Hon. W. C. ANGWIN: The Government had under consideration the question of holidays for all the lower paid and wages men in the public service.

Vote put and passed.

Votes—*Registry*, £19,225; *Sale of Government Property Trust Account*, £44,781—agreed to.

This concluded the Estimates of Revenue and Expenditure for the year.

Resolutions as passed in Committee of Supply granting supplies amounting to £2,963,077 from Consolidated Revenue, and a further sum of £44,781 from the Sale of Government Property Trust Account were formally reported.

On motion by the PREMIER report from Committee of Supply adopted.

Committee of Ways and Means.

The House having resolved into Committee of Ways and Means,

The PREMIER (Hon. J. Scaddan) moved—

That towards making good the supply granted to His Majesty, a sum not exceeding £2,963,077 be granted out of the Consolidated Revenue Fund of Western Australia and a further sum not exceeding £44,781 from the Sale of Government Property Trust Account.

Question put and passed.

Resolution reported and the report adopted.

House adjourned at 9.5 a.m. (*Wednesday*).

Legislative Council.

Wednesday, 20th December, 1911.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual Report of the Public Works Department; 2, Report of the Perth Public Hospital for 1911; 3, Report of the Agricultural Bank for 1911; 4, Report of the Commissioner of Police for 1911; 5, Public Works Department—By-laws of—Mount Magnet, Greenbushes, and North Coolgardie Roads Boards.

PETITION—DIVORCE ACT AMENDMENT.

Hon. J. D. CONNOLLY: I have here a petition in regard to the Divorce Act Amendment Bill, sent by the Bishop of Geraldton to Mr. Dooley, a member of another place, and containing 600 signatures. Mr. Dooley handed the petition to me as the chairman of the select committee, and I now beg to lay the petition on the Table of the House.

QUESTION — EDUCATION, TEACHERS FROM ENGLAND.

Hon. W. KINGSMILL asked the Colonial Secretary: 1. Whether the Government before securing the services of school teachers from Great Britain (as indicated in the *West Australian* of the 18th instant) will use every endeavour to obtain suitable teachers within the Commonwealth? 2, What circumstances led up to the engagement in London of 32 teachers for the West Australian Education Department by the Agent General?

The COLONIAL SECRETARY replied: 1, Yes, this has been done also in the past. 2, Owing to the rapid increase of immigration the supply of teachers to be obtained here was insufficient. Endeavours were made to secure teachers from the other States by advertising. A few years ago this was comparatively easy; this year it was found to be impossible. This is due partly to the general growth of immigration, partly to the better prospects held out to teachers in the other States by the increase of State High Schools, etc. All the States in Australia were short of teachers, some departments declined to insert our advertisements. One State has since advertised for teachers outside. Other States whose position is somewhat similar to our own, *e.g.*, the central and western provinces of Canada, have been obliged to import teachers in a far more wholesale way than we have done. The increase in our population in 1910 and 1911 averaged 15,000 a year. For the four previous years the average was not much more than 4,000. This fully accounts for the deficiency of our ordinary supplies.

QUESTION—LEPROSY AMONGST ABORIGINES.

Hon. J. D. CONNOLLY asked the Colonial Secretary: 1, Has Dr. Maloney, who was specially commissioned by the Health Department in July last to investigate and report on the supposed existence of leprosy amongst the aborigines in the Ashburton, Fortescue, Roebourne, Marble Bar, and Port Hedland districts (also to report on the lazaret on Bezout Island), completed his investigation and made his report? 2, Will the Colonial Secretary lay the report on the Table of this House? 3, If not, will he inform the House of the nature of the report, and what action is intended to be taken in the future in regard to this very important matter?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes. 3, Answered by No. 2.

STANDING ORDERS, SUSPENSION.

On motion by the COLONIAL SECRETARY, resolved: That the Standing Orders relating to public Bills and the consideration of Messages from the Legislative Assembly be suspended during the remainder of the session so far as is necessary to enable Bills to pass through all their stages at one sitting, and Messages to be taken into immediate consideration."

MOTION: ELECTORAL ROLLS, LEGISLATIVE COUNCIL.

Hon. J. D. CONNOLLY (North-East) moved—

> *That in the opinion of this House the instructions issued to the Chief Electoral Officer, as published in the "West Australian" of 16th December, and headed "Purifying the Rolls," will result in the disfranchisement of many entitled to vote; also that it is desirable that before notice of intention to show cause is issued the department should ascertain from the Titles Office, Lands, Mines, and Land Taxation Departments, the names of those who are qualified to be electors, and serve notice of intention to show cause only upon those who, after examination of the official records, do not appear to be entitled to the franchise; further that claim cards should also be sent to those whose names after such inquiry appear to be entitled to be electors, but whose names do not appear on the rolls.*

This motion is brought about by a statement appearing in last Monday's *West Australian* by the Attorney General, who is the Minister controlling the Electoral Department. Hon. members have only to look at that statement and they will see that it means the disfranchisement of at least, I think I am safe in saying, fifty per cent. of the electors of the Legislative Council at the biennial elections in May next. The statement reads—

> Cabinet has decided that no official departmental canvass will be made prior to the impending Council elections. Whilst, therefore, the onus of taking the proper steps for enrolment

will rest upon the electors themselves, instructions have been issued to the Chief Electoral Officer to take certain action which will materially assist those who are entitled to enrolment in obtaining their franchise rights.

He says, mark you, that it will materially assist the people to obtain their franchise. This is a remarkable statement because, later on the Attorney General says he has given instruction to strike off everybody whose name was put on the rolls prior to 1907. That will mean striking off 70 or 80 per cent. of the total number of the electors of the Legislative Council; that is a queer way of giving the people the franchise. He goes on to say—

The rolls at present in existence have been found in many instances out of date, and a great difficulty has been experienced by the Electoral Department in removing the names of electors appearing thereon for property qualifications, on account of the difficulty of obtaining evidence as to whether such qualifications still exist.

There is not the least difficulty for the Chief Electoral Officer or the Minister to see whether persons who are not properly qualified have their names on the rolls. The records will give him the information as to every piece of property, and every agricultural or mining lease in the State, which constitutes a qualification for the vote.

Hon. D. G. Gawler: If his name is on the roll, it is prima facie evidence that he is entitled to vote.

Hon. J. D. CONNOLLY: Quite so. The Attorney General goes on to say—

New rolls will therefore be proclaimed under authority of the Governor's proclamation, and provision will be made for automatic transfer to such new rolls of only such enrolments at present appearing on the old rolls for which claims are available in the Electoral Department, duly approved under the provisions of the Electoral Act, 1907.

This means that any person who may not have read this statement, seeing that prior to the Electoral Act of 1907 he could be automatically transferred from the municipal ratepayers' roll, will have to go by the board. The Attorney General continues—

All other enrolments will not be automatically transferred, but each elector will be served with a notice to the effect that unless he again claims enrolment on claim card attached to such notification his name will not appear on the new rolls when issued. This will enable the electors who are still qualified to become duly entered on the new rolls, but, of course, it will lie with the elector himself to take final action by completing the claim card and lodging same with the registrar for the province.

That seems a very remarkable thing—to inform people that they are struck off the roll, and at the same time send them cards saying that if they wish to get on the roll they must fill in this claim form. I want to draw attention in the first place to the very limited time which we have before us. The Constitution Amendment Act provides, under Section 8, subsection 2—"Every writ for the election of a member of the Legislative Council to fill any seat hereafter affected shall be issued before the tenth day of April." That is the last day on which the writs can issue. I wish hon. members to note that, because great importance attaches to it. Then, the Electoral Act of 1907 says that the roll shall close 14 days before the issue of the writ, so, allowing that they go to the last day before the writ is issued, the rolls must of necessity close not later than the 25th March. That gives, after the Christmas holidays, barely 2½ months. What can be done in that time? There have to be notices served on 40,000 or 50,000 electors, distributed all over the State, or, perhaps, a great many of them may not be in the State at the present time. It is very doubtful whether many of them will receive this notice at all, and therefore they will not apply to get on the roll until after the 25th March, when their applications will be too late, and they will have no chance of voting at the elections in May next. It is very natural, too, that, even though they get these notices, they will not take any heed of them, because it is well known that nine people out of ten

are not aware of the fact that they have a vote in each province, provided they have the necessary property qualification. Naturally a person receiving notice that he is struck off the roll for the North-Eastern Province will assume that is correct, as he is now living in Perth. I have spoken to many people who did not realise the fact that they could vote in more than one province. When people receive notices from the Electoral Department, especially after a general election, they are not likely to take the matter very seriously, and the notices will be laid aside, and consequently the claims will not be filled in. By what process of reasoning does the Attorney General think it just that because a man was registered prior to 1907 he must of necessity be struck off the roll, because there happen to be on the roll some names which ought not to be there? The majority of the electors of the Legislative Council were on these rolls prior to 1907. Again, there is this danger. I know of my own knowledge lots of people who we will say were registered for the South Province. At that time they may have been living in Kalgoorlie, which is not in the South Province, and they may have given an address in Kalgoorlie. Now, perhaps, they are living in Perth, or in some scattered agricultural district, and a claim or notice will be sent to the address which was given perhaps 10 years ago; and these people do not get this claim form or notice, and they rest in the full belief that they are still on the Legislative Council roll. What I suggest in the motion is this: to accept the fact of their being on the roll as prima facie evidence that they are entitled to vote. The Attorney General and the Electoral Department have all the means at their hands to satisfy themselves whether the people are qualified or not. First they can go to the Land Taxation Department, and there obtain a list of every piece of freehold land and the holder thereof, and obtain the exact value. If A.B. is the registered owner of a particular block in Kalgoorlie, valued at £100, the man is entitled to his vote. Suppose the land has been disposed of to C.D., that fact can be ascertained by the department. When it is found that there are certain names on the lists in the Taxation Department, and these names do not appear on the electoral roll, a notification should be sent to the person, together with a claim form. The person would then know that he is not on the roll and that he has to fill up the record. I suggest that the Attorney General make use of the records of the Lands Department. He can obtain a list of all the conditional purchases, and he can also go to the Mines Department. The reason I suggest the Lands and Mines Departments is that the conditional purchases and special leases can be found in the Lands Department, and the gold mining and mineral leases in the Mines Departmet.

Hon. J. W. Kirwan: How long would it take to check these matters?

Hon. J. D. CONNOLLY: I should not think it would take long. But I do not care about the time or the expense. No one is justified in disfranchising 50 per cent. of the electors of this House. But I do not think it will take any time at all. All these names are arranged in alphabetical order in the conditional purchase list, in the Land Taxation Department, and in the Mines Department, and these departments can check all the rolls of the State in a very short time. Mr. Moss reminds me that as far as the conditional purchase leases and mining leases are concerned, these are published in the *Government Gazette* twice a year when the rents are due. The more valuable information is as to the freeholds, and the only place to get these will be in the Land Taxation Department. There are only 2½ months to do this work in. Many people may be on the roll for the Kimberley district, and an elector may be away in the other States; a card is sent to the address of the person, and not much notice is taken of it, it is thrown aside. If a man does get the notice he has to send the card to Broome to the registrar for the Northern Province; it has to lie there for 14 days with the registrar before the name goes on the roll. Boats do not run often to the North-West, and there is a risk of a man not

getting on the roll in this way. I do not wish to impute motives; this matter may have been done without thought, but I wish to say to the Colonial Secretary —who, I am sure, does not approve of this method—that the Government cannot complain at the blame being cast on them afterwards. They may be accused of adopting methods that may strike off their political opponents and allow their political friends to remain. No one can be blamed if the Government are charged with this afterwards. The qualification for the Legislative Council was reduced last year. Nine-tenths of the names on the rolls were enrolled before 1907, and since 1907 one-tenth, and these probably are of the political faith of the present Government. In striking off all those who were on the roll before 1907, the Government may be striking off nine out of every ten who are not of the political belief of the Government. I do not insinuate that that is being done, but I say, now that attention has been drawn to the matter, if it is allowed to go on the Government cannot complain if an accusation is made in the future against them. I think this is one of the most important matters that has come before the House this session, and if this method is adopted and the elections take place next May, the members returned cannot then be said in any sense to represent the electors. It is by a back door or wrong method that the franchise is being taken away.

Hon. E. M. CLARKE (South-West): I have very much pleasure in supporting this motion. Speaking from my own experience, I may say that in Bunbury a case came under my notice. A man came to Bunbury with his wife, a card was sent to him, he filled it in and sent it to the office. I saw myself that his name was on the roll. Some little time afterwards he was served with a notice to show cause why his name should not be struck off the roll. What was the result? His name was struck off the roll, while the name of his wife was left on. Both of these persons have their address in Bunbury. The idea is to think that everybody is absolutely honest, and the whole of the community who are entitled to vote should have their names on the roll. People should not be placed in the position of suspects, and treated as if they were trying to evade the Act when they are doing nothing of the sort. What right has the Attorney General to compel me to re-apply to have my name placed on the roll; what right has he to strike my name off the roll unless cause is shown that the name should be struck off. The whole of the people whose names are on the electoral rolls for the Legislative Council are to be treated as if they are suspicious persons. What happens? We know, most of us who have been through the recent campaign, that owing to the different cards sent out, some from the Federal Parliament, some from the Taxation Department, and from this, that, and the other place, it is absolutely confusing to the community to know what they are going to do. What is more natural than that a man should say, my name is now on the roll, or it was at the last election, and have I not a perfect right to assume, unless I have gone away or done something, that my name will remain on the list; and it is taken for granted that the name will remain on the list. This is about as nasty a thing as I have seen. People are told that their names will not remain on the roll unless they apply to have them put there.

