

Legislative Assembly,

Thursday, 17th November, 1904.

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THE SPEAKER took the Chair at 3.30 o'clock, p.m.

PRAYERS.

QUESTION—RAILWAY ELECTRIC CURRENT, COST.

MR. NEEDHAM asked the Minister for Railways: 1, What is the estimated cost per unit of electric power and light produced at the railway works in Fremantle? 2, What is the charge per unit at which power and light are supplied to (a) private companies, (b) the Harbour Trust?

THE MINISTER FOR RAILWAYS replied: The figures are not yet available, but will be supplied to the hon. member immediately the information can be obtained.

QUESTION—RAILWAY WATER CONDENSER, GERALDTON.

MR. CARSON asked the Minister for Railways: 1, What quantity of water has been condensed by the condenser at Geraldton for six months prior to 31st October? 2, What is the actual cost per thousand gallons?

THE MINISTER FOR RAILWAYS replied: 1, 1,453,000 gallons. 2, Cost, based on working expenses, including interest, depreciation, and management, 13s. 3½d. per 1,000 gallons.

LEAVE OF ABSENCE.

On motion by MR. GORDON, leave of absence for one fortnight granted to the member for Bunbury (Mr. N. J. Moore), on the ground of urgent private business.

LOCAL COURTS BILL.

RECOMMITTAL.

On motion by the MINISTER FOR JUSTICE (Hon. R. Hastie), Bill recom-

mitted for amendment of Clauses 29, 108, 116, 127, 131, and for adding a new clause.

MR. BATH in the Chair.

Clause 29—Appearance may be in person or by a legal practitioner:

MR. A. J. WILSON moved an amendment:

That in line 3 the words "or any person allowed by special leave of the magistrate in any case to appear instead of the party" be struck out, and the following inserted in lieu, "duly authorised in writing by any party to such action."

The object of the amendment was to enable the party to an action to choose the person to represent him in the Local Court. It was a very serious departure from the existing order of affairs, but was in keeping with the democratic age in which we were living. The magistrate generally preferred to allow legal practitioners to appear for parties interested in cases; but it should be within the province of the party interested to nominate his agent. The power should not be solely vested in the magistrate. The Local Court rules 25 and 125 referred to "solicitor or agent."

THE MINISTER FOR JUSTICE: This was a most important amendment, almost revolutionary to some extent. The present Act declared that an agent might appear in the Local Court by special leave of the magistrate. It had been the law for a considerable time, and he was not aware of any great hardship having been inflicted. In many courts, if not all, agents were freely allowed to appear on behalf of persons. But the member now proposed that agents should appear before magistrates, whether they were qualified solicitors or not. Having looked into the matter he found that it would be contrary to the Legal Practitioners Act to amend the proviso in the way proposed. It would not be wise for agents who were not qualified and who did not show that they were qualified, to appear against the wish of the magistrate who was trying the case. The Legal Practitioners Act of 1903 provided that no person other than a practitioner, solicitor, or barrister, should appear, except by leave of the presiding magistrate; and if anyone contravened that section, such person was liable to a penalty of £20. In every other avocation

of life, if one wished to obtain advice of a professional kind, one went to a man who was qualified to give the information; and if any work was required to be done, a person who had served an apprenticeship in the class of work required was employed. He advised the Committee to reject the amendment.

MR. FOULKES hoped the Committee would consider the point apart from the interests of the legal profession. The member for Forrest seemed to think it was a great privilege to allow practitioners to appear in Local Courts; and the reason the restriction was placed in the Act previously was for the benefit of magistrates and presiding officers. The first Local Courts Act was passed many years ago, when few practitioners were in the State; but in those days it was found necessary to insert a provision that appearance in the Local Court should be by a legal practitioner. When laymen conducted cases in the court, there was tremendous waste of time owing to the want of legal knowledge, and to the fact that evidence was brought forward and cases were mentioned not relevant to the issue. It might be said, why should these people not be given time to acquire knowledge? But, on the other hand, why should the State suffer a great loss of time, so as to enable men to acquire the necessary knowledge? If persons wished to acquire proper legal knowledge, they should do so outside the court, and not at the expense of the parties to a case or of the magistrate. Besides the party wishing to employ this particular agent, there were others in the case to be considered, whose time was valuable. In the Perth or Fremantle Court there might be 40 or 50 cases on the list, and it was the duty of the magistrates to get through the business as quickly as possible. Often the Local Court Magistrate and Supreme Court Judges had testified as to their indebtedness to the legal practitioners for assistance given in the conduct of cases. Under the Local Court rules an agent could do everything practically except argue a case. In many places there were no practitioners, and there the magistrates allowed agents to appear. But it often happened that very unsatisfactory individuals came forward in these Local Court cases, prepared and anxious to

fight the case on behalf of particular clients. Often they did not conduct their cases creditably, simply because they had not sufficient knowledge; the result being that a great deal of the time of the court was taken up with irrelevant argument.

MR. LYNCH: The fundamental principle aimed at was presumably to enable parties to a suit who were not capable of conducting their own cases to get assistance from those who might be willing to aid them; and seeing that the parties in the dispute were the best judges of such assistance, they should be quite untrammelled in their choice. The magistrates as a rule had some legal training, and manifestly in the past they had been disinclined to allow the appearance of agents in any suit; so the amendment by the member for Forrest was quite reasonable.

MR. GILL: Since this Bill was introduced he had heard complaints. Three or four different persons had been to him in reference to the matter, and they desired some such amendment as that proposed by the member for Forrest. One person stated that he had been a collector for business people generally, and he found difficulty in collecting money due, especially where the amount was small. It was necessary sometimes to go to a court, but owing to the expense of engaging a solicitor business people had to suffer in relation to accounts not collected.

MR. FOULKES: The magistrate in Perth allowed an agent to appear in debt-collecting cases.

MR. GILL: The gentleman in question stated that on three different occasions he had asked for permission to appear as an agent, and on each occasion had been refused. That gentleman assured him the general practice was to refuse, and he could not quote one case where an agent was allowed to appear.

MR. FOULKES: The general practice was to give permission.

MR. GILL believed that in regard to the Railway Department agents were allowed to appear, but other than that he did not know of any case in which agents could do so. With regard to delay, there was not much in the argument of the member for Claremont. He had known several occasions on which Supreme Court

Judges had passed very strong remarks as to the time wasted by professional agents in the court.

MR. FOULKES: They passed much more stringent remarks in relation to others.

MR. GILL: The amendment would, he believed, have a good effect.

MR. RASON was beginning to have hopes of the members of the Labour party. He understood they were arguing there should be absolute freedom; that if a man wished to employ anyone to do anything for him he should be at perfect liberty to choose whom he liked. One welcomed such an argument as that; but he had been under the impression that one of the tenets of the Labour party was that before a man was employed he should have served an apprenticeship. Very serious trouble had arisen over the exercise of freedom of choice. Certain men were engaged to do certain work which admittedly they were capable of doing, but it was held that the class of work properly belonged to someone else who had served an apprenticeship, and therefore it was wrong, in fact positively sinful, to employ these men to do it. It seemed that all these doctrines were only wise and just when they affected other people.

MR. A. J. WILSON: Did not circumstances alter cases?

MR. RASON: Seemingly they did. While certain trades and perhaps some professions were to be protected, the legal profession was to be open to anyone. He had nothing to say to the contrary, but it seemed inconsistent to argue that in some cases we must employ only a man who had proved his qualifications, and that in others there should be absolute freedom of choice. What were the facts in this particular instance? Anyone by leave of the magistrate could appear, and as a matter of fact did appear. When had a magistrate refused to allow any person to appear for another? Debt collectors appeared without hindrance as plaintiff's agent. But it was found necessary to protect people against themselves. A plausible man might add handsomely to his income by conducting cases in the Local Court. Some hon. members by their eloquence might secure much employment of this nature; and owing to their lack of legal knowledge the

clients would suffer. If this amendment were passed together with that following it on the Notice Paper, such agents would receive the same fees as solicitors; for the fee allowed by the magistrate would be the fee prescribed in the Local Court rules. If the agent won the case he would get that fee; if he lost, he would get what he could. The clause as it stood went far enough.

MR. W. NELSON: The preceding speaker endeavoured to show that certain Government supporters were inconsistent because, while holding that a person carrying on a trade ought to be protected against one who had not served an apprenticeship, they sought by this amendment to permit a non-professional agent to do the work of a qualified legal practitioner. One fundamental distinction between the two cases immediately upset the hon. member's contention. In the case of an ordinary trade there were no restrictive conditions, while the legal profession was hedged round with restrictions. The average man, however capable, could not enter that profession unless he had money enough to enable him to live for a number of years practically without remuneration. If trade unions were hedged round with similar conditions, which would prevent the average boy from entering them, they should be abolished. Any boy, however poor his parents, could enter any union. There was a profound difference between a union which opened its doors to all workers and one which was a close corporation. The amendment did not seek to introduce any serious innovation. The law now recognised the right of an agent to be appointed, and by the amendment the power to veto the appointment was removed from the magistrate to the person most intimately concerned. True, all recognised that the agent must be competent; but on occasions the poor litigant should have the right to select a non-professional agent. In the long run the amendment would not seriously affect the practice of the legal profession. It would provide for exceptional circumstances merely.

THE MINISTER FOR JUSTICE: No one had proved that the present rule did not work well. The member for Balkatta gave from hearsay a doubtful instance of an agent whose appearance in court was prevented by a magistrate. From inquiry

he (the Minister) found that the usual rule in the metropolitan area was to allow agents to appear regularly in debt cases, unless the agents were personally objectionable and undesirable. The clause was more liberal than any similar provision elsewhere. A person unable to obtain a qualified man might employ an amateur agent; but such appointment must be confirmed by the magistrate. The member for Leonora held that in certain circumstances freedom of contract was a glorious thing; that a man should have power to choose whom he liked to conduct his case. But surely in the appointment of a legal representative there should be more safeguards than in any other appointment; because the ordinary litigant was seldom qualified to appraise the abilities of persons willing to act as his agent. On the goldfields he (the Minister) knew of but one agent not allowed to appear; and that agent was a man who should not have been allowed within the precincts of the court. Such people ought not to be permitted to impose themselves on ignorant litigants. The member for Hannans gave reasons for wanting to bring down restrictions as regarded lawyers, saying the law was a close corporation and that many people did not have the opportunity of becoming lawyers, while every person had the opportunity of learning a trade. There were, however, many instances of apprentices being restricted, and instances of boys who were not allowed to learn trades. In fact the same restrictions applied to all professions and trades. Until reasons were given that the present system did not act well, the amendment should not be passed.

Amendment put and negatived.

Mr. A. J. WILSON moved an amendment:

That the words "But no person other than a legal practitioner shall receive, directly or indirectly, any fee or reward for appearing or acting on behalf of another person in the court," be struck out and the following inserted in lieu: "Any party appearing in person, or agent duly authorised, shall receive such fee or reward for appearing or acting in any action as shall be determined by the magistrate."

The Minister and the member for Claremont had said it was exceptional for a person to be refused the right to appear as agent in a Local Court. This emphasised the necessity for compensating the

agent for any work done by him. Fees should not be the exclusive right of the legal fraternity, and if an agent won a case for his client he was entitled to recover fees from the losing party. The member for Claremont and the Minister for Justice should not require a man who had to do this onerous work, requiring so much skill and legal acumen, to go without compensation.

Mr. FOULKES: The amendment required some alteration. The words "or agent duly authorised" should be omitted, and the words "or any person so allowed by special leave of the magistrate" should be substituted for them. Also the reference to fees should be omitted. There was no objection to the amendment if so altered. A certain legal interpretation was placed on the word "fee," and the amendment, if unaltered, might be in contradistinction with the Legal Practitioners Act.

Mr. HENSHAW: Some provision of this nature should be made. By the Arbitration Act, officers of unions were allowed to appear in the Local Court to sue for moneys owing to their unions, and they should be entitled to receive fees or reward for their services to enable lost time to be made up.

THE MINISTER agreed with the remarks of the member for Claremont; but as that gentleman was better acquainted with legal matters than himself, he (the Minister) would ask the hon. member for information on one or two matters. At present the party losing a case was not called upon to pay fees to an agent. That was unfair, and the magistrate should be enabled to tax costs. It would be also obviously unfair if the magistrate could award smaller fees to the unprofessional man than to the professional person. The matter should not be left to the discretion of the magistrate, but the agent should be allowed to collect the fees which would be allowed to a lawyer. The point might have to be dealt with in the Legal Practitioners Bill.

Mr. FOULKES: The Legal Practitioners Act was very strict in saying that fees should not be allowed to any person appearing on behalf of the litigant; but there were places where no legal practitioner was available, and no hardship would be done by allowing

litigants some reward. For this reason he had suggested an alteration to the amendment. There was no hard and fast rule in regard to allowing fees to legal practitioners. True, a certain scale was prescribed; but a certain amount of discretion was given to the magistrate. For instance, £2 2s. might be allowed in one case, whilst in another case, if the magistrate thought it was unduly strung out, perhaps only 5s. or 10s. 6d. might be allowed.

THE MINISTER: Presumably the hon. member wished that if this provision were amended, those fees could be charged to the other side.

MR. A. J. WILSON accepted the amendment.

Paragraph struck out, and the following inserted in lieu:—

Any person appearing in person, or any person appearing by leave of the magistrate, shall receive such reward for appearing or acting in the action as shall be determined by the magistrate.

Clause as amended agreed to.

Clause 108—Appeal to the Supreme Court:

MR. A. J. WILSON: Would the clause entitle an agent, by leave of the magistrate, to appeal?

THE MINISTER: Not necessarily so in the Supreme Court. Parties would have the right of appeal from the Local Court to the Supreme Court; but the moment the appeal was before the judicial bench, the parties were entirely under the Supreme Court rules, and could not by any amendment in the Local Courts Act alter the law of the Supreme Court.

MR. A. J. WILSON had intended to move an amendment, that after "appeal" in line 30, the words "in person" be inserted. We conferred the right on a party to appear in person before the Local Court, and it would be a hardship if a person could not defend his own case in the Supreme Court. He ought at least to be entitled to do so.

THE MINISTER wished the question to be discussed whether in all cases a person might appear without any legal practitioner in the Supreme Court. Obviously any amendment of this Act would not affect the practice in the Supreme Court; but this clause enabled either the plaintiff or the defendant to

appeal. Of course one could appear in person and give the necessary notice. If the words suggested were added, the amendment would prevent any agent or practitioner from appearing for a party.

