

afraid that I have rather wearied them. (No, no.) I am glad to see so large a House and to meet so many new members. I think the people of the colony are to be congratulated—I heartily congratulate them—on the sort of men who have been sent here, men of knowledge and experience, who are not only able to manage the affairs of the country, but who have shown that they are able to manage their own, and the man who is able to manage his own affairs is not the less able to manage the affairs of others. Though we may cross swords many times in discussing matters and may be somewhat heated for the moment, I hope that we will never let any of these feelings go outside this chamber, but that outside this chamber we shall meet in the same friendly way we have been accustomed to meet during the many years I have been a member of Parliament.

#### ADJOURNMENT.

On the motion of MR. LOCKE, the debate was adjourned till the next sitting.

On the motion of the PREMIER, the next sitting day was fixed for Monday.

The House adjourned at 11-10, p.m., till the following Monday.

## Legislative Council,

Monday, 23rd August, 1897.

Motion: Swan River Shipping Company—Her Majesty's Reply to Address—Police Act 1892 Amendment Bill: second reading—Hainault Gold Mine, Ltd., Bill: second reading—Commonwealth Bill: in Committee—Adjournment.

The PRESIDENT (Hon. Sir G. Shenton) took the Chair at 4-30 o'clock, p.m.

#### PRAYERS.

#### MOTION—SWAN RIVER SHIPPING COMPANY.

HON. R. S. HAYNES moved: That a return be laid on the table of the House showing:—1. The nature of the tenancy of the Swan River Shipping Company in respect of the wharf and premises in Bazaar Terrace. 2. The amount of rent and how payable. 3. The cost of dredging the channel for the purpose of launching one of the company's boats. 4. By whom was the cost paid, and, if by the Government, under what authority? He said: The only object I have is to obtain information as to whether or not the company holds a lease of the premises on the Swan River. Several people—adjoining owners of land, I am told—who are tenants of the Government, have applied for a lease, and they have all been refused. W. & S. Lawrence, boat builders, who have occupied land here almost from childhood, have been refused a lease. I understand that a motion was passed in the House last session—I speak subject to correction—that no further leases of the foreshores were to be granted to any companies—that they were not to be let in any way. That motion was passed in the House. And if people have leases—which it is impossible for me to say—then it is not in accordance with the motion passed by the House. Works are required to be carried on in the Perth river. There is the dredging of the channel to South Perth, also dredging alongside the William Street jetty, and other public jetties. I saw a dredge working for several months deepening the water opposite the Swan River Shipping Company's wharf, for the purpose of launching one of the company's boats. Of course, if the company paid for it, it is all right; but I ask the question

to see if the Government paid for it. I hope the Minister will have no objection to this motion. I am not moving it in any hostile spirit. The foreshores are a very valuable asset in the hands of the Government, and I hope to see works of a very different character erected along the shore in time to come. I hope to see the Government undertaking river works on a comprehensive scale, under the supervision of a person capable of carrying them out; therefore I do not want to see the Government allowing any person to take a strip of the foreshore, and prevent its being used for comprehensive works by sending in a claim for compensation.

**THE MINISTER OF MINES** (Hon. E. H. Wittenoom): I have only to state that it will give me the greatest pleasure to afford the information the hon. gentleman requires.

Motion put and passed.

#### HER MAJESTY'S REPLY TO ADDRESS.

**THE PRESIDENT** announced that he had received the following letter from the Hon. the Premier on the subject of the presentation of the Address to Her Majesty the Queen, passed by Parliament in March last:—

*Premier's Office,  
Perth, 23rd August, 1897.*

SIR,

I have the honour to inform you that the Address of the Parliament of Western Australia, entrusted to me for presentation to Her Majesty the Queen, has been duly presented. Her Majesty was pleased to hand me on the occasion of the presentation a written reply, in the following terms:

"I thank the Parliament of Western Australia for their loyal and dutiful address. I have been deeply moved by the numerous demonstrations of loyalty and affection to my Throne, which have been called forth by the completion of the 60th year of my reign, and I am sincerely pleased by the cordiality with which the Parliament of Western Australia has taken part in them. I request you to convey my hearty thanks to the Legislative Council and House of Assembly of Western Australia."

