

"for or toward any plate prize or sum of money to be awarded to the winner of any lawful game sport pastime or exercise."

Clause—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following new clause be added to the Bill, to stand as clause 14: "Notwithstanding anything to the contrary contained in 'The Police Act, 1892,' all fines and penalties incurred and recovered under the provisions of that Act within any municipality excepting so much as may be payable to any informer shall be paid to the Council of the municipality."

Clause—put and passed.

MR. MONGER moved that progress be now reported, and leave asked to sit again.

Agreed to.

Progress reported, and leave given to sit again another day.

#### ADJOURNMENT.

The House adjourned at twenty minutes to 11 o'clock p.m.

## Legislative Council,

*Tuesday, 13th December, 1892.*

Post Office Savings Bank Act: Amendment of—Industrial and Reformatory Schools Bill: first reading—Perth Gas Company's Act Amendment Bill: third reading—Excess Bill, 1891: third reading—Constitution Act Amendment Bill: second reading—Public Institutions and Friendly Societies Lands Improvement Bill: second reading—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 3 o'clock.

#### PRAYERS.

#### POST OFFICE SAVINGS BANK ACT—AMENDMENT OF.

THE HON. J. MORRISON, by leave, without notice, asked the Colonial Secretary if the Government intends taking any steps during the present session to amend the Post Office Savings Bank

Act with a view to—(a.) increase the amount which depositors may deposit in any one year, (b.) increase the amount of deposit upon which interest is payable.

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied: The Government do not intend to introduce any Bill of the nature referred to during the present session. The hon gentleman may be aware that the Federal Council meets in January, and the desire of the Government is to conclude the business with a view to allow the representatives of this colony to take part in the proceedings, and therefore the Government have no intention of introducing any further Bills. I shall, however, bring the matter under the notice of my colleagues and see whether they are inclined to do anything next session.

#### INDUSTRIAL AND REFORMATORY SCHOOLS BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

#### PERTH GAS COMPANY'S ACT AMENDMENT BILL.

This Bill was read a third time, and passed.

#### EXCESS BILL, 1891.

This Bill was read a third time, and passed.

#### CONSTITUTION ACT AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I now rise, sir, for the purpose of moving the second reading of a Bill intituled "An Act to amend 'The Constitution Act, 1889.'" I feel that this is one of the most, if not the most, important measure that has come before this House during the present session. It may be remembered that when the Constitution Act was passed by the old Legislative Council, the members of that House were considerably bound and tied by certain conditions laid down by the Secretary of State, and had it not been for these conditions I do not think that the then Legislature would have passed the Bill, providing, as it did, such a very high franchise for the electors of the House of Assembly; but the conditions,

as I say, were laid down by the Secretary of State, and the desire then being to have Responsible Government it was argued, and argued fairly, that as soon as we obtained it it would be in the hands of the people to so liberalise the Constitution as might be desired. When I was one of the delegates before the select committee of the House of Commons, considerable discussion took place, and indeed exception was taken to the very high franchise which was provided by the Bill, and I assured the committee that so soon as the colony had the power to amend the Constitution, I felt certain that some considerable liberalisation of the franchise would take place. I also assured the committee that the property qualification of members for both Houses would undoubtedly be abolished, and I instanced a division which had taken place in the Legislative Council as showing that the large majority of elected members had voted for the abolition of it, but that it had been carried by the votes of the nominee members. I feel sure that the assurances given both by myself and the late Sir Thomas Campbell had considerable influence on the members of that select committee, and they reported in favor of the Bill. I know the words I used in regard to the franchise were quoted in the House of Commons, and with a view of showing that the colonists were inclined to more liberal ideas on the subject than those contained in the Bill. Since I returned to this colony, I have felt bound on all reasonable occasions to use my best endeavors to have this qualification of members reduced, and the franchise extended. I felt bound to do all I could to carry out that assurance, and I can tell hon. members that on that account I am very pleased to have the opportunity of moving the second reading of this Bill. It will be observed that this Bill contains several parts, one of which deals with the Legislative Council. As soon as the population reaches 60,000 this Council will cease to be nominated, and will become elected. That provision in the present Act is not altered by this Bill, but the qualification for voters is in a slight degree altered, and the property qualification for members is abolished, besides which the number of members for this House is increased from 15 to

17. It will be observed also that the Legislative Assembly in its wisdom has fixed 30 years as the age at which persons may enter this House. I believe most of us are over that age, and I have no doubt that the other House in fixing it thus did so out of compliment to us. At the end of 30 years a man is perhaps more fit to occupy a seat in this House than at the age of 21, and therefore, while the members of the Assembly can be elected at the lower age, the members of this House must possess that more mature wisdom which comes at the more advanced age. I do not think I need trouble further with the qualification for members of this House, because if there is to be any fight it will not be upon the provisions relating to this House. Coming, therefore, to those relating to the Assembly, it will be observed that it is proposed to increase the number of members from 30 to 33, the three additional members being intended to give representation to the three most important gold-mining districts—Pilbarra, Nannine and Yilgarn. We all, I think, recognise that the gold-mining industry is an important one as regards the progress and welfare of the colony, and it has been represented to the Government, and they fully recognise it, that it is highly desirable that the men who toil and moil in the mines should have an opportunity of having a member to represent them and the mining industries of the colony. It will also be observed that the property qualification for members is abolished, and it is provided that when any man has been 12 months in Western Australia he shall be capable of being elected a member of the Legislative Assembly if he be of the age of 21 years and be not subject to any legal incapacity. Thus a free choice is given to the electors as to whom they shall select to represent them. The idea of the Government was that the constituencies should not be bound to elect a man who had property, or that there should be any particular qualification attaching to the man a constituency might desire to elect to either House, the only distinction being that for the Upper House he must be of the age of 30 and for the Lower House of the age of 21; and I have no doubt but that this view will be as acceptable to the members of this House as it was to the members of the