Hon. F. DAVIS (Metropolitan-Suburban): It is not often that I find myself in accord with Mr. Connolly, but on this occasion it is so. I certainly shall support the motion, not only for the reason stated by Mr. Connolly, but for several other reasons also. My experience is that the electoral rolls are in anything but a correct state. On going through the rolls some few weeks ago in connection with the Metropolitan-Suburban Province, we found on the roll names of persons who had been dead for years; and the department could have easily ascertained in a number of cases whether the persons whose names were on the roll were entitled to have a vote or not. In other cases we found that people had left the district and had lost their qualifications; some had sold their proper-

ties and, therefore, were not entitled to vote. Everyone will agree with me that the rolls need purifying, and I cannot see that the method adopted is the best possible one. A number of persons who hold properties may be away from the State, and claims cannot be served on them. This method will operate badly all round. Electors who have properties, and others who are ratepayers, will receive the notice challenging their votes. The average man feels a kind of resentment at this, and in a majority of cases he puts the paper in the fire, or in some other receptacle.

Hon. Sir E. H. Wittenoom: What do they say when they put it in the fire?

Hon. F. DAVIS: Probably something very strong. I think all will agree on the point that the average man who receives the claim form will not give attention to it, and the result will be that a large number of persons, although qualified to vote, will be disfranchised. In quite a number of cases within the last few months men have come to my office boiling over with indignation because they have received notice from the department. The method if adopted as suggested would disfranchise many hundreds. For that reason I shall support the motion, but I would like to see added to it the provision that a house to house canvas should be made.

Hon. J. D. Connolly: That would be better secured from the roads board and municipal rolls.

Hon. F. DAVIS: At the present time the franchise qualification is £17 per annum, and owing to the increase in rates during the last twelve months there are comparatively few who do not pay that amount in rent. A house to house canvas would embrace every man and woman entitled to be on the roll, and none would be overlooked if this provision were added. I have much pleasure in supporting the motion.

Hon. M. L. MOSS (West): The present Electoral Act has been in force four years. In that Act it is provided that until new rolls are prepared the rolls existing at the commencement of the Act should be the rolls of electors. There are several provisions in the Electoral Act enabling persons not on the rolls to put in claims, and enabling objectors to lodge their objections. In Section 46 there is the provision that any name on the roll may be objected to by an elector registered on the same roll. If, as has been stated, there are on the roll names of persons who no longer possess the necessary qualification, and of others who are dead, machinery is provided to enable the department to make the necessary inquiries and purify the rolls. That is the procedure the department should follow. Mr. Stenberg and his officers have been extremely vigilant in securing a very good roll, but, of course, we can never hope to have a perfect roll. Instead of the department taking the simple course provided for purifying the rolls the Minister proposes to wipe out the existing rolls and build up new ones from claims to be lodged by the electors. With an election impending in provinces extending from Eucla to Wyndham how can we expect within the prescribed time to get rolls that would even approach the condition of perfection attained by the existing rolls. There are 40,000 persons on the rolls in these ten provinces, and it is absurd to suppose that if by one stroke of the pen the lot were to be disfranchised we could build up from the claims to be sent in by the electors new rolls in time for the elections. If the sending in of a claim is to be left to the individual it will not be done at all. Without any desire to impute motives I may say that all the Labour organisations throughout the State, which are nothing more or less than political organisations, have something in the nature of a clerical staff who will get all the people on one side of politics on to the rolls again: but on the other side of politics, where chaos prevails, nothing of the sort will be done, and the result will be that the representation on the rolls will be wholly one-sided. In all probability the Attorney General has not taken this phase of the matter into consideration.

Hon. F. Davis: It will cut both ways.

Hon. M. L. MOSS: If that be so then the proposal is unfair to both sides of political opinion in the community. Restricted as, by some, the franchise is held to be, the general desire should be that the greatest number of electors shall record their votes at the ensuing election. It is quite obvious that for the Electoral Department to have work of this character to perform before the biennial elections is actually to invite disaster. Probably Mr. Connolly does not require a vote on the question, but will be satisfied with the attention directed to the matter, and the anticipated assurance of the Colonial Secretary that the necessary action will be taken.

Hon. W. Kingsmill: Let us have the motion passed.

Hon. M. L. MOSS: Still to get a motion passed without any assurance from the Government would be of no avail. What is proposed to be done in this case is not passing or failing to pass a law; it is dealing with a matter regarding which it is entirely in the hands of the Minister to say whether he will regard or disregard the motion. Therefore my idea is better; that is, that we should get some kind of promise, if the Minister is willing to give it, that the steps laid down in the motion should be carried out. There is no difficulty in doing what is indicated in the motion with regard to the qualification. The Taxation Department certainly should have the whole of the material necessary to give us all the names of all persons who own land worth £50, and at the Titles Office it may be ascertained whether the land is encumbered, while in the Lands Office and in the Mines Office full information should be obtainable as to the leasehold land. I think that the suggestion made that the names should appear in alphabetical order in the *Government Gazette* is very important. The district electoral registrar will then be able to get any information he requires in the *Government Gazette*, and it will not be necessary for the information to filter through Perth first. If this proclamation is to stand—I hope it will not. After the very strong expression of opinion in the House the Government would be well advised to revoke it, and the old rolls could continue, and the department would have a period of three months in which to purify them by the method I have indicated by the Registrar issuing the necessary notices and calling on persons to sustain their claims. If it is the desire of the Government to get the fullest expression of opinion at the next biennial elections of this House in May next, it will not be achieved by the policy indicated by the Attorney General. However, I trust that if we do not get an assurance from the Colonial Secretary the motion will be carried unanimously.

Hon. J. F. CULLEN (South-East): I hope the suggestion of Mr. Davis will be added to the motion.

Hon. J. D. Connolly: How can you do it in scattered country districts?

Hon. J. F. CULLEN: The safeguards mentioned by Mr. Connolly are excellent so far as they go, but do not apply to a large section of voters who could not be discovered by the means suggested by the hon. member. I refer to tenants. There are numbers of tenants who do not appear on the roads board lists, and they are tenants occupying houses of more than £17 a year in value, but having no votes because the owners have been claiming the votes and exercising them. The tenants have not taken the trouble to get their names on the roads board lists. So I am satisfied that, though Mr. Connolly's proposal might be carried out, a number of qualified voters would be omitted, though for the sake of getting a complete roll there might be a canvass by men appointed by the Government. I do not know whether the Colonial Secretary will be able to satisfy the House on the spur of the moment. He may have referred this matter to the Attorney General, and it would have been well within his duty to do so, but he is so over-crowded with work that he may not have been able to do it. It would be a very proper thing for the Attorney General to withdraw that notification of his before the Estimates were dealt with in

this House. I submit with all gravity that this action on the part of the Attorney General will be regarded as an outrage by a large part of the qualified voters for the Legislative Council. They will not impute motives, but they will say the Attorney General has recklessly imperilled the integrity of the electoral rolls, and that it is an outrage on their privilege as voters. Before the Estimates are dealt with in this House it would be a proper thing for the Attorney General, through the Colonial Secretary, to give us an assurance that everything that can be done to right this wrong will be done.

Hon. C. SOMMERS (Metropolitan): I desire to enter my strong protest against the issue of this proclamation. The means of obtaining the information required have been dealt with already by previous speakers, but I would emphasise it by saying that the Taxation Department have the records in a most complete form and the names could be automatically removed from their lists to the various rolls of the provinces. And there is a big percentage of the population on the roads board lists that can also be automatically transferred. As one who will probably be offering my services to the country, which I hope will be grateful, in May next, I would like to know, if I am accepted or rejected, that it was on a fairly representative roll of the people entitled to vote. I strongly object that those who have ownership of property and who have been tenants for years past, should, at the whim of the Electoral Department, be suddenly disfranchised, and made to go through all the paraphernalia of applying again for enrolment. It could not have happened at a more unfortunate time than the present holiday season when many people visiting other parts of the Commonwealth will have no opportunity of filling in these claims. There are from 40,000 to 60,000 people entitled to vote, but in order to purify the roll of the few who are wrongly on it great numbers of people are to be put to all this inconvenience. Of course it has been said that there are the names of people who are long deceased on the roll, but I take it they cannot vote, and there are lists of all these people who die, and all the records can be looked up in order to purify the roll. I trust the motion will be carried unanimously, and that the leader of the House, having heard the opinion of members who have been long in the House, will give us an undertaking that the proclamation will be withdrawn. I feel with Mr. Davis that it would be right in the big centres to have a house to house canvass made by the Electoral Department so that tenants with the £17 qualification may have the opportunity of being enrolled. We know the qualifications are not thoroughly understood, and we know all about the information that it is necessary to put on these cards, that it is not at the disposal of most people. There are people who own property in more than one province, and it is difficult on the spur of the moment to say exactly where the property is situated and what its value is, and how to comply with the requirements of the Act. I hope that in order that we may have a clear cut issue at the next elections the roll will be as complete as possible.

Hon. D. G. GAWLER (Metropolitan-Suburban): I congratulate Mr. Connolly on bringing forward this motion; and, as he has had the administration of the Electoral Department for some years, what he says comes with a good deal of weight. I join with others in offering a strong objection to this wholesale disfranchisement of electors; for that is all we can call it. The object of the Act is to give facilities for voters to get on the rolls and to vote, and how that object can be carried out by disfranchising the electors in this way I fail to see. It seems to me that this action on the part of the Attorney General is a direct infringement of the spirit of the Act. So far as I can see, the Act only contemplates people being struck off if due objection has been taken after notice given. Sections 46 and 47 provide that objection may be made by private people and by the registrar both as to claims and enrolments; but these objections have to be made in a special form and substantiated before a magistrate; and how, in the face of these provisions, the Attorney General can, by a stroke of the pen and without stating

any grounds at all, disfranchise these people, I fail to see. He has no reason he could substantiate before a registrar or a revision court. His only objection is, so far as I know, that the names were on the roll before a certain date. Surely where a man is once on the roll the onus is on the registrar to say the name has no right to be there. Once on the roll, it is prima facie evidence of a man's right to enrolment and the right to vote, and the name must remain there until proper ground is shown for its removal. If the action of the Attorney General is persisted in it will have the effect of discouraging a voter in voting altogether. It is most difficult to get anyone to go to vote; and if, in addition to the very strong objection already raised by electors, they receive these notices, they will say they are disgusted and that if that is how they are treated they will take good care not to vote at all. That is not the way to administer the Act. I cordially support other members as to the effect of these notices when sent out to many people. Many are away on their holidays, many have removed to different parts of the State or different parts of an electorate, and many will treat them, as notices are very often treated, by tearing them up and throwing them into the waste paper basket. Why? Because the average elector if he knows he is on the roll will at once say, "That cannot affect me, I know my name is there, I have my qualifications and I shall be entitled to remain there." An electoral claim has also to be signed by a witness, and in the short time at the disposal of the elector who receives this notice, it may be impossible in many of the out of the way places to find a witness to the electoral claim. The witness also is liable to a £50 fine if he does not know all the facts of the claim. This is a matter peculiarly affecting the Legislative Council and its electors, and it is a very proper subject for protest in this House.

Hon. A. G. JENKINS (Metropolitan): It gives me pleasure to support the motion. The action of the Attorney General I think in this matter is unique in the history of Australian politics. Casting my mind back over many years in different States where I have given close attention to political matters, I cannot recall any such instance of tampering with electoral rolls as has been done in this case. This matter must have had the calm deliberative judgment of the Attorney General, and I cannot say what was in his mind when he proposed to issue such a proclamation. It is the greatest reflection that has ever been cast on his Electoral Department to say that they have got their rolls into such a muddle that they are not reliable. What has been the boast of the Chief Electoral Officer? It has been that his rolls are thoroughly up to date. He has had all the assistance he required and his rolls could not be in a better condition than they are in to-day, and now we find that the Attorney General says that he is supported in the matter by the Chief Electoral Officer. In that case the Chief Electoral Officer must be a man of two minds, because it is only a few months ago since he told us that his rolls were in a splendid condition. Does the Chief Electoral Officer mean to tell us that in such a short space of time he has got his rolls into such a muddle that he has practically to tear them up and start afresh? If that is the case he should not be in his position for five minutes. He has had all the money he required to keep the rolls in a proper state, and that being so I cannot understand the action of the Attorney General in desiring to practically tear up the existing rolls and start all over again to get what he describes as a perfect roll. It is impossible to get a perfect roll. It is the desire of all that every person who is entitled to have a vote should get on the roll, but how is that to be done when you start first of all by striking everyone off and compelling people to go to all sorts of trouble, no matter how long they may have been in a district, in order to get on the roll again. The question of expense has been raised, but how better could you spend the money than by saying that all the people entitled to vote should be on the roll? This is a question which I am sure, if put on the Estimates, would receive the cordial approbation of every

member of both Houses, because we all desire to see a complete roll, so that public opinion shall be properly given effect to If the proclamation is issued and these rolls are compiled in the way desired by the Attorney General they will not be a proper index of public opinion, they will be deficient, because people will not take the trouble to get on the rolls, and those who should be entitled to vote I am sorry to say are often the most careless about enrolment. I hope the motion will be passed. I feel sure that the House cannot offer too strong a protest in a matter of this sort. It is a matter that affects the privileges and the rights of this House. It is our electors who will be disfranchised by this action, and I feel sure that with the addendum moved by Mr. Davis, every member who desires that this House should be as far as possible a reflex of the views of the electors, will vote for the motion.

