

emphasising my desire to assist my friends opposite as far as possible to complete their policy in order to meet the House, I want to point out that I think the member for East Fremantle has been appointed for geographical reasons, for the same reasons which actuated the Ministry in appointing the member for Murchison. I do not disapprove of the appointment of hon. Ministers, but what I approve of does not always meet with the approval of my friends opposite. I have a distinct recollection of an observation being made by the present Premier, in July, 1901, who then said:—

While congratulating the Government on obtaining the services of the hon. member for East Perth (Hon. W. H. James), I think the principle of appointing honorary Ministers is bad, and I am sorry it is being introduced in this State even for the first time. There may be some justification or reason why it should be adopted in the Upper House, so as to give some degree of assistance to the Minister for Lands as being the only Minister representing the Government in that House, and that must be a difficult task when it devolves on only one Minister.

I merely desire to point this out. The hon. member who is now the Premier was then of the opinion that the principle of appointing honorary Ministers was bad; and we see on the very threshold of our friends' accepting office how they depart in practice from the principles they preach. I desire to support the motion.

Question put and passed.

The House adjourned accordingly at 3.45 o'clock, until the 13th September.

## Legislative Assembly,

Tuesday, 13th September, 1904.

	PAGE
Ministerial Re-elections, Swearing-in	292
Questions: Harbour Trust for Bunbury	292
Birling Estate Drainage	293
Motion: Postal Votes, Kimberley	293
Ministerial Statement, Bills projected	296

THE SPEAKER took the Chair at 3.30 o'clock, p.m.

### PRAYERS.

#### MINISTERIAL RE-ELECTIONS, SWEARING-IN.

MR. SPEAKER (Hon. M. H. Jacoby) reported the following election returns received since the change of Ministry, namely: Subiaco, the Hon. Henry Duglish, re-elected on acceptance of office as Premier, Treasurer, and Minister for Education; Kanowna, the Hon. Robert Hastie, re-elected on acceptance of office as Minister for Mines and Justice; Kalgoorlie, the Hon. William Dartnell Johnson, re-elected on acceptance of office as Minister for Works; Mount Margaret, the Hon. George Taylor, re-elected on acceptance of office as Colonial Secretary; Murchison, the Hon. John Barkell Holman, re-elected on acceptance of office as Minister for Railways and Labour. These members being duly sworn took the oath and their seats.

#### PAPERS PRESENTED.

By the MINISTER FOR MINES AND JUSTICE: Amended Regulations under Mining Act, Statement of Expenditure under Mining Development Act, Regulations under Explosives Act.

By the MINISTER FOR RAILWAYS AND LABOUR: Amendment of By-law No. 13, Government Railways.

By the PREMIER: Report by Surveyor General, Regulations respecting Public Moneys under Audit Act, Final Report of Royal Commission on Forestry, Annual Reports of Education Department, Woods and Forests Department, Lands Department, General Descriptive Report as to Transcontinental Railway Boring, August 1902 to December 1903.

#### QUESTION—HARBOUR TRUST FOR BUNBURY.

Mr. GORDON, for Mr. N. J. Moore, asked the Premier: Whether it is in-

tended to introduce legislation to permit of the establishment of a Harbour Trust at Bunbury.

THE COLONIAL SECRETARY on behalf of the Premier, replied: It is not proposed to introduce such legislation, as it is considered that the requirements of the port of Bunbury can be met without the establishment of a Harbour Trust.

#### QUESTION—STIRLING ESTATE, DRAINAGE.

MR. GORDON, for Mr. Hayward, asked the Premier: 1, If the expense of the proposed drainage scheme on the Stirling Estate will extend over the whole of the property, or only on the land which is calculated to benefit by the drainage proposal. 2, At what date will the property be thrown open for selection. 3, Why has it not been thrown open for selection before.

THE PREMIER replied: 1, The expense will be extended over the whole of the property. 2, Early in December, it is anticipated. 3, Because of difficulties in connection with the question of drainage.

