

Legislative Assembly.

Wednesday, 13th June, 1900.

Papers: Railway Locomotive Engineer (Mr. Campbell), Retirement; Motion to Print Papers, Division (negatived)—Appropriation Message: Temporary Supply; Standing Orders Suspension; Supply Bill passed—Question: Rifles and Ammunition, Public Training for Defence—Privilege: Geraldton Case, Report of Select Committee (debate as to procedure)—Motion: Registering Votes, some Difficulties—Privilege: Geraldton Case, Resignation tendered—Municipal Institutions Amendment Bill, second reading, in Committee, progress suspended—Constitution Amendment Bill (electoral boundaries, to amend error), first reading; second reading (postponed)—Adjournment.

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

PRAYERS.

PAPERS—RAILWAY LOCOMOTIVE ENGINEER (MR. CAMPBELL), RETIREMENT.

THE COMMISSIONER OF RAILWAYS laid on the table, as ordered, correspondence relating to the late retirement of Mr. R. B. Campbell from the position of Railway Locomotive Engineer. The Commissioner stated, in doing so, that this was the departmental file of papers, and he would require them to be returned to the department.

Ordered that the papers lie on the table.

MOTION—PAPERS TO BE PRINTED.

MR. HIGHAM (Fremantle) moved that the papers be printed.

THE COMMISSIONER OF RAILWAYS (HON. F. H. PIESSE): The file of papers laid on the table included a number of papers which it would be of no advantage to anyone to see in print; but of course those papers amongst the batch that were connected with the retirement of Mr. Campbell from the railway service might be printed, if it was thought necessary. The papers were laid on the table for the perusal of hon. members; and while he had no objection to the papers being made public, he did not think there was any necessity for all the papers to be printed. Even those papers which related to the retirement of Mr. Campbell would involve a considerable amount of printing; and whether it was necessary for even those papers to be printed, seeing they were laid on the table as a departmental file, was a question for the House.

MR. ILLINGWORTH (Central Murchison): In the case of papers of this kind, it should be sufficient for all purposes to have them made accessible to members of the House; and being open to perusal by hon. members, there appeared to him to be no necessity for printing them. While not desiring to be particularly economical, we should not wish to see money wasted.

THE PREMIER: The newspapers would pick out the tit-bits.

MR. ILLINGWORTH: This file of papers would have to go back to the department, and the House in its judgment would see that it was undesirable to print these papers in the circumstances.

MR. HIGHAM (as mover): The object in moving that the papers be printed was that the resignation of Mr. Campbell, or his withdrawal from the railway service, had created a great deal of dissension throughout the railway service of the colony. On the one side, many persons expressed the opinion that Mr. Campbell had been hardly dealt with; while on the other hand it had been stated that the department was fully justified in the action taken which led to the retirement of Mr. Campbell. Therefore, in the interests of the community, it was desirable these papers should be printed, and the fullest publicity given to them.

MR. GEORGE: Why in this case any more than in the retirement of any person from the public service?

MR. HIGHAM: This gentleman had controlled in various ways something like 2,000 employees of the service—[MR. DOHERTY: "Controlled": hear, hear]—and his retirement from the railway service caused serious inconvenience to the community at large, and a strike in the Railway Department.

MR. GEORGE said he understood that the Railway Association had said Mr. Campbell's retirement did not lead to the strike.

MR. HIGHAM: No matter what the Railway Association said, as a matter of fact it did lead to a strike. The retirement had led to a good deal of discontent and misconception, and the sooner these were removed the better, not only for the Government but for Mr. Campbell and the Railway Department. He must admit there might be many documents in the list laid on the table which were foreign

to the matters at issue; but he did hope that all the documents which applied to the question of Mr. Campbell's retirement would be made public property, and the only proper way to do that was to print them. All the labour organisations in the colony that were affected by this matter could receive a copy and consider it.

MR. GEORGE (Murray) expressed regret that the mover had not given any conclusive answer as to why these papers should be printed. If the papers were laid on the table, and hon. members had an opportunity of perusing them, that should be sufficient; and if afterwards the question were brought up in the House, the judgment of hon. members might decide that it was necessary to print the papers. For his own part he entered a strong protest against the fact that the retirement of any officer from the Government service should necessitate the whole machinery of Parliament being set in motion to sit in judgment on that officer's case, when it had already been gone into by the head of the department and by his responsible officers. The papers being on the table were open to all hon. members. If the House were to resolve that the papers in this case should be printed, what would it lead to? Every postmaster or post-mistress throughout the colony, who might have a grievance through being removed, might induce some member of this House to move that all correspondence relating to the particular case be printed. It might possibly happen, though this was hardly conceivable, that the Secretary to the Premier might have a grievance of this kind, and might get some member to move that all papers in connection with his grievance should be printed for the information of the public. Would the printing of these papers serve any good and legitimate object? Would it do any good to Mr. Campbell himself? If the effect of printing these papers would be to remove any aspersions from the character of Mr. Campbell, it might be desirable to print them, or if the mover could show that any injustice had been done to Mr. Campbell, he (Mr. George) would support him as far as possible. No one could desire more than he did that Mr. Campbell should have fair play in every shape and form. That gentle-

man belonged to the same trade as himself, and he (Mr. George) had been a member of a Commission which had to deal with certain matters connected with the Railway Department. But whilst desirous that justice should be done, he did not think it would be in any way put on one side if the papers were not now printed. Seeing that members could peruse them and form their judgment as to whether it was necessary to print them, a delay of a week, a month, or two months in the printing of the papers would not injure Mr. Campbell. If there was any misconception regarding the reasons for the retirement of Mr. Campbell, that gentleman was the best person to give reasons. What business was it of anyone but Mr. Campbell? Did the hon. member (Mr. Higham) appear for him?

MR. HIGHAM: Certainly not; he appeared for the public.

MR. GEORGE: What business of the public could be a matter which related to the private business of a private individual?

MR. HIGHAM: It was a public matter.

MR. GEORGE: If the hon. member wanted us to believe that the retirement of Mr. Campbell led to a strike, that would be the greatest possible argument against the recognition of the association. The hon. member was trying to speak for the other week.

Question—that the papers be printed—put, and a division being called for, it was taken with the following result:—

Ayes	12
Noes	13
Majority against			1

AYES.	NOES.
Sir John Forrest	Mr. D. Forrest
Mr. Hall	Mr. George
Mr. Higham	Mr. Harper
Mr. Holmes	Mr. Hubble
Mr. Jeffroy	Mr. Illingworth
Mr. Locke	Mr. Monger
Mr. Pennefather	Mr. Moorhead
Mr. Piesse	Mr. Moran
Mr. Quinlan	Mr. Oats
Mr. Rason	Mr. Phillips
Mr. Solomon	Mr. Robson
Mr. Doherty (Teller).	Mr. Wilson
	Mr. Leake (Teller).

Question thus negatived.

THE SPEAKER requested that hon. members would not remove any of the documents from the House, because they were departmental and must be returned

MR. HIGHAM: Presumably the Press could have the use of them?

THE SPEAKER: The Press always had the use of papers on the table; but these papers were not to be taken off the table.

APPROPRIATION MESSAGE—TEMPORARY SUPPLY.

REMARKS AS TO PROROGATION AND A CONSTITUTION AMENDING BILL.

A message from the Administrator was presented by the PREMIER, and read, recommending a Bill for the appropriation of £450,000 from revenue and loan funds, for services of the year ending 30th June, 1901.

STANDING ORDERS SUSPENSION.

THE PREMIER (Right Hon. Sir J. Forrest): I have conferred with my hon. friend opposite (Mr. Illingworth) in regard to the time when this House shall meet again; and we are both of opinion—and I think we are supported by most of the members of the House—that it is undesirable this House should meet while the federation referendum is being taken. That being so, it is proposed that the House shall meet as soon as possible after the referendum on the 31st July. That course did not occur to me till yesterday, when someone mentioned it; and I concur in it, though I fully intended to meet Parliament again about the end of the month, or the first week in July. The course suggested commends itself to me as being desirable. I think it would be somewhat inconvenient if we were sitting here discussing public matters while the referendum was being taken. It would not be conducive either to the business of the House or to the work of conducting the referendum. That course necessitates our having a month's supply, or something like that, and my hon. friend is willing to assist the Government in passing a Supply Bill through all stages as quickly as possible. Therefore I move that the Standing Orders be suspended to enable a Supply Bill, and in fact any Bills during the present session, to be passed through all their stages, as may be considered desirable by the House, without applying the Standing Orders. I may say I have another Bill which I propose to introduce, if hon. members will assist me in it. It is in regard to the Constitution Act. I regret very much to say that

an error has been detected—it came under my notice only to-day—with regard to the boundaries of the Nelson and Wellington electoral districts (South-West). The Legislative Council made an amendment in the South-West mining electoral district, by which the boundaries were altered; and that amendment was adopted by us, but by some oversight the consequential amendment in the adjoining districts was not made. Of course the result of that is that certain adjoining districts will overlap. I am advised that there will be no difficulty in this matter, the Governor having power to assent to a Bill for the rectification of this omission. What has occurred is merely the omission of a consequential alteration, necessitated by an alteration made by the Upper House and assented to by this Chamber. I therefore desire to take the opportunity now, seeing that the rolls have to be prepared, of passing this small Bill through all its stages. That is not a matter which affects anyone. It is, as I say, merely the rectification of an oversight, and for that purpose I propose to move that the Standing Orders be suspended in regard to Bills for the remainder of the session, on the understanding that I do not intend to move any other Bills but this one as to the rectification of the errors which, I regret to say, seem to have crept into the last Constitution Act. I beg to move the suspension of the Standing Orders for the remainder of the session in regard to Bills.