Hon. R. LAURIE (West): I should like the leader of the House to inform me where the power exists under the Act to strike all the names off an electoral roll? The leader of the House should tell us this, but it appears to me that the only section under which any kind of power is given is Section 37, wherein it is set out that new rolls generally shall be prepared under the supervision of and by the Chief Electoral Officer, whenever directed by proclamation. There is nothing else in the Act which tells us that it is necessary to strike all the names off a roll, and how the Attorney General takes it upon himself by proclamation to do this and then ask persons to fill in cards and make application for re-enrolment, I cannot understand. It has been said that a couple of cards are to be sent to each person, but what I want to point out is that this is about all the public know of the matter. Something has appeared in the Press, but if we asked 20 people in the street about it, it would be found that only one out of that total knew anything at all about the proposal having appeared in the newspapers. Those of us who have been, shall I say, taking a keen interest in the elections which have taken place in our own districts—and personally I have been interested in every election in the Fremantle district and in the West Province for perhaps 15 years—know from experience how electors treat the matter of enrolment. A man will say at the last minute, "My name is not on the roll, but it was on last year." He is naturally astonished, and in connection with the latest decision of the Attorney General, not having seen the notice published in the newspapers, one is almost impelled to say that it will require an organisation on one side and another organisation on the other side spending money to see that the people have their names placed on the rolls. If there is anyone who objects to money being spent in connection with the elections it is the party to which the Attorney General belongs. Everyone admits that. I take the strongest objection to the manner in which the alterations of these rolls is to be carried out. I do not think it is fair to the electors to make them feel that by proclamation they may all be struck off the roll at any time. I am satisfied it has never been done before in the history of Australian politics and I trust it will not be done again. Some departments have done extraordinary things at various times, but this is one of the most serious ever issued, and I hope that steps will be taken to see that it is not put into force. Mr. Jenkins has stated that the Chief Electoral Officer positively declared a little while ago that his rolls were then in a better condition than they ever had been in before, and I believe that such is the case. At the last general elections so many people voted that the percentage was higher in this State than in any other State and that was an evidence of the condition of the rolls. If that applies to the Legislative Assembly rolls it will apply with equal force to those of the Legislative Council. I would be the last one to say that the Chief Electoral Officer in looking after the Assembly rolls had failed in his duty to the Council rolls. I am satisfied that such is not the case. That gentleman is doing his duty well, and to allow such a proclamation as that of the Attorney General to issue is almost like passing censure on the Chief Elec-

toral Officer. I should like to hear what the leader of the House has to say on the matter. He will have to see some of the electors who will be disfranchised in May next and when wooing their suffrages he may have some questions to answer. I think, however, like myself, the hon. member would sooner go to the poll on the rolls as they are to-day. I think that both he and I and others who have to woo the suffrages of the electors in May would be much better served if the rolls were permitted to remain as they exist at the present time. To strike off all the names will be a vicious procedure.

Hon. C. A. PIESSE (South-East): I rise to urge Mr. Connolly to amend the motion in accordance with the wish expressed by Mr. Davis. In each country district it is necessary to have a house-to-house canvass, and it is necessary that those people who are far away should have this opportunity of knowing that they are not on the rolls. I would like to ask whether the notice which appeared in the *West Australian* was also given to the country papers throughout the State, and if that was not done I hope it will be done at the earliest opportunity. In the making up of the rolls, I think advantage could be taken of the list showing the rents due in connection with the Lands Department, because in that list a great many of the names of electors are contained. Another point that occurs to me is that there should be some provision in the Act to punish any elector who objects to a name being on the roll, if it is found on inquiry that the objection is frivolous. I had an experience of such a thing myself. A few years ago I was part owner of a fine property, and, although it was worth £4,000 or £5,000, someone objected to my name being on the roll, and I was put to the trouble and expense of reinstating it. There must have been some ulterior motive for that action, and the law should be amended so that for frivolous objections of this kind the objector could be punished. I may say that my name is on that roll to-day, although I have no longer an interest in the property, and that is one of the reasons for purging the rolls. I say that it is a scandalous shame that any Tom, Dick or Harry can object to a man's name being on the roll, and put him to the expense and trouble of retaining his vote. I hope that the Colonial Secretary will inform us that a house-to-house canvas will be made.

Hon. E. McLARTY (South-West): I have pleasure in supporting the motion. I was before the electors last year, and the people wherever I travelled were filled with indignation at the way in which they were treated by the Electoral Department. I found many of the old settlers who had the same holdings, and had been on the electoral roll for years, and who still had the same qualification, had been struck off, without any apparent justification. Many people were disfranchised, and they asked me the reason why, but I could not tell them, nor have I ever been able to find out why. They were so disgusted that I am satisfied, if this proclamation is given effect to, not half of them will take the trouble to put their names on the roll. A great deal has been done, at enormous expense, recently, to improve the rolls, and though they are not perfect they are in a better condition than they have ever been before, and if an effort is made before the next election they can be brought well up to date. I agree with the suggestion of Mr. Davis, but if the Attorney General in his wisdom sees fit to revoke the proclamation, as I hope he will, we need not be put to the expense of a house to house canvass. We can take the rolls for each district, and add the names of any persons who are entitled to be on them. If the proclamation is given effect to, we shall be in a bad position at the forthcoming elections. I am certain that if the people find their names have been taken off they will not take the trouble to reinstate them. I cannot understand why a proclamation should be issued, because it is a simple matter to put additional names on the roll. There is bound to be a large addition of electors; the present franchise simply means household franchise, for there are very few people who are not paying a rental of £17 per annum.

To strike off all the names and start afresh is going to involve an enormous expense, which the country can ill afford, and to make a house to house canvass is unnecessary. I support the motion, and I hope the leader of the House will give some assurance that the matter will receive the consideration that it deserves. It is a matter seriously affecting this Chamber, and should not be lightly dealt with.

Hon. T. H. WILDING (East): Mr. Connolly is deserving of the thanks of the whole of the Legislative Council electors for having brought this matter forward. Members representing the metropolitan provinces have mentioned the difficulty there is going to be in getting the names back on the roll, if they are struck off, and how much more difficult must it be in agricultural and pastoral districts, in the short time at our disposal, to have the names collected and placed on the roll? If the Attorney General has power to, by proclamation, strike all names off the roll, as he proposes to do, the sooner we have a section added to the Act to prevent that being done the better. It may be necessary to add to the motion that a house to house canvass should be made, because I know that in the agricultural districts many people will be left off the roll. It is difficult to get them to vote, even when they are enrolled. Further, I think we should have someone from the Electoral Department to go round and collect the names, instead of the police doing that work. I know of instances where the police have collected the names, and the cards have been sent in, but they have never appeared on the rolls. That should not be; the names should be collected by some one from the Electoral Department.

The COLONIAL SECRETARY (Hon. J. M. Drew): I beg to move—

That the debate be adjourned.

I understood yesterday that this motion would be introduced; in fact, several members approached me in regard to the matter, and expressed their views very freely. This morning I attempted to get into touch with Ministers, but was unable to do so, owing to the all-night sitting of another place. Even up to lunch time I was only able to have a few minutes' conversation with the Premier. I had a lengthy discussion with Mr. Stenberg, but at the present time I am not prepared to make a statement to the House, but I shall be prepared to do so to-morrow.

Hon. J. D. Connolly: Will you place it first on the Notice Paper to-morrow?

The COLONIAL SECRETARY: Yes.

Motion passed; the debate adjourned.

BILLS (3)—FIRST READING.

1, Hotham-Crossman Railway.

2, Yilliming-Kondinin Railway.

3, Norseman-Esperance Railway.

Received from the Legislative Assembly.

BILL—DIVORCE AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. M. L. Moss in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 23:

Hon. J. D. CONNOLLY: The clause as re-printed in the Bill contained the proposed new section adopted by the select committee.

Hon. J. F. CULLEN: How members were going to vote, yes or no on this entirely altered clause, he could not see. Either there must be a long discussion, or an adjournment to consider the clause carefully. The select committee had taken the unusual course of completely altering the Bill in this way without submitting it to the Parliamentary draftsman, whose skill would give confidence to members so that they might safely vote. He would test the feeling of the Committee by an amendment. He was quite prepared to vote for the first proposal in the clause, to place the wife on an equality with the husband, but he urged that any extension of the grounds of divorce should receive further consideration. The proposal in regard to desertion and the amendments of Mr. Jenkins should be submitted in a new Bill and dealt with by great care.

To test the question whether the Committee agreed to the proposal, he moved an amendment—

That all the words after "bestiality" in line 8 to "upwards" in line 14 be struck out.

Hon. M. L. MOSS: It was to be hoped the member would not press the amendment, at any rate he (Mr. Moss) could not accept it. He wanted the clause passed as printed. The Committee had done good service in having the clause re-printed so that members knew exactly what they were voting on. The effect of the amendment was to cut out the three years desertion as a ground for divorce. Members had all expressed their opinions fully during the second reading debate, therefore there was no need to discuss the question further. He could not accept the amendment.

The CHAIRMAN: On further consideration he thought it would be better if the member in charge of the Bill would move the amendments as adopted by the select committee, or that the chairman of the select committee should move them. The Bill which had been circulated was not the Bill that had been sent from another place. The member in charge of the Bill might move that Clause 2 in the Bill as originally printed be struck out and that it be replaced by the clause in the re-printed Bill.

Clause put and negatived.

Clause 3—Further amendment of Section 23:

Hon. J. F. CULLEN: A blank had now been created in the Bill, and it was proposed to insert the new clause in the select committee's Bill.

Hon. Sir E. H. WITTENOOM: The select committee had recommended the extension of the period for desertion from three years to five years.

Hon. M. L. Moss: No.

Hon. Sir E. H. WITTENOOM: At all events they had recommended an extension of the period, and five years seemed to have popular approval.

The CHAIRMAN: The Bill recommended by the select committee had no standing in the House, except as a document which might be considered in conjunction with the Bill forwarded from the Legislative Assembly. This Bill forwarded from the Assembly was in the Bill-books of hon. members. It was the Bill as read the first time on the 14th November, having passed the Assembly without amendment.

Hon. M. L. MOSS: We had formally moved out Clause 2 of the Bill. The next thing to do would be to strike out Clauses 3 and 4.

The CHAIRMAN: We were considering Clause 3.

Hon. M. L. MOSS: Well the better thing to do with it would be to strike it out.

Clause put and negatived.

Clause 4—Sections 24 to 28 not to apply to petition founded on desertion:

Hon. M. L. MOSS: This clause also ought to be struck out.

Clause put and negatived.

Clause 5—negatived.

New clause—Amendment of Section 23:

Hon. M. L. MOSS moved—

That the following be added to stand as Clause 2:—"Section twenty-three of the principal Act is hereby repealed, and the following substituted:—23. It shall be lawful for any husband to present a petition to the said Court, praying that his marriage may be dissolved on the grounds that his wife has since the celebration thereof been guilty of adultery; and it shall be lawful for any wife to present a petition to the Court, praying that her marriage may be dissolved on the ground that since the celebration thereof her husband has been guilty of adultery, sodomy, or bestiality; and it shall be lawful for any married person to present a petition to the Court praying that his or her marriage may be dissolved on the ground that since the celebration thereof his wife or her husband, as the case may be, has without just cause or excuse wilfully deserted him or her, and without any such cause or excuse left him or her continuously deserted for three years and upwards,' and every such petition shall state as distinctively as the nature of the case permits the

facts on which the claim to have such mariage dissolved is founded."

Hon. J. F. CULLEN moved an amendment—

That all words after "and" in line 10, down to "upwards" in line 16, be struck out.

Hon. D. G. GAWLER: Strong objection would be taken to the words being struck out. The evidence before the select committee had been in favour of the period being retained. Mr. Cullen had proposed to strike out the whole provision, which meant that desertion would go out. Having regard to the evidence given before the select committee he would strongly urge that the amendment should be rejected.

Hon. J. F. CULLEN: If the amendment were rejected the word "three" would still be in the Bill, which would mean time wasted and a recommittal next day. Therefore, he would alter his amendment to read, "to strike out all words after "and" in line 10 down to "deserted" in line 15.

Amendment by leave altered accordingly.

Hon. J. D. CONNOLLY: As had been said, the select committee had not had time to properly deal with the Bill. In England a Royal Commission had been sitting four or five years on this subject and had not yet reported. All the witnesses before the select committee had agreed that the period of three years' desertion was too short, and should be considerably extended. If there was to be divorce for desertion it mattered not whether it was one year or seven years. The opinion of the select committee was that in order to avoid any possibility of collusion, it should be safeguarded and a clear definition inserted in the Bill. Statistics in America showed that desertion was the ground for divorce in 42 per cent. of the marriages of the fourth year, 58 per cent. of the marriages of the second year, and 63 per cent. in later years. Unless we provided a safeguard we would get into American methods and abuses would spring up.

Hon. A. G. JENKINS: Desertion was defined in every law lexicon and by hundreds of cases decided before the courts. It was left entirely to the decision of the judge on the evidence before him. To put a definition in the Bill would be to complicate the issue and do no possible good.

Hon. R. LAURIE: The matter had been thoroughly discussed. It was now for us to decide as to whether we should accept the clauses as they came down.

Amendment put and negatived.

Hon. E. M. CLARKE moved an amendment—

That "three" before "years" be struck out and "five" inserted in lieu.

