

Legislative Council,

Tuesday, 25th July, 1899.

Paper presented—Question: Federal Finance and Expenditure of the Colony—Question: Federal Finance, Government Actuary's Report—Question: Wrecks and Warning to Ships—Legal Practitioners Act Amendment Bill, first reading—Motion: Commonwealth Bill, re Government Actuary's Report (negatived)—Dog Act Amendment Bill, first reading—Contagious Diseases (Bees) Bill, second reading, resumed and concluded; in Committee, reported—Criminal Evidence Bill, second reading—Perth Mint Amendment Bill, second reading; in Committee, reported—Adjournment.

The PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Report of Manager of Agricultural Bank for half-year ending 31st December, 1898.

Ordered to lie on the table.

QUESTION—FEDERAL FINANCE AND EXPENDITURE OF THE COLONY.

HON. A. P. MATHESON asked the Colonial Secretary: 1, If it is a fact that the expenditure of the colony during the first half of the year 1899 amounted to only £1,201,341. 2, Does this figure include expenditure on the departments which would be taken over by the Federal Government, amounting roughly to about £25,000 per month, or £300,000 per annum? 3, If it is true that on the basis of this expenditure the total expenditure for 12 months of 1899 would approximate to £2,402,682. 4, If Mr. Owen's estimated deficiency of £333,250 to the Western Australian Treasurer under federation is arrived at chiefly by assuming a local Government expenditure of £2,605,000 per annum, or about £200,000 more than the current rate of expenditure.

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—1, Yes; 2, This expenditure includes everything; 3, It does not follow the total expenditure for the twelve months would approximate to £2,402,682; 4, The expenditure for the year 1897-8 was £3,256,912, and for 1898-9 £2,539,357.

QUESTION—FEDERAL FINANCE, GOVERNMENT ACTUARY'S REPORT.

HON. A. P. MATHESON asked the Colonial Secretary:—1, Whether para-

graph 11 of Mr. Owen's Report on Federal Finance does not contain a misstatement, by which £27,000 appears as the balance returnable to the States out of the one-quarter of net Customs Revenue under Section 87 of the Commonwealth Bill; 2, Whether the real amount should be £260,000, instead of £27,000; 3, Whether the gross Customs Revenue required by the Commonwealth is not £6,141,000, instead of £7,073,000, as stated by Mr. Owen in paragraph 11 of his report; 4, If the report contains the above misstatements, what steps will the Government take to publicly correct any misapprehension arising therefrom?

THE COLONIAL SECRETARY (Hon. G. Randell) replied that the following memorandum had been prepared by the Government Actuary:—1, The conclusion set down in paragraphs 11, 12, and 35 (a) of the Report in question, that the Commonwealth's annual income will, on the basis of the figures given in Table C, require to be over £7,000,000, depends on the interpretation placed upon Section 87 of the Bill (the Braddon clause). 2, In order that the meaning of Section 87 may be such as to involve a gross Customs and Excise Revenue of £6,141,000 in place of £7,073,000, I maintain that such section should read thus:—"During a period of ten years after the establishment of the Commonwealth, and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of Customs and of Excise, not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure *on services other than Customs and Excise*." 3, It is shown in table C of the Report that in order to balance its expenditure, £1,710,000 per annum will be required by the Commonwealth, £233,000 to defray cost of collection of Customs and Excise Revenues, and £1,477,000 to recoup loss on other Federal departments. 4, According to my interpretation of the Bill, the Commonwealth can insist that the net Customs and Excise Revenue shall be large enough to provide as one-fourth thereof, £1,710,000; in other words, that the gross Customs and Excise revenue of the six States shall be £7,073,000. 5, If my interpretation of the section is justifiable, there is no misstatement in the matters referred to.

6, The answers to the several questions will then be:—Question 1, No. Question 2, No. Question 3, No. Question 4, Even if there were a misstatement in the clauses of the Report quoted, such misstatement would have no effect upon the conclusion, arrived at generally in other parts of the Report, particularly that the loss to the Colonial Treasurer of Western Australia, on basis of a stationary population and with complete inter-State free-trade, will be £333,250 per annum.—EDGAR T. OWEN, Government Actuary.

QUESTION—WRECKS AND WARNING TO SHIPS.

HON. A. B. KIDSON asked the Colonial Secretary whether, in view of the large number of wrecks that have occurred on the Coventry Reef and Sisters Rocks, the Government intend to provide a warning to ships at those places?

THE COLONIAL SECRETARY (Hon. G. Randall) replied that the Government would obtain advice upon the matter, and then decide what they considered best to be done.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Introduced by Hon. R. S. HAYNES, and read a first time.

MOTION—COMMONWEALTH BILL, GOVERNMENT ACTUARY'S REPORT.

HON. A. P. MATHESON (North-East) moved :

That, in the opinion of this House, it is desirable that the Government should submit Mr. Owen's report on the financial provisions of the Commonwealth Bill to an independent actuarial expert (or experts), in view of the question that has arisen as to the accuracy of Mr. Owen's figures, more particularly in paragraphs 11, 12, and 35, Sub-section a, and Tables E, G, and L.

The object of the motion was to absolutely clear up several points which arose in connection with Mr. Owen's report. Every member of the House desired to know for certain what the truth was in connection with the question of federation; and if, as he (Mr. Matheson) thought, he would be able to prove to the House there were points in connection with Mr. Owen's report which were absolutely erroneous, absolutely unjustifiable, he believed he would get the support of

the House in wishing to have the report audited, so to speak, by some other competent auditor. The answers which he had received to the questions he had put to the Colonial Secretary he characterised as very unsatisfactory indeed, because, as a matter of fact, the replies did not give answers to the questions which he had put.

HON. F. T. CROWDER: It was impossible for answers to be given.

HON. A. P. MATHESON: Of course it was impossible for the Government Actuary to do so, he knew, because the Government Actuary showed by his answer to the second question that he was quite incapable of understanding any method of dealing with figures correctly.

HON. J. W. HACKETT: Only one man here was capable.

HON. A. P. MATHESON: Quite so; in this House, for the moment; but he would prove what he said. He was prepared to accept that proposition.

HON. R. G. BURGESS: Members did not believe it, though.

