

New Schedule:

THE PREMIER (Hon. Sir J. Forrest) moved that the following be the new schedule of the Bill:—

SCHEDULE.

I, _____, Collector of Revenue, do hereby authorise _____, of _____, to import into the colony, and to sell or keep for sale in or upon his shop and premises at _____, stills, still-heads, worms, or other utensils or apparatus necessary for distilling salt water.

Dated _____

Collector of Revenue.

Question put and passed, and the new schedule added accordingly.

Preamble:

Agreed to.

Title.—“An Act to amend the Distillation Act, 1871:”

THE PREMIER (Hon. Sir J. Forrest) moved that the word “further” be inserted between the words “to” and “amend,” in line 1.

Question put and passed, and the title, as amended, agreed to.

Bill reported, with amendments.

RAILWAYS ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 7, inclusive:

Agreed to.

Preamble:

Agreed to.

Title.—“An Act to amend the Railways Act, 1878:”

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) moved, as an amendment, that the word “further” be inserted between the words “to” and “amend,” in the first line.

Question put and passed, and the title, as amended, agreed to.

Bill reported, with amendment.

Report adopted.

ADJOURNMENT.

The House adjourned at 9-20 p.m.

Legislative Council,

Tuesday, 10th October, 1893.

Electoral Bill: second reading; committee—Home-stands Bill: third reading—Public Health Act Further Amendment Bill: third reading; recom-mittal—Railways Act Amendment Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 2-30 o'clock p.m.

PRAYERS.

ELECTORAL BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This Bill, Mr. President, is rendered necessary in consequence of the alteration of the Constitution, which will take effect as soon as the recent amendment of the law comes into force. It will be observed, sir, that this Bill deals with the preparation of the electoral rolls and the computation of all such matters as appertain to elections, and in addition there are certain provisions as to offences and penalties. Some portions of the Act of 1889 are still preserved; but the provisions as to voters are entirely repealed, and it is proposed to substitute others in their place. Under this Bill persons who claim to be entitled to vote may send in a claim in the form prescribed. He must answer a series of questions and declare to the truth of them, and any false answer will entail on the person giving it the pains and penalties of perjury. Again, the local authorities of each district—the Municipal Council and District Roads Boards—must send in a return annually showing the names of all persons on their voters' lists, and it will then be the duty of Electoral Registrars, in preparing the annual electoral lists, to insert upon such lists the names of all persons so sent in. Hon. members will bear in mind that the electoral lists are those which are annually prepared on the 15th of February of each year, by the Electoral Registrars of each district. Under this Bill they will be required to prepare two lists, one for the province and the other for the district. The district, of course, is that which is entitled to return a member to the Legislative Assembly. Each district

will form part of the province, and the Registrar will include in his list the names of all persons entitled to vote for the province, for the return of members to this House. If a person sends in a claim as being entitled to vote for the Assembly and the Registrar discovers that he is also entitled to vote for the province, he will enter his name on the list without further reference to the claimant. In future all persons who are on the roll for a district will not be required to make any further claim, for their names, without any effort on their part, will be put upon the annual lists. Hon. members will observe that these provisions are most favourable to the owners of property. While a man who desires to register on account of having resided in a district for six months will have to make a claim and answer a number of questions, the owner of property will have his name inserted without making any claim. If the Municipalities and Roads Boards do their duty properly we shall have in each district the names of all persons who own or occupy property. If any person has disposed of his property, he will be disqualified, and the fact of his no longer possessing it will be equal to an objection raised by a person entitled to object to his being on the electoral roll. The Registrar will give notice to such person that his name does not appear on the list, and unless his claim be proved, his name will be kept off. Under this Bill any person may give notice of objection to the name of any other person appearing on the roll. Such notice must be given in the statutory form, accompanied by a sum of five shillings. Notice will then be given to the person objected to, and his name will be publicly exhibited by the Registrar for a certain number of days. The Registration Court will sit sometime in the month of April in each year, and the Registrar will then produce his annual lists, together with all communications from persons whose names are objected to, and the Court will inquire into the matter. The Court will generally have power to rectify the Register. In connection with the question of the preparation of the rolls and the making of objections, power is given the Government to appoint special persons to look into the matter. The reason for this

is, that the Government is informed that in some of the neighbouring colonies a great number of bogus voters have been placed on the lists. I believe in one of the capital cities of those great colonies about twelve hundred names were found to have been inserted as occupying one residence.

