

Mr. A. E. Piesse: The expense would not be large in connection with these cookery classes.

The MINISTER FOR EDUCATION: All these extensions could not be done at once. Good work was being done at Fremantle, and a start had been made at Kalgoorlie.

Mr. A. E. Piesse: There is an inclination to centralise everything.

The MINISTER FOR EDUCATION: All places could not receive attention together. If the hon. member would see him about the matter when he had the files available he would go into it thoroughly. The hon. member's district would not be slighted, but every case would stand on its merits.

Mr. S. STUBBS: Could not the Minister see his way clear to introduce a system of agricultural classes in country and goldfields centres?

The CHAIRMAN: We are dealing with manual training and cookery.

Mr. S. STUBBS: If it was not possible to discuss the provision of opportunities for agricultural training, he would support the request made by the member for Katanning. He hoped the Minister would see his way clear to bring that system into effect in all the larger schools along the Great Southern from Pingelly to Albany.

The MINISTER FOR EDUCATION: There was already provided on the Estimates a sum of £800 for the extension of manual training and cookery classes, and all the centres would receive consideration on their merits.

Vote put and passed.

This completed the Estimates of the Education Department.

Progress reported.

1 o'clock a.m.

BILL—UNIVERSITY LANDS.

Order of the Day read for the resumption from 28th October of the debate on the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 1.1 a.m. (Wednesday.)

Legislative Council,

Wednesday, 19th November, 1913.

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

PAPER PRESENTED.

By the Colonial Secretary: Report of the Fremantle Harbour Trust for the year ended 30th June, 1913.

BILL—SUPPLY (No. 3), £687,770.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: A Supply Bill is necessary to meet the expenditure for the current month, that is up to the 30th November on Revenue and Loan Account, the amounts required being £337,770 on Revenue Account and £250,000 on Loan Account. The distribution of revenue will be in accordance with the Estimates now before another place and expected to be here within the next fortnight, and the £250,000 on Loan Account will be distributed in accordance with the schedule of the Loan Act sanctioned by Parliament. There is £100,000 on Loan Suspense. This money is required for the Agricultural Bank and Workers' Homes. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—LAND VALUATION.*Order postponed.*

Order of the Day read for the resumption, from the 13th November, of the adjourned debate on the second reading.

Hon. J. D. CONNOLLY (North-East): The hon. Mr. Moss, who had the adjournment of this debate, is laid up and has sent me a message to ask that this Order might be postponed until Tuesday next. I have conferred with the leader of the House and he has consented. Therefore, I move—

That the Order of the Day be postponed.

Motion passed.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.*Order Postponed.*

Order of the Day read for the consideration of the Bill in Committee.

Hon. J. D. CONNOLLY (North-East): This was a private Bill which was also in charge of Mr. Moss and for reasons he had already stated he moved—

That the Order of the Day be postponed.

Motion passed.

WEST PROVINCE ELECTION SELECT COMMITTEE.*Consideration of Report.*

Order of the Day read for the consideration of the report of the select committee on the West Province election, 1912.

Hon. J. D. CONNOLLY (North-East): I want to point out that not one of the three gentlemen constituting this committee is here and I suggest to the leader of the House that he should postpone this Order of the Day.

The COLONIAL SECRETARY (Hon. J. M. Drew): I have read this report and the impression created in my mind is that it is a laboured attempt to be fair but very little success has been achieved by the effort. We are told that a grave violation of the law has been committed in connec-

tion with the examination of papers relating to the West Province election. One would think from the tone of the report that this was an exceptional occurrence. It is very clearly proved by the evidence that similar examinations of ballot papers have taken place during the last five years, and while the strongest terms of condemnation have been applied to the examination which took place during the time in which the present Government have been in office, a very mild term of reproof has been administered in connection with examinations which took place during the period of our predecessors. They are simply characterised as being decidedly wrong. Mr. Stenberg proves very conclusively that this grave violation of the law has been going on for five years, as I said before. He says, in reply to question 126—

Information in regard to plumping has been obtained ever since and including he 1908 general elections in order to obtain evidence as to the desirability of altering the section from optional to compulsory. It was obtained during the 1908 general election; at the Albany by-election held on the 17th September, 1899, at the South-East Province election held on the 1st October, 1909, at the Metropolitan-Suburban Province election held on the 23rd March, 1910, and at the East Province election held on the 26th September, 1910.

The committee say that these examinations were directed principally to the effect of the plump vote and the impression conveyed is that this was only a venial offence. I do not say that any of the examinations were a gross violation of the law, or any violation of the law either, but what I do say is that if there was any irregularity at all there was a grosser irregularity in connection with the examination which took place during the time when the optional system of preferential voting obtained. I have said that in my opinion it was a worse offence to meddle with the ballot papers before the introduction of compulsory preferential voting and I will endeavour to show why. Under the optional system persons

need not have voted preferentially. They could have plumped and many did plump. If, say, with four candidates voters marked the figure 1 before the name of their choice and left a blank after the other names, nothing would be easier than for a person with a blue pencil in his hand to mark 2, 3 and 4, and thus interfere with the results of the election. Mr. Price gave very valuable evidence on this point. Among the questions and answers during his examination in connection with his election we find—

You do not think it was possible for them to have been altered?—I do not know. I am not prepared to say that. I could not say it.

Is there any possibility of that being done in a case of that kind?—The possibility of alteration was certainly evident, for this reason: There was no compulsory preferential voting, and there was nothing in the world, once the ballot papers had been opened without scrutineers being present, there was nothing to stop anybody putting in the figure 2, or 3, on the papers not filled right out.

Point of Order.

Hon. J. F. Cullen: I rise to order. I would like to know what question is before the House. I do not want to interrupt the Colonial Secretary at all, I am interested in hearing him, but I am not aware of any question before the House.

The President: You will find it in Order of the Day No. 4, Consideration of the report of the Select Committee, and I presume that the hon. member will conclude with a motion.

Hon. J. F. Cullen: Is that the Minister's intention?

The Colonial Secretary: That is my intention.

Hon. W. Kingsmill: To move the adoption?

The Colonial Secretary: No.

The President: The hon. Mr. Drew.

Debate resumed.

The COLONIAL SECRETARY: Mr. Price's evidence shows that there was an element of danger in allowing these

ballot papers to be handled when the optional system was in force. There is certainly not much risk now as the figures would have to be erased or altered and, therefore, the fraud would be easily detected. There is another point which shows that the committee have not taken an exactly fair view of the matter. In the West Province election the papers, before their examination, were unsealed. In connection with the Albany election the papers were sealed. Mr. Price makes reference to that. Here is the examination—

Did you see the ballot papers sealed up?—Yes, I saw the bundles sealed up. It was very different on that occasion from the last occasion, because the present returning officer down there is a stickler for carrying things out properly, and although Mr. Wright sealed up the papers, he did not do as the last returning officer did, namely, submit them to the scrutineers and the candidates with a request that they should look and see for themselves that the papers were properly sealed up.

Any examination for statistical purposes would have been made before the papers were sealed up? Oh, no. It was about a fortnight later. The information appeared in the Press about three weeks after the declaration of the poll.

You are confident that the ballot papers were sealed up?—On the night of the declaration of the poll the bundles were sealed up.

The returning officer admittedly did wrong in breaking the seals. Mr. Stenberg said as much in the course of his evidence. The election for the Metropolitan Province in 1910 was under the previous Government. Mr. Parker's evidence is interesting in connection with the loose and easy fashion adopted in the treatment of those ballot papers. They were left lying about on a table at Parliament House and any of the officials could easily have had access to them. Mr. Parker's evidence is very interesting. Here is a part of it—

You saw the ballot papers that Mr. Lee Steere had in his possession?—Yes.

Would they have been available to anyone else in Mr. Lee Steere's absence?—They were on his table, and I do not think he was always in his room to guard them.

You considered they were treated in rather a loose way?—Yes.

It would have been possible to alter them?—I think that if anyone in Parliament House had had a fraudulent intention he might have done so.

By Hon. F. Davis: The alteration could only have been made while preferential voting was optional; now that it is compulsory it would be difficult to alter the ballot papers?—I think it would.

That is what Mr. Parker said. Yet we are charged with having committed a grave violation of the law, while our predecessors are only charged with having done something decidedly wrong. Although the report says a grave violation of the law has been committed, there is no attempt on the part of the authors of that document to prove it. That is a very serious charge, and one would imagine that they would have made some effort to show how the law was broken. It would be thought that they would have called legal evidence, but not one lawyer was examined, if we except Mr. Parker, who was not examined on legal points. The committee quote Section 150 and appear to regard it as a triumphant vindication of their position. The section merely provides that the ballot papers shall be sealed up and sent to the clerk of the Legislative Council or the Legislative Assembly as soon as practicable. That is decidedly vague. Mr. Parker's evidence on that point is worth reading. It was as follows:—

Do you agree with Mr. Dowley that from three days to three weeks is a fair thing?—Yes, in some cases. I asked the post office for information as to when certain parcels containing these votes had been delivered. It appears that only two were registered, and, therefore, there are only the re-

cords of those two. They tell me that three parcels from Geraldton addressed to the Clerk of Parliament were delivered to Parliament House on the 19th June, and that one from Albany was delivered on the 25th June.

Following the May election?—Yes, practically a month afterwards.

In the face of that evidence, and there is no evidence to contradict it, the report says the ballot papers should have been sent in within two or three days at the outside. It is a great pity the committee had not some testimony with which to back up that statement. It appears to be simply the groundless opinion of the members of the committee. Mr. Dowley explained that it was not possible to send in the papers within two or three days. Here is what he stated in answer to a question on the point:—

Clause 150 in the first line states, "As soon as practicable after the day of polling," and so on. I take it you regard that as giving you authority to take the usual time you do in making up your returns?—I do not look upon the matter as being urgent, and if it referred only to ballot papers, they could, of course, be sealed up then and there in the place where they are counted. But it goes on to say "all accounts and other documents." There are accounts coming in from the out stations and other parts, which have to be paid and receipts got. The clause refers to the whole lot of the documents. They were not sealed on the 25th, but that could have been done.

Here is another quotation from the report—

In all election ballots the strictest secrecy should be observed and it is with this object that such heavy penalties are provided for any breach of the Act which may destroy that secrecy.

There is a suggestion here that the secrecy of the ballot was violated, an implication that there was danger of how people voted being revealed. There was no such possibility. The papers could have been examined until Domesday, and as hon. members know, there would have been no possibility of discovering how certain per-

sons had voted at that election. The ordinary ballot papers are not numbered. True the postal ballot papers are numbered, but the butts were in the custody of Mr. Dowley and were never submitted to those engaged in the examination of the ballot papers, so I fail to see how the secrecy of the ballot was imperilled in any way. It was very unfair for the committee to draft their report in such terms. Again, the report states—

Mr. Stenberg was unable to draw the committee's attention to any section of the Act under cover of which he could order such an examination as was made in this case.

If every man was prosecuted for doing something which he failed to show was specifically authorised by law there would be many criminals in the community. The committee should have shown that what was done was opposed to the law. Mr. Stenberg is entitled to do many things not authorised by law. For instance, it is not forbidden by law that a returning officer shall wear gloves while counting the votes. No one would declare that if he did wear gloves at such a time it would be a breach of the Act.

Hon. Sir E. H. Wittenoom: It will be before long.

The COLONIAL SECRETARY: To show how illogical is the report, it states that if information was required for statistical purposes it was a pity it should have been made public until 40 days after the election. Previously we were told it was a grave violation of the law and, inferentially, that it interfered with the secrecy of the ballot. Now we are informed that it is a pity it did not take place after the expiration of 40 days, in order, I presume, that the election could not be upset. Again, the report declares that Mr. Angwin should not have published the information to some of his friends. Mr. Angwin did publish it, but to one of his political opponents. I believe he is a personal friend, but certainly not a political friend. This is the examination—

Did you make the figures public?—

No.

