Legislative Council,

Wednesday, 26th October, 1910.

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

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Municipality of the City of Perth By-laws. 2, Report by the Superintendent of the Labour Bureau for year ending 30th June, 1910. 3 (a), Public Works Department—Plans of Proposed Railway from Dumbleyung to Moulyinning. (b), Plans of Proposed Railway from Katanning to Shannon's Soak.

QUESTION—PUBLIC SERVICE AND LIFE INSURANCE.

Hon. J. W. LANGSFORD asked the Colonial Secretary: Whether the Governor has approved of any life insurance companies, as provided for in Section 70 of the Public Service Act, and, if so, the names of the approved companies.

The COLONIAL SECRETARY replied: No. Applications have been received from four companies, and so soon as a uniform policy has been settled a recommendation will be forwarded to the Governor-in-Council.

LEAVE OF ABSENCE.

Hon. J. T. GLOWREY (South) moved—

That 14 days' leave of absence be granted to the Hon. T. F. O. Brimage on account of urgent private business.

Hon. W. KINGSMILL: The motion would have been more in accordance with the Standing Orders if it had read "six sittings of the House." Under our Standing Orders "14 days" had no significance at all, and leave of absence for 14 days might be of no use whatever.

The PRESIDENT: Perhaps the hon. member would amend his motion in the direction indicated.

Hon. J. T. GLOWREY: With the permission of the House he would amend the motion as suggested.

Motion by leave altered accordingly.

Question, as amended, put and passed.

RETURN—PARLIAMENT, COST OF.

Hon. J. T. GLOWREY (South) moved—

That a return be laid on the Table of the House giving the total details of all costs incurred in maintaining both Houses of Parliament (separately) from the opening of the present session to this date. The said return to include the proportion of members' salaries for the said term, cost of "Hansard" staff, and of the producing of "Hansard."

Presumably there would be no opposition to the motion. The House was entitled to the fullest information, and, considering that members of another place were at the present time asking for higher remuneration, it was only right that the country should have an idea of the expense incurred.

Hon. J. W. Kirwan: Could you not get the figures from the Budget papers?

Hon. J. T. GLOWREY: It was preferable that he should secure the figures by the method adopted.

The Colonial Secretary: There would be no objection offered to the motion.

Question put and passed.

BILL—HOSPITALS.

Third Reading.

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

That the Bill be now read a third time.

Hon. D. G. GAWLER (Metropolitan-Suburban): While not proposing to offer any obstruction to the third reading of the Bill, he would remind hon. members that when Clause 40 was before the Committee he had suggested an amendment in Subclause 2, and had eventually withdrawn the amendment on an undertaking by the Colonial Secretary that the Bill would be recommitted for further consideration of the proposed amendment. He (Mr. Gawler) still felt that his objection was well founded, and he could not let the third reading pass without entering a protest against the way in which the subclause was drafted. While entertaining the highest respect for the knowledge and ability of the Parliamentary Draftsman he could not but feel that the drafting of that particular subclause might with advantage be amended. In his opinion the intention of the clause was to make the carrying out of the specified formalities mandatory. If that idea was correct then the forms hitherto used in the Companies Act, the Municipalities Act, and the Local Governing Act of Victoria should be followed, and words added to the end of the clause definitely stating that the clause was intended to be mandatory.

The Colonial Secretary: This is the same as in the Municipalities Act.

Hon. D. G. GAWLER: No; there was a considerable difference. However, the necessary alteration could be made in another place. All he desired to do was to protest against the form in which the clause had been allowed to pass.

Hon. W. KINGSMILL: It seemed that a misunderstanding had arisen on the point. Mr. Gawler wished to lay stress on the fact that a contract which must be in writing between private parties must be in writing if made between the trustees and any of their contractors. In other words, the principal stress was upon the fact that the contract must be in writing. On the other hand, the leader of the House and Mr. Jenkins divided what might be called the mandatory nature of the word "may" between the fact that the contract must be in writing and must be signed on behalf of the board by some person duly authorised by the board. It was, apparently, an instance of economy of words leading to a good deal of misunderstanding. As at present drafted the clause seemed obscure, and it would be an advantage if in another place the subclause were redrafted in order that its meaning might be made quite clear. Perhaps the Colonial Secretary would suggest to one of his colleagues in another place that this should be done. There was confusion in two parts of the subclause as at present drafted, and a slight alteration would remove this.

The COLONIAL SECRETARY (Hon. J. D. Connolly): On the attention of the Committee being drawn to the wording when the clause was under consideration, he had taken the opportunity of consulting the Parliamentary Draftsman, and, to the best of his understanding, that officer had assured him the clause was correct as printed. As a layman he was inclined to take the same view as Mr. Kingsmill, and hold that the clause did seem rather obscure. However, his only desire was to make the matter clear, and he would follow the suggestion made by Mr. Kingsmill, see the Parliamentary Draftsman, and if it were necessary ask the Minister who would be in charge of the measure in another place to make an amendment.

Question put and passed.

Bill read a third time and transmitted to the Legislative Assembly.

BILL—JURY ACT AMENDMENT.

Report of Committee adopted.

BILL — GAME ACT AMENDMENT.

In Committee.

Resumed from the previous day.

Title—agreed to.

Bill reported with an amendment, and the report adopted.

BILL—GENERAL LOAN AND INSCRIBED STOCK.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second

reading said: This is a Bill to consolidate and amend the law relating to loans authorised by the Government of Western Australia and to consolidate the Acts already in force regarding this question. It will have the effect of repealing the eight Acts now in force covering the general loans and inscribed stock. The Acts to be repealed cover the period from 1884 to 1904. The principal Act, known as the General Inscribed Stock Act, is now 26 years old. It is virtually a relic of the old Crown colony days and is not applicable in every respect to the raising of loans at the present time. The system of borrowing during the past 25 years has undergone a radical change. Three amending Acts have been placed upon the statute book dealing with a certain phase of the general loan business. It will readily be understood, therefore, that it is desirable for the Acts to be consolidated; not only that, but it is necessary that there should be some amendments made. Another reason for the consolidating and amending measure is the impending transfer of our debts to the Commonwealth; therefore, there is a consequent desire on the part of the Government to place clearly before the Commonwealth authorities what our intentions are in regard to past and future loans of the State. Then in regard to the sinking fund the present provisions are not altogether clear, and some of the sections require amending. As to the investing of sinking funds an amendment is needed, and this Bill sets that out in detail. The methods of investing, detailing, and the treatment of conversion dates and investments in later dated stock require dealing with. The present measure implies that there should be two sinking funds in connection with certain loans, but this Bill makes it clear that there shall be only one.

