

LEGISLATIVE COUNCIL,

Wednesday, 20th March, 1889.

Telegraph wire used on the Derby and Wyndham line—
Damage done to Cossack-Roebourne Tramway—
Survey of Agricultural Areas in South-West Division
—Return of Revenue and Expenditure in the Kimberley District since its first settlement—Cost of surveying Derby Telegraph line—Message (No. 1): Forwarding papers connected with late session of Federal Council—Message (No. 2): Forwarding Messrs. C. & E. Millar's proposal for the construction of a short railway to Torbay—Constitution Bill: adjourned debate, second reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

TELEGRAPH WIRE USED ON THE
DERBY AND WYNDHAM LINE.

MR. A. FORREST, in accordance with notice, asked the Colonial Secretary—in the absence of the Director of Public Works:—

1. Is it true that the telegraph wire used in construction of line between Derby and Wyndham, *via* Goldfields, has been condemned by the Superintendent of Telegraphs in South Australia?

2. If this is true, on whose authority the wire was ordered, and who is responsible for the loss to the Colony?

3. Is it the intention of the Government to import a new class of wire, or do they intend to go on putting up a class of wire which will be found useless, and which has been condemned by the greatest authority in Australia?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) replied:—

1. The Postmaster General has stated that the Superintendent of Telegraphs in South Australia has expressed an opinion to the effect that the copper wire employed in the construction of this telegraph line should have been thicker.

2. The wire was ordered through the Crown Agents for the Colonies, and sent out under the supervision of the Consulting Engineer for Telegraphs to the Colonial Office.

3. It is not the intention of the Government to import any new wire. Experience must show whether the wire which has been selected will be efficient.

DAMAGE DONE TO COSSACK-
ROEOUBOURNE TRAMWAY.

MR. GRANT, in accordance with notice, asked the Colonial Secretary (in the absence of the Director of Public Works) if the Government had received a report as to the amount of damage done to the Cossack-Roebourne Tramway by the recent rains? What was the extent of damage done, and estimated cost of repairs? Was it not a fact that such damage was caused through faulty construction? And was it the intention to re-construct such portions, if washed away, on the same principles as before?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) replied: The Government has received a telegraphic report respecting the damage done to the Cossack-Roebourne Tramway by the recent rains. The extent of damage does not appear to be very large. The heaviest portion of the repairs required would appear to be the clearing out of the sand cuttings at Cossack, which have been filled in by the wind. So soon as the Resident Engineer, who left by the s.s. "Australind," arrives in Cossack, a detailed report and estimate will be sent down. It cannot be said that the damage was caused through faulty construction. It is the intention to re-construct the portions washed away, in the same manner as before, the only difference being that the embankments will be made lower.

AGRICULTURAL AREAS IN THE SOUTH-
WEST DIVISION.

MR. LOTON, in accordance with notice, asked the Commissioner of Crown Lands—

a. Whether any Agricultural Areas have been declared in the South-West Division, under present Land Regulations; if so, what is the acreage of each, and in what locality?

b. Has the survey of any such area been completed; and what is the average cost, per acre, of such survey?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) replied:—

a. Two Agricultural Areas have been declared in the South-West Division, under the present Land Regulations: one to the Eastward of Northam and York, of about 52,000 acres, and the other Southward of the Canning, of about 17,000 acres, which, however, I intend

to recommend to be increased to about 36,000 acres.

b. The survey of the Agricultural Area Eastward of Northam and York has been completed. 180 blocks have been laid out, comprising a total area of 30,000 acres, and the cost has been £684 14s. 5d., or about 5½d. per acre. These lands will shortly be open for sale under the Regulations. The survey of the Canning Agricultural Area is progressing, but will not be finished for some months yet. In making these surveys, particular attention has been given to the question of roads and reserves, and these important subjects have been permanently settled, each block having a means of access provided for it.

c. A "Special Area" has also been declared near Derby, of 22,000 acres, and a part of the survey has been undertaken, and I hope to complete the work this year.

REVENUE AND EXPENDITURE OF KIMBERLEY DISTRICT SINCE ITS SETTLEMENT.

MR. GRANT, in accordance with notice, moved: "That a return of all expenditure incurred in the Kimberley District, in public works and otherwise, since the settlement of the district up to the present date, be laid upon the table of this House by the Honorable the Colonial Secretary; also, that a return of all rentals, land sales, and other moneys received for the same period be shown in the same returns." His reason for moving for this return was because he thought Kimberley had been made somewhat of a scapegoat for other parts of the colony in matters of expenditure. It had been a constant complaint in the Southern portions of the colony, and in that House and on the platform, that Kimberley was a constant source of expense; and some members and others had gone so far as to say they thought it would be well if this part of the colony was rid of Kimberley altogether. So he thought it was only reasonable that this return should be given, so that they might really know what the district had cost, and what the colony had received from it in the shape of revenue. Some persons had gone so far as to say that if we had another Kimberley it would ruin the colony. To his mind, Kimberley had paid its way so far, taking its land

revenue into consideration. Its prospects were brightening, too, and there were a great many people interested in that part of the colony, not only Western Australians but also people in the other colonies; and it was only fair to the district that this return should be made known.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said there could be no objection to the preparation of this return, though at the same time he thought all the information which the hon. member sought had already been furnished to the House, and would be found among the Council papers.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that as regards the preparation of the return of land receipts asked for, it would take a considerable time to prepare it; it would be a long and tedious work, seeing that the hon. member asked for a return of all the receipts since the first settlement of the district. In the earlier days of the district no separate accounts were kept of the territorial revenue; the Land Regulations of those days did not provide for it; and the only way they could now arrive at this information would be by going through every item of land revenue received. With regard to the revenue of recent years there would be no difficulty at all.

MR. GRANT could not think there would be much difficulty in preparing this return, as the Secretary of State had given instructions, years ago, that a separate account should be kept of the revenues of our Northern districts. Surely this had been done by the Government, and, if so, the information he asked for ought to be in hand at once.

MR. LOTON said the Colonial Secretary seemed to be under an impression that all the information asked for by the hon. member for Geraldton had already been furnished to the House; but it appeared from what had been said by the Commissioner of Crown Lands that this could not be the case, especially as regards the early days of the settlement. If these returns were going to be prepared at all, he hoped they would be full and complete returns, showing the actual receipts and the actual expenditure of the district. He hoped so for this reason: at some future date—he

did not know how long hence it might be —no doubt this Northern portion of the colony would be separated from the Southern portion, and he thought it would be well to be prepared for that separation when it did come to pass. These returns, therefore, ought to be very carefully prepared, and be so full and reliable that there should be no need for further investigation into the matter, at a future date.

MR. A. FORREST hoped that when this return was made out proper care would be taken that only the proper charges were made against the Kimberley district. He remembered on one occasion, when a return of the expenditure connected with that district was asked for, there was a charge of some hundreds of pounds in connection with some shipwreck that took place at Bunbury. He hoped they were not going to have all sorts of charges made against the district, but that the return would be confined to the actual expenditure in the district. He believed all the Customs receipts connected with the district were collected at Fremantle, and these ought to be included in the receipts now asked for. [Hon. J. FORREST: How can you do it?] He did not know. But the return would be of no use unless it was a correct one.

MR. RICHARDSON hoped the Government would not forget, on the other hand, to charge the district with the expenditure incurred in connection with the transport and trial of all native prisoners coming from the Kimberley district.

Motion agreed to.

DERBY TELEGRAPH LINE: COST OF SURVEY.

MR. A. FORREST, in accordance with notice, moved that the following returns be laid on the table of the House:

1st. A Return showing the cost of Survey of the Derby Telegraph Line to Goldfields to date, including costs of transport from Fremantle to Derby.

2nd. A Return showing the cost of Survey of Telegraph Line from Wyndham to Goldfields to date, including costs of transport. Both returns to be shown in detail.

In moving for this return, he did not wish to bring any direct charges against anyone that would be unpleasant, but it

was well known that officers were sent up to the district to do this work at the wrong season of the year altogether, when it must have been known they could do no work; and they had to return. They were down here some six or seven months, waiting for another season, and he believed that a certain officer did no work at all during this time, although he was drawing Government pay all the time. He did not blame the officer, but the head of the department.

Motion put and passed.

MESSAGE (No. 1): FORWARDING PAPERS.

THE SPEAKER announced the receipt of the following Message:

"Referring to the Speech with which he opened the Session, the Governor has the honor to transmit, herewith, to the Honorable the Legislative Council, the following papers:—

"(1.) Report, dated the 8th of March, 1889, with enclosures, from Sir J. G. Lee Steere, Kt., Representative of Western Australia in the Federal Council.

"(2.) Letter, dated the 22nd of February, 1889, with enclosure, from the Honorable D. Gillies, Chairman of the Standing Committee of the Federal Council, respecting a proposed Address to Her Majesty the Queen praying for an increase of the number of representatives of the several Colonies in the Council.

"Believing that Your Honorable House will be prepared to pass an Address to Her Majesty as suggested, the Governor has given directions that the necessary motion be brought forward at an early date.

"Government House, 20th March, 1889."

MESSAGE (No. 2): FORWARDING LETTER FROM MESSRS. C. & E. MILLAR re TORBAY RAILWAY.

