of the House to make such insinuations against the Government on every occasion.

The CHAIRMAN: The hon. member must not proceed in that strain.

The ATTORNEY GENERAL: If members of the Government side of the House were to be told that their actions were not the actions of honest men—

The CHAIRMAN: Whenever an improper remark was made the attention of the Chairman should be called to it. If the attention of the Chairman were so called it would be seen that the remark was withdrawn. But the hon. member must not, because of his neglect to draw attention to any such remark, afterwards allude to it.

The ATTORNEY GENERAL: There was no desire or intention on his part to dispute any ruling from the Chair, but he would submit respectfully that it was not part of his duty to call the attention of the Chair to disorderly conduct. He would rather think that was the duty of the Chairman. However, as the Chairman had said he must not refer to the matter he would proceed with the discussion of the item. No member who knew him would think that he would not have done exactly the same had this gentleman been a direct political opponent. Even the member for Ivanhoe, if seriously asked a question as to that would answer it in the same way. The matter was approached from the point of view of the conduct of the men, and as he was satisfied that their conduct was all that could be expected of them, he refused to be a party to inflict a penalty. The amount of the bond was not formally returned, for inquiries were still being made. It was not correct to say that no action had been taken, for, in every part of Australia, and in places outside of Australia, information and a description of the absconding accused had been sent. We knew that although for the time being an accused person succeeded in evading justice, in the long run it was seldom that he got away for good. When a photograph and an accurate description were available, as was the case in connection with the matter at issue, it was unlikely that the accused would escape for a lengthy period.

Mr. Collier: That does not affect the question of the estreatment of the bail.

The ATTORNEY GENERAL: The bondsmen recognised that they were under some obligation and were willing not merely to bear the expense of the inquiry, but the entire cost of bringing back the accused. This clearly showed the bona fides of those men. There being no question about their bona fides, he would not be a party to harass them unduly.

Vote put and passed.

Progress reported.

House adjourned at 11.34 p.m.

Legislative Assembly,

Thursday, 28th January, 1909.

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

QUESTION—SEWERAGE FILTERS, BURSWOOD.

Mr. SWAN asked the Minister for Works: 1, Were the septic tanks at Claisebrook filled and their water-tightness tested before being paid for? 2, Was each length of Monier sewer laid tested by being filled with water from manhole to manhole before being paid for? 3, If not, will the Minister have such tests made at once and report the results to this House?

The MINISTER FOR WORKS replied: 1, No. 2, No. 3, The septic tanks were thoroughly examined at the completion of the works and found to be satisfactory, and it was not considered necessary to impose a water test. It was promised yesterday that a test would be made. In regard to Monier pipes: It would be extremely costly to make a water test of the Monier sewers as they are laid, and would only be resorted to in cases where there was grave suspicion of bad work. The jointing of the Monier pipes is very closely supervised. As a matter of fact the bulk of the sewer work already laid is under a natural test, inasmuch as it was laid below the subsoil water level and is now under an external water pressure which would reveal the existence of any bad joints. The results of this natural test are highly satisfactory, and no further tests are therefore considered necessary.

QUESTIONS (2)—EARLY CLOSING PROSECUTIONS.

Mr. DAGLISH asked the Premier: 1, How many shopkeepers were prosecuted on the 19th instant for breaches of the Early Closing Act? 2, How many were (a) fined, (b) dismissed? 3, How many were represented by counsel? 4, Were costs awarded against each person fined? 5, What were the aggregate fines? 6, What were the aggregate costs against defendants? 7, What proportion of the costs went to the solicitor representing the chief inspector? 8, In how many cases did defendants plead guilty, and (a) how many of them had intimated beforehand their intention to do so? 9, Was the solicitor under a speculative agreement to take costs only where he secured convictions? 10, Who paid the legal expenses in those cases which were dismissed? 11, Is it proposed to continue the practice of engaging a solicitor solely to heap up costs against individuals who plead guilty to these offences? 12, If the chief inspector knew the law and is competent, is it regarded as proper to inflict this unnecessary penalty on defendants?

The PREMIER replied: 1, Nine. 2, (*a*) Seven, (*b*) Two. 3, One. 4, Yes. 5, Twenty-nine shillings. 6, Five pounds nineteen shillings. 7, None. 8, (*a*) Four, (*b*.) None. 9, No. 10, There were no separate legal expenses beyond Court fees, which were paid by the Crown Law Department. 11, A solicitor is not engaged with any intention of heaping up costs, but only because it is a necessary precaution where points of law may be taken without previous notice at the hearing. Magistrates before determining the fine to be imposed on conviction fix the amount of costs to be allowed in each case. 12, The bench before which a charge is tried determine the fine (if any) to be inflicted and the costs (if any) to be allowed in every case in which they convict the defendant. No case has been brought under notice where an unnecessary penalty under either of these two heads was inflicted.

Mr. DAGLISH also asked the Premier: 1, Is it true that a number of small shopkeepers were prosecuted on the 19th instant for trivial breaches of the Early Closing Act committed during January? 2, If so, how many? 3, With what result? 4, Were any of them warned after detection, or were proceedings taken as soon as evidence of an offence was obtained? 5, Is it true that some large shopkeepers have been committing breaches of the same Act each week since the 1st December, and in some cases publicly advertising the fact? 6, Is it true that the attention of the Government has twice been called to this matter by questions which I have asked in this House? 7, Has any prosecution taken place? 8, Has any warning being given to those shopkeepers; and if so, when and why? 9, Why has no warning been given to other offenders against the same Act? 10, How many shopkeepers have been allowed to continue breaking the law for eight weeks with the knowledge of the department, and what are their names? 11, Is it alleged that there is no difference of treatment given to different traders, when some shopkeepers are prosecuted without warning immediately on the discovery of a first offence, and others are allowed to break the law at will for eight weeks?

The PREMIER replied: 1, Yes, but the breaches were not trivial. 2 and 3, Seven were fined and two dismissed. 4, No prosecution had been taken against any class of shopkeeper for first offence. 5, The shopkeepers referred to have been advised that, by a recent decision, given in the case of Bendon *v.* Moore, they render themselves liable to prosecution for a breach of the Act. 6, Yes. 7, Instructions have been issued to prosecute. 8, Yes; 15th instant. In fulfilment of the answers already given to the hon. member on 5th and 12th January respectively. 9, Answered by No. 4. 10, No permission to continue breaking the law has been given; see answers 7 and 8. 11, Answered by Nos. 4 and 5.

QUESTION—JURY LIST REVISION, GERALDTON.

Mr. COLLIER asked the Attorney General: Is he aware that Mr. P. Stone was one of a bench of magistrates who recently revised the jury list at Geraldton, from which list a jury will shortly be selected to decide upon the guilt or innocence, on a criminal charge, of the said Mr. Stone? 2, What action, if any, does he propose taking in the matter?

The ATTORNEY GENERAL replied: 1, Yes. By Section 11 of 62 Victoria, No. 10, a special session must be held on the Tuesday of the third week in January every year to revise the jury lists, to which it is the duty of the Resident Magistrate to summon all magistrates in the district. Mr. P. Stone is a magistrate of the Victoria District, and it was therefore obligatory to summon him. 2, The Resident Magistrate at Geraldton has been advised that in view of the circumstances now pending, the conduct of Mr. Stone in sitting on the bench constituting the Revision Court has evoked strong disapproval, and he has been requested to report on the matter. The Crown having power to order to stand aside any juror whose impartiality is open to doubt has ample means to protect the administration of justice.

QUESTION—STATE BATTERY, LENNONVILLE.

Mr. TROY asked the Minister for Mines: 1, Has the insurance money in connection with the burning of the Lennonville battery been paid to the Mines Department? 2, If so, will the re-erection of the battery be expedited?

The MINISTER FOR MINES replied: 1, No. Negotiations are still in progress, but the insurance company has advised that work of re-erection may proceed. 2, Some of the required material has already been ordered, and the work will be expedited. It will, however, be only of a temporary nature as a scheme for the amalgamation of the Lennonville and Boogardie plants is now under consideration.

MOTION—SITTING HOURS, EXTENSION.

On motion by *the Premier*, ordered: That for the remainder of the session the House do meet for the despatch of business at 2.30 p.m. instead of 4.30, as at present.

MOTION—STANDING ORDERS SUSPENSION.

On motion by *the Premier*, ordered: That for the remainder of the Session the Standing Orders be suspended so far as to enable Bills to be passed through all stages in one day, and Messages from the Legislative Council to be taken into consideration on the day on which they are received; also, so far as to admit of the reporting and adopting of the resolutions of the Committees of Supply and of Ways and Means on the same day on which they shall have passed these Committees.

BILL—SUPPLY, £492,747.

All Stages.

The TREASURER (Hon. Frank Wilson) moved—

That the House do now resolve itself into a Committee of Supply and also of Ways and Means for the purpose

of considering His Excellency the Governor's Message No. 10 recommending that an appropriation be made out of the Consolidated Revenue Fund for the purpose of a Bill for an Act to apply out of the Consolidated Revenue Fund and from moneys to the credit of the General Loan Fund the sum of £492,747 to the service of the year ending 30th June, 1909.

Question put and passed.

In Committee of Supply.

Mr. Daglish in the Chair.

The TREASURER moved——

That there be granted to His Majesty on account of the services of the year 1908-9 a sum not exceeding £492,747.

He said: It is unnecessary for me to point out that this is purely a formal matter. I had hoped that the Estimates would have been passed ere this. As they are not yet finished with, it is necessary that we should get further supplies to carry us up to the middle of next month.

Mr. Bath: Do you think we will get the Estimates through before then?

The TREASURER: I hope so. I hope the hon. member will assist us.

Mr. WALKER: I do not want to take up any time on this question, but I cannot refrain from saying that it is very objectionable to have these Supply Bills continually coming down. The Treasurer says he had hoped to get the Estimates through. That is scarcely a sufficient excuse. It is an immoral way of dealing with the finances of the State to have this constant repetition of Supply Bills. I only desire to formally enter a protest against this method of dealing with the finances of the State.

Question put and passed.

Resolution reported; the report adopted.

In Committee of Ways and Means.

On motion by *the Treasurer*, resolved: That towards making good the supply granted to His Majesty for the services of the year 1908-9, a sum not exceeding £492,747 be granted out of the Consolidated Revenue Fund of Western Australia and from moneys to the credit of the General Loan Fund.

Resolution reported; report adopted.

Supply Bill introduced.

In accordance with the preceding resolutions a Supply Bill was introduced and passed through all stages, and transmitted to the Legislative Council.

ANNUAL ESTIMATES, 1908-9.

In Committee of Supply.

Resumed from the previous day, *Mr. Daglish* in the Chair.

Attorney General's Department (Hon. N. Keenan, Minister).

Vote—*Electoral*, £10,280:

Mr. BATH: So far as the general conduct of the Electoral Department was concerned one could have nothing but praise for the Chief Electoral Officer, Mr. Stenberg, for the very energetic way in which he had not only tried to prepare a good roll, but also to attend to the many details in connection with the work of the department, and more especially in relation to the recent elections. Probably no hon. member entertained any doubts as to the impartiality of Mr. Stenberg, nor as to his desire to give a fair deal to those brought within the purview of the department. There were, however, one or two matters in connection with administration, which, presumably, were rather for the Minister himself to take in hand, and which certainly called for comment. In the first place, there had been some very serious complaints made as to the conduct of a departmental officer at Denmark in regard to the recent elections. It had been pointed out to the Premier that not only had this officer, who was connected with the clearing work at Denmark, acted in a very dictatorial fashion in respect to matters under his control such as the purchase of stores, but that he had deliberately set himself to work to intimidate the voters of that district, or such of them as were employed by him on the clearing work. That officer had given the men to understand that when Mr. Barnett, a candidate at the last election, should visit Denmark for the pur-

pose of speaking they were to attend his meeting and give him a good reception. Further than that, this officer had told such of the men who were suspected of being supporters of Mr. Morgan, the Labour candidate, that if they continued their support to Mr. Morgan they would not be retained on the job. It had been reported in the Albany newspaper that this officer had been recalled to Perth to interview the Premier, presumably as a result of these complaints. But, notwithstanding this, nothing further had been heard of the matter.

The Attorney General: Will you give me the name of the officer?

Mr. BATH: Brazier.

The Attorney General: Is he an electoral officer?

Mr. BATH: Whether the officer was attached to the Electoral Department or to any other department it was for the Electoral Office to take up such a matter; and if, on inquiry, it were found that he really had attempted to intimidate the men under his control further proceedings should be taken by the department. In respect to the postal vote provisions of the Electoral Act the Attorney General had been definite in his assurance that with the amendments embodied in the Act passed in 1907 there would be no further reason for complaints as to the scandalous abuse of these postal vote provisions. However, the experience in connection with the Menzies election had clearly demonstrated that the postal vote provisions needed to be drastically amended in such a way that, in the event of protest, the postal votes could be examined; or else those provisions should be wiped out altogether. To wipe them out altogether would be to impose a hardship on electors living in isolated places where it was impossible to provide a polling booth. For his part he would not like to see these men deprived of their votes in this way; and he was confident that no elector who used a postal vote rightly and honestly would have any cause to fear a provision for the examination of such postal votes in the event of protest. It would have avoided a good deal of difficulty and expense to the party concerned, and to the State if, in connection with the Menzies poll, it had been possible to examine the postal votes, and to eliminate those found to have been cast wrongfully. Between the two elections a number of commercial travellers and a contractor, resident for many years at Mount Malcolm, gentlemen who were not resident at Menzies and not qualified to vote, had their names placed on the roll, many of them with no address except that of "Menzies," though the Act specifically provided for the insertion of the full address, even to the number of the house and the name of the street, as being essential before a claim could be admitted. When the measure was before Parliament the Attorney General had insisted that this provision should be retained in the Bill.

The Attorney General: Are there any house numbers in Menzies?