Mr. Lynn says you quoted in *Freemantle* the result of the examination?—I had the result in an envelope and passed it over to him. He had the information from me almost as soon as I had it.

Hon. R. J. Lynn: I had it long before that.

The COLONIAL SECRETARY: The evidence continues—

You did not make it public?—No, I told one or two of the result, but not from a publication point of view. It was not generally published.

It was not the intention to make the information public; it was purely for statistical purposes?—Purely for statistical purposes. Mr. Lynn is a member of the tramway board, as I am myself. We were at the table the Friday following the day on which I got the particulars, and I passed the result over and showed it to Mr. Lynn, who took count of it. That was when Parliament was in session.

In connection with the Albany election held under the previous Government, results of the examination were published in the *Press* three weeks after the election. Mr. Price deals with this matter in his evidence—

I understand that after you were elected an examination took place of the ballot papers?—The only actual proof I have that an examination of the ballot papers took place, was certain information which appeared in the *Press* about three weeks after the election, and wherein it was said that an examination had been made. This information was given officially by the returning officer, Mr. Harold Wright. He stated that he had examined the papers and had found that if a certain number of people had failed to vote for me in the first ballot, or had voted in an opposite way, that is, between Mr. Wesley Maley and Mr. Meeks, who were the other candidates, the result would have been different.

Now Mr. Angwin told his friends, or rather his political opponent, but the *Albany Advertiser* told the world. The report ends with a pious hope that if

any future examinations take place after the count the penalty clauses of the Act will be strictly enforced. A little before that, as I have already said, the report stated that it was a pity that Mr. Angwin had not waited until the expiration of 40 days before making his information public.

Hon. R. J. Lynn: You do not approve of such action, surely?

The COLONIAL SECRETARY: No, I am criticising the report, and I say it lacks consistency. I would like to know what penalty clauses the committee referred to. They are not stated. The committee have left the public to find out for themselves. I see nothing wrong in these examinations, but I do think that before they took place the candidates should have been notified and given an opportunity to have scrutineers there, if they thought proper. But there has been nothing proved by the committee, so far as I can see, that anything of a worse character took place during the examination in connection with the West Province election than took place during the previous five years. I do not intend to move any motion.

The PRESIDENT: You said you would conclude with a motion.

The COLONIAL SECRETARY: Well, I will move that the report be not adopted if that is acceptable.

The PRESIDENT: The House decided that the consideration of the report should be made an Order of the Day. When no one stood up to speak with respect to the report—none of the members of the committee, I believe, were present at the time—and the point was lapsing, the Colonial Secretary rose and he said he would conclude with a motion.

Hon. C. Sommers: I wanted to say, before you give your ruling, that a personal attack has been made upon me.

The PRESIDENT: Will the hon. member be seated.

Hon. C. Sommers: I want permission to speak.

The PRESIDENT: The Colonial Secretary stated that he would conclude with a motion. On that understanding he was

allowed to proceed. Now I am waiting for the motion.

The COLONIAL SECRETARY: I move—

That the report be not adopted.

Hon. R. G. ARDAGH (North-East): I second the motion.

The PRESIDENT: It is an unusual form.

Hon. C. Sommers: May I speak now?

The PRESIDENT: The hon. member may speak on the motion.

Hon. C. SOMMERS (Metropolitan): I am opposed to the motion.

Hon. J. D. Connolly: Move that the House approve of the report.

Hon. C. SOMMERS: I will move—

That the report be approved of.

The PRESIDENT: That is a direct negative. The hon. member can vote against the motion.

Hon. C. SOMMERS: When the motion for a select committee was moved, very serious charges were made by various members regarding the action of the Ministry through the hon. Mr. Angwin having had the papers examined in this illegal way, and I think every charge made by the various speakers in favour of the motion on that occasion has been fully borne out by the report presented by the select committee. On page 4 of the report there is a paragraph which states—

Undoubtedly he (Mr. Angwin) was the person who asked for the information and the committee must accept his statement that he desired it for statistical information only, although he was not the Minister controlling the Electoral Department.

When I was speaking on the motion for the appointment of the select committee I said I considered it highly improper on the part of any Minister to incite his officers to break the law and interfere with these ballot papers. In all electoral matters secrecy is what is always striven for, and electors like to feel that once they have cast a vote it is absolutely impossible for anyone to know how it was cast, or anything about it. I can hardly believe that the reason which actuated the hon. Mr. Angwin in having the papers

examined was the one given by him, namely for statistical purposes. The hon. member admitted that he was a partisan. He had the inquiry made before the statutory number of days had elapsed and Mr. Dowley, in acting as he did, acted altogether contrary to the Electoral Act, and I presume that the penalties referred to by the committee mean the penalties provided by the electoral law. However, it is to be deplored that any partisan occupying the position of Honorary Minister should so interfere with ballot papers, especially in connection with an election which was so closely contested and one in his own district where he himself was a supporter of at least one of the hon. Mr. Lynn's opponents. I, therefore, concur in every word contained in the report and I trust that in future there will be no more of this sort of thing. The leader of the House must do the best he can to cover up the tracks of the hon. Mr. Angwin and put the best face he possibly can on his action, but, after all, the public are the best judges, and when the report is made known they will not approve of this action. I notice that the hon. Mr. Angwin in giving evidence made a reference to me. He took exception to some remarks which I made in respect to this inquiry and he made a mean, contemptible attack upon me, an attack that could only be made by such a man as Mr. Angwin, and he made the attack under shelter of the skirts of Parliament. He dare not make the statement outside of the House. I challenge him to do so and if he does repeat it, I will take such steps as I hope will make it a warning to him and others like him who attempt to defame men in the cowardly manner he has done. The statement he made about me, after reflecting on some remarks I made, was—

Of course I can make some little allowance for Mr. Sommers, a man who would give or loan a surveyor £50 before getting a railway survey across his land—

At this stage Mr. Angwin was pulled up and the Chairman remarked, "I do not think we can deal with that." Mr. Ang-

win's reply was "No, but it shows the state of the man's mind." I have never bribed a man in my life nor have I attempted to do so. Mr. Angwin must have known that he was uttering a mean, contemptible lie when he made that statement. The only thing he can refer to was the evidence given on the select committee which inquired into the Wangan Hills-Mullewa railway deviation. The evidence has been printed. I challenged the Hon. J. E. Dodd on one occasion, when he forgot himself, to publish the evidence and I would pay for it, and we heard nothing more about it. Now it is brought up again in a sneaking, dirty, contemptible manner by Mr. Angwin. I will not pursue the matter further except to say that I would like this hon. gentleman to give me an opportunity to deal with him. I challenge him to repeat the statement outside the House. If parliamentary language would permit me I would call him something, but I fear it would lead me being called to order.

The PRESIDENT: The hon. member would be wise to direct his remarks in another course.

Hon. C. SOMMERS: I will do that with great pleasure if this hon. gentleman will only give me an opportunity, and does not try to protect himself, as I have stated before, under the skirts of Parliament.

Hon. A. G. JENKINS (Metropolitan): I much regret that I was not in the House when the Colonial Secretary spoke. There was other business on the Notice Paper prior to this Order of the Day and as no member of the select committee was in the House one would have thought that a little courtesy would have been advisable and that the chairman of the select committee was entitled to some slight adjournment of the debate to enable him to be present, so that the matter could be properly considered. But apparently, although this Order of the Day has been carefully put down at the bottom of the Notice Paper day after day for nearly a month, it has to-day been jumped up and, in the absence of any member of the select committee, the Minister has made a speech. I am not aware

of what he said to the House and I owe the House an apology for having been absent, but I think some courtesy might have been extended to me.

The Colonial Secretary: It is not my fault; I had to drop the Land Valuation Bill.

Hon. A. G. JENKINS: There is plenty of other business which could have been taken before this. The Order of the Day has been put at the bottom of the Notice Paper for nearly a month and now it has been jumped to the top. This report is presented in pursuance of an order of the House that a select committee be appointed to inquire into this election. It is a report, I consider, which is amply justified by the evidence submitted to that committee. In fact, the committee might have drawn up a much stronger report from some of the evidence placed before them, but they preferred to be absolutely fair, and everything which is in this report is justified by the evidence. It is no good of Ministers, or of anyone else, saying that this is no new precedent. It is distinctly a new precedent in the way that this count was conducted. Previous counts or investigations have been made of ballot papers, but hon. members can look at the files, a copy of which is attached to the report, and they will see that no such complete examination of ballot papers, with one possible exception, was ever made as was made in connection with this election. In fact this is the first count or examination that has been made since compulsory preferential voting came into force. We purposely attached a copy of the files to the report so that hon. members might see them and have an opportunity of judging for themselves. I do not want to comment on the fact that extraordinary circumstances arose in connection with this election, or that when the hon. gentleman asked for this information he could have had no possible desire to obtain it, except, one might put it almost, for idle curiosity. But the committee preferred to say that they accepted the statement of the gentleman who desired the information, that he desired it merely for statistical purposes. I do not think there is anything I can

say to add to the report. I think it is fairly complete and speaks for itself, but I understand that a motion has been moved that the report be not adopted and I desire to move an amendment—

That the word "not" be struck out.

The PRESIDENT: The hon. member must vote against the motion.

Hon. A. G. JENKINS: I have had no opportunity of moving the adoption of the report presented to the House, and unless I move the amendment I would like to know what the position will be if the motion is negatived.

Hon. J. W. Kirwan: It will mean that the report is adopted.

Hon. A. G. JENKINS: No, it will not. There is no motion before the House except a motion that the report be not adopted. I can only move an amendment to strike out the word "not"; otherwise the House may vote against the motion and there will then be nothing before the House. The report will then have been presented and there it will end. In the circumstances what am I to do? I think such an amendment should be accepted and I ask for your ruling.

Hon. R. D. McKENZIE (North-East): I think it a most extraordinary step which the Colonial Secretary has taken in the absence of every member of the select committee to move that this report be not adopted, and I hope that every hon. member will vote against the motion. Although the report has been signed by two members of the select committee, and there is a minority report signed by the hon. Mr. Davis, yet I think members of the committee were agreed on the questions which were before them. No doubt there was a distinct breach of the Electoral Act in connection with the West Province election, 1912. A good deal of evidence was taken, and the report is based on facts which were brought to light in the course of the evidence. With the hon. Mr. Jenkins, I must apologise to the House for not having been present when the matter was called on, but this Order of the Day was placed at the bottom of the Notice Paper for so long, and I had some private business to attend to, that

I did not think it would come on so early. Even so, I thought the Colonial Secretary would have moved to have the Order placed lower down so that we would have had an opportunity to be present. I trust that hon. members will vote against the motion.

Personal Explanation.

The Colonial Secretary: May I be permitted to make a personal explanation? No one was more surprised than myself that this Order of the Day was reached at such an early stage. I was scarcely prepared for it myself, and I was forced into the position of having to speak without proper preparation, but the hon. Mr. Connolly waited upon me and informed me that the hon. Mr. Moss was very ill, and could not speak on the Land Valuation Bill, and he could not take the Legal Practitioners Bill, and the hon. member asked me if I would consent to a postponement of the consideration of these measures until Tuesday next. That entirely altered my plans. I was under the impression that there would be a long discussion on the Land Valuation Bill, that there would be a considerable debate on the Legal Practitioners Bill, and that it would be evening before we reached the Select Committee's report. Therefore, I was unprepared to speak when I rose this afternoon.

Debate resumed.

Hon. F. Davis: Do I understand that a definite motion has been moved by the Colonial Secretary?

The PRESIDENT: The motion before the House is that the report be not adopted.