The SPEAKER also announced the receipt of the following Message:

"The Governor has the honor to transmit, herewith, and to recommend to the favorable consideration of the Honorable the Legislative Council, a letter, dated the 15th instant, from Messrs. C. & E. Millar, with enclosure, making

"proposals for the construction of a short line of railway with a view to the further settlement of lands in the neighborhood of Albany.

"Government House, 20th March, 1889."

CONSTITUTION BILL (SECOND READING).

ADJOURNED DEBATE.

MR. BURT: Sir—I don't know that I would have moved the adjournment of this debate the other evening, but for the fact that as a member for a Northern constituency I thought it would be my duty to solicit the attention of the House while I referred to certain portions of the bill which very closely affect the interests of that portion of the colony, and which have not yet been very prominently brought before the House. Those hon. members who have yet spoken to the bill have, as a rule, hailed from the South; but I think there is a part of this bill that very seriously affects the interests of the North; and I desire to draw the attention of the House to that portion, so that when we get into committee on the bill we may perhaps be in a better position to deal with any amendments that may be brought forward. I fear, myself, that too much importance perhaps is attached to the feeling of apprehension that has been expressed by the hon. and learned member for Sussex and others, that, if this bill is amended in anything but very minor details indeed, the passing of the measure will be jeopardised in the Imperial Parliament. Now, so far as I know, I see no reason whatever for our entertaining any anxiety on that score. I think, myself, that the Imperial Parliament will be just as likely to pass this bill with amendments made in it as they will be to pass it in its present shape. Certainly they will have no reason to quarrel with the bill, or to raise any debate over it, if it remains as it is at present, without any allusion in it to the lands of the colony. The idea that the Home Government, or the Secretary of State for the Colonies, or the House of Commons, or anybody else, will in any way endeavor to thwart us in such a matter as the qualification of members for the Legislative Assembly or the Legislative Council, or on the subject of the qualification of electors, or other portions

of the bill of more or less importance, is, I think, ridiculous. They undoubtedly will let us have what Constitution we think fit, so far as any questions of that kind are concerned at any rate. Where they may be inclined, perhaps, to step in and wish to have a word to say in the matter, will be with regard to the question of the disposal of our Crown lands, and the powers which this bill may seek, or the Imperial Government in the Enabling Bill may seek, to confer upon the colony in dealing with those lands. But I would remind hon. members that this bill, as it now stands before us, is altogether silent upon this subject of the land; and I am not sure but that it would be wise to introduce an amendment in the bill relative to these lands. I find that in the Constitution Bill that was passed in Victoria, there is an express section—section 54—on this point. That section says that, subject to the provisions contained in the bill, it shall be lawful for the Legislature of Victoria to make laws for the regulation, sale, disposal, and occupation of the waste lands of the Crown in that colony. But this bill, as I say, is silent altogether on the subject of the land. I think a similar provision to that in the Victorian Act will be found in the Constitution Bills passed in the other Australian colonies, or at any rate a provision of some description relative to the vesting of the power of making regulations for the sale and disposal of the land in the Parliament of the colony. I also notice that following up that section of the Victorian Act which I have referred to, there is a section in the Enabling Act of the Imperial Parliament relating to that colony, which specifically states that the entire management and control of the waste lands of the Crown in the colony, and the proceeds thereof, including all royalty on mines and minerals, shall be vested in the colonial Legislature. It seems to me that if we pass this bill as it now stands we shall do nothing whatever in relation to the lands of Western Australia—nothing whatever to vest them in the Parliament of the colony. The hon. member for Sussex pointed out that fact, but said that he would be prepared to trust the matter entirely to the Imperial Parliament. If that is so, I think it must be admitted that this land question is

likely to be the only bone of contention in the House of Commons. It has been said that you cannot pick up an English paper—which I deny—without some reference to this question of the granting of a Constitution to Western Australia; but all these references bear upon the question of the disposal and settlement of the lands of the colony, by means of some emigration or colonisation scheme or the other, from the mother country. If the usual provisions relating to the control of these lands, to be found in the Constitution Acts of the other colonies, are absent from the Constitution Bill we are about to send Home, it is very clear to my mind that we have no reason whatever to fear that we shall have any difficulty in passing any measure we may think fit to send Home. Therefore, I argue we are perfectly free to amend this bill in any direction we think proper, without any fear of the Secretary of State, or of the House of Commons, refusing our desire. As to the question of whether we ought not also to say something about the control and management of the lands of the colony, I think that is a question which should receive the serious consideration of this House. If we embark upon Responsible Government without the control of the waste lands being vested in the colonial Parliament, what will it amount to? Certainly nothing like what it would amount to were the control of these lands immediately vested in us. How would a Ministry here, waiting upon the Home Government to give us the control of the lands of the colony, go, for instance, to raise loans for public works? I believe many members of this House are particularly anxious to get through this bill in order that they may be able to inaugurate what they consider a more go-ahead and progressive policy, and to borrow money for the immediate commencement of public works on a large scale. But they will see that their hands will be entirely tied, until that confidence which we say we have in the Secretary of State is fulfilled; until his word is fulfilled, that he will endeavor to pass through the House of Commons a bill giving us the control and management of our lands. Hon. members must bear in mind that Secretaries of State do not live for ever, nor remain in office for ever. It may occur,

between this and the passing of an Enabling Act through the Imperial Parliament—some hon. member during the debate the other evening said it was not impossible, or not improbable—that the present Government at Home may go out of office shortly. That I don't believe. But still it is on the cards that they may. If they did, we may depend that during the turmoil of a general election, and until matters had settled down again, and the new Government felt safe on their legs, they would pay little or no attention to the promises of their predecessors. This question would have to be urged upon them very persistently, I take it—this promise of the present Secretary of State to do this for us—and, no doubt, in course of time the matter would be taken up. But hon. members will see that some time, some years perhaps, may elapse before we get the full control of our lands, if this bill is passed as it now stands; and not a word is said about giving us any control over the lands of the colony. Certainly, if all reference to the land is left out of the bill, there is no reason at all to fear that any amendment we may put in the bill will in any way jeopardise it. Seeing therefore that it seems to be the desire of the Government, and of hon. members generally, that no reference should be made in the present bill to this question of the land, and that we should simply rely upon the word of the Secretary of State to give us the control of our lands as soon as possible,—seeing that to be the case, then I say it opens the field for us to make what amendments in the bill we may think proper and desirable. That being so, I propose to refer to one or two matters which I think ought to receive the consideration of the House when we go into committee upon the bill. One of the cardinal features of the bill is the question of the qualification of members, both for the Legislative Council and the Legislative Assembly. I find that the subject is dealt with in Clause 18 of the bill before us. No doubt it is an oversight, but in that clause we find the Legislative Council and the Legislative Assembly linked together, and the qualification of members there mentioned applies equally to the proposed nominated Upper House as to the elected Lower House. I think that must be a slip.

It could scarcely be intended, I think, that the choice of the Governor in Council, as regards the appointment of members to this nominated Upper House, should be limited to those who possess this property qualification. When he has similarly appointed nominees to the present Legislative Council, under the existing Constitution, the Governor has been placed under no restriction as to the appointment of gentlemen holding any property qualification at all. Why should this principle be departed from in regard to the appointment of members of the nominated House under Responsible Government? Why should the Governor be limited in his choice—why should the Queen's choice, in fact, be limited—to those who happen to possess the property qualification mentioned in this section? I say that has possibly been a slip, and probably the Government will not be opposed to accepting an amendment to set that matter right, and to allow any person to be nominated to this Upper House, for the term of six years, whether possessing a property qualification or not. That is the principle of nominated Houses everywhere else, and I think it ought to prevail here. We find in the same clause that the present bill proposes to impose a property qualification for members of the Assembly, equal to just one-half of what it has hitherto been for this House; but still a high qualification. I would ask hon. members to be in no fear of expressing their opinions on this subject, if an amendment is moved doing away with this qualification. I, myself, am certainly in favor of having no property qualification whatever. I think if we have a fairly reasonable qualification for electors that we ought in that to find our security; because, as the hon. member, Sir Thomas Campbell, well said the other evening in his able speech on this subject, it does savor very largely of insincerity to say, "We will give a vote to every man possessing certain qualifications which we think ought to entitle him to a vote," and then turn round and tell him he will only be allowed to vote for a certain class, and a very limited class of persons, persons only who happen to possess an estate in land. In the first place, I ask the House to consider what is gained by insisting that members of the Assembly—or members of the