MR. MORAN (East Coolgardie): I ask the right hon. gentleman whether he will consider the advisability of suspending the Standing Orders altogether. I do not see why they should not be suspended.

THE SPEAKER: I think that would be very objectionable indeed, for it would be leaving me without any power whatever.

THE PREMIER: The suspension of the Standing Orders could be moved in relation to each separate matter.

THE SPEAKER: In my opinion, it is a very bad practice to suspend the Standing Orders, unless it is absolutely necessary to do so.

Question put and passed, and the Standing Orders suspended accordingly.

On further motion by the PREMIER, the House resolved itself into Committee of Supply.

IN COMMITTEE OF SUPPLY.

THE PREMIER moved:

That there be granted to Her Majesty, on account of the service of the year 1900-1901, a sum not exceeding £300,000 out of the Consolidated Revenue Fund, and £150,000 from moneys to credit of the General Loan Fund.

Question put and passed.

WAYS AND MEANS.

Resolution passed, in Committee of Ways and Means.

Resolutions reported, and the report adopted.

SUPPLY BILL, £450,000.

Bill for giving effect to the foregoing resolutions was passed through all stages, without debate, and transmitted to the Legislative Council.

QUESTION—RIFLES AND AMMUNITION, PUBLIC TRAINING FOR DEFENCE.

MR. WILSON asked the Premier, What steps, if any, the Government had decided to take to carry out the wishes of the people, as expressed by a deputation to the Premier, that the Government should take immediate steps to procure an adequate supply of rifles and ammunition, and provide facilities for the people to acquire the use of same.

THE PREMIER replied :—The matter was being considered, and would be further dealt with when the Estimates were being framed.

PRIVILEGE—GERALDTON CASE, REPORT OF SELECT COMMITTEE.

MR. MOORHEAD, Chairman of Select Committee, brought up the report of the Committee, with evidence, relating to the inquiry ordered by the House into charges made by the member for Geraldton (Mr. Robson), reflecting on members of the Legislative Assembly.

Report received, and read by the Clerk.

MR. MOORHEAD (North Murchison) further moved that the report, with the evidence taken, be printed.

MR. ILLINGWORTH (Central Murchison): I would ask, Mr. Speaker, whether it is necessary to print all this evidence, seeing that it has already been published in the newspaper Press?

THE PREMIER: The official shorthand report will be fuller.

MR. MONGER (York): Shall I be out of order in moving the suspension of

the Standing Orders in regard to the presentation of this report, in order that those who have statements to make may be able to make them? I move formally that, so far as this inquiry is concerned, the Standing Orders be suspended.

MR. HUBBLE: I second the motion.

THE SPEAKER: A motion has been made that the Standing Orders be suspended, and the motion has been seconded; therefore I am bound to put the question; but I think it is undesirable to suspend the Standing Orders on this occasion. What action can be taken if the Standing Orders are suspended? Surely hon. members should wait until the report has been printed. The Standing Order on this point says:

Upon the presentation of a report, no discussion shall take place; but the report may be ordered to be printed with the documents accompanying it. . . . If any measure or proceeding be necessary upon a report of a committee, such measure or proceeding shall be brought under the consideration of the House by a specific motion, of which notice must be given in the usual manner.

I should say that is a highly desirable proceeding. When the report is printed, and hon. members are in possession of it, then any hon. member can found a motion drawing attention to the matter of the report; in fact, notice of a motion has been given; but I do not think it desirable that a discussion should take place on the matter until the report is printed. Of course, it is for hon. members to say, and not for me.

MR. MONGER: I have no desire to do anything contrary to the Standing Orders, or contrary to the ideas you hold, Mr. Speaker, because I respect those ideas. But so far as I am personally concerned, I would like to say I am prepared to substantiate everything I had in my mind last night in regard to the member for Geraldton (Mr. Robson). The hon. member gave me no latitude, and I do not see why, under the circumstances, I should be called on to give latitude to him. I would like, if possible, to absolutely disprove, as I am prepared to do, the miserable and dirty reflections which he has cast upon me, and to cast back the charges which he has tried to level against me and some others on this side of the House.

THE SPEAKER: It will only make a difference of one day.

MR. MONGER: But if you deem me to a certain extent out of order in moving suspension of the Standing Orders, and as not taking a course usually recognised under similar circumstances, it would be better perhaps to withdraw the motion I have submitted.

MR. HUBBLE (Gascoyne): I would like to ask whether it could not be taken as a fact that the report is printed?

THE SPEAKER: Certainly not.

MR. HUBBLE: I want to put myself on a right footing, and we want every word printed.

THE PREMIER: That is the motion before the House now.

MR. HUBBLE: But I want to understand whether we cannot take the report as printed.

THE SPEAKER: No; certainly not.

MR. HUBBLE: Then I ask your ruling as to whether I ought to give notice of motion now.

THE SPEAKER: Of course notice must be given, if it is intended to bring forward a motion founded on the report.

THE PREMIER: When ought the notice of motion to be given?

MR. HUBBLE: That is what I want to know.

THE SPEAKER: The Standing Orders say it must be given "in the usual manner."

THE PREMIER: But we had not the report here at the time for giving notices.

THE SPEAKER: No; I know you had not. That is the difficulty. To enable a motion to be drawn up, it would not be a bad idea if the House were to adjourn for, say, half an hour; and after the adjournment notice of a motion could be given, and it would then appear on the Notice Paper for to-morrow. I think that would be the fairest way. At any rate, when any charges are made against a member of this House, he should have notice of what the motion is to be. We do not deny that, I think, to any criminal who is charged in a court.

MR. MONGER: As far as I am personally concerned, I desire to refer to a certain portion of the member for Geraldton's remarks; but I am also desirous of showing to the people of Western Australia who the individual is who dares to level these charges at me.

THE SPEAKER: The hon. member will have an opportunity of doing that, when

the motion to deal with the report is brought forward.

MR. MONGER: Then, on dealing with the report, I shall have an opportunity of telling the people of Western Australia who he is, and that he is a man who has not paid twenty shillings in the pound. I am desirous of doing that, and of pointing out to the people of this colony the lame position which he occupies under the protection of the law. If I am privileged to refer to this matter on the consideration of the report, I shall be perfectly satisfied.

MR. MORAN: The question before the House is that the motion for suspending the Standing Orders be withdrawn.

Motion, by leave, withdrawn.

MR. MORAN: There is now the question of printing the report.

MR. LEAKE: Was that motion carried?

THE SPEAKER: It was carried.

THE PREMIER: I do not think the motion for printing was carried.

THE SPEAKER: I think it was. Did I not put it?

SEVERAL MEMBERS: No.

THE PREMIER: I think the easiest way out of this difficulty will be to pass the motion that the report be printed. I understand it will be printed immediately, and will be on the table to-morrow for the information of hon. members; and that, with the Speaker's permission, after the dinner hour to-night, notice may be given of a motion in connection with the report.

MR. MORAN: Why wait till then? Do we wish to meet again after dinner?

THE PREMIER: There is some other business to do.

MR. MOORHEAD: Would it not be better to fix to-morrow for the consideration of the report?

THE PREMIER: We must give notice to-night.

MR. GEORGE: Why not adjourn for ten minutes?

THE PREMIER: I fear we cannot get through our business by half-past 6.

MR. MOORHEAD: Why not pass the motion for printing the report?

THE PREMIER: That motion we can pass; but we want also a specific motion on the other question.

MR. ILLINGWORTH: I think there would be no objection to the proposed motion

being read in the House, that the House may see what it is.

THE PREMIER: The motion is not ready.

Question—that the report and evidence be printed—put and passed.

MR. MORAN: I am told we ought to have a motion as to when we shall consider this report. [**MR. HARPER:** Yes.]

THE PREMIER: We are about to have one.

MR. MORAN: But let us decide now when we shall consider the report.

THE PREMIER: To-morrow.

MR. MORAN: Well, give notice to that effect, if you wish.

MR. HARPER: We want a motion that the report be considered.

MR. LEAKE: Give notice of a motion, by leave of the House.

MR. MORAN: No; no notice of such a motion is necessary. I beg to move that the report be taken into consideration at the meeting of the House to-morrow.

MR. HARPER: I second that.

Question put and passed.

THE SPEAKER: We have not yet overcome all our difficulties, because I think we ought to give notice of the motion, if there is to be a motion, which will be proposed to-morrow.

MR. MORAN: I move that this House do now adjourn till 20 minutes to 6 o'clock.

MR. ILLINGWORTH: Is it not somewhat irregular for a private member to move the adjournment of the House?

THE PREMIER: It is not a formal adjournment of the House. For the convenience of members, the Speaker is asked to leave the Chair temporarily.

