

Legislative Council, Wednesday, 22nd January, 1902.

Question: Footpath Obstruction, Perth—Question: Burning off in February—Question: Stinkwort Eradication—Questions (2): Coolgardie Water Scheme, (1) Supply for Southern Cross, (2) Scour Rings—Motion (urgency): Footpath Obstruction, Perth (withdrawn)—Motion: Electoral Representation, to Legislate; Divisions—Trading Stamps Abolition Bill, first reading—Return ordered: Midland Railway, Moneys from Sale of Land—Motion: Game Destruction, to Prevent—Early Closing Bill, first reading—Return ordered: Grazing Leases, Victoria District—Midland Railway Inquiry, Joint Committee's Report—Friendly Societies Act Amendment Bill, Recommittal, reported—Trade Unions Bill, in Committee, reported—Dog Act Amendment Bill, third reading—Bread Bill, third reading—Fourth Judge Appointment Bill, second reading—Light and Air Bill, in Committee, reported—Criminal Code Bill, second reading, select committee—Early Closing Act Amendment Bill, discharge of order—Adjournment.

The PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

QUESTION—FOOTPATH OBSTRUCTION, PERTH.

HON. R. S. HAYNES asked the Minister for Lands: 1, If the attention of the Government has been drawn to the existence of an obstruction in the shape of a private office erected on the footpath in Wellington street, Perth, opposite the Perth markets? 2, If not, their attention being now drawn, will the Hon. the Attorney General have steps taken to abate the nuisance?

THE MINISTER FOR LANDS: replied: 1, No. 2, The City Council should be moved in this matter.

QUESTION—BURNING OFF IN FEBRUARY.

HON. W. MALEY asked the Minister for Lands: 1, If the hon. the Minister of Lands is aware that, by granting to certain applicants the right to burn off bush during the month of February, he may imperil the safety of life and property in the districts affected? 2, If the hon. the Minister is aware that no method has yet been devised of constructing effective fire-breaks during mid-summer to enable settlers to protect property liable to damage by fires, the result of surprise notices in the *Gazette*?

THE MINISTER FOR LANDS replied: 1, February is one of the

prohibited months for burning, except in the Victoria District, where the prohibited period ends on the 15th of that month. Applicants are never granted the right to burn off bush during prohibited periods. 2, Yes; but the reference to "surprise notices in the *Gazette*" is not understood.

QUESTION—STINKWORT ERADICATION.

HON. W. MALEY asked the Minister for Lands: 1, If the attempts made last year to eradicate stinkwort have proved successful? 2, If any district has been freed of the pest? 3, If it is possible to eradicate stinkwort from untilled lands?

THE MINISTER FOR LANDS replied: 1, Only partially. It would take at least three years to eradicate stinkwort from land in which it had obtained a firm holding. 2, No; for reasons given in reply to No. 1. The Act only came into operation in January, 1901. 3, Yes; by burning and subsequent attention to new growth.

QUESTIONS (2)—COOLGARDIE WATER SCHEME.

SUPPLY FOR SOUTHERN CROSS.

HON. G. BELLINGHAM asked the Minister for Lands: What provision has been made to provide a supply of water at Southern Cross from the Coolgardie Water Scheme pipes?

THE MINISTER FOR LANDS replied: No provision has been made for supplying Southern Cross with water from the Coolgardie Water Supply main, other than for fixing a supply branch in the main where it passes Southern Cross.

SCOUR RINGS.

HON. J. T. GLOWREY asked the Minister for Lands: 1, If the scour rings that recently arrived for the Coolgardie Water Scheme in a damaged condition have been repaired; and, if so, at whose expense? 2, Has our inspecting engineer in London received a commission on those damaged rings?

THE MINISTER FOR LANDS replied: 1, Some of the damaged scour rings have been repaired, and others are being repaired, for the cost of which a claim will be made on the manufacturers. There is no reason to doubt that the manufacturers will acknowledge the claim, as they

have undertaken to replace with new rings, at their own expense, such rings as may be rejected. 2, Commission has been paid on those rings in the ordinary course, but it is not probable that any farther commission will be paid for inspecting the new rings which are being made to replace those rejected.

MOTION (URGENCY)—FOOTPATH OBSTRUCTION, PERTH.

HON. R. S. HAYNES (Central): I move that the House at its rising do adjourn until Wednesday next, and I do this for the purpose of directing attention to the answer I have received from the Minister of Lands to the question standing in my name on the Notice Paper. The question reads:—

1, If the attention of the Government has been drawn to the existence of an obstruction in the shape of a private office erected on the footpath in Wellington street, Perth, opposite the Perth Markets. 2, If not, their attention being now drawn, will the hon. the Attorney General have steps taken to abate the nuisance?

I desire to draw the particular attention of hon. members to the fact that there are at present a weighbridge and an office, used as a customs' agency, situated in the middle of the public footpath in Wellington street. That obstruction, or nuisance I may call it, has existed for years. The reply I have received from the Minister for Lands is to the effect that the matter is one to be dealt with by the Perth Municipal Council, which body, however, has no power to deal with it. The Perth Council, some years ago, proceeded against Mr. DeBaun, the proprietor of an hotel in St. George's Terrace, for the purpose of compelling him to remove certain balconies on his hotel, which were supported by cantilevers overhanging the footpath. The Full Court decided that the Perth Council had no power whatever to deal with such obstruction, inasmuch as the title to the footpath was not vested in them. The Full Court held, in fact, that the Attorney General alone could move in the matter. In view of that decision, I put my question to the Minister for Lands. I take it that perhaps the Attorney General has overlooked the decision I have quoted, namely that the Perth Council has no power to deal with such a matter. The attention of the

Council has been from time to time drawn to the obstruction I have mentioned, and the Council has found itself unable to provide a remedy. I therefore consider the matter one to be brought before Parliament; for if one office may be erected on a footpath, there is no reason why half a dozen should not be erected on footpaths. In this case we find a private individual with a weighbridge and an office on the public street, using the premises for the purposes of his business as a custom-house agent and carrier. He pays no rent and acknowledges no authority. While he has no title whatever, he has occupied the premises for the last five or six years. No one knows how he got there, or why he is permitted to remain there. If the Perth Council will not or cannot do its business, it is the duty of someone else to take the matter up. My object in moving the adjournment of the House is to draw the special and immediate attention of hon. members to my question, and to the manner in which it has been answered. I trust that my observations will be brought to the notice of the Attorney General, and that the hon. gentleman will give instructions in the matter to the Crown Solicitor, who will know what steps to take.

THE MINISTER FOR LANDS (Hon. A. Jameson): I can assure the hon. member that the matter will be carefully considered by the Attorney General at an early date.

HON. R. S. HAYNES: In view of the statement of the Minister for Lands, I ask leave to withdraw my motion for the adjournment of the House.

Motion by leave withdrawn.

MOTION—ELECTORAL REPRESENTATION, TO LEGISLATE.

HON. R. S. HAYNES (Central) moved:

That, in the opinion of this House, it is desirable that a Bill providing for more equitable electoral representation in Parliament than at present exists should be introduced during the present session of Parliament.

He said: Anyone who has taken the trouble to peruse the addresses which have been delivered to the public by the politicians of this State during the last few months can have no doubt that the time has arrived when a more equitable representation of the people in Parlia-

ment should be inaugurated. This State has gone through what I may call a somewhat unenviable time. We have had in this Chamber adjournment after adjournment, while the business of the country has been neglected. I fully believe that had the views of the people been properly represented in Parliament, public business would not be in its present condition. Every politician who has appeared before the public has expressed himself as in favour of a redistribution of seats and a more equitable representation of the people in Parliament. I do not mean to say that the politicians have committed themselves to a redistribution of seats purely on a population basis: I do not think any public man has gone so far. There has, however, been a unanimous expression of opinion that a more equitable system of representation might be devised to a certain extent on a population basis, but with due regard to the claims of agricultural and manufacturing districts. Unfortunately, however, every politician who has addressed the people on this subject has said, "I am in favour of a redistribution of seats, and consider that a Redistribution of Seats Bill ought to be introduced; but I am afraid that the Legislative Council will throw it out." The Council in this matter has been used as a sort of stalking horse: there has been an attempt made to throw on the shoulders of members of this Chamber the responsibility for the present inequitable system of representation. Now I hope this House will take the politicians referred to at their word. I maintain that so far as legislation of a liberal character is concerned, this House has always been to the fore: practically all the liberal measures on the statute book have emanated from this House. Moreover, any amendments made in measures received by us from the Lower House have been of a liberal tendency. If my motion be passed, I propose to ask the House to send the resolution by message to the Legislative Assembly for discussion there. Then we shall know whether there is anything behind these promises as to redistribution of seats. Whether or not members of either House think it desirable, there can be no doubt in the minds of any hon. member of this House, at any rate, that

the public demand a redistribution of seats. I say, with all the earnestness at my command, that our State has reached a point when its system of parliamentary representation should be amended. What would be thought of another State where politicians sit supporting one Government for one day, vilifying members on the other side of the House, and then on the next day, for no reason at all except the fear of facing their electors—the threat of a dissolution having been held out—change their allegiance, and sit behind and support a Government formed by the men whom just previously they had attacked and accused of practically all shades of dishonesty? Can it be expected that any good legislation will be passed under such conditions? I submit not. Of course, I do not go so far as to say that we have arrived at the stage I have described: I do not think it would be fair for me to maintain that. Nevertheless, there are outside Parliament many West Australian citizens who voice such an opinion pretty loudly. At all events, we have reached the stage when it is necessary for the credit of both Houses of Parliament and for the credit of individual members that representation should be made more equitable, so that we may be spared, for one thing, the continuance of such a spectacle as a mere handful of electors returning one member to Parliament, whilst a very large body of electors, representing great interests, also return but one member. Practically, the populous portions of the State are at present out-voted and over-awed by members representing a comparatively small proportion of the electors, and in some cases sitting for constituencies which can only be called pocket boroughs. You cannot find out where the electors are. To use an old expression, you want black trackers to find them out; you want black trackers and camels too to ascertain where they are; and, when you find them, there are perhaps 100 or 150 electors.

HON. J. M. SPEED: Most of them dead.

HON. R. S. HAYNES: I use the words "pocket boroughs" because really as a rule the people representing the district own perhaps a large station or large interests in the place. Most of the persons are employees and these people dominate

them. What do those members care whether there is an election? What do they care whether they vote for the interests of the State? They care not, because they are sure of coming back, sure of being returned. They go to their electorates perhaps once in two or three years, and when they do they take care that what they say is not made public.

HON. R. G. BURGESS: Name.

HON. R. S. HAYNES: Surely the hon. member is not so obtuse as to want me to give the names.

HON. R. G. BURGESS: I should like to know.

HON. R. S. HAYNES: The hon. member is quite as obtuse as I thought he was. I feel this is not a motion the House would have much hesitation in passing. It is not a motion which will have any force or effect until it receives the assent of the other branch of Parliament. At all events we shall have discharged our duty and have proved to the public and the people of this State that if one branch of the Legislature desires a redistribution of seats, this branch of Parliament will not stand in its way. I have much pleasure in moving the motion standing in my name.

THE MINISTER FOR LANDS (Hon. A. Jameson): I think I may say it is already pretty well known that the Government of the day have no objection whatever to this motion. It has been one of the planks of their policy that there should be a redistribution of seats at as early a date as possible. As to whether it should be this session or next will of course depend very largely upon the temper of another Chamber, but the desire of all members of the present Government is to have this brought about as rapidly as possible. It would be more advisable that this should be done by a Royal Commission sitting during the recess, and it is not a matter which should be hurried. Such an important matter as this requires a great deal of time and consideration, and all the interests should be considered. The question should not be settled entirely upon a population basis, and this Chamber would have to guard the interests of the State, which I do not think we could do conscientiously in so limited a time. The time is so short. I am entirely with the hon. member, and I know I am speaking in accord with the

Government when I say they will do their utmost to have this matter put forward as quickly as possible. It is very important and desirable that the motion should have been brought forward in this Chamber to show what the temper of this Chamber is. In the past we have been designated an obstructive House, but I think the country has begun to learn it is not so, but that we are enlightened representatives, and desire to carry through any progressive measure which may come before us. Therefore I have great pleasure in supporting the motion of the hon. member, and I hope it will get the full support of the House.