THE HON. J. W. HACKETT: Thirty.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It was found that the Registrars had no power nor information to purge the rolls, and no person cared about the invidious task of doing it, so that a number of persons, who were wholly disqualified, remained on the rolls for years. In one colony, a league was started to purge the rolls, and five thousand objections were taken, the majority of them being sustained. Under these circumstances the Government thought it well to take the power I have referred to, but I trust it may be long before we shall require to use it. The lists having been so revised, will become the lists for the year, and they will then be sent to the returning officers for each district, who will place the names in alphabetical order, and supply a copy to anyone who may desire it. The rolls will take effect from the first of June, in one year, to the 31st of May, in the next. The Registration Court will consist of a magistrate specially appointed by the Governor, who will exercise all the powers of a Police or Resident Magistrate, or of two or more justices of the peace. This is rendered necessary, owing to the difficulty in some districts of obtaining two justices. Hon. members will see that no person, who cannot read or write, may make a claim, because the claim must be signed by him. Of course this will not apply to an illiterate property holder, whose name will be put on the list in the usual way, without any intimation on his part. A Bill also contains a number of provisions with regard to the conduct of elections. It will be observed that there is a provision, that a candidate, who nominates himself, may retire within two clear days after the day of nomination, and he will then be entitled to have his £25 returned to him. Since I have had the honour of considering this Bill, I must say my views have changed on this point. For it is obvious that under such a provision as this, a man, who had no idea of going to a con-

test, might, with a view to creating a little excitement and profit to a certain class of the community, nominate himself and then retire. A sporting gentleman pointed out to me that this was like scratching a horse, after nomination, and he should pay half forfeit. He suggested that if a man scratched himself he should pay £12 10s. If any hon. member thinks proper to strike out this clause, I shall make no objection to it. This Bill is mainly taken from the Queensland Act, and this provision is found in it. Hon. members will observe that a man who is registered as a voter, and then passes to another district, will not be entitled to vote if he has been absent from the district for nine months. There is another important provision, that is, that the presiding officer at an election shall, if called upon by a candidate or his scrutineer, compel the elector to make a solemn declaration that he has not been bribed, and if he refuses to make it he will not be entitled to vote. The provisions with regard to offences are very stringent. By the 65th section "Every person who—"(1.) Wilfully makes a false answer to "any of the questions hereinbefore "authorised, or (2.) wilfully makes a "false declaration under this Act, or "(3.) wilfully makes any false statement in any claim to be inserted in "an Electoral List, or (4.) wilfully "makes any false statement, orally or in "writing, in any Registration Court, in "anywise affecting or relating to the "qualification of himself or any other "person, shall be deemed guilty of a "misdemeanour, and on conviction thereof shall suffer the penalties of wilful "and corrupt perjury." There are also other provisions providing against neglect of duty on the part of presiding officers and others. It needs nothing further, I think, to commend this Bill to the House; and I trust, with the explanation I have given, and one or two almost verbal amendments I propose to make, this House will pay to the Bill a similar compliment as that paid to it by the other House, by passing it without amendment. I move that it be now read a second time.

THE HON. J. W. HACKETT: I have great pleasure in supporting this Bill, which is an essential supplement to the Constitution Bill. While the Constitution Bill can be put into force without

this one, it would be with difficulty and inconvenience and probably with a greater or lesser deprivation of the rights of those entitled to the exercise of them. This Bill is a complicated one, but it follows a good principle, inasmuch as it is based, in a large degree, upon the best Electoral Act existent in the colonies, namely, that of Queensland. There are a few points I should like to draw attention to. In the first place I entirely assent to the propriety of the insertion of the clauses with regard to the formation of the rolls. Something very stringent is necessary to be done to provide the most effective representation in respect of residence. While it is right to purge the rolls of names which should not be upon them, I hardly think that sufficient notice or advertisement is given of the intention of the Registrar to form these rolls. I have always looked upon it as a blot upon our legislation that no notice is given or compelled to be given by the Registrar, who has the superintendence of the making of the rolls. I hope that an amendment will be accepted that due notice of the making of the rolls shall be published in a newspaper circulating in any district, say within a fortnight from the making of such rolls. There is no doubt that the purging of rolls will operate to a large extent honestly, but sometimes it will be found inevitable that names will be struck off which should be upon them. However, of two evils the lesser has been chosen. I had some doubts as to the formation of the provincial rolls, which, it appears, are to be formed from the district rolls.

