Association it would be found that this was classed among those to be supported. Seeing the quarter from which the support was coming made one diffident about accepting the amendment. But having regard to the fact that the arguments which had been successfully urged against the gallon licenses could with just as great propriety be urged against the two-gallon licenses he (Mr. Bath) would support the amendment.

Mr. MURPHY: It seemed that besides himself no other member of the Committee was supposed to receive instructions from outside. He knew of no person who took instructions with regard to his opinions on the Liquor Bill from any section of the community, unless indeed it were the member for Brown Hill, who looked at this question from one direction only.

Mr. O'LOGHLEN: The publicans seem to have had the big end of the stick so far.

Mr. MURPHY: With the help of the member for Brown Hill the publicans were likely to get it in respect to this amendment also.

Amendment put and negatived.

Clause put and passed.

Clause 39—Eating, boarding, and lodging house license:

Mr. MURPHY moved an amendment—

That the following be added as a subclause:—"(2) No liquor of greater quantity than is required for immediate consumption by a boarder, lodger, or other person as aforesaid shall be obtained or kept by the licensee on his licensed premises at the one time."

There was no necessity for much argument in urging the acceptance of this amendment.

The ATTORNEY GENERAL: The object of the amendment was not at all clear. The clause merely provided that persons holding these licenses could send out for liquor, and they could not keep it on the premises.

Amendment put and negatived.

Clause put and passed.

Clauses 40 and 41—agreed to.

Clause 42—Occasional license:

Mr. FOULKES: These licenses were granted by the stipendiary magistrates, but no notice was given of any applications for them, and they were granted on many occasions when they were not required. Provision should be made that notice of applications should be duly advertised.

Mr. Horan: That is an impossibility.

The ATTORNEY GENERAL: These permits were granted to persons holding licenses to enable them to extend their hours on occasions like the opening of a railway, or dances. There was no abuse of the privilege, and if notice had to be given the privilege might just as well be abolished.

Mr. FOULKES: Many people objected to attending these festivities because these extended hours were given to publicans. Objection was taken mostly because of the absence of notice. Some notice of making the application should be given. The Attorney General might note the point.

Clause put and passed.

Clause 43—agreed to.

Progress reported.

House adjourned at 10.40 p.m.

Legislative Council,

Tuesday, 18th October, 1910.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Goldfields Water Supply Administration—Annual

Report for the year ending 30th June, 1910. 2, Goldfields Water Supply Administration—Corrosion of 30-inch steel conduit.—Investigation into the cause and methods for prevention of corrosion, and special reports thereon. 3, Jetties Regulation Act. 1878—Additional Regulation. 4, Port Regulation No. 42b. 5, Fremantle Harbour Trust Regulations. 6, Gaols Regulations—Additions and alterations. 7, Municipality of Northam—By-law. 8, Guildford Local Board of Health—By-law. 9, Metropolitan Water Supply, Sewerage, and Drainage Department—Amendment to By-law No. 73. 10, Legal Practitioners Act Amendment Act. 1909—Rules. 11, Government Savings Bank—Annual balance sheet. report, and returns for year ended 30th June, 1910. 12, Report of the Royal Commission on Pulmonary Diseases amongst miners. 13, Report of the Comptroller General of Prisons for year 1909. 14, Report of Chief Inspector of Fisheries for year ending 31st December, 1909. 15, Youanme Local Board of Health—By-laws.

QUESTION—LOCAL COURT PROCEDURE.

Hon. D. G. GAWLER asked the Colonial Secretary: 1, Is the Minister aware that for some time past the Chambers of Commerce of Perth and Fremantle have been urging an amendment of the present Local Courts Act with a view, amongst other things, of simplifying the procedure of such courts? 2, Is it the intention of the Government to amend the present Local Courts Act in the direction advocated. or in any direction, during the present session?

The COLONIAL SECRETARY replied: 1, Yes. 2, It is very doubtful whether time will permit of the Government introducing amending legislation during this session.

BILLS (2)—FIRST READING.

1. Game Act Amendment.
2. Fertilisers and Feeding Stuffs Act Amendment.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from 27th Septem

Hon. D. G. GAWLER (Metropoli Suburban): I rise to support the sec reading of the Bill. To my mind it tains two important principles. One these is the making of preferential vo compulsory, and the other is the provi in regard to the making of the rolls clusive. It is almost a machinery and, therefore, I do not think it is w taking up the time of the House in cussing it at any length, although sonally, I think, with a Bill of this involving important points, it very o assists the House to clear up those po on the second reading. The first poi would deal with is the creation of rolls for Commonwealth and State. my mind that is most necessary, and one reading the report of the inter which the Chief Electoral Officer had the Commonwealth Electoral Officer, not but be struck with the importanc the subject. It is important as well f the point of view of the elec as that of the candidates, and from the point of view respecti of State and Commonwealth. garded from the standpoint of elec and candidates it certainly renders toral proceedings very much more and the rolls more easily studied handled, while in a large measure the of elections is reduced. It seems that til the passing of the amending Act in Commonwealth Parliament there was obstacle in the way of creating joint inasmuch as one month's residence here required, while it was not neces in the Commonwealth measure. That been done away with, and, therefore, very few obstacles remain to the ha of a complete joint roll. Still, obst do remain. One is that certain per qualified under the Commonwealth sure are not so qualified under the S law. There are but few of these. Amo others are paupers and aborigines, people of half blood. It would seem in order to carry out this idea of a roll it will be necessary to put against names of those persons a special