HON. C. E. DEMPSTER (East): I cannot look with favour upon this motion, and I like to be honest in these matters. I certainly consider it should not have emanated from this House at this particular time. The present session is very far advanced, and this is a very serious matter, and one that ought to be dealt with by a great deal of consideration. This matter was fully discussed, and it was considered last year that we had fair and equitable representation.

HON. R. S. HAYNES: They cut out one electorate, and were glad to put it back again.

HON. C. E. DEMPSTER: No. I repeat that this ought to have emanated from another House, and I do not know why the hon. member introduced it here. I move that the motion be read this day six months.

HON. R. G. BURGESS (East): I am not going to support this motion. It is quite time for a matter of this sort to be considered when it is brought down to the Council, and it is well known in another place that they are not going to prolong the session much longer. We have been sitting now since the 27th of June, off and on, and if we are going on with these measures we shall have to sit till the 27th of June of the present year. This is one of the most important matters ever brought before the House. It is not only that we should have redistribution of seats, or as Mr. Haynes has put it, "more equitable electoral representation in Parliament than at present exists," but we should have to consider the reduction of members in both Houses. There is no doubt in the world that reduction has to come, although some

members may think it better not to touch upon that. That must be admitted by anyone who knows the circumstances of the State and the finances of the country at present. We have a Federal Parliament; we have a double-barrel Government now, and a large amount of revenue has to go away to the Federal Parliament. We cannot keep up the present expense of having 50 members in the Assembly and 30 in the Legislative Council for a State with a population of 180,000. It was moved and even carried in this House that we should increase the number of provinces and have more members in this House, to give the goldfields better representation. If I had had any idea that we were going to have federation, I should not have supported that, because it is absurd to increase the number of members and then next year have federation, and a whole lot of the work of the country taken away to Victoria or New South Wales, as the case may be. I do not think there is any occasion for the hon. member to bring such a motion as this forward in the Legislative Council. We ought to revise or consider such a measure after it has been brought down from another place, or, as I have already mentioned outside the House, perhaps it would have been better if there had been a committee of the two Houses formed for them to consider the matter, and then it could have been taken before both Houses and considered. If this House is, as it should be, a House of revision, it should think carefully about this. I do not know that any member here is going to block any Bills brought down for equitable representation or redistribution of seats upon a fair and equitable basis, considering the whole of the interests of the country. It is one of the greatest troubles ever undertaken in Parliament to carry out a measure of this sort which is going to satisfy everyone. We had a redistribution of seats only last year, and are we any better under it? No. We are in a worse state than ever we were. How many Governments or attempted Governments have come up under it? Does the hon. member want something worse? He says we have been in an extraordinary, an unsettled state for the last six months. If we have a dissolution tomorrow, we shall have about 10 Govern-

ments in the next 12 months. I am going to oppose this motion. I am not going to take up the time of the House. I hope the motion will not be carried at the present time. The Premier of the State in addressing his electors told them pretty plainly that he was not going to bring in a Bill of this kind for redistribution of seats during the present session, that the Government would carry on the present work of the country, and that a Redistribution of Seats Bill would be considered during the recess and introduced in the next session of Parliament. We have that authority; and that gentleman was returned by a large majority in the city of Perth.

HON. J. M. SPEED: That is only a hustings speech.

HON. R. G. BURGESS: Never mind whether it is a hustings speech or not. That is the speech made by the Premier of the State, who is in Parliament, and who was returned by a large majority; and that strengthens this matter much more than the mild way of the hon. member who moved it, and who brought forward very little argument in favour of this House carrying such a motion at the present state of political affairs in Western Australia. We have not a very full House, and I hope someone will move that the debate be adjourned. At any rate, it is not for me to do so now, as I have already spoken on the question. I repeat that I hope the debate will be adjourned, and that the House will take more time to consider such an important matter as this, and will not pass it off-hand here. The leader of the House does not seem to like to take up these matters at present in any enterprising spirit. He seems to let these things slide. We do not know whether that is going to be the policy of the Minister in this House, but we hope not. We hope that he will stick to all measures he brings in for this Government, and take some interest and give us more information than he did yesterday in regard to the Fourth Judge Bill.

HON. R. S. HAYNES: What has that to do with this motion?

HON. R. G. BURGESS: It has to do with the affairs of this country. We do not want Ministers representing the country to come here and let the House take the responsibility. We want the

Government to come in and speak out what they mean, and carry out matters they introduce: not to come forward in the lukewarm and half-hearted way in which these important matters are laid before this House. One reason Mr. Haynes gave in introducing the motion was that it will let the people and the other House know that we are not going to oppose the measure. I do not think there is much in that. There is no reason to introduce the measure because certain members make that excuse. They have reasons for making that excuse. Some of the very members who make it do not want to go before their constituents. Is it advisable to ask for a redistribution of seats when an election took place only last year? Should we have another dissolution, and a worse state of affairs than we have had under the last redistribution of seats? That is what will take place. I second the amendment of Mr. Dempster, that the matter be settled this day six months.

HON. J. E. RICHARDSON (North): I agree with what Mr. Burges has said. This is not the House in which such a motion as that now before us should be introduced. In the face of what the Minister for Lands has said, that the question is a large one, requiring much consideration, and that the recess will be the fittest time for dealing with it, I urge Mr. R. S. Haynes to withdraw his motion.

HON. J. T. GLOWREY (South): I am thoroughly in accord with the motion proposed by Mr. Haynes. As that hon. member observed, people throughout the country have been crying out for redistribution of seats for the last 12 months.

HON. R. G. BURGESS: Before the last election?

HON. J. T. GLOWREY: Yes. It is well known to every member of this House that our present system of representation is disfigured by many inequalities. We have, on the one hand, constituencies of 150 or 160 electors returning a member to Parliament, and, on the other hand, we have constituencies of 4,000 or 5,000 electors returning but one member to Parliament. I do not predict all the evils which Mr. Burges foreshadows from a redistribution of seats. I do not think, indeed, it is fated that we shall suffer any evils in conse-

quence of a redistribution. As for the argument that we have not time to deal with the matter, we are sent here as representatives of the people, and therefore such a plea cannot hold good for a moment. Undoubtedly during the recent election many promises were made that the subject of this motion would be dealt with, either during the present session or at an early stage of next session. I fail to see any occasion for delay in the matter. A Bill may be brought down almost immediately. It should not take a great while to prepare—a couple of weeks, I believe, would be ample time. Then we could do our best to get it through. If we should find that for some reason it cannot be passed this session, of course it will have to remain over till next session. I hope the motion will be passed, and I feel that if this House adopts it, another place will do the same.

HON. G. RANDELL (Metropolitan): My opinion is that it would be exceedingly undesirable to pass this motion. One reason for that opinion is that it is utterly impossible at this late stage of the session to obtain such information as would enable the Government to introduce before the prorogation a measure satisfactory to those who desire that due regard should be paid to the best interests of the country in this matter of a redistribution of seats. There is no doubt the leader of the House was going in the right direction when he suggested that this was a matter in connection with which every care should be taken and all possible information obtained and laid before both Houses of Parliament when the Bill was introduced. The matter is one to be dealt with by the Government, I consider. At the same time, I am not in harmony with those who maintain that such a motion as the present should not originate in this House. We are part and parcel of the Legislature of this State, and we have our responsibilities, our obligations, and our privileges. We are entitled to assert our rights whenever we think proper. I do not think the introduction of a motion of this kind is at all out of order, or in any way inconsistent with the position of the House. Nevertheless, I do not think that any man who is really a friend of this country wishes to see a Redistribution of Seats Bill

introduced during the present session. Hon. members are, I think, pretty well wearied of public business for the year. Everyone must feel that the best interests of the country will be served by careful and leisurely consideration of such an important measure. I am free to admit that there are, as Mr. Glowrey has stated, certain inequalities in the representation of this State; but most of these inequalities exist more on the surface than in reality.

HON. J. T. GLOWREY: Oh, no.

HON. G. RANDELL: I do not think any portion of the State has much reason to complain of the way in which it has been treated by the Legislature. I consider that, on the whole, since the introduction of responsible government, very fair and careful consideration has been given to the interests of all parts of the State. The goldfields have had an extension of the franchise, and an increase in the number of their representatives. While it may be urged with some show of reason that they are entitled to even a larger number of representatives than they have at present, it must be borne in mind that the goldfields represent but one industry, and that it would not be fair to the State as a whole, or to the other industries of the State, that any one industry should be represented to such an extent as to predominate. In valuing the voting power of the various districts, we ought to bear in mind the permanency of their population. I wish it to be understood that I do not refer to the permanency of our gold production, but to the permanency of the population of those districts of our State in which gold-mining is the principal industry. I admit, and I am sure all hon. members here will admit, that the gold-mining industry is a most important one, and has had a far-reaching effect on the progress of this State. Everyone, whether he be a politician or not, must admit that we should not have made the progress which has fallen to our fortunate lot, but for the discovery of the gold mines. Therefore every reasonable—I was going to say, concession—every reasonable opportunity should be granted to the people engaged in this industry of making their wants known to Parliament, and through Parliament to the country. I am sure that a spirit

of fairness in this matter will be displayed by this House, at any rate; and I believe it will be shown in the other branch of the Legislature as well. I do not think this State holds at the present time any politician with as great a knowledge of its capabilities and as strong a grasp of what is best for its interests as were possessed by our late Premier, Sir John Forrest. This circumstance makes the very greatest care in the framing of a Redistribution of Seats Bill so much the more imperative. The re-formation of the electoral districts should also, in this regard, be approached with the greatest circumspection. I am quite with Mr. Burges in his opinion that this State is at present over-represented. I farther hold the opinion—I do not know whether the expression of it will lead to my being charged with inconsistency—that we ought not to have made the last increase in the number of representatives in view of the then pending changes as the result of federation.

HON. R. S. HAYNES: Who introduced that measure?

HON. G. RANDELL: I introduced the measure, as the hon. member knows. But while I introduced it, I really felt that a great enlargement of the number of our representatives was not a wise step just when we were entering federation.

HON. J. W. HACKETT: Parliament decided on a much larger increase than that proposed by the Government of the day.

HON. G. RANDELL: That is so. The large increase in the number of members was caused by the state of parties. I think, however, that no one with any pretensions to statesmanship, or to a knowledge of politics, will for a moment deny that under the circumstances it was not a wise step to increase the number of members of Parliament so largely. The consideration assumes special force when it is remembered that some of the most important departments of the State were handed over to the administration of the Federal Government. Here I would like to offer a few remarks which perhaps may constitute a slight digression from the question before the House. So far as my opinion goes, and from what I can gather, it does not seem that the departments handed over to the Federal Government are being very

wisely administered. The remark applies, at any rate, to the departments transferred from this State to the Federal authorities. Hon. members will yet realise the force of this observation by-and-by, especially when they find how instructions are issued by the Federal Government on one day only to be countermanded on the next. And so the business goes on. I do not think it will be found that the administration of the postal and telegraphic business of this State has been improved; notwithstanding the fact that a good deal was said against me when I had the honour of discharging the functions of Colonial Secretary. I am sure hon. members will acquit me of any accusations made in the past, when they realise the number of miles of telegraph lines constructed and the number of post and telegraph offices opened during my term of office. I do not think the Federal Government will be prepared to grant facilities in the same measure as past Governments of this State. It is to be hoped the members of our present Government will keep their eyes open and see that this State obtains its just rights. To return to the subject before the House, however, I strongly urge members not to support the motion, since the result of doing so will be to commit the House to a definite line of action, and to prejudice, to a certain extent, our position when the question of redistribution of seats comes before us—as it should come before us in the natural order of things—in the form of a Bill introduced by the Government of this country. By adopting the motion we shall have committed ourselves to a definite line, and shall leave ourselves in a manner unprotected; so that we shall, in a great degree, be chargeable with inconsistency if we disapprove of the Redistribution of Seats Bill which may be introduced by the Government. Our only course, to escape the charge of inconsistency, would be to pass the Bill. The question is one of vast importance, considering the peculiar circumstances of this country, its widely-scattered population, and its varied interests, from Eucla to Wyndham. One important matter now to be undertaken is a reduction in the number of members of Parliament. Great difficulties are involved; but they are such as ought to be faced by any

strong-minded Government at the earliest possible opportunity. As I have said before, it would be unwise to pass this motion: we should find ourselves committed beforehand to a certain course, whereas we might eventually be desirous of taking another. Possibly we might find it our duty, as members of this House, to offer the most strenuous opposition to a Redistribution of Seats Bill coming to us from the other branch of the Legislature. I do not say that the other branch will not adopt such a measure as will commend itself to this House and to the country. I believe that the matter will receive every consideration in the other House, and that an honest desire will be displayed to come to right conclusions on the subject. At the same time, there is in the popular Chamber a risk of members being carried away by that section of their constituents which joins to a gift of speech the power of writing letters to the newspapers. Members in another place may possibly be led astray on this important question by that section of their constituents, which possibly will look at this important question from only one aspect. I do not desire to labour the matter: indeed, I am not prepared to do so. The observations I have offered convey a few thoughts which occurred to me during the time the mover was delivering his speech. I am not quite sure, indeed, that Mr. R. S. Haynes is in earnest.