MR. A. J. WILSON: That could be overcome by inserting additional words.

MR. J. C. G. FOULKES: This simply set out the cases in which a litigant could appeal to the Supreme Court. A litigant could only appeal to the Supreme Court in a certain class of cases; and in any other instance he had to apply to the court for leave. This clause did not deal with the question of who had the right of appeal. Our Judges now had a tremendous lot of work to do, and if we were going to create fresh work by allowing inexperienced people to appeal in the Supreme Court, we should have to double the number of Judges. The country could not afford to do it. He admitted that the fees in this country and in all English-speaking dominions were much higher than those in foreign lands. In Italy, France, and Germany one could get legal practitioners to work for very small sums. People there could get a lawyer to do work for a guinea or two guineas which in English-speaking countries would cost perhaps twenty guineas or thirty guineas. All English-speaking people tried to get a good remuneration for their work. That applied not only to legal practitioners but to all ranks of life. He had heard Labour members speak with great unction and satisfaction as to how far superior they were in that respect to foreigners, and they bewailed the fact that foreigners would for 10d. or 11d. a day do work for which the Britisher wanted 8s. As to poor men appearing in the Supreme Court, there were not very many cases of that kind. Unless they had a curious disposition they were not in a hurry to go to the courts of law. The more a man could keep out of litigation the better it was for him. As a rule it was not the client who got the benefit. [**MEMBER: Lawyers.**] Yes. That was why he was anxious we should not encourage people to go to law. We had already some very experienced lay practitioners in this State whose names were household words, and who were well known to the Minister for Justice. The Judges had suffered a great deal, and had lost much time in

having to listen to various applications made by those people. None of us should wish to add to that. We had better leave the clause as it stood.

MR. A. J. WILSON: The question was more serious than he first thought. One of the tenets of a British court of justice was that a litigant should be able to appear in court and conduct his own case, if not in a position to pay the very high fees which were necessary in the conduct of a case by solicitors and barristers before the Supreme Court. This point might be discussed in dealing with the Legal Practitioners Bill; for we ought to give parties the right to appear in person if they so desired in defence of any privilege or right claimed.

Clause passed as printed.

Clause 116—Rule or order substituted for a writ of mandamus:

MR. A. J. WILSON: A party to a Local Court suit might desire a writ of mandamus, and if he could not personally or by his agent apply for this to the Supreme Court or to a Judge, hardship would be inflicted.

MR. FOULKES: The law was that no agent other than a legal practitioner could appear in the Supreme Court.

THE MINISTER: We could not in this Bill amend the Supreme Court Act. Clause put and passed.

Clause 127—Bailiff may seize goods:

THE MINISTER: The clause as drafted protected from seizure goods not exceeding £5 in value. The Committee were previously unanimous that the sum should exceed £10; and the clause was postponed with a view to extending the protection without increasing it under any particular head. The goods mentioned were wearing apparel, bedding, and tools or implements of trade. He moved an amendment that the proviso be struck out and the following inserted in lieu:—

Provided that the following goods shall be protected from seizure:—(a.) Wearing apparel of such person to the value of five pounds, and of his wife to the value of five pounds, and of his family to the value of two pounds for each member thereof dependent on him. Bedding to the value of five pounds, and an additional sum of one pound for each member of his family dependent on him. Implements of trade to the value of five pounds.

The principal object in specifying the goods was to discourage anyone from

spending his creditors' money on too many articles of the same kind. If he did this, the amendment would not exempt all such articles. A single man might have an exemption for wearing apparel up to £5, bedding £5, tools of trade £5, or £15 in all—a liberal allowance. A man with a wife and family of four would be exempted up to £35 in all. This exemption was probably more liberal than that obtaining in any other country; certainly far more liberal than in England or Scotland.

MR. RASON: The maximum exemption for a man with a wife and family of four would be £32 not £35. Unquestionably the amendment was sufficiently liberal; so liberal as to defeat its object. If it passed, a workman would find it difficult to obtain any credit, and certainly very difficult to rent a house unless the rent was paid beforehand.

MR. A. J. WILSON: Did the clause apply to distraint for rent?

MR. RASON: It applied to any Local Court action. What credit could a man obtain if £33 worth of wearing apparel and implements of trade were exempted from seizure? A man could reserve from seizure clothing to the value of £5. His clothing being second-hand, the whole of it would be exempted. All hon. members, with the exception of the Colonial Secretary (Hon. G. Taylor), would by this provision have their wardrobes entirely protected from seizure. It was desirable that a man, however poor, should retain the absolutely necessary tools by which he earned his living, and a reasonable quantity of bedding and clothing. But if we attempted to reserve more, we should injure instead of benefiting the debtor; for we should make it impossible for a man out of work to obtain for necessities the little credit which was essential unless he was to sacrifice the very tools we wished to protect. The amendment should be approached with caution, for in the desire to be kind we should take care we were not doing an injustice.

MR. NEEDHAM: The Minister had erred on the side of liberality. It might be wise to reduce the aggregate amount for wearing apparel, and bedding and exempt altogether tools of trade. To take away the tools of trade of an individual would prevent him from earn-

ing an honest livelihood or from extricating himself from any difficulty he might be in. We should not take away from any person his tools of trade, or from any woman a sewing machine. Anything by which a man or a woman earned a livelihood and supported those dependent upon them should be called "implements of trade."

MR. FRANK WILSON: The amendment appeared to be unworkable, and not exactly clear in its meaning. It said "bedding to the value of £5, and an additional £1 for every member of his family." Did that mean that a man could keep a sovereign in his pocket for each member of his family?

THE MINISTER: To the value of £1.

MR. FRANK WILSON: The clause should be made to read that wearing apparel, bedding, and implements of trade to the value of so much should be exempt. Every one desired that a man should have bedding and clothing and tools of trade; but why not put the whole lot together and say wearing apparel, bedding, and tools of trade to the value of £20.

THE MINISTER FOR JUSTICE: The clause would be more simple if the whole lot were put together, but in practice it would be much better to specify the value of the various things. Everyone wished to do what was fair; but we must ascertain what was fair. If £20 was a fair thing for a single man, then it was not fair for a man with a wife and perhaps two or three children. In some cases an exemption of £20 was too much for a single man.

MR. GREGORY: How were the goods to be valued?

THE MINISTER: The bailiff must make a valuation.

MR. RASON: Keep tools of trade distinct from bedding and wearing apparel.

THE MINISTER: That would simplify matters but there was always a danger that we might be going too far. It was with a desire to prevent people from defeating their creditors that he had specified the various articles.

MR. F. F. WILSON: Implements of trade should be exempt altogether from seizure. A tradesman's kit might be worth £20 or £30, and the kit would be no good if broken. If implements of trade were exempt only to the value of

£5, then one-half or three-quarters of the kit might be seized, and the rest would be no good to the owner. He moved—

That the words "to the value of £5" be struck out.

MR. SCADDAN: When this matter was before the Committee previously he thought that wearing apparel and tools of trade should be exempt; but some persons might have a considerable amount of wearing apparel, therefore we should state the amount. Also as to implements of trade and bedding we should be careful. Some contractors had implements of trade to the value of £400 or £500. In many cases it was a contractor's only estate, and it would be absurd to exempt these implements; but tools of trade would be a very different matter. "Implements" should be struck out and "tools of trade" inserted in lieu. Wearing apparel and bedding might be exempt to the value of £20, and tools of trade to the value of £5, making a total of £25.

MR. GREGORY supported the new subclause as printed. The Minister had tried to meet the wishes of members, but one would like the clause to state clearly who was to value the goods. The valuation must be carried out by the official bailiff of the court. He objected to allowing wearing apparel to be free from seizure. A man might go to a tailor and purchase £50 worth of clothing and refuse to pay: in such a case it would be only just that this clothing should be seized. It would not be right for the bedding of poor people to be seized for debt, but when one came to the question of implements of trade he could not agree with the member for North Perth, for a contractor might get into debt having scaffolding worth perhaps £1,000, and to say such implements were exempt from seizure would be wrong. The implements of a farmer might also be very valuable; a farmer might have a reaper and binder. We were justified in placing a value on the tools of trade to be exempt. The implements of a cabinet-maker were expensive, and a printer might have a linotype machine, which would be a tool of trade. We should be doing wrong if we departed from the wording of the clause.

MR. BOLTON hoped the amendment would not be accepted, as there was

danger in it. For instance, a railway contractor might use one locomotive or half-a-dozen as "implements of trade" in the construction of a railway, and the value of these assets might run up to £18,000. Indeed a debtor of this kind might go on piling up locomotives in a long string, and all might be protected as "implements of trade," being "implements" of his particular trade as a builder of railways. The words "tools of trade" would be safer than "implements of trade."

MR. NEEDHAM: The words "implements of trade" might remain in the clause, and "tools of trade" be exempted for the purpose of exempting tradesmen's kits, dressmakers' sewing machines, and such articles.

MR. A. J. WILSON: A tradesman might have a certain class of tools, and these could be exempted; but to limit the value to £5 would be useless to him when his necessary tools were of much greater value. The amount of exemption might be limited, and the owner could have the choice of saying whether the exemption should apply to £20 worth of bedding or £20 worth of tools.

MR. LYNCH preferred the motion as printed. A limit of £5 for tools of trade was insufficient for some classes of tools. To meet the case of a cabinetmaker, whose tools were valuable, it might be well to insert the words "or such other sum as will represent the value of such implements continually employed in the manual labour of the judgment debtor."

THE MINISTER was sceptical as to the definition of tools and implements of trade. The definition given in the *Century Dictionary* did not agree with views stated by several hon. members. We could not allow an exemption for "tools of trade" to an unlimited value, without allowing an exemption for "implements of trade."

MR. WATTS supported the clause as printed. As to exempting implements of trade, such as typewriters and other expensive articles, a debtor might be using a motor wagon as a carrier on roads, and this might be his only means of livelihood and be worth hundreds of pounds. The same might be said of many other valuable "implements" used for earning a livelihood.

THE MINISTER asked members to assent to the amendment he had moved, as some amendment of the clause was necessary; and he would farther consider the subject in the light of the remarks made by members.

Amendment passed, and the clause as amended agreed to.

Clause 131.—Power to commit:

MR. A. J. WILSON moved an amendment, that the following be added as a subclause:—

Provided that the provisions in this section may be exempted by the magistrate in the case of any person upon whose means there is dependent a son or daughter below the age of ten years, or a father or mother over the age of 65 years, or any person permanently incapacitated by physical infirmity from earning a livelihood.

If the circumstances were such that the debtor was reasonably unable to pay the amount of debt, he should not be committed to prison; the persons dependent on him being thereby placed in an unfortunate position.

MR. FOULKES appreciated the good intention of the subclause; but the Local Court practice in judgment summons cases was for the magistrate to examine the defendant as to his means, and as to his family and the ages of his children, to ascertain if the defendant could pay the debt. The magistrate always took into consideration the facts, and calculated the amount of money that would sustain the debtor and all dependent on him, before making any order for payment. The amendment would limit the already liberal provisions in the clause, and would prevent the magistrate having liberal powers in this respect. Charles Dickens was responsible for the abolition of imprisonment for nonpayment of debts; and since that novelist's time, British laws had become more liberal, it being now clearly laid down throughout legal procedure that a person was not imprisoned for nonpayment of debt, but for refusing to pay when possessing means to pay. The amendment should be dropped, because it limited the wise provisions contained in the clause.

MR. A. J. WILSON, after the expression of opinion from the one learned member of the House, would not press the amendment.

Amendment withdrawn.

New Clause—Deputy Magistrate:

THE MINISTER moved that the following be inserted as Clause 12:—

In the case of the illness or absence of a magistrate, or if a magistrate is interested in an action or matter pending in a court assigned to him, another magistrate, or any police or resident magistrate, or any justice of the peace may, at the request of the first-mentioned magistrate or of the Minister, sit for the first-mentioned magistrate, and may exercise all the powers and perform all the duties which that magistrate might have exercised or performed. Whenever such request shall be made by a magistrate he shall immediately report the matter to the Minister, and shall state the reason of the request, the name of the magistrate sitting for him, and such other particulars as may be prescribed.

The Bill originally gave the magistrate power to appoint a deputy magistrate, but the select committee advised an amendment giving the Minister the power. Members, however, thought it best to give the power to the magistrate, according to the clause as printed; but after discussion, the clause was put and accidentally struck out. It was necessary to replace it in the Bill.

MR. BURGESS: The wording was not exactly the same.

THE MINISTER: The only alterations from the obvious intention of the House were to give power to the Minister to make an appointment in the event of the magistrate being incapacitated, and to provide that should a magistrate appoint a deputy to do his work he should immediately report the circumstances to the Minister.

MR. KEYSER: As one who opposed the recommendation of the select committee previously, he accepted the wording of the clause as now brought down by the Minister.

Question passed and the clause added to the Bill.

Bill reported with farther amendments.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

RECOMMITTAL.

THE PREMIER: When the Bill was in Committee, some slight amendments to the Schedule had not been moved at the proper time. He now moved that the Bill be recommitted for amendment to the Schedule.

Bill recommitted; MR. BATH in the Chair, the HON. W. C. ANGIN (honorary Minister) in charge of the Bill.

Schedule (paragraphs to amend sections in the Act):

MR. F. F. WILSON moved an amendment:

In amendment of Section 26 insert at beginning the following words:—"In Subsection (1) the words 'including a majority of the persons on any municipal roll in respect of land in any portion of any municipality, roads board, or other corporation proposed to be included in such municipality,' are struck out."

The reason for the amendment was that the Bayswater Roads Board was applying for permission to have the roads district declared a municipality; but under the Act it was necessary for a majority of ratepayers on the roll to sign a petition. In the particular district there were only 330 resident ratepayers, about 1,000 others being non-resident. As the 1,000 non-resident ratepayers were living in all parts of the world, it would be impossible to get their signatures for the purpose of having the prayer of the petition granted. Therefore he proposed to strike out the words referred to; so that if 50 *bona fide* residents signed a petition, this would be sufficient to have a roads district proclaimed a municipality. People who would be against this proposal were amply protected by Section 28 of the existing Act, which set out that if within one month after the publication of any petition a counter petition signed by an equal or larger number of persons qualified to sign was presented, no proclamation should be made on the original petition. So that if 50 persons signed a petition asking for a certain district to be proclaimed a municipality and 51 other petitioners were dissatisfied, the latter would counteract the original petition.

