ADJOURNMENT.

The House adjourned at 8·30 o'clock, until the next day.

Legislative Assembly,

Wednesday, 6th December, 1905.

THE SPEAKER took the Chair at 2·30 o'clock p.m.

PRAYERS.

ELECTION RETURN, KIMBERLEY.

MR. SPEAKER announced the return of writ for the election of a member for the Kimberley district, showing that Mr. Arthur Male had been duly elected.

MR. MALE took the oath and subscribed the roll.

URGENCY MOTION—GENERAL ELECTIONS, AS TO ILLEGALITY.

MR. T. H. BATH (Brown Hill): I desire, with permission of the House, to move the adjournment on a matter of urgency. The question to which I desire to draw attention is in regard to the legality or otherwise of the recent general elections.

MR. SPEAKER: It has been customary in the past in this Assembly to ask the decision of members as to the question of urgency being admitted or otherwise; therefore I will put the question to members, whether they are of opinion that this is a matter of urgency or not?

Question passed; leave given.

MR. BATH: I had purposed calling attention to this matter yesterday afternoon when the House assembled, but I was under the impression that the Premier would, in view of the statement which has appeared in the *Sunday Times*, have made some reference to the matter, and would have given this House, not his own expression of opinion, but the expression of opinion of his legal advisers or at least of some competent legal authority. I considered, when I saw this matter dealt with in the newspapers, that it was one calling for immediate attention; and not wishing to pose as a legal authority myself or to pronounce on the legality or otherwise of the elections, I secured the opinion of what I would term a highly qualified legal man, and the opinion he gives to me leads me to the belief that there is a great deal in the contention that the recent elections were illegal. Without any farther preamble, I will give the House the legal opinion which I have secured. It is to the following effect:—

I have considered the question as to the legality of the election of members of the present Parliament, and the following is my opinion, always assuming that the facts upon which it is based are correct. The facts are as follows:—

In many, if not all, the electorates in which elections have been recently held for the Legislative Assembly there was an existing roll revised by a revision court some considerable time ago. This roll I will refer to in future as the "old roll."

The authorities being of the opinion that such old roll was defective, prepared another roll, which I will in future refer to as the "new roll."

This new roll was compiled by officers of the department from the various sources of information at their disposal, namely the old roll, Federal roll, municipal lists, and names collected by the police and canvassers.

There was no proclamation directing the preparation of this new roll. After the preparation of such new roll no revision court was held, and there was no subsequent proclamation setting forth the day upon which such new roll should come into force.

The new roll contains many of the names of electors qualified to vote upon the old roll, but omits the names of many whose names appear on the old roll.

The new roll also contains names of persons who were not electors and whose names do not appear upon the old roll—these new names being placed upon the new roll by the officers themselves in many cases without any claim in accordance with the Act, on the part of the person whose name was added, and the names of the persons removed from the old roll and not repeated in the new roll were struck off without any summons and without the intervention of any revision court.

The elections were held upon the new rolls and the old rolls were ignored.

These being the facts, the first question that arises is, is the new roll really a new roll compiled under the provisions of Sections 27, 28, and 29 of the Electoral Act of 1904, or is it only a supplementary roll?

It seems to me clear that it cannot be a supplementary roll, because by Section 24 of the Act a supplementary roll is one setting out the additions and alterations since the last roll was printed, and it is to be printed in the same manner as a roll immediately after the holding of each revision court and immediately previous to a general election; and the Act shows to my mind clearly by the provisions under the heading of Part VI. dealing with the revision courts, that the only method by which names can be added to an old roll is through the medium of the revision court; for Section 56, Subsection 4, gives the revision court power to revise the roll, amongst other things, by adding to the roll the names of all persons who have claimed to have their names placed on the roll and who are shown to be qualified but whose names have not been registered.

If you refer to Section 31 of the Act you will see that new names may be added to a roll pursuant to claims, municipal lists, applications for transfers; and Section 32 provides that claims may be in the form of the Act, etc., and must be sent to the registrar of the district.

The section that I have before referred to, namely Section 56, Subsection 4, provides that claims having been made, the roll may be revised by the court, and the names of the persons entered on the roll and registered as an elector.

Section 38 lays down the cases in which the registrar may alter the rolls, but it will be seen that the section contains no power to the registrar to enter any new names upon the roll whether pursuant to claims or not; but it might be urged that under Section 33 the registrar has the power, provided a claim is in order, to enter the name of the claimant on the roll and file the claim.

Section 33 therefore seems somewhat inconsistent with the provisions of Section 38, which is the only authority for the registrar to alter rolls, and does not contain any such right as is set forth in Section 33; and farther, Section 56 specifically confers upon the revision court the right to add to the roll names of persons who have claimed under Sections 32 and 33.

Therefore, I think that the court would hold (reading these two sections together) that the Legislature intended (although the Act is very clumsily drawn) to confer upon the registrar the right to amend the rolls only in the manner set forth in Section 38, and to give to the revision court and the revision court alone the right to add any new electors pursuant to the application by claimants; and that the provisions of Section 33 following upon the provisions of Section 32 are merely intended to lay down the form and the procedure to be adopted by claimants and the registrar in order to bring before the revision court the fact that a certain person has claimed to be registered, and the words, "Enter the claimant's name and the particulars relating to him on the roll and file the claim" do not make that person an elector until his name has been added to the roll by the decision of the revision court.

If this is not so, then a person would become an elector immediately he puts in his claim and his name as a claimant is entered upon the roll, and the provisions of Section 56, Subsection 4, would be surplusage, because his name would have already been added; and the provision of the Act that the revision court is to be satisfied of his qualification is also absurd, because he would be already on the roll.

I do not think that the court would decide other than that the only method by which a claimant can have his name put on an existing electoral roll is through the medium of the revision court; but the facts of this case seem to go beyond persons making a legal claim under the Act, as I understand one of the methods of compiling the new roll was that the registrar, without any claim being made, inserted the names (which he derived from various sources) of the persons whom he considered to be qualified.

This, I have no hesitation in saying, cannot be done, as a man's name cannot be added to an existing roll except through the medium of a claim, municipal rolls, transfer, etc. (Section 31); and therefore all new names placed upon the roll otherwise than through the medium of a claim, etc., are absolutely illegal, while the question as to the right of the registrar to insert names, even pursuant to legal claims, is only made debatable by the apparently inconsistent provisions of Section 33 and the general provisions and policy of the Act.

I am of opinion that the new roll cannot be looked upon as a supplementary roll, for the whole method of its preparation is inconsistent with such a contention, and that the elections should have been held upon the last rolls that were issued and revised prior to the election by a legally constituted revision court.

Upon the general policy of the Act, there can be little doubt that the object of the establishment of revision courts is to prevent the packing of rolls; and I can conceive no system which opens a wider door to roll-packing and fraud and corruption in the preparation of rolls than the system that has

been adopted in the preparation of the rolls used at the last election.

No doubt the registrar takes his information in the compilation of these rolls from persons who in all probability are interested either in the one direction or the other; and they would be given very wide opportunities of disfranchising those to whom they were opposed, and inserting the names of many who, if they had to run the gauntlet of the revision court, would never be placed on the roll at all.

Assuming, therefore, that I am correct that the new roll cannot be looked upon as a supplementary roll, is it of any value as a new roll? One thing must be admitted, that if it is a legal new roll, the methods of its compilement cannot be complained of, because in the preparation of new rolls the registrar is given very wide powers indeed, and such powers are entirely different from his powers of interference with existing rolls; but I do not think that the new roll is of any legal effect, because it seems to me clear that the registrar had no power or right to prepare any new roll, for Section 27 of the Act is clear and unqualified, and provides that a new roll for any district, and new rolls generally, shall be prepared by the registrar wherever directed by proclamation and in the manner therein specified, and shall come into force on the day set forth in the same or any subsequent proclamation.

The first objection to this new roll is that it has been prepared without any direction by proclamation; that no proclamation has been issued providing for the manner in which it is to be prepared and the date upon which it shall come into force. The absence of any one of these conditions would, I think, destroy the value of a new roll; and consequently it is clear that where the whole of the conditions are absent the roll would be valueless.

My opinion, therefore, is that the members of the Legislative Assembly in whose districts these new rolls were used have been elected by a body of persons not qualified to vote; that the rolls in those districts are of no more legal value, and give the persons whose names are therein set forth no more legal right to vote, than if one of the candidates had prepared a list of persons whom he desired should be allowed to vote, and handed it to the registrar and asked him to use it as the roll.

In my opinion the roll which should have been used was the old roll that was in existence as revised by the last sitting of the revision court. It will no doubt be urged that the Act (Section 164) says you can not attack the correctness of any roll. But in this case that question does not arise; for you are contending that that which was used as a roll was no roll at all.

The next point that arises is: Can the Parliament be looked upon as a nullity, or will it be necessary to take steps pursuant to the provisions of the Act to unseat members? Even supposing the whole of the elections of the Assembly are affected in the manner indicated, I am of opinion that Parliament cannot be looked upon as a nullity; but it would be necessary to take steps within the time limited by the provisions of the Act, viz. within 40 days from the return of the writ, to unseat any of the members; and any member whose seat is not attacked within the 40 days, as set forth in the Electoral Act, will retain his seat as a member for the district for which he was returned.

What constitutes and creates a member of Parliament is the issue of the writ by the Governor, and the return of that writ by proper officers, and the swearing in of the member.

Consequently, if Parliament chooses to take such an extraordinary course as to pass a validating Bill, I think it is within their power to do so; but whether any set of members will take the responsibility of passing an Act of Parliament the passing of which necessarily admits that they were illegally elected, and thus create themselves representatives of people whom they do not represent, is a matter for the individual consideration of each member, and the opinion that he forms as to whether he should constitute himself a member of Parliament, or whether he should not be elected by persons whom the law recognises as persons entitled to send him there.

Farther, every member voting for such Bill is necessarily voting for himself and to forward his own interests; and though it may not be illegal for him to do so, it is generally recognised as highly undesirable for any member to vote on any matter in which he is interested.

Seeing that we have payment of members, it seems to me that every member who votes to create himself a member of Parliament contrary to the provisions of the Act is voting to give himself a pecuniary advantage, and to secure the payment of his member's salary; but I do not think it is of itself illegal, but rather a question of whether public opinion would tolerate a self-constituted Parliament, and the various members' ideas of what is right and wrong.

MR. H. BROWN: By whom is that document signed?

SEVERAL MEMBERS: Whose opinion is that?

MR. BATH: The two points I wish to emphasise in regard to this issue are these. If the Premier desires to assure us that these must be accepted as the old rolls, then I say their legality and the legality of the supplementary rolls issued just prior to the election must be questioned, inasmuch as they did not run the gauntlet of a revision court, especially in respect of the supplementary rolls issued, because Section 24 provides that supplemental rolls setting out additions and alterations from the last print shall also be printed in the same manner as the roll, imme-

diately after the holding of each revision court and immediately prior to the general election. Now no revision court was held immediately prior to the issue of the supplemental lists; and I say that absolutely vitiates the legality of those rolls. Then, on the other hand, if they are to be regarded as new rolls, the failure of the authorities, or of the Minister charged with the administration of the Electoral Act, to issue the necessary proclamation, absolutely vitiates the legality of those rolls. I am of opinion, in view of the manner in which the election was conducted, that the Premier, in his own opinion, regarded the rolls as new rolls because of the fact that, although he stated his intention to hold a revision court, that court was not held, and especially in view of the fact that Sections 27, 28, 29 and 30 of the Act give the registrar very great power in the compilation of new rolls as distinct from the alteration of existing rolls. The Premier, when the question was submitted to him first by an interviewer from a newspaper, and yesterday by the question asked without notice by the member for Yilgarn (Mr. Horan), dismissed the subject in a light and airy manner. But I contend that what the House desires is, not to have the opinion of the Premier but the opinion of the highest legal authority obtainable; because the position must be very serious indeed if there is any doubt whatever regarding the legality of the recent general election. Not only will our position as members of this House be open to dispute, not only shall we be liable to the charge of remaining here and being indifferent to the possible illegality of the election, but all the legislation which we pass may be absolutely illegal and liable to be questioned at any time in courts of law. I say, therefore, that although the Premier desires to treat this as a matter of no importance, it is one on which I think he should consult the highest legal opinion obtainable, and set at rest any doubt that may exist in the minds of the members and the electors generally. Of course we know that if we decide that the elections were illegal owing to the illegality of the rolls, that will be a serious reflection on the gentleman charged with the administration of the Act, and will also go far to bear out my contention here on the Address-in-Reply, that indecent haste was shown in holding the elections. I think, therefore, we are entitled from the Premier, not to his opinion as to the legality or illegality of the elections; because, while he may be a very estimable gentleman, we do not accept him in this House as a legal authority, and we do expect to have the matter settled by the only means possible—by the advice of the law officers of the Crown. Some hon. members have asked me whose opinion I obtained on this matter. I may say the opinion I have read is that of Mr. Ewing. [Interjections by Government members.] I hold him in as high esteem as I hold any other member of the legal profession in this State. I move—

That the House do now adjourn.

THE PREMIER (Hon. C. H. Rason): I understand that my friend has moved the adjournment of the House. I am disappointed at not having been present during his opening remarks. The other day the Leader of the Opposition (Mr. Bath) sought to teach me a lesson in courtesy as to certain things that the Leader of the Government should do and certain things which should be done by the Leader of the Opposition. I regret that his idea of courtesy did not suggest to him that he should have given me some forecast of what he intended to do this afternoon.

MR. BATH: One good turn deserves another.

THE PREMIER: The Leader of the Opposition has given the House an opinion as to the necessity for proclaiming new rolls. Only at the very last moment did we gather from him that the opinion was not his own, but the opinion of a barrister practising in the Supreme Court of Western Australia.

