HON. F. M. STONE: In the absence of copies of the principal Act it was difficult to follow the Colonial Secretary's explanation.

HON. J. W. HACKETT said he did not quite understand the Colonial Secretary's argument, but perhaps the subject would be clearer if one explored the parent Act closely. If the object sought was that stated by the Minister it had been sought in a most awkward way. Schedule 1 of the original Act was repealed, and another schedule was here inserted. Did it follow that the reference to Schedule 1 in the parent Act would apply to the schedule in this amending Bill?

THE COLONIAL SECRETARY: Clause 16, which had just been passed, provided for the repeal of Schedule 1 of the parent Act, in order that that schedule might be altered, not in regard to its constitution, but in regard to its arrangement.

HON. J. W. HACKETT: The difficulty was that Section 4 of the principal Act contained a reference to Schedule 1. The schedule referred to by Clause 16 of this Bill was a perfectly new schedule?

THE COLONIAL SECRETARY: New only in arrangement.

HON. J. W. HACKETT: New because it abolished the old schedule. The Colonial Secretary's contention was that the references in the parent Act to Schedule 1 still continued to apply Parts I., II., and III. of the schedule to this amending Bill. In law, that was a very doubtful contention. The schedule to the original Act was abolished for ever, and nothing could restore it. The new schedule in the amending Bill had reference to the schedule referred to in the parent Act.

THE COLONIAL SECRETARY: Certainly it had.

MEMBER: Under Clause 16.

HON. J. W. HACKETT: But that clause did not retain the powers of the original Act with reference to the original schedule.

THE COLONIAL SECRETARY: Certainly it did.

On motion by HON. G. RANDELL, progress reported and leave given to sit again.

AUDIT BILL.

Received from the Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at 9·45 o'clock until the next day.

Legislative Assembly,

Wednesday, 12th August, 1903.

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

PRAYERS.

ELECTORAL VACANCY, NORTH FREMANTLE.

MR. S. C. PIGOTT, by leave without notice, moved that the seat of the member for North Fremantle (Mr. D. J. Doherty) be declared vacant.

Question passed.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: Lands and Surveys, Report by the Under Secretary for 1902. Report by Surveyor General for 1902.

By the MINISTER FOR WORKS AND RAILWAYS: Alteration to Classification and Rate Book. Railway Workshops at Midland Junction, Return showing progress of work; on motion by Mr. Yelverton.

Ordered, to lie on the table.

QUESTION—TORBAY-DENMARK RAILWAY, TERMS OF AGREEMENT.

MR. HASSELL asked the Premier: What were the terms of the agreement (if any) between the Government and Millar's Karri and Jarrah Forests, Limited, with regard to the Denmark railway from Torbay Junction to Denmark.

THE PREMIER replied: A copy of the agreement would be placed upon the table to-morrow.

AUDIT BILL.

Read a third time, and transmitted to the Legislative Council.

ADMINISTRATION (PROBATE) BILL.

IN COMMITTEE.

MR. HARPER in the Chair; the PREMIER in charge of the Bill.

Clauses 1 to 13—agreed to.

Clause 14—Interests of husbands or wives in estate of the other of them:

MR. BURGES: Some provision should be made for inquiry into the circumstances of each case. It might be that through an accident no will was made. A man might die, leaving one or two children, and the wife come into possession of an estate of £500; and she might not attend to the children, having deserted her husband or being a drunkard. The curator should inquire into the circumtances of each case. It had been pointed out by those conversant with the subject that it was difficult to say, after inquiry, that the person who was entitled to the money was not the proper person to receive it in preference to the children; but the clause appeared to be too sweeping. A sum of £500 might be of great assistance in educating children who were left; but the children were to be robbed of the money altogether, and in some cases the children might be thrown on the State or have to go into an orphanage. By Clause 16 the Court might in certain cases direct that an infant's share should be spent in its maintenance, advancement, and education. There should be a similar provision in this clause.

THE PREMIER: The suggestion was intended to provide for cases in which the survivor, whether husband or wife, would be unlikely to use the money wisely. The survivor might be a drunkard, who would not spend the £500 in the interests of the children. Was it reasonable to provide that when a person died intestate there should be an inquiry into the moral fitness of the survivor? If we left the law as it stood to-day, the widow would get about £170 out of the £500, and the residue left to the children would not maintain them long. If legislation were framed to meet exceptional cases, it was bound to work injustice in every other case.

MR. PURKISS: As the law stood, if a man died intestate leaving a sum of £500, one-third went to the wife and the residue to the children. This £170 was not of much value to the wife, and the remaining £330 would be tied up till the children came of age, being practically useless for their maintenance during minority; whereas, had the mother the whole £500, she might, by launching into business, provide for herself and the children. Of what use to the children would be the interest on £330? The clause embodied a salutary reform, the need for which was proved by experience. We could not legislate for exceptional cases, but for the majority. In 99 cases out of 100 a widow or a widower had the natural parental instincts.

Clause put and passed.

Clauses 15 to 52—agreed to.

Clause 53—Where estate below £300, the Master or district agent may act:

MR. PIGOTT: This was a new departure, and a good one; but the change did not go far enough. An estate not exceeding £300 might be administered by an agent appointed by the Master or the district agent, if the deceased person resided more than 30 miles from Perth, as provided in the clause. By means of this amendment of the law, undoubtedly a great saving would be effected in the administration of small estates left intestate, especially in remote districts, as in the North of this State. Members should also consider the advisability of increasing the limit, say to £1,000, at any rate to £500, because undoubtedly the best persons to administer an intestate estate, as in the case of an estate situated in the North-West, was the resident magistrate of the district. Members would agree that in most of the outlying portions of the State the persons best acquainted

with affairs in the district would be the resident magistrate in each case. Many instances were known in the Kimberley district of intestate estates administered at excessive cost; the huge amount of red-tape necessary before anything could be done causing the cost of administration to become enormous in proportion to the value of the estate. He moved, as an amendment, that the word "three" (three hundred pounds) be struck out, with a view to inserting another word.

THE PREMIER: Five hundred pounds would be quite high enough as a limit.

MR. PIGOTT accepted the suggested limit of £500, and moved accordingly.

MR. BURGES supported the amendment, as it would effect a great saving in the cost of administering small estates; especially estates in the northern districts, where it became necessary under present conditions to employ a solicitor in the district and an agent in Perth. This amendment would be of great benefit.

Amendment passed, and the clause as amended agreed to.

Clauses 54 and 55 amended consequentially, on the suggestion of Mr. PURKISS.

Clauses 56 to 62—agreed to.

Clause 63—Fees of Curator:

MR. ILLINGWORTH: Attention had been called to the fees when the Bill was before the House last session, and he had done so with the object of getting the fees reduced. He found, however, that there was an actual increase in this clause. Firstly the curator took one per cent. of the value of the whole estate; on the real estate and on the personalty. If the administrator went to a bank and simply collected a deposit of £10,000 or any sum, he would be entitled to charge six per cent. on the amount, although the trouble of collecting was small.

THE PREMIER: The person administering could not collect unless he had a grant of administration.

MR. ILLINGWORTH: The administrator first got one per cent. on the value of the whole estate, and if he collected any money or turned anything into money belonging to the estate he was to receive six per cent. on that in addition. This meant that the curator would be entitled to take seven per cent. on all money collected, although there was practically no trouble in collecting a bank deposit or collecting on bills falling due. Why should seven per cent. be allowed for this small amount of trouble? The Bill did not appear to have been drawn with a full knowledge of what was involved. As to Subclause 2, there might be many outstanding accounts, perhaps small accounts, and if the administrator employed an agent to collect them, the agent would be allowed to charge say $2\frac{1}{2}$ per cent. against the curator, and as the curator could charge the estate up to 3 per cent. he could add a-half per cent. for himself. Sufficient should be allowed to the curator to pay the agent's charges, but the curator should not be allowed to charge in addition on the amount collected. This Bill might apply to an estate of £100,000, and £50,000 of that might be lying in a bank; so that for the mere trouble of collecting money lying in a bank the curator would be entitled to take six per cent. of that money for his small trouble, besides one per cent. on the whole estate. The clause should be reconsidered.

THE PREMIER: In what direction?

MR. ILLINGWORTH: The curator should not be entitled to any percentage on money received, more than upon the remainder of the estate. The collection of money was probably the easiest part of the estate to administer, unless in the case of outstanding accounts, where sufficient should be allowed for the trouble of collecting. The collector charged $2\frac{1}{2}$ per cent., and that should be provided for; but there was no reason why a second commission should be paid to the curator. There could be no reason for making a special commission on moneys, as against real estate, which was harder to administer. There was no reason why the curator should get a special commission on bills of exchange which had not matured. One per cent. was not sufficient in all cases, but it would be on assets over the value of £1,000. The percentage should be fixed at a uniform amount for the whole estate. Provision should be made where the curator employed an agent to pay the agent his fee for collecting debts. For petty debts no agent would charge more than five per cent., but the collector was entitled to charge six per cent., *plus* one per cent., of which he paid the agent three per cent. for collecting a portion of

the estate. Therefore the curator would get four per cent. for administering the estate. The Bill provided that the curator should have six per cent. for doing work in some cases which caused no trouble, and one per cent. for administering an estate which caused a great deal of trouble. If it was said that one per cent. was not sufficient for the curator, then alter that figure. He would have to ask the Committee to strike out the words "six per cent. on all moneys actually collected or received by him."

THE PREMIER: If that were done, the office of curator would be abolished altogether. In introducing this clause last year the amount was fixed at five per cent., but it was increased to six per cent. by the Assembly. It was not right to deal with special cases and to base argument on those cases. Members had to look at the average cases dealt with by the curator, who was only called into play under Clause 65 in special cases. The curator acted where no person was appointed. He held an estate from waste, preventing persons from entering on a property for three or six months: for three months if the value was £100, or six months if an estate was over £100 in value. If during the course of that period some friends turned up who wished to administer the estate, they would be entitled to do so, but if they did not turn up in that period the curator proceeded to administer in the ordinary way. But during the three months in which the curator was holding the estate from waste, he was carrying out onerous duties and was in the same position as a trustee company would be. The estates the curator dealt with were never estates of any value. As a rule if an estate was of value, some person turned up who had an interest in it; but the curator had to deal with small estates which were difficult to deal with, and which caused trouble and expense. Under Subclause (*b*) of Clause 64 anyone interested could ask the curator to interfere for the purpose of collecting the estate. Members should deal with the clause having regard to the great bulk of cases which were dealt with by the curator. There never were estates of £100,000 dealt with by the curator; therefore it was fair to deal with the average class of case which came before him, and in 99 out of every 100 cases they were estates of £30, or £50, or £100, which estates gave a great deal of trouble. If those estates were administered by an individual he would charge not six per cent., but perhaps 10 or 15 per cent. for the work performed. The curator had at his service the police and the machinery of the State for the purpose of protecting these small estates as far as possible. The Bill provided for a charge of one per cent., and if the curator collected money or sold land, why should he not receive the ordinary commission? The clause did not say that he should pay a land agent or an auctioneer two and a-half per cent. and then charge five per cent. on top of that. The reason that three per cent. was mentioned in Subclause 2 was that in distant places the charge for this work was much higher than in the metropolis. The curator had no right to pay an auctioneer's charges or commission, and then pay his own commission.