Hon. J. W. Hackett: Is it intended to equalise all sinking funds?

The COLONIAL SECRETARY: It is provided that anything done under the existing Act shall stand. The Auditor-General has contended that the flotation expenses of loans should be paid from the General Revenue. That was never intended, and in the past all flotation expenses have been paid out of the loan for which the expenses were incurred.

Hon. W. Kingsmill: That is quite right for it is a 40 years' loan.

The COLONIAL SECRETARY: This is a very important matter, and the point is made quite clear in the amending Bill. It is provided therein that the expenses of flotation shall be paid out of the loan. The Bill also makes provision that any appeal shall not affect previous appeals under the Acts so repealed, or affect any privileges, obligations, or liabilities accrued or incurred under any Act repealed; that is to say, the sinking fund will be preserved, and anything done under past Acts will not be altered. As before mentioned, this is a Bill to consolidate the law affecting loans, and to make necessary amendments in the existing law. I do not know that it is necessary for me to say anything further. No doubt the Bill is rather of a technical character at first sight. I would remind members that it particularly compiles the Acts now in force. When the measure is in Committee I shall be glad to supply any detailed information regarding any particular clause. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—CEMETERIES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small amending Bill prepared mainly at the instance of the trustees of the Karrakatta Cemetery. Under the principal Act trustees of cemeteries have not a free hand in the disposal of their surplus funds. Their obligations in regard to these matters are set forth in the principal Act. 61 Victoria, No. 23, and it is provided that all such funds have to be applied as directed by

the Governor. This applies even to the trustees of cemeteries which receive no subsidy from the Government. The Bill proposes to give the trustees power to appropriate their own revenue when such revenue has not been augmented by a Government subsidy. Clause 32 of the Act says—

> Upon examination of the said accounts, statements, suggestions, and estimates, the Governor shall direct the manner in which the balance of the moneys in the hands of the trustees shall be appropriated; and, if any such sum so lent or advanced as aforesaid be unpaid, shall determine the proportion (if any) to be applied in payment of such sum and the amount to be allowed as salary to the trustees, and the amount to be expended in the management, laying out, or improving of the cemetery, or the burial of poor persons during the ensuing year.

The amendment proposed by this Bill will give the trustees a free hand in regard to the surplus revenue. It also provides that while requiring complete accounts to be furnished the trustees of unsubsidised cemeteries shall be relieved from certain strict obligations as to their accounts. These obligations are contained in Section 31 of the principal Act. The Bill also provides for the creation, in connection with unsubsidised cemeteries, of a reserve fund, which is not to be disbursed on the ordinary upkeep of the cemetery, but is only to be applied to such special objects as may be approved by the Governor. In the past applications have been made to trustees to contribute to the cost of roads in the neighbourhood of their cemeteries, but no power was given them to make any such contribution. It is proposed by the Bill to give this power in the case of subsidised cemeteries. The last clause of the Bill makes the measure retrospective, as some trustees have, I understand, been in the habit of exercising some of the freedom which this Bill proposes to confer. In order to cover any little discrepancy that may have been committed by trustees in the past, and so that their actions can be, as it were, legalised, the Bill is made retrospective. I beg to move—

That the Bill be now read a second time.

Hon. J. W. HACKETT (South-West): I have much pleasure in supporting the passing of this Bill. It is a measure to remedy a number of defects which have been disclosed after 13 years' working of the main Act of 1897. All the matters brought before the House in this Bill are of rather an important character. The fact is, and there is no use denying it, that all members of the cemetery board have been guilty of breaking the Act, not once but a dozen times. For this they have rendered themselves liable to a penalty of £50 each.

Hon. W. Kingsmill: Have they paid it?

Hon. J. W. HACKETT: It has never been asked for. The extraordinary thing is that the Auditor-General, who usually is never found wanted in discovering little laches on the part of those administering public affairs, has not put his finger upon this case. Fortunately we have escaped before attracting his notice, and I hope this Bill will be passed to indemnify us and put us in a safe position.

Hon. W. Kingsmill: There would be a great increase of revenue if it were not.

Hon. J. W. HACKETT: We might take the alternative of imprisonment. I ask all members to look at the clauses the Colonial Secretary particularly spoke of. The Act is based upon the English Act, and in some respects it is very good, but in others it is entirely unworkable in Western Australia. Take Sections 31 and 32. It is first of all provided—

> Before the thirtieth day of September in every year the trustees shall transmit to the Colonial Treasurer a copy of such account and abstract, verified respectively by a statutory declaration made by at least two of the trustees, and a statement of the condition of the cemetery as to repairs, order, and ornament, and a suggestion as to the alterations or additions necessary or expedient for the ensuing year in

such repairs, order, and ornament, and an estimate of the expense of effecting the same.

That has never been done, so far as I can find, throughout the State. I have inquired about the unsubsidised cemeteries, and I find they are all in the same box. The statutory declaration with the accounts is to be sent to the Governor, and the strange thing about it is this, that the Governor is left to do the work of the trustees. Section 32 says--

> Upon examination of the said accounts, statements, suggestions, and estimates, the Governor shall direct the manner in which the balance of the moneys in the hands of the trustees shall be appropriated; and, if any such sum so lent or advanced as aforesaid be unpaid, shall determine the proportion (if any) to be applied in payment of such sum and the amount to be allowed as salary to the trustees, and the amount to be expended in the management, laying out, or improving of the cemetery, or the burial of poor persons during the ensuing year.