MR. BATH: I said so in my opening remarks.

THE PREMIER: A barrister whose opinion is certainly entitled to respect. My friend, with that courtesy for which he is so conspicuous, has suggested that any opinion I have offered to the House is practically valueless; that he preferred the opinion of someone else. I intend to give it to him. I do not know what my friend desires. I can assure him, on behalf of every member on this side of the House at all events, that if he

wishes to have another general election, nothing will give us greater pleasure. Undoubtedly it will lead to those diminished forces opposite coming back with numbers still farther diminished. Lest my opinion of the hon. member's sincerity is correct, let me assure him that he is altogether wrong in his assumption and altogether wrong in the advice he has obtained. Even if that were not so, if blame there be, it attaches to the Government of which the hon. gentleman was a member. No rolls were proclaimed by that Government, although an election was held. Perhaps that fact has not previously occurred to the hon. member. I suggest it to him now as food for reflection. But can it be argued with any degree of sincerity that, because an electoral registrar alters one name—either enters one name on a roll or strikes out one name on a roll—therefore the rolls are new? We must bring down the argument to bedrock; because what can be done with one name can be done with a thousand names. It is either right or wrong with one, or right or wrong with a thousand. Will any member argue that the mere fact of the alteration of one name upon a roll renders it necessary for new rolls to be proclaimed throughout the State? Let us see what really happened. The last proclamation of new rolls was made in 1903-4, when there was a redistribution of seats. There was a redistribution of seats and an alteration of the Constitution. Therefore new rolls were proclaimed. If any alteration of the Constitution again occurred, there would be necessity for the proclamation of new rolls again; but no alteration has taken place. The rolls upon which the last elections were held were the old rolls, subject to such revisions as occurred. The fault is that of the electoral registrar if any wrong was done—I do not admit it; but to say that every time there is an election there must be new rolls proclaimed, is to my mind an absurdity only capable of emanating from the gentleman who suggested it. My friend has read one opinion, and although it came to me as a surprise, I have been armed with another. With all respect, I prefer the opinion which I hold to the opinion which has been read to the House by the hon. member as emanating from another member of the legal profession. The opinion I wish to read is this:—

Prior to the coming into operation of the present Electoral Act, which was passed in 1904, the electoral law of the State was regulated by the Electoral Act of 1899; and under the law then in force there was both a residential and a property qualification for voters for the Legislative Assembly.

It therefore became necessary, when passing the present Electoral Act, to provide for new rolls to be prepared based on the residential qualification only.

I hope my friend will make a note of that.

And accordingly, Section 27 was inserted to meet the case. A proclamation was published in the *Government Gazette* on the 22nd day of April, 1904, and rolls were thereupon prepared, and came into force on the 28th day of May, 1904, pursuant to the provisions of a subsequent proclamation. This subsequent proclamation was published in the *Government Gazette* on the 27th day of May, 1904. These proclamations were published pursuant to Section 27.

Since the preparation of these new rolls no attempt has been made to have farther new rolls prepared; but under the provisions of Parts V. and VI. of the Electoral Act of 1904, these rolls had been subjected to considerable alteration.

The method of effecting additions and alterations to the Assembly rolls is set forth in Sections 31 and 38 of the Electoral Act, and they are made pursuant to claims lodged by applicants for votes or applications made by voters to transfer their names from one Assembly roll to another.

These two methods of procedure are the means which the elector possesses to obtain enrolment on a particular Assembly district roll.

The registrars of electors have powers conferred upon them under Section 38 of the Act to alter the rolls as follows:—

1. To correct obvious mistakes or omissions;
2. To change, on the written application of the elector—
   (*a.*) The residence to another within the same district;
   (*b.*) The original name of an elector to an altered name;
3. To strike out dead names;
4. To reinstate names struck out by mistake as the name of a dead person, and whether struck out by a revision court or otherwise.

I have discussed this matter with Mr. Burt, the Chief Electoral Officer, and he assures me that names have not been added to or taken from the rolls by the registrars except pursuant to the provisions contained in Sections 31 and 38 of the Act.

There is a third method whereby the rolls may be altered. Under Section 50 of the Act any name on the roll may be objected to by

notice lodged with the registrar; and under Section 52 of the Act, on receipt of the notice of objection the registrar is bound to summon the person objected to to answer the objection at the revision court.

Under Section 53 of the Act the registrar may, and it is his duty to, summon in like manner any person whose name he has reason to believe ought not to be retained on the roll. Pursuant to these two provisions, thousands of names of persons on these rolls throughout the State were objected to, and these objections were subsequently dealt with at revision courts exercising the powers vested in such courts by Section 56 of the Act.

I have asked the Chief Electoral Officer to supply me with particulars of the alterations made to the rolls of the electoral districts in Perth and Fremantle.

It will be impossible with the short time at his disposal to do more than this before the sitting of the House this afternoon; but the information which he will be able to supply with regard to these electoral districts, will be sufficient to indicate what alterations the rolls throughout the State have been subjected to; for he informs me that the rolls in many other districts of the State have been similarly dealt with.

It is therefore obvious that new rolls, within the meaning of Section 27 of the Electoral Act of 1904, were not used at the recent general election, but that the rolls which came into force on the 28th day of May, 1904, altered in strict accordance with the provisions of Parts V. and VI. of the Electoral Act, were properly used throughout the State.

There is in my opinion nothing in the suggestion that the elections were contested on new rolls, which the Government omitted to proclaim.

That, I may say, is the opinion of my friend and colleague, the Hon. M. L. Moss; and with all respect it is, to my mind at all events, of more value than the authority of the other legal gentleman.

MR. HOLMAN: It has not proved so in the past.

THE PREMIER: I think it has.

MR. HOLMAN: I will quote a few cases to show it has not.

THE PREMIER: If the hon. member will have the courage of his convictions and will bring on a test case, we will have ample opportunity of judging, at the expense of the hon. member, whether the opinion he prefers is more correct than the opinion I prefer; but until hon. gentlemen display the courage of their convictions, with all respect I submit that the time of this House is wasted in arguing questions that really have little or no value. The elections that were held, however disappointing the result may have been, were strictly legal; and, speaking for some members on this side of the House, we shall be quite content, perfectly satisfied, to have them over again, for the result would be, I think, even more disappointing to hon. members opposite. However, it seems to be a waste of time, and an absurdity, and a display of very bad taste, having lost, to seek by any possible means to make allowance for former loss and then to attempt to argue that the whole procedure has been illegal. Had the position been reversed, had my friends in Opposition come back with a majority instead of a hopeless minority, we at least, if we could have done nothing more, could have shown an example of propriety, and would have accepted defeat with a good grace.

MR. J. B. HOLMAN (Murchison): I think this is much more serious than the Premier has endeavoured to lead us to believe. If we are illegally members of this House and are not representatives of the people, or if there is any doubt at all about the question, we should be the first ones to endeavour to find it out and not to sit here all the time illegally. At present we have before us two legal opinions that are absolutely respected by many people on both sides.

THE PREMIER: Test it.

MR. HOLMAN: I have not the money to do so myself. Perhaps the Ministers will be good enough to find the money. In all probability there will be one or two cases tested; and if the people, after knowing the manner in which the elections were rushed, are allowed to test their votes, which they were not allowed at the last election, the result will be very different. The Premier would not stand there in the same cocky style. We have heard him speaking in his so-called policy speech, when he told his audience what a big-hearted man he was. I think he misjudged his heart, and should have said "big-headed" man.

MR. SPEAKER: The hon. member should refrain from being personal.

MR. HOLMAN: I was only endeavouring to show what a large heart the hon. member had. The question is whether we are legally members of this House or not. If there is any doubt about it, it should not rest with any individual to put up the money to test the question.

We should test it ourselves and allow the legal authorities in the State to decide, without putting any individual to the expense of doing it out of his own pocket.

THE PREMIER: There is no doubt about it.

MR. HOLMAN: No doubt in your mind; but there is in the minds of many as broad-minded as yourself. The doubt has been expressed, and we should clear it away at the earliest possible moment. All we have before us now are the opinion of Mr. Norman K. Ewing and the opinion of a gentleman called Moss, who happens to be a member of the present Cabinet. To show that there may be some doubt about the opinion of that gentleman, I will quote one or two cases in which he has already expressed opinions, to show that his opinion should not be accepted by members of this House as one that should not be cavilled at. There was a case under the Arbitration Act in which the firm of Detmold, Ltd., were interested. They did some things against the provisions of that Act, and a gentleman called Mr. Moss, of the firm of Moss and Barsden, advised them what they should do in the case. The firm followed the advice and some dispute occurred. Then the firm made inquiries and ascertained that the advice given by Moss and Barsden was altogether incorrect. That is one case in which the advice of that firm was not of much value. Another case in which an opinion was expressed by this same gentleman, Mr. Moss, was the Potosi case, where the company was fined under the Arbitration Act for locking the men out. Mr. Moss expressed an opinion on that case in which he stated practically that the company was right, and that the Government was wrong in the stand it took up when Mr. Ewing was paid by the then Government to proceed against the company who locked out the men. The advice of Mr. Moss at that time was altogether wrong. He stated that practically an illegal act had been committed by the Government in enforcing the laws of the State. I come to another case that had been before the Supreme Court for some time, and Moss and Barsden were concerned again. This was a case in which the firm of See Wah & Company applied to be registered under the Factories Act in Western Australia. This firm was advised by Moss and Barsden. Under the provisions of the Factories Act no Chinese or Asiatics not in business in Western Australia previous to November, 1903, were entitled to be registered under the Factories Act. This firm was not in business in Western Australia previous to that date, and one Chinaman could not be registered; so seven Chinese applied to be registered, and Moss and Barsden advised the Chinese that they could be registered, but when the application was made registration was refused. So as to evade the law of the State Messrs. Moss and Barsden lent this Chinese firm one of their clerks so as to evade the Factories Act.

THE MINISTER FOR COMMERCE AND LABOUR: What did Mr. Ewing advise the present Government to do?

MR. HOLMAN: If Mr. Ewing advised the Government differently from what he told the past Government, he has changed his opinion. The Attorney General of the late Government, Mr. Sayer, advised what action should be taken and that action was taken, and I believe the present Government withdrew the action and allowed the Factories Act to be rendered a dead letter.

THE MINISTER FOR COMMERCE AND LABOUR: On Mr. Ewing's advice.

MR. HOLMAN: If the Government had wished to protect the interests of people of the State and it was found that the intention of the law could not be carried out, the Government should have introduced an amending Factories Bill to see that the desires and wishes of the people were carried out. That all goes to show that the legal opinion which the late Government acted upon was far better than the legal opinion of the gentlemen whom I have named. The two cases on which the opinions of these two legal gentlemen were taken were the case of See Wah & Company and the Potosi case, and the opinion of Mr. Ewing was upheld. The case of the Yundamindera mine was taken through the Supreme Court; and in the case of See Wah & Company, when the mandamus was issued against me as Minister the decision was carried out.

THE PREMIER: Would you like to have that file on the table of the House?

MR. HOLMAN: I am going to move to have the file, before the session closes.

THE PREMIER: I will put it on the table without moving for it.

MR. HOLMAN: Then I shall have a chance of speaking on the question to show what kind of things have been done in this State. We should endeavour to find out whether we are legally members of the Legislative Assembly of Western Australia or not, and I am of opinion that the rolls on which the last elections were held were new rolls. I base my opinion on the following circumstances. When going into my electorate before a dissolution was thought of, I made inquiries about the rolls, and I applied at the Registrar's office in Perth and asked for the rolls, so that I might go through my electorate and see if the electors were on the rolls or not. I was informed that as new rolls were under preparation it was impossible to get them until printed. I made inquiries and found out that they were new rolls and not a revision of the old rolls at all. On going to the Registrars' offices in the different electorates, I found in every instance that the rolls were made up in new order altogether. Even the manuscript was not altered, but new manuscript rolls were brought forward in almost every office in the State. I made inquiries as to how the new rolls were made up, because I found out in many cases that scores of names of men and women had been left off the rolls through no fault of their own. They had not left the electorate, some had moved from one street to another, and some had been away for perhaps a fortnight prospecting, and when those men came back to record their vote on election day they found their names were off the rolls. I made inquiries as to how the rolls of the last election were made up, and I was informed that they were made up by information gathered from the post office officials, the police, and from what the registrars themselves knew, and what information they could get from any source to assist them. Therefore the rolls used at the last election were new, and the old rolls played no part in the last general election at all. In my opinion, in spite of the legal opinion expressed by Mr. Moss, there is a doubt as to whether we are members of the Legislative Assembly or not. If we are legally members the doubt should be set at rest for all time; if we are not members, the very best thing is to welcome the suggestion of the Premier and allow every adult in the State to register a vote, and I am sure the result will be different from what it was at the last election. It is all very well to say we came back weakened in numbers, but had the voice of the people been heard at the last election we would have considerably more members on the Opposition side than we have now, and if the same tactics were not carried out, of rushing the election without allowing the people to have an opportunity of voting, the result of the election would be different from what it was. I welcome, so far as I am concerned, a new election, and so far as some of the defeated candidates of the last election are concerned, I am satisfied that if another general election were held at the present time a great many members who would support the Opposition would come back to assist in the deliberations of the Assembly, and that we should not have so many blind followers of the Premier as there are at the present time.