showing that they are not qualified to vote at State elections. It may be questionable whether this is a wise proceeding; because it must be remembered that these rolls have to be exposed to the public gaze at post offices and other places, and I do not suppose any individual would like to have his name publicly marked as that of a pauper, or of a half-blood, or as having any other disqualification. It occurs to me this may give rise to serious objection. I notice, too, the word "residence" in Section 17 of the Act has been altered to "living." That is to bring it into line with the Commonwealth roll, which is of importance. I presume, "living" has rather a larger significance than "residence." I think it will be found that certain consequential alterations will have to be made in Sections 40 and 118 of the Act, in order to carry out the amendment to Section 17, which is to alter the words "reside" and "resided" to "live" and "lived" respectively. There is another important point in the amending Bill and that is the establishment of sub-districts. I understand they are only to be appointed in cases where the Commonwealth electorates overlap. That is to say a State electorate is not of necessity to be marked out into sub-districts. I think the marking out is a very great convenience especially to candidates at elections, for if one has a roll that is not marked out into sub-districts, in preparing for an election it is a difficult matter to go through it and, especially where there are as many as 7,000 names, as in my own case, put the voters into the various districts. I appreciate, however, the difficulty that exists owing to the large increase in expenditure that would be involved. It is not quite clear to me whether there will not have to be further alterations in the Act if the amendment to Section 17 is carried. It seems to me that Sections 23 and 28 do not contemplate sub-district rolls and that if the new principle is adopted these sections will have to be altered. Sections 23 and 28 refer to the placing of names in their lexicographical order, with the surname and Christian name and number in regular progressive arithmetical order. Another point I would make in connection with this is that I think Section 99 of the Act if amended by Clause 28 of the Bill, in connection with the establishment of sub-districts, will not be under the right heading as "at the poll" nor in its right place. I take it we do not wait until we get to the poll in order to carry out a direction of that sort. I am sorry to see also that the question of transfers is not revived. Under the Act transfers do not exist, but to my mind a transfer of an elector from one district to another should be made a matter of much simplicity. Under the law, and it is not altered by the Bill, a fresh claim has to be lodged by the person wishing to transfer. That is a hardship on the elector. His main qualifications for being an elector, namely residence in the State and his age, are already established, and it is only the fact of his having crossed the road to another district that necessitates the alteration. To do that he has to put in an entirely new claim. Under the Commonwealth Act there is complete provision for transfers being made in a very simple way, and I am sorry there is no proposal in this Bill to simplify the question.

Hon. Sir Edward Wittenoom: Supposing a thousand persons wanted to transfer quickly in order to influence an election?

Hon. D. G. GAWLER: Under our Act they would have to make fresh claims. Anyhow that is an extreme case, but I am referring to an ordinary elector who moves his dwelling from one place to another and desires to obtain a transfer without having to go through all the formalities of making an entirely fresh claim. His qualifications exist, but it is only that he has stepped over the boundary between one district and another. At any rate, the Commonwealth legislation makes transfers simple and we could do no harm by following in their footsteps. Then there is the question of objections to claims. The system in force here is not so easy as in the case of the Commonwealth. In the latter case the claimant can either verbally or in writing substantiate his claim to the registrar, who if satisfied can either reject or accept the claim. If the former, the claimant has power to appeal. It is the other way up in connection with our legislation. If the name is

objected to the claimant has notice and he has to come before a revision court. That is making it very much harder for the claimant to establish his claim, as everyone knows that very few men would go to the trouble and loss of time of going to the revision court to establish a claim. They have to go on a fixed date and possibly have to give up business to do so, whereas under the Commonwealth laws all they do is to interview the registrar and he can decide the claim. There is always a remedy by appeal. Under Subparagraphs 2 and 3, Paragraph (b), Subsection 1, Section 40 the registrar can, if a person appears to him to be disqualified, or does not appear to reside in the district, omit the name straight away. That is a large power to give the registrar and I think it would be fairer to the claimant to give him notice and let him establish his claim either verbally or in writing to the registrar. With regard to the exercise of the franchise generally, while I do not propose to keep the House long, I would like to refer to the exercise of the franchise as it exists here. That leads of necessity up to the question of compulsory preferential voting. My idea is that if the State goes to the cost of putting people on the rolls, and those people do not do what I think is the right thing, then a very strong argument is provided in favour of saying to that person, "Now the State has put you on the roll, you shall carry out your duties and vote." I do not advocate compulsory voting and the main reason why I do not is that I recognise it is a difficulty to compel people, who are conscientiously inclined, to vote against their consciences. I would like to be able to compel indolent and apathetic voters to go to the poll.