#### MOTION—POSTAL VOTES, KIMBERLEY.

MR. F. CONNOR (Kimberley) moved:

That all papers in connection with the Kimberley election, including postal votes which were recorded but not counted, be placed on the table of the House.

He said: The object with which I bring this motion before the House is known to most members. In connection with the Kimberley election, a certain number of votes which were cast were not counted. My opponent, the late leader of the Opposition (Mr. Pigott), and myself when in the far North tried by telegraphic communication to get the then Government to make this election, as long as it would be within the walls of the Act, one which would be a reflex of the opinions of the people there. The election which took place and resulted in my being here to-day was not fully a reflex of the opinions of the people. Mr. Pigott and myself telegraphed to the then Premier (Mr. Walter James) and to the then Colonial Secretary (Mr. Kingsmill), asking that postal votes which were cast should be counted where they were cast, so that the result of the

election would be upon the votes recorded. The then Premier agreed, at first, that postal votes should be counted at Wyndham and at Derby. This would have met the case had it been done; but afterwards, for some reason which I could never realise—I will be charitable enough to say it—Mr. James refused to allow these votes to be counted, saying it was against the spirit of the Act, which must be carried out, and that these votes should be counted at the head polling place, Broome. This was an utter impossibility, because there was not proper communication between Broome and the outside centres of the constituency. Take the case of Hall's Creek. Under the Act as it is, and as the late Government wanted to administer it, the day before the writ was issued a man could go before a certain person and record his vote, but that vote could not by any means be counted, which is a travesty on electoral law, and is not sensible. We want a sensible interpretation of any Act, and we do not want impossibilities put into an Electoral Act. That is the position we were put in, Mr. Pigott and myself.

MR. HOPKINS: Bad luck for Mr. Pigott.

MR. CONNOR: The member for Boulder must vote with me, for he must be in sympathy with my motion. Should he vote with me, he will see that it will be an unfortunate thing for Mr. Pigott, and will be of benefit to me. After telegraphing to the Colonial Secretary and to the Premier to get concessions, we agreed between ourselves that whichever of us should be returned should move on the first opportunity in the House that the value of those votes not counted should, if possible, be got at, and whichever of us was elected—that Mr. Pigott should resign if the value of those votes was against him, or that I should resign if the value of the votes was shown to be against me. It is worth while spending a few moments considering this motion. We should take into consideration what will be the effect of this Act if it is carried out as at present. Some alteration must be made. A man is practically disfranchised although he complies with the law at the first moment, as in the case of the man at Hall's Creek. A few moments after he records his vote he finds that it

will be impossible for the postal vote to be recorded at Broome. Then he says: "I will try and undo what I have done, and I will try to go in at great inconvenience to the polling booth;" but because his vote has already been recorded he is absolutely disfranchised. This needs alteration. It was one of the good laws introduced by the late Government; and it is a good law where there are facilities. The same thing has occurred in the Eucla Division in the far South, as well as in the far North. This should not be; and if the motion does nothing but bring this serious position before members, it will not be moved in vain. I know that I must get a lot of sympathy in this House, especially from the members of the late Government, now gracing the Opposition benches. They must vote with me on this motion, which I am going to press to a division.

MR. HOPKINS: Is your party against you?

MR. CONNOR: I want to give the hon. member an opportunity of voting as I know he ought to vote in this matter, particularly as it might be shown that the voting at Kimberley was more in favour of Mr. Pigott than myself. I am doing my best to have justice done, and the proof is that I am willing to accept the decision and resign if it is against me. I want members to vote as they acted when this question was before the country and when the fate of the Kimberley election was turning on the interpretation which the then Government put on the Act, a forced and unnatural interpretation. The Act must be altered in connection with outside constituencies. It is unjust and unfair, and ought not to be on the statute-book. I have no fear about these postal votes, because I am perfectly satisfied that the majority with which I was returned—a few votes—will be turned into a great majority if these votes are counted. It is a question, however, as to whether it is possible for this to occur in any other electorate. I shall not tire members; but I will press this motion to a division.