Mr. BATH: There were streets and there were numbers to the townsite blocks which could have been inserted on the claims. To show these people were desirous of exercising their votes wrongfully they did not go to the polling booth, where there would have been an opportunity of challenging them, but they utilised the postal-vote system, by which it was impossible to challenge them; because when Mr. Buzacott's scrutineer, at a previous election, had attempted to challenge postal votes, he was told that the voters having made the necessary declaration the votes had to be admitted. However, the mere fact that they utilised the postal-vote system showed that these people had a pretty good idea they were exercising their votes wrongfully. In regard to the appointment of postal-vote officers, one did not know whether it was because those in influential positions were all supporters of the Minister for Mines that the department had no choice but to select the Minister's supporters; but, as a matter of fact, the postal-vote officers were nearly all partisans. It could be proved, not only by himself, but by the members for Boulder and Pilbara, that the manager of the State battery at Mulline wrongfully took the vote of the proprietor of the hotel on the road out from Mulline, also the vote of his wife. These people admitted that the manager of the battery drove out and took their votes,

though they appeared to be in the best of health. These matters called for investigation by the Electoral Department, and for some statement from the Attorney General, as to how it was intended to get over the difficulty of the abuses of the postal-vote provisions under the Electoral Act. Other members were in a position to give information of which he (Mr. Bath) was not possessed, but there were sufficient abuses of the Act disclosed to warrant the closest investigation, and, if the necessary evidence could be secured, also a prosecution for a breach of duty on the part of those who were supposed to be impartial and were vested with powers under the Act.

Mr. Walker: Does not the Attorney General intend to give us some information?

The Attorney General: How many times do you think I will rise?

Mr. Walker: I do not think the Attorney General should refuse to rise any time when information is asked for.

The ATTORNEY GENERAL: There was no idea of discourtesy on his part in not replying to the Leader of the Opposition at this stage. He thought it better, and certainly more in consonance with the ordinary rules of debate, that those who wished him to explain certain matters should lay them before the Committee and he would then deal with them. That was the custom of the Assembly, and he thought it advisable for him to adopt the practice on this occasion.

Mr. HOLMAN: The Attorney General's attitude was not likely to bring about a satisfactory result. Charges had been brought by the Leader of the Opposition and it was the duty of the Attorney General to make some explanation before other members spoke. Members had no desire to make idle charges, and if the Attorney General could refute the charges already made by the Leader of the Opposition it would, in all probability, terminate the debate. Charges of breaches of the law, almost amounting to corruption, were made in connection with the Menzies election, and before members were forced to go further into these charges the Attorney General, if he knew his department and his duties, should make the necessary reply. But if members were to get up and make charges before the Attorney General replied we might be here all night. If the Attorney General could give a reasonable reply to the substantial charges already made it might settle things down more quietly. Members of the Opposition had sufficient sense to understand a good case when it was put up, though members opposite might not possess that good sense.

Mr. NANSON: Our voting system was supposed to be a secret one; it was supposed to be impossible to tell how any individual elector voted; but in small polling places it occasionally happened that all the voters at one booth voted in favour of one candidate, as was the case in the last Greenough election. Therefore, the secrecy of the poll was entirely destroyed at that polling booth. It would probably be better to revert to some extent to the old system, by bringing the ballot boxes from the smaller polling booths into some larger centre, not necessarily the central polling booth, and counting them there.

The ATTORNEY GENERAL: It was not from any desire or even distant wish to be discourteous that he had waited for other members to address the Committee, because the Leader of the Opposition certainly intimated that other members would add to what he said. The Leader of the Opposition had in as many words invited other members to put their more extensive knowledge before the Committee.

Mr. Collier: We choose our own time when to speak.

The ATTORNEY GENERAL: There was no desire to dictate to the hon. member: if there was any such desire he would certainly not invite the hon. member to speak at all. The Leader of the Opposition was good enough to award some praise to the Chief Electoral Officer for the conduct of the department, and all members with any experience of the work done by that officer would fully endorse what was said. Then the Leader of the Opposition found fault with some officer at Denmark engaged in conducting the work of clearing. He (the Attorney General) had no knowledge of that mat-

ter, but he learned across the floor of the House that this officer was not an officer of the Electoral Department. He could only assure the hon. member that if this officer had any relation to the Electoral Department the matter would be inquired into.

Mr. Bath: The charges were publicly made in the newspapers.

The ATTORNEY GENERAL: It had not come to his knowledge that there was any complaint of this character until to-day.

Mr. Underwood: I said it in the House.

The ATTORNEY GENERAL could not have been present on that occasion. The postal vote system was undoubtedly open to abuse, and so was balloting. If any party in the State were prepared to abuse the system they could do it by means of the ballot or postal votes. The Leader of the Opposition said we should cure this by providing postal votes which would be capable of being traced, and then we should give power under the Act to a tribunal to find out who the parties had voted for. Mr. Bath said that those who had rightly cast their postal votes would not object. The same might be said with regard to balloting. If every paper were marked and were able to be traced it might be said that any man who had voted rightly would not care whether it was known how he voted or not. However, that was no argument for the abolition of the secret ballot. Unless stronger reasons than those were brought forward Parliament would never consent to invade what after all was the guiding idea in our system of Parliamentary representation, that in elections of members votes cast should be absolutely secret. The Leader of the Opposition complained of the conduct of the manager of the State battery at Mulline, who took the postal votes of a hotelkeeper and his wife. In the absence of contradiction he must accept that statement, but possibly the matter had been viewed in a prejudiced light. Under the Act, any person who anticipated he would be absent seven miles from a polling booth on the day of election could vote by post. He had to go before the postal vote officer, and in the present case the circumstances might be that the postal vote officer happened to be passing at the time, and the hotelkeeper and his wife registered their votes.

Mr. Bath: The hotelkeeper says the manager of the battery went out to get the votes.

The ATTORNEY GENERAL: Was it to be assumed that that officer went out especially for that purpose, or might it not be that he was passing at the time and the hotelkeeper took advantage of the occasion to cast his vote. Then where was the injustice? There was a breach of the Act if the circumstances were as narrated, for then the conditions relating to the manner in which postal votes should be cast had not been fulfilled. But was it likely that either of these voters would have exercised their franchise differently had they voted at a polling booth. How far was the place distant from the polling booth?

Mr. Collier: Fifteen miles.

The ATTORNEY GENERAL: A mere pleasant excursion in the country. Was there any insinuation that the votes were given in a certain direction because they were cast by post? Would those votes have been cast for another party if they had been placed in the ballot box by the voters?

Mr. Bath: An opportunity was afforded for a misuse of voting privileges.

The ATTORNEY GENERAL: The Leader of the Opposition referred to an opportunity for voting being given. It was the desire of the department to give every elector an opportunity to vote, but, apparently, there was a desire on the part of some members to prevent it.

Mr. Bath: I did not say it would give an opportunity to those persons to vote. I said it would give an opportunity for a misuse of voting privileges.

The ATTORNEY GENERAL was sorry he had misunderstood the interjection: the words he had heard were "it would give an opportunity." To give an opportunity for corruption was to assume that the individuals in question would have voted differently at the ballot-box. Could a charge of corruption be brought forward on such slender reasons as those?

Mr. Bath: There was no charge of corruption; it was a breach of the Act.

The ATTORNEY GENERAL: It was natural that in an electoral contest matters which would be looked at with unconcern on other occasions should be treated as ones of great magnitude, for possibly it was considered that those matters influenced the election against one whose cause was being espoused. Coming from the arena one's mind was likely to be biassed, and it must be always taken into consideration that, in such circumstances, persons became partisans, unconsciously, and, therefore, were liable to put an exaggerated interpretation upon what might happen, and imagine to be absolute facts what were really pure exaggerations. The Leader of the Opposition drew attention to the fact that certain commercial travellers were placed on the roll at Menzies while the contest was in progress. The member for Ivanhoe, who was assisting Mr. Gregory's opponent, sent a telegram to the Chief Electoral Officer calling attention to the fact that certain commercial travellers were on the roll who, he said, were resident in the place only for a few days. He gave their names as Messrs. Miller, Bridgewood, Fairey, Pretty, and Dudley. The Chief Electoral Officer had inquiries made as soon as possible, and his questions were replied to by the officer at Menzies. As to the names set out in the telegram he had reported that in the case of Robert Miller, the name appeared on the roll with the address of the Grand Hotel, Menzies. This address, the registrar pointed out, had been inserted on the card file at the Menzies office, and the registrar had personally inquired of Miller as to his claim. Continuing his report the registrar said that, unfortunately, he had omitted to send notice of the name having been left off the list. It then appeared on the supplementary roll. Miller's name, he said, was originally on the Menzies roll, his claim was still on the file, and was dated the 28th March, 1904. Miller had complained that at the previous election his name had been left off the roll. The elector travelled continuously throughout the Menzies district, and made his headquarters at Menzies. This case illustrated that those who took part in electioneering contests were the very worst judges, for their minds became unjustly biased, and they could not see that any person whose vote was likely to be used against them had a right to be on the roll. The next name was that of Gerald Bridgewood. This elector had been enrolled for the district continuously since 11th September, 1905. His enrolment had not been objected to either by the predecessor of the present registrar at Menzies or any private individual. The report stated that this elector also travelled continuously through the district. Then there were Dudley, Fairey and Pretty who, like the other two, spent the major portion of their time in the district.

Mr. Heitmann: Pretty travels to Cue.

The ATTORNEY GENERAL: The report of the electoral registrar at Menzies made it perfectly clear that the gentlemen mentioned were absolutely entitled to be on the roll.

Mr. Scaddan: Did he say who they travelled for?

The ATTORNEY GENERAL: Those electors did not get their qualifications because they travelled for some firm or other, but because they were in the district, where they spent the major portion of their time. Two of the electors, Miller and Bridgwood had been on the roll for years, one since 1904 and the other since 1905.

Mr. Hudson: One did not travel in 1904.

The ATTORNEY GENERAL: Apparently the hon. member thought he knew more about it than the electoral registrar.

Mr. Hudson: I do.

The ATTORNEY GENERAL was more inclined to accept the statement of the responsible officer. This explanation disposed to a very large degree of the objection of the Leader of the Opposition.

Mr. Bath: What about Judge?

The ATTORNEY GENERAL: His name was not mentioned in the telegram from Mr. Scaddan.

Mr. Scaddan: He is a contractor and a councillor of Malcolm, where he resides.

The ATTORNEY GENERAL: The elector had resided in Menzies for a considerable period. The fact remained that all those gentlemen mentioned in the telegram of the member for Ivanhoe had been proved to be bona fide claimants to be placed on the roll for Menzies.

Mr. Swan: That is according to the local registrar.

The ATTORNEY GENERAL: Should we inquire from the member for North Perth as to such complaints or from the officer whose duty it was to give us particulars? After making full inquiry Mr. Stenberg was satisfied that the gentlemen in question were entitled to be on the roll, and, therefore, they remained on it. Then it was complained that these gentlemen had chosen to vote by post. They had a perfect right to do so if they wanted to, provided they would not be within seven miles of a polling booth on the day of election. Was it a crime on their part to vote by post? He was perfectly satisfied that the only question was whether those gentlemen were entitled to be on the roll or not. If they were, and if they chose to be absent on polling day, they could exercise their rights the same as any other elector who voted by post.

Mr. Bath: What will you do with regard to postal vote provisions?

The ATTORNEY GENERAL: As to voting by ballot, the only cure was a pure roll, and the department were gradually getting the rolls more pure. The cataloguing of names was now going on in Perth, and when that was done an elector could not be on more than one roll. That was the first essential. If the roll were pure there would be no further question of trouble with regard to postal votes or the ballot.

Mr. Bath: What about the abuses in connection with the taking of votes by postal officers?

The ATTORNEY GENERAL: There could not be abuses if the roll were purified, such as he hoped it shortly would be. It was not to be expected it would be made absolutely pure, but it would be relatively and thus reduce abuses enormously. When this was done the causes of complaint would disappear. The member for Guildford pointed out that at small centres where there was a ballot taken, and where there was a deputy or assistant returning officer, it might be that the manner in which the voters cast their vote would be known to be in favour of one candidate. That was a very exceptional state of affairs. One would imagine that there would be at any rate one vote for the other candidate, and anyone who would wish to escape odium would vote for the other candidate. A case such as the member suggested would have to be given consideration. It would mean that the count would take longer, for the box would have to be carried to a central position. The decision of the department was that the polling places should be as few as possible.

Mr. UNDERWOOD: The Attorney General's explanation was very unsatisfactory; and on reading the Act it must appear unsatisfactory to every member of the Committee, especially in regard to the postal vote officer leaving his place. The Attorney General tried to bring the question round to the fact as to whether it would influence the elector's vote. The question was that that postal vote officer committed a breach of the Act; he did something which was unlawful and he would point out in the amending Act passed in 1907 a clause was particularly inserted to obviate what had been previously experienced, that of a postal vote officer scouring the country with his postal book to take votes.

Mr. Bath: Indiscriminately.

Mr. UNDERWOOD: No; discriminately. The officers would go to places and would take a vote for their particular candidate and pass by those whom they knew would vote for the other candidate. The Attorney General said that there had not been any breach of the Act. The clause in the Act stated—

> "It shall be unlawful for any postal vote officer to visit any elector for the purpose of taking his vote, or to take any elector's postal vote in any other place than such postal vote officer's ordinary place of living or business. But this section shall not apply to

electors entitled to vote by post under paragraph (b) or (c) of section eighty-nine."

The Attorney General made the excuse that the postal officer in question happened to be passing. Whether he was passing or not it was unlawful for him to take that vote. It was not on one occasion that this officer had done such a thing; he had done it at both elections at Menzies. On the second occasion he could not even plead ignorance; he did it deliberately and wilfully broke the law. The circumstances were these: on the first occasion he was passing on to Menzies, and on his way there he took the vote.

Mr. Scaddan: What was he doing with the postal vote book in his pocket?