THE MINISTER FOR COMMERCE AND LABOUR (Hon. J. S. Hicks): As the member for Murchison has seen fit to refer to a matter which started during his own administration and finished in mine, I would like to give the true facts of the case. The member referred to the case of See Wah & Company. See Wah & Company, Limited, applied to be registered under the Factories Act. First of all See Wah applied to be registered as See Wah. Afterwards See Wah & Company applied to be registered as See Wah & Company, and the late Government opposed the application on Mr. Ewing's advice. Mr. Ewing prosecuted on behalf of the Government, and won the case on a technicality. When the Judges were giving their decision in the case they gave Mr. Ewing a fairly good dressing down for the methods adopted in winning the case. That was the first stage. The Chinamen having lost the case, they applied again and insisted on being registered. Mr. Ewing, who had won the case for the Government, had to go on, but before the case came on in court, Mr. Ewing advised the Govern-

ment that he thought they had not a chance of winning the case, and he urged the Government strongly to let the case drop. This was the advice of Mr. Ewing backed up by Mr. Sayer, whom the hon. member has mentioned.

MR. HOLMAN: Tell us how the firm of Moss & Barsden advised the Government.

THE MINISTER FOR COMMERCE AND LABOUR: Whilst I am administering my department I shall do so in justice to all parties. There is no doubt that as the Factories Act stands the Constitutional law will not allow it to have full force, and in order to save expense to the Government I, and I hold myself responsible, have held the cases over for a time; but I cannot allow the member for Murchison to misrepresent the facts. At all times I am willing to lay before the House the facts of any case concerned in the department I am administering. With regard to the Potosi case, the late Government engaged Mr. Ewing to prosecute the company, and I believe gave the counsel £100 to go on with the case. About the same time certain men in another mine went out on strike, but the Labour Government had not the backbone to prosecute these men.

MR. BATH (mover): In reply to the Premier I wish to say the statements he has uttered, that our desire or our motive in bringing this matter forward has been prompted by splenetic feeling as the result of the last election, are not correct. I wish to say here emphatically that no such feeling prompted me in moving the adjournment this afternoon. So far as my addresses in the House since the election are concerned, I do not think I have given any reason whatever for the Premier to make such an absurd charge. I have done what members on both sides have done. I have drawn attention to the fact that in the recent election the rolls were in a disgraceful condition, numbers of people being disfranchised. I am not in any particular instance drawing the inference that the election in any constituency might have been different if these people had been placed on the roll. My motive in bringing the matter forward is that it was of sufficient urgency for authoritative decision to be given as to whether the doubts raised in public were correct, as to whether the House was legally constituted or not. I fail to see what bearing that has as to how many members sit on one side of the House or as to how many sit on the other. If it is decided that the elections were illegal, that will just as much concern members on the Government side as on the Opposition side. Absolutely apart from party consideration therefore in regard to this question, I am not disposed to accept the Premier's dictum in regard to the propriety of the action or otherwise. I do not accept the Premier as an authority. I do believe he must have been cultivating the dramatic art and taking part in amateur theatricals of late, because on every occasion when a matter of this sort has been brought forward the Premier has assumed a tragic and dramatic attitude, and has endeavoured to impress the House that he was alone the arbiter of our destinies. If any doubt whatever enters into the legality of any election, especially an election administered and set in motion by the members of the Government, if any doubt arises as to the legality of that election it is not the part of the rank-and-file members of this party to test the legality or otherwise. It is the duty of the Government, those charged with the administration of affairs, to set at rest and test the legality. It has a greater influence than the mere question as to whether the member for Guildford or the member for Murchison is elected. It has to do with the whole legality of our sitting here, the legality of the legislation we pass; and it certainly would be a reproach to Parliament if in the future it were possible to dispute any legislation we have passed by reason of the fact that the elections were illegal. I do not know what humorous point there was in the remark of the Premier with regard to the residential qualification. It aroused such a broad, expansive smile on the part of gentlemen opposite, that it seemed to me that if they could smile at anything they would almost sever themselves in smiling at some joke where there was a joke to be smiled at. With regard to the question whether the roll at the late election could be called a new roll or not, there is nothing in this Act or in the Constitution to say that it is only a roll issued after redistribution of seats which could be regarded as a new roll. I believe, on the other hand, that the whole tenor and whole intention of

the Act is that for each general election the roll should be a new roll, and that it should be given legal force to by means of the necessary proclamation. The hon. member, in the opinion which has been given, quotes Sections 31 and 38 of the Act as methods in which the old roll could be altered so as to be made available for any general election which occurs; but he failed to make any reference whatever to Section 56, which provides that those methods of placing names on the roll are to be subject to the revision of the revision court in open court. Also no attention was paid in that opinion to Section 24, which provides that supplementary rolls should be printed immediately after the hearing of the revision court and immediately preceding the general election. We are convinced that as far as the supplementary roll at the recent election was concerned, no revision court was held immediately prior to the making of the roll, nor was the roll issued immediately prior to the general election. So that even if the larger roll were not in dispute, the legality of the supplementary roll is questionable. I am not here to debate the respective merits of the legal practitioners who have given opinions on either side of the House, because as far as I am concerned, if any person to whose legal opinion weight can be attached expresses his belief that the election is illegal, I think that is sufficient ground for any member of the House to bring it forward and place it before the authorities and those charged with administration, so that they should set at rest any doubts which exist in regard to the matter. I say that during the recent election, they went absolutely outside the provision made in Sections 31 and 38, because we know that in some of the electorates—I know from my own personal knowledge—a house-to-house canvass was made. That is not provided for in either of the methods mentioned in Sections 38 and 36; and that, I contend, makes a new roll in the fullest sense of the term as expressed in this Act. If members will turn to the Electoral Act and read Sections 27, 28, 29 and 30, which deal with the new rolls, they will see that a new roll can be issued for any individual province or district; so that absolutely sets at nought the contention in the Premier's opinion that new rolls can only be used after redistribution of seats.

THE PREMIER: "Shall be when directed."

MR. BATH: The redistribution of seats would affect the whole of the electorates; and here it says that a new roll can be issued for any province or district. Why should they in the Act make any reference whatever to an individual district if it applied only to an election after the redistribution of seats? That absolutely disproves the hon. member's contention. Then it goes on to say:—

> In preparing new rolls—
> (1.) The names of all persons who appear to be qualified shall be inserted; and
> (2.) The names of all persons—
> (a.) Who from information supplied by the Registrar General of Deaths, appear to be dead; or
> (b.) Who appear to be disqualified; or
> (c.) In the case of Assembly rolls, who do not appear to reside in the district,
> shall be omitted.

Those are methods pursued in the compilation of every roll; and that, I assert, disproves the hon. member's contention that it is only in extraordinary cases the new roll is issued. The whole tenor is that new rolls are to be issued immediately prior to a general election. You can see that in every clause I have read in the opinion which has been expressed by Mr. Ewing. Therefore I say it was in the mind of the Premier at the recent election that a new roll should be prepared, and that the election should be upon the new roll; otherwise he must have taken advantage of the provision that the old rolls or those existing previously should be subject to the revision of the revision court. That was not done. And that, I say, would make anyone question the legality, if it were true that the old rolls were used. Without wishing in any way to cast any reflection upon the opinion of any legal gentleman, and more especially upon the opinion of the legal gentleman who has the honour to hold an honorary position in the Ministry, I say there is need for a higher opinion, or the opinion of more than one legal gentleman to be obtained on this question; and it is not the duty

of any individual member of the House to do that, but the duty of those charged with the administration of the affairs of the State for the time being. I ask permission to withdraw the motion.

Motion by leave withdrawn.

QUESTION—CARPENTERS' WAGES, REDUCTION.

MR. HOLMAN, for Mr. Bolton, asked the Minister for Railways: 1, Has his attention been called to the recent reduction from 11s. 6d. to 10s. 6d. per day in the wages of carpenters engaged on the Fremantle new railway station? 2, Does he approve of such reduction? 3, If not, will he will take steps to have the rate of wages ruling in the district paid to employees?

THE MINISTER FOR RAILWAYS replied: 1, Yes, by question herewith. 2, The wages paid at Fremantle station are as follow:—One foreman carpenter at 16s. per day, four carpenters at 12s. per day, seven carpenters at 11s. per day, 24 carpenters at 10s. 6d. per day. The work at which the men at 10s. 6d. per day are engaged is rough carpentering, such as spiking, decking, sleeper work, etc., which, in the opinion of the responsible heads, is not worth more than 10s. 6d. per day. Certain of these men now engaged at 10s. 6d. were receiving a higher rate of pay, but the class of work at which they were engaged is as stated previously. This is not a question for the approval of the Minister for Railways. 3, Wages ruling in the district are 10s. 6d. to 13s., and the department claim the right of exercising the same discrimination as private employers.

QUESTION—ARTESIAN WATER NORTH OF NORTHAMPTON.

MR. GORDON, for Mr. Stone, asked the Minister for Works: In view of the fact that the carrying capacity of the great wool-producing centre beyond Geraldine, north of Northampton, would be very much increased if there was an ample and certain water supply, will the Government be prepared at an early date to bore in that district for the purpose of testing whether artesian water exists there or not?

THE MINISTER FOR WORKS replied: Inquiries are being made as to the probability of obtaining artesian water in the district mentioned. If reports are favourable, a bore will be put down.

TEMPORARY CHAIRMEN OF COMMITTEES, APPOINTMENT.

MR. SPEAKER: Before proceeding with the orders of the day, I desire to announce that, under Standing Order 21A, I have decided to nominate the following members as temporary Chairmen of Committees during this session:—The member for Subiaco (Mr. Daglish), the member for Perth (Mr. H. Brown), and the member for Claremont (Mr. Foulkes).

BILL—METROPOLITAN WATERWORKS ACT AMENDMENT.

Read a third time, and transmitted to the Legislative Council.

BILL—SECRET COMMISSIONS.

SECOND READING.

THE MINISTER FOR COMMERCE AND LABOUR (Hon. J. S. Hicks), in moving the second reading, said: Before dealing with the principle involved in this Bill, I should like to just touch on the reasons that have led to its introduction. The whole Bill has been dependent on the butter industry in the State of Victoria. As members are aware, the butter industry in Victoria grew from a very small industry to one of the biggest proportions. A time came naturally when there was too much butter to be eaten locally, and they had to export. During the export of the butter, certain persons, dishonest in their actions, were sending out of Victoria butter of an inferior grade. This butter getting on the home market depreciated the value of the butter on the London market to such an extent that butter coming from Victoria was almost unsaleable. In order to meet the conditions and increase the value of butter on the London market, the Victorian Government, by a system of bonuses, raised the reputation of the Victorian butter on the London market. They did that by giving to butters of various grades different proportions of bonuses. To such an extent did this improve the sale of butter on the London market that it has increased up to, I believe, roughly two million pounds in a year. Not only did the Government endeavour to improve

the quality and increase the quantity of butter produced in Victoria by means of bonuses, but they arranged for freights from Victoria to London. Those freights, which were fairly high, were gradually reduced to, I think, ¾d. per pound. The mail steamer companies which entered into contracts with the Victorian Government were, I believe, the Orient and the Peninsular and Oriental, which agreed to charge a uniform rate per pound on all butter exported. This arrangement continued for some time; but gradually a spirit of unrest became apparent in the Victorian dairying industry. It was felt that certain people were getting advantages not obtained by others; and this feeling grew to such an extent that the Legislature of Victoria appointed a select committee of inquiry; but the Federal Parliament took up the matter and appointed a Royal Commission, the report of which revealed several scandalous abuses. First, it showed that certain agents received certain secret commissions and rebates. Some in a few years received commissions aggregating nearly £20,000. These rebates were not handed to the principals, but were used by the agents to bribe or corrupt the secretaries and managers of butter factories. In view of these revelations, the Royal Commission made certain suggestions which were brought before the conference of State Premiers at Hobart; and they agreed to pass legislation in their various States. The Hon. T. Bent, Premier of Victoria, was appointed to get a Bill framed and transmitted to the other States, which States were to pass as nearly as possible the same Bill, so that all should come into line. The State of Victoria has passed an Act, and the Federal Parliament has passed an Act; but so far as I can learn, no other States have yet fallen into line. Possibly the delay results from pressure of business. The Bill proposes to make very clear the duties of principal and agent. As members are aware, the betrayal of a principal by his agent may be now remedied in a civil court. The Bill is to transform a civil wrong into a criminal offence. By the existing law, if an agent takes a second commission, the principal may, under the civil law, demand and recover such commission. He may also refuse to pay the legitimate commission he has promised to his agent; and lastly, if the wrongful act of the agent has in any degree injured the business of the principal, he may recover damages for that injury. The Bill transforms the civil wrong into a criminal offence. A perusal of the clauses will show that the measure is in some respects very far-reaching. It differs considerably from the Bill introduced into the Victorian Parliament.

MR. TAYLOR: Is this Bill more far-reaching than that?

THE MINISTER: The Bill before this House is less far-reaching. It contains provisions calculated to minimise or altogether prevent the bringing within its scope of innocent persons. Without this necessary precaution the measure would have a very far-reaching effect. If the Bill were passed as originally drafted, I have no doubt that a domestic servant would be criminally liable for receiving an ordinary tip; and to show the correctness of my opinion, I may mention that when the Bill was first introduced to the Commonwealth Parliament an amendment was moved to exempt certain persons such as railway servants and domestic servants, and anyone who gave another person a dinner. According to the original draft, if one man invited another to dinner, and they had business relations later on, they might come within the scope of the measure, and be criminally liable. I am afraid, too, that ordinary candidates for Parliament might also have got into trouble; for anyone who made another a promise of employment would have been liable. That would press very heavily on the other side (Opposition). In order that the Bill may not be too stringent, certain clauses have been introduced. Firstly, if the offence appears to be of a trivial or a technical nature, the court may throw out the case without sending it to a jury. Another important clause provides that all informations must be laid on oath; and moreover, the consent of the Attorney General must be obtained before action can be taken. Again, no action will lie after two years have elapsed from the date of the commission of the offence, or after six months have elapsed since the offence became known. These exceptions seem small in themselves; but I am sure they will have a good effect. I commend this short Bill to members' serious con-

sideration; and I can assure them that any amendments which will safeguard the interests of honest people will be favourably received by the Government. I move the second reading.