Hon. M. L. MOSS: This amendment should not be persisted in. If desertion was a good enough ground to dissolve the marriage tie all the mischief would be done in three years just as much as in five years.

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

Ayes	15
Noes	10
Majority for	5

AYES.

Hon. E. M. Clarke	Hon. W. Marwick
Hon. J. D. Connolly	Hon. C. McKenzie
Hon. J. F. Cullen	Hon. R. D. McKenzie
Hon. J. E. Dodd	Hon. E. McLarty
Hon. J. M. Drew	Hon. C. A. Piesse
Hon. Sir J. W. Hackett	Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. J. W. Kirwan	(*Teller*).

NOES.

Hon. T. F. O. Brimage	Hon. M. L. Moss
Hon. F. Davis	Hon. W. Patrick
Hon. J. A. Doland	Hon. R. W. Pennefather
Hon. D. G. Gawler	Hon. C. Sommers
Hon. A. G. Jenkins	(*Teller*).
Hon. R. Laurie	

Amendment thus passed.

New clause as amended put and passed.

New Clause 3—Sections 24 to 28 not to apply to petition founded on desertion:

Hon. M. L. MOSS moved—

That the following be added to stand as Clause 3:—"Sections twenty-four to twenty-eight (both inclusive) of the principal Act shall not apply to a petition for dissolution of marriage on the ground of desertion."

This was Clause 4 of the Bill which the select committee recommended should be retained.

New clause passed.

New Clause 4—Dismissal or granting of petition founded on desertion:

On motion by Hon. M. L. MOSS Clause 5 of the Bill was reinstated to stand as Clause 4.

Hon. A. G. JENKINS: All those members who voted in favour of desertion being a ground for divorce should vote for the amendments he intended to move. It was all very well for the select committee to say "We will deal with adultery and desertion, and no other grounds," but once we got outside the question of adultery the whole matter was opened up and it was useless to say that we would deal with only one phase. The offence of desertion was a serious one, or for a person to be an habitual drunkard and leave his wife without support, or for a wife to be an habitual drunkard and leave her children without that care they should be entitled to receive. It was not as if he (Mr. Jenkins) was moving anything that was new in the law of divorce. The amendment was similar to that which had been in force in Victoria —where the period of desertion was three years—for 21 years, in New Zealand since 1898 and where the period was four years, and for a considerable time in New South Wales where the period was three years.

The CHAIRMAN: It might be better to recommit the Bill and present the amendment in the form of a new clause.

Hon. A. G. JENKINS: Perhaps that would be the better course.

Title—agreed to.

Bill reported with amendments.

As to recommittal.

Hon. A. G. JENKINS moved—

That the Bill be recommitted.

Hon. J. F. CULLEN: The hon. member had given good reason for postponing what he proposed to do.

Hon. A. G. Jenkins: Do not talk nonsense.

Hon. J. F. CULLEN: The hon. member gave notice of the amendment as an amendment to a clause and now he proposed to move it as a new clause, and he was not even prepared to do that. If that was so, how could other hon. members be prepared? These amendments were weighty enough to be brought down in a proper form. How could the House maintain its position before the country if as an addition to a little Bill of two clauses only one of which was new, we, without time for thought, and without even having the matter put in proper form, literally shoved into the Bill four new clauses each one of which was as important as the Bill itself. He hoped the House would not recommit the Bill and if they did, that they would refuse to accept the hon. member's amendments.

Hon. M. L. MOSS: If the House recommitted the Bill it would be open for the hon. member to freely express his opinion on the amendments. It was not fair to suggest to Mr. Jenkins that he should recommit the Bill and then for an hon. member to suggest that the subject was so extensive as to form matter for another Bill. The amendments had been on the Notice Paper for three weeks.

Hon. W. KINGSMILL: It was his intention to support the motion for recommittal. There existed in the minds of hon. members the idea which could only be described as a mistaken one, that because the amendments were on the Notice Paper it was not necessary to move them.

Hon. A. G. JENKINS: It was absolutely necessary that the two last clauses standing in his name on the Notice Paper should be carried; one provided for the court disallowing petitions and the other gave the domicile of a wife. Without the latter the clause for desertion would be valueless.

Question put and passed.

Recommittal.

Hon. W. Kingsmill in the Chair; Hon. M. L. Moss in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 23:

The CHAIRMAN: The present Clause 2 was the clause as amended by the select committee.

Hon. A. G. JENKINS moved an amendment—

That after the word "upwards" in line 16 the following words be added:—"On the ground that the respondent has during four years and upwards been an habitual drunkard and either habitually left his wife without means of support or habitually been guilty of cruelty towards her, or being the petitioner's wife has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them."

Hon. J. E. DODD: If members were desirous of having an improvement of the divorce laws they would be wise not to press amendments of this kind. Only the two causes already in the Bill had been before the Legislative Assembly, and the matter had never been put before the country. If this amendment were carried there was bound to be considerable debate in the Legislative Assembly, and as time was short and the amount of business very great, there was a possibility of the Bill being lost.

Hon. J. D. CONNOLLY: The select committee in their concluding paragraph had said: "In conclusion your Committee point out that they have taken evidence on those amendments proposed by the Hon. Mr. Jenkins, which suggest alteration in the grounds for divorce, but they recommend that the scope of the Bill be not at present enlarged in the direction proposed by those amendments." It was only because the select committee had considered that the two amendments contained in the Bill were pressing that they had agreed to them. As the other proposed amendments had not been discussed at all the select committee had recommended that the scope of the Bill should not be enlarged.

Hon. J. F. CULLEN: Although not prepared to vote against the amendment, he objected to such an important alteration being made at this late hour, and in order to relieve himself and other members of a difficulty in which they were placed he would move the previous question.

The CHAIRMAN: The previous question could not be put in Committee.

Hon. J. F. CULLEN: Perhaps the Chairman could be moved out of the Chair.

The CHAIRMAN: The hon. member could not get round the Standing Orders in that fashion. In any case, the motion would be out of order inasmuch as it could not be moved after the mover had spoken.

Hon. Sir E. H. WITTENOOM: This was a private Bill which had come from the Legislative Assembly with only two proposals in it. The amendments proposed by Mr. Jenkins were of a contentious nature, and bearing in mind the circumstances in which the Bill had been brought forward he thought the Committee had gone far enough. He would vote against the amendment.

Hon. D. G. GAWLER: The Committee should take notice of Mr. Roe's strong evidence on the question of drunkenness.

Hon. J. F. Cullen: We are all agreed on that.

Hon. D. G. GAWLER: Then why did hon. members object to the amendment? It had been suggested by Mr. Dodd that the amendment would have the effect of destroying the Bill, and that it should not be pressed because this issue had not been before the country. The Bill had been prominently before the public for the last three weeks and had been dealt with by a select committee. He did not want to jeopardise the Bill, and he would sooner see it go through in its present form if there was any chance of Mr. Jenkins' amendment prejudicially affecting it.

Hon. R. LAURIE: With the exception of one member, all those who had spoken on the amendment were in favour of it. Before this Chamber could finish all the business on the Notice Paper there would be plenty of time for another place to discuss these amendments. He supported Mr. Jenkins.

Hon. M. L. MOSS: Everyone of Mr. Jenkins' amendments would receive his support. If the amendments proposed by that hon. member were agreed to they would go before the Assembly, and if that

Chamber would not adopt them this House could accept the Bill in the form in which it had first come to them. Many of the grounds mentioned in the amendments were much more important than the ground of desertion, and habitual drunkenness was a recognised cause of divorce in all the other States.

Hon. A. G. JENKINS: If there were sufficient members to vote for this amendment there were sufficient members to carry the Bill through, so that there could be no fear of its being lost.

Amendment put and passed.

Hon. A. G. JENKINS moved a further amendment—

That the following words be added to the clause to follow the previous amendment:—"Or on the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime or under sentence to penal servitude for seven years or upwards, or being a husband has within five years undergone frequent convictions for crime and been sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without the means of support.

What could tend more to the unhappiness of the home than for the husband or the wife to be a convicted felon? This ground was to be found in the laws of two States of the Commonwealth and the Dominion of New Zealand.

Hon. J. D. CONNOLLY: The Committee should protest against the amendment being inserted in such a hurried fashion. We were altering a law that had been in existence since 1863 and with little or no discussion. When before the select committee Mr. Roe pointed out instances where a husband had got into gaol in the interests of his wife. Should the wife be enabled to get a divorce in such a case? We were moving in this direction too fast and without consideration.

Hon. M. L. MOSS: One could not believe that any man would commit in cold blood a crime to get into gaol and thus benefit his wife. If a man was courageous enough to do such a thing for the benefit of his wife, she was not likely to present a petition for divorce.

Hon. A. G. JENKINS: Sir Alfred Stephen, Lieutenant Governor of New South Wales and Chief Justice of that State, and Mr. Justice Windeyer had both addressed public meetings in favour of this being a ground for divorce.

Amendment put and passed.

Hon. A. G. JENKINS moved a further amendment—

That the following be added to the clause to follow the previous amendment:—"On the ground that within one year previously the respondent has been convicted of having attempted to murder the petitioner or having assaulted him or her with intent to inflict grievous bodily harm."

This was one of the most serious offences in the calendar. How could there be love and esteem or a happy home where there was an attempt at murder or inflicting grievous bodily harm. This ground was contained in the divorce Acts in the other States and in New Zealand.

Hon. J. D. CONNOLLY: Again he wished to draw attention to the evidence of the select committee. Witnesses had pointed out the danger of this clause. A man or a woman in a moment of passion might inflict grievous bodily harm.

Amendment put and passed.

Hon. A. G. JENKINS moved a further amendment—

That the following be added to the clause to follow the previous amendment:—"On the ground that the respondent is a lunatic or person of unsound mind, and has been confined as such in any asylum or other institution in accordance with the provisions of the Lunacy Act for a period or periods not less in the aggregate than ten years within twelve years immediately preceding the filing of the petition and is unlikely to recover from such lunacy or unsoundness of mind."

He had looked up the section in the New Zealand Act of 1898, and had read

the evidence of Dr. Montgomery, and it appeared that this was a proper ground to insert. Medical science had so much improved that a doctor was able to tell with a great degree of certainty what were incurable cases of lunacy and what were not. If any member desired to move a reduction of the term, he would accept it. Lunacy was one of the most awful forms of disease because it never left a family.

Hon. D. G. GAWLER: Dr. Montgomery had suggested five years as the proper term.

Hon. J. E. DODD: One was surprised that Mr. Jenkins, having gone so far, did not go further. If a man could get a divorce from his wife because the wife had a diseased mind, why should not the Bill go further and allow a person to obtain divorce because of different diseases in relation to the body, such as tuberculosis. If members were to be consistent they could not deny divorce for reasons such as he had suggested. He objected to the amendment.

Hon. D. G. GAWLER moved an amendment on the amendment—

That the word "ten" be struck out and "five" inserted in lieu.

Hon. J. D. CONNOLLY: It was not well for members to legislate so that people could take advantage of this ground for divorce. Lunacy was a disease of the mind and to be consistent why should there not be a ground for divorce for a disease of the body. The evidence of Dr. Montgomery showed that only two kinds of lunacy were incurable, and they were organic brain diseases or paranoia.

Amendment on amendment (that ten be struck out and five inserted in lieu) put, and a division taken with the following result:—

Ayes	..	..	11
Noes	..	..	11

AYES.

Hon. F. Davis	Hon. W. Patrick
Hon. J. A. Doland	Hon. R. W. Pennefather
Hon. D. G. Gawler	Hon. C. A. Piesse
Hon. V. Hamersley	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. M. L. Moss
Hon. C. McKenzie	*(Teller).*

NOES.

Hon. T. F. O. Brimage	Hon. R. D. McKenzie
Hon. J. E. Dodd	Hon. E. McLarty
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. Sir J. W. Hackett	Hon. T. H. Wilding
Hon. J. W. Kirwan	Hon. J. D. Connolly
Hon. W. Marwick	*(Teller).*

The CHAIRMAN: The casting vote of the Chair would be given with the ayes; therefore the ayes had it.

Amendment (Hon. D. G. Gawler's) thus passed.

On motion by Hon. D. G. GAWLER, the word "twelve" in line 7 was struck out and "six" inserted in lieu.

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

Ayes	..	..	11
Noes	..	..	10
Majority for	..	..	1

AYES.

Hon. T. F. O. Brimage	Hon. W. Patrick
Hon. F. Davis	Hon. R. W. Pennefather
Hon. J. A. Doland	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. M. L. Moss
Hon. A. G. Jenkins	*(Teller).*

NOES.

Hon. J. E. Dodd	Hon. E. McLarty
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. Sir J. W. Hackett	Hon. T. H. Wilding
Hon. J. W. Kirwan	Hon. J. D. Connolly
Hon. W. Marwick	*(Teller).*
Hon. R. D. McKenzie	

Amendment as amended thus passed; and the clause as amended agreed to.

Clause 3—Sections 24 to 28 not to apply to petition founded on desertion:

Hon. M. L. MOSS: This clause should apply only to a petition for dissolution of marriage on the ground of adultery. He moved an amendment—

That in line 2 the word "not" be struck out and "only" inserted in lieu.

Amendment passed.

Hon. M. L. MOSS moved a further amendment—

That in line 3 the word "desertion" be struck out and "adultery" inserted in lieu.

Amendment passed; the clause as amended agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 4 (Dismissal or granting of petition founded on desertion)—agreed to.