It is an altogether astonishing state of confusion. There are half a dozen sections which I could point out in the same position. The faults of the Act are responsible for the illegal conduct of the trustees. But by the new Bill all cemeteries that receive no subsidies, except burial fees of course, from the Crown will be allowed to manage their own concerns and arrange their own estimates, do their own public works, and find their own money, in fact, do as they please within the limits of the law. This is the provision set up by the new measure, whereas under the old Act the trustees were shorn of all power. They are now to be given their proper position and asked to act up to their trusts. The new Bill being brought in, the opportunity is seized to make a few more alterations in the Act, which I trust will commend themselves to the House. In the first place, it is no doubt a matter of common notoriety that many of our old cemeteries are in a state of scandalous disrepair, a reproach, to my mind, that should not be cast at the door of a progressive people, the neglect of the place where we bury our dead. As burials have ceased to take place and the revenue falls off the trustees are responsible for the upkeep of the old cemetery: they have no funds to provide for the upkeep, and the result is that the cemeteries go from bad to worse. It is proposed in the Bill that the trustees may arrange for a reserve fund, paying a small amount year by year towards the fund while the cemeteries are in use, and it is anticipated by the time certain parts of the cemeteries are filled up and no revenue is coming from them, this reserve fund will serve to keep the cemeteries in a state of sightliness and beauty. In addition to this many complaints have been made by roads boards and municipalities that their roads bordering on cemeteries are free from rates, whereas the roads may be entirely used for cemetery purposes. Power is given under the Bill to enable trustees to make a voluntary gift, and it is anticipated that considerable help may be given from the fees arising from the administration of a cemetery. Contributions from these fees will be made for the upkeep or improvement of the roads around, or in the vicinity of the cemetery. I think these are all the points to which attention need be drawn. It is a small Bill: I could have hoped that the Colonial Secretary had consolidated all the Cemetery Acts on this question, because since the main Act was passed we have tinkered with it three or four times. But perhaps, with the pressure of business the Colonial Secretary has taken the wiser course. In any event, the few defects that remained after the previous amendments were passed are now removed by this Bill, and they will place the cemeteries in a satisfactory position for the future. I beg to support the second reading of the Bill.

Hon. J. F. CULLEN (South-East): Is it the intention of this Bill under Clause 3 indirectly to make cemeteries liable for rates to roads boards and municipalities? They are not liable now, and what is the object of giving the permission to pay rates? It seems to me that the clause should have no place in the Bill. There is no use in legislating on one side for permission to pay rates that are not en-

forceable by the Acts under which they are to be paid. I just point this out to the Minister so that he may have it looked into and struck out, if necessary, when we are in Committee.

The Colonial Secretary: It is only giving them power to pay to the roads boards.

Hon. J. F. CULLEN: Certainly; but is it not absurd to give them power to pay something that is not legally due? Is this not an indirect way of suggesting that cemeteries shall be taxable?

Hon. W. Kingsmill: They may make a gift to a roads board.

Hon. J. F. CULLEN: It is bad enough to tax people while they are living. I do not believe in taxing dead men. I think the proposal is entirely off the track. Certainly if there was any legislation for roads boards or municipalities brought forward, and the proposal was made to tax cemeteries, it would be strongly opposed. Surely the least we can do is to take care of the resting place of the dead and not tax their living relatives unduly. Another point of more serious criticism is, will Clause 3 accomplish what the Bill intends by way of relief for having failed to comply with impossible conditions? It only applies to unsubsidised cemeteries. I did not know we had any. They must be the rarest birds on earth; that is, taking the word "subsidised" in its broad meaning. Is there a cemetery that has not received help from the Government, and on behalf of which requests are not made for assistance every year, either for fencing, clearing, or draining; is there a single cemetery that has not had Government funds? If there are any they are very few, and if this Bill is only to relieve non-existent cemeteries, or a very few, will it carry out the intention of the framers of the Bill? If this Bill is intended to adapt the Cemeteries Act to the Western Australian conditions then we want something more radical than Clause 3. Both these matters may be dealt with in Committee, but I draw the Minister's attention to them now so that he may be ready to attend to them in Committee. I think the Bill seems to have been hurriedly prepared, and the haste seems to be covered by the excellence of the intention of the proposals.

Question put and passed.

Bill read a second time.

In Committee.

Clauses 1 and 2—agreed to.

Clause 3—Sections 31, 32, 33, and 34 of the Cemeteries Act of 1897 not to apply to trustees of unsubsidised cemeteries:

Hon. J. F. CULLEN: The Minister should report progress and look into the Bill more carefully. What was the use of rushing the Bill through Committee when it could not possibly be carefully considered now? Who had the time now to look into the Acts cited and see if the intention was carried out? Was the Minister so cocksure that he could say, "Let the Bill go through"? However, if the Minister was willing to take the responsibility, well and good.

The COLONIAL SECRETARY: The Bill was a very small and simple one. The objection raised by the member on the second reading was easily explained. The clause empowered the cemetery trustees to make or contribute towards the maintenance of roads in their districts, and the subclause referred to gave the power to trustees to pay money to roads boards for the upkeep of the roads. There was no desire to rush the Bill.

Hon. J. F. Cullen: Were there any unsubsidised cemeteries?

Hon. J. W. Hackett: Nearly all.

The COLONIAL SECRETARY: The clause said, "If during any year the trustees of any cemetery shall have received no loans;" therefore, it applied to the one year. There was no desire, nor necessity, to rush the Bill, but it was so simple that he had taken it into Committee straight away, and the measure had been on the Table for a week. Progress could be reported if there was a desire for it.

Hon. J. W. HACKETT: Few words were necessary to explain the Bill. It was a very trifling and very transparent measure. As to the unsubsidised cemeteries the hon. member could get full in-

formation at the Lands Department. Care was taken by the draftsman that there was no possibility of the rating sections of other Acts applying to cemeteries. The power to contribute to the upkeep of roads was made entirely permissive.

Hon. J. W. LANGSFORD: A mile of road ran alongside the Karrakatta cemetery, and the roads board had applied to the cemetery trustees from time to time for assistance towards the upkeep of that road, but though the trustees were quite willing to give the assistance they had not the power. This clause would give them the power.

Hon. J. F. CULLEN: Seeing members were satisfied with the Bill there was no need to waste time; he withdrew his opposition.

Clause put and passed.

Clauses 4 to 7—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Resumed from the previous sitting.

Clause 24—Amendment of Section 63:

The CHAIRMAN: An amendment was moved to add at the end of the clause the following subclause:—"Add the following subsection to Section 66 of the principal Act: 'On the receipt by the President or Speaker, as the case may be, of a petition signed by a majority of the electors on the roll for any province or district asking for a fresh election on the ground that the sitting member has ceased to be a true representative of their views, the President or Speaker, as the case may be, shall declare the seat vacant, provided each signature to the petition is properly witnessed by another elector.'"

The COLONIAL SECRETARY: It was not necessary to say anything against the amendment, as there was so little argument advanced in favour of it; and judging by the expression of opinion, the Committee were decidedly against it.

Hon. J. F. Cullen: It is a joke only.

Hon. J. W. KIRWAN asked for withdrawal. He had pledged himself on different occasions to avail himself of the first opportunity to introduce this reform. During his election campaign he was asked if he favoured it and having said he did, it implied he would take the earliest opportunity of moving in this direction.

The CHAIRMAN: Mr. Cullen was not quite in order in imputing other than serious motives to the hon. member in moving the amendment and should withdraw.

Hon. J. F. Cullen: I most readily withdraw.

