

Legislative Council,

Wednesday, 28th November, 1928.

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

QUESTION—VERMIN ACT, EMUS.

HON. E. H. H. HALL asked the Chief Secretary: In view of the destruction being caused to wheat crops north of the 30th parallel by emus, will the Government favourably consider amending the Third Schedule of the Vermin Act, 1919-1925, so that emus may be included as vermin in the above area?

The CHIEF SECRETARY replied: It was decided to only pay bonuses under Section 100a of the Vermin Act on wild dogs, foxes, and eagle-hawks at the request of the Pastoralists, Road Boards and Primary Producers' Associations as these are the only pests that can be considered general throughout the State. Emus are not a menace in many districts, therefore the Government cannot agree to the amendment to the Act to provide payment of bonus from the central fund, but emus and other vermin have been declared vermin in certain districts, which enables boards to pay bonuses from their own funds.

BILL—GROUP SETTLEMENT ACT AMENDMENT.

Further report of Committee adopted.

BILL—ELECTORAL DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. STEWART (South-East)
[4.35]: There is on the statute-book an Act which was passed in 1922 and assented to

in 1923. It provides for the appointment of three commissioners, consisting of a judge of the Supreme Court, the Surveyor-General and the Chief Electoral Officer, with the powers of Royal Commissioners. The Bill seeks to amend that Act. Those commissioners were appointed and their duty is set out as being to divide the State into 50 electorates on lines laid down in Section 4 of the Act, which this Bill seeks to repeal. But Sections 5, 6 and 7 of the Act also lay down conditions for the guidance of the commissioners and have to be taken into account in association with Section 4. It is provided that when the commissioners report to the Minister administering the Electoral Department, at the next meeting of Parliament a Bill shall be introduced for a redistribution of seats in accordance with the commissioners' recommendations. The Act of 1923 provided in Section 4 that the four northern electorates should remain as they are. Under the Bill that is still the position. It was also provided that the relative voting value of an electorate would be, in the metropolitan area one-quarter, in the agricultural area and the central goldfields area one-half, and in the mining areas one. The second type of area referred to, the "agricultural" area, I think is rather a misnomer to apply to that area. Under the 1911 electoral arrangement of seats, and showing the electoral strength of the present Act composing the constituencies, the electorates were grouped very differently. We had the metropolitan and suburban areas, then we had the mining districts, and the timber districts. Then there was the coal mining area, which is now classed as an agricultural area. Then there were the outports and country towns, such as Albany, Bunbury, Geraldton and Northam. Then we had the agricultural districts, taking in the South-West, such as Nelson, Sussex, Wellington, Murray, Swan, Midland, Irwin, Moore, Greenough, the eastern and the great southern districts, and so on. I do not at all like this grouping of country towns, coal mining, timber, forests and so on under the designation of agricultural areas. If we had "rural areas" or some other comprehensive name which would take in the lot, and the central goldfields too, it would commend itself much more to me. One very great difference in the proposal before us is that the central mining area, comprising four seats, Kalgoorlie, Boulder,

Hannans and Brown Hill-Ivanhoe until this measure came before us had always been recognised as centres of population that were easy of representation. In point of relativity in association with electoral values they were never regarded as being entitled to the same consideration as outback mining areas or even outback agricultural areas.

Hon. J. R. Brown: Why?

Hon. H. STEWART: Because they constitute a centre of population that have all the facilities for the recording of votes and for being easily represented and getting into touch with their representatives, and also because they were in close contact with the various social amenities of life.

Hon. J. R. Brown: They have no back country. There are only the goldfields behind them.

Hon. H. STEWART: We realise that. But I cannot understand why a voter in the central goldfields area should be regarded as entitled to consideration to the extent of double that of a voter down at Denmark, a greater distance from the seat of government than is Kalgoorlie, and certainly with nothing like the facilities I have mentioned, such as contact with the Parliamentary representative, facilities for recording votes and for the social amenities of life enjoyed by the central goldfields area. It is too great a stretch of the position to say that the central goldfields area should receive the consideration it is to receive under the Bill. The relative proportion of representation in the Act of 1923, namely four, two and one, was considered by the Parliament of that year as fair and equitable, classing the agricultural areas and the central goldfields area as being entitled to equal consideration. The Bill seeks to repeal that fair and reasonable basis of representation which was laid down for the guidance of the commissioners, and to substitute for it a provision by which the relative voting value of one elector shall be, in the metropolitan area one-third, in the agricultural area one-half, in the central goldfields area one, and in the outer goldfields area one also. In other words, under the existing Act it is four, two and one, whereas under the Bill it will be altered to three, two and one. With the representation as it was in 1911, which is still the position we have to-day, and the relative number of seats being mining and pastoral 13, agricultural 21 and metropolitan 12, the proposal of 1923 would have

given mining and pastoral 8 seats, agricultural 23 and metropolitan 15. That was a very fair and equitable measure. The present proposal is, mining and pastoral 8, agricultural 21 and metropolitan 17. If the existing Act were put into operation on the basis of the electorates as they stand to-day, and the commissioners were authorised to redistribute the seats in accordance with the 1923 Act, the electorates would be goldfields 7, metropolitan 15 and agricultural 24.

Hon. A. Lovekin: Monstrous.

Hon. H. STEWART: If the hon. member voted for the Bill in 1923, he cannot consider that the same measure put into operation to-day is monstrous.

Hon. E. H. Harris: How do you calculate the seven seats?

