

## Legislative Council,

Monday, 21st December, 1903.

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

## PRAYERS.

## PAPERS PRESENTED.

By the COLONIAL SECRETARY: Public Works Department—Report and plan by the Engineer-in-Chief showing suggested Foreshore Improvements to the Swan River at Perth.

Ordered, to lie on the table.

## METROPOLITAN WATER AND SEWERAGE BILL.

Read a third time, and *passed*.

## ROADS ACT AMENDMENT BILL.

## RECOMMITTAL.

On motion by the HON. J. W. WRIGHT, Bill recommitted for amendment of Clauses 4, 10, and 20.

Clause 4—Amendment of Sections 6 and 25:

HON. J. W. WRIGHT moved that Subclause 4 be struck out. He had been asked to moved in this direction by the roads boards executive, who believed that people would be disfranchised for not having paid their rates before 30th November, and that by allowing people to pay their rates up to polling day, roads board would be enabled to collect a large amount of small sums owing for rates.

THE COLONIAL SECRETARY: The roads boards conference held in June last decided that 30th November in each year should be the date on or before which rates should be paid to qualify ratepayers for votes. No doubt a certain amount of hardship would ensue on having a defined date coming into force at once, but the difficulty would be overcome if the hon. member would withdraw his amendment and allow an amendment

to be passed providing that the clause should not come into operation until 1904. A deputation from the roads boards executive waited on him (the Colonial Secretary) and pointed out that the clause as it stood would disfranchise a large number of electors, but the deputation could not show why they should so soon have reversed the procedure recommended to the Government in full conference. The Government had only embodied in the clause the resolution adopted at the roads boards conference, and the delegates to that conference must have recognised that they would disfranchise a number of ratepayers if their recommendation was carried out. The executive of the roads boards waited until the Bill was at its third reading stage before asking for an alteration to be made. He promised the deputation not to oppose the recommittal of the Bill for the purpose of proposing the amendment, but said he could not give the amendment his support.

HON. J. W. WRIGHT: The roads boards executive found that a mistake had been made, and that the voting power was a lever to collect small rates.

Amendment withdrawn.

THE COLONIAL SECRETARY moved that all the words after "arises," in line 3 of Subclause 4, be struck out, and the following inserted in lieu, "are paid, and no person shall be entitled to vote at any election held after 31st December, 1904, unless such rates were paid on or before the 30th day of November preceding the election."

Amendment passed, and the clause as amended agreed to.

Clause 10—Amendment of Section 123:

HON. J. W. WRIGHT moved that the clause be struck out. By Section 123 Subsection 6 of the Act of 1902, the roads boards received police court fines. Now the Bill proposed to give all these fines to the Government. The roads boards executive wanted to retain these fines if possible.

THE COLONIAL SECRETARY could not understand how Subsection 6 of Section 123 got into the Act of 1902, for by that subsection if any person in a roads board district was fined for being drunk or for breaking a window, the whole of the fine went to the roads board. It was reasonable that the roads board

should get the fines for any offence against the Roads Act, but it was unreasonable that all police court fines inflicted against persons in a roads board district should go to the roads board. They should go to the Treasury.

Amendment negatived, the clause passed.

Clause 20—Footways, jetties, etc., may be made:

HON. A. G. JENKINS moved that in line 2 the words "sea or" be struck out. The Bill proposed to allow a roads board, with the consent of the Minister, to spend certain of its rates in the construction of sea jetties. Boards were not constituted for that purpose. The Cottesloe board proposed to spend £500 or £600 in building a jetty which might be swept away at any time. The Government were the proper people to construct jetties to improve a beauty spot, and it was not a reasonable request to ask that a few people in a district should do so. There might be no objection to roads boards constructing small river jetties which would not cost much; but it was not desirable that roads boards should be allowed to spend a large portion of their revenue in building sea jetties, although the Minister had discretionary power, for the money might be spent better on the roads.

THE COLONIAL SECRETARY opposed the amendment. It was possible there might be very few better ways in which a roads board could spend its money than in the construction of a jetty—for instance the proposed jetty at Cottesloe. A roads board might think that rates spent on the erection of a jetty, other money being found by the Government, would be more than returned by the increased prosperity and increased population of the district which that roads board served. If that was the case, a roads board would be justified in voting a certain portion of its rates to be expended in this manner. He did not see any objection to the principle, which was indeed encouraging that system of local self-government which we all wished to encourage.

HON. J. W. WRIGHT: A roads board should not have such power as that proposed. The first duty of roads boards was to make roads and footpaths, and in the district referred to roads and

footpaths were badly enough wanted. Would the roads board people collect rates or make a charge for going on the jetty? [HON. A. G. JENKINS: No.] An amount of £500 would hardly pay the cost of carrying the jetty out to the water; and if another £200 were spent in carrying it into the water we might find, when we got a heavy blow, that the structure was about as able to resist that force as a bathing-house would be.

Amendment passed, and the clause as amended agreed to.

Bill reported with farther amendments, and the report adopted.

## FACTORIES BILL

### RECOMMITTAL.

On motion by HON. G. RANDELL, Bill recommitted for amendments.

