

Legislative Council,

Tuesday, 23rd October, 1934.

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

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Hon. J. Nicholson in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 18:

Hon. J. CORNELL: I move an amendment—

That all the words after "by" in line 1 be struck out and the following inserted in lieu:—“(a) Inserting after the word ‘Pacific,’ in the second line of paragraph (d), the words and parentheses ‘(except New Zealand)’; (b) At the end of the said paragraph (d) add the following:—‘unless (i) he is a native of British India; or (ii) he is a person to whom a certificate of naturalisation has been issued under a law of the Commonwealth or of a State and that certificate is still in force, or is a person who obtained British nationality by virtue of the issue of any such certificate.’”

As I said on the second reading, it is impossible to discuss this Bill without referring to the Constitution Acts Amendment Bill. Had those Bills reached us as they were originally introduced in another place, I might not have taken the trouble to try to clarify the very unsatisfactory proposals agreed to by another place. The Bill provided for extending the franchise to natives of British India who previously were excluded. An amendment was agreed to providing for the franchise to be extended to people of Lebanon, which country is really under a French mandate. There is no analogy between the two. The idea was to give the franchise to British Indians because they are British born or naturalised subjects. The same cannot be said of the Lebanese. As another place evidently desires

to depart from an arrangement made, I understand, at a conference some years ago, I think it better to follow the Commonwealth Electoral Act. The only difference between the Assembly franchise and the Commonwealth franchise will then be the exclusion by us of persons of the half blood. There is another anomaly in that the Assembly franchise excludes natives of the islands of the Pacific whereas the franchise for this House does not. The amendment will practically eliminate the clause and bring into force the Commonwealth franchise, except that persons of the half blood will be excluded by us, though some half bloods are better qualified to exercise the franchise than are some whites I know. The Assembly proposal did not include people of Ceylon, and I have included them.

The CHIEF SECRETARY: I must oppose the amendment on the ground of the circumstances which gave rise to the Bill. The measure was introduced with one definite object in view—to grant the franchise to British Indians resident in the State. It has not been introduced except after lengthy consideration, by different Governments, extending over 13 years. Unfortunately, to my way of thinking, an amendment was moved in another place, and that amendment, which departs from the original intention of the Government, was passed. I can well understand that Mr. Cornell should accept that precedent as an encouragement to move the present amendment. I am not considering the merits of his amendment at all, but I say this is not an opportune time to move it. Pledges have been given to the Imperial and Commonwealth Governments to introduce the Bill which was submitted to another place; not exactly the Bill before us now, but simply one giving the franchise to British Indians resident in Western Australia. I hope no further amendment will be made, so that controversial matter shall not be introduced into a Bill of this character. The time may come—perhaps it is not far distant—when it will be necessary to bring in a general amendment of the Electoral Act. No doubt that statute requires examination, and then will be an opportune time for Mr. Cornell to submit his amendment. The danger in his amendment is that we may not be able to fulfil our pledge to the Imperial and Commonwealth Governments.

Hon. J. CORNELL: The Chief Secretary has not touched the point at all. I have already informed the Committee of the reason for my amendment. In another place the Government accepted an amendment with regard to which there is absolutely no understanding between the Western Australian Government and the Imperial and British Government; namely, the granting of the franchise to Lebanese. I have already intimated that had the Government adhered to their original Bill, I would not have gone to the trouble of the research I have undertaken. But when another place agreed to include in the Bill a small part of Asia which is under mandate to a foreign power, it occurred to me that the only manner in which the Bill could properly be extended was one making it co-extensive with the Commonwealth Act. If the Chief Secretary will withdraw the Lebanese from the Bill, I will withdraw my amendment, though it is exactly four-square with the Commonwealth law except that it makes clear the position with regard to the island of Ceylon.

The CHIEF SECRETARY: I have explained my position. My objection is that this is a highly controversial amendment, of a sweeping character and taking in all sorts of people.

Hon. J. Cornell: So does the Commonwealth Act.

The CHIEF SECRETARY: But we are not the Commonwealth. I do not think it advisable that Mr. Cornell's amendment should appear in the Bill.

Hon. J. CORNELL: I always meet the Chief Secretary when I can, but I ask the Committee to accept my amendment. If the Assembly is not prepared to accept it, then the issue will be whether to stick to British India or to embrace a small portion of Asia. The passing of my amendment is not final. The Chief Secretary, I gather, is not prepared now to agree to an amendment dropping the Lebanese.