MEMBER: When is he in earnest?

HON. G. RANDELL: Certain expressions which fell from him led me to that conclusion.

HON. R. S. HAYNES: *Honi soit qui mal y pense.*

HON. G. RANDELL: It struck me, moreover, that the hon. gentleman had a particular object in view, the nature of which I think he indicated to a certain extent. The hon. member remarked that there were in this country certain politicians who had made a great fuss about redistribution of seats; and he stated that he did not consider these politicians honest in their expressions of opinion.

HON. R. S. HAYNES: I did not say that.

HON. G. RANDELL: The hon. member intimated that he intended to put pressure on those politicians, through this House, to compel them to take up the question. In that statement the hon.

member disclosed the object of his motion. I feel sure that, if he is sincere, what I have said will lead him to reconsider the matter. The hon. member will see, I think, that the question is one of such importance and one demanding so large an amount of information—information which I am sure no member of the Government at present possesses—that it is impossible to deal with the question satisfactorily in the present session. The hon. member will recognise, I think, that the matter had better be left for consideration during the recess. The Government must have leisure to acquire for the purposes of this Bill information from all parts of the State. Then they will be able to frame a Bill exhibiting at any rate some degree of fairness to all the interests existing in this great State of Western Australia. I feel certain no hon. member desires to do anything to hinder or prevent the progress of this country. The advancement of the State during the last ten years, both from a financial point of view and in respect of population and settlement, has been most satisfactory. Anything which might tend to discourage the investment of foreign capital—English capital in particular—or to imbue with an element of distrust the minds of those who may be seeking to establish manufactures here, is to be strongly deprecated. I therefore urge hon. members to bear these considerations in mind, and I hope they will reject the motion now before the House.

HON. A. G. JENKINS (North-East): I yield place to no member in this House in my desire to see a Redistribution of Seats Bill introduced in the other place at the earliest possible moment; but I fail to see how, unless we are going to prolong this session—

HON. J. M. SPEED: Why not?

HON. A. G. JENKINS: I fail to see how, unless we are going to prolong the session to the end of the year, it is possible to introduce this Bill so that it shall get fair treatment either from the other place or from this House. I propose before sitting down to move an amendment, not with any object of defeating the motion, but only to add after the word "present," the words "or next," because the probability is that this session will only be a short one, and we shall start anew; and no doubt the

Government, as the Minister for Lands informed us, will have a Bill ready for us. This is not a matter in regard to which the Government can sit down and draw out a Bill in 14 days.

HON. R. S. HAYNES: Why not?

HON. A. G. JENKINS: The hon. member might be able to do so, but I doubt whether any other member has the ability to do it.

HON. R. S. HAYNES: It could be passed by any but a pack of fools in 14 days.

HON. A. G. JENKINS: I suppose the country consists mostly of fools.

HON. R. S. HAYNES: That is your contention.

HON. A. G. JENKINS: If the hon. member can frame such a Bill in 14 days, he will have plenty of time to try before he goes to his constituents, and I hope he will do it.

HON. R. S. HAYNES: Fourteen days.

HON. A. G. JENKINS: I say it is absolutely impossible. I maintain it is absolutely impossible within any reasonable time to bring forward a Bill that would not at least require to be debated for some considerable time. This House has devoted itself very well indeed to the work that has been before it for the last few months, and personally I think we are entitled to some leisure before attacking a measure of such importance and prominence as this will be. There is no doubt the members of this House will have to face a reduction in the number of members, and it will be a matter of most grave consideration whether that means a reduction of provinces or whether it means a reduction of members in the existing provinces. That alone is a matter of grave consideration on which a good deal of evidence and thought will be required before a Bill can be introduced. Then in the Assembly there is no doubt the more populous portions of the State will also require more representation, and great care will have to be exercised to see that a Bill is not brought in on a population basis only. I think nobody desires a Bill to be framed on a population basis only; and, taking the whole matter into consideration, unless we are prepared to sit here for some months to come at any rate, I fail to see how, with all the important work we have in hand, we can bring in any measure that would in any

degree prove acceptable without a great deal of discussion. I say this not with any desire of defeating the motion or to burk the question of redistribution of seats, but with a desire that when a Redistribution of Seats Bill is brought before this Chamber it shall be introduced with such evidence and such facts at its back that it will commend itself to this House. With that view alone I desire to move an amendment:

That after the word "present" in the last line, the words "or next" be inserted.

HON. J. D. CONNOLLY (North-East): I rise to second the amendment proposed by Mr. Jenkins, and in doing so I can only echo the words of the hon. member. It is with no desire to defeat the motion at all, because I do not think for a moment that there is one member in the House who more thoroughly believes in a Redistribution of Seats Bill, and is more anxious for it than I am myself. I second the amendment only with a desire that when we get a redistribution of seats, it shall be one that will be acceptable not only to the Parliament, but to the country. I cannot agree with the remarks which have fallen from one member, that a Bill could be prepared in 14 days. Mr. Burges has remarked that we have had a redistribution of seats. I quite admit that, but the redistribution of seats in my opinion has been a farce, and if you prepare a Bill of this kind in 14 days, you will agree that the new Bill also will be a farce. I decidedly do not agree that we should have a redistribution of seats upon a strictly population basis, but I certainly assert that the present system, which permits, as in the case of the Kimberleys something like 120 electors to elect a member, whilst in the case of the metropolis and the eastern goldfields 4,500 in one instance elected a member, is absolutely bad. We want something more fair and equitable than that. We have the assurance of the Minister for Lands that it is the intention of the Government to consider this question during the recess, and I think he said something about appointing a commission to inquire into it, so that in all probability the Government will meet Parliament next session with a well-thought-out scheme. As I have already remarked, I do not second this amendment in opposition to the motion, because

I thoroughly desire a redistribution of seats; but I want the measure to be one that will be acceptable not only to the Parliament, but to the whole State, and I fail to see that now at the eleventh hour a Bill of this kind can be brought in that will be at all acceptable to either Parliament or the country. After all, it will be only a matter of two or three months before we meet again, and during that time Ministers, who are really new to their work—I mean new to their Ministerial departments, because Parliament has been sitting all the time they have been in office—will have a chance of looking into things. As Mr. Kandell, who has had considerable experience, remarks, the present Ministry cannot possibly have the knowledge required to bring in this Bill, and I think it only fair to the Government to give them an opportunity of acquiring some knowledge in that direction. If it be not possible for them to bring in a measure, let them have an opportunity to allow it to stand over till next session. Certainly if this session is to be prolonged more than two or three weeks—I understand it is likely to last only about a month or three weeks—if it is likely to run into months, we have any amount of time to do this, but if Parliament is to close in anything like three weeks, that is out of the question, and for the sake of getting a fair redistribution of seats I support the amendment moved by Mr. Jenkins.

HON. E. M. CLARKE (South-West): I quite recognise it is absolutely necessary there should be a more equitable distribution of seats, but at the same time this is a matter which we have to approach with a certain amount of caution. We have to remember there are small electorates which represent, to say the least, very important industries, and I take it this measure is one of those requiring mature consideration. It is not a thing in regard to which we can simply draw a Bill and rush that Bill through the House. Even allowing that we could get that Bill framed in 14 days, it would be unbecoming to rush the Bill through.

HON. R. S. HAYNES: Will the hon. member say how long it would take?

HON. E. M. CLARKE: I am not prepared to say. One member has said how long it will take. My own idea is that it

will take some weeks, and that this thing should be gone into carefully. I am not prepared to say how long it would take. That is exactly where the difficulty arises. This is one of those things which, I maintain, we should carry through, if once we start it, and we should certainly be in a unique position if we prolonged Parliament for that one particular purpose.

HON. J. M. SPEED: Why not?

HON. E. M. CLARKE: The motion should have come from the Lower House. I wish it to be clearly understood that I am not going to commit myself to anything. I absolutely fear nothing as far as that is concerned. In fact I wish to be governed by the majority. I desire every part of the State to be properly represented, and not to have a measure which would be crushing and overwhelming to any one particular portion. That is one of the chief reasons why this measure should be gone into with mature deliberation, and why in my opinion the measure should come from the other House. So far as regards any excuse in another place that we would block it, I simply say, as far as I am concerned, if they choose to say that, they are at liberty to do so, because I venture to assert the House will show we fear nothing. All that we fear is that we shall not do our duty. There is no man who, when the measure comes before us, will not simply speak out his mind fairly, and I think members will do so after mature deliberation. Notwithstanding the remarks about a Bill being framed in 14 days and carried in another 14 days, I say that such a thing should not be. And, therefore, whilst I am in accord with the motion to a certain extent, that it is necessary to have a redistribution of seats, I feel it my duty to oppose the motion at the present stage.

HON. R. S. HAYNES (in reply): I have listened with some amusement to the remarks which have fallen from Mr. Clarke. The hon. gentleman took exception to a suggestion I made to Mr. Jenkins when Mr. Jenkins said a measure for the redistribution of seats could not be framed in 14 days. I said I thought it could be. The hon. member (Mr. Clarke) says it cannot be done in 14 days. I asked the hon. member if he knew what he was talking about. Has the hon. member ever had anything to do with a redistri-

bution of seats, or does he know how long such a redistribution took? If the hon. member had any hand in the last redistribution, if he had any experience of it, he may be able to tell us whether it would take longer than 14 days to frame a Bill. I only suggest 14 days for this reason. A Bill has been introduced from time to time, and at present the Government are making inquiries. They have now the census, and they have also the electoral rolls up to date. They know exactly how many electors there are in each electorate, and I undertake to say that any person who looks at the electoral rolls will be amazed to find the disparity that exists in the number of electors on the respective rolls.

HON. J. W. HACKETT: The roll is worthless. Look at the Kanowna roll.