Clause 40—Sweating in factories:

HON. G. RANDELL: This provision purported to be taken from the New Zealand Act, 1901, Section 28. He had gone through the two Acts which existed in New Zealand, and so far as he could gather there was no such provision as this relating to sweating, neither was there in the South Australian Act, which was an exceedingly mild one. They had power there which provided for the fixing of wages for piecework and day work, and a good deal of the amending Act of South Australia was taken up with provisions as to how the board were to be elected and under what regulations they were to work. Section 20 of the New Zealand Act provided that in each factory or workroom the occupier should keep or cause to be kept a record of the names of all persons employed in such factory or workroom, together with the ages of all persons under 20 years, and a record of the kind of work of each person employed in such factory or workroom, and such record was to be produced for inspection by the inspector when demanded.

THE COLONIAL SECRETARY: That was substantially Clause 18 of our Bill.

HON. G. RANDELL: Paragraphs (a.) and (b.) of Subclause 1 would, he thought, meet the circumstances of the case. New Zealand legislation was supposed to be pretty well advanced, and if New Zealand had not a clause of such a drastic description as this Clause 40 we might

hesitate before passing such a one. He moved—

That paragraph (c.) be struck out of Subclause 1.

**THE COLONIAL SECRETARY:** When the Bill was in Committee the hon. member moved to strike out Clause 40, but did not succeed. Not satisfied with that, he now proceeded to so mutilate the clause that it would be absolutely meaningless. The title of the clause was "Sweating in Factories." The definition of "sweating" was, he thought, having certain work done at an improper remuneration.

**HON. G. RANDELL:** There was no such word as "sweating" in the two Acts he had referred to.

**THE COLONIAL SECRETARY:** Possibly not. How that title got into the Bill he did not know, and he would inquire into the matter. Evidently the wrong title had been got hold of. The information given to an inspector was absolutely and entirely confidential as between the inspector and the occupier of the factory, that being provided for by another clause under which penalties could be imposed on inspectors who improperly divulged any knowledge which came to them in their capacity as inspectors.

**HON. G. RANDELL:** The clause was passed by a majority of only one.

**HON. C. E. DEMPSTER:** The clause was too inquisitorial altogether. Under it inspectors would want to know every detail of every individual employed in a factory.

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

Ayes	...	...	...	11
Noes	...	...	...	6

Majority for	...	5
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**AYES.**  
 Hon. G. Bellingham  
 Hon. E. M. Clarke  
 Hon. A. Dempster  
 Hon. C. E. Dempster  
 Hon. J. T. Glowrey  
 Hon. Z. Lane  
 Hon. W. Maley  
 Hon. E. McLarty  
 Hon. G. Randell  
 Hon. J. W. Wright  
 Hon. J. E. Richardson  
 (Teller).

**NOES.**  
 Hon. J. D. Connolly  
 Hon. J. W. Hackett  
 Hon. W. Kingsmill  
 Hon. R. Laurie  
 Hon. F. M. Stone  
 Hon. B. C. O'Brien  
 (Teller).

Amendment thus passed.

**HON. G. RANDELL** moved as a farther amendment, that Subclause 2 be struck out.

**THE COLONIAL SECRETARY:** The hon. member had on a previous occasion failed to have the whole clause struck out, and was now endeavouring to delete the necessary parts of the clause so as to leave an unworkable shell. No one contended we had sweating in the State, but it was desired to have legislation to ensure that we should not have it. The hon. member was of another opinion, now endeavouring, after first opposing the clause as a whole, to oppose it in detail.

**HON. R. LAURIE:** Though the Colonial Secretary advanced no sufficient reasons for retaining the clause, common sense would dictate them. The clause was framed to prevent a sub-contractor subcontracting again. All knew that in the manufacture of clothing subletting was carried on, and that it was a condition of affairs which should not exist in this State. The Arbitration Act would not prevent it, for the Court only dealt with remuneration. Those who had lived in large cities knew how clothing was passed on from the warehouses through one person to another, and that there was no knowing into what dens the article to be manufactured might get before being returned to the factory. Cases of infectious disease had been traced back to these dens.

**HON. G. RANDELL:** The clauses covering health were left intact in the Bill. The Arbitration Court permitted freedom of contract, and the hon. gentleman argued in a direction that did not obtain. The clause was not worth arguing about, but it was not wise to introduce it into the first Factory Act of this State. He hoped it would be the last we should see of legislation of this sort.

**HON. J. D. CONNOLLY** opposed the amendment. There was no objection to the subclause, and there were very good reasons why it should remain in the Bill. This subclause related to a matter of health, and it was as well to know where the clothing was made. Articles were sublet from the warehouses to the maker, and then sublet again.

**HON. G. RANDELL:** Clauses 32 and 33 amply provided for that difficulty.

**HON. J. D. CONNOLLY:** There could be no objection to having a record to show where clothing was made, because the maker might sublet it to some

Chinaman or dirty Asiatic, or the article might be made in some foul den.

**THE COLONIAL SECRETARY:** It was wrong to say that the matter of infection was covered by Clauses 32 and 33. Clause 32 said: "Wherein to the knowledge of the occupier of such factory there resides a person suffering from any infectious or contagious disease." Clause 40 aimed at middlemen who lived by getting contracts from occupiers of factories and subletting them at rates at which nobody could live. We knew that such practices existed in other parts of the world. He did not say they existed here, but the Government wanted to make it impossible for them to exist here. These clauses did not operate against the occupiers of factories.