THE PREMIER did not see any objection to the proposal, because in many districts in the State the subsection proposed to be amended was practically unworkable, owing to the very large number of absentee ratepayers whose names were on the roll. Some of these absentee ratepayers were, as stated, on the other side of the globe, and some were in the Eastern States. Therefore if their signatures were obtainable one way or the other, those people were not very

competent to express an opinion on the subject. The following sections of the Act provided every protection. It was necessary that a petition received should be published four times in the *Government Gazette*, and the date of the last publication was held to be the date of publication; so that a term of two months was given. We had provided by an amendment in the Bill that a copy of every petition should within 14 days be presented to the council or board of every municipality or district to be affected by the exercise of the power. So there was thorough protection against any hasty action on the part of the Governor regarding any petition that might be objected to. Full opportunity for objection was given. Under these circumstances he thought the Committee need not be afraid to accept the suggested amendment.

MR. FOULKES: We had a Roads Act passed two years ago, under which a certain number of ratepayers—he forgot how many, but a large number—could petition the Governor for a part or the whole of a roads board district to become a municipality, or for part of a district to be tacked on to an adjoining municipality. The Act provided that an officer should be sent down to inquire fully into the merits of the application to see whether such roads board district should be converted into a municipality or not. He suggested that the Premier should defer this matter until he had considered the Roads Act.

MR. RASON: It did not follow that a petition presented would necessarily be granted. He did not think there was any great objection to the amendment.

THE PREMIER: If there was any conflict as to legislation, it was between the Roads Act and the Municipalities Act as they existed at the present time. The provisions of the Roads Act gave power to the Governor-in-Council to act independently of a petition in the first instance. Where the ratepayers required on their own initiative to induce the Governor-in-Council to act, they had to prepare a petition. That could not be submitted unless signed by a majority of persons whose names were on the roll. This amendment was merely to give power to less than a majority of the ratepayers to petition. The Governor might be con-

vinced by representations other than those of the petitioners. A roads board might convince him that there was need for a change in its constitution, for the severance of a portion of its district, or for making it a municipality. This could be done under the Roads Act. The amendment was unobjectionable.

MR. FOULKES: We should be careful not to pass any provision in conflict with the Roads Act. After inquiry, he would take farther action if necessary.

Amendment passed.

Paragraph—Amendment of Section 167 (hawking):

MR. H. BROWN moved an amendment:

That the following be added to Subsection 28: "and prohibiting such hawking in prescribed streets and public places within a municipality."

The amendment would protect from the unfair competition of hawkers the large ratepayer and the shopkeeper who paid heavy rents. Neither in Perth nor in Kalgoorlie was it considered fair that shopkeepers should have to compete with hawkers who stood outside shops and sold the sort of goods sold within. No municipality wished to drive hawkers out of the town, but merely to prescribe a centre—say in Perth from Wellington Street to the Terrace and from Barrack Street to William Street—in which hawking should be prohibited. None wished to interfere with the legitimate hawker who went from door to door, but solely with him who blocked the thoroughfare. As Perth grew, this kind of hawking, if not checked, would greatly increase.

THE PREMIER accepted the amendment. Though he was fully desirous of giving opportunities of earning a livelihood to hawkers, the term "hawker" was not correct when applied to a man who simply stationed his cart in a particular thoroughfare and allowed the public to seek him there. Unquestionably this practice often interfered with traffic in busy streets, and likewise in a degree with the ordinary shopkeeper. The amendment, if wisely administered by the municipality, would encourage the hawker to render the public a service by hawking his goods, instead of forcing the public to seek him whenever they wished to buy.

MR. F. F. WILSON opposed the amendment. The hawkers supplied the public with wholesome and cheap fruit almost direct from the grower. The by-laws compelled them to keep moving; they paid 10s. a month for the right to hawk fruit. If hawkers were driven out of the centres of large towns, the price of fruit would increase in these centres, and the hawkers would compete with suburban shopkeepers. Persons desiring the finest fruit could get it from shopkeepers who paid high rents. To prohibit hawkers was merely catering for landlords, in whose interest the amendment was drafted. An increase in business done by shopkeepers would mean increased rents. Some time ago a similar agitation started in Melbourne, and the Chief Secretary, Mr. Trenwith, after inquiry refused to allow the city council to prohibit fruit hawking. Vendors compelled to keep moving were legitimate hawkers.

MR. DIAMOND supported the amendment. A legitimate hawker was in many ways a public benefactor; but a hawker was not legitimate who stood in a public street and, while obstructing the traffic, became virtually a shopkeeper. There was no intention to prevent a hawker from canvassing from door to door in residential portions of a town. A "hawker" meant a pedlar; a man who went from house to house trying to sell his goods. Him we should encourage; but the vendor who had to be sought in the streets was not a legitimate hawker.

At 6.30, the CHAIRMAN left the Chair.
At 7.30, Chair resumed.

MR. RASON: Under the existing Act, municipalities had power to regulate the hawking of fruit, fish, poultry, vegetables, and articles of merchandise; so that councils could enforce such regulations as to make hawking prohibitive if they chose to do so. We were told by the member for North Perth that the hawking of fruit was the only means of securing to the purchaser an opportunity of getting good, wholesome fruit direct from the grower. He accepted that statement, but should never have guessed it if he had not been told so. In crowded thoroughfares it was absolutely necessary that there should be some check on hawkers

who allowed their barrows to remain in one place.

MR. HARDWICK (East Perth): At the last Municipal Conference this proposal was carried by an overwhelming majority, when it was pointed out that it was only a permissive clause giving the municipalities the necessary powers. We were told it was within the power of municipalities at present to regulate hawking, but he was doubtful on that point except it were by putting on a prohibitive license fee. If there was anything very wrong about hawking it would soon rectify itself, for the majority of ratepayers would put the matter right through the ballot-box. We knew that hawking did impede the traffic in busy thoroughfares, and we knew that many men following this occupation were not ratepayers; in a great number of instances they were foreigners. No harm would be done by giving the local authorities power to regulate this evil.

DR. ELLIS: The amendment might be accepted. If we were throwing the responsibility on municipalities, they should have the fullest opportunity to regulate hawking in accordance with the wishes of ratepayers. Councillors were elected annually, and if any improper use was made of the provision the councillors would not be re-elected. Councillors should have the right to regulate traffic and prevent hawking so that it would not impede traffic. As to hawkers, taking goods to the doors of residents, that should be allowed to go on. He objected to in any way interfering with municipalities so that they could not attend to their own affairs.

MR. A. J. WILSON opposed the amendment, as he did not think the Committee were justified in taking away from hawkers the right that existed at present for them to make an honest living. It would be dangerous to place in the hands of municipalities a permissive clause such as this. The underlying principle of the provision was not to prevent any impediment of the traffic by hawking, so much as to protect the interest of people who carried on business in certain portions of a municipality. While business people were entitled to some consideration, we should not forget that a particular stand for which business people paid high rents was not of their

own making; it was the creation of the public accentuated by the heavy traffic that took place in any particular locality. He had watched the hawking in Perth, and he had not yet seen hawking going on in Hay Street; but in Barrack Street, Wellington Street, and William Street where hawking went on it did not interfere with the traffic, although it might interfere with the trade of the shopkeepers, who should be open to the ordinary competition.

MR. GORDON: People would not be allowed to sell drapery in the streets.

MR. A. J. WILSON: There was not a great deal of competition in that particular business. Hawkers did their best to eke out an honest existence; they did not make fortunes, and in those circumstances he did not think they should be hampered. There might be some restrictions placed on hawking in narrow thoroughfares like Hay Street; but an undue advantage might be taken of a provision like this to drive hawkers with barrows entirely out of the city, and he protested against the proposal to rob these men of the means of earning a living.

MR. TROY: It would be very inadvisable to grant any council power such as the amendment proposed. The people who hawked were generally poor people who were trying to earn a living, and they were generally to be found in Barrack Street, William Street, and Wellington Street. Moreover, these persons were of some advantage to the poor people, for they regulated prices and sold fruit at a much cheaper rate than people could buy it in the shops. A ring existed, and it was impossible to buy fruit cheaper at one shop than another. A vast majority of people who owned fruit-shops in Perth were foreigners, whereas the vast majority of those hawking fruit in the street were people of our own nationality. The leader of the Opposition would always be found supporting people whose interests were identical with his own, at the expense of weaker persons. That had always been the hon. member's policy.

MR. RASON: The hon. member knew nothing about it.

MR. TROY: That was a side-issue, and he did not intend to follow it. There was no necessity to give this power. People hawking fruit or any other article in Perth had not proved a nuisance, and

when they had it would be time for the council to take action in the matter.

MR. HARDWICK: They had proved a nuisance.

MR. TROY: These people would never be found in Hay Street, because the traffic was too great for them.

MR. GORDON: Because people would not buy fruit from them.

MR. TROY: If that were so, he could hardly follow the argument that these people were taking a certain amount of trade away from shopkeepers. The poorer class of people generally bought fruit from hawkers. If we gave this power, we should be doing an injustice to them, and to the hawkers also. He hoped members of the Labour party would vote solidly against the proposal.

MR. GORDON: The member for Forrest said that if the amendment were carried, it would to a great extent hamper a man in eking out an existence. These hawkers were in Barrack Street and Wellington Street. Four days out of the week these men did nothing, and then they bought fruit and stood in front of fruit shops for which high rents had to be paid. We had never seen a fruit hawker with a hand-barrow outside Wellington Street or Barrack Street.

MR. A. J. WILSON: Yes; he had, four days a week.

MR. GORDON never had. If these hawkers took the fruit out into the suburbs as well as into the city in the main streets, there would be some reason to object to the amendment, but they remained idle, as he had said, for four days a week, and generally on the Friday they bought a cheap line, which they brought in on Saturday, and they stood outside the main shops and sold this fruit, making enough money to last them for the rest of the week. They might be gathering bottles or something in the same cart the first four days. He did not think they did much.

MR. NELSON: We should bear in mind that a very large number of people had no means of earning a livelihood besides hawking.

MR. GORDON: There were not four hawkers in Perth.

MR. NELSON: Yes. Only the other day he saw a woman hawking. He had a sympathy with the poor hawker. Considering the comparatively small amount

of salary this country could afford to pay members of Parliament, it was quite possible that he might have to try to eke out a livelihood by doing a little hawking himself. He hoped the proposal would be negatived. He believed the shopkeeper had already a great many advantages. A person carrying on business in a shop had a perfect right to every consideration, and we should protect him from any unfair competition if it were possible without interfering with the just rights of others; but we should remember that even the shopkeeper was at the mercy of the landlord. If through the introduction of hawkers the businesses in which certain men were engaged became less remunerative, the result in the long run would be that rents would fall, and it would be the landlord and not the shopkeepers who would ultimately lose. Sometimes a hawker was also a shopkeeper, who could afford a little shop it might be in a back street, and who tried to supplement his efforts in that direction by supplying the wants of the poorer class of people who could not afford to buy in the ordinary way. He (Mr. Nelson) had no sympathy with any attempt to place undue restrictions in the direction of preventing honest men from earning a livelihood. Some of the great American millionaires began originally by hawking. When he was in England a large number of people used to cry out against hawkers, and the cry generally came from the wealthier shopkeepers. The law in England protected hawkers, and recognised their business as an honest one for the benefit of the poorer people.

MR. RASON: The law in England was exactly as that proposed under this Bill.

HON. W. C. ANGWIN hoped the Committee would pass the amendment, which would not interfere with anyone doing the legitimate trade of hawking. It would not interfere with a body of hawkers carrying on their trade in proper streets. The member for Hannans spoke about hawking being an honest occupation. There was not much honesty in hawking in the centre of a principal street where shopkeepers were paying to a very large extent the revenue which maintained the streets, and also paid high rents. The proposal would not drive hawkers into the suburbs to the detriment of the shopkeepers there. The Bill was drafted for the whole State;

therefore any power given by it which could be used in the city of Perth could be used in any other town throughout the State. This power was not given to municipal councils, but to the people who elected them, and who elected the members of this House. If anything was done detrimental to the interests of the municipality, the people would put that system right through the usual annual elections. He was only sorry that more of our members had not had a little municipal experience, for then they would have dealt with this question in a far different manner. At Bunbury the last municipal conference carried by a large majority a similar provision, inadvertently omitted from the minutes. The thanks of all municipalities were due to the mover of the amendment (Mr. H. Brown). None objected to hawking, but to men who, in crowded thoroughfares, sold fruit much of which ought to be condemned.

MR. KEYSER opposed the amendment. The existing law gave ample power to regulate and control hawking. Where was the unfair competition? If certain persons were entitled to hawk fruit and certain shopkeepers thought themselves aggrieved, let the shopkeepers employ men to hawk in competition with the existing hawkers. Hawkers' fruit was not cheaper than the shopkeepers'. Because a man rented a shop, was he entitled to a monopoly, and to prohibit the hawking of the class of goods he sold? Such a contention by an honorary Minister was surprising. By the existing Act hawking could be greatly restricted. Pass the amendment, and it would be prohibited. Municipal councillors were almost invariably propertied men, who would serve their own interests by prescribing every street and every public place, so that hawking might be abolished. To insinuate, as did the member for Canning (Mr. Gordon), that the hawker frequented the principal streets only for two days in the week and stayed at home for four days, was ridiculous. The hon. member said the men usually engaged in fruit-hawking were Germans and Italians, who worked for low wages and sold poor fruit. On the contrary, the hawkers hawked because it paid them; they worked six days a week, and passed through every street where money was to be made. They were unobjection-

able, provided they complied with the municipal regulations.