Hon. J. W. Hackett: What penalty would you provide?

Hon. D. G. GAWLER: A small penalty. My object is, and I am borne out by the Chief Electoral Registrar, to have a system of compulsory registration. Compel people to register their names as voters and fine them if they do not register. Later on measures could be adopted whereby, if they did not exercise their franchise, their names would be struck off the roll.

Hon. J. W. Hackett: That is what they want.

Hon. D. G. GAWLER: I do not think that is so. If only a system of compulsory registration were brought in, that would go a long way towards influencing them to vote, for if a man knows he is on the roll he will think twice before abstaining from exercising his franchise.

The Colonial Secretary: Some people would not vote merely as a protest, while others would spoil the voting papers.

Hon. D. G. GAWLER: I do not hold with that. I think that if a man were compelled to register and had to go to the trouble of putting himself on the roll it would go a great way towards influencing him to vote. However, that principle is not involved in the Bill before us. I would like to quote to the House a few figures to illustrate the apathy of the voter. According to the Chief Electoral Registrar's report 50 per cent. of the population are eligible to go on the rolls: that was according to the elections in 1908. Of that number 90 per cent were enrolled so that only 10 per cent of the eligible voting population were not on the roll. The people who comprise this 10 per cent. are the ones I refer to when I say that certain persons should be made to register. In 1908 65 per cent of those on the roll voted, while in 1905 only 51 per cent voted. There were 15,000 people more on the roll in 1908 than in 1905. The difference in the percentages does not necessarily show that the people had been induced to exercise their franchise more readily in the latter year, for I am not quite sure that the percentage taken in 1905 was quite correct, as I think the rolls at that time were very largely inflated and the figures cannot be relied upon. Of those who did not vote some, I suppose, were restrained by indolence and some by conscientious motives. Most I think were too indolent, for I do not imagine there is a large proportion of conscientious non-voters in the State. That leads up to the question of compulsory preferential voting. The system at present in vogue, the single vote, as it is called, is a stupid one, for getting the will and opinion of the people. It is obvious that a man might be elected on a small majority wit-

the result that those who voted against him or those who had no candidate, are disfranchised. I will read a few figures taken from the 1908 elections to show that there were very large minorities in some electorates. Take the following:—Balkatta, 1,299 majority, 1,297 minority; Collie, 1,039 majority, 985 minority; Kalgoorlie, 614 majority, 1,143 minority; Menzies, a very large majority; Northam, 1,372 majority, 1,140 minority; Perth, 1,401 majority, 1,161 minority; Subiaco, 2,527 majority, 1,660 minority. This means that whereas there was a total majority of 10,482, there was a total minority of 8,452. I take it it cannot have any other meaning than this. Very few of the electors who composed the majority composed the minority; that surely shows the perfect absurdity of the present system. To show it up almost more startlingly I would like to quote a few figures from the Fremantle elections of 1904 and 1906. In 1904 in the Fremantle electorates there were 4,139 labour votes polled for the three seats, and 4,043 anti-labour, yet labour got three of the seats and anti-labour one, showing that each labour seat represented 1,379 votes, whereas the one anti-labour seat represented 4,043 votes. The tables were turned in 1906, for the labour votes totalled 3,445 and anti-labour 3,416, and in this case anti-labour got the three members, while labour got one, showing that one member represented 3,445 voters, while each of the three other members represented 1,138 votes; that is an absolute absurdity. Of course it is possible that members may say under such a system a majority of the House might be elected by a minority of the people, and it is possible for a minority to be larger than the majority. This gave rise to the idea that the preferential voting system would cure these evils, and it has, because it gives an opportunity to the minority of getting their candidate in, and in addition to that it has the advantage of preventing the peculiarities which we see in connection with three-cornered contests at times. It also does away with the pernicious system of selection ballots. These selection ballots are practised by one party and another, and it is not a right element to introduce into politics, that one party should select a candidate, or a few interesting themselves in an election should take upon themselves to choose a candidate for a constituency. It is not right, but it has been done. The system which it is proposed in the Bill will do away with that. In introducing this preferential voting system we should see it is not absolutely nullified in the way it is proposed to be brought about. It seems to me anyone who believes in the preferential voting system must believe in a compulsory preferential voting system. As the Colonial Secretary pointed out, there was the election for Albany, in which so many plumping votes were recorded, which resulted in a candidate getting in by a very small number of votes. To illustrate the desirability of bringing in compulsory preferential voting, in the 1908 election the plumping percentages among the constituencies where the preferential system was indulged in was 34.1; that was a very large percentage. Probably the highest percentage was at Guildford where it was 66.02, and the lowest was at Beverley, where it was 19.2. Many people may say that the proportional representation system would probably be the best, similar to what they have in Tasmania. I shall not weary the House with that because the proposal is not before us now; but that is the only way to get a true expression of the will of the people. I wish to deal with the point as to the conclusiveness of the rolls. In the Act of 1904 there was a provision that a name being on the roll was conclusive proof of the right of the person to vote. It was not to be questioned except in a court of revision, and later on in the same Act the rolls were assumed to be correct under that Act. The Chief Justice in a decision, I say it with great respect, which was received with a certain amount of surprise at the time, held that he was entitled to go behind the rolls and to inquire whether people were resident in a district for a month, or had left a district for three months. The present Act provides that the roll shall be only conclusive as to the act of the person being enrolled. That has again been gone behind in a recent