Mr. UNDERWOOD: Looking for the Howletts' votes. On the second occasion the officer made a trip to Howletts specially for that purpose. There could not possibly be a clearer or a more distinct breach of the Act by an officer than that which took place in Menzies with regard to the taking of that postal vote. The section clearly laid that down. If that case was permitted to be passed over without a prosecution being brought against that officer we might as well allow everything to be passed over, and elect our members on the go-as-you-please system. The Attorney General said it was possible to cure some of these evils by the provisions of the Act. He (Mr. Underwood) thought it was possible to prevent many of these irregularities by administering the existing Act. This applied also to postal votes given illegally. We had instances recently of people going to Court and stating that they had voted illegally at Menzies, and there was a provision in this Act which provided for a penalty not exceeding two years' imprisonment for any person making a false declaration. These people made false declarations and we were never likely to have purity of elections by simply giving pure rolls. It would be necessary to have pure administration. The best way to get purity in connection with the working of the Act, was to prosecute some of these people who deliberately did things which were unlawful. The Menzies election was not the only one where such things happened. The member for Subiaco could tell the Committee what took place at the municipal elections in that district in connection with this postal vote system. The way postal votes were recorded in both parliamentary and municipal elections was a standing disgrace to the State and to the administrators of the Act, and if there was no intention to bring to justice those people who committed offences, then we had better burn the Act, and elect our members in any way the people cared to do.

Hon. F. H. PIESSE: No member of the Committee would defend unlawful breaches of the Act, but it ought to be remembered that the postal vote system was tried for the first time in the present form in connection with the existing Act. He agreed with the Leader of the Opposition with regard to the breaches of the section which had been referred to. If we were going to have postal voting, which was a great convenience, then we should have it so secure that there could be no breaches of it. We wanted to keep this provision on the statute book. It was a great convenience, but, at the same time he could not fail to recognise that it was open to abuse. The clause clearly provided that the votes should be taken at the residence of the postal vote officer, excepting under those conditions which were mentioned. The officer could not pass a place with a book in his pocket and take a vote because that would not be proper. It was such things which no doubt brought these unlawful acts before the public, and caused want of confidence in the minds of the electors and candidates as well, so that now attention having been drawn to the matter, it should be made imperative, and the rule should be enforced, and if there were any breaches of it, prosecution should follow. We desired to retain this privilege, because as he had said, it was most convenient. With regard to the case reported in the newspaper as having occurred at Denmark, that was one of those cases which should have been followed up. One could not always depend on what appeared in the newspapers as being accu-

rate, because there was a good deal of hearsay in connection with such cases. Although he lived in the neighbourhood and he saw the reference to this matter in the newspaper, he did not hear anything confirmatory of it. Such matters, however, should be cleared up, because they created restlessness in the minds of the electors and the candidates themselves.

Mr. WALKER: The Attorney General had made it quite clear that serious breaches of the Act had been committed. The point made by the Leader of the Opposition was that these matters had been referred to the Electoral Department, and no action had been taken. These matters which might possibly have escaped the notice of the Electoral Department were such as ought not to have escaped notice, because of the general publicity given to them. He was astonished that the chief law officer of this State, the Attorney General, should urge excuses for ignoring and breaking the law. If there was one thing more than another that he should do it was to see that the laws were vindicated in every instance. It was not for him to make excuses; that was what he had done. If it was not to gain a point, a temporary victory in debate, in his calm moments if he considered what he had said to the Committee, the Attorney General would be ashamed of himself. The statement he had made was simply this, that because some people had been advantaged by obtaining a vote, it did not matter if they broke the law to do it.

The Attorney General: On a point of order, I never made such a statement. It is absolutely erroneous on the member's part, and I shall ask the hon. member to withdraw it.

Mr. WALKER: What he was saying was not that the Attorney General had made that statement but that his remarks had amounted to that.

The Attorney General: The hon. member is putting into my mouth words which I did not use. I ask that they be withdrawn.

Mr. WALKER: What is the point of order?

The Attorney General: You have misquoted me.

Mr. WALKER: It was neither a quotation nor a misquotation. It was the reasonable inference which he had drawn from the Attorney General's remarks in making an apology for not having enforced the law. The Attorney General had implied that it did not matter if the law were violated so long as the end and purpose of voting was achieved. The Attorney General had avoided the plain issue brought before him—the charge of law-breaking. The Attorney General was all the more unfortunate in the situation in which he found himself, because of the fact that he was the father of the Act. In definite language the Act declared it to be unlawful for any postal vote officer to visit any elector for the purpose of taking his vote. There were two exceptions to this, but only two. The question was whether the law was to prevail or whether the convenience of the postal vote officer or the candidate or the elector was to override the law. The Attorney General was the guardian of the law and it came from him with very bad grace to make the slightest apology for the breaking of that law. In view of the charges which had been made, how came it that the head of the Crown Law Department had not taken any step whatever to prosecute offenders against the Act? In a recent case which had come before the Court of Disputed Returns it was shown that certain men had made false declarations in answer to questions under the Act; yet nothing had been done in the matter of prosecuting these people. Was it that the Attorney General had assumed their innocence, or had he once more assumed that he would not be able to get a jury to convict? Was he quietly putting the law into operation, or was he deliberately ignoring the breaches of the law, and to that extent himself violating the law? It was incumbent on the Attorney General to make this point clear to the Committee, because Parliamentary abuses were becoming a by-word in this State. This Act constituted a protection of the honour of every member of the Committee.

If there were a single member of the Committee who had obtained his seat by wrongful practices, his dishonour would reflect upon every member of the Committee and upon the institution of Parliament itself. In other parts of the world violations of the Electoral Act were punished with the utmost rigour; nor was it left to private people, to newspaper paragraphs, or to tale-bearers to set the law in motion. The law was set in motion by the appointed guardians of the law. But in this State the guardian of the law, the administrator of the Act, stood up in his place in Parliament as Attorney General and excused the clear violation of the law which had been brought under his notice. Members of the Committee might well fear the tongue of the slanderer when the Minister himself condoned a violation of the law and apologised for it. When the Act of 1907 was passed hon. members had flattered themselves that at last they had a perfect Act which was going to make purity of elections a possibility.

Mr. Collier: So it would if it were properly administered.

Mr. WALKER: If properly administered the Act would certainly do much towards rendering elections pure. But instead of administering the Act the Attorney General was deliberately ignoring every breach of it brought under his notice; and the public were beginning to feel that it did not matter much what they might do in defiance of the Act. Only a few months ago an election had been upset on the score of wrongful voting; and a few days later there had been another election which, had it been brought to the Court of Disputed Returns, would have shown similar irregularities.

Mr. Holman: But the other man was affected there.

Mr. WALKER: It mattered not who was affected, the irregularities had been manifest. Yet not a move had been made by the department. For his part he was prepared to exonerate the Chief Electoral Officer; because he was doubtful whether that officer could be the initiator of the necessary prosecutions. Mr. Stenberg was not absolute in the department. Only the Attorney General was absolute, and on the Attorney General must rest the responsibility of all maladministration in the particulars brought under the notice of the Committee this afternoon. It was not only that these offences were being committed against the Act, and that the Ministerial head of the department was aware of them; but at every available opportunity apologies were made for these offences. The question was as to who really was responsible for putting the law in motion, and how came it that there had not been one single prosecution under this Act? The Attorney General had been in no way perturbed by the facts brought under his notice by the Leader of the Opposition—facts which, gigantic in themselves showed the possibility of the violation of the Act from page 1 to the closing page. The Attorney General had said that he was waiting for more charges; in the hope, presumably, that in the multiplicity of the charges some of them might escape by all being treated in a general fashion. But specific charges had been made and specific answers were required. The charge against the Attorney General was that he himself, had immorally acted by permitting the Act to be violated without taking any steps to bring the offenders to punishment. Did the Attorney General in view of the facts brought before him this afternoon, purpose taking any action in the direction of setting the law in motion? Was it a fact that the man who was the chief protector, the vindicator of the law, was himself its chief paralyser and destroyer? It must be clear to the Attorney General that the law was not perfect. True, in many particulars it was better than formerly, and one could congratulate the Electoral Department, under Mr. Stenberg, on the excellent state of the rolls, but what was the Attorney General going to do about cases such as that before the Court of Disputed Returns recently, in order to give justice to candidates appealing to the Court or dragged to it? One thing struck him more than anything else, that was the absence of the conscience clause,

which gave the Judge, sitting in the Court of Disputed Returns, the power to decide according to the equity of the case. The Act now compelled the Judge to go upon hard and fast lines, and in Section 161 we had all the possibilities revealed in the first Menzies election. There were postal votes that could be identified; they were identified; and it was asked that they should be counted; but they were not. Had there been an election qualifications committee, such as originally sat in this Parliament, as in other Parliaments, for the purpose of examining votes, there would have been no hesitation in examining these postal votes to get at the equity of the case; but in this case there was no chance of justice being done. The conscience clause was omitted from the Act at the instance of the Attorney General, not by any pardonable neglect, but in spite of the fact that the need for it had been brought under his notice, and despite the fact that the select committee that sat on the electoral law had been asked to include such a clause in the Bill. Now, seeing the evil effect of the omission, rendering justice impossible in the Court of Disputed Returns, was the Attorney General going to leave the law imperfect, or was he going to amend the measure? There was plenty of time to bring down useless measures, so it was not sufficient excuse to plead want of time. How did it come about that the rules drawn up, for which, as head of the department, the Attorney General must be responsible, were so calculated as to do an injustice to a candidate whose seat was challenged? There was no gainsaying it, injustice was done in connection with the recent appeal. If, after the petition was lodged the case had been heard straight away, there would have been power at the discretion of the presiding Judge to award costs according to the merits of the case; but before the appeal could be heard, suddenly, and with marvellous speed, rules were drawn up which rendered it impossible for the candidate whose seat was challenged to save himself from costs if he were not successful. The rules provided that if the candidate would admit the facts of the petition he could do so by proper notice, and from that moment his costs ceased.

The Minister for Mines: It made clear what was the past practice.

Mr. Holman: It made clear your practice.

Mr. WALKER: It also made clear that it was an easy way of staving off fighting a petition to save expenses. If a poor man exhausted his finances in winning an election the rich defeated candidate could go to him and say, "Admit what I have alleged against you in this petition or be ready to pay £400 or £500." It was not everyone who would run the risk of having to pay £400 or £500, and the poor man was compelled to virtually admit that he, or his supporters, had been guilty of wrongful practices. That was the inference to be drawn from the petition recently lodged. If the defeated candidate backed down, for ever after he and his supporters could have that fact thrown out against them. Of course there were men who would risk bankruptcy rather than admit it; but if the successful candidate did not admit it he might be mulct in all the costs by virtue of the absence of the conscience clause from the Act, in spite of the fact that the wrongdoers might be the petitioner's friends. The innocent man was made the culprit and the guilty man was rewarded. This might happen to any member, no matter to what party he belonged. Therefore, what was to be done to remedy the Act so as to have justice done? In the recent case justice would have given the seat to the person who had justly won it. The Act prevented justice being done. We could not allow that to go on any further. Lest it might be said that he was assuming particulars in his argument, he drew attention to the fact that in the evidence in the recent appeal, witnesses who had voted wrongfully against the Act nevertheless were members of Mr. Gregory's committee.

The Minister for Mines: Who were they?

Mr. WALKER: There were one or two. There was one who was the chairman of Mr. Gregory's committee. Did the hon. member deny it?

The Minister for Mines: I dispute the statement.

Mr. Holman: If the postal votes were opened you could not dispute it.

Mr. WALKER: In the Court it was said that certain persons who wrongfully voted were on Mr. Gregory's committee.

The Minister for Mines: You are talking about the Mount Ida people.

Mr. WALKER was dealing with the petition. He was not saying that these particular votes decided the issue.

The Minister for Mines: You said people who voted improperly.

Mr. WALKER: Yes. The votes improperly given were those mentioned in the petition for the purpose of unseating the successful candidate. It was something scandalous, that people could bring in their friends, who had voted wrongfully, to upset an election to the disadvantage of their opponent. No honourable man would take advantage of such a thing. Though some might think it mere play, to his mind it was most grave.

(*Sitting suspended from 6.30 to 7.30 p.m.*)

Mr. WALKER: At the Menzies election names were admitted and votes were given which were objected to by the side that honestly won but was beaten on appeal. In spite of the objections those names were admitted. There was something wrong in a law that would permit an innocent man to be punished in circumstances of that kind. He was drawing attention to this fact not out of malice or party bias, for he would do it if the offence had been committed by any member of his own side, but he had the sole purpose of trying to prevent such matters occurring in the future. It was a shocking thing that men should be able to go to a polling booth where their names were objected to and where reasons were stated for the objection, and should be permitted to vote and those very votes he utilised to penalise those who had objected to them. It was the duty of the Attorney General to reform the Act at once. Particularly in the case of disputed returns was reform necessary. At the present time the Act did not allow us to sheet home the offence to the offender. If witnesses were allowed to answer a question like this, "for whom did you vote?" we should at once get at the real state of affairs, but that question could not be asked. In connection with the present case the postal votes should have been examined, and they could have been without any violation of the secrecy of the ballot. They could be examined without anyone being able to ascertain how any other voter exercised his franchise. These men had no right to vote at the election and were, properly speaking, not voters; therefore if they were not entitled to vote it mattered not for whom they voted. The law that prevented these votes from being examined was wrong. As the votes were illegal, they should not have been added to anyone's tally, and if that course had been adopted the count at the election would have gone the other way. There was no guarantee now of any election being settled provided there was a close fight. In such a case the unsuccessful candidate, the laws being administered as they were, could at any time have a chance to upset the election. A designing candidate could get friends of his, who either were wrongfully on the roll or had been disqualified, to vote for him, and if that number of illegal voters was sufficient to counteract the numbers obtained in majority by his opponent, the election could be upset. A man lacking in principle and with money to spend could, at any time, prepare for an emergency in that way. Had there been a nearer contest at the second election for Menzies, and the figures been closer than they were, the election could again have been upset on the same principle as the first one. Where would be the end of this sort of thing? What security was there that the people's will would be carried out? There was an instance of wrong voting in the case of a Mrs. Haack. Her vote was objected to. She was a resident in Kalgoorlie and had been there for 12 months, and she would not have been allowed to be on the Menzies roll if right had been done. How did she get or keep upon the roll? What officer of the Electoral Department was blamable for this? And being upon the roll who obtained her vote? Some people might say that was