MR. ILLINGWORTH: Certainly he had.

THE PREMIER: No; he had not. The administration was done by the curator's own agents which he had in each centre, and who acted on his behalf. The curator was entitled to pay not exceeding 3 per cent., which was not an excessive amount when dealing with an estate of £50 or £100. If members bore in mind that the average value of an estate was about £100, it could not be said that the curator was charging too much when he asked for a commission of 5 per cent. on realisation. Six per cent. was perhaps too high, but on the last occasion the House would insist on that amount being inserted. Where the curator did work which an ordinary agent would charge for, such as collecting money or selling shares, why should not the curator receive his commission of 5 per cent., which was moderate remuneration when it was borne in mind how small the estates were and how difficult to manage? The curator might take a deal of trouble in searching after personal property of the deceased, and he might find out people who were interested, in some other State, and then the estate might only be of the value of £5 or £10. Of course that was an extreme case; but the member for Cue had taken an extreme case on the other

side. Five per cent. would not be too high when one considered the trouble and difficulty in connection with small estates.

MR. ILLINGWORTH: Why give a commission on mere cash, when there was only 1 per cent. paid on real estate?

THE PREMIER: If the curator sold real estate he got his commission. Anything the curator turned into money he got a commission on. Was it unreasonable to say that when administration was taken out and when the curator realised on an estate and sold the assets, that he should then receive a commission in excess of 1 per cent.?

MR. ILLINGWORTH: The curator could employ an agent, who should be paid.

THE PREMIER: The agent's charges were dealt with in Subclause 2.

MR. ILLINGWORTH: The curator paid an agent 2½ per cent. and took one-half per cent. for himself.

THE PREMIER: Every penny the curator got was paid into the Treasury. If the State was rendering these services, it should be paid a reasonable commission, and 5 per cent for administering the class of estates which were dealt with was no large profit.

MR. ILLINGWORTH: Why pay 6 per cent. on cash and only 1 per cent on real estate?

THE PREMIER: The five per cent. commission was charged on cash realised by the disposal of assets, and on cash collected from debtors as well as on cash in bank. The curator should receive a higher commission for work done than for merely holding cash in reserve till claimed by friends. There was no reason why he should not receive fair remuneration; and though six per cent. was too high, he ought to be allowed five, having regard to the size of the estates and the trouble involved when he was acting as administrator. As to the bank deposits of intestates, were it not for the curator the bulk of these would remain in the bank indefinitely, and the friends of deceased persons could not share in them.

MR. PURKISS: Why should the curator's office be made self-supporting? The officer was, like other officers, the creature of a statute; and the State paid him to perform certain duties. Yet the clause required a widow or a widower to pay him one per cent. on the total value of the estate, in addition to his salary, and six per cent. on amounts collected or realised, half of which would go to the consolidated revenue and half to any agents whom the curator might employ. In addition, the schedule contained an elaborate scale of fees, and a succession-duty impost; and so as to preserve his salary intact, the curator could demand from every estate a charge for postage up to £1.

THE PREMIER: All these imposts went to the Treasury.

MR. PURKISS: No; the State got three per cent., and the curator three per cent. in addition to his salary.

THE PREMIER: No. Read Subclause 2.

MR. PURKISS: Anyhow, the curator got one per cent. on the gross proceeds.

THE PREMIER: No. That also went to the State.

MR. PURKISS: The clause read: "The curator shall take and retain a commission of one per centum." This meant that he personally kept the commission, if there were any meaning in language. Even if the State benefited, the State would get three and a-half per cent. *plus* the succession duty, the stamp duty, and the fees. Why levy charges which almost doubled the salary? The State did not need the revenue. We were gorged with revenue which we could not spend.

THE MINISTER FOR WORKS (Hon. C. H. Rason): Members seemed to think that the fees benefited the curator.

MR. ILLINGWORTH: The clause certainly provided that the curator should take and retain a commission.

THE MINISTER FOR WORKS: Subclause 2 provided that he should pay such commission into the Treasury for public uses, after deducting an allowance not exceeding three per cent. by way of commission to his agents in respect of moneys collected by them. These fees could not possibly be an additional emolument to the curator. Would the last speaker (Mr. Purkiss) abolish fees in the Lands Titles and other public offices? Why should the State administer intestates estates for nothing, when anyone else administering such trusts received five per cent.?

MR. FOULKES: Members seemed unnecessarily alarmed about the commission. When Mr. Clifton was Registrar of the Supreme Court he acted also as curator of intestate estates, and was allowed to retain the commissions he charged for looking after those estates. Unfortunately for him, a large estate at Fremantle came into his hands, and the Attorney General of the day noticed that the registrar was making a big haul in respect of it, amounting to some £80. Upon that the Attorney General deprived the registrar of the right to retain commissions, and appointed him curator, which office Mr. Clifton had held ever since. Most of the estates which he administered were very small, belonging to people whose assets were frequently scattered about in the back country, so that their realisation involved much trouble.

THE PREMIER: In many cases the assets consisted of a suit of clothes and a watch.

MR. FOULKES: Seldom was there a large sum of money in the bank. When the deceased left £100,000 in a bank, a large number of friends would come forward to take care of it, accepting all the risks of collecting. The curator did not act unless no one else came forward. The police reported that the deceased had no relatives; then the curator took the responsibility of realising the assets. For the last six years the curator had not received a penny of commission for himself. The whole of it went to the Treasury. No doubt six per cent. was a large commission, and to settle the matter he moved that the word "six," in line 3, be struck out, and "five" inserted in lieu.

Amendment passed.

MR. PIGOTT: Why not alter the three per cent. payable to agents by Subclause 2 into two and a half per cent.?

THE PREMIER: The latter percentage might be fair in Perth; but outside, especially in the bush, the former was but reasonable.

Clause as amended agreed to.

Clauses 64 to 85—agreed to.

Clause 86—Duties payable by executor or administrator:

MR. BURGES moved as an amendment in line 5:

That the words "*bona fide* residents of and domiciled in Western Australia and" be inserted.

The effect of this would be that persons who resided outside the State were not to receive the same amount of benefit as persons residing in the State. Many cases were well known in which persons who might become entitled to share in an intestate estate within Western Australia had been living out of the country all their lives, and not only doing nothing to benefit it, but even trying to evade their duty to the State. The State had to protect the property of absentees, and this amendment would insure some benefit coming to the State in such cases.

THE PREMIER: The object of the amendment was that by this proviso persons who stood in certain degrees of relationship to the deceased, but were domiciled outside the State, were to pay full duties and not only one-half as would be the case if they were domiciled within the State. It was a very good amendment.

MR. PURKISS: In the case of a wife and children of an intestate, they might be residing outside the State, and why should they be penalised because they happened not to be residing in the State? Their relationship to the deceased would be the same in either case. The person dying would be in Western Australia, and his estate or what he had earned would be here; yet because his wife or children happened to be out of the State for purposes of education or through marriage, they were not to receive the same benefit as they would be entitled to if residing in the State. Why should they be penalised because they happened not to be domiciled in the State?

MR. FOULKES: Take the case of an old and well known colonist, the late Mr. Hooley, who was for many years a member of this House, and who left the State three or four years ago for the benefit of his health, and died recently in Switzerland. Why should not the members of his family be entitled to the same benefit if they happened to be out of the State, as they would be if they had remained in the State?

MR. TEESDALE SMITH: We wanted to foster a federal spirit.

MR. PURKISS: Because a colonist had left his home in England or Scotland, coming here to do the best for himself and accumulating a little property, why should his parents remaining in the old

country not receive the same benefit as they would if residing in this State? Why should they be penalised?

THE PREMIER: They were not penalised. All that the amendment provided was that they should not get the same amount of exemption.

MR. PURKISS: Why was it their fault that they should be put on a different plane, as compared with other persons who might stand in the same relation to the deceased? What crime had they committed?

MR. BURGES: No crime; but they would be getting a benefit.

MR. HASTIE: Supposing a man died intestate, leaving a wife and family in another State, would they be treated differently for not residing within the State?

THE PREMIER: Yes.

MR. HASTIE: Then they would be penalised because they resided outside this State.

THE PREMIER: We were prepared to bring their families over here if they would come.

MR. HASTIE: It was impossible for a number of people to keep their wives and families in portions of this State.

THE TREASURER: The hon. member was not stating a fact.

MR. HASTIE: What he had said was from personal observation. He would vote against the amendment. If a man believed his wife and family could live here comfortably, he would not agree to their staying away.

MR. FOULKES: More information was desired. Suppose in the case of Mr. Hooley that the widow and children decided in six months to come back to Western Australia, would this duty still be payable at the higher rate?

THE PREMIER: The Hooley family were domiciled here.

MR. FOULKES: The amendment would create hardship in some cases, and he knew of many cases like the one he had cited.

MR. PIGOTT opposed the amendment. The disability would fall most hardly on the classes who were least able to bear the burden imposed; it would affect the working classes, and he looked to the principle of the thing. If persons were to be penalised because they were not in a position to come to this State, the operation of the amendment would be unfair.

MR. DAGLISH: What was the object of this provision? Why should any exemption be made in regard to certain persons? He understood it was because of the nearness of kin; but apparently that reason ceased to exist if there was a distance separating members of the same family. If the exemption was necessary in any case, it was necessary in all. If it was desirable to interfere, we should strike out the subclause. He did not know of any instance where such a narrow-minded proposal had been brought before any Parliament. Could the mover of the amendment bring forward a precedent?

