

Legislative Assembly,

Saturday, 23rd December, 1905.

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THE SPEAKER took the Chair at 11 o'clock forenoon.

PRAYERS.

QUESTION—LIQUOR INSPECTION.

MR. FOULKES: I beg to ask the Premier, without notice, whether he is likely to appoint another inspector with regard to liquor sold in public-houses. At present there is only one inspector appointed. I notice that the Public Service Commissioner is advertising for an inspector, and I beg to ask about what time we may expect the appointment.

THE PREMIER replied: I am glad to assure the hon. member that an additional inspector will be appointed at as early a date as possible. There will be no delay.

CIRCULAR—GOLDEN POLE G.M. Co., CIRCULAR.

MR. SCADDAN asked the Minister for Mines: 1, Has his attention been drawn to the circular issued to shareholders by the directors of the Golden Pole G.M. Co. on Thursday last? 2, Will he at once obtain and make public a report from the mining inspector in regard to the statements contained therein, namely: That passes were apparently intentionally choked with mullock and timber; that stopes were not filled as the work proceeded; and that owing to insufficient number of connections between the levels the ventilation was so bad that it delayed resumption of work after "firing out"?

THE MINISTER FOR MINES replied: 1, Not specially. 2, From the reports of the Inspector of Mines in possession of the Department there is no reason to suppose provisions of the Mines Regulation Act have not been complied with, but special inquiries will be made.

QUESTION—MINING DUST.

MR. BATH asked the Minister for Mines: 1, Has his attention been drawn to the trials of an automatic atomiser for the minimising of the dust nuisance in mines before the Victorian Minister for Mines? 2, If not, will he cause inquiries to be made into its practicability and advantage for the purpose named?

THE MINISTER FOR MINES replied: 1, No reports have been received concerning any recent special trials, but the subject was fully discussed in Sections 18 and 27 of the report of the Royal Commission on the Ventilation and Sanitation of Mines. 2, Farther inquiries will be made.

URGENCY MOTION—ELECTORAL ADMINISTRATION.

RULES OF COURT WANTED.

MR. T. H. BATH (Brown Hill): Before the ordinary business of the day proceeds, I desire to move the adjournment of the House in order to call attention very briefly to a matter affecting the administration of our Electoral Act, a very glaring oversight which absolutely prevents the will of Parliament as expressed by the Act from being carried out.

Question (that leave be given) put and passed.

MR. BATH: The section to which I desire to refer is Section 172 of the Electoral Act, which provides that—

The Judges of the Supreme Court or any two of them may make Rules of Court not inconsistent with this Act for carrying this part of this Act into effect, and in particular for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by parties.

This Act repealed the Act of 1899, and although provision is made here for the Judges of the Supreme Court to provide rules for procedure, the fact remains that these rules have not been provided, and we find that the result is that those who are desirous of taking the necessary proceedings find themselves blocked at every

turn. The Act also provides in Section 163 that the Court shall be constituted by a Judge sitting in open Court. It has been ruled that even to subpoena a witness or secure an affidavit or inspection of any books it is necessary to apply to a Judge in open Court. The matter would have been simplified if the power given to the Judges to make Rules of Court had been carried out; but it is two years since the Act was passed, and yet this has not been done. I would like to urge upon the Premier the necessity of the Minister for Justice seeing that this omission is rectified, so that any petitions may proceed in an ordinary and expeditious way. I beg to move the adjournment of the House.

MR. T. WALKER (Kanowna): Perhaps it may be needful to state how it has become necessary to draw the attention of the Premier, the Government, and the House to the defects in the means of administering the present Act. It will be known to members, without entering into the merits of the case one way or the other, that there are certain petitions lodged against certain members of Parliament. It has been deemed necessary by the barristers and counsel appearing in certain of these cases to summon witnesses and to make searches for the purpose of obtaining such evidence as they may think needful in the interests of their own clients. It appears that only yesterday the Master in Chambers was moved to grant a summons. I believe the nominal Attorney General, Mr. Moss, appeared on the occasion and pointed out to the Master that the Master had absolutely no jurisdiction whatever for carrying out the preliminary functions in the investigation of these cases in the Court. So far as could be gathered then, there were no means whatever of taking these preliminary steps. True, the present Act provides that a Judge sitting in open Court may take certain action, but it is not within his province, at least it has not been looked upon as part of the duty of a Judge sitting in open Court, to take all the preliminary steps, such as the issue of summonses for witnesses or investigation of evidence in the possession of other people; and it is questionable, from a point of view of law, so I have been informed, whether the Judge himself, without the possession of rules

dealing with the matter, would or could take upon himself those functions which have been left to the officers of the Supreme Court hitherto in other cases. This is a serious defect, because unless these rules are drawn up, unless provision is made, these cases must lapse without being heard upon their merits. There is thus an interference with what is one of the dearest rights of this House itself, of knowing whether its members or alleged members are legally returned to this House or not. We have no means of testing it unless the proper machinery for bringing this matter before the Court be in existence. At the present time that machinery is lacking. I have been informed that there have been some preliminary steps taken, that these rules have been drafted but have never received the authorisation of the Court; that is to say, they are not rules of the Court, but are simply so much waste paper. They have not been incorporated among the rules of the Court. If this be as represented, it is a serious matter, because these cases are pending. Justice may be frustrated unless the machinery at once be rectified, unless these rules be made at once; and therefore it would be well to know, if possible before the House separates, whether steps now can be taken, whether this defect can be remedied, and provision be made for the proper conduct of those inquiries which are now the subject of litigation.