Hon. J. F. Cullen: Any amendment?

The PRESIDENT: I did not accept the amendment.

Hon. F. DAVIS: I propose if you, Mr. President, will allow me, to move a definite amendment to the motion. I will read it—

Having considered the evidence given before the Select Committee appointed to inquire into the conduct of the West Province Election, this House is of opinion:—(1) The evidence shows that the secrecy of the ballot has

not been violated by the examination of the ballot papers on May 31st, 1912.

(2) That the indefiniteness of the clauses of the Electoral Act dealing with the disposal of ballot papers and documents connected therewith after an election demonstrates the need of an alteration of the Electoral Act in the following direction:—(a) No examination of ballot papers used at an election should be made until after the expiration of the period during which an appeal may be lodged. (b) Subsequent to the period of time (forty days) allowed for appeal, all ballot papers used at an election be forwarded to the Chief Electoral Officer, to be held by him for the purpose of analysis, should the Minister in charge order same. (c) Counterfoils of postal votes, after an election, to be forwarded to the Clerk of the Legislative Council or Legislative Assembly, as the case may be. (d) Any examination of postal counterfoils ordered by the Minister to be made only in the presence of those persons who were candidates at the election concerned, or their agents, due notice of such examination to be given to those affected.

The PRESIDENT: I cannot see any amendment in that. It is simply a statement of facts.

Hon. F. DAVIS: My reason for moving it is that the majority report states that the secrecy of the ballot has been violated. The effect of my amendment is that, in the opinion of this House, that is not so.

The PRESIDENT: I think it would be for the convenience of the House if the hon. member's amendment was printed; hon. members would then be able to read it.

Hon. J. W. KIRWAN: May I make a suggestion to the hon. member? The proposal that he is making is, I understand, that the minority report should be adopted.

Hon. A. G. Jenkins: There is no minority report.

The PRESIDENT: The Hon. Mr. Davis has put forward an amendment, but it is so lengthy that it would be for

the convenience of the House if it were printed. I will accept it if it is seconded, and then I think the debate might be adjourned to some other day.

Hon. J. F. Cullen: We must finish today.

Hon. Sir E. H. Wittenoom: Why accept that amendment and not the amendment proposed by Mr. Jenkins?

The PRESIDENT: Because Mr. Jenkins' amendment was a direct negative, and I cannot tell what this is. However, this is not in proper form as an amendment. A portion of what the hon. member has read could be drafted into an amendment, but it is not my duty to do that.

Hon. J. F. CULLEN: On a point of order. If the Colonial Secretary's motion is negatived, will not the question be dead? Will it be competent for this House then to revive the matter by a fresh motion?

The PRESIDENT: It is not my duty to anticipate a hypothetical case, but in my opinion if the Colonial Secretary's motion is negatived, then Mr. Jenkins will be at liberty to move a motion.

Hon. J. F. CULLEN: Then I move—

That the question be now put.

Members: No, no.

Motion negatived.

Hon. J. E. DODD: I think the best way out of the difficulty would be to move the adjournment of the debate.

Hon. J. F. Cullen: No; that would mean shelving the matter for the session.

The COLONIAL SECRETARY: In order to get the House out of a difficulty I will, with the permission of the House, withdraw the motion I have moved.

Question (that the report be not adopted) by leave withdrawn.

The PRESIDENT: The Hon. Mr. Jenkins is now at liberty to move a motion.

Hon. A. G. JENKINS: I beg to move—

That the report of the select committee be adopted.

Hon. J. F. CULLEN (South-East): I second the motion.

Hon. F. DAVIS (Metropolitan-Suburban): Before the motion is put,

I should like to comment on the report of the Select Committee, because, as will be seen by the printed report, I have given a minority report showing that I do not agree with what the majority of the Select Committee have stated. We are all acquainted with the circumstances which led up to the Select Committee being appointed, and it is not necessary for me to traverse that ground again. The essence of the majority report is that the ballot papers were examined while they were in the hands of the Returning Officer, and during the period allowed for appeal. I hold that even if the charges were correct, no crime has been committed, either by the Government or by the officials concerned. There is this to be said—that if the Government have sinned by having that inquiry made, or having the examination made of the ballot papers used at that election, they have sinned in good company, because on quite a number of occasions similar examinations have been made.

Hon. R. J. Lynn: Not under compulsory preferential voting.

Hon. F. DAVIS: The fact remains that examinations have been made.

Hon. R. D. McKenzie: Two wrongs do not make a right.

Hon. F. DAVIS: I fully expected that. It is quite true, but the point is, why is it that when the first offence was committed no protest was entered by members of this Chamber? A report was laid on the Table of the House in 1909, by the Chief Electoral Officer, and in it there was information required for statistical purposes that could only be obtained by an examination of the ballot papers. If the examination was wrong at that time, why was no protest made against it being carried out?

Hon. R. J. Lynn: It was a dereliction of duty.

Hon. F. DAVIS: It is rather a grave charge for hon. members to plead to. Why were they silent on that occasion? I am free to admit that the evidence taken by the Select Committee shows that the charges, as such, were proved. An examination was made of the ballot papers

during the period allowed for appeal, but it would be well to deal with the matters contained in the majority report in detail. The first point I would call attention to is on page 3 of the report. It is stated there, "There is no doubt that the interference with, and the examination of the ballot papers, was a very grave violation of the provisions of the Electoral Act, for by Section 150. . . ." It is a matter for opinion as to whether a grave violation of the Act was committed, or whether it was largely a question of view point. The officer most concerned evidently contended that Section 149 of the Electoral Act gave him power.

Hon. A. G. Jenkins: He did not say so in his evidence.

Hon. F. DAVIS: In his opinion Section 149 gave him power to obtain the statistical information that can be, and should be obtained after every election. The object aimed at was to find out how many second preference votes were given which were not counted at the time of the election. This was wanted for purely statistical purposes.

Hon. R. J. Lynn: Have you any record of the statistics kept?

Hon. F. DAVIS: The object aimed at was to obtain the number of second preference votes cast at the election, and which were not counted, owing to the vote being as it was. Therefore it was purely statistical information. The second point I would call attention to in the report is that which states that the strictest secrecy should be observed. Subsequently the committee refer to the secrecy of the ballot, and say "In all election ballots the strictest secrecy should be observed." The committee refer afterwards to the violation of the secrecy of the ballot, but the report does not definitely state that the strictest secrecy of the ballot was, on this occasion, violated, but anyone would come to the conclusion that that is what was intended, although it is not definitely stated. I should like for a moment to refer to what really is the secrecy of the ballot in this connection. To my mind there is a good deal of misunderstanding

as to what constitutes it. As we are all aware at the beginning, the voting was quite open, and it led to a great number of abuses and victimisation, and to get over the difficulty the secret ballot was instituted. This has gone through many changes. At one time the provision was for the striking out of the name of the candidate who was not wanted. Then on another occasion provision was made for putting a cross opposite the name required, and now we put numerals against the names to indicate the wish of the elector. The object of having these various forms of indicating the wish of the elector was to make it impossible for any man subsequent to the poll to distinguish or ascertain the identity of any particular voter's mark. If the voter had to write his choice it would be easy to recognise the writing, but no man could put such individuality into a mark that his particular cross could be detected from any other. It was for this reason that the ballot was made secret. I hold strongly that the secrecy of the ballot is the manner in which the individual voter records his vote, and when that vote is recorded it is impossible, by any examination of the ballot papers subsequently, to tell how any particular person recorded his vote, because there is nothing on the ballot paper to show. There is no number by which the vote can be detected, nor any distinguishing marks on the ballot papers by which his vote can be followed. Therefore, with the exception of postal votes, I fail to see how it is possible for anyone to tell how any individual elector voted, and consequently, I cannot see that the secrecy of the ballot can be violated in any way. Then the question arises, and it was referred to in the evidence, as to whether it was possible by this examination to have altered the result of the election, and I presume that is the idea underlying the charge made: but it was clearly shown in the evidence before the committee that the utmost a clerk or anyone else could do by an examination of the ballot papers would be to make them informal by altering some of the numbers.

Hon. R. D. McKenzie : That would be very serious.

Hon. F. DAVIS : It was absolutely impossible for any man to alter the figures on the ballot paper without the alteration being detected. If an appeal were lodged subsequent to any examination of the ballot papers and it was found that some of the ballot papers had been altered, it would be clear evidence that they had been tampered with, and that the numbers were not the same as the original count of the ballot papers when they were first counted.

Hon. C. Sommers : Could not some of the ballot papers be removed altogether?

Hon. F. DAVIS : That, too, would show that they had been tampered with.

Hon. C. Sommers : Do you think it is desirable that that should be possible?

Hon. F. DAVIS : That is not a point that deals with the secrecy of the ballot. The question at issue is whether it was possible for the clerk or anybody else to have so manipulated the ballot papers as to have altered the result of the election if an appeal had been lodged. As I have already said, the utmost a clerk could do would be to make some of the papers informal, and if a recount was made it would be found that there was a difference between the numbers at the original count and those at the second count.

Hon. A. G. Jenkins : Would that not invalidate the election?

Hon. F. DAVIS : The numbers at the original count are what the Supreme Court would rely upon. I was particularly careful to question the returning officer as to the accuracy of his count, and he said that he was exceedingly careful, but on this occasion one of the scrutineers had asked for a recount and the votes had been recounted on the day following the election, so that there could be no possibility of mistake. If, therefore, an appeal were lodged subsequent to the examination of the papers, the very fact of there being an alteration in the votes would show that they had been tampered with. Therefore, I say it would have been impossible to have the votes dif-

ferent from the original count without the alteration being disclosed.

Hon. R. D. McKenzie : But the Act does not provide for a clerk examining the ballot papers at all.

Hon. F. DAVIS : As I have previously remarked, Section 149 gives power to obtain statistical information, and that was why the clerk was sent to Fremantle to examine the ballot papers. There is another sentence on page 4 to which I desire to take exception, namely "but the information derived from these ballot papers seems to have gone further than previous examinations of ballot papers." I fail to see how that can be the case, when on the examination of the ballot papers in connection with the Albany election three or four years ago, directly after the election of Mr. Price, there were no witnesses present at all. The returning officer, or possibly the scrutineers, examined the ballot papers and the results were published in the *Albany Advertiser*, so that on that occasion the results certainly went a good deal further than they did on this occasion.

Hon. A. G. Jenkins : You have not dissented from that portion of the report.

Hon. F. DAVIS : There is another point further down on page 4, where, in referring to Mr. Angwin, the report states—

It would certainly have been advisable, considering this strong partisanship, if he had waited until the 40 days within which time the election could have been appealed against had expired before making the information public.

If hon. members would look at the evidence dealing with this phase of the question it would be found that Mr. Angwin did not, according to his own statement, make the information public during the appeal period. Mr. Angwin said in reply to question 366—

Mr. Lynn is a member of the tramway board, as I am myself. We were at the table the Friday following the day on which I got the particulars, and

I passed the result over and showed it to Mr. Lynn, who took count of it. That was when Parliament was in session.

Hon. A. G. Jenkins: The particulars were supplied in less than a week after they were first asked for.

Hon. F. DAVIS: I have not come upon any evidence in the report to that effect.

Hon. A. G. Jenkins: The file will show that.

Hon. F. DAVIS: I am relying on the evidence before the committee, and so far as the evidence shows, that was not the case.

Hon. A. G. Jenkins: Mr. Angwin was evidently not quite correct because he said he did not know on whose authority the examination was made. That is manifestly incorrect, because it was made on his own authority.

Hon. F. DAVIS: There is another sentence to which the attention of members should be drawn—

No doubt Mr. Stenberg, apart from the Minister's instructions, was anxious so far as his department was concerned, that as perfect a system of voting as was possible should be devised, and of course such a system could only be attained by a thorough and complete examination of the way that the electors voted.