immaterial, but he claimed that it was material. After that woman was waited upon for her vote, after the postal officer took her vote in Kalgoorlie under the circumstances stated, a wrong was committed which deserved punishment, and it was no trivial wrong. These wrongs could be committed with impunity and we could not set any law in motion He was going to draw the attention of the Attorney General to that section of the Electoral Act of which he boasted so much when he was introducing the measure into the Assembly. He referred to Section 161, which was passed without any discussion. It was one of those clauses which went through in globo after a compromise had been effected between those opposing the Bill and the Minister in charge in order to expedite its passage. Consequently it was never reviewed as it should have been. Considering the way the Attorney General spoke of it, one was astonished to find now the use that was made of it. The clause provided for the Court to inquire into the identity of persons and whether their votes were improperly admitted or rejected and then went on to say: "But the Court shall deem the roll conclusive evidence that the persons enrolled were, at the date of the completion of the roll entitled to be enrolled." One did not see the absurdity of that until after it had been put to the test. He admitted the Committee should have given it more careful consideration. It was absurd now when one looked at it. It said: "Those who were enrolled were entitled to be enrolled." The Attorney General no doubt meant to say at that time that those enrolled should be entitled to vote at the date of their enrolment. He believed it was that expression which staved off the too critical analysis of the meaning of those words. The consequence was, that the section meant nothing. Although it pretended to be a reform, it left the position precisely where it was. There was no more imperfect section so far as the Act was concerned than this one, and knowing what use was made of it at the last elections, it was incumbent on those in authority to have this section altered with the utmost expedition. He desired to draw the Committee's attention to the difference between the haste displayed on one occasion, and the dilatoriness in effecting a reform in another. When in connection with the Menzies case a petition was filed either on the 5th or 6th of November we found that four or five days afterwards rules were suddenly drawn up. The Act had been long enough in force for those rules to have been prepared and placed on the Table of the House long before, but it was only when a petition was lodged that expedition was shown. On the 9th, some four or five days after the petition was lodged, the rules were drawn up, and on the same day they were submited to the Attorney General, and to the judges, and gazetted. That expedition was commendable for a good cause. Now after we had discovered the ill effect of this section 161, which was capable of working so much injustice to an innocent candidate, where was the need for haste? It was that sort of thing which was scandalous. If the object were that the laws should operate to give rights to all parties, that section would not have remained on the statute book a month after the meeting of the House. If another election were upon us now, and this section were still in existence, it would allow of the repetition of injury to an innocent party. No one would tell him that the law stood impotent before wrongdoers, no one would tell him that the House was helpless against those who designed to rob their fellow men of their rights. It was surely not coming to this, that before the wrong-doer the law felt impotent, and that it allowed that wrongdoer to trample the law under foot. If that be not the case, then we must remedy these evils without a moment's delay, or wrong might triumph over right and might be applauded and defended, and even by one who wore the honourable gown and distinctive wig of the Attorney General of the State. He was thinking of others who might be placed in the fix of Mr. Buzacott and others who wished to act honourably and honestly in the course of an election and in the conduct of its management. He stood appalled at the apathy of those who witnessed these transgressions and who defied

ignored, and trampled the laws under foot, who sat silent while the wrong-doers usurped the position of others. His motive in doing what he had done, he hoped would not be construed or misconstrued into party bias or spleen, but would be considered as it should be considered by every right thinking person, as a just protest against the apathy of those, who, whilst pretending to administer the law, allowed it to be broken at every turn without so much as lifting a hand to prevent a wrong doing.

The ATTORNEY GENERAL : The hon. member commenced his speech by putting a wholly false construction on what he (the Attorney General) had said. The hon. member alleged that he acted as an apologist for those who had committed a breach of the Act. At that time he had not the same knowledge which he possessed now, that a breach of the regulations or a breach of the provisions of the Act might vary from the degree of being most formal to indeed a very serious matter. The circumstances of the case alone could determine in what category we placed it. If it be of the most formal character only, then it was an entirely different matter from one where there was intent to do something which was obviously against the spirit of the Act, and which was obviously of a character that deserved condemnation. When the Leader of the Opposition brought up the case of the battery manager at Mulline, he (the Attorney General) had had no opportunity of knowing what the circumstances were. Since then he had been given that opportunity by consultation with the Chief Electoral Officer. What did he find were the facts? He suggested at the time that very possibly it was capable of very innocent explanation. Now he found that the member for Ivanhoe and the member for Boulder saw the Chief Electoral Officer on this matter. The Chief Electoral Officer did not submit the file to him (the Attorney General), because he looked upon it as not being complete, but he showed hon. members the inquiries he had made, and they promised to give him further information, and the Chief Electoral Officer was waiting for that information to-day. It was information which would contradict the statement made by the postal vote officer to the effect that as he was passing certain premises in the ordinary course of his business he was asked to take a vote and did so.

Mr. Holman: Does he always carry the postal vote books in the ordinary course of business? It is absolute nonsense.

The ATTORNEY GENERAL: The hon. member might say it was nonsense, but the officer had explained why he did so. He told the Chief Electoral Officer that if he was asked to take a vote and had to return a long distance for his vote book it would mean a great deal of trouble; consequently he always carried his postal vote book with him. It was true that if we wanted to look for guilt, we could always find it. There were no act that anyone could commit that someone could not put a false construction on.

Mr. Scaddan: Where did he say he was travelling to?

The ATTORNEY GENERAL: The hon. member knew well, because the Chief Electoral Officer showed him the papers.

Mr. Scaddan: He did not show them to me.

The ATTORNEY GENERAL: The Chief Electoral Officer's explanation pointed out exactly what he said.

Mr. Scaddan: Read it.

The ATTORNEY GENERAL: Two communications had been sent by the postal vote officer to the Chief Electoral Officer. The first, under date November 19th read—

> "Your wire to hand. I absolutely deny travelling round the district collecting postal votes. I happened to be passing Howlett's, 14 miles from here, and he asked me to take his and Mrs. Howlett's votes as they being so far away from any polling booth and having a large family to attend to they would be unable to leave the place and children alone to come in to vote. P.S.—These, besides a man's who was laid up for some months, are the only votes I have taken."

Mr. Johnson: Why did he cart the book round?

The ATTORNEY GENERAL: Had the hon. member been in his place a few minutes earlier he would have heard that explanation. It was given in the second letter, dated 29th November, which read—

> "I always carried the postal vote book with me to save myself another journey back to any of these places in case it was wanted. Since you have pointed it out to me, and on going closer into the matter I see now that I misunderstood the Act and I am extremely sorry if I have exceeded my duties."

The hon. member had complained that this gentleman was going all round the district collecting postal votes. As a matter of fact he had collected three only. The telegram sent by Mr. Collier read—

> "Wire sent. Postal vote officer at Mulline travelling round district collecting votes contrary to Act."

Mr. Collier: It is true. He did travel round collecting votes.

The ATTORNEY GENERAL: As he would not ask the hon. member to acknowledge the correctness of the statements made by the Chief Electoral Officer, so the hon. member had no right to expect that he (the Attorney General) would take his (Mr. Collier's) statement against the statements of the officers of the department. As he had already pointed out, the statements made on occasions such as this became grossly exaggerated owing to the strength of feeling which, somewhat naturally, arose. Here was an excellent illustration in the very case brought forward by the Leader of the Opposition.

Mr. Bath: The vote was taken twice.

Mr. Collier: He did that twice, at both elections.

The ATTORNEY GENERAL: The only thing complained of was the doing of it at this particular election. So soon as it had become known to the department it was inquired into; and the result of the inquiry was made available to the hon. member, who had promised the Chief Electoral Officer that he would produce further evidence.

Mr. Collier: I said I was prepared to make a declaration. On his own showing, the officer is guilty. Why do you not prosecute him?

The ATTORNEY GENERAL: Assuming that he himself was investigating these matters, was he expected to go out of his way to prosecute an officer for a formal breach of the Act? Why had he not been asked to prosecute the officer at Tampa, who had received 11 votes but had not sent them in? Apparently because there was no reason for complaint to be made. Although in the latter case it had been a neglect of duty he (the Attorney General) was not satisfied that the officer had done it knowingly or with intent to injure Mr. Gregory or somebody else. If the Act were to be administered on any other lines than these it would be in a fair way to becoming an instrument of vengeance. The member for Boulder now said that this postal vote officer had transgressed, not only on this occasion but on other occasions. Still no complaint of that kind had been made against him. If all sorts of things were to be assumed it would be impossible to meet the complainant in argument; because if asumptions were to be allowed, an overwhelming structure of alleged facts could be built up. Instead of dealing any further with suggestions made by partisans, he would proceed to deal with facts as disclosed by the official files. But first of all he would like to point out that if, exercising his own discretion in such a matter, he were to order a prosecution to be either stayed or proceeded with he would immediately be met with the criticism that he had been animated by political bias. So, in order to protect himself and to protect the department from any criticism of that character, he had asked the Chief Electoral Officer to consult the Crown Solicitor and the Solicitor General and to submit to them any case he might have. This the Chief Electoral Officer had done without asking him to express any opinion whatever upon the facts. He (the Attorney General) would venture to say that had he not taken this course he would have had heaped upon him at the first opportunity all the powers of criticism possessed by hon. members opposite. It had been in anticipation of

the possibility of such a situation that he had taken his personality entirely out of it and allowed these matters to be settled by the Chief Electoral Officer, the Crown Solicitor, and the Solicitor General, knowing perfectly well that in regard to the giving of legal advice the two last-named officers were fully as capable as he was himself if not more so.

Mr. Walker: Is not that shirking responsibility?

The ATTORNEY GENERAL: No. It was taking a precaution absolutely necessary when one recognised, as one did, that being in the political arena one's judgment must of necessity be more or less biased.

Mr. Holman: It is a pity you did not take the advice of your officers in the Gerald Browne case.

The ATTORNEY GENERAL: An officer of the department had conducted that prosecution. However that matter was not now before the Committee. It was always this—this hurling of insinuations. It made attendance in the Chamber repugnant. There was always a dragging in of some innuendo that any act one had done had sprung from some guilty intent. The member for Kanowna had said that this Electoral Act, because it had no equity of conscience clause was so deficient that it had defeated the ends of justice in the Menzies election appeal. Had that argument been advanced by one who was not a candidate for the legal profession he (the Attorney General) would have given no attention to it. But coming as it did from the member for Kanowna he could not help thinking that the hon. member had not given it due consideration. For if such a clause had been in the Bill it could have had no effect whatever upon the legal issue. What could have been the effect of a clause which was really only a pious opinion? The issue before the Court had been as to whether Section 161 precluded the Court from inquiring whether those on the roll were entitled to vote. the second issue being that if the court was entitled to go beyond the roll, did certain parties vote who were not entitled to vote? How then was it possible for any so-called equity of conscience clause to in any way have a bearing upon the issue. When speaking on the Address-in-Reply he had admitted that Section 161 of the Act had been faultily drafted. He had then pointed out that the section had been put in the Act, not to meet any suggestion from members on the Opposition side of the House but to meet views largely shared in by both sides of the House, namely that when a candidate was returned there should be some protection given him against his being ousted from his seat. It was to be admitted that the section was faultily drawn and must be amended to achieve its purpose. He had said that in respect to persons whose occupation rendered it necessary for them to be continually travelling, provision should be made whereby they could enjoy the franchise. There were other matters also in the Act requiring amendment. It was, or ought to be, beyond the range of criticism that in a short session for which it was designed that no important or contentious matters should be prepared, the Government should not be asked to bring down a Bill of the utmost importance and which would require careful thinking out. The undertaking that he had given with regard to the Electoral Act was that it should be given early consideration; and had this session been one of ordinary proportions the measure would certainly have been brought down. One further matter he desired to make clear was the question of the rules drawn up for the hearing of petitions. Under the old Act there was necessarily power to draw up rules, but that power had never been exercised, with the consequence that when the East Fremantle and Geraldton petitions came on for hearing there was nothing to guide the petitioners and respondents as to the procedure before the Court, the parties being in the dark as to what they should do. The rules that were adopted were adopted after careful consideration from all the rules in force in the different States and in the old country, and they placed the respondent in a much better position than he occupied before. Previously, when a respondent received notice of a petition in which it was alleged that parties who had

voted purporting to be electors were not electors, if he discharged his duty of examining the names on the rolls and ascertaining whether they were electors or not, and found they were not electors, he knew he had no chance except to go down on the petition. But as there were no rules of practice he could file no document that would save him from the costs which he was not in a position, possibly, to avoid. If the rules now in force had been in force when the petitions in the East Fremantle and Geraldton cases were dealt with, the respondents could have acknowledged that the facts alleged in the petitions were wrong, and could have notified that they did not intend to oppose the petitions. Then the petitioners could have by ex parte motions obtained orders, and no costs would have been given against the respondents for any period beyond the dates on which they filed their statements, and the costs prior to that would have been infinitesimal, merely those involved in the preparation of the petitions. Therefore, members would see the rules were distinctly in favour of the respondent to a petition, and prevented him being mulct in costs when he found that the circumstances were such that he was not justified in opposing the petition. The member for Kanowna claimed that no man would acknowledge the petition was correct, claiming that the inference was that the respondent, if he acknowledged the statements in the petition as being correct, acknowledged being in fault. No matter whether a respondent filed a statement or otherwise there would still remain open to him the Press, the public platform, and every avenue in which to contradict the statements contained in the petition. If there was an inference it would remain the same whether the respondent filed a statement that he did not intend to oppose the petition, or whether he offered every opposition in his power; and it was only on the respondent's word that the contrary to the inference could be established. So the hon. member could see that in fact the rules did not alter the position in the least, except that they enabled the respondent to escape the incubus of costs, which otherwise he would be liable to pay. These rules certainly did what they were supposed to do, that was to enable the parties to determine these matters at the least possible cost. The member for Kanowna also raised the question that there should be in cases of this kind provision made for the Court to examine the ballot papers and see how the voters actually voted. That argument was submitted to the Court on the hearing of the last petition, and the Chief Justice referred to the dictum laid down by the Chief Justice of Australia in the case of Blackwood and Chanter.