The COLONIAL SECRETARY: Judging by the expression of opinions it was not likely the Committee would accept the amendment. No doubt Mr. Kirwan had made an election pledge and was giving effect to that pledge, but probably no other member was bound in this way.

Hon. E. McLARTY opposed the amendment. In petitions he had little faith. No doubt a large number of petitions would be obtained for the removal of members of Parliament, but petitions were not worth the paper they were written on. He regretted the Government sometimes took petitions too seriously. Some recently got up were perfectly absurd, and if this amendment were passed it would lead to a great deal of absurdity. But the amendment could not be taken seriously. The remark of the member, who in supporting the proposal said that the Legislative Council was out of touch with the electors, he (Hon. E. McLarty) absolutely denied. In fact never during previous years had he found the electors express more faith in the Legislative Council than they did at his last election. The avowed object of the hon. member who spoke in this way was to abolish the House altogether. One could not understand any person seeking a seat in the House for that purpose, and if this amendment were carried

that member would be one of the first against whom a petition would be got up. It was doubtful whether the hon. member in addressing the electors at Gingin, Moora, Northampton, Greenough, or any of those agricultural centres, would have the courage to say his object in coming before them to solicit their votes was with a view to abolishing the Legislative Council altogether.

The CHAIRMAN: I will ask the hon. member to speak to the amendment.

Hon. J. W. Kirwan: The hon. member is not here to defend himself.

Hon. E. McLARTY: I hope he cannot.

Hon. J. T. GLOWREY: The hon. member who moved the amendment had not told the Committee where such a law as he proposed to introduce was in existence. It was hard to say how such an amendment would work, if as Mr. McLarty had told the Committee, that not a member of Parliament, or it might more particularly be said a member of another place, would escape from having a series of petitions presented against him. If it could be shown that the proposed amendment would produce a better class of parliamentarians it would receive his support. The hon. member who moved it did not give any evidence that we would be any better off than we were to-day.

Hon. J. W. LANGSFORD: As an abstract principle there was something to be said in favour of the amendment, and it was to be hoped that the mover would give some concrete instances where such a proposal might apply. No case was known where a representative had got entirely out of touch with the matured opinions of the electors whom he sought to represent. If the hon. member had been able to cite instances where electors were at great disadvantage because of the action of their representatives, it would have helped the Committee in arriving at a decision. The hon. member had stated that it was a pledge that he had given the electors, and that opened up the question as to how far electors ought to seek to obtain from their representatives pledges or promises, and how far the representatives ought to pledge themselves. An agitation might be got up in an electorate when the representative might be in the metropolis, or far away doing his duty, and it would be an unfair advantage to take. Such a proposal as that moved by Mr. Kirwan, should be accompanied by a cash deposit of the maximum amount which the representatives of Parliament were allowed to spend in the event of it being necessary to fight an election. There would no objection to the amendment then.

Hon. J. E. DODD: As he had been responsible for placing the principle upon the Labour party's platform at the recent congress it would receive his support. Rather should he say that it was the principle of recall that he had advocated. The amendment moved was not altogether the principle of recall as the Labour party required it, but, still, it was the same thing in effect. The mover's amendment did not desire it to be taken as finally settling the question. The principle, however, was one that all could agree to. Mr. Glowrey desired to know where the principle was in operation. The principle of recall was in operation in 13 States of America, and the agitation for it was increasing so rapidly that very shortly it would be in operation in nearly all the States of America. Mr. Langsford wanted to know an instance that could be given where a recall could be brought into operation. There were many instances in Western Australia. In the last Parliament in a certain timber constituency there was one representative who undoubtedly would have been recalled if such a provision had been on the Statute Book; but he was not game to face the electors at the end of his term. He, however, mustered pluck to face the electors three years afterwards, but they remembered his action and he was wiped out by seven or eight to one. There were other instances. Abuses in connection with such matters were not confined to one party. Unfortunately the Labour party had had members, who, had the recall been in operation, would certainly have been recalled. It must be apparent to all that one of the Senators who went out at the end of the last term would have been brought face to face with the electors if

the provision had been in force. Another prominent member of the Labour party in the House of Representatives might be referred to. This member went to South Africa for 12 months before the end of the session, and while drawing £600 a year all that time he engaged in certain operations in South Africa. Would the Committee say that this member was justified in drawing £600 a year, and that the electors should have no right or control in any way in the direction of asking him to resign his position before going away?

The CHAIRMAN: For the guidance of members discussing this clause it will be as well to draw attention to Standing Order 395, which provides against the use of offensive words towards members of either House.

Hon. J. E. DODD: If there had been any transgression on his part he was sorry.

The CHAIRMAN: The hon. member is not transgressing. The clause was quoted merely to prevent members from transgressing while discussing the clause.

Hon. J. E. DODD: It was his intention merely to endeavour to give instances to show that if the power were there the opportunity would arise to use it. Reference might be made once more to another member of the Senate, who was called the member for the Australian Bight—perhaps, however, it would be as well to get off that subject. Members of the Legislative Council were elected for a term of six years, and speaking for himself in order to avoid transgressing the rules, it would not matter what he did, the electors had no control or power over his actions. It would be possible for him to betray them in any manner, and they would have no control over him before the end of his term of six years. Should not the electors have some control? If some rules or regulations were formulated to carry the principle into effect it would not be so much compelling a member to resign as to compel him to face his electors and give reasons for his actions. Mr. McLarty spoke with reference to the easy manner in which petitions were prepared. The hon. member should be reminded, however, that in order to bring a referendum into operation it was necessary to secure a petition signed by a certain percentage of electors, and that was the law in Switzerland, where all legislation was dealt with by referendum, and the referenda there were brought about by a percentage of the electors petitions. If members were going to vote against the amendment simply because petitions were not what they should be, they would be wrong in their action. It was to be hoped the amendment would be carried, but whether it was carried or not the fact that it had been brought forward would have done some good.

Amendment put and negatived.

Clause put and passed.

Clause 25—Amendment of Section 92:

Hon. F. CONNOR: Would any provision be made for the substitution of written postal vote ballot papers in the event of printed papers not being available?

The COLONIAL SECRETARY: There was nothing in the existing Act to prevent the postal vote ballot papers being written if they could not be printed.

Hon. F. CONNOR: It would be much better to have that point definitely set forth in the Bill.

Clause put and passed.

Clauses 26 to 29—agreed to.

Clause 30—Amendment of Section 118:

Hon. D. G. GAWLER moved an amendment—

That the clause be struck out.