If that is the case why take objection to the examination of the ballot papers?

Hon. W. Patrick: Is there anything in the Act to that effect?

Hon. F. DAVIS: I have already quoted Section 149 three or four times.

Hon. W. Patrick: That has nothing to do with an examination of the ballot papers.

Hon. F. DAVIS: This is the point I wish to draw attention to, that "such a system could only be attained by a thorough and complete examination of the way that the electors voted." To my mind there should be provision for an examination of ballot papers, under proper conditions of course, for the purpose of obtaining the information required by the department, and I quite agree with the majority report in that in-

stance, that the information required could only be obtained properly by a thorough and complete examination of the ballot papers showing the way the electors had voted. Part of the time of the committee was taken up in the examination of Mr. Dowley, the returning officer, and a good deal of attention was drawn to the length of time that elapsed between the date of the election and the date on which he forwarded the ballot papers to the clerk of the Legislative Council. It was thought by the committee that an undue length of time had elapsed, but information which was obtained from Mr. Bernard Parker showed that not only on that occasion but on other occasions also, there had been a good deal of looseness as to the manner in which the information required by the department had been obtained and the length of time that had elapsed after the election before the various forms had been filled in and forwarded to the proper quarter. I agree with the majority report that it is inadvisable that there should be an undue length of time between the election and the forwarding of the ballot papers and forms prescribed by the Act. Unfortunately, the delay has been too long in the past, for, by looking up the evidence, members will find that a delay of as long as ten weeks has taken place, certainly an unnecessarily long period between the date of election and the receipt of the ballot papers by the authorities to whom they are required to be sent. The last sentence in the majority report is one with which I certainly do not agree.

Hon. A. G. Jenkins: Why do you keep on calling it the majority report when, with two or three exceptions, you agreed to it?

Hon. F. DAVIS: That sentence reads—

It is to be hoped that no future examinations of the ballot papers of any election will be permitted once the count or recount (if any) has been completed.

I do not agree with that, because I hold that much valuable information can be

obtained by an examination of the ballot papers after the election.

Hon. R. D. McKenzie: Then you must move to amend the Act.

Hon. F. DAVIS: I intend to do so if I get the opportunity. An examination to obtain that information should certainly take place under proper conditions, but to my mind that examination should not start until after the period has elapsed during which an appeal might be lodged. Although in the case referred to, in my opinion, there could not have been any alteration, nor from the examination could any information be obtained as to the way an elector voted, it would be advisable that no suspicion should be cast on the result of an election by any loose method of dealing with the ballot papers. To my mind, it is desirable that although an examination should be made to obtain the information that would be valuable to the State, the examination should not take place until after the period of time had elapsed during which an appeal could be lodged. That being so, if I have an opportunity to move an amendment of the Act, I shall do so to authorise definite information being obtained by the department for the purpose of comparison. I may say in this connection in Tasmania, after a partial trial of proportional representation, a committee was appointed to examine the ballot papers used at an election prior to the examination, so that we are not alone in this State in having had an examination made of ballot papers. In Tasmania they decided to apply the system to the whole of the State as a result of the examination. It is possible an examination might produce results in this State which might be of value to the community as a whole, and therefore I hold we should provide definitely for an examination of ballot papers where necessary, but under conditions that will not allow of the possibility of tampering with or the mis-use of the ballot papers used at the election. For that reason, I also urge, and I shall move, if necessary, later on that after an election takes place the ballot papers should be forwarded to the Clerk of the Legislative Assembly or the Clerk of the

Legislative Council as quickly as possible, to be held by them until the appeal period has passed by, and then, if the Minister desires, or Cabinet decides to have an examination of the ballot papers made an order should be given for that purpose, when the ballot papers could be procured from those holding them and an examination made. That calls up the question of the postal vote, in which direction only is it possible to find out how an elector has voted. That difficulty could be overcome by the counterfoils—in this connection I made a mistake in my minority report and called them butts—the counterfoils held by the Clerks of the two Houses should only be produced on the authority of the Minister on written authority.

Hon. J. F. Cullen: Why the Minister?

Hon. F. DAVIS: The Minister or Cabinet.

Hon. J. F. Cullen: Why?

Hon. F. DAVIS: I fail to see why the Minister should not have the power to give the authority if necessary. The Minister is intrusted in other matters with certain powers, and if he has to be trusted at all he could be trusted with this power. To my mind, it would be too cumbersome a method to have a resolution passed by Parliament authorising an enquiry to be made into certain elections or an examination of ballot papers. It would be more workable if the Minister in charge had the power to authorise the examination. In connection with postal voting papers, if an examination were made of postal votes and the counterfoils together, that should only be done in the presence of witnesses and those concerned. If it were done there could not possibly be any information given away that should not be made public, and if the inquiry were conducted properly beneficial results might be obtained. Postal voting is a system that is difficult unless rigid precautions are taken to carry out the examination without there being a remote chance of the information being made public. The only way to reform postal voting is to abolish it. Unlike the ordinary ballot papers, it is possible for information to be ob-

tained from a postal voting paper as to how a particular voter cast his vote; therefore all precautions should be taken to prevent that. If an examination were carried out on these conditions the State would benefit, and there would be no mis-use of the information obtained. As the President said, the amendment I suggest is too lengthy to deal with at the present time, therefore I shall content myself with voting against the motion.

Hon. R. J. LYNN (West): I have no wish to prolong the debate at any length. When making the statement which resulted in the select committee being appointed I had no intention of reflecting on any particular administration. I think the very fact of Mr. Davis's remarks, when he had those sheaves of amendments to move, clearly demonstrated that he was in accord with the report as submitted. It is pleasing indeed that in the minority report there are a few sentences which convey to the members of the House to some extent his disagreement with the finding of the majority. After listening to the hon. member this afternoon it seemed that he was putting up an argument and immediately knocking it down. He admits the statements made were quite correct, and he also in his list of amendments suggests certain remedies so that such action on the part of returning officers should not take place. Again in the next breath he states there was a certain amount of justification for the examination for statistical purposes. What those statistical purposes are, I do not know. I have yet to learn that we have any statistical records in this direction.

The Colonial Secretary: There are.

Hon. R. J. LYNN: I have yet to learn them. This is the first occasion in connection with compulsory preferential voting on which any scrutiny of the ballot papers has taken place within the time specified by the Act. If previous Governments have done something as stated by the hon. member when compulsory preferential voting was not in existence, then I do not know of it.

The Colonial Secretary: What difference does that make?

Hon. R. J. LYNN: If we have an electoral officer in charge of the electoral laws who has not the capacity to administer the electoral laws but will permit grave breaches and violations of many of the sections of the Act, that gentleman has no right to retain his position. He should not be in a position to permit any scrutiny of votes taking place in the absence of the candidates at the whim or fancy of the Minister or Cabinet. In bringing forward this matter, I had no wish whatever to refer to some of the matters referred to by Mr. Davis, but he has mentioned one statement that was communicated to me within a week of the count being made of the election, and the House was still in session. According to the evidence the count was made somewhere about the 25th May. A week after that would be early in June, and the House met in June last session, so it would be impossible for that to happen. So far as the second count was concerned, it was public property in Fremantle directly after the count. I have no desire to cast any reflection on members of the Cabinet, but I say if I have done no other good, I hope the result of the appointment of the select committee will be an amendment of the Electoral Act to stop such practices in the future.

Hon. W. Patrick: I do not think that necessary.

Hon. R. J. LYNN: If there is any doubt, as we are led to understand there is, respecting some of the sections of the Act—in my opinion I have no doubt, absolutely none—but if there is any doubt I hope that doubt will be removed in order to prevent any similar practices being resorted to in the future. In Fremantle some 400 or 500 postal votes were recorded in this election, and it is nonsense for Mr. Davis to say it is impossible to trace some of the votes in that election. The handwriting is clear in many cases and the papers have no right to be opened up. I hope the report will be adopted, not as a reflection on any particular Minister or Administration, but so that some legislation will be en-

acted to put a stop to these practices in the future.

Hon. W. PATRICK (Central): I confess when Mr. Lynn brought this matter before the House I was perfectly astounded. I was always under the impression that it was the duty of the Chief Electoral Registrar to carry out the Act. I think it is perfectly plain that the duty of the returning officer is to seal up the ballot papers and return them as soon as practicable to the Clerk of the House to which the election refers. It did not fall within the duties of the Chief Electoral Registrar to tell any of his officers to bring the papers to his office so that they could be counted for statistical or any other purposes. The Act never intended anything of that kind. Mr. Stenberg, when giving evidence, did not attempt to justify his action. When asked about sending to the returning officer for the Central Province for the ballot papers to be brought to his office the only portion of the Act he referred to was as follows:—

At any time when called upon in writing by the Chief Electoral Officer, or by a registrar, a postal vote officer shall transmit to the Chief Electoral Officer or such registrar, for inspection, his postal vote book, and the written application received by him for postal vote ballot papers.

That has nothing to do with the ballot papers. There is no doubt in my mind, and I am sure there was no doubt in the mind of anyone until the matter was brought before the public that it was possible at all for anyone to see the ballot papers after they had been counted in the ordinary scrutiny when the particular election was being decided. I am not at all concerned whether breaches of the Act have taken place in the past, or whether breaches have taken place at all, but if breaches have taken place then those concerned are just as guilty as the persons concerned in this case. It is the duty of any Government in power to carry out the laws of the country, and no officer in the employment of the Government should be allowed to act as these

officers did. If the returning officer at the request of the registrar or a Minister of the Crown did any action of this kind, he ought to be brought before a court of law and punished. I consider the Act provides for that sort of thing. I certainly support the report of the committee.

Hon. H. P. COLEBATCH (East): There is only one remark I have to offer in regard to this report. I shall certainly support the report of the select committee, and I hope it will be the means of strengthening the hands of the Chief Electoral Officer, so that in future he will not commit breaches of the Act even though instructed by Ministers to do so. I would like to refer to the closing portion of Mr. Stenberg's evidence in which he stated in regard to another election that he issued instructions to the electoral officers that they should bring to him in Perth the counterfoils of certain postal votes, although under the Act they were bound to seal up these counterfoils and return them without delay to the Clerk of the Legislative Council or the Clerk of the Legislative Assembly, as the case may be. He did this and they brought the counterfoils down. Some of them, he said, were sealed, and he does not know whether the seals were broken in his office or not. The illegality of that action cannot be questioned for a moment. Mr. Stenberg stated that it was under the instructions of the Minister that he issued the order for the electoral officers to bring the papers to Perth. When asked who was the Minister at the time he replied that it was Mr. Walker. I do not suggest that other Ministers in other Governments, Liberal Governments if hon. members like, have not instructed Mr. Stenberg to do something contrary to the Act, and he has done it; if so, they are to blame. I personally think that in Mr. Stenberg this State has an exceptionally capable electoral officer, but I think there is abundant evidence before this House, and it is admitted by Mr. Stenberg himself, that on occasions he has on the instructions of some Ministers done things contrary to the Electoral Act, not only on the in-

structions of members of the present Administration but of previous Administrations. I hope this report will be adopted, purely for the reason of strengthening the hands of the Chief Electoral Officer, so that in future he will feel that he is authorised, even to the extent of defying a Minister, in saying that he will not do anything contrary to the Electoral Act.

Hon. J. E. DODD (Honorary Minister): I do not think any one can object to this House at all times debating any question which hon. members think can be for the public good. I do not think anyone can object to the bringing in of a report at any time which is likely to tend to better laws. There can be no objection at all to that, but it is pleasing to note that hon. members of this House have at last obtained some virtues in regard to their duties in this matter; they having been content for years past to allow these derelictions of duty to pass.