I may add that the casket, in which the Address was enclosed, was much admired by the Queen. I have, etc.,

**JOHN FORREST,**  
Premier.

The Honourable the President,  
Legislative Council, Perth.

#### POLICE ACT, 1892, AMENDMENT BILL.

##### SECOND READING.

**HON. R. S. HAYNES:** I have much pleasure in moving the second reading of this Bill. Shortly, I will give the House the history of the Act from the time of the passing of the original measure, which is the Police Act of 1892. This Act deals with various questions with respect to gaming and wagering; and we have ample provisions to prevent gaming and wagering outside racecourses. But in a fit of spleen an Act was passed without due consideration, and after that Act was passed the first gentleman who was made the object of it was the Director of Public Works. The Act to which I refer is the Police Act Amendment Act of 1892; and it states: "Every person "betting or offering to bet by way of "wagering or gaming on any racecourse, "or in any public place, or in any place "to which the public are or shall be "permitted to have access, whether on "payment of money or otherwise, shall "be liable on conviction to a penalty "of not less than forty shillings nor "more than one hundred pounds, and "for the second offence shall be deemed "a rogue and vagabond within the "true intent and meaning of the Police "Act, 1892, and as such may be convicted "and punished under the provisions of the "Act." Wagering on racecourses takes place every day. Prosecutions have been undertaken in the police courts, and they have all failed. Not only does the Act make the bookmakers liable, but the person who bets is equally liable; and if that person is caught a second time he is liable to be convicted and punished as a rogue and vagabond. It was found that that Act was not of any avail; and, as wagering generally goes on at racecourses, I think it should be permitted, subject to certain conditions. Whilst horse-racing is in existence, wagering on racecourses will go on. Therefore, I propose to amend the Act. Section 3 of the Bill before the House says: "It shall be "lawful for the Committee for the time "being of the Western Australian Turf "Club to make such by-laws as they "think fit for regulating the conduct and "carrying on of betting on racecourses "under the control or jurisdiction of "the said club, provided that no such

"by-laws shall be repugnant to the laws for the time being in force in Western Australia. Such by-laws shall be framed and published under the provisions relating to by-laws contained in the Western Australian Turf Club Act of 1892." It seems to me that the proper persons to deal with wagering on racecourses are the Turf Club; and if the Turf Club wish to make regulations, they have to comply with the Turf Club Act of 1892; therefore, before any regulations which they wish to make can have any force or effect, they will have to be approved by the Governor and laid on the table of the House. If any objections are then taken to them, it is open to the House to move in the matter. It does not seem to me to be a matter that can be dealt with by Act of Parliament; and, as the Turf Club is a thoroughly representative body, appointed by Act of Parliament, in whom is vested the right of dealing with all racecourses in the colony, it seems to me that that body is the proper authority to deal with wagering on racecourses.

HON. A. B. KIDSON: I have much pleasure in seconding the motion. The Act which it is the desire of my hon. friend to amend is at present a standing monument to the folly of legislation in the colony. I happen to have had occasion to be on the racecourses of the colony on several occasions, though I do not indulge in the habit myself of taking part in any betting. Yet I have seen gentlemen—amongst the best in the colony—indulging in the pastime. But not only on one occasion, but on many occasions have I seen this; and according to the Act which the hon. member intends to amend, any person committing the offence a second time becomes a rogue and a vagabond. I do not think that quite right. If this Act was not passed in a fit of spleen, it was introduced to Parliament in a fit of spleen, and the sooner we wipe it off the statute book of the colony, the better it will be.

HON. J. W. HACKETT: I will take your ruling, sir, as to whether the Bill is in order. It deals with private legislation. The power to pass these by-laws is given by a private Act; and any alteration of that Act, or addition to it, should be made in the same way, by the usual Standing Order dealing with private Bills.

HON. R. S. HAYNES: The dictum of May is quite to the contrary. The learned author says:—

Every Bill for the particular interest or benefit of any person or persons is treated in Parliament as a private Bill. Whether it be for the interest of an individual, a public company or corporation, a parish, a city, a county, or other locality, it is equally distinguished from a measure of public policy in which the whole community are interested, and this distinction is marked by the solicitation of private Bills by the parties themselves whose interests are concerned.