HON. A. P. MATHESON: Equally prepared was he to grant the proposition of the other hon. member. Mr. Owen, in dealing with table C, stated that if the basis on which he dealt with the figures was correct, then he (Mr. Matheson) was wrong. But unfortunately for Mr. Owen, he proposed to deal with the figures Mr. Owen accepted as the basis of the calculation set out. To make it clear, he would refer members to table B, where Mr. Owen showed the gross customs revenue and the expense of collecting it, and also showed the difference between the two sums, called the net customs and excise revenue. If Mr. Owen was prepared to maintain that a different sum was the net customs and excise revenue, his report was equally wrong, though he (Mr. Matheson) might not be right. His criticisms on Mr. Owen's figures were based on the net customs and excise revenue figures which Mr. Owen set out. It was impossible to make it very clear to the House; but the best way to show that Mr. Owen was wrong was to point out that he mentioned in paragraph 11 the sum of £1,710,000 as the necessary amount to be taken by the Federal Government from the net customs and excise revenue of the States, and said that left £27,000 returnable to the States

as the balance of one-fourth of the net customs and excise revenue collected. If hon. members would take the trouble to divide the net customs and excise revenue of £6,948,000 by four, they would find that three-quarters of that sum, which must come to the States in any case, was £5,211,000. That was a total anybody could verify for himself. Then if they subtracted £5,211,000 from £5,471,000—the surplus revenue Mr. Owen set out in his own table as being returnable to the States—they would find the balance amounted to £260,000. That was the balance of money going back to the States. Mr. Owen could not get past that, because it was one of his own figures, and it was, he repeated, an absolute balance going back to the States. There was only one source through which that balance could go back: for it could only go back from a quarter of the net customs and excise revenue that the Commonwealth was entitled to take. Therefore, he maintained that his question was perfectly justified, and as a matter of fact the statement was correct, that instead of only £27,000 going back—and that was what Mr. Owen set out—there would be, according to his own figures, £260,000 going back out of the quarter of the net customs and excise revenue. If Mr. Owen had intended to set out some other sum than £6,948,000 as the net customs and excise revenue to be dealt with, he would not have made the calculation he made at the end of paragraph 11. Mr. Owen said that on the principle of returning three-fourths of the said revenue, the £1,710,000 represented an annual customs and excise revenue of £7,078,000. Mr. Owen obtained that by multiplying £1,710,000 by four in the first place, and then adding £233,000 as the expense of collection, clearly proving that the net customs and excise revenue was arrived at by deducting the cost of collection from the gross customs and excise revenue; yet he (Mr. Owen) desired to lead members of the House to believe this was not his method, in the replies which had been laid on the table. It was because he knew Mr. Owen's figures were wrong that he suggested they should be investigated by somebody perfectly independent. There was another way of proving Mr. Owen wrong, and it was

this: If we took the sum he suggested in Clause 11 as the gross revenue—£7,078,000—and applied that sum to table C, only putting it in the place of the customs and excise revenue Mr. Owen put there, we should find that instead of going clean out in accordance with the necessities of the States and the necessities of the Federal Government, there would still be a surplus of £233,000 to be returned to the States. That in itself clearly proved Mr. Owen's figures were wrong; but if we took the figure he (Mr. Matheson) suggested as accurate, namely, £6,141,000, and applied it in exactly the same way as Mr. Owen's table, we should find it gave the exactly necessary revenue for the purpose of dealing in accordance with the Bill with any sums of money available; that was to say, it provided £1,710,000 to supply the necessities of the Federal Government, and it gave an exact three-fourths of the net customs and excise revenue to be returned to the States. The next table Mr. Owen was wrong in was table E, and that he was absolutely wrong could be gathered from Government publications.

HON. F. T. CROWDER: What did the hon. member mean by "absolutely wrong?"

HON. A. P. MATHESON: If the hon. member would wait he would explain. If he would refer to Mr. Owen's report, he would find it easier to follow his remarks.

HON. F. T. CROWDER: The report was before him.

HON. A. P. MATHESON: It was pleasing to him to hear it. If members would take table E, they would find that Mr. Owen therein arrived at the calculation of the loss the Commonwealth would experience through the absence of duties on intercolonial produce. He took Australasian produce and British and foreign produce, and the House would be surprised to learn that Mr. Owen had included in Australasian produce the shipments received from New Zealand. Of course it might have escaped Mr. Owen's notice that New Zealand would, under the Federal Bill, be a foreign country, and all the products from New Zealand would have to pay the same duties as those paid on goods coming from foreign countries. Under these circumstances, the amount at issue had to be taken off

the Australasian produce, and added to the British and foreign produce; so it doubled the mistake. If we took the amount from one, and added it to the other, it made double the amount, and it worked out to a difference of £103,490. This error threw the whole of the figures throughout the report wrong, wherever they referred to table E. Any member could ascertain that such was a fact by turning to the customs report for 1898, and those for the previous years. They would find that table 2 set out exactly the way in which these sums were made up, and they would see that from it Mr. Owen included New Zealand produce in Australasian produce, which had to be admitted free. The Australasian produce would be admitted free, except that from New Zealand; but New Zealand had to be classed with British and foreign. That mistake alone affected a large number of tables all through the report, but he would not deal with them *seriatim*. Members would have to take it from him as a matter of fact that it did so. It affected tables G, H, I, J, and K, and it affected the conclusions which Mr. Owen drew at the end, because if his suggestions were out on one point the same error followed all through those tables. In dealing with table H, there was another error, in his (Mr. Matheson's) opinion; for in dealing with the revenue and expenditure of Western Australian federal departments, Mr. Owen entered £21,000 as interest on property transferable to the Commonwealth, but it should not be in that table at all. If he desired to bring it into that table, he ought also to have shown on the other hand, as revenue, that this sum of money as interest would be returned to Western Australia. We certainly had to provide it in the first instance; but exactly the same sum came back to us as interest on the federal bonds which Mr. Owen suggested would be given to us in place of cash in payment for the property the Federal Government took over. He repeated, however, that it should not appear in that table at all, because that £21,000, as members would see if they referred to Mr. Owen's report, classed by himself in table C under the heading of "new services," was part of the expenditure of the Federal Government to which this colony would

contribute ratably per head, and not in proportion to the sum expended. New services under the Bill were to be paid for by each State in that method, by such and such a contribution per head of population, and not according to any fixed sum of money, so that the figures were out of place in this table. Then dealing with table J the same mistake arose in reference to £21,000. In table J Mr. Owen had made a still more peculiar blunder, on his own figures, and this was a fact, and not an assumption on his (Mr. Matheson's) part. If the House would refer to the portion of the table which dealt with Federal departments, they would see that Mr. Owen there put down a sum of £925,000 as the customs and excise revenue which the Federal Government would draw. Mr. Owen had been at some pains in table I immediately beforehand to point out that, as a matter of fact, when deductions were made, and extra charges credited, the total federal customs and excise revenue collectable in Western Australia would, according to his own figures, only be £630,000; yet he put it down at £925,000 in table J. It would be of no use for Mr. Owen to say he did not intend the figure there to apply to this table, because later on in the same table he used three-fourths of the £630,000 which he showed in the previous table, and applied it in this very table as an amount to be credited to the States by the Commonwealth under Section 87. This being so, it was impossible for him to say that table I did not apply. In order to prejudice that, in another part of the table Mr. Owen used an entirely different factor.

HON. R. G. BURGESS: One was the net amount.

HON. A. P. MATHESON: The gross amount was not wanted there. The amount which Mr. Owen brought forward as that which the State would fail to collect through intercolonial free-trade was one-third, and in another table Mr. Owen set out what the Federal Parliament actually would collect; but the Federal Government could not possibly collect what Mr. Owen had set out in one of the tables. Mr. Owen also dealt with the amount which the Western Australian Government would receive; but he entirely left out of account the interest which the Western Australian

Government would receive on the supposed value of their public property, and entirely left out of account the balance, one-fourth of customs and excise, which the Federal Government would have to retain. When these figures were added, they made the deduction which Mr. Owen had arrived at entirely wrong. This was a matter of opinion, and should be submitted to some independent actuary.