THE PREMIER: One could not be responsible for the want of knowledge on the part of the member for Subiaco. Many people outside the State looked on an absentee tax as a very narrow-minded impost, and some persons would use similar language to that of the member for Subiaco in relation to that tax. An absentee tax, in the opinion of those persons, was based on prejudice, was without precedent, was most unheard of, But it did not answer the question to talk like that. The Bill imposed on absentees extra taxation because the Bill refused to extend privileges to an absentee which it extended to our own people. What was the difference in principle in saying to an absentee, "You must pay more," or to say to them, "If you reside in Western Australia you shall pay less"? It had the same result. He was certain other members of the House, would be able to see that.

MR. PIGOTT: There was nothing of the federal spirit about that.

THE PREMIER: We were dealing with State legislation now, and we extended certain privileges to classes of people who had that privilege if they lived in the State. He could not see anything unprecedented in the proposal. The reason exemption was granted was that there were persons who were supposed to have special claims on a testator. There was greater warrant for a person outside the State not having the same concessions granted as those inside the State. The same principle was laid down in the Dividend Duty Tax. If a company carried on business within and

without the State, that company was charged on the profits made; but if a company carried on business in Western Australia only, then that company was charged on dividends. That was the same principle underlying the absentee tax.

MR. ILLINGWORTH: As one who favoured an absentee tax, and who looked on this clause as a motion in that direction, although it seemed a very small effort, he would support it. There were people outside the State who received money from persons who lived in the State. They got remittances from their friends in the State, and therefore could not complain if they had to pay a little extra.

MR. PURKISS: If the amendment were carried, then members ought to be logical. A clause which had been disposed of allowed 1 per cent. and 5 per cent. to be charged on certain estates. In the case of absentees, that percentage should be increased to 7½, and in the case of postage stamps which had to be put on, instead of 20s. it should be 30s. An absentee tax might be fair and right, but it was extraordinary to commence with the poor widow and orphan.

MR. DAGLISH: The clause did not propose to treat absentees differently; only a certain section of absentees.

THE PREMIER: Was there any tax which applied to all absentees alike?

MR. DAGLISH: If a person was related to a testator and lived outside the State, that person would have to pay double the probate duty.

THE PREMIER: No; the ordinary probate duty.

MR. DAGLISH: But double the fees under the clause.

THE PREMIER: The person would have to pay ordinary fees without any deduction.

MR. DAGLISH: The Premier was now splitting straws. If there were two individuals outside this relationship, one living within and the other outside the State, both would have to pay the same rate.

THE PREMIER: Under the amendment, the absentee paid the full rate.

MR. DAGLISH: An absentee not so closely related to the testator would not pay any higher rate than a person living in the State not so closely related. Therefore this tax only applied to a certain portion of absentees.

MR. PURKISS: If a person died intestate and his widow was domiciled outside the country, she would have to pay the full amount. If the testator bequeathed all his property to a stranger not domiciled in the country, that stranger would be put on the same footing as the widow and orphan.

Amendment passed, and the clause as amended agreed to.

Clauses 87 to 137—agreed to.

First Schedule—agreed to.

Second Schedule—Succession duties:

MR. PIGOTT: The duties charged on small estates were out of proportion to those levied on large; and the latter should be increased, this being a desirable means of raising revenue. An estate exceeding £20,000 and not exceeding £30,000 in value paid a duty of 8 per cent., provided it were left to persons who were not near blood relations. Again, estates exceeding £30,000 and up to £50,000 paid 9 per cent. when they were left to absolute strangers.

MR. FOULKES: Not altogether to absolute strangers. A nephew or a niece was not an absolute stranger.

MR. PIGOTT: A large estate should pay much more than 9 per cent., no matter who was the legatee, and an estate exceeding £50,000 should pay more than 10 per cent. The last three items should be altered to read thus: Estates over £20,000, 10 per cent.; over £30,000, 15 per cent.; and over £50,000, 20 per cent.

MR. HASTIE: In these matters reference was frequently made to Great Britain and New Zealand. Were not the New Zealand death duties much higher than these?

THE PREMIER: The figures would be found in the *Australian Year Book*. These rates he thought quite high enough. They would be found well up to date.

HON. F. H. PIESSE: With large estates, consisting mainly of lands, there was frequently a difficulty in realising enough to pay death duties, great hardship being thus inflicted on inheritors, resulting in forced sales at prices much lower than the assessment on which the duties were calculated. Personal estate was much easier to realise, but landed

estate could not bear the increased rates proposed.

THE PREMIER: Power was given to take a mortgage as a security for payment of duties, thus avoiding forced sales.

HON. F. H. PIESSE: The schedule as it stood he would agree to; but to charge up to 20 per cent. would involve the confiscation of property which the deceased might have worked hard to accumulate, while other men with equal opportunities were squandering their earnings.

MR. HIGHAM: The schedule was altogether wrong in principle. It should tax individual legacies. Many of the large estates were divided among not two or three but 30 or 40 people.

MR. PIGOTT: The member for the Williams had misunderstood him. The duty need not be payable in cash on the taking out of probate. When cash was not forthcoming, it could be secured by mortgage.

HON. F. H. PIESSE: That was the same thing. The estate was pledged for payment of the duty.

MR. PIGOTT: Why could not an estate worth £50,000 afford to pay 20 per cent., especially as the Bill provided that if the estate were left to near blood relations the duty payable was reduced by one-half.

HON. F. H. PIESSE: A £50,000 estate would have to pay £5,000.

MR. PIGOTT: And 10 per cent. was not too much for near blood relations to pay.

MR. FOULKES: The last speaker seemed to forget that these duties might be paid more than once on the same estate. To a 20 per cent. duty paid once in 50 years there could be no great objection; but suppose a death took place in a family, and 20 per cent. of the value of the estate were paid, the estate might again pass by another death in two years' time, when another 20 per cent. would be forfeited, and perhaps another 20 per cent. within five years, making 60 per cent. absorbed by the State.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. HASTIE: Looking through the law on the subject in other States, he found that the provision in the schedule was not up to the maximum in other similar statutes. The duties varied in the several States, though the duties in this schedule would be in keeping with the average. He hoped some members would move additions, and he believed such additions would be supported by the member for York and the Premier after what they had said, as both had shown this evening a great anxiety to tax severely the absentees. We should remember that this State had lost the power of increasing the customs taxation, and we had no other direct taxation in this State. The duties proposed in the schedule were almost the only direct form of taxation in Western Australia; therefore he hoped that one or two of the items would be increased.

MR. PIGOTT: One could understand there were many objections to charging excessive duties on large estates when cut up and distributed amongst a number of persons; but the object he was aiming at could be obtained if the Bill stipulated that all recipients of legacies from an estate, receiving over and above a certain amount individually, should pay a heavy taxation. He was not prepared at present to move an amendment in that regard, and would rather have the schedule postponed for the present. As the Premier now intimated that he would agree to the Bill being recommitted, we might then be able to put forward some amendment suited to the case.

Schedule put and passed.

Third and Fourth Schedules—agreed to.

Title—agreed to.

Bill reported with amendments.

BREAD BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

PRISONS BILL.

Received from the Legislative Council, and, on motion by the MINISTER FOR WORKS, read a first time.

PHARMACY AND POISONS ACT AMENDMENT BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

ELECTORAL ACT AMENDMENT BILL.
IN COMMITTEE.

MR. HARPER in the Chair; the PREMIER in charge of the Bill.

Clauses 1 to 4--agreed to.

Clause 5—Chief Electoral Officer:

MR. DAGLISH: At present there was a Chief Electoral Officer and also an Inspector of Parliamentary Rolls. As far as he could judge from the wording of this and the next clause, the two positions were still to be kept in force. In the Chief Electoral Officer we had a gentleman who, from the variety of functions he had to perform, was debarred from being, if he ever could be, an expert on electoral matters. The Chief Electoral Officer should be an expert. At present that officer was Sheriff and Inspector of Prisons, and it was absolutely impossible for any one officer, no matter how able and zealous he might be, to discharge these important duties without detriment to either one or other of them. The Chief Electoral Officer was out of the reach of his staff, he was out of touch with them, whereas there ought to be ready communication with his staff; and as he occupied a separate office from the expert officer, it caused an unnecessary amount of red-tape and served no useful purpose. Some time ago a conference of expert electoral officers of Australia was held in one of the States, and the Government, as well as the Governments of the other States, sent a representative, and the representative selected from this State was the Inspector of Parliamentary Rolls, a very suitable and well qualified person, who was present to speak on behalf of the department and the Government. The position of Inspector of Parliamentary Rolls and that of Chief Electoral Officer should be, and could with advantage be, combined in one position. The Chief Electoral Officer should be the chief electoral expert and should have his whole time to devote to that duty. Until we had an officer in charge of the department who could give the whole of his time to that work there would be the trouble of imperfect rolls, and there would be the difficulty that the chief advising officer would not have the time to keep himself in touch with the latest knowledge on electoral matters. The Government could not be as well advised while the advice had to filter from the second officer, through the Chief Electoral Officer, to the Government. He hoped the Government would see the wisdom of making some change, so that one officer would carry out the duties at present discharged by the Chief Electoral Officer and the Inspector of Parliamentary Rolls. The present Bill provided that the offices might be combined, but he would prefer to see the provision made mandatory, and to see the Government agree to a provision that the offices should be combined.

THE PREMIER: It was hardly advisable to say in the Bill that the Chief Electoral Officer and the Inspector of Parliamentary Rolls should necessarily be one and the same individual; because if we agreed to that there would be no necessity to give two titles to the one man. It happened now that there was an Inspector of Parliamentary Rolls who was also the main registrar for the metropolitan area. The duties of Inspector of Parliamentary Rolls were to keep up to date the rolls throughout the State, and see they were kept in order and complied with the law. The Chief Electoral Officer would have a wider range of work than that, his duty not being to inspect the different Parliamentary rolls but to deal with general questions of administration; questions that arose at election times, such as the appointment of returning officers, fixing chief polling places, and matters of that kind. It was undesirable to amend the Act to insist that the Chief Electoral Officer be Inspector of Parliamentary Rolls, although there was something in what the hon. member said. This matter was mentioned last session, and in introducing the Constitution Bill he (the Premier) expressed his thanks to Mr. Daly for the assistance rendered to him. But there were difficulties in carrying out the proposal of the hon. member for Subiaco, which he hoped would be removed before the Estimates came into the House.