THE MINISTER FOR JUSTICE (Hon. C. H. Rason): If I may be allowed to say so without giving offence, this is another illustration of the facility of the member for Kanowna to make a mountain out of a molehill. True it is that the hon. member said that if the facts are as represented there is a very serious difficulty; but the case is not as has been represented. The whole of these sections dealing with disputed returns, numbered from 159 to 173, provide for all cases of disputed returns being heard before a Judge in open Court. Section 172 provides that "The Judges of the Supreme Court or any two of them may make Rules of Court not inconsistent with this Act," etc. They may make Rules of Court. True it is they have not made Rules of Court; but that does not in any way affect the procedure. The procedure is laid down

distinctly. Petitions can be heard, but they must be heard in open Court. What happened yesterday was this, that an application was made to the Master of the Supreme Court for an order to take evidence on commission, that some evidence which was desired might be taken on affidavit. Not that the witness should appear in open Court, as the Act distinctly provides, but that some one might be able to give his evidence on affidavit. I think every member will agree it is desirable that everything in connection with a disputed return should be in open Court, that the full light of day should be thrown on all the evidence, especially when we have regard to the fact that Section 167 provides that all decisions of the Court shall be final and conclusive, without appeal, and shall not be questioned in any way. When the case comes before the Court and the Court gives its decision there is absolutely no appeal. Surely, then, it is essential in the interests of every one that every tittle of evidence that is given on one side or the other shall be given in open Court. The more so is that necessary when we have regard to Section 165, which provides:—

The Court shall be guided by the substantial merits and good conscience of each case, without regard to legal forms or technicalities.

Legal forms are brushed on one side. No advantage is to be taken of a technicality, and the Court gives its decision on the merits of the case without regard to formula of any kind. It is a decision in equity, and a decision given from which there is no appeal. [MR. LYNCH: A very good provision too.] Very good indeed. I think every member of this House should rejoice that there is no means of getting away from the procedure laid down. Nothing can be done behind a hedge, but everything must be done in open Court. There is nothing whatever to prevent these petitions which have been lodged or may be lodged from being heard in the ordinary way, so long as they are heard in open Court. But there is no provision in this Act—there might have been, if rules had been made, but I hope such will not be the case—for taking evidence on affidavit. I hope that whatever rules the Judges of the Court may prescribe, they will at least adhere to the intention of the Act,

that every piece of evidence either on one side or the other shall be heard in open Court. I assure my friend the Leader of the Opposition, that there is no obstacle in the way of summonses being issued for any witness to attend, nor any obstacle to any of these petitions being heard, except this be an obstacle—and I hope it will not be regarded in that way—that you cannot go before the Master in Chambers or before a Judge in Chambers, but must appear before a Judge in open Court. [MR. WALKER: There is no provision for the issue of a summons.] My friend is wrong. [MR. WALKER: I am informed by a barrister, who ought to know something about it.] It is dealing with the case that occurred yesterday. The facts are as stated, that the application was to the Master of the Supreme Court to issue an order for evidence to be taken on affidavit; but the Master had no such power, and I hope he never will have in regard to future returns. If it had been an ordinary summons for a witness to attend before the Court, there would have been no difficulty at all. I assure the hon. member that these are the facts of the case. [MR. BATH: Do not rules simplify procedure?] It would be advisable perhaps to have rules, but let me point out to the hon. member that almost every Act giving power to the Supreme Court gives power to the Judges to make rules under the Act. I could give him a dozen Acts under which no rules have yet been made, because it does not appear necessary to make them. [MR. BATH: They made them under the Local Courts Act.] It rests entirely with them whether they make rules or not. No Government, call it by what name you will, could say to the Judges, "Here is an Act of such and such a date, and you have not made rules under that Act, and the Act provides you may. Why have you not? You must." Hon. members will see, I am sure, at a glance, that you could not adopt that attitude. It rests entirely with the Judges. What I want to impress on the House is that the mere fact of their not having made rules does not in any way prejudice any persons except to this extent, that one cannot appear before a Judge in Chambers to have any evidence heard, nor appear before the Master to have evidence taken on com-

mission. Everything that is tendered must be in open Court. That is the only effect of rules not having been made.

MR. BATH (in explanation as mover): The Premier has not secured the full details of the case; because it is impossible under existing circumstances, without some rules of procedure, to obtain access to documents. There is something wanting. When we pass provisions of this kind we should as far as possible simplify the procedure. That is not being done. It is practically impossible to secure an order of the Court to examine documents and to do many other things under the Act. The Rules of Court have been drafted in connection with other Acts. I know they have been drafted in connection with the Local Courts Act. [THE PREMIER: Under a good many Acts they have not.] The whole position hinges on this. We have certain sections in this Act which are of a simple nature for the guidance of the Court; and the fact remains that owing either to the lack of Rules of Court or some other provision, it is impossible for those acting under the Act to take advantage of these provisions. The old Act provided for petitions being heard in open Court, but it was not impossible under the Act of 1899 to secure affidavits or secure evidence on commission. I fail to see why, if it was good enough under that Act, the same thing should not obtain under this Act.

MR. J. C. G. FOULKES (Claremont): I have no doubt there would be no objection on the part of the Minister for Justice if he were asked to consult the Judges as to whether there was any necessity for making rules.

THE PREMIER: I can do that, of course.

MR. FOULKES: We have the assurance of the Premier as Minister for Justice that he will bring the matter before the Chief Justice, and I think under these circumstances we can safely leave it in the hands of the Minister. I can quite see it may be necessary to make new rules, and it may be necessary to make rules as to the payment of fees, such as is mentioned here. It says here that the Judges have power to prescribe the form of appeal and also what fee should be paid. It is the practice of Judges, where there are no forms prescribed by any rules, to make use of the rules and forms used in Great Britain; and there is no

difficulty on the part of lawyers, if they adopt those forms in use in the old country. [MR. WALKER: The difficulties have been encountered.] I have no doubt there has been some difficulty, but we have had the assurance of the Minister for Justice that he will bring the matter up before the Judges and ask them if new rules should be prescribed. I feel certain that if that question is put to the Judges, and we have the assurance of the Minister, ample justice will be done by them, and no rules will be framed by them which they do not think necessary.

MR. BOLTON: Have you considered whether there is any necessity for rules?

MR. BATH: I beg to withdraw the motion.

Motion by leave withdrawn.

BILL — WAGIN-DUMBLEYUNG RAILWAY.

THIRD READING.

THE MINISTER FOR WORKS (Hon. Frank Wilson): I beg to move that the Bill be now read a third time.

MR. J. B. HOLMAN (Murchison) moved an amendment—

That the word "now" be struck out, and "this day three months" inserted in lieu.