other House. We now come to the question of the qualification of members of this House. It will be observed by clause 19 of this Bill that "Every man "of the age of 21 years, being a natural "born or naturalised subject of Her "Majesty and not subject to any legal "incapacity, who shall have resided in "Western Australia for 12 months, shall, "subject to the provisions of this Act, if "qualified as in this section is provided, "be entitled to be registered as a voter "and when registered to vote for a "member to be elected to serve in the "Legislative Assembly for the electoral "district in respect of which he is so "qualified, that is to say, if he is "resident in the electoral district at "the time of making his claim to be "registered, and during the six months "then preceding has resided therein." It will be seen that anyone who has resided 12 months in this colony can have his name placed on the roll provided he has been six months in the Electoral District. I know that some hon. members, although I believe only a small minority, of this House have an objection to this clause, on the ground that the votes of the property holders in various districts may be completely outnumbered by the votes of a floating population. I trust, however, that hon. members will bear in mind that a man must be six months in a district before he can have his name placed on the roll, and I will ask them to look round and see whether any of the men who are styled loafers reside for that length of time in any one place. These men who live on their wits and who frequent publichouses go from one place to another, and seldom reside anywhere for six months together. Take again the case of the railway employes. It is said that the permanent residents of a district may be outnumbered by the temporary residence in their midst of a number of these Government employes, but we know full well that these people do not reside for six months at a time in any one place. They are continually moving about. They may be here to-day and in six months' time they may be a hundred miles away. At all events the occasions on which persons employed on the construction of a railway would reside in one place for six months would be very few and far between. I will ask hon.

members to bear this also in mind: that although by virtue of a six months' residence a person may be placed on the roll, it does not follow that he is going to vote immediately. The term for the elections for the Lower House is fixed at once in every four years, and with the exception of casual vacancies which we need not take notice of, each member when elected may be said to be elected for four years. I take it, therefore, that if a man has been resident in a district for six months, and has his name on the roll, it may fairly be said that it will be two years before he will have the opportunity of voting. Suppose now that a man two years ago had his name placed on the roll, he would not up to the present have had an opportunity of exercising his vote. Again, if this Bill becomes law it will be necessary to pass an Electoral Bill, which will contain some stringent provisions by which persons who leave a district may be struck off the roll. I will also ask hon. members to bear in mind, in connection with this subject, what is the principle of representation. We are supposed to have government of the people by the people, that is that every man who contributes to the revenue by means of taxation shall have a voice in the management of public affairs. This, I take it, is the theory of representation. It is not property members of the other House are supposed to represent, nor indeed are the members of this House supposed to represent it. We did not intend, I feel sure, when we entered upon Responsible Government, that we should have government by the few, but government by the many. It was to be government of the people by the people, and if we refuse to allow people who contribute to the revenue and the maintenance of government, and who so far have a stake in the country that they reside here and pay a fair share of the taxation, we are doing them an injustice and are not carrying out the true principles of self-government. I have no doubt that hon. members will take no exception to any of the other provisions with regard to the qualification of electors. It will be observed that every man who "Has a freehold estate in possession "situate in the electoral district of the "clear value of Fifty pounds sterling,

"above all charges and encumbrances in any way affecting the same of or to which he has been seized or entitled at law or in equity, for six months next before the time of making the claim; or is a householder within the district occupying any house, warehouse, counting-house, office, shop, or other building of the clear annual value of Ten pounds sterling and has occupied the same for six months next before the time of making the claim; or has a leasehold estate in possession situate within the district of the clear annual value of Ten pounds sterling, held upon a lease which at the time of making the claim has not less than eighteen months to run; or has a leasehold estate so situate, and of such value as aforesaid, of which he has been in possession for eighteen months next before the time of making the claim; or holds and has held for six months previous to the time of making the claim a lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands within the district at a rental of not less than Five pounds per annum; or if his name is on the Electoral List of any municipality in respect of the property within the electoral district; or the Electoral List of any Road Board district in respect of property within the electoral district." As I say, I have not the slightest doubt that hon. members will make no objection to these provisions, but what I desire to point out is that members of the Lower House are not supposed to represent property. They are not returned to represent sheep or cattle or chattels, but they are returned to represent the views of men—and women, whom I trust will shortly also have the franchise. It will be observed that, as far as this House is concerned, direct representation is given to property, and it is so also with regard to the other House, for although I, as a resident of Perth, may have no property, and yet have a vote, others may, by having property, have a vote in half a dozen other places as well. In other words, while the man who has no property may have one vote, those who have property may have 20 votes for the various places in which they hold it. It is quite possible for men of property, under this Bill, to have 33 votes, one for each constituency, and thus these men may consider their

interests perfectly safe. I do not know, sir, that I need further detain the House, except to say that I do trust hon. members will not be instigated in their action by anything they may have seen in the Press, or by any ungenerous remarks made in bad taste regarding this measure. I hope they will vote in accordance with their convictions and in the manner they consider best in the interests of this community. I trust they will act as they consider best in the interests of the inhabitants, and not in the interests of property holders only, and that they will bear in mind, as I have said, that when Responsible Government was granted, it was given not to a portion of the people, but to the whole of the people; and so long as we exclude men who pay taxes, and who are thus fairly entitled to take part in the management of public affairs, so long shall we not be carrying out the true principles of that form of government under which we now live. I move the second reading of this Bill.

THE HON. J. G. H. AMHERST seconded the motion.