THE PREMIER: Members must understand the effect of the proposal. The original amendment as tabled might have had the effect of prohibiting hawking; but as altered, it would give the councils power merely to regulate hawking. Some time ago many councils thought they had that power; but when they attempted to use it they found it was merely nominal. Of what use was a municipal authority without control of our public streets? Again, if we were to have hawking—and we ought to have it—let us have genuine hawkers going to the people, instead of forcing the people to go to them. Of what use were hawkers in the very locality where shops existed for the sale of the goods the hawker sold? The barrow of such a hawker became an outdoor shop; and the public convenience was ignored. If the hawkers were to serve a useful purpose, let them take their wares to the houses of the people, as was always intended. Though that would entail more labour than would standing still in a busy thoroughfare, the men would be amply remunerated. Members said suburban streets might be proscribed. True, there was no limit to the powers of a council; but a council, like Parliament, was amenable to public opinion. A council was surrounded by the people whom it served. If a section of the people thought the council had taken a false step, that opinion was forced on the attention of councillors; in fact, these were sometimes too ready to bow to public opinion rather than to flout it. Neither in Perth nor in any other municipality did the shop-owning classes control the council. The householders enormously outnumbered the shopkeepers; the householders, not the property owners, exercised control; therefore the opinion which would sway the council would be that of the great body of householders, whose convenience was either served by the manner in which hawking was conducted, or injuriously affected by its prohibition. Not without full consideration had he agreed to support the amendment; and he supported it because it would conduce to the convenience of householders.

MR. LYNCH: The power sought by the amendment was for prohibition pure

and simple in the centres of towns. He opposed the amendment as much in the interests of suburban shopkeepers and landowners as in the interests of hawkers. One of the ancient conditions of hawking in the old country as well as in this was that a crowd should be in evidence. Hawkers plied their calling where crowds were to be found; and this essential condition of hawking should not be abolished. The logical consequence of the amendment would be not only to prohibit these hawkers, but to increase the value of property in the busy thoroughfares of cities, leading to an increase in rents. Therefore the advantage of the amendment would ultimately go to the landowner. Hawkers were a deserving body of people who had no say in municipal government. They reduced the price of fruit to a reasonable standard, and hawking provided a means of employment for a number of people who could not take other employment needing robust men.

MR. SCADDAN supported the amendment. Its object was to prevent hand-barrows being put in front of big shops in main streets on Saturday nights, but the amendment did not go far enough. On the goldfields especially there were numerous complaints against hawkers, who were mostly foreigners and a menace to the State, and who should not be encouraged; and by the amendment a blow could be dealt them on this occasion. It was ridiculous to talk of the amendment taking away the livelihood from legitimate hawkers. There was no objection to legitimate hawkers hawking wares through municipalities; but the majority of them were Greeks and Italians.

MR. F. F. WILSON: What about the nationality of the shopkeepers?

MR. SCADDAN: That did not enter into the question. He always ascertained the nationality of the shopkeeper before making purchases, and other persons should follow his example. Hawkers were a menace to the tailoring trade, because people hawked piece goods about at ridiculous rates; and persons bought the goods, got them made up elsewhere, and called themselves protectionists. Until a municipality went beyond preventing hand-barrows being put in front of shops in main streets, members had no reason to sing out.

MR. F. F. WILSON: The Perth City Council might pass a resolution to proscribe hawkers from certain limits. Naturally the hawkers would move beyond the boundary so defined. Then there would be another objection raised, and the hawkers would have to move into a neighbouring municipality, and thus would probably be driven on from one municipality to another. It meant the ultimate extinction of the hawker. If the member for Canning was right in saying that hawkers went once a week and bought up a lot of cheap fruit, there was no harm done. The fruit would otherwise go rotten. A municipality had health officers, and if hawkers sold fruit unfit for human consumption they had to take the risk of it. He had never seen hawkers selling fruit unfit for human consumption. Hawkers were a benefit to the community because they bought direct from the growers and sold direct to the people, thus bringing down prices. Europeans, men of our own flesh and blood, with wives and families to support and aged mothers to keep, were earning a living by hawking. On the other hand our shops in Perth were filled with Chinese, Greeks, and people of every nationality; so the argument of the member for Ivanhoe was worth nothing. The Committee should agree to the amendment.

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

Ayes	28
Noes	11
Majority for	17

AYES.

Mr. Angwin
Mr. Bolton
Mr. Burges
Mr. Connor
Mr. Cowcher
Mr. Daglish
Mr. Diamond
Mr. Ellis
Mr. Foulkes
Mr. Gregory
Mr. Hardwick
Mr. Harper
Mr. Hastie
Mr. Hayward
Mr. Heltmann
Mr. Holman
Mr. Horan
Mr. McLarty
Mr. S. F. Moore
Mr. Nanson
Mr. Needham
Mr. Piesse
Mr. Quinlan
Mr. Rason
Mr. Scaddan
Mr. Watts
Mr. Frank Wilson
Mr. Gordon (Teller).

NOES.

Mr. Butcher
Mr. Henshaw
Mr. Hicks
Mr. Isdell
Mr. Keyser
Mr. Lynch
Mr. Nelson
Mr. Troy
Mr. A. J. Wilson
Mr. F. F. Wilson
Mr. Gill (Teller).

Amendment thus passed, and the paragraph as amended agreed to.

Paragraph—amendment of Section 261 (compulsory fencing, etc.):

THE PREMIER: The member for Perth had given notice of an amendment to this paragraph, with which he (the Premier) agreed. In the absence of the hon. member he moved that the paragraph be struck out and the following inserted in lieu:—

Section 261.—In line one, after the words "neglect to," insert "clear or"; in line six, after the word "incurred," insert "to be rendered to"; and strike out all the words after "owner," in line seven, to the end of the section, and insert "and the amount so expended shall be recoverable by the council from the owner in the like manner as rates are recoverable, and shall be a charge upon the land, and the council may lodge a caveat with the Registrar of Titles under the provisions of Part V. of the Transfer of Land Act, 1893."

The object of the amendment was to make the clause clearer than at present, and likewise to provide that the council might have an opportunity of recovering by ordinary process any amount expended for fencing and clearing from the owner. The present clause provided that the council might fence at the expense of the owner and lodge a caveat against the land fenced; but there was no power to proceed for the recovery of the money, and no opportunity of collecting it might arise until the land changed hands and the caveat had to be lifted. The new proposal gave the councils power to fence and clear where necessary, and the council had first to render an account of the cost of such work. At present a considerable period might elapse before the recovery of the money.

Amendment passed, and the schedule as amended agreed to.

Bill reported with farther amendments.

PRIVATE BILL—KALGOORLIE RACE-COURSE TRAMWAYS.

IN COMMITTEE.

Resumed from the 3rd November; Mr. BATH in the Chair, Mr. W. NELSON in charge of the Bill.

Clause 7—Tolls and charges:

[An amendment had been moved to strike out all the words after "to" in line 3, and that the following be inserted in lieu:—"The said agreement of the 9th day of September, 1904."]

Amendment passed.

THE MINISTER FOR WORKS moved that the following be added to the clause :

But the company shall not be entitled to charge the fare mentioned in Clause 4 of the said agreement in addition to the fare payable by persons travelling on the company's line between Kalgoorlie and the Kalgoorlie racecourse.

When discussing the clause on the last occasion, he took exception to it because it gave the company power to charge an extra threepenny fare for travelling 200 yards on to the racecourse. On approaching the solicitors to the company, he found there was no desire to do that: they agreed to the amendment. Should any person ride from the racecourse, the terminus of the line, to the boundaries of the municipality, the company could charge threepence; but should a person pay a threepenny fare inside the racecourse and travel into Kalgoorlie, no extra fare would be charged.

Amendment passed, and the clause as amended agreed to.

Clauses 8, 9, 10—agreed to.

Schedule—agreed to.

New Clause—Return or forfeiture of deposit :

On motion by **MR. NELSON**, the following added as Clause 10 :—

If the works authorised by this Act be completed to the satisfaction of the Minister for Works within 12 months from the passing of this Act, the deposit money paid by the company to the public Treasury shall be returned, otherwise such deposit money shall be forfeited.

Preamble, Title—agreed to.

Bill reported with amendments.

BUSH FIRES ACT AMENDMENT BILL. COUNCIL'S AMENDMENT.

The Legislative Council having amended one clause, the same was now considered.

Standing Orders suspended, to enable the amendment to be considered without formal notice.

IN COMMITTEE.

Clause 2 (amendment to limit the suspension to six weeks in any year) :

THE MINISTER FOR RAILWAYS did not see any necessity to oppose the amendment, which made no difference. He believed it was the intention not to suspend the operation of any declaration

under the Act, unless it was absolutely necessary to do so; and he did not think it would be necessary to suspend its operation for more than six weeks in any one year. He hoped it would not be necessary to suspend it for any longer period than a fortnight. It was desired to suspend the operation of the Act only for such length of time as would allow the work necessary to be done. He moved that the Council's amendment be agreed to.

MR. BURGESS would not oppose the Council's amendment, as we wanted to get the Bill through. He was not a lawyer, but he was of opinion that another place had made a mistake in passing this amendment. What was the definition of a "year"? If the Council's amendment were passed, the Bill would become unworkable in certain districts.

HON. F. H. PIESSE: The member for York and others who were anxious to see the Bill passed would be much disappointed at the delay. Although this endeavour was being made to pass the Bill through to-night, he understood the other place had adjourned for a week, with the result that we should not be able to get the Bill through Parliament for about ten days. It seemed to him if those who had charge of the Bill were anxious to assist in bringing about the alteration so necessary, the measure should have been dealt with in another place earlier in the day, and returned to this House with the proposed amendment; and the Council should have been asked to wait until the measure was returned to it with a view of its being passed into law. The Bill must receive the assent of the other place.

THE PREMIER: If we adopted the amendment, the Bill would have been passed and it could come into operation forthwith. It was really the Bill of the Council now, and we were agreeing to it; therefore as the measure would be through both Chambers, it could have the force of law and be put into immediate operation.

HON. F. H. PIESSE: That was satisfactory.

Motion passed, and the Council's amendment agreed to.

Resolution reported, and the report adopted.

MOTION--INCREASE OF PAYMENT TO MEMBERS.

Debate resumed from the 5th October, on the motion by Mr. Henshaw to increase payment of members to at least £300 per annum, and on the amendment by Mr. Hopkins to defer the question for the present session.

THE PREMIER (Hon. H. Daglish): In dealing with this question, it was with considerable regret I found that the matter had come up for discussion during my temporary absence from this House on public business. At the time I went away I was not at all aware that the notice had been given for the day of my absence. I have, as members are aware, frequently expressed my opinion in no uncertain way, in regard to remuneration paid to members. Last session I spoke and voted, and in previous sessions I spoke and voted, in favour of increased payment, because I recognised that members of Parliament not only were supposed to attend in their places regularly and do the business of the House while the House was sitting, but they had a much larger duty, and that was to make themselves thoroughly acquainted with the wants of the country as a whole. It seems to me that members can faithfully discharge all their duties to the people only by acquiring a personal knowledge of all the districts in this State; and they can acquire that knowledge only by information derived, not from hearsay statements or from casual letters, but from personal observation. I have myself, during the term of my parliamentary experience, found it impossible to travel throughout the State to secure that personal knowledge which a member requires. This was impossible because it was necessary for me likewise to earn a living; and I know that many other members are in precisely similar positions. I therefore think there is great justification for the advocacy of an increase in payment. But we must consider not only the direct methods of this proposal, but likewise the financial conditions that prevail at the present moment; and considering these conditions, it has been my unfortunate duty as Treasurer to limit as far as possible and in most cases to prevent increases of salary being given to a large number of public servants. These increases I have

prevented even in cases where I felt that much might be said in their favour; where perhaps had I been dealing with each proposal solely on its merits, I might have thought it my duty to recommend to the House that the increases should be made. I am in precisely the same position regarding an increase in members' salaries. I believe, on the direct merits of the case, the stand I have always taken up is right and proper, and one I should be very glad to take up to day. But recognising that the present is a time when the greatest economy must be observed, I feel it my duty as Treasurer to oppose the motion submitted by the member for Collie (Mr. Henshaw). I do not feel myself justified in recommending that the salary of a member of this House be raised from £200 to £300 a year; and at the same time I intend to oppose the amendment moved to this proposition. If the motion be defeated, I fail to see the necessity for the amendment. I may add that I see on the Notice Paper a farther amendment. If that is moved I shall oppose it likewise. I say without hesitation that if the financial circumstances warranted it, the motion of the member for Collie would have my support, as a similar motion had my support in years past. There never has been any doubt as to my opinion on the subject. Nevertheless I recognise that present financial conditions justify me as Treasurer in stating that I am not warranted in supporting the motion. I hope that members will be able to look at the question from the Treasurer's standpoint; that they will recognise it would at present be inexpedient to pass the motion. I do not think it necessary for me to go farther into this matter. I have endeavoured to put my views in a nutshell; and I hope they will appeal to the minds and receive the support of members generally.