He did so in protest against the hurried manner in which these Railway Bills had been forced through the Assembly. In his opinion, nowhere near ample time had been given to this Chamber to fairly discuss these matters, which would go to another place, and another place would not have an opportunity. He did this not because the line was not warranted, but because we should have every possible facility to obtain all information in connection with any proposal to build railways in this State. It was only twelve months since the Minister for Mines made almost exactly the same remark. [Extract read.] We were now faced with the construction of three lines in agricultural districts, and only twelve months ago the Ministers got up and opposed the proposals. He did not desire to delay the matter, if the measure was to go before the Legislative Council. Although he had been accused by a portion of the members of stonewalling, that had never been his intention, nor was it his intention now; therefore he desired to as briefly as possible enter his protest against passing these

lines through the House in this speedy manner.

THE PREMIER (Hon. C. H. Rason) was surprised the hon. member had adopted this course, and was sure his action would be deprecated by the Leader of the Opposition. An understanding was arrived at that the three Bills were to be considered together, and the fate of one was to be the fate of the three. All these Bills passed through.

MR. TAYLOR rose to a point of order.

MR. BATH: On a point of order, that was not the understanding. The understanding was that the discussion on the three Bills should be taken as one.

THE PREMIER begged the hon. member's pardon. Having been misinformed on the point, he now withdrew the statement. The hon. member had, after all, taken advantage of the opportunity afforded him, because in Committee two words were struck out. But for that fact the third reading would have been passed last night.

MR. HOLMAN had then intended to move an amendment.

THE PREMIER admitted at once that he had been misinformed, and that the hon. member was right. He was sorry he had accused him of breach of faith, and he apologised. The hon. member was certainly within his right in protesting, as he appeared to have done.

MR. G. TAYLOR (Mt. Margaret) knew the necessity for getting through; but his protest against these Bills was made on the second reading, when the discussion covered the three measures, and he only supported the member for Murchison in his action to-day as a further protest against this class of legislation being rushed through the Chamber at the close of the session.

MR. H. DAGLISH (Subiaco) regretted that the amendment had been moved, because it would be a very bad practice if we were to get into the habit of fighting a Bill on two or three different occasions. His opinions had not changed since last night. He was still opposed to the measure, but having voted against it once and being satisfied that the House was determined to carry it, if the amendment was gone on with now he would decline to vote on either side. He could not vote for a Bill which he thought

should not be passed, but he declined to record a vote against it.

Amendment put and negatived.

Question passed.

Bill read a third time, and transmitted to the Legislative Council.

BILL—FIRE BRIGADES ACT AMENDMENT.

SECOND READING.

Resumed from the 12th December; the PREMIER in charge of the Bill.

MR. A. J. WILSON (Forrest): So far as this Bill is concerned, I think the time has arrived when the whole of the fire brigades should be put on a better footing. It is to be regretted that at this late hour of the session we should be discussing a proposal of this nature, which after all will be of advantage to a very small section of the fire brigades. I think in any case we need to be careful in granting farther authorisation to the Fire Brigades Board to borrow money, especially when we have regard to the fact that the time has arrived when we should have a Bill to embody proposals to see that people protected by fire brigades, the insurance companies, should pay a great deal to the upkeep of the brigades.

MR. H. BROWN: So they do. They pay £2,000.

MR. A. J. WILSON: There are efficient brigades in portions of this State that do not get any contributions from these insurance companies. The Bill is far from comprehensive, and it is not fair to expect us to deal with a proposal of this nature within measurable distance of the arrival of His Excellency; and I think it would be a gracious thing on the part of the Premier if he were to move for the discharge of this Order of the Day and let us get to work with more urgent and important Orders of the Day, such as the Eight Hours Bill, which I hope the Premier will give us an opportunity to send to another place.

MR. H. BROWN (Perth): I think this measure is necessary, but I believe that a comprehensive Bill will come down next session providing for those country fire brigades we hear so much about. For the benefit of the member for Forrest, I may add that all brigades at present in Western Australia, if they come under the Act, can force the insur-

ance companies, the Government, and the municipalities to contribute in proportion to the upkeep of the brigades.

MR. HOLMAN: It would be better for them to disband.

MR. A. J. WILSON: The fact that they will not is a fatal objection to the existing Act.

MR. H. BROWN: If they come under the Act, probably Cue and Kalgoorlie will be established as district centres. It is necessary for Fremantle to have a new fire station, properly equipped; and that is only what this Bill is for. I would like to see the measure go through this session.

THE PREMIER (in reply): True it is that amending legislation is desirable in regard to fire brigades generally. I admit it at once, and no doubt next session we shall be able, I hope, to bring forward that very desirable legislation; but that some fire brigades are working under extreme difficulties is not sufficient reason why facilities should not be afforded to the metropolitan board. The object of this Bill is to remove restrictions upon the borrowing powers of the metropolitan board. Surely it is desirable, if the board wants more money, that it should be able to raise it. The object of the Bill is to enable it to do so with the consent of the Governor-in-Council. Whatever may be the difficulties of other fire brigades at present—which I hope will be removed in the near future—it is not desirable to put difficulties in the way of the metropolitan board. I hope the Bill will pass. It is a step in the right direction. Though it does not remove the disabilities under which country fire brigades labour, it does, however, remove the difficulties under which the metropolitan board labours. I hope the House will consent to pass the measure.

Question passed.

Bill read a second time.

IN COMMITTEE, ETC.

Clause 1—agreed to.

Clause 2—Power to borrow:

MR. HOLMAN recognised that if the board was to continue its good work it must have facilities for farther borrowing; and he intended to support the Bill.

Clause passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and *passed*.

ORDERS DISCHARGED.

On motion by the PREMIER, Orders of the Day (4) discharged as follow:—

Racecourses Licensing Bill.

State Trading Accounts Bill.

Municipal Institutions Act Amendment Bill.

Wines, Beer, and Spirits Sale Act Amendment Bill (No. 1).

BILL—BANKING COMPANIES ACT AMENDMENT.

SECOND READING.

THE PREMIER (Hon. C. H. Rason) in moving the second reading said: I desire only to say that in my ignorance as a layman I cannot see much necessity for this small Bill; but I am assured by our legal advisers that it is necessary the Bill should pass, if members will agree to it. The only effect of the Bill is that the Act of William IV. provides that banking institutions shall render certain returns to be furnished to the Colonial Secretary. This Bill is merely to strike out the words, "Colonial Secretary," and insert in lieu "Colonial Treasurer." Members will see that it is advisable that returns dealing with banking institutions and their financial accounts should be rendered to the Treasurer rather than to the Colonial Secretary. I beg to move the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and *passed*.