THE COLONIAL SECRETARY (HON. S. H. PARKER): No.

THE HON. J. W. HACKETT: In some clauses it will be found that the only notice to be supplied by the Registrar is in regard to the district rolls. If this is not to be extended to the provincial rolls a great part of their effect will be done away with. I believe that on the whole the Bill is well worthy of support, and when it becomes law it will be found, I am sure, that the representation will be better, the methods of conducting elections more honest, and generally the whole law on the subject will be brought into a position much more distinctly worthy of the colony than the law under which we are at present working.

THE HON. G. RANDELL: I have not had the time to examine this Bill, but from the reports of the debates in another place I am sorry to find that no simple or effective method has been discovered of allowing those who remove from one district to another to retain their votes. I am aware that a high authority has given the opinion that the difficulties are so great that they are not easily surmounted, but I am sorry that some device has not been tried. It seems very hard to deprive a man of his vote because he happens to remove from one side of the street to the other. If, however, the Act answers the description given of it by the Hon. Mr. Hackett, it will certainly be an improvement on the present law.

Question—That the Bill be now read a second time—put and passed.

IN COMMITTEE.

Clauses 1 and 2 passed.

Clause 3.—“Interpretation:”

THE HON. J. W. HACKETT: I believe naturalisation in the other colonies does not count.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes. The same provision exists in the other colonies as here.

Clause passed.

Clauses 4 to 6 passed.

Clause 7.—“Courts, how constituted and presided over”:

THE HON. J. W. HACKETT: Sub-section (e) says “all or any two or more of the above-mentioned persons.” Will not this clash with sub-sections (a) and (b)?

THE COLONIAL SECRETARY (Hon. S. H. Parker): The object of the clause is that a special magistrate may constitute a Court by himself, or any two justices or any two other persons who may be appointed. I propose, however, to alter sub-section (e) by inserting the words “magistrates, justices or” after the words “above-mentioned.” That will make it clearer. I move that.

Amendment put and passed. Clause, as amended, agreed to.

Clauses 8 to 13 passed.

Clause 14.—“Mode of claiming registration”:

THE HON. J. W. HACKETT: I am not now prepared with an amendment, but I should like to see notice inserted

in a newspaper at least 14 days before the Electoral Court is held. I say this because I have been tormented with inquiries as to when Courts will sit. I would also like to ask my hon. friend if any date is fixed for sending claims in.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am afraid my hon. friend has not perused this Bill with his usual care. It would be quite foreign to this Bill to have claims sent in by any particular time. Claims may be lodged all the year round, and all received before the 15th February in any year will be inserted on the list for the following year. I have a small amendment to make to this clause, that the words “signed and” be inserted before the words “declared before me” in the form of claim. This will ensure that no person who cannot write can make a claim. The claim will have to be signed and declared before the justice, and of course no person who cannot write can comply with the condition.

THE HON. J. W. HACKETT: It seems to me that we shall be landed in a difficulty if claims are allowed to be made all the year round. Suppose a man sends in a claim on the 16th February; it would be too late for that year's list, and then what becomes of his statement for the next year's roll that he has resided in the district for six months? If the claim is based on leasehold or freehold, the property may, in the meantime, have passed from him.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Taking the case of a claim sent in on the 16th February, the Registrar would not deal with it until the 15th February in the following year. He would make inquiries, and perhaps find out that the person who had claimed had left the district or had parted with the property. The claim would then be objected to. Of course there are loopholes to be found in every way you deal with a matter of this sort. All I can say is that we have done everything we can to hedge the Bill round to prevent persons getting on the roll who are not entitled to be there. If we make the provisions too stringent we may make it such a difficult matter to get on the rolls that many persons entitled to be there will not get on.

THE HON. J. W. HACKETT: I have no objection, for I wish to see the rolls as full as possible.

Amendment agreed to.

Clause passed.

Clause 15 passed.

Clause 16.—“Forms may be provided by Government Printer”:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved in sub-clause (6), line 1, to insert the words “in the presence of” after the word “hand.”

Amendment agreed to. Clause passed.