election petition which was heard some short time ago. Now we have the amendment in the Bill making it absolutely beyond doubt that the rolls are not to be inquired into. Whether the clauses of the Bill will carry out the object may be open to a little doubt, but I would like to point out that under Section 118 of the Act the returning officer is allowed to ask voters certain questions, with a view of showing whether or not the voter still holds the qualification. The returning officer is entitled to go behind the rolls and he is bound by the answers given to him at the time. The object of the amendment to Section 161 is that the court should not be allowed to go behind the rolls, and it seems to me that we are allowing the returning officer to do what the court cannot do afterwards. It may be urged that the court is allowed to go behind the rolls, but under Section 161, inasmuch as the court can inquire as to the votes rejected or admitted by the returning officer, whether they were rightly or wrongly admitted or rejected, to that extent the court can go behind the rolls; but Subclause 2 makes it perfectly clear that he can go behind the rolls. I think Subclauses 1 and 2 are to some extent contradictory. I think we should hesitate before allowing the returning officer to go behind the rolls when a court has not that power. Certain modifications, I think, will be required in Subsection 1 of Section 161, for that section says—

> The court shall deem the roll conclusive evidence that the persons enrolled were, at the date of the completion of the roll, entitled to be enrolled.

The object of the Act is to make it clear that a person is not only entitled to be enrolled, but that he is entitled to vote. I think the words "entitled to vote" should be added to the subclause. It seems to me it is the object of the Legislature to prevent unqualified people from voting and, therefore, the question arises, is it wise to allow the rolls to be gone behind after an election petition is lodged. If there is no election petition the returning officer's decision is final, and he may have allowed unqualified persons to vote, and he may have refused qualified persons vote. If the returning officer asks n questions at all unqualified persons ma have voted—and there is no power t inquire into the matter afterwards. A though there might be ample evidence t show that unqualified persons had voted yet the court is not allowed to inquir into it. The Chief Justice, in one of th cases which came before him, expresse surprise that he or any court was no allowed to inquire whether the voting a the poll had been pure or not. Undoubt edly it is the wish of the Legislature t prevent unqualified persons from voting but I doubt the wisdom of the clause. admit it is very necessary, if possible, t shut down the rolls at a certain point an say, we are not going to allow a candidat to go to the expense and trouble, and th country to go to the trouble and expens of an election petition, and very ofte a candidate may be unseated on ver contradictory evidence. I admit it i right to consider the rolls conclusive i it is possible to do so without injustic to an individual. I do not propose t keep the House longer. On the whole h Bill contains many important provisions and I congratulate the Colonial Secretar for having brought in, at any rate, h amendment in reference to the compu sory preferential voting system.

Hon. J. W. LANGSFORD (Metropoli tan-Suburban): There is just one matte in connection with the Bill I would lik to draw the attention of the House to and I think it is a serious matter an ought not to be passed over without de bate. The forms are to be drawn up i the department administering the Act Under the present Act all the forms ar given in a schedule to the Act, but th schedule is to be repealed by this Bill, an the whole of the new forms are to b drawn up by the department administer ing the Act.

Hon. D. G. Gawler: That is to assis the uniformity.

Hon. J. W. LANGSFORD: I think it is a serious point in the Bill. Of cours there are some minor forms which migh be left to the department to draw up, bu in reference to the claims which electo

have to fill in, I think the whole of the particulars should be settled by Parliament, and the form itself should be prescribed by Parliament instead of being left to the department.

Hon. Sir E. H. WITTENOOM (North) With regard to the qualifications that the hon. member referred to, if he looks at the voting paper he will find on the butt, that the elector must be in possession of the same qualification when he votes as he was at the time he registered. A case of that kind came prominently before me at an election not long ago, in which a man was qualified to vote, but he had parted with his qualification before the election came on.

Hon. J. F. Cullen: That is the old form, the new form is different.

Hon. Sir E. H. WITTENOOM: I was presuming that the form was the same as the old form, and in the old form it was necessary for an elector to have the same qualification when he voted as when he registered.