MR. FRANK WILSON (Sussex): I am glad the Premier finds that the financial circumstances of the State will not permit this motion to be passed by the House. I am glad also to hear that if he thought financial circumstances would justify it he would vote for an increase of members' salaries; because I draw from that the deduction that as financial circumstances will not, according to his own statement at any rate, permit of an

increase of the present salaries, he will support the amendment which I intend to move to abolish the payment of members. I do not know the motive of the member for Collie in moving that our salaries be increased; but I presume he wishes to abstract from the already depleted Treasury a farther £5,000 per annum in order to give himself and others a 50 per cent. increase in salaries. He says he wants to have returned some more representatives of the same class as were returned in such large numbers to support the Government at the last election. My opinion is that if labour unions wish to return more members to this House, and if the salaries already paid are insufficient for such members when returned, then the unions, associations, or societies who want that special representation ought to find the money to pay their representatives. The question should be considered how we can best serve our country. Can we do that by voting ourselves increases of salary at this juncture, after we have been elected to receive salaries at £200 per annum; or can we achieve our object by attending to the business of the country, by endeavouring to attract population to our shores, and by expanding our industries in order to increase the material wealth of the State? I consider the motion comes with very bad grace indeed from the member for Collie. We were returned on the understanding that we should receive £200 per annum. [SEVERAL MEMBERS: No.] We were certainly returned on that understanding. The member for Collie says that on the hustings he advocated an increase; but I venture to say his election did not turn on that point. That was not a plank of the platform on which he went to the country—an increase of salary to £300 per annum. Why does not the hon. member move to increase the salary at once to £600? I wonder what hon. members were earning before they were elected to this House? [LABOUR MEMBER: Some of them were earning more.] How much more? Very little indeed, a good many of us. Personally, for some time past I have been able to earn very little indeed in this country; and I consider it is good enough for me to serve my country here for the honour and glory, however much or little, attached

to the position. And when I find the Premier and Treasurer stating that the finances of the country are in such a position that we must observe the strictest economy, when I find that we have to adopt what is termed a mark-time policy in our works department, when I find that the Minister for Works cannot provide on his Estimates for the ordinary requirements which should be provided in the shape of roads and bridges, then I think it is a piece of audacity to propose that we should take £5,000 per annum out of the Treasury to increase our own salaries. The member for Collie said in moving the motion that at one time only wealthy men could be returned to this House. I emphatically deny that. Ever since we have had Responsible Government in this country the House has been open to all classes; and it was only necessary that those who wished special representation should provide payment for their representatives. The hon. member has also stated that hitherto only class legislation of a very extreme character has been passed in the Parliament of Western Australia. That is absurd. Anyone who will take the trouble to read the record of the measures passed since the initiation of Responsible Government will see that the very men whom the hon. member reviles, those who have been utter conservatives, have passed the liberalising measures which have enabled him and others to enter this House and take their part in the legislation of the country. Who gave the extension of the franchise in Western Australia? Who passed this very measure for the payment of members? Who enabled the Government supporters to enter this House? I venture to say that those hon. members who now want their salaries increased did not pass that legislation. The Right Hon. Sir John Forrest was the Premier who passed these liberalising measures and gave these hon. members an opportunity of entering Parliament. What about the late Premier, Mr. James? He in this House passed measures which enable those hon. members to take their places here. He passed what I term to some extent socialistic legislation; and he found later on that he had gone rather too far, and that he must oppose the very party he had brought

into power. The next proposal we shall hear will be that municipal councillors shall be paid. We have already an attempt to take away the voting power of property in municipalities; and I suppose we shall have a proposal to pay municipal councillors for attending to their duties. We shall have roads board members requiring payment; and every man who takes on his shoulders any duty for the well-being of his fellow man will want to be paid for the time he spends in its fulfilment. I strongly object to this attempt to utilise the country's funds in paying extra remuneration for the work we do here. Members must recollect that Parliament does not sit all the twelve months round. Parliament is in session perhaps only three or four months at the outside. Members have the privilege of travelling free over the country's railways; and this applies to the Premier's remark that he wishes members to travel. Surely they can and do travel. It does not cost them anything to travel on the railways. Of course they eat when they are travelling, and I presume they eat when they are in Perth also. They can do all the travelling that is necessary; and there are seven or eight months out of the twelve in which they are not called on to attend to their legislative duties. If members want any increase of salary, let them work for it during the recess. Let them take up their ordinary avocations as some of them do. They do not all believe in one man one job. Some members who wish this advance have businesses of their own, and attend to their calling in addition to attending to the duties of this House. I think they would be perfectly justified in continuing to work and carry on the labour they are accustomed to follow during the time the House did not want their services, and by that means would assist the Treasurer in relieving the strained condition of our finances. I should like to say that, when I was talking on the subject of local politics during the recent elections, I for one at any rate promised my constituents that I would not support any increase in the payment of members; and I went farther and pledged myself on that occasion that, if the matter did crop up in this House, as was threatened by some candidates, I should oppose the increased payment and move for its

abolition altogether. Of course I admit that, in theory, the principle of payment of members has perhaps some argument in its favour; but we often find that what is good in theory does not pan out in practice; and I must say that, in my humble opinion, payment of members of Parliament throughout Australia has not panned out satisfactorily in practice. [Several interjections from Labour members.] That is my opinion, and I am prepared to advance it in this Chamber or in any chamber or on any platform. When we find that the Premier gets up and states, as he has done to-night, that the finances of the country will not permit increased expenditure of this description, and farther that owing to the finances of the country he has had to refuse advances in the civil service which were well earned and justifiable, we would be doing absolute wrong and would be guilty of a wrong act, and would be going almost as far as robbing public funds, if we passed such a motion as this and took £5,000 to increase our own salaries. The time is one when, according to the Premier, we must observe due economy, and must not undertake any public works of any magnitude, and when, as the Minister for Mines in a public speech made the other day said, we cannot borrow sixpence. [Interjection: No; a shilling.] Oh, one shilling! I beg the Minister's pardon. If that is so, where is the justification for attempting to abstract this £5,000 from the Treasury chest to pay ourselves an increased remuneration? I hope members will think this over for themselves. We had the Colonial Secretary standing up the other night and saying that the country could not afford to let the poor nurses in the Government hospitals work eight hours a day, for it would cost £5,000 per annum. When we hear the Minister say that, we must of necessity emphatically reject a motion of this description that cannot be justified in any shape or form. I want to see this country developed as fast and as far as we possibly can. I want to see the railways which have already been passed by this House commenced as early as possible and carried to a due completion—the Collie-Narrogin railway line, for instance. We have heard that this line is to be commenced from the Narrogin end, some 20 miles It

should be carried right through. People have come here and settled on the land, and I know of many who are bitterly disappointed because no attempt has been made as yet to commence that work upon which they are relying for their future prosperity and success. We want settlers on the land to have the facilities promised them. We want the North-West country, that vast territory rich in all mineral and pastoral wealth, opened up. We want railway communication there, the railway communication which has been spoken of in this House year after year without any effect, I am sorry to say. We want to attract population to our shores in numbers, in thousands and in tens of thousands, men who will prove good settlers and who will assist us to develop the vast resources and hidden wealth of our country. If it will assist the Treasurer in his financial operations, as he says it will, not only by rejecting a motion of this description, but by also abolishing payment of members altogether, let us be patriotic, true to our country, and true to the country's needs first of all, and adopt the amendment which I have tabled to have payment of members abolished altogether. Surely the choice of candidates for Parliament was wide enough under the old system. Was there any lack of suitable patriotic candidates for Western Australia? Not to my knowledge. Now we have the vacancies rushed by a crowd of eager, hungry applicants for £200 per annum. I should like to point out to hon. members that the Parliament of the old country is an unpaid Parliament, and that it is one of the cleanest, one of the best, and one of the most honest Parliaments the world has ever known or is likely to know. [MR. BATH: Question?] In the Parliament of the old country there are men who have devoted their lives and money in a manner which is an example we might well follow in this rising Commonwealth of Australia. [MR. BATH: Question?] The hon. member questions my statement. There again we have all classes represented, and why is this? Because those who want special representation, such as seamen, miners, and others of that description, pay the members they want to represent them in the Parliament of the old country. That is a principle we

might safely adopt here. Ministers are drawing salaries from this State which aggregate £5,000 or £6,000 per annum. If they wish to be patriotic under the circumstances we have heard of—I am not advancing the theory that our finances are in a hopeless condition; I think they stand very well to-day, and think there should be no hesitation in pushing on the necessary works of the country at the present juncture—then if they wish to show in a true spirit that the needs of the country are the first in their minds and hearts, let the Ministers abolish payment of members, and divide their Ministerial salaries among those who cannot afford to be in Parliament unless they have some remuneration. Let us speak of the unemployed in our country—[Several LABOUR MEMBERS: Oh!]¹—because we have unemployed on the goldfields and in the coastal districts; and before we begin to vote ourselves a 50 per cent. rise in our wages, let us endeavour to make some provision for those who cannot earn anything at all at the present time. Let us turn our attention to the extension of our industries and inducements for capital to come and be invested in our industries, in order that employment may be given to those who want it. Let us do all in our power in that direction; and at the same time let us refrain from attempting to increase our own salaries, for the time is not favourable for it. I beg to move an amendment on the amendment:

That the words after "economies" in the amendment be struck out, and the following inserted in lieu: "it is of opinion that payment of members should be abolished."

THE SPEAKER: That amendment is not in order at present, because an amendment has already been moved on the motion to postpone the question of increasing the payment. Until the House decides whether it will take the matter into consideration at present or postpone it, no other amendment can be made. Until after the amendment of the member for Boulder is dealt with, I cannot accept the amendment just moved.

MR. FRANK WILSON: If the amendment of the member for Boulder be carried, can I move my amendment?

THE SPEAKER: No; because the House will have then decided to postpone consideration of the matter. The

only opportunity for the hon. member to move his amendment will be in the event of the amendment of the member for Boulder being defeated.

MR. T. A. BATH (Brown Hill) : I could not help being struck by some remarks of members on the Opposition side when this matter was first before the House. I think those who have made any study of mythological history will remember the occasion on which a congress of gods practically raised a strike against Zeus because they considered they were not obtaining sufficient recognition for the services they rendered to that deity; and certain gods included in that congress detached themselves from the main party, and having first decided that the petition of these people would not be successful, they practically made a virtue of necessity and protested against the proposal. Apparently members on the Opposition side of the House have adopted the same course, and have made a virtue of a necessity and opposed the present proposal. While we have the statement of the Treasurer that the financial policy will not admit of this increase in payment being granted, we must not lose sight of the fact that the financial administration of the past has been responsible for the present position.

MR. RASON : Oh !

M. FOULKES : Then why did your party support the past Administration ?

MR. BATH : There has been a considerable change from the time when we supported that financial administration, which I may say was of a character that could well be supported by the Labour party, and the time when it was completely changed at a later date. However, I have no desire to be put away from the question I am discussing. I wish to state, and state emphatically—there is no difficulty whatever in proving it—that we are bearing the heat and burden of the day for the financial administration of the past; and while we have to consider this question in relation to a motion of this kind, at the same time we have to take the responsibility and our share of the trouble placed upon our shoulders by those who preceded us. It reminds me very much of the confidence man who gets hold of the man from the country when he goes to the city, under the pretence of taking care

of him and protecting him from the raids of other supposed confidence men who would rob him of a penny, and proceeds on his own account to rob him of a pound. As far as the history of Australian legislatures is concerned, the introduction of payment of members has undoubtedly made for purity of legislation. Before the advent of payment of members, representation in Parliament was confined to three classes. There was the wealthy class who, having secured something, were under the impression that any change effected by the advent of the representatives of the great bulk of the people would affect their interests disastrously; and probably with methods which were reasonable enough from their point of view they went into Parliament in order, as they thought, to protect themselves from revolutionary changes that would seriously affect their interests. There was another class who found representation in Parliament was an effective means of furthering their own private interests. They found that a seat in Parliament assisted them in their private enterprises, and by having that seat in Parliament and that influence they so furthered their enterprises that they greatly increased their incomes. Then we had an exceptional class in Australian politics of the best men of wealth, of rank, and of great ability, who were really seised with democratic principles, and who went into Parliament I regret to say but rarely, to further those democratic principles in which they believed. We find before payment of members was introduced in Australia the records of Australian Legislatures are alive with instances of the most gross corruption. I have only to recall to the minds of members who have followed the history of politics in Australia the instance of the frauds in connection with the Hornsby Estate in New South Wales, where a Minister of the Crown was mixed up in a fraud of the grossest character. I have only to point to the instance of the Woolloomooloo Bay resumptions, where by the influence members were enabled to exert in Parliament and on the Ministry of the day they were able to buy land from the State at from £1 to £10 per acre, and sell it again at £100 to £1,000 per acre. I have only to point to recent instances which have occurred in Victoria where

one honorary Minister was convicted of defrauding the customs ; where we find another Minister, whilst the State was in the throes of the greatest depression resulting from the drought, using his influence to reserve a tract of land and so compel people to send their stock to that land in order to prevent them from being starved. We have only to go to the instance of private railways in Queensland, and to the very latest and most startling instance of all, to refer to the revelations brought out by the Commission on the butter trade in Victoria. While these instances have come out and some of them have occurred since payment of members has been introduced in Australia, we must remember that not one member of the party which has been largely responsible for payment of members has been mixed up in these frauds ; but we must remember that the very men who were mixed up in these dastardly frauds were men who were relics of the days before payment was introduced. They are relics of the old days, and they lag on the stage of politics at the present time. The system of payment of members cannot be held to be responsible for them. It is only because the electors in these places have not sufficiently awakened to the fact that the presence of these men in Parliament has been a menace to the purity of Parliament, and have allowed them to exist in Parliament. With payment of members, the time will come when these men who have been convicted of defrauding the State will unhesitatingly be relegated to obscurity to insure purity in politics. During the general elections, I know as far as the goldfields electorates are concerned there is not one electorate throughout the length and breadth of the goldfields in which the electors did not proclaim their belief in favour of increased payment of members. Without mentioning the question on my election platform, spontaneous resolutions were carried in favour of not only an increase to £300 but an increase to £400. Every other member from the goldfields electorates can also point to the fact that the electors spontaneously declared in favour of increased payment of members. They know from their experience of politics in the past in Australia that payment of members is an insurance against fraud in politics. The

member for Boulder in his speech against payment of members did not argue against it on the principle that members did not deserve payment, but he brought forward the question of the poor civil servant who had to support a family on £100 a year. If we are going to allot salaries to the civil servants of the State on the number of children a man happens to have in his family, we shall be introducing a bad state of affairs altogether. If we wish to encourage the birthrate, we should do it in a more sensible manner. If payment for services rendered to the State was to be gauged by the number of children any civil servant had, we should have every office boy in the country who was receiving £50 a year rushing to get married, so that he could get increased payment for his services. I have never in my experience of politics in the past heard of anyone who has been in Parliament to forward his own business interests who has not boldly and plainly declared on the platform that he has done it out of patriotism and from a desire to serve the country, and for the love of the country. That is always the cry. If we were to do away with payment of members, our last state would be worse than the first. I hope there will be no return to those methods which have been adopted in politics in the past ; I hope they have been left behind for ever. The public opinion of this State is assuredly in favour of increased payment, because people believe that by paying a decent salary to members it will enable them to return that class of members who will be pledged to the kind of administration which will result not in the condition of affairs such as has existed in the other States, that of extravagant administration which inevitably resulted in deep depression, but in returning members pledged to their principles who can effect that economical adjustment of the finances to enable us to proceed steadily, even slowly but surely forward without periods of boom and burst which have characterised the history of Australia in the past. As far as I am concerned I am in favour of increased payment in the House because I believe the country demands it. I believe it will result in the return of members to Parliament who will see that those things which disgraced Australian politics in the

past will not be repeated in the future. I believe we would have economy in government, and that the fact of another £100 a year paid to members would result in a great gain to the financial administration of the State. I say unhesitatingly this House cannot afford to entertain the proposal of the member for Sussex to abolish payment of members. I regret exceedingly that any inheritance from the financial extravagance of the past should compel us to oppose an increase of payment to members demanded by the great proportion of people of the State.