Hon. W. Patrick: They were never known.

Hon. J. E. DODD (Honorary Minister): It is pleasing to know that the advent of another Government has been the means of instigating hon. members of this House to do their duty. I hope they will continue in that duty. I hope that when the time comes, and no doubt it will be long delayed, when another Government take the place of the present one, members of this Chamber will continue in this duty. What we have reason to object to, however, is some language which has been used in connection with this debate, not to-day particularly but some time ago when a person heaped all sorts of charges of political corruption in vile language on the Government, and when he failed to sheet his charges home came to the House and made an abject apology. Then he comes forward and says that the party we represent made charges and crawled back into their burrows. I think some sort of excuse should be shown for using that language.

Hon. J. F. Cullen: The Honorary Minister is very vague.

Hon. J. E. DODD (Honorary Minister): One must be vague in order to keep within the Standing Orders. Mr.

Sommers referred to Mr. Angwin. Mr. Angwin is well able to take care of himself and so far as any reference of Mr. Sommers applied to myself I am well able to take care of myself. I say that when charges are couched in the language used by the hon. member in referring to this particular debate, he must not object to members making use of every privilege they possess to defend themselves.

Hon. C. Sommers: He is a mean, contemptible coward to make the assertion he did, and I defy him to repeat it outside.

Hon. J. E. DODD (Honorary Minister): Mr. Angwin is well able to take care of himself.

Hon. C. Sommers: He will not repeat it, though.

Hon. J. E. DODD (Honorary Minister): Charges made in this House were couched in the vilest of terms. Every conceivable charge of political corruption was made against the present Government, and the House thought fit to appoint a select committee to inquire into those charges. What was the result? The hon. gentleman withdrew the charges, and I challenge him to say whether the Government treated him other than as a gentleman. The Government took no more notice of the matter than if it had never occurred, but despite that fact the hon. member comes to this House and says afterwards the Government made charges and crawled back into their burrows.

Hon. C. Sommers interjected.

Hon. J. E. DODD (Honorary Minister): I can take all the interjections of the hon. Mr. Sommers in the spirit in which they are given. As far as the hon. member is concerned I take no more notice of him than any other gentleman who may be outside.

Hon. C. Sommers: I am not going to allow your colleague to say these things.

Hon. J. E. DODD (Honorary Minister): The hon. member is well known for the vindictiveness of his utterances that I do not think anyone takes any notice of them. The only thing I am sorry for in connection with this electoral matter is that the hon. Mr. Lynn did not bring the matter forward at the time as he should

have done. He would certainly have placed himself in a much better light before the public if he had had the matter investigated at the time. He just now said that everyone in Fremantle knew about it, and therefore he could have placed himself in a much better light than he stands in at present. May I say in conclusion that I do not think anyone can take exception to this Chamber, or any other body, seeking to bring about better methods of conducting elections, or anything that is for the public good.

Personal explanation.

Hon. C. Sommers (Metropolitan): Shall I be in order, Mr. President, in replying to the personal references which have just been made?

The President: It would not be advisable for the hon. member to speak unless he can confine his remarks to a personal explanation.

Hon. C. Sommers: The Honorary Minister has said I made vile charges couched in vindictive language with regard to Mr. Angwin. Mr. Angwin when before the select committee quoted the words I made use of.

Hon. J. E. Dodd (Honorary Minister): I did not say that the hon. member made charges couched in vile language against Mr. Angwin; I said the hon. member made charges couched in vile language against the Government.

Hon. C. Sommers: I am entitled, I think, to reply to that.

The President: The hon. member is entitled to make a personal explanation.

Hon. C. Sommers: In connection with the Wongan Hills railway line I charged the Government with having deliberately deviated the line for the purpose of injuring me.

Hon. J. E. Dodd (Honorary Minister): You charged them with jobbery and political corruption.

Hon. C. Sommers: What I said is all in *Hansard* and I will not take it back now. I couched my remarks in language which was accepted by this House and therefore I presume those remarks were parliamentary. I based the charges on information supplied to me by a high

official in the Works Department. I felt very strongly about the matter and asked that an inquiry should be held by a select committee and this House granted that inquiry. The inquiry had hardly begun and evidence had not been taken on more than a day or so when I found I had been misled by this man, and that he himself had deviated this line. Immediately I found that out I felt it my duty as an honourable man to go direct to the Premier, whom I told I had made a mistake, and that I would take the earliest possible opportunity in this House of withdrawing the charges I had made. The Premier said that he admired the attitude I was taking and that what I proposed was all that a man should do, and that very afternoon I withdrew the charges.

Hon. J. E. Dodd (Honorary Minister): Why does the hon. member repeat the charges 12 months afterwards?

Hon. C. Sommers: It is not 12 months ago. I was elected last May 12 months.

Hon. J. E. Dodd (Honorary Minister): Will the hon. member deny having stated that the Labour party made charges and then crawled back into their burrows?

Hon. C. Sommers: In connection with my election various members of the Government did make vile charges against me in connection with land dealing. The Premier produced a file which he said contained my name giving full details of a case, but the Premier was telling a deliberate untruth as the file did not contain anything of the sort.

The President: The hon. member must withdraw that.

Hon. C. Sommers: Very well, I withdraw.

The President: The hon. member must withdraw his statement that the Premier told a deliberate untruth.

Hon. C. Sommers: I will withdraw that. A day or two later the file was produced but did not disclose what the Premier said it would disclose. I repudiated these charges and hurled them back, defying those who made them to produce certain proofs and they did not, and I say they crawled back into their burrows, and were not game to repeat them. I want to put a stop to these charges being

continually thrown up against me by Mr. Dodd, I do not know for what reason. I am here to perform a public duty—

The President: I must ask the hon. member to take his seat now. I think his personal explanation has gone far enough.

Sitting suspended from 6.15 to 7.30 p.m.

Question put and passed.

BILL—MINES REGULATION.

In Committee.

Resumed from the previous day; Hon. W. Kingsmill in the Chair; the Honorary Minister (Hon. J. E. Dodd) in charge of the Bill.

Clause 46—Employment of foreigners:

Hon. J. F. CULLEN moved an amendment—

That in lines 3 and 4 the words "and to read it whether printed or written" be struck out.

He was not disposed to unduly press the amendment, because the same phraseology occurred in the existing Act. Many of the positions referred to in the clause could be ably filled by men who could not write. His chief objection to the words was that they constituted a reflection on some men of immense force and fitness but who had, from no fault of their own, received a defective education.

Hon. J. E. DODD: The phraseology was precisely the same as that in the present Act. To strike out the words would be to make the Bill worse than the Act. Every man occupying such a position should be able to read the English language.

Hon. A. SANDERSON: It was not a question of foreigners but of the safety of the miners. It was quite reasonable to say that unless a person could read the English language, whether printed or written, that person should not be employed in any of the comparatively important positions enumerated. The clause should be allowed to stand as printed.

Hon. J. W. KIRWAN: In the event of the amendment being carried would

Mr. Cullen take steps to see that the instructions which were posted in English in the change rooms on the mines were in future printed in foreign language as well as in English?

Amendment put and negatived.

Hon. J. F. CULLEN moved a further amendment—

That in line 2 of Subclause 2 the words "in or about" be struck out and "underground in" inserted in lieu.

The reading in that clause was quite new and there was no occasion for it. It went beyond all that had been previously attempted. All that was necessary was to see that those working underground could speak English.

Hon. J. E. DODD: There was just as much danger on the surface of a mine as there was underground. In the large reduction plants on the Golden Mile, in the mills and batteries, where hundreds of men were working, there was just as much need of ability to speak the English language readily and intelligently as there was underground. It was very necessary that every man employed on a mine should be able to read the regulations under which he was working. Some five or six years ago a young man had been killed on the Heinault Mine, in consequence of which the company was sued for compensation. The answer of the company to the action was that the deceased had been guilty of serious and wilful misconduct. It had been shown in evidence that the young fellow could not read the regulations, and that was used by the solicitor for the plaintiff as proof that the deceased could not have been guilty of any serious or wilful misconduct. The fact that the young man had not been able to read the regulations had some influence with the court in deciding that he could not have been guilty of serious and wilful misconduct.

Hon. J. D. CONNOLLY: It was highly improper and very dangerous to have any man working in a mine who could not readily speak English. If only to cover the instance mentioned by the Honorary Minister, the subclause should be adopted. The provision should not be con-

finned exclusively to men working underground. The subclause went further and included any person employed in, on or about a mine. A man carting fuel would be working on a mine when he went in to stack the wood. Why should he be required to readily speak the English language any more than a man working on an orchard or on a farm? The same applied to carters of water and of stores. If the Minister would consent to a modification the objection might be removed.

Hon. Sir E. H. WITTENOOM: The amendment would have his support, although he would prefer to see the subclause struck out. If a man could not understand the language he should not be prevented from working on the surface. It should be left to the discretion of the manager to employ whom he liked. A manager would not employ a man who could not understand the English language if he could get a man who could.

Hon. W. PATRICK: Any one working in a mine ought to be able to speak the English language readily and intelligently, but it should not be necessary in the case of anyone who simply went on to a mine. If the Minister would omit the words "on or about" he would have his support. There was no necessity to make it applicable to people going on to a mine.

Hon. R. G. ARDAGH: The subclause should be allowed to stand. The workers mentioned by the hon. Mr. Connolly were not employed by the mine, but probably by a contractor. Very few mines on the Golden Mile carted wood; most of it went in on railway trucks. There was some of the finest machinery in the world on our mines and some of the finest men in the world working amongst it. It was for the protection of those men that the subclause was inserted.

Hon. Sir E. H. WITTENOOM: The mines are not obliged to employ men who cannot understand the English language.

Hon. R. G. ARDAGH: No, but for the safety of all only men who could understand the language should be employed.

Hon. A. SANDERSON: On the

second reading he had entered a strong protest against this clause against foreigners, and he maintained that attitude. The employment of foreigners underground was a positive danger to the men employed, but if a dozen Italians or Austrians were working a mine themselves how would the Minister deal with them in view of this clause? The position would be impossible. There should be no differentiation against the foreigner simply because he was a foreigner. The amendment would receive his support, though there might be some danger on the surface as there would probably be danger in other industries. It had been publicly proclaimed that one of the objects of the clause was to oust the foreigner simply because he was a foreigner. If a man was naturalised he did not have to pass any language test, and on the other hand there were persons who could understand English and who were not naturalised. The question was a very difficult one. The arguments regarding foreigners should not be used by Australians under the humanitarian plea of protecting the miners as a subterfuge for ousting foreigners from their billets in order to get their work.

Hon. D. G. GAWLER: The subclause was intended to apply only to employees on mines.

Hon. J. D. CONNOLLY: Any man might be working for wages carting wood.

Hon. D. G. GAWLER: Reference to several of the subclauses showed that the subclause under discussion would apply only to those employed on the mine. There should be no objection to striking out "on or about."

Hon. J. E. DODD: In reply to the hon. Mr. Sanderson the Governor might exempt any mine as he thought fit, and that would meet the case of a mine worked by foreigners, but it was almost impossible for such men to manage a mine and work it without being able to speak the English language. The clause would apply to everyone whether he was a Welshman, an Englishman or a foreigner. "In" a mine might be interpreted as being underground.

Hon. D. G. Gawler: No, read the definition of "mine."

Hon. J. E. DODD: There did not appear to be any objection to striking out "on or about." The subclause was not intended to apply to those who merely went on to a mine.

Hon. J. F. Cullen: I will agree to that.

Hon. J. E. DODD: If the hon. member altered his amendment in that way, he would not oppose it.

Hon. J. F. CULLEN: With the permission of the Committee he would withdraw the amendment so that another might be substituted, having for its object the omission of the words "on or about."