THE HON. E. T. HOOLEY: In the first place, sir, I must congratulate the hon. member who has just sat down on the very able speech he has made. This question has been before hon. members for a very long time, and no doubt everyone has well thought it out. To my mind the Bill contains many useful provisions, but at the same time I consider that they are unnecessary at the present time. We are now in the early stages of Responsible Government, and we have a Ministry which has the confidence of the country. Under these circumstances I fail to see what we shall gain by making any change in the Constitution. If we bring about manhood suffrage, which is the basis of this Bill, there is no certainty that we shall retain the present Ministry in office, even if we retain them in Parliament. In justice to the country, therefore, we should be careful as to what we do. I do not think a question of this kind should be decided in an off hand manner. In my opinion it should first be referred to the country. Let it be made a test question at the next election, and then if a majority of members are returned in favor of it, it will then be time to bring in the Bill. It was only yesterday that I heard a gentleman in this town say

he had received a letter from London stating that the financiers were crying out against mob rule in Australia and expressing regret that this colony was going in for manhood suffrage. I wish to make an amendment to the hon. gentleman's motion, and it is that all the words after "that" be struck out, and that the words "the Bill be read a second time this day six months" be inserted in lieu thereof.

THE HON. E. HAMERSLEY: I rise, sir, to second the amendment. It appears to me that manhood suffrage is opposed to the general interests of the colony. If we take this step payment of members will follow, and then, instead of having members of standing, we shall have men of a much lower and inferior class. On the whole, therefore, I feel pleased that the Hon. Mr. Hooley has tabled this amendment, and I hope he will be supported by the votes of a majority of hon. members of this House.

THE HON. D. K. CONGDON: It is my intention, sir, to support the second reading of this Bill, and for the reason that I think the franchise here provided is fairer than that contained in the Constitution Act. I see no reason whatever why any man, when he arrives at the age of 21 years and who has been a resident in the colony for 12 months, should be debarred from taking part in the election of someone to represent him. I am sorry to think that there is not more unanimity in regard to the Bill, for I believe it is one that is likely to do much good. I do not see why we should distrust the people. We are told that those whom this Bill caters for are birds of passage; but are we not all in a degree birds of passage, for who of us can say whether we shall be here another twelve months or not. And again, I feel sure that if we do not accept this Bill, in a very short period we may find ourselves having to pass one of a very much more objectionable character. As far as this House is concerned, I must say that I should prefer to see it a nominated body, for the reason that it can then be more independent than any elected House can be. However, that is not the question now. I shall, for the reasons stated, vote for the second reading.

THE HON. J. G. H. AMHERST: In supporting the second reading of this Bill I may say one or two words in sup-

port of the course I intend to take. In the first place a certain promise was made by the delegates who went to London, which was more or less binding on the country, and which should be given effect to. Then I think it is such a Bill as will commend itself to the country. It may not be altogether what hon. members of this House might wish, but if we carry the second reading we can then make what alterations we choose in committee. I shall not trouble the House with any lengthy remarks at this stage, but shall wait until we get into committee.

THE HON. J. MORRISON: I have much pleasure in supporting the amendment proposed by the Hon. Mr. Hooley, and one of the principal reasons I have for adopting that course is that I think no alteration or amendment of the Constitution Act should be made without a direct appeal to the constituencies. Our present form of Government has only been in vogue for two years, and I am sure that no good colonist has very much to complain about in regard to the management of our affairs during that time. The Government, I believe, are thoroughly honest and are desirous of doing their utmost to help the country on. Perhaps they have been inclined to do more than they could properly do. I have never heard, from the highest to the lowest, any special request for this Bill. I look upon it as a popularity-seeking Bill—it is nothing else—and from what I know of individual members of the Ministry I cannot believe that their hearts are in it. If carried, it must jeopardise their schemes and system of work, and probably it has only been brought in in fulfilment of one of the many reckless promises made by members to their constituents. If a Conservative talks about this Bill he calls it a conservative measure, and if a Liberal speaks of it he terms it a liberal Bill. The Liberal says it means manhood suffrage, but the Conservative says it is all very well to say it means this, but a man has to be here for 12 months and in a district six months before he can vote. I consider the Bill neither one thing nor the other. If it is a liberal Bill, where is there provision made for the man holding a miner's right? I understood that the Bill was to provide for everyone. A miner is not likely to reside in a district for six months; he has no land

anywhere, and hence where is he provided for? This House is supposed to exercise a check upon hasty legislation, and I cannot help thinking that this is such. This is not only my own opinion, for if we go away from Western Australia and look at one of the best papers published in Australia, we find a very good article sympathising with the country in an attempt to tinker with the Constitution as soon as we have got it. As long as we have a Parliament I hope members will have minds of their own, and vote as they deem best in the interests of the country. As to manhood suffrage, in my opinion it means tyranny. If we look at the other colonies we see how numbers of good men are being ruined by a few blatant leaders. I do not want to go into this matter at any length, for I feel sure a majority of hon. members will support the amendment. Considering the number of public works that are in course of construction, and that the Government has only had about 12 months level work at them, I think it would be putting the country into a false position to alter the Constitution. If the second reading is passed, there are many things I should like to see altered in committee, but I hope it will be a long time before we arrive at that stage.