MR. DIAMOND: Who was responsible for the present state of the rolls? At the last general election they were in a disgraceful condition. The names were not alphabetically arranged, and there were a number of men who had been on the rolls and who were still living, and living in the same places, whose names were not on the rolls, whereas there were

men who were dead or who had left the State long ago whose names were to be found on the rolls. According to the latest returns he had seen, the Commonwealth rolls for Western Australia gave, for instance, in his district four thousand odd electors who were qualified to vote, whilst on the State roll there were only 2,800 electors. That was an unfortunate position, and he had been unable to get information why this discrepancy occurred. The object in all the Australian States was to get people on the roll. And if the names on the Commonwealth roll could be obtained by personal canvass carried out by the police, why could not the police carry out the canvass for the State rolls? The main object was to get people on the rolls and not to have ridiculous forms to fill up. The position was most alarming, and if allowed to continue at the next general election only two-thirds of the electors would be entitled to vote. He would like the Premier to assure members that some step would be taken, similar to the steps taken by the Commonwealth, through our State officials to get people on the rolls.

MR. BURGES: The electors could not be made to vote when they were on the rolls.

HON. F. H. PIESSE: That applied only to York.

MR. DIAMOND: It was the desire of the Premier to have the people on the rolls, but if things were allowed to drift as now people would not be on the rolls at the next general elections.

THE PREMIER: In moving the second reading of the Bill he had pointed out that provision was made in the Bill to make new rolls directly the Bill was passed, and in making those new rolls we could avail ourselves of the Federal rolls, the census returns, and the existing rolls. There was sufficient data to get rolls which would be well up to date, more so even than the Federal rolls.

MR. DIAMOND: Which of the two officers was responsible for the present condition of things? He had no confidence in the officer mentioned in Clause 5, judging by the work that officer had performed in the past.

THE PREMIER: The Chief Electoral Officer was the head officer and was responsible. One did not share with the member his doubt as to the efficiency of this officer. The administration of the electoral Act had been constantly attacked inside the House and outside. The trouble was that people took no trouble to get on the rolls until a day or two before the elections. We ought to take note of that and not blame officers. The machinery would be simplified very much by the present Bill. If a man would not take the trouble to ask for a vote he deserved no consideration.

MR. DIAMOND: It was very easy to say a man did not take the trouble to be put on the rolls, but the Premier must know the formalities of getting on the rolls were far beyond the man of ordinary average intelligence. The forms which he had seen were more than necessarily obtuse. In addition to that, he understood that some of the electoral registration officers were being removed, at any rate the one at Fremantle was to be removed or retrenched. To whom was an elector to apply to get on the roll?

MR. PURKISS: Two officers were more than enough: one would be sufficient. From what he had learned of the administration of the Electoral Act, the Chief Electoral Officer was no more than a figurehead. It was obvious from the Bill that one officer could perform the duties of Chief Electoral Officer and Inspector of Parliamentary Rolls. The Bill provided also that rolls should be prepared and kept by the registrar of each division and district, under the direction of the Chief Electoral Officer. Then why the necessity for this Inspector of Parliamentary Rolls? Yet as a fact the inspector did all the work, and the Chief Electoral Officer was merely a figurehead, who in the interests of retrenchment should be dispensed with.

MR. TAYLOR: The Premier said the Act was defective; but so was the administration. In the Mount Margaret district an officer had been appointed to take votes—a justice of the peace and deputy returning officer at the last election. Twelve months ago he died, but in the latest *Gazette* he was still advertised as filling the position.

MR. PURKISS: All such anomalies resulted from the duality of offices. As the rolls were to be prepared by the registrars under the direction of the Chief Electoral Officer, why the necessity for the inspector? When a mistake was made, the inspector could refer com-

plainants to Clause 21, which would show that he was not responsible.

MR. ILLINGWORTH: When Colonial Secretary he had some experience of the operation of the Act. There was no necessity for the Chief Electoral Officer spoken of, who had absolutely no duties to perform which could not be better performed by the Inspector of Parliamentary Rolls. The two positions meant divided responsibility, and divided responsibility meant loss of power. Some years ago he believed it was desired to add £100 to the salary of a worthy officer, and as this could not be done by increasing the salary, he was appointed to the position of Chief Electoral Officer at £100 per annum. He became head of the department; but his subordinate, the Inspector of Rolls, who had all the work to do and was responsible, received £400 or £500 a year. This was unsatisfactory to the officers and inimical to the working of the Act. The present head of the department should be relieved of his duties, and if he deserved an extra £100 per year, he should be paid it as a direct addition to his other salary.

MR. PURKISS moved, as an amendment—

That the words "Chief Electoral Officer," in line 1, be struck out, and "Inspector of Parliamentary Rolls" inserted in lieu.

THE PREMIER opposed the amendment. A Chief Electoral Officer was needed as the head of all subordinates. The Inspector of Rolls had certain defined duties, but there was a Chief Electoral Officer before an inspector was appointed. Clause 6 provided that if the duties of Chief Electoral Officer could be discharged by the Inspector of Rolls, the positions could be amalgamated; but that should be determined on the Estimates.

MR. PURKISS: Last year the House reduced the Chief Officer's salary by £50 as an intimation to the Government to withdraw the item from the Estimates.

THE PREMIER: An intimation that the House thought the two offices should be combined.

MR. DAGLISH: And the Premier had promised to combine them.

THE PREMIER: But it was not desirable in the Act to specify that they must necessarily be combined. As the country became more populous, they might again have to be separated.

MR. TAYLOR: Was the Chief Electoral Officer more essential than the Inspector?

THE PREMIER: That depended on how much work was given to each. There ought to be two different positions, even though both might at present be held by the same man. Leave the provision for two, so that with an extension of rolls there might be power to appoint the necessary assistant.

MR. FOULKES: There was no doubt as to the necessity for a Chief Electoral Officer. Last year, on the Estimates he (Mr. Foulkes) called attention to the fact that one inspector could not do all the work, for the rolls he chiefly looked after were in Perth and Fremantle. He never visited the goldfields, and goldfields representatives complained of the state in which they found their rolls. The complaint of the member for Mount Margaret proved the need for more than one inspector. There should be one for the goldfields, one for Perth and Fremantle, and one for the southern part of the State, as well as a Chief Electoral Officer.

MR. JACOBY: But the last-mentioned did nothing.

MR. FOULKES: He did all he was required to do. True, he did not travel, and that was why complaints arose. Not even the Inspector of Rolls travelled. The salary of the chief Electoral Officer was £50 a year, and no member of this House had shown, in the remarks made, that the officer had not done his duty. If any mistakes were made they were chiefly owing to the effect of the legislation passed by this House, and because there was only one Inspector of Parliamentary Rolls. It was impossible that one inspector could see that all the parliamentary rolls in the State were in a proper and efficient condition, so long as that officer did not travel about. There should be one Chief Electoral Officer, and at least three inspectors of parliamentary rolls. It was suggested that there were also registrars; but there should be someone appointed to see that they did their duty. One inspector of rolls might be located in the Bunbury district, one in Perth, and one on the goldfields.

MR. BATH: The provision in the Bill should be retained. The trouble had not been that reasonable facilities were not provided for enabling electors to get

on the roll, if they would take the trouble to do so; but there had been confusion because persons could not find out in some cases whether they were on the roll or not. Electors moving from one electorate to another would sometimes take out a transfer; yet through the rolls not being issued, those persons would not be enabled to know whether their names were duly transferred to the new district or not. Sometimes those persons would take out a transfer for the new district, and in this way some name might be entered on two or three separate rolls if the same person had moved from one electorate to another. Either the officer in charge of the rolls had shown laxity in his duty, or he had too much to do. Members of this House should be vigilant when the Estimates came on, and the provision in the Bill should be left as it stood.

MR. DIAMOND: In referring to officers, he had no personal knowledge of them; and all he wanted was an assurance that the rolls would be properly made up for the next general election. They were in a shameful state now, and they were in a bad state also at the last election.

THE PREMIER: Having stated several times that he would do his best to put them right, his assurance should be sufficient.

MR. DIAMOND: It was not a question of the Premier's willingness, but a question of administration.

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

Ayes	...	...	10
Noes	...	...	23
Majority against		...	13

AYES.	NOES.
Mr. Diamond	Mr. Atkins
Mr. Hastie	Mr. Bath
Mr. Holman	Mr. Burges
Mr. Illingworth	Mr. Butcher
Mr. Jacoby	Mr. Connor
Mr. Johnson	Mr. Daglish.
Mr. McWilliams	Mr. Ewing
Mr. Purkiss	Mr. Foulkes
Mr. Taylor	Mr. Gardiner
Mr. Wallace (*Teller*).	Mr. Gordon
	Mr. Gregory
	Mr. Hayward
	Mr. Hicks
	Mr. Holmes
	Mr. Hopkins
	Mr. Isdell
	Mr. James
	Mr. McDonald
	Mr. Pigott
	Mr. Rason
	Mr. Reid
	Mr. Smith
	Mr. Higham (*Teller*).

Amendment thus negatived, and the clause passed.

Clause 6—Inspector of Parliamentary Rolls:

MR. JACOBY: The object which members had in view might be attained by striking out the words "may be appointed" and inserting the word "shall" in their place. This office should be held by one person, if the work was to be done efficiently. He had seen how the department had been administered, and he wanted to insure that it should not be administered by the same person as in the past. In the Swan district some people who had been longest resident there were the first to be struck off the parliamentary electoral roll, and this was done by officers sent there by the Chief Electoral Officer.

THE PREMIER: It was to be regretted that an hon. member had seized this opportunity for making a small attack on the Chief Electoral Officer. His own opinion of this officer was that he was most conscientious and capable. The difficulty really was that this officer had tried in the past to carry out his duties conscientiously according to the Act; but the Act was full of difficulties and pitfalls, thus rendering this officer's duties the more difficult. Speaking from his short experience of this officer as an administrator under the Act, he must say that on several occasions when he had objected to certain matters, the officer had always been able to point out that the Act required him to do exactly as he had done; and he had said, quite accurately, that while it was his duty to administer the law as it stood, if the law was not efficient it was the business of Parliament to make it so. The fault lay with this House in having passed the existing legislation on the subject.

MR. CONNOR: It was hardly fair that a member who desired to amend the Bill should be accused by the Premier of attacking an individual officer.

THE PREMIER: The member had said so deliberately.

MR. CONNOR: The member for the Swan had been only trying to carry out the policy of "retrenchment and reform" on which this Government got into power. The member's object was purely to effect some retrenchment in this

department, and to show how it could be carried out.