Council, if it is an elective chamber—shall possess any property qualification at all. I would ask them further to consider why that qualification should be limited to the possession only of freehold land? I propose presently to show that to limit it simply to the possession of freehold land is utterly impracticable, in the district at any rate which I have the honor to represent in this House. As has been pointed out before, this mere possession of so much landed property ensures neither honesty nor ability; and it will be observed that the clause provides that the property must be of the value of £500 "above all charges and incumbrances." I am inclined to think that there are as many intelligent and honest and able men, whom the electors of a district might choose to represent them, who have no land at all, as there are who possess that qualification, even in the centres of population. It is a fact which cannot be controverted that by insisting upon this qualification a very large proportion of those who are otherwise perfectly eligible to sit and represent their fellow-colonists in the Assembly, or in the Council, will be debarred, and the choice of the electors will be restricted to those who possibly may possess no other qualification than the possession of so much freehold property to entitle them to a seat in the Legislature. Then, again, a person may be returned a member of this House, possessing this qualification free of any charges or incumbrances; but, if that man happens to be a person looked upon, by some of those who spoke the other night on this subject, as a man who has no "stake in the country"—that is to say, because he happens to be concerned, possibly, in trade, because he happens to be a sheep-owner, or because he happens to be a merchant, and through no default or negligence of his own, or anything which he could have provided against, if trade is depressed, or the seasons turn out against him, and this freehold property of his becomes encumbered, his qualification as a legislator is gone. Take a bad season or two in a colony like this, and that man's qualification becomes immediately affected. Will it be attempted to be argued that his intelligence, or his honesty, or his ability as a member is less because his property is encumbered than it was

when he was eligible to hold his seat as the owner of an unencumbered freehold? I say, no. The argument does not bear examination. Then why impose such a qualification at all? Take the district I represent. Where would the electors of that district at the present moment find representatives in their own district possessing a freehold qualification? Where would the electors of the Kimberley district find a member amongst themselves possessed of this freehold qualification? It is well known that these districts are purely pastoral districts, and, under the system of land laws we lately inaugurated, it is next to impossible to obtain a freehold estate there if they desired. They would have to buy an enormous quantity of land that they didn't want before they became possessed of this £500 qualification,—unless they bought up land in a township. I say that it is not a state of things that is at all desirable. In the majority of cases the settlers in these districts possess no freehold land, except a very small proportion, perhaps, on which the station stands. But why should these men for that reason be disqualified from sitting in Parliament? Why should districts like these be unable to return a representative from amongst their own number, acquainted with the requirements and circumstances of the district? Is it not well known that there are numerous gentlemen in these Northern districts now, who, though possessing no freeholds, are in every other way most eligible to sit as members of Parliament? I say it is. Why should you compel the electors of these important pastoral districts to seek their members amongst those who happened to have bought town lots at Wyndham, or Derby, or Roebourne? We know very well that it is in these townships that the only freehold property in the district is to be found, with a very few exceptions. I think this is a most important point for our consideration, and a serious blot upon this bill. There are many other matters of minor importance with which I do not desire to occupy the attention of the House at this time, as there seems to be a general desire to go into committee. But I mention this detail because I lay great stress upon it. With regard to the qualification of electors, that also is a matter, I think, of im-

portance, but I do not propose to dilate upon it at the present time, beyond saying that I am quite in favor of extending the franchise somewhat beyond what is laid down in the bill. As we shall have an opportunity of dealing with this question in committee, I shall say no more at present. I wish merely to refer to a provision embodied in the 72nd Clause, and I may say that with regard to this point I have already tabled an amendment. It will be seen that the latter portion of this clause seeks to reserve "all rights and benefits which at the commencement of this Act are by law claimable by, or accruing to, any civil servant of the Government." I think the effect of that would be very disastrous to the form of Government under the Constitution that is contemplated, and tend very greatly to hamper the action of the Ministry with regard to their officers. I see in that reservation, as to the rights of civil servants, a reservation of their so-called rights under what is generally known as the Colonial Office Regulations. It has always forced itself upon my mind that under those Regulations all that a man has to do in order to make provision for life, when he is unfit for any other position, is to get into the Government service, with a salary of £100 a year, and he is perfectly safe. It is well known that after a term of years it is almost impossible to get rid of a public officer who has been in receipt of £100 a year. No matter what charges may be made against him, or how incompetent and incapable he may be, you can't get rid of him. He falls back upon his so-called rights under these Regulations, being an officer who is in receipt of a salary of £100 a year. If this new form of Government is to be worked efficiently and economically, if it is to be worked on a proper system at all, the first thing those entrusted with the working of it would wish is a free hand to deal with those Government servants who are neither use nor ornament in the service. Do not let any member of this House misunderstand me, or think that I desire to cast any reflection upon the Government service as it stands; but it has occurred to me that there are instances—they are remarkably few, I admit, but if there were only one or two I would say the same—which to my

mind render it desirable that the hands of any new Government coming into power should not be tied by these Regulations; and it seems to me, as I have said, that Clause 72, as it now stands, preserves in their integrity the rights of every officer who gets a salary of £100 a year, under these Regulations, and would seriously hamper the hands of any Ministry in respect to its public officers. Therefore, when this clause comes before us in committee, I propose to move an amendment in it. I desire at this moment to say nothing further, and I trust I may be pardoned for having detained the House, against what is possibly the general desire of hon. members to make quicker progress with the bill.

MR. A. FORREST: I shall occupy the time of the House but a very few minutes. I wish to show hon. members that there is a large amount of freehold in the Northern districts, notwithstanding what the hon. member for the North has said, and that there would be no difficulty for any member or any elector who has any stake in the colony to find £500 worth of freehold property. It is generally a man's own fault if he hasn't it. I agree with my hon. friend, the member for the Greenough, when he says that a man who in this colony is not able to become possessed of a small freehold estate of £500 had far better keep aloof from public life, and go to work and get that which will qualify him to sit in this House. This colony does not require men without a stake in it. We don't want men agitating and running about the country, trying to break down our institutions, trying to burst up the estates of people gained by their honest industry and labor. That is not the class of men we want in our House. We want to get men who have a large stake in the country, men who have shown their ability to get some property about them. I presume that men who have a large stake in the country, men who have become possessed of property in it, must have some ability, or they couldn't have got it. I think we ought to be very cautious, now that we have a class of men here who are trying all they can to upset the institutions of the colony, and who are always agitating for more power. I hope the Government will stick to their bill, and not give way to the advice of

those who have been trying for a long time to get this qualification taken out of our hands altogether. Can any man say that it is a hard thing for a man in this colony to become the owner of a small property worth £500? Why, I believe most of the mechanics in Perth have a freehold estate worth £500. Any industrious and sober man in this country can get that stake in the colony, if he likes. Why do we want to have men coming in here, without any interest or stake in the country,—men who after being here a few months, because they are great platform orators, want to get into this House—men who we know nothing about? Why should a man like that want to have a seat in our Parliament? His first move will be to try to get into the Ministry—he cannot live otherwise; and the next thing he will want will be payment of members. I say that is not the sort of agitator we want in this House, a man who has nothing to lose, but something to gain. Another thing, if we get that class of man in the House we shall have a large land tax; and I don't think that would suit the hon. member for the North, who wants to do away with this property qualification. I think it would affect him to a great extent, and I think he ought to pause before he rises in this House to give vent to an opinion that he wants to do away with the small qualification required for a member under this bill. I should like to say a few words as to the qualification of electors. I believe in £10 householders, and men who have a little property; and I would extend the franchise to the genuine lodger, and also to the *bonâ fide* miner, and to every man who can earn an honest living. I think the working man is as entitled to have a vote as any other man; and when this clause comes before the House I hope we shall make it as easy as we possibly can to allow this class—the honest worker, not the public-house loafer—to have a voice in the affairs of the colony. Of course he would have to be in the colony twelve months, whether he was a lodger, or a miner, or a householder, before he would be allowed to vote at all. As to the duration of Parliament, I certainly would vote for five years if I had my own way; but I wouldn't object to a compromise and make it four, if the matter is pressed.

MR. MARMION: So much has been said, sir, upon the matters at issue, with regard to this bill, that I think it becomes a very difficult matter for any member to say anything that is particularly new on the subject. But there seems to be a general desire that we should say something, and express our opinions, on the present occasion. I have already heard it said that we have possibly deviated from the correct procedure in dealing with the second reading of the bill; that, instead of dealing with the principle of the bill, we have been actually dealing with the details of the bill to a great extent. But it appears to me that, in this instance, where the provisions of a measure have been discussed, inside and outside the House, over and over again, and we have almost unanimously decided what to do, it is somewhat difficult to know—if we are not to go into details—how to deal with the bill again, unless we get up and say, "We agree thoroughly with the principle of the bill," and then sit down. I do not see how one can make anything like a speech upon it, without to some extent dealing with the details of the bill. Therefore, if I follow in the footsteps of other hon. members, who have possibly been somewhat out of order, I trust I may be excused. As I before stated—if not in this Council, outside of it, there has been a great deal said about this bill, and most members returned to this House at the late general election are pledged to either one line of action or the other with regard to it; if they are not exactly free agents, we can hardly blame them. We may say that they have been to a certain extent guided by the wishes of the majority of their constituents as regards this bill, and, as far as possible, by a due consideration of their own principles. I believe I may say that so far as I am concerned personally, I have not pledged myself to any line of action without mature consideration, and without having arrived at the conclusion that very little could be said in this House that would be likely to change my opinion, having, as I have already said, arrived at that opinion after due and mature consideration. With these few remarks, I will now proceed to deal with some of the clauses of the bill. Clause 6 brings us to a point which I believe may create some little difference