THE HON. T. BURGESS: I congratulate the Hon. the Colonial Secretary on the able and eloquent speech he made in introducing this Bill, and I also congratulate the Government for the trouble they have taken in bringing it forward. The Hon. the Colonial Secretary has told us that the Bill is an important one. I agree with him, and I think it requires more mature consideration than has been given to it. The hon. gentleman told us that an assurance had been given to the committee of the House of Commons when he and another gentleman represented us in England, but we are not bound, I take it, by that. We have only been in existence for two years, and I fail to see the necessity for altering the present condition of things at this stage. We are progressing very favorably, and the colony is getting all it requires. The people are being represented to their entire satisfaction, and as far as I know there are no complaints against either the Assembly or the Government. There are, of course, some dissatisfied

people, but there always will be these whatever we do. The Colonial Secretary tells us that the principle of representation is that every man shall have a vote—that people and not property shall be represented; but I claim that property is part and parcel of the people. Who are they who keep the country alive but those who have property and who employ it in the cultivation of the soil. Only the other day the Government wished to bring in a Bill to settle the people on the soil. I look on the property holders as the backbone and sinew of the country. It is said that every man who contributes to the revenue should have a vote. I agree with that to a certain extent, but I cannot think that a man who merely contributes has as much interest in the country as the property holder. It is, therefore, hardly fair that people should be represented and not property. I do not think there should be any distinction. I do not see that any injustice is done to the man who has not property, because if he chooses he can become a property holder.

THE HON. J. A. WRIGHT: Where is he to get the money from?

THE HON. T. BURGESS: Save it, as others have done. Many men have come here with only a penny piece, and are now large property holders. Therefore, I must take exception to the argument of the Colonial Secretary that only people should be represented, and not property, because property is part and parcel of the people. Surely the Assembly now represents all sections of the community.

THE HON. J. W. HACKETT: Not the people, at present.

THE HON. T. BURGESS: At any rate, the people have a considerable interest in property, and they are most anxious to be protected. I admit every consumer pays taxes, but he only contributes as far as his own personal interest is concerned. I think the man who becomes a property holder is the man we want to see established here. But I pass over the arguments of the Colonial Secretary, and take the other side of the question. As I said just now, this Parliament has only been in existence for two years, and during that time many important works have been undertaken, and we have borrowed money. The Government has taken a considerable interest in the public works,

and if we do anything now that may interfere with their scheme we shall be doing a very unwise thing. It must be patent to all thinking men that if we do anything now that may interfere with the positions of Ministers we shall probably jeopardise the whole scheme. This Bill is to come into operation next May, and then it will probably mean that the Government will go out.

THE HON. J. A. WRIGHT: Possibly, not probably.

THE HON. T. BURGESS: It is possible, and the consequence would be that the whole of their measures would be upset. I say, let the Government go on for another two years, and by that time their work may be brought almost to a conclusion. If at that time it is thought necessary to alter the Constitution, by all means let us do so. If the Government is then doing what is wrong, and the people are not represented, by all means make a change. At the present, however, we have good men in office, and we should let them carry out what they have commenced. With regard to the Upper House, there is no doubt that within a few months the number of the inhabitants will have reached 60,000, and then we shall be elected; but I cannot see that that will make any difference to the Assembly or the public works that are in hand. The Bill is not an objectionable one, but I consider it rather hasty and unnecessary now. The province of this Council is to prevent such legislation as this, and we must do our duty. The Bill certainly does contain some important alterations. I should have liked to have seen the property qualification for members of the Assembly swept away, and no doubt it will be in time; but we have already elected the present Assembly for four years, and therefore there is time during next session, or the session after that, to make this alteration. My great objection to the Bill is not that I am opposed to the main principles of it, so much as that I think we should do nothing that may interfere with existing arrangements, and perhaps retard the progress the colony is making at the present time. I have heard of no complaints against the present order of things from the outlying towns. There has been an agitation in the newspapers, but that is part of their business. We must be cautious. We have the experience of

the other colonies to go by, and they say that their Constitutions are too liberal, and that serious mistakes have been made, which they cannot get away from now. In other places they are ruled by a floating population, who ask for the expenditure of borrowed capital and run the country into heavy responsibilities, and all this is a warning to us to be cautious. I shall not detain the House further, but I shall vote for postponing the further consideration of this measure to a future date.

THE HON. J. W. HACKETT: Mr. President,—In the remarks I have to make I shall endeavor to imitate two of the qualities which I have observed on the part of hon. members during this debate. They are that of lucidity, which my hon. friend the Colonial Secretary has exhibited in introducing this Bill, and that of brevity, which has distinguished all, or nearly all, of the hon. members who have addressed the House. If we are to listen to the expressions of those hon. members who have spoken in opposition to the Bill, there is nothing left but for the Government to haul down their colors and surrender at the discretion of those hon. gentlemen. Nevertheless, something can be said for the Bill, which, in their minds, is already doomed. Although I have paid attention to the speeches which have been made, I am at a loss to know on what grounds the Bill is objected to, for certainly some of the reasons urged are quite unconstitutional, and one hon. gentleman, the Hon. Mr. Burgess, is going to vote against it because it is not an objectionable one. We have been asked why we should tinker with a Constitution which has been only two years in existence. The answer to that appears to me to be two-fold. In the first place, when this Constitution was brought into force (and I do trust that for the sake of the common sense and pride of West Australians in the work of their Legislature it was not intended that it should go very long unaltered, for a more clumsy, a more insufficient, and more incomplete measure was never placed on the Statute Book) it was intended to change it as soon as possible.

THE HON. T. BURGESS: It was the work of the old Legislative Council.

THE HON. J. W. HACKETT: I do not lay the responsibility there, because

there were gentlemen behind that Bill who allowed it to pass in a form that must be deplored, and it is impossible that it can be allowed to remain much longer without alteration. There is another reason. For something like 50 years this colony has moved slowly along, sometimes so slowly that it ceased to move at all, and at other times with that movement peculiar to the crab—backwards. It languished in all its industries, and only five years back the population had lessened and the revenue declined. Then Responsible Government was introduced; and I ask if anyone, even in his most sanguine dreams, expected so great a change to take place in the short space of two years and that mainly due to the influence of free government.