Hon. H. STEWART: In 1911 there were 51,000 electors in the metropolitan area, and they had 12 seats. The population has not doubled, for to-day the electors number only 108,866. Under this Bill they are to receive 17 seats. Again, in 1911 the number of electors in the districts designated as agricultural areas—these are not agricultural areas, for they take into account out-ports, agricultural towns, the Collie coal area and the forest timber area—was 42,800, and they were given 21 seats. Their population has almost doubled, having reached 86,749. It has more nearly doubled than has the population of the metropolitan area. Notwithstanding this, the number of seats in the metropolitan area is to be increased to 17, whilst the electorates in the agricultural area are to receive no increase.

Hon. A. Lovekin: You would not perpetuate an injustice?

Hon. H. STEWART: The hon. member did not consider it an injustice before.

Hon. A. Lovekin: I did not vote for it.

Hon. H. STEWART: Does the hon. member consider it an injustice?

Hon. A. Lovekin: Yes.

Hon. H. STEWART: Does he consider it an injustice that the agricultural areas should receive no increase in the number of their seats?

Hon. A. Lovekin: I think they are getting a fair deal on their present numbers.

Hon. H. STEWART: We frequently hear members in this Chamber talking of their sympathy towards the agriculturist, and of their desire to help in the development of the State.

Hon. J. R. Brown: You had too many in 1911.

Hon. H. STEWART: They help the agriculturist with many back-handed slaps, of which we have a good deal of evidence.

The PRESIDENT: I must ask hon. members to allow Mr. Stewart to proceed with his speech without interruption.

Hon. H. STEWART: We have heard no complaints since 1911 from any of the metropolitan areas as to the responsibility of the agricultural districts. I am astounded to think that Mr. Lovekin considers they are getting a fair deal when they have nearly doubled their population. Think of their disabilities in electoral matters. Think of their representation as compared with the close association of electors in the metropolitan areas and on the central goldfields, with their political representatives. Think of the difficulties they have to record their votes, and of the miles they have to travel to reach the poll. People in the outer goldfields districts have greater political difficulties to put up with than any others, except those in the northern pastoral areas.

Hon. A. Lovekin: Should we not have some regard for the voting power in the two Houses?

Hon. H. STEWART: In 1911 the population of the goldfields outer areas was 37,275 with 13 seats. The central areas had 4 seats with a quota of 4,000 voters. There were 17,000 electors in the central mining areas. To-day there are 8,000 electors and they have four seats, the same as in 1911. Under the Bill they will still have four seats. Does Mr. Lovekin think that is just as compared with the agricultural areas, seeing that the population of the goldfields has diminished by half.

Hon. C. B. Williams: The eligible voters have decreased.

Hon. H. STEWART: I do not understand the interjection. Does the hon. member think that the general interests of the State are not sufficiently served in the Council, and that the metropolitan and suburban areas do not get the consideration to which they are entitled? From the direction in which the votes go, and the motives that inspire some members in connection with legislative matters, I should say that the central community gets a very fair deal in the interests of the State.

Hon. C. B. Williams: Have you noticed that there are 2,000 foreigners in the central goldfields area?

Hon. H. STEWART: I have noticed that there is a certain decrease of population there. In the central goldfields area the population is half what it was in 1911.

Hon. J. R. Brown: They did not get enough representation then.

Hon. H. STEWART: With less than half the number of voters, they are to retain the same number of seats as they had in 1911. Under the 1923 Act—

Hon. J. R. Brown: Did that come into force?

Hon. H. STEWART: Yes. The hon. member ought to know that it is on the statute-book, and that this Bill seeks to amend it. It could be brought into force to-day if the Government instructed the Commissioners to divide the State into electorates on that more equitable basis. In the circumstances I do not see how it is possible for members who voted for the previous Bill to vote for this one.

The Honorary Minister: Are you opposing the second reading?

Hon. H. STEWART: What does the Honorary Minister think? Under the existing Act the mining and pastoral areas are entitled to eight seats. The population has diminished by 2,965 persons, but they still retain the same number of seats. There is no ground for maintaining the same representation they had when the population was double what it is to-day, and for treating the agricultural areas, which have nearly doubled in population, in the way proposed. I am not speaking of the farming areas, but of those which are classed as agricultural areas. It is not just that there should be no increase in the number of seats since 1911, seeing the population is now nearly twice as great as it was then. The Bill that was introduced in 1923 was the fairest and most politically sound measure in connection with redistribution that had ever been put forward in any State of the Commonwealth. Since that period the number of electors in the metropolitan area has increased by 23,275. Under the Bill we are now considering those people are to get 17 seats as against 15 that they would have got under the 1923 Act, and as against 15 if that Act were to come into force to-day. The area classed as agricultural—and it is not agricultural—has had an increase in the number

of electors since 1923 of 19,961. The figures are very similar to those that I have just quoted for the metropolitan area, yet the agricultural areas are not to have a single additional seat.

Hon. C. B. Williams: Evidently they were over-represented before.

Hon. H. STEWART: If the hon. member were fully conversant with the position of representation, I would pay some regard to his interjection. We find that the very opposite is the case. By watching the metropolitan Press and listening to the statements of public men, we fail to learn that the agricultural districts are in any way over-represented. Until this most unusual and unexpected Bill was brought before Parliament, there was never a word from any section of the community that voiced even a thought that those areas were over-represented. Consequently the hon. member's interjection can carry no weight.

Hon. C. B. Williams: Evidently the Government were of the opinion that what I have just said was correct.