**HON. G. RANDELL:** There was nothing in this clause which related to infection, but the object of the clause was to prevent sweating or grinding down of workmen. He considered the clause calculated to be very injurious to the employee as well as to the employer. As he had already stated, the prices paid here were much in excess of those paid in the other States. If the hon. gentleman wanted to prevent starvation wages being paid, why did he not have boards to fix the prices for work let out, or for day work? In any case, these people could go to the Arbitration Court for wages. All they had to do was to ask to be registered, and then they could go. Unions already existed.

**THE COLONIAL SECRETARY:** Not for these people.

**HON. G. RANDELL:** The relations between employer and employee here were of such a satisfactory nature that he hoped members would not allow these mischievous provisions to be inserted in the Bill.

**THE COLONIAL SECRETARY** had never heard of unions of the lower classes of sempstresses not employed directly by the occupier, of whom the factory occupier had no knowledge. These clauses would not hurt the factory owners.

**HON. J. W. WRIGHT** was under the impression that those engaged in factories and tailors' shops had what they called a log.

**THE COLONIAL SECRETARY:** That was where they were directly employed.

**HON. J. W. WRIGHT:** Could not the unions step in, in case of subletting, if these people did not get log prices?

**HON. G. RANDELL:** They would take care to do it.

**HON. W. MALEY:** While satisfied that we had no sweating, or nothing worth speaking about in Perth at present, this provision was desirable in view of what obtained in larger cities. Those familiar with the "Song of the Shirt" would perhaps know the class of sempstress to which the particular work referred would be given by the sweater.

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

Ayes ...	...	...	8
Noes ...	...	...	10

Majority against ... 2

AYES.	NOES.
Hon. A. Dempster	Hon. G. Bellingham
Hon. C. E. Dempster	Hon. E. M. Clarke
Hon. J. T. Glowrey	Hon. J. D. Connolly
Hon. W. T. Loton	Hon. J. W. Hackett
Hon. E. McLarty	Hon. W. Kingmill
Hon. G. Randell	Hon. R. Laurie
Hon. J. E. Richardson	Hon. B. C. O'Brien
Hon. Z. Lane (Teller.)	Hon. F. M. Stone
	Hon. J. W. Wright
	Hon. W. Maley (Teller.)

Amendment thus negatived.

**HON. G. RANDELL** moved that Subclause 3 be struck out. If the subclause were passed, an effort would be made to convict the occupier of a factory of having directly or indirectly authorised the subletting of work. The only saving portion of the clause consisted of the words "knowingly permits or suffers."

**THE COLONIAL SECRETARY:** It was right that where the occupier of a factory knowingly permitted or suffered such an offence as that in question to be committed he should be punished.

Amendment passed.

On farther motion, Subclause 4 struck out.

Clause as amended agreed to.

Bill reported with farther amendments, and the report adopted.

#### ELECTORAL BILL.

##### ASSEMBLY'S FARTHER AMENDMENTS.

The Council having amended the Bill, and the Assembly agreeing to eight and not agreeing to five of the amendments, also amending five others, the Assembly's Message was now considered in Committee.

No. 1—Part III. "Electors," strike out the whole.

Assembly's farther amendment, to insert the following clauses:—

14. Sections 15 and 26 of the Constitution Act, 1899, are amended by substituting the words "when registered" for the words "when registered six months."

15. No person may, at the same time, be registered on more than one Council roll or on more than one Assembly roll.

16. No person possessing more than one qualification within a province is thereby entitled to be registered more than once for that province.

THE CHAIRMAN: These clauses had better be taken singly.

Assembly's Clause 14:

THE COLONIAL SECRETARY: The principle of striking out Part III. and putting it in the Constitution Bill had been agreed to by the Assembly; but the Assembly did not want the whole of Part III. struck out, and proposed to insert three new clauses in the Electoral Bill. This was the first clause. There could be no objection to it, for it meant that the provision that a man must be six months on the roll before voting would be done away with. He moved that the Assembly's farther amendment be agreed to.

HON. J. W. HACKETT: This seemed right enough. It was bringing the Bill into accord with another amendment providing that as soon as a man was registered he should have a right to vote.

Questioned passed, the Assembly's clause agreed to.

Assembly's Clause 15:

THE COLONIAL SECRETARY: It would be recollected that when the Bill was before the House he agreed to the course laid down that plural voting should be abolished for both branches of the Legislature, and he still thought it was a reasonable course to pursue. Bearing in mind a return showing how the provinces would be affected by the abolition of plural voting, members would see that the effect on the provinces was very little indeed. He therefore had every confidence in asking the Committee to agree to the clause. He moved that the Assembly's farther amendment be agreed to.

HON. J. W. HACKETT moved as an amendment, that the words "Council roll or on more than one" be struck out of the clause. The difference brought about by the abolition of plural voting was not of very great magnitude, but it was such

as to form a factor in a closely-contested election. It seemed to him that under present circumstances it was premature to get rid of plural voting for the Legislative Council. We found in this stage of our history a large area of new land being settled, and in these circumstances it would be wise to have as large a body of representation for these new districts as possible.

THE COLONIAL SECRETARY: That could be easily obtained.

HON. J. W. HACKETT: How?

THE COLONIAL SECRETARY: By slightly lowering the qualification.