THE HON. T. BURGESS: Question.

THE HON. J. W. HACKETT: My hon. friend denies it, and will, no doubt, to the end of the chapter.

THE HON. T. BURGESS: No.

THE HON. J. W. HACKETT: Then it is only a matter of a short time when he will alter his opinion. Give him a little more time and—

THE HON. T. BURGESS: What about the goldfields?

THE HON. J. W. HACKETT: They were in existence years before Responsible Government, and the wonderful progress they have made since is the strongest confirmation of my argument. The advance the colony has made is remarkable. Its growth in population and revenue is all largely due to the free public spirit which has been so conspicuous since the introduction of Responsible Government, and it is impossible that the swaddling bandages in which the Constitution Act is bound up should not be removed and a free opening made for the developing spirit of the country.

THE HON. T. BURGESS: What about agriculture?

THE HON. J. W. HACKETT: It is said that what was sufficient two years ago is sufficient now, but is not this an insult to the intelligence of the country?

THE HON. T. BURGESS: Question.

THE HON. J. W. HACKETT: What was good enough 50 years ago was not good enough when we demanded representative institutions, and what was good enough under representative institutions is not good enough for us under Responsible

Government. In the two years which have elapsed since the introduction of Responsible Government we have advanced as greatly as we did during the whole period we were under representative institutions. I repeat that the inherent defects of the present Act demand these amendments, and I say that the progress of the colony calls for it. My hon. friend Mr. Burgess has informed us that he opposes the second reading because he wants to grant to the present Ministry a further two years tenure of life. I am quite certain our friends in another place will be obliged to him for the guarantee.

THE HON. T. BURGESS: I did not guarantee. I say we wish it.

THE HON. J. W. HACKETT: But you ask us to do so by throwing out this Bill. By doing this I think we should be going some way towards usurping the privileges of another place, and going a long way towards knocking down the prerogative of the Crown which has the right of dismissing its Ministers, and also of putting an end to the existence of another place, and probably bringing about a very effectual change in the Government. The Ministry, the hon. member says, shall be assured of its permanency in another place; and another gentleman, whose name I am forbidden to use, is to be informed that this House will not tolerate any exercise of Her Majesty's prerogative. Then my hon. friend Mr. Morrison informs us that he has the strongest objection to a measure of this kind being passed without the dissolution of another place preceding it. Certainly this is rather a bold claim. It is introducing, I do not say an unconstitutional precedent, but it is furbishing up a very old one which has almost expired. Since the Reform Bill of 1832, with one exception which can be easily explained, I cannot recall a solitary case in England, and certainly not one in the Australian colonies, where an Upper House has demanded that a Reform Bill should be sent to the country before it is allowed to pass into law, and for this reason: that such a course would necessitate a double dissolution. So greatly and so clearly unjust is it that one House should make such a demand that the precedent I speak of has been abandoned. It is then a remarkable thing that hon. members should stand up in this House and insist that before passing a measure of this



kind, or even before favorably considering it, it must have the stamp of the constituencies upon it.

THE HON. J. MORRISON: I did not say I insisted; I said I thought it was proper.

THE HON. J. W. HACKETT: Am I to understand that it is not constitutional, but it is proper?

THE HON. J. MORRISON: What I said was that no alteration should be made without a direct appeal to the country. I demanded nothing. If the hon. gentleman wishes to make a long speech on what I did not say, I shall have to ask him to alter it.

THE HON. J. W. HACKETT: I am quite willing to take these words, because they express in much better language what I intended to state; and I say that in most Houses, especially in our own case, there is a peculiar and special reason why a dissolution should not take place. What guarantee can my hon. friend Mr. Morrison, or Mr. Hamersley or Mr. Burges give that if the Legislative Assembly was dissolved three times in a year that when the Bill comes here again it will be passed.

THE HON. J. MORRISON: We are not playing for places.

THE HON. J. W. HACKETT: Even then they will not pledge themselves to pass the Bill if there are half-a-dozen dissolutions. What I wish to call attention to is the serious matter it is for this House to reject this Bill, which in the first instance deals with the electoral arrangements of another place and which has been passed by the hon. members there. It is most unusual, except on the very strongest grounds, to decline to accept such a measure, and further I say it is most unusual to reject such a Bill unless the whole of it be bad. If it be irremediably so, let us do it; but if it contains principles which we can agree to, or if we find that by altering it we can set the Bill right and preserve the principles we do approve of, and amend or strike out those we do not, then I say it is in the highest degree unusual to reject it. I will point out (I put aside the question of the franchise for the Lower House) that we are in accord with the abolition of the qualification for members of both Houses, because we are all agreed that it is useless, bad, and

impracticable. Secondly, I think we are in favour of increasing the number of members for both Houses, or at all events so far as the representation in another place is concerned, so that certain districts may have a voice in the management of the affairs of the country. As to our own House, there are very many valuable clauses, and I am sure I speak with the concurrence of members in this respect. The re-arrangement of seats, for instance, would be a most useful change, and I ask are we to reject a Bill which contains these provisions because we object to another provision, which can be amended or done away with in committee, if hon. members desire it. It was simply owing to negligence in the drafting of the Constitution Act that a large number of ratepayers, who were certainly entitled to appear on the roll, were disfranchised. But, as I say, if there are any principles in the Bill which are good, we should allow it to be read a second time, and alter what is undesirable in committee. Now let us look at the question of the franchise. I have very little to add to what my hon. friend the Colonial Secretary has said, but I would point out that in the first place I believe it was the intention under the present Act to enfranchise large bodies of men who are left out, and that is under the lodger franchise. I cannot but think that that was intended to be the counterpart in this colony of the lodger and servants' franchise in England, and which would let in the larger portion of those whom this Bill will enfranchise. What, I ask, is the crime these men have committed which will warrant us in causing their names to be left outside our political franchise? It was stated that the Lower House should represent the people, and my hon. friend Mr. Burges claims that it does, because it represents the property holders. What my hon. friend the Colonial Secretary urged was that that House now almost entirely represents the property holders, and that it does not represent the people, inasmuch as the larger section of them are disfranchised.