Section 3 does not give the Turf Club any interest or advantage whatever. It does not extend their powers. Under the Police Amendment Act of 1894, every person is liable for wagering on racecourses, and it is for the benefit of these persons and not for the Club that this Bill is introduced, to relieve them of the danger of being punished for what the public think is not an offence at all. It does not give the Turf Club any benefit or advantage at all.

HON. J. W. HACKETT: It gives them a power.

HON. R. S. HAYNES: It does not give them power to make the regulations; but the regulations are made subject to the approval of the Government and Parliament.

HON. J. W. HACKETT: That is the same thing.

HON. R. S. HAYNES: The Turf Club Act vests in the club certain land, and they have authority to deal with that land.

THE PRESIDENT: I would like to look into this point, as it appears to be an important one, and I shall be prepared to give my ruling to-morrow.

HON. C. A. PIESSE: The mover of the motion was somewhat severe in regard to the people who were brought up as rogues and vagabonds under the Bill. He stated that the Director of Public Works was brought under its provisions. I presume he does not mean the present Director of Public Works?

HON. A. B. KIDSON: Oh, no; Mr. Venn.

HON. C. A. PIESSE: He should have said "the then Director of Public Works."

THE PRESIDENT: Supposing I have to rule that this is a private Bill, all this discussion will have been useless.

It would be better to postpone any argument until I have given my ruling.

HON. C. A. PIESSE: I am not debating the Bill. I only got up to put the hon. member right, as I was sure he did not mean the present Director of Public Works. I am not a betting man myself, but I am game to bet that the present Director of Public Works does not bet at all.

THE PRESIDENT: Now that the hon. member has made his explanation, the debate had better be adjourned.

THE MINISTER OF MINES: When the Act forbidding betting on racecourses was introduced, I was a member of the Government, but I will not say that the Bill met with my unqualified approval. Whether this Bill is in order or not, I hope the mover, if the Bill is ruled out of order, will see his way to bring in the matter of legalising the ordinary games which used to be carried on at racecourses. Those who now go to the races are debarred from playing these games, and if they have no other amusement than the horse-racing, they go in for drinking. They cannot play "Aunt Jenny," or "Aunt Sally," or that little wheel that goes round. I say the drinking does more harm than the games. I only want to make a suggestion to the hon. member, that if the Bill is thrown out he should bring it up in a form in which he will be able to include these games.

HON. J. W. HACKETT: I move that the debate be adjourned until the next sitting of the House.

Motion agreed to.

#### HAINAULT GOLD MINE, LIMITED, BILL.

##### SECOND READING.

THE MINISTER OF MINES, in moving the second reading of the Bill, said: This matter will be in the memory of hon. members, particularly those who have been associated with gold-mining in the neighbourhood of Kalgoorlie. The Bill is to re-establish the title of the Hainault Gold Mine, Limited, to the Gold-mining Lease No. 81E. The origin of this Bill is brought about in this way. The Hainault Lease No. 81E was gazetted some time ago as forfeited for the non-payment of rent. This forfeiture was gazetted through an error in the Mines Department. When a forfeiture is

gazetted, it is very far-reaching in its consequences. It is set forth in section 8 of the Gold Mining Act that "As soon as possible after the Governor shall have decided to refuse, void or grant any application for lease, or void, cancel or forfeit any lease issued under this Act, or any Act repealed thereby, notice of such refusal or intention to grant a lease, or the voidance, cancellation or forfeiture of any lease, shall be published in the *Government Gazette*, and such notice in the *Gazette* shall be conclusive evidence that such application was refused or granted or that such lease was void, cancelled or forfeited, and the land comprised therein open for occupation, subject to the provisions of this Act, by any holder of a miner's right, from the date of the publication of the notice as aforesaid." So that hon. members will gather from that, that when a lease is forfeited the land becomes Crown land again, and is open to the operations which this Act gives to those who hold miner's rights. Through the gazetted of this forfeiture the land then became Crown land, and was liable to be taken possession of by those holding miners' rights. I have said that it was gazetted through a mistake in the Mines Department, and during this time the rent had actually been paid, so that the Government actually forfeited a man's lease when he was legally in occupation of it and had paid the rent. Fortunately, the mistake was soon seen, and within a fortnight of the notice of the forfeiture in the *Gazette* a cancellation of the forfeiture appeared, and it was thought that this would put matters right. However, some time after, some other parties went on to the lease. When they did this the lease was really in the possession of the original holders, and these people who went on to the land knew that the forfeiture had been gazetted, and they also knew that it was the intention of the Government to re-establish the people in their lease. The cancellation of the forfeiture was advertised in December, and these second people who took up the lease did not go on it until the following April. The land had, technically, become Crown land in the interval between the forfeiture and the cancellation of the forfeiture, and to some extent these people occupied—I can hardly say legitimately—but they