Amendment (to strike out words) put, and a division taken with the following result:—

Ayes	...	...	...	15
Noes	...	...	...	5

Majority for ... 10

AYES.	NOES.
Hon. E. M. Clarke	Hon. J. D. Connolly
Hon. A. Dempster	Hon. A. G. Jenkins
Hon. C. E. Dempster	Hon. W. Kingsmill
Hon. J. T. Glowrey	Hon. B. C. O'Brien
Hon. J. W. Hackett	Hon. R. Laurie (Teller).
Hon. W. T. Loton	
Hon. E. McLarty	
Hon. G. Randell	
Hon. J. E. Richardson	
Hon. Sir George Shenton	
Hon. C. Sommers	
Hon. F. M. Stone	
Hon. Sir E. H. Wittenoom	
Hon. J. W. Wright	
Hon. G. Bellingham	
(Teller).	

Amendment thus passed, and the Assembly's clause as amended agreed to.

Assembly's Clause 16:

THE COLONIAL SECRETARY said he was willing to accept the division which had been taken as a test upon the question of plural voting only. He moved that Clause 16 be agreed to. The clause meant that a person should have only one vote within one province. That he thought had been agreed to.

Question passed, the Assembly's clause agreed to.

Assembly's farther amendment as now amended by the Council agreed to.

No. 4 (consequential):

THE COLONIAL SECRETARY moved that the Council's amendment be not insisted on. This was really a consequential amendment on the question of plural voting.

Question negatived, the Council's amendment insisted on.

No. 6—Clause 39, line 3, strike out the words "province or in another":

THE COLONIAL SECRETARY moved that the Council's amendment be not insisted on.

Question negatived, the amendment insisted on.

No 8—Clause 53, Subclause 2, strike out the words "or some other effective way," and insert the words "circulating in the district":

HON. J. W. HACKETT: This was a very small point. It was a question of adjourning the court. If the hon. member had a strong feeling, he did not know why the Committee should not give way.

THE COLONIAL SECRETARY: While he had not a strong feeling on the question, he felt that as a matter of administration it would be impossible to carry out what had been proposed. He moved that the Council's amendment be not insisted on.

Question passed, the amendment not insisted on.

No. 9—Clause 105, strike out Subclause 3:

THE COLONIAL SECRETARY: This was a place where the question of the method of voting appeared. There were a number of subsequent amendments which hinged upon this. When the Bill was before the Committee he moved that the method of voting as laid down in the Bill be adhered to, and he gave two reasons roughly in support of that proposal. The first was that by so doing we should have as far as political elections were concerned a uniform method, and in the second place the provisions for voting as laid down in this Bill practically embraced both systems. If any elector through inadvertence voted by the old method of striking out names, even if he did not insert the crosses the vote would not be rendered informal. He moved that the amendment be not insisted on.

HON. J. W. HACKETT: There was, he thought, an understanding that on any matters in which the Legislative Assembly had a strong wish, and in which they were chiefly or largely concerned, the Council would meet them with every desire to accede to their wish. He agreed with the Minister that the amendment should not be insisted on.

Question passed, the amendment not insisted on.

No. 10—Clause 112, line 40, insert the following:—In elections for the Council, add "for this province":

THE COLONIAL SECRETARY: This was a consequential amendment on plural voting. He moved that the Council's amendment be not insisted on.

Question negatived, the amendment insisted on.

Nos. 11 to 14:

THE COLONIAL SECRETARY moved that these amendments be not insisted on.

Question passed.

No. 15—Clause 138, Subclause 1, strike out "two" and insert "five":

Farther amendment made by the Assembly—Strike out "five" and insert "three" in lieu:

THE COLONIAL SECRETARY: An amendment was made by the Council to strike out, in regard to election expenses, £200 for the Legislative Council, and insert £500 in lieu thereof. The Assembly said that if the Council would strike out £200 they (the Assembly) would agree to the insertion of £300 in lieu. That was a very fair compromise. He moved that the Assembly's amendment of the Council's amendment be agreed to.

HON. J. D. CONNOLLY hoped the Council would not agree to the Assembly's amendment. The spending of this money was restricted. The money had to be spent in certain ways. If it was right and proper to spend £300 in certain directions, there could be nothing wrong in expending £500. The sum of £500 was not too big a limit when we considered the size of the provinces, and that at certain times candidates might have opposition, opponents being run in the interests of a certain section, or organisations, which were carrying on their operations all the year round. If the expenditure of these organisations was counted—at any rate on the gold-fields—in the same way as that of an outside candidate, £1,000 would not cover it.

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

Ayes	...	...	3
Noes	...	...	17
Majority against			14

## AYES.

Hon. W. Kingsmill  
Hon. B. C. O'Brien  
Hon. J. E. Richardson  
(Teller.)

## NOES.

Hon. G. Bellingham  
Hon. E. M. Clarke  
Hon. J. D. Connolly  
Hon. A. Dempster  
Hon. C. E. Dempster  
Hon. J. T. Glowrey  
Hon. J. W. Hackett  
Hon. A. G. Jenkins  
Hon. R. Laurie  
Hon. W. T. Loton  
Hon. E. McLarty  
Hon. G. Randell  
Hon. Sir George Shenton  
Hon. C. Sommers  
Hon. Sir E. H. Wittenoom  
Hon. J. W. Wright  
Hon. W. Malet (Teller).

Question thus negatived, the Assembly's farther amendment not agreed to.

No. 16—Clause 139, subclause 5, strike out "one election agent," and insert "election agents." Farther amendment by the Assembly to strike out the amendment, and insert the following in lieu:—Add to the subclause, "or in cases of elections for the Council one election agent for each division of the province":

THE COLONIAL SECRETARY: The Assembly had taken the view he took, that candidates for the Council should not require more than one agent for each district of a province. This was reasonable. If a candidate were allowed to have as many agents as he chose and money could be expended up to £500 in this direction, in closely contested elections it was possible to exercise influence by means of election agents at so much per head, and so seriously affect the election. Members of the Assembly were agreeable to have one agent for each candidate; and if one agent could canvass the Assembly electors in a district, surely one agent was quite sufficient to canvass the fewer Council electors in a district.