On motion by MR. BATH, debate adjourned.

BILL—STAMP ACT AMENDMENT.

RECOMMITTAL.

On motion by the PREMIER, Bill recommitted.

MR. ILLINGWORTH in the Chair; the PREMIER in charge of the Bill.

THE PREMIER: The member for York (Mr. Monger), now absent, had placed on the Notice Paper a certain amendment. But the hon. member had evidently lost sight of Section 20 of the parent Act, providing that when in any case other than the cases provided for in Sections 14 and 18, any person should entertain a doubt respecting the proper amount of stamp duty for any instrument, he might apply to the Colonial Treasurer to adjudicate on the proper amount of duty payable. That provision was still retained; hence there was no need for the hon. member's amendment. The Bill was recommitted to make it clear that in the hon. member's absence his proposed amendment was not being ignored.

Bill reported without amendment, and the report adopted.

RACECOURSES LICENSING BILL.

AS TO POSTPONEMENT.

MR. G. TAYLOR (Mount Margaret) moved that the order of the day for the second reading be postponed till to-morrow. We should then have the advice of members of the select committee on racing, who were at this moment watching the proceedings at an unregistered racecourse.

THE PREMIER hoped members would make some progress with the debate. If we continued to postpone orders, the Notice Paper would be exhausted. Surely several members now present could speak to the second reading. Let the debate proceed to a reasonable extent, and then adjourn it. He had not the slightest wish to rush this legislation.

Motion by leave withdrawn.

SECOND READING.

Resumed from the previous day.

MR. J. B. HOLMAN (Murchison): I do not take any great interest in horse-racing, though I believe it is a great sport and, if carried out in a proper manner, one which is conducted for the welfare of the people and the country; but I fail to see the necessity for placing so much power in the hands of the W. A. Turf Club. Practically the club will have a monopoly of the whole of the racing in this State, and it will be for them to say who shall and who shall not be registered. That may be all very well here on the coast. They may be able to regulate racing on the coast, and no doubt it requires a great deal of regulating; but in the out-back country, where racing is looked upon solely as a sport, and where there is not nearly the amount of swindling as in the centres, what would be the position if the W. A. Turf Club refused to grant certificates? All the small meetings in the back country would be illegal, and the persons holding them would be liable to penalties. It is a well known fact, even to those who do not follow racing, that the W. A. Turf Club refuse to have anything to do with pony racing; but I am of opinion that it should be encouraged to as great an extent as other racing. A pony used for racing can be used to take a man a journey of 50 to 100 miles a day. Pony racing improves the breed, and helps those who breed horses to breed a stamp of pony that may be very useful in this country. The W. A. Turf Club, however, refuse to allow any pony racing at all, and also refuse to encourage trotting races; another matter that requires consideration. If the W. A. Turf Club are to have the power given under this Bill, I maintain that some provision should be made so that pony racing and trotting will be provided for. We know that in America they have greatly improved the breed of trotting horses. I thoroughly agree that we must do away with unregistered racecourses. I think that more evils are brought about on those racecourses than on registered racecourses. [MR. H. BROWN: Then they must be bad.] I agree with the hon. member, and I have seen in the papers that registered races are sometimes very bad. I know that in one centre on the Murchison the committee men won nearly

all the races on the programme, practically scooping the pool. Such things should be put down, as well as unregistered racecourses. We hear that swindling mostly takes place on unregistered racecourses, but we see the same thing on registered racecourses. According to this Bill, so long as a club is registered it can do practically what it likes for 12 months, and because the licensing magistrates may not have a great insight into racing and will be guided to a great extent by the certificates from the W. A. Turf Club, in all probability these clubs will be registered. It is my opinion that it is not desirable to place any more power in the hands of the W. A. Turf Club than they already possess. I have been informed that if a club desires to hold a meeting it must get the consent of the W. A. Turf Club or else run an unregistered meeting. That is ample power for the W. A. Turf Club to possess, and I will oppose any measure that will attempt to give that club a monopoly of horse-racing in Western Australia. I broach the matter of pony racing and trotting to give members more versed in horse-racing affairs than myself an opportunity of expressing an opinion on the matter, and to see if something cannot be done to make that class of racing legitimate, so as to give those who go in for pony racing an opportunity to improve the breed of their horses.

MR. A. C. GULL (Swan): I would draw the attention of the member for Murchison to one or two little facts that occur to me regarding pony racing and trotting matches. I do not think that in any State in Australia or in the mother country they are recognised by the supreme tribunal of racing. Trotting is a class of sport totally distinct from the racing of horses. [MR. TAYLOR: Not so much swindling, I suppose.] As a matter of fact, there is no sport in the world that lends itself more peculiarly to swindling than trotting. So far as the question of unregistered racing is concerned, I am dumb, pending the decision of the select committee on which I have the honour to sit. One of the weaknesses of this Bill concerning the W. A. Turf Club, is the facility that has been granted to boys, absolutely irresponsible parties I may call them, to own and lease racehorses. This seems one of the greatest blots in connection with the management of racing on the Perth course. The boy gets permission to lease a horse, and he takes it out to the back country for racing purposes. In most instances he has nothing behind him. He goes out, and also a few men of the same genus frequenting these places with himself; and in many cases I have seen in country districts and on the goldfields particularly, nine times out of ten the races are fixed up beforehand. I allude to country race meetings where stakes are small. I have always felt this to be one of the great weaknesses of racing. The W. A. Turf Club may recognise their weakness in this respect. Racing is a game for men with money behind them, but those boys have nothing behind them. This is also one of the weaknesses of giving the W. A. Turf Club paramount control in the matter. I cannot help feeling that in many instances the licensing magistrates, not understanding the business, will be largely, if not wholly, influenced by the production of certificates from the W. A. Turf Club. That is the weakness of the Bill so far as I can see, but I have very much pleasure in supporting the second reading.

THE MINISTER FOR LANDS (Hon. N. J. Moore): I merely wish to point out to the members for Murchison and Swan that under Clause 14 power is given to the Colonial Secretary to exempt certain meetings. This clause was put in to allow people to hold picnic meetings so that at agricultural shows and far-back places they may have the opportunity of running small meetings where local horses can compete. By applying to the Colonial Secretary this permission will be given without any need of applying to the W. A. Turf Club. Also under that same clause, permission can be procured to allow trotting races. Therefore I think the objections mentioned by hon. members will be met. I only regret we have not some provision to cut out some of the short-distance sprints we have now in racing. The usual idea is that horse-racing will improve the breed and stamina of horses, but the number of short races we now have with light-weights up certainly do not go to improve the breed of horses in any way. It is rather a pity

that we could not limit the number of short-distance sprints.

MR. N. KEENAN (Kalgoorlie): The Bill before the House is a measure for licensing racecourses for horse-racing, and I wish to draw the attention of the Government to the fact that if it is necessary to license racecourses, for any of the reasons suggested, on which horse-races are conducted, it must be equally necessary to license racecourses on which pony races are conducted, because the most objectionable side of racing arises from pony racing. If we are to start legislation for the purpose of settling the morals of racecourses, we should do so on a sufficiently wide scale to include galloway races and pony races. The objection that is noted in the amendment which I have placed on the Notice Paper relates to the clause dealing with the licensing magistrates, Clause 4. I was not present in the House, when the second reading was moved, and am not aware what was the special reason why licensing magistrates are considered to be the best persons capable of determining these matters. It seems to me it might be bettter to have a more representative body, and I would suggest instead of having licensing magistrates, the words "local authority" be inserted in their stead. If racecourses exist in municipalities the municipal council should be the body, and if racecourses exist in a roads board district then the roads board should be the local authority. If any reason can be shown why licensing magistrates are more wise in matters of this kind and more careful of the public interests than those representative bodies which I have named, the words should be retained. But unless that can be shown, it seems that, unless licensing magistrates are adapted for the duties they are called upon to discharge, there can be no suggestion that they are particularly qualified for determining if it is advantageous to a community whether racecourses should exist in their midst or not. On the other hand the local authority, being either a municipal council or a roads board, frequently go before the persons who elect them and are far more representative and in accord with the sentiments of the people. For that reason they would be more capable of giving expression to the general desire for the establishment or non establishment of these racing clubs and courses. There is one other part of the Bill that requires consideration, and that is the exceptional powers given to the W. A. Turf Club. If these powers are given, should not some provision be made to make that body more representative. It is desirable that there should be a governing body in the racing world; but it is equally desirable that such a body should be elected on lines different from the present. The W. A. Turf Club is a deserving body; but to some extent, and for some reason, the members of the committee seem to enjoy their seats almost for a life tenure. It would be better, if the House determines upon giving the W.A. Turf Club these extended powers, to prescribe conditions under which the club should conduct their elections, as to the persons entitled to vote and as to the right of members to sit for any definite term. Until that provision is made, I would not be in favour of handing to the W. A. Turf Club the extended powers given in the Bill. There is a farther consideration. If the House is willing to place these powers in the hands of the Turf Club, the licensing magistrates, or the local bodies if the amendment is adopted, and by reason of the powers given to these bodies the rights of other people are infringed, should not some provision be made whereby compensation should be given for any rights taken away? People who conduct unregistered racecourses do so in good faith. There is no objection on the part of the existing law to their doing so, and if they have spent their money in erecting these courses and putting them in a condition to carry on racing, they have a legitimate claim to compensation when the House in its wisdom gives the right to other bodies to determine the farther existence of these clubs. It is not a pleasant thing for members of the House to be a party to what amounts to confiscation. The powers to be exercised by the Turf Club and the licensing magistrates should be distinctly safeguarded, by providing that if they are exercised in such a way as to damage the rights that have been secured to other parties, then these other parties should receive equitable compensation. Then there is a farther small matter in regard to Clause 13, which provides that those

clubs which have been established by statute should not be affected by the provisions of the Bill. The principal racing clubs on the goldfields have in a certain measure been established by statute, and they are desirous that their rights shall be recognised. Inasmuch as the clause is somewhat indefinite, I intend in Committee to move that the names of the clubs to be exempted from the operation of the Bill should be set out in the schedule. It would enable these clubs to be mentioned and would remove them from a position they have no right to be placed in, subordinate to the W. A. Turf Club or any other body.

MR. E. C. BARNETT (Albany): I rise to support the second reading of the Bill for the reason that I think at present it is necessary to give the power to some body to deal with unregistered races. In introducing this Bill great power is given to the W. A. Turf Club and the licensing benches; but while I do not believe in unregistered racing I am opposed to proprietary racecourses in any shape or form. One of the evils the State is suffering from is over-racing, and if this Bill is passed, as I believe it will be, and if the W. A. Turf Club and the licensing benches exercise their discretion in reducing the number of licenses, the next session I shall be in favour of a Bill being introduced which will prohibit the farther licensing of proprietary racecourses. In reference to the remarks of the member for Kalgoorlie as to the hardship that would be inflicted on the proprietors of unregistered racecourses in stopping racing on those courses, one point the hon. member is overlooking in connection with this matter is the large profits the owners of these clubs have drawn in the past, which I think will warrant us in taking steps to have those courses closed, as I consider the closing of those courses will be a benefit to the community at large. In reference to the suggestion of the member for Kalgoorlie that the power should be taken from the licensing bench and given to the local bodies, to say whether races were to be held or not, I strongly support the Bill giving power to the licensing benches. Local bodies are too open to outside influence. The point to be considered by them is that a day's racing would bring a certain amount of business to the town and business would benefit. It is not whether the business people should benefit, but whether the general public are benefited by the racing. On these grounds I support the second reading.

MR. J. MITCHELL (Northam): I believe the Government are absolutely right in placing power in the hands of the W. A. Turf Club. As far as the club is concerned, they have not treated my club well; but I have no doubt that the small faults that exist now will be rectified. I think this body should have entire control over racing. The provision for licensing is left with the W.A. Turf Club, with a recommendation to the licensing bench as to whether the club should be allowed to race. There is one point that has been missed, and that is we hand over the control of trotting races to the W. A. Turf Club. In Clause 2 trotting races are provided for. Trotting races should not be controlled by the W. A. Turf Club; that provision is not satisfactory. I recommend the Premier to consider the question with the view to adding some other body to take the control of that branch of sport. Clause 14 provides that the Colonial Secretary may grant permission to race. That will meet a much-felt want, because in the country race-meetings are held, and the provision will not necessitate the registering of courses. The measure is a good one.