MR. MORAN: I am afraid the leaders on both sides of the House are somewhat slow.

THE SPEAKER: I will leave the Chair till a quarter to 6 o'clock.

At 5-23, the **SPEAKER** left the Chair.

At 5-45, Chair resumed.

MR. MORAN (East Coolgardie): I beg to give notice of the following motion for to-morrow:—

That this House is of opinion that the explanation made by the hon. member for Geraldton, that his charges should not be taken in

their literal sense, is not sufficiently satisfactory. (2) This House is of opinion that, should the hon. member for Geraldton make an unqualified withdrawal of the charges, no further action is necessary. (3) That, failing the withdrawal, this House is of opinion the hon. member should be censured by Mr. Speaker.

MOTION—REGISTERING VOTES, SOME DIFFICULTIES.

MR. VOSPER moved:

That, in the opinion of this House, it is desirable that the attention of the Government be directed to the Electoral Officers in and around Perth, with a view to promoting the registration of persons entitled to the franchise. He did not wish to do more than direct the attention of the Government to the present conduct of the electoral officers in and around Perth. He confined his motion to Perth, because he had not had time to go into the matter in outside districts nor on the goldfields. He had no intention to censure the officials or their conduct, but to call attention to certain matters which might be remedied if the Government gave attention to them. Complaints had reached him that the electoral registrars were not doing all they might do in the direction of facilitating the enrolment of people entitled to the franchise. Section 13 of the Electoral Act, under which the officers were appointed, said that the registrar should keep forms of claims and applications for transfer, and without fee supply the same, and fill them up. Complaints had reached him that registrars would not comply with this section, they would not fill up the papers, and would not assist the public, but seemed to put many technical objections in the way of the registration of claims. He had always looked upon it as a curious thing that whereas under the Goldfields Act, which dealt with the administration of thousands of pounds' worth of property, it was expressly laid down that no technical informality in a document should make it informal, but when it came to the question of voting, a mere informality—the scratch of a pen in the wrong place—rendered the document informal. The document which a person had to fill up for a claim stated “hereunder the following are my qualifications.” To his knowledge 58 claims had been rejected by the electoral registrars in Perth on the sole ground that more than one qualification

had been given. A man resided in the colony so many years, he also said he was a householder or the owner of land, but because a man put two qualifications in the place of one, the claim was rejected. That did not seem in accordance with the Act, and it was opposed to the phraseology of the claim which said "qualifications." A person could state as many qualifications as he chose, but it did not seem sensible that a person should be disqualified because he had two qualifications to vote. It appeared to him that if the electoral registrar was to interpret the Act according to the spirit, these trivial objections would not be held, and people would get on the roll easily. Section 13 of the Electoral Act had not properly been complied with. If a person went to the electoral registrar with an informal claim, the person was told to get a fresh one and have it attested again. What the officer should do was to fill up the form for the man or woman, and if satisfied should attest it there and then, or the form could be filled up and the applicant could be told to go away and get a fresh attestation. But the officers gave the applicant a blank form, and told him or her to go away, fill it up, and get it attested. Persons expected to find the task of making a claim simplified under the new Act, but they found that their claims were rejected. He did not think Parliament intended that that should take place under the Act. He had simply brought forward the motion to urge on the Government that they should pay some attention and see, if possible, that electoral registrars did not refuse claims on technical grounds. The Premier had called his attention just now to certain forms which had been filled up and one on which he (Mr. Vosper) had put a wrong date, consequently it was rejected.

MR. GEORGE: It was not usual for the hon. member to be inaccurate.

MR. VOSPER: An inaccurate statement of that kind would cause a rejection of the form, and he had no objection to that, as he could fill up another form and send it in; but because a person had a double qualification, that was no reason why the claim should be rejected. Therefore he (the Premier) was asked simply to intervene in these matters, and to call the attention of the registrars more particularly to the terms of Section

13 of the Act, so that they might give the information they were called upon to give under the Act.

MR. ILLINGWORTH (Central Murchison): One would like the Premier to take this question earnestly into consideration. A person came to him (Mr. Illingworth) to fill up a form, but he must confess the wording was too much for him. Ordinary electors would not be able to quite understand what was intended; for one was asked to state his qualifications, length of residence, and what property he had, and there were five or six questions, one after the other. Surely if every question were answered correctly, that should not be a disqualification; but it was being made such, and an impression was getting about that officers were taking it upon themselves to disqualify electors. He was sure that was not the case, and he could not conceive that it could be the case on the part of the Government; consequently he thought some simplification was required, and a little consideration from the Government. The attention of the registrars should be called to the fact that they were expected by the Act to assist the applicant in filling up his paper. The registrars, however, were not doing that, but, on the contrary, were seizing every little mistake that might be in the paper to disqualify the applicant. That was not a fair thing. It was not what this House desired, or intended, nor what the Electoral Act intended. We had paid officers, who ought to assist applicants in filling up forms, and instead of rejecting claims through informalities, they should admit them so long as the applicants showed sufficient qualification, irrespective of any little mistakes. He (Mr. Illingworth) sent in a paper in which he had put down two qualifications, and he expected to be disqualified. There was nothing to show that a man was not to mention more than one qualification. The form asked a person to give every qualification possessed, and if he (Mr. Illingworth) were to do that, he would give five or six. It was not the Act that required what had been referred to, but the officer. The officer took upon himself to say that two qualifications invalidated a paper, and he had no right to do so. One did not suppose the Government

instructed him to do it, and what he (Mr. Illingworth) wanted the Government to do was to instruct the registrar not to do it, and to tell him that as long as an individual applicant showed sufficient qualification his claim should be admitted.

MR. GEORGE (Murray): This motion did not go as far as it should. Certainly it was desirable that the attention of the Government should be directed to the question, but what was far more desirable was that the Government should be directed to do its duty in this matter, which was to carry out the instructions of this House when they passed the Electoral Bill, that, subject to certain qualifications, every man and woman should be upon the roll. How could that possibly be done when the Government did not provide the necessary machinery, and what was the use of blaming the Electoral Registrar and those officers with him when he had not sufficient to do the work properly? If the Government were serious, why did they not strike out and let the people understand that we wanted a proper roll. He did not think it was quite fair for us to blame the officers. If a man had his hands tied upon his back, we could not expect him to make a proper defence against a man whose fists were free, and why should we expect Mr. Daly to be able to deal with rolls which would perhaps relate to 100,000 people, when he had only as many to assist him as had an ordinary merchant or land agent? For years this House had been playing with the question, and had not seen the necessity of people who paid the taxes having the right to vote. We passed Acts and kept back the machinery. We said it was necessary to have machinery, but had not provided the funds. Of course we should pitch into the Premier—we always did, and the right hon. gentleman was made to be shot at—but we ought to pitch into ourselves for not properly looking after the rights of the people in this respect.

MR. WOOD (West Perth): The motion by the member for North-East Coolgardie (Mr. Vosper) was a very proper one. To fill in one of these forms straight away was rather puzzling. Still, there were a lot of canvassers about; a lot of zealous people. Every Tom, Dick, and Harry seemed to constitute himself

an electioneering agent to get people on the roll. He thought that what they ought to do before undertaking duties of this sort was to obtain a little information and instruction from the Registrar. That was what he (Mr. Wood) did, and he found no difficulty now in placing people on the roll. He supposed he had placed some hundreds on the roll during the last week. The member for the Murray (Mr. George) struck the nail on the head when he said the office was undermanned. He (Mr. Wood) had spoken times out of number about the situation of the electoral office.

MR. ILLINGWORTH: A guide was wanted to find it.

MR. WOOD: It was in the most out-of-the-way corner in Perth, almost. I was in a dingy little room in which three or four men were engaged, there being no accommodation for the public, and no accommodation for the work. He heard a day or two ago that new offices had been taken on the ground floor of the Mechanics' Institute, at the corner. That was a move in the right direction. An enormous lot of work came before these officers, and he hoped the Inspector of Parliamentary Rolls would be given proper and reasonable assistance.

THE PREMIER (Right Hon. Sir J. Forrest): The Director of Public Works informed him that the Government had taken some good offices on the ground floor of the Mechanics' Institute, which would be a very convenient place for the work of the Registrar. He regretted that heretofore the office had not been in a suitable position, or in a place large enough. The filling up of claims seemed to be a troublesome matter, because people who undertook it did not seem to be careful. A fairly intelligent person ought to be able to manage it, but if a person put the 8th May, whereas the Act did not come into force until the 17th May, what was the poor registrar to do? If he took it on himself to alter the date to the 8th June, the registrar might be told—of course not in the case of the hon. member (Mr. Vosper), because the date was before the Act came into force—but might be told by someone that he had altered the application, and that the applicant applied a month earlier than was shown on the roll. So the registrar did not know what to do.

MR. VOSPER: The registrar was authorised by the Act to make alterations of that kind.

THE PREMIER: If the registrar was authorised, he ought to do it, but he (the Premier) did not think the registrar could alter a man's application. It was a serious matter to alter an application, and there was no doubt that some people seemed to be rather stupid with regard to filling up these claims. He saw a bundle of claims which was brought to him, and all of them were improperly filled up. Some were not witnessed, and in some the full name was not given, the name being put as "O. Bloomer," or something. What was the good of that? What was "O."? It might be Octavius.