Hon. H. STEWART: The personnel of the Government is very similar to what it was when the members of it were sitting as a Labour Party in opposition in 1923. I challenge the hon. member to produce evidence that when the 1923 Bill was being debated any of the members of the present Government took exception to the then proposed representation of the agricultural areas. He will find his work cut out to advance any arguments in support of his interjection. Let us take the view put forward by the "West Australian" which cannot be said at any time to have advocated the interests of the metropolitan area. In the leading article published on the 1st of this month, dealing with the present Electoral Districts Bill, it said—

The Bill follows the same general lines as the Act passed by the Mitchell Government in 1922. It recognises that the idea of according representation on the basis of one vote one value would be monstrously inequitable in Western Australia.

Hon. J. R. Brown: It should have been ashamed to say so.

Hon. H. STEWART: They published a table giving the existing electorates, Mr. Collier's scheme and Sir James Mitchell's scheme of 1923. They did not state what Sir James Mitchell's scheme in 1927 would have been, a scheme that would have

given greater representation to the agricultural areas. But what is astounding is that there has not been an increased number of seats for these areas where such valuable work has been done in the way of development and where the population has increased. The article concludes with these words—

... whilst the metropolitan area with just over one-third of the representation of the whole State is somewhat too generously treated.

Hon. Sir William Lathlain: That is only one man's opinion.

Hon. H. STEWART: It is the opinion of the leading newspaper of this State, and I am bound to say that if we were to take a referendum on the matter, people having the facts of the case put before them as to what was reasonable representation, would give a verdict which would not be open to question. This iniquitous Bill, however, inflicts a serious injustice on them, since it does not provide for increased representation and does not recognise in any shape or form the development that is being carried out by that section of the community and the increased population that has resulted from that development. Those people gain absolutely nothing. I challenge anyone to produce evidence of a mass of opinion to support the insinuation that has been made that the agricultural areas in the past have had greater representation than that to which they were entitled.

HON. W. T. GLASHEEN (South-East) [5.8]: Whilst Mr. Stewart was talking, the Honorary Minister by way of interjection asked how he intended to vote on the Bill. Mr. Stewart's reply was that he wondered what the Honorary Minister's thought was. I have just noted that Mr. Stewart resumed his seat without saying how his vote was going to be cast. I have risen to say how I intend to cast my vote, and to give some reasons for the way I am going to cast it. It is my intention to vote against the second reading of the Bill, and when I say that my reasons will probably be crude, I mean that I do not claim to have an intimate and detailed knowledge of how the Bill will affect parties or individual representation in Parliament or how it will affect portfolioed Ministers. Yet I do confess to having a crude idea of how it will affect the whole State, and my remarks will be based on that rather than

on any critical, detailed examination of the boundaries and the effect on individuals or parties. There is one outstanding recognition of the Bill, and that is the difficulty of representing people in the country districts, whether those districts be called agricultural or mining does not matter. The difficulty has been recognised because of the allocation set out in the Bill, in round numbers six, four and two, representing metropolitan, agriculture and mining respectively. My objection is that that recognition is not wide enough and I particularly wish to emphasise the allocation as between mining and agricultural representation. That recognition has been arrived at because of the great spaces brought into representation in connection with mining, and the great distances over which development has taken place in the mining belt of territory. Coming down to hard facts about that phase of the matter, it will be found that in a mining centre the population is accumulated in camps, possibly 100 miles apart, possibly 50 miles apart, and possibly less. Because of the concentration of the population in camps, it becomes easier for a person to represent such a community, easier because it is possible to go to one camp and pass on to another and so meet the people without much difficulty.

Hon. J. Cornell: The same argument applies to country seats.

Hon. W. T. GLASHEEN: An agricultural community is entirely differently situated. The agriculturalists may be a mile apart. There is the individual with perhaps a family of five or six and a total number of people around him of eight or 10, including labourers. Those may be a mile apart. In such cases it becomes difficult for a representative of those people to reach them; it is more difficult than in larger mining camps.

Hon. J. Cornell: The hon. member does not seriously contend that there is an average of 10 a mile apart in the agricultural districts.

Hon. W. T. GLASHEEN: I do seriously contend that there is an average of 10 including the labourers and the family.

Hon. J. Cornell: Right down to the baby.

Hon. W. T. GLASHEEN: Counting the lot. There is the great difficulty with regard to being effectively represented. It has been said that in the city there are a great number of people and the Canning

electorate with its 21,000 names on the roll has been quoted. It has been claimed that those electors are to a great extent disfranchised because they are represented by only one man in Parliament. I say without qualification that the person who represents 21,000 people in the metropolitan area can more effectively represent them than can a member who represents an agricultural community of 3,000 that may be scattered as individuals over a wide area.

Hon. J. Cornell: What about the 270 at Menzies as a set off.

Hon. W. T. GLASHEEN: The person who represents 21,000 electors can traverse the whole of that territory in the morning before he goes to the House.

Hon. J. Cornell interjected.

The PRESIDENT: Order! I cannot allow this running fire of interjections while the hon. member is speaking.

Hon. W. T. GLASHEEN: But any person representing an agricultural community, before he could start to meet his people, would in all probability have a full day's train journey to get there and then a full day's journey to get back. That is one of the considerations which should be borne in mind; the Government propose to give more effective representation of 10,000 people congregated in a very small area than to 4,000 people scattered over a country area.

Hon. C. B. Williams: With all due respect to the representation the country people get more out of the State than do the mining people.

