, but that is internal money. We are not producing with our borrowed money anything which can be exported and on which we can live. Apart from those undertakings, no other investment is earning interest, and we are approaching a stage when close on 50 per cent. of our revenue—if it can be called revenue; it is nearly all taxation—is required to pay interest, sinking fund and exchange, notwithstanding the savings supposed to have been made on loan money. It would be useless for me to submit similar amendments on this occasion. In view of the outlook, I could not justify them. The Government must have the money. At that hopeless conference between the two Houses held last session, we were told that the Government were fairly sure of being able to make a reduction this year somewhat on the lines of my amendments last year. We know perfectly well now that they cannot make those reductions. I cannot see any possibility of securing a reduction in the future; rather is there a likelihood of taxation being increased. It is most difficult for the Government to find productive works on which to expend loan moneys.

Hon. J. J. Holmes: I think you must be anticipating getting back on to the Government benches next year?

Hon. C. F. BAXTER: I am not anticipating anything. If anyone felt the possibility of being included in the Government after March next, I do not know that he would glory in assuming the responsibilities of administering this country. There is not much from the financial point of view that is encouraging, and the general outlook does not make me feel optimistic for the future.

Hon. J. J. Holmes: You will be able to say, "I told you so."

Hon. C. F. BAXTER: Other members say that so frequently that there is no need for me to repeat it. I regret that relief cannot be given to the people. Money left in the hands of private enterprise means so much more for the advancement of the State. Productive avenues for expending Government moneys are few, but private enterprise uses the money to increase our export industries, and thus the State revenue is increased and the wherewithal is provided with which to carry on the State. We have to look to our export industries to maintain the State. For years we have been relying on loan money. When we reach saturation point what will be the position?

Hon. G. W. Miles: Unification.

Hon. C. F. BAXTER: It might be unification or something equally bad; the State might be taken over by commissioners. I regret that there is no possibility of giving relief because the Government must have the money, and I am reluctantly compelled to support the second reading.

HON. E. H. H. HALL (Central) [9.13]: I wish to reply to statements made by the Honorary Minister regarding the vexed question of taxation in Western Australia as compared with the Eastern States. Members have been supplied with copies of the exhaustive report issued by the State Grants Commission, which dealt effectively, accurately and fairly with the position. As has been pointed out by the Premier, however, the figures are not altogether reliable. I wish to quote a few figures to show how unreliable are the figures submitted by the Honorary Minister when comparing the taxation in Western Australia with that of other States. The figures relate to railway rates on an item very important to this State, namely, sheep, which have to be carried for long distances over our railways. The rate per sheep for various distances in four States are—

Miles.	Vic. s. d.	W.A. s. d.	S.A. s. d.	N.S.W. s. d.
100 ..	0 10	1 1	0 10	1 0
200 ..	1 3	1 10	1 6	1 6
300 ..	1 8	2 6	1 11	1 11
400 ..	2 1	3 3	2 5	2 3
500 ..	2 4	3 8	2 11	2 8
600 ..	2 8	4 2	3 6	2 10

That is what those who are pioneering the outback portions of this huge State have to put up with in transporting their stock to market over hundreds of miles of railway in this State. The Government are turning a deaf ear to those people who are experiencing a very difficult time. The figures quoted by the Honorary Minister did not give a correct impression of the taxation the people of this State have to bear. Not only are the railway rates that I have quoted excessive, but there are other instances that can be mentioned if we take the trouble to combat the figures given to the House by the Honorary Minister. Like Mr. Baxter, I am compelled to support the second reading of the Bill, but it is time attention was given to effect a better distribution of taxation. Under the Bill no consideration whatever is shown to the family man; indeed, the individual without family responsibility is the man who is escaping the burden.

On motion by Hon. H. Seddon, debate adjourned.

BILL—PEARLING ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st October.