MR. H. DAGLISH (Subiaco): I thoroughly appreciate the action of the Government in attempting to control racing, and particularly in attempting to suppress unregistered racing; but I think there is a right method and that there is a wrong method of doing this, as well as doing other things, and this Bill seems to be entirely the wrong method of carrying out the action the Government evidently aim at. We have here a pretence, purely a pretence, of giving to the licensing bench the control of racing; but as a matter of fact the licensing bench is entirely powerless until it has obtained from the W. A. Turf Club a certificate. If the W. A. Turf Club choose to give a certificate to any racing club justified in running a race meeting, the licensing bench has it within its power to grant a license to that particular body; but the power of the licensing bench is solely to legalise the decisions which have been

arrived at by the W. A. Turf Club, and in that way it seems to me the Bill is entirely wrong. It seems to me somehow equivalent to a proposal that we should place our liquor licensing law, or its administration, in the hands of a committee consisting of the principal publicans of this State, say the Perth Licensed Victuallers' Association. That is really what this Bill does in regard to racing. It is proposed to place in the hands of the body principally interested in race meetings, the entire control as to what race meetings shall be held, the entire power to either suppress a rival club or allow it to hold a meeting. It seems to me that the proposal to suppress unregistered racing is a good one, but if the Government are anxious to carry it into effect they should do that in a straightforward manner. They should not delegate to another body the power to do so, but should themselves take the responsibility of their own action, and they should take likewise the responsibility of recognising the fact that a certain amount of money has been invested in a lawful manner in this particular channel. I am in favour of the stoppage of all unregistered meetings; but seeing we have allowed men lawfully to invest their money in running certain race meetings, we should as a Parliament take the responsibility of our own action or of our default, and should therefore in this Bill propose a means of stopping these unregistered meetings, and at the same time of giving compensation if there were any claims for compensation to individuals who have lawfully invested their money in starting and controlling these meetings. I can presume, for instance, such a condition of affairs as this, that a certain number of persons have invested capital in the purchase of a lease extending over a term of years, with full legal sanction, with full legal power, and they have likewise spent a certain amount of money in improving grounds for the purpose of conducting race meetings; but now at the last moment, without any notice whatever, this Bill proposes to hand over to an irresponsible body of citizens the right to say to those individuals, "Whatever money you have invested shall be wiped off, shall be really an expense for which you shall get no return whatever. We are regardless of the fact that you have invested this money in a legal manner, because we have given no legal responsibility to you in connection with the investment." Having regard to the obligations Parliament itself owes to all its citizens, we should be doing the greatest injustice to any body of men in our community if we took up such a position as that. I should therefore like to see the Government withdraw this Bill, and substitute for it some measure which should in a straightforward manner express the view of this Parliament that the carrying on of an unregistered meeting is not in the interests of the community; that the carrying on of unregistered race meetings is in fact detrimental to the moral welfare of the community, but at the same time, as a Parliament, we recognise our obligation to law-abiding citizens who have invested their money in a certain lawful channel, to give a return for their investment which we are by Act of Parliament taking away. I shall therefore, holding the opinions I have expressed, feel it my duty to vote against the second reading of this measure, should there be any division upon it, and at the same time I shall very gladly give the Government any assistance I can in passing a proper Bill dealing with this question in a somewhat different fashion from what the measure at present before the House does. At the same time I shall object just as strongly to hand over the control of racing to those very largely interested in conducting the race meetings. I would not hand over the control of our public-house licensing system to an association of licensed victuallers in Perth. I shall oppose the second reading.

MR. T. H. BATH (Brown Hill): There is a certain amount of inconsistency in the remarks of some members on this Bill, and an inconsistency which I notice in the remarks by the member for Subiaco. That member states his entire disapproval of unregistered race meetings. What does "unregistered" mean? It means that the have not secured registration by the West Australian Turf Club, a body to which he proposes to deny the right of granting licenses. I am not one who would support a Bill which proposes to suppress unregistered racing clubs or associations or meetings just because they happen to be unregistered. I would make the decision as to whether

a club or association shall be registered or not depend upon the manner in which it conducts its business. I am certainly opposed to any proposal to give to the W. A. Turf Club control over the registration of racing in this State. For my part, while the Bill as introduced is in many particulars a good one, while the control of racing proposed in the Bill is good, I believe that the question of whether clubs should be licensed or not should be left in the hands of the Colonial Secretary, who will be supposed to administer this Bill. [MR. TAYLOR: Hear, hear; make the Minister responsible.] If he deemed it desirable to have what one may term an expert on the matter in determining his attitude on the question, I would offer no objection to a proposal which would allow him to have an advisory committee, not constituted of the W. A. Turf Club but representative of all clubs in the State. Why should pre-eminence be given to the W. A. Turf Club when there are other clubs on the goldfields of equal importance, which carry on races of equal extent, and offer an equal amount of prize money? The proposal is absurd, and is an evidence of the centralisation characteristic of Western Australia. The proposal of the member for Subiaco, or the inference conveyed in his remarks, that if we refuse to license a racing club or an association we should offer some compensation, is one that I for one moment cannot countenance. I believe it is necessary in the interests of the community of Western Australia that some control should be exercised in the State over racing. I would certainly like to see the consideration of this Bill in Committee held over until we have the report of the committee which has been appointed by this House to deal exhaustively with the subject and to make suggestions. I for my part have no intention of voting against the second reading. I certainly will move in the direction of striking out, first the proposal to hand over the question of licensing to the licensing bench, secondly the right of the W. A. Turf Club to give their approval or otherwise, and in the third instance any proposal whatever to grant any compensation to any race-meetings or associations to be suppressed.

MR. P. J. LYNCH (Mount Leonora): I have only to say I would look upon this proposal of placing so much authority in the hands of the W. A. Turf Club as altogether impracticable, in so far as it is impossible to expect this club, centred in Perth, to give anything like a rational opinion on matters affecting Nannine or Peak Hill, or if you go farther north, Broome or Hall's Creek. Probably the Perth Club, if requested to do so, would ask for opinions on these three heads which appear in the Bill, and those parties might tell them to go and mind their own business. It appears to me that in a State of this kind it is very unwise to place so much authority in the hands of one body situated in one remote corner of the State. It is wholly impracticable, in my opinion, and for that reason I am against referring in any shape or form to the W. A. Turf Club a recommendation as to any club about to start. There has been a little experience about the high-handed behaviour of this club in the past, especially in dealing with some of the goldfields clubs. It is on record that the W. A. Turf Club and other clubs on the fields once had occasion to clash, and it was found necessary on the part of the goldfields clubs, I am credibly informed, to actually pay the freight of the horses for the goldfields events in order to overcome, or rather to counterpoise, what was considered the tyrannical action of the W. A. Turf Club, which, by the way, is now looked upon as a suitable authority to clothe with so much power. I think there is no need to look for any higher authority on the subject of acting for racecourses in any locality than the local authority already indicated by the member for Kalgoorlie. These local authorities are known men, and on account of the responsibility they owe to the residents in the locality, they are the nearest approach to the most suitable people to express an opinion upon the requirements of the locality. We know that in certain districts if the residents there had an opportunity of being consulted on the question of whether or not there is too much racing or too little, they would certainly record their opinions very emphatically. To my own knowledge of the goldfields I know that the tradespeople and wage-earners look with mutual complaint and disinclination in regard to racing clubs. Racing cuts into the

receipts of the tradespeople and into the earnings of the working men, whom it leaves in a position of not being able to meet their lawful liabilities. There has been plainly shown on the fields the need of curtailing racing. I believe that the only competent authority that should be looked to for advice and final sanction on a question of this kind is the local authority, which depends for its existence on the people of the locality. I think it is a most admirable suggestion on the part of the member for Kalgoorlie to substitute the local authority for the licensing bench. It may so happen that racing clubs may abuse their privileges, and to my thinking an annual or biennial license would be far preferable to licenses that are contemplated to run for the term of their natural existence. [MR. BATH: A year.] I have made a mistake there. With the Leader of the Opposition I cannot countenance any movement to compensate the owners of these proprietary clubs that have not been registered. If this is a question of compensation, people following many other callings have yielded some actual benefit to the State, have rendered important services to the State; yet when the services so rendered are superseded by State services, there is no attempt at compensation. A man owning a bullock team in the back country has a far better title to compensation when a railway deprives him of his means of livelihood than have men who are conducting proprietary racecourses. Proprietary racing clubs have known in the past the risks they were running, or at least I have known them and I am far from being an authority on racing. Unregistered courses are more closely associated with the vile tricks of racing than are the registered courses. I have no sympathy with any compensation to such people. If we are to compensate anybody, there are other people far more deserving of compensation than are the owners of private clubs. I was about to comment on the unwisdom of endowing the W. A. Turf Club with so much authority. It is not fair to confer on any set of men more authority than they can legitimately wield. Probably we have an example in the Premier himself. We perceive his altered demeanour since he has been saddled with such great authority; and to give to the W. A. Turf Club the authority proposed is certainly unfair, and will probably result in hardship.

MR. M. F. TROY (Mt. Magnet): Personally, I think that the Government are to be commended for their desire to regulate racing. Everyone in the House recognises that racing has of late become a very great evil; and the people of the State are desirous that the business shall be regulated. But while I desire to see all race clubs licensed, I am not willing to agree to any proposal which will allow one body in the State a monopoly of racing. If we provide in the Bill that a person desirous of securing a license must have the sanction of the W. A. Turf Club, then we are giving a monopoly to a body which is not representative. Why should the turf club have power to prevent the issue of a license in a portion of the State where the club has no authority, and the people of which are not represented on the committee of the turf club? That would be most unfair, and the clause providing for it should be struck out. I think that, after all, the best possible plan is to allow the magistrates to decide whether a license shall be given or shall be refused. Give magistrates the same power to license racecourses as they have to license liquor-sellers. If the public have an opportunity of appearing before the court and objecting, as they can object to liquor licenses, then the desires of the people will as far as possible be realised. I do not agree with the Leader of the Opposition (Mr. Bath) that this power should be given to the Colonial Secretary. I do not think he should be saddled with this responsibility. We may often have a weak or an affable Colonial Secretary, who cannot refuse anything. I think that the best method is to allow the magistrates to decide with regard to licenses. As to compensation it is peculiar that, no matter what Bill be introduced, if it will injure one or two persons, we always hear cries for compensation. Why on earth unregistered race clubs should be compensated passes my comprehension. People who rendered far greater services to the State than ever were rendered by those clubs, people who confer far greater benefits on the public, do not receive compensation when the Government take from them

their means of livelihood. When the Goldfields Water Scheme was completed, the owners of condensers on the fields were for the time being deprived of their means of livelihood. They applied for compensation, but it was not granted. The State, in providing certain facilities, often does injury to people who are deserving of far more consideration than the proprietors of unregistered racecourses. Though not a bigot, I hold that such clubs do not in any way serve the State. A member interjects that the operations of the clubs form part of a primary industry. Racing may be a kind of industry; but I do not look at it in that light. I think it is rather an evil; and because I think it an evil, I wish to see it abolished as soon as possible, and compliment the Government on their taking a step towards its abolition. Frequently the Government erect a public battery which competes with a private battery. If the owner of the latter demands compensation, he does not get it. This applies to hundreds of other institutions. The cry for compensation is out of place, and will not receive my support. If the Bill passes its second reading, I shall in Committee vote against the provision to give a monopoly to the W. A. Turf Club.

MR. T. WALKER (Kanowna): Whoever intends to vote against the proposed monopoly intends to vote against the Bill; for it seems to me that this proposal practically is the Bill. Interpreted in the light of our knowledge of men and of human character, we must admit the Bill to be inspired, and solely inspired, by the W. A. Turf Club. It may be designated "A Bill to give farther monopolies to, and to extend the present powers of, the W. A. Turf Club." That might be tolerable if the club had done any good work in the past entitling it to such a position; but even if it had, I should say, "Are we not, in a measure of this kind, whittling away what should be dearest to this Assembly—Responsible Government?" To whom are we delegating the responsibility for regulating racing in this State? To an absolutely irresponsible body, a body that we cannot touch and cannot reach, cannot correct, cannot call to justice. Now, if we are undertaking the regulation of racing—and practically we are, in this new move on the part of the Government to take under its ægis of protection this alleged evil of racing—who then should take the responsibility? The Government. We must hold the Government responsible for this experiment. We must be able to attack the Government for its mismanagement or its misconduct, or for any default or defect in administration of which the Government may be guilty. Is not this a fine specimen of that good administration of which the present Government are so eloquently, continuously, and persistently boasting? Is it not a fine specimen of administration when the Government absolutely refuse to take any responsibility for administering this Bill, and throw all the responsibility upon a club which has created all the existing evils of racing in this State? The W. A. Turf Club has had sole charge of racing in Western Australia; and whatever evils we have to complain of in racing are due either to its mismanagement or to its negligence. And this is governmental administration—the delegation of responsibility to irresponsible bodies. We are too much in the habit of doing work of that sort, and shirking our responsibility for administration by letting somebody else administer for us. That is the course we are now taking; and the House is allowing that course to be pursued. If the Bill passes, it permits that course to be taken. In other words, the Government are drawing the emoluments of office for allowing irresponsible bodies to perform administrative work. We cannot call an irresponsible body to account. If any defect occurs, or any misfortune or mishap in the administration of the Act, we can simply point to the Turf Club, and say that the club is responsible. The club can obviate every step towards the registration of a racecourse not already opened. The Bill constitutes the Turf Club, so to speak, a parliament in itself to hear applications for licenses and to decide whether these shall go to the magistrates. The club will judge everything beforehand. I have not the high opinion that some people seem to hold of the W. A. Turf Club. While I know that there are members of that institution whose character for honour and honesty is high, and whose love of sport is undoubtedly genuine, there is too much evidence of the power

of filthy lucre in the management of the racecourses in the past, the management of the arrangements for betting and for the exclusion of undesirables, there is too much evidence of the influence of filthy lucre to allow us to conclude that this tribunal, this parliament of racing, will act with the highest and most honourable motives if we give it the powers proposed in this Bill. As a matter of truth, do we not know that all the evils of betting complained of so loudly are in a great measure due to the high tariff, irrespective of character, that is charged to bookmakers on the betting course? Do we not know that the club fixes high license fees for allowing persons to bet on the course, lets in everybody who can pay the fee, and does not inquire into anybody's character? So long as he can pay that high fee, he can make a book on the course. What follows? The earnings of the bookmaker must be proportionate to that fee; and the evils of betting, of which the public complain so loudly, are due to the management of the W. A. Turf Club. The necessity for a Bill of this sort has been created by that very club; and we are to lift up that club, whose neglect of clean character is conspicuous and notorious, whose love for filthy lucre and whose contempt for character are obvious—we are going to give this club the power to stop all competition or all farther attempts to run independent clubs. I think it is monstrous. That it is monstrous is shown even in the little thirteenth clause, where in that instance the Colonial Secretary can act on his own. If he can act in some instances on his own, why not in all cases? My principal objection to the Bill is that it removes the responsibility from where it should always rest, with the Ministers. We should be able to get at the Ministers if any wrong is done under any Act they may pass. I do not want to dwell at any length on the evils of delegating responsibility to others. The railway measure is an instance, perhaps in the minds of all, and we do not wish to have another example of that kind. That is my objection to the Bill, removing the responsibility from the place where it ought to rest—the Ministers. If the Bill is passed, the Ministry should take the responsibility of its administration, and we shall then be able to take the Ministers to task if wrong is done. The people who are speculating their money on racecourses, whether private citizens in the betting line or owners or proprietors of race clubs, should have a chance of having their grievances heard in the highest tribunal of the land. It is here where the humblest citizen has the right of appeal. Therefore, I object to the Bill on the ground that it is absolutely doing away with the responsibility of the Government.