Hon. W. T. GLASHEEN: The other evening Sir William Lathlain was very busy dealing with Mr. Hamersley and I could not help wondering whether he was discussing the merits and demerits of the Bill or Mr. Hamersley. He complained rather bitterly about Mr. Hamersley's claim for adequate agricultural representation and he maintained that the agricultural community had always had adequate representation because, in past Governments, the agricultural community were represented by more Cabinet Ministers than were the metropolitan people. I disagree with that contention. Mr. Stewart entered my line of thought when he mentioned outside country centres that might be just as metropolitan, political and industrial in thought as is the city—such centres as, for instance, Collie or Bunbury—and I assume Sir William Lathlain was referring to them as agricultural constitu-

encies. The hon. member also said something I was sorry to hear. He drew some comparison between the intelligence of the rural community and that of the metropolitan community to the detriment of the former. I would remind Sir William Lathlain that he ought to be very careful in drawing any comparison. We are told that comparisons are odious, but he should not draw a comparison on the basis of intelligence because that is only a matter of degree. I believe scientific treatises set out that there is only a very small dividing line between the greatest of intelligence that we call genius, and lunacy. Consequently, when the hon. member talks about the difference in intelligence between city and country people, he is on rather dangerous ground.

Hon. Sir William Lathlain: You did not hear Mr. Hamersley's charges against the metropolitan people. I was replying to them.

Hon. W. T. GLASHEEN: I heard the hon. member make reference to Mr. Hamersley's undemocratic views regarding the metropolitan people. I do not know whether Mr. Hamersley did express such views, but if he did, I wish to dissociate myself entirely from them. If I understood Sir William Lathlain aright, he said that Mr. Hamersley would object to the metropolitan people having a vote at all, because he considered they were all parasites. I do not know whether Mr. Hamersley did say that. When we talk of parasites, however, we should be just as careful as when we talk of intelligence. There is only one class of parasite that I can call to mind at the moment and that is the racecourse tipster and bookie. We talk about the agriculturists being the backbone of the country and sometimes people are apt to think they are the only ones in the community that matter, but I give metropolitan citizens this credit: they are doing service for the agricultural community, whether the service is manufacturing machinery or inventing superphosphates that make agricultural production possible. All the people so engaged, so far from being parasites are very essential primary producers, almost as much so as the man who is driving a plough. Because of the city interests performing that service, I consider the people so engaged to be primary producers though perhaps not in the same degree as the men who are actually growing wheat. As a case in point, how much wheat could be produced by a farmer who had

to make his own harvester? However, I dissociate myself from the idea that the agricultural community are the only people that matter and that all other sections are parasites. We talk about the franchise of this House, the political power under this Bill, and the great injustice that may emanate regarding the representation of the people generally. That brings me to a line of thought, perhaps slightly introspective. If we must judge the people by their attitude at the election recently conducted, or previous elections, we must admit they care very little whether they have political representation or not. Whether representation is based on the principles contained in this Bill or on any other principles, we must admit that the great mass of the people do not seem to be very much concerned about political representation. If we go back into history, and it is not necessary to go back very far, there was not a very wide franchise when the King was an absolute monarch in the matter of law-making and everything else, but after all there was a franchise and an allocation, far removed from what is contained in this Bill, but a franchise all the same. If the King did not make good laws, the people were apt to roll up with sticks and stones or the assassin's dagger and make short work of him.

Hon. E. H. Harris: You do not approve of that.

Hon. W. T. GLASHEEN: Of course not. Continual fighting has taken place throughout history for a franchise or an equitable distribution of the representation to determine how the country should be governed. Let me recall the nobles that fought the special privileges of the King and finally, after much bloodshed, won. Then recall the feudal times with revolution and bloodshed permeating everything after which the landed interests acquired the right to vote, and come right down to the present when every man and woman has the privilege to vote. Yet, after all those revolutions and all that bloodshed, we had to bring in legislation making it compulsory for people to exercise this sacred privilege of voting for which our forefathers fought. When we talk of the great injustice done to the people and realise their attitude to the franchise, it makes one ponder whether it is worth troubling about the democratic settings of elections. Were it not for the fact that at State elections we engage motor cars and coddle people by carting them to the poll, there would not be

cast a 50 per cent. vote, notwithstanding how the districts may be allotted under this or any other measure. The crude idea to which I wished to give expression was this: all over the world we are continually hearing that the greatest social, industrial and political cancer is the over-populated city. It is a problem with which all parts of the world are grappling, and up to the present no solution has been found for it. If we take five seats from the goldfields or anywhere else and give that proportion of extra representation to the metropolitan area, which is continually increasing in influence, politically and commercially, we are not attempting to cure that social cancer, but we shall be propagating it and some day retribution will be exacted just as in the Roman Empire when people did not trouble about their country's government, did not care for art or literature. All they cared about was the amphitheatre and social dissipation. An agricultural community is the foundation on which this country must be built, and if we add to the strength of the metropolitan area it must be bad for all of us. That is my wider reason for opposing a measure that will rob the backbone of the country of its representation and give greater representation to the metropolitan area. I shall vote against the second reading.

HON. E. H. H. HALL (Central) [5.26]: In addressing myself to the Bill I wish to direct the attention of members to a phase that has not been mentioned during the debate. It was referred to in another place and I made reference to it in my remarks on the Address-in-reply. As a new member, after having read the remarks of a member of some years' standing in the legislature of this State, I feel somewhat heartened to reiterate what I said on the Address-in-reply. The Government in bringing down this Bill have missed a wonderful opportunity to put into effect something that would have stood to their credit throughout the years to come. They have considered it advisable to reduce the goldfields representation by five members because of the falling off in the number of electors in that portion of the State, but instead of reducing the strength of Parliament by five, that number is to be added to the representation of the metropolitan area. Reference has been made to the number of people in the Canning electorate. Has anyone complained that Canning is not adequately and well represented by the present