HON. J. T. GLOWREY: The Assembly candidates had the advantage of political organisations.

SIR E. H. WITTENOOM: As the Assembly had been good enough to specify the proper number of agents for themselves, they should allow the members of the Council to have the privilege of doing the same here. The number of agents would be sufficiently controlled by the fact that a candidate could not spend more than £500 on his election expenses; and after paying for advertising and the other etceteras in connection with an election, there would not be much left for election agents. It was no doubt a fact that there were not so many Council electors as Assembly electors, but

the Council electors were scattered about districts and therefore harder to canvass. Members had also to look at the fact that there were political organisations with paid secretaries who lived in electoral districts and worked all the year round, being practically election agents. If the money paid to a secretary of an organisation in a district were added to the expenses of a candidate in the district for whom the secretary was working all the year round, the expenses of that candidate would really amount to £1,000. He opposed the Assembly's farther amendment.

Question negatived, the Assembly's farther amendment not agreed to.

No. 17 (Assembly's farther amendment)—agreed to.

No. 19 (Assembly's farther amendment)—agreed to.

No. 22 (consequential)—not insisted on.

Resolutions reported.

At 6.30, the PRESIDENT left the Chair.

At 7.45, Chair resumed.

Report adopted.

THE COLONIAL SECRETARY moved that the Hon. G. Randell, Hon. J. W. Hackett, and the Hon. J. D. Connolly be appointed a committee to draw up reasons for insisting on certain amendments, for not agreeing to certain of the Assembly's farther amendments, and for agreeing to one farther amendment with an amendment. It was usual for the mover to be one of the committee, but he hoped the House would excuse him from drawing up reasons for not agreeing to amendments to which he had desired the House to agree.

HON. J. W. HACKETT hoped the House would allow him to be excused from being one of the committee.

THE COLONIAL SECRETARY: The hon. member, as chairman of the select committee and as the leading spirit in most of the amendments, should be a member of the committee.

Question passed.

The committee brought up reasons; reasons adopted, and a message accordingly returned to the Assembly.

## ASSENT TO BILL.

Message from the Governor received and read, assenting to the Tramways Act Amendment Bill.

## REDISTRIBUTION OF SEATS BILL.

## POSTPONEMENT.

HON. G. RANDELL moved that the consideration of the order as to the Assembly's message regarding the Redistribution of Seats Bill be postponed until after order No. 6 (Consideration of Assembly's message relative to the Constitution Act Amendment Bill).

THE COLONIAL SECRETARY: To spring such a surprise on the leader of the House seemed somewhat unfair, and even to approach discourtesy. It was usual, he understood, when any member of the House had an amendment on the Notice Paper, and wished to have any postponement, to at all events approach the Minister, if the Minister was in the House, and ask him if he had any objection. Under the unfortunate circumstances in which he (the Minister) at present found himself, he believed that Mr. Randell, in moving this and giving absolutely no reason whatever, was by arrangement able to carry out his wish. At the same time he (the Minister) thought this was an altogether unusual course, and he very much regretted the hon. member had adopted it.

HON. J. W. HACKETT: Every member of the House desired to be acquitted of any charge of discourtesy in word or tone towards the leader of the Government in the Council. But this was a peculiar position altogether. Probably explanation would not serve matters; but he thought it was the desire of the majority of this House that this order should be taken at a later stage for reasons which it would not be to the advantage of the public generally nor perhaps for the good of this House to explain. It was, however, a matter wholly unconnected with the hon. gentleman. It was connected with the higher question of the views and convictions of this House with regard to the great question of constitutional reform.

Question put and passed.

THE COLONIAL SECRETARY voted "No," and said that if there had been another voice he would have divided the House on the question.

HON. J. W. HACKETT: The hon. gentleman ought to accept the explanation.

THE COLONIAL SECRETARY: There was no explanation.

CONSTITUTION ACT AMENDMENT  
BILL.

## ASSEMBLY'S FARTHER AMENDMENTS.

The Council having amended the Bill, and the Assembly agreeing to 6 and not agreeing to 12 of the amendments, also amending two others, the Assembly's message was now considered in Committee.

No. 1—Clause 4, strike out the whole:

THE COLONIAL SECRETARY regretted he was not quite ready to go on with this Bill on account of the inexplicable action certain members of this Chamber had just taken. It might appear rather unreasonable on his part, but he believed some explanation was due to the House and to the country. This was not a "Star Chamber," and there was no reason why these motions should be made and absolutely no reason given. It was said, forsooth, that it would be better for the country if it were not explained.

HON. J. W. HACKETT: Better that it should take place.

THE COLONIAL SECRETARY was not satisfied with that; certainly not. He much regretted that such action had been deemed necessary. With regard to this amendment he moved that it be insisted on.

Question passed, the Council's amendment insisted on.

Nos. 2, 3, 4, 5 (consequential)—insisted on.

No. 6—Clause 19, strike out "one-half" and insert "one-third":

On motion by the COLONIAL SECRETARY, the Council's amendment insisted on.