New clause:

Hon. A. G. JENKINS moved—

That the following be added to stand as Clause 5:—"If, in the opinion of the court, the petitioner's own habits or conduct induced or contributed to the wrong complained of, the petition may be dismissed, but in all other cases under this Act, if the court is satisfied that the case of the petitioner is established, the court shall pronounce a decree dissolving the marriage."

If this was not passed the court might be forced to grant a divorce though the petitioner's conduct contributed to the cause.

New clause passed.

New clause:

Hon. A. G. JENKINS moved—

That the following be added to stand as Clause 6:—"A domiciled person shall, for the purposes of this Act, include a deserted wife who was domiciled in Western Australia at the time of desertion, and such wife shall be deemed to have retained her Western Australian domicile notwithstanding that her husband may have since the desertion acquired any foreign domicile. No person shall be entitled to petition under this Act who shall have resorted to the State for that purpose only."

If a husband deserted a wife and went to another State, it was doubtful as to whether the wife's domicile was not the domicile of the husband, so the clause gave the wife a domicile in this State. The concluding words of the clause would enable the court to refuse a divorce in certain circumstances.

New clause passed.

New clause:

Hon. T. H. WILDING moved—

That the following be added to stand as Clause 7:—"The following new section is inserted in the principal Act immediately after Section 67:—If on the hearing of any application for a divorce, the court shall find either party to the suit has been guilty of adultery, he or she, as the case may be, shall be deemed guilty of an offence and shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding £500, or to imprisonment for a period not exceeding six months."

Hon. M. L. MOSS: Of course the clause could not be accepted. It was the most startling proposition, so far as the exercise of summary jurisdiction by magistrates was concerned, one ever heard, to enable a magistrate to fine a person up to £500. Also there was no provision to touch the co-respondent. The co-respondent should be dealt with by some amendment of the law. Judges in England award heavy damages against co-respondents.

Hon. C. A. PIESSE: There was something in what the hon. member proposed, because there was a general feeling that co-respondents escaped too lightly. It was to be hoped the Federal divorce laws would cover this point and make the co-respondent liable to criminal action in these cases.

Hon. D. G. GAWLER: The object Mr. Wilding sought to attain deserved every sympathy. If the cause was sufficient to bring about divorce it was sufficient to justify the punishment of the wrongdoer, but it was a pity there was no mention of the co-respondent in the proposed clause. As it was impossible to deal with the matter at this late stage of the session, the hon. member should be satisfied with having moved the clause and gained the expression of opinion from hon. members.

Hon. T. H. WILDING: Some punishment was necessary, but as legal members of the House did not see fit to assist him in drafting a proper provision, he would withdraw it in the hope that at some future date something of the kind would be inserted.

New clause by leave withdrawn.

Title—agreed to.

Bill again reported with further amendments, and the report adopted.

BILL—POLICE BENEFIT FUND.

Returned from the Legislative Assembly without amendment.

BILL—LICENSING ACT AMENDMENT.

Report of Committee adopted.

Bill read a third time and returned to the Legislative Assembly with amendments.

BILL—HEALTH ACT AMENDMENT.

Report of Committee adopted.

Bill read a third time and returned to the Legislative Assembly with amendments.

BILL—EARLY CLOSING ACT AMENDMENT.

Report of Committee adopted.

Bill read a third time and returned to the Legislative Assembly with amendments.

BILL—WORKERS' HOMES.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: No measure has been submitted for the consideration of Parliament for many years past which has proposed such advanced and such commendable principles as this Bill, and no measure will I think be more cordially welcomed. It is virtually a Bill to reduce the cost of living in Western Australia. From time to time we are told that the necessaries of life are unduly high in this State and that the cost of living is also unduly high in consequence, and that is admittedly so. But there is another factor in the high cost of living and that is the abnormally high rents imposed upon tenants. House rents in most of the principal towns of the State are far in excess of what they should be. The ordinary working man has to pay from 15s. to 17s. 6d. a week house rent or from 2s. 6d. to 3s. 6d. from his daily wage for the house he occupies. If he be a labourer earning 8s. a day, there is not very much margin left for the maintenance of himself and family in a reasonable degree of comfort. Even with what are generally regarded as good wages, the workers in our principal towns live to a large extent a hand to mouth existence. The object of this Bill is to provide a remedy for that state of affairs. It will enable a worker to build a house at reasonable rates and it will also furnish him with a home which will be to him a fortified castle in every sense of the word, and a home of which he cannot be deprived through any form of legal process except for a breach of the covenant into which he enters with the Government.

Hon. M. L. Moss: Then a man can put perhaps £400 into one of these properties and defy all his creditors.

The COLONIAL SECRETARY: But it will be generally known that it is a worker's dwelling and anyone can inspect the register on the payment of 1s.

Hon. M. L. Moss: That will not pay the butcher or the baker.

The COLONIAL SECRETARY: Business people are expected to exercise a reasonable amount of discretion in giving credit; they are supposed to make a proper investigation. In each case these homes will be erected on large blocks. These blocks will be cut up and everyone will know that they are intended to be workers' dwellings and no one in the community concerned will be deceived. If it is a case where a man has a freehold and he applied to the Government for help, he can register with the board. The board keeps a register in which is entered the names and addresses of every person to whom they lend money, and that register is open for the inspection of any one, as I have stated, on the payment of 1s. For these reasons and to make the lot of the wage-earner more tolerable than it is at present, I think the measure should not only receive the support of members, but it should be cordially supported by every employer in the community. Of course it might have been expected, and reasonably expected, that the property owners would have ob-

jected to the measure; it might have been expected that they would have been up in arms, but I have no knowledge of anything of the kind, and there has been no protest either in another place or through the medium of the Press.

Hon. J. F. Cullen: Why should there be? Is there any provision for freehold borrowers?

The COLONIAL SECRETARY: I will explain it when I have finished my introductory remarks. The late Government had promised to bring in a Bill for the provision of workers' homes. They recognised that, after having been in office for some time, some such measure as this was necessary, but they made provision only for the lending of money to people who already had land, for the purpose of erecting houses on that land. The Government of to-day, however, go further. If a man has no land they will provide him with it on leasehold and they will build the house for him, and while the house, after it has been paid for, becomes the property of the occupier, the land will remain the property of the Crown for all time and will be liable to reappraisement at certain intervals.

Hon. D. G. Gawler: He cannot sell the house without the consent of the Crown.

The COLONIAL SECRETARY: He can always sell to the Board if he wishes to vacate the House. The board will purchase it, taking into account any depreciation which has occurred since the erection. Although it is introducing a new principle so far as Western Australia is concerned, it has been tried in New South Wales, South Australia and New Zealand and in every case with successful results. This Bill which I am submitting to the House is modelled on the lines of a Bill which is going before the New South Wales Parliament at an early date, and which was largely based on the New Zealand Act. The Bill should commend itself to the worker and the employer: to the worker because it will afford him means of building a dwelling which will eventually become his own, and which he can occupy with a less severe tax on his financial resources than would be the case if he occupied the house which he had leased from a landlord, and to the employer because it will tend to reduce the cost of living which is always taken into account when estimating what is and what is not a fair rate of wages. It will be noted that the only rental for blocks leased for the purpose of workers' dwellings is on a 3 per cent. basis. It may be asked, how can you lease on a 3 per cent. basis the land which you have purchased with money which has cost 4 per cent.? It must be remembered that the Government in carrying out this policy have to buy land in fairly large blocks. This land will subsequently be divided into small blocks, the subdivision will give added value to the whole estate, and the very fact that it is contemplated to erect a large number of dwellings must increase the value of the land, and whoever is appointed to appraise the property in the first instance will certainly take that into account. Consequently in that respect the Government are not likely to be the losers by making the percentage 3 per cent. instead of 4 per cent. In addition to that fair proportion of the land on which workers' dwellings will be erected must be Crown lands, and taking them in bulk the Government feel sure that the system they have adopted will not result in any loss to the State.

Hon. Sir J. W. Hackett: Will these properties be subject to land and income tax?

The COLONIAL SECRETARY: The land on which the workers' dwellings will be erected will be leasehold, and will not be subject to land tax because the Government will be getting land tax in another form. They will be deriving all the benefit from the unearned increment on the land.

Hon. J. F. Cullen: They will not be free from local government taxes?

The COLONIAL SECRETARY: No; only from land and income tax. The very spirit of the measure so far as it applies to land on which workers' dwellings are erected, is that the unearned increment shall belong to the State. I shall now endeavour to explain the different clauses, without going into any detail in regard to those which are purely

machinery clauses. The definition of "worker" in Clause 3 is sufficiently comprehensive to take in almost every person in the community who is working, whether with pick or pen, and who is in receipt of less than £400 a year; it includes every male or female who is employed in work of any kind or manual labour.

Hon. J. F. Cullen: Is not manual labour some kind of work?

The COLONIAL SECRETARY: Those words are used in order that there shall be no doubt about it. This is not class legislation in any shape or form, but is designed to help all who need assistance.

Hon. Sir J. W. Hackett: It is class legislation, because it only applies to people receiving under £400 a year.

The COLONIAL SECRETARY: That is so, but it is assisting one section for the benefit of the whole community.

Hon. C. Sommers: Do you not think a man earning £400 a year can afford to build his own house?

The COLONIAL SECRETARY: He may not. He may have to keep up a certain position and have less money at his credit than a man receiving £300 a year.

Hon. M. L. Moss: This will not take in members of Parliament.

The COLONIAL SECRETARY: No. "Worker's dwelling" means any dwelling house erected on land dedicated under this Act, the land on which it is erected, and also all outer buildings and sanitary and drainage arrangements. With regard to the constitution of the board, there will be three members appointed by the Governor, and they must be selected from officers employed in the public service. I daresay they will be selected from officers of the Works Department, who by reason of their expert knowledge should be admirably fitted for the careful and cautious administration of this Act.

Hon. W. Kingsmill: Will the administration of this Act be overtime for them or just a little recreation?

The COLONIAL SECRETARY: They will carry it on in addition to their other duties. At the present time they are performing departmental work of a similar nature, drawing plans of public buildings, and supervising the erection of buildings, and the work under this measure would come into line with that they are doing to-day. I do not say that the administration will cost nothing; it will cost at least the loss of the time which these officers will have to give to it. The members of the board are to hold office during the Governor's pleasure, and the board are to be a body corporate, who will administer the Act subject to the control of the Minister. The Minister must have control over the administration of the Act, and it is not to be left solely to the board as in the case of the trustees of the Agricultural Bank. With regard to the methods to be adopted for raising funds, moneys are to be raised by the issue of debentures, as provided elsewhere in the Act, and other moneys may be appropriated by Parliament from time to time for the purposes of the Act. Loan Funds can be used, or if there is an overflow of revenue, the Government can apply the surplus to this purpose, but I do not think that is likely to occur for some months to come. The total amount that can be raised for this purpose is limited to a quarter of a million. Clause 7 gives to the Governor power to dedicate any Crown land to the purpose of the Act, and any land so purchased will vest in His Majesty. Clause 8 enacts that on any land dedicated to the purposes of the Act the Minister may cause dwelling houses to be erected, or may convert any buildings into dwelling houses, and alter, enlarge, repair, rebuild, and improve such dwelling houses, as may be necessary in connection with the administration of the Act, provided that the cost of erection or construction shall not in the case of any one dwelling house exceed £550. It is further provided by Clause 9 that the Minister may expend from the fund upon any land so dedicated money for the purposes of surveying, road making, draining, subdividing, and other work to make the land suitable for the purposes for which it is to be used, and in Clause 10 the Minister may set apart portions of such reserves for parks, recreation grounds, and other

public requirements, and may expend thereon money from the fund. In Clause 11, paragraph (a), it is set out that the land on which a dwelling house has been erected shall be let to the applicant on perpetual lease subject to appraisement and reappraisement every 20 years, such appraisement and reappraisement to be based on the capital value of the land, less the value of the dwelling-house. The rent will be three per cent. on the appraisement, and the capital cost with interest at five per cent. has to be paid by instalments extending over 30 years, or such other period as the Minister may direct.

Hon. M. L. Moss: I notice that the holdings include miners' homestead leases on the goldfields.

The COLONIAL SECRETARY: Yes. The money is to be repaid in instalments, and the interest is to be paid only on the balance outstanding from time to time. There is nothing to prevent a person occupying one of these dwellings completing his payments as soon as he can. Under Clause 12 the applicant must satisfy the board that he is a worker in accordance with the definition, and also that he is not possessed of a dwelling house in Western Australia; in addition, he must deposit £10 with the board, and if he is successful with his application he is credited with that amount, which goes towards paying for the cost of the dwelling. Clause 13 sets out the procedure in cases where there is more than one application, and Clause 14 is a machinery clause; but there is one provision that the lessee shall not transfer, sublet, mortgage, charge, or otherwise dispose of his dwelling except in accordance with the Act, and he must continuously reside in the dwelling house, unless by arrangement. Clause 15 exempts workers' dwellings from assessment under the Land and Income Tax Act, and the following clause sets out that when the worker has completed his payments he shall receive a certificate of purchase, but he never gets the land. Clause 17 provides that the estate and interest of the lessee of a worker's dwelling "shall continue personal, absolute, indefeasible, and unaffected notwithstanding any bankruptcy, insolvency, judgment order, execution or deed of assignment." It does not apply to that extent where the homes are erected on freehold, but only in regard to Crown lands under lease. Part IV. deals with advances for homes erected on freehold blocks. The board may, with the approval of the Minister, make advances to any worker for the purpose of enabling him to erect a dwelling-house on his own holding for himself and his family, to complete a partially erected dwelling, to purchase a dwelling-house and the land enclosed therewith, or to discharge any mortgage existing on his holding, provided that no advance shall exceed £550. Here, again, it is allowed that advances may be made by instalments.