HON. R. S. HAYNES: As a matter of fact we have the census returns, which relate to districts and are reliable; so the Government have the information. These census returns are of the utmost value, but in 12 months' time they will not be of such great value. Therefore, there is no time more opportune than the present for the purpose of introducing a measure for the redistribution of seats. Mr. Clarke says he is quite prepared to support a redistribution of seats, but, if you put him to the proof of it, he gets up and raises some objection. He says the matter ought not to arise in this Chamber, and also that the time has not arrived, and the question requires too much forethought. I suppose the hon. gentleman would like us to sit down with wet towels round our heads for hours together, waiting until the spirit moved one of us. Then I suppose the member so moved might rise in his place to state how and on what basis redistribution of seats should be effected. If the hon. member representing the Government wishes us to believe that the Ministry desire a question of such vast importance to be treated in this fashion, he will not command very much influence in the House. Mr. Randell, in the course of his remarks, referred to everything from federation and post offices to the introduction of English and foreign capital. He also mentioned the name of Sir John Forrest, without which no speech of his is complete. The hon. member stated that the proposal for a redistribution

of seats might emanate from this House, but that it was a matter of too great importance to be treated with any degree of haste. I have not, however, laid before hon. members a Bill for the redistribution of seats: I am merely asking the House to consider the advisability of introducing a Bill for that purpose. Mr. Jenkins and Mr. Randell both stated that the session was too far advanced for the measure to be dealt with. Since those hon. members are not above taking a salary in return for representing their electors in this House, they should be in their places so long as there is work to be done. They should not take the stand of saying: "There is urgent business to be done, but I do not wish it to be dealt with, because, if it is, the session will be prolonged." I am sure the hon. members referred to will always be found in their places; but I wish to point out that in accepting remuneration for their services in this House they deprive themselves of the right of objecting to the length of a session. It is our duty to sit here so long as there is business to be done. Inasmuch as all hon. members admit that a Redistribution of Seats Bill is a crying necessity, they should not urge as a reason for not dealing with the measure during this session that some time will have to elapse before it can be introduced. Once introduced, the Bill could be passed very quickly. [MEMBER: It will take a fortnight.] I do not care if it does take 14 days: possibly, if it is handled as Government measures have been handled here in the past, it may take 28 days. I put it to every hon. member whether, if he had been asked when on the hustings as to his being prepared to extend the session for the purpose of proceeding with urgent legislation, he would not have replied in the affirmative. My opinion is that if a candidate had said "no," he would have remained outside the House. This matter is a most serious one. Mr. Randell says I am not serious; but I do not know what reason the hon. member has for saying so —

HON. J. W. HACKETT: A monstrous charge!

HON. R. S. HAYNES: Beyond the fact that the hon. member himself, on former occasions, adopted a serious man-

ner in introducing into this House measures of which he did not approve. Possibly the hon. member believes that everyone else follows in his footsteps in this respect. I desire to inform the hon. member that I do not adopt such tactics. He admitted that he had been instrumental in passing a measure of which he disapproved. I have never done such a thing: I have never been forced to do it.

HON. G. RANDELL: I said I was not entirely in accord with the measure.

HON. R. S. HAYNES: That is a mere splitting of hairs: if the hon. member was not in accord with the measure, he did not approve of it. Some hon. members say this session is too long. I maintain it is not too long. At all events, hon. members have now an opportunity of redeeming the promise they gave their constituents, when on the hustings, that if it was necessary for the discharge of their duties they would devote the whole of their time to the service of the State. In making such a promise, some members must, therefore, have been humbugging the electors; otherwise they are now breaking a solemn promise. Several hon. members say the framing of a Redistribution of Seats Bill is a matter requiring careful and leisurely consideration. Recognising that, I say no time ought to be lost in introducing the Bill. After having seen two important Bills precipitately rushed through this House, it does strike me as absurd that hon. members should hold up their hands in holy horror at hasty legislation. I have seen hon. members pass money Bills here at the rate of a million pounds a minute. Again, I have seen them pass a Redistribution of Seats Bill in two hours. After that, to talk of leisurely consideration! It is farcical. I venture to say that if a Redistribution of Seats Bill were introduced into this House, the second reading would go through in one evening. It is idle to maintain that it would take longer.

HON. A. G. JENKINS: What do you propose to do—reduce members or provinces?

HON. R. S. HAYNES: I do nothing: it is the House that does. The hon. member interjecting no doubt thinks he does things; but he is mistaken. It is not my duty to frame or introduce measures: that is the business of hon.

members occupying the Government bench. My duty is to debate measures when they come before the House. Mr. Randell told us that Sir John Forrest's grasp of the necessities of this country was unequalled. For the purpose of argument I shall accept that statement; and for the purpose of argument I shall carry it a step farther. When Sir John Forrest introduced the last Redistribution of Seats Bill he struck out the East Kimberley electorate. I ask, then, why was the East Kimberley electorate reintroduced into the Constitution Bill? I know that after the Bill was introduced the hon. member representing East Kimberley was looking out for another constituency.

MEMBER: It was West Kimberley that was struck out.

HON. R. S. HAYNES: The two Kimberley electorates were amalgamated under the original Bill, and why, I ask, were they split up again? The fact that they were goes to show that there is an anomaly in the Redistribution of Seats Act framed by the only person who, on the authority of Mr. Randell, understands the necessities of the State. Again, Mr. Randell, whilst professing the utmost sympathy and friendship for the goldfields, stated that the goldfields vote and the gold-mining industry must not be allowed to predominate. But I say that if the goldfields do predominate in point of numbers and of interest, then they should predominate throughout the State. We must necessarily be governed by that party which predominates in point of numbers and interest.

HON. R. G. BURGESS: But the goldfields do not predominate in point of numbers.

HON. R. S. HAYNES: The hon. member is a little too previous. I say, if the goldfields predominate in point of numbers and interest, then they should predominate throughout the State. I am not prepared to say what the population of the goldfields is; but I do say that the number of electors in the various eastern goldfields constituencies far outweigh the number of electors in all other constituencies of the State, except those of Perth and Fremantle. And the same remark applies to the provinces, the boundaries of which might well be altered. Mr. Randell held out

to this House some sort of warning that in adopting my motion hon. members would be committing themselves to a definite line. I took the words down as he uttered them. What does the hon. member mean by a definite line? I object to hon. members representing themselves as supporters of a Redistribution of Seats Bill, and then, when asked to deal with it, saying "Let it stand over till next session." Mr. Randell will not say what the definite line is; and therefore I will explain. The definite line to which the House would commit itself by adopting my motion is an expression of opinion that Parliamentary representation in this State is inequitable. But that is exactly the thing we all admit. Hon. members will not commit themselves to more than that universally admitted proposition, and to a demand that a Redistribution of Seats Bill shall be introduced immediately. In what other way we should be committing ourselves I do not know. Indeed I maintain that we cannot, by adopting the motion, commit ourselves in any other way. It appears to me that the adoption of the motion will amount to nothing more than a mere expression of opinion, to be referred to another place. That expression of opinion would become effective only if another place assented to it. Our passing the motion will not constitute it a resolution binding on Parliament. I hold that the initiative in a matter of this kind should not be left to a House of which many members would make their final bow in the event of a dissolution. Therefore I maintain that if hon. members of this House believe the time has arrived for a Redistribution of Seats Bill, it is their duty to move in the matter. Mr. Jenkins and Mr. Connolly ask us to put the matter off till next session.

HON. J. D. CONNOLLY: I do not ask that it be put off at all.

HON. R. S. HAYNES: The next session of Parliament may be 12 or 18 months distant. Is it fair, then, if you admit that the people are not properly represented in Parliament, that you should allow a condition of things injurious to the whole State to continue simply in order that you may go back to your crops? While I should be very sorry indeed to make a suggestion

or charge that any hon. member was willing to neglect his duties to his constituents in order that he might look after his crops, I have no doubt that certain hon. members would be only too glad to cast an insinuation of that kind against the legal members of this House. I cast no insinuation of the kind: it is unnecessary to do so. I urge on hon. members my view that we should not allow the present anomalous condition of things to exist to the end of the year. And, indeed, what will be the cry next year? Those who now say "Let the Redistribution of Seats Bill be dealt with in the next session," will then say, "Parliament will expire in another year: let the redistribution of seats be dealt with by the next Parliament." And so it will go on for ever. I believe a great number of persons do earnestly desire to see a redistribution of seats effected, but at the same time desire that farther consideration should be given to it. Inasmuch as we shall sit at least another six weeks—for which statement I have the authority of a leading Minister—there is ample time, I maintain, to introduce and pass the Bill. On this occasion, the recording of the names on a division being taken will be of use as showing who are the members really in favour of the principle of redistribution of seats, and who are against it. I am not in sympathy with the amendment, and therefore I press my motion.

HON. J. M. SPEED (Metropolitan-Suburban): Practically the only objection urged by the various hon. members to the adoption of this motion is that it might result in a Redistribution of Seats Bill being introduced too hastily. I do not know whether the Minister for Lands is aware of what I am about to state; but I have been informed on good authority that the Leake Government have for some considerable time been engaged in collecting data for the purpose of framing a Redistribution of Seats Bill, and that it would be quite possible for the Government to bring the Bill forward within a week. Although I am not at liberty to disclose the source of my information, I can inform hon. members that the source is a reliable one. I am quite satisfied that the Minister for Lands can obtain the information required if he chooses to go into the matter. I feel

assured that it would be possible for the Government to introduce a Redistribution of Seats Bill in a week, or in a fortnight at most. I am convinced that they have at their command the means for drawing such a Bill as will satisfy the general public for the time being. It will not be possible ever to pass a Redistribution of Seats Bill which will work satisfactorily for more than a few years; that is to say, unless some automatic process of re-arrangement or redistribution be embodied in the Bill. In the case of a shifting population such as we have on the gold-fields, some arrangement of that kind might be desirable. The principle obtains in various other States; and I have no doubt that amongst the data furnished to the Government by the officers who have been engaged in prosecuting inquiries into the subject will be found particulars of the working of the system in the States where it has been adopted. No harm can result from the passing of a Redistribution of Seats Bill. There is no doubt about public feeling on the question: the general opinion outside Parliament is that the sooner the Bill is passed, the better. It seems to me absurd that if we all admit, as we do, that the public require a change, we should be desirous of hanging the matter up until a distant period. That is the position of hon. members who say they favour redistribution of seats, but do not want it carried out now.

HON. A. B. KIDSON: That is what you say yourself.

HON. J. M. SPEED: A peculiar feature about the hon. member is that he always looks as if he were hungry.

HON. A. B. KIDSON: You told me differently, yesterday.

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

| | | | | |
|------|-----|-----|-----|----|
| Ayes | ... | ... | ... | 10 |
| Noes | ... | ... | ... | 12 |

Majority against ... 2

| AYES. | NOES. |
|---------------------------|-----------------------|
| Hon. G. Bellingham | Hon. H. Briggs |
| Hon. E. M. Clarke | Hon. R. G. Burges |
| Hon. J. D. Connolly | Hon. C. E. Dempster |
| Hon. F. T. Crowder | Hon. J. W. Hackett |
| Hon. J. T. Glowrey | Hon. A. B. Kidson |
| Hon. R. S. Haynes | Hon. E. Laurie |
| Hon. A. Jameson | Hon. E. McLarty |
| Hon. A. G. Jenkins | Hon. B. C. O'Brien |
| Hon. C. A. Piesse | Hon. G. Randall |
| Hon. J. M. Drew (Teller). | Hon. J. M. Speed |
| | Hon. F. M. Stone |
| | Hon. J. E. Richardson |
| | (Teller). |

Amendment thus negatived.

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

| | | | |
|------|-----|-----|----|
| Ayes | ... | ... | 14 |
| Noes | ... | ... | 8 |

| | | |
|--------------|-----|---|
| Majority for | ... | 6 |
|--------------|-----|---|

AYES.
 Hon. G. Bellingham
 Hon. J. D. Connolly
 Hon. F. T. Crowder
 Hon. J. M. Draw
 Hon. J. T. Glowrey
 Hon. R. S. Haynes
 Hon. A. G. Jenkins
 Hon. A. B. Kidson
 Hon. R. Laurie
 Hon. B. C. O'Brien
 Hon. C. A. Piessie
 Hon. J. M. Speed
 Hon. F. M. Stone
 Hon. H. Briggs (Teller).

NOES.
 Hon. E. M. Clarke
 Hon. C. E. Dempster
 Hon. J. W. Hackett
 Hon. A. Jameson
 Hon. E. McLarty
 Hon. G. Randell
 Hon. J. E. Richardson
 Hon. R. G. Burges
 (Teller).

Question thus passed.

On farther motion, Message sent to the Legislative Assembly requesting concurrence.

TRADING STAMPS ABOLITION BILL.

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

RETURN—MIDLAND RAILWAY, MONEYS FROM SALE OF LAND.

HON. R. S. HAYNES (Central) moved:

That a Return be prepared and laid on the table of this House, showing: (a) The amounts received from the Midland Railway Company Limited for the sale or lease of any portion of the 2,400,000 acres held as security by the Government, and the dates of receipt. (b) The manner in which the said moneys have been dealt with. (c) The amount (if any) now standing to the credit of the Company on this account.