member? I follow the daily Press as closely as possible and I have not read of any sustained complaint about the representation of the thousands of people living in the Canning electorate. That being so, may not we take it for granted that there is no serious demand by the people of the metropolitan-suburban areas for increased Parliamentary representation? Surely that is a phase of the question which should receive the earnest attention of every member of Parliament and especially the Government. Without curtailing efficiency in any way the Government might have dispensed with the five seats and saved the country £3,000 a year in one act. Unfortunately they have not seen fit to take that step, though I contend they would have been quite justified in doing so. Not only have they taken that representation from a distant portion of the State; they have done worse by giving effect to the Biblical words "to him that hath shall be given and from him that hath not shall be taken away even that which he seemeth to have." It is many years since I was in Menzies. Notwithstanding that the representative of Menzies in another place is a supporter of the present Government, I would much rather see little distant Menzies, one of the places that did much to put Western Australia on the map, continue to enjoy its present representation than that one additional member should be given to the metropolitan area, whose people are not even calling out for further Parliamentary representation. Speaking on the Address-in-reply, Mr. Fraser said the people of the metropolitan area did not take as much interest in the progress of the people in the country districts as he at any rate thought they should. Sir William Lathlain attempted to controvert that statement. I remarked at the time that Mr. Fraser doubtless was speaking for the people whom he directly represented, and with whom he came more closely into contact than did Sir William Lathlain. It is that fact which causes so much of the regrettable centralisation. The aggregation of huge numbers in the metropolitan area at the expense of the country districts is almost an unconscious process. I should like to repeat some words of Sir James Mitchell—

I do not know why I am so considerate as to let the Government off on this occasion, but I think we should consider the matter calmly.

I certainly fail to understand why the Leader of His Majesty's Opposition let the Government off, but I agree with Sir James Mitchell that the matter should be viewed calmly. Therefore I dissociate myself from some remarks which I understand were made by Mr. Hamersley: I was not present to hear them. According to what Sir William Luthlain said while I was in the Chamber, it is regrettable that people living and working in the country should be set against people fortunate or unfortunate enough to live and work in the metropolitan area. Each set of people is necessary to the other. What we should devote our time, thought and attention to is how best to obviate the gradual heaping-up of great numbers of people in the various metropolitan areas throughout the Commonwealth. I have here a pamphlet entitled, "Centralisation: The Causes and Consequences," by Sir James Barrett, from which I desire to read a brief extract—

Centralisation has taken place in all parts of the world, but nowhere apparently on this scale, certainly not in agricultural and pastoral countries. Centralisation is a necessary process for purposes of convenience of manufacture and the like—up to a point—but Australia would be much happier if the 3,000,000 people had been spread out over 20 or 30 cities. This distribution has been rendered impossible largely by politics and by State-owned railway systems under political administration.

I noticed recently that a railway station has been opened at Darglish, between Subiaco and West Subiaco. Surely the country people might well be pardoned if they envied people, not producing but essential in our present state of society, who can get a railway station built between West Subiaco and Subiaco.

The PRESIDENT: I would remind the hon. member that we are discussing the Electoral Districts Act Amendment Bill.

Hon. E. H. H. HALL: Very good, Mr. President. I intend to connect my remarks. It is the undue facilities gained by the people of the metropolitan area that make the allocation of Parliamentary representation as proposed by the Bill unjust. That is the point I was leading up to. Before I finish with Sir James Barrett's pamphlet, I would like to remind hon. members of the distribution of population in Western Australia in the years 1919 and 1927. For 1919 the figures were—in the city 48.31, in the country 56.69. For 1927 the respective figures

were 49 per cent. and 51 per cent. So we are gradually building up the population of the metropolitan area, while all our public men continue to wonder how best to get the people out into the country. Now may I pass from Sir James Barrett to a member of the State legislature, the member for Subiaco, who said—

It would be better for this State if in the metropolitan area there were not more than 70,000 or 80,000 electors, and if the remainder of the people living in the metropolitan area were out in the country producing wealth.

That statement comes from a man who has been in Parliament for some years and who represents a metropolitan constituency.

Hon. E. H. Gray: Why does not he get out into the country itself?

Hon. E. H. H. HALL: I will take a member who supports the Government and has sat in Parliament for many years, the member for Coolgardie. That hon. member states—

One representative would be quite sufficient for the electors within a five-mile radius of the seat of government.

Hon. E. H. Harris: Do you agree with that?

Hon. E. H. H. HALL: I agree with it only too completely. I am pleased to think the member for Coolgardie has been candid enough to express himself to that effect. He also stated—

Some attempt should be made to resist the incessant demand of the capital cities of Australia to dominate the Parliaments of Australia. In every Australian capital the influence of city members dominates the Parliament.

Those are not the words of an opponent of the Government, which the Honorary Minister charges me with being and always having been. They are the words of a Government supporter.

Hon. E. H. Harris: He has an idea that he might be sacrificed under the Bill.

Hon. E. H. H. HALL: I quite realise that. We have been reminded by the "West Australian" of a discussion which took place in the Legislature last session on the subject of the commission's efforts. I do hope Parliament will live up to its best traditions, and therefore I would like to see the commission's decision accepted as absolutely final. It is unbecoming for a member of Parliament to attempt to arrange matters for his own particular benefit. Unless we show the people that we take a lofty view of

our duties, how can we expect that support and consideration and that high esteem which I maintain members of Parliament are entitled to receive? Mr. Seddon yesterday made some remarks about joint rolls. I shall not attempt to traverse his remarks, lest I transgress the rules of debate; but with some of his observations I do not agree.

Hon. E. H. Harris: Joint rolls are impracticable.