occupied under their miners' rights. At the same time they knew the forfeiture was to be cancelled, and that it was the intention of the Government to re-establish the original holders. If they have suffered any loss by the action that has taken place, they did it with their eyes wide open, and with a full knowledge of what the intention of the Government was. I will explain how the mistake occurred, although it does not matter much. Before Kalgoorlie or East Coolgardie goldfields were established, the whole field was known as Coolgardie, and as each lease was taken up it had a number affixed to it, and this particular lease, which happened to be in the Kalgoorlie field, was then in the Coolgardie goldfield, and had the number 223 affixed to it. When that goldfield was divided and made Kalgoorlie and East Coolgardie goldfields, a fresh number was attached to those leases taken out of the Coolgardie goldfield, and this 223 became 81E, and "E" is the letter which signifies East Coolgardie. In April a party paid rent at the Coolgardie office on Lease 223E. This is the number he gave in to the registrar, and I may tell hon. members that at that time a very bad practice prevailed whereby any lessee could pay the rent of a lease, no matter where it was, to any registrar, and a lease at Kalgoorlie could be paid at Coolgardie. The registrar gave a receipt according to the number given him. Hon. members will readily understand that the registered Lease No. 223 would be part of the divided goldfield. When matters began to be looked up—all will remember the pressure of work which was going on at that time—it was found that this money was paid to the credit of 223E, a lease which did not exist, and 81E, which was the same lease, appeared as if the rent had not been paid, and the consequence was it was decided to forfeit it, so that other people might have it. The rent of this lease having been paid, the owners naturally wondered when they saw that the lease had been forfeited. Steps were taken to put them into possession again, but before this was done, in stepped these others and claimed under their miner's rights. This lease had been developed, and a large amount of money expended, and these parties, who knew that the forfeiture had been cancelled and that the Government intended to re-

establish the original owners, simply took their chance. As the Government had made a mistake, and as the people who were fighting for this lease, and also those who stepped in, have lost nothing, the Government has brought in this Bill to re-establish the title of the original owners of the lease. There are no less than four actions pending over this matter, one for trespass, and so on, and if we allow a case like this, where lessees through no fault of their own, but through an error on the part of the Government, to pass, it may give a bad name to the way in which the business of the Crown is conducted. I ask hon. members to assist the Government to carry the Bill through. Clause 1 deals with the confirmation of the Gold-mining Lease No. 81E. It says: "The avoidance of Gold-mining Lease No. 81E, formerly 223, is hereby annulled, and all the estate, right, title and interest of the Hainault Gold Mine, Limited, in the land comprised in the said lease are hereby re-established and confirmed as if such avoidance had not happened." Clause 2 is as to the protection of holders of miners' rights, who after the avoidance of the lease entered upon the land. That is to protect those acting under miners' rights, who possibly, with the assistance of a little technical legal support, have gone on the lease and taken possession of it. Section 3 provides for a stay of litigation and award of costs. It gives power to stay these actions pending in the Supreme Court. After these remarks I hope hon. members will give the Bill their consideration, and assist the Government to do justice. I now move the second reading of the Bill.

HON. R. S. HAYNES: I ask your ruling, sir, whether this is not a private Bill.

THE PRESIDENT: It is a Government Bill. It is introduced by the Government, and deals with Government land.

HON. R. S. HAYNES: That is exactly what I say it does not do. It does not deal with Government land, but with private land; and if the Minister of Mines is correct, the lease was picked out by some miners, and therefore belongs to them and not to the Crown. He wishes to re-establish the title of a lease to a company, but before he can do that he

must take the title from the other persons. He is not dealing with Crown lands in any way, because others have taken up the land after it has been forfeited. The object of the Bill is to stop proceedings in the court of law. The Crown is not a party to the proceedings or affected by them. At page 634 May says:—

Every Bill for the particular interests or benefit of any person or persons is treated in Parliament as a private Bill. Whether it be for the interests of an individual, a public company or corporation, a parish, a city, a county or other locality, it is equally distinguished from a measure of public policy in which the whole of the community are interested.