[A pause ensued.]

MR. C. J. MORAN: The motion cannot be received, I maintain.

MR. T. H. BATH (Brown Hill): I second the motion.

THE PREMIER (Hon. H. Daglish): I regret that the hon. member should desire to insist on a motion of this description, because I recognise that the House has no authority to require the production of these papers, and that we have not the right, supposing they were produced, to publish them by laying them on the table of this House. We have certain electoral machinery, which has been in operation in Kimberley as well as in other electorates. The hon. member has pointed out that, as far as the operation of this machinery in Kimberley is concerned, it prevented certain persons, according to their remoteness, from recording and having counted their votes at the last election. The hon. member's representations deserve consideration from members of this House, and no doubt will receive consideration when a measure is before the House for amending the Electoral Act. In the meantime, however, it would be distinctly wrong for the House to sanction such a motion; and I can only appeal to the good sense of the hon. member by asking him not to persist in his determination to force a division. I should like him, now that he has ventilated the matter, to agree to the withdrawal of his motion.

MR. C. H. RASON (Guildford): I hope the mover will not press for a division. Personally I think his motion is out of order, inasmuch as it can have no possible effect if passed. I presume that only the Supreme Court could order the production of these papers; and I imagine that this has been very wisely provided. I submit with all respect to the hon. member that he of all men should be satisfied with the result of the election. He has been returned to this House. Why seek farther to probe matters? It is true, perhaps, that the hon. member's majority might prove to be larger if the votes in question were still farther analysed; but after all, those votes can do no more for him than has been done already, for they have returned him to this House. The Electoral Act—and let me remind the hon. member that he assisted in passing it with all its faults—may need amendment; but still, being the law, it has to be observed. By Section 85 the Act distinctly provides in regard to postal votes that the returning officer shall retain these in his possession,

and during the election, or immediately after the close of the poll, in the presence of the scrutineers proceed to open them, and if satisfied, to deposit them in the ballot-box. Then by Section 127, the ballot papers used for votes shall be preserved in such custody as shall be prescribed until the election can no longer be questioned, when they shall be destroyed. If the hon. member wishes to question the validity of the election, I can understand his taking this action; but I presume that he, being reasonable, is satisfied with the result, and has no reason to question the validity of the election. If he is dissatisfied, then he should move the Supreme Court, not Parliament; for if this motion be carried it can have no possible effect. I trust it could never have the effect of having ballot papers laid on the table of this House for any curious person to see exactly how someone else had voted.

MR. CONNOR: That is not the intention.

MR. RASON: I do not doubt that for a moment; but I trust that if the Electoral Act is altered—and that this is possible I gather from the remarks of the Premier—it will never be altered so that members of Parliament may find out who voted for and who voted against them. I trust the hon. member will not press his motion.

MR. J. C. G. FOULKES (Claremont): It would have been interesting to the House to hear the Minister for Justice (Hon. R. Hastie) give us some information as to this subject, as much seems to hinge on its legal aspect; but I can corroborate the member for Guildford (Mr. Rason) as to the reading of certain sections of the Electoral Act, particularly that section which deals with election petitions, and distinctly lays down that if any objection is taken to the return of a member—and I gather from the remarks of the member for Kimberley that he has some doubt whether the return is correct—a certain procedure shall be followed, and such objection must be made within a certain time, I think 45 days after the date of the election. But I should like to remind the House that this period has already expired, and that it is impossible for anyone to object to the return of the member for Kimberley. We have nothing to do with any arrangement be-