Amendment by leave withdrawn.

Hon. J. F. CULLEN moved an amendment—

That in line 2 of Subclause 2 the words "on or about" be struck out.

The amendment would make the subclause read "no person unable to speak the English language readily and intelligently shall be employed in any mine."

Amendment passed.

Hon. J. F. CULLEN moved a further amendment—

That Subclause 4 be struck out.

About this matter there would not be much difference of opinion. This was a manifest attack on the foreigner and whether he could read or write to perfection it did not matter, it was on the ground that he was a foreigner, that it was proposed to do what he (Mr. Cullen) thought was an unconstitutional as well as an inhuman and unfraternal action, because the man was not born in Great Britain or had not chosen to become a British subject. There was not a sound argument or word to be said for this barefaced basis of a penalty against non-Britishers. It was utterly un-British, it was unmanly and it was bad in every sense.

Hon. J. E. DODD: The problem we had here was one of the most serious we had to face in the State. It was not only a serious problem here but it had been a very serious one in many other parts of the world, and unless something was done to prevent what was taking place on the goldfields, the State was likely to find it-

self landed in a peculiar position. There was no objection to the foreigner as a foreigner. The objection was to the exploitation of foreign labour to the detriment of the British. If there were fair competition it would not be so bad but there was not fair competition. The employment of foreigners was going on to such an extent now that something had to be done to try and see that the Britisher got a fair deal.

Hon. J. F. Cullen: The poor Britisher cannot hold his own now.

Hon. J. E. DODD: The foreigner was gradually creeping in where he should not creep in. It might be well to try and ascertain what he was doing for the benefit of the place compared to the Britisher. Did we ever hear of a foreigner taking any leading part in prospecting?

Hon. J. F. Cullen: There are a number of foreign prospectors to-day.

Hon. J. E. DODD: It was not known where they were.

Hon. J. F. Cullen: I have met them.

Hon. J. E. DODD: Then the hon. member had met them where those who had a more intimate knowledge of the industry had not met them.

Hon. J. F. Cullen: Some of the best mines in New South Wales were opened up by foreigners.

Hon. J. E. DODD: But he was referring to the goldfields in this State. It was true that there had been some foreign capital invested in the fields, but if Mr. Cullen could give some information of the mines which had been opened up and of places which these foreigners had helped to open up, hon. members would be glad to hear it. How many foreigners were there to-day who were owners of residences, or how many foreigners were holding freeholds which we talked about? Very few indeed.

Hon. J. F. Cullen: You consider them enemies if they want freeholds.

Hon. J. E. DODD: The law of the country said that they could get residence areas. He had no idea that the Bill was coming on again to-night otherwise he would have obtained a return to show how many foreigners were holding leaseholds and freeholds on the goldfields. He

did not think there was one per cent. of the foreigners who were in possession of residence areas, either leasehold or freehold. There were 717 foreigners out of 3,000 men in Kalgoorlie employed underground, and if they had been Britishers they would have been representing a population of 5,000. Unfortunately there were hundreds of houses on the goldfields which were empty and these foreigners were living on leases in any way.

Hon. R. D. McKenzie: Why do you not take action; they are illegally on the leases.

Hon. J. E. DODD: The foreigner to-day, despite all we might say, was not living up to the same standard as the Britisher. There was no desire to keep out the man who would live up to our standard and who was prepared to take his share in the battle of life as we did. Mr. Cullen had a good deal to say in reference to the un-British aspect of this matter, but he (Mr. Dodd) knew of nothing more unmanly or more un-British than what had taken place in connection with the Workers' Compensation Act. Reference might also be made to the rescue of a foreigner by a Britisher, the celebrated case at Bonnie Vale a few years ago. What was desired was to see fair competition between man and man. This was not the only place where an attempt was being made to limit the foreigner. In the United States of America a Bill had been introduced not to allow more than 10 per cent. of the foreigners in America to-day to enter into competition with the British.

Hon. J. F. Cullen: In what State?

Hon. J. E. DODD: In the State of New York.

Hon. J. F. Cullen: Was it carried?

Hon. J. E. DODD: The Bill had been introduced and that showed that the same feeling was gaining ground there as had already gained ground here. The menace was very serious not only to the workers but to the business people, and he could only repeat what had been said by mine managers, that so far as the Australian worker was concerned, especially the Australian miner, and more particularly the West Australian miner,

he was absolutely the best miner in the world.

Hon. J. F. Cullen: But if you cannot get enough of them what are you to do?

Hon. J. E. DODD: That was altogether beside the mark, because as many miners as were wanted could be obtained. He had looked at the matter from every point of view and recognised that something would have to be done. If it was not done now we would have trouble upon us in a more serious aspect in years to come.

Hon. Sir E. H. WITTENOOM: Whilst he was with the Minister that no foreigner should be allowed underground, who did not understand the English language, he did not agree that the subclause should stand and he intended to vote for the amendment. He would do so for the same reason as he had stated in his second reading speech, namely, that there was such an amount of inconsistency connected with the question. In the speeches of Mr. Cornell and the Honorary Minister, members had been told of the dangers of this calling, and of the deaths through miners' phthisis and terrible accidents, and yet it was desired to limit the number of foreigners to be employed. It seemed illogical that such an argument should be put forward. If it was such a dangerous calling, the Britisher and the Australian would have nothing to do with it, and would welcome the more foreigners that could be put into the mines. And if the foreigners were so hostile to us, let them be killed off; let them be put into these dangerous places, and let us limit the proportion of Britishers and Australians to one in ten. However, this was hardly serious speaking. It was a little unfair that the foreigner should be put out of the mines, provided he could speak the English language and comply with the necessary conditions for working underground. He had heard from various sources that it was difficult to get the number of men required in the industry, and in those circumstances it would be very hard to insert a clause such as this. If the Honorary Minister could consider this matter apart from unionism, which would be found engraved on his heart

when he died, he would see that there was a certain amount of reason in allowing the foreigners to work in the mines. He (Sir Edward Wittenoom) had been accused of making a speech that was full of callousness and ill-feeling and absolutely unworthy of him, in connection with the mining industry. To quote from the words of the Honorary Minister—

The CHAIRMAN: The hon. member would be well advised to quote from memory.

Hon. Sir E. H. WITTENOOM: To quote from memory, the Honorary Minister had said—

The CHAIRMAN: The hon. member is palpably quoting from *Hansard*.

Hon. Sir E. H. WITTENOOM: The Honorary Minister had stated that he (Sir Edward Wittenoom) had made all sorts of remarks in connection with the mining industry which were absolutely without feeling, and full of the greatest callousness. Either the hon. member must have misunderstood him, or he had conveyed his meaning very badly, because he was certain the hon. member would never willingly have misrepresented him. He denied that there was the slightest callousness in any remark he had made in connection with the miners. After hearing the speeches of Mr. Cornell and the Honorary Minister on the second reading, he had been under the impression, and that impression had never been removed, that the conditions which those members stated were exaggerated. He had had a great deal to do with working men, and he had found they were extremely particular as to the conditions under which they worked. His experience of farming men was that they wanted good surroundings and the best meals, and if, for instance, they were cutting chaff and the hay happened to be full of what was called "iteb," they would not continue working. Shearers likewise required comfortable surroundings, and eight or ten meals a day, and if the sheep were wet the men would not touch them. The miners were perhaps the best organised body of workers in the State, and were led by some of the ablest men, and did hon. members mean to tell him that those men

would put up for five minutes with the conditions stated by Mr. Dodd and Mr. Cornell? He had every sympathy with anybody who was sick, or was the victim of an accident, and he had a very good record on those very fields where he was now told he would not be received, of having provided typhoid hospitals when everybody was suffering, and telegraphs, post offices, and schools; yet he was now told he was callous and unfeeling towards the miners.

Hon. R. G. Ardagh: Now you want to give them to the foreigner.

Hon. Sir E. H. WITTENOOM: The desire was that the foreigner should be on an equal footing with the Britisher and the Australian, and he would not be proud of his own countrymen if they could not oust the foreigner every time. He agreed that the Australian was the best miner in the world, and next to him was the Britisher, and therefore he did not fear what any foreigner could do. To put forward to the world this provision, that we could only employ one foreigner in every ten men engaged in the industry, was to do something that was altogether unworthy. He therefore had pleasure in supporting the amendment.

Hon. H. P. COLEBATCH: The attention of the Committee might be drawn to certain facts which did not seem to corroborate the statement of the Honorary Minister that this was a grave national danger. During the last seven months there had been an excess of arrivals over departures of 6,934, of whom 6,405, or ninety per cent., were Britishers. If we were going to assume that, exclusive of coloured people, Western Australia was not able to absorb amongst its immigrants ten per cent. of foreigners, who, it was admitted, were capable of becoming good citizens, it was a sorry day for us. The total number of Italians who had arrived during that period was 217, or about three per cent. of the total arrivals. Could the Minister seriously pretend that it was a grave national menace that three per cent. of the total number of immigrants coming to Western Australia were Italians?

Hon. J. W. Kirwan: Many are Austrians.

Hon. H. P. COLEBATCH: The total number of Austrians to arrive had been 11. Did Mr. Kirwan suggest that the arrival of 11 Austrians during a period of six months in which 6,405 Britishers had arrived was a serious national menace?

Hon. J. E. Dodd: The hon. member does not understand their ways.

Hon. H. P. COLEBATCH: Irrespective of what their ways were, it was absurd to suggest that when ninety per cent. of our immigrants were Britishers we were faced with a grave national emergency. It was a sorry day for Western Australia if we had to admit that, along with ninety per cent. of Britishers, we could not absorb ten per cent. of the people of foreign countries,—people who, we admitted, were capable of becoming good citizens. If that was the position, we ought almost to say that we were not fit to inhabit and develop a country like this.

Hon. J. W. KIRWAN: The speeches delivered by certain members of the Committee could only be explained by the fact that they were altogether unacquainted with the conditions that had arisen on the goldfields within the last three years. Mr. Colebatch and other members had been on the goldfields for years at a time, but that had been many years ago. Since then a very serious position had arisen, and it had not been exaggerated by Mr. Dodd. If he were not a resident on the goldfields, living there continuously, and knowing the true condition of affairs, he would probably take the view that Mr. Colebatch and others were taking, but there were many points he could present to the Committee which he hoped would satisfy them that it would be injurious to the goldfields, and seriously injurious to Western Australia as a whole, if this clause were struck out. The goldfields people were not parochial and narrow-minded. They were not people who had merely a provincial knowledge. They had gone about the world and rubbed shoulders with people of different nationalities, and they

would not take this stand regarding the foreigners if there were not good reason for so doing. Quite apart from those who were supporters of the Labour party, he had no hesitation at all in saying that a vote of the other people on the goldfields would show that four out of every five were in favour of this clause.

Hon. D. G. Gawler: Why do they object to the foreigners?