MR. HOLMAN: From what had been said, one would suppose that the Chief Electoral Officer had done his duty as it should be done. That was not his own experience in the North Murchison. It was the duty of the Chief Electoral Officer to see that there, as elsewhere, persons were appointed to take absentee votes; yet just before the last general election he (Mr. Holman) wrote to this officer informing him there was no person appointed in the North Murchison to take absentee votes. Of the two who had been appointed, one had left the district and the other (an officer in the Mines Department) had been removed to another district; and no one had been appointed in their place to perform this duty. The reply received from the Chief Electoral Officer or from those acting under him was that the people in the district should see that the matters were remedied. If the Chief Electoral Officer had carried out his duties he would have remedied the state of affairs, so that people who were absent at times of elections could record their votes.

MR. HOLMES: From the expressions which had fallen from members it would seem that the Committee were dealing with the appointment of a Chief Electoral Officer. The personal element should not be allowed to enter into the discussion. If the Chief Electoral Officer was not capable of carrying out his duties, it was for the House to deal with him when considering the Estimates, but in the present Bill provision should be made to bring about an alteration of the electoral law. It was reasonable to have a provision for two officers, although the Government might not appoint two.

MR. TAYLOR: It was not his desire to make an attack on any officer. He objected to members on the Government side, especially the Premier, accusing members of attacking persons who were not present. It was more brave and noble to defend someone who was absent, and that was the position which the Premier took up, but it was not fair. How could a debate of this nature be carried on without some reference being made to the officer who occupied the position? This officer had proved himself objectionable to the House, for last session, when dealing with the Estimates, the officer's salary was reduced by £100. The Government ought then to have removed the officer, and when the Government did not do such a thing it was to be expected that members would tell Ministers of their shortcomings.

THE MINISTER FOR WORKS: The remarks of the hon. member (Mr. Taylor) showed that he was considering the officer and not the office. The Bill asked that provision be made for a Chief Electoral Officer and an Inspector of Parliamentary Rolls, it also provided, should occasion arise, for one person occupying the two offices. Because some members of the Committee said the officer who at present occupied the position of Chief Electoral Officer was not giving satisfaction, they wished to abolish the position so as to get rid of the officer. That was an extraordinary procedure. If this officer did not give satisfaction—which one did not admit—members would have an opportunity of dealing with him when the Estimates were being considered. The Committee should allow common sense to guide them. It was not reasonable to abolish an office to get rid of an objectionable person.

MR. DAGLISH: Like the Minister for Works, he intended to look at the question altogether apart from the personal side, therefore he would support the amendment of the member for the Swan. It seemed that there was no ground for objecting to the amendment. The Bill provided that the same person might be appointed Chief Electoral Officer as Inspector of Parliamentary Rolls, therefore there was an admission that the work of both offices could be done by the one person. The Committee had time after time within the last few months determined that where one person could fill two offices he should do so in the interests of economy. Here was an opportunity of making our economy a matter of statute law. He could not understand why there should be any objection to adopting that course, for we were not legislating for all time. However good the Bill might be—and undoubtedly there were some good points about it—it was not so good that it would last a number of years with-

out amendment. Before two statutory officers were required for these two positions there would be need to deal with the law again. But if the work did increase in the immediate future it was not necessary for an officer employed on the electoral rolls to be an officer appointed by statute. Ministers knew they had power to appoint officers in various departments without having distinct parliamentary sanction in the shape of a section in an Act of Parliament dealing with every officer appointed. If there was any necessity, the Bill could be amended as soon as there was any great increase of work.

MR. HIGHAM: It appeared from some members that the Bill must be passed to suit the staff, and not that an efficient staff should be found after an Act of Parliament was passed. There was a good deal of difference in the two positions; one was administrative, while the other to a great extent was mechanical. Possibly the Government might at some time get one officer to fill the two positions with satisfaction to the State, but it was not necessary to make it compulsory that one officer should fill the two positions. For the next six months after the Bill was in force the work of the department would be considerably increased. It was competent for members to deal with the officer referred to on the Estimates when the time arrived.

MR. ILLINGWORTH: Whoever was head of the department should be in touch with the office itself. What was causing the difficulty at the present time was that there was only a figurehead at the head of this department, and that was proved by the fact that originally £100 was given for the work. No administration of an important office like this could take place while it was tacked on to other offices in the way this office was. His desire was to see that there should be a head to this department who would administer it and be responsible to the House and to the country for the administration. We could not possibly expect that the present officer, under the existing arrangement, could administer the Act: as a matter of fact he did not come in touch with the work. The Electoral Department was important enough to have an officer at the head who would be responsible to the House and who would be responsible for the preparation of the rolls. If, by the amalgamation of the two offices, this could be done he would support the amendment, but he did not want to deal with any individual officer. He wished to see the work properly carried out, but it stood to reason that we could not have an administrator of a department who did not come in touch with it, because he had so many other duties to perform. There was need for a head of the department actually in the office, and watching the administration.

MR. JACOBY: The attack he had made was directed at the administration of the office, and not at the officer. A member referred to persons appointed to take proxy votes. He (Mr. Jacoby) knew of such appointees in his own district who had left the district two or three years before their appointment; and the appointments were due to the direct action of the Chief Electoral Officer. Listening to the Premier's defence of this officer, one wondered whether the Premier was trying to emulate the Minister who, in a previous session, after warmly defending an officer attacked, went round to the member who had made the attack and said: "I am very glad you attacked that officer, old chap; he is a 'rotter,' and I wish we could get rid of him." Surely if any member had a personal motive, that member was the Premier, who personally knew the officer referred to, whereas he (Mr. Jacoby) was speaking purely in the public interest, and aiming at securing in this department an efficiency of administration which had been lacking in the past.

THE PREMIER repeated that it was necessary to have an Act providing for a Chief Electoral Officer and an Inspector of Parliamentary Rolls, for both officers would be necessary if the State developed. Only one officer might now be needed; but that should not affect the draftsmanship of the Act. The Act should not be made to fit the staff.

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

Ayes	...	...	13
Noes	...	...	21
Majority against		...	8

Ayes.	Noes.
Mr. Connor	Mr. Atkins
Mr. Daglish	Mr. Bath
Mr. Diamond	Mr. Burges
Mr. Hastie	Mr. Butcher
Mr. Holman	Mr. Ewing
Mr. Illingworth	Mr. Foulkes
Mr. Jacoby	Mr. Gardiner
Mr. Johnson	Mr. Gordon
Mr. McWilliams	Mr. Hassell
Mr. Nanson	Mr. Hayward
Mr. Purkiss	Mr. Hicks
Mr. Taylor	Mr. Holmes
Mr. Wallace (*Teller*).	Mr. Isdell
	Mr. James
	Mr. McDonald
	Mr. Pigott
	Mr. Rason
	Mr. Reid
	Mr. Smith
	Mr. Throssell
	Mr. Higham (*Teller*).

Amendment thus negatived, and the clause passed.

Clause 7—Electoral Registrars:

MR. DAGLISH: Much of the difficulty hitherto experienced in getting proper rolls was due to neglect on the part of some electoral registrars. The existing Act hindered registrars from getting off the rolls names which were mere repetitions. To remove these, notices of objection must be posted, so that if one person's name appeared three times, two notices must be sent him. The work of removing obvious duplications and the names of dead persons should, as far as possible, be simplified. At all events, the present system of registrars was not working satisfactorily, as was proved within the last few months in the revision courts by the manner in which these officers brought business before the courts, or by the fact that they did not bring any. The other day one gentleman who sat on the bench of the court found no registrar in attendance. A member of the bench had to find the registrar and bring him to the court; and when brought he had nothing to say, though there was a number of dead men's names on the rolls, and the names of some who had left the district. These had not been objected to by the registrar, nor had the names of the dead persons been tabulated. This registrar was clerk of petty sessions, and, receiving no great emolument for acting as registrar, took little interest in the duties. In this same country district a claim was put in by a would-be voter, who gave his address as the township. He was unknown to the registrar, and his claim was witnessed by a man who gave his address as Murray Street, Perth. The registrar had never seen either, and it was impossible to find the elector. Prior to the sitting of the revision court, the registrar made no effort to discover the real address of the claimant, or the *bona fides* of the witness. The registrars were not well enough remunerated, and they seemed to be under no control. There was no one to reprimand them for apathy and neglect of duty.

MR. HOLMES: Pass the Bill now, and deal afterwards with the officers.

MR. DAGLISH: But the Bill contained no vital alteration of the existing Act in respect of control of electoral officers and of elections. The rolls would continue faulty if we used the same machinery and did nothing to make it work more smoothly.

Clause put and passed.

Clauses 8 to 13—agreed to.

Clause 14—Qualification of electors (Council):

MR. HASTIE moved as an amendment:

That the clause be struck out [with a view of inserting the qualification provided in the next clause (Assembly), to apply also to the Council].

Much time had been occupied in discussing the personality of one or two apparently unimportant individuals. Last evening this House was called upon to decide whether another place should be abolished or continued. We were now saddled with that other place, and it became necessary, under this clause, to say who should vote in an election of members to that other Chamber. By making the amendment he now proposed, we should be following the precedent made in the case of the Federal Senate. The qualification of electors to the Senate was not restricted to one class of the community, but all persons who were electors for the Lower House were to be electors also for the Senate. Under this clause, the qualification was not purely that of property, but was given only to persons who owned a particular kind of property. There were people in the State who had not a vote for the Upper House; and being one of them himself he was anxious to have a say as to who should represent him in that other Chamber. Having no vote for the Upper House at present, therefore, unless he happened to buy a qualification as provided in this clause, he would be disqualified from voting for the Upper House. It would

not be unreasonable, for instance, if any member of this House, or one who had been a member, were qualified for that reason to be an elector for the Legislative Council. To show how the present system worked, a man might own a property worth £200, there might be a mortgage of £100 on it, and the man might be farther in debt to the amount of £200; so that he would actually not own anything, yet this clause would give him a vote as a property-owner, a right of voting for the Upper House.

THE PREMIER: A man in that position was entitled to some consideration; but the hon. member might qualify by taking up a mining lease.

MR. HASTIE: Although part-owner of a mining lease at present, he was not qualified as an elector for the Council. The clause provided that if the property were a house, it must be worth £12 a year rental; so that practically a mining party working a small claim would not have any vote for the Upper House. There was no encouragement in the State to have a vote for the Upper House, unless a person bought a house or land; and surely that was a one-sided way of giving a vote. If the clause passed as it stood, the majority of people eligible to vote for the Legislative Assembly would be debarred from voting for the Council; and this was so unfair that no member of the House would believe such a proposal could have been made, unless a system had come to us sanctioned by usage elsewhere.