The report of the joint committee which had been inquiring in relation to the Midland Railway would be incomplete without this return. He understood that the whole of the money which was received by the Government from the sale of land over which they held a mortgage, had been applied to the payment of interest, instead of being kept for the purpose of paying debentures.

Question put and passed.

MOTION—GAME DESTRUCTION, TO PREVENT.

HON. R. S. HAYNES (Central) moved:

That, in the opinion of this House, it is desirable that the destruction or capture of all

native game on and in the vicinity of Herdsman's Lake should be immediately prohibited.

Herdsman's Lake adjoined Monger's Lake at Leederville, and he did not think that in the winter there was practically any division between the two lakes. In summer there was a little neck of land between them. Monger's Lake had been protected, and no game was allowed to be destroyed on that lake. Herdsman's Lake was a much larger lake. The object of protecting the game there was that shooting was allowed on Herdsman's Lake, but inasmuch as Monger's Lake was protected, all the native game went on to Monger's Lake, and the shooting fraternity that went to Herdsman's Lake also went to Monger's Lake. Any person who went to Leederville at night time would hear the guns going off. The result was that the protection with regard to Monger's Lake was no real protection whatever. He had noticed lately in the police court that at least a dozen persons had been fined for shooting on Monger's Lake. There was only one policeman who was able to look after the lake, that being a mounted policeman at West Perth; and that officer said it was absolutely impossible to prevent shooting on Monger's Lake whilst we permitted people to shoot on Herdsman's Lake. If a person was at Herdsman's Lake he could shoot into Monger's Lake. If protection was necessary for one lake it was necessary for the other. Moreover, a number of persons were camped about Herdsman's Lake, to the great detriment of the fowl-houses and orchards in the vicinity. The police, on being appealed to, had stated that whilst these people were camped in butts and claimed to be engaged in shooting game on Herdsman's Lake, they could not be removed under the Vagrancy Act. Most of the game pursued by these gentry, however, resided in the hen-roosts. The depredations resulting from these extremely undesirable people had been so great that one orchardist had sold out in consequence. The police had stated that the only way to strengthen their hands was to keep these people away from both lakes. The so-called sportsmen generally used fowling pieces and shot-guns, but some of them employed rifles, with the result that the neighbourhood of the lake was positively dangerous.

HON. J. W. HACKETT (South-West): The object of the hon. member would meet with general approval. Herdsman's Lake was probably (outside the Abrolhos Islands) the most valued resort of rare and curious fowl in Western Australia. Species almost unknown in other parts of the State seem to make Herdsman's Lake their home; and therefore everything possible should be done to protect the birds and also the game there. Was the lake, however, the property of the Crown? So far as his memory served him, what was marked on the map as Herdsman's Lake was granted some years ago to the Roman Catholic Church.

HON. R. S. HAYNES: The people hunting on the lake were certainly not doing so with the permission of the Roman Catholic Bishop, since they had looted that reverend gentleman's orchard.

HON. J. W. HACKETT: Perhaps something could be done by the Government to protect this valuable and interesting spot.

THE MINISTER FOR LANDS (HON. A. JAMESON): The Government were fully in sympathy with the motion, and steps would at once be taken to see that whatever could be done should be done to protect the game and the wild fowl. Monger's Lake and Herdsman's Lake practically formed one sheet of water now, and shooting over either should be prohibited.

Question put and passed.

EARLY CLOSING BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

RETURN—GRAZING LEASES, VICTORIA DISTRICT.

HON. J. M. DREW (Central) moved: "That a return be laid on the table of the House, showing: 1, The names of all persons to whom grazing leases have been granted in the Victoria district since the 1st January, 1898. 2, The acreage of each of such leases. 3, And the respective dates when such leases were granted." A widespread feeling of dissatisfaction in the Victoria district in connection with the granting of grazing leases impelled him to move for this return. It was alleged that the Lands Department had been guilty of gross favouritism—that

whilst some people experienced great difficulty in obtaining grazing leases, others appeared to obtain them with the utmost ease. Not knowing what ground there was for the feeling of dissatisfaction which undoubtedly existed, he moved for the return in order to assist him in coming to a conclusion on the subject.

Question put and passed.

MIDLAND RAILWAY INQUIRY.

JOINT COMMITTEE'S REPORT.

HON. R. S. HAYNES brought up the report of the Joint Committee.

Report received, read, and ordered to be printed.

At 6'38, the PRESIDENT left the Chair.

At 7'45, Chair resumed.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

RECOMMITTAL.

On motion by the MINISTER FOR LANDS, Bill recommitted.

THE MINISTER FOR LANDS moved that in Clause 1, the year be altered from 1901 to 1902, and all words after "1902" be struck out; also that in Clauses 3 and 7, "1901" be altered to "1902."

Amendments put and passed.

Bill reported with farther amendments.

TRADE UNIONS BILL.

IN COMMITTEE.

Resumed from the previous day at postponed clause.

Clause 31—Application of Industrial Conciliation and Arbitration Act:

THE MINISTER FOR LANDS moved that "1902" be substituted for "1901," in line 2.

Put and passed, and the clause as amended agreed to.

HON. G. RANDELL directed attention to Clause 6, in which reference was made to the Friendly Societies Act of 1894. He suggested that the amending measure of 1902 be added, as he supposed the Trade Unions Bill referred to both measures.

THE MINISTER FOR LANDS: Yes.

HON. J. M. SPEED: The Friendly Societies Act Amendment Bill was only an amendment of the Friendly Societies Act, and it would be read with that Act.

HON. G. RANDELL: Of course the measure now before the Committee was not yet an Act.

THE MINISTER FOR LANDS wished to move that in Clause 1 the year be altered from 1901 to 1902.

THE CHAIRMAN: We could not go back. If the amendment were only formal, he could make it without a motion.

HON. J. M. SPEED: Under Rule 264, could not the amendment be made at once? Any formal amendment could be dealt with at any stage of the Bill. He asked the ruling of the Chairman on the point.

THE CHAIRMAN: Yes; a formal amendment could be made, but he thought it would be better to recommit the Bill on this occasion.

HON. J. M. SPEED: This was only a formal matter, altering the date.

THE CHAIRMAN: The proper mode would be to recommit the Bill.

Preamble and title—agreed to.

Bill reported with amendments.

THE MINISTER FOR LANDS: Could a formal amendment to Clause 1 be moved, that the Act might be cited as the Trade Unions Act 1902, instead of 1901, and that the words after "1902" be struck out?

THE PRESIDENT: The rule said that formal amendments might be made in a Bill at any time during its progress through the Council or in Committee of the whole Council.

HON. J. W. HACKETT: The date of the coming into operation of an Act could hardly be called "formal."

RECOMMITTAL.

Bill recommitted.

THE MINISTER FOR LANDS moved that in Clause 1, "1901" be altered to 1902," and that the words there following be struck out.

Put and passed, and the clause as amended agreed to.

Bill farther reported, and the report adopted.

DOG ACT AMENDMENT BILL.

THIRD READING.

Debate resumed from the previous day, on the motion by the Minister for Lands for third reading, and on the amendment

by Hon. G. Randell that the Bill be recommitted.

HON. J. W. HACKETT (South-West): In moving the adjournment of the debate yesterday, he had been actuated merely by a desire that there should be time to consider whether the Bill required amendments additional to those to which attention had been drawn.

THE PRESIDENT: Farther consideration of the matter had led him to the conclusion that the minor and formal amendments necessary in this Bill were better left to be made in the Legislative Assembly.

Amendment by leave withdrawn.

Bill read a third time, and transmitted to the Legislative Assembly.

BREAD BILL.

THIRD READING.

Debate resumed from the previous day, on the motion by the Minister for Lands for third reading, and on the amendment for recomittal.

Amendment by leave withdrawn.

Bill read a third time, and transmitted to the Legislative Assembly.

FOURTH JUDGE APPOINTMENT BILL.

SECOND READING.

Debate resumed from the previous day, on the motion by the Minister for Lands.

HON. J. M. DREW (Central): I have pleasure in supporting the second reading. I supported a similar Bill last session, and have seen no reason to change my opinion. I was greatly surprised at the half-hearted advocacy which this Bill received at the hands of the leader of the Government. The extremely mild manner in which the Minister for Lands moved the second reading gave rise to an impression on my part—which impression, I think, is shared by a good many members—that no very keen regret will be felt by the Government if the Bill be wrecked in this Chamber. The opposition to the appointment of a fourth Judge has taken a new form this session. The appointment was opposed previously on the ground that the intention of the Government was to raise to the Supreme Court Bench a person whose appointment was considered undesirable. This session the appointment is opposed on the ground that there is no real necessity for a fourth Judge.

To my mind, the appointment is absolutely necessary; and I therefore wish to see the Bill passed. The expense of bringing their cases to Perth is ruinous to country litigants. In the first place, they have to pay fees to a local solicitor; and in the second place they have to pay the fees of Perth counsel. Next, they have to pay the fares and expenses of witnesses to Perth. These witnesses may be kept waiting several days in Perth, again at the cost of the litigant. Many persons, therefore, suffer injustice in preference to appealing to the Supreme Court. Hon. members should consider the cost of bringing a case from Peak Hill, Lawlers, or Esperance, to Perth for trial. The expense is so extremely heavy that only in rare cases do litigants in these far-away settlements bring their cases to Perth.

HON. A. B. KINSON: A Judge on circuit would not go to Esperance Bay.

HON. J. M. DREW: No; but he could go to Peak Hill; and it would be better for the Judge to go to Peak Hill than for all the parties and witnesses to come from Peak Hill to Perth. The contention that the present staff of Judges can furnish a circuit Judge is ridiculous. The broad and indisputable fact remains that the Judges have not in the past been able to cope with the work of the Courts; and it is extremely improbable that they will be able to do so in the future. No Judge has ever gone on circuit on the Murchison goldfields, although the Murchison Press and people have clamoured for a circuit court for years. During 17 years the Supreme Court Judges have paid only seven visits to Geraldton. Five of these visits were paid by Chief Justice Stone, one by the late Chief Justice, Sir Alexander Onslow, and one by Mr. Justice Hensman. The cases tried on these occasions were nearly all murder cases. So far as I am aware, only two civil cases have been tried by a Supreme Court Judge in Geraldton. The Murchison goldfields have persistently agitated for a circuit Judge. Every candidate who has come forward for election for years past has been forced to pledge himself to use his best efforts to secure the appointment of a circuit Judge. Representations were frequently made to the Forrest Government with a view to obtaining the services of a Judge for circuit duty in the

Murchison district; but the invariable reply was that the Judges had refused to go on circuit, that they already had so much work to do in Perth that it was utterly impossible for them to visit country districts. In the face of these facts, I fail to see how members can maintain that the present Judges have the time to visit country districts on circuit. The only defect I see in the Bill is the absence of a clause providing that the Judge to be appointed shall go on circuit. I can only hope that before the Bill leaves this House that defect will be remedied in some way. I sincerely trust that in the interests of the goldfields and the country districts the present necessary Bill will be passed.