MR. J. C. G. FOULKES (Claremont): I cannot agree with the views of the member for Kanowna with regard to the proposal that the Ministry should be made responsible for the carrying out, properly or improperly, of racecourses. I have always recognised this. I have seen a great number of Ministers in Western Australia, including the eminent statesman, the member for Mount Margaret. I have come to the conclusion that 99 out of 100 are not only Ministers, but politicians. If you make Ministers responsible for carrying out proper racing, you are practically placing the responsibility on the shoulders of a politician who is always subject more or less to outside influence. Application may be made to him for permission to carry on a racecourse, perhaps on the eve of an election, and to my mind the Government is the last body to have control over any racecourse. I regret, therefore, to see Clause 13 giving power to the Colonial Secretary. Why the Colonial Secretary should be selected for the purpose I do not know. Perhaps owing to the great success of the Colonial Secretary in the last Government and the manner in which he carried on his office impelled the Government to think the Colonial Secretary the best Government Minister to have jurisdiction over this measure. I regret that the Colonial Secretary should have power to decide whether race meetings should be held or not. With regard to Clause 6, a good deal has been said as to the West Australian Turf Club having the power to give certificates as to whether in their opinion the applicant for a license should be licensed. I regret the Government think it necessary to put a clause of that kind in the Bill. I know nothing about racing; I do not want to know anything

about it; but if a licensing court is to be established for the purpose of deciding whether race meetings are to be held or not, there will be an opportunity for private individuals and the West Australian Turf Club of attending and giving expression to their views as to whether particular persons should be licensed or not. I have been told that the West Australian Turf Club are the great authority on racing in Western Australia; but I do not think it would be a wise step, or fair to other applicants, to give them the right to decide whether persons should be licensed to hold meetings or not. There is no necessity to give them that power. They can still come into court, and no doubt they and other proprietors of racecourses will attend these licensing meetings. They are in the position of ordinary publicans. When a person applies for a license for a public-house, we know that a number of publicans attend and oppose the granting of that license, and the same thing will apply here. When it is known that a company has come in the field and applies to start a racing club, we shall find other racing clubs attending the court and opposing the application as strongly as possible. That would be the position. I do not think it is fair to give the West Australian Turf Club a place any higher than any ordinary individual should hold. No doubt their evidence will always carry weight before a licensing bench, and they should be satisfied with that. The wording of this clause is rather curious. It appears that the secretary of the West Australian Turf Club has power to give a certificate. It provides that "A certificate under the hand of the chairman, vice-chairman, or secretary of the West Australian Turf Club, that in the opinion of the committee and stewards thereof—," etc. It comes to this: if the secretary of the West Australian Turf Club writes, "that in the opinion of this committee," that is sufficient. I am sure the Premier will agree with me the wording of the clause requires altering. Under this clause the secretary has power to write such a letter as he thinks fit. I do not suppose the Government are wedded to this particular clause. All they desire to do is to put racing on a proper footing, and I hope they will see their way to have the clause eliminated. The West Australian Turf Club will have plenty of opportunity of attending before the licensing court and expressing their views. They will have to attend and be cross-examined as to their views. If this clause is passed, all they will have to do is to write out a certificate and not give any reason for the decision come to. The club should not be placed in such a responsible position. I have no confidence in licensing magistrates being established to say whether licenses should be granted at all. The indiscriminate manner in which the licensing court grant public-house licenses prevents me from having confidence in these bodies. I have sympathy with the member for Kalgoorlie, that it should be the local authority who should decide whether they will have racing or not in their midst. A great deal has to be said in favour of that. We shall find presently that we have estimable gentlemen members of licensing courts, but men who know nothing about racing. The local authorities will be more responsive to public opinion, and public opinion is getting stronger in the direction that we have too much racing in this State. I shall be glad to see full opportunity given so that the wishes of the people on the question are carried out. According to the Bill, the responsibility is placed in the hands of a body of men who are not responsible. The member for Kanowna pointed out that these licensing boards would not be responsible to anybody, and he suggested that the Government should be responsible. We agree on that point, that the licensing magistrates should not be trusted to say whether race meetings should be held. This Bill is a step in the right direction. There is no doubt about it the Government are to be commended for having brought the matter forward at so early a stage in their administration.

MR. C. H. LAYMAN (Nelson): I am not sufficiently satisfied with the Bill to say I shall support it, as I do not think if passed it will have the desired effect. The object is to minimise or curtail the evils of gambling and racing. I feel sure the Bill will not have that effect. The better course to pursue would be to close the places through which the betting is conducted; to pro-

hibit bookmaking, and thus make everyone bet through the medium of the totalisator. We know it is impossible to prevent a certain section of the community betting; we might just as well try to stop a river from flowing; but we can close some of the channels through which people bet, thus minimise betting. I think I am correct in saying that an Act was passed some years ago, in 1903, for the suppression of betting. That Act has never been enforced. I think if instead of this Bill that Act had been so amended as to allow it to be enforced, that would do a great deal more towards the reduction of betting than this Bill will. I am prepared to say, without fear of contradiction, that fully nine-tenths of the wagers made on horseracing are made by persons who are not in a position to bet. They have not the means to bet. I do not say that nine-tenths of the money that changes hands on horse transactions comes out of the pockets of persons who cannot afford to bet, but nine-tenths of the wagers made. There are a number of struggling men who want to make an easy rise, and they try to do it through betting on horseracing. They hear of an absolute certainty for a race, and they get a few pounds together by hook or by crook, if by no other means they borrow it from friends, and they put it on a horse. The betting market is so manipulated that in a few days that horse becomes an outsider. He develops a leg or something else. The result is that the person loses his money and looks for means to get it back again. He meets another friend and is treated in the same way. People are backing horses weeks before the race, and in many instances the horses never come to the starting point. I also consider that the Bill would give too much power to the executive of the W. A. Turf Club. There are other sections of the community who should be catered for in this sport of kings besides the members of that leading club. There are hundreds of men who support racing in a *bona fide* way, and do not become members of the W. A. Turf Club because they are seldom in Perth, and therefore have no say in the appointment of the executive. Therefore, in the interests of racing I cannot support the second reading of the Bill.

MR. H. BROWN (Perth): The majority of members who have spoken on the Bill seem to forget that this measure will not do what we are all anxious to arrive at, that is the suppression of betting. The Bill proposes to hand over the control of racing to the governing body which is in the best position to manage it, that is the W. A. Turf Club, with representatives from other clubs in the country; but we find the W. A. Turf Club as well as the people in the country complaining that there is too much racing. The present Government and other Governments preceding them have been largely the means of encouraging racing. [MR. TAYLOR: In what way?] During the short time the Labour party were in power, large tracts of land were granted by the Government to up-country clubs for racecourses. [MEMBER: Where?] I cannot say from memory, but I know that at least one such grant was made by the Labour Government. As I have said, the people of the country and even the W. A. Turf Club complain that there is an excessive amount of racing, although that club is mainly responsible for the present position of affairs. There is a club within a few miles of Perth where the meetings are more disgraceful than in any other part of the country, for there a racecourse is managed by one man, who owns the course, nominates the judge, the starter, and the handicapper, and also provides for the stakes. I would wipe that out tomorrow, and without any compensation, because I am certain that the money which the owner has made is at least double the value of the improvements he has put on the ground. It is a registered course, and is one of the first that should be abolished.

MR. DAGLISH: But you are arguing that the body which registered that course should have the control of racing under the Bill.

MR. H. BROWN: I am showing that even the W. A. Turf Club make mistakes in the management of racing. If this Bill passes, these unregistered clubs would have the privilege of coming under the jurisdiction of the W. A. Turf Club. There are only two of these unregistered clubs in the State, so far as I know, and no doubt they cater for a class of people who cannot attend race meetings on Saturday afternoons; and if these clubs were allowed only one meeting a month, they would not be the ob-

jection they are at present. But even some of the objectors to sport agree that compensation should be paid, and I am in favour of it. I may say that if other proprietary clubs within a few miles of Perth were to be compensated and abolished, the W. A. Turf Club would then be able to provide all the racing necessary for Perth and the surrounding districts, and the racecourses now used by the clubs I have referred to would be valuable enough to cut up in blocks for sale. Referring to the system of racing in England, members will know there are many towns of 40,000 to 50,000 people which have very few race meetings in the year, perhaps two or three days in the whole year, and those suffice for a very large district. If people in English towns cannot afford the luxury of racing, as the member for South Fremantle suggests, there are scores of people in this State who follow racing yet cannot afford the expenditure which the sport involves, though they probably do receive larger wages than similar people in the old country. I would be in favour of giving power to the W. A. Turf Club, the Government also to nominate representatives from other clubs in the district to act with them, and in that way you would be able to wipe out many of the present proprietary clubs, and there would remain only those clubs which conduct racing for the pure love of the sport—I mean clubs which spend whatever money they make in improving the ground, and in conducting racing in the best way.

MR. W. T. EDDY (Coolgardie): Many members seem to get away from the fact that the power which is proposed to be given to the W. A. Turf Club under the Bill is already in existence, and has been for years. I am speaking in regard to registered courses, and I presume the main object of the Bill is really to reduce the number of race meetings held in the year throughout the State. We find that during the past 16 months there have been 87 meetings on unregistered courses, where the money given away in stakes amounted only to the small sum of £6,090; whereas on the registered courses throughout the State during the same period 69 race meetings have been held, at which the amount of £42,000 was given away in stakes. That is a big argument by the way of showing that the unregistered clubs should be abolished altogether.

MR. DIAMOND: That amount is made up by two or three clubs that run totalisators.

MR. EDDY: I think it is deplorable that 87 meetings should be held by unregistered clubs in 16 months, and only £6,000 given away in stakes. But not only that. One object of the Bill is the reduction in the number of race meetings, because we want to improve the moral tone of the community. I think provision should be made in the Bill for limiting the number of meetings to be held throughout the year when the power is handed over to the W. A. Turf Club and to the licensing bench. In reference to trotting and pony race meetings on unregistered courses, if owners of ponies and trotting horses think they can show a good case why they should have meetings registered for running their ponies or trotting horses, I feel sure the executive of the W. A. Turf Club, acting with the licensing bench, would give those persons every fair and just consideration. The member for Leonora (Mr. Lynch) raised a point as to the W. A. Turf Club in Perth having exercised undue power in reference to the meetings held by goldfields clubs in a previous period. It is true, as he said, that we on the goldfields transferred the horses through to the fields, because at that time we thought the W. A. Turf Club allowed too many meetings to be held in the Perth district about the time of the goldfields meetings, and I think this interfered with racing on the fields. We found that by paying the railage for horses going to the goldfields they could knock holes in the meetings held in the Perth district; proving that the different clubs throughout the State demand fair and just consideration. In fact, when the matter was pointed out to the W. A. Turf Club, which had the supreme power over racing, the executive so arranged that in the following year the race meetings in the Perth district did not interfere unduly with race meetings on the goldfields. This shows that the W. A. Turf Club, if given power over race meetings generally, will not be likely to exercise the power in the arbitrary way some members have suggested. We all agree

probably that the number of race meetings in the State should be limited, and instead of about 200 meetings throughout the year, I think that if the number were limited to 50 that would be a fair thing, and would minimise the evil.

MR. DAGLISH: You will want a new Bill, then.

MR. EDDY: This Bill may need additions for that purpose, but I think that by adopting the Bill and the proposal for licensing racecourses we shall be taking a step in the right direction.