HON. J. W. HACKETT: What did the hon. member mean by "independent?"

HON. A. P. MATHESON: Not in the employ of the Government.

HON. J. W. HACKETT: Did the hon. member think Mr. Owen had been suborned to do this.

HON. A. P. MATHESON: Nothing of the kind. He did not suggest such a thing. Mr. Owen, like a faithful servant, thought it was his duty to put as bad a face on the federal position as possible.

HON. F. T. CROWDER: Mr. Owen had a right to alter his figures, as the hon. member had made four alterations in his own calculations.

HON. A. P. MATHESON: The hon. member was not correct in saying that he (Mr. Matheson) had altered his figures four times; he had altered one figure once. He would like to explain that in trying to deal fairly with the question of federation he had assessed the contribution *per capita* at 5s.; but, after he had gone more carefully into the matter, he found that 3s. would be the maximum amount required; and in altering this figure, things were made worse for federation; therefore he was perfectly justified in correcting a wrong estimate. Even Mr. Owen did not make the amount 5s. *per capita*; but put it down at 4s. It was merely an estimate; and he (Mr. Matheson) having estimated the amount too high, had submitted another estimate in its place. He would prove to the House by and by that Mr. Owen's real figures were 1s. 6d.

HON. F. T. CROWDER: We would take the hon. member's word for it.

HON. A. P. MATHESON said he was glad to have converted the hon. member so quickly. In paragraph 5, Sub-clause *h*, Mr. Owen pointed out that in providing for the new services of the State the contribution from Western Australia would be £33,500, or 4s. 1d. per head;

but Mr. Owen had forgotten to take into account that the expenditure as shown by him in table C included the interest which the Federal Government must return to Western Australia to pay the interest on bonds which the Federal Government would give in payment for the buildings taken over. Mr. Owen set that amount down at £21,000, or 2s. 6d. per head; so that to get at the accurate figures the £21,000 would have to be deducted from the £33,500, or, to be more accurate, we should have to deduct the 2s. 6d. per head from 4s. 1d. per head. That was on Mr. Owen's own estimate of what Western Australia would have to contribute to the federal expenditure.

HON. R. G. BURGESS: That was only for one year.

HON. A. P. MATHESON: As a matter of fact it was for one year, but the Federal Government would give a bond, and would have to pay interest year by year. According to Mr. Owen's calculations, it would cost Western Australia 1s. 6d. per head instead of 3s. per head, the amount which Mr. Crowder had twitted him (Mr. Matheson) with having set down. He (Mr. Matheson) believed he was right in estimating the amount at 3s.; but just now he was interested in proving that Mr. Owen was wrong in the figures he had set out. He could go on talking for a long time, showing various inaccuracies, but as he thought the House was prepared to allow the motion to go, he would not detain hon. members longer.

HON. R. G. BURGESS: An actuary outside of the colony the hon. member wanted?

HON. A. P. MATHESON: So long as the man was an actuarial expert, it mattered not where the actuary came from. He would content himself by moving the motion standing in his name.

HON. R. S. HAYNES (Central) seconded the motion, for the reason that it was a matter of the utmost importance, in dealing with the Federal Bill, that we should have all information obtainable, and the House should not be called on to decide upon evidence which was open to criticism. All actuarial reports were open to criticism.

HON. J. W. HACKETT: Even one by an independent man.

HON. R. S. HAYNES: If the opinions of two persons agreed, no harm would have been done; but if the opinions of the two actuaries differed, it would cause hon. members to pause, and to receive both reports with caution.

HON. R. G. BURGESS: Name your actuary first.

HON. R. S. HAYNES: Everybody was an actuary.

HON. R. G. BURGESS: Yes, according to their own idea.

HON. R. S. HAYNES: Inasmuch as the Federal Bill was to be referred to a joint select committee, it was as well that the committee should be furnished with the best advice and information on the subject. There was no more important matter than the financial portion of the Commonwealth Bill. These clauses had been the great stumbling block against the acceptance of the Bill. There was a great deal to be said on either side of the question of federation, but he (Mr. R. S. Haynes) joined with Mr. Matheson in not accepting, as absolutely correct, the reports of actuaries, especially Government actuaries, and some suspicion was thrown on the report of the Government officer when the Government were opposed to the acceptance of the federal scheme. That caused persons to pause in considering this subject. Government actuaries had the happy knack of being able to prove anything. A speaker in an adjoining colony showed conclusively, and demonstrated beyond a doubt, to his audience, that, according to actuarial report, every person was worth £75, while in Victoria every person was worth only £40 or £50; he could not vouch for the figures, but it did not matter; one man in the audience got up and asked, "Where is my share." He (Mr. Haynes) did not say that Mr. Owen was not an independent person, but on the principle that two persons were more likely to be correct than one, and for the purpose of placing the House in possession of correct information, he seconded the motion. It would give those in favour of the Bill and those against the Bill an opportunity of putting their positions fairly before hon. members. Those opposed to the acceptance of the federal scheme, and who contended that the report was correct, must be sure that the second actuary would support

the Government Actuary in the position which had been taken up. It was not right to rush the rejection of the Bill and to stifle discussion, and for those reasons he hoped the House would agree to the suggestion made by Mr. Matheson; remembering this, that it was only a motion that in the opinion of the House an independent actuary should be appointed, and that if the motion was not acceptable in another place, the matter would fall to the ground. We should not debar an hon. member who had taken a lively interest in the question of federation having all the information possible to place before the committee, and possibly before the people.

HON. J. W. HACKETT: Could not the hon. member get the information himself?

HON. R. S. HAYNES: If the representative of the Government was asked for certain information, the reply would not be that he (Mr. Haynes) was to make his own inquiries. The Government had sent their own representatives to the Convention at Melbourne.

HON. R. G. BURGESS: The Government did not. The hon. member voted for them.

HON. R. S. HAYNES: The hon. member was incorrect. He voted against sending representatives to Melbourne. He could not agree with those members who went to the Convention and who were opposed to federation now because the Bill did not contain certain provisions which would enable the colony to join the federation. Those were the representatives who went to the Convention and had not the sense to get up and ask for what they wanted.

THE COLONIAL SECRETARY (Hon. G. Randell) said he hoped hon. members would not agree to the motion. There was an objection to the motion, that it involved the expenditure of a considerable sum of money; but he did not wish to urge that the motion was outside the province of the House to discuss. He wished to call members' attention to the fact that a joint select committee of both Houses was intended to be appointed for the purpose of considering more particularly the financial clauses of the Commonwealth Bill, and it seemed we might leave the matter safely to the committee, which would have adduced before it evidence

on both sides of the subject. Those experts who disputed the correctness of Mr. Owen's figures would have an opportunity of being heard before the committee, and the committee would, by that means, probably arrive at what was a correct idea of the expenses of the colony in regard to federation. His own opinion was, and he believed it to be shared by Mr. Matheson, that no one could tell how it would work as regarded this colony until such time as we had had actual experience. He was satisfied that if we federated with the other colonies, it would prove disastrous to the agricultural and manufacturing interests of this colony, and therefore to all the interests of the colony without exception—not even excepting the goldfields. He thought, and he hoped members would agree with this proposition, that we might safely leave the question to be dealt with by the Select Committee, in whose appointment he felt certain that the House would concur. The hon. member had not indicated who was to be the expert.