tween the hon. member and his opponent. It has been interesting for us to hear only one side of the case; and perhaps it would have been of considerable interest to hear the hon. member's opponent's interpretation of any arrangement made between them. But the Act distinctly lays down that a Judge of the Supreme Court has the sole power of dealing with election returns; and I suggest that the hon. member should remain satisfied. Of course he generously wishes to leave the door open, and says that if he finds he is not returned, that he has not a majority of the votes polled, he will resign his seat. But I think he is not treating his electors fairly in making that offer, because he is practically asking them to announce how they have voted. The Act is full of the idea that every voter may exercise his vote without any possibility of his choice being known; and it is distinctly laid down that the ballot papers shall be destroyed after the expiry of the time within which objection can be taken to the return. Now the probability is that the returning officer in question has already destroyed the ballot papers; because it is laid down that they must be destroyed within 45 days after the date of the election. We can quite understand that the hon. member has some grievance with regard to the election; and I have no doubt that his opponent also, if he could be heard here, would state some grievance. I would suggest to the hon. member that when the Electoral Bill is introduced he should give us some assistance to frame better legislation. I am sorry that last session we had not the opportunity of gaining from him some fuller information as to the dangers surrounding postal voting; and I hope that when the amending Bill is brought in he will be better armed, and will help us to provide against a repetition of the occurrences of which he complains.

MR. F. CONNOR (in reply): The remarks of the members for Guildford and Claremont are somewhat misleading. In moving this motion it was never my intention that the secrecy of the ballot should be violated by the placing on the table of the papers I ask for. According to those members, passing the motion would mean that the details of all postal votes recorded anywhere and at any time

would be known. What I intended when framing the motion was that the postal votes cast at this election should be opened in the ordinary way, and be placed in a ballot box in the ordinary way, and that the number of votes recorded for either candidate might be shown in a document to be laid on the table. It was never my intention to suggest anything else. It is suggested that I withdraw this motion; but I will not withdraw it. I intend to have a division. It would be most dishonorable if I did not press the motion; because I have entered into a compact, a compact rendered necessary by the bad and bungling administration of the Electoral Act. I say the bad and bungling administration; and if I wished to go a little farther I could say the unfair and unjust administration, and could prove my statement. [MR. HOPKINS: Hear, hear.] Another growl from Boulder. He is always growling. I cannot conscientiously withdraw this motion. Perhaps it is somewhat out of order. Possibly it may be against the spirit of the Act that any light should be thrown on the result of any election, or on the administration of the department controlling that election; but I feel that if such a light were thrown on this result, no harm would be done and no change would take place in the representation of Kimberley, who will grace this House for the next few months anyhow. [MR. HOPKINS: That is a pity.] It is a pity. It is a pity my friend cannot contain himself and give fair play to a fair opponent—an opponent who, when the hon. member was gracing the Treasury bench, always let him have his say. The administration of this Act in connection with the Kimberley election has been an absolute disgrace, hence the necessity of my motion; and I appeal to the House so that justice may be done, I do not care to whom, or who may be affected by the result. And in forcing a division, I claim that all the members of the last Parliament at least should vote with me.

THE SPEAKER: In putting this motion, I should like to point out that it is in conflict with an Act of Parliament, and will therefore be practically inoperative; but I cannot refuse to put the motion, because it is quite in order for

any member to ventilate any grievance in the House.

Question put, and negatived on the voices.

MR. CONNOR: I said "Aye." Will one "aye" carry a division?

THE SPEAKER: No.