Mr. McDowall: That was different. The Commonwealth rendered it impossible to count the postal votes.

The ATTORNEY GENERAL: If we applied it to postal voting we should equally apply it to ballot papers.

Mr. Walker: In the one case we can and in the other we cannot. One vote is marked on the counterfoil.

The ATTORNEY GENERAL: If it be right that in the case of postal votes numbering should be done so that the voter might be traced, then we should number the ballot papers to enable us to trace the voter at the ballot boxes. Who would subscribe to the doctrine that we should mark our ballot papers so as to trace the voters?

Mr. Scaddan: We can object to the voter going to the ballot box, but we cannot to the man taking out a postal vote.

The ATTORNEY GENERAL: A voter presenting himself at the ballot box and answering all the statutory questions must be allowed to vote.

Mr. Bath: No; the returning officer can make him sign a declaration.

The ATTORNEY GENERAL: That was the same declaration that was attached to every postal vote, so the circumstances were absolutely identical, and members were really leading themselves astray. The ultimate resort of the presiding officer was to make the voter at the ballot box sign the very declaration that persons must sign when voting by post. If we were to make provision in an Electoral Act, enabling the secrecy

of the ballot to be evaded, we must make it apply all round.

Mr. McDowall: Then make it impossible to examine postal votes and you achieve that object, as they have done in the Commonwealth.

The ATTORNEY GENERAL: The dictum of the law was that it was impossible to trace the postal votes. The numbers were not to be taken into account for that purpose. Therefore, apparently no change was needed in our law in that direction. He particularly recognised the drafting of Section 161 was such as to arrive at a result which tended in fact to defeat the intent with which the section was put in the Act, and it needed to be carefully amended. But we must not go too far in amending it. We must fully protect candidates in the future, but in rushing to a remedy must not possibly rush to some greater disease. If we were to reconstruct the Act in all the parts in which it was deficient, we must give it careful consideration and make sure that afterwards, if it became necessary to submit the measure to a Court for interpretation, it would carry out the intent and not, as in this case, lead to the intent being defeated.

Mr. SCADDAN: With no intention to hurl innendoes at the Attorney General or at the Electoral Department, he would endeavour to state facts, the proof of which he had before him, to show, not because he desired to say anything unkind of the Attorney General, but because he believed that the result of the Menzies election showed it, that the Electoral Act, which we heard from the Attorney General was so perfect, should be amended in its most essential parts. He was astounded when he first read the supplementary roll for Menzies,' when the by-election was held. The Chief Electoral Officer and his officers in Perth were not responsible, because it was impossible for them to properly correct the roll before it was printed. With all his heart he acknowledged we had in our Chief Electoral Officer the best civil servant in the State. Having had dealings with him during the recent elections as secretary of the Australian Labour Federation, he knew that any information he asked for that it was possible to give Mr. Stenberg had been most willing to give. When complaints had been made the Chief Electoral Officer had caused inquiries to be instituted and wrongs rectified wherever possible. On several occasions he had wired Mr. Stenberg from Menzies, and on each occasion received a reply containing the information sought for. During the election information was received from Davyhurst that the presiding officer there had said he would not force persons to make the necessary declaration under the Act on election day. He had wired to Mr. Stenberg, who caused instructions to be given whereby, if required, the declarations would be taken. During the election certain irregularities occurred for which someone was responsible, and it was the duty of the department to find out how they occurred, and to bring the offenders to justice. Now he would deal with the question of the commercial travellers the Attorney General had said were qualified to be enrolled. That was on the information given by the Menzies electoral registrar, who was the officer who put those persons on the roll, and as the Act said the enrolling officer must be satisfied that the applicants were entitled to go on the roll, it was not likely he would say subsequently they were not entitled, for if so he would be censured for putting them on originally. On the supplementary roll there were placed the names of a number of persons whose addresses were not given. For instance, there was Annie Bridge, described as a teacher of Menzies, and one Brennan, a prospector of Menzies. There were 188 persons on that roll whose addresses were not given. The Act clearly set out that the name of the street and number of the house of the applicant should be stated, and that sufficient information should be given to enable the exact residence of the claimant to be ascertained. These claims should never have been received. To show the difference that existed in enforcing the law according to the election that was going on, he would instance a case which occurred in connection with the Legislative Council elections. That case occurred at

Subiaco. An applicant for enrolment gave the name of his house and the street in which it was built, but he did not give the number of the lot. The applicant was told he must get that information, it being known at the time that it would not be possible for him to obtain it in the half hour there was before the roll closed. At the by-election for Menzies, however, when the Minister was standing, the Electoral Act essentials evidently were not enforced. In many cases at Menzies false claims were made. We had been told by the electoral registrar that the commercial travellers referred to were continually travelling through the Menzies electorate and made that town their headquarters. A man named Dudley, a commercial traveller, was on the supplementary roll, but he was a resident of Kalgoorlie and voted at the general elections in that electorate. If that gentleman continually travelled in the Menzies district and made that town his headquarters, how could he have claimed to be put on the Kalgoorlie roll as a resident. His wife was domiciled in Kalgoorlie. Then there was Munroe, secretary for Mr. Gregory; he also appeared on the supplementary roll.

The Minister for Mines: Quite right.

Mr. SCADDAN: The Chief Justice had said many times during the hearing of the petition on the first election that a bona fide resident was not a temporary resident, and that he must be on the roll for the place where he was usually domiciled and where his wife and family resided. Munroe was on the Kalgoorlie roll and voted at the general elections there. Therefore he had voted for two different representatives in this Chamber in one year. When he became secretary for Mr. Gregory he was temporarily domiciled at Menzies, and was put on the supplementary roll: his home, however, was in Kalgoorlie, and he had no right to vote at the Menzies election. We were told that the commercial traveller Miller was continually travelling through the Menzies electorate and made that town his headquarters. He was on the Mount Margaret roll as well. These were not innuendoes but facts. Mr. Judge was a councillor of Malcolm, and his home was there. He was on the Leonora roll and so was his wife. He only left Mt. Malcolm temporarily to do repairs to a building in Menzies, but while there he was placed on the Menzies roll. When he completed the contract he returned to Mt. Malcolm, and voted by post from there for the Menzies election. Some of these people should be prosecuted. If there were an excuse for them at the first election, owing to the fact that the Act was a new one and possibly was not thoroughly understood, there was no excuse at the by-election, for it was put prominently before everyone why the first election was upset. Mr. Judge was a councillor and should have full knowledge that he had voted wrongly, and, therefore, he should be prosecuted not only on that account, but also for falsifying the claim. With regard to the actions of postal vote officers, he had seen a striking example of the way they did their work at Kalgoorlie, and had telegraphed to the Chief Electoral Officer regarding it. The facts were these: he was going to Coolgardie, and when on the platform at Kalgoorlie saw Mr. Eastwood, secretary to Mr. Keenan, and the postal vote officer, Mr. McGinn, who was clerk of courts, Kalgoorlie. His attention was drawn to them by Mr. McLeod, the other candidate for Kalgoorlie, who wondered what those two gentlemen were doing on the platform together. He (Mr. Scaddan) determined to find out, and he did. There was a lady in the ladies compartment of the train, and just prior to the starting of the train McGinn rushed into that carriage, sat down opposite to her, wrote something on a postal vote paper, handed it over to her and told her what she must do. She wrote down a name which he (Mr. Scaddan) saw through the window, and it was the name "Keenan." Anyone in the carriage could see it. She did not wrap up the postal voting paper in an envelope as was provided in the Act, for she had no time to do so before the train went, but McGinn put the vote in the envelope. He said to Mr. McGinn, "This is a very nice game, you might note the fact that I saw you take that

postal vote, and that I saw who she voted for.'' On returning to Kalgoorlie next day he saw Mr. McLeod who told him who those people who took the votes were. He (Mr. Scaddan) wired to the Chief Electoral Officer in Perth, because he knew that the action in taking that vote at the train was contrary to the Electoral Act. The vote was never put in, and the result was, that the lady who believed she had voted, did not record any vote. The vote was not sent in, because he believed particulars were not filled in. If he had not been there McGinn would certainly have completed the work.

The Attorney General: Did you ever ask for an explanation from the Chief Electoral Officer?

Mr. SCADDAN: An explanation was not wanted, he saw everything himself. He learned too that this woman had previously called at the office of the clerk of courts in Kalgoorlie to record her vote, and either because the clerk of courts was too busy or for some other reason, she did not vote there, and he went to the train and took the vote there. It was never urged that this woman was ill.

The Attorney General: How do you know? You do not pose as a doctor; she was ill.

Mr. SCADDAN: The woman was able to walk to the train. He accused Mr. McGinn of having exceeded his duty, and having committed a breach of the Act by taking that vote at the train. If he had gone to the train at the request of the lady, then, there would have been no objection. But Mr. Eastwood who was Mr. Keenan's secretary took McGinn down there to do this illegal act. Moreover, he had been informed that certain persons whose names appeared on the supplementary roll, one of them Annie Briggs, of Menzies, teacher, who was domiciled within 150 yards of the polling booth at Menzies, voted by post. And it was not urged on her behalf nor on behalf of the others that they were ill. The names of these people were never previously on the Menzies roll. Why were their claims not properly filled in, and why did not they go to the poll and record their votes? Who was the postal officer who proceeded to their places to take their votes, and did not satisfy himself that they were unable to go to the polling places? In connection with the same election there was evidence given in the petition case that the town clerk at Leonora took a postal vote from a person who did not reside in the Menzies electorate for fully nine months, and permitted him to sign a declaration that he was entitled to be enrolled. This person said it was no business of his if someone took a false declaration from him. Nothing further had been heard of that matter. All these were facts and action should certainly be taken. With regard to other postal vote officers most of those in the Menzies electorate were violent supporters of the Minister for Mines. The postal vote officer at Woolgar was a strong supporter of the Minister.

The Minister for Mines: He resigned so as to have a free hand.

Mr. SCADDAN: The person appointed to succeed him was even a stronger supporter of the Minister. With regard to the statement made by the Attorney General that the member for Boulder and himself had promised to give further information to the Chief Electoral Officer, he admitted having made that promise, but he had always attempted on every occasion to be sure of his facts first. He had asked that certain statements should be verified before he submitted them to the Chief Electoral Officer for inquiry. He was still waiting for information, and when he obtained it, he would bring it under the notice of the Chief Electoral Officer, so that a further inquiry might be made. All postal vote officers who were appointed should receive instructions, as well as a copy of the Act, that they were about to undertake an important duty, and that they should acquaint themselves with the provisions of the Act before taking a single vote.

Mr. Taylor: What about the officer at Tampa?

Mr. SCADDAN: This officer's name was removed from the postal officer's list, and he wired to the Chief Electoral

Officer and asked who was appointed in his place, and also who was appointed at Woolgar. He received a reply that Mr. Spicer had been appointed at Tampa. No one had accused Mr. Spicer of being partial and it was unworthy of the Minister to make the statement that he did on a public platform in this electorate. Although not certain on the point he had been informed that the persons mentioned as having voted illegally on the previous occasion, namely those at Mount Ida, had voted again at the second election. He would like the Attorney General to inquire into the correctness of this. If it were correct certainly some action ought to be taken in the matter. Moreover, having himself heard the evidence of McDonald in that case, he was satisfied that McDonald had not been ignorant of the provisions of the Electoral Act, but was determined to record his vote in spite of the fact that he was not entitled to do so. The subsequent conduct of the witness had shown that he was a violent supporter of the Minister for Mines, and as such prepared to go to any length to secure the Minister's return. In his (Mr. Scaddan's) opinion an example should be made of some of these people. It was strange that in respect to a roll so complete as was that of Menzies, where a supplementary list was made up at the last moment, more than half of the persons on the supplementary list should have voted by post. In the circumstances there should have been scarcely any postal votes recorded by the persons whose names appeared on the supplementary roll.

[*Mr. Taylor took the Chair.*]

The Minister for Mines: You must be thinking of the wood line people.

Mr. SCADDAN: Some of them were from the wood line but a great number were commercial travellers who were not residents of the Menzies electorate nor ever had been. Now that these facts had been brought under notice he desired to urge upon the Attorney General the necessity for prosecuting further inquiries with a view to making an example of some of these people. Seeing that Mr. Buzacott had not been in any way responsible for the irregularities which had occurred at that election but, in contrast to the Minister and his supporters, had taken every precaution to prevent irregularities, it was most unfair that Mr. Buzacott should be called upon to pay costs up to nearly £400.

The Minister for Mines: £289.

Mr. SCADDAN: The amount had been given as £210 at the time of the election. The truth of the matter was that the bill of costs put in by James and Darbyshire had amounted to nearly £400 but had been subsequently taxed down to £289. It was most unfair that Mr. Buzacott, in spite of all that he had done in his endeavours to prevent irregularities, should have been called upon to pay these costs. The Attorney General had said that if Mr. Buzacott had admitted the facts he would not have been asked to pay costs arising after the date of the admission. But Mr. Buzacott had known full well that it would be a most dangerous proceeding for him to admit irregularities until he had first shown that he was not in any way responsible for those irregularities. With his scrutineer, Mr. Buzacott had gone to the Court in order to show that he had taken every precaution against irregularities, and to show further that the persons who had committed those irregularities were supporters of the Minister. The very fact of the Minister not being prepared to have a scrutiny made of the votes by the Chief Justice had shown conclusively that he was satisfied in his own mind as to how the persons concerned had voted. Had those votes been counted it would have resulted in a majority of 22 for Mr. Buzacott; yet Mr. Buzacott was compelled to pay the whole of the costs of the appeal. Again, the Minister in order that he might get back into his place in Parliament had been prepared to have a special survey made of the boundaries of the electorate at that particular point with a view to showing that the persons admitted by the Electoral Department had been wrongly admitted. A candidate should be protected against that sort of thing. In many cases the boundaries were but ill-defined. He (Mr. Scaddan) had no idea of the whereabouts of the southern boun-

dary of his own electorate. In such circumstances, in the event of a protest, candidates it seemed were absolutely at the mercy of the department. In his opinion the department should not expect the candidate successfully appealed against to pay the costs of determining the boundaries of an electorate. In conclusion he hoped that inquiry would be made in respect to the postal vote officers who had taken the votes of the teachers living within 150 yards of the polling booth—teachers who were not ill and who were well able to go to the polling booth.