MR. J. J. HOLMES (East Fremantle): The object of the Bill, I take it, is to prevent betting. It is described as "An Act for licensing of Racecourses;" but I think the object really is to prevent betting, and to limit the class of betting that is going on. [MEMBER: There is nothing in the Bill about it.] We have legislation in existence at present that has for its object the prohibition of betting entirely; and why not avail ourselves of that legislation, without wasting the time of the House in discussing a side-issue about licensing racecourses? I think we ought to allow horse-racing anywhere, at any time, every day of the week. It is one of the best sports we can have. It is referred to often on all sides as the "sport of kings;" certainly it is the sport of Australians, and as an Australian I do like a good horse-race. But we have reached a condition of affairs in this State in which the race meetings are so unsatisfactory that I cannot attend them. I find that if I try to do so, instead of my getting at the other fellow, he gets at me. It is not the horse-racing I complain of, but the gambling that attends it. If we put down gambling and make it a crime—I believe it is at present, but the Act is not enforced—and if we encourage clean, healthy horse-racing, we would do a lot for the general community. Someone talked of making people moral by Act of Parliament. We cannot make people moral by Act of Parliament. We cannot prevent people stealing by Act of Parliament. We can prosecute them by Act of Parliament; and while we cannot make people moral by Act of Parliament, and cannot prevent them betting by Act of Parliament, we can prosecute them if they evade the legislation that exists. They evade the existing legislation every day, and no notice is taken. One of the many objections I have to this Bill is that it is an interference with the liberty of the subject. If twenty of us meet, as we do in the hunt club, and have a dispute as to which horse is the best, all being more or less horsemen and fond of our horses, and if we decide that we will have a preliminary gallop amongst ourselves, we are liable to six months' imprisonment and a fine of £100. Why should twenty persons who want a *bona fide* gallop have to apply to the Colonial Secretary for permission to do so? Again, why should we create a monopoly in racing, and by doing so create a monopoly in betting, and put at the head of it the W. A. Turf Club and let them decide as to whether races should be held? We had an experience in Fremantle in the past. We had a large area of land at South Fremantle granted by the Government for a racecourse. We used to hold meetings there under the auspices of the W. A. Turf Club, but we found that the conditions were so stringent that we could not live under them. For instance, if we applied for permission to hold a race meeting on Easter Monday, they replied that a race meeting was being held at Menzies, and that we could not have the day. We had so many objections from the W. A. Turf Club that racing was abandoned on that course altogether. We might just as well appeal to the Licensed Victuallers' Association to decide whether new hotels should be granted licenses or not, as to appeal to the W. A. Turf Club to know whether any additional racecourses should be allowed to be created. There are many other matters in connection with this Bill to which I object and which I shall endeavour to either strike out or amend in Committee. If we must have a Bill we must have it in some different form from what it is now. I object to creating this monopoly. I object to appealing to this only authority; because, after all said and done, the W. A. Turf Club will be the only authority that will have decision in the matter, as the licensing bench cannot hear an application unless the club, company, or association making the application obtain a W.A.T.C. certificate that they are fit and proper persons. To put the W. A. Turf Club in that position is to put them in a

position to which no body in the State is entitled. We might just as well, as I said before, create a body from the Licensed Victuallers' Association to decide whether new hotel licenses should be granted or not. The object of the Bill is to prevent betting, and not to minimise racing; and one great grievance I have against this Government and the previous Government is the piling up of the statutes. I maintain that existing legislation should be enforced or repealed, and that we should not have two dormant Acts of Parliament instead of a real Act.

MR. J. E. HARDWICK (East Perth): The ultimate object of this Bill is to effect racing reform. I claim to have some slight knowledge on this particular subject, being unlike the hon. member who just sat down who told us that he really had not time to visit a racecourse. I take it from the tenor of his remarks that he is not altogether in sympathy with those people who are so infatuated with this sport that it is an injury to themselves and a very heavy tax on their wives and the mothers of their children. I take it that if during this session of Parliament we do not check this growing evil which is growing at a rapid rate, we are not doing our duty to the State and to the people who sent us to Parliament to make some effort at reform in this direction. [MR. WALKER: This Bill will not check any evils.] If we are to take any notice of that grand old gentleman, General Booth, who I think should be an authority on subjects of this kind, and has told us that his experience in dealing with evils had been to make some effort to remove the temptation and to alter the condition of individuals and to alter their surroundings. He found this the best and most systematic method of removing evils. I have no affection towards the W. A. Turf Club having absolute control; but I will vote for the Bill because I think it is a step in the right direction of reform. I think the idea among members is that we must have reform. If we give control to the W. A. Turf Club they may be able to alter the conditions of racing, and probably to abolish unregistered racing, with the assistance of the powers given by Parliament. I cannot follow the idea that racing is improving the breed of horses. We have meetings with half-a-dozen races on the programme; and the majority of the races are something like four and a half, five, and six-furlong races. The class of animal bred to get over these distances like a streak of lightning reminds me somewhat of a camera on legs with an extra leg—horseflesh with four props. What good are these horses to the State? We would be doing some good if we were producing a superior class of animal of some use in the plough; for then they would be turning up the soil and producing wealth. With the advent of electricity, I do not think the old gag of improving the breed of horses should go down with members of Parliament, who control and regulate the destinies of the State. [MR. TAYLOR: There are two classes of horses.] One to look at, and the other to work. If I were in a particular hurry to catch a train, I would not care to take one of these horses that could cut it out in 1·15 Newmarket time. I would prefer to take the tram, even if it took a few seconds longer. I have spoken to members of the W. A. Turf Club, and they seem to have regard only for a few men owning horses. They say, "What would these fellows do with their two or three horses if we were to reduce racing? They would not have a chance of earning a livelihood." I say, let them have a little consideration for the people on the flat, who go there with the idea of speculating a few shillings when, in nine cases out of ten, they have no possible chance of winning. Numbers of races are won before the horses reach the course. [MR. WALKER: And the W. A. Turf Club do not correct that.] I have watched the characters of the different horses, and at times races are not run as truly as they might be. Men will send out their horses to race when they know there is no possible hope of winning. Sometimes horses do not extend their energies to the degree they might if the owner had backed them. The public do not know. They look at the animal and its pedigree, and they know that the horse's grandsire won a race a few years ago; so they put on their few shillings. I am speaking of the general public, those who do not get into the "know" the night before. The result is that the money is lost. In my opinion, horse-racing in this State has reached that

stage at present that I do not think there should be any need to go in for an urgent scheme of immigration. We have something like 500 race-horses in the State, and probably 500 trainers looking after them; and then there are bookmakers and hangers-on and professional punters; also the men looking after the maintenance of the courses, and the secretaries and management staffs of the different clubs. All this money is spent in sport, and I cannot see where we get any good result from it. It would be a good thing if we reduced, as I hope we will, racing in this State by fully a half, for a start. At the present time we have racing every Saturday, and the poor fellows that have become lost or infatuated with the sport cannot get away from it. The result is that they are following up the few shillings they have lost the week before, and there is never a break. But if there were to be racing on one Saturday and none for the next three, or if the racing were every other Saturday, that would allow those poor unfortunates who had lost in the sport an opportunity of seeing the error of their ways, and they would probably quickly discover when they were best off —when they had gone to the race meeting and lost their wages, or when they had stayed at home. If this particular question could be dealt with comprehensively by a referendum, allowing the voters on the roll to have a vote, I think we should find an overwhelming majority in favour of wiping racing right out. In my opinion, considering the extent to which it has grown, at the present time it is of no use to the State at all. It is encouraging in our midst some hundreds of people who do not toil, neither do they spin. [MEMBER: Neither shall they work.] I think politicians do work sometimes. [MR. TAYLOR: You are labouring a bit now, I think.] However, I suppose I shall have an opportunity of speaking on the question again. [MR. TROY: I hope not.] I shall be able to give some more facts in connection with the question. I think that if Parliament at the present time does not deal with the subject, it will be very injurious to the State. I am sorry that some perhaps better method than that suggested by the Bill for curtailing or removing the evil, has not been placed before us for consideration. However, the Bill is, I feel sure, a move in the direction of reform; therefore I shall be very pleased to vote for the measure.

On motion by MR. TAYLOR, debate adjourned.

BILL—WINES, BEER, AND SPIRIT SALE ACT AMENDMENT.

SECOND READING.

Debate resumed from the 30th November; Bill in charge of MR. FOULKES.

MR. P. STONE (Greenough): In moving the adjournment of the debate on this measure, it appeared to me that there had been somewhat undue haste attached to it. It was on the eve of the annual licensing meeting and it was likely to be rushed through, and I wanted to ascertain whether there was anyone likely to unduly suffer by its becoming law before the licensing meeting took place. I am quite in sympathy with the member in charge of the Bill in the desire to put down the sale of drink to a certain extent.

MR. E. C. BARNETT (Albany): In reference to the Bill introduced by the member for Claremont, a number of members in this House, when before their constituents, expressed themselves in favour of local option. The Premier will probably introduce next session a comprehensive measure—[MR. TAYLOR: There will be a lot of work to do next session]—dealing with the liquor laws, and I trust it will deal with local option; at any rate to the extent of giving the ratepayers in the neighbourhood the option of saying whether a proposed new license will be granted or not, as those living in the immediate neighbourhood are the ones who will be most immediately affected by the granting of new licenses. I believe that at the present time the trouble is that too many licenses have already been granted, and that instead of extra licenses being granted the present owners should be compelled to carry out the intention of the Act, that is to provide houses with proper accommodation, so that we would really have hotels and not, as at present, mere drinking shops. That would, in a great measure, remove all arguments in favour of the issue of fresh licenses. As I

understand it is the intention of the Ministry to introduce a comprehensive measure dealing fully with the licensing laws next session, in relation to which I trust the measure of local option to which I have previously referred will be granted, I take it that the licensing benches will practically refuse the issue of fresh licenses until the intentions of the Legislature are made known. In view of the fresh legislation which we may expect next session, I do not think it would be wise at the present time to move in the matter, and therefore I prefer to wait and support a general measure, which I hope will deal fully with the subject.

MR. T. H. BATH (Brown Hill): I wish to say briefly in respect to this Bill that it is a measure similar to the one introduced by the previous Administration during the last session of the last Parliament. My reason for supporting the proposal is that I have no confidence in the present methods of granting licenses. I believe that some amendment is necessary; and while possibly the argument may be advanced that to suspend the granting of new licenses for twelve months would be to increase the monopoly of existing hotels, even at the expense of such a disadvantage as that, if disadvantage it be, it is infinitely preferable rather than to continue the existing system, which I believe is not the best in the world, that we should accept this measure and suspend the granting of licenses until we have the comprehensive measure which has been promised. We hear a great deal about the comprehensive measure that is to be introduced. It seems to me something like the Llama of Tibet, we hear a great deal about it, but are not permitted to see it. However, even if we are not permitted to discuss such a measure during the next session, I believe no harm will be done by carrying a measure that will provide for suspending the granting of licenses for twelve months. And then, if we are not given the opportunity of discussing the measure, we can extend that suspension for a farther term, until perhaps some more agreeable Administration favours us with an opportunity of discussing a comprehensive Licensing Bill, which I hope will at least embody the principle submitted by us in the Bill we introduced, and that is to provide for the election of licensing committees in districts in which these licenses are granted.

MR. M. F. TROY (Mount Magnet): I would have been prepared to support the measure introduced by the member for Claremont, but for the fact that on page 2 of the Bill it is provided that the Governor may suspend the operation of the Act in any place where no licensed premises are situated within a radius of twenty miles and upwards. I would support this Bill if the member would alter that clause to read: "Situated within a radius of ten miles and upwards." [MEMBER: You can move that in Committee.] I will support the measure providing I am allowed to move that amendment.

MR. H. DAGLISH (Subiaco): I rise in support of the measure, and would point out that the only object in granting licenses at all is to serve the convenience of people living in the districts affected. The only objections to the Bill are, first by the Premier, that it is unwise to pass the Bill until the Government have dealt with the matter: and second by the member for Kalgoorlie (Mr. Keenan), that it has not been proved that the licensing benches throughout the State are not properly fulfilling their duties. Firstly, I support the Bill because the Premier is not yet ready to bring in a comprehensive measure; and the very argument he used against the Bill seems to me to tell rather in its favour. Unless we pass some such Bill as this, we shall increase the existing vested interests in the liquor traffic. My argument is that if we are to give any form of compensation, we should in the interests of the State limit that compensation as far as possible, whether it be a compensation represented by time or a compensation represented by money. At the same time, we have to bear in mind that the demand of the State for a liquor supply is not only adequately met but far more than met. And as to the argument of the member for Kalgoorlie, I am satisfied with the evidence against the manner in which our licensing benches have discharged their duty. To my mind there can be no question that the benches have proved utterly unfit to translate into action the opinions of the public in

the various localities concerned. We find evidence of this in the fact that the State possesses one licensed house to about every 300 people. We find more striking evidence in the fact that the Murchison district has one licensed house for every 95 people—not for every 95 ratepayers, but 95 people, men, women, and children. I cannot imagine a more striking testimony that the existing licensing benches are utterly out of touch with the needs of the people. The farther argument used by the member for Kalgoorlie is that the advocates of the Bill are ardent teetotallers, and are therefore very anxious to impose their rule of teetotalism on other members of the community. If the member for Claremont had introduced a Bill to revoke entirely all existing licenses, then that argument might have been justified. But any member who argues that more than one licensed house for every 95 persons in the State is essential seems to me to be carrying his views to the utmost extremity. There is another argument that by restricting the number of licenses we shall increase the value of the monopoly enjoyed by certain persons. But we have to regard these solely as persons authorised to meet a public want. We must, therefore, ask ourselves whether the number already licensed are sufficient to supply the public needs, or are insufficient. If it be urged that the existing houses are insufficient in number, I for one shall be prepared, if that can be proved, to vote against this measure. But so far no member has had the hardihood to make such an assertion. I therefore trust that the House will not only pass the second reading, but will see the Bill through Committee also.

MR. T. WALKER (Kanowna): I have very little to say of the Bill, excepting that I wish it were more comprehensive, and that it dealt with our licensing magistracy. I think the whole evil is due to the fact that we give our licensing magistrates such a long term of office.

MR. DAGLISH: They should be elected.

MR. WALKER: Undoubtedly; or their term of office should be limited to 12 months at the outside. They grow so habituated to their environment that hey think it a sort of necessity to earn their emoluments by granting licenses, irrespective of the cases presented. If the magistrates were removed every 12 months, or made elective and responsible to the people, in all probability we should have the evils objected to modified if not removed. There is one farther defect in the Bill, that it will not allow of the betterment of those houses held under wine and beer licenses. When the Bill goes into Committee, I shall therefore move an amendment to this effect:—

> Provided also that the licensing magistrates shall have the power to grant a general license to the present holders of a wine and beer license, on compliance with the conditions stipulated in the principal Act.

My object is to abolish or rather to improve the mere drinking shops. This will not involve the issue of new licenses, but the converting of drinking shops into hotels with proper accommodation, hotels which will not lessen but will add to the value of neighbouring properties. I should like to see an amendment regulating the term of office of licensing magistrates, if that is not beyond the scope of the Bill.