Who gets any interest from this Bill being passed? The shareholders of the Hainault Mining Company—nobody else. It has nothing to do with the Crown. It seems to me it is not open to argument, and does not admit of argument. I will show you presently why I say it is a private Bill. To quote May again:—

Whether it be for the interests of an individual, a public company or corporation, a parish, a city, a county or other locality, it is equally distinguished from a measure of public policy in which the whole of the community are interested.

I ask, what persons in Western Australia are interested? None. Only the shareholders of the Hainault Gold Mine.

THE MINISTER OF MINES: The Government is very much interested in it.

HON. R. S. HAYNES: The Crown did not seem to have any interest in the matter. Let me read to you, sir, in another place, on page 645 of May:—

In passing private Bills, Parliament will exercise its legislative functions, but its proceedings partake also of a judicial character. The persons whose private interests are to be protected appear as suitors for the bill, while those who apprehend injury are admitted as advocates of the parties in the suit.

The parties injured by this are the miners, and if they are injured let them be heard at the bar of the House. May goes on to say:—

Many of the formalities of a court of justice are maintained. Various conditions are required to be observed, and their observance to be strictly proved, and if the party do not sustain the Bill in its progress, by following every regulation and form prescribed, it is not forwarded by the House in which it is pending. If they abandon it, and no other parties undertake its support, the Bill is lost, however sensible the House may be of its value."

The House might be very sensible of the value of the Bill, if it were introduced in the proper way.

The analogy which all these circumstances bear to the proceedings of a court of justice is further supported by the payment of fees, which is required of every party promoting or opposing a private Bill, or petitioner for or opposing any particular provision.

My object in quoting this is to show you it is a private Bill, dealing entirely with two parties, the Hainault Gold Mining Company and the miners who took up the lease under their miner's rights.

HON. C. A. PIESSE: And the Government.

HON. R. S. HAYNES: The hon. member may understand more than I do about it. How the Government can suffer by the action, I do not know. Perhaps the hon. gentleman does.

HON. C. A. PIESSE: They were parties to the error made in the first instance.

HON. R. S. HAYNES: They may be parties, but they do not suffer by it. No one has a greater detestation of jumpers than I have. I want your ruling, sir, whether this is a private or a public Bill. The case of Ramden and Austin, argued in court the other day, is on the same point.

THE MINISTER OF MINES: Not quite the same.

HON. R. S. HAYNES: Absolutely the same. The argument used was that the Government has absolute evidence of forfeiture, and that is the point on which the Supreme Court will deliver judgment in a few days.

HON. H. G. PARSONS: I had proposed to speak to the motion of the Minister of Mines, but I prefer to speak to the point of order. I have had peculiar facilities for knowing the history of this case, as I am mayor of the town adjoining the one in which the lease is situated, and I am in control of the Chamber of Mines, which no doubt the manager of that mine is a member of, as all the managers there are; and I am an old resident of Kalgoorlie. To anticipate an objection by the hon. member, I may state I never held a share in the mine, nor am I interested in it in any possible way. I know, however, the main facts of the case, and I am anxious to confirm the statement made by the

Minister of Mines. I remember the "Hainault" before it was ever floated or ever belonged to the English company, and I remember the history of it ever since. The company is acting in all good faith. The rent was paid, and the mistake made by the Government official was excusable, and the Government is now anxious to cure its own mistake, or the mistake made by its own official. This is a public Bill, and the credit of the Government will suffer over the security of tenure, and the whole colony will suffer if the Bill is not carried through. Moreover, the people or jumpers who tried to occupy the ground on a technical point did so with their eyes wide open, and they now recognise that they have lost the game. It was an off-chance: they were trying to see what they could do. [A MEMBER: Black-mailing.] Black-mailing, of course. The mine had been worked just north of the Boulder. It is a valuable lease taken over by some of the earliest prospectors, and machinery is erected on it now, and the jumping case in connection with it shook our credit in London to a considerable extent. The mistake of the official in taking the rent was extremely excusable; the change of numbers in cutting up the fields fully explains it. The number of a lease at Kalgoorlie might become, say, for instance, No. 2, with the initial letter "E" after it, which is confusing to people inside as well as outside the country. I know of a case of some directors in England, not knowing of the change of the number of a lease, who refused to pay for a report because the report was not on the lease numbered as they knew it. That mistake has been made again and again. It is the duty of the Government to cure the mistake for the credit of the colony.