#### MINISTERIAL STATEMENT, BILLS PROJECTED.

THE PREMIER (Hon. H. Daglish): Before we proceed to deal with the Orders of the Day, I beg leave of the House to make a short statement giving particulars of the proposed programme of legislation which the Government will submit to members' consideration during the present session. I may state that it is not my intention to go farther than submit the particulars of the proposed legislation. In this respect I recognise that it is my duty to take the House into the confidence of the Government. The most important measure we propose to bring before the House during the present session is that which will be embodied in the Referendum Bill, a measure by which we propose to afford the electors of the State an opportunity of expressing their opinions either in favour of or against a single-chamber constitution in preference to our present bi-cameral one. Another matter of considerable importance which the Government intend to bring forward will be a measure to impose a tax on unimproved land values, which will be general throughout the State, applying to town lands as well as to country lands. Likewise we propose to introduce a Public Service Bill enlarging considerably the scope of the present Act, and providing for the classification of members of the public service, and for the establishment of a Commission to organise and generally control the public servants, independent of the departments to which they belong. We likewise propose to introduce a Bill repealing the present Superannuation Act, except in so far as existing rights are concerned, so that a person joining the public service in the future, no matter in what capacity, will clearly understand that he does not, by his admission to the service, acquire any pension rights whatever. We propose also to take up, with some slight modifications perhaps, a measure which was introduced in another

place by the late Government, dealing with the amendment of the Health Act. We propose to bring forward an amendment of the Municipal Institutions Act, of which due notice has been given by my friend the member for East Fremantle. A Machinery Bill on lines that were agreed to by this Chamber during last session of Parliament will be reintroduced. We intend to bring forward an amendment to the Mines Regulation Act; a Bill dealing with the Forests of the State; also a Bill to amend the Electoral law for the purpose of removing certain faults which the experiences of the late election have shown to exist in that measure. We also propose to bring forward an amendment of the Local Registration of Mines Act, to make the measure more effective; also a Bill dealing with a Metropolitan Board of Works; likewise, should time permit, we intend to introduce this session an old-age pension proposal. These are the main measures which the Government will submit. Of course there are a large number of minor measures, mainly of an unimportant character, which from time to time may be necessary. I may say we will welcome to the fullest extent any criticism of the measures we introduce. We do not ask that any of the Bills shall be accepted merely because they are introduced by the present Government; and we trust that, while the Government retain the Treasury benches, the business of the House will be conducted with due dignity and decorum, and that the deliberations of the House may result to the benefit of the State.

MR. C. H. RASON (Guildford): Before we proceed with the Orders of the Day, and seeing that a statement has been made by the Premier which I believe is hardly debatable, I think that the importance of the statement requires that it shall be discussed generally. At all events, it is only courteous for this side of the House to offer some few remarks on a statement of that character. Some features of the statement come to the House somewhat in the nature of a surprise; and seeing that the course I suggest will not materially interfere with the business of the House, I think I shall be best consulting the wishes of members on both sides if I move the

adjournment of the debate, so that I may have an opportunity, or some other member on this side may have an opportunity, of giving some reply to-morrow.

THE SPEAKER: The hon. member cannot move that.

MR. RASON: I presume the leader of the House will move the adjournment of the sitting, in order that there may be an opportunity of replying to his statement to-morrow.

THE SPEAKER: There can be no debate. I cannot put that question.

THE PREMIER: As I am anxious to allow the member for Guildford, or any other member, an opportunity of offering remarks—and I am quite prepared to afford every facility for that purpose—I move the adjournment of the House, so that the matter may be reintroduced to-morrow.

Question (adjournment) put and passed.

#### ADJOURNMENT.

The House adjourned at twenty minutes past 4 o'clock, until the next afternoon.

### Legislative Assembly.

Wednesday, 14th September, 1904.

	PAGE
Urgency Motion: Railway Fence, Perth Station ...	288
Personal Explanation, policy debate ...	303
Question: Railways in Construction, traffic profit	304
Bills, first reading: 1, Railway Traffic; 2, Metropolitan Waterworks Amendment; 3, Industrial Statistics Act Amendment; 4, Mines Regulation Act Amendment; 5, Inspection of Machinery Bill; 6, Tramways Act Amendment; 7, Municipal Institutions Act Amendment	304
Local Courts Bill, second reading, debate adjourned	313
Supply Bill No. 2, all stages	316
Papers ordered: Empress of Coolgardie G.M. Lease	305
Motion: State Coal-mining, debate adjourned	305

THE SPEAKER took the Chair at 3:30 o'clock, p.m.

PRAYERS.