of opinion in this House; that is, with reference to the number of members whom the Governor may nominate to the Upper Chamber. When I first read this clause it certainly seemed to me that it had rather a conservative tendency; but I have been told by members who profess to know more about the subject than I do, that its tendency is rather in an opposite direction. Possibly it may be so. The clause says that the number of members to be nominated shall not be fewer than 15. For my own part I should have preferred to see the number fixed. Not fewer than 15, may mean 30, or it may mean 60, or it may mean any number greater than 15. I think that neither the Governor nor the Ministry for the time being in power should have power to nominate an unlimited number of members for this Upper House, and so convert what ought to be a fixed and permanent institution, possessing a certain amount of influence in the State, into a chamber that might be swamped for party purposes, and so lose much of its value as a revising and conservative chamber. I shall, of course, be prepared to listen to argument, but that is my present opinion. Clause 10 deals with the question of what shall constitute a quorum in this Upper House, and it is proposed that five members shall be sufficient to form a quorum. That appears to me to be too small. This Upper Chamber will be entrusted with very large powers of revision, and it may prevent the passage of any laws that have been enacted by the Legislative Assembly; and it does seem to me to be somewhat absurd that all this power should be exercised by five men. I think the number might be increased to seven at least. With reference to the Lower House, also, I think the number of members proposed is quite small enough,—30 members; though, probably, for the first few years under Responsible Government, it may suffice. But I certainly hope that the progress of the colony during the next four or five years may be so great that by the end of that time we may have this number considerably increased. I should like to see it increased to 60. The next clause I wish to refer to is Clause 14, which deals with the duration of Parliament, and fixes the time at five years. I think a great deal

more has been made of this than need have been. It seems to me that the question, after all, is not one of such very great importance, but if I am asked to express an opinion upon it, it seems to me, weighing the arguments for and against, that possibly it might be as well to fix a shorter term. It has been said that short Parliaments are opposed to stability of Government, and that no continuous policy could be carried out by any Ministry that could only look forward to an existence of two or three years. But I would point out that if a Ministry is in touch with the country, and is doing good work, the probability—I may almost say the certainty—is that that Ministry will be returned again by the country, when the time comes for appealing to the country. On the other hand if it is a Ministry that is not in touch with public opinion, and has lost the confidence of the country, it seems to me that the shorter the reign of a Ministry like that the better. The same argument that applies to a Ministry applies also to Parliament itself. It has been said that short Parliaments give rise to a good deal of change and insecurity as to ministerial positions, but it strikes me that there is less inducement for factious opposition or intrigue on the part of those who are not in office, and less desire to oust those in power, when it is known that a Ministry, at the best, is only a short-lived one. It would hardly be worth while for the Opposition party to resort to unworthy tactics when a Ministry had only a few months perhaps before Parliament expired. In this way there might be less faction fighting, and the affairs of the colony might be allowed to run their course more smoothly than they otherwise would, and, from that particular point of view, it appears to me that short Parliaments may be regarded as rather beneficial than otherwise. Coming to Clause 16, which deals with the quorum in the Lower House, I think that there, too, the number might advantageously be increased, as in the case of the Upper House. This, however, is a detail which may be easily settled when we go into committee. I next come to a much more important point—the qualification of members. I am certainly inclined to agree with what fell from the hon. and

learned member for the North, as regards the nominated chamber, that it certainly must be an oversight to impose a property qualification in the case of this chamber so long as the members of it are nominated. It seems to me that it would be unwise to limit the power of nomination which it is proposed to place in the hands of the Governor, until the elective principle is to come into operation. I must say that until I heard the speech of the hon. and learned member this evening I was certainly of opinion that it would be desirable to have a property qualification for the Upper House, from the very start; but I admit I have altered my opinion to a very great extent. With regard to the Assembly, or Lower House, and this question of the qualification of members, I may say, at once, that I am altogether opposed to a continuance of our present policy with regard to requiring members to possess a property qualification, when that property qualification is limited to property in land, and nothing else. I will deal with that part of the question presently. I agree in a great measure with what was said the other evening by the hon. member, Sir Thomas Campbell, as to this question of the property qualification of members; it seems to me that it is to the franchise, to the electors, that we must look in this matter; and that with a moderately high franchise—such a franchise as would admit all the intelligent electors, of every class—we may safely entrust the electors to exercise the right of saying who they will put in to make laws for them. I think we may safely do this in a well-ordered and conservative community like this. As I have already said, I fail to see—even admitting the desirability of a property qualification for members—I fail to see why property in land, and property in land alone, should be the only test of a man's fitness to occupy a seat in Parliament. I fail to see why the possession of so much freehold property makes a man more capable, more honest, more intelligent, more qualified in every respect for a legislator, than the possession of any other property. Why should the man who owns a piece of land be considered a better man in that respect, and give him a greater stake in the colony, than

the possession of other kinds of property? Has not the merchant, the ship-owner, the banker, or the share investor as much stake in the colony, and is he not likely to be as qualified to hold a seat in the Parliament of the colony as the man who owns a piece of freehold property in the shape of a few acres of land? Why should we regard all other qualifications save the possession of £500 worth of land as valueless? I ask hon. members to bear in mind that, in a young community like this, men in business and men who are engaged in commercial speculations, and who have their capital invested in various directions, often find it necessary to mortgage or encumber their freehold estates. A man finds it easier, as a rule, to raise money upon freehold than upon any other security; and a man in business may find it necessary to encumber his freehold property in order to obtain capital to carry on his commercial enterprises. In this way, many a good man would be unable to qualify as a member of the Legislature, although he might in every other respect be admirably fitted for the position. It may be said that if a man has means, if he has money, he can qualify himself by investing £500 in a freehold property. No doubt; but does not the facility with which a man could qualify show the very absurdity of requiring such a test? I come next to the clauses dealing with Government contractors, who are excluded from seats in both the Council and the Assembly. These clauses present rather a difficult subject to deal with. There is a good deal to be said on the subject, from different points of view. Many years ago—I think it was the first occasion I ever sat in this House—it became my duty to vote upon a question of the same kind. I then held the position of a nominee member, and the Government at that time were very anxious that contractors should not have a seat in the House. Viewing the question then from what I thought a common sense point of view, and in the best interests of the colony, I voted against the Government, as to a certain class of contractors at any rate. I failed to see why a man who had a small contract with the Government should for that reason be a less honorable or a less worthy man in any way than if he had no such con-

tract. I failed to see why the mere fact of a man having undertaken to supply the Government with some necessary supplies for the public service, involving a profit perhaps of a few pounds, should have made that man unfit to hold a seat in the Legislature of the colony. But at the present time the question has widened very considerably since then, and, in these days of extensive public works and loans, it may be difficult to discriminate between one class of contractors and another class. In the days I am referring to, the transactions of the Government were very small compared to what they have become since. But, so far as I am personally concerned, I shall be prepared to listen to any arguments that may be brought forward *pro* and *con*. on this subject, and shall give my vote honestly, and as I conceive to be best in the interests of the country. I notice that in Clause 48, which deals with members of the Legislative Council retiring by rotation, no provision is made for their re-election. I presume it is not intended to provide that a member who retires by effluxion of time shall not be eligible to be elected again to the same seat, if his constituents retain their confidence in him. With reference to the clause dealing with the electoral divisions of the colony, I will first deal with the proposed subdivisions of the various districts. Personally, I am strongly opposed to a subdivision of the electorates into single electorates, and, in my opinion, it will be found, in practice, other than beneficial to the colony. I think that, in the first instance, it would have been a far better way to have had, say 10, or 12, or 15 constituencies, each returning two or three members (as the case might be), rather than have 30 single electorates as proposed, many of them containing a very small number of electors. It would be far better, in my opinion, to concentrate the intelligence of the whole electoral district in the return of the members representing it, than to have it split up into different sections. It must be borne in mind that at this stage of our political existence it is of the greatest possible importance that the most intelligent and the very best men of the country should be returned to work our new Constitution, and it is obvious that this would be best obtained

by concentrating the intelligence of the whole electorate upon the return of its representatives, rather than the votes should be split up, and the concentrated intelligence of the electing body frittered away in various directions. I think what fell from the hon. member, Sir Thomas Campbell, the other evening on this subject, when dealing with the elections for the Upper House, strongly supports this view. The hon. baronet very clearly pointed out that by having large divisions or provinces returning members for the Upper House, we shall have a different class of members altogether from those returned to the Lower House, in the election of which local or parochial influence will be largely brought to bear, instead of a wider and more national influence. It is obvious that if this principle of selection is better for the Upper House it must also be better for the Lower House; you can come to no other logical conclusion. There is another thing: in the towns of Fremantle and Perth, I feel convinced myself—though I hope I may be proved to be wrong—I feel convinced, myself, that this splitting up of the electorates into three separate sections in each town will not have a good effect—certainly it will not produce such a good result as if you were to allow these towns to exercise the concentrated intelligence of the electoral body in each of them in the return of the three members to represent them. I feel sure, myself, that this will be found to be the case, if not as the result of the first election, certainly before long; and that the result will be the return of an inferior class of men, influenced and guided in a large degree by what may be called parochial feeling,—a narrow, local feeling; and that the result of the other method of obtaining the sense of the electoral body would be the return of men of greater intelligence, greater ability, and possessing a higher political reputation. With reference to the proposed division of the colony into five, what are called, provinces, for the election of the 15 members of the Upper House, I do not, myself, disagree in any way to the proposed divisions, though it seems to me that the rural, or squatting and agricultural interests will secure an excessive amount of representation in the Council as against the amount of