Hon. J. F. Cullen: The rate of interest is the same in both cases?

The COLONIAL SECRETARY: No. In the case of houses erected on freehold land the interest is six per cent., and in the case of leasehold 5 per cent. Subclause 2 of Clause 26 states that the provisions of the Bills of Sale Act, 1899, shall not apply to any mortgage or other security executed under the provisions of the Act, or affect the validity of any such mortgage in respect of any chattels comprised therein. That is, I presume, that if there were any chattels in those buildings which are given as security, they cannot be affected by any provisions of the Bills of Sale Act.

Hon. D. G. Gawler: They would not need to be registered.

Hon. C. Sommers: Does that mean that furniture would be protected?

Hon. D. G. GAWLER: Security to the Crown.

The COLONIAL SECRETARY: Yes. It may be necessary for the Crown to take collateral security over the furniture. The provisions of the Bill of Sale Act did not apply. No doubt it would be recorded in the register of mortgages. With regard to every mortgage under this Bill the following provisions apply: the loan would be for a term of years agreed on; if the house is of stone or brick, or stone and brick, the

term would not exceed 30 years; if ordinary concrete, or reinforced concrete, the term will not exceed 20 years, and if of wood or iron the term will not exceed 15 years, and interest at the rate of six per cent. subject to a rebate, on prompt payment, of half per cent. Then there are a number of machinery clauses. We come to Clause 41, which provides all necessary protection to the public officers in regard to the point raised by several members. It states—

> The board shall keep a register or list of all advances, with the names of the persons to whom the advances have been made, and also an alphabetical index of the names of such persons. Such register or list and index shall be open to the public inspection on the payment of a fee of one shilling.

Hon. D. G. Gawler: That does not show the security.

The COLONIAL SECRETARY: The securities otherwise would be worthless.

Hon. D. G. Gawler: It can be amended.

The COLONIAL SECRETARY: It can be prescribed. It would involve a heavy expenditure in printing to insert everything that is necessary for its administration. All these cases will receive attention when the regulations are framed. Clause 42 read—

> No judgment, order, or decree of any court of law, and, in the case of land held under a residential lease, a miner's homestead lease or as a residence area, no act or default on the part of the borrower or any other person whereby a forfeiture might result, shall in any way affect the security for any advance made under this Act; and until all instalments and interest payable in respect of the advance have been paid, no process of law or declaration of forfeiture shall interfere with the security for the same.

Hon. J. F. Cullen: Except as regards miner's homestead leases on residence areas; the hon. member did not refer to those.

The COLONIAL SECRETARY: I think we had better leave those until we come to the Committee stage. There is a fair number of people who might prefer to abandon their freehold blocks and take advantage of leaseholds, and this particular clause gives them the opportunity to come in and enjoy the benefits of the leasehold system. Clause 50 gives the Governor power from time to time to make regulations, and in the ordinary course such regulations must be laid before both Houses of Parliament, and can be disallowed by a vote of either House of the Legislature. I do not think it is necessary that I should take up the time of the House any longer. I move—

That the Bill be now read a second time.

Hon. W. KINGSMILL (Metropolitan): I feel, perhaps, that I should not intrude my remarks on the Council at this stage. Every moment is of importance just now, but I would remind the leader of the House that I have no opportunity of discussing the Bill in Committee, so, perhaps, he will pardon me if I say a word at this stage in regard to the details of the measure. I say details advisedly, because no one can disagree with the principle underlying the Bill. The principle, undoubtedly, is a good one, although I cannot quite agree with the leader of the House who says that this Bill is devoid of any property that could cause it to be classified as class legislation. Though I cannot quite agree with that, still, I venture to say, if it is class legislation it is legislation in favour of a class who deserve some legislation of this kind. While agreeing with the principle there are some details that do not altogether meet with my approval, nor do I anticipate they will meet with the approval of a number of other members. I may say I think it it scarcely fair of the Government, when the session has only a few days to run, to bring down a measure such as this of 50 clauses. Although the principle is agreed upon the details may come in for a deal of criticism. The matter would be one of great urgency if the Government had funds ready to carry out the provisions, but can the leader of the House, or can Mr. Dodd, give the House

an assurance that the funds will be ready to carry out the provisions of the Bill. I venture to say they cannot. Furthermore, I venture to say the funds are not ready to make an efficient start with the Bill before next session is over, as far as the present financial outlook appears to us. For that reason the matter is not one of great urgency. The urgency is more political than real. In the first place it is a most peculiar idea that three officers of the civil service who, presumably, have already enough to do in their offices to occupy their time, or should occupy their time, should be taxed with the administration of the Bill as a form of recreation. They are to carry out the provisions of the Bill, and to look after the administration of it in their spare time. I do not think that is fair. It cannot be fair to everybody; if it is fair to the public it is not fair to the officers.

Hon. J. F. Cullen: I should not think that is the intention.

Hon. W. KINGSMILL: The leader of the House said it was in addition to their duties.

Hon. J. E. Dodd (Honorary Minister): Somebody else would have to be appointed to carry out their other work then.

Hon. W. KINGSMILL: Then why not appoint someone else to carry out the administration of this Bill? The hon. gentleman said they would be officers of the Works Department. They may be, and probably would be. I think if this Bill is to be a live measure there is enough in the proper carrying out of it to occupy the whole time of any three officers appointed. It would be a legitimate charge against the Bill. With regard to funds, the leader of the House did not say when the Government intended to start operations under the Bill, and I understand why he does not say. I have touched on that point. It is improbable that we shall have the operations of the Bill started in the immediate future.

The Colonial Secretary: Without delay.

Hon. W. KINGSMILL: As a purely business matter I would like to know where the Government are going to get the funds from to enable them to start without delay. If those were the only expenses which the Government are about to be put to, I could understand it; but that is not so. They have the increases of wages to meet. The whole thing is absurd.

Hon. M. L. Moss: They have to build 350 miles of 4ft. 8½in. gauge of railway to Kalgoorlie, and there are 600 miles of lines which were authorised last session, none of which have been started yet, and 200 miles this session.

Hon. W. KINGSMILL: These are a few of the items.

Hon. J. W. Kirwan: The natural resources of the State are not exhausted.

Hon. W. KINGSMILL: I do not say they are, but at the rate we are going the natural demands of the State are outrunning, to some extent, the natural resources. I do not thing there is any urgency for the measure, and I do not think it should have been introduced at this stage. However, I should like the leader of the House to understand that I have not the slightest intention of opposing the Bill, except in some minor matters of detail. The next interesting clause I wish to touch on is Clause 15, which says—

> Every worker's dwelling shall be exempt from assessment under the Land and Income Tax Assessment Act, 1907.

I can understand how a worker's dwelling shall be exempt under the land tax, but I cannot see how a worker's dwelling shall be exempt from the income tax. The lessee may be exempt. If that is so the exemption under the income tax of £200 is raised by the Bill to £400. That, I presume—I do not know whether it is the intention of the Bill or not—will be the effect. Let us take Clause 17, which reads as follows:—

> The estate and interest of the lessee of a worker's dwelling shall, subject to this Act, continue personal, absolute, indefeasible, and unaffected, notwithstanding any bankruptcy, insolvency, judgment, order, execution, or deed of assignment.

It is quite right, I think, that a worker's dwelling, that is the land whereon the

dwelling is erected, and the dwelling itself should undoubtedly, as it is really the property of the State, be exempt from these processes, but does not the clause as it reads at present go further. Does it not simply say that the estate and interest, not only in but outside of the worker's dwelling. The land on which it is erected shall be protected. We can easily believe that the man who conforms to the definition of workman in the definition clause may be embarked in large business speculations, indeed although he may be a man in receipt of under £400 a year and does not own any building in Western Australia, still, he may be a large speculator. Is a man of that sort to be protected under a clause such as this? Well, now, the general public who read this Bill are invited to see the South Australian statute. It is generally supposed when we are invited to see another statute that the terms of the two statutes are practically identical. I accepted this invitation and saw the South Australian Act and, in my opinion, the two provisions are somewhat dissimilar. Section 30 of the South Australian Act applies only to land, which probably includes the building. In the first place, the governing sentence that this section is referring only to the land and dwelling, which exists in the South Australian Act, is missing from this clause. I maintain that the quotation of the South Australian Act is somewhat unhappy, because the principle contained in the corresponding section is not the same as that in this clause.

The Colonial Secretary: It is modelled on the New South Wales Bill.

Hon. W. KINGSMILL: It is a peculiar proceeding to model a Bill on what is only a tentative measure in New South Wales. As a rule Bills are modelled on existing statutes, and not upon other Bills which may or may not become law. It is modelling a Bill upon a shadow. I have never heard of such a thing being done before.

Hon. J. W. Kirwan: Is there any reason why it should not be done?

Hon. W. KINGSMILL: No; not if you like to accept such a flimsy foundation as another Bill. But we are likely to pay more respect to a measure if it is modelled upon an Act of Parliament rather than upon another Bill. I take it the principal reason for following other legislation is the fact that the countries wherein that other legislation obtains have had some experience of its operation. It is a case, I will not say of the blind leading the blind, but of those which are untried offering their experience as a guide to others untried. There is a material difference between Clause 17 of the Bill and Section 30 of the South Australian Act, because in the South Australian Act it is expressly stated that the section refers simply and solely to the workers' interest in his land and dwelling. In this case it is not so. I venture to say we must have an amendment of Clause 17. If it was stated that it referred to the interest of the worker in his land and dwelling, it would be explicit enough, but as it is at present it protects against the whole world the estate and interest of one who happens to be the lessee of a workers' dwelling.

Hon. J. W. Kirwan: Your interpretation is not correct.

Hon. W. KINGSMILL: Yet I have as much right to say it is correct as the hon. gentleman has to say it is incorrect.

Hon. D. G. Gawler: What is his estate and interest? It is represented apparently by purchase.

Hon. W. KINGSMILL: Why does it not say so in this clause? All I want is that the clause shall apply to that worker's dwelling, and not to any outside estate. I think when gentlemen of the legal profession agree that the clause is not clear, at all events some effort should be essayed to make it clear. I have but little more to say with regard to this measure, the second reading of which I shall have much pleasure in supporting, except to congratulate the Government on having brought it in, and still further to congratulate those lucky persons in receipt of less than £400 a year on being exempted from all those pains and worries which so plague their less happy fellows who happen to be in receipt of more than £400 a year.

Hon. C. SOMMERS (Metropolitan): I rise to support the second reading of the Bill, but there are one or two points on which the House should be enlightened. First of all, to my mind, the definition of "holding" is altogether too liberal, particlarly as regards the homestead leases and residential leases. In lending this money we must not forget that the man who borrows borrows the whole purchase money to erect a building, and all he has to put down is £10. We must look to the repayment, for it would be a dreadful thing if there was any risk of the principal not being repaid. To see the risk we run we have only to cast our memory back to the early days of the goldfields, when buildings were very expensive, and when £550 would not have gone very far. Then we require to consider what has happened to the value of those buildings in the course of 10 or 15 years. On a recent visit to the old town of Coolgardie I found that residences which had been erected at a big cost were practically unsaleable. It is intended here that the repayments for a stone house shall extend over 30 years, while those for a wooden house shall extend over 15 years. That looks all right on the face of it; but experiences teaches us, at any rate with regard to goldfields tenements, that it is not altogether a good thing. I had some wooden houses for sale in Coolgardie, and I found I could sell those because they could be carted away and re-erected; but, peculiarly enough, the stone houses were practically valueless, because they could not be removed. Anyone who knows Coolgardie will bear me out that the stone houses were erected at enormous cost. The only thing that can be done with them to-day is to take the iron off the roof, remove the doors and windows, and leave the substantial walls. Seeing that this has happened to a one-time prosperous town it may happen again, and, knowing that, I think we should be very careful indeed as to what money we advance on any buildings outside districts where settled values can fairly be arrived at. The Bill is an experiment which I am in favour of, but I am not in favour of authorising so large a fund as £250,000; I think we might limit that to £100,000, and see how we get on. Then, if the scheme works all right and proves satisfactory in detail, it would be an easy matter for Parliament to extend the authorisation. In speaking to this measure the Minister referred to the repurchase of lands by the Crown to be cut up, improved, and leased out on the principles provided for in the Bill. In his opinion it will be necessary to go out into fresh areas and purchase these lands, and there create workers' suburbs. I think most of the workers would prefer to live near their work, in close vicinity to their present homes. That being so, if the scheme is to be successful we will have to provide that these advances shall be made on lands purchased in the more settled districts, without going away out to create fresh settlement. If large areas are to be purchased there is a certain element of risk; it means a certain amount of isolation, and a big expenditure in the laying out of streets and so on, and if the suburb does not happen to catch on the Government will be landed with a lot of useless property. I see there may be demands for areas of 15 acres; but the Crown may have to buy, perhaps, 150 acres, and they would be running the risk, as they do now in the agricultural areas, of not being able to sell the whole of it. Therefore we see that the State may be losing a considerable amount of interest on the purchase money, and yet not be able to sell in the way it was hoped. It appears to me three per cent. is altogether too low. There are bound to be some failures.

Hon. J. F. Cullen: This is land only.