MR. VOSPER: "I O U" were well-known initials.

THE PREMIER: The form showed that the full name should be given, yet a person gave one initial only, and so on all through the piece; therefore there was difficulty. He was quite aware that up to the present we had not spent enough money with regard to the electoral rolls. We were trying to do it cheaply, and had to do so. It was a very expensive business. He was almost horrified to-day when told that the referendum was going to cost £10,000.

MR. GEORGE: What was that?

THE PREMIER: A tremendous lot of money.

MR. GEORGE: The Premier said there was a million in the Treasury.

THE PREMIER: Not for that purpose. He had said that £500 ought to be nearer the cost: but they laughed at him. He thought we ought to get it done for less than £10,000; at any rate he hoped so, by utilising the officers we had. All these things meant a very large expenditure. His friend opposite (Mr. Illingworth) whom we knew to be very intelligent, had a qualification for landed property. One block would be quite sufficient for all the purposes of registration; but, not content with mentioning one block, the hon. member named three or four. What did he want to do that for? If he did that, he would be put down as the owner of several blocks.

MR. ILLINGWORTH said he was a resident and had property as well.

THE PREMIER: If one was a residence qualification, what more was wanted? If the hon. member sold the property referred to, the roll would be wrong in a few months, because the property would belong to someone else.

MR. VOSPER: Why was the plural given in the schedule?

THE PREMIER: That would mean in a case where a piece of property was not of sufficient value, and two pieces were required to make up the required amount. If one was sufficient, why put two? If a person was qualified by residence, why mention that he was qualified by something else? For his own part, he never qualified by residence, but always by property, because property did not change so easily; and if he sold it, he knew that he lost his qualification, but perhaps he could get put on as a resident. While he had property he always qualified by property, because people could more easily find the owner. He would do the best he could in the matter, but it was a peculiar subject, involving the expenditure of more money than hitherto. No doubt the rolls had not been well kept, because those responsible for them had other duties to perform, and the plan adopted elsewhere would have to be adopted here, namely, that of giving the officials little or nothing else to do. He had no objection to the motion, and hoped it would do some good to those who had the management of the matter.

MR. HALL (Perth): The words "state what qualifications" would imply to the ordinary man that the statement of more than one qualification was permitted.

THE PREMIER: So it was permitted.

MR. HALL: But the Electoral Registrar said it was not, and forms containing more than one qualification had been rejected as incorrect. The common sense of the Electoral Registrar might have told him that more than one qualification was permitted, and it would appear that registrars sometimes took on themselves a little too much authority. He had been told of one instance before the last election where father and son, both bearing the same christian name and living in the same street, had sent in forms, one of which the registrar took on

himself to tear up, so that one man really was enrolled as a voter. The other, who was the son, naturally imagined he was on the roll and voted also, and was now said to be threatened with prosecution.

Mr. DOHERTY (North Fremantle) suggested that an approved form should be inserted in the daily and weekly newspapers, for three or four consecutive Saturdays, in order to show people, especially country people, the proper way of filling it up.

Mr. VOSPER (in reply): The remarks of hon. members were gratifying to him, but he could hardly agree with the Premier that the trouble arose from the stupidity or carelessness of the voter. When a person saw on the face of the form that "qualifications" and not "qualification" had to be filled in, he naturally proceeded to do as he was told; and yet if two qualifications were given, the claim was rejected, and the stupidity and carelessness, if any, rather lay on the part of the officials. He agreed that a sufficient staff and sufficient facilities were not given for carrying on the work of preparing the rolls, and he could quite understand the staff being worried with pressure of business, and not perhaps being so civil or obliging as they otherwise would. The suggestion to advertise an approved form properly filled up was an excellent one, and another good idea would be to publish proper instructions on the form itself. He was aware that the form, being a schedule under the Act, could not be altered without an amendment of the measure; but that difficulty might be obviated, as had been done on a former occasion, by an advertiser who printed his announcement at the foot of the form, separated from the form itself by a perforated line, so that the form could be torn off. As to the canvassers whom the member for West Perth (Mr. Wood) had described as being over-zealous, the Electoral Registrar ought to exercise a good deal of care; and if that officer would undertake to supply to properly formed associations an unlimited number of forms, that would meet all demands. The canvassers who were now going about filling up the forms should be suppressed as quickly as possible.

Question put and passed.

PRIVILEGE—GERALDTON CASE: RESIGNATION TENDERED.

MR. ROBSON (Geraldton): I rise for a moment on a question of privilege, and would like to have the Speaker's permission to say a few words. Having heard the report of the Select Committee, and also the Notice of Motion given for to-morrow, I now withdraw any reflections I have made on members of the House, and unreservedly apologise to the House and to individuals who may have deemed themselves affected by my remarks. I wish also to state, if so allowed, that I have, right from the beginning of the matter, tried to impress on the House that I do not wish in any way to reflect on the private characters of individual members of the House. I have tried to do so in the House, and I have done so before the Select Committee; and I now, sir, abide for the time being by the decision which this Select Committee has put forward. But I have also always maintained that the tribunal I am prepared to face is that which I consider to be the ultimate tribunal, namely, my constituents and the people of the country, who will in this matter, I feel sure, give me a fair and impartial hearing. Under these circumstances, I shall not proceed further with this matter to-night, but merely tender my resignation as member for the electorate of Geraldton.

MR. MORAN (East Coolgardie): This, what I might almost call sudden *dénouement* of this unpleasant matter, necessitates our getting a little guidance from you, Mr. Speaker; and as a matter of urgency I hope you will inform me whether the action of the member for Geraldton interferes with the Notice of Motion given for to-morrow; because in my humble opinion the member for Geraldton has just now offered an unqualified withdrawal as regards individual members of the House. Whether that withdrawal is satisfactory to the House or not, being qualified by the remark "for the time being" and so on, is for the House to say; but certainly his action affects the second part of my Notice of Motion, because it would be very hard to censure one who was not then a member of the House. What I want to ask, on behalf of others, is whether you will give to gentlemen who

may consider they have something to say in vindicating their position, the right to speak on the question; that is, whether this interruption to the ordinary course of debate will enable hon. members to discuss the Notice of Motion?

THE SPEAKER: I certainly think the Notice of Motion can be discussed to-morrow, which is the day for which the notice has been given.

MR. MORAN: Will it be in order for members to discuss the matter now?

THE SPEAKER: No; not until the question comes up to-morrow.

MR. MORAN: The ordinary discussion will not be interfered with by the resignation of the member for Geraldton?

THE SPEAKER: Not at all.

MR. MONGER (York): There is only this point, that some of us may have to express our regret that the hon. member will not be in his place to hear what we have to say.

MR. MOORHEAD (North Murchison): May I ask, Mr. Speaker, whether there is a member for Geraldton now?

THE SPEAKER: There is, until the House declares the seat vacant. I will immediately read the resignation, and it is for the House to take action and declare the seat vacant, because until a seat is declared vacant, I cannot issue a writ. I therefore inform hon. members that I have received from the member for Geraldton his resignation of his seat in this House.

THE PREMIER: I beg to move that the hon. member's resignation be taken into consideration to-morrow.

MR. ILLINGWORTH (Central Murchison): I beg to move that the seat of the member for Geraldton be declared vacant.

MR. MORAN: Are there to be two motions at once?

THE SPEAKER: I think the motion of the member for Central Murchison is an amendment on that moved by the Premier.

MR. MORAN: The member for Central Murchison did not say so.

MR. GEORGE: The motion is open to discussion.

THE SPEAKER: It is not open for discussion until I put the question to the House.

MR. ILLINGWORTH: May I ask if the motion of the Premier requires a seconder?

THE SPEAKER: It certainly requires a seconder.

MR. ILLINGWORTH: The Premier's motion was not seconded; therefore my motion is before the House.

MR. MORAN: Mr. Speaker—

THE SPEAKER: I have not put the question yet.

Question put.

MR. MORAN: I rise to a point of order. Mr. Illingworth rose so quickly in his place that nobody else had an opportunity of rising, or otherwise I have no doubt the Premier's motion would have been seconded. If a member bobs up so suddenly, how can anybody have time to second the motion?

THE SPEAKER: I think the motion of the member for Central Murchison is in order.

THE PREMIER: No one had an opportunity of seconding my motion. If an hon. member jumps up at once, how can anyone have an opportunity?

MR. GEORGE: Would I be in order in moving that the debate be adjourned?

THE SPEAKER: I think hon. members should be quicker in seconding motions, because sometimes I have to wait and put the motion without a seconder, as a matter of course.

MR. ILLINGWORTH: I call attention to the fact that you yourself, sir, rose to put the motion of the Premier.

THE SPEAKER: Yes; I did put the question.

THE PREMIER: Then that was assuming the motion was seconded.

THE SPEAKER: The motion of the Premier was not seconded.

THE PREMIER: Do you rule my motion was not seconded?

THE SPEAKER: Certainly; I never saw anyone second it.

THE PREMIER: But you rose to put it, when Mr. Illingworth interrupted.

THE SPEAKER: I did, and I am very often obliged to do so, but if my attention be called to the fact, I must rule a motion has not been seconded.