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

Ayes	...	...	11
Noes	...	...	21
Majority against		...	10

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Connor	Mr. Burges
Mr. Diamond	Mr. Butcher
Mr. Hastie	Mr. Ewing
Mr. Holman	Mr. Gordon
Mr. Illingworth	Mr. Hassell
Mr. Johnson	Mr. Hayward
Mr. Nanson	Mr. Hicks
Mr. Reid	Mr. Higham
Mr. Taylor	Mr. Holmes
Mr. Daglish (*Teller*).	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. McDonald
	Mr McWilliams
	Mr. Pigott
	Mr. Quinlan
	Mr. Rason
	Sir James G. Lee Steere
	Mr. Throssell
	Mr. Gardiner (*Teller*).

Amendment thus negatived.

MR. HASTIE, referring to the same clause, moved as an amendment:—

That the words "is a householder" be inserted after "province" in the sixth line.

It had been suggested in the House that he, being unmarried, might qualify by taking a wife, and of course the first thing he would want would be a house to live in. That was an argument in favour of his amendment. It might be said that the provision as to the value of a house was pretty liberal in the Bill, but why make a difference in the valuation of one house as compared with another? Many a person lived in a house that had not cost £5. The word "householder" had an accepted meaning in Great Britain, and the word might well be embodied in this clause as conveying a definite idea.

THE PREMIER: Deal with this in Subclause 3.

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

Ayes	...	...	11
Noes	...	...	19
Majority against		...	8

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Burges
Mr. Diamond	Mr. Butcher
Mr Hastie	Mr. Foulkes
Mr. Holman	Mr. Gardiner
Mr. Illingworth	Mr. Gordon
Mr. Johnson	Mr. Hassell
Mr. Nanson	Mr. Hayward
Mr. Reid	Mr. Hicks
Mr. Taylor	Mr. Holmes
Mr. Wallace (*Teller*).	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. Piesse
	Mr. Quinlan
	Mr. Rason
	Sir J. G. Lee Steere
	Mr. Throssell
	Mr. Higham (*Teller*).

Amendment thus negatived.

MR. HASTIE moved as an amendment,—

That in Subclause 1 the word "fifty" be struck out, and "twenty-five" inserted in lieu.

MR. DAGLISH: One was at a loss to exactly understand the course adopted to-night. The member for Kanowna had introduced to the Committee two proposals previous to this one, and the leaders of both parties were silent, therefore it was to be expected that they were supporting the amendment; but after the member for Kanowna had made out a very strong case in defence of the position taken by him, a very strong majority, headed

by the leaders of both parties, voted against the proposal. If the hon. member had brought forward arguments that were ridiculous, it was the duty of one of the leaders to reply to the arguments and show to the Committee what the absurdity consisted of. If the arguments were unanswerable, it was the duty of the Committee to accept the amendment. The Government should not take advantage of their numbers in order to oppose an amendment, and try and pass clauses without alteration and discussion. The Premier was making a great mistake in trying to force the Bill without discussion. It was an insult to the member for Kanowna as an individual member that his remarks were passed without comment, and it was an insult to any member who moved an important amendment and an insult to the country that important proposals were received in absolute silence by the leader of the Government, and dealt with without discussion in Committee. If the object was to rush the measure through, then he warned the Premier that this was taking a wrong course to get it through. If the Premier adopted these tactics and used his numbers or thought he could use his numbers to force the Bill through without discussion, he would find that numbers were unavailing. It was intended to insist, when proposals of this importance were brought before the Committee, that there should be some semblance of discussion.

THE PREMIER: It was something to find one member insisting on that. The Electoral Bill had been before the Committee from half-past 7 until close on half-past 9, and it had taken all that time to get through 13 clauses which were purely administrative clauses, not one containing a contentious principle. That did not seem like rushing the Bill through. It was rubbish to say so. The member for Kanowna had moved three amendments on Clause 14, which was the first contentious clause: first to strike it out, in which he did not think the hon. member was serious, then when the hon. member moved the second amendment he (the Premier) advised that the proposal should be submitted on Subclause 3, and now we had the third amendment. [illegible] oped the member for Subiaco would [illegible]e hurt if he (the Premier) said he was not very much afraid of the threat. On the third amendment he had naturally expected reasons for reducing the freehold qualification from £50 to £25, but none had been adduced. The threats of the hon. member for Subiaco would not worry him.

MR. CONNOR: One result of the discussion was to show the country that the Labour party were no longer servile followers of the Government. He would be in sympathy with the member for Kanowna if the qualification were struck out altogether, so that there would be the same qualification for both Houses. It would be advisable to accept the suggestion of the Premier and discuss the proposal on Subclause 3.

MR. ILLINGWORTH: The leader of the Labour party was a strong advocate for the abolition of the second Chamber, yet that member had been moving amendments which would strengthen the Upper Chamber. That was why he (Mr. Illingworth) had supported him. If the second Chamber were popularised, that would increase its power and usefulness; therefore he had supported the amendments. We should make the second Chamber more powerful, more popular, and more useful if we brought it under the same franchise that elected the Assembly, only in wider districts. When the member for Kanowna proposed to reduce the franchise, he (Mr. Illingworth) still supported him for the reasons he had already given. If we built up and strengthened the Upper Chamber and increased its popularity, it would become stronger than it was now. There were many members who were of opinion that we needed a second Chamber. It was surprising that such members should vote against popularising the second Chamber, while those who desired to do away with it voted for increasing its powers.

MR. HASTIE: Last night he had voted for the abolition of the Upper Chamber; but this House then declared that we must have a second Chamber. If so, let it be as good a Chamber as possible. He did not care what would be the ultimate result of making it stronger. The member for East Kimberley (Mr. Connor) had said there was some change of front on the Labour benches. No. During last session, Labour members moved every one of these amendments,

and supported them strongly. The Premier's statement that Labour members were not serious was made in default of argument. He asked why the valuation should be reduced to £25. Surely he knew that on the goldfields there were many hundreds if not thousands of houses whose capital value was less than £50, and whose owners would therefore be deprived of the franchise. Throughout the country, in thinly populated districts most people lived in such houses, and such people the Premier was apparently willing to disfranchise because they did not build more valuable houses than they needed. Surely that was a good reason for the amendment, to prevent the disfranchisement of thousands of the best men on the goldfields.

THE PREMIER: Could the hon. member satisfy him that there were freehold residential blocks on the goldfields of less than £25 capital value.

MR. HASTIE: Hundreds and thousands of people outside the thickly populated centres lived in houses not worth £50, and they did not come under the qualifications in the clause. To all intents and purposes their land was freehold, so long as they liked to stay there.

MR. BATH: Labour members were often accused of favouring class legislation; but to-night we were trying to extend the Upper House franchise to everybody, while our opponents favoured conferring the privilege on a section of the community. He had not heard a single argument that would bear investigation in favour of restricting the Upper House franchise. If at one election a man possessed sufficient property to entitle him to vote for the Council, his holding the property was considered a sufficient guarantee that he had enough intelligence to vote. If, during the interval before the next election, he lost the property through some disaster, he ceased to have the vote, though he had not in the interim become less intelligent, but had probably been led by his riper experience to hold broader views. No one could urge any logical argument in favour of limiting the franchise; and it was significant that not one member of either Government or Opposition had attempted to defend its restriction.

MR. HOLMAN: The Premier asked for instances of freehold estates of less than £50 capital value. Scores of people on the goldfields had purchased blocks for less than £50, at the upset price of £7.

THE MINISTER FOR LANDS: They would have the roads board qualification.

MR. HOLMAN: To say that the blocks would have an annual value of £12 was to value them highly. The value of such blocks might, because of increased adjacent settlement, rise to £50; yet the owner was disfranchised because such settlement had not taken place. The upset price (£7) should be taken as the capital value needed to qualify the owner to vote.

MR. JACOBY: Surely the object was to secure the passing of the Bill. If we went to extremes the Bill would be defeated. In reforming the Constitution the first necessity was to reform this House—the powerful House, which did the practical work of the country. If some members had their way the Bill would not pass this session, and the new Parliament would be elected under the old conditions, which would be a deplorable calamity. If Labour members sincerely desired constitutional reform, they would adopt a moderate course.

MR. JOHNSON: What was the result of moderation last session?

MR. JACOBY: Did the hon. member call his last session's actions moderate?

MR. BATH: What about the merits of this amendment?

MR. JACOBY: The qualifications proposed by the clause he thought reasonable, as they would give the franchise to practically every householder in the State; and if there were a few whose houses were so small and poor that they did not carry the franchise, that fact would be an incentive to those owners to improve their houses with the object of qualifying as Council voters.

MR. ILLINGWORTH: An instance of the absurdity of the property qualification. He held certain property in the Cue municipality in respect of which he had been an Upper House elector. He was not now an elector, though he held the same property; because the valuation had been reduced. Hundreds of others in his district had been similarly disfranchised. It was very well to consider the values

obtaining in Perth; but in many districts people lived on lands of very little value.

THE PREMIER: If they lived on them, they came under other subclauses.

MR. ILLINGWORTH: Carry this reduction and enfranchise those people, who had as good a title to vote as thousands of others. The argument based on property was never sound. A man might have a thousand pounds worth of property which he might sell to buy a wagon and team of horses, and he would thereby lose his vote, though his wealth would not have decreased. The Federal Parliament had taken up the broad position that all should vote alike for both Chambers, and the supporters of the amendment were consistent with the Federal franchise.

MR. DIAMOND: Having refrained from speaking on various amendments, he would simply say now that in having voted for the abolition of the Upper House and in now supporting a reduction of the qualification for electors of the Upper House, he was acting in accordance with the whole course of his career. He was convinced that the Upper House was a useless encumbrance, and consequently he voted for its abolition; but not succeeding in that he would now vote for reducing the qualification for electors.