representation that will be given to the towns. I am referring more especially to the larger centres of population at Perth and Fremantle, which, at the present time, contain together nearly one-third of the whole population of the colony. If the principle of representation went on the numerical strength of the population, these two places ought therefore to have one-third the number of representatives in the Upper Chamber; but, as at present arranged, they will only have one-fifth. I think that the country interests are certainly well looked after in this clause, and perhaps it may be said better looked after than they are entitled to be. Of course I know it would be a difficult thing to alter this undue preponderance of representation, looking at the influence which the country party possess at present in this House. Still, that will not prevent me from expressing my opinion on the subject; and that opinion is, that in this proposed division of the colony for the purpose of electing members for the Upper House, the country certainly will possess a largely preponderating influence as compared with the town. What fell from the hon. and learned member for the North, in reference to Clause 72, dealing with the claims of civil servants, as to superannuation allowances in the event of loss of office, deserves very careful consideration; and I think the hon. member is to be thanked for drawing our attention to it. No doubt this is an important subject, and I am not prepared at the moment to deal with it, but will be prepared to give the matter my careful consideration when it comes before us. The hon. member referred particularly, I think, to the claims of those holding a position among the lower grades of the service; and, although I shall be quite prepared to assist the hon. member in protecting the interests of the colony as opposed to the interests of individual officers, still it seems to me that in common fairness and common honesty we shall be bound to consider the rights and claims of existing office-holders at the time when this bill comes into operation. I think it is only just and equitable that whatever rights these officers have acquired under the present form of Government should be preserved for them, when the coming change takes

place. Of course, in the future, those who are entrusted with the administration of the colony will be in a position to alter the status of the public servants, but I think that, pending the time when any reform of a sweeping character takes place, we ought to see that the claims of individual officers are preserved. Having now dealt generally with the most salient features of the bill, I should like to say a word or two with reference to something that fell, in the course of the debate, from one or two hon. members. The hon. member for Plantagenet, in alluding to the question of the suffrage for electors, seemed to have a notion that it would be advisable to reduce the household suffrage from £10 to £7. I think, myself, that would be an absurdity. We know very well—certainly those who have lived in the towns know—that there is no such thing hardly as anyone occupying a house in this colony at a lower rental than £10 a year—no one, at any rate, whom it might be considered desirable to admit into the franchise. I should like to know how many houses there are in Perth or Fremantle, the rent of which is under 4s. a week. If we are going to have a change in the franchise at all, in the direction of reducing it, let us not go in for half-hearted measures of this kind; let us go in at once for a wholesale and radical change. I look upon the proposal to reduce the franchise from £10 to £7, in this colony, as simply throwing dust in the eyes of the public, which, I for one, must deprecate. I would sooner, myself, see us go “the whole hog” (if I may use such an expression), and introduce universal suffrage. While on this subject, I wish to say that I would not consent in any way to be called a Conservative in politics; I repudiate the term, so far as I am concerned. Hon. members who have known me for years, and who have been acquainted with my actions in this House, know very well that I cannot be accused of being conservative in my ideas. On the contrary, I think I may fairly say that I have always been ready to join—if not to be at the head of—every liberal measure, every progressive measure, introduced into this Council, or that has been mooted outside, and have been always ready to give it the assistance of whatever ability I may have, and to

aid it with my voice and my vote in this House. No one, I think, will venture to deny that. Therefore, when I am not found among the advocates of lowering the franchise, it must not be supposed that I am doing violence to my Liberal proclivities. I have no faith at all in such half-hearted measures of reform as I have referred to; and, for my own part, I should prefer to see manhood suffrage itself adopted, under certain restrictions, than to see an attempt like that made to throw dust in the eyes of the public. Personally, I think the present franchise is low enough, though not wide enough; I think it might fairly embrace both lodgers and miners. I think we shall have made a very large concession to the demands of what I may call the recent Liberal movement in this colony when we abolish the qualification of members for this House. [Mr. A. FORREST: We haven't done it yet.] But we will. At any rate, I hope we will; and I think when we give every elector in the colony a chance of becoming a member of the Legislative Assembly we shall have gone quite far enough in the direction of liberalising our political institutions, for the present at any rate. It is not my desire—nor, I think, is it the desire of the most Radical section of the community—to revolutionise all the affairs of the colony all at once. It is not our wish, I take it, to strike down all our institutions, and to strike off every existing safeguard, at one blow. My idea is that we should gradually attempt to liberalise our institutions as the circumstances of the country demand. There is no necessity whatever that we should plunge into these revolutionary measures at once. I think we shall go far enough in the direction of liberalising the franchise, at the present stage of our history, if we admit into it, in addition to those who already possess it, every colonist who has attained the age of twenty-one years, under the conditions of a lodger's franchise and a miner's franchise. I know that the introduction of a lodger franchise is surrounded with difficulties, but I believe those difficulties may be overcome, and I shall do my best to overcome them. The main thing we have to guard against will be the granting of a lodger's franchise without proper protection in the shape of what I may call a residential

qualification. I do not think we ought to give a vote to every lodger, whether he has resided in the colony a week or all his life. We ought to have some condition as to residence in the colony. Twelve months, I think, would be a sufficient residence to insist upon in the case of a lodger. There is also a difficulty with regard to the miner's vote, but I think that, too, can be got over. I am inclined to giving the franchise to every miner in the colony, provided he has resided for a certain period—I think, myself, that six months would be a sufficient period—upon the goldfield in respect of which he sought to qualify himself, and also that he shall actually reside on such goldfield at the time of the election. I think if we do that we shall be adequately protecting the interests of our mining population. Beyond what I have stated I am not prepared to go. In conclusion, I believe that every member of this House in approaching the consideration of this important bill, does so with an earnest desire to make the bill one that will be beneficial to the best interests of the country, a bill that will provide us with a Constitution that will have the merit of stability at any rate, and that will be acceptable to all reasonable and right-minded men. At the same time I think every hon. member will agree with me that it behoves us to be careful, and not to alter this bill to such an extent as to endanger its passing the Imperial Parliament, or to arouse the opposition of any party in the mother country. I think it would be most disastrous for the colony if the present uncertain state of things were prolonged, and this period of inactivity extended much longer. We have already suffered from it too long. We have already been hanging too long, something like Mahomet's coffin between heaven and earth, with no power to do anything for the benefit or advantage of the colony. We ought to be careful not to prolong this state of things, but do our very best to hasten the passage of this bill in such a form as will be acceptable to those who will have to deal with it in the mother country. We must take care not to make it such a Radical measure as to imperil its becoming the law of the land; and I hope that the members of this House will do all they can—I feel sure they

will—to concentrate their efforts in that direction.

MR. RICHARDSON: It seems to me that we are going too much into the details of this bill, at this stage; I had no idea it was going to be threshed out as it has been, on the occasion of its second reading. I thought hon. members would have been content at this stage to deal with principles, and leave the details until we came to consider the bill, clause by clause, in committee. Hon. members, however, have departed from this intention, and perhaps no harm is likely to be done; I take it that our only desire is to frame such a measure as the people of the colony will be content to live under. I only intend, myself, to deal with one or two of the more prominent clauses of the bill. With reference to the question of the property qualification of members, I think it is unnecessary to say much at this stage; when we come to the clause, no doubt the question will be fought out to the bitter end. Notwithstanding the arguments—some of them very powerful arguments, theoretically—which have been used in favor of abolishing the property qualification of members, still, I think, there is a great deal more to be said in favor of a property qualification than has been said yet; and I fancy, when we come to deal with the clause in committee, some very cogent and strong arguments will be used on that side. No doubt that, theoretically, the arguments in favor of no property qualification are almost unanswerable; but it very often happens that practical politics and theoretical politics do not agree, and what may be admirable in theory may be dangerous in practice. Of course we all know that the possession of £500 does not add to the intelligence or moral worth of a man—that is mere platitude; still a property qualification in a country like this, where every man's fortune is in his own hand so to speak, may be accepted as certain evidence of a man's industry, business capacity, and thrift, and, to some extent, of his intelligence. It is at any rate very sure evidence that he has a permanent stake in the country, and has made the colony his home, or intends to do so; and, consequently, must have its welfare and prosperity at heart. With reference to what has fallen from my hon.