Hon. J. F. CULLEN (South-East): I shall not delay the House, because this is essentially a Bill to be thrashed out in Committee. In fact I may go further and say it is a Bill on which the House must mainly depend upon the draftsman and the Minister. It is so highly technical, and proposes to alter so many sections of the existing law that it would be impossible for hon. members in Committee to compare and check them and be sure that serious mistakes are not made. Therefore I hope the Minister will bear this in mind and be sure that the Bill is in a workable form. I join issue with the first speaker to-night. I am not so sure about either the wisdom or the effect of making preferential voting compulsory. It is a matter on which I should like to hasten slowly. We brought in the preferential principle and sought to educate the people to the exercise of the right given to them, but I doubt whether the time has come to say "If you will not make up your minds, not only about one man, but about two, or three, or four, or five, as to their relative merits, your vote will be informal." It is a serious step to take. In any case the result will be an enormous multiplication of informal votes. Apart from the unwillingness of many voters to go beyond their first choice, there will be the difficulty to unskilful voters, those not accustomed to complicated papers. It will multiply the openings to informality. It is a serious thing to make up one's mind as to the relative merits of four or five men. It is simple enough to say who is to be first, but to say who shall be third, fourth or fifth is a very much more complex matter. At any rate I am in great doubt whether it is wise to hurry on and make this compulsory. Again the clause referred to by the last speaker contradicts certain provisions of the Act proposed to be amended. I do not think we can in so many words prevent the questioning of a roll unless we make a very radical amendment to the existing law. I am doubtful whether the clause sufficiently covers the intention of the Minister that the roll shall not be questioned however faulty it may be. But if it did, is it desirable to say, "There is the roll. There may be any number of errors in it, but it stands"? Take for instance the latest added names, regarding which, even though there may be what is supposed to be the opportunity of objecting at a revision court, there is no time for people who know the qualifications to come forward and testify. There may be a lot of names wrongfully on the roll. Is it wise, if the amendment would carry the intention out, to say, no matter how faulty or impure the roll may be, it is there and is conclusive against any court, against the returning officer or any inquiry? I am very doubtful about it.

The Colonial Secretary: They will still be subject to a penalty if they vote wrongly, but it will not upset the election.

Hon. J. F. CULLEN: There is much more involved in it than upsetting an election. There may be much mischief done without an appeal to upset an election. We want pure rolls: we want the fullest exercise of the franchise we can get, but we want pure rolls. Is it wise to say that, whatever the roll is, when it is signed by the registrar or president of a revision court there it stands, no matter how faulty it may be. I am not so sure

about that clause. However, that can be considered in Committee. But I have great doubt as to whether it is wise to hurry and make preferential voting compulsory. It is a hasty conclusion to say it will give us majority rule. After all it is a clumsy sort of way to arrive at a majority to say, "We have so many first, and so many second votes, and so many third votes to give a certain man, and he has more firsts and seconds and thirds than anyone else and therefore has a majority." It is a very illogical and irrational majority.

Hon. D. G. Gawler: It prevents the present wastage of votes. That is an advantage.

Hon. J. F. CULLEN: I cannot see it. I can understand a second ballot giving an absolute majority, but the objection to that is that it is so costly and so wasteful of time that it is generally regarded as a not desirable system.

Hon. J. W. Hackett: It means two distinct elections.

Hon. J. F. CULLEN: Exactly; but it is in force in certain countries, including New South Wales.

The Colonial Secretary: Do you think it would be a workable proposition in Western Australia?

Hon. J. F. CULLEN: I am not proposing it, but I am saying it would be a means of getting majority rule. But to say that because a man has more first, second, and third votes than anyone else he has a clear majority is illogical.

Hon. J. W. Langsford: With a second ballot, are they not changing their votes?

Hon. J. F. CULLEN: But there is a deliberate choice between two men. In this case there is not. We bring in the hateful principle of compulsion, which we all shrink from whenever we can; and we bring it in on a false recommendation; we allege it will give a clear majority. I say it will not. It is a kind of fake majority we get, and I am not prepared to vote for compulsion even if the rest of the House see their way clear to do so. I think it is going a little too fast. I would rather give permissive preference a little further trial.

Hon. J. E. DODD (South): I did not intend saying anything on this Bill as I have not given it the attention I should have; but in reference to Mr. Langsford's remarks I was under the impression that the same forms would be issued for the State elections as for Federal elections, or at least similar forms with just the alterations required by the State. Evidently it is not the case, but if it were the case I would urge that every care should be taken to make these forms as simple as possible. The Commonwealth forms appear to be very simple, and no doubt most of them are, but one or two are very misleading. I would urge that whoever has the ordering of these forms should deal with them as simply as he possibly can. The Bill provides that the rolls are not to be printed quarterly as at present. I think this is a mistake. Considerable trouble and inconvenience are caused in the Federal enrolments by voters not knowing whether they are on the roll. The time that elapses between the printing of one roll and the printing of another is so great that many people do not know whether they are on the roll or not. I consider that the State system is much better, issuing rolls quarterly so that electors are able to ascertain whether they are on the roll or not.

The Colonial Secretary: They still can be printed whenever the Chief Electoral Officer thinks it necessary.

Hon. J. E. DODD: That may be only once in three years. Under the Federal system you have a chance of seeing the manuscript roll, perhaps, but that is the only chance the elector has of knowing whether he is on the roll.

Hon. J. W. Langsford: The roll must be printed at least once a year.

Hon. J. E. DODD: That is a little better, but the quarterly system is much better. With reference to compulsory voting, as laid down by the Bill it is not compulsory in its full sense. It is all very well to talk about compulsory voting, but we cannot have compulsory voting. I take it we are here to make laws and to enforce them, but we cannot enforce compulsory voting. To a certain extent we may enforce compulsory voting as laid down in the Bill, but when we come down to compulsory voting as a whole we can-

not enforce it. We may have all the penalties we like, but what is to prevent any elector going to the poll and making his vote informal?