THE HON. J. MORRISON: What about the lodger?

THE HON. J. W. HACKETT: As the present law stands that provision might be wiped out without making much differ-

ence. Give us, if you like, a real lodger franchise such as obtains in the United Kingdom, and I believe the Ministry will be content, and this is one of the amendments that can be introduced in committee. Then the Hon. the Colonial Secretary has pointed out that a man must, under this Bill, be a year at least in the colony before he can be enrolled, and on the average this will mean from 18 to 20 months, owing to the fact that the rolls are only made up once a year. Take my own case. I bought a piece of property in an electorate a month after the roll had been made up. Under this Bill, if I had just come here, I should have to wait 12 months more before I could be qualified, and then nearly another year for the roll to be made up, and consequently I should not get a vote for 23 months. It has been further pointed out to us that an Electoral Act will also come before us, in which stringent provisions will be inserted to ensure that the men who take advantage of this Bill shall be legitimate and *bonâ fide* citizens of this colony. I must express my regret that that Bill was not laid before the House at the same time as this one. I expected that that would have been done, and that it would have been found to contain a provision to the effect that a renewal of electoral rights should be made at certain periods—say at intervals of a year or two. This application, if compelled to be made personally, would be a very efficient check on those who desired to be enrolled. I promised to be brief, but I am afraid I have exceeded my limit. I would, however, ask hon. members before rejecting the Bill to say whether there is not some good in it. If so, cannot we eliminate the bad and perhaps amend what is not irredeemably evil? The Bill seems to me to propose great things for this colony. It proposes to stop what I believe will rise into a virulent and exasperating agitation; and is this, I ask, nothing? At the present moment we are prepared to legislate with all the calmness and with all the coolness of a clear political atmosphere; but once this becomes overclouded we may look with the greatest anxiety upon measures that may be introduced through fear on the one hand, and accepted through timidity on the other. What I ask hon. members to consider is how much they

will reduce the attractions of Western Australia when they tell people who come here that they are not fit to be citizens unless they possess themselves of a certain amount of property, and that they cannot possess as liberal a franchise as their fellows in the neighboring colonies and in the United Kingdom. How will such a condition of things be represented abroad? I believe that by passing this Bill we shall be securing to ourselves the surest guarantee of bringing out the best energies of both those who are here and those who may come to our shores. That we shall gain, in the truest sense, as citizens those whose physical powers we are only too ready to make use of, but to whom we deny the nobler part of guiding the political and moral destinies of a country which, in spite of the way we treat them, I believe they are still proud to call their own.

THE HON. J. A. WRIGHT: I am not going to say that I shall be short, for I have heard that remark before. Everyone begins by saying that he is only going to make a few remarks, and then runs into a three-quarter of an hour speech. The Hon. the Colonial Secretary, in the able speech which he made, said he considered that this was one of the most important Bills brought before this Council this session. He might have gone further and have said the most important since the commencement of Responsible Government. The very able remarks of my hon. friend Mr. Hackett might be taken sandwich-like, in three parts. He began with a threat, then he put on the velvet glove, and then ended with a threat. The idea in regard to the velvet glove was that if we passed the second reading of the Bill we might make amendments. Anyone who has read "Charles O'Malley" will remember the story of Mickey Free. That gentleman, when his father was in a tight place, was informed that he had got his head and shoulders out, and he was asked to help him. Against this he protested, saying that he knew his father well enough to know that if he had got these parts out, he would soon wriggle the rest of his body through. It is very much on the same principle that my hon. friend Mr. Hackett wishes us to pass the second reading of this Bill, for, having done so, we should be bound to pass the balance.

Had the Bill contained the lodger franchise on the same lines as that in force in the old country, I do not think a single member of this House would have objected to it; but it appears to me that the whole Bill is nothing more or less than the outcome of the cry of political agitators, who have everything to gain and nothing to lose. If there is a man living in this colony who cannot afford to pay £10 a year as rent, all I can say is that he is not very much good to the colony. The agitation for this Bill appears to me to emanate solely from the towns, and more especially from those that are blessed with a newspaper. It appears to me that if the colony were polled to-day, the country districts, which have really the greater interest in the colony, would be 75 per cent. against the extension of the franchise. That is my opinion, and I thoroughly believe it. Something was said about loafers, but we do not see many loafers requiring votes in the country; it is only in the towns. Why, we see more loafers in Perth and Fremantle in a day wanting a vote than we see in all the rest of the colony put together. I shall vote for the amendment.

THE HON. G. W. LEAKE: I shall say a few words. The question is not whether any person who is fit to vote shall vote, but whether any person who is lazy enough not to earn it shall have it. The few people who have not the franchise are only those who do not choose to expend £10 a year on a house. It is perfectly true that we have not had the experience of long years before us, but we know that those persons who are most clamorous for the franchise are those who least deserve it. The most cogent argument against this Bill is that not a single petition has been presented to the Legislature in favor of it. We are not asked to give the franchise to men because they are more sensible, more learned, more respected or more hard-working than ourselves, but it is simply an endeavor to satisfy those agitators who have set the place, not simply politically, but literally in a blaze. Who was it set alight to the woolsheds and runs of Queensland? Who cleared the wharves and shipping of honest laboring men in New South Wales, but the agitators—men who bound the unreasoning and unprotected by something like an

oath to strike, and who, having done so, carried unutterable distress amongst both them and their wives and families. I shall support the amendment.