and learned colleague as to there being no provision in this bill vesting the waste lands of the colony in the colonial Legislature, I think with him that is an important omission. I think it is very necessary indeed that the omission—I take it, it is an oversight—should be remedied, before we let the bill go out of our hands. We must remember that when this bill comes before the Imperial Parliament, a lot of outside pressure, newspaper pressure, will probably be brought to bear against the passing of it; and we must remember that the most touchy point as regards this opposition is this question of the control of the lands. The English people, some of them at any rate, have a strong objection to handing over, as they say, all this enormous territory, with its millions of acres of land, to a small handful of 40,000 people. They seem to have an idea that, as soon as we get the management of our own affairs, we are going to cut up this huge territory into slices, sell it, pocket the money, and leave the colony to its fate; or, if we do not do this, that we shall pass some very stringent legislation, prohibiting any more people coming here from the mother country. All this of course is utterly absurd—as absurd as it is impracticable. Still, the feeling exists, and we shall have to face it. For that reason, I think we have a great deal more chance of getting a provision of that kind—a provision vesting the control of the lands in the colonial Legislature—passed, if it is included in this bill, than to make a separate measure of it; and I thoroughly agree with the wisdom of the suggestion made by my hon. colleague that such a provision should be embodied in this bill, rather than we should leave it to the tender mercy of the Imperial Parliament to give us this power in the shape of an independent measure. There also appears to me to be an oversight in Clause 59, which I hope will be remedied in committee. The latter part of this clause, which deals with Customs duties, provides that no new duty shall be imposed upon the importation into the colony of any article, from any particular country, that shall not be equally imposed on the importation into the colony of the like article from all other countries. In other words, the colony is forbidden from entering into any arrangement with another

colony for a reciprocal tariff, a reciprocal exchange of commodities. I do not see why we should be precluded from doing this, when it may be to the mutual advantage of the countries between whom this reciprocity is established. We know it has been done in the case of Tasmania and Victoria, and I certainly cannot see where the objection comes in. Why should a colony that happens to have some particular article of produce more than it wants, not be at liberty to exchange that commodity with some other colony for the surplus product of that colony, for the production of which it may have greater advantages? Why should Western Australia, any more than Victoria or Tasmania, be precluded from entering into a reciprocal arrangement of that kind, for the mutual benefit of the colonies concerned? There is another part of the bill I wish to refer to, and that is, Clause 70, dealing with the sum payable to the Aborigines Protection Board. I think there are some of us who are prepared to contest a portion of this clause,—that portion which provides that if the revenue of the colony increases beyond £500,000, the sum to be applied for the protection of the natives shall increase in proportion to the revenue. Under this truly absurd provision, if the revenue of the colony should increase from, say, £400,000 to £4,000,000, and the present aboriginal population in the interim decreased in number to possibly a hundred half-starved natives all told, we shall have to provide annually a sum of £40,000 for the protection of those 100 natives. What makes the clause still more absurd and unreasonable is the proviso that any unexpended balance remaining out of the annual vote for the natives shall be retained by the Board, instead of reverting to the revenue,—a sort of Chancery fund, or sinking fund, for goodness knows what. The Board cannot spend it—they wouldn't want to spend it; still it must not revert to the revenue, but keep on accumulating, year after year, and lie idle, the natives in the meantime diminishing in number. I cannot endorse the remarks of the hon. member for Fremantle as to the proposed electoral divisions. I think it is very necessary indeed that we should guard against centralisation, under this new form of Government, as much as

possible. We have not experienced a great deal of the evils of centralisation as yet, though we can see there is a tendency in that direction, more and more. I think it is absolutely necessary that provision should be made for a fair amount of representation for the outlying portions of the colony, otherwise we may find their interests entirely swamped by town influence. As I have said, this evil is not much felt at present, with our comparatively small population; but, supposing we had a population of 200,000 in Perth and Fremantle, and the representation was based upon the numerical strength of a constituency, what chance would the sparsely populated country districts have of having their interests represented? Their voice would hardly be heard at all, and all they would be able to get would be on mere sufferance. With respect to the number of members for the nominated chamber, I would not be in favor altogether of actually limiting the number to 15; at the same time I certainly think there ought to be a limit, and that we ought to fix the maximum number that could be nominated under any circumstances. Possibly if we provided that the number should not be less than 20, that would meet the difficulty which some hon. members seem to apprehend in the event of a deadlock between the two Houses. Further than that I doubt if it would be wise to go. But, according to the bill as it now stands, it would be in the power of the Governor to nominate as many extra members as he liked, without any limit at all. If he thought necessary he could nominate 50 extra members, sufficient to swamp any Assembly. I think we ought to guard against that, while at the same time giving some little latitude in this way, which I think would be met if we provided that the ordinary number of members shall not be less than 15, and that under no circumstance shall that number be increased beyond 20. I think that would meet all that is required.

MR. RANDELL: Sir, the bill now before us—a bill to confer a new Constitution upon Western Australia—has, in the main, received the general assent of the members of this Council and the colony at large. Still, as was naturally to be expected, there is a difference of opinion as to the details of the bill, and

indeed as to some of its more important features, especially that with reference to the qualification of members, which has been dwelt upon to some considerable extent by those who have addressed the House. There are also the questions of the duration of Parliament, the electoral franchise, and the question of the control of the lands,—all of which have elicited discussion and some divergence of opinion. I will address myself first to the question of the control of our lands, which I regard as a very important matter indeed. The hon. and learned member for the North has spoken on this subject at some length, and I have listened with a great deal of interest to what he had to say; and, personally, I may state that my sympathies are with him in that we ought to have some provision made, at once, before we pass this Constitution Bill, giving us the entire control and management of our waste lands. I am also somewhat in favor of what the hon. and learned member for Sussex says, that we ought as soon as possible, and without throwing any difficulties in the way, endeavor to secure the passing of the Constitution Act. I am also with him in his expression of confidence in the good faith of the Secretary of State; I think we may safely repose that confidence in the Secretary of State, in view of the language which he used in his despatch of the 30th July, last year, in which he says, referring to the laws regulating the disposal of the waste lands of the colony: "With this view, therefore, I propose to leave in force the Act 18 and 19 Vic., cap. 56, and to make new regulations under that Act, which, after preserving all leases and rights which have been duly granted or created, would vest in the Legislature of Western Australia the sale, letting, and other disposal of waste lands of the Crown South of Latitude 26°, or of such parallel of latitude or other boundary as may from time to time be approved by Her Majesty in Council for that purpose, and would give them full power over the proceeds arising from the sale, letting, or other disposal of those waste lands." I wish to draw the attention of the House to the expression "full power" there used. Nothing, I think, could be said that would be more comprehensive than that. Whether the Secretary of State has the

power to do so—I have seen it stated in a leading article that he has not—I am not prepared to say; it is argued that he has no such power without legislative authority. I am not prepared to controvert that statement; but it is clear that the intention of the Secretary of State is to give us this power, and I take it that such is the intention of the Ministry of which he is a member, and no doubt the intention would be respected by their successors—that we should have the entire control and disposal of the waste lands south of a certain parallel of latitude. I don't know what could be plainer than the language of this despatch; and I think there would be very little danger in our passing a Constitution Bill without a specific provision in it to that effect. I say this in view of this distinct promise of the Secretary of State. Even supposing Lord Knutsford himself might be out of office before our Constitution Bill becomes law, no doubt the same policy would be carried on by any succeeding Government, and I should say it would be carried on with more energy and more zeal if a Liberal Government came into office in the meantime. At the same time this question of the supreme control of our lands is a question of the very utmost importance; it is really absolutely necessary we should have this control before our new Constitution can be of any value to us as a self-governing colony. The question is whether the Secretary of State has power to carry out his intentions as expressed in that despatch, without some statutory authority. With reference to the question of the qualification of members, I shall confine myself at present to simply stating my bare views on the subject. I have listened with a great deal of interest and a great deal of pleasure to the very able remarks made on this subject by the hon. member, Sir Thomas Campbell, and by the hon. and learned member for the North. I think they made out a very good case from their own point of view; they used very cogent arguments I admit, and it will require a good deal of argument on the other side to refute those put forward by those hon. members. But I am not going to address myself to those arguments to-night. No one, I suppose, ever dreamt that a property qualification conferred brains upon its possessor. I do

not think that is at all the reason why a property qualification is advocated, and why it should exist, as it has done, in all ages almost, in various parts of the world. There are many good reasons in support of a property qualification; and, I have no doubt, very good reasons influenced the Secretary of State when he proposed to retain that principle in the bill. Lord Knutsford, I presume, has considered the circumstances of the colony when making this and other provisions in the bill, and, I think, unless very good reasons can be shown to the contrary, we would be acting wisely in adhering to a property qualification, and to the main features of the bill, if we are desirous of securing its early passage through the Imperial Parliament, and the support of the present Conservative Government. A property qualification, after all, may be considered a ready method of ascertaining the fitness of persons to conserve the interests of the country. No doubt it is only a rough test, but I take it that on the whole it is as good as any other you could get. I do not know that intelligence alone would secure us the right sort of men to represent the colony in its Legislature. We require business-like capacity in those whom we trust with the destinies of the country, and I think it will not be denied that the possession of those qualities in a man's private capacity is at any rate some guarantee that he will bring the same qualities into work in public life. As to the argument that if we impose a property qualification in this bill, it will have the effect of continuing the agitation in favor of the abolition of property qualification, and that the bill will have to be amended again in that direction, I do not suppose that, do what we will, we are likely to succeed in framing a Constitution that will not require some amendment, as time and experience may teach. But I think there is too much intelligence in the community, there is not so much desire for change, for change's sake, that this argument should have too much weight. On the other hand, no measure that we are likely to pass will be so perfect that some amendment will not be necessary hereafter with the growing development and advancement of the colony. I take it that on the whole you cannot have a much better test of the fitness of a person