THE PREMIER: It will make no difference, because I suppose the question will go to the vote.

THE SPEAKER: I do not think it will make any difference at all.

THE PREMIER: If the motion of the member for Central Murchison has precedence over mine, I move as an amendment

that this matter be deferred until to-morrow.

THE SPEAKER: The Premier may move that the debate be adjourned.

MR. LEAKE: Yes; move that the debate be adjourned.

THE PREMIER: That will do just as well. I move that the debate be adjourned until to-morrow.

THE SPEAKER: Does anyone second that motion?

[Several members rose to second the motion.]

Question put and passed, and the debate adjourned accordingly.

At 6-30, the **SPEAKER** left the Chair.

At 7-30, Chair resumed.

MUNICIPAL INSTITUTIONS AMENDMENT BILL.

SECOND READING.

MR. MORAN (East Coolgardie): I formally move the second reading of this Bill, at the request of the member for North Murchison (**Mr. Moorhead**), who cannot be here this evening, and I do so with great pleasure. As hon. members know who read the stirring history of local events, this measure probably had its birth in a little turmoil which recently occurred in the Perth Town Hall. Looking into the Bill, I see nothing objectionable, except that generally I do not like intruding legislation on this House and moving the powers of Parliament for the sake of small matters; but this Bill will serve all municipalities in the colony, and there seems to be nothing in it very objectionable if we except Clause 4, to which I believe there is some objection that we shall hear of from the Attorney General. I formally move the second reading of this Bill, and we shall probably hear what is thought about it by the Government.

THE PREMIER (Right Hon. Sir J. Forrest): I have no objection to assist the hon. member to some extent with the Bill, as I am informed it is a matter of consequence to the municipal council of Perth. Of course, when we get into Committee, I shall move that Clause 4 be struck out, because I am quite certain its retention would destroy the Bill. The Attorney General would never be able to

advise the Governor to assent to a Bill which, on the face of it, is illegal. I am surprised that hon. members in another place, where there are so many lawyers, should have tried to pass a measure containing such a fatal clause.

MR. MORAN: It was drawn up by a lawyer.

THE PREMIER: Probably nothing can be said in its favour save that it may not do much harm.

MR. MORAN: That is the principal thing.

THE PREMIER: But it certainly could not be acted on were Clause 4 retained, because that clause would involve a contradiction of the Electoral Act, and therefore this Bill would have to be reserved by the Governor, thus frustrating the object of those members of the Municipal Council of Perth who, I believe, are desirous of having this power to reinstate on the roll some ratepayers who have been deprived of their votes and are desirous of voting at the elections in November.

MR. GEORGE: What has the Bill to do with the election for the City Council in November? This Bill deals with parliamentary and not with municipal elections.

THE PREMIER: Yes; but the alteration of the Electoral Act could not be assented to by the Governor, and the whole Bill would thus be reserved and hung up, and the object in view would not be effected. [**MR. MORAN:** Hear, hear.] With these few observations, and in order to assist the City Council, I do not mind, if my friend opposite (**Mr. Illingworth**) does not mind, supporting this Bill. It has been said the City Council acted wrongfully in removing these names, or in not putting them on the roll.

MR. GEORGE: The councillors could not help themselves.

THE PREMIER: But apparently it is admitted that the council had not the power: for if they had the power they would not in their extremity have asked Parliament to pass this special legislation during this special session.

MR. MORAN: They were accused of striking off the names illegally.

THE PREMIER: Although we have met here for a special purpose, yet I think we may well assist the Perth City

Council in this small matter, though I do not know there is any great necessity for the Bill, because the question could probably be dealt with next session even before the general election. Still, I think the leader of the Opposition will agree that we should assist the City Council if we can, and we certainly can do so by passing this Bill at the present time.

MR. GEORGE (Murray): The whole trouble in this connection has arisen through the neglectful tactics—I can call them nothing else—of the Government or the law officer responsible for this matter in years gone by. There can be no mistake about that.

THE PREMIER: How so?

MR. GEORGE: There has been a Municipal Act and an Electoral Act, and the electoral Act prescribes various qualifications entitling persons to vote at parliamentary elections; and by the Municipal Act a ratepayer who has not paid his rates has his name struck out, not only of the municipal roll but also of the parliamentary roll.

MR. MORAN: No.

MR. GEORGE: Excuse me, that has been done.

THE PREMIER: Formerly, but not now.

MR. GEORGE: That is exactly where the trouble comes in.

MR. MORAN: The other channel for getting on the electoral roll is still open to such ratepayers; therefore they are not disfranchised.

MR. GEORGE: Mr. Speaker, have I the ear of the House?

THE SPEAKER: Yes.

MR. GEORGE: Then I shall be glad if you will reprimand the hon. member (Mr. Moran). I was endeavouring to argue that the Electoral Act creates one qualification, and the Municipal Institutions Act enables that qualification to be taken away owing to the fact that a man has not paid his rates. That is how all the trouble has come about, and how persons who have not paid their rates have been struck off the electoral roll for Parliament. It may have been quite right to strike off the names of such persons in the municipal roll, but it certainly cannot have been right, when the mere fact of a man's existence is sufficient to qualify him for a vote at parliamentary elections, to strike off

such voters because they have not paid their rates.

MR. MORAN: They are not killed because they have not paid their rates.

MR. GEORGE: They practically make him a dead man so far as his electoral rights are concerned. The hon. member has had no experience in municipal affairs, not even in Kalgoorlie or Boulder "city." I do know something about municipal affairs in the city of Perth, and I say the Municipal Act contains a provision which this House never intended it should contain, for the town clerk is compelled to send, at a certain time of the year, a list of people who have paid their rates, to the electoral registrars; also a list of those who have not done so, and these latter are struck off the roll at the Revision Court. A man's qualification as to his residence in the colony still exists. In company with Councillor Molloy, Mr. J. Phair, the President of the Australian Natives' Association, and other celebrities, I went before Mr. Cowan on this matter, and Mr. Cowan's decision was fair and according to law.

MR. MORAN: People can get on again, though.

MR. GEORGE: By filling up another claim, and then they have to remain six months on the roll; in the meantime an election can take place. If by this Bill we put the matter right and enable the City Council to put voters on the roll for parliamentary matters, it is all right. The City Council have the right to take a man off the roll because he does not pay his rates, although I do not agree with that, because the property is there, the qualification is there, and the Council can distrain for the rates. If in Committee it is moved that Clause 4 be struck out, all the weight of the party behind me will be used to see that justice is done and to keep the clause in the Bill.

THE PREMIER: You cannot do it.

MR. GEORGE: The Premier says many things; he says he cannot climb down, and although he does not climb down he drops, and he will drop in this case.

MR. ILLINGWORTH (Central Murchison): As far as this Bill is concerned, with the exception of Clause 4, I shall give the hon. member (Mr. Moran) assistance to pass it through, but on the clear understanding that there will be no

amendments, because we might have 360 amendments placed before the House, as we had last session. As long as this is the Bill I am prepared to give the hon. member every assistance. I want to call attention to the fact that this Bill does not propose to do anything to put individuals on the Legislative Assembly roll. The only effect of this Bill will be to allow certain persons who were struck off the last half-year's roll of the City Council to vote at the next election.

MR. MORAN: What election?

MR. ILLINGWORTH: The municipal election.

MR. MORAN: What about Clause 4?

MR. ILLINGWORTH: That is absolutely an impossibility, and it is no use discussing it. According to the Electoral Act, in December of each year the municipal council has to furnish a list of persons liable to be rated, and their rating is a matter under their own control. I need not occupy the time of the House, but I shall assist the hon. member in passing Clauses 1, 2, and 3; but Clause 4, as the Premier has stated, interferes with the Electoral Act, and should not appear in this Bill at all.

MR. LEAKE (Albany) I am not satisfied that there is any necessity for this Bill, and I would like the Attorney General to correct me if I am wrong in my view of the law. This question of rating, or of the municipal electoral list, was under my consideration a few days ago, and if my recollection is correct it says this, that if all rates are paid up to the 30th June, the parties paying the rates can get on to the list. By a decision of a Judge of the Supreme Court, that time was practically extended to the 30th of September. Now what does the Bill propose to do? Merely to add that any person who has paid the rates due on his property for the year shall get on to the roll.

THE ATTORNEY GENERAL: There is no limitation in the Bill: it is at any time, that is the point.

MR. LEAKE: If the people who are chargeable with the rates pay the rates now, or before the 30th September, they can get on the roll; therefore what necessity is there for the Bill?

MR. MORAN: Without this Bill?

MR. LEAKE: Without this Bill.

MR. MORAN: That is the ruling of the Judge in court?

MR. LEAKE: I cannot put my hand on the section at the present moment, but I am pretty certain that is the correct view. As to Clause 4, I agree with the Attorney General that it amounts to an amendment of the Electoral Act, and the House should not interfere with it.

MR. MORAN: If the lawyers assure us that is the law, all right.

MR. LEAKE: If the Government desire to pass the Bill I can only say what my view is.

MR. QUINLAN (Toodyay): Perhaps I may be able to enlighten hon. members. I know the reason of the by-law being introduced.