No. 9 -- Clause 52, strike out the whole:

THE COLONIAL SECRETARY: This and the following amendment were practically bound together. They dealt with the comparative salaries of the officials of the two Houses of Parliament. The amendment in itself had very little to do with the case, but it was in the adjustment of the salaries of the officials of the two Houses that any question

might arise. At present the officers of the Assembly received higher salaries than those of the Council through indirect means, and it was not right that the officers of the Assembly with their greater volume of work should have to derive their higher salaries through indirect means; but if the amendment of the Council were insisted on these indirect means would have to be continued. The salaries of these officers should be on a plain and explicit footing. No one could say for a moment that the volume of work the officials of the Council had to perform was as great as that the officers of another place had to carry out. The Government wished to preserve the right to pay the officials according to the volume of work, though this would not lead to any decrease of salaries. It would mean that the officers of another place would get their higher salaries directly and not indirectly. He moved that the amendment be not insisted on.

HON. J. W. HACKETT trusted the House would adhere to its previous decision, arrived at after a lengthy debate and without a division, that the officers of the two Houses should be on the same financial footing. Every admission made that the officers of the Council did not discharge the same quality of work as those of another place was an admission that the Council stood in an inferior position, and that would only be one step towards a catastrophe which he could not accept. Without desiring to hurt anyone's feelings, he maintained that the officers were not paid for the absolute amount of handicraft they performed or the amount of manuscript work they sent to the printer, but for their talents, ability, and education, and for the training which was necessary to fit them for their present positions. As Western Australia was only a new State, practically only 13 years old, we had not fallen into the same rule and current of other colonies, because he spoke of the time prior to the creation of the Commonwealth. The Upper House was always looked upon as one in which the officers should be paid the same salaries as those in another place, and as one to which the officials of the Lower House could look for a well-earned rest. It was not possible to bring these conditions

into existence. The person who adorned the office of Clerk of Parliaments in another place had, for reasons that need not be dwelt upon, decided to cast in his lot with the Assembly, and the Council now had younger men as officers than would otherwise have been the case. The rule, however, was that when clerks in another place found the work was telling upon them, and that they should be relieved to a certain extent, their obvious course was to pass into the Upper House. The other rule did exist, that the officials of both Houses should be of the same calibre, the same capacity, and the same attention to work, and that they should inspire the same confidence in both Houses. As the dignity of the Council was bound up in this question, he entreated the House to decide that in all respects the salaries of officers of the Council should be the same as the salaries of officers of another place. If we created distinctions people would ask why they were made, and the reasons advanced would be against the Council and to its future injury.

Question negatived, the Council's amendment insisted on.

No. 10 (consequential):

THE COLONIAL SECRETARY moved that the amendment be not insisted on.

HON. J. W. HACKETT: The reason given by the Assembly for not agreeing to this amendment should not have been so disingenuous. While the Council desired to retain the law in its present form, the Message from the Assembly appeared to create the impression that the law was being changed by the Council, and that another place desired to retain it in its present state.

Question negatived, the Council's amendment insisted on.

No. 12 (consequential)—insisted on.

No. 13 (consequential on No. 1)—insisted on.

No. 14—New Clause 35, Qualifications of Electors (Council). Farther amendments made by Assembly:—Subclause 1, strike out "one hundred" and insert "fifty." Subclause 2, strike out "one hundred" and insert "fifty." Subclause 3, strike out "twenty-five" and insert "ten." Subclause 4, strike out "twenty-five" and insert "ten." Subclause 6, strike out "twenty-five"

and insert "ten." Strike out "every province" and insert "the province":

THE COLONIAL SECRETARY moved that the Assembly's farther amendments be agreed to. These included the question of qualification of electors for the Legislative Council. He was aware that this matter was debated at considerable length previously, but members should weigh well the effect of their votes on this matter. Looking at the history of the qualification of electors for both branches of the Legislature, we found a gradual widening had been going on in the franchise of another place, and that in nearly every Parliament an amendment to the Constitution Bill was passed gradually extending and widening the limits in regard to the franchise of the Assembly. In regard to the last step taken, it was previously necessary for an elector to have been six months on the roll before he could vote. Now he could vote as soon as he was registered; and presumably the hon. member would admit that was a widening of the franchise. Again, take the Parliament before that, it was then necessary that an elector should be qualified by 12 months' residence in the State. Let that be contrasted with the present position, and it would show that here, too, there had been a widening of the franchise. There had been no corresponding movement in the Upper House, but he believed that if the Upper House wished to retain its position such a movement must follow before long. The force of public opinion could not be long resisted, even by the Upper House of Western Australia. Such a thing must come to pass, and it would be to the good of the Council and of the State if some concession were made while it could be made gracefully to public opinion. This was really a protective measure, though one member said it was not. The tree that bent before the blast was less likely to break than one that did not. [MEMBER: They were blown down.] Some of them. He did not say that was going to be the case in this instance. This House would be much more likely to be. he would not say a popular House, because that might offend the prejudices of some members, but more representative of the feeling even of the property owners of the State if some concession were made in the way

of a slight lowering of the qualifications. What did we find happening in other places? In Victoria during the last session of Parliament a Bill was brought in which lowered the franchise from a £25 ratepayer to a £15 ratepayer. In South Australia the qualification for a freehold elector was £50, as was proposed in our present Bill. He asked members to seriously consider whether it was not worth their while to accept what he thought—but probably other members did not think the same—the inevitable, and to accept it whilst it could still be accepted gracefully. He asked them not to insist on the amendment which they had sent to the Legislative Assembly, or at least to agree to the amendment on the Council's amendment which had been sent back to us. He moved

That the amendment of the Legislative Assembly be agreed to.