HON. G. W. MILES (North) [9.19]: I congratulate the Government on having brought down this Bill which will prove a great relief to the pearling industry. In the past, as the Minister stated, there was no option but to impose the charges fixed by the Act, and until this amending Bill goes through, it will not be possible to grant relief. The Government have done all they can, under the Act as it is, to give relief to the pearling industry. They have, I understand, allowed licenses paid on boats which were lost to be transferred to other boats. While it has been argued in another place that the rates should be fixed in the Bill, I consider, in the circumstances, it would be better to leave the fixing of the rates to the discretion of the Minister. This is already done in an amendment of the Pearling Act passed in 1931, so that it will not be a new departure if the House agrees to the proposal contained in the Bill before us. That Act sets out—

> That the fee for a ship license for a ship used merely as a tender to a pearling ship and not used in the actual fishing for pearlshell or pearls, may be fixed from time to time by the Minister at such lesser fee than £10, as he may think fit.

The general license it is proposed shall cover not only Shark Bay but the whole of the pearling area, and I understand that £20 will be the fee that the Minister will fix. I commend the Bill to the House. I have discussed it with my colleagues, who approve of it.

HON. J. J. HOLMES (North) [9.21]: The Bill has been introduced to grant relief to the pearling industry, and to give the Minister power to reduce the fee for licenses. The present fees were fixed when pearls were at a premium, the amount being £10 per ship's license, and £50 for a pearling license. There has been no departure from those figures, and the Bill proposes to place the fixing of the rates in the hands of the Minister so that in prosperous times it will be possible for him again to impose a higher charge for licenses, and in times of adversity to reduce the figure. Whilst we are on the question of rendering assistance to the pearling industry, I would point out that there are one or two other concessions that might be granted. For instance, when the Commonwealth took over the lighting of the coast of Australia, there were two lights leading into Broome. These were not taken over at the time, and the State Government imposed light dues of £2 8s. per boat. Subsequently the Commonwealth took over those lights but the State Government, which could no longer impose light dues, fixed port dues amounting to the same figure, £2 8s. The removal of this due is a concession that might now be made. Again, I do not think there is any other industry, be it primary or secondary, where a person has to pay for the right to work. No one can embark in the pearling business without first paying the Government, I think it is £1 for the right to engage in it. I do not see why the pearling industry should be singled out for a penalty to that extent. Why not charge men engaged in the agricultural industry £1 for the right to work in it? I admit that the Government have done remarkably well by way of assisting the industry in connection with the disaster that overtook it a little while back, but there was a stipulation from the Federal Government that the assistance would be for that particular year only. It is hoped that further assistance will be granted during the coming year, so as to get more boats out. I can hardly believe

that that assistance will be refused on the score of economy, because I have before me the Auditor General's report——

Hon. C. F. Baxter: Do not read too much of it.

Hon. J. J. HOLMES: No, I am going to read just one item. The Government were able to find £6,000 to send a delegation to London on a foolish mission, a mission that anyone with commonsense knew would end in failure. Therefore I do not think they should hesitate to find a similar amount for the pearling industry in the coming year. If that assistance is rendered, we shall have the industry back to where it was, and where it ought to be. I support the second reading of the Bill.

HON. C. F. BAXTER (East) [9.24]: What was a thriving industry a few years ago, an industry which meant life to Broome township, to say nothing of other parts of the State which derived a benefit from it, has within the last few years almost gone out of existence. As a fact it will go out of existence if it is not carefully looked after. Of course the people engaged in the industry are not in any way to blame. The price of shell for a long time past has been very low, and a shocking calamity overtook the industry a little while back. What is proposed now is to give to the Minister a power which Parliament has always been reluctant to grant in connection with any industry. When we place a power such as this in the hands of a Minister——

Hon. G. W. Miles: You introduced the measure of 1931 which gave the Minister similar power.

Hon. J. J. Holmes: You told me the other night I should not dictate to the Government.