MR. MORAN: The reason is Clause 4 if you want to know: that is the reason.

MR. QUINLAN: It has been introduced because under a by-law passed by the City Council in 1898, Judge Hensman held that all the rates should be paid prior to the 30th September otherwise the ratepayers could not appear on the roll. So as to have the money in time for the various expenditures in connection with the City Council required for the year, a by-law was passed under the Act—there had not been up to that time in 1898 any by-law that the whole rates should be paid by the 30th June. It being the custom for many years past for people to pay the first half-year's rate by June 30, ratepayers thought by doing this still their names would appear not only on the ratepayers' list, but on the electoral roll. This Bill is to enable the Council as soon as it becomes law to put these names on the roll, without the rate having been paid up to a certain time.

MR. LEAKE: They have to pay all rates according to Section 2.

MR. QUINLAN: I am well acquainted with the Municipal Act. The City Council have agreed, provided this Bill becomes law, to pass a new by-law extending the time for the payment of all rates beyond the 30th June.

MR. MORAN: What do "all the rates" mean?

MR. QUINLAN: The whole year's rates. This Bill is to provide that a new list shall be made up. Some ratepayer were aggrieved over the parliamentary election which took place recently, hence

the agitation, and I might add that a little "kudos" is to be obtained for the coming election, especially the municipal one. This amendment has been brought about by a few, not many, people who have agitated for it. The City Council agreed a few days ago to have a new by-law framed, which necessitates having a new Bill passed, amending the present Act. I hope the House will allow the three clauses to go through, and next session we will be able to have a new Municipal Act, which is much required.

MR. MORAN: What good will these three clauses do to the Electoral Act?

MR. QUINLAN: None at all, but it will be the means of putting the ratepayers, who are aggrieved at the present time, on the municipal list.

MR. HALL (Perth): I do not see what harm can arise from giving people the opportunity to vote.

MR. MORAN: A municipal vote?

MR. HALL: A municipal vote. I am speaking about the municipal vote as essentially a property vote, and I do not agree that it should be necessary for a voter to have to pay his rates for a year to be qualified to vote.

MR. MORAN: This Bill says it would be necessary.

MR. HALL: I know, but I am giving my opinion, because I think a property owner or an occupier is a ratepayer whether he has paid his rates for the year or not. It must be remembered that the municipal council have very great powers in this respect. If the rates are not paid by the time demanded, the City Council or a municipal council can put the bailiff in a man's house. Take for instance a cottage on which the landlord has agreed to pay rates: the landlord does not pay the rates in time, then therefore the occupant is disfranchised through no fault of his own, and not only that, but owing to the landlord not having paid the rates, the municipal council can go in and distrain on that man's furniture; so that I hold that an occupier being liable to pay the rates, and the municipal council being at no risk of losing the rates, because the rates must be paid or the occupier will lose his furniture; the occupier should be put upon the roll, whether the rates are paid or not. If a cottage is owned by a man who is living in it and the rates are not paid,

or if a person owns a piece of land the rates for which are unpaid, that land or house can be sold by the municipal council for the rates. Therefore, it must be seen, if the municipal council look after their business, there is no possibility of their losing any of the rates. Therefore I hold that a ratepayer should be one who is legally liable to pay rates, and he should have his vote whether his rates are paid up to a certain date or not. In some parts of Victoria, notably some of the suburbs, the rates are accepted almost up to the date of election, and the ratepayer is enabled to vote; but here, according to the present reading of the Act, on which a number of lawyers seem to differ, a man who has even paid the first instalment of his rates is not entitled to vote, and we find that in Perth, owing to the decision of the City Council—whether right or wrong, I am not going to say—some 600 odd people have been disfranchised, not only municipally, but as parliamentary voters. I intend to support the Bill, and I hope hon. members will agree to its going through. What harm can possibly accrue from allowing the City Council to exercise their discretion and permit ratepayers to be placed on the roll? The City Council will then have the whole matter in their hands. Of course I know one plea is that by making the rates payable by a certain date, more rates are collected; but if the City Council is given the power included in this Bill, supposing there is an election coming on, even an extraordinary election, the City Council can pass a resolution that ratepayers paying rates up to a certain date will have the franchise, and that will have the effect of bringing the rates in. I certainly support the Bill. I think it is very necessary, especially at the present time.

MR. GREGORY (North Coolgardie): My impression of this Bill is that the object of it is to try and get names placed on the electoral rolls.

MR. MORAN: Yes; that is it.

MR. GREGORY: That is my idea, and I fail to see what good can be gained by this measure. If any person reads Clause 4 of this Bill, he will see it says that the lists shall be prepared at various times by the municipalities, and they shall be forwarded to the electoral regis-

trar. You may send 50,000 names to the electoral registrar, but what is he going to do with them? He will simply put them in the waste-paper basket. Even if this Bill be passed, it does not say that the electoral registrar is going to put the names on the roll. The Electoral Act says that on or before the 31st of December certain lists are going to be sent in to him with all the names which appear on the ratepayers' lists, and he shall place those names on the roll. I feel satisfied that if we desire to do anything we must amend the Electoral Act, and that is impossible.

MR. HALL: You can do that afterwards.

MR. GREGORY: It is absolutely useless to attempt that now.

MR. HALL: You do not prevent people getting a vote in this election.

MR. GREGORY: I repeat that I think the measure absolutely useless. It says here distinctly that these electoral lists shall be made out according to the Electoral Act.

THE PREMIER: We do not propose to press Clause 4; only the three.

MR. GREGORY: I do not suppose they would do much harm.

THE PREMIER: I do not think they would do much harm.

MR. GREGORY: Clause 4 would be absolutely useless, even were it passed.

THE PREMIER: We cannot do that.

MR. GREGORY: Although it has been decided there should be no amendment, I think that persons liable to be rated should be placed on the roll. In my opinion there ought to be inserted in Clause 2 the words "persons who are liable to be rated," because any man who is liable to be rated by a municipality, and who does not pay his rates, may have his goods seized, and that being so I think such a person has a right to vote; but really I cannot see that the slightest good will be done by the present Bill.

MR. MORAN: I am afraid I cannot accept any amendment.

MR. VOSPER (North-East Coolgardie): I regard this Bill as an attempt to get over a serious blunder made by the City Council of Perth. They endeavoured to override a decision by a by-law, but they found that a by-law cannot override the law.

THE PREMIER: I do not think that is it.

MR. VOSPER: That is my view, at all events.

THE PREMIER: It is not the legal view.

MR. VOSPER: Legal opinions differ. We know that we have quite as respectable a consensus of legal opinion on one side as on the other. We find George Leake and Company on one side, Haynes and Purkiss on the other. It is only a case of paying your money and taking your choice. I prefer to stick to the opinion of Haynes and Purkiss, and say that the municipal council endeavoured to override an Act of Parliament; consequently, instead of trying to mend their ways, they now come to Parliament and ask Parliament to do something to legalise their acts. If this Bill becomes law, it will be absolutely worthless. It will not be worth the paper it is printed on, because the terms of Clause 2 do not afford any relief from the present situation, for, if passed, it would leave the power in the hands of the council entirely as it is now. I do not think it is desirable that power should be left in the hands of the City Council or any other council. The power they have they make a very bad use of, and I am not in favour of extending their powers until the *personnel* of the City Council itself is altered. I cannot see for the life of me that this Bill is going to do the slightest good to any one. The hon. member for Perth told us that people who have paid or are liable to pay should be placed on the roll. I entirely agree with him; but there is not a scintilla about that in the Bill. The Bill does not afford them any assistance at all. As to Clause 4, that subject has already been dealt with by the member for North Coolgardie (Mr. Gregory), who in my opinion is perfectly correct. The lists would be sent to the Electoral Registrar, and would be simply so much waste paper. They would probably be used in the way the hon. member suggests. We cannot compel the registrar to put the names on in this way unless we alter the Electoral Act, and who will suppose that we shall do that for the City Council? I think it is simply frittering away the time of Parliament to bring forward Bills of this kind, because the thing is an abortion.

THE PREMIER: The measure has gone through the Upper House. It is a private member's Bill.

MR. MORAN (in charge of the Bill): I can see that the almost unanimous feeling of the House is against going on with this matter. As I said before, the measure is not my own particular lucubration. I have brought it forward to oblige a friend. Had that friend been here, he would perhaps have been able to meet the fatal objections—as they appear to me—which have been raised. I am not going to detain the House with any more arguments in favour of the Bill. I can see it is going to be chucked out.

THE PREMIER: Oh, no.

MR. VOSPER: How far does it go?

MR. MORAN: It does not meet the object.

THE PREMIER: I think it does. It will get these people on the municipal roll.

MR. GEORGE: The Act provides for that.

MR. MORAN: I am told by the highest authority we can get—the Attorney General and the late leader of the Opposition—that the Act provides for that.

MR. HALL: If the Act provides for that, how is it that these people have been knocked off the roll?