MOTION—HORSE-RACING PREVALENCE.

TO ADOPT REPORT.

MR. A. J. WILSON (Forrest) moved—

That in the opinion of this House the recommendations of the select committee on the alleged surfeit of horse-racing should be given effect to at the earliest possible moment. Speaking as chairman of the committee of inquiry, he said this motion was only

formal. The report of the select committee and the evidence taken had been laid before members, and a perusal of the evidence would amply justify the conclusions arrived at by the committee. Unquestionably there was an undue surfeit of horse-racing in Western Australia, more particularly in the coastal districts. On the goldfields the racing took place at certain seasons of the year. There was some complaint so far as the goldfields were concerned that, owing to the racing extending over such a long period, considerable inconvenience was occasioned to the business portion of the community on the goldfields. The fact was that the climatic conditions of the goldfields were not congenial to horses, so that only a small minority of them were permanently located on the fields; and the distance of the metropolitan area, where most of the racing establishments were, made it rather expensive to get horses to travel backwards and forwards between the metropolitan area and the goldfields. To a large extent that was responsible for the circumstances necessitating the big round of meetings held on the goldfields three times a year; and the committee did not feel justified in making any recommendation other than that, so far as the goldfields were concerned, it was abundantly manifest that there was no undue prevalence of racing there. It was satisfactory to note that the W. A. Turf Club, the premier racing body, had voluntarily exercised a wise discretion in the allocation of dates. The evidence of the chairman of the W. A. Turf Club had pointed conclusively to the fact that not only had they reduced the number of racing days for the proprietary clubs from 39 to 24 in each year, but they had also reduced the number on their own course. Also, it was the policy of the W. A. Turf Club to still farther reduce the number of racing days. Perhaps the most serious aspect of the question was that of unregistered racing. The evidence showed that while perhaps the evil in this State, if it was an evil, had not reached the proportion it had in New South Wales and Victoria, where it was said the system had grown to such an extent that it was absolutely beyond the control of the racing authorities, it was forecasted, and he thought with some

justification, that unless some action were taken here, the possibilities were that a similar condition of affairs would exist. There were only two unregistered clubs here, and both were in the metropolitan area. Between them they raced on about 60 days in the year, an average of 30 per course as against 9 per course with the coastal registered clubs. This average was quite out of proportion to the requirements of the public. However, it was pleasing to note that there was a desire on the part of the unregistered people to be placed on a footing or on a system of registration under the control of Government. Of course, the W. A. Turf Club, in the exercise of their wisdom, would have nothing to do with unregistered courses, to in any way control, regulate, or interfere with them; nor were the unregistered clubs anxious for that system of control. There was a desire on the part of the unregistered owners to be licensed under certain conditions providing for the limitation of racing dates, and under certain rules subject to the approval of the Governor-in-Council, regulating the control of this particular class of racing. One gentleman in particular had been led to invest a considerable sum of money in the business; and whatever profits he made had been sunk on his course in providing additional improvements for the convenience of the public. It was thought by the select committee that people who had invested their money in this business had been permitted to do so, and that as the law had permitted them to do it, and as the Government and Parliament had tolerated it, if they were to be closed up they were entitled to some consideration and a reasonable amount of compensation for the money sunk in the proposition. The other unregistered club was a proprietary concern of about 13 shareholders, who had not put in much original capital, but had invested a considerable portion of their profits in improvements, money which would otherwise have gone into their own pockets. If these clubs were regulated under by-laws approved by the Governor-in-Council, providing for a minimum amount of stakes in one day and for the limitation of dates, and prescribing the distances of races, it struck the committee that this would be the

preliminary essential to place the business on a proper footing and to lessen the injurious effects at present apparent from that class of racing.

MR. J. B. HOLMAN (Murchison) seconded the motion.

THE MINISTER FOR MINES (Hon. H. Gregory): The report of the select committee had been drawn up under the assumption that certain legislation dealing with racecourses would be passed. As that legislation could not be given effect to this year, he hardly saw how it would be possible to give effect to the motion. Would it not be wise to alter its terms? The effect of the recommendation of the committee was that the Kensington Park and Fremantle Race Clubs should be licensed by the Government; but the Government did not at present propose to license any race clubs. The mere fact of our expressing sympathy with the report would be sufficient, and would prevent the opening up of any more of these racecourses. It should be fairly clear as to the intention of Parliament towards these various race meetings. He would leave the Premier to deal with the matter. In the Premier's absence he had only desired to draw attention to the fact that we would not be passing a Racecourses Licensing Bill this year.

THE PREMIER (Hon. C. H. Rason): As pointed out, we had struck out the proposed legislation dealing with racecourses for this session. He could hardly accept the motion, because it would tie the hands of the Government completely. The proposal was that the recommendations of the select committee should be given effect to at the earliest possible moment. What were the recommendations? That the Kensington Park Race Club and the Fremantle Race Club should be licensed by the Government, and that no farther licenses should be granted. The hon. member would see at once that, although this might be desirable, no Government should have its hands tied to that extent when weighing legislation to be put before Parliament. Great respect would be given to the recommendation of the committee in the consideration of legislation to be introduced next session dealing with the subject. That he was with the committee, each member of the committee should be satisfied, and he hoped the member for

Forrest would not seek to tie the hands of the Government by practically enacting that the Kensington Park and the Fremantle Race Clubs must be licensed by the Government. He hoped the hon. member would not press his motion, but would accept the assurance which he (the Premier) was bound to give, and cheerfully gave, that the recommendations of the committee would be treated with the utmost consideration.

MR. P. J. LYNCH (Leonora): Should the motion be adopted, it meant that the House agreed with many of the findings included in the report. The committee found that there had been no surfeit of racing on the goldfields; but a perusal of the evidence showed there had been only two witnesses called, and they were chairmen of the principal clubs. He was afraid that the inquiry, so far as the goldfields racing was concerned, had not been as thorough as it might have been. The chairmen of those clubs might, by virtue of their position, allow their enthusiasm in racing to blind them to a fair and reasonable summing up of the position. It would have been better if the committee had gone farther and inquired of tradespeople and some of the men on the mines. He hoped the motion would not be adopted, because he was of opinion at the present time that there was a glut of racing on the fields.