HON. R. G. BURGESS: That was what members wanted to know.

THE COLONIAL SECRETARY: Possibly the hon. member had not the expert in his mind. Perhaps there was one in the House equal in ability to the Government Actuary, and possibly there were several gentlemen here who were experts in figures of this description. He admitted it was a very intricate question, which was shown by hon. members who dealt with the subject previous to this debate, and by the gentlemen who dealt with it on the present occasion. He understood, but he did not know that he was correct, that Mr. Coghlan, the Actuary for New South Wales, made out rather a worse case for this colony than did Mr. Owen himself. This quite proved there were differences of opinion on the question; but he thought that to the ordinary man, the man not accustomed to figures as Mr. Matheson was, there was extreme difficulty about it; and we must judge the Bill to a very large extent from other standpoints; from our own experience and knowledge of the circumstances of the colony. Then if an expert were appointed, he understood it would be for the Government to appoint him, or to make arrangements, at any rate, for his

appointment; and in regard to that he said Mr. Owen was the expert of the Government, and he believed the Government were going to place dependence upon his figures. It was the duty of Mr. Matheson, and any others, to dispute them, and to do so in the usual manner, that being through the newspapers, by speeches from platforms, or some other way of that kind. And when the Committee was formed, it would be their duty to present evidence and figures before that Committee so that the Committee might be able to advise Parliament afterwards as to the result obtained. He did not think he need labour this question. The appointment of one expert certainly led to the appointment of another, and he was not sure that Mr. Matheson would then be satisfied with the result, especially if it came out contrary to his view of the question. Probably he would want other experts before the question was settled. He must oppose the motion, for these reasons, and especially for the reason that a Committee was to be appointed, and that therefore the appointment of an expert now would have very little effect, because the information desirable could be obtained in a better and safer way, and in a manner which would, he thought, carry conviction to the minds of hon. members.

HON. W. T. LOTON (Central): It was a matter of regret to him that he was not present to hear the whole of the remarks made by the member who introduced the motion; but he desired to say that at the present stage he could not see that any practical result would accrue from the appointment of an expert on this particular question. He was much surprised that the member introduced a motion of the kind. He thought the House had come to look upon the hon. member as a champion expert on finance, in connection with the Commonwealth Bill; and he (Mr. Loton) would have thought that if Mr. Matheson took special objection to any particular schedule, or figures, or results which the Government expert had arrived at, he would have put his objections forward in the House in his speech in a clear and distinct form without attempting to call in any other expert on the question.

HON. A. P. MATHESON: Members considered that he was prejudiced.

HON. W. T. LOTON: It had not been stated by him that Mr. Matheson was prejudiced.

HON. A. P. MATHESON: No; but the House thought so.

HON. W. T. LOTON: That he was not aware of. He was under the impression that Mr. Matheson had almost convinced the House he was the champion financial expert of Australia.

HON. A. P. MATHESON: It was a pleasure to him to hear it; but, all the same, members thought him prejudiced.

HON. W. T. LOTON: The motion read—"In view of the question that has arisen as to the accuracy of Mr. Owen's figures." He (Mr. Loton) did not know that the accuracy of the figures had been specially questioned at the present time.

HON. A. P. MATHESON: The figures were distinctly inaccurate.

HON. W. T. LOTON: Then he would like to know definitely and clearly where the inaccuracy lay. He was not there to say the reports of Mr. Owen, the expert, were correct. There might be several inaccuracies in them, and, if there were, it would not be the first time inaccuracies had been discovered in reports of financial experts in connection with the Commonwealth Bill.

HON. A. P. MATHESON: That was perfectly true.

HON. W. T. LOTON: Ordinary men had pointed out inaccuracies to the experts on their own figures; and he would not be at all surprised if there were a great number of inaccuracies or conclusions also arrived at in Mr. Owen's figures. Possibly the figures were correct, but he arrived at certain conclusions and certain assumptions.

HON. R. G. BURGESS: That was the whole thing.

HON. A. P. MATHESON: The figures were not correct.

HON. W. T. LOTON: The figures might be correct, but they were arrived at on certain assumptions, Mr. Owen assuming so and so, and so and so, with regard to the customs duties, and that differences of trade would occur. These differences might not occur at all, or they might occur in a different way, and, as the leader of the House had stated, we were not likely to know what the result of federation would be under the Commonwealth Bill until we tried it.

A MEMBER: That we were not going to do.

HON. W. T. LOTON: As far as many of us could see now, the figures, or at all events the results, were likely to be against the main interests of the colony at the present time.

HON. R. G. BURGESS: And for some time to come.

HON. W. T. LOTON: There was no necessity to labour this question further, in view of the fact that, as had already been pointed out, we should have a joint Select Committee of both Houses. There was no doubt the hon. member, the champion of finance, would be on that committee. He would be able then to put forward his views in detail, and employ or get at his back the best experts he could obtain in the colony. He (Mr. Loton) hoped no stone would be left unturned to present each side of the question in its fullest and fairest form, so that every person in the colony who liked to take an interest in the question should have the facts fully and fairly before him so far as they could be ascertained. With these remarks he desired to say he should oppose the motion.

HON. R. G. BURGESS (East): The remarks of the last speaker relative to the motion by Mr. Matheson met with his concurrence. As he was not an actuary, he was not going to attempt to correct the figures which had been submitted; but Mr. Matheson, in speaking on the Address-in-Reply, put some figures before the House, and spoke of a few hundred thousand pounds as being of no importance. The hon. member placed printed figures before every member of the House, and explained them, and one was glad to say he did so very well indeed. He stated that we could carry on the government of the colony for about two million pounds, speaking roughly.

HON. A. P. MATHESON: Quite so.

HON. R. G. BURGESS: Mr. Matheson would not deny, he thought, that there would be a loss to the colony of £260,000 under federation; but the hon. member considered that to be nothing.

HON. A. P. MATHESON: Where did we get the loss?

HON. R. G. BURGESS: This colony would lose a quarter of its revenue, which would be spent by the Federal Parliament in some part of Sydney or

Melbourne, for goodness knew how long. There would be a loss of £260,000, according to the hon. member's own figures.

HON. A. P. MATHESON: That sum consisted of intercolonial customs, and was not a loss.