THE MINISTER FOR LANDS: Reference had been made by certain members to the value of freehold lands on the goldfields. The member for Cue had cited his own case; and one might ask, was the object of the Labour party in this amendment to confer votes on absentee owners? Because that would be the effect of reducing the value of a property to qualify an elector for the Upper House. The member for North Murchison (Mr. Holman) had spoken of residents on the goldfields having freehold blocks outside the goldfields towns. He (the Minister) had never heard of a freehold being granted for a property outside the town boundaries of any goldfield in this State. There were no freeholds outside the town boundaries on the goldfields; therefore that statement was erroneous. Could it be said that any resident of the Eastern Goldfield had a house of less annual value than £12? He did not suppose that 10 per cent. of persons who sent Labour members present them in this House had freeholds of a less annual value than £12; and if it was desired to insure to each of those persons a vote for the Legislative Council, the proper way would be to reduce the annual value provided in the clause, and not reduce the capital value of freeholds, because most of the voters on the goldfields had not a capital value that would bring them under this clause.

MR. GORDON supported the clause as it stood. He would not be swept along in the democratic whirlwind which was so prevalent at times in this House. Some members had asked for arguments; but arguments would be of no avail from their standpoint on this question, for practically they hoped to do away with the property qualification altogether.

MR. BATH: Give an instance where that was bad for any country.

MR. GORDON: Legislation in that direction would do harm to the best of the residents and voters in this State, the thrifty and industrious; and he was not in favour of putting all the power in the hands of a numerical majority. He was not here to look after the interests of capital nor after the interests of the working party such as were represented in this House; but he was here to represent the working man who earned a few pounds and put it into a home, and might sell it if necessary, but who at least wanted to have a stake in the country. This kind of man was entirely overlooked by certain members in this House, he meant the man who stood between the two extremes of capital and labour. In the case of a strike, the moneyed man closed his money-bags and laughed at labour, while the extremist who struck would at least get his strike pay; while the man who had a home would not see his family starve during a strike, but would mortgage his house before the strike was over for assisting his family. He (Mr. Gordon) was satisfied that his own constituents (South Perth) knew what he had done in the cause of democracy in this House. The chances were that his votes in that direction had done more harm than good so far, because he realised that he had been too much in the cause of democracy; but go farther in that direction he would not, and that was the position he would take for the remainder of the session.

MR. HASTIE: The only thing one marvelled at in regard to the member for South Perth was that he allowed this Assembly to be elected by persons who had no stake in the country, instead of having only a property qualification. No doubt the hon. member was satisfied that those who had land and houses were the wisest men. The member for Boulder (Hon. J. M. Hopkins) had asked as to what people on the goldfields owned freeholds whose property was not worth £12 per annum rental or £50 capital value. Some blocks of ground not worth £50 each might be found in Edjudina, Yerilla, Kanowna, Bulong, Mulgarrie, Broad Arrow, Paddington, Bardoc, Windamya, and Kurnalpi.

THE MINISTER FOR LANDS: It was the annual value that gave them a right to vote.

MR. HASTIE: But the annual value did not. In his own case he had resided at Kanowna, and the annual value of the place he had was not £12. Kanowna had been rushed by a number of people at one time, and more houses were put up than were required later; consequently houses were to be bought very cheaply, and he bought one, a really good house, for £14 10s. No municipal valuer would value that at £50 capital value or £12 annual value. Why give an advantage to people who owned freehold property over those who did not? On goldfields in Victoria, Queensland, and other places, people who owned houses had been occupying them for thirty or forty years.

MR. NANSON: The amendment struck at the property vote, and he was astonished that the Premier had not taken the opportunity to instruct Labour members and others, including himself, as to their deplorable ignorance in regard to the advantages to the country derived from that system. No logical defence of it was possible. If one looked back into the utterances of the Premier before he occupied a Ministerial position, back to those far-distant democratic days when he had more enthusiasm for popular representation, we should probably find the hon. member attacking the very principle that he was now determined to place in this Bill. It was not perhaps necessary to labour the question because the Government, owing to some arrangement possibly with members on the Opposition side, of which he (Mr. Nanson) was not personally aware, had no need to argue the question, having a solid majority to support them. He did appeal to the Premier and to his colleagues, whether it would not look better if at least one or two reasons were given for placing in this Bill a provision to perpetuate the obsolete system of the property vote. If there was any argument in favour of the property qualification, or if it could be shown that the possession of £50 freehold invested a man with political virtues that the absence of the land deprived him of, it would be well for the Premier to enlighten the minority on that subject. Nothing said at this stage, however, was likely to turn the compact majority the Government possessed into a minority; yet the Premier might be able to win over some members of the minority to his way of thinking.

THE PREMIER: If the Government majority had been increased since last session, it must have been because the member for the Murchison talked so much last session and the Government so little. There was a complaint last year that the Government did not talk enough; but one could not always respond to the requests of loquacious members, as there were so many members who had no particular thoughts of their own—this did not apply to the member for the Murchison—who as the debate proceeded found something on which to hang an argument. The Government were not called on to justify or defend the property qualification. The law existed to-day. The duty of the Government in dealing with an electoral law was to recognise the fact that the existing Act contained a great number of matters that needed amendment. The Bill did deal with a great majority of the defects in existing legislation, and it was a Bill, if passed, that would give satisfaction to the State. We had in the existing law a provision for a property qualification giving a vote to a person who had £100 worth of freehold. It was proposed to reduce that by one-half, and to reduce the leasehold of £25 a year to £12 a year. It was idle to say that the Government, who were prepared to go so far in liberalising the electoral law of the State, were defending a system which was supported, if not by a majority, yet by another House which would

not for a moment pass a Bill if members adopted the suggestion thrown out in the course of the debate. There were extremists who said, "Let the people who want votes starve for them while we fight the Council." He (the Premier) wished to give as many people votes as he could. He had never had sympathy with extremists. It was a nice thing for men who were irresponsible to talk about. It was nice to say, "Let us have a fight with the other House." It read so well in the morning Press! People then said, "The member for so-and-so—he is the man; he is not afraid of the Upper House; he attacks the Government and wants to fight." That was the man who did not occupy a responsible position. But the duty of the Government was to pass a Bill which would attain a desirable reform, yet would not go so far in its provisions as to guarantee the rejection of the measure in another Chamber. Whilst we had the bicameral system, it was the duty of the Government in introducing a Bill to see that it would attain the object in view, and not introduce a Bill that would guarantee its rejection in another place. The member for the Murchison, when opposing one of the most reasonable and moderate Bills ever introduced into a Parliament in Australia—the Factories Bill—said that it embodied so many dangerous innovations and revolutionary principles that it was only brought forward by the Government because they knew it would be defeated in another Chamber.

MR. NANSON: The hon. member could not find that.

THE PREMIER: The hon. member might not have said those words, but in substance he said it.

MR. NANSON: Quote *Hansard* where that was stated.

THE PREMIER: The hon. member could read through *Hansard* and find it for himself.

MR. NANSON: The Premier was challenged to find it.

THE PREMIER: The hon. member in substance—he did not pretend to quote the hon. member's words, for he was always so eloquent and used so much better language than he (the Premier) could—said the Bill contained so many startling innovations, which showed on the face of them that there was a desire on the part of the Government not to pass the Bill, but to guarantee its rejection in another Chamber. Yet when the Government brought forward a Bill which every member recognised was a distinct advance on existing legislation, it was charged against the Government that we were most conservative because there were not innovations in the measure which would guarantee the rejection of the Bill by the Council. The measure contained a simplification of electoral legislation, with the abolition of plural voting and limitation of expenses, which was a greater advance in electoral legislation than any Parliament had yet made in Western Australia.

MR. HASTIE said he would be very sorry if the giving of a franchise to those people who did not own rich properties would be the means of the Bill being rejected. But he could not believe that of another place. Those who believed the argument of the Premier he asked to vote against the amendment.

MR. DAGLISH: The Premier had talked at some length about the desirability of passing the Bill, but he failed to deal with the amendment. The amendment reduced the qualification of a freeholder from £50 to £25. The Premier had recognised that some reduction was necessary in the existing Act, and he had given no reason why the reduction should be limited to £50. There was no reason to believe that £50 was the limit which the other House would accept. Assuming that it might be necessary for the Chamber to compromise, we should put forward our real demand at first. If we began with our real opinion and another place expressed the limit that they were prepared to go, there would be a better opportunity of coming to a compromise than if we met them halfway before we were required to meet them at all. The other House would require a compromise between the existing qualification and the £50, whereas if we reduced the qualification to £25 or £10, then we probably should be able to make a compromise that even according to the Premier's argument would be more satisfactory to him. The privilege of the franchise should be granted to as many as possible, and it was the duty of members

to grant it to every freeholder. What logical reason was there for stopping at any definite amount? He was sorry the member for Kanowna had not moved an amendment to strike out every word after "possession," so that we would then say that every freeholder should have a vote. The fluctuation of values should not give a man a vote or take one from him. The principle of the subclause was that a man should not have a vote unless he bought it. Then a person should be allowed to buy his vote as cheaply as possible. The Premier said that a man should not have his vote for less than £50, whereas the member for Kanowna was of opinion that if a man could raise £25 he should be allowed to buy a vote. His (Mr. Daglish's) opinion was that every freeholder should have a vote. Seeing that we could not get manhood or womanhood suffrage, we should give the best franchise possible for the Legislative Council. He hoped the amendment would be carried.

THE PREMIER: In fixing £50, a substantial reduction was made on the £100 qualification now in existence. He was satisfied by inquiries that there were very few cases indeed where people held freehold estates, unimproved freehold estates—because if they were improved they would come under another clause—of less value than £50. [MR. BATH: Any number.] Subclause 1 really aimed at the unimproved estate; and under present conditions, as a man had only one vote, this point was not material, and it was not desirable to go much out of the way to assist any unimproved freeholder.

MR. DAGLISH: A man's wife or his son was often a freeholder.

THE PREMIER: True; but unless by reducing the value from £50 to £25 we could include a large number who otherwise could not vote, what was the use of the amendment, seeing that greater benefits could be obtained by reducing the qualifications in the other subclauses? The £12 in Subclause 2 might be reduced to £10; and Subclause 4 might be similarly dealt with, because the Minister for Mines stated that the average mine claim was a little over 11 acres, and the £10 annual value of a lease under Subclause 4 would include the great majority of the small leases.

MR. JOHNSON: These were held by two men, and only one would get a vote.

MR. TAYLOR: Some were held by four.

THE PREMIER: If the minimum in Subclauses 2, 3, and 4 were reduced to £10, that was very liberal when the £25 qualification of the existing law was borne in mind.

MR. HASTIE: Most claims held by big mining companies were of 24 acres, whereas those owned and worked by men in Western Australia would not average six acres each. The large majority of the small claims were of less than 12 acres. The reduction of the occupation qualification to £10 did not meet the case; and it was absolutely useless. Supposing the Premier's proposed qualifications were accepted, at least a quarter of his (Mr. Hastie's) constituents would be disfranchised, for they lived in places which had practically no value.