Hon. J. W. KIRWAN: That feeling existed strongly. There was no municipality or local body on the goldfields that would not be unanimously in favour of this clause. Only one body on the Goldfields, the Chamber of Mines, would not have a majority in favour of the clause, but there were individual managers who fully recognised the position, and would not employ foreigners. As the Honorary Minister had stated, there was no objection whatever to these men simply as foreigners. Everyone recognised that there were foreigners in Western Australia and other parts of the Commonwealth than whom there were no more worthy citizens. Take, for instance, the Germans settled in South Australia, men who had come to Australia and thrown in their lot with Australians. One of the chief objections taken to the foreigners on the goldfields was that they did not conform to the prevailing conditions here. If Britishers came here merely as wage adventurers, as they were called, possibly the same objection would be taken to them. On the goldfields in the early days some of the older settlers took exception to people who came here presumably as birds of passage, with the intention of clearing out of the country with the money they made. Of those men it could at any rate be said that they were British subjects and many of them citizens of Australia, and all liable to defend the country in time of danger. The foreigners coming here as wage adventurers were men who did not make permanent homes on the goldfields. They lived in hovels there and only went to the lowest class of hotels. The hotels they resorted to were well known to be hotels constantly under the observation of the

police. These foreigners paid no taxes to any of the local bodies whatsoever. They did not bring their womenfolk to the country, and they did not marry in the country. They in no way threw in their lot with Australia. In due course they would return to their own land with the money they had made in Western Australia and settle down, or else go to South America with the money they had earned here. Danger to the State arose from the fact that to-day the wood lines were entirely in the hands of the foreigners. Then the position had arisen that the foreigners were gradually getting more and more employment in the mines. Figures quoted by the Honorary Minister showed that 12 mines employed 717 foreigners out of a total of 3,081, that was 25 per cent. of foreigners employed upon these 12 mines. What would happen in this State supposing it came about that the whole of the employees of the mines were foreigners? The State at present enjoyed the circulation among its residents of an enormous sum paid in wages every year, a sum considerably over three million pounds. If the industry fell entirely into the hands of foreigners, and it certainly looked as though there was grave danger of it doing so, it would mean that the wages bill would not be paid to men who would distribute the money in Western Australia. These foreigners never remained in the country more than a few years, and in no way identified themselves with the country. It would be a serious danger and a menace to the prosperity of Western Australia if the mining industry were to fall entirely into the hands of foreigners. Sir Edward Wittenoom had made some reference to foreigners and unions. It was a most remarkable thing that the only really serious industrial trouble we had had on the Eastern Goldfields was produced entirely by the foreigners on the wood lines. Two of these troubles had arisen, the foreigners went on strike. They were not organised labour in the ordinary sense of the word. There was a number of men representing the unionists who were not in sympathy with these men, but they could not appeal

to them. The foreigners were absolutely unreasonable in the attitude they took up, and by going on strike and refusing to supply the mines with wood they actually shut down the mines on one occasion, and on another there was a large cessation of work. That had been entirely due to the foreigner. The foreigner, so far as union disputes were concerned, was likely to be far more troublesome than the Britisher. Britishers were far more reasonable and could be spoken to in the English language. They were under the judicious advice of union leaders, but the foreigners were altogether out of the control of these leaders, and were altogether a danger to industrial peace on the goldfields.

Hon. A. G. Jenkins: Do they take part in the selection ballot?

Hon. J. W. KIRWAN: So far as he knew they did not take part in the selection ballot inasmuch as so few of them were British subjects. He sincerely trusted this clause would not be struck out. The Committee in rejecting this clause would be opposing what might almost be regarded as the unanimous wish of the people of the goldfields, business people, professional people, in fact all classes with the exception of a few mine managers.

Hon. A. SANDERSON: We had been told that the people on the goldfields were not narrow-minded, but anything more narrow-minded than the speech we had just listened to he had seldom heard.

Hon. J. F. Cullen: That speech does not represent the goldfields.

Hon. J. W. Kirwan: The hon. Mr. Cullen seems to know more about the goldfields than those who live there.

Hon. A. SANDERSON: One had to take that speech as representing the goldfields, and a most narrow-minded view it was. The worst aspect of the question was that there appeared to be that the quintessence of selfishness was at the root of this agitation.

Hon. J. W. Kirwan: They base their opposition on the plea that the foreigners are undesirable immigrants.

Hon. A. SANDERSON: It did not matter how we clothed the language. We

should deal with the position in connection with the Bill and the country as a whole. In connection with the Bill we had been from first to last asked to accept the measure on a humanitarian basis, to satisfy the miners that their lives and limbs were being protected. Had Mr. Kirwan said one word in connection with the exclusion of these foreigners which would show that a clause of this kind would ensure the safety of the lives and limbs of the miners? The issue seemed to be whether people on the goldfields were to use their influence to put money in their pockets at the expense of the foreigners. There had been references to the United States of America and legislation introduced—not necessarily passed—there, but anyone acquainted even slightly with the conditions in the individual States of America, was well aware that there was hardly any grotesque or ridiculous proposal in legislation which had not introduced in some State or other. Anyone who had paid the slightest attention to American legislation would form that view. Most of the European countries had taken the narrow-minded, selfish attitude. One of the traditions of the British Empire had been open, free-handed justice to everyone who came within its borders. In support of the clause the quintessence of selfishness and narrow-mindedness had been shown both by Mr. Kirwan and by the Honorary Minister and unfortunately this was characteristic of the goldfields members in some other respects.

Hon. J. W. Kirwan: It is not narrow-minded to object to undesirable immigrants.

Hon. A. SANDERSON: If it was a question of undesirable immigrants we had legislation providing against such persons. The hon. member would class all Italians and Austrians as undesirable because, forsooth, their conditions did not reach the high standard of the goldfields; their intellectual, their social, their sartorial, their gastronomical accomplishments were not equal to the standards of the goldfields. He would for ever protest against this class of legislation. We had been asked to consider the Bill from

the humanitarian point of view as expressed in the protection of the lives and limbs of the miners. There was not a line in the clause which would have this effect. It was openly avowed by supporters of the clause outside the House that its object was to put money into the pockets of the Australian miner. He hoped the Committee would strike out the clause.

Hon. R. D. MCKENZIE: Mr. Kirwan's eloquent plea against the employment of the alien was like the board on the finger-post; it pointed the way but did not go itself. That gentleman was the head of an establishment in Kalgoorlie which employed black labour. The principal circulation of the *Kalgoorlie Miner* was in the hands of a coloured man, who employed white slaves to help him in the distribution of the paper. In addition to that, the hon. member, who was so solicitous for the welfare of the Britisher, when he left the House, walked down to his club and had a whisky and soda supplied to him by a Chinaman. That hon. member had presumably been responsible for a paragraph in the *Kalgoorlie Miner*, which attributed the employment of foreigners in the mines to a widely-spread system of graft amongst shift bosses and underground foremen. The paragraph had stated that the foreigners bought their way into the mines by the bribery of officials, and that the prevalence of the employment of foreigners was due to that cause. That was the opinion of the leading newspaper on the Golden Mile, namely, that shift bosses and men in responsible positions stooped to bribery and corruption. If the Austrian and Italian were not good citizens the present Administration were largely responsible for it by allowing those men to live in the conditions in which they did, in what had been described as filthy hovels. The remedy was almost entirely in the hands of the Government. Leading mine managers of the Golden Mile had assured him that it was almost impossible to get Britishers to do such work as trucking. The clause would make it still more difficult to get men to work in the mines. According to the report in 1904 of the Royal Commission on immigration of non-British labour, any foreigner who could speak German

was at liberty to work in the mines in Germany. It was understood that the same thing applied to Italy. A similar provision in Western Australia would be sufficient.

Hon. J. W. KIRWAN: The remarks of the preceding speaker, so far as the personalities were concerned, were not worthy of an answer. The statement was absolutely untrue.

Hon. R. D. McKenzie: I say it is a fact.

The CHAIRMAN: The hon. member was not in order in saying that a statement made by another hon. member was untrue.

Hon. J. W. KIRWAN: It was incorrect. When remarks came from a man who was known as the champion mean man of the fields—

The CHAIRMAN: The hon. member must withdraw that remark.

Hon. J. W. KIRWAN: If the cap fitted any hon. member he could wear it, but he had merely referred to certain remarks made by a man who was known as the meanest man on the goldfields. It was the right of every country to admit or exclude immigrants. If any class were undesirable it was a national right to exclude them.

Hon. W. Patrick: This is a Commonwealth matter.

Hon. J. W. KIRWAN: The hon. Mr. Colebatch had referred to 217 Italians who arrived in 17 months and said the State could readily absorb that number. If they distributed themselves throughout the country and threw in their lot with the people the State could absorb them, but it was quite different when they went to a particular locality and merely became wage adventurers.

Hon. C. A. Piesse: A good many are going on the land.

Hon. J. W. KIRWAN: The experience on the goldfields was that they returned to their own country. They did not throw in their lot with Australia. It was right for every country to differentiate between desirable and undesirable arrivals.

Hon. D. G. Gawler: You cannot clash with Commonwealth legislation.

Hon. J. W. KIRWAN: It was not clear that this did clash with Commonwealth legislation. If we could prevent the evil by means of this legislation, we should do so.

Hon. R. G. ARDAGH: The subclause had his entire sympathy, and he hoped it would be passed. Some time ago a public meeting was held at Kalgoorlie at which the business people protested against the large number of foreigners employed on the mines. These people had been there for years, and had put their money into their businesses, and quite a number had had to leave the fields. So many foreigners were being employed on the mines, and they lived under such conditions that the people who owned the empty houses which had been referred to were being driven away. One had only to go to the post office to ascertain the amount of money sent away to Italy, Austria, and other places every pay day, and what was not sent away was spent in drinking dens. Most of the firewood for the mines was obtained by the foreigners. They were engaged by concessionaires because they were more servile, and in years gone by because the concessionaires could charge them high prices for their goods. If these people became naturalised, learned the language and became good Australians there would be no great objection to them, but when they herded together in dens as they did on the Gwalia and other places on the goldfields they became a menace to the community.

Hon. T. H. WILDING: So far he had not heard one word about these men being unsuited for their work. The only reason given for their restriction was that they did not live under the same conditions as we did. If this was applied to foreigners would it be applied to those Britishers who lived under similar conditions? There were navvies working on the lines, who as soon as they received their money went to the nearest public-house and spent it, who went about wearing clothes that were scarcely decent, and who assumed no responsibility in regard to making a home. Surely the same restriction should be applied to them.

There were good men among the foreigners. There were Germans and Danes working on the land who were making splendid settlers. If foreigners on the fields desired to live in tents they had a right to do so. If he went to the fields he would probably live in a tent and live as cheaply as he could in order to save money. These men were probably doing the same and later on would become good settlers. He would vote against the subclause.

Hon. F. CONNOR : It was undignified that a squabble between the principal store in Kalgoorlie and the local newspaper should be brought into that Chamber. There was a broader issue to be considered and that was the demand of new countries for desirable population. The settlers to whom we were directing attention were as good as many of the immigrants who were arriving in the State to-day. Of course we did not want to take the risk of sending these people underground if they could not speak English, but the time might arrive when we would have to do so. He hoped that time would come inasmuch as that would mean that the development of the country would come about in a big way in mining as in other industries, and that the demand for labour would necessitate our making the utmost use of foreign labourers. If such restrictions had been imposed in the days of the Kimberley goldfields, it would not have been possible to carry on at all. The worst thing that could be done was to stop the importation of labour for the development of the mines in this country?

Hon. J. E. DODD : Does this clause prevent it ?

Hon. F. CONNOR : It did because we imposed restrictions which would prevent certain people assisting in the development of the industry. It should be the policy of all new countries to get the best people available. He was not talking about coloured labour, and on this question it would interest the Committee to know that in the first Parliament in this State he strongly opposed the introduction of coloured labour. However, where we could get a legitimate and good

class of people to come in, it would be an unwise policy to impose restrictions of the nature contained in the subclause it was proposed to strike out.