MR. H. GREGORY (Menzies): I regret the delay on the part of the Government in announcing the attitude they intend to take up on this question; but it must be very satisfactory to a large number of members to know that the Government are not going to support the motion brought forward by the member for Collie. I regret at the same time that the only excuse the Premier could bring forward was that at present the country could not afford it. He gave no reason that he objected to this motion because he thought it wrong and improper for members to come here and vote themselves an increase of salary. The only excuse that he could give the House on this occasion for opposing the motion was that at the present time the finances of the country would not permit him to agree to such a proposal. I regret that is the only reason the Premier could give, because I take it that for members to come here and vote themselves an increase of salary, more especially those members who are following the present Government, the Government who have lost no opportunity of telling the public of the wretched state of the finances of Western Australia—

MR. NELSON: Which they are going to amend.

MR. GREGORY: If they are only allowed to stay in power long enough, they will make the country regret that there was ever a Labour Government in power in Western Australia.

MR. RASON: They do already.

MR. GREGORY: I regret the Premier did not give some other reason than he did for his opposition to the motion. The member for Brown Hill complains that the reason the House could not

afford to give the money was on account of the bungling administration of the late Government, the bungling administration of the Government behind which the hon. member sat and supported; the Administration that carried out legislation the present Government promise, but take care they never intend to introduce, the Government who did give the people some liberal legislation, and not a Government who only make promises. But in regard to the administration of the late Government we find the member for Brown Hill saying that it was on account of the bungling of the late Government which he and his fellow-members supported—

MR. TROY: What has your bungling cost the country?

MR. GREGORY: My bungling administration saved the country £20,000 a year. I doubt whether the hon. member would ever be able to find that out, because I presume he never looks back to that period. I do not suppose he knows about politics except those relating to the last two or three years. I want to deal first with the speech by the member for Brown Hill (Mr. Bath), and I say that the basest and grossest ingratitude is shown when such remarks are made as have been made to-night, when we hear an argument of this sort that our policy was like that of a confidence man. What is the policy of those members who go upon a public platform and ask to be elected to Parliament, and whose first procedure when they get to this House is to ask that legislation shall be passed to enable them to get an extra £100 a year, to date from the day of their election?

MR. BOLTON: Supposing they are pledged to it?

MR. GREGORY: I have nothing to do with the Labour party's pledge.

MEMBER: You never will have.

MR. GREGORY: I am proud to say I shall not. Whose conduct, I ask, is most like that of a confidence man? I have read a lot of speeches of members, but I never read a speech of any member who said that when he was returned to Parliament he would support legislation which would give members an extra £100 a year. And what have the Labour members done in the Federal Parliament? Under the constitution they are allowed £400 a year, and now we have

them agitating to get an increase of that salary; in fact we find some of them asking for permission to erect a tent because they cannot afford to live on £8 a week—[Interjection by Mr. SCADDAN]—cheap meals and cheap billiards, paid for by the State. "What does it matter? If possible let us get another £100 a year."

MR. NELSON: Why do you take yours at all?

MR. GREGORY: I have done more in this cause than the hon. member will ever do, if he is here for the next 20 years. Then there is this perpetual cry about honesty. Methinks some protest a little too much about this sort of thing. We have heard that all along. The Premier wants honest and clean politics. The member for Brown Hill told us of all the things which occurred before the introduction of payment of members. Are we to imagine that men who have been members of this House before have been dishonest—members who opposed payment of members out of principle? I have always been a supporter of payment of members, and if any member had got up in the House and brought forward a motion to the effect that the present salary was not sufficient, and that legislation should be introduced to provide for increase of payment for future Parliaments, it would, I think, have been a motion which could well be argued in this House. But when the hon. member proposed a motion that it should be retrospective from the date of the elections—

MR. HENSHAW: The present Act was made retrospective.

MR. GREGORY: I am going to deal with that, and I want to show the difference between the present proposal and the Act which was passed. It has been asserted that this measure is similar in effect to what was done in the past. I want to let members know exactly what was done in the past. In the first place, in 1897 I think there was a motion passed through Parliament which was brought forward by me, because I believe in payment of members. I think that every class within the State should have the right to send into Parliament the men of their choice, that it should be free to all classes, and unless we have some method of payment that is impossible. The mem-

ber for Sussex (Mr. Frank Wilson) has urged the purity of the British House of Commons, an unpaid House, the hon. member has pointed out that we should follow on similar lines. We are not however, in the same position. We have not the large leisured class they have in England. We want representation here. The people have the right to send into Parliament the men of their choice. If they want to send Labour members here, and all Labour members, let them do so. They will soon suffer for it. There is not the slightest doubt in my mind about that, and the feeling is becoming very general throughout the country just now, with the blundering we have had during the last three months. I can assure the hon. member the country is getting very sick of them. As I have said, Parliament passed a motion approving of the principle of payment of members; that is, Parliament approved of the theory. Then in 1899 I brought forward this motion in the House:—

That, in the opinion of this House, it is desirable that its previous decision in favour of the principle of payment of members should be given effect to by legislation, prior to the dissolution of the present Parliament.

We asked, in another motion, that legislation should be brought forward to provide for payment of members of future Parliaments. There was a good deal of argument with regard to this. My motion was:—

That, in the opinion of this House, it is desirable that legislation should be introduced immediately to provide for the payment of members of future Parliaments.

We fought this motion for some time in the House. I want members to understand this matter clearly, because when dealing with this motion and the necessity of legislation being brought forward Sir John Forrest declined to introduce that legislation. He refused to agree to the motion; but finding we were likely to obtain a majority, he said he would only bring forward this legislation conditionally upon its being made applicable to members for that session. I have a speech here which was made by Mr. Alexander Forrest, in which he says:—

Members in this House have worked 14 or 15 years, and in a great many cases 10 years, and have not received a sixpence for the whole of their services excepting a free pass on the railways. If the amendment is not carried—

It was an amendment moved by Mr. Mitchell for payment to members that session.

I certainly will vote against the Bill which will come before the House, because the least we can do is to let those who intend to enjoy the privilege of payment of members pass their own Bill.

It was the only way we had of getting the principle adopted. We objected to it, and fought against it; but finding it was the only way we could get this, we had to agree to accept the amendment introduced by Mr. Mitchell. The amendment merely provided that in the last session of Parliament, which I think was for a period of about four or five months, we should have payment of members. That was the only way to get it, and we agreed to the amendment simply with the object of carrying out the principles for which I, during the whole time I was in Parliament, fought very strongly. I thought and have always thought that members should be paid for their services to some extent, and there is no doubt that the principle is a good one. The people should, I repeat, have the right to send to Parliament any person they like.

MR. HEITMANN: Why not pay them a fair thing?

MR. FOULKES: What do you call a fair thing; £400 a year?

MR. GREGORY: I really do not know what the Labour party would ask for, if they happened to be in a majority.

MR. HEITMANN: They will be by and by.

MR. GREGORY: I am not at all afraid of it. I can assure the hon. gentleman he would not be happy if there were an election at present.

MR. HEITMANN: I would go and oppose you.

MR. GREGORY: I would be very pleased if you did, because I would have a very weak opponent. It has been said this is not a party question. It is strange how these things get into the newspapers. I understand there has been a meeting of caucus, and that caucus has decided to support this. [MEMBER: You read it in the *Morning Herald*, I think.] No; I read it in the Labour Notes in the *West Australian*. [MEMBER: Who wrote them?] I have not the slightest idea, but no doubt the hon. member opposite is

interested in one of those papers and gives us this information. I think members may be writing those Labour Notes. Apparently now this is not going to be a party question; but the member for Hannans (Mr. Nelson) had a lot to say about the matter. The hon. member said, "I would remind the member for Guildford that the party at present demand for the members of this House a rise in their salary." The member for Boulder said, "Oh! is it a party question?" and the member for Hannans replied, "I am willing to admit that at any rate a large proportion of members of this House, though we are not all at one, believe that a rise in salary is justified." Then he went on a little bit farther and said, "Members on this side of the House are in honour bound, in point of honesty and fidelity to their pledges, to support this motion." Does not that apply to the Government? Are they supposed to have no honour? Are they not to honour their pledge?

MR. BOLTON: They have got their rise.

MR. GREGORY: There is no money in the Treasury for the rank and file.

MR. BOLTON: The late Government did not leave any.

MR. GREGORY: We are not dealing with the financial condition of the country just now, but only with the Premier's view of the condition of it. Here is the hon. member who says they must show their fidelity to their pledges. Surely there is a little bit of the Pharisee about that. We have heard a good deal about the pharisaical utterances of my friends here; but I think there must be a little bit of the Pharisee opposite. Are the members of the Government not supposed to be bound by their pledge? I do not think there was anything in the pledge of Labour members to make payment of members £300 a year. I know in my electorate there was nothing about it. I was not pledged to increase my salary.

MEMBER: You were receiving a thousand a year then.

MR. SCADDAN: They thought you were overpaid as it was.

MR. GREGORY: The hon. member had the satisfaction of going up for the first time. I am afraid that a good many members when they go back will have a very different reception from what they

had on the first occasion. There is no consideration for the country. The Government say that the finances of the country are in a bad State, but I do not admit that. The Premier says that, and those who sit behind him believe his utterances. The member for Hannans says they have to be loyal to their pledge: "Never mind the country; give us an extra hundred." That is, if the member for Collie is going to limit it to an extra hundred. I do not know whether he will be satisfied if he gets that hundred. From my ideas of the Labour party I think there is too much of this cry of honesty, if this is the way they intend to practise it. [MR. NELSON: Too much honesty?] Another argument was that members are required to contribute to every little organisation within their constituencies, cricket clubs, football clubs, shows, etc.; and they want this bleeding country that has been robbed by members who did not believe in payment of members, to give them an extra £100 or £200 a year, so that they may deal out sops among their constituents to try to make their seats more secure.

LABOUR MEMBER: Who used that argument?

MR. GREGORY: It was used on the other side of the House. If the hon. member did not hear it, I have no desire to specially point out the member who used it, perhaps without thinking of the objections which might be urged against it. Surely it is not a fair argument. I know many applications are made to me to contribute to various organisations and projects; and I find that my purse is not long enough, and I cannot do so. My constituents do not press me to give to every little project in hand. Naturally the same should apply to Labour members. We had another argument, that if we increase the salary we shall get a better class of representative. That is a very bad argument for members on the opposite side to use; because they say also that the reason for paying members is to enable Labour members to enter Parliament. Then some Labour members argue that if we do increase the salary, we shall get a better class of representative. On which side of the House shall we obtain improved representation? Naturally, among the Labour members.

LABOUR MEMBER: No; on your side.

MR. GREGORY: I am sorry that Labour members have such a poor opinion of themselves. I should be awfully sorry to use such an argument as that, because I think the Labour party are now representing, or I may say misrepresenting, the country very well. Government supporters should be quite content with the choice made by the people at the last general election. I was under the impression that at the next election there is likely to be a change. There is no member of the House who is more strongly in favour of the principle of payment than I have been. In my first session in Parliament I secured the passage of a motion affirming its desirableness. At the end of that session I urged legislation to permit of payment, and it was brought in. I asked that the measure should not be made retrospective, but that it should apply to the next Parliament. It was made retrospective as to the last session of the Parliament which passed it; but that was agreed to by my side of the House simply because it was the only way in which we could get the principle adopted. I advocated that principle because I believed that the people should be allowed to return to Parliament men of their choice; and without payment of members that was impossible. Whether the principle is good in practice must of course be decided by experience. During the past few years the Labour party have grown considerably in this country; and whether payment of members will be successful depends on their actions here and in other Australasian Parliaments. For many years in Victoria members have been paid; and since the payments commenced there have been frauds in the Victorian Parliament. The member for Brown Hill (Mr. Bath) was unfair in his contention; because frauds have been discovered in the Victorian Parliament since payment of members was instituted.

MR. BATH: By those only who existed before; not by those who came in as a result of payment.

MR. GREGORY: The hon. member does not know what he is talking about. If he will read the newspaper reports of the butter scandals, he will be of a different opinion. I could instance many such cases in Victoria. Only a short

time ago a Minister was deposed on account of his land transactions. There was also the case of the member for Rodney, in connection with those butter transactions.

MR. BATH : These members were relics of the old days.

MR. GREGORY : They were not relics of the old days.

MR. CONNOR : What about Labour treasurers and secretaries ?

MR. GREGORY : I do not want to refer to them. If I read some of their balance-sheets and showed how a congress of Labour people hushed up such matters just before a general election, I could prove that it was peculiar that the same men came here and talked about the dishonesty of other people. The argument is unfair. Anyhow I yield to no one in my advocacy of payment of members ; and I have done more on behalf of the principle than any other member of the House. [MEMBER : Why not be consistent ?] Because if a motion were moved asking for legislation to provide for increase of salary for the members of the next Parliament, I should seriously consider whether I should or should not support that motion.

MR. BOLTON : What was your action in the last Parliament, when an increase was suggested by Mr. James ?

MR. GREGORY : There was no talk of bringing in legislation. When the Constitution Bill was before the House, there was some talk of providing for an increase, but no talk of bringing in a Bill. My memory does not serve me well if there was ; but had a Bill been introduced in the last Parliament, it would have been to provide for an increase to members of this Parliament. But no such Bill was introduced ; and I am not going back to my constituents to tell them that one of my first actions in this Parliament was to pass legislation to give myself an extra £100 a year. I do not think the hon. member himself (Mr. Bolton) would like that position to be forced upon him. He would much prefer if in the last Parliament legislation had been introduced to provide for an increase to members of future Parliaments.

MR. BATH : That was proposed ; and its opponents said, "Go to the country and get your constituents to approve of

an increase, and give it in the next Parliament."

MR. GREGORY : I think that statement is just as idle as the hon. member's other statements to-night. I wish he would quote the speeches to which he refers. I do not think there should be any equivocation as to this matter. I think the House has been somewhat stultified by the Government. When this motion was moved here some five members of the Government were present ; yet we have had to wait week after week for an announcement of the Government position. Members of the Government when on the public platform were quite ready to accuse the old Government of certain actions ; but on no occasion did I get any hint from any member of the present Government as to what action they intended to take regarding this motion. Week after week has this motion been on the Notice Paper. This is the first time I think in constitutional history we have seen so far-reaching a motion held over for so long a time, without any expression from the Government as to their intended action. That reticence was not fair to the House. The action of the Ministers present when the motion was moved seems to me exceedingly weak. They declined to accept any responsibility ; and I think we should have heard from them. And now that we have a statement from the Government, their only objection to passing this motion is that at the present time they do not think the country can afford the expense. My objection is that it would be exceedingly wrong for even those very honest members like the member for Brown Hill (Mr. Bath) to pass legislation to give themselves an extra £100 each per annum.