SIR E. H. WITTENOOM: The hon. gentleman had not given a good reason why we should alter this clause or go away from our amendment. We had heard him say that unless we bowed before public opinion we should be like a tree in a storm and be blown away. He (Sir Edward) did not quite catch where the hon. gentleman stated this public opinion was. He had never heard a single demand from any part of the country as to the reduction of the qualification of voters for the Legislative Council. There had certainly been no action taken. If there had been, one might have considered it, but we should not make a reduction in the franchise in conditions which had been the law for some time, which apparently had given satisfaction, and which had produced a House that had constantly been spoken of as saviours of the country. If we had had these satisfactory results, why was it necessary to make an alteration? Why was it necessary to tamper with the Act without being asked to do so except by the Government? If once any reduction were made it would be an admission on the part of this House that the demand made was a just one, and perhaps a popular demand. In the absence of any popular demand, any public request, in such a direction, it would be premature for us to take any action. If we did it would be an admission of the principle,

and the amount of the reduction would be really a question of proportion. If we were asked by the public to admit the principle of reducing the franchise for this House, perhaps we should be correct in adopting not only what the Government proposed but even a wider measure, and making the qualifications of electors regarding the two Houses very similar. When that time came we should have two Houses elected practically by the same class of voters, and he thought he would under those circumstances almost begin to agree with many of those who had stated that we should do away with the Upper House, because as soon as both Houses were elected by the same voters on the same franchise one House would, he thought, do. We had the principle that this House represented interests, and we had no right to alter that without any demand on behalf of the country. Constituents of members of the Upper House had a chance every two years of sending back members pledged to reduce the franchise, and in four years they could alter the House to anything they liked; but in the absence of the slightest agitation on their part, and of any request, we should be not only premature but unwise to interfere with the law existing at present. He trusted the Council's amendment would be insisted on.

**HON. G. RANDELL:** The difference in rental values of Western Australia and those of South Australia had apparently been ignored: yet that was a very important point. He thought that a rental value of £15 in South Australia was equal to one of about £30 here.

**THE COLONIAL SECRETARY:** Fifteen pounds had not been mentioned by him.

**HON. J. W. HACKETT:** The hon. gentleman was not quite accurate in saying that no reduction had been made in the franchise of the Legislative Council. On the contrary, starting with a franchise of £200 in relation to a freehold estate and £30 for a leasehold or license, and £30 for a householder, there had been a reduction. There was much argument in favour of a slight reduction, and could he be assured the Government and another place would be satisfied with a slight reduction he would be found voting with the Colonial Secretary; but he could not bring himself to vote for a

leap from £100 down to £50 for a freehold, and a leap from £25 to £10 for a householder or occupant.

**THE COLONIAL SECRETARY** never expected Dr. Hackett to vote with him.

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

Ayes	...	...	2
Noes	...	...	17

Majority against ... 15

**AYES.**  
Hon. W. Kingsmill  
Hon. B. C. O'Brien  
(Teller).

**NOES.**  
Hon. E. M. Clarke  
Hon. J. D. Connolly  
Hon. A. Dempster  
Hon. C. E. Dempster  
Hon. J. T. Glowrey  
Hon. J. W. Hackett  
Hon. A. G. Jenkins  
Hon. R. Laurie  
Hon. W. T. Loton  
Hon. W. Maley  
Hon. E. McLarty  
Hon. G. Randell  
Hon. J. E. Richardson  
Hon. Sir George Shenton  
Hon. C. Sommers  
Hon. Sir E. H. Wittenoom  
Hon. G. Bellingham  
(Teller).

Question thus negatived, the Assembly's amendment not agreed to.

No. 20—New Clause 41, One vote only for Assembly. Amendment by Assembly (applying the same to both Houses):

**THE COLONIAL SECRETARY:** There having been a division carried in favour of plural voting, it was not worth his while to divide on this question. He moved that the amendment be agreed to; and he would accept the decision on the voices.

Question negatived, the Assembly's amendment not agreed to.

No. 21 (consequential)—insisted on.

No. 23—New Clause 60, No referendum without authority of an Act. Amendment by Assembly (to strike out the new clause):

**THE COLONIAL SECRETARY:** This was the Council's new clause, providing that no poll of the electors of the State and no referendum to the people should be held unless by the authority of an Act of Parliament. It was well pointed out in the explanation given that a referendum to the people could have no effect, indeed could be meant to have no effect, unless it was taken on the authority of an enabling Bill. Acts of Parliament were not the places to put in clauses which were useless, and it would be well to leave the amendment out. It was not proposed to do away with the possibility

of having a referendum, for it was a fancy protection. When an innovation did not accord with the opinions of Dr. Hackett we found he was very eloquent inside the House and more eloquent outside the House, as was his wont, in opposing it. [DR. HACKETT: When it was a bad innovation for the country.] Now we found that Dr. Hackett proposed an innovation of a most startling character, and that he had not explained where he got it. We found that he became one of the most daring of innovators by proposing that this new clause should stand part of the Constitution. It seemed somewhat inconsistent for the gentleman to take up this position. He moved that the amendment be not insisted on.