Hon. D. G. Gawler: He would not like his franchise taken away.

Hon. J. E. DODD: How can we take his franchise away when he makes an informal vote? Can we say he did it knowingly? With regard to the system laid down by the Bill we are trying to overcome apathy and indifference by coercion, and are getting pretty close to violating individual freedom when we say "You must vote." What is the object of it? I do not see that we are going to get any better legislation or any better return of members by saying a man must vote or must record his preference.

The Colonial Secretary: It is the same as the principle of voting for the Federal senators. You must vote for three.

Hon. J. E. DODD: No, it is entirely different. In the one case it is to prevent a man plumping, which is entirely different from a compulsory preference.

Hon. D. G. Gawler: But you must vote for the three whether you like them or not.

Hon. J. E. DODD: That is so, but some of the most intellectual men of my acquaintance—I refer to the Single Tax League of Kalgoorlie—absolutely refused to vote at the last Federal elections because they could not conscientiously vote for either side.

Hon. D. G. Gawler: This Bill does not compel a man to vote.

Hon. J. E. DODD: I know that, but I was referring to the compulsory principle in its entirety. Now I am referring to it in connection with the Bill. You do not compel an elector to vote and if he has a conscientious objection he will not vote. An elector is not going to be compelled to vote for a candidate in whom he does not conscientiously believe. There are many men that I could not conscientiously give a vote to, not only because of their public disabilities, in the way of speaking, but from incidents arising out of their private lives, yet in this Bill a man may have to vote for one of those candidates or else not vote at all.

Hon. D. G. Gawler: You can put him at the bottom.

Hon. J. E. DODD: But you are compelled to vote for him all the same and you do not know that you are putting him at the bottom. We are trying to get at the remedy in the wrong direction. If we want to get over the difficulty there are other ways of doing so. When we bring in the system of elective ministries and the system of the referendum we will bring about the abolition of parties and refer measures to the people by means of the referendum. I take it then that we will have a better system than we have in the Bill. These are the few remarks that I desired to make upon the Bill.

Question put and passed.

Bill read a second time.

CHAIRMAN OF COMMITTEES, TEMPORARY.

The PRESIDENT: The Chairman of Committees, Mr. Kingsmill, has been accidentally delayed while journeying in the North and he probably will not arrive until to-morrow. It will be competent for the House to appoint a temporary Chairman of Committees in his absence.

The COLONIAL SECRETARY (Hon. J. D. Connolly) moved—

That the Hon. Sir Edward Wittenoom be appointed to act as Chairman of Committees during the temporary absence of the Chairman of Committees.

Hon. R. D. McKenzie (South-West): I second the motion.

Question passed.

BILL—PARKS AND RESERVES ACT AMENDMENT.

In Committee.

Clause 1—agreed to.

Clause 2—Ranger may apprehend any offender whose name is unknown:

The COLONIAL SECRETARY moved—

That in line 1 of Subclause 1 after the word "ranger" the words "on production of a certificate of his appointment" be added.

When the Bill was under discussion on

the second reading it was pointed out that there was nothing to show who was and who was not a ranger. The words of the amendment would make the matter clear and the person who was being arrested or was about to be arrested would know that he was being arrested by a ranger.

Hon. J. W. KIRWAN: When speaking on the second reading of the Bill it was suggested that a ranger when carrying out his duties should wear a badge or distinctive uniform, and the Colonial Secretary had sought to meet the objection by the amendment which he had moved. That, however, was scarcely sufficient. In the case of a ranger who might be struggling with a man and who would not call for the assistance of a civilian if the offender was not a character who was likely to resist arrest, there would in such a case be an extreme difficulty of producing a certificate: in fact it would be difficult to see how he could do so under the circumstances.

The Colonial Secretary: It is exactly the same with a plain clothes constable.

Hon. J. W. KIRWAN: Not exactly the same because in connection with a ranger that ranger would always be on duty when in a park, and there were special reasons why a plain clothes constable should be in plain clothes at a particular time. In parks all over the world rangers had some distinctive mark and in the Bill before the Committee it was proposed to give them some extraordinary powers, in fact all the powers of a police constable. There could be no objection to a proposal that a ranger should wear in his hat or by means of buttons some distinctive mark.

Hon. J. F. Cullen: Then he would not get within half a mile of the offender.

Hon. J. W. HACKETT: It was largely at the instance of the King's Park Board that the Bill had been introduced. If the amendment were carried offenders would never be caught.

Hon. J. W. Langsford: Would there be an offence if the ranger were in uniform?

Hon. J. W. HACKETT: It might be as well for a ranger to carry a red danger flag saying he was coming along to effect an arrest. It was desired to catch those who did not suspect what was going on. The King's Park Board wanted the rangers to act in the capacity of plain clothes constables and any man might be charged with the duty of watching the park. It would not be only the park ranger, so called, but according to the Bill it would be anybody who was authorised to act as such.