MR. A. J. DIAMOND (South Fremantle) : Believing as I do in the principle of payment of members and the principle of an increase, I shall support this motion if it goes to a vote. At the same time I am anxious that members should understand the motion. It appears to me that the members for Sussex (Mr. Frank Wilson) and Menzies (Mr. Gregory) somewhat misunderstand the terms of the motion. It reads :—

That, in the opinion of this House, it is desirable that payment of members should be increased to at least £300 per annum.

That motion, if carried, is not voting

money into the pockets of members of this House. It affirms the principle of an increase. Should it be carried, the question will arise, when should that increase be made? If the motion is carried and that question arises, I shall vote for the increase commencing after the next general election. Personally my position is quite clear. I supported the idea on the hustings in 1901; I voted for it in the last Parliament; again on the hustings this year I supported an increase; and on every occasion, and that was at nearly every meeting I held, I met with the unanimous approval of the audience. If the motion goes to a vote, I shall vote for it as it stands, reserving to myself the right to take what action I like regarding any subsequent motion. Some of the arguments I have heard this evening certainly do not meet with my approval. The member for Sussex appealed to us in a most pathetic manner. I must say that his pathos several times degenerated into bathos. He made the old appeal about patriotism. My memory goes back many years farther than his in Australia; and I certainly remember the time when Parliaments were not so pure as they became after payment of members began. But in reference to this disinterested patriotism, in all my career in Australia—and I can speak more particularly for South Australia—of all those disinterested patriots who urged members to work for nothing, I knew only one, the Hon. A. M. Simpson, of the South Australian Upper House, who for many years gave his salary as a prize to the rifle club. If I am not mistaken he, after a good many years, saw the error of his ways, and I think he received his salary during the remainder of his political life. We have also had thrown at us the old gag about the absolute purity of the British Parliament. It makes me tired to hear that, when we know that a very large number of the members of that Parliament exist by the rewards they receive for their assistance in passing through the House measures such as Railway Bills. I say that members of the British House of Commons are not—

MR. FOULKES: Is the hon. member in order in reflecting on members of another Parliament?

THE SPEAKER: There is no point of order in that.

MR. DIAMOND: It is not fair to draw these comparisons between the House of Commons and any House of Parliament out here. England is 12,000 miles away, and many members here do not know the circumstances that govern the deliberations of the House of Commons, while members who do know those circumstances do not always represent them to us exactly as they occur. Therefore it would be always wise to leave this purity of the House of Commons out of the question. I might for instance bring up the purity of the Swiss House of Assembly, which I believe is the purest in the world, or I might bring up other instances. I yield to no man in my respect for the mother country, but I do not like to hear this preaching of the superiority of everything that obtains in England over everything that obtains in Australia. I can disabuse the minds of members on the other side of the House of the idea that this is a party question. So far as I am concerned, I know of nothing on this side of the House that constitutes it a party question. My hands are absolutely free, and I believe the hands of every member on this side are free. The question has never been raised, and I have never been asked by the leader of this side of the House to throw this motion out as a party question. Therefore I think the party element should be dropped altogether, because it does not exist. I cannot be accused of truckling to the Labour party in the action I am taking, because I was opposed by a candidate nominated by the Labour organisations and I beat him. I can beat him again, or any other Labour candidate who likes to stand against me. I want to make my position clear. I believe that the payment of members is desirable and proper in this State. I believe that if £300 a year is not too much in Queensland, New South Wales, and Victoria, it certainly is not too much in this State. I believe thoroughly in the principle that the labourer is worthy of his hire. I do not believe that in £200 a year the parliamentary labourer in this State gets fair payment; but I do not believe in voting money to my own pocket. If members do not believe that it is the will of the country to have an increase in payment, let the next

general election declare the will of the country. So far as my constituents are concerned, it is their will that there should be an increase; and I believe that it is the will of the majority of the constituents of the country. I deprecate unnecessary heat in this question. I do not think it is a party question. It is a reasonable and proper proposition that should come before the House, and be discussed in a calm and reasonable manner; and I object to these accusations bandied backwards and forwards across the House. As far as the financial administration of the State is concerned, I believe it has been pure since I have been in Parliament from 1901. Where accusations have been made over and over again, I have tried to find out instances of corruption in this House; and had I traced anything of the sort I would have been the first to expose it, even if it was in the case of the leader I followed. I object to these accusations being bandied backwards and forwards.

THE SPEAKER: There have been no accusations against Parliaments of this State.

MR. DIAMOND: I withdraw; but there was an accusation against the financial administration, which reflected on it. As far as I know, this Parliament cannot be reproached with bribery or corruption, or anything of the sort; nor can members of its Ministries be accused of anything of the sort. We must not forget that the Labour party generally in the old Parliament supported the James Government through thick and thin. I trust this motion, if it goes to the vote, will be carried.

MR. A. E. THOMAS (Dundas): I do not desire to speak at length on this question; but I think it is necessary, after the remarks made by the member for Menzies, that someone who sat in the old Parliament should clear up the matter in connection with this question of payment of members. As far as my memory serves me, in the last Parliament the matter was discussed on several occasions, both inside and outside the House. I think I was the first during the last Parliament to raise the question of the necessity for an increase in the payment of members. I remember well the Minister for Mines and myself getting a petition signed to

the Premier to ask him to get a message from his Excellency so that the matter might be discussed in this House. If my memory also serves me correctly, on the Constitution Bill debate the Premier told us that it would be necessary for us to find out the feeling of the various constituencies of Western Australia, and then in the first session of the new Parliament to discuss the matter of an increase. Personally, I have always favoured an increase to members, and for that reason I intend to support the motion. If it be deemed advisable to postpone it, seeing that I am personally interested, I have no objection; but I think we have a mandate from the country to increase payment of members, and I followed with the greatest interest the contests in the various constituencies in Western Australia. As far as I am concerned, I was not asked to give a pledge; but I stated, and was returned on it four years ago and again this time, that I favoured an increase of payment of members to £400 if possible, and to £300 as an absolute minimum. I would not like to give a silent vote, and having taken an interest in the question during last Parliament, and having advocated it in this House, I want to say that I am still in favour of an increase in payment of members. I believe that the majority of the constituencies of Western Australia have emphatically declared in favour of that increase, and I think it only right and fair that the increase should be given. I have no objection to the matter being postponed, seeing that I am personally interested; but I think the House should, in keeping with the pledges given to the constituencies by a majority of members, vote with me in favour of an increase in payment to members.

MR. W. NELSON (Hannans): There is one point which members of the Opposition do not sufficiently recognise in this matter. They have been accusing certain members on this side, including the Premier, of inconsistency, while as a matter of fact the inconsistency is entirely on the part of members on the other side of the House. The position of the Premier, though I regret that position, has at least some kind of logical consistency. He says times are not what they ought to be, and therefore this rise cannot be made;

but members on the other side of the House declare that we are in a state of the greatest possible prosperity, and therefore we must prevent members' salaries being what they ought to be. This I hold is glaringly inconsistent. The position of the Premier is perfectly logical. According to his premises he is doing the right thing; but members opposite are guilty of a great breach of logic when they state something in which they do not believe as a reason for not doing something to which they object. We should consider the dignity of Parliament itself. At the present time the weekly wages of a member of this House is about £3 17s. 6d.; and when we consider the expense incurred in connection with the elections, £3 a week is about all that a member receives. Members on the other side of the House tell us that is all this country can afford to pay to its members. In Queensland, where there is an unprecedented depression, and where, to use a vulgarism, the country is practically on its beam ends, they can pay their representatives £300 per annum. The men who profess to uphold the credit of this country and who profess to say that this country is in a flourishing condition, want it to go forth to the world that we are so unspeakably hard up that we can only pay our representatives half of what they pay in Queensland.

MR. CONNOR: We get a higher salary than they get in Queensland *pro rata* on the population.

MR. NELSON: No; we do not. Reference was made to the House of Commons. We have this terrible fact in the House of Commons, that only about half a dozen men directly represent the great labour interests of England. Surely in the mind of any reasonable man that must be regarded as an anomaly in representation. The reason undoubtedly is that the expense in connection with elections and the absence of payment of members practically preclude the working classes of England from enjoying the share of representation which is enjoyed by the other classes. In other words, payment of members is an absolute necessity to true representation. All our democratic institutions—our free franchise, our equal voting power—go for absolutely nothing unless, in addition, we assert the principle that once the electors

select a man to represent them in Parliament, the country as a whole should adequately remunerate him for his services. I do not desire to go very lengthily into this matter, but there are one or two points I wish to make in reply to some members. I think the member for Sussex wanted to know why members could not supplement their salaries by doing something else. It is a consideration of that kind that really justifies the House in giving members a larger salary than they are now receiving. Members on the other side of the House, because they are middle-class men, are generally in a position to have an income altogether apart from their parliamentary work. If a man is a lawyer for example, his being returned to Parliament at once enhances his reputation and increases his salary. If he is an auctioneer, it gives him some kind of notoriety and increases his income. A great many men carry on business of a nature which can be carried on without interfering with parliamentary duties. But it is a notorious fact that the working man cannot do that. For example, the member for North Fremantle, being a member of the House, cannot be an engine-driver; and what members are practically doing by opposing this proposal, in spite of what they pretend to be doing, is that they are seeking, in my opinion consciously or unconsciously, to prevent this House carrying sufficient payment, in order to erect a barrier against representatives of the working classes coming into this House. I have no hesitation in saying that is the real motive. As I have hinted, I do not intend to go into this matter with very great detail, but there is one thing I would like to point out; and I should like to say—right here that I am of opinion—and I am sure a great many members hold the same opinion—that there is too serious a difference between the remuneration received by a Minister and the remuneration received by members. I hold this opinion on purely impersonal grounds, believing that the present system is an exceedingly unsound one. I am of opinion that what this country wants is not only a good Ministry but a good Parliament, and I am of opinion that as long as we give the average member about £200 per annum and give members

of the Ministry about five times that amount, there will naturally be a tendency on the part of men, irrespective of their ability, to scramble for the higher salary. There should not be such a discrepancy between a member's salary and a Minister's salary. I think that at the least, if the average member were paid £300 per annum and a Minister £700 per annum, the proportion would be much more reasonable than the proportion that obtains at present. We find, for example in Victoria, that a very strong feeling has arisen in favour of elective Ministers, for precisely the same reason, the scramble for office.

THE SPEAKER: The hon. member cannot discuss Ministers' salaries.

MR. NELSON: I desire to say that this scramble for office results from the fact that a member is badly paid, and that the emoluments of office are relatively much higher. The scramble for office is so keen that when questions come before the House the ultimate issue is decided not so much on the relative merits of the case, as from a desire to put Ministers out so that others may take their places. So far as I am concerned, when I was before my constituents I was asked repeatedly my opinion on this question, and I replied that I was in favour of £300 a year. I am therefore stating in this House what my electors have practically given me the right to state. I am doing the duty they have imposed upon me. When I spoke before, I said that members are really pledged on this subject. Members of the Ministry, as private members, supported this matter in this House. When they went to the country, they and their supporters throughout the country justified that action—the advocating of an increase of salary. I hold, therefore, we are literally pledged to pursue the course that we now are pursuing, at any rate that I am pursuing. I am simply doing my duty; and I believe that whatever the result of this motion may be, whether defeated or not, I still believe the motion will redound to the lasting credit of this Assembly. Whether we make an adequate salary cover the present period or not, it will redound to the lasting honour of the Assembly that we decided to pay our representatives in such a way that we shall succeed in getting good men,

that they will at any rate be able to live something like decent lives, and that the misery that must inevitably result from anyone doing his country's work at £3 a week will be avoided. It is a just principle. It is on the statute-book that it is right and proper to pay members of Parliament. There is another duty to perform, and that is to make the payment adequate. If payment is right, it should be reasonable. If it is wrong, abolish it altogether. I am willing to take the consequences of what I do. I can live outside the House, and I say I am quite willing, if the issue is forced on me, to submit to an absolute abolition of payment, rather than submit to the compromise which is neither one thing nor the other. If the principle be right, let it be rightly applied; if it is wrong, wipe it out altogether. I am entirely in favour of the motion before the House.