to occupy a seat in the Legislative Assembly than that he should have some permanent stake in the colony, and that he has, through his own industry and intelligence, acquired the necessary property qualification here provided for. No doubt there are other qualifications necessary; but the difficulty is to get a rough and ready test, and I do not think that, on the whole, you can get a better test than a property qualification. I need not dilate any longer on this point at present; I will only add that after giving all due weight and deference to the arguments used on the other side, I am still constrained to abide by the principle I have held for a long time,—that a property qualification, on the whole, is the best test we can have for members of the Legislative Assembly. But it appears to me it would be an anachronism in the bill to have this qualification for a nominated Upper House, and, I take it, that will disappear when we get into committee. It has been stated that it is an exceptional provision in the case of nominated chambers—I don't know whether it is or not—but I can see that the same principle does not apply to a nominated and an elected House. With reference to the question of the duration of Parliament, I am old-fashioned enough to think that, in the circumstances of this colony—and I think we ought to take that into consideration more than the experience of other colonies; I am disposed to give every attention to the experiences of our neighbors, but I think we have our own experience to guide us; we have had a very long experience under the existing Constitution, and have learnt something from that experience, I hope—I say I am old-fashioned enough, in the circumstances of this colony, to think it would be better for us to have a five-years Parliament, than a shorter one. We may then look forward to something like stability in our Parliamentary institutions. It has been said that there is a cry outside for short Parliaments, and the people are desirous of having short Parliaments. For my own part, I have very little sympathy with this cry of the "people," for I think those who speak of themselves as the "people" in these matters only form a very small section of the people of the colony, and that section

congregated almost entirely in the towns and centres of population. We have had very little, if any, expression of the opinion of the country generally on this question of short Parliaments; and I think if we did obtain that expression of opinion it would very probably be in favor of five years, rather than of a shorter term. Going back for a moment to the question of property qualification, it was hinted at by the hon. member for Kimberley that we did not want any "carpet-bag" politicians in this House; by which, I suppose, the hon. member meant that we do not want any wire-pullers or log-rollers, men who live on their wits, men who have no stake at all in the colony, beyond what they can carry about with them in their carpet-bags, men, in short, who make politics a trade. I quite agree with the member for Kimberley there. If there is one man above all others whom I have a contempt for, it is the man who makes politics his trade; the demagogue who has the dangerous gift of arousing the prejudices and the worst passions of a great crowd of electors; the mere adventurer who not only has no interest nor stake in the colony, and who has no knowledge of its resources or its requirements, but who pretends to know more about these things, and what is best for the colony, than those who have lived in the colony all their lives and who have made it their home. With regard to the franchise, I am in favor of broadening it (but not lowering it) if it can possibly be done; but I think it would not be wise to meddle with the franchise at all while we are passing the present Bill, but leave it to be dealt with by a Parliament and a Ministry elected under the new Constitution. We really have no time to deal with it now. It embraces too large a question for consideration; it has to be protected by too many safeguards, the subject is really too comprehensive to be dealt with simply by a side wind as it were; and I cannot help thinking we might eliminate it from our discussions with advantage to the present bill and to the interests of the country. With reference to the question of a nominated or an elected Upper House, I still remain of the same opinion as I was before, but, in common with the general body of members and of the electors of the colony, I cheerfully

acquiesce in the compromise that has been proposed, as, under the circumstances, the best thing perhaps we can do. I have felt, and feel still, that in our circumstances we should have had a better and a stronger Upper House if nominated—and that is the only reason I have in favor of a nominated chamber; it would entail less of the annoyance, the turmoil, the wire-pulling, and other not always creditable tactics resorted to under the elective system. But, as I said, the House and the country have agreed to a compromise on this subject, which perhaps is the best thing we could have done under the circumstances. There is another section of the bill—perhaps I am going too much into detail, but other members have done so—section 48, which I would like to refer to. Under that section the senior members of the Legislative Council for the various electoral divisions—when that House comes to be elected—have to vacate their seats in rotation on the completion of a period of two years. I think, considering the steadying influence which the Upper House is expected to exercise, and the importance of the functions it has to discharge, this term of two years is too short. According to this provision, we are liable to have an entirely new Council every six years. I think, in the best interests of the colony, that time might be extended beyond two years. However, that is only a detail of the bill which can be easily arranged hereafter. Some remarks have been made as to our having as perfect a bill as possible, and with that desire I think most people will agree. But possibly we may carry that idea too far; and I think that will be the general feeling of members when they come to go into the bill in earnest. We may attempt too much. I hope we may not endanger nor delay the passage of the bill, for the sake of introducing into it amendments with the view of carrying out any fad of any individual members of this House. While I hope that every consideration will be given to the bill as it passes through committee, I hope also that nothing in the shape of amendments that are not absolutely necessary—no amendments that may entail further correspondence with the Secretary of State and further reference to the colony, with

reference to the vital principles of the bill—will be pressed without due and weighty consideration. If such amendments are insisted on, the probability is that members may make up their minds to wait another year or two for their new Constitution.

MR. KEANE: I was in hopes, on Monday night, when the hon. member for Sussex opened his remarks by deprecating too much discussion and too much opposition at this stage, that other members would have taken the hint; but it is very evident they have not, and that we all like to hear ourselves say something. I was in hopes that to-night we should have been in committee on this bill, but it appears that members have not yet exhausted themselves over this question of the second reading. It has been my privilege, or my misfortune, I don't know which, during the past month or two, to have had a great deal to say on this bill, and I am not going to make any lengthened remarks this evening; but I should like to make one remark upon what has fallen from the hon. member for the North (Mr. Richardson). The hon. member told us something about theory and practice, as to the property qualification question. He said that a thing may be very good in theory but vicious in practice, and that we ought to be guided by the practical rather than the theoretical in politics. Well, I, for one, am going in for the practical part; and I look to the practical experience of the other colonies in this matter of a property qualification for members. I don't know whether all hon. members here are aware of it, but it is a fact that not one of the sister colonies has a property qualification for members. Therefore, if we are to be guided by experience and by practice, there is plenty of both to guide us in this matter, and very little theory. Another argument used in favor of a property qualification was that, unless we have a property qualification, we should have members who would be here to-day and gone to-morrow. But it strikes me that it is easier for a man who is worth £500 to get out of the colony, than for the man who is worth nothing. I don't think it is necessary for us to dilate upon the details of this bill at this stage; we shall have to thresh the whole thing out when we get into committee, and have

the same views expressed over and over again. I will only add that, unless other members propose to bring forward certain amendments, I shall be prepared myself to offer some amendments in Clauses 14, 18, 24, 28, and 39. I think when I have said that, I have said all that is necessary for me to say at present.

MR. SHENTON: I think that in discussing the bill we have now before us we have arrived at one of the most important chapters in the history of Western Australia. This bill, or this question rather, has been talked about for a great many years past; but now we have it in a practical form before us, and, in dealing with the bill, it behoves us to remember that we are dealing with a bill that is to place the Government of the colony in the hands of our own people, without the interference of the Colonial Office. I think it must be acknowledged by all those who are acquainted with the circumstances of the colony, that the state of suspense which we have been in for the last year or two, with reference to this change of Constitution, has had a very injurious effect upon the colony. I can speak, I think, with some little knowledge of the subject, and I know that this state of suspense has been very injurious to trade. It has had a very detrimental effect upon commercial enterprise, the investment of capital, and everything in fact that has to do with the welfare of the colony. Therefore, I think that with as little delay as possible we should endeavor to put an end to this period of suspense, and endeavor to pass this bill with as few amendments as possible that are likely to have any effect in jeopardising the passing of the bill in the Imperial Parliament. In the Speech with which he opened this session we were told by the Governor that if it was considered desirable that the Enabling Act should pass the Imperial Parliament during its present session, and that Responsible Government should be brought into force without delay, it would be necessary that the Constitution Bill should be transmitted to the Colonial Office at the very earliest possible date. No doubt there are several clauses in the bill that do not meet with the approval of members—there are certain clauses that I strongly object to myself; but I think our best plan will be to adopt the same policy as

has been adopted by Lord Knutsford, and compromise the matter as far as possible. I think the compromise which Lord Knutsford has suggested in regard to the Upper House has removed a great many of the objections that stood in the way of the bill being passed by the present Council. With reference to the question of the duration of Parliaments, I think myself that a term of five years is too long, and three years too short; and I think a compromise might be accepted there, and the time fixed at four years. As has been said by previous speakers on this subject, Parliaments hardly ever run out their full time; and a "four-year" Parliament in name would probably never actually last more than about three years. So that this compromise would meet the views of most parties. With reference to the franchise, I am in favor of a £10 household suffrage, as provided in the bill. Still, I should like to see—if it is possible to carry it out this session—some arrangement made by which the *bonâ fide* lodger should be able to record his vote. By *bonâ fide* lodger I mean the man who has been living, say, twelve months in the same lodging. That would also apply to the sons of country settlers who live under the same roof as their parents, but who have become of age, and who are quite qualified to exercise the franchise. I certainly think young men of this class are entitled to vote. But in extending the franchise to lodgers we should be careful to hedge it round with some safeguards, to prevent other than *bonâ fide* lodgers from exercising this privilege. A man may have only lodged at a place for a week, and may be in some other part of the colony next week; we don't want to give the franchise to men like that. We want some safeguards; for I may state at once that I am strongly opposed to manhood suffrage. I think no one should have a vote unless he has some real interest in the colony. With reference to a miner's vote, I think that is a matter that could stand over until the new Constitution comes in. At present our two or three goldfields are in a very elementary stage of development—they are in their infancy, and this question of a miner's franchise cannot be considered a very pressing one. No doubt, when these goldfields are more developed, and population increases on