HON. J. W. HACKETT had listened to the Colonial Secretary with the care he usually bestowed on the hon. member's utterances, but he did not understand what the hon. member was driving at. He (Dr. Hackett) desired the House to draw a bar against such a startling innovation as the referendum. He would not discuss the referendum, which should be the medicine of the Constitution, but might become its daily bread. Unless there was some protection such as he proposed, we should have referendums galore and all round us like shooting stars. It was a new principle in legislation by which it was sought to set aside the great principle that stayed up the British Constitution, the representation principle. It meant appealing from the cool, calm debate and well-informed consideration of Parliament and sending a question to the constituency as a whole, which acted without consideration, without digesting the matter at issue and on the heat of the moment; and when the step was taken, unlike an Act of Parliament, it was irrevocable. He could enlarge on this subject, and in spite of the hon. gentleman's sneer he might take the opportunity of doing so outside; but all he could do now was to confirm his convictions formed after 30 years' consideration and confirmed by the great writers on Constitution, and also by the most brilliant speech at the late Convention which formed the Commonwealth Bill, that made by the Hon. B. R. Wise. Had that speech been made in another place, members would shrink from touching such a thing as a referendum, which

simply meant that, if a catch vote was secured to send a certain matter to the people and a fraction of the community did not vote, the decision would be taken as the voice of the country. The result would be that, with this weapon in their hands, a certain section of the community could ply the flail until opposition was removed. Unless it were properly safeguarded by all the regulations, the protections, and due obstacles which we could put in its way, such a principle should never be adopted by the Parliament of Western Australia. He was satisfied that, if a chance vote of another place could secure a referendum, whether directed against the Upper House or against property in land, or to secure a larger taxation in certain directions than could otherwise be secured through the legitimate mode of Parliament, we should see any resolution with any of the objects mentioned carried without difficulty in the country, and we would have to face it. At present we all agreed that representation should not be according to population, but the principle of the referendum was the very antithesis of representation according to our present ideas. We might have Constitution Bills or Redistribution Bills, or we might have interests represented; but the absolute brute force of a uniform vote passed from two or three populous centres would destroy all the care and all the delicate safeguards with which we sought to protect the Constitution. He considered the enactment of this clause the most important matter that had come before Parliament this session, and he hoped that, as long as members retained their senses, they would have the courage and foresight to vote against the motion of the leader of the House.

THE COLONIAL SECRETARY: The hon. member's speech consisted of nothing but the referendum, and except in the latter part contained nothing about the clause. The hon. member claimed that the clause, which was of his own creation, was the most important that Parliament had considered this session; but the hon. member had not given any reason for the novelty he proposed.

HON. J. W. HACKETT: It was not novel; it was merely to keep the Constitution as at present.

**THE COLONIAL SECRETARY:** For a referendum to have any authority of Parliament it must be taken under cover of an Enabling Bill, which must state the object for which the referendum was taken.

**HON. J. W. HACKETT:** Where was that in the Constitution?

**THE COLONIAL SECRETARY:** It was not thought necessary to have it in the Constitution.

**HON. J. W. HACKETT:** The Colonial Secretary was the innovator.

**THE COLONIAL SECRETARY:** No; the hon. gentleman was the innovator of this most important thing Parliament had considered. He (the Colonial Secretary) could not see any reason for altering the attitude he had already taken up in regard to this clause. The reason given by the Assembly for not agreeing to the amendment was very plain, though it was capable of amplification had there been time. The reason was that the amendment was unnecessary, as no poll of the electors or referendum had yet been taken, and no poll or referendum could be of any force or validity without an Enabling Act.

**HON. J. D. CONNOLLY:** Then why should the Colonial Secretary object to it?

**THE COLONIAL SECRETARY:** Because it was absolutely useless putting it into the Bill. An Act of Parliament was not a place for legislative lumber.

**HON. J. W. HACKETT:** The Colonial Secretary could see for himself a good deal of force in the argument, and he was laughing up his sleeve and now arguing rather in the spirit of a showman than anything else. He (Hon. J. W. Hackett) desired to prevent the Constitution travelling on unknown and dangerous paths without proper safeguards. The hon. member wanted to have the mischief done first, and then to pass a law forbidding it. A referendum was taken in South Australia on Bible-teaching in schools without an enabling Act, and without the resolution passing through the Upper House, the Government acting just as if an enabling Act had been passed.

**THE COLONIAL SECRETARY:** Quite reasonable on a small subject.

**HON. J. W. HACKETT:** The House should unanimously insist on its amendment.

Question negatived, the Council's new clause insisted on.

Resolutions reported, and the report adopted.

Committee of three prepared and brought up reasons for not agreeing to the Assembly's farther amendments.

Reasons adopted, and a Message accordingly returned to the Assembly.

#### ADJOURNMENT.

**THE COLONIAL SECRETARY** had learned that it was the wish of members the House should now adjourn. He wished to inform Mr. Randell that he had guessed pretty shrewdly the hon. member's unpublishable reasons for postponing the Redistribution of Seats Bill until after the consideration of the Constitution Bill. He agreed with Mr. Randell that, from the hon. member's point of view, these reasons were unpublishable, and he was not going to disclose them. [Hon. W. T. LORON: Because the hon. gentleman did not know them.] There was not the slightest objection to the adjournment, because it so happened that the wrong Bill was postponed.

**HON. G. RANDELL** was sorry the Colonial Secretary was not informed of the reasons, but he could assure the hon. member that there was nothing discourteous intended.

The House adjourned at 9-24 o'clock, until the next day.