HON. R. G. BURGESS: It was a loss, in his opinion. The hon. member was one of those who would accept federation at any price, and he supposed the interests of the colony would not matter one jot to him as long as he was a member of the Federal Parliament. It was like the argument in another place: as long as they could get the Government out, it did not matter how federation affected Western Australia. It would not matter what we lost under federation as long as the hon. member could champion it. It was, however, of no use to argue the question now, for, as had been pointed out, we were likely to have a Select Committee; and no doubt the champion of federation would be a member of it, for one was sure he and every member of the House would be in favour of the hon. member being a member of that committee. How long were we going to carry on this sort of thing? The Actuary of New South Wales had already given us a statement with regard to Western Australia, pointing out, he believed, that it would be impossible for this colony to join in federation at the present time. That being so, where was an actuary to be obtained from? We knew that the carrying of this motion would mean that someone would be obtained from the other colonies; and that it would be said that Mr. Owen, our actuary, and the Ministry carrying on the colony were against federation. If we got an expert from the other colonies, would that expert report against those colonies? He did not think it at all likely. He would oppose the motion of the hon. member, being of opinion there was no occasion for it. When a member of the select committee, Mr. Matheson could do all in his power in relation to the subject, and there no one would stop him. He (Mr. Burgess) was an anti-federationist, and was as much against federation as the hon. member was for it. No man in his senses would support federation for Western Australia if he knew as much of the country as he (Mr. Burgess)

did, and had been all over it, and seen its undeveloped state.

HON. A. P. MATHESON: In reply to comments of hon. members in reference to his motion, he would like to say a few words. He was thoroughly aware that, as the Colonial Secretary had pointed out, there was to be a select committee; but the hon. gentleman had himself referred to the extreme difficulty experienced by members in following figures. Nothing could be truer than that observation. It was almost impossible, even at a committee meeting, or in committee of the House, for any member, unless he had studied the figures, and had them thoroughly at his fingers' ends, to follow any one of these arguments set up by Mr. Owen; and he was anxious that when the select committee met, they should have before them information from an independent third party as to whether Mr. Owen's figures were accurate or not. He did not wish to be misunderstood on the point. He was not dealing with Mr. Owen's assumptions. It was open to Mr. Owen to make assumptions in any direction he liked; and he (Mr. Matheson) might make assumptions. It was in his use of the figures that Mr. Owen was wrong; he had left out figures that any actuary who had studied figures would say he should have included, and he had mixed up one set of figures with another set. Mr. Owen had included the New Zealand produce amongst the articles which were to be admitted free of duty. That was sufficient to condemn the report, as this matter was dealt with in Table "E," which was referred to in every other table throughout the report. Mr. Burgess had alluded to the fact that his (Mr. Matheson's) figures showed that the colony would lose £264,000; what his figures showed was that the loss on the collection of the intercolonial duties under free-trade would be £231,000. That was simply an amount of money which would not be collected; it was not a loss.

HON. R. G. BURGESS: It was a loss to the revenue.

HON. A. P. MATHESON: It was not a loss to the country, but to the revenue.

HON. W. T. LORON: A deficit in the revenue.

HON. A. P. MATHESON: A deficit of revenue, without being a loss.

HON. C. A. PIESSE: We call that a loss now-a-days.

HON. A. P. MATHESON: The only loss he showed to Western Australia was £231,000, but Mr. Owen brought out the cost at about £12,000 less than half what he (Mr. Matheson) had put it down at.

HON. R. G. BURGESS: What about the loss to the country generally?

HON. A. P. MATHESON: As to the appointment of an actuary; every insurance company in the colony had an actuary on its staff, and any one of these men was accustomed to handling figures, which was what was required to be investigated.

HON. R. G. BURGESS: The insurance companies actuaries did not always reside in this colony.

HON. A. P. MATHESON: Every insurance company had proper actuaries on their staff, and every one of these men would be competent, not to investigate Mr. Owen's deductions, but his figures which were used from point to point, and which were taken from Government documents, or should have been. These figures were wrong, and when the joint select committee met they would have erroneous figures as a basis for discussion. If members really wished the question of federal finance to be thoroughly discussed, and not smothered, they would support the motion.

Question put and negatived.

DOG ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on the motion of the COLONIAL SECRETARY, read a first time.

CONTAGIOUS DISEASES (BEES) BILL.

SECOND READING—DEBATE RESUMED.

Debate on motion by the Colonial Secretary, for second reading, resumed from 18th July.

HON. F. T. CROWDER (South-East): I have much pleasure in supporting this small Bill, because there is only one clause of importance in the measure; that clause compels any owner of bees, on finding any disease, such as foul brood, amongst them, to report it to an inspector.

HON. R. G. BURGESS: A lot of good that will be!

HON. F. T. CROWDER: I notice that there are few members in this House and in another place who have a knowledge of bees; to my sorrow I have had a good deal of experience of them.

HON. R. G. BURGESS: Have they stung you?

HON. F. T. CROWDER: In my pocket. The disease which this Bill principally refers to is foul brood, and it is a contagious disease, not only affecting the brood of the young bees, but the old bees as well. When once the disease is introduced into the hive and left unchecked, the swarm of bees is destroyed, in my experience, in less than two months. I lost £700 on bees at Gingin, and the disease has been disseminated throughout Gingin and Newcastle. Without bees the crops of fruit and vegetables, owing to the want of inoculation in the districts where the bees have been destroyed, are becoming very poor indeed.

HON. R. G. BURGESS: Were the crops poor before the bees were taken there?

HON. F. T. CROWDER: If this Bill is not passed, in a short time the farmers will be approaching the Government asking them to introduce bees into this country. This Bill will not affect the bees in their native state living in trees. So far as the wild bees are concerned, when once the foul brood is introduced amongst them, in six or seven weeks the whole of the bees are destroyed. In South Australia and New South Wales there are Acts similar to this Bill in force, and these Acts were only passed after the disease had spread amongst nearly the whole of the bees in the colony. In this colony, when a man finds he has foul brood in his hive, he simply takes the comb on which there is the disease out of the hive, and throws it on to the ground; bees from all parts of the country flock to this comb to take out the small quantity of honey left, and in this way spread the disease. The only way to deal with this disease is by care and the removal of the bees to fresh hives, and if the disease again occurs, to destroy the comb and remove the bees to another fresh hive. Only care and attention will deal with the disease. According to a paper laid on the table of this House by the Bureau of Agriculture, as far as the Gingin and Newcastle districts are concerned, the native bees in those dis-

tricts have died out from the disease, and the growers of fruits and vegetables have suffered severely.

HON. A. P. MATHESON: What vegetables.

HON. F. T. CROWDER: Pumpkins, and that class of vegetable. This Bill, I find, will not require any further outlay in providing inspectors, as the Bureau of Agriculture have a competent bee inspector who will carry out the provisions of the Bill.

HON. R. G. BURGESS (East): Hon. members will think I am going to oppose this Bill, and I should be very sorry, if the Bill would do any good to any industry in the country, however small, to do so; but my experience is, in reference to Bills like this, that they are placed on the statute book, which is all that is done. In reference to the carrying out of Acts of Parliament, I will mention what I saw the other day. First I may say that inspectors go round about, like ministers of religion, where there are a large number of people, but they do not go into the country districts. There is nothing like going thoroughly into these matters and showing that Bills are useless. About a fortnight ago I went round to an outlying district, and I saw a number of fowls lying dead about the place. I asked a man, what killed them? He said the fowls got a disease, and a man brought them down here and spread them out so that they would not affect other fowls. These fowls were lying dead in heaps of four or five together.

HON. J. W. HACKETT: Was that in the Eastern district?