THE HON. G. GLYDE: I have much pleasure in supporting the amendment moved by the Hon. Mr. Hooley.

THE HON. R. E. BUSH: I should not like to give a silent vote on this question. I endeavored up to the time I came into this chamber to keep my mind open upon this subject, and for that reason I have postponed making any remarks until the present, in order that I might see whether any more cogent reasons and arguments would be advanced in favor of this important Bill than have been adduced. I am glad that I deferred speaking until now, because I have been able to hear the speech of my hon. friend Mr. Hackett, who, to a great extent, confined his remarks to the castigation of those hon. members who are opposed to the principles of the Bill, the balance being taken up with a history of the progress of the colony since the introduction of Responsible Government. What that has to do with the question I am at a loss to know. If anyone thinks that the great progress of the past two or three years is due, or almost so, to Responsible Government, I can assure him that it is not the opinion of the majority of hon. members of this House. The Hon. Mr. Hackett said that if the House was agreeable to accepting the lodger franchise as it existed in England, he thought the Government would be satisfied, and I feel sure myself that had this been the main principle of the Bill there would have been no opposition whatever to it. My main objection to the Bill as it stands is that it is not called for by the country, and I feel perfectly certain that if we were to take the different constituencies and gauge their opinion on this question, we should find a majority against it. We are asked to allow the Bill to be read a second time, but I must say that I cannot see the slightest use of doing that. We are all agreed that there are many good clauses in the Bill—provisions which many of us would like to see become law—but where the main principles are objected to it is the merest waste of time to read it a second time.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I feel bound to rise, if

only to assure the Hon. Mr. Bush that if my hon. friend opposite did say that the Government would be satisfied with the lodger franchise as it is in England, he had no authority for the statement.

THE HON. J. W. HACKETT: You heard what I said. It is no use your getting up to make an attack upon me.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I was going to say that I listened to the hon. member and did not hear him say it. He said, I think, that such would be a very good thing, but I did not hear him say anything about the Government. At all events I can assure hon. members that the Government would not be prepared to sacrifice this Bill for a lodger franchise. My hon. and learned friend Mr. Leake said this Bill was the outcome of agitators. Let me ask hon. members whether any great political measures are ever carried without the assistance of agitators. Are they not at the bottom of every great measure? So far, however, as this measure is concerned they are not at the bottom of it. When the House of Assembly met at its first session this matter was first mooted by hon. members sitting opposite the Government, and at the subsequent session it was again brought forward, and the Government gave a distinct promise that they would introduce a Bill this session, and it is in redemption of that promise, and not on account of agitation, that this measure is now before us. I need hardly point out how desirable it is that a measure of this kind should be passed in the time of political calm rather than that a more radical measure should be passed during political heat. I understand that the opposition is not to the Bill as a whole, but to one portion of it only—that portion which gives a vote to people after they have been here for 12 months. If that be the only part objected to, why move that the Bill be read a second time this day six months? We might go on with the Bill, and strike this clause out in committee. Surely it is highly desirable that the property qualification for members should be abolished. Surely hon. members do not wish to retain that. Surely hon. members do not wish the members of the Assembly to be men with land, or to say that their intelligence shall be gauged by the amount of pro-

perty they hold? Why not then pass the second reading, and, subsequently, strike out the objectionable part? I believe all the other clauses will meet with the views of hon. members. ("No, no.") As far as I know they will, and I can only judge by what has been said. I have not heard a word said against any other clause than that relating to manhood suffrage, and I cannot gauge the opinions of hon. members except from what they say, and of course if there are any other objectionable clauses it will be competent to strike them out also. And surely it is desirable to extend the franchise, even if we do not give manhood suffrage. If we strike out sub-section 1 of clause 19 we might enlarge the franchise by passing the rest. Then this Bill gives three new members to the Assembly, and not a single objection has been raised to that.

THE HON. T. BURGESS: It was not necessary to do so.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Well, a great deal was said that was unnecessary, and if hon. members, instead of doing that, had stated their objections, it would have been better. The Hon. Mr. Burgess entered into a long argument on what I said as to property. What I said was that the theory of representation was that every man who contributed to the revenue should have a voice in the management of public affairs—not that cattle, sheep, and horses should be represented, but that men should be represented. I said people and not property should be represented. I do not say that people with property should be excluded. The hon. member said that if the Bill passed, men with property would not be allowed to vote.

THE HON. T. BURGESS: I did not say that.

THE COLONIAL SECRETARY (Hon. S. H. Parker): What I desire to point out is that the man with property is well represented, for it is possible for him under this Bill to have a vote in every constituency—33 votes. I ask hon. members again not to throw out the Bill because it contains one or two provisions they object to. Some hon. members say there should be a dissolution first, but let me remind them that this matter has been before the country since Responsible Government was adopted. It has been talked of from October, 1890, to the present time,

and discussed by every newspaper in the colony. Why go before the constituencies? They made no objection when the Government publicly promised last session to bring in the Bill. Some time ago I had the honor to represent York in the Assembly, and at that time I advocated this Bill, and I had no stronger supporter than the Hon. Mr. Hamersley, and yet he now opposes it. I ask hon. members why we should throw this Bill out if there is anything good in it? If we do throw it out agitation may come which may force us to accept something very much more radical and objectionable than this Bill.