MR. MORAN: They have their remedy according to Mr. Justice Hensman's decision, therefore I am at a greater loss to know why we should legislate to put anyone on. I thought Clause 4 was going to be a very important one, but when I looked at it after tea it was pointed out that it would be no good at all. I really think it would destroy the utility of the measure. I can see that the opinion of the House is against the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Municipal electoral lists:

MR. LEAKE: Had the hon. member in charge of the Bill compared Section 30 and Section 42 of the Municipal Institutions Act with Clause 2 of this Bill, and seen how far this clause extended the power? As he (Mr. Leake) read the Bill, he found that the only difference

was that whereas under the Municipal Institutions Act persons could get on the list up to the 30th of December, under this Bill they could get on at any time, but always subject to the conditions that they had paid the whole of their rates. He understood that the dispute which recently raged in the municipality of Perth was that people were entitled to get on the roll if they had paid half the rates. Neither the Municipal Institutions Act nor this measure provided for that; but the Bill still maintained the position that persons must pay all the rates; consequently we carried this no further. If the Bill had provided that no matter what the circumstances were, the name of every ratepayer should be inserted on the roll, there would have been force in this measure; but unless the Bill went to that extent, it was waste paper.

THE PREMIER: The view of the hon. member (Mr. Leake) was one with which he could not agree. He did not pretend to know anything about the law on the subject, but it seemed to him that this measure would allow to be placed on the roll people who had been struck off.

MR. LEAKE: These people could get on under the existing Act.

THE PREMIER: This Bill might be passed if it would have the effect of placing qualified people on the roll.

MR. GEORGE: Which roll?

THE PREMIER: On the municipal roll: namely, all persons who had not previously paid their rates, but since had done so. If a man did not pay his rates as quickly as he ought to do and afterwards paid them, he might fairly be put on the roll.

MR. MORAN: The decision of the Supreme Court was that a man could get on the roll any time up to September 30, and that was all the Bill proposed.

THE PREMIER: But surely the Bill went further and allowed people to be put on the roll after that date. It was proposed to bring in a consolidating municipal Bill, and this matter could be dealt with then; but in the meantime the Bill would be a convenience to those who had been struck off the roll and who might be put on in time for the November elections. The mayor of Perth had asked him particularly to do something in the direction of having this Bill introduced, and although he (the Premier) said

he did not think that could be done, the mayor seemed anxious the Bill should pass. The City Council had taken legal advice on the matter, and thought the Bill would have the effect of placing some 500 or 600 people on the municipal roll who had been removed for one reason or another. Some people seemed to think that if once removed from the roll it was easy to be put back again, but it was well known that if any person got off the parliamentary roll, however unjustly, he could not be replaced except by going through the same routine as before.

MR. LEAKE: Another objection was that the clause practically empowered the City Council by resolution to pass an enactment, and that was not what might be called elegant legislation, to say the least of it. He felt satisfied there was no necessity for the Bill, because the municipality had power to do what this Bill was intended to attain. Under Section 42 of the present Act, any person might before September 30 apply by letter to be placed on the roll, and Mr. Justice Hensman had held that the effect of the legislation was to extend the time for getting on the list from the 30th June, contemplated by Section 37, to the 30th September, contemplated by Section 42. The real dispute arose amongst the ratepayers because they got the wrong impression that if one had paid half his rates he was entitled to go on the roll, and unfortunately the true state of affairs had never been explained to them. As a matter of fact, when the law said all the rates must be paid before a ratepayer could get on the roll, it was impossible by any process of reasoning to get them on when they had only paid half their rates. The mayor and council had done no wrong because they were bound by the hard-and-fast direction of the Act, and yet they had had a lot of abuse heaped upon them.

THE PREMIER: Could the City Council have placed those people on the roll?

MR. LEAKE: Yes; if those people had paid all their rates.

MR. QUINLAN: Prior to 1898 there was no by-law in respect to how the rates should be paid, but in that year a by-law was passed and gazetted making the whole of the rates payable on the 30th June. It had previously been the custom that if only the half-year's rates were

paid, the ratepayers were placed on the roll, and between the case referred to by Mr. Justice Hensman some years ago and the present agitation there was no parallel. At the time that decision was given, there was no by-law in existence in regard to the paying of the rates, but since then the by-law had been passed providing that the whole of the rates should be paid prior to September or otherwise the names would not be on the roll. At that time there did not happen to be much interest taken in municipal elections, but in 1900 the present circumstances were seized upon by certain persons who posed as the saviours of the ratepayers and used the circumstance as an election cry. This had forced the City Council to take some notice, more especially in view of the fact that some 670 voters had been struck off the roll.

MR. GEORGE: There ought to be more than that, because very few people had paid the whole of their rates.

MR. QUINLAN: The figures he had given were obtained a few days ago. All those people felt aggrieved, not altogether in respect of the municipal roll, but because their names had disappeared from the parliamentary roll. The object of the Bill was to make provision that the names thus struck off should be replaced, and it was contended that this could not be done, for the reason that the rates were only struck once a year and that was the time to make up the list. The whole of the rates were due on the 30th June, but the council had up to the 30th September to make up the rolls, and only recorded the names of those who had paid up to that date. The object of the Bill was that all those who had paid their rates subsequently to the 30th June should be placed on the roll.

MR. MORAN said he was now beginning to take a little interest in this Bill.

MR. GEORGE: Did the hon member not hold that the mere fact of property being liable for rates was sufficient qualification?

MR. QUINLAN: The Act did not so provide, and the argument of the members for Perth (Mr. Hall) was, to use a strong word, absurd, when he said a man liable for rates should be considered a ratepayer because revenue could only be got from ratepayers, owners, or occupiers.

MR. HALL: Why prevent people voting? Give them the opportunity of

paying the rates up to the day of election if necessary.

MR. QUINLAN: The City Council had been blamed unfairly and it was ridiculous to now raise this pettifoggery cry, because people would not vote even when they were on the roll, seeing that out of 3,000 electors only 1,600 voted. All this agitation had no other object than to raise a municipal or political cry.

MR. MORAN asked whether it was a fact that a ratepayer could not get on the roll if he had not paid his rates before the 30th June?

MR. LEAKE: He could if he had paid all the rates.

MR. MORAN believed a ratepayer could pay all his rates up to the 30th September.

MR. LEAKE: So he could.

MR. QUINLAN: The rates were due on 30th June under a by-law.

MR. MORAN asked the member for Albany (Mr. Leake) whether the member for Toodyay (Mr. Quinlan) was right in saying that although the roll might be made up to the 30th September, still no person who had not paid his rates before the 30th June could get on the roll.

MR. LEAKE: Yes; a ratepayer could. Section 164 of the Act provided that the rate should be struck and certain notice given, and that at the expiration of 14 days after the publication of the notice, the amount payable, subject to any by-law made as to the time and mode of enforcing the payment, became due and payable. That meant the whole of the rate, and Section 37 provided that ratepayers could only get on the roll if the rates due to the 30th June had been paid, meaning the whole of the rates for the year.

MR. MORAN: The section spoke of rates due up to the 30th June. Did that mean the half or the whole of the rates?

MR. LEAKE: The whole, and that was where the unfortunate mistake had arisen.

MR. MORAN: It was not a well drawn section.

MR. LEAKE: It was a very clumsily drawn section. The whole of the rates for the year was struck and notice was given early in January. Under Section 37, if a ratepayer wanted to get on the roll he had to pay the whole of the rates for the year before the 30th June, and Mr. Justice Hensman had held that if a

ratepayer paid the whole of the rates for the year up to the 30th September he could get on the roll.

MR. MORAN: Did the by-law of the council override Mr. Justice Hensman's decision?

MR. LEAKE: Much need not be said about the by-law, because he did not think the City Council could say they would only enforce payment of the rates in instalments, and the by-law did not qualify the previous enactment, either in this section, Section 37, or Section 42. Perhaps the Attorney General would say whether that was right.

THE ATTORNEY GENERAL: Yes; certainly.

MR. MORAN: Clause 164 seemed to legalise by-laws.

MR. LEAKE: Clause 164 authorised the council to make a by-law regulating the time and mode of enforcing the payment of the rates, but it did not give them the power to enfranchise people.

MR. GEORGE: It gave power to disfranchise them.

MR. LEAKE: The by-law did not give that power.

MR. GEORGE: The City Council had done it, anyhow.

MR. LEAKE: The hon. member was quite wrong.

MR. MORAN: Did Mr. Justice Hensman's decision hold to this day?

MR. HALL: The City Council said it did not.

MR. LEAKE: That decision had not been questioned by anybody, and the only tribunal that could question it would be the Court of Appeal.

MR. MORAN: Then why this little Bill?

MR. LEAKE: That was what hon. members wanted to know. There must be a limit to the time in which a person might apply to be placed on the roll, and that limit had been extended to the latest possible moment by the decision of Mr. Justice Hensman.

MR. HALL: On which decision the City Council did not act.

MR. LEAKE: Why not?

MR. HALL: That was what everyone wanted to know.

MR. LEAKE: Did the council prefer to follow the Act rather than the Judge's decision?

MR. MORAN: The judicial decision was the law.

MR. LEAKE: It was not apparent how, by passing this clause, the position of the electors would be bettered. After 30th September the revising committee would come into force, and the voters' lists must be closed at a definite time, to allow such committee to consider objections. He would not oppose the Bill, but, in his opinion, it was of no value, and the statute book should not be encumbered with unnecessary legislation.