MR. A. J. WILSON (in reply) had no desire to press the motion; but he would like the Premier to give an opportunity to discuss this question. As to the objections by the member for Leonora, it was true the committee only called one witness from each of the three principal racing clubs upon the fields; but the hon. member must bear in mind that they had also other witnesses giving evidence; commercial men who had experience extending over the whole of the State. It might be perfectly true that when a race club meeting took place, money was diverted from the ordinary channels, and for some little time there would be a period of depression; but the people in these localities had the right to enjoy this particular sport, and if they were prepared to make sacrifices he did not know that we should be justified in denying them the opportunity of doing so. It was pointed out that these meetings were only held at three seasons

during the year, namely in the months of March, June, and August; and in that circumstance he did not think the desires of the people on the goldfields, so far as horse-racing was concerned, were unduly indulged in. He did not know that if the committee had had the evidence of 200 business people it would have been any different from that actually given by witnesses who were called. The gentlemen who gave evidence for these racing clubs were not interested in racing for any profits, but their positions were entirely honorary, and they only took them up from a desire to cater for the wishes of the people in the locality. He asked leave to withdraw the motion, being satisfied with the discussion that had taken place.

Motion by leave withdrawn.

BILL—EIGHT HOURS.

POSTPONEMENT.

THE PREMIER moved that the order for resuming the debate on the second reading of the Eight Hours Bill be postponed until after consideration of Orders 11, 12, and 13, also after Notices of Motion 1 and 2.

MR. A. J. WILSON (Forrest) was only desirous of entering his general protest against the Premier's refusing to give him opportunity of putting through this very vital and important matter. It might be a matter of little concern or much concern to the Premier. Probably it might be of very much concern to the hon. gentleman. [THE PREMIER said he would like to see an eight hours day.] It might be of much concern to the Premier whether or not the House had an opportunity of discussing the question, and whether or not the division on it would be one agreeable to him (the Premier) or to many of the supporters of the hon. gentleman in the country. It was time we had an opportunity of considering a question of this kind. He regretted the Premier could not fall in with his desire and give an opportunity of discussing a proposal which was of very much importance to the great majority of the people of this State. Of course he recognised that as his friend had so large a majority it would be idle for him to attempt to oppose the postponement of this order, or to

attempt to get the Bill now carried through all its stages, however desirable it might be; but he trusted, at all events, that if he allowed the Premier as far as he (Mr. Wilson) was personally concerned to postpone this matter, the hon. gentleman would give him an undertaking to afford him ample opportunity to discuss this matter at the earliest possible date in the next session.

THE PREMIER: The Government would reciprocate.

Question passed, the order postponed.

BILL—FACTORIES ACT AMENDMENT.

POSTPONEMENT.

THE PREMIER moved that the order for the second reading of the Factories Act Amendment Bill be postponed until after orders 11, 12, and 13.

MR. HOLMAN was sorry, but knew it was impossible to pass the measure this session. He must express extreme regret that the Government had not seen fit to administer the law in accordance with the intention when the Act was passed.

Question passed, the order postponed.

MOTION—TELEGRAPH FACILITIES FOR ISOLATED CENTRES.

Debate resumed from the 13th December, on the motion by Mr. Lynch.

THE PREMIER (Hon. C. H. Rason) said he was entirely in accord with the wishes of the member for Leonora, and when the hon. member introduced this motion some days ago he (the Premier) informed the House that he was in communication with the Federal authorities, and hoped to be able to make an announcement before the session closed as to the arrangement which had been arrived at. He regretted that up to the present time it had been impossible to arrive at any definite arrangement; still less had it been possible to come to an arrangement which would be at all satisfactory to the hon. member or himself. He did not intend to offer any opposition to the motion. He was entirely in accord with the object the hon. member sought to arrive at, and was of opinion it was absolutely necessary that many places in the interior, not only mining districts but agricultural districts, should be placed in closer touch with the settled districts than was

possible under existing arrangements; and that any sum of money, so long as it was not excessive—and he saw no reason why it should be—which was expended in the direction of affording increased means of communication to the districts the hon. member referred to, and others that could be mentioned, would be money well spent. If the motion were carried, he would endeavour to the utmost of his ability to see that it was given effect to.

MR. G. TAYLOR (Mount Margaret): Whilst agreeing with the motion, he recognised that it was a somewhat dangerous precedent to establish that the State should set aside money to do work that really should be done by the Federal Government. He knew the necessity that existed in the back country, on the goldfields and in the agricultural areas, for even postal arrangements, apart from telegraphic arrangements. Whilst he would like the Government to give effect to this motion, if they could see their way clear to do so, it should be done with a deal of care. There was no desire on the part of the Commonwealth Parliament to bring Western Australia into closer touch with the Eastern States by railway communication, and there had been little or none in the way of telegraphic extension. He could name a dozen places in a few seconds where the people would have been served long ago if this Parliament had been controlling the postal and telegraphic departments. He knew places which were 18, 20, and 30 miles from a telegraph and post office, and sometimes it costs £2 or £3 to send a person in on a bicycle to despatch a telegram. He hoped those who represented Western Australia in the Federal Parliament would urge the necessity of supplying people in the outlying portions of this State with the necessary telegraphic communication, which would make their mode of life more pleasant and help them to be able to communicate with any part of the Commonwealth as quickly and speedily as possible. He had much pleasure in supporting the motion.

MR. T. WALKER (Kanoona): This motion did credit to the hon. member who moved it. As to the question whether it was a dangerous innovation, if we were to undertake telegraphic communication "on

our own" and hand it over to the Commonwealth authorities why not go farther? What might not be expected of this State? [THE PREMIER: We had to pay in any case.] We had to pay, but had we to pay for construction? Under these circumstances were we not taking out of the hands of the Federal authority purely Federal work? And, if so, there was no telling where an innovation of this kind would ultimately end. He thought that the House, instead of taking this form, should make a strong protest to the Federal authorities complaining of their neglect of this State. There should be a strong resolution showing that this State was suffering from neglect by the Federal authorities to fulfil the responsibilities they undertook when we handed over our rights and liberties. He would vote for the motion, because this might be another way of doing the same thing.