Clause 17.—“Declaration and attestation”:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, in line 2, to insert the words “in the presence of” after the word “hand.”

Amendment put and passed. Clause, as amended, agreed to.

Clauses 18 to 24 agreed to.

Clause 25.—“Registrar to prepare electoral lists”:

THE HON. J. W. HACKETT: Under this clause it seems to me that the purgation of the rolls is imperfect. A man can be struck off the district roll, but remains on the provincial roll.

THE COLONIAL SECRETARY (Hon. S. H. Parker): There is no power for the Registrar to strike off names. The Court is the only authority to do that. The Registrar can give notice, but he cannot strike off.

THE HON. J. W. HACKETT: No doubt the power is in the hands of the Court, but it seems to me that the Registrar will read sub-clause (a) as it stands. My point is, is the provincial roll based on the district roll; and I now find that it is.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Any objections to the provincial roll would not apply to the district roll. The lists are entirely distinct. The Registrar will prepare one list for the province, and another for the district.

Clause passed.

Clauses 26 to 47 agreed to.

Clause 48.—“Retirement of nominated candidate before poll”:

THE HON. J. MORRISON: I move that this clause be struck out. I think it is a very dangerous thing to allow anyone to nominate himself, and then two days

afterwards to withdraw. If this is allowed it may be quite possible for four or five men to come forward solely for the purpose of running a good man out, and then to withdraw.

THE HON. J. W. HACKETT: I shall not offer any objection to the amendment; but I would point out that there is another side to the question. In the first place I do not think it is advisable to make the elections more exclusive than possible, and every additional stringency may prevent a good man from coming forward. Besides this the argument of my hon. friend is not very sound, because there would still be all the inconvenience of persons retiring, even as he proposes to change the law, only that the £25 would be forfeited. I certainly would prefer to see the clause stand as it is.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I really do not care whether the clause is struck out or not. After considering the matter carefully, I think there are more objections to its remaining in than being struck out. As it stands it may induce men who have no show to put up and then retire without paying any forfeit, after considerable expense has been gone to by the Returning Officer.

THE HON. J. W. HACKETT: Will two days make all that difference?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I think so, because there will be no time to be lost. In Perth and Fremantle I think that the usual time between the day of nomination and the day of polling is about five days, and there is no object in postponing the day of election beyond a sufficient time to enable the necessary arrangements to be made.

Clause struck out.

Clauses 49 to 52 passed.

Clause 53.—“Ballot papers to be given to electors”:

THE COLONIAL SECRETARY (Hon. S. H. Parker): Hon. members are aware that under the present Act any person who may be more than 30 miles from the polling place, or who resides in a district other than that for which he desires to vote, may obtain from the Resident Magistrate, or other person appointed by the Governor, a ballot paper, and write the name of the person for whom he desires to vote upon it. The counterfoil

of this is sent to the Returning Officer at the time of election, and that officer, after seeing that the name of the person is on the roll, deposits the voting paper in the ballot box. That provision is very well in the case of persons desiring to vote by reason of a property qualification; but where the qualification is based on residence I hardly think a person should be allowed to vote in this way, because no questions can be asked of persons who vote by proxy. I therefore propose to move an amendment to the effect that when a person is on the roll by reason of a residence qualification he shall not be entitled to vote by proxy. I may just give an instance of the effect of allowing electors claiming under a residence qualification to vote by proxy. In Fremantle the Government employ about 150 men on the harbour works at the present time, and on 15th February next they will be entitled to be put on the roll for North Fremantle. If the Government were to cease the work these men would probably be scattered abroad, and if an election took place, would it be right that these men should be allowed to vote for a representative for North Fremantle by proxy when they had no longer any interest whatever in the place?

THE CHAIRMAN (Hon. Sir G. Shenton): It would be better to deal with your amendment as a new clause.

THE HON. J. W. HACKETT: Anxious as I am to extend the franchise and afford every opportunity to persons to record their votes, I shall support the amendment suggested by my hon. friend, and for the reason that I am not disposed to extend the principle of absent or plural voting which this clause would do without the amendment, and for this further reason that the voters of a constituency should not be overriden by such votes. My hon. friend has referred to the Fremantle harbour works, and, no doubt, the men employed on them could turn an election. We also propose to give the miners two or three members, but if this clause is allowed to stand as it is we may have the men who are building the railways to Yilgarn and Mullewa claiming to vote, with the result that the miners may be completely swamped.