Mr. BARNETT: In respect to the remarks made by the Leader of the Opposition as to the alleged intimidation by the officer in charge of the clearing work at Denmark he (Mr. Barnett) on seeing in the newspaper reports to the effect that that officer had declared against those of the men under his control who intended to support Mr. Morgans, had at once made inquiries into the truth of those reports. So far as he had been able to ascertain there was not the slightest foundation for the statement. The officer had in no way interfered with these men.

The MINISTER FOR MINES: The member for Kanowna had placed him on his defence in connection with the recent election appeal case. So far as concerned complaints made in regard to individual persons, with one or two exceptions he knew nothing of them. Mr. Munro, who had acted as his secretary during the election, was a resident of Menzies, where he had resided for over three months.

Mr. Collier: Was he a resident of Menzies at the time of the first election?

The MINISTER FOR MINES: At that time Mr. Munro had been a resident of Menzies for something like six weeks. The two voters on the Mulline road, the hotel proprietor and his wife, were 15 miles from any polling booth; and that the latter had been ailing for some time was known to him, though he did not know the exact circumstances in which the postal-vote officer took her vote. However the officer frequently passed the hotel when taking the gold from the battery to Menzies, and probably these people asked him to take their votes, and the officer, knowing how impossible it would be for the woman to get to Menzies, had most likely acceded to their request. So, in the circumstances there appeared to be nothing to warrant any of the statements made leading one to believe there was something wrong in that matter. In reference to the appeal case, there was in the Geraldton case an incident on all-fours with the Mount Ida incident; and when Mr. Carson was unseated on Mr. Brown's petition, the former had to pay all the costs, yet we heard nothing then from members opposite against the administration of the department. In the East Fremantle appeal case, the petitioner did not ask that the postal votes should be examined to see who voted for him so that he could claim that he had won the case clearly and above board, and that these people had not voted for the other candidate. In the Coolgardie case, Mr. Eddy, profiting by the decision given in the Geraldton case, resigned his seat and saved himself any expenses in connection with the case other than those incurred up to that time. As to the rules referred to by the member for Kanowna he (the Minister) would have preferred it if they had not been printed when they were, because they gave him additional trouble in connection with the case. Among the rules which were formulated by the Judges was one that specially provided that the respondent, if he came to the conclusion that he had not a good case, could save not only himself but his opponent considerable expense in connection with the matter. Mr. Buzacott, when he went into Court, said distinctly that he possessed the knowledge that more than seven persons had voted illegally at the election, and presumably the knowledge Mr. Buzacott gave to the Court, when he went to the Court, was also known to his solicitors, who must have sent him to the Court knowing there could be only one result.

Mr. Walker: Mr. Buzacott went there to defend himself from the imputation in the petition. He was bound to do it.

He knew what wrong had been done, but it had been done by your side.

The MINISTER FOR MINES: The hon. member was not right in making that imputation.

Mr. Walker: You are impugning my firm.

The CHAIRMAN: Order!

The MINISTER FOR MINES: The hon. member wished to know how it was the law was so impotent to punish the wrong-doer, and one must naturally resent a statement to that effect. No appeal lodged had the same equity as the case he had brought before the Court. The majority by which he was defeated was the smallest that had come before any Court of Disputed Returns.

Mr. Walker: In the case of Carson and O'Brien it was smaller

The MINISTER FOR MINES: Through insufficient knowledge of the law the postal-vote officer at Tampa, who received 11 votes, sent them to the returning officer a day too late, and they could not be accepted; but at least nine of those votes, he believed, were recorded in his favour. He judged this because at the previous election there was also a mistake in regard to the Tampa postal votes. On that occasion there were 11 of them and they were all informal, but 10 of them were recorded in his favour. There were no trades unionists at Tampa; they were simply prospectors there, and he was satisfied at least nine of the votes at the disputed election were recorded in his favour.

Mr. O'Loghlen: They changed their minds.

The MINISTER FOR MINES: They did not change their minds, as was shown by the next election, even though some hon. members worked so well and got such a large proportion of the postal votes from the Kurrawang people. But he would not touch on that. He knew nothing of his own knowledge and might make a mistake if he made charges against hon. members in connection with the matter, but it was a peculiar incident that while the elections took place there were labour troubles on.

Mr. O'Loghlen: That labour trouble at Kurrawang is responsible for your presence in the Chamber to-night.

The MINISTER FOR MINES: Then the hon. member must have made a mistake in his tactics.

Mr. O'Loghlen: I did not bring about the trouble.

The MINISTER FOR MINES: Some of the names included in the petition were those of his supporters, but that was only in connection with the people at Mount Ida. The petition included 12 names of persons who had been three months out of the electorate, and the names of eight persons at Mount Ida who had been wrongfully included in the electorate; but the Judge in giving his decision did not deal with the question of the Mount Ida votes, holding there were more than seven persons who had voted illegally, and the names of those the Judge mentioned did not include any of the Mount Ida people. The names of the Mount Ida people were simply added to the petition as a second string to his bow, because he felt sure that if he could prove that 12 votes had been recorded by persons who had been out of the electorate for more than three months it would be sufficient. The action he took was taken equally by Mr. Brown against Mr. Carson, and he was justified in following the precedent set by members opposite.

Mr. Scaddan: If the Judge did not give a decision in regard to the Mount Ida people he made Mr. Buzacott pay the costs of getting the information about the Mount Ida people.

The MINISTER FOR MINES did not know what items were included in the bill of costs for £289, but his (the Minister's) costs were considerably more than the amount allowed by the taxing master.

Mr. Scaddan: Do you think it is fair that your opponent should pay those costs?

The MINISTER FOR MINES would not question the ruling of the Judge, more especially as it was in his favour. Of course it was a question entirely for the taxing master, and he could not say whether the taxing master allowed any

of those costs. The rules made it clear to the respondent that if he felt the case could be proved he could save all expense by withdrawing. The matter was specially inquired into by Mr. Buzacott, who must have been satisfied that it could be proved that more than seven persons had voted who had been more than three months absent from the electorate; and that being the case, it was unwarranted of Mr. Buzacott in putting him (the Minister) to the expense of proving what was an absolute fact to Mr. Buzacott's knowledge. Mr. Buzacott admitted having the knowledge, and it was justifiable he should pay the costs in regard to the matter. At any rate he (the Minister) thought he had more right to appeal to the Court than any other defeated candidate who had previously appealed, and the result of the second election was justification of the action he took.

Mr. WALKER: As the Minister for Mines had cast an imputation upon Mr. Buzacott's solicitors, it was due that he should make an explanation. The imputation was, that as the solicitors for the respondent knew of the existence of the rules they could have avoided all the expense if they had confessed to the wrongs and notified the abandonment of further proceedings, but that they had advised Mr. Buzacott wrongly. A statement of that sort could not be allowed to pass unnoticed. In the first place, at that time the Act had not been interpreted by the Court, nor had Section 161. If one relied upon the interpretation of the Attorney General—and surely we should be able to place reliance upon the man who should be the legal guide of members—then Buzacott must have won. Moreover, at that time no decision had been given that postal votes, being numbered, were not in the same category with the ordinary votes. It was then thought that as the votes were numbered the court itself would examine into the validity of the votes relied upon by the petitioner. Up to then no decision had been given on that point. If those votes had been counted the Minister would not be here now. It was Mr. Buzacott's desire to fight the matter out, because he went into the Court with clean hands, and had sufficient faith in British justice to believe that such being the case, he could not be penalised. His solicitors agreed with this. They knew, from the evidence, that the offence of wrongful voting, upon which the petitioner relied, had been committed by the petitioner's friends, and it was on that knowledge Mr. Buzacott went into Court to vindicate his character.

Mr. ANGWIN: The Minister for Mines had referred to the East Fremantle petition, and had placed it on all-fours with the Menzies one. There was, however, a considerable difference between the two. In connection with the East Fremantle petition there was a request to review the postal votes, and the Chief Justice said he would review them himself, and he did so. The papers placed on the Table showed clearly that the case was very different from the Menzies petition. The only way to stop abuses in regard to postal voting was to wipe out the postal votes altogether.

[*Mr. Daglish resumed the Chair.*]

Mr. McDOWALL: The Minister for Mines had said that no petitioner had been more justified in bringing action than he had. There was ample justification for bringing forward the Coolgardie petition.

The Attorney General: You have proved that, for you were successful.

Mr. McDOWALL: But not so successful as he should have been. The *Statistical Abstract* showed that at the Coolgardie election in 1905 there were the greatest number of informal votes recorded in any of the electorates; they numbered 58, or 3.7 per cent. of the total votes recorded. Those figures gave an altogether wrong impression, for 45 of the 58 votes were wrongfully described as informal by the returning officer. On a subsequent count that official admitted he was wrong, and the votes were allowed. The 1904 Act, preferential voting not being in existence, admitted of names on the ballot paper being struck out, but the returning officer held that in addition to striking names out, the voters had to put a cross on the paper.

When the poll was recorded there was not the slightest intention of appealing against the election, but his scrutineer told him that there were a remarkable number of informal votes, of which 26 had been counted as being to his disadvantage. So soon as the declaration of the poll was over he ascertained what a large number of informal votes there were, and then found out the reason. It was discovered that they were improperly thrown out, and, therefore, if anyone were justified in bringing a petition he was on that occasion, for it was due to the mistake of the officer of the department. The majority for his opponent was 23, and if the so-called informal votes were taken into consideration the result would have been that he had a majority. He could not get any expression of opinion from those voters, however, without lodging £50 and going to the Supreme Court. That was done, and the result of the appeal was well known. The votes were admitted by the Court, thus reducing the majority to 10. His side proved that there were 35 bad votes, and he knew well that he had been elected by a majority. Before going further he would like to refer to one point, which clearly showed the necessity for an alteration of the Act. In four cases people who had signed postal votes communicated with the returning officer, asking that they should be withdrawn, but their request was not given effect to. The votes were informal, and should not have been admitted. Such votes should always be placed in separate boxes. In order not to incur such a big bill as Mr. Buzacott had done, it was necessary for him to watch the procedure on his own behalf. At that time the member for East Fremantle had a similar case before the court, so he visited Perth and listened to the proceedings right through. When it came to the question of the postal votes, it was suggested by the Chief Justice who heard the case that he should examine them and see how they were recorded. The counsel for the respondent did not desire that, however, as he knew that if such were done the result would have improved the petitioner's position. In view of the East Fremantle and Coolgardie cases, it was extraordinary that the postal vote system had not been materially altered in the Act of 1907. The result of the Chief Justice's offer to examine these postal votes was that we pushed our petition, and when the other side offered to resign we declined to accept the resignation for the reason that he (Mr. McDowall) had claimed to be declared duly elected instead of the other party. At the trial he had to conduct his own case, but it did not require much conducting, because the conclusion was a foregone one. On the ruling of the Chief Justice in the East Fremantle case that he would examine votes, he (Mr. McDowall) thought it reasonable to assume that the Chief Justice would examine votes in his case also, and more especially because he had claimed to be declared elected. He tried to press that point, but the Chief Justice had entirely changed his views, whether it was because he had looked into the matter more closely or not could not be said, but he definitely and distinctly said then, that notwithstanding the numbers which were on the backs of the postal voting papers, he could not examine them. The result was, that although he (Mr. McDowall) succeeded in upsetting the election he was made to pay the costs after the time he had gone on, and he had only gone on in consequence of the statements made by the Chief Justice in the East Fremantle case. He had a great grievance, and he thought he had just as much right to bring his case before the Court, as the Minister for Mines. That however, was all ancient history; it could do no good whatever except as a guide in the framing of future electoral Acts. What was the specious reasoning of the Chief Justice on this occasion? He then said practically what the Attorney General had said this evening, that it would be absurd to examine the postal voting papers which only constituted a proportion of the total votes. If it were not intended to examine the postal votes at any time, why were numbers placed on them? In England the number on the register or the roll was placed on the ballot paper.

In our State we only made provision for the postal vote being examined. That was his objection to this numbering business. We should have one thing or the other. Let us do away with the number on the postal ballot paper as the Commonwealth Parliament had done so that when it came to an election petition we had only to prove a sufficient number of votes and no more to turn the election. Or on the other hand, let us examine the postal votes and let it be made clear that they should be examined. It was ridiculous to put a number on a paper if it was for no purpose whatever. The Attorney General could not say what that number was there for, and we knew that the Chief Electoral Officer did not take any notice of the number on the paper or the counterfoil. These numbers were intended for the purpose of permitting an examination of the postal votes if necessary, and he hoped that when another electoral Bill was introduced, a definite proposal would be submitted whereby people justly aggrieved would not be compelled to go to the expense that others in the past had been put to in connection with election petitions. He was not so intimately acquainted with the Menzies election as some of his friends, but it had been shown beyond dispute that very bad practices were indulged in. The prosecution of the people concerned was certainly the best remedy in that case, because as long as people thought they could cheat at elections and look upon it as no crime, so long would they continue to do so. We should profit by the Menzies and other elections, and at least make our Electoral Act one that could be decently and properly carried out.