THE MINISTER FOR LANDS (Hon. N. J. Moore): Whilst we all agreed with the motion, there was something in the point raised by the member for Kanoona; and, at least, this motion would have the effect of pointing out to the Federal people that we realised we were being neglected. In other instances with regard to Federal matters Western Australia had been neglected to a very large extent. We were so with regard to the distribution of the *personnel* of the military forces of Australia. When we went into federation the various units were allotted in proportion to the population. At that time the population of Western Australia was some 160,000, whereas now it was practically 260,000. Yet no alteration had been made in the number of men allotted to this portion of the Commonwealth. All these various matters that cropped up impressed us with the fact that Western Australia had to a very large extent been neglected by the Federal authorities.

MR. J. B. HOLMAN (Murchison): The innovation would not be so dangerous as some members thought. There was a rule of the Federal Parliament that if people in outside places desired to have telegraphic communication, those people would have to be responsible for a certain amount. He presumed that if this motion was carried, the effect would be that instead of those people having to guarantee the amount, a certain sum

would be set aside by Parliament to cover the guarantee. We all recognised how very difficult it was to get people in out-back places, whether on the goldfields or in agricultural centres, to guarantee an amount for telegraphic communication. If this State was of opinion that telegraphic communication should be extended to these centres, we should put a certain amount on the Estimates to cover the guarantee. The motion had his entire support.

Question put and passed.

MOTION—RAILWAY PROJECT, MOUNT MAGNET TO LAWLERS.

Debate resumed from the 13th December, on the motion by Mr. Troy.

THE MINISTER FOR LANDS (Hon. N. J. Moore): The member for Mount Magnet must be complimented on the very comprehensive way in which he dealt with the matter under discussion. Personally he (the Minister) had not had an opportunity of travelling all over the country from Mount Magnet to Lawlers, but he was satisfied from what he knew of the country out from Mount Magnet that if a portion of the line were constructed it would open up a big firewood belt, and wood was wanted. At the present time there was a great lack of firewood in the district of Murchison.

MR. H. CARSON (Geraldton): At this late hour of the session it was not necessary for him to say very much on this very important project. The member for Mount Magnet had dealt with the matter fully, and given facts and figures proving the necessity for the construction of this line. Being the representative of the port of the district he felt it incumbent upon him to do all he possibly could in the way of supporting the motion, and he thought the present development going on would warrant the construction of a line at a very early date. Some couple of years back the Minister for Mines, on behalf of the James Government he believed, visited this district to report upon the necessity or otherwise of constructing the line, and each of the several Governments of the past two or three years had seen the necessity for railway construction to Black Range. He would not go so far as to support a line at the present

time to Lawlers. In the present state of the finances he thought it would be impossible to carry it out, but he hoped the Government would bring in a Bill authorising the survey of this line as far as Black Range. There would be a big traffic from that part of the State owing to the partial developments which were going on there. It was very necessary, in the interests of the pastoralists, that this line should be constructed. Then, again, the Government had been throwing open large areas of agricultural land in the Victoria District, and these lands were being selected and tilled. Therefore, on behalf of the agriculturists it was very necessary for this market to be opened up for their produce. Then, again, as the member for Mount Magnet had pointed out, if this goldfield was to be developed satisfactorily it was very necessary that those who were taking up claims and getting concessions should have a cheaper means of transport for their machinery, of which a very large quantity would be necessary for fuller development of that portion of the State. He understood there had been a deputation to the Minister for Mines with regard to it, and that the Minister promised a full report should be made concerning the district and its claims for a railway.

Question put and passed.

At a later stage:

THE MINISTER FOR MINES said that so far as the Government were concerned, the motion had been passed in error. They had intended to oppose it until evidence was brought before the Chamber as to the advisability of constructing the railway. It was their intention during recess to have the fullest information placed at the disposal of members next session, to show whether the railway would be justified or not.

MOTION—ELECTORAL ROLLS COMPILATION.

TO CONSIDER REPORT.

MR. T. WALKER (Kanowna) moved—

That this House requests that the report of the select committee on the compilation of electoral rolls receive the earnest consideration of the Government at the earliest possible moment, with a view to remedying the defects of the present Electoral Act as disclosed in the evidence taken before the committee.

As chairman of the committee of inquiry he regretted the hour was so late as to prevent his placing before members information which might be obtained from the evidence itself. The evidence up to the present had not been published, but this information should be known as publicly as possible. He might have gone farther in the motion, and added to the defects in the Electoral Act, "defects in the Electoral Department." However, he was not anxious at this stage to raise a controversy on that. The evidence clearly showed that the Act was unworkable. The committee had not gone outside the instructions of the House, and had confined itself purely to ascertaining the means that had been used in preparing the rolls. The startling fact had been declared that we could have no guarantee, with the Act as we had it and with the department working as it hitherto had done, that there would be perfect electoral rolls. The late elections had been taken on rolls that were imperfect; also the elections before. The Electoral Department had been grossly mismanaged. A spirit of indifference and neglect seemed to prevail. Some electoral registrars had been altogether unaware of their powers under the Act. Up country they had practically done the work of revision court themselves, having removed names and added them as they thought fit; and at Guildford it was disclosed that at least 70 names had been removed from the electoral rolls by the registrar without these names having been submitted to a revision court; in other words, the registrar himself had usurped the functions of the revision court. The extraordinary feature of that had been that although the Minister in charge of the department had drawn the attention of the Chief Electoral Officer to the fact that an inquiry should be made and that the Act should be complied with, the whole thing had been allowed in a more or less perfunctory manner to slide, the law absolutely ignored, and the rectification that should have been made was not made. The committee had come to the conclusion that it might possibly be owing to the fact that the Chief Electoral Officer had too many labours to perform; and they recommended that in future he should devote the whole of his time to the department. He (Mr.