Hon. C. SOMMERS: If everything goes well the Crown will get five per cent. on the cost of the building and three per cent. on any land they purchase. But some properties may come down in value, some may be faultily built, defects will occur through drains and such like, and the homesteaders may desire to throw them up in a year or two. So there must be something put aside to build up the losses that will occur, and if we operate

on a minimum of three per cent, it does not give us any margin to work on. We are charging five per cent. on the house in any case, but we may purchase land and it is safe to say we will have to pay four per cent. for it. If we issue debentures to the vendor the interest will cost four per cent., and if we let the land out at three per cent., we are bound to make a loss, unless this supposed increase in values comes along, when we may make a profit on the estate purchased.

Hon. J. E. Dodd (Honorary Minister): But the three per cent. goes on for all time.

Hon. C. SOMMERS: But if we borrow the money we must pay at least four per cent., and if we let it out again at three per cent. it leaves us no margin to work on. I think that will be a mistake, seeing that we are giving such a boon to the homesteader in advancing him the whole of this money for land and building, and only charging five per cent. on the house that is erected. The Bill is intended to help the poorer man who is in receipt of a daily wage, out of which, after keeping his family, he can make no saving, but anyone who is in receipt of £400 a year ought to be able to afford to build his own house. There may be instances where a man with such a salary may have a large family and may have sickness, so that at the end of the year he is no better off than the man earning £200; nevertheless in Committee I shall endeavour to induce members to think with me that £400 is altogether too high. Even if a man earning £8 a week cannot save enough money to get a house, at least he should be in the position to borrow the money at a low rate of interest. I take it the Crown will not only build the house but will buy a piece of land on which to build it, and I understand that the limit to the cost of the house is to be £550, that is for the house alone. But we are not very clear on the point as to whether the £550 is to cover the land and the house, or the house alone, and when the Minister is replying I should like to have some information on that point. In Part IV., dealing with advances for homes, I do not think any provision is made for inspection by the members of the board, or their servants, in order to supervise the building of these houses. I suppose it will be necessary to have reports in connection with applications for the purchase of houses already erected, and also reports on the value of any land which an applicant desires the Crown to purchase for the purpose of building a house on it. There will be all sorts of applications made, and I consider the board will have a very busy time inspecting all sorts of impossible claims which will be submitted from people who desire the Crown to build houses for them on pieces of land they fancy, and all they have to do is to put in the application and put up £10, which will be returned. I think the applicants should deposit something that can be forfeited in the event of the application being unsatisfactory, otherwise we will pile up an immense amount of work for the inspectors, and the Crown will have to bear the cost. In regard to Clause 26, I would like information as to whether an ordinary member of the public can seize on the contents of the house for an ordinary debt, provided the contents are not already registered under a bill of sale to the Crown.

Hon. D. G. Gawler: That cannot be done.

Hon. C. SOMMERS: That is a weakness of the Bill. If a man in receipt of £400 a year has a house and has paid up to, say, £400 on it, he may have valuable furniture and may be vistimising trades people by furnishing the house in a style which his income does not warrant, yet the ordinary creditor will have no redress. Some provision might be made so that the worker's home and his furniture may be protected, but there ought to be a limit of £200 upon the goods which cannot be seized or some limitation upon the goods that may not be seized as is now provided in the case of distraint. To allow a man to fill his house with valuable furniture and not pay his debts to the butcher and baker is a weakness that should be provided for. Generally I approve of the proposed scheme, but there should be

safeguards in many clauses I have indicated.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Hon. M. L. MOSS: Though Mr. Kirwan might castigate him severely he held the opinion that the provisions of the measure should not be extended to such classes of tenement as those erected on miners' homestead leases, residential leases, and such like. Parliament was a board of directors for the State, and no member would honestly claim for a moment it was a business proposition to lend up to £500 on a wood and iron building erected on a residence area at some of the outlying goldfields centres, and allow 15 years' terms for payment. With a view to testing the feeling of the Committee on this point he moved an amendment—

That in the definition of "holding" the words "and includes" be struck out, and "but shall not include" inserted before "residential leases, miners' homestead leases, and residence areas."

Would the Minister say whether the New Zealand and South Australian Acts included this class of tenement?

The Colonial Secretary: I cannot tell you straight away.

Hon. M. L. MOSS: It was probably there was no similar provision in South Australia, and at one time in New Zealand such a proposition would not be listened to for a moment.

Hon. J. W. KIRWAN: Was it the purpose of Mr. Moss to exclude the goldfields altogether from the operations of the measure? That member's remarks led one to believe that that was the desire. He (Mr. Kirwan) knew of many instances of residential leases, miners' homestead leases, and residence areas where the security was much better to-day on the goldfields than even in the case of freeholds. There were freeholds on the goldfields which were of practically no value, just as there were in other parts. He could not understand why the hon. member should discriminate between these two particular classes of holdings. Miners' homestead leases were larger in area and they were usually much more valuable than the average freehold on which the man in the city had his home, and the same thing applied to some of the residence areas. What would be the use of excluding from the operations of the measure a man who was in the possession of these holdings whilst at the same time men in the possession of freeholds with perhaps less security could come within its operations? What he wished should be made plain was that the holders of this particular class of holding should not be excluded from the operations of the Bill when men having freeholds which might not be so valuable would not be excluded.

The COLONIAL SECRETARY: If this was bad in principle there were other portions of the Bill which were bad. He knew that on the goldfields many of these residential leases were fairly well improved and that miners' homestead leases were well improved. It would be unfair to the goldfields if the occupiers were refused assistance.

Hon. M. L. MOSS: If it could be done from a business point of view, all parts of the State should rank alike. It was a bad business proposition to extend the measure to those parts of the State where the industry was of a fleeting nature. It was quite obvious that we had a piece of legislation where a distinction would have to be made.

The Colonial Secretary: What about the Board?

Hon. M. L. MOSS: It would consist of three civil servants and would not be independent. It would be dominated to a certain extent in favour of the views of the Minister.

Hon. J. F. CULLEN: The amendment ought to take the form of simply omitting the words and that would leave the Board entirely free.

Hon. C. SOMMERS: When speaking on the second reading he made his remarks apply to lands on the goldfields. There was scarcely an institution dealing with advances to the public which would lend

half the cost of a building in a gold mining town in the State. When we came to consider that we would be lending the whole of the money with the exception of £10, we as trustees of the public funds, should draw a line. Experience had taught that lending any sum of money in any of the goldfields towns was attended with considerable risk. He would be inclined to move that the provisions of the measure should not be made to apply to the goldfields towns or districts. There was no desire to set the coast against the goldfields, but seeing what had happened at Bullfinch where huge prices were obtained for land, and at Southern Cross, and at other places, if we were dealing with our own funds we would not lend half or even a third.

Hon. J. E. DODD: Was there anything that could be done which would be more likely to raise a feeling of coast against the goldfields than to say we were going to make this Act apply to Perth and not to other parts of the State. To his mind it was a question of centralisation against decentralisation. It had to be borne in mind that there would be a board appointed and the board would be composed of men who would have business training, and surely we could trust such a board to deal with matters of this kind. So far as residential areas on the goldfields were concerned, there were many people who would not ask for freeholds, and if there were any class of men who deserved consideration at the hands of the Government this was the class who had built their homes and were trying to improve them.

Hon. E. M. CLARKE: The question of setting goldfields against coast had cropped up. We should not consider that seriously. If the Minister in charge of the Bill was quite satisfied that a risk on the goldfields was no more than it was around Perth, he (Mr. Clarke) would have nothing more to say. When it came to the question of whether or not there was a risk, the board would have to satisfy themselves whether that greater risk did exist there, and if so, notwithstanding the feelings of the goldfields, there should be legislation for the fields as against the coast; that was, whichever way the risk was, the one should not pay for the other. If the Government considered that there was no greater risk on the goldfields than on the coast, he would have nothing further to say.

The COLONIAL SECRETARY: It seemed to be the desire of some members to kill this Bill, and he assured them definitely that if the amendment was carried the Bill would not become law. The Government was not going to make any distinction. Suppose there was an application for a homestead lease, every care would be taken.

Hon. J. F. Cullen: There is no security at all.

The COLONIAL SECRETARY: Then the applicant would not be able to get the loan. Under one portion of the Bill there was no security, but under this portion of the Bill there was security.

Hon. J. F. Cullen: No.

The COLONIAL SECRETARY: Otherwise it would not come within the scope of the provision.

Hon. M. L. Moss: What do you mean by security?

The COLONIAL SECRETARY: Frequently he had seen on the goldfields homestead leases highly improved in many ways. The provision presupposed a residential lease which might be well improved. If it was not well improved, then when the applicant sought a loan the board would take that into consideration.

Hon. J. W. Kirwan: One man on a homestead lease on the fields is getting £40 a year from the produce grown on that lease.

The COLONIAL SECRETARY: It would not be fair if the occupiers of these homestead leases were deprived of the privileges conferred by the measure.

Hon. J. F. Cullen: Would the Minister lend his own money?

The COLONIAL SECRETARY: Would a Minister lend his own money on any of the many enterprises entered upon by a Government? It was quite a different matter when the State was concerned, for the State was prepared to take risks in the interests of the welfare of

the State. Without using any threat, but merely with the view of affording information, he would say that if the amendment were carried it would mean the death of the Bill.

Hon. C. SOMMERS: It was to be hoped the Minister did not think that he (Hon. C. Sommers) was attacking the Bill in the hopes of wrecking it. He could not be accused of being an opponent of the Bill. What would happen to the security of these homestead leases if the people left the district? If the Ministry were going to drop the Bill because this provision were struck out they would be doing a great injustice to the workers in other portions of the State. He would not be a party to lending money on this class of security. When we thought of what had happened at the Bullfinch it was realised that we should pause when faced with a proposition such as this under review. Despite the fact that our decision might result in wrecking the Bill, we could not consent to borrow money at 4 per cent. and lend it out at 3 per cent. on securities which no sane Minister would accept. Some Ministers might be very brilliant men, and yet have no idea of finance, and the trouble with the present Ministry was that they had not a good financial man in the whole team.

Hon. E. M. CLARKE: There was no desire to wreck the Bill. The one desire he had was to assist the Government in making it a workable scheme on business lines.

Hon. W. MARWICK: It was a pity that the Government had brought the Bill along at this Stage. The life of a tenement on the goldfields, unless it was very well cared for, was not more than 15 years. He knew of many buildings erected 12 years ago which had been eaten by white ants, and two buildings which he had erected at a cost of £500 he had sold for £27. The extent of depreciation there showed the risk that the Government would be taking. No one was more sympathetic towards the goldfields than he was, and he regretted having to vote for the amendment. Special provision should be made to deal with goldfields tenements. Under this scheme there was the danger that if the Minister administering the Bill happened to be a representative of a goldfields constituency, he would naturally look after that particular portion of the State, and the risk would not be a fair one for the State.

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

Ayes	7
Noes	15
Majority against ..	8

AYES.

Hon. J. F. Cullen	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. W. Marwick	Hon. M. L. Moss
Hon. E. McLarty	*(Teller).*

NOES.

Hon. T. F. O. Brimage	Hon. A. G. Jenkins
Hon. E. M. Clarke	Hon. J. W. Kirwan
Hon. J. D. Connolly	Hon. R. Laurie
Hon. F. Davis	Hon. C. McKenzie
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. J. A. Doland
Hon. Sir J. W. Hackett	*(Teller).*

Amendment thus negatived.

Hon. M. L. MOSS moved an amendment—

That in the definition of "worker" the words "four hundred" be struck out and "three hundred" be inserted in lieu.

The COLONIAL SECRETARY: The amendment would considerably restrict the usefulness of the measure, and confine it to a class. That was not the desire of the Government. By making provision for all those in receipt of a salary of less than £400 they had shown their desire not to make the Bill a class measure.

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

Ayes	13
Noes	9
Majority for	4

AYES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. E. McLarty
Hon. D. G. Gawler	Hon. M. L. Moss
Hon. V. Hamersley	Hon. C. Sommers
Hon. R. Laurie	Hon. T. H. Wilding
Hon. W. Marwick	Hon. A. G. Jenkins
Hon. C. McKenzie	*(Teller).*

NOES.

Hon. T. F. O. Brimage	Hon. Sir J. W. Hackett
Hon. E. M. Clarke	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. C. A. Piesse
Hon. J. A. Doland	Hon. F. Davis
Hon. J. M. Drew	*(Teller).*

Amendment thus passed, the clause as amended agreed to.

Clauses 4 and 5—agreed to.

Clause 6—Funds:

Hon. C. SOMMERS moved an amendment—

That in Subclause 2 "£250,000" be struck out and "£100,000" inserted in lieu.

The COLONIAL SECRETARY: It would greatly harass the administration of the measure if they were limited to a capital of £100,000, particularly as their operations would be extended over the whole of the State. It would be a farce to commence operations with such a small capital.

Amendment negatived.

Clause put and passed.

Clauses 7 to 10—agreed to.

Clause 11—Disposal of dwellings by lease:

Hon. C. SOMMERS: This was the clause where the rental was fixed at three per cent. It was too low.

Hon. M. L. MOSS: We could not increase it; they could not even alter it in the Assembly.

Clause passed.

Clauses 12 to 16—agreed to.

Clause 17—Interest of lessee personal and indefeasible:

Hon. A. G. JENKINS: This clause was not worded as clearly as it might be.

The COLONIAL SECRETARY: Perusal of the clause showed that verbal amendment was necessary to make the meaning clearer.