The ATTORNEY GENERAL: In reply to some of the arguments used by hon. members he thought he could at least claim that the department had not neglected to immediately inquire into a single complaint which had been made. He had asked the Chief Electoral Officer who was present, whether any matters about which complaints had been made on being brought under his notice had not been investigated, and the officer gave an assurance that most of the matters which had been mentioned during the debate had been inquired into, while some had never been brought under his notice. In all cases which had been referred to him he had never hesitated to take immediate action. Moreover, there had never been anything in the shape of the smallest concealment of the matters inquired into, or anything in connection with them. With regard to the postal-vote officer at Kalgoorlie, the member for Ivanhoe was under some misapprehension, and he felt sure the hon. member thought now he was mistaken in the statement that he made, that he did not learn what was the explanation offered by the postal-vote officer in connection with the vote he took on the railway train. This postal-vote officer was asked by the husband of the lady to make arrangements to take her vote on the way to the Kalgoorlie station when she was proceeding to Perth, to undergo an operation. An appointment was made, but the postal-vote officer unfortunately did not keep it; he was engaged elsewhere. The husband of the lady went to one of the committee rooms close at hand and inquired where they could find Mr. McGinn. Mr. McGinn was found, and was told about the lady and he proceeded to the station. He was justified in taking her vote at any place owing to the state she was in, and because he felt he had broken the engagement with her. It was perhaps foolish to take a vote in a railway carriage, but the officer's desire was to retrieve a fault in not keeping his engagement. The suggestion was made that the electoral vote should bear the cost of the delimitation of electoral boundaries. There was a just claim in that respect, although he would not admit that the vote should be called upon to bear the cost of litigation between private individuals. To do so would be to place on this electoral vote a burden almost impossible to carry. However, in respect to the fact that the Electoral Department had not strictly defined the boundary of the electorate, in consequence of which some electors who were really outside the electorate had voted, he agreed that the cost of ascertaining the boundary should be borne

by the department. He would be prepared to favourably consider a request in that direction.

Vote put and passed.

Vote—*Lands Titles Office*, £8,523:

Mr. HUDSON: Attention had been drawn recently to some correspondence that had taken place between the bankers and the solicitors of Perth with regard to the extension of the system of land transfer which obtained in the Land Titles Office to the Lands Department—or rather to the bringing of the Lands Department into line with the practice that obtained under the Transfer of Land Act. He would like to know from the Attorney General whether he would take such administrative steps as would bring about the desired result. He was in a position to commend to the Attorney General the proposal in this correspondence, because he thought it would be a great saving and a great convenience generally. The proposal was to bring the titles now registered in the Lands Department under the Transfer of Land Act and have them dealt with in the Titles Office. He knew that in Victoria the system worked very well indeed. In that State leases under the Lands Department were registered in the Titles Office and the system was extended even to embrace mining leases.

The ATTORNEY GENERAL: The point raised by the hon. member was a very important one. To a large extent it concerned the proposed scheme of decentralisation of the Lands Department as outlined by the Premier; and in so far as it affected that scheme he (the Attorney General) was not prepared to answer the hon. member. If it were wise to decentralise the administration of the Lands Department so far as conditional purchase holdings were concerned, it would be unwise to block the way by centralising the work of the Titles Office and so to some extent affect the registration branch of the Lands Department. As to extending the system to cover mining leases, from past experience he knew it would mean a great deal of delay and a great deal of cost to the people dealing in mining leases and mining tenements if the registration of those were to be centralised in Perth. He could not readily assent to a proposal which involved a question of policy of such magnitude as that of the Lands decentralisation scheme. In connection with this correspondence the Public Service Commissioner had pointed out that land was only taken up once but was dealt with in many ways for all time afterwards. But as a matter of fact, as soon as the freehold was obtained—and that stage could be reached five years after the taking up of the land—it could be brought under the Transfer of Land Act and all future dealings be registered in the Titles Office. That was to say, except such land as was held under certain conditions such as the residence and improvement clauses which would render inadvisable its transfer from the Lands Department. Again, the dual authority which would be set up might lead to most complicated positions; for before a transfer could be completed it would be necessary for the one department to get a report from the other as to whether the conditions had been duly carried out. It would be a most dangerous experiment where land was liable to forfeiture for non-fulfilment of conditions. For those reasons he was not prepared to say that the proposal could be given effect to. And in addition to these technical reasons there was the larger and wider issue of how far any centralisation of this character might affect the policy of decentralisation as submitted by the Premier.

Mr. HUDSON: The question of the decentralisation of the Lands Department arose more particularly in respect to the settlement of people on the land and to applications for land. This proposal from the bankers and solicitors dealt merely with the registration of documents; and as he had said, the system embodied in these proposals had been satisfactorily carried out for many years past in Victoria where the facilities given for land transactions were much greater than those obtaining in Western Australia. The Attorney General had said there might be difficulty in regard to mining titles. He (Mr. Hudson) was inclined to agree with him that the system might not work well in respect to mining tene-

ments. However, it had been found to work satisfactorily in Victoria in regard to mining leases.

Mr. FOULKES: It would not be easy to agree to what the Attorney General had said with regard to the proposal for having the registration of titles of conditional purchase leases dealt with by the Land Titles Office. If the Attorney General would look into the correspondence he would see that all the leading legal practitioners in Perth had said quite clearly that the system could be inaugurated.

The Attorney General: Do you think they would say anything else?

Mr. FOULKES: They were men who, with all due respect to the Attorney General, had had a far wider experience of conveyancing than had the Minister.

The Attorney General: What I mean is, which way do their interests lie?

Mr. FOULKES: The Attorney General should not impute motives. Men of the standing of Mr. S. Burt had declared that this scheme could be carried out. Further than that, in the Lands Department there were no officials capable of dealing satisfactorily with this question of land transfers. The Attorney General had said that before a transfer could be completed it would be necessary to get a report from the Lands Department as to whether the conditions had been carried out. But even if the present system were allowed to continue and the titles were left in the Lands Department it would be necessary for the officer delegated by the Lands Department to look after the transfer of titles to find out from another branch of the department whether these conditions had been carried out. Again, the Lands Department ought to be able to report every three or four months as to whether a settler had carried out his conditions or not. On the grounds of economy no one could take exception to a proposal of this kind. As for the proposed decentralisation of the Lands Department, it did not enter into the question at all; for however much the department might be decentralised it would still be necessary to appoint officers in the various branches to deal with this question.

Mr. JACOBY: It was to be hoped that the matter would be further considered by the Attorney General, because it was well known that the difficulty of following up records in connection with conditional purchase leases had to a very large extent prevented banking institutions in the City from accepting these leases as security. Quite recently a bank manager had explained to him that the reason why the bank did not lend greater assistance to the farming industry was this very difficulty of keeping proper records.

The Attorney General: The National Bank finds no difficulty in it.

Mr. JACOBY: Nevertheless other banks experienced that difficulty; and when the chairman of the Associated Banks said that the adoption of this new system would serve to facilitate the lending of assistance to the leaseholders, that statement should be taken into consideration. He himself knew that if they could but secure the records of these leases in better condition than was practicable under the existing system it would materially assist the farmers in their financial transactions. And any action taken by the Government to facilitate advances by ordinary banking institutions on conditional purchase leases would be in the best interests of the farming community.

Vote put and passed.

Vote—*Stipendiary Magistracy*, £28,930:

Item, Magistrates (16), £8,210:

Mr. FOULKES: The Public Service Commissioner recommended that the two Perth magistrates, each receiving £700 per annum, should each have a house allowance of £70. It was to be hoped some arrangement would be made for paying this. The magistrate of the Perth Local Court had served the State for 25 years, and had only about £50 increase in salary for 20 years. Other magistrates had house allowances. Although the salaries of the Perth magistrates were higher, the volume of work they had to do was greater.

The ATTORNEY GENERAL: The Public Service Commissioner recommended a house allowance of 10 per cent. on the salary for these two magistrates, but the decision of the Government was that when we were economising in every direction we might let this matter stand over.

Mr. HUDSON: Before any decision was arrived at in regard to the Public Service Commissioner's recommendation to abolish the office of resident magistrate and warden at Norseman on the completion of the railway to Norseman, he hoped the Minister for Mines and Attorney General would consult to see whether the magistrate could not be retained at Norseman. With the advance of the district the abolition of the position was not justifiable. The Public Service Commissioner had not visited the place. In any event, the gentleman holding the position had been in the public service for a large number of years, and if the office was abolished nothing unjust should be done to the magistrate.

The ATTORNEY GENERAL promised to consult the Minister for Mines. The magistrate had previously been the chief clerk in the Mines Department, so that the Minister for Mines, knowing the gentleman's qualifications, would do what was required in the case.

Mr. FOULKES: While realising the need for economy the fees in these courts could be increased by fixing hearing fees on transfers of licences. The hearing of an application for the transfer of a licence was very costly to the State, and there should be a heavy fee imposed.

Mr. Hudson: They pay £2 for the transfer.

Mr. FOULKES: That was not enough. Very often the transfers cost thousands of pounds to the ingoing licensees.

Mr. Hudson: They already pay duty on that.

Mr. FOULKES: That was dealt with by a few clerks in the Lands Titles Office and there was not much cost to the State, but the hearing of an application for a transfer before the licensing court was a costly item to the State.

Mr. McDOWALL: It was surprising to hear the hon. member, who usually preached economy, desiring to increase the salaries of the two highest paid magistrates by making the poor unfortunate boardinghouse licence holders and other licence holders pay increased fees.

Mr. HUDSON: It was not proper to charge extra fees. In fact the system of transferring licences might be simplified when the comprehensive Licensing Bill came down. After a magistrate approved of a transfer the licensee had to go through the farce of applying at the next quarterly sittings for a new licence. The licensee was already sufficiently handicapped in this regard.

Vote put and passed.

Vote—*Supreme Court*, £15,877:

Item, Sheriff, £550:

Mr. HUDSON: This officer also received £200 as Comptroller General of Prisons. Whatever the Public Service Commissioner did in regard to this position, the Attorney General should at least see that we got value for the money.

The ATTORNEY GENERAL: The Public Service Commissioner classified the position at £700, and subsequently altered it to £750, so that the Sheriff was merely in receipt of the salary classified by the Public Service Commissioner.

Vote put and passed.

Public Works Department (Hon. J. Price, Minister).

Vote—*Public Works and Buildings*, £174,434:

The MINISTER FOR WORKS (Hon. J. Price): I shall endeavour to be as brief and concise as possible in introducing these Estimates. The expenditure on the department for the year ending 30th June, 1908, was £178,776 from revenue, £542,931 from loan, and £21,055 from the Sale of Government Property Trust Account, making a total of £742,762. It has been the custom recently for members to deplore the small amount of revenue available for expenditure on works by the Public Works Department: and it is a fact that during the last few years it has been a diminishing quantity: but even as it now stands, if we compare our expenditure with the expenditure from revenue by States like Queensland and New South

Wales, which may be very fairly compared with this State so far as their general conditions are concerned, we find that our figures show up very well. Last year our expenditure from revenue was, as I have said, £178,776. The last figures which I have available from Queensland are for the year 1906-7, and in that State only £55,748 was spent from revenue by the Public Works Department. In South Australia last year, 1907-8, the expenditure from revenue by the Public Works Department amounted to £74,117. So after all is said and done, in our State, as compared with those two States whose circumstances are most like our own, the revenue expenditure of the Public Works Department year by year compares most favourably. Last year the department received £20,601 in the shape of revenue. This was mostly from water supply, while in addition there are amounts from the hire of dredges, plants, etcetera, rents and sundry items from all over the State. In connection with land resumptions, which forms a very important part of the work of the department, we had 92 claims, which totalled in all £16,607 6s. 9d. Of these 91 were settled by the payment of £6,988 7s. 8d., that being a three per cent. advance on the original Government offers, or something like 59.6 per cent. below the amount originally asked for by the claimants. It will be seen that a good deal of judgment and discretion were shown by the department in dealing with this class of work. Then we come to the question of the amount paid in salaries, and in this connection it is only fair that the House should take into consideration the sum of £1,636 0s. 11d., received for services rendered by departmental officers to the Federal Government. This sum is not put to the credit of the Public Works Department but goes to the general revenue. At the end of the year the departmental staff totalled six less than at the commencement of the year. The permanent officers were decreased by 25, whereas there was an increase of 19 in the temporary staff. This is not altogether to be deplored, for it enables the department when loan expenditure is finished to decrease the staff without a breach of agreement with any individual, and it will not be necessary to keep officers on when there is practically no work for them to do. During last year 204 miles of new railways were completed by the department and opened. The lines were Collie-Darkan, Jandakot-Armadale, Greenhills-Quairiding, Donnybrook-Preston, and the first section of the Coolgardie-Norseman. Since the beginning of the year 134 miles of railways have been under construction. The lines are Hopetoun-Ravensthorpe, Narrogin-Wickepin, Jarrahwood-Nannup, and Widgemooltha-Norseman. Plans were in preparation at the start of the year, and have since been practically completed, for the Black Range and Marble Bar railways. During the past year very considerable attention was devoted by the harbours and rivers branch to the ports in the North-West. The Broome tramway has been completed. The work there consisted of altering the 2ft. line to a 3ft. 6in. line. The tramway now answers all requirements, and has proved a great boon to merchants and others using the port. The work of altering the tramway at Carnarvon from a 2ft. to a 3ft. 6in. line has also been completed, but I regret to say it was hardly finished before the very severe floods, which occurred last week and which did so much damage to Carnarvon, very seriously damaged the work, and the consequence will be that a considerable expenditure will have to be undertaken. These floods, I believe, are the most severe known in the district for many years, and it is unfortunate that work which had been finished and which promised so well should so soon be damaged. We are at work now, and it is nearing completion, on the construction of a tramway from Point Samson to the junction of the Roebourne-Cossack tramway. That work will practically mean that Point Samson will become the port of the district. In the past there has been a high charge for lighterage at Cossack, but this will be rendered unnecessary as ships will be able to go alongside the Point Samson jetty and load direct on to the tramline.

Mr. Johnson: Who will control the jetty?

The MINISTER FOR WORKS: It is now under the control of the Railway Department and will remain under their control, so far as I know, although negotiations have recently been opened by the Railway Department to hand over the control to some other department.

Mr. Johnson: It is a white elephant.