Hon. E. H. H. HALL: With all due respect for Mr. Harris, who is credited by the "West Australian" with having an astute, alert and experienced mind in matters of this sort, I happen to know something about electoral affairs, and I say it is quite a simple matter for the boundaries to be made coterminous. If we expect to arrive at a solution of the matter without such boundaries, we shall be disappointed. Rather than give increased representation to the metropolitan area, which does not need it, I am prepared to vote for things remaining as they are. I shall then be casting my vote in favour of the policy of stemming the continual drift to the city. Men who have made a deep study of the question are convinced that that drift is to the detriment of this great country of ours. I make no apology to the holder of a different opinion, be he a member of Parliament or the writer on the leading journal of the State, who has expressed the hope that the Bill will pass in its present form. It is much better to give distant parts of the State additional representation than to give additional members to the metropolitan area, which has not the slightest need for them.

HON. C. H. WITTENOOM (South-East) [5.45]: I have given much consideration to the Bill, and I must say that I do not like its provisions, despite the beautiful picture that was displayed before our eyes by Sir William Lathlain. The measure has caused me some concern because, so far as I can judge, the Bill is promised an almost easier passage here than it obtained through another place. I have listened carefully to the speeches that have been delivered in order to ascertain the reason the Government does not give better representation to the agricultural areas, but, up to the present, I have not heard any adequate explanation. The only reason, and to which one or two members have referred, is the element of

self-preservation, which, I suppose, is a malady that most Governments suffer from on such occasions. It would have been much fairer had the discarded goldfields seats been so allocated that two of them would have been added to the agricultural constituencies. Instead of that, the metropolitan seats are to be increased by five, although in those electorates a member can get in touch with his constituents, or the constituents in touch with their member, at any time or day. They are all within a stone's throw of Parliament House itself. In such circumstances, a member of Parliament representing any one of those constituencies should be able to keep his electoral rolls as nearly perfect as possible. In the face of these conveniences, I do not think it right that a quota of 6,400 should be allocated for the metropolitan area, as against a quota of 4,000 for the agricultural areas. Such an allocation is not fair, and when delivering his interesting speech, Sir William Lathlain seemed to have lost sight of that phase. On the contrary, he spoke of the position from the standpoint of population which is an absolutely wrong attitude to adopt. Mr. Hall suggested that one member should suffice for the area within five miles of the seat of government. I do not know about such a proposition, but I think it would probably answer the purposes well. I believe in some other parts of the world more than that is done, and it is carried even further.

Hon. E. H. Harris: In some places less than that is done. They have not any representation at all.

Hon. C. H. WITTENOOM: I was coming to that point. In certain parts of the Empire, the people living in the district that surrounds the seat of government have no representation whatever. The electors are not directly represented except by all the members of Parliament.

The Honorary Minister: Where is that done?

Hon. E. H. Harris: In America.

The Honorary Minister: The hon. member referred to certain parts of the Empire.

Hon. C. H. WITTENOOM: I will mention Ottawa, in Canada. Then, what about Canberra?

The Honorary Minister: Canberra is not a metropolitan area!

Hon. C. H. WITTENOOM: Canberra is the district surrounding the seat of gov-

ernment. I consider that if the representation is to be on the basis suggested, the treatment of the agricultural areas will be worse than the Bill indicates. When I was electioneering six months ago, I had an opportunity to find out the deplorable state the electoral rolls were in. I refer more particularly to the electorates in the South-East Province.

Hon. E. H. Gray: Is that not a reflection upon your constituents?

Hon. C. H. WITTENOOM: No. As various other members have mentioned, it is due to the difficulty that members have in getting into touch with their constituents. It is not an easy matter, as in the metropolitan area; it is difficult to get into touch with people living in the outback areas.

Hon. E. H. Gray: There is no difficulty in getting electors on the roll in Western Australia.

Hon. V. Hamersley: But in the districts referred to the population is scattered and people are miles away.

Hon. C. H. WITTENOOM: The Government boast that they are doing all they can to open up the country. If that is so, I think the Government should see to it that they give the people in the outlying districts better representation than is proposed. The Premier stated that the small densely populated areas of Kalgoorlie and Boulder were to have a quota of 2,000. In the Albany district, which is practically dependent upon the agricultural industry, the quota is roughly 4,000. It is much more difficult for a member to look after the interests of his constituents in a district such as Albany, than in a densely populated centre such as Kalgoorlie or Boulder. The Premier has failed to recognise that difficulty in regard to centres along the Great Southern line and throughout the eastern wheat belt. He also has failed to appreciate the difference between the more stable population of the agricultural areas compared with the floating population of goldfields districts. I lived on the goldfields for two or three years, from 1902 onwards. A little while ago I paid a visit to Kalgoorlie, and I was surprised to find how few people who were known to me in 1902, had remained there. I may add that I was equally surprised to find how many of the old residents had left the mining centre to

become farmers. I have tried to find the good points in the Bill and there are some. When we remember that there has been no alteration of our electoral boundaries since 1911, it will be agreed that the Bill is overdue. I commend the Government for getting rid of some of the anomalies that have existed on the goldfields and upon disposing of some of the pocket boroughs. I regret, however, that they have sought to provide five additional seats in the metropolitan area. The allocation should have been more favourable in regard to the agricultural constituencies. Apparently the excuse advanced by the Premier has been that he took the agricultural quota as the unit on which to base the quotas for the goldfields and metropolitan areas. The Government are to be commended in regard to the Electoral Commission, but the Premier spoilt it all by retaining the last word to the Government. The last word should have been left entirely to the Commission, and I think the Government have failed in that respect. I intend to vote against the second reading of the Bill.

On motion by Hon. J. R. Brown, debate adjourned.

BILLS (2)—FIRST READING.

1, Municipal and Road Districts Electoral.

2, Workers' Homes Act Amendment.