MR. FOULKES (in reply): I regret that the Premier thinks it necessary to oppose the Bill. I can assure him that it has received the strong approval of the great majority of the people, who recognise that we have far too many public-houses. I believe that every member returned at the last two general elections, including the Premier himself, was pledged to the principle of local option. Of those pledges and the insistence on those pledges, we should have heard nothing but for the fact that the people throughout the State were highly dissatisfied with existing licensed premises. The member for Albany (Mr. Barnett) is opposing the Bill because, he says, he will wait for a comprehensive measure. He says, and in a sense says rightly, that what we need is better supervision of public-houses. For years we have waited for that better supervision; and regularly every session some members have emphasised the point that there is no better supervision of public-houses in this State. That complaint has been laid against every Government. To some extent the Labour Government did their best to remedy that defect, because they for the first time appointed a man to inspect the quality of liquor sold in public-houses. It is well

known that for the last 15 years adulterated liquor has been sold in our public-houses; yet it took 10 years to get an inspector appointed.

THE MINISTER FOR WORKS: Inspectors were appointed in Sir John Forrest's time.

MR. FOULKES: You may compliment them by calling them inspectors; but they did not carry out their duties, for there were no prosecutions of licensed victuallers for adulterating liquors until the Labour Government came into office. True, I know of three publicans in one small township who were convicted of adulterating liquor; and the Government of the day remitted the fines imposed by the magistrate. This clearly shows that the adulteration of liquor has been disregarded by every Government we have had in the State. There is a strong concensus of opinion, which I think the Premier does not realise, that local option should as soon as possible be established. The people would not insist on local option did they not recognise that we have in the country too many licensed houses, with no supervision whatever of their conduct. Many people do not know how hotels should be conducted. One can count on the fingers of two hands the hotels that provide proper and satisfactory accommodation for travellers. In some of the hotels of this State we have to pay as much for very bad accommodation as we should pay in a first-class hotel in London, the reason being the entire lack of supervision of the publicans, who can do absolutely as they think fit, even in adulterating their liquor. If they are caught adulterating it, they may be fined £5, but they never for that reason lose their licenses. I do not know that one publican in the State has lost his license because of a conviction for adulterating liquor. I think that adulteration is the most serious offence which a licensee can perpetrate; and the lack of adequate punishment shows that the State does not exercise proper control of licensed houses. Hence my introduction of this Bill to provide that, at all events during the next 12 months, no fresh licenses shall be granted except in certain specified districts. This is not a party measure. Last year, the Premier partly agreed to its passing, on condition that it should be operative for 12 months only. I again appeal to him. During the next 12 months he will have ample opportunity to bring in a comprehensive measure. Defeating this Bill will do no good. He says its passing into law will increase the value of the existing licenses. With that I do not agree. It will not increase by a single pound the value of any license now held; but the defeat of the Bill will mean that additional licenses will be granted in many districts where there are now no licenses. During the last 12 months it has been my lot to travel in some agricultural districts, particularly on the Great Southern Railway. As soon as a new township is started, even if it consists of only three or four houses, there is an immediate rush of applicants for a license. In one small township on that line, where there are not more than four houses, a license was granted on condition that the applicant spent £1,000 on the house. That expenditure cannot secure adequate accommodation for travellers; and if that license be revoked, the State must pay a certain compensation to the holder. We shall have to face the prospect of having to pay compensation to some of the licensees. Here we are granting the licenses wholesale. I may say in Perth and Fremantle not many fresh licenses are being granted, but in agricultural districts they are granted on far too liberal a scale. In many agricultural districts no licensing magistrates as such now exist. Take the district of Katanning for instance; there is no licensing bench there, but a certain number of magistrates come in and attend the licensing meetings. Any magistrate who thinks fit may attend the meeting, and in some cases five or six magistrates will attend. Not only does that apply in Katanning but in other districts, and there has often been canvassing of these magistrates to induce them to grant licenses to particular people. Many of the magistrates do not like to offend the applicants, and licenses are granted on far too liberal a scale. This is the reason I have introduced the measure to stop for 12 months, which is not a long time, the granting of fresh licenses. I have made a proviso that in some places where no licensed houses are to be found within 10 miles, that licenses may be granted. I contend it is a most idiotic thing for us to do, knowing that we shall have to pay compensation to these

licensees, yet we go on granting licenses. This is a contingency we have to face. No ordinary business man with reasonable intelligence would be so idiotic as to grant licenses knowing that at the end of 12 months he may have to pay compensation to the persons to whom he is granting licenses. As the member for Subiaco pointed out, there are far too many licenses granted. In the district of Murchison there is one house to every 95 of the inhabitants. The Premier cannot contend that an injustice is done to these people. I thought it my duty to bring the Bill forward and I shall divide on it. I assure members I have received a number of letters from people informing me that they strongly support the provisions contained in the measure. It is a moderate Bill. I could have placed in it a great number of clauses I believed in, but I refrained from doing so in order to have the measure as simple as possible. As the Premier agreed to the Bill passing last session, I ask him to agree to it now. The clause limiting the time of the operation of the Bill to 12 months was proposed by the Premier and carried. I have introduced the Bill again containing the same proposal, in order to meet the objection he brought forward last session. I appeal to members to pass the Bill.

MR. DIAMOND (South Fremantle): I move the adjournment of the debate.

POINT OF ORDER.

MR. T. H. BATH: The hon. member cannot move the adjournment of the debate when the mover has replied.

MR. SPEAKER: It has been the custom after the mover has replied to close the debate, but I do not know that there is any Standing Order to that effect.

MR. H. DAGLISH: On a point of order I think it is desirable that the House should have an understanding whether a reply closes a debate or not. If not, members will know in future when a Government measure is brought forward they have the full right of speaking after the Minister has replied. I venture to think the understanding which previously prevailed was a good one and expedites business. It is unfair to the member for Claremont, having replied to the debate, that it should be continued. I think we could agree to the understanding which existed during the previous Parliament.

THE PREMIER: I should like to point out, whilst undoubtedly the case is as has been represented by the member for Subiaco, that it has been the custom that when the introducer of a Bill replies it closes the debate, yet that fact in itself is open to serious abuse. I make no accusation against the member for Claremont, but I say a member could rise hurriedly and close the debate.

MR. FOULKES: I waited twice.

THE PREMIER: There were several members on this side who were prepared to move the adjournment of the debate, and the member for Claremont did, it seemed to me not intentionally, rise hurriedly to reply.

MR. FOULKES: No, he did not. He waited twice.

THE PREMIER: I express my opinion, he rose hurriedly to reply. Members on the Government side wished to move the adjournment of the debate. Members have an opportunity of doing one of two things: interrupt the member or wait until he has finished. I quite agree that as a general rule it would be advisable to adhere to what has been the practice in the past, when a member in charge of a Bill replies, it should close a debate. I hope it will not be ruled that that must always be an unalterable course. I do not think there is any desire to do an injustice to the member for Claremont or take any unfair advantage of him, but I am sure he would not wish to stifle debate.

MR. T. WALKER: It would be very undesirable indeed to accept the dictum of the Premier on the subject. It is the invariable rule. There is not a Parliament in the world that admits of discussion continuing after the mover has replied. No Parliament in the world would set that example: there is not a single exception. We shall introduce an innovation which is most dangerous.

THE PREMIER: As we are arguing what is done in Parliaments in the world, in no Parliament in the world is the motion for adjournment allowed to be debated.

MR. T. WALKER: It is a point of order.

MR. SPEAKER: Hon. members are slightly out of order; but I thought, since it was an innovation in the Assembly to have a member move the adjournment of the debate after the mover has replied,

that members should be heard shortly on the matter. I propose to give a decision, although there is no Standing Order on the subject, to continue the custom that has been in force in the past on other occasions; but on this occasion I am bound to say, as it is an innovation and not generally known by many new members, I shall not be doing any hardship to any member or the Assembly if I say that on this occasion the hon. member is in order in moving the adjournment, but on future occasions I shall adhere to the custom that has been followed in the past.

MR. FOULKES: On a personal explanation, I may say there was no desire on my part to hurry the Bill. The Premier has misunderstood me. I waited a long time, on three different occasions; I waited for the member for Kanowna, and I waited for the member for Subiaco to get up, and there seemed to be no desire on the part of members to speak on the subject. The member for South Fremantle is an old member of the House and knows the rule, and he had every opportunity.

MR. DIAMOND: He did not: he was waiting.

MR. FOULKES: He was a long time in getting up. I had no desire to burk discussion: every opportunity was given by me to every member to discuss this Bill.

Motion (to adjourn debate) put, and a division taken with the following result:

Ayes	...	...	...	26
Noes	...	...	...	13
Majority for		...	...	13

AYES.	NOES.
Mr. Brebber	Mr. Barnett
Mr. Brown	Mr. Bath
Mr. Butcher	Mr. Bolton
Mr. Cowcher	Mr. Collier
Mr. Diamond	Mr. Daglish
Mr. Eddy	Mr. Foulkes
Mr. Ewing	Mr. Hudson
Mr. Gregory	Mr. Illingworth
Mr. Gull	Mr. Lynch
Mr. Hardwick	Mr. Taylor
Mr. Hayward	Mr. Walker
Mr. Hicks	Mr. Ware
Mr. Holmes	Mr. Troy (*Teller*).
Mr. Isdell	
Mr. Keenan	
Mr. McLarty	
Mr. Male	
Mr. Monger	
Mr. N. J. Moore	
Mr. Price	
Mr. Rason	
Mr. Smith	
Mr. Stone	
Mr. A. J. Wilson	
Mr. Frank Wilson	
Mr. Gordon (*Teller*).	

Motion thus passed; debate adjourned.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

MOTION—RAILWAY SURVEY, NORTHAMPTON TO GERALDTON-CUE LINE.

MR. P. STONE (Greenough) moved—

That in the opinion of this House the Government would be serving the interests of the agricultural industry by having a survey made of a loop line from Northampton to a point on the Geraldton-Cue Railway, a distance of about 30 miles, with a view to having the line built at an early date.

He said: As to the need for surveying the route of the proposed loop line from Northampton-to-Cue railway, I would point out that the line presents no engineering difficulties. The country is comparatively level, and neither bridges nor deep cuttings will be requisite. It will pass through splendid wheat country, extending for some 15 to 20 miles on each side of the line. The fertility of the country has been proved for 30 or 40 years. Year after year I have seen in most parts of that district wheat four or five feet high. The line will accommodate several districts, namely Narra Tarra, Nabawah, North Chapman and East Chapman, and the 64,000 acres of the repurchased estate known as Mount Erin. This estate has been subdivided and sold by the Government; and the proposed line running through its centre would benefit the settlement by bringing within reach of a market about 100,000 acres of new land well adapted to wheat-growing, land now lying idle owing to lack of transit facilities. The great drawback of this fertile district is its separation from Geraldton by a belt of ranges fringed with heavy sandplain, making it unprofitable to bring produce to market; consequently those who have taken up land are turning their attention to stock-breeding. The Northampton line on the north and the Cue line on the east already traverse the rough country; consequently engineering difficulties need not be feared on the loop line to connect the two. It will meet the Cue line at about 900 feet above the level of Geraldton, after passing through splendid country with a large settled population. The cost will be low, as a loop is not so expensive as a main line. The present railway from Geraldton to Northampton is about 36 miles in length, and I have it

on the best authority that in 18 months or two years at the outside that line must be relaid with new metals. It was built over 30 years ago, with 36lb. rails. The grades and curves are so steep and the traffic so heavy that relaying will soon be imperative. The haulage power of engines on the existing line is only about 30 tons a trip. The loop line will act as a feeder to the main line. Hundreds of families are already settled in the neighbourhood, and in most cases the settlers, after proving the soil to be well adapted to wheat-growing, find that cartage over bad roads makes wheat culture unprofitable; and as I have said, they are turning their attention to sheep-breeding. The loop line will bring farmers of that fertile district within easy reach of the Geraldton and Murchison markets, thus benefiting farmer and consumer alike. No Government has at any time done much for the Victoria district, the earliest agricultural settlement in Western Australia. I recollect the time when the only produce grown for market in Western Australia was grown in that district, before the railway was taken over the ranges to York and Northam. In those days a week or ten days was needed to bring a load of produce from the Eastern District to Perth, whereas the Greenough district had the advantage of sea carriage, which made our farmers go ahead until railway accommodation for the Eastern District enabled the latter to take possession of the market. The district which the proposed line will serve has a 20-inch rainfall, and is well watered by natural springs and shallow wells throughout. I would ask members to pass my motion as a matter of justice. I move it at a disadvantage, inasmuch as the proposed route is off the line of traffic; hence most members in the habit of travelling by rail in that district have never visited the locality in question. If they had, I am certain that my motion would be passed without a dissentient voice. If the debate be adjourned, I shall be happy to drive through the country any hon. members who require farther information. The district in question is about 30 miles square. Hundreds of families have fenced their land, started farming operations, procured machinery and stock, and now find that corn and chaff cannot be taken to market and sold at a paying price. Doubtless the Government have made some inquiries since I tabled the motion; and I am perfectly confident that the result of such inquiries will support my statements.

MR. A. MALE (Kimberley): I second the motion.

On motion by MR. HAYWARD, debate adjourned.

RETURN—LEGAL PRACTITIONERS PAID BY GOVERNMENT.

Ordered, on motion by Mr. Daglish: That there be laid upon the table a return showing—1, The total amount paid by the Government to legal practitioners during the financial years 1903-4 and 1904-5, respectively, for professional services. 2, The names of the practitioners or firms who were retained during those periods, and the payment made to each.

ADJOURNMENT.

THE PREMIER moved that the House at its rising do adjourn until 2·30 p.m. on Friday next (not to sit on Thursday).

Question passed.

The House adjourned at 15 minutes to eight o'clock, until Friday afternoon.