The MINISTER FOR WORKS: I do not agree. Undoubtedly the district is going ahead, but I believe the construction of the tramway will do a good deal in the direction of opening it up further. It is a work the department were quite justified in constructing, and, I feel sure, the Government were wise to embark upon it. The department also completed last year the Bunbury breakwater, while at Albany a deal of dredging has been done. A deep water basin is being made around the town jetty, and this, when completed, will allow such steamers as the "Kanowna" and "Kyarra" to land passengers and cargo at the town jetty. At Hopetoun a jetty has been completed, and will be of much use in connection with the railway to Ravensthorpe, which is nearing completion. We have had a somewhat difficult work in the department which, to the uninitiated, may seem to be unusual and unnecessary. I refer to the erection of four lighthouses which we have in hand along the North-West Coast; they are those at Cape Leveque, Bedout Island, Cape Inscription and Point Cloates. The work of building the Cape Inscription light has already been commenced, and the tower is being erected departmentally. In connection with the Bedout Island light we are making a trial of an unattended light, and if the experiment turns out satisfactorily one will be erected. It was thought wise, however, to give the new system a thorough trial first, because it would be a very serious matter if it were erected on the Island and something went wrong with it. I do not know of any such exposed position where an unattended light has been in use for any period. For the Cape Leveque and Point Cloates lighthouses the surveys of the sites have been made and the lanterns arranged for. With reference to the Swan River dredging, this work has been in progress in and around Mount's Bay for some time past. The channels leading to the wharves at William-street are being cleared out. Some time ago, as members are aware, great exception was taken to the contour of the reclamation the department were carrying out in Mount's Bay. Those who have seen the work will surely realise that the result will be to add greatly to the beauty of the bay. My experience is this, that once public clamour breaks out and then suddenly ceases, it is a clear indication that the public have come to the conclusion that the right thing has been done. It is the right and proper course to take advantage of dredging channels, absolutely necessary in the interests of safe navigation, by using the spoil where possible for reclamation purposes. Now I come to a work which has caused considerable controversy, and that is the sewerage and drainage of this metropolitan area. To the 30th June the sum of £171,326 4s. 1d. had been spent on works by the Works Department. Referring to this particular work, I desire it to be clearly understood that in June, 1903, Mr. Davis, then under secretary of one of the departments in New South Wales, and who had been engineer in charge of the sewerage works in Sydney, was brought over here to consult with the departmental officers of the Works Department with the view of reporting upon the sewerage scheme for the metropolitan area. Mr. Davis recommended the adoption of the bacteria system on the lines proposed by the officers of the department. He went over their plans and approved of them. Subsequently alterations were made, more particularly in connection with the alignment of drains and the situation of the filter beds. Originally it was intended that the filter beds should be on this side of the river, but certain objections were taken to their proximity to settlement, and it was thought desirable that they should be constructed on Burswood Island. Mr. Oldham, who was engineer for water supply and sewerage in May, 1905, visited Sydney and submitted the modifications of the plans to Mr. Davis who approved

of the alignments of these drains, and also the situation of the filter beds at Burswood Island. It was definitely and clearly explained to him that it would be necessary to carry the effluent from the septic tanks to the filter beds across the river by syphon. As far as the works which are now carried out are concerned, it must be distinctly understood that they received the approval of Mr. Davis. This does not apply to the same extent to Fremantle. At Fremantle the original information and the intention approved by Mr. Davis was that the septic tanks should be constructed near the ocean jetty. However, it was felt that this was a most undesirable spot on which to construct these works, and on the responsibility of departmental officers it was determined to place the tanks nearer to the smelters, so that there should be an ocean outfall. There is one small work we have been engaged in for some time, which personally I look upon as one of the most important works carried out by the department I have the honour to control. I refer to the efforts made in the agricultural districts to give supplies of water to the settlers. We know well, more particularly in our eastern agricultural areas, the want of water at certain seasons of the year is severely felt by those who have recently settled there. During the year under review we put down something like 301 hand bores. These resulted in fresh water being struck in 32, good stock water in 39, and salt water in 124, and in 106 we had no result at all. Many of these bores where fresh and good stock water was struck have since been turned into wells, and in time the whole of them will be so converted. These areas are being thoroughly prospected for fresh water. I am referring to those parts east of the Great Southern line from Narrogin upwards, parts of the State east of the Midland Railway, and agricultural areas adjacent to the Eastern Goldfields line. At the same time we have done everything we can to assist those who desired to experiment in this direction by lending out hand bores. Our terms for sending out these plants are reasonable, only a small deposit being asked, an amount sufficient to cover any damage which might occur to the plant, and which is returned when the plant is sent back to the department in good order and condition, the borrower paying transport charges. I am inclined to think, from our experience in this direction, that the cheapest method in dealing with this question in many localities would be by the construction of dams. When we have such a large proportion as 230 bores out of 301 in which either salt water or no result at all was obtained, I think it is time we began to consider whether it would not be best to otherwise cope with the difficulty.

Mr. Foulkes: What is the average cost of the bores?

The MINISTER FOR WORKS: In wages about 2s. 6d. per foot, and the average depth of the bores would be about 50 feet. If the hon. member adds transport charges it would average £10 per bore. The total would therefore come to £3,000. In addition to boring in the smaller areas we have also pursued the policy of artesian bore in the North-West. It will be remembered that some time ago as the result of a conference between the engineer for water supply and the Government Geologist, it was determined that certain bores should be put down to test the country in the North-West. We struck water on the Derby-Lennard road at 1,400 feet with a flow of 142,000 gallons a day. We got water there at about 1,100 feet, but following the advice we received from the Government Geologist we went on in the hope that at a further depth we would strike a greater supply. We have since on the same advice gone to a still greater depth without any better result. The Wyndham bore is not yet completed. We have gone through exceptionally hard rock there, but were advised to persevere in the hope of striking water. Going further South, we have let contracts at Maud's Landing and Gladstone. This is about the southern limit of this artesian basin, and the Government Geologist has strongly advised us to test it with a bore there to see how far south the basin extends. Further south we have had success with a bore at Busselton, where we have obtained an excellent supply at a depth of 470 feet,

which will be useful not only to the townspeople, but will be a great boon to the Railway Department. At the present moment the Railway Department are in communication with the Works Department with reference to using the water from that bore. There is one work which has been completed during the past year which will give hon. members an opportunity of comparing the operations of our department with those of the Works Departments in other States. On the 1st July we commenced the survey of the West Australian section of the Transcontinental Railway, and we completed it on the 27th of September, 1908. We employed on that work five officers and thirty men and throughout the whole of the survey we had no change at all in the personnel of the party. We were allowed by the Commonwealth Government £7,000 to carry out the work and the total cost inclusive of the preparation of plans has been £6,008 or at the rate of £13 4s. per mile. The length of the survey is 455 miles 29 chains 25 links. It is not for me to draw invidious comparisons between the States, but it is on record that the South Australian Government commenced their portion of the survey at about the same time, and a week or two ago that survey was still incomplete, and I am informed, will not be completed before next March. This work was carried out most expeditiously and it reflects the very greatest credit on the officers who had charge of it. One branch which comes in for a very fair amount of criticism in respect to the Public Works Department is that of architecture. The expenditure during the year on buildings for the State amounted to £168,227, and on works carried out for the Federal Government £22,428. The salaries paid for the preparation of plans, supervision, clerical work, and architectural office expenses amounted to £9,095. Deducting £1,522 paid for the work of this department by the Commonwealth, the net cost to the State of the architectural department was £7,573. If these percentages be worked out it will be found that the department in this State is being run at one-half per cent. less than the architectural department in Queensland. During the year we completed eight blocks of the Claremont hospital for the insane, the Kalgoorlie abattoirs, the infectious diseases hospital at Kalgoorlie, hospitals at Sandstone, Narrogin, Wagin, and Greenbushes; the new Art Gallery, the Federal Customs House at Fremantle, and numerous schools. There were 187 contracts let during the year. In only 19 cases were the contracts price exceeded, and this was almost invariably due to the fact that the department for which the work was being done sent in requests for alterations after the contracts had been let. The cost of these additions came to something like £751. I think these figures speak for themselves and show that, at all events in so far as the consideration of architectural work is concerned the plans have been well matured. We all know that it is by alterations while works are in progress that undue expenditure is caused. Happily there has been very little of that this year. Now it will be well within the knowledge of the Committee that the Public Works Department control the roads boards of the State. The amounts granted during the past three years—and I give these figures because one constantly hears of the tremendous cutting down that is going on in the grants to roads boards——

Mr. Jacoby: Not in Fremantle.

The MINISTER FOR WORKS: There have been no undue grants made to any roads boards in the Fremantle District. The hon. member must be under the misapprehension in that respect. In 1906-7 the general vote to roads boards amounted to £42,000, special votes to £20,851, and bridges to £10,413, giving a total of £73,264. Now in 1907-8 the general vote amounted to £35,000, the special votes to £25,676, and bridges to £9,576, making a total of £70,252.

Mr. Heitmann: Can you not see the evil of special votes? They are given under political influences.

The MINISTER FOR WORKS: Let the hon. member be reasonable. We had a case in point only the other day. There has been a fall of five inches of rain within a few days in the Black Range district. The member for Mt. Magnet came to me and explained the peculiar conditions,

and I have arranged with him to make some provision for repairs rendered necessary and which are beyond the power of the board to cope with. Every one of these works is specially investigated. They are exceptional works and hence the exceptional grants. It is more than a road board could carry out from its ordinary revenues. These special votes are used also for assisting the roads board with a large amount of new settlement going on in its district. Only to-night representations have been made to me in this House in connection with a settlement recently opened by the Government—the Yuna settlement, North-East of Geraldton. The member for Greenough has pointed out that the land has all been taken up and settled upon, that there is not a single road in the district, and that consequently it is absolutely necessary that some assistance should be given by the Government. The probability is that next year a special grant will figure on the Estimates for that particular locality. The hon. member should not be so suspicious about these matters. I think hon. members on both sides of the House will give me credit, in so far as these special grants are concerned, that I have not used them for political purposes.

Mr. Heitmann: You refused Cue a grant that would have been in every sense justified.

The MINISTER FOR WORKS: It may be that I have made some errors in refusing grants which, perhaps, had I had further knowledge of the subject, would have been given. But I have in no case wilfully refused a grant which it was in the power of the department to give if funds were available.

Mr. Heitmann: Yes, you have.

The MINISTER FOR WORKS: Last financial year there were 100 roads boards in existence. They showed a considerable improvement in the revenue locally collected, for no less a sum than £40,309 was collected by those boards in rates, while £10,123 was raised locally by the issue of licenses, etcetera, the total local revenue being therefore £50,532. Comparing these results with the results of previous years we see what a great advance has been made. For the year ending 1905, there were 97 boards in existence, and £21,144 was collected in local rating. For the year before that, namely the year ending 31st December, 1904, only £13,116 was locally raised, and in that year there were 44 boards who issued no rates at all. Only five boards during this year failed to collect sufficient revenue to pay for cost of administration. Three or four years ago a very large number existed, of which this might be said. Taking the boards as a whole the cost of administration amounts to 17.6 per cent. of the total revenue, an improvement on any previous year. I have explained the methods adopted by the Government in dealing with the special grants. The block vote of £35,000 is divided among the 100 roads boards after a careful consideration of the circumstances of each board. First of all the Government auditor's report is considered, a report on the administration of the board and as to how its expenditure is carried out. Then we go into the fairness of the valuations. We also consider the adequacy of the rate, the cost of administration, the proportion of rates collected to those due, and whether for any reason the cost of road making be cheap or expensive in the district, and also whether new settlement be proceeding apace.

Mr. Angwin: If you strike a high rate you do not get many grants.

The MINISTER FOR WORKS: Another question which has been the subject of a considerable amount of public comment recently is that of the Government pipe works at Fremantle. The State is controlling the railways, and water supplies and various trading concerns of that description; I am not going to discuss at this moment whether that be a wise procedure or not; but Parliament has decided that certain water supplies shall be controlled by the Government; and while these water supplies are under my control it is my intention to do my best to secure the supplies required by them at the lowest possible price. I am not going into details now, because this is a matter that will probably come up for discussion on the

items, but I will say first of all that I shall have no difficulty in showing that these works have been properly managed; secondly, that during my term of office there has been no extension of activity, and, thirdly, that the articles manufactured at these works have been of very excellent quality. One might imagine from the communications one has seen in the Press during the last few days that practically the whole of the Government requirements, so far as cast iron pipes are concerned, have been made at the Fremantle pipe works; but as a matter of fact, we have during the last 18 months purchased a greater amount of pipes by public tender from private makers than we have made in our own workshops, and the statement that the activity of the workshops has been extended is absolutely incorrect and fallacious. I do not wish to weary the Committee longer. Opportunities will occur as the items come up for discussion, and it will then be my duty to give hon. members any information they require.

Progress reported.

House adjourned at 11.3 p.m.

Legislative Assembly,

Friday, 29th January, 1909.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTION—RAILWAY CORRIDOR CARS.

Mr. JOHNSON asked the Minister for Railways: When will the long promised return giving result of test made in connection with the construction of corridor cars at the Midland Junction State works be made public?

The MINISTER FOR RAILWAYS replied: The returns have just been completed, but I desire further particulars before making them public. I will probably give the information asked for by the hon. member to the Press within the next ten days.

QUESTION—AGRICULTURAL BANK ADVANCES.

Mr. HUDSON asked the Minister for Agriculture: 1, Is it the intention of the Minister to make provision for advances by the Agricultural Bank to farmers and settlers on agricultural land in the Phillips River and other goldfields districts? 2, If so, when? If not, why not?

The HONORARY MINISTER replied: 1, Provision already exists in the Agricultural Bank Act, but advances can only be made upon freehold or upon maturing freehold. 2, Answered by No. 1.

QUESTION—STATE BATTERY, MESSENGER'S PATCH.

Mr. TROY asked the Minister for Mines: 1, In view of the need of the prospectors at Messenger's Patch, and pending the erection of the promised battery, will the Minister arrange a subsidy for the carriage of the prospectors' stone for treatment at the nearest battery? 2, If not, why not?

The MINISTER FOR MINES: replied: 1, No. 2, In view of the decision to provide crushing facilities for the district it is not considered necessary to assist by way of subsidy.

QUESTION—PUBLIC SERVANTS PROFESSIONAL TITLES.

Mr. NANSON asked the Premier: 1, Is he aware that there is a distinct difference between the profession of a "surveyor," whose duties comprise the measurement of land and earthworks, and a