Walker) would have liked very much to go into the evidence that disclosed the means of obtaining electoral rolls with the present existing machinery, but time would not permit. He only desired to draw attention to the fact that every witness capable, in the opinion of the committee, of offering a suggestion—men of experience, long connected with electoral matters—had suggested that the remedy for the present defects was the issue of an elector's right, thus making the elector himself responsible for the obtaining of the right. As things were now, the responsibility existed nowhere. Sometimes we found political organisations, or interested individuals, making a voluntary canvass of citizens and obtaining claims to go on the roll, or obtaining objections for removing people from the roll. That was purely spasmodical, giving no certainty at all to the general voters of their chances of obtaining permanency on the roll. And in other instances, equally spasmodic, the Electoral Department had sent out paid canvassers, who might or might not perform their duties admirably. In some instances they had districts given to them that they could not possibly canvass in the time allowed to them; and in other instances it was known that they had performed their duties very perfunctorily indeed; while, in other instances it had led to individual electors or friends of candidates going round and making a canvass. In one particular case in Frenantle a certain canvasser for a political organisation had received a certain number of objections to names going on the roll, and a canvass afterwards by the officers or paid servants of the department had discovered that the objections were not, in some instances at least, accurate. Then, by some sort of arrangement between some officer of the Electoral Department and the representative of the political organisation, letters had been sent to the persons objected to, after summonses had been issued by the Electoral Department, telling them that they need not attend the court. It must be clear that efforts of this kind led to all sorts of inaccuracies. So it was felt that an absolute necessity obtained of making citizens themselves responsible for going on the roll; and that could only be done by the issue of electors' rights, so far as the evidence

received suggested. An elector's right was nothing more than a receipt of registration from the electoral officer, and no one could blame any officer, organisation, or individual for neglect. The neglect, if there were any, would be purely the elector's. Also, by virtue of the possession of an elector's right, each citizen had the satisfaction of knowing that he could vote. Without going into any discussion of all the merits of this method, the committee had recommended it should be adopted. The committee had concluded that the Act, so far as it related to the compilation of rolls, should be annulled. It was considered that it was of no value whatsoever in that respect. The Act in itself was the great bugbear and source of all the errors.

THE MINISTER FOR MINES: The Government would agree to the motion.

MR. WALKER: In that case it was not necessary to labour the matter.

MR. J. PRICE (Fremantle) agreed with the member for Kanowna that the evidence taken by the select committee disclosed faulty administration of the Act. One particular objection was that in many instances new claims had been used where transfers should have been used. The practice should be stopped at once, and the Electoral Department should be notified to that effect. The other night some severe remarks had been passed on Mr. Octavius Burt, the Chief Electoral Officer; but so far as he (Mr. Price) understood the evidence, it disclosed no prejudiced or unfair action on the part of Mr. Burt. He was reminded of the Rugby schoolboy saying about Dr. Temple, the head-master, that the doctor was a "just-beast." He (Mr. Price) had no desire to use such adjectives concerning Mr. Burt, but the Chief Electoral Officer had shown himself to be an absolutely strong and just man who put up a most admirable defence when attacked, and who had shown that he was justified in resisting the demands of the Government in reference to the administration of the department. That was one weak spot in the administration of the Electoral Act. He was entirely in accord with the member for Kanowna in that regard, but thought it was rather mistaken judgment than anything else. The evidence disclosed that the officer in charge of the department should have the

work as his sole duty. There was quite enough work in connection with the compilation of rolls for whoever was in charge of the work to occupy the whole of his time. The inquiry had demonstrated without a doubt that all political parties in their actions in connection with the compilation of rolls—and members after reading the evidence would agree—had acted in absolutely good faith and with no unworthy motive. There had been keen politicians on both sides, but he did not think any unfair action by any party had been demonstrated. The member for Kanowna had referred to the withdrawal of objections; but it had been pointed out in evidence that in an ordinary case of assault, where one person summonsed another and before the hearing of the case came to the conclusion that he had not sufficient evidence and withdrew the summons, it was a correct procedure; and exactly the same had taken place in regard to these objections. A great deal had been made out of this; but when all the evidence was heard, it had been seen that there was nothing unfair or improper about it. He (Mr. Price) generally supported the remarks of the member for Kanowna, and congratulated him upon the exceptionally fair way in which the inquiry had been conducted.

THE MINISTER FOR MINES (Hon. H. Gregory): The Government had not the slightest objection to this motion. Every consideration would be given by the Government, not only as to amending the Act, but also having the administration of the Electoral Department much more complete and satisfactory than it had been in the past. The Government recognised there had been a great many difficulties, but they intended to obviate them.

Question put and passed.

At 12:45 noon, the **SPEAKER** left the Chair.

At 2:45, Chair resumed.

COMPLIMENTARY REMARKS.

THE PREMIER (Hon. C. H. Rason): With permission and before this Parliament is prorogued, I should like to offer a very few remarks, as I feel I cannot allow this session of Parliament to be

brought to an end without expressing my gratitude to hon. members on both sides of the House for the very great efforts they have made in the interests, I hope, of the State as a whole. Perhaps during a trying session and during very trying weather I may have made remarks which may have hurt the feelings of some members. If I have, I most sincerely regret it. But perhaps there may be some excuse if I have done so, owing to the very trying circumstances each and every one of us experienced. But we are approaching a time in the year when it is generally understood that peace and goodwill reign supreme. I hope that will be so with us all. If I may venture a remark without giving offence to anyone, I should like to express a wish that the good feeling and the good fellowship that exist between members in their private life—because after all there is a good spirit existing amongst us once we are outside this Chamber—might be imparted even to politics. It seems to me so regrettable that when we are discussing political questions we are all apt—I am a sinner in that respect—to look with a jaundiced eye on the motives and actions of the other man. I wish we could, when discussing even political questions, impart to our utterances that good feeling, that recognition of the merits of the other fellow, which we recognise outside this Chamber. If we could only be the same good men and the same good comrades within these walls as we are without them, I think things would be better for us all, and perhaps better for the State. However, I must apologise for making even that suggestion, and I only wish to record my appreciation of the good services and sacrifices that every member of this House has made; to record my appreciation of the services of the officers of the House and of the servants of the House; and to express to you, sir, to each member of the House and the officers, my sincere hope that the Christmas approaching and the New Year which will follow will bring peace, happiness, and prosperity for us all.