Hon. D. G. GAWLER moved an amendment—

That in line 1 the word "of" between "lessee" and "a worker's dwelling" be struck out and "in" inserted in lieu.

Amendment passed.

Hon. M. L. MOSS: The Married Woman's Property Act was a fruitful means of a man's defeating his creditors; and now this clause would place a man absolutely beyond the reach of any creditor or trustee in bankruptcy. We should be just before being generous. There was no desire to take such action in regard to the clause as would cause the Bill to be dropped and have the odium of it thrown on the Council; nevertheless this was an undesirable clause.

Hon. D. G. GAWLER: If a man put up to £550 into a house it might reasonably be made available to his creditors including the butcher and the baker. It was an unfair way to lock up money which might be got from someone else. The holder's interest in the dwelling was an asset that should be used for the payment of the holder's just debts. Certainly the position was not so bad now that the amendment had been passed to lower the £400 to £300.

The COLONIAL SECRETARY: There might be some force in the contention if there was no possibility of the business public being deceived, but the business public would have ample notice of the protection extended over the worker's dwelling and would refuse him credit. It would be undesirable for the Government to advance Government moneys to erect a worker's dwelling and allow traders to step in and take the dwelling when the land still remained in the possession of the Crown. The same principle was already established in connection with homestead farms.

Hon. Sir J. W. Hackett: You will have to start your own butchers and bakers.

Hon. M. L. MOSS: On the goldfields a man might have a small building erected on a valuable residence area or business area which could be seized for a legitimate debt, but under the Bill apparently that valuable block would be protected from seizure by a small expenditure.

The Colonial Secretary: This applies only to houses on land retained by the Crown.

Hon. E. M. CLARKE: What would happen in the case of a man who wished to avail himself of the measure and who already owed the butcher, the baker and the candlestick maker certain moneys? What would be his position? This would simply be a refuge for men who had not paid their way and who had evaded their

just debts. That was a matter which deserved serious consideration.

The Colonial Secretary: This only protects the dwelling and nothing else. The land belongs to the Crown.

Hon. F. DAVIS: Might this not be a blessing in disguise for the traders? It might tend to prevent the credit system being extended.

Clause as previously amended put and passed.

Clause 18—agreed to.

Clause 19—Conditions of disposal by lessee of his interest:

Hon. M. L. MOSS: It was his intention to raise as strong a protest as he could against the clause. The security was bad enough under this measure, but where money was lent on a building in a locality which became depreciated in value, this would be a most extraordinary provision for the person who had Government money in this building and it would in the majority of cases land the State in a fearful loss. If the value of the locality went down to nil, the board would be under a statutory obligation to purchase back. It was a surprise to him to find that it was proposed to conduct business on such lines; we would be compelled to buy back investments which had turned out to be unprofitable.

The COLONIAL SECRETARY: The object of the clause was to provide that the dwellings should not go out of the control of the Government. If the building had been occupied for some years there was bound to be depreciation, and the board would take that into account.

Hon. D. G. GAWLER: The criticism directed against the clause was perfectly justifiable. A lessee seeing that a particular locality was going down would be able to get out without any loss whatever, leaving the full burden of the loss to fall upon the Government.

Clause as verbally amended put, and a division taken with the following result:—

Ayes	12
Noes	11
Majority for	1

AYES.

Hon. T. F. O. Brimage	Hon. J. W. Kirwan
Hon. F. Davis	Hon. W. Marwick
Hon. J. E. Dodd	Hon. C. McKenzie
Hon. J. A. Doland	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. W. Patrick
Hon. Sir J. W. Hackett	(*Teller*).
Hon. A. G. Jenkins	

NOES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. J. D. Connolly	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. E. McLarty	Hon. J. F. Cullen
Hon. M. L. Moss	(*Teller*).

Clause thus passed.

Clauses 20, 21—agreed to.

Clause 22—Lease to be registered:

The COLONIAL SECRETARY moved an amendment—

That the word "Minister" in line 3 be struck out and "board" inserted in lieu.

Amendment passed, the clause as amended agreed to.

Clauses 23 to 25—agreed to.

Clause 26—Advance to be secured by mortgage:

Hon. D. G. GAWLER: Provision was made in the clause that the borrower might lawfully execute to the board a mortgage on his estate and interest in his holding. He (Mr. Gawler) would protest against this, because it struck out any provision the borrower might have with his landlord against encumbering his title. Again, the effect of Subclause 2 was that the borrower might execute a mortgage over his furniture to the board without requiring to register it under the Bills of Sale Act. This was a most mischievous provision.

Hon. R. D. McKENZIE: Subclause 2 was highly dangerous. The Government should have to take the same procedure as was encumbent upon a private person.

The COLONIAL SECRETARY: There was no danger in the subclause whatever; in fact, it afforded an extraordinary degree of protection to the trading public. The object of registering a bill of sale was that business people should be notified that some one had a lien over the chattels of another. Here in the clause we had public notice given to the whole people that the Government might take

a bill of sale over the chattels without registering it. That being so, everybody would assume that this had been done.

Hon. J. F. CULLEN: The Minister could protect the public in general without penalising the people whom the Bill was designed to assist. Storekeepers would soon learn to ask if a customer was the holder of one of these homes, in which event the storekeeper, assuming that the Government had a bill of sale over the furniture, would refuse credit to the customer.

Hon. W. PATRICK: The leaving in of the clause would go far to wreck the Bill, because it would brand every holder of a worker's home as a man to be regarded with suspicion by the storekeeper. Such a man might actually own his furniture unencumbered, but not being aware of this, and assuming that it was under bill of sale to the Government, the storekeeper would decline to give him credit. He moved an amendment—

That Subclause 2 be struck out.

Hon. Sir E. H. WITTENOOM: The clause would open the way to hardship, if not to evasion. On the strength of holding a few acres of land a man might have secured credit without actually mortgaging his property. Subsequently that man might go to the Government for an advance, and effect a mortgage over his holding; and once that mortgage was effected no other creditor would have the slightest redress.

The COLONIAL SECRETARY: The clause had been drafted for the special protection of the Government, notwithstanding which members who earlier had contended the Government were not sufficiently protected sought to destroy the clause. Instead of recourse being had to the Bills of Sale Act, these mortgages were to be registered with the board, and it would be open to anybody to inspect the register on payment of one shilling. The difference between this measure and the Bills of Sale Act was that under the latter a mortgage or security had to be registered in the Supreme Court, and from there it was entered into the *Trade Circular,* whereas under this measure the document would be entered in the board's register. After the passing of the Bill business people would clearly recognise the position, and it was for them to consider whether they would give credit in the altered circumstances.

Hon. E. M. CLARKE: A man might have a nice little property on which he had obtained credit from the trades people. That man might then decide to avail himself of the provisions of this measure, and quietly mortgage the property over to the Government, thus robbing his creditors. The Minister seemed to think that so long as the Government were protected anything could happen. If the Government were to be put in a special position, whereby they would advance money on mortgage, and obtain an advantage over a man's creditors, a wrong would be done, and the Government would be, to a certain extent, protecting a defaulting debtor.

Hon. W. PATRICK: The fact of anyone borrowing was not a stigma on his character. It simply meant that he needed money and had not got it himself; but the Government should not lend money in camera. If the Government were to lend money on furniture without anyone knowing anything about it——

The Colonial Secretary: Oh, no.

Hon. M. L. Moss: That is what it means.

Hon. W. PATRICK: If the Government were to lend money on movable chattels, they should lend in the same way as anybody else on a bill of sale, and the name of the borrower would appear in the *Trades Circular* as in all other cases.

Hon. Sir E. H. WITTENOOM: There might be cases where a man had property, and on the strength of that property, obtained credit. Then, without notice, he might obtain an advance from the Government and give them a mortgage, which mortgage would then be absolutely unassailable. Provision should be made that notice should be given of any intention to give a mortgage to the Government.

Hon. M. L. MOSS: The notice mentioned by Sir Edward Wittenoom was already provided if Subclause 2 were not in the Bill. Under the Bills of Sale

Act no person could give a bill of sale over movable chattels if he owned money to people, because notice had to be given of his intention, and the other creditors were entitled to lodge a caveat against the mortgage. If Subclause 2 remained in the Bill there would be no legal remedy for the other creditors, and a man could give a mortgage in perfect secrecy, and the Government obtain as collateral security a property which really did not belong to the borrower.

Hon. D. G. GAWLER: The Minister might get over the difficulty by providing for these securities to be registered in the Supreme Court, although that would not get over the objection that the chattels were still protected against the creditors.

On motion by the Colonial Secretary, further consideration of the clause postponed.

Clause 27—agreed to.

Clause 28—Provisions relating to mortgages:

Hon. J. F. CULLEN: There was no valid reason why the holders of workers' homes should be charged one per cent. more than the holders of workers' dwellings. It seemed that the Government wanted to encourage leasehold as against freehold, but they must not attempt to do that by way of a grant. This was an unconstitutional thing to do, and it was doubtful whether the High Court would not throw such differentiation out of court. The Government were bribing men to take up leasehold as against freehold in order to establish their theory. If this provision were agreed to, in time candidates for Parliament would be asked if they were in favour of converting these leaseholds into freeholds.

Hon. J. D. Connolly: That has happened in New Zealand.

Hon. J. F. CULLEN: That was exactly New Zealand history. If the Minister could not give an explanation of this differentiation, it would be necessary to amend the clause.

The COLONIAL SECRETARY: The reason should be patent to anyone. The only benefit the State could derive by helping a man on a freehold would be perhaps to permanently establish him on the spot, but in the case of the leasehold system the land would always belong to the Crown, and the rent would be paid for all time, and the State would derive the benefit of the increase in land values by the system of periodical reappraisements. The income from this source would be perpetual.

Hon. J. F. CULLEN: Members would be ashamed to go to the public and admit they discriminated and charged different percentages for the same money. He moved an amendment—

That in line 6 of paragraph (c) the word "six" be struck out and "five" inserted in lieu.

Hon. J. E. DODD: No item in the Bill received more criticism than where the Government proposed to advance money on freeholds. In the Assembly an amendment had been moved to strike out any advances on freeholds.

Hon. J. F. Cullen: Incredible!

Hon. J. E. DODD: It was the policy of the Government to encourage the leasehold system because it would protect the State better.

Hon. J. F. Cullen: But they are doing it by bribery.

Hon. J. E. DODD: It was going a little too far for the hon. member to make that accusation. The Government were simply encouraging the leasehold system as private ownership of land had been a great curse.

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

Ayes	..	..	8
Noes	..	..	9
Majority against		..	1

AYES.

Hon. J. E. Cullen	Hon. W. Patrick
Hon. W. Marwick	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. Sir E. H. Wittenoom
Hon. R. D. McKenzie	Hon. C. Sommers (*Teller*).

NOES.

Hon. T. F. O. Brimage	Hon. V. Hamersley
Hon. E. M. Clarke	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. E. McLarty
Hon. J. A. Doland	Hon. F. Davis
Hon. J. M. Drew	(*Teller*).

Amendment thus negatived.

Hon. V. HAMERSLEY: It was a wrong principle to introduce the system of allowing a rebate for prompt repayments. Money should be paid at due date and if not paid then there should be a fine inflicted, as was done in the case of the rents payable to the Lands Department. It was his intention when we reached Clause 29, to move to strike out this rebate. He moved an amendment—

That in paragraph (c) the words "but subject to a rebate as provided by Section 29," be struck out.

Hon. C. SOMMERS: There was only seven days allowed in connection with the rebates, and that was very reasonable. As for the Crown rents, the Lands Department often allowed two months without charging any penalty.

Hon. R. D. McKENZIE: The system of allowing rebates was an admirable one and worked most successfully in connection with the payment for municipal services.

The COLONIAL SECRETARY: There should be no interference with the clause. The provisions for a rebate would operate to save expense in the appointment of collectors. There was no desire to introduce the system of fines. Instead of this a rebate of a reasonable percentage was to be allowed.

Amendment put and negatived.

Clause put and passed.

Clauses 29 to 35—agreed to.

Clause 36—Restraint on power of alienation during mortgage:

On motion by the COLONIAL SECRETARY paragraph (b) was amended by inserting "or other beneficiary" after "devisee," and the clause as amended was agreed to.

Clauses 37 to 43—agreed to.

Clause 44—Holdings may be surrendered and workers' dwellings acquired:

The COLONIAL SECRETARY: It was his intention to transfer this clause to another part of the Bill, where it would stand as the last clause of Part III.

The CHAIRMAN: It was obviously impossible to do that. The proper procedure would be to move that it stand as Clause 23. Members at this stage could vote against the clause.

The Colonial Secretary: I will move later.

Clause put and negatived.

Clauses 45 to 51—agreed to.

Progress reported.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th December.

Hon. E. M. CLARKE (South-West): It is not my intention to take up any time over this measure. The operations of the Agricultural Bank up to the present time have been beneficial to the State, and the institution has been an unqualified success. I want to emphasise the fact that up to the present time the officer administering the Act has been given absolute freedom of judgment, and so far that judgment has invariably been correct. There are instances when influence might be brought to bear on him to vary his decision with regard to the lending of money, but I say that either the manager of the bank or the board should always be given a free hand to do as they like, and they should be held responsible to the Government for their actions. I am perfectly sure they would be prepared to take all responsibility. I intend to criticise several of the clauses of the Bill at a later stage, and it is my intention in Committee to move an amendment to Clause 3. I think it is absolutely necessary that some limit should be placed on the money to be advanced on various industries that may arise, and I shall be prepared later on to say what they will be. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 11.8 p.m.