HON. R. S. HAYNES: The Government is not a party to the proceedings.

HON. H. G. PARSONS: It is a matter of public concern.

THE MINISTER OF MINES: I refer you, sir, to Section 16 of the Goldfields Act of 1895, which says:—"Every holder of a miner's right and any number of persons collectively being each the holder of a miner's right shall, subject to the provisions of this Act and the regulations, be entitled (except as against Her Majesty) to take pos-

"session," etc. That shows that those people who are holders of a miner's right have certain powers, except as against Her Majesty.

HON. R. S. HAYNES: What are the concluding words of the clause?

THE MINISTER OF MINES: I do not think they have anything to do with it.

HON. R. S. HAYNES: But "except as against Her Majesty" governs the following words.

THE MINISTER OF MINES: I will read them, then: "Except as against Her Majesty, to take possession of, mine, and occupy unoccupied Crown lands for gold-mining, in accordance with the regulations in force from time to time." It makes my point stronger than ever.

THE PRESIDENT: This is rather an important point, and as it is the first Bill of the kind brought up, I would like to look into the matter before giving my decision.

HON. R. S. HAYNES moved the adjournment of the debate.

Motion agreed to.

#### COMMONWEALTH BILL.

##### IN COMMITTEE.

Clauses 1 to 8 inclusive, and Clauses 1 to 8 inclusive in Chapter I.—agreed to.

Clause 9: The Senate:

THE MINISTER OF MINES moved, in paragraph 2, to strike out the words "one electorate" and insert in lieu thereof "the Parliament of each State may determine." He said it would be unnecessary for him to explain the amendment at great length. In America the Senate was chosen in much the same way as was proposed in the Bill; there was an equality of representation, each State sending two members to the Senate, but the members were elected by the legislatures of the States. In Canada the Senate was nominated by the Governor-General for life, and we need not take that system into consideration, as he questioned whether any hon. members were in favour of having a nominated Senate here. In Switzerland each Canton sent two members to the Senate, and they were elected for six years in such a manner as the legislature of each State might determine. That was practically the same way as was suggested by the amendment. The first

principle in the paragraph was that the Senate be chosen by the people, and it was opposed to the principle contained in the Bill of 1891, which states that the senators should be chosen by the legislature of the State. This was altered by the Adelaide Convention, and the Bill before them proposed that the senators be chosen by the people of the State as one electorate. Those who had gone through an election and had contested a large constituency, would understand the difficulty and expense of contesting Western Australia as one electorate. Such a system was in favour of those who were well known and well off.

HON. G. RANDELL said when they were debating the motion to go into committee he was entirely in accord with this amendment, but on further consideration of the subject he had altered his views. He had read what Mr. Barton had said at the Convention, and agreed with it. Mr. Lyne at the Federal Convention strongly objected to the proposal to have one electorate, and he spoke very much on the lines of the argument submitted by the Minister, the conservative argument that no man, unless he was very wealthy, would be able to contest a huge electorate, say, like West Australia or Queensland would be. It struck him that if they adopted any other principle than that contained in the Bill, they would find themselves in some difficulty, as all through the Bill there were to be found the words "until the Parliament otherwise provides." It seemed, therefore, that the Parliament of the federated States would have the power of altering any arrangement of electing senators made by the Parliaments of the States. He was speaking more for the purpose of trying to elicit information than to raise objections. The different States might adopt different modes or means of electing their senators; and, if so, that would introduce an element of discord into the Federal Government. Charges, similar to those which were thrown out at the meeting of the late Convention, would be hurled against one another. It was insinuated that the West Australian conventionists were not elected by the people but by the Parliament. If they divided the State into six electorates, and each electorate chose one senator, the plan would be open to the objection that these

gentlemen were not representative of the State, but of parts of the State. Mr. Barton, in reply to Mr. Lyne, who said he would do his utmost when the Parliament met in Sydney to get this clause altered, so that the election should be put on a different basis, spoke severely, and stated that if that was attempted to be done in the Convention, it struck at the very basis of federation, and that federation was impossible if the plan suggested was adopted. He (Hon. G. Randell) might not be considered very democratic, but he could not conceal the opinion he held, that it would be better if the senators of the different States were selected by the Parliament of the States. The Parliament would know the candidates better than the people far away in the country. What would the people at Pilbarra or Derby, or other distant places, know of the ability, integrity, or any of the qualifications of the candidates? These electors would abstain from voting; therefore, there would be only a partial vote.