Hon. D. G. GAWLER : With regard to the distinction drawn between preventing immigration and preventing undesirable people from entering into the country, there had been so many reasons given that it was hard to disentangle them. The subclause in question did not seek to keep out the undesirable wage earners; it sought to keep out every foreigner whether he was desirable or not. Then again, if that was so, and we were asked to keep out immigrants because they were foreigners, we were told in the next breath that they were not objected to as foreigners. Why were they objected to ? Was it to keep out foreigners or to keep out undesirable immigrants ? On this question it would be interesting to read the remarks made by Mr. Pirie, one of the visiting British Parliamentarians who were in this State a few weeks back, and he would commend the remarks of that gentleman to hon. members who were inclined to support the clause, and at the same time he would point out that if this legislation was passed with regard to mining, it would be adopted with regard to other industries, and if that was done there would be an end to the immigration of foreigners. Mr. Pirie said—

This is a matter on which I hold strong views. You ask me for the conclusion I have found regarding the entry of population from outside the Commonwealth. I would suggest that in many of the States they are not going far enough in this direction, and are not sufficiently forcing down the throats of other European nations their wealth, attractions, and opportunities for newcomers. It seems to me that instead, as appears, of confining their attention to obtaining people from the United Kingdom they should take steps to tap the population of the other countries of Europe. If I might throw out a suggestion, it is that you should centralise your immigration in the Federal Government. Let immigration be a

Federal affair. Another suggestion is that you should have translated into several of the European languages the many excellent State pamphlets and sheets that at present are circulating in English-speaking communities, and appoint agents upon whom you can rely to disseminate the information through the particular countries. You have, for instance, a number of nationalised Italians in the Commonwealth. It seems to me that some intelligent Italian who had, we will say, been domiciled in Australia for some five years, could be selected to act as the agent for Australia in Italy, and might be recompensed on a commission basis, so much for every family that he was the means of sending out to Australia. If that sort of system were adopted I do think that in a very short time an immense tide of immigration would be flowing into Australia. For the south of Australia the north of Europe might be tapped, and for the more northerly parts of Australia the warmer parts of Europe might be exploited. Then, again, it seems to me that the time has come in Australia when the country should be opened up in advance of settlement, as is being done in other parts of the Empire. Everything ought to be done, even if the cost proved greater to draw the people to your shores.

Would the proposed legislation enable us to do what Mr. Pirie had suggested? Outsiders, generally speaking, saw most of the game, and there we had the opinion of an eminent outsider. If these people were objected to as foreigners then this legislation would prevent them from coming here. We invited them to come here and we declared that in two years they could be naturalised, but how could they remain here if we prevented them from earning wages in the meantime. Then again, they were willing to join unions but how could they pay union fees unless they were permitted to earn wages?

Hon. C. SOMMERS: It was his intention to support the striking out of this clause. It seemed now that men were to be employed provided only that they

could speak English, but it was proposed not to give them the opportunity to learn the language. A few years ago, while travelling to the United States, he came across a great number of foreigners who were migrating to the United States, and amongst them were many who were returning to the United States after having visited their native land. They spoke of their adopted country in terms of great praise, and some of them actually were able to compare the treatment they received there with that which was meted out to them, or their fellows, in Australia. Here we did not hold out that hand of friendship to them which was done in America, and which we should do to encourage them to come here. If we did this we would find that a better class of foreigners would come to Australia, and they could be easily absorbed. Most of these people were industrious, energetic, and in many respects as good as the average Britisher.

Hon. J. E. DODD: By way of explanation he would say a few words with reference to the remarks of Sir Edward Wittenoom. He (the Minister) had clearly indicated that he did not regard the hon. member as capable of making callous utterances; he simply drew attention to the manner in which the hon. member made his speech, which called for comment from some of the newspapers, and he would quote this particular paragraph—

"He could not speak in detail about this battle, murder and sudden death, but would try and deal with the side opposite to that of the miner." Calious extract from a speech by Sir Edward Wittenoom on the Mines Regulation Bill.

There was a further comment—

The success (?) of "Tenfoot Ned" as Minister for Mines is still fresh in the minds of all.

When quoting that paragraph on a previous occasion he had omitted the latter words because he had no desire to hurt the hon. member's feelings. He did not think that Sir Edward Wittenoom would intentionally deliver a callous speech, and if the hon. member could derive any satis-

faction from that statement he gladly made it, because no one appreciated more than he did the genial personality of the hon. member. Sir Edward Wittenoom had asked why the Britisher did not allow the foreigner to work in the mines; if the places were so dangerous on account of accidents and disease why did not the Britisher leave and allow the foreigner to remain in the mines? That was not a fair argument. We had reached this position in society, that it was impossible for a man to pick and choose his job. If a man had made a home on the goldfields it was not an easy matter for him to clear out, and when a man had been brought up to the occupation of a miner he in all probability remained a miner all his life.

Hon. Sir E. H. Wittenoom : How does the shearer clear out?

Hon. J. E. DODD: The miner was an entirely different person from the shearer, because the miner settled down and made his home on the goldfields. To suggest that the Britisher should clear out and let the foreigner have the mines was to suggest something impossible. Mr. Colebatch's argument regarding the small number of foreigners arriving in the State during the last six months was beside the question. The Committee had to consider the facts, and the fact was that there were 717 foreigners out of 3,000 men working underground on the Golden Mile to-day. Twenty-five per cent. of the men working underground on the Kalgoorlie fields were foreigners, and in some of the other mines, such as the Gwalia, 42 per cent. of the men working underground were foreigners. It had been said that in other parts of the world the foreigners were not objected to, but most hon. members knew that the foreigners were objected to. When he had said that a Bill had been introduced into the United States of America to deal with the influx of foreigners he meant that it was being introduced and not that it had been passed. He objected to the way in which his words had been misconstrued. There was a vast deal of difference in the way legislation was looked upon by members

of this Chamber according to how it affected the employing class. When it was a question of the foreigner's widow and family getting compensation the members of this House had used a very different argument from what had been used to-night. Moreover, in the factory legislation of this State where the competition of the foreigner affected the employer as well as the employee there was no compunction about keeping the foreigner out. To-day we had the most drastic factory legislation that was in existence in any part of the British Empire, because the competition of the foreigner affected the employer as well as the employee. The Hon. R. D. McKenzie seemed to have a very tender regard for the *Kalgoorlie Miner*, and to have a burning desire to reform that paper.

Hon. J. F. Cullen: What has this to do with the debate?

Hon. J. E. DODD: That was what he was anxious to know. Why did Mr. McKenzie bring the *Kalgoorlie Miner* into every speech that was delivered in the House? He would be glad if the hon. member should forego his continual reference to that journal, and endeavour to keep his arguments in relation to the business before members. Mr. Sommers had made reference to America. From what one read the foreign menace was the worst trouble that had to be faced in America to-day, and it was through the exploitation of foreign labour of the worst kind that the trouble was being caused. To say that America was assimilating the foreigners and that they were becoming useful and patriotic citizens was altogether beside the mark. Some of them might be, but the majority were a serious menace to the country because of the way in which they were being exploited. Mr. Sanderson had unwittingly misled the Committee in regard to a reference supposed to have been made by a member of another place in regard to the exclusion of foreigners. He was unable to quote from *Hansard*, but hon. members might look at page 900—

Hon. A. Sanderson: On a point of explanation, to the best of his belief the re-

ference to page 900 was inaccurate. The duplicate of his remarks had been sent to him, but had not been read until it was too late for a correction to be made. He regretted that he could not give the reference now, but he hoped the Minister would not take it as any kind of subterfuge when he (Mr. Sanderson) stated that the reference printed in *Hansard* was inaccurate.

Hon. J. E. DODD: Did the hon. member wish to be understood that he had made a mistake in the page he had quoted.

Hon. A. Sanderson: That is so.

Hon. J. E. DODD: The words used by the hon. member were on that page, and if the hon. member read the paragraph he would see that there was an entirely different construction to be placed on what had been said.

The CHAIRMAN: It was not only out of order to quote *Hansard*, but it was also out of order to allude to a debate in another place. The hon. member must desist.

Hon. J. E. DODD: The attention of the Committee might be drawn to another phase of this matter as it occurred in South Africa. The reason he made the reference was that a very large number of those who owned the mines in South Africa owned the mines in Western Australia, and he desired to show by reading this extract that an attempt was being made in South Africa to introduce coloured labour.

Hon. J. D. Connolly: Do you say that the control of the South African mines and the control of our mines is the same?

Hon. J. E. DODD: A good many of the Australians controlling the mines in South Africa were also controlling the mines in Western Australia. What was taking place in South Africa would naturally take place here, although perhaps not so badly. The extract he referred to stated—

Apparently a determined attempt is to be made to increase coloured labour and decrease white labour on the mines of the Rand. Mr. Max Elkan, retiring president of the Chamber of Mines, in his valedictory speech a few months ago said:—"Why should we in the Trans-

vaal be forced to employ white men when in other parts of the Union employers of labour may engage competent men? It is not right, it is not equitable, and I have even serious doubt if the Act forcing us to do this is legal under our Constitution." The South African Mining Journal, in dealing with the subject, observes:—"If the Rand industry were run as a purely business concern by economic men' of 'blood and iron' there would be no white men's grievances to sing about, because the number of white men demanded by the simple needs of the industry would be reduced out of all recognition to the present force. In the past the regulations have provided that a certain number of white men shall be employed underground as supervisors, but it is clear that an effort is to be made to confine the underground work almost entirely to coloured labour. The proposal, however, is bound to receive strong opposition, not only from the white workers but from the business people of the Transvaal, for the substitution of blacks would prove a serious blow to the business of the mining towns."

The comparison was not on exactly the same basis he would admit, but there was the same principle behind what was attempted there and what was being done in this State. The best justification for that statement could be found in the figures, namely, that in 12 of the mines 717 out of a total of 3,081 men were foreigners working underground.

Hon. W. Patrick: They are all white men.

Hon. J. D. Connolly: The Honorary Minister is comparing them with black men in South Africa.

Hon. W. Patrick: It is an insult to them.

Hon. J. E. DODD: The principle of attempting to bring in another class of labour was the same there as it was here, and it would not only affect the goldfields but the whole of the State, as he had previously pointed out.

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

Ayes	15
Noes	5

Majority for 10

Ayes.

Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. C. Sommers
Hon. Sir J. W. Hackett	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. D. G. Gawler
Hon. R. D. McKenzie	(Teller).

Noes.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. F. Davis
Hon. J. M. Drew	(Teller).

Amendment thus passed.

Hon. J. F. CULLEN moved an amendment—

That Subclause 6 be struck out.
Progress reported.

House adjourned at 9.50 p.m.

mica. (2) Papers bearing on the Mines Regulation Bill introduced in 1906 (ordered by Mr. Foley).

QUESTION — GERALDTON ELECTION, REPORTED IRREGULARITIES.

Mr. FOLEY (for Mr. B. J. Stubbs) asked the Attorney General: 1, Has his attention been drawn to the reported violation of the Electoral Act in the recent Geraldton election by persons voting who have ceased to reside in that electorate for a period of over three months? 2, If so, what action does he intend to take?

The MINISTER FOR LANDS (for the Attorney General) replied: 1, The official report on the election has not yet been submitted by the returning officer. 2, If cases of illegal voting are reported, investigation will at once be made and prosecution instituted in all cases where the law officers report that a breach of the law appears to have been committed.

SITTING DAYS AND HOURS, ADDITIONAL.

The PREMIER (Hon. J. Scaddan): The motion which appeared on the Notice Paper in his name proposed to increase the sitting days by the inclusion of Friday of this week, but since the motion had been tabled several members representing country constituencies had requested that it should not apply to Friday of this week because they had made arrangements to transact certain business, and it would inconvenience them to attend. There was no desire on his part to interfere with the private affairs of hon. members, and he recognised that when it was proposed to increase the sitting days fair notice should be given. Therefore he was prepared to receive an amendment to make the motion apply from the sittings of next week. So far as the hours were concerned the Government proposed to add one to each day by commencing business at 3.30 instead of at 4.30 o'clock. Seeing that the House would not sit on Friday

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

PAPERS PRESENTED.

By the Minister for Mines: (1) Mines Development Act, 1902, Regulations 1-9, Extension of Subsidy *re* production of