THE PRESIDENT (Hon. G. Shenton): Before putting the question I wish to avail myself of my privilege by saying a few words. I had hoped that hon. members would have allowed this Bill to have gone to a select committee. It has been stated that this House exists for the purpose of checking hasty legislation more than anything else, and if an important Bill of this kind is thrown out on the second reading we should lay ourselves open to the charge of hasty legislation. Would it not be better to allow this Bill to be read a second time, and either go to a select committee, or a committee of the whole House, and then make what amendments are necessary? In this way some amicable arrangement might be come to between the two Houses. To my mind any alteration of the Constitution should be made during a time of political calm. We have that at the present time, and if the Bill is not passed we may have agitation. We have had none up to the present, because last session there was a promise on the part of the Government that this Bill would be brought forward. This House, I may remind hon. members, is on the threshold of a change from nomination to election, and it would be a graceful thing on the part of hon. members at this juncture to do something to meet the wishes of the other branch of the Legislature which has sent us this Bill. We might try to see whether some arrangement cannot be arrived at by which we may remove the present blot from the present Bill by abolishing the qualification for members on the one hand, and on the other by allowing a number of persons who are now debarred from voting to have a vote.

Question—That the words proposed to be struck out stand part of the question—put.

The Council divided.

Noes	...	...	...	9
Ayes	...	...	...	5

Majority against... 4

AYES.  
The Hon. J. G. H. Amherst  
The Hon. D. K. Congdon  
The Hon. J. W. Hackett  
The Hon. R. W. Hardey  
The Hon. S. H. Parker  
(Teller).

NOES.  
The Hon. T. Burgess  
The Hon. R. E. Bush  
The Hon. G. Glyde  
The Hon. M. Grant  
The Hon. E. Hamersley  
The Hon. G. W. Leake  
The Hon. J. Morrison  
The Hon. J. A. Wright  
The Hon. E. T. Hooley  
(Teller).

Question—That the words proposed to be struck out, be struck out—put and passed.

Question—That the words proposed to be inserted, be so inserted—put and passed.

# PUBLIC INSTITUTIONS AND FRIENDLY SOCIETIES LANDS IMPROVEMENT BILL.

## SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): There are many societies which have land vested in them, and whenever they desire to borrow money by way of mortgage they have to introduce and pass a private Act to enable the trustees to execute a conveyance. Several societies have already had private Bills passed; but the Government, having been appealed to by others, it has been thought advisable to introduce this measure empowering trustees to raise money by mortgage under certain circumstances. The Bill provides that three-fourths of the members of an institution must concur in the proposal, and further, that in the case of any land which has been granted by the Crown, the Governor-in-Executive-Council must also assent. The money raised must be expended in erecting new buildings or adding to old ones, and it is provided that the liability of the trustees shall not be a personal one. When a mortgage is executed the land is freed from the trusts of the grant or conveyance and held by the mortgagee free from such trusts. Of course this provision is to enable them to sell the land if occasion should require. The Bill is

brought in to aid societies, and I now move that it be read a second time.

Question—put and passed.

#### ADJOURNMENT.

The Council, at 5.20 p.m., adjourned until Wednesday, 14th December, at 8 o'clock p.m.

### Legislative Assembly,

*Tuesday, 13th December, 1892.*

Scab Act, 1891, Amendment Bill: first reading—Federal Council Referring Bill: first reading—Manufacture of Wines Bill: first reading—Jury Exemption Bill: first reading—Industrial and Reformatory Schools Bill: third reading—West Australian Trustee, Executor, and Agency Company, Limited (Private) Bill: report of select committee—Public Health Act Further Amendment Bill: recommitted—Police Act, 1892, Amendment Bill: further considered in committee—Companies Bill: received from the Legislative Council: first reading—Message from the Legislative Council assenting to Bills—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

#### PRAYERS.

#### SCAB ACT, 1891, AMENDMENT BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

#### FEDERAL COUNCIL REFERRING BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

#### MANUFACTURE OF WINES BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

#### JURY EXEMPTION BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

#### INDUSTRIAL AND REFORMATORY SCHOOLS BILL.

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

#### WEST AUSTRALIAN TRUSTEE, EXECUTOR, AND AGENCY COMPANY, LIMITED (PRIVATE) BILL.

On the motion of MR. LOTON, the report of the select committee on this Bill was adopted.

#### PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

On the Order of the Day for the third reading of this Bill,

MR. TRAYLEN moved that the Bill be recommitted, with a view to making certain amendments.

Agreed to.

#### IN COMMITTEE.

Clause 3.—Power of Local Boards of Health to make by-laws for certain purposes :

MR. TRAYLEN said that, in sub-section 1 of this clause, requiring all cess-pools to be cleaned to the satisfaction of the Inspector within a calendar month of notice to that effect being given, he had omitted to state to whom this notice is to be given. He now proposed to add the words "to the owner or occupier"—which was the phraseology used in the principal Act—at the end of the sub-section.

Amendment—put and passed.

MR. TRAYLEN moved to strike out the words "by a licensee," in sub-section 4 of the same clause, which read as follows: "Fixing the charge which may be made (by a licensee) for removing each receptacle and replacing it by a clean one, and for any other sanitary service." The necessity for striking out the words "by a licensee" had been occasioned by what had been done at a meeting of the Perth Local Board of Health the other evening.

MR. R. F. SHOLL asked the hon. member to state what had been done at the meeting referred to.

MR. TRAYLEN said that nothing had been definitely arranged, but for some months past the Board had been working on the assumption that a contract would be arranged for the removal of night-soil, under the double-pan system; but mem-