The Chief Secretary: I have no authority to do so.

Hon. J. CORNELL: I see no danger whatsoever in my amendment. A person entitled to be enrolled for the whole of Australia should be entitled to enrolment for

a part of Australia. A ridiculous position arises if a person entitled to be enrolled for the Commonwealth is not entitled to be enrolled for a State.

The CHAIRMAN: Has the hon. member considered whether the reference to the mandated territory of Lebanon referred to in the Bill is correct, or whether Lebanon is not now a republic?

Hon. J. CORNELL: I am given to understand that the territory of Lebanon is today a republic under a foreign power holding a mandate under the League of Nations. It is in the same position as Papua would be if a republic were established there. The Versailles Treaty handed over Lebanon to the League of Nations. If preference is given to that part of Asia, why should not Ceylon receive consideration?

Hon. G. W. MILES: I support the amendment, and I fail to see that any harm can result from adopting legislation similar to that of the Commonwealth, except as regards persons of the half-blood. If we pass the amendment, it will go back to another place. Then, if another place disagrees with it, there can be a conference. My personal view is that if another place does not agree to the amendment, we should insist on the Bill as originally introduced by the Government.

Hon. V. HAMERSLEY: Mr. Cornell's remarks are appropriate to the opportunity to make a change in the direction he intimates. I have received serious complaints from a number of half-castes. They feel their position keenly. Many of them are admirable settlers, and are doing their work in the same way as are other members of the community. They are educated, and are rearing families. They would feel that natives of British India were being put ahead of them, and their sense of grievance would be intensified. If Asiatic races are to have the franchise, we should extend it to those Australians who are living in our midst and are working well.

Amendment put and passed; the clause, as amended, agreed to.

Clause 3, Title—agreed to.

Bill reported with an amendment.

BILLS (3)—FIRST READING.

- 1, Road Districts Act Amendment (No. 2).
- 2, Timber Workers.
- 3, Western Australian Aged Sailors and Soldiers' Relief Fund Amendment.

Received from the Assembly.

BILL—CONSTITUTION ACTS AMENDMENT.

In Committee.

Hon. J. Nicholson in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 15:

Hon. J. CORNELL: I move an amendment—

That all the words after "by" in line 1 be struck out and the following inserted in lieu:—
 "Provided also that—(i) no aboriginal native of Australia, Asia (except British India or Ceylon), Africa or Islands of the Pacific (except New Zealand), or person of the half blood, shall be entitled to be registered unless he is a person who was registered as an elector prior to the thirty-first day of December, 1933, but the disqualifications created by this paragraph of this proviso shall not apply to any person who is a naturalised subject; (ii) no elector possessing more than one qualification within a province shall be thereby entitled to be registered more than once for that province; (b) adding the following paragraph at the end of the section:—'In this section "naturalised subject" means a person who has obtained a certificate of naturalisation under the laws of the United Kingdom, or under the laws of the Commonwealth, or any State of the Commonwealth, or under the laws of any of the British Dominions, and whose certificate of naturalisation is still in force and has been in force for at least twelve months before making the claim.'"

This Bill and the Bill we have just been considering are practically inseparable. The idea of another place, when the Bill was introduced there, was to extend the full franchise of this House to British Indians. As the Constitution now stands, a British Indian can only exercise the franchise of this House by virtue of his being naturalised and being a freeholder. My object is to enlarge the franchise by providing that any person qualified to be registered as an elector for the Legislative Assembly can be enrolled as an elector for this House pro-

vided he holds the necessary qualification as a holder of freehold property, a ratepayer, a business leaseholder, a Crown leaseholder, qualifications possessed by an ordinary citizen. The Constitution at present provides that no aboriginal native of Australia, Asia or Africa (not any of the islands of the Pacific) shall be entitled to be registered as an elector. I could never see any reasoning in that other than that when the Electoral Act was framed in 1907 the matter was overlooked. There is every justification for the amendment I have submitted.

Amendment put and passed, the clause, as amended, agreed to.

Clause 3, Title—agreed to.

Bill reported with an amendment.

House adjourned at 5.15 p.m.

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

QUESTION—STOCK ROUTE, NORTH-WEST WELLS.

Mr. WELSH asked the Minister for Works: In view of the very prolonged delay and the most urgent necessity for the work being commenced immediately, will he state the approximate date when the