Received from the Assembly.

BILL—WATER BOARDS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read, notifying that it disagreed to two amendments made by the Council, and giving reasons.

BILL—HARBOURS AND JETTIES.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kiston—West) [5.58] in moving the second reading said: The object of the Bill is to remedy the present unsatisfactory law in Western Australia regarding the important subject of damage to wharves and jetties when ships are under compulsory

pilotage. At present valuable wharves which are the property of the community, are smashed by modern heavy ships, and the cost of renovating the damaged or crushed wharves has fallen upon the general taxpayer. In the opinion of harbour authorities and competent legal authorities, that cost should fall on the shoulders of those responsible for the damage, unless it can be proved that the damage was due to the negligence of a pilot. The Commonwealth Navigation Act already provides for safeguarding the interests of owners of wharves in regard to the cost of repairs in such circumstances, but that part of the Act is included in the pilots and pilotage sections, which have not yet been proclaimed. The proclamation of the pilotage portion of the Commonwealth Act would convert the pilot services, which at present are purely local concerns, into a Federal department. The issue of the proclamation bringing into operation the now dormant part of the Commonwealth Act would mean the passing of much of the management of harbours in the various States to the control of the Commonwealth Government. For many reasons too numerous to state, some of them having to do with the primary producer, the States do not favour anything of that kind. The question of compulsory pilotage has for many years been a most complex and confused one in England. Eventually the matter was gone into and dealt with by a special committee in 1911. After some two years' work they presented their report to both Houses of the British Parliament, the Pilotage Act (British) of 1913 being the result. Under that Act the responsibility for accident or damage lies with the ship except, of course, where culpable negligence can be proved against the pilot. That is what we are asking for in this measure.

Hon. G. W. Miles: What about a harbour not properly protected? For instance, in the Fremantle harbour ships have collided with the wharf because of a gale of wind. The tugs could not hold them off.

The HONORARY MINISTER: Does the hon. member suggest that the harbour should be so planned and constructed as to protect every ship from every wind that blows? As I was remarking, this has made the law definite for the United Kingdom, but it is not the law in Australia, and at any time a big smash may occur which

might cost the country dearly. Pilots are asked to navigate and handle ships that are often entirely strange to them. A pilot may be called upon to take charge of a ship at a moment's notice without ever having seen that ship before. Every ship has her own peculiarities and the pilot is expected to learn these and handle the ship expeditiously and safely on the instant. Compulsory pilotage in Western Australia is dictated by the Harbour and Pilotage Ordinance of 1855 (18 Vic. No. 15). I draw attention to that date because it relates to a period when the conditions were very different from what they are now. Section 7 of that Act provides that all overseas ships must take a pilot at Western Australian ports where pilots are appointed and that the master or commander of such ship shall deliver and give in charge such ship to the pilot. And Section 21 provides for a penalty against any master or commander who shall impede a pilot in the execution of his duty. In Western Australia the compulsory pilot is actually in charge of the ship while conducting her into or out of the area of his jurisdiction, and except for failure—probably culpable failure—on the part of the ship, her equipment or personnel, is responsible for any damage she may do. When the Act of 1855 was framed, ships were small and values low. But great advances have taken place since then, until to-day ships are large and values both of ships and of wharves, immensely more than they used to be, while the difficulties of handling and the risks incurred have also vastly increased. The question of obtaining relief from the intolerable position now existing has been discussed at length by various conferences of harbour authorities and particularly by the delegates to the sixth conference of interstate harbour authorities, held at Fremantle in October last, when the following resolution was carried unanimously:—

That each State authority be recommended to adopt amending legislation to ensure payment by the owner for all damage caused by his vessel or any part of the equipment thereof or by any floating timber or material or by any person employed about the same to property and/or port equipment of any harbour authority from whatsoever cause arising and notwithstanding that the question of compulsory pilotage would be involved.

Hon. G. W. Miles: Is that in force in other parts of the world?

The HONORARY MINISTER: Yes.

Hon. V. Hamersley: It seems a dreadful position to take up.

The HONORARY MINISTER: I do not think so. The hon. member hardly realises the position.

Hon. J. Cornell: Who was it passed that resolution?

The HONORARY MINISTER: The sixth conference of interstate harbour authorities, held at Fremantle in October of this year. For several years past they have dealt with the same subject and carried similar resolutions.

Hon. J. Nicholson: Were representatives of the various shipping companies present?

The HONORARY MINISTER: No, there would be no need to have representatives of the shipping companies there. The shipping companies are very well protected in every way. Surely it is not going to be argued that when a ship causes serious damage to a wharf the ship shall not be responsible.

Hon. V. Hamersley: But the pilot belongs to the port, and is compulsory.

The HONORARY MINISTER: What if he does? We have had recent cases where ship owners have exonerated the pilot in respect of an accident of this kind, an accident that cost the Fremantle Harbour Trust a considerable amount of money for repairing the damage done to the wharf. Notwithstanding that, the Fremantle Harbour Trust has not been in a position to claim from the ship owner the cost of the damage caused by the ship.

Hon. V. Hamersley: Possibly serious damage was done to the ship also.

The HONORARY MINISTER: No, nothing worth speaking of. There have been several such instances recently, and it may be as well if I refer to them in some detail. In another place in August last these questions were asked by Mr. Thomson and answered by the Premier—

1. How many vessels during the last 12 months have crashed into the wharves in Fremantle Harbour?—Three in the last 12 months, and one in 1926.