HON. R. G. BURGESS: I am not an inspector, and I am not called upon to say. I went to this man's residence and asked where he was, and I was told that he was away; I was informed, however, that his fowls had got the disease, and that he had taken them away to a certain place to sell them. Hon. members will see by my remarks what is going on in the country, and it is a disgrace to pass laws of which no notice is afterwards taken. The sooner the House puts its foot down on such proceedings, the better. Either Acts of Parliament should be carried out, or they should not be placed on the statute book. It is not much good having a Bureau of Agriculture at all. I do not believe the members of this House

who are on the Bureau of Agriculture are present, or I would "slate" them. The members of the advisory board and the department ought to look more into these things, for it is not our duty to pass laws when some of us know they will not be carried out. There are lots of Acts on the statute book which are not carried out, and I know such is the case with regard to fowls. For I have come across people in Perth who have told persons they have fowls for sale, and have said, "They have the tick, you know, but I suppose you do not mind that." That is the way in which things are carried out, and if this Bill be passed, we shall never hear any more about it. The hon. member has spoken about £700; but he must have a great deal of money, and he does not trouble about it. The latter part of Clause 3 of the Bill says, any person guilty of an offence under the Act shall, on summary conviction, be liable to a fine of not less than five shillings nor more than ten pounds. Last year, when the Insect Pests Act was introduced, I supported it, because I knew the necessity for it. I pointed out that it was necessary to stop the importation of diseased fruit and trees and garden produce, and urged that the penalty should be increased from £50 to £100. What is a five-shilling fine, or even one of ten pounds? Such a fine is perfectly useless, and if you want to stop this disease you should have a higher penalty than that. If a man is brought up and fined pretty heavily, it will do some good, and tend to stop the disease, but passing such a Bill as this will not have that effect. After the Bill is passed, there will be regulations something like those under the Act passed last year with regard to fruit trees. The Bureau of Agriculture have experts who do nothing, and it is a scandal to the country. Members of that institution only go about in those districts with their friends, who vote to keep them in Parliament. They send round experts who go along the roads where they can easily find people; and I know of gardens which have never been inspected.

HON. F. T. CROWDER: You should report and help the Act.

HON. R. G. BURGESS: I am not a policeman, and I am not going to trouble about everybody. There is another Act.

which has reference to statistics. The police came round two years ago, and they never obtained a return from a settler who is living within ten miles of York, and is known nearly as well as I am. There is a statue to a man of the same name in some part of Perth. I also know another man who has five or six thousand acres, and is a worthy young settler, from whom no return has been taken. It will be just the same with this Bill, unless we not only pass Acts, but see that they are carried out. Not only is it useless to pass Acts unless they are carried out, but it is doing more harm than good. I am afraid the Government are too ignorant in the matter. I shall not keep you very long, and indeed I never do, but there is another subject to which I desire to refer. The hon. member (Mr. Dempster) asked a question the other day in reference to the Game Act of 1892. The question had reference to stopping the wanton destruction of kangaroos for their skins, and there is nothing in the Act that will do any good at all in regard to it. What Mr. Dempster asked was that we should stop the wanton destruction of these animals, which are very handy to farmers when they are short of other meat. Kangaroo meat has always been used, and some people consider it a delicacy. In one of the chief butchers' shops I saw any number of kangaroo tails, and in relation to this the Game Act is useless. We spoke to the Minister of Lands about it the other day, and he indicated that he would proclaim an area where kangaroos should not be killed.

THE COLONIAL SECRETARY: I understood he would proclaim a close season.

HON. R. G. BURGESS: That does not meet the case. With regard to this Bill, I am not against it, and I should be very sorry to do anything that would destroy the industry, because I know the people in our own district, and I am aware that some are destroying their bees, but bees might breed disease from many other things. There is a disease among the opossums. There used to be a large trade in regard to opossums, thousands and thousands of skins being sent away, and men could make their pound a night. What became of the opossums?

HON. A. P. MATHESON: Rugs.

HON. R. G. BURGESS: They are nearly all killed down. As regards bees in forests, there are very few of them about in our district, and I suppose most of those that used to be there destroyed themselves. What I want to point out to hon. members is that it will be useless for us to pass this Bill unless it is determined to carry it out. I have to knock about and make my living, and I see these things, and it does not satisfy me to know that we have these laws, and there is no means of carrying them out. The best way would be to ask the Secretary of Agriculture to come before us and give us some idea how the Bill will be carried into effect. It is very easy to pass Bills, but it is not known how they will be carried out.

HON. F. T. CROWDER: It is a copy of an Act passed on the other side.

HON. R. G. BURGESS: They have more means there to carry legislation into effect. With these few remarks I leave the subject to hon. members.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Beekeepers to give notice of contagious diseases to the Department of Agriculture:

HON. J. E. RICHARDSON: Lots of people were not experts in relation to bees and so on. There might be a few poor men carrying on the industry, and how were they to know whether the bees were affected or not? Yet they would be liable to a penalty.

THE COLONIAL SECRETARY: Information was, he believed, furnished upon this point, and he understood it was not at all difficult to ascertain whether there were foul broods in a hive. He believed that foul broods were to a certain extent sealed up, and became a fermenting mass, and the bees were unable to turn them out of the hive and keep the hive clear. A person who had a hive of bees could easily ask an inspector to examine it, and he (the Colonial Secretary) was instructed to say that every facility would be given by the Bureau of Agriculture to assist any persons who were cultivating bees. The Secretary thought there would be no

difficulty at all about it. He was sorry Mr. Burges had filed such an indictment against the Agricultural Bureau, which had to carry out these various Acts.

HON. R. G. BURGESS: The statement made by him could be proved.

THE COLONIAL SECRETARY: It was, he agreed, useless to have Acts upon the statute book unless they were carried out, and he trusted what had been said would come to the notice of the bodies referred to.

HON. J. W. HACKETT: It was not the Agricultural Bureau; but the Government had cut down expenses.

THE COLONIAL SECRETARY: Possibly it might be through the exigencies of the times, but, even taking that into consideration, he did not think there was any excuse for not carrying out an Act that had been passed, and he believed that if the emergency were truly represented to the Minister, all due efforts would be made to supply the necessary inspectors for the carrying out of the Acts. A feeling existed in Parliament, and out of it, that the Bureau was overmanned, and possibly that might have had something to do with reducing the number of inspectors and others connected with the department. However, if the Government were to blame, they should shoulder the burden and see that the Acts were carried out. He totally disagreed with the hon. member, however, in relation to the efficacy of the Bill. Clause 2 was really the crux of the Bill, and if that were taken out of it, the Bill would be of no use. So far as his influence would go, he would urge upon the other members of the Cabinet, that, if the Bill were passed, steps should be taken to see it enforced. Members would agree that the industry was a desirable one, not only on account of its intrinsic value—and some £8,000 or £10,000's worth of honey was imported—but because it would employ a certain class of labour which might not otherwise be engaged, and furnish a wholesome article of diet to homes. It enabled persons to increase their income, and he took it that the industry was most important, another fact being that the honey produced in this colony was, he thought, superior to that imported.

Put and passed.