Clause passed.

Clauses 54 to 73 passed.

New clause:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the following new clause, to stand as No. 48, be added to the Bill: "Nothing in this Act contained shall limit or affect the right of any elector (except as hereinafter in this section mentioned) to vote in accordance with the provisions of section fifty-two of the principal Act. Provided nevertheless that no elector whose name is on an electoral roll for an electoral district, in respect of a residence qualification, shall be entitled to vote under the provisions of the said section, and if he does so vote his vote shall be rejected by the Returning Officer, and the ballot paper shall not be deposited in the ballot box."

Question put and passed.

Bill reported.

HOMESTEADS BILL.

THIRD READING.

This Bill was read a third time, and passed.

PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

THIRD READING.

THE HON. G. RANDELL moved that this Bill be now read a third time.

THE HON. J. W. HACKETT moved, as an amendment, that the Bill be re-committed for the purpose of further considering Clause 6. He said: After consideration, I think this clause should be struck out, because, as it stands, it really means nothing, and it was only allowed to pass on the understanding that my hon. friend in charge of the Bill would make some change. I do not know what an exclusive license is according to this clause. It says: "It shall be lawful for any local Board of Health to issue an exclusive license, for any period not exceeding five years, for the whole or any portion of the said Local Board's district, to any person, on such conditions as may be mutually agreed upon in writing and signed by the chairman of the Local Board of Health and the licensee respectively; such contract may express any sum of money to be forfeited to the board (and which may be sued for) for non-fulfilment of the conditions or any of them; and the prices agreed upon in

"such contract for the performance of any kind of service may be legally charged against any occupier or owner for whom a service may be performed by the licensee." It does not say what a man is to be licensed for, or what he is to do. Then there is a proviso, "that no board shall be liable for any negligence of the licensee, and any local board may reserve to itself the exclusive right to perform by its servants the removal of nightsoil or any other sanitary service." I submit that the whole clause is absolutely without meaning, or intention or effect.

THE HON. G. RANDELL: I hardly think it necessary to recommit the Bill. As I understand the words "exclusive license" they mean that the local board may contract with one person as distinct from a number of persons.

THE HON. J. W. HACKETT: Where is that stated?

THE HON. G. RANDELL: The fifth clause, which has been struck out, would throw light on it.

THE HON. J. W. HACKETT: But that does not exist now.

THE HON. G. RANDELL: It says that the local board may reserve to itself the exclusive right to perform the work.

THE HON. J. W. HACKETT: That is the proviso.

THE HON. G. RANDELL: I take it that the clause is to enable the board to contract with one person for the service. I am not prepared with any amendment, and shall not now resist the clause being struck out, because I think the value of the Bill has already gone.

Amendment put and passed.

Bill recommitted.

IN COMMITTEE.

Clause 6.—"Exclusive Licenses":

THE HON. J. W. HACKETT: I move that the clause be struck out. It has no place in the Bill, and even my hon. friend does not know to what it refers. I am afraid the hon. gentleman who fathered this Bill in another place has not taken legal advice upon it, or it would not have come to us in the shape it has. Considering the wholesale improvements that have been made in many Bills when they have come to this House by my hon. friend the Colonial Secretary, I am certain, from what I know of him, that he

would, if requested, have placed his legal talents at the disposal of the hon. member who has moved in regard to this Bill. The Hon. Mr. Randell says the value of the Bill has been destroyed, but I do not think so. We have prevented swine being kept in the city, and we have provided for the introduction of the doublepan system; but we have very properly refused to allow individual tax-payers to be ground down and subjected to all sorts of penalties at the caprice of the board, and have prevented them, by their by-laws, from destroying the whole fabric of municipal government. I move that the clause be struck out.

THE HON. J. MORRISON: I have much pleasure in supporting the Hon. Mr. Hackett who, I hope, will, in future, vote on the right side in the first instance.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The hon. gentleman, who sits in another place, did ask me to take charge of the Bill; but I told him I had not the time to take the matter in hand.

Clause struck out. Bill reported.

RAILWAYS ACT FURTHER AMENDMENT BILL.

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

ADJOURNMENT.

The Council, at 4:30 o'clock p.m., adjourned until Wednesday, 11th October, at 4:30 o'clock p.m.