It would be exceedingly dangerous to make the rolls conclusive, seeing that a defeated candidate would thus be robbed of any chance of upsetting the election on the score that certain unqualified electors had voted at such election. The object of electoral legislation was to render impossible the voting of unqualified persons; but, as everybody knew, there were few elections of which it could be said that no unqualified persons had been permitted to vote. The Colonial Secretary, when introducing the Bill, had held it was unfair that a candidate should be deprived of his seat because a few unqualified persons had succeeded in voting.

But, on the other hand, it was to be realised that this making of the rolls conclusive introduced a most dangerous element into elections. It might so happen that a large number of unqualified electors would succeed in voting.

The Colonial Secretary: They would do so at their own risk.

Hon. D. G. GAWLER: Still, it might so happen, and in such a case the defeated candidate would have no remedy whatever. This principle of making the rolls conclusive had not been generally adopted outside of Western Australia. Under the English Act the Court was allowed to go into the question of rolls and ascertain whether or not the persons voting had been qualified. Although in the Queensland Act there was a section which laid it down that the rolls should be conclusive, it would be found that a proviso cut away that section and provided for the Court inquiring into the right of a voter to vote. Hon. members should pause before making rolls conclusive and thus debarring a defeated candidate from challenging an election on the score of illegal votes.

Hon. J. W. Hackett: What does the Commonwealth do?

Hon. D. G. GAWLER: The Commonwealth did not make the rolls conclusive.

The Colonial Secretary: The Commonwealth practically leaves it open for the court to decide.

Hon. D. G. GAWLER: This proposed legislation was taking it out of the hands of the court. It would be a very drastic step. The clause should be struck out.

The COLONIAL SECRETARY: It was to be hoped the Committee would accept the clause as printed. A penalty was provided in the case of unqualified persons voting, and it was also laid down that the presiding officer should ask certain questions of the voter, and take other steps to assure himself that the voter was qualified. In certain cases of elections won by narrow majorities, to upset the whole election it would only be necessary for a defeated candidate to get one person to declare that he had wrongfully voted. There was probably no election at which 20 or more votes were not cast by persons who, although in the general sense of the word qualified, yet, strictly speaking, did not hold the necessary qualifications at the time of voting. The position was safe enough under the clause, and it was the intention of the Electoral Department in future to ask the electors certain definite questions when they went to the poll. It was to be remembered also that a penalty was provided in the case of electors making false answers to those questions. Great injustice would continue to be done if, as in the past, an election could be upset on the score of unqualified persons having voted.

Hon. J. F. CULLEN: It appeared that the clause was intended to meet cases of hardship; and it had been argued that some particular election had been upset and that this clause would prevent a repetition. It was always dangerous to legislate for exceptional cases of hardship, for very often much more serious principles were endangered by such legislation. The clause would make the presiding officer and the scrutineers the judges, while the constituted court with its safeguards would be ousted. It was a notorious fact that the rolls were impure and that clever manipulators had boasted that they had put on wrongly a large number of names. There would be no difficulty in taking up any one of the Legislative Council rolls and finding thereon a large number of names of persons who had no right to vote. It had been suggested that this trouble could be obviated owing to the fact that the presiding officer was entitled to make certain inquiries from the voter. All knew, however, that during an election there was very little time for the presiding officer to be on guard, and to discover these improper voters. There was also the possibility, too, that the presiding officer himself might be a very strong partisan. To talk of relying on the scrutineers was ridiculous, for in very many cases there were no scrutineers at polling booths, while some candidates never appointed scrutineers. Even if they were at every polling booth,

was it right for us to put at one side the properly constituted court and depute it to the scrutineers to purify the rolls of the State? Mr. Gawler was right in urging that the clause should be left out.

Hon. F. CONNOR: It would be a great mistake to do without an appeal in connection with the elections. He would quote one instance to show what sort of thing occurred. A certain man was a resident magistrate and returning officer for a district; he was removed to another position, and one and a-half years after he had left the place at which he was resident magistrate an election took place and his wife and he voted in that district. Was there to be no redress in a case of that sort? Here was a responsible man breaking the law and voting in a district where he had no right to. The point taken by Mr. Gawler was a good one and he would support it.

The COLONIAL SECRETARY: Reference had been made to the law on this question in the other States. There the matter was left to the discretion of the court and that was practically the course adopted by the Commonwealth. He would point out, however, the unfairness of the law as it stood here to the elected candidate. Nothing was easier than for a man to bring up a voter, who had no right to be on the roll, let him vote, and then, if the candidate he favoured were defeated, draw attention to this illegality—no matter for whom the voter illegally had exercised his franchise—and cause the election to be upset. Under the Act certain questions had to be put to a voter; they were as follow:—"Are you the person whose name appears on the roll?"; "Are you of the full age of 21 years?"; "Have you already voted here or elsewhere in this election?"; "Are you disqualified from voting?" Those were questions in connection with the Legislative Council elections, but in connection with the Assembly there were additional questions, namely, "Do you reside in the electoral district?"; "Where is your residence in the electoral district?"; "Have you during the preceding three months been a qualified resident within the electoral district?"; "Where is your residence in this electoral district?" It was provided in the Act that if those questions were answered incorrectly severe penalties could be inflicted.

Hon. F. Connor: What about postal voting?

The COLONIAL SECRETARY: The questions in connection with postal voting were just the same. It would be most unfair that a person who had won an election by a narrow majority should be forced to go to election again owing to the illegality of some voter.

Hon. F. CONNOR: What the Minister practically argued was that he intended to give a vote to a man who had no right to it.

Hon. D. G. GAWLER: The chief argument of the Colonial Secretary was that persons who voted wrongly could be punished. Yet he proposed to allow those wrong votes to be counted.

The Colonial Secretary: You want to punish the candidate.

Hon. D. G. GAWLER: That was not so. The legislation was evidently introduced to support the elected candidate but he desired to look after the interest of the defeated candidate who had a right to see that an election was upset if there had been illegal voting. There was the position that if illegal votes were cast in any great number the elector did not represent the will of the electorate. The court should be allowed to inquire into the matter with a view of seeing that the candidate elected represented the will of the electorate.

Hon. C. SOMMERS: Unless the clause were passed as printed great hardship might be inflicted upon the candidates. There certainly should be a penalty provided so that this illegal voting would be stopped. It was quite bad enough for a man to fight an election without being forced to go through the battle a second time owing to some persons having voted illegally. The onus should be thrown on those who had voted illegally and not on candidates who were innocent parties to the whole concern.

Clause put and a division taken with the following result:—

Ayes	10
Noes	6
Majority for	4

AYES.

Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. W. Patrick
Hon. J. W. Hackett	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. J. W. Langsford (*Teller*).
Hon. C. McKenzie	
Hon. R. D. McKenzie	

NOES.

Hon. J. F. Cullen	Hon. E. McLarty
Hon. D. G. Gawler	Hon. F. Connor (*Teller*).
Hon. J. W. Kirwan	
Hon. R. Laurie	

Clause thus passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 31—Amendment of Section 127:

Hon. J. E. DODD: The clause should be struck out. It dealt with compulsory preference. It was merely an alteration of the word "may" to "shall." If the clause were struck out the voting would be optional as it was now. It was a question between compulsory voting and non-compulsory. There might be a large number of persons who would not vote at all, and the consequence would be that a majority of those on the roll might not be represented.

The COLONIAL SECRETARY: If there was one amendment to the Electoral Act more needed than another it was this one. The principle was discussed a good deal when the Act of 1907 was before the House, the question being whether preference voting should be made compulsory, and a majority of the members who took part in that discussion had now but one regret, that they did not insist on the provision being made compulsory. The object of an Electoral Act should be to get a true expression of the opinion of the electors. It often happened in an election there was a multiplicity of candidates, two or three standing in one interest and the vote was, in consequence, divided. There were several members sitting in the present Parliament who represented minorities of the votes polled. The most recent case was that of Albany. Out of 1,587 formal votes, 753 showed one preference, 776 two preferences and 58 voted the three preferences, or 47½ per cent. of the votes showed the one preference, 49 per cent. two, and 3½ per cent. three. The result was that the successful candidate was elected by 745 votes, or 49 votes in the minority. Unless a clause such as that under discussion was carried we should have a repetition of this state of things.

Hon. J. E. Dodd: How many electors are on the roll?

The COLONIAL SECRETARY: That did not have any bearing on the question. Here was an instance where a member was elected on a minority of the votes polled. It often happened, and would happen that a member was elected on a minority of votes on the roll. He could not follow the arguments of Mr. Dodd against the principle involved. The clause simply meant that the elector should say distinctly whom he wished to be elected. It should be the desire of members to see that the candidate elected represented a majority of the electors.

Hon. J. F. CULLEN: On the second reading he spoke against the introduction of compulsion. We had only had permissive preference for one election, and he did not think any fair critic would say it was not fairly taken advantage of, considering it had only just been introduced. In a very large number of cases the people availed themselves of it. The ground he took was that we had not given the permissive principle a fair test. Why should we conclude hastily that the people were not susceptible of education on this matter. With two or three opportunities they would come to see the desirability of expressing their preference to the full. We were undoubtedly hasty in rushing this principle and forcing it, by the penalty of invalidating a vote where it was not exercised? Compulsion should be avoided as far as possible. Compulsion of the exercise of the rights and of the direct duties of citizenship might be quite defensible, but compulsion in claiming all one's rights as a citizen was quite another matter. We should allow a fair time to elapse for the education of the people to

the use of the preference before we rushed into compulsion.

The Colonial Secretary: It had been in existence three years.

Hon. J. F. CULLEN: It had only had one trial.

The Colonial Secretary: One general election and two Upper House elections, and numerous by-elections.

Hon. J. F. CULLEN: Three years was a very short span in the life and education of a nation. He would prefer the education of the people to have a fair chance, and as education and experience went on, the people would accept all that was good in this permissive feature.

Hon. C. SOMMERS: As far as his experience went, the desire of the electors was that preference should be made compulsory. The regret seemed to be general that preference was not made compulsory in the first instance. A system of preference had been in vogue long enough for people to understand it. For the Senate elections people were compelled to vote for three candidates, therefore, why should not preference votes be made compulsory. The member for North Perth in the Assembly was elected by a minority of the electors voting and the same thing occurred at Albany.

Hon. J. E. Dodd: How many sitting members represented a majority of the electors?

Hon. C. SOMMERS: If they did not represent a majority it was not a desirable state of things. This compulsory preference would make the members represent a majority of the voters, if not of the electors. We could not compel people to vote, but when they did go to vote they should exercise the preference.

Hon. R. LAURIE: The one blot on the Act was that preferential voting was not made compulsory, but at the time of the passing of the Act it was clearly expressed that it was only a step making preferential voting optional, and that the matter was put on trial. The fight had been going on all over the world for the suffrage, and yet people would not go to the poll and avail themselves of it. It was a pity they were not compelled to vote. At any rate we should make preferential voting compulsory, so that we would get candidates elected by a majority of the voters.

Hon. E. McLARTY: We should either do away with preferential voting or make it compulsory. We had had experience of the present system and it had proved unsatisfactory. The clause as it stood should be passed.

Hon. R. W. PENNEFATHER: It was contended on one hand that preferential voting to be effective must be compulsory: others, with a good show of argument, claimed it should remain optional; so that it was hard to make up one's mind on the question. The time had arrived when, instead of its being a right, voting should be a duty; and if it were made a duty it could be enforced by a penalty, just as the penalty clauses in the Education Act were enforceable. Inasmuch as voting was now optional and not compulsory, those who exercised the preference had an advantage over those who did not exercise it. The Labour party should see that they lost the right to have votes counted in the second count. It was of advantage to those who did not belong to the Labour party to allow the optional system to continue rather than make it compulsory.

Hon. J. E. DODD: The Labour party favoured preferential voting. The selection of the last Federal Senate candidates had been decided on that principle. There was no need for the Labour party to be frightened at the introduction of any compulsory system, because if the full voting strength of the electors was recorded the party would be in the ascendant. There was no analogy between voting for the Senate and the system proposed in the Bill. Three men had to be elected for the Senate and the voter must vote for the three, but here there was only one man to be elected. It would be desirable if we could secure that the person elected was elected by a majority of the electors.

Hon. R. W. Pennefather: Would you favour compulsory voting?

Hon. J. E. DODD: No; it would be introducing something that could not be enforced, seeking to overcome apathy and

indifference by coersive measures, and forcing electors to vote for someone they could not conscientiously vote for. In the case of compulsory education it was doing something to benefit the people, but with compulsory voting no harm was done to anybody by a person refraining from voting; it would be only nullifying the person himself. Forcing that person to vote would be interfering with individual freedom.

Clause put and passed.

Clauses 32 to 35—agreed to.

Clause 36—Amendment of Section 161:

Hon. D. G. GAWLER: There was no need to repeat the arguments used with regard to Clause 30, which applied exactly to this clause, but he merely wished to protest against the clause going through.

Clause put and passed.