Hon. C. F. BAXTER: What I was going to say is that we must not go too far in this direction, but the present occasion demands that we grant this privilege, that is to say, leave in the hands of the Minister the power to fix the fees for licenses, in the hope of our being able to save Broome and the industry. There is little else but the industry to support Broome. The time may come when pearling will have revived to such an extent, and shell will be at such a price, that it will be possible for the Minister to revise the fees under the Pearling Act, and fix them commensurate with the returns being obtained. I admit that the pearlers cannot afford to pay the rates that are imposed to-day; they are not in a position to do so. They are obliged to start again, almost from scratch, and therefore I commend the Government for having introduced the Bill and in this way assisting the pearlers to carry on an industry which lately has been subjected to a great strain. There is every need for assisting it and encouraging it to keep going. It must be kept going even if more money has to be found. It is too valuable to allow to go back just because the market may be depressed for the time being. I hope the price of pearlshell will advance, and that the department will be in the position to derive more revenue from it. Until that time comes it is no use our looking for revenue from a section of the community who are not earning it.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [9.28]: I am pleased with the reception members have given the Bill. I feel I am entitled to say that the Government have shown their bona fides on this particular question by endeavouring to assist the pearling industry and, in return, the pearling community of the North-West should assure us of their bona fides by recognising their reasonable obligations, which I am sorry to have to say there has been shown an inclination to get away from. The assistance that has been rendered by the Government has been absolutely necessary. The Government would have been pleased to do more had it been possible; but we have done what we could, and the Commonwealth Government assisted. We hope the time is not far distant when Broome will return to more prosperous times. I should like to refer to Mr. Holmes's allusion to the question of lights and light fees. This question has been raised on numerous occasions and I know it has been said that the principal light referred to by Mr. Holmes, that at Broome, has been taken over by the Commonwealth Government, notwithstanding which the State Government still imposes the charge. I cannot help thinking that if Mr. Holmes knew the full facts of the case——

Hon. J. J. Holmes: If I do not, I should like to hear them.

The HONORARY MINISTER: It is perfectly simple. The Commonwealth Government have taken over the Bannangarra light at Broome and the State Government

have taken over the light at Bunbury, which was previously maintained by the Commonwealth. It was to meet the convenience of the departments that these necessary services were changed over, so to speak. But this has not lessened the responsibility of the department. I have replied half-a-dozen times to this effect to persons in Broome and members of this House. Only within the last month I have had a comprehensive report in regard to these matters as a result of statements made by certain people at a deputation two or three months ago. I have mentioned this because I do not like members to be under a misapprehension or to be making statements which are not in accordance with facts. The Government through all their departments operating in the North have endeavoured to give whatever assistance they could. The revenue from the Far North is not very great and there are many ways in which we have to meet expenditure. I may say the revenue does not in any way meet the expenditure. Still, we have done what we could, and while we hope there will not be any necessity for further relief, if that necessity should arise the Government will deal sympathetically with any question of the kind in the Far North.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

House adjourned at 9.37 p.m.

Legislative Assembly,

Tuesday, 5th November, 1935.

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

QUESTION—FARMERS' RELIEF.

Commonwealth Grant.

Mr. WARNER asked the Minister for Lands: 1, What amount of money has been received from the Commonwealth as a grant for the relief of necessitous farmers? 2, What amount of such grant has been appropriated to date? 3, What number of farmers have received benefit from the fund? 4, How many of those farmers were Agricultural Bank clients?

The MINISTER FOR LANDS replied: 1, £137,000. 2, £111,755 2s. 6d. 3, 2,986. 4, 2,270. In reference to the last figure, I may say that quite a number of those Agricultural Bank clients are also clients of private banks.

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Industries Assistance Act Continuance Bill.

PAPERS—CROWN LANDS OCCUPATION.

Prosecutions at Reedys.

The Minister for Lands, in response to a question by the member for Murchison (Mr. Marshall) on the 31st October, tabled the Lands Department file containing references to the prosecutions at Reedys in March last.