MR. VOSPER: With the exception of the member for Toodyay (Mr. Quinlan), all apparently were agreed that the Bill was no good. Let us see whether it could be made of some use.

MR. MORAN: Both sides of the House understood it could not be amended.

MR. VOSPER: No such pledge had been given by him.

MR. MORAN: Being in charge of the Bill, he was, like the federal delegates in London, unauthorised to agree to the slightest amendment.

MR. VOSPER moved that all words after "the" in line 1 be struck out, and the following inserted in lieu: "Names of all persons liable to pay the rates in any municipality shall be inserted on the rolls of electors for the council, mayor, auditors, and other officers of the municipality, and shall be entitled to vote at all municipal elections whether the rates for which such persons are liable have been paid or not." It might be objected that the clause was somewhat revolutionary; but the ostensible object of the Bill was to get people on the roll, and the Bill could not effect that object without his amendment. In Britain there were land and income taxes; but persons neglecting to pay such taxes were not disfranchised for parliamentary elections; and if there were direct taxation here, would people be disfranchised for non-payment? Why then should this principle be countenanced in municipal legislation?

THE PREMIER: Because the payment of rates was the foundation of the franchise.

MR. VOSPER: Payment of taxes was the foundation of all voting. Even the residential qualification was not given in recognition of any inherent right in an individual to vote, but because everyone indirectly paid his quota of taxation through the customs. Municipalities were much in the same position as the State, and had the additional advantage of great

penal powers, as they could distrain on a ratepayer's goods if he, or any other person liable to pay the rate, had neglected to pay.

MR. MORAN: The latter provision was never carried out.

MR. VOSPER: If a landlord neglected to pay the rates, the tenant's goods could be seized and his name struck off the roll. That was absolutely unjust; hence this amendment, which would settle the difficulty. Another difficulty had been kept in the background. The rate-book of the City Council had never been signed, and he understood the rates now struck were illegal, and could not be enforced; and several ratepayers intended to resist their enforcement, if necessary in the Supreme Court.

THE PREMIER: That would be all right.

MR. VOSPER: The amendment would remedy that neglect, if neglect there were. If the Bill were seriously intended to put people on the roll, let the amendment be accepted; but to pass the measure as it stood would be wasting the time of the country.

THE PREMIER: If the amendment were passed the Bill would be lost.

MR. MORAN (in charge of the Bill): Apparently the Bill would enunciate a principle never contemplated by its framers. He moved that the Chairman do leave the Chair.

Motion put and passed, and the Chairman left the Chair.

[No progress reported. Bill thus arrested.]

CONSTITUTION AMENDMENT BILL. ELECTORAL BOUNDARIES, TO AMEND ERROR.

Introduced by the PREMIER, and read a first time.

SECOND READING—POSTPONEMENT.

THE PREMIER (Right Hon. Sir J. Forrest): I beg to move that this Bill be now read a second time. For the information of hon. members, I should like to explain the reasons why it is introduced. I exceedingly regret having been compelled to bring down this Bill seeing that the Constitution Act has just been assented to, and it does seem rather strange that I should have to ask hon. members to consider amendments to that

Act. The fact is, an error crept into the schedule of the last Constitution Act, which it is absolutely necessary for us to rectify. It appears that in the Constitution Act there is mentioned a district called the South-West Mining District, which includes the Collie coalfields, the Donnybrook goldfield, and the Greenbushes tinfields. These three places constitute an electorate under the Act. The Bill as it left this House had the boundaries of the Donnybrook electorate assigned, and all the other electorates adjoining were described in relation to the Donnybrook electorate, or that portion of the South-West Mining District which was comprised in the Donnybrook goldfield; but when the Bill got to the Upper House, for some reason or other—I think by reason of some representations from those interested in that part of the colony—there was an alteration made in the boundaries of the Donnybrook district to make them agree with the boundaries of the goldfield itself; and that amendment was made in the Legislative Council, was supported there by the Government, and came to this House for approval. It was agreed to by this House, but by some oversight the consequential amendments in the boundaries of the adjoining districts were not made. I have no hesitation in saying no alteration is required in the Bunbury electorate, or scarcely any, though in amending the Act we may just as well make the boundaries absolutely correct; but the Nelson, the Wellington, and the Sussex electorates, adjoining the Donnybrook portion of the South-West Mining District, were not amended. The consequential amendments for these three districts were not made, which should have followed on the alteration made in the Donnybrook portion of the district. The result is that a portion of the South-West Mining District is included, say, in the Nelson electorate; and in fact, all these electorates adjoining are incorrect. I propose to ask hon. members to agree to this small Bill putting right this error, and to provide also that for the future, after we pass this Bill—which I feel sure we will do, because it is absolutely necessary to make the electorates what we intended them to be—all copies of the Constitution Act to be printed by the Government Printer shall be printed as

amended by this Bill. In the other colonies that procedure is not unusual when an absolute error or omission has to be rectified in a succeeding session. There is nothing in this Bill which in any way alters what we intended to do. The Bill merely puts right the intention of both Houses of Parliament when they passed the Constitution Act. I have looked into the schedules, and hon. members will trust me when I say that the schedules merely carry out what was intended when we agreed to the amendment of the boundaries of the Donnybrook goldfield made in the Bill by the Legislative Council. The amendments intended to be made are consequential. I regret to have to ask hon. members to pass this Bill, but there is no help for it. Hon. members will notice that there is an amendment in regard to the Roebourne district: an error was made there. The Gascoyne district, which had the same common boundary, was right, but the boundary of the Roebourne district was wrongly described. The Peedamullah Hill is to be inserted in place of Roebourne Hill. This opportunity has been taken to put this right.

MR. ILLINGWORTH: I suggest to the hon. member that he had better move that the second reading be taken to-morrow, as there will not be a sufficient number of members in the House to pass the second reading now.

THE PREMIER: I move that the second reading be made an Order of the Day for to-morrow.

Motion put and passed, and the order made accordingly.

ADJOURNMENT.

THE PREMIER moved that the House do adjourn until to-morrow at 4:30 o'clock. Would the hour of 4:30 be soon enough?

MR. MORAN: Better make it 11 o'clock; then the prorogation can take place later in the day.

THE PREMIER: We could prorogue by proclamation.

MR. MORAN: The House had better meet at half-past two.

MR. ILLINGWORTH: It would be best to keep to the regular hour, as several hon. members have left the House, and there must be a statutory

majority to pass a Constitution Amendment Bill.

Question put and passed.

The House adjourned at 8.48 o'clock until the next day.

Legislative Council,

Thursday, 14th June, 1900.

Motion (urgency): Mails, a Claim for Carriage; Complaint as to Answering Questions—Supply Bill, £450,000; all stages—Constitution Act Amendment Bill (electoral boundaries, to correct error), first reading—Adjournment.

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

PRAYERS.

MOTION (URGENCY)—MAILS, A CLAIM FOR CARRIAGE.

COMPLAINT AS TO ANSWERING QUESTIONS.

HON. R. S. HAYNES (Central) moved that the House at its rising do adjourn till this day week. He said: I desire to call attention to what I consider was an invasion of the privileges which every member of the House enjoys. It is pretty generally conceded that one of the rights which members enjoy is to put questions relative to the administration of affairs of the colony, through the leader of this House, and to have full and accurate replies given to those questions. From time to time replies have been given which are, perhaps, not satisfactory, and may be termed even evasive. Had I received merely an evasive reply, I would not have thought it my duty to move in the matter now; but on the 11th instant I asked the Colonial Secretary:

1, If it was a fact that the hon. the Attorney General advised Messrs. Smith and Timms in

a proposed action against the Government on a claim for carriage of mails. 2, Was such action brought on? 3, And if so, with what result?

The Attorney General is supposed to advise the Government on the administration of affairs, and if he advises against the Government, that will be open to very severe censure. The question, however, is a simple one. As all contracts for the carriage of mails are made by the Postmaster General, by or on his behalf, it will come to the knowledge of the person who has to advise on that contract whether the Government are a party to it, and whether it will seriously affect the Government. The bringing of an action against the Government would, of course, affect the Government, and if it came to the notice of the adviser on behalf of the colony, it would be highly improper if he advised against the Government. The answer given by the Colonial Secretary to the question which I put was that it was not a fact that the Attorney General had advised Messrs. Smith and Timms in a proposed action against the Government on a claim for the carriage of mails.

The COLONIAL SECRETARY: What number is that?

HON. R. S. HAYNES: It is on Minute Paper No. 10. The answer was "No." I regret to say that the answer—I am informed by a gentleman whose word would be accepted, I think, in any part of the colony, and I accept it—is absolutely untrue. The Attorney General did advise Messrs. Smith and Timms, and the advice was in writing. If it be true, then I submit a great wrong has been done to this House in giving wrong information. Independent of the action the Government would take, I, as a member of the House, claim that a great wrong has been done to me and to the House by an improper and untrue answer being given. The next question was whether such action was brought, and the answer was:

No proposed action in which Messrs. Smith and Timms were advised by the hon. the Attorney General was brought.

An action was brought by Messrs. Smith and Timms in regard to the carriage of mails, in which a verdict was given against the Government for £900. That is a matter which the Attorney General,