HON. J. T. GLOWREY (South): In supporting the second reading of the Bill, I should like to see some amendments made in Committee. I have listened to the speeches by several members, and particularly to that of Mr. R. S. Haynes. I am sure that gentleman has given us a considerable amount of information, and I think to a great extent he is probably right. Mr. Kidson has also given us information with regard to the working of the Law Department. We should respect the opinions of those gentlemen. I should certainly not go so far as to say or even suggest that they have any other motive than an honest desire to do what they believe to be right. I should not like to impute motives, as was done by some members during the debate yesterday evening. I do not think that was at all discreet. However, notwithstanding all that Mr. Haynes has said, I am bound to support this Bill, for I consider the advantages we have to gain by the appointment of a fourth Judge far outweigh the objections raised by that hon. gentleman. For six or seven years we have been advocating the appointment of a circuit court Judge to travel throughout the goldfields. I had the pleasure of being on one or two deputations to the Premier. We have never had any indication that it was possible for any of the Judges to travel on circuit, and I venture to say that if you look back and take the records for the past years you will find the work has been very considerably in arrear. It is true, or may be true, that the work at the end of the year was pretty well up; but

if we go back six months before that, we shall find there was a considerable congestion of law cases, and I am sure there are some persons even in this House who have had to wait for almost 12 months to get a hearing. I know a case that has been standing over for about 12 months. The great argument against this Bill as far as I can see is in regard to economy. That, in my opinion, is a very poor argument, because the Judges are only paid £1,400 a year; a salary which I think far and away too small, and I think the amount should be increased. For the matter of £1,400 we have one or two cases that will cost clients, litigants, and witnesses far and away above that sum. I know one case where there were 11 or 13 witnesses, and their coach fare, train fare, and travelling expenses were about £20 a piece. I know of another case where there was a sum of about £200 involved, and the expenses exceeded the total amount involved in the law case. When we come to consider these facts we cannot very well reject this Bill on the score of economy. It is badly needed because, as I say, the advantages to the whole of the outlying districts—that is Geraldton, Albany, the goldfields, and different other centres—will be such that the sum mentioned as the salary will be saved several times over. It is a question after all apart from that whether the Government will not save, because there is extra expense incurred now in bringing witnesses and criminals to Perth. If a Judge goes on circuit, that expense will not be necessary. That is another argument against Mr. Haynes and other members who have spoken against the Bill on the score of economy. I desire to see the second reading passed, but I hope that in Committee we shall be able to have an amendment effected. I should like to see the Judge's salary increased if possible.

THE MINISTER FOR LANDS (in reply): Before this question is put to the vote, I should like to say a few words. As I have been twitted in several directions owing to my attitude in a previous session in regard to this Bill, I think it well at this early stage of my position as a Minister to explain precisely what my position is to this House. I think Mr. Randell, who for long held this position, has already indicated that it is not always

possible for a member of a Ministry to entirely support a measure so far as his own mind is concerned. When he becomes a member of a Government he has to sink in some measure his individuality, and I certainly come here as the mouthpiece of the Government. It may be that in matters of expediency my own views may differ from those of the Government, but if it ever became to me a matter of principle in which I found I could not support the Government, I would not continue to hold the position any longer. But if it is just a purely expedient matter, and not a matter in which any vital principle is involved, then I may be able to support the Government, and to sink my own individuality in that case. In no other way can a Government be carried on. There must be a certain amount of compromise, and I should like it to be fairly understood that anything I may have said in the past with regard to this Bill has no bearing here to-day. I was twitted with the fact that when I introduced this Bill I did not bring forward sufficient argument. I may say the Bill was put into my hands only a very few minutes before I introduced it, and I have perhaps not had full time to consider it. But I can assure you that I as a member of the Government am supporting this Fourth Judge Bill. There is a very important point concerning this Bill in relation to which every legal member of the House will agree with me, namely, in regard to the Court of Appeal. It has been felt for many years that in this State it has been difficult to get a really good court of appeal, because the Judges who hear the case sit in the Court of Appeal. If you have four Judges you have at all events three who have never heard the case before.

HON. R. S. HAYNES: Not upon circuit.

THE MINISTER FOR LANDS: This Bill is not a Circuit Judge Bill, but a Bill for a fourth Judge. It may be that there will always be a Judge on circuit, but it does not follow that it will always be the same Judge. The Bill is, I say, a Fourth Judge Bill, and not merely a Bill for a circuit court Judge. Circuit work may be done by a commissioner. We want four Judges on the bench in this State, and I should like

it to be clearly understood that such is the desire of the Government; and if anything has fallen from me to make members think I do not support that Bill, I should like to remove that impression, because I am here purely representing the Government of this State, and as the Government of Western Australia we desire that this Bill shall pass.

HON. E. McLARTY (South-West): I intend to support the second reading. I think it is admitted by everyone that it is quite time we had a Judge on circuit. At an earlier period I felt it my duty to call attention to the fact that natives had been kept in prison seven months without trial. Afterwards those natives were tried on a charge of murder, by an inexperienced magistrate, a gentleman who had just been appointed to the position, and who I believe had had no previous experience at all. It was almost one of his first cases. Those natives were brought before him charged with murder, and they were condemned to death. Such a state of things as that requires to be remedied as quickly as possible. As long as we have only three Judges it will be difficult or almost impossible for one of these Judges to be spared to go on circuit; and if the measure would have no other effect than to enable a Judge to go to distant parts of the State and try cases of a serious nature, I am sure the amount entailed to pay the salary would be compensated for over and over again. Besides, I quite agree with what has fallen from members that it would entail no expense upon the country at all. I believe the saving effected in regard to bringing witnesses from different parts to Perth would be five times as much as the cost of paying a Judge. If the work, as has been stated by some hon. and learned member who is in a better position to know than I am, is up to date at the present time, it is certainly something new; for I am sure that a few months ago you could scarcely take up a daily paper without seeing that the work was very much in arrear. There is no doubt that litigants have been put to a great deal of unnecessary expense by the adjournment of their cases from month to month. I was in hope of getting some information from the legal members of this House. Of the four who have spoken, two utterly opposed the

Bill on the ground that a fourth Judge was not required, while two supported the Bill on the ground that a fourth Judge was absolutely necessary. I am, therefore, much in the same position as before I heard the views of those learned gentlemen. It is remarkable that on a question like this the legal members should hold diametrically opposite opinions. I shall support the second reading most heartily, because I believe the expense involved is one which the country is perfectly justified in incurring. It is high time that, in the interests of the goldfields towns and other centres of population in the distant parts of the State, a competent Judge should be delegated to try cases in the districts in which they arise. I shall support the second reading of the Bill.

HON. C. E. DEMPSTER (East): I shall be glad to know whether the appointment of a fourth Judge under this Bill necessitates the maintenance of four Judges on the Supreme Court Bench for all time to come.

HON. J. M. SPEED: No.

HON. C. E. DEMPSTER: The appointment, of course, involves heavy expense, which, however, no member of this House, I feel sure, will for a moment grudge if there is work for the fourth Judge. Our State being a very large one, a great deal of the time of a circuit Judge would necessarily be taken up in travelling. The distances between our various centres of population—Albany and Wyndham, for example—are so great that one Judge's time would be fully occupied in travelling between them and holding circuit courts where required. The State is at present put to enormous expense in bringing prisoners from distant parts of the country to Perth for trial; and bringing, be it noted, not only the prisoners themselves, but also the witnesses necessary to secure a conviction. Every hon. member must know that such cases involve enormous expense, a great part of which could be saved if they were heard by a Supreme Court Judge in the places where they arose. It would be a penny-wise and pound-foolish policy to refuse to pass this Bill on the score of economy, and thus to continue to inflict on the State the enormous expense of bringing criminal cases to the capital for trial. Private litigants, moreover, are

burdened with heavy cost in bringing witnesses to Perth and maintaining them here, whilst the cases are postponed from day to day, without the slightest regard to the expenses incurred by the suitor. This state of things must be a source of great loss as well as annoyance to people residing at any distance from the capital. There is no getting away from the fact that a circuit Judge is most necessary. If circuit court work cannot be undertaken by one of the present Supreme Court Judges, then a Supreme Court Judge ought to be appointed for the particular purpose. If three Judges can do the work, of course a fourth Judge ought not to be appointed. I incline to the opinion that it would be better if altogether there were only one Supreme Court Judge. However, I consider the appointment of a fourth Judge only an act of justice towards those of our fellow citizens who reside at a distance from the capital, and therefore I shall support the second reading. At the same time I wish to know whether the passing of this Bill will render imperative for all time to come the maintenance of four Judges on the Supreme Court Bench.

HON. R. S. HAYNES: Ask the Minister for Lands.

HON. C. E. DEMPSTER: I put that question to the Minister for Lands.

THE MINISTER FOR LANDS: It is always possible to reduce the number of Judges. When a Judge retires and draws his pension, it is not necessary to fill the vacancy.

HON. R. G. BURGESS (East): I shall support the second reading of this Bill. For the first time in seven years, the business of the Supreme Court has recently been up to date; and, therefore, I say the appointment of a fourth Judge is only an act of justice to the goldfields residents. It would be unreasonable to deny that the people on the goldfields, and also residents in the country districts, have experienced great difficulty in having their cases brought to trial, quite apart from the heavy expense thrown on them by reason of having the trials held in Perth. Say a resident in a country district sells £100 worth of goods to a man, who does not pay. The vendor has then to go to Perth to look things up. Next, he has to deal with the very troublesome and expensive matter of

getting his case tried in the Supreme Court, with the result, possibly, that in the end he gets nothing in return for an expense of may be a couple of hundred pounds. With circuit courts, cases could be tried in the place where they arose, at a minimum of cost. The Minister for Lands has been twitted with not having given the House sufficient information in support of the Bill. I am prepared to maintain the House has not been given the information it ought to have. Even if the Minister had this Bill put before him only five minutes before introducing it, that is no reason for his not getting the necessary information subsequently.

THE MINISTER FOR LANDS: What information do you want? I can give you any information you want.

HON. R. G. BURGESS: With all due deference and respect to the Minister, I consider that when the Government introduce a Bill into this House they should furnish good and sufficient reasons for passing it.

HON. R. S. HAYNES: Ask the Minister for Lands whether the Judges have refused to go on circuit.

HON. T. F. O. BRIMAGE: That question has been asked a dozen times.

HON. R. G. BURGESS: I shall ask what questions I choose. I refuse to be dictated to by Mr. R. S. Haynes. The Government must know, since it has been a matter of common knowledge for a long time past, that certain criminal cases brought to trial at Perth have cost the country hundreds of pounds. I desire to draw the special attention of hon. members to a case which, occurring on the northern goldfields, was recently brought to trial in Perth. It had reference to the murder of a Malay or a Chinaman. That case must have cost the country a comparatively very large sum of money. If we had the expenses of that single case before us in plain figures, hon. members would soon be convinced that a fourth Judge should be appointed, if only on the score of economy. Apart from considerations of economy, however, I am prepared to support this Bill as a matter of simple justice to the residents in our outlying districts. Figures could be easily produced showing that by making this appointment we should save the cost involved in it three or four times over. There is no need to ask for infor-

mation on that head: hon. members have it at their fingers' end. So far as the Government are concerned, however, I maintain that the duty lies on them to show the necessity for the Bills they introduce. If not prepared to demonstrate the necessity of measures, they should refrain from introducing them. In the case of the present Bill, the Government should have shown that the proposed appointment is warranted on the score of economy; since economy, we are told, is the watchword of the present Administration. I wish it to be understood that I do not hold the Minister for Lands personally responsible for the lack of necessary information. That member of the Government who is responsible for the department affected by this Bill is answerable for what I may call the slur cast on this House by the unsatisfactory manner in which the measure has been introduced. I am sure the passing of the Bill will result in great benefit to the State as a whole, and therefore I congratulate the Government on their determination to appoint a fourth Judge. There is no use, however, in appointing to a judgeship a man not capable in every respect of carrying out the duties of the position. We do not wish to see a man appointed at £1,400 a year going into the hospital within a month or two after his appointment, and resigning in a few months more to draw a pension of £700 per annum for the rest of his life. Certain legal members have stated that this Bill, if passed, will cause the fourth judgeship to stand for ever. What weight is to be attached to the opinions expressed by those legal gentleman after such a childish and absurd statement as that?

HON. R. S. HAYNES: Oh, talk about corn!

HON. R. G. BURGESS: I will talk common sense and law to the hon. member. Law is said to be common sense: this Bill is common sense: therefore this Bill is law. I hope I may live long enough to bring in measures to amend certain laws of the British people which I do not consider a credit to the nation. I say unreservedly that some of our laws are not a credit to us. Litigation is at present far too costly a remedy for the general public to avail themselves of.

MEMBER: It is a luxury.

HON. R. G. BURGESS: Yes; a luxury best enjoyed by dispensing with it altogether. I can give Scripture in support of that opinion: "If a man ask thee for thy coat, give him also thy waistcoat." (Interjections and laughter.) As regards law and lawyers, I could astonish hon. members by telling them of certain incidents which happened here a few years ago. I am not afraid to refer to them if occasion requires it.

SEVERAL MEMBERS: What are the incidents?