Clause 37—Amendment of Section 204:

Hon. J. W. KIRWAN: The clause provided that Subsection 1 of Section 204 should be repealed and another subsection inserted in lieu, but it would appear the real intention of the draftsman was to repeal Subsection 2 also. It was proposed to substitute for Subsection 1 a provision by which the signatures to claims could be witnessed by any elector of the Commonwealth Parliament or of the Legislative Assembly of Western Australia; but Subsection 2 of the original Act provided that any statutory declaration required under the provisions of the Act could be made before any person authorised to witness signatures to claims, and that the person making a false declaration should be subject to the same penalties as if the declaration had been made before a justice af the peace. This subsection was to be retained, but if the subsection proposed to be inserted be passed it would mean that any elector for the Commonwealth or the Legislative Assembly could take a statutory declaration, and if that statutory declaration was false the same penalty would be imposed as if it were made before a justice of the peace. Was that the intention?

The Colonial Secretary: Yes.

Hon. J. W. KIRWAN: It seemed to be rather drastic. As a rule the person making a statutory declaration was supposed to have some idea of the solemnity of the occasion. Any justice of the peace would impress on the person making a statutory declaration the seriousness of the step. It was going too far in this matter if every individual in the Commonwealth practically could administer a declaration that would have the same effect as if it were made before a justice of the peace.

Hon. R. W. PENNEFATHER: The hon. member was entitled to credit for having brought the matter before the Chamber. It was the first time that the duty had been thrown upon an attesting witness to make himself primarily responsible for the facts that he testified to. It was a new doctrine and very few would witness documents if they understood the risk they were running. The main object of an attesting witness was to assure himself that the declared contents were true, but to force upon the witness the duty of satisfying himself of the truth of the statements was a doctrine which should not be tolerated.

The COLONIAL SECRETARY: The alternative made was that instead of justices of the peace, returning officers, electoral registrars, etcetera, as provided in the Act, being the people who should witness claims, the signatures to claims or other forms might be witnessed by "an elector or person qualified to be enrolled as an elector." In order to make the matter effective it was necessary to extend it to any person who witnessed a claim. If the Committee wished to restrict it not much harm would be done in bringing it back to the original form. It was difficult to follow Mr. Pennefather, who declared that the procedure was objectionable. The procedure was that which existed under the present electoral law, and moreover it would bring the measure into conformity with the Commonwealth Act.

Hon. R. W. PENNEFATHER: The Colonial Secretary should know that all a person had to do was to satisfy himself that the statements which he made

were true and then he signed his name in the presence of a justice of the peace. A justice of the peace in witnessing a document could not cross-examine afterwards; the responsibility was entirely that of the person who made the declaration.

Hon. D. G. GAWLER: In this matter it was proposed to compel an attesting witness to satisfy himself that the statements in the claim were true. It would be difficult indeed for a witness to so satisfy himself, and it was putting a great deal more on him than was imposed on an ordinary justice of the peace. With regard to the statutory declaration, that, too, was a strong step to take.

The COLONIAL SECRETARY: Section 204 of the principal Act provided that the signatures on claims and other forms might be witnessed by any justice of the peace, police constable, etcetera, or any elector. The alteration it was proposed to make in the Bill was to strike out that portion and provide that the claims might be witnessed by "an elector or person qualified to be enrolled as an elector"; the only alteration was in the words "any person qualified to be enrolled as an elector."

Hon. A. G. JENKINS: The same words were in the existing Act when it was before Parliament and they were struck out.

Clause put and passed.

Clauses 38 to 42—agreed to.

New clause—amendment of Section 89:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 25:—Amendment of Section 89 of the Act: Subsection 1 of Section 89 is amended by omitting the words "the issue of the writ" and inserting "the nominations have been declared."

Already the clause had been passed making preferential voting compulsory. Section 89 of the existing Act provided that an elector who had reason to believe he would be absent on polling day might, after the issue of the writ, attend before a magistrate or other person appointed by the Minister and record his vote. It was now necessary to strike out the words "issue of the writ" for the purpose of inserting the words "nominations have been declared"; because, if preferential voting was compulsory, it would be quite impossible for an elector to vote before the declaration of the nominations without making his vote informal. This was really an amendment consequential on the amendments already passed by the Committee. Because, as the section now stood, while it would be quite legal for a voter to record his vote after the issue of the writ, the vote would be informal if more than two candidates were forthcoming. It might be argued that the amendment would operate against absent voters in certain provinces, that there would not be sufficient time between nomination day and polling day to have the postal vote returned. But 30 days were allowed between nomination day and polling day, and a sufficient period would always be fixed between those days to allow the postal votes to be sent in. Moreover the time could always be extended for taking the poll.

New clause put and passed.

Hon. D. G. GAWLER: It would be necessary to submit another consequential amendment, this time in respect to Clause 24.

The Colonial Secretary: Why not pass the Bill and recommit it?

Hon. D. G. GAWLER: An attempt had been made by him to have the amendment inserted when Clause 24 was before the Committee, but the Chairman ruled that the amendment, being really a new clause, must come at the end of the Bill.

The CHAIRMAN: It had not been clearly understood that the amendment was merely a further amendment of Section 66 of the Act. The Bill would now have to be recommitted.

Schedule, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the COLONIAL SECRETARY Bill recommitted for further consideration of Clause 24.

Clause 24—Amendment of Section 66:

Hon. D. G. GAWLER moved an amendment—

That the following words be added at the end of the clause:—"Paragraph (b) of Subsection 4 of Section 66 is amended by striking out the words "office as aforesaid" in the first line thereof, and inserting the following words:—"Any principal executive office of the Government liable to be vacated on political grounds."

Amendment passed.

Bill reported with a further amendment.

BILL—FERTILISERS AND FEEDING STUFFS AMENDMENT.

In Committee.

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

BILL—LEEDERVILLE AND COTTESLOE MUNICIPAL BOUNDARIES ALTERATION.

Second Reading.