MR. T. H. BATH (Brown Hill): In re-echoing the sentiments of the Premier in regard to his hope that members may have an enjoyable Christmas, I may say that as far as I am concerned, in the deliberations of the House I have always

tried to avoid as far as possible any display of personal feeling. Whatever discussions I have entered into have been entered into with the spirit of one who desires to see the deliberations of this House carried out in the best interests of the country. I believe we can do this without in any way derogating from our duty or in any way preventing the accomplishment of that duty. If I may offer one little suggestion to the Premier, I would say that perhaps any bitterness that may have been evinced during the short session we are about to complete would have been prevented if he had recognised that the Opposition is of some importance to this House, and of some importance to the country. Whether it consists of 22 members or merely five or a dozen, it has just as important a part to play in the deliberations of this Assembly, and just as important a part in the protection of the interests of the State. For my part I recognise that to a certain extent concessions have been made on both sides of the House, and perhaps due deliberation has not been given to measures which have been brought before us. We also recognise that if we demand a fair opportunity for ourselves we must also concede a fair opportunity to those who, for the time being, are charged with the administration of the affairs of the State. I recognise that if our criticisms are to carry any weight during the next session of Parliament they will carry much greater weight if we can point to the fact that we afforded to the Ministers in their departments an opportunity during recess of endeavouring to the fullest extent of their power to carry out the promises they have made both to the country and to the House. It is for that reason that members on this side of the House have foregone to some extent their rights of criticism. I hope and believe that during the next session of Parliament much greater thought and more deliberation will be evinced in the consideration of proposals coming before us. I desire to re-echo the hope that both inside the House and outside the good feeling that has characterised this Parliament more than any other Australian Parliament will be evidenced. In conclusion I desire to express to you, Mr. Speaker, to the Chairman of Committees, and the officers of the House,

my most cordial wishes for a long and prosperous career, and a happy Christmas season.

MR. H. DAGLISH (Subiaco): It is only right that on an occasion like this every party should, through its accredited leader (general laughter), say a word or two. I have much pleasure, seriously, in congratulating you, sir, on the first session in which you have presided over our deliberations, and in congratulating the House likewise on the fact that it has enjoyed the privilege of sitting under your presidency. I likewise have pleasure in congratulating the Chairman, and I may add the Deputy-Chairman. I am speaking now on behalf of the third party in this House, which however, as far as the signs of the times can be read, will in all probability be the first party during the next session. We have certainly had a most amicable session. I do not think that during my term there has been a more unsatisfactory session as regards the work done, in the manner in which it has been discharged, or a more satisfactory one in regard to the good feeling that has prevailed between all parties of the House.

HON. F. H. PIESSE (Katanning): I have not assumed the leadership of a party, which will perhaps become formidable in the future, that is the agricultural party. We have heard so much said about parties, but although we have heard it said there should not be more than two parties in the House, there must be the different interests in the House. At the same time my desire is to sink all party interests, if we may term them party interests, for the good of the country, except in so far as they refer to the legitimate Government and the legitimate Opposition. However, my object in rising is merely to express my congratulations to the honourable the Speaker, as I omitted to do so on the first occasion when he was elected, not because I felt I was not able to offer similar congratulations to those others had offered, but because the opportunity passed. I, however, to-day offer my sincere congratulations, and I would remind the Speaker of the fact that he and I have seen many changes in this House as the two oldest members, as members who came in at the time of the introduction of Responsible

Government. I would also remind the Speaker that we were two of the last members who spoke on the first debate in the Legislative Assembly in January, 1891. We both felt some diffidence. I waited for my friend to rise, and I delivered the last speech in the debate. It is a very singular coincidence that we are the only two members to-day sitting in this House who were members at that time, and who have been in Parliament continuously since the introduction of Responsible Government. I therefore feel that there is perhaps a favourable augury in this respect. I join in heartily congratulating Mr. Speaker on his election to preside over our deliberations. I hope he will long continue to fill the position, and I not only look upon him as a friend but as one who will be a guide in our counsels in the future. I offer my sincere congratulations on the fact that the ordinary session has closed so amicably in its last moments.

MR. SPEAKER: Hon. members, I desire in the first place to express my gratitude for the cordial relationship which has existed between us since I have been in this honourable position. I am likewise indebted to my good friends who have spoken, and I believe they have echoed the sentiments of the members of the House in their kindly references to my presiding over the deliberations of the Assembly. I have endeavoured above all things to be strictly impartial. But I know full well that had you not had confidence in my doing so you would not have elected me to the position. Therefore, I feel it the more because I wish to retain your confidence, which is the highest compliment you can pay to me. I desire that while I occupy the position I shall continue to retain that confidence and carry out the duties as impartially in the future as I have done during this session. I desire to express my deep and sincere gratitude to my old and esteemed friend, the member for Katanning, as the remarks he made certainly take my mind back over a number of years in the old House and in this Chamber. I can say without fear of contradiction that I have never known during the whole course of those years less trouble, or I may say less quarrels, if any at all, than there have been during this session. I know it is not only my opinion, but the opinion of

people outside the House, that this House has been an ideal House in that regard, and I hope it is a good omen for the future. It shall be my endeavour to have the House as orderly as possible, and of course I cannot do that without the help and assistance of members themselves. But having gained that reputation during this short session, I hope it will be retained throughout the length of this Parliament and any future Parliament. I desire to again thank the members who have spoken for their kindly remarks, and thank members likewise for their reference to my friend the Chairman of Committees, who is absent to-day, and the Deputy-Chairmen of Committees. I only hope that we shall meet in the same pleasant circumstances next session; and all I can add is to wish you all a happy Christmas and prosperous New Year. [After a pause.] I omitted to express my very deep sense of gratitude to the officials of the House. I know they will pardon me. It quite escaped my memory for the moment, but I am

glad it is not too late to express my deep sense of gratitude to the two officials in particular, and indeed to all the employees about the Assembly, and also to thank the Sergeant-at-Arms for his kindly attention. I need say no more, I am sure, than to ask members to accord them a hearty vote of thanks. (General applause.)

PROROGATION.

BLACK ROD appeared at the Bar (seven minutes past three o'clock), and summoned members of the Legislative Assembly to attend His Excellency the Governor in the Legislative Chamber. Mr. SPEAKER and hon. members proceeded accordingly to the Council Chamber, where His Excellency was pleased to give assent to Bills of the session. His Excellency also delivered an address proroguing Parliament to the end of May. [*Vide* Council proceedings, *ante*.]

The session then closed.