them, it will be one of the first duties of the Ministry of the day to deal with this question. They will not only have to consider the question of the franchise, but also the representation in the House of these goldfields. But at the present time I think it might stand over. The hon. member for Fremantle, referring to the proposed electoral divisions, said he thought the country districts would be able to return more members than they were fairly entitled to; and that the towns of Perth and Fremantle, the centres of population, ought to have a larger share of representation, considering the number of electors in those places. But I would draw attention to the fact that in other countries this question of representation according to numbers is not allowed to prevail. If it did, the country districts would simply be swamped. Take London, for instance. I think the population of London, according to the last census, was about 5,000,000. Now, if London were allowed to return members to represent it in the Imperial Parliament in proportion to the number of its population, it would have a very preponderating influence in the House of Commons. I think that in making these electoral divisions we ought to try and guard the interests of the country generally, and not of one particular part; and that the country and the town should have a fair share of representation. There is only one other point I wish to refer to, at this stage. The hon. member for the North (Mr. Burt) has called attention to Clause 72, dealing with the rights of civil servants. That matter had not escaped my own notice, and I can foresee that great difficulties are likely to arise for any future Government if this clause is allowed to remain as it is. We know from past experience how difficult it is to remove Government officers who have proved themselves incompetent or unfit to hold a position in the public service. The Secretary of State has to be referred to, and a great deal of red tape has to be used before even a subordinate public servant can be removed from office now, however unfit he may be. It is not very many years ago since this House had to bring great pressure upon the Government to remove a certain officer, and I think about eighteen months elapsed before the matter

was finally settled. I think we ought to have some more easy and less roundabout way of dispensing with the services of incompetent Government officers than we have under the present regulations; therefore I hope some amendment will be proposed to that clause which preserves all the existing rights of civil servants, however inconvenient it may be to the future Government. As the bill will have to be considered clause by clause in committee, I think it is needless to take up the time of the House at present. I hope we shall go to work in committee without any further delay, and endeavor to put an end to the present state of suspense and stagnation, which is hanging over all the industries of the colony, as soon as possible.

MR. PEARSE: When the hon. member for Sussex addressed the House the other evening, he urged upon us the necessity of passing this bill as soon as possible, and with as few amendments as possible; but the hon. member must have forgotten, I think, that several members have come here pledged to certain principles, and, amongst them, I am one; and I should like to express my views, very shortly, on some of the main provisions of the bill. First of all with regard to the constitution of the Upper House. For myself, I am still opposed to the principle of nomination; at the same time I think we cannot do better, under the circumstances, than accept the compromise offered by the Secretary of State in his despatch; and I think that by accepting that compromise I shall be acting in the best interests of the country generally. With regard to the qualification of members for the Assembly, as for myself, I am in favor of the abolition of property qualification, for I fail to see why a man who happens to have a property worth £500 or £1,000 a year is, for that reason, likely to be a better representative in any way than the man who may not happen to possess that quantity of land. I think, myself, that the electors are the proper judges of the qualification of their representatives, and of their fitness to represent them in Parliament. With regard to the question of the duration of Parliament, I think, myself, that a shorter time than five years should be adopted. I think we should adopt three years, and that it would be advantageous to the country to

do so. There is one part of the bill I should like to draw attention to, and that is with reference to the disqualification for membership, mentioned in the 23rd Clause. It says here that no person shall be qualified to be a member of the Legislative Council or Legislative Assembly if he "has been in any part of Her Majesty's dominions attainted or convicted of treason or felony." That appears to me to be a terrible punishment to impose upon, say, a young man who may happen to be sent to prison, say, for twelve months, for some youthful error in his early days; it seems a hard thing that this should be remembered against that young man for the remainder of his life, and that he should be for ever debarred from taking part in Parliamentary work, however well he may have redeemed the error of his early days. I don't find the same provision in any other Constitution Bill in the other colonies; nor, I think, is it to be found in the Imperial Parliament. Why should we rake up the past history of a man who has since shown himself a good and useful colonist? I think it is a very cruel thing to do. Many an able and brilliant man may in this way be kept out of the Assembly, simply because of one false step when he was young and thoughtless. I should like to see this part of the clause struck out, myself. Again, there are a number of men in this colony, now holding respectable positions, who came out here 20 or 30 years ago under a cloud, who had been brought under the lash of the law perhaps for some youthful indiscretion in their early days, but who have by their subsequent conduct wiped out this stain, and become worthy citizens. I think it would be a gracious act on the part of this House to remove this disability from this clause, and I may say that I shall be prepared to move in committee that this portion of the clause be struck out.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Sir, as no other member seems desirous of rising to speak, I rise—and I only do so for the purpose of saying that I have been very much pleased with the temperate, intelligent, and very candid manner in which this important bill has been discussed on its second reading. I feel sure that in

piloting the bill through committee, as it will be my duty to do when we arrive at that stage,—I feel sure I shall have the cordial support of every member of this House. I can only hope that the result of our united efforts may be the framing of a bill that will not only be acceptable to the Imperial authorities and the Imperial Parliament, but also give general satisfaction to the people of the colony. No doubt there will be some amendments, as has been intimated, when we go into committee. I only hope that those who intend to propose any amendments will have them recorded in print on the Notice Paper, before we proceed to consider them. At the same time, I may say that on behalf of the Government, it will be my duty to endeavor to carry this bill through in its integrity, without at any rate any material alteration.

The motion for the second reading was then agreed to, *nem. con.*

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I propose that we go into committee upon the bill to-morrow.

MR. MARMION: I would point out to the Colonial Secretary that members have had no time to prepare any amendments, much less to place them on the Notice Paper, and I think it would be desirable there should be some interval allowed before going into committee on the bill. Whatever may be the desire to hasten the progress of the bill through the House, I take it that it is not the desire of any member to unduly hasten its passage, without giving every member an opportunity of bringing forward any amendment he may think it advisable to make, let the effect of that amendment be what it may. I think it would be very desirable to postpone the committee stage.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I hope the House will allow me to remind it that excepting as to "Part III." of the bill—which deals with the compromise since arrived at with regard to the Upper House—this bill stands in a different position from that of bills generally introduced into this House; and the difference in the position is this: the Home Government having received and carefully considered the Draft Bill sent Home by His Excellency the Governor, was good enough to trans-

mit to the colony the bill we have before us; therefore the bill that we have now before us is the result of a long series of despatches, and arguments, and careful consideration, between the Government at Home and His Excellency here; and—as hon. members know—His Excellency has done all he possibly could to carry out all the wishes of this House.

MR. MARMION: Not this House. This is a different House.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I have not forgotten that it is a different House; I am speaking of the bill. Whether it is the same House or not, this bill has come from Home, and it is what the Home Government intend to give us,—excepting, as I have said, as to the third part of the bill; and the reason why the third part of the bill is not so is that it is the result of a compromise arrived at since what I may call the Draft Bill was before the House on a former occasion, with reference to the constitution of the Upper House. Therefore I would press upon the attention of the House, with all the earnestness I am capable of, that it is not likely to tend to facilitate the passing of this bill through its ulterior stages, if any material alterations are made in the bill at all, except in "Part III.," which necessarily has not received so full a consideration as the other parts of the bill, which have met with the sanction of the Home authorities. If members, therefore, are really anxious to pass this bill—I say it with the greatest submission; the questions referred to this evening and in the course of this debate, questions with regard to which there appears to be considerable divergence of opinion, the qualification of members, the duration of Parliament, the franchise, the native question, and the still more important question approached in a very light-hearted manner by the hon. member for Fremantle,—if all these questions are to involve alterations in the bill now before us, and especially if the land question is to be introduced into this bill—a question that will excite more opposition on the part of the House of Commons than probably any other question; I say, sir, with the greatest submission, if all these questions are to be re-opened and introduced into the bill, then good-bye to the passing of the bill this session.

The proposal to go into committee on the bill next day was then agreed to.

The House adjourned at a quarter to eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, 21st March, 1889.

Appointment of Chairman of Committees (Sir T. Cockburn-Campbell)—Constitution Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

APPOINTMENT OF CHAIRMAN OF COMMITTEES.

On the order of the day for the consideration of the Constitution Bill in committee,

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) rose to move that Sir Thomas Cockburn-Campbell do take the chair.

THE SPEAKER: Would it not be the proper course to move that he be appointed Chairman of Committees? The mere moving of an hon. member into the chair to-day would not confer upon him the appointment of Chairman of Committees.

SIR T. COCKBURN-CAMPBELL: I believe the course proposed by the Colonial Secretary is the course followed in the House of Commons. The question of appointment is never put there; it does not even appear on the Minutes.

MR. SHENTON: I think the vote of the House should be taken, as to the appointment of an officer drawing a salary, and that it should appear on the Minutes.

SIR T. COCKBURN-CAMPBELL: It is never done in the House of Commons.