HON. R. G. BURGESS: There are plenty of incidents which certainly do not reflect credit on the law courts of this State. I shall support the Bill on the ground that the appointment of a fourth Judge is, as I have said before, a mere act of justice to the people on the goldfields.

HON. G. BELLINGHAM: And to the people in the country districts as well.

HON. R. G. BURGESS: Yes; but particularly to the people on the goldfields, where there is more litigation than in the country districts. The poor country people cannot afford to indulge in much litigation. Finally, I shall support the Bill because I consider that people should be able to obtain justice without having to pay for it through the nose.

HON. G. RANDELL (Metropolitan): I shall not oppose the second reading of this Bill, though I think the expectations which some hon. members have formed on the strength of it will be grievously disappointed. The only justification I can see for the appointment of a fourth Judge is the demand of the large populations at outlying centres, especially those on the eastern goldfields, for the establishment of circuit courts. I do not think there is very much in what an hon. member has just been preaching to us concerning economy. From the Estimates I observe that £5,000 is the total amount set down to meet the claims of witnesses and jurors throughout the State for one year. This Bill allots £1,400 salary to a Judge; that Judge's travelling expenses will be heavy; and he will not go alone on circuit, but will certainly take his associate and probably someone else with him. I think it will be found at the end of the year that the expense under the proposed new arrangement will not be less than it is under

present conditions. Hon. members may, therefore, disabuse their minds of the argument on the score of economy. I have never yet known a measure like this to result in economy. As regards the perpetuity of the appointment once made, I feel sufficiently assured that if a member of the Bench should retire, the vacancy will be filled by the Ministry of the day almost immediately. The Government are not likely to let slip the opportunity of exercising patronage, and there will be plenty of claimants to urge the necessity for a reappointment.

MEMBER: There may be an Attorney General wanting the appointment.

HON. G. RANDELL: I fear yet another disappointment awaits hon. members in respect of their hope that the fourth Judge will be appointed as a circuit Judge. There is nothing in the Bill to say that the fourth Judge shall go on circuit.

HON. J. M. SPEED: There will probably be a provision to that effect before this House has done with the Bill.

HON. G. RANDELL: The Government have now the power to send the Judges on circuit. Any Judge refusing to go on circuit would refuse at the peril of loss of position. I should have liked this matter to stand over a little longer. The Bench have been in a very peculiar position for some time, but, notwithstanding that, they have, I think, been able to overtake the work. I would like to have seen the return of Mr. Justice Parker from England. If he returns in a good state of health the court will, it appears to me, be quite competent to deal with the business, which I understand from outside this House has shrunk, and is not nearly as much as it was. The abnormal state of things which existed in 1897, 1898, and 1899 is not likely to occur again. From what I think very good authority, I understand the work is decreasing, and as far as actual business in the court is concerned there is no necessity for another Judge. However, I admit that there appears some cause of complaint that circuit courts are not often held in the provinces, and we must admit that on the face of it at any rate there seems to be justice on the side of those who make that complaint. If this complaint can be abolished by having the appointment of a fourth

Judge, well and good. But we must make up our minds that it will mean additional expense. Still, I do not think members will look unfavourably on it, if satisfied that the claims of justice demand it, and that it will prevent dissatisfaction with the judgments delivered by gentlemen who have been appointed to positions in country districts, who are not versed in the law, and who possibly do not understand very clearly or distinctly the rules of evidence. On the whole I think perhaps it would be well to agree, although I very reluctantly do so, to the appointment of a fourth Judge, because, as I said, the state of business in the Supreme Court does not indicate that there is any necessity for it. I do not know that I can add anything to what I have already said. However, I will make this remark. It has been proposed or suggested by some speakers as a modification of the Bill, and to induce some members to vote for it, to insert within its four corners certain stipulations that a Judge shall go on circuit, and that if a Judge retires the position shall not be filled up. I can hardly see how that can be accomplished. In my opinion it is impossible. If you appoint a fourth Judge you cannot place him upon a different footing from that on which all those already appointed stand. He must be appointed on the same conditions. Another phase which should have presented itself to the Government is the question of pensions to the Judges. It seems monstrous that a Judge may be appointed and may receive a pension after holding the position for only a few months or a year or two.

HON. J. W. HACKETT: The next day.

HON. G. RANDELL: I can hardly conceive of any gentleman with a due sense of the eternal fitness of things accepting a pension of half his salary for a few weeks' service. And you have to bear in mind that if the salaries of the Judges are raised to £2,000 a year, the pension will be £1,000.

HON. J. M. SPEED: He will get no pension.

HON. G. RANDELL: Half the salary would be received, and I think the Government ought to look into this matter and arrange before they appoint another Judge, that he shall serve a certain number of years before receiving a pen-

sion, or that the pension shall be only *pro rata* to the number of years served.

HON. R. S. HAYNES: A sick Judge would sit on the bench: that is the trouble. He would sit to get the salary.

HON. G. RANDELL: We want strong vigorous men to be appointed to fill these high and important positions, so long as they have experience and ability fitting them for the duties.

HON. B. C. O'BRIEN (Central): It is my intention to support the Bill, which I think should commend itself to this House, and the people of the State generally. A good deal has been said against the Bill in regard to the fact that, if we pass the measure, it will not be compulsory on a Judge or Judges to go on circuit duty. I intend to combat that before I sit down by asking the Minister for Lands if he will give us an assurance that it will be compulsory on the fourth Judge, and on each of the other Judges who are at present holding this position, to go on circuit duty when commanded to do so; because it would be rather a strange thing if we had four Judges in our State, for them to flout the House and the State by not going on circuit duty when commanded. The object of having this fourth Judge is to obtain a spare Judge to do circuit duty. I would not vote for the measure if I did not think so, and if after the appointment of that Judge we find we cannot compel one of the Judges to go on circuit duty when required, we shall be in rather a strange predicament, I imagine; therefore, while supporting the Bill and combatting the arguments of some members, I would like to ask the Minister if he could give us an assurance.

MEMBER: He cannot do that.

HON. B. C. O'BRIEN: I think we ought to be in a position to see we shall have some protection with regard to this point. I am going to support the Bill, and if we find that we cannot command the Judges to do circuit duty, we should pass an Act compelling them to do it. It has been said that the business of the country at the present time with regard to litigation is not pressing, but we have no guarantee that the present state of affairs will continue. With regard to the question of expense, it is very unfair that people from the far country should be told that they should

pay. The State should step in and bear some of the expense. The salary of £1,400 is not a high one, and the other expenses occasioned by the Judges going to the various centres they would have to visit would not be very great, when you come to remember the great expense litigants are put to in coming to Perth, and having to wait in very many cases weeks and weeks, and in some instances many months before a decision is arrived at by the Supreme Court. Needless trouble has been caused to litigants in various ways in connection with having to bring their cases to Perth. I, therefore, on this ground intend to support the Bill, and I desire the Minister to give some assurance or promise at any rate that the Government will see that the Judges attend to the duties we expect from them.

THE MINISTER FOR LANDS (in reply): In regard to that matter you will always have to depend on the good sense and the policy of the Government in power for the time being. You may rest assured that the public would never tolerate that four Judges should remain idle. The Government are always subject to Parliament, and Parliament can urge the Government, if the Judges are lax in their duties, to see that the duties are carried out. But it would be a very unusual thing to pass an Act of compulsion. Judges have never yet been known to refuse to go on circuit when asked. The Judges are employed all the time, and are fully occupied, but when they are asked to go upon circuit, undoubtedly they will do so. That difficulty has never been raised. The matter is one that must always rest in the hands of the Government of the day.

HON. C. E. DEMPSTER: What about pensions when Judges have served perhaps only a few weeks?

Amendment (six months) put and negatived.

Question put and passed.

Bill read a second time.

LIGHT AND AIR BILL.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Application:

HON. R. S. HAYNES: Did the Minister for Lands know that by this clause the Crown was bound?

THE MINISTER FOR LANDS said he had not noticed that.

HON. R. S. HAYNES: Perhaps the Minister would allow the Bill to go through?

THE MINISTER FOR LANDS: Was it the hon. member's Bill?

HON. R. S. HAYNES: It was Mr. Moss's Bill. As the Bill was going through the Legislative Assembly, the Minister for Lands might draw the attention of the Attorney General to the point. It was not usual to bind the Crown in any Act.

THE MINISTER FOR LANDS: Attention would be drawn to it. The clause might stand over.

HON. R. S. HAYNES: It might be allowed to pass in this House, and attention be called to it in the other Chamber.

Clause put and passed.

Clauses 4 and 5, preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

CRIMINAL CODE BILL.

SECOND READING—SELECT COMMITTEE.

THE MINISTER FOR LANDS (HON. A. Jameson), in moving the second reading, said: This is probably the most comprehensive Bill which has ever come before the House. It is a measure which simplifies and consolidates our criminal law, and thus is entirely in accordance with the progressive spirit of our time. Indeed, I think all progressive countries have a criminal code. I know that this remark applies to France and Italy, and to all the Northern States of America. Both New Zealand and Queensland have a criminal code. Indeed, the criminal code of Queensland is really the source from which this code has been drawn. The code now submitted to hon. members is Sir Samuel Griffith's code, modified and adapted to the requirements of this State by our late Attorney General, Mr. W. F. Sayer, who has devoted a great deal of time to it. I think the House and the country are under an obligation to Mr. Sayer for the immense amount of time and trouble he has devoted to this great work. It is really a great work, and one which is perhaps more necessary in this State than in any other. We

realise the great necessity for the code when we bear in mind that Western Australia at the inauguration of constitutional government took over an enormous number of the Imperial statutes just as they stood in England. The result is that really only an expert can at the present time discover what the criminal law of this country is. One has to go back for hundreds of years, for we are still subject to Acts which were passed in the time of Edward I. Hon. members will find by a perusal of the second schedule to this Bill what an enormous number of statutes is repealed by the code—I think nearly 100 statutes. This code consolidates and simplifies the criminal law so that even a layman can understand it. The language of the code is very clear. A layman like myself, having gone carefully through the code, can find in it nothing incomprehensible. This clearness is a wonderful achievement, considering that many of the statutes are so extremely difficult to follow. The language of the code being perfectly clear and lucid throughout, not only our Judges and stipendiary magistrates, but all our justices of the peace will be able to grasp its provisions easily. The code is really one of the greatest works which has ever been brought before the House, although of course the measure will require to be carefully considered in detail. It conveys clearly the common law of England. The Queensland code was based by Sir S. Griffith on the work performed by the Royal Commission appointed in England in 1878, which body consisted of Lord Thorburn, Sir James Fitzjames Stephen, Mr. Justice Barry, and Mr. Justice Lush, all well known as eminent lawyers. Sir Samuel Griffith formed his code more particularly on that of Italy, which is recognised as the finest penal code in the world, and on the codes of New York State and others of the North American States. The work undertaken by Sir Samuel Griffith was an immense one, and he devoted years of his life to it. When completed, the code was so highly esteemed that it became the criminal code of Queensland last year. As I said before, the present code is really the Queensland code, with a very few alterations. Every clause is perfectly lucid and clear.

HON. G. RANDELL: Have you read Clause 666?

THE MINISTER FOR LANDS: I shall deal with that clause when we get to the Committee stage. Meantime I may say that the Bill, although consisting of upwards of 700 clauses, will not throw on hon. members so very much work if they will only apply their minds to it. I may almost say that the measure is purely one for the lawyers. Certainly, I shall look forward to receiving great assistance from the legal members of the House in connection with this measure. I do not desire to occupy much time in moving the second reading. The measure is, after all, one which will have to be carefully considered in Committee. I think I may leave it at that. I trust hon. members will see their way to pass the second reading and to carry the Bill through the final stages before the session closes. We shall yet go on for some time, and, therefore, need not hurry through the Bill, but can make sure we are getting a valuable code. At the same time, I hope the code will become the law of the country before the session closes. The Government are proud of having brought in this Bill, which is thoroughly in accord with the policy they have adopted all along the line of simplifying and consolidating the law. I repeat, this is the greatest work yet brought forward here, and I hope it will be accorded liberal support from the members of this House, and thus mark perhaps the most important epoch of the legislative history of this State.