Hon. J. W. KIRWAN: If the amendment moved by the Colonial Secretary were defeated he (Mr. Kirwan) would move to insert the words, "wearing a distinctive badge or uniform to indicate that he is a ranger."

The COLONIAL SECRETARY: As had been said, the Bill was brought in at the request of the King's Park and other similar boards. It was a copy of the Imperial law, but in order to meet the wishes of members the amendment had been framed providing for the production of the ranger's certificate.

Hon. J. W. Kirwan: While the ranger is struggling with an offender.

The COLONIAL SECRETARY: There would not be any struggling, for the offenders were not desperate criminals. It was probable that not once in 500 cases would the offender offer any resistance. The most desperate arrests were made by detectives and plain clothes constables, who, if they wanted assistance, called upon the public for it, and got it, notwithstanding that they wore no uniform. The ranger, on the other hand, would have his certificate showing his authority. Further, the ranger was a gardener and, most of his time, was hard at work in the gardens, at which task it would be most inconvenient to wear a uniform.

Hon. J. W. KIRWAN: It would not be necessary to call to the assistance of the ranger any civilian unless the offender were resisting arrest. If the offender were resisting arrest it would be most difficult for the ranger to produce his certificate as prescribed in the Bill; indeed if he attempted to do so the offender would probably escape.

The Colonial Secretary: He need not necessarily produce his certificate, if the civilian agrees to assist him without it.

Hon. J. W. KIRWAN: In any case, how was it possible for the ranger to produce his certificate while he was struggling with an offender?

Question put and passed.

Subclause 2 consequentially amended.

Clause as amended put and passed.

Clauses 3 and 4—agreed to.

Clause 5—Police officers to have powers of rangers:

The COLONIAL SECRETARY moved an amendment—

That the following words be added to the clause:—"and every ranger shall, for the prevention of offences, and the bringing to punishment of offenders, against this or the principal Act or any such by-law as aforesaid, have the powers, privileges, and immunities of a police officer within any police district in which the park or reserve, of which he is ranger, or any part thereof, is situated."

When the Bill was previously under discussion it had been pointed out that an offender might commit an offence close to the boundary of the reserve, and before his name could be taken he might be outside the fence, and, consequently, beyond the control of the ranger.

Hon. B. C. O'Brien: Is he to be a police officer at all times of the day and night?

The COLONIAL SELRETARY: Yes.

Hon. J. W. KIRWAN: Seeing that the amendment proposed to confer exceedingly wide powers upon the ranger, would it not be well that these rangers should be required to take some such oath as was taken by the police constables? It could easily be conceived that some rangers might at times over-step their powers and commit unjustifiable acts; and that being so there should be placed upon them some such restrictions as were placed upon the police constables.

The COLONIAL SECRETARY: Surely there was no necessity for making a ranger take the oath. A ranger would hardly be expected to take the oath of allegiance.

Hon. J. W. Kirwan: But he might take an oath to preserve the peace.

The COLONIAL SECRETARY: Where was the necessity for taking such oath?

Hon. J. W. Kirwan: It would serve to make the offence more serious in the event of the ranger abusing his powers.

The COLONIAL SECRETARY: In such case the ranger would be dismissed or dealt with in some other way. After all, his powers would be very limited. There were similar forms of police constables in existence, such as those who acted under the Fremantle Harbour Trust and other bodies created for local purposes.

Hon. A. G. Jenkins: Except that you give the ranger all the immunities of a constable.

The COLONIAL SECRETARY: Only in the execution of his duty.

Hon. J. E. DODD: If the power to be given to these rangers was to extend beyond the boundaries of the parks, then certainly it was very great. It was equal to that given to a detective and police constable combined. Especially was the power great when it was remembered that the ranger was to have no distinguishing mark. It was to be remembered also that these rangers had no special qualifications for the exercise of such power. It might lead to a certain amount of blackmail.

The Colonial Secretary: An offender can get out of the difficulty by giving his name.

Hon. J. E. DODD: It was not very nice for a man who was alleged to be an offender to be forced to give his name. Very wide powers were being put in the hands of the rangers.

Hon. J. W. HACKETT: In the case of King's Park arrests were never made. All the ranger did was to take the name of the offender. If the offender refused to give his name then they had to put up with it. The same practice was followed elsewhere.

Hon. B. C. O'BRIEN: The Bill referred to all parks, and it appeared evident from the clauses that the object of the park boards was to employ men to try and detect offenders. In the case of

King's Park there would be an army of men employed with the full powers of constables or detectives both inside and outside the park, at all hours. The powers of the rangers were too wide.

Hon. J. W. Hackett: What are the powers?

Hon. B. C. O'BRIEN: The full powers of a constable or detective. If it were only necessary for an offender to give his name where was the necessity to empower rangers to act as detectives or police?

Hon. J. W. HACKETT: The rangers could only act in order to prevent offences against the by-laws. They were limited by the by-laws and it was quite erroneous to say that they would have the powers of police constables or detectives. All that was needed was that they should have power to prevent offences against the Act and its by-laws.