HON. J. W. HACKETT said he was not present when this matter was considered in the Convention, but he was present when it was before the Constitutional Committee, when really the arguments simply formed the forecast of what took place afterwards in the Convention. There was a body of 30 gentlemen forming the Constitutional Committee. There was not a unanimous feeling on the question. The arguments as to elections by the State as a single electorate were much the same. To break up the State into three or four electorates would make the senators represent different parts of the State, and not the State as a whole. The argument of the single electorate found peculiar weight from what was believed to have been the unique success which had attended the experiment in the other colonies. South Australia at first used to elect the members of the Upper House by a single electorate of the whole colony, and it was said to be a unique success. The system was altered because of the expense. The delegates to the Convention sent from such colonies as New South Wales and South Australia represented all that was pre-eminent in the public life of the colony. In Victoria the predominant power succeeded in excluding all men of one way of thinking



excepting one. He would like to see the amendment carried, as it would then leave the question open for further consideration. He was sure the one electorate system would work very curiously in Western Australia: it would be impossible for candidates to canvass the whole of Western Australia. The system, as had been stated, would be in favour of the men possessed of the largest means, and probably men with the largest notoriety. He urged the House to adopt the suggestion of the Minister of Mines; not that he was satisfied that it was the best course, but it left the matter open to the Convention to see if nothing better could be done. One serious objection to the returns in New South Wales and South Australia was that they had not some system of proportionate voting. Owing to the rush of votes in favour of one or two well-known men, the great bulk of the rest of the senators would be returned by minorities. Mr. Barton, who polled the largest number of votes of any delegate, secured three or four times as many votes as the man at the bottom of the poll. If they took away two or three of the top men, the rest were representative of the minority. There was some system of proportionate voting required, the Hare system or some other.

HON. A. B. KIDSON would have liked to have heard some suggestion from the Hon. J. W. Hackett on this important point. For his part he could only come to the conclusion that the senators should be elected by the State as one electorate, for the reason that the Senate was a gathering of the representatives of the States as States, and it seemed to him that if the senators were elected for portions of the State, it could not be held that they represented the State as a whole.

HON. J. W. HACKETT: The same would be said if they were elected by the legislatures.

HON. A. B. KIDSON hoped they would never again see an election by the legislatures in the colony. Outside the Houses of Parliament it had given the greatest dissatisfaction. They seemed to think that nobody outside the Houses of Parliament had a chance of election at all. Some persons who were not members stood for election, but not one had a chance. The delegates should receive

some intimation as to what course they were to take. The Hon. J. W. Hackett said they should adopt that amendment and leave the question, but that must raise some difficulties. He did not think the amendment good, as it left the matter in the hands of the Houses of the State to say in what way the senators should be elected. In Western Australia they would have one way, in Queensland another, and so on. In all the States the senators might be elected in different ways.

Progress reported and leave granted to sit again.

#### ADJOURNMENT.

The House adjourned at 5:50 p.m. until 4:30 next day.

### Legislative Assembly,

Monday, 23rd August, 1897.

Papers Presented—Business of the Session: Ministerial Statement—Her Majesty's Reply to Address—Address-in-Reply to the Governor's Speech: fifth day's debate—Adjournment.

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

#### PRAYERS.

#### PAPERS PRESENTED.

THE PREMIER (Right Hon. Sir J. Forrest) laid on the table the following papers:—1. Part I. of Statistical Register for 1896; Comparative Statement showing the Estimated and Actual Expenditure for 1896-7. 2. Report of the Commission appointed to inquire into and report upon a Site and suitable Plans for the proposed New Houses of Parliament. 3. Statistical Register for the year 1896 and previous years, compiled from official returns in Registrar General's office: Part I., Population and Vital Statistics.