HON. R. S. HAYNES (Central): I rise to support the second reading of the Bill, although with a great deal of diffidence. My diffidence arises not so much from the phraseology of the Bill itself, because that is, with some slight exceptions, clear and easily understandable. The danger lurking in the Bill, however, is this. By the Bill we abolish with one sweep all the criminal laws at present in force in this State, and undertake not only to provide enactments setting forth what punishments shall be inflicted on persons committing crimes, but also something which has never been undertaken before, either in England or in any of the Australian States, namely to define what the crimes are. We may look forward to some very interesting argu-

ments as regards these definitions of crimes. The Bill which introduces and enacts the criminal code is a very short one, the code being cast in the form of a schedule to the Bill. The Minister for Lands has remarked that the code is couched in very plain language; and I wish to point out that the reason for the use of so many words in an ordinary statute is to prevent persons from getting, so to speak, outside the phraseology of the statute. There is the danger, and the chief danger, which we have to face when we undertake to provide a definition of all offences as well as punishment for all offences.

HON. F. T. CROWDER: Take murder.

HON. R. S. HAYNES: Murder, of course, is defined. The trouble is this. In England a special commission has sat for many years: I cannot say for how many, but I know the commissioners have submitted their seventh report on the laws of England. I do not remember when the commission was first appointed, but the fourth report of the Criminal Law Commissioners, as they were called, delivered some time in the seventies, made certain recommendations. Those recommendations resulted in the appointment of the commission referred to by the Minister for Lands, which commission consisted of probably the best Judges in England, and certainly included among its members one of the very highest authorities on criminal law, Sir James Fitzjames Stephen. That commission of lawyers sat, not for a month or several months, but for years; and with the assistance of the *Code Napoléon* and other European codes, to which the Minister for Lands has referred, framed a code for Great Britain. I must point out that the commissioners had before them the whole of the laws passed by the British Parliament. The Statutes at large are all contained in volumes, and can thus easily be consulted. There is very little difficulty in ascertaining whether any particular Act is in force or not; although whether or not any particular Act has been overruled is another question. The Acts are bound in volumes and are consecutively numbered, so that any particular Act can easily be found. With the Statutes before them, with the reports of the Criminal Law Commissioners before them, and with the assistance of

the very best Judges in England, a code was drawn up; and that code received very severe handling from the late Chief Justice Cockburn, who pointed out the danger involved in the adoption of a code which, while it wiped out all existing criminal laws, did not provide for all kinds of punishments. Chief Justice Cockburn also pointed out that the code was opposed to the principle of British law, because our criminal law consists of enactments contained in Statutes and of certain offences which are held to be such by the Judges. These enactments and rulings are collated in such law books as "Russell" or "Archbold," which contain clear statements of the nature of offences and the decisions of the courts deciding what those offences are. The compilers of the code had every information before them; and yet, on the advice of the Chief Justice of England, a most eminent criminal lawyer, the House of Lords threw the code out. In the face of these facts I naturally felt some diffidence in supporting the second reading of this Bill, without knowing what authorities had been consulted, and before the name of the person who drafted the code had been supplied. If the most eminent Judges of England could not be trusted to frame a Bill, we certainly ought to pause before we pass a Bill drawn, or rather copied, from an Act passed in another State. The principal reason for pausing is this. In England, as I have pointed out, the whole of the Statutes are bound in volumes; whereas here, no one can tell what Statutes are in force. All the general statutes in England in 1829 came into force here, but only general Acts. The difference between what is a general Act and a particular Act is a very fine question, and has given rise to no end of controversy in the Privy Council. Whoever undertakes to say that this criminal code deals with all offences is undertaking a task that I, although I have had considerable experience in criminal law, would not undertake. I would never dream of undertaking to put before the House a criminal code measure based on my own researches and of saying, "This is the law, and this is the law that is going to bind you." It is too great a task. This Bill is drafted upon a measure prepared by Sir Samuel Griffith in Brisbane.

Undoubtedly that gentleman holds a very high character as a draftsman; but I would like to point out that it is not as a draftsman that we rely upon one in introducing a measure, but as a lawyer. As a draftsman, in the arrangement of words and sentences undoubtedly that gentleman shines, but when you take his word alone that he is properly defining in a few lines the decision arrived at in a judgment which occupies perhaps five or six pages of a volume, you are taking a good deal on trust. Again, the Bill drafted by Sir Samuel Griffith applies to Queensland. The substratum, if I may use the word, was the laws introduced, to which local Acts were afterwards added, and these formed the whole of the laws in Queensland, which are very well defined because they came into force in 1878, when the people of Queensland obtained their charter of justice. New South Wales has a better system of early laws than we have. Nobody knows how the laws got here, but the laws came to New South Wales in a charter of justice. The early laws of New South Wales apply to Queensland, and I notice in the New South Wales draft Bill, which the Minister for Lands has been good enough to hand me, there are a certain number of phrases which are new to all lawyers. The reason he introduced these new phrases into his Bill was to make the Queensland Act a companion to a Summary Jurisdiction Act which was passed in Queensland about the year 1886; but we have no Summary Jurisdiction Bill here, and the present Summary Jurisdiction Act we have in force in this State consists of the 14th Vict. No. 4, and the 14th Vict. No. 5, which is better known as Jarvis's Act, and which was passed in England in the year 1851. It has never been amended in one particular, although in England they introduced a Summary Jurisdiction Act in about 1880. We are behind in point of summary jurisdiction. The Queensland Act was drawn specially to work hand-in-hand with the Summary Jurisdiction Act. How far that works with the 14th Vict. No. 5 it has been impossible for me, in the short time I have had to look through the Bill, to find out. An error I find in the early part of the Bill is that in the arrangement of the Bill, instead of having the old terms

"felonies" and "misdemeanours," as in our present law, there is a proposal to have three classes. They propose to call them crimes, misdemeanours, and civil offences. A felony, we understand, is an offence created by Act of Parliament. We have only two divisions now, felonies and misdemeanours. Every offence for summary jurisdiction is a misdemeanour. The line of demarcation is very slight. I do not like the subdivision of crimes, misdemeanours, and simple offences. The term "simple offences" conveys nothing to me. When I come to the provision dealing with these offences, I observe the distinction drawn between crimes and misdemeanours is that for a crime a man can be arrested without a warrant, but for a misdemeanour he cannot. It seems to me to be too fine. It is finer than our own law of felony. But when we come to compare the Bill with our Police Act, Section 43, we find that Section 43 of the Police Act provides that any person may be arrested by a police constable for any offence without warrant. That section will have to be amended. I looked to see if it is so amended in the draft Bill, and it is not. This is only at the outset, to show how difficulties will creep in, and how it is almost impossible for one man to deal with the subject. I do not care how wide or varied his experience may be, it is impossible to thoroughly understand and grasp such a comprehensive measure as this.

MEMBER: A select committee.

HON. R. S. HAYNES: I have just finished with a select committee. Clause 3, page 25, says:—

Offences are of three kinds, namely crimes, misdemeanours, and simple offences. Crimes and misdemeanours are indictable offences; that is to say, the offenders cannot, unless otherwise expressly stated, be prosecuted or convicted except upon indictment. A person guilty of a simple offence may be summarily convicted by two justices in petty sessions.

That will to some extent mean a recasting of our Justice Act and to some extent our Police Act:—

An offence not otherwise designated is a simple offence.

Clause 5 says:—

The expression "the offender may be arrested without warrant" means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are applicable to the offence in ques-

tion, either generally or subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest, as are specified in the particular case. Except when otherwise stated, the definition of an offence as a crime imports that the offender may be arrested without warrant. The expression "the offender cannot be arrested without warrant" means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are not applicable to the crime in question, except subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest as are specified in the particular case.

Listen to Section 43 of the Police Act:—

Any officer or constable of the Police Force without any warrant other than this Act, at any hour of the day or night may apprehend all persons whom he shall have just cause to suspect of having committed or being about to commit any offence or of any evil designs.

A police constable under the Police Act has a right to arrest any person in the street, therefore, for any offence without warrant. That is an innovation. I quite understand the law in New South Wales, which is the same apparently as the law in Queensland, that a constable cannot arrest for any offence short of felony. I am not sure whether it is felony or misdemeanour. Certainly for any felony a person can be arrested without a warrant, but I think that in the case of any misdemeanour a warrant must be applied for. That was the law in this country until the Police Act came into force. That has escaped the notice of the draftsmen. We shall have two Acts, one of which will say a constable may arrest, whilst this measure says he may not. That is at the very threshold of the Bill, and that amendment would have to be carried through the Bill. The measure, consisting of nearly 700 clauses, passed the other House *in globo* apparently. How many defects may there be in the Bill? I think it is somewhat rash of any person on his own motion to draft such a Bill without having called together a committee of lawyers experienced in criminal law to go through it. I have made inquiries, and I find that those gentlemen at the bar who have had experience in criminal law do not number more than four or five in this State, and not one of them has been consulted. I am afraid it is for that reason that I

have some misgivings as to whether this Bill will meet requirements. However, notwithstanding the shafts that have from time been fired at the legal profession by members in this House who hail from the country, and who sit during such times as their crops do not call for their attention, I propose to move that the Bill be referred to a select committee, and that the select committee report to the House certainly not later than to-morrow week. I am sorry there are not more members present. If I were requested to go through that Bill, I should ask for 12 months. I would not undertake to give that Bill back and say "I indorse that Bill, and it is a good Bill," under 12 months; but inasmuch as the criminal law does not apply to me—it may apply to other members—I do not propose to pay very much attention to it. I shall move that the Bill be referred to a select committee.

Question put and passed.

Bill read a second time.

SELECT COMMITTEE.

HON. R. S. HAYNES: I move that the Bill be referred to a select committee.

Put and passed, and the Bill referred.

Ballot taken and committee elected, comprising Hon. A. Jameson, Hon. F. M. Stone, also Hon. R. S. Haynes as mover; with power to sit during any adjournment: to report on 29th January.

EARLY CLOSING ACT AMENDMENT BILL.

DISCHARGE OF ORDER.

THE MINISTER FOR LANDS (Hon. A. Jameson) moved that the order be discharged.

HON. R. S. HAYNES (Central): Would the discharge of this order preclude the introduction during the present session of another Bill dealing with the same subject?

THE PRESIDENT: No. The Minister for Lands could withdraw this Bill and substitute another for it. The Minister had given notice of his intention to ask leave to introduce a new Bill on the same subject as that now proposed to be discharged.

Question put and passed, and the order discharged.

ADJOURNMENT.

The House adjourned at 9:38 o'clock, until the next day.

Legislative Assembly,

Wednesday, 22nd January, 1902.

Paper presented—Question: Military Contingent, Riding Test—Lease of Foundry Site: Personal Explanation (Mr. Nanson)—Midland Railway Inquiry (joint), Report; Debate as to Printing—Trading Stamps Abolition Bill, third reading—Return ordered: Railway Sidings, S.W. Line—Return ordered: Fremantle Prison, Hours of Officers—Motion: Experimental Orchard; Amendment passed—Motion: Smelter at Greenbushes, to pay Bonus—Coolgardie Water Pipes (laying and jointing), to accept Contract; adjourned—Annual Estimates, Colonial Secretary's votes to end; Public Works vote, progress—Broad Bill, first reading—Dog Act Amendment Bill, first reading—Adjournment.

THE SPEAKER took the Chair at 4:30 o'clock.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Return showing Inspection of Orchards under Insect Pests Act, ordered on motion by Mr. W. J. George.

Ordered to lie on the table.

QUESTION—MILITARY CONTINGENT, RIDING TEST.

MR. G. TAYLOR asked the Premier: 1, Whether the officers chosen to accompany the West Australian unit of the Federal Commonwealth now being raised had passed the riding test. 2, If so, when and where. 3, Whether the Premier would arrange with the Commandant to put both officers and men through another riding test, in the presence of members of both Houses of Parliament. 4, Whether, to obviate unnecessary hardships, the Premier would have an ambulance in waiting when the test is on. 5, Whether the officers and members of the W.A. Unit were chosen because of influence, as against merit and experience. 6, Whether the members of the contingent were being fitted with