Resumed from the 20th October.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PHARMACY AND POISONS ACT COMPILATION

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: As the title suggests, this is a Bill to compile the Pharmacy and Poisons Acts. It is the first compiling measure that has been introduced. The new system was brought about under a measure introduced by Mr. Moss in 1905, known as the Statutes Compilation Act. The object of it was that instead of there being a number of Acts relating to the one question there should be but one which compiled all of them. Under the Statutes Compilation Act of 1905 it is provided—

> From and after the passing of this Act, whenever both Houses of the Parliament shall, by resolution, direct the compilation, with its amendment, of any Act in force in the State, it shall be the duty of the Attorney General, so soon as may be possible after the termination of the session in which such resolution shall have been passed, to prepare a compilation embodying all the provisions of such Act and the amendment thereof, omitting all those portions of the text of such Act which have been repealed or altered by subsequent Acts, and inserting in the proper places all words or sections substituted for or added to the text of the original Act by such subsequent Acts, with marginal reference notes citing section and Act; and he shall add to such compilation an appendix showing the Acts and sections of Acts comprised therein. In preparing the compilations, the Attorney General shall make such consequential and other alterations in, additions to, or omissions from the text as, in his opinion, are necessary in order to give effect to implied repeals, to secure uniformity of expression, and generally to allow of the compilation being enacted as an Act of the year of enactment, and shall endorse upon such compilation, or attach thereto, a memorandum directing attention to every such alteration, addition, or omission, and stating, where necessary, the reason thereof. Such compilation shall be printed and forwarded to the Clerk of Parliaments by the Attorney General with a certificate under his hand that the same is a true and correct compilation of such Acts and the amendments thereof; and thereupon the Clerk of Parliaments shall forward a copy thereof to the President of the Legislative Council and the Speaker of the Legislative Assembly, who shall respectively lay the same on the Table at the commencement of the next succeeding session.

Those are the main conditions of the Act

passed in 1905. I think it is a copy of the New Zealand Act. The conditions under which the compilation takes place have been complied with in regard to the present Bill, as on the 3rd August, 1909, it was resolved that the Pharmacy and Poisons Act of 1894 and its amendments be compiled in accordance with the Statutes Compilation Act, 1905. This resolution was concurred in by the Legislative Assembly on the 8th September, 1909. The compilation was prepared accordingly and duly laid on the Table of the House at the opening of this session. The Bill to enact the compilation is now introduced. It consists of four clauses and two appendices. It is not competent for the House to amend any other portion of the Bill. Members will only be able to discuss the four clauses and appendices A and B; the other parts of the Bill cannot be discussed. As I said before, this is the first time that this course has been adopted. It is a short way of compiling a number of statutes. It very often happens that it is both necessary and useful that such a compilation should be made. Take the Public Health Act, for instance; there are altogether some six or seven Acts dealing with this question, and if they were to be brought forward for compilation in the way that existed before the Statutes Compilation Act came into force, it would mean that the Consolidating Bill would be brought in and every clause would have had to be discussed and dealt with in the usual manner, with the result that in all probability the Bill would take the whole session to deal with; but where a compiling measure is brought down like the one now before the House all this discussion is obviated, and a very convenient course is adopted.

Hon. J. F. Cullen: But you want a very capable compiler.

The COLONIAL SECRETARY: The Bill has to be brought down with the signature of the Attorney General, and the proceedings for the passage of the measure are extended over two sessions. The resolutions were carried last August and September, and now it is the duty of the Government to see that the measure is brought in giving effect to those resolutions. I beg to move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East): The only question members need feel anxious about is as to the authority of the compiler. One can see that a compilation cannot be discussed in the House, but it is customary in older Parliaments that such a compilation should be carried out under the strictest possible guarantees of completeness and accuracy. In some of the other States there is a commission appointed, consisting of one or more Judges —that is to say, an authority removed absolutely from political bias. However, in the present case, it is not a very serious compilation, it is simply the working together of three or four Acts of Parliament. The Attorney General has to attach his certificate to the compilation, and assuredly he can sufficiently divorce himself from any influence in the matter, and has certainly sufficient capability to give effect to the three or four Acts in this compilation.

Hon. W. KINGSMILL (Metropolitan): I did not hear the leader of the House say so, but I presume this Bill has fulfilled all the directions set forth in the Statutes Compilation Act?

The Colonial Secretary: Yes.

Hon. W. KINGSMILL: One provision is that it shall be laid on the Table of the House at the commencement of the next session after the compilation was moved.

The Colonial Secretary: It was laid on the Table at the opening of this session.

Hon. W. KINGSMILL: There is one little omission in connection with this Bill which I notice. It may, however, be rectified. That is, that we have no Standing Orders relating to the consideration of compiled Bills in Committee. I suppose the appendices comprise first of all the Acts compiled, and then the full text of the compilation, and they are doubtless to be treated in the same manner as a provisional agreement to a private Bill, and are not susceptible of alteration. We have no Standing Orders dealing with this matter, but I take it that is the intention

of the Statutes Compilation Act. It would be well when the Standing Orders Committee meet again that Standing Orders to meet the case should be drawn up. I have very much pleasure in supporting the Bill, and am glad to see that the Statutes Compilation Act, which has been allowed to stand somewhat in abeyance has at last been brought into operation.

Hon. D. G. GAWLER (Metropolitan-Suburban): Considering the circumstances under which this Bill has been introduced I should like to have seen copies of the Statutes Compilation Act put before members. I knew there was such an Act in existence but I had not looked it up, and should have liked to study its provisions before this Bill was introduced. In this case the Bill is merely one of putting in clauses where they are to be inserted, and the striking out of those which are unnecessary. I take it that members can be satisfied with the Attorney General's certificate. I should like the Colonial Secretary in a future case of this kind to distribute copies of the Compilation Act among members.

The Colonial Secretary: Why should this be done any more than distributing any other Acts! The Bill has been on the Notice Paper for a fortnight.

Hon. D. G. GAWLER: This is the first time the Statutes Compilation Act has been brought into force, and it would have been a good thing if copies had been provided for members so that we could see that all the formalities had been fulfilled.

The COLONIAL SECRETARY (in reply): I did not think it necessary to distribute copies of the Compilation Act any more than I would distribute copies of any other Act members were asked to amend. There is a set of the Statutes on the Table for the use of members if they desire to look up any Act, and this Bill has been on the Table for quite a fortnight. The measure has not been brought on unawares; members have had full time to look up the Compilation Act of 1905 if they so desired. If I thought members wished it, I would have got a number of loose copies of the Act from the Government Printer and had them distributed.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 8.50 p.m.

Legislative Assembly,

Wednesday, 26th October, 1910.

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

PAPERS PRESENTED.

By the Minister for Works: 1, Estimates and Tenders for various Public Works, return (ordered on motion by Mr. Heitmann). 2, Plan of the proposed Railway from Katanning to Shannon's Soak. 3, Plan of the proposed Railway from Dumbleyung to Moulyinning.

By the Premier: 1, Report by the Superintendent of the Labour Bureau to 30th June, 1910. 2, By-laws of the municipality of Perth.

QUESTIONS (3)—LAND SELECTIONS.

Mr. Osborn's Applications.

Mr. PRICE (for Mr. Johnson) asked the Minister for Lands: 1, Did Mr.