2. The names of the vessels and the dates on which it happened?—s.s. "Orama" (Orient Line, 19,777 tons), 24th August, 1926; s.s. "Jervis Bay" (Commonwealth Line, 13,839 tons), 12th October, 1927; s.s. "Surrey" (Federal Steam Navigation Co., Ltd., London, 8,564 tons), 4th May, 1928; s.s. "Moreton Bay" (Commonwealth Line, 13,855 tons), 29th June, 1928.

3. What was the cost of repairing the damage in each case?—"Orama," £308 9s. 7d.; "Jervis Bay," £1,361 8s. 8d.; "Surrey," £233 9s. 10d.; "Moreton Bay," £1,036 15s. 10d.

4. Who paid for the damage done?—The Fremantle Harbour Trust.

5. To what reasons "officially" were the accidents attributed?—In the "Orama" case the mishap occurred at night, and the pilot attributed the mishap to the fact that he did not get vital information from an officer of the ship, whose duty it was, and who was placed in a certain station for the purpose of giving information to the navigators on the bridge as to the ship's position. Recoup of cost of repairs repudiated by the Orient Line on the grounds that the ship was in the hands of a compulsory pilot. Solicitors held that under the law of Western Australia as it stands the Trust could not claim a recoup, also that it could be argued that the pilot committed an error of judgment.

"Jervis Bay" case.—Mishap was attributed to the fact that the ship's towline to a tug boat carried away owing to unskillful handling by the ship's crew directed by a responsible ship's officer, and to the fact that a responsible ship's officer so unskillfully handled the ship's anchor that it failed to hold. Recoup repudiated by the Commonwealth Steamship Line on the grounds that the ship was in the hands of a compulsory pilot. Held by solicitors that good ground existed for obtaining recoup of the cost of repairs, and matter now in the hands of the Crown Law Department to that end.

"Surrey" case.—Mishap was attributed to the fact that all the usual seamanlike measures were taken to cause the vessel to stop, but failed. The master of the ship wrote to the Trust exonerating the pilot from all blame. Recoup repudiated by the Agents of the Federal Steam Navigation Co., Ltd., and their legal advisers on the grounds that the ship was in the hands of a compulsory pilot. Held by solicitors that under the law as it stands to-day recoup could not be obtained.

"Moreton Bay" case.—Mishap was attributed to the fact that one engine being out of commission the ship had not sufficient power to overcome a sudden squall which drove her into the wharf. Recoup repudiated by the Commonwealth Line on the grounds that the ship was in the hands of a compulsory pilot. Held by solicitors that under the law of Western Australia as it stands recoup could not be obtained, also that it would be contended that the pilot committed an error of judgment in attempting to berth the ship knowing that she was crippled.

Those are the cases that have occurred within the last two years. I have said that the sixth conference of interstate harbour authorities held at Fremantle in October last carried a certain resolution. In consequence of that, Queensland has decided to introduce the necessary legislation and New South Wales is also preparing to meet the case. In Victoria legislation has been passed that gives the Melbourne Harbour

Trust—which does not control the pilot service—power to recover from the ship the cost of repairing damage done by the vessel although the vessel may have been in the hands of a compulsory pilot. In South Australia legislation is forecast to give the port authority relief by placing the responsibility for damage on the ship owner. As previously stated, in the United Kingdom the British Parliament as far back as 1913 decided that the ship owner should accept the liability for damage to wharves, etc. And even the Commonwealth Parliament in 1912 considered that the ship owner must pay all costs of repairs when the pilot and pilotage part of the Commonwealth Navigation Act is proclaimed. The sections referred to in the schedule are as follows:—

Responsibility for injury to works of harbour: 36. Where any injury is done by a vessel, floating timber or material, or by any person employed about the same, to any part of the works or property of the Commissioners—

- (1) The owner of such vessel, floating timber and materials; and
- (2) In case the injury is caused through the act or negligence of the master of such vessel or of the person having charge of such timber or material, the owner and also such master or person,

shall be answerable in damages to the Commissioners for the injury, but the Commissioners shall not recover twice for the same cause of action.

Under those sections a ship owner is not liable for damage if the ship is under compulsory pilotage at the time. By the Imperial Pilotage Act of 1913 it is enacted in Section 15 as follows:—

Notwithstanding anything in any public or local Act, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

The object of the Bill is to extend that provision of the Imperial Act to the harbours and jetties under the Acts referred to in the schedule to the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. G. W. Miles, debate adjourned.

House adjourned at 6.16 p.m.

Legislative Assembly,

Wednesday, 28th November, 1928.

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

QUESTION—NOMINATED MIGRANTS.

Mr. SLEEMAN asked the Minister for Lands: 1, On what date did nominated migrant, H. Fawcett and his wife and family, arrive in the State? 2, What was the position of the person nominating them? 3, Have the migrants concerned been refused any assistance? 4, Are the nominators in a position to give any assistance to the migrants nominated? 5, If the nominators are destitute, will the department see that the migrants concerned are not allowed to starve? 6, Will the department in future, before allowing anyone to nominate a migrant, see that he or she has a reasonable chance of carrying out the agreement entered into on the nomination form?

The MINISTER FOR AGRICULTURE (for the Minister for Lands) replied: 1, 19th October, 1928. 2, On receipt of the application, on 18th February, 1927, the officer in charge wrote Fawcett, pointing out the responsibility he was undertaking, and inquiring what arrangements had been made for the reception and settlement of the nominees. The nominator replied to the effect that he and his brother, who was on the same group, proposed to divide the party between them, that his father would have some cash from the sale of his business in the Old Country, that employment had been promised for one of the girls, and it was hoped to find employment for the others, and that he himself had a good block and hoped to make a success of it. The application was supported by the Rev. E. A. Hipkin, who stated, "I meet him periodically and can place utmost confidence in him, feeling con-