THE MINISTER FOR LANDS: They must have a rateable value.

MR. HASTIE: The selling value was small where there was a small population.

THE MINISTER FOR LANDS: What was the annual letting value?

MR. HASTIE: There was none, for the properties could not be let.

THE MINISTER FOR LANDS: Where there was a local body, it would assess a value.

MR. HASTIE: In towns the local body assessed too low a value, and on the goldfields such valuations were excessive. None of the Premier's proposals would meet the case. There must be a reduction in the freehold value, and even that would not enfranchise the many hundreds of people living on the goldfields who had substantial houses but no freeholds.

MR. BATH regretted that any member of the House in attempting to defend an illogical and selfish position should utter so unworthy a sneer against a large section of the community as was uttered by the member for South Perth (Mr. Gordon). There were unworthy men amongst both rich and poor, but the hon. member must admit that amongst the latter were men who had come here and helped in their small way as units of the population to build up the State; and to their influx and their work the present prosperous position of Western Australia was largely due. The hon. member then spoke on behalf of such men,

and deplored their being affected by disputes between capital and labour, and sneered at the Labour party for that. But what party, not only in this but in every other State, was responsible for introducing the legislation which had abolished industrial war between capital and labour, and substituting a more equitable method of settling disputes? The truthful answer must be "the Labour party." The fact that a man had no desire to secure a piece of land did not render him a less worthy citizen than he who had such desire, nor did it give him a less valid claim to a vote. It was to be hoped that the hon. member's remarks did not express the opinion of the intelligent members of the Assembly.

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

Ayes	...	...	11
Noes	...	...	21
Majority against		...	10

Ayes.	Noes.
Mr. Bath	Mr. Atkins
Mr. Daglish	Mr. Burges
Mr. Diamond	Mr. Butcher
Mr. Hastie	Mr. Ewing
Mr. Holman	Mr. Gardiner
Mr. Johnson	Mr. Gordon
Mr. Nanson	Mr. Gregory
Mr. Reid	Mr. Hassell
Mr. Taylor	Mr. Hayward
Mr. Wallace	Mr. Hicks
Mr. Illingworth (*Teller*).	Mr. Holmes
	Mr. Hopkins
	Mr. Isdell
	Mr. Jacoby
	Mr. James
	Mr. McDonald
	Mr. Piesse
	Mr. Pigott
	Mr. Rason
	Mr. Yelverton
	Mr. Higham (*Teller*).

Amendment thus negatived.

MR. ILLINGWORTH took the Chair.

MR. HASTIE: The qualification in Subclause 2 was "a leasehold estate in possession of a clear annual value of twelve pounds." He moved as an amendment—

That the word "twelve" be struck out, and "five" inserted in lieu.

It was unnecessary to repeat arguments; he would divide the House on the amendment. Why would not the Premier treat the man with a small lease similarly to the man with a big lease?

THE PREMIER: A mining lease was dealt with under Subclause 4.

MR. HASTIE: Let all lessees be on an equality. What reason for any distinction?

THE PREMIER: Let the qualification be reduced to £10 in respect of Subclauses 2, 3, and 4, and then there would be no distinction.

MR. HASTIE: Why draw the line at £10?

THE PREMIER: Why draw it at £5? The hon. member was drawing a distinction.

MR. HASTIE: Subclause 2 read "twelve pounds;" and he asked why the man with a £12 holding should be treated differently from the man with one of £6? Was not the latter as worthy to be trusted with the franchise as the former? Why make the figure so high as £12?

MR. HOLMAN: Would it not be as reasonable to enfranchise a man who took up a garden area of five acres and paid £5 a year?

THE PREMIER: Would not he be living on the property?

MR. HOLMAN: Probably.

THE PREMIER: Then he would get the franchise as a leaseholder, or an occupier of a dwelling-house.

MR. HOLMAN: Some people worked garden areas on which they did not reside.

THE PREMIER: Then they could vote for the places on which they did reside.

MR. HOLMAN: A man might have his house in his wife's name, and might desire to vote in respect of his garden.

THE PREMIER: As a reduction from the £25 of the existing Act the £10 qualification was very liberal.

Amendment put, "twelve" struck out.

THE PREMIER moved that "ten" be inserted in lieu.

Amendment (ten) passed.

MR. NANSON, referring to Subclause 3, moved that after "dwelling house" the words "or room" be inserted, to extend the qualification to a lodger.

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

Ayes	...	...	10
Noes	...	...	18
Majority against		...	8

AYES	NOES.
Mr. Connor	Mr. Atkins
Mr. Daglish	Mr. Burges
Mr. Diamond	Mr. Butcher
Mr. Hastie	Mr. Ewing
Mr. Holman	Mr. Gardiner
Mr. Johnson	Mr. Gordon
Mr. Nanson	Mr. Hassell
Mr. Reid	Mr. Hayward
Mr. Taylor	Mr. Holmes
Mr. Wallace (*Teller*).	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. Piesse
	Mr. Pigott
	Mr. Quinlan
	Mr. Rason
	Mr. Yelverton
	Mr. Higham (*Teller*).

Amendment thus negatived.

THE PREMIER, referring also to Subclause 3, moved as an amendment—

That the word "twelve" be struck out with a view to inserting "ten."

Amendment put and "twelve" struck out.

MR. HASTIE moved that the word "five" be inserted in lieu.

THE PREMIER: Ten would be a fair figure.

MR. HASTIE: As this was a complicated question, it might be well to compromise by putting in "seven." "Ten" would exclude hundreds of people who were as able to exercise a vote as was the Premier himself.

Amendment ("seven") negatived; "ten" put and passed.

THE PREMIER, referring to Subclause 4, moved as an amendment—

That the word "twelve" be struck out with a view of inserting "ten."

Amendment put, and "twelve" struck out.

MR. HASTIE moved that "five" be inserted in lieu. The Premier and the Minister for Mines had shown great anxiety to allow people on the goldfields to occupy small areas of mining ground; yet by putting "ten" into this subclause, Ministers would be denying to hundreds of people the privilege of a vote who were well able to exercise it.

THE PREMIER: One could hardly imagine a dwelling place that would be less than £10 a year in rental value.

MR. HASTIE: Plenty of them, away from populous centres.

THE MINISTER FOR LANDS: The member for Kanowna was under a misapprehension as to the method by which the annual value was determined. The member was accepting the annual rental paid to the Crown as being the annual value that entitled a person to vote. That was not so. One could not conceive a five-acre property on the Eastern Goldfields which was rated under £10 a year, and if the member would make a search of the books of the local governing bodies, he would find that to be correct.

MR. CONNOR: If that argument were correct, where was the necessity for the clause at all? He would support the amendment. If there was any benefit to be gained by having a vote for the Upper House, then it should be extended to as many as possible. The amount mentioned in the subclause represented the rental of a pastoral country of nearly 75 square miles in extent.

MR. HOLMAN: What position would two men who occupied one camp stand in? Would one be entitled to vote and the other not?

THE PREMIER: That all depended on the value of the camp. The clause stated that where there were two or more persons holding a leasehold they could vote in respect of it if the value of the leasehold entitled them to such votes. If two persons were living in a house and the house was worth an annual value of £20, the two persons could vote. Last session, when this matter was under discussion, he wired to all the wardens asking if £15 would cover the majority of tenements on the goldfields, and he was then assured that there were very few under the value of £15.

MR. HOLMAN: If two persons were living in a dwelling house and the value was £20, both could have votes?

THE PREMIER: They would have to be occupiers.

MR. HOLMAN: Persons living in the house.

THE PREMIER: The one who paid the rent would be the occupier.

MR. JOHNSON: Would a man and his wife be entitled to vote?

THE PREMIER: If they were joint occupiers, then they could both vote.

MR. HOLMAN: Almost all people who went out prospecting would be disfranchised. Parties of four men might go out and take up a 12-acre lease. These men usually camped on the ground alongside the lease. Only one of that number would be entitled to vote.

MR. TAYLOR: No provision was made for a man holding a reward claim to record his vote.

THE PREMIER: Provision could not well be made for such persons. After all, there were not many men in the State who would come under the provision, and we could not begin to legislate for special conditions.

MR. HASTIE: There were hundreds of people who had reward areas and prospecting areas.

THE PREMIER said he was referring to reward claims.

MR. HASTIE: Those were just in the same position, and the Premier refused to allow the occupiers to have a vote for the Upper House.

MR. CONNOR: It would be advisable to make the value £6. Under the labour conditions one man fulfilled the labour conditions for a 6-acre lease, which was of the value of £6 a year.

MR. HASTIE: If the hon. member had not assured us that he knew so much about mining, one would think he knew nothing of it; because the regulations provided that the number of men must not be less than two.

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

Ayes	...	...	11
Noes	...	...	16
Majority against		...	5

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Connor	Mr. Burges
Mr. Daglish	Mr. Butcher
Mr. Diamond	Mr. Ewing
Mr. Hastie	Mr. Gardiner
Mr. Holman	Mr. Gordon
Mr. Johnson	Mr. Gregory
Mr. Nanson	Mr. Hassell
Mr. Reid	Mr. Hayward
Mr. Taylor	Mr. Holmes
Mr. Wallace (*Teller*).	Mr. Hopkins
	Mr. Jacoby
	Mr. James
	Mr. Rason
	Mr. Yelverton
	Mr. Higham (*Teller*).

Question thus negatived.

Amendment (ten) put and passed.

MR. HASTIE regretted that he had had to make so many proposals and remarks on this clause; but its great importance was his justification.

Clause as amended agreed to.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·55 o'clock, until the next day.

Legislative Council,

Thursday, 13th August, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: By-laws for registration of camels and licensing camel-drivers under the Roads Act. Public Works Report, 1902. Lands Titles Report, 1902. Surveyor General's Report, 1902. Under Secretary for Lands Report, 1902.

Ordered, to lie on the table.

QUESTION—JUSTICES OF THE PEACE, QUALIFICATIONS.

HON. J. W. WRIGHT asked the Colonial Secretary: 1, What qualifications are necessary for a Justice of the Peace. 2, If in making appointments to the Commission of the Peace, due regard is given to such qualifications.

THE COLONIAL SECRETARY replied: 1, There are no statutory qualifications. If a candidate is of good character, well known, and a resident of some few years' standing, he is qualified to be appointed should there be any need to appoint a Justice in the district in ques-