The COLONIAL SECRETARY: During the second reading debate it was suggested that Clause 5 would be unsatisfactory, so, in order to make it effective, the amendment had been introduced. The provision only applied to offences committed against the principal Act and its by-laws. The parks were for the benefit of everyone, they belonged to the people, and it should be the duty of every person to try and preserve them for the people. All the amendment did was to give the rangers power to take the name of any person breaking the by-laws. Only those men specially appointed by the board and holding certificates signed by the chairman of the board, would be given this authority. There was no desire to injure or harass anyone; all that was wanted was to protect the parks. Mr. O'Brien had spoken of an army of men being engaged, but the funds of none of the park boards were sufficient to keep an army of men employed. There would be only one man to hold the powers, and he in most cases would be the principal ranger. It was very necessary that the powers should be conferred. The Bill with its amendments did not go nearly so far as the Act which had been in force in England for many years.

Hon. F. Connor: Would you limit the number of people to whom the power should be given?

The COLONIAL SECRETARY: That would be in the hands of the board. What difference would it make in King's Park, for instance, whether there were three or four keepers. It might certainly be necessary to have more than one man there.

Hon. D. G. GAWLER: Apparently Clause 4 of the Bill had been passed without its true significance being realised. That clause gave all the powers of a police constable to the rangers, not only in connection with the enforcement of the regulations and by-laws, but generally.

The Colonial Secretary: That clause can be recommitted.

Hon. A. G. JENKINS: All needed in connection with Clause 4 was that the same addition limiting the jurisdiction should be applied to it as to the following clause.

Hon. J. W. HACKETT: The main feature of Clause 4 was really to limit the power. First of all it confined the jurisdiction to within the park or reserve where the men were employed, and then other words were added to ensure that when acting as a constable the ranger did not misconduct himself or exceed the duties and responsibilities attaching to a constable outside.

Hon. J. W. KIRWAN: There should be a provision that the ranger on receiving these powers should take an oath similar to that taken by a constable when first put on duty. The Colonial Secretary should agree to an amendment providing for this to be inserted in the clause.

Hon. B. C. O'BRIEN: Unless something of the kind suggested by Mr. Kirwan were done the officer might not realise his responsibilities, and the result might well be that considerable annoyance and dissatisfaction would be caused.

Amendment put and passed.

Hon. J. W. KIRWAN moved a further amendment—

That the following words be added to the clause:—"Provided that every ranger takes an oath in accordance with Schedule A of this Act."

For the convenience of members and so that they should understand what the form of oath would be he would inform them now of what he intended to move as Schedule "A." The form of the oath would be, "I (—) undertake and promise that I will see and cause His Majesty's peace to be kept and preserved while acting as a ranger and that I will prevent to the best of my power all offences against the same."

Hon. J. W. HACKETT: If the Colonial Secretary would agree to recommit the Bill the amendment suggested by Mr. Kirwan could be considered.

The COLONIAL SECRETARY: That could be done and the hon. member would then be able to put his amendment on the Notice Paper.

Hon. J. W. Kirwan: The amendment should be dealt with now while the matter was fresh in the minds of members.

The COLONIAL SECRETARY: The amendment should not be dealt with now. It was totally different from anything in the Bill and might make it unworkable. The best plan would be for the Bill to be recommitted and the member to put his amendment on the Notice Paper. That would give an opportunity to the Parliamentary draftsman to look into the amendment.

Hon. J. W. KIRWAN: Under the circumstances he would accept the suggestion of the Colonial Secretary to have the Bill recommitted and the amendment put on the Notice Paper. He would therefore ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause, as previously amended, put and passed.

Clause 6—Interpretation:

The COLONIAL SECRETARY moved an amendment—

That the words "and includes" and "park-keeper or other officer" be struck out and "or by the said Acclimatisation Committee" added to the clause."

If members would look at the Notice Paper they would see that there was a proposed new clause to extend the operation of the Bill to the Zoological Gardens. It would be necessary if any new clause were added to amend the clause under discussion in the manner indicated.

Hon. J. W. KIRWAN: The Colonial Secretary had stated that the Bill would apply to all parks; but surely he did not mean that, as it would only apply to parks and reserves within the meaning of the Parks and Reserves Act, 1895. In accordance with the interpretation of that Act it could only mean those parks and reserves vested in His Majesty. Apparently the Bill would only apply to King's Park and the Zoological Gardens.

Hon. J. W. Hackett: There are lots of them, Crown reserves.

Hon. J. W. KIRWAN: Would the Bill apply to municipal parks?

The Colonial Secretary: No; those gardens are vested in the municipalities.

Hon. J. W. KIRWAN: As the Bill was to be recommitted it would be wise perhaps for the Colonial Secretary to bring other parks within the scope of the measure. There were certainly difficulties in the way of bringing some of the parks under the Bill, but an effort should be made to bring this about.

Progress reported.

BILL—SUPPLY. £719,410.

Received from the Legislative Assembly and read a first time.

House adjourned at 6.21 p.m.