Clause 3—Penalty for non-observation of preceding section, or for having comb affected with contagious disease:

THE COLONIAL SECRETARY: With regard to what fell from Mr. Burges in relation to fines, his experience in connection with public affairs had been that heavy penalties almost always defeated their object.

HON. R. G. BURGESS: Not in the case of the Scab Act.

THE COLONIAL SECRETARY: Under this Bill a fine as high as £10 could be inflicted, which would be no trifling amount, and a person could be called upon to pay as low a sum as five shillings.

Put and passed.

Clause 4—Appointment of bee experts:

HON. D. MCKAY: Experts undertook to do the inspection themselves.

THE COLONIAL SECRETARY: It was not intended to go outside the department, but the experts must be appointed.

Put and passed.

Clause 5—Inspectors and others may enter beekeeper's premises:

HON. R. G. BURGESS: Anyone should not be allowed to go on to a person's premises.

THE COLONIAL SECRETARY: That would not be the case; a person would be appointed.

HON. R. G. BURGESS: A man might go round the country and say he was authorised.

THE COLONIAL SECRETARY: The regulations would provide for that.

HON. F. T. CROWDER: A man had always to show his authority before entering on premises.

Clause put and passed.

Clause 6—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and report adopted.

CRIMINAL EVIDENCE BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): I have always some diffidence in moving the second reading of a Bill of a technical character; but in this instance my labours are lightened, inasmuch as the principle has already been admitted in the Act of 1896, which it is proposed to repeal by this Bill. Legislation of an exactly similar character has

been passed by the Imperial Parliament; and this Bill is a transcript of the Imperial Act, with those alterations which it is necessary to make in dealing with this colony. The Act in existence limits the principle contained in the Bill to courts of summary jurisdiction, and the Bill extends the provisions to cases before the Supreme Court. I do not think I need go into the details, as the principle has already been affirmed. As far as I can gather from a perusal of the measure, I think it will be acceptable to hon. members. Perhaps Mr. R. S. Haynes will refer to some clauses of the Bill. According to this measure, a wife may give evidence on behalf of her husband, or a husband may give evidence on behalf of his wife; and one sub-clause of Clause 3 provides that the Bill shall not interfere with the provisions of 14 Vict., No. 4, Sec. 10, which provides that an accused person who is about to make a statement shall be cautioned by the magistrate. I am in doubt as to whether that should be included in the Bill; but the Crown law officers have thought fit to include it, and therefore I shall have nothing to say on the point. I move the second reading of the Bill.

HON. R. G. BURGESS (East): I wish to ask the Colonial Secretary whether Clause 4 is a new departure altogether. Has the principle been recognised in the colony previously? The clause says:

Where the only witness to the facts of the case called by the defence is the person charged, he shall be called as a witness immediately after the close of the evidence for the prosecution.

THE COLONIAL SECRETARY: That is taken from the English Act.

HON. R. S. HAYNES (Central): I am and always shall be willing to follow the English Parliament when they introduce a Bill dealing with the administration of the law; and we are always safe in following in the footsteps of the mother country, as a rule; but it is well known there is no rule without exceptions, and I think that is one exception to that rule. I notice that the Imperial Act was passed last year, and it cannot have been proved in England yet; we have no reports from England to say how the Act is working there, and I may point out that this Bill absolutely changes the fundamental principle of criminal trials. The principle on

which criminal trials proceed is that a person charged is deemed to be innocent until the contrary is proved. In certain circumstances the defendant can give evidence in this colony; for example, when a man is charged with assault on a female, it is competent for him to give evidence on his own behalf, wisely no doubt; for in consequence of charges which have been brought up by females for the purpose of extorting money, it has been deemed wise to give the person charged the opportunity of answering the charge. The Bill, to my mind, does away with the fundamental principle that a person charged is deemed to be innocent until found guilty. How are we to apply this Bill? A person is competent to give evidence, and may give evidence or may not. Counsel for the prosecution is not allowed to comment on the fact that a defendant has not given evidence on his own behalf; but there is no reason why the Judge should not comment on the fact, and there is no reason why the jury should not take into consideration the fact that the accused has not given evidence. One might say that the jury would be able to determine better whether a person is guilty or not if the accused gave evidence, but let us examine the proposition and see how far it is true. From an intimate and close acquaintance with witnesses I may inform hon. members that there is nothing more dangerous than to allow a person, guilty or innocent, to give evidence, or to consider the manner in which evidence is given in the box. The rule might be that all accused persons would go into the box and give evidence.

THE COLONIAL SECRETARY: This Bill does not say that.

HON. R. S. HAYNES: It says in all cases a defendant may go into the box and give evidence.

THE COLONIAL SECRETARY: Yes; "may."

HON. R. S. HAYNES: The Judge may comment and draw conclusions, and the jury may draw conclusions from the fact of the prisoner not going into the witness box. This will throw a great responsibility on counsel for the defence. I myself would not like to advise any man to go into the witness box or not; I would not know what is in his mind. The accused may have made a statement to me, and I do not know whether he is telling

the truth or not. An accused person would have to go into the witness box to prevent the jury drawing conclusions from his not going into the box, and to prevent the Judge drawing attention to the fact, although counsel for the prosecution could not draw attention to it. What would be the result? If an accused person was a sharp, competent man, he would go into the witness box and defy the Crown Prosecutor to show that he was lying, or that he was guilty, and thereby the accused might procure an acquittal. I have had witnesses through my hands who I have known had been lying, but could not prove it. On the other hand, some persons may go into the witness box and become nervous, and the counsel for the prosecution would be able to put questions to such a witness that would confuse him. In the course of the questions put to him a witness might make an honest mistake; but that fact would be laid hold of by the jury, who would say that on examination by the counsel for the prosecution the man could not tell the truth. There is an old adage about asking three questions in arithmetic and answering them right off. The two first questions are put in such a way as to draw the attention of the person answering away from the third question, and he answers the third question inaccurately. The idea of counsel is to throw a witness off his guard in order to get a truthful answer, and a witness in this way may make a mistake. Although counsel has noticed the mistake, he does not say a word about it, but proceeds to question the witness about something else. The witness may, upon reflection, see that he has made a mistake, and he says to himself "I wonder whether counsel has noticed it," but the counsel says nothing about it and goes on questioning; then, in reply, witnesses are brought and the accused person is trapped. We are as fast as possible approaching the French law, by which an accused person is bound to be examined. My impression is that he ought not to be examined, not because I think an innocent person would secure an acquittal, but that the criminal may secure an acquittal. A person may be a desperate criminal who has been oftentimes before the court, and he can stand in an unblushing manner

and impose on the Judge. I will give an instance: I saw a witness get into a witness box, and I was informed on credible authority that the witness had been convicted several times of an offence, thieving. He was put into the box to prove a certain fact. I was satisfied the man went into the box and swore a falsehood; but, being a skilful man, he defied all my attempts to shake him, although I was satisfied he was lying. I asked if he was not convicted in the other colonies, and he said, "No," and I was bound by his answer. He appealed to the Judge, and said, "Your Honour, I have been attacked most cruelly by counsel (mentioning my name); I have always been an honest man; I have been trying to earn an honest living, and I think it very wrong to attack me in this way." The Judge, looking at me, said he thought it was, and that I had made a mistake. I knew I had not, and I filed in three policemen from Victoria, who swore they would not believe this man on his oath, and the counsel for the other side was afraid to ask them why. There was a man who would convince anyone, and he did convince the Judge, that he was telling the truth; and if he could convince the Judge, would he not have convinced a jury? Fortunately I had evidence at hand to show he was an accomplished criminal. That was one case. Take local cases. You are aware of numerous cases where a person you know has told the truth, and you are sure that he has told the truth, yet the jury have not believed it. There are cases where a witness has gone into the box as either plaintiff or defendant, and you are sure he has been telling the truth, but, through his manner, counsel has said, "Why, gentlemen, he is not a man to believe." A man may not be a good witness, having a hesitating manner, the result being that although innocent he is convicted. That is the worst case of all. I know the answer to this will be that the principle referred to has been recognised in the inferior courts. I admit it, and I was one of the persons who advocated it.