MR. J. L. NANSON (Greenough): I doubt if there would be much difficulty in coming to a decision on this question, but for the fact that a good deal of uncertainty prevails amongst some members, at any rate, as to the precise wish of the constituencies. It is true we have been told by more than one member that he has been returned to this Chamber pledged to support an increase of the existing payment. I do not doubt that for a moment; but it is an unfortunate circumstance attached to our electoral system that it is an impossibility to say exactly what is the opinion of the constituencies on any particular point. It can scarcely be contended that the one question, the one determining question at the last election, the one vital question on which the election was fought, was this comparatively small issue as to whether members of Parliament should receive £200 a year, £300 a year, or £400 a year. I may take a constituency like that represented by the member for Albany. He told us, when speaking, that he had been returned pledged to support an increase of payment to members. But it must have struck that member that possibly a large number of voters elected him, not because they approved of his platform in that one particular, but because they approved of his platform in half a dozen other particulars. It is one of the greatest prac-

tical difficulties we have to encounter in political life, that when a candidate goes for election and is returned, it is impossible to put one's finger on one single plank in his platform and say that on that particular plank he must stand or fall. An elector may be opposed to a candidate on one question, but there may be five planks on which that elector wishes to have that candidate returned. In these circumstances he would be justified in voting for the candidate as he approved of most of his views, rather than vote against the candidate because he disapproved of a small portion of his views. It appears that this question as to what payment should be made or should not be made is essentially a question that should not be settled on the floor of the House. It should not be settled by members, but should be settled by a direct vote of the electors in each constituency. I have always been a believer in the principle of the referendum upon some questions; and when we are reminded, as we have been reminded to-night by the member for Hannans, that the dignity of Parliament enters into this question, then I think that regard to the dignity of Parliament should make us very chary about haggling among ourselves as to the amount of remuneration to which we are to be entitled. It would be infinitely more satisfactory I believe for every member in this House if he were not compelled to discuss that question, if he were not compelled to vote upon it, but if instead it could be referred to the electors in each constituency; and I put that suggestion forward to the Government, because if it can be adopted it will do away at once with all this bickering, all this controversy of a nature which I venture to say does not tend to elevate Parliament in the eyes of the outside public. I have my own views, like other members, as to whether £200 a year is an adequate remuneration for a member of Parliament or whether it is not. After all, our judgment on that question must be very largely coloured by the view we take of another question, namely whether a member of Parliament when once he enters this House should devote himself wholly to his political duties, and immediately abandon the means by which he has been in the habit of obtaining a

livelihood. The member for Hannans (Mr. Nelson) pointed out that an engine-driver who becomes a member of Parliament cannot possibly follow his calling; and a case like that undoubtedly brings to the front one of the problems we have to solve. We wish, at least I personally wish, to see a fair representation of direct Labour in the Parliament of the country; and it has often puzzled me, as no doubt it has puzzled other members, to ascertain how we are to overcome this difficulty of divorcing a man from his ordinary means of livelihood immediately he becomes a member of Parliament. Of course in some professions, as the member for Hannans pointed out, the difficulty does not arise—it is possible for many of us to continue our ordinary avocations; but I am convinced that the Labour cause suffers or will ultimately suffer from the fact that in so many instances as soon as men who have been directly associated with manual labour enter the precincts of this Chamber as members, their direct association with manual labour ceases. My idea of a Labour member is—I do not know whether it can always apply—that a man, say a stonemason, working outside this House should, when his day's work is done at five o'clock, be able to come into this Chamber in the evening and assist in legislating for the country. And there can be no doubt it would be much preferable for the Labour cause if it were practicable—I am not saying it is absolutely practicable—if we could keep a member of Parliament in direct touch with his calling; because sooner or later a Labour man, if he remains in Parliament, relinquishes his ordinary avocation, ceases to be a Labour man, and becomes a professional politician. I do not say a professional politician in any unworthy sense. There have been professional politicians in Australia, men of whom any country might be proud; but immediately a man adopts politics as a profession he begins to lose, imperceptibly perhaps at first but very perceptibly as time goes on, that very close touch, that very intimate sympathy with the worker which is so desirable, which in the past has accounted and even to a great extent at present accounts for the great hold the Labour movement has obtained upon the public mind of this Common-

wealth. That being so, I think those members who represent direct Labour will at any rate pause before they widen the existing breach between the Labour member who never does manual work, and those whom he represents who live by manual work. We talk a good deal about the dignity of labour. We profess to believe that a man who works with his hands, no matter how humble the form of labour may be, is in every sense equal to a man who works with his head; and I admit unreservedly that is a very desirable ideal to have in any country; particularly in a new country where so much of toilsome hard work has to be done of a class rather physical than intellectual. If a Labour member is immediately to give up all intercourse with manual labour, if immediately he enters Parliament he becomes a superior individual, superior in social status, superior in financial status to those he represents—

MR. SCADDAN: He does not claim that.

MR. NANSON: I do not say for a moment that Labour members at present claim it; but the tendency will be towards that, if we keep increasing the rate of pay to a member of Parliament to a rate above that earned by the average labourer or worker outside Parliament. It is an unfortunate circumstance, but a circumstance that we cannot overlook, that the social status of individuals is very largely determined by the amount of money they have for spending purposes. Human nature is so constituted that in most cases persons are judged more by external circumstances than by their own virtues; and if Labour members receive a larger amount of remuneration than the average market wage that Labour can command outside, undoubtedly the time will come when those members will lose that democratic sympathy which they profess, and from the point of view of the Labour party alone they will, instead of strengthening their position, weaken it. It is not a prospect that alarms me very much. If we look back into the history of democracy, if we look back into the initial effort which has been made to raise the political status of the people, we shall find that in almost every instance the great democrats, the great champions of popular liberty, have not come from the working classes but from the great middle class, and the championship of

public liberty has always been and must always be more effective when it proceeds from persons who are arguing perhaps against their own interests regarded from a monetary point of view. It is one of the glories of the English House of Commons, that we have heard spoken of to-night in somewhat severe terms by some members, that there are in that House men of very great wealth, and yet men who notwithstanding that great wealth have been through a long career the unbending champions of democracy, and have championed even the cause of what is known as Labour politics. No member will refuse to admit that this very circumstance of obvious personal disinterestedness on the part of those wealthy members of Parliament to whom I have referred has lent a strength to their championship which would not have been there if a similar plea had been put forward by members belonging to what are known as the working classes, the classes living by manual labour, and who therefore would be advocating measures in which they had a direct personal interest. But leaving that branch of the subject, and to come to another cognate branch, is it an altogether impossible ideal that a member of Parliament elected as a Labour member should continue to practise the calling to which he has been devoted before entering the House? In some instances it may be impossible; in the instance mentioned by the member for Hannans no doubt it is; but there is a great number of instances where I think that with a little self-denial a member might very well supplement his income. Indeed there are instances in which members at present in the House have successfully supplemented their income, and have done so in the most honourable way during the parliamentary recess in the calling to which they have been brought up. I remember myself on one occasion shortly after the first session of the last Parliament meeting in a shop in Perth a Labour member who was buying some carpenter's tools, a plane. We got into conversation, and he told me that now Parliament was over he could not live on his parliamentary salary altogether, and he was going back to the carpenter's bench to supplement the £4 a week he received from the State by working a few

months at his trade. And I honour that man; I think everyone in this House should honour that man; and I think in the eyes of the constituency one represents and in the eyes of the workers of the State it would be better for a member of Parliament to keep closely in touch with those who elect him, by during a few months in the year going back to the trade he was formerly accustomed to pursue. This is my idea of supporting the dignity of Parliament. My idea of the dignity of Parliament is not that as soon as a man enters this Chamber he should be immediately divorced from the common occupations and common interests of life. Are you going to create in Australia a class of favoured politicians, who have not to face those daily difficulties which other people who are not in the enjoyment of a fixed salary must face? It is one of the most essential features in the training of a member of Parliament that he should be in close personal touch with all those difficulties which spring from inadequate income, from that "cursed want of pence" which is said to afflict so many public men, and which certainly afflicts a great majority of the human race who do not happen to be in Parliament. Even at the present time I cannot help thinking there is a tendency, on the existing salary of £4 a week, for members of Parliament to cultivate a race of what I may call feather-bed politicians. I doubt whether there is a single member of the Labour party who is in a worse position financially now that he has entered this House than he was before. I qualify that statement, for I think there are a few. When the member for Albany was speaking on the subject the other day, I interjected the question, what was he earning before he entered this House? The hon. member replied that it was an impertinent question. He probably meant it was an impudent question, because under ordinary circumstances it is somewhat impudent to ask a man what is the amount of his income. But the question itself is most pertinent, because if you consider the question of payment of members on a commercial basis, we are entitled to ask, what was the market value of the members now in the House before they entered Parliament? I may remark that before they entered Parliament they were in open

competition with other persons; but now that they have entered Parliament their salary is fixed at a certain amount, and that competition ceases. If we find, then, that the majority of members in the Labour party were earning less before they entered Parliament than they are receiving now as salary from the State, it is not entirely illogical or altogether unreasonable to argue that according to their market value as tested before they entered Parliament they are receiving quite as much now as they were worth before they entered Parliament. As far as I can gather, there is no likelihood of the supply of candidates for Parliament falling short of the demand. If there were to be an election in a country district where there was no labour caucus and no labour selection ballot, or if candidates had first to go before a selection ballot, in neither case would there be any lack of candidates. In the last general election the difficulty was not to secure a selection of candidates, but rather to weed out from the large number of candidates desirous of entering Parliament those who should preferably be elected. That brings me to another point, that if you are going to assess the exact monetary value of a member's services, you cannot do better than take the ordinary market standard and ascertain whether there are very many people anxious to obtain these positions. If it were considered that a man made very great sacrifices by entering Parliament, if it were considered that instead of increasing his financial state he lowered it, that instead of putting money into his pocket he had to draw large sums out of his pocket, do members believe there would be a greater number of candidates seeking entrance to Parliament than there are at the present time? The very argument in favour of payment of members demolishes that idea, for the argument is that if you do not give a certain amount of payment, your choice of members is limited because candidates will not come forward. Before the payment of members came into operation, I do not think there was a Labour candidate in the field; and it is certain that until payment of members was agreed to in this State, there was not a single manual worker who was prepared, as a member of the Labour party, to make a sacrifice by

entering Parliament. I do not blame them; but I am stating this as a fact, to develop my argument. We find, now the payment is fixed at £200 a year, that instead of there being a paucity of candidates seeking to enter Parliament, there is a great number, not merely from the propertied classes but from the ranks of the wage-earners. That in itself, therefore, looking at the matter from a hard, practical, common-sense view, is evidence in the eyes of those who have not succeeded in getting into Parliament that £200 a year is not a bad remuneration; and we have to remember also that their remuneration is not limited to £200 a year. Hon. members have all the advantages of a palatial club. They have dining room, library, billiard room, meals served at less than cost price, free railway fares, and a boarding-house conducted for them at prices less than they would have to pay if supplied by private enterprise in the city. So we cannot adequately gauge the salary of a member of Parliament by the £4 per week he receives. I very much doubt if, taking all the advantages into account at the present time, a member does not receive a salary worth at ordinary market value fully £300 a year. However, as I said at the opening of my remarks, this is primarily a matter that should not be decided by the members of this House. Personally, I do not claim any virtue in this matter. I do not wish members to suppose that in my own case I should refuse to accept an increase of salary to £300; but we should not decide this matter ourselves. The most satisfactory way of settling the question is by means of a direct referendum of the people. Then, if it be thought that £300 is not sufficient and if the people wish to give us £400 or even £1,000 a year, any member will be justified in taking it. But let this be settled, not by the parties who receive the benefit, but by our employers, the electors of the different constituencies, who after all have the first right to decide it, and not ourselves.

MR. E. P. HENSHAW (as mover speaking to the amendment): I do not desire to discuss this matter at inordinate length. My action in connection with the motion has been perfectly honest and aboveboard. I claim to be acting in accord with my pledges. Long before

the elections took place, the matter was brought up in the Collie electorate, and a branch of the political Labour party was formed there with others than unionists as its members.

MR. QUINLAN: It is customary for the mover of the motion to give notice of his intention to reply.

THE SPEAKER: The hon. member is speaking to the amendment. The amendment only can be discussed now.

MR. HENSHAW: Feeling was so strong in this branch of the party for an increase in payment of members' salaries being made a plank in the Labour platform, that they sent down a suggestion urging the central council in Perth to embody the matter in the Labour platform. That council decided that it would be a matter best left to individual members. I am prepared to take the full responsibility of my action in moving in this matter. I am not actuated by any desire to take advantage of my position and increase my allowance. I spoke openly on the matter before the election, and on almost every platform, and my remarks were indorsed. I have listened with interest to the scathing and unwarranted remarks made by the member for Sussex. While I am somewhat surprised to hear those remarks, I am reminded of the conditions prevailing in Parliament prior to payment and the advent of Labour members, referred to so ably by the member for Brown Hill. I am quite sure that the views of the member for Sussex are not in accord with those of the majority of electors in this State. Only a few years ago the hon. member was so out of touch with the people of Perth that they rejected him; and on several subsequent occasions he has found himself out of accord with electors and been again rejected.

MR. FRANK WILSON: Once only.

MR. HENSHAW: The hon. member went so far as to suggest that the members of unions who participated in sending members of our party to this House should pay us or supplement our allowance. It seems a strange proposal to ask a small section of the people to pay members for working for the whole of the State. I repudiate the contention of the hon. member that a Labour member represents trades unions only. That is not the case. We won our positions

in open contest amongst all comers ; and we represent all constituents and not a section of them. I quite believe the hon. member desires to revert to the old position of things when there was limited representation ; and about the first effective step to bring that about would be to abolish payment of members. Most of us clearly understand the hon. member's intention to go back to the old order of things which, fortunately for the people of the State, we have left behind. I believe that any member who fulfils his duties properly and gives sufficient attention to his work will have the most of his time occupied. I do not think it right for members to indulge in private business to the extent to which they do. I am quite satisfied that in doing so they are neglecting the country's work. It has been suggested that, because some members are foolish enough to contribute towards cricket clubs and other associations, we on this side of the House have asked for our pay to be increased so that we can do it. I do not believe in that sort of thing, and would not be a party to asking the State to make an allowance for this purpose. I look upon the custom of giving donations as one of the relics of the past from which we should get away. To my mind it is nothing more nor less than bribery and corruption. Donations are given with a view of influencing votes, and we should not countenance the custom. At any rate it would be out of question even with an allowance of £300. Another serious objection to the present inadequate payment is that members who have no outside source of income are confined to small portions of the State, and are not able to travel round the country and become conversant with the conditions prevailing in every part of the State. If they cannot do so, how is it possible for them to give an intelligent vote or to take an intelligent interest in what is going on in other parts of the State ? In most of the other States £300 is the allowance to members, and in those States members are not subject to the long distances we have to travel here, therefore are not subject to the expenses members here have to pay. Members are all prepared to admit that the cost of living in this State is greater than it is in other States ; and if £300 a year is a fair thing there,

surely we are entitled to that amount in this State. It has been said there are many members on this side who are receiving a greater allowance than they earned previously at their calling.

MR. MORAN : What has that to do with the question, anyhow ?

MR. HENSHAW : Not a great deal ; but still it is a wrong statement which it is my duty to combat. Tradesmen's wages on the goldfields are £4 10s. a week, and when members from the goldfields come into the House they have to suffer a serious reduction, and it is not only a reduction in the allowance, but members are subject to an increased expenditure. It is all very well to say that members have a railway pass. It is true they have, but when a man is travelling he is subject to expenditure which he is not put to when at home. In the face of the statement that the Premier has made, I think it would be unwise to press this matter at the present time. I would not like it to be said that we were so eager for this increase, and at the same time deny to civil servants in this State who are receiving £200 or over the increases to which many of them are fairly entitled. Although our present financial position is not too bright, I wish it clearly understood that is not of our creation but the creation of our predecessors. If we are in straits at the present time, we are not responsible for it. When this matter was first brought forward I thought things were a little better than they really are. I do not intend to press the motion, but I hope the time will come when not only civil servants but members of the House will receive an adequate salary. I am prepared by sacrifice to assist in a small way in remedying the present state of things, which I say again has been brought about by our predecessors.

On motion by DR. ELLIS, debate adjourned.

ADJOURNMENT.

The House adjourned at thirteen minutes past 11 o'clock, until the next Tuesday afternoon.