THE COLONIAL SECRETARY: In civil cases.

HON. R. S. HAYNES: You can appeal in civil cases, but, in regard to criminal cases before the Supreme Court, the Act passed is so hedged round that you

cannot get a new trial without the consent of the prosecuting party. In civil cases you can, and the verdict can be interfered with or set aside, but that is never done in criminal cases. All cases in a police court are subject to appeal. If a defendant in a police court speaks in a hesitating manner, and gives evidence in a bad way, the magistrates may not believe him, and may convict him.

THE COLONIAL SECRETARY: It was said the other night that in all cases an appeal can be lodged.

HON. R. S. HAYNES: It is not for me to contradict hon. members. I assert that in all police court cases, excepting convictions under the Customs Act, persons can appeal, and people can appeal in all cases under the Customs Act, by having a case stated.

HON. A. B. KIDSON: Hear, hear.

HON. R. S. HAYNES: So there are appeals in all cases.

THE COLONIAL SECRETARY: The magistrates can refuse to state a case.

HON. R. S. HAYNES: If they refuse, you can go to the Court, and the magistrates may be told peremptorily to state a case. I have only to point to another instance—the right of a defendant to give evidence in New South Wales, a colony in which criminal law has received very careful attention, and the laws have been consolidated. In New South Wales they have marked the distinction between cases of trial by the lower courts and those tried in the superior courts. That Act was passed in 1882 or 1883, and so far as I know, speaking subject to correction, no attempt has been made there to introduce the principle of an accused person giving evidence except in a certain class of cases—assaults upon females, and, I think, upon children. I therefore say again that I am opposed to this Bill, and I think it right and proper that in such matters as these the Bill should, in the first place, be submitted to those who have charge of the administration of the law, and it would be wise to consult the Judges with reference to the Bill.

A MEMBER: It may come before a Committee.

HON. R. S. HAYNES: The object of sending it to a Select Committee would be only to report upon the form of the Bill, and the form of the Bill is absolutely

correct, because it is a copy of the English Act; but I am speaking of the principle of the Bill. The Bill is the most important one introduced into the House since I have been a member of it. We have now a thin House, and I would ask the hon. member not to force the Bill through to-night, but to consent to an adjournment of the debate for seven days; and in the meantime some hon. member may submit it to the learned Judges.

HON. R. G. BURGESS: It is a new thing for this colony.

HON. R. S. HAYNES: Yes. If the hon. member intends to proceed with the Bill, I should advise members not to pass it, for I think it too dangerous an innovation.

HON. A. B. KIDSON: I will move the adjournment of the debate.

HON. R. S. HAYNES: The hon. gentleman may even consent to the Bill being discussed, and allow it to be thrown out this session, so that inquiries may be made in England as to the working of the Act. I, therefore, so far as I am personally concerned, shall oppose the Bill until I have an opportunity of seeing how the Act works in England. If it works well in England, by all means introduce it here, but I say it is a most dangerous Bill to be introduced in this House.

THE COLONIAL SECRETARY: Dangerous to the rogue.

HON. R. S. HAYNES: If I thought it dangerous to the rogue, I would be the very last person to oppose it. I fancy it was I who introduced an extension of the provisions of the principle laid down here to the police court, and, if I did not introduce it, I have always advocated it. I could quote cases where persons would have been convicted because the Judge took a wrong view. And supposing a Judge took a wrong view of a case, what would be the result? He would snap up the witness and upset him in such a way that the witness would be scarcely able to give a proper answer at all. This Bill is the most dangerous one that has ever been introduced. Hon. members may pass it if they like, but that is my opinion, and I have long thought the question over, the subject having, indeed, been before my mind for years.

THE COLONIAL SECRETARY: I hope the hon. member does not suggest that any

Judge would have an animus against a prisoner.

HON. R. S. HAYNES: Judges are human, and because a man gave his evidence in an unsatisfactory way one might take a prejudice against him, and believe him to be telling an untruth. I say it is very much better to have persons tried by the evidence of witnesses.

HON. A. B. KIDSON: If I am in order, I propose that the Bill be referred to a Select Committee.

THE PRESIDENT: The Bill cannot be referred to a select committee until after the second reading.

On the motion of HON. R. G. BURGESS, the debate was adjourned until the next day.

PERTH MINT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: A very few words are needed for this Bill. When the Mint was established it was thought that £10,000 would be sufficient to provide for the expense of carrying on the work, but since then, as members are aware, the production of gold has increased to such an enormous extent that it was represented to the Government that it was desirable to increase the power of the mint to turn out sovereigns and half-sovereigns; and so, instead of finding sufficient accommodation for minting a million sovereigns, the Mint is now prepared to make three millions, and probably it would be able to reach as much as four millions per year.

HON. R. G. BURGESS: They do not get all the gold, then.

THE COLONIAL SECRETARY: The increased production necessitated an application by the Deputy Master of the Mint for an increase of the amount of money from £10,000 to £20,000. It is expected that the Mint will be payable in a short time. It is intended that it shall be, if possible, and the earnings of the Mint will be paid into the revenue, the expenses of the Mint being charged against the grant which I now ask the House to agree to. If at any future time the necessity arises for revising the charges of the Mint, it can be dealt with. The other day I gave information to members regarding the Mint charges,

and I think members have a book which was issued from the Mint on the day of its opening, showing what the charges are. I believe they are about equal to those in the other colonies, and, at any rate, they are very moderate. Without detaining the House longer, I move the second reading of the Bill, which has become an absolute necessity.

HON. F. T. CROWDER: I do not intend to oppose the second reading of the Bill, but I may point out that several complaints have been made to me lately that the returns are not sent out soon enough, 12 days elapsing from the time the gold is put into the Mint. I mention this matter that the leader of the House may make a note of it. Of course the delay may take place because the Mint is not, I suppose, in full working order at the present moment; but such a state of affairs should not exist.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Preamble and title—agreed to.

THE COLONIAL SECRETARY: The time occupied between the delivery of the gold to the Mint, and the payment for it, was provided for in the regulations.

Bill reported without amendment, and report adopted.

ADJOURNMENT.

The House adjourned at 6.32 until the next day.