number of them to attend the funeral of the late Hon. C. E. Dempster on Tuesday next at Northam—I desire to do so myself—I propose to ask that the House at its rising shall adjourn until Wednesday next.

Hon. C. SOMMERS : I would like to know whether it is the intention of the Government to make arrangements for a special train so as to enable members who desire to attend the funeral to travel to Northam without having to catch the train leaving at 6 a.m. I understand that the funeral takes place at 3 p.m.

The COLONIAL SECRETARY : I am afraid that we would hardly be warranted in putting the country to the expense of a special train if there is one leaving at 6 a.m. I will make inquiries concerning the matter, but I do not think it is likely that there will be a special train.

ADJOURNMENT.

The House adjourned at 5.22 o'clock, until the next Wednesday.

Legislative Assembly,

Thursday, 1st August, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION—STORES DEPARTMENT SITE.

Mr. ANGWIN asked the Premier: 1, Whether the Ministry, before deciding to construct or set apart any other buildings for the proposed new Stores Department, will give due consideration to the present buildings most centrally situated to rail and sea coast of this State, and which were erected for the Stores Department and in such a position as was considered most central for distribution of stores or supplies for the various Departments throughout the State by a previous Government, such building being erected and situated at North Fremantle. 2, Whether the Minister before coming to a decision in regard to any removal will ascertain from such firms trading as general merchants as Messrs. J. W. Bateman, W. D. Moore & Co., or any other firms of long standing at Fremantle, whether such firms have had any losses, or their goods affected by having their stores so near the sea shore. 3, Whether the Minister is aware that a private firm that deals largely in galvanised iron, etc., chose a site for their stores near the position of the present buildings at North Fremantle. 4, Whether the Minister will ascertain that the goods reported to be damaged by being so close to the sea shore, namely, fencing wire, etc., were stored inside or outside of the buildings, and whether the damage, if any, was caused more through neglect than from the position of the store buildings; the goods reported damaged in Stores Commission Report.

The PREMIER replied : 1, Yes. There are, however, other considerations besides the fact that the present stores at North Fremantle are on the sea-beach. For instance, of the 618 officers in the clerical division, no less than 539 are stationed in the Metropolitan District, and nearly all of whom are in Perth. In any case, it is probable that a bulk store for certain lines will still be located at Fremantle. 2. I shall be glad to have the information referred to when considering this question. 3, No. 4, Yes.

PAPER PRESENTED.

By the Treasurer : Return showing cost of Government advertisements for the past three years.

BILL—BANKERS CHEQUES.

Second Reading.

The ATTORNEY GENERAL (Hon. N. Keenan): In moving the second reading of this short measure I desire to place before the House those facts which have rendered it necessary to bring in the legislation. At the same time I would like to point out to the House that there is a Bill before the Federal Parliament, some of the provisions of which would apply to a certain extent to the matter dealt with in this Bill; but we are in this position: in the first place it is uncertain if the Bill will pass or not, and in the second place the form in which it is presented to the Federal Parliament does not meet the necessities of the case, and there is nothing to prevent the State from legislating for their own needs and wants, subject to the conditions of the Federal Constitution, which is that if two laws are in existence the Federal law prevails. The history of this measure goes back to October, 1904. An action was brought in Victoria by Mr. Marshall and another against the Colonial Bank of Australia Limited, and the action was to recover certain moneys overpaid on a cheque purporting to be drawn by Marshall and two other trustees, and the defence set up by the bank was that the two trustees, Mr. Marshall and his co-plaintiff, had been guilty of negligence in so drawing the cheque that it was within the power of the third trustee to alter it to an amount exceeding the amount for which it was originally drawn, and to obtain payment of the excessive amount from the bank. The contention of the bank was accepted in the Supreme Court of Victoria, and the Appeal Court of Victoria, following the decisions in the English law courts in 1827, that was the case of Young against Grote, the appeal was finally taken to the High Court of Australia, and when that appeal was heard for the first time the case of Young against Grote was upset, and on a subsequent appeal from the High Court of Australia to the Privy Council, the judgment of the High Court was upheld. Consequent on that action, in this State of Australia on the 1st of February, 1907, the associated banks issued a notice, which I propose to read to the House. It is as follows:—

> "Notice is hereby given that from and after this date it is to be deemed to be an express condition of the contract between the bank and every customer with respect to every account now opened or hereafter to be opened that if any cheque, draft, bill, or note, drawn on or made payable at any banking house or place of business of the bank has been so drawn, accepted, or made by the customer or by any person authorised to operate on the account or otherwise on behalf of the customer as to afford facility for any fraudulent alteration in the amount thereof, and the cheque, draft, bill, or note has been so fraudulently altered, such alteration shall, as between the bank and the customer, be deemed to have been made by the customer's authority, and that after this date no account will be continued or opened except upon such condition; and that every customer who operates either personally or by his agent on any account after this date will be deemed to have thereby agreed to such condition unless he shall previously thereto have objected in writing and his objection shall have been accepted in writing by the bank."

The effect of that notice was to make it a condition of the contractual relations between every customer and every bank operating in Western Australia, and the result of that was to take the whole burden from the shoulders of the bank and place it entirely on the shoulders of the customer. I hope the House will bear with me if I indulge in some technical language in explaining to the House what it was the Full Court did decide, and what they pointed out was the proper remedy and how far that exceeded by the notice, which also I will remind the House was only issued in this State. Although the decision of the High Court was a decision governing the whole of Australia, and the subsequent ratification of the decision by the Privy Council ex-

tended it to the whole British dominions, only in Western Australia did the banking institutions issue a notification of this character. I would point out in reviewing certain judgments delivered in similar cases by some of the most distinguished members of the English bench, that you are not supposed to come to the conclusion that anyone who so far as you know is honest will commit a forgery; therefore there is no duty on anyone to take precautions against a person doing so. It is only a dereliction of duty if the duty falls on your shoulders. That dictum was laid down by the present Chief Justice of Great Britain when it was pointed out almost in the words I have used that there was no duty on any man to suspect as to another man against whose character there was no imputation that he would be likely to commit a forgery, therefore there can be no negligence in omitting to do so. The Chief Justice of the High Court, Sir Samuel Griffiths, in delivering the judgment of the Court pointed out, and it is important in regard to this circular to notice what he said:—

> "It is manifest that a rule of law must be capable of being stated with sufficient precision to enable an ordinary person to know what are his duties under it."

This notice issued by the banks changed the whole rule of law, namely that nobody has placed on him an obligation to suppose that some person who, as far as previous experience went was believed to be honest, would be guilty of forgery. That obligation has been cast on a person by the notice, and I would point out to members that that is where it goes beyond anything in reason. It is a notice to all customers, that the conditions of contract between them and the bank are that if they afford facilities for any fraudulent alteration in any cheque drawn they will be liable for any excess payments. It is impossible to use a wider phrase than that. Suppose the member for Guildford, who has just centred my attention for the moment, drew a cheque and gave it to me, that is affording one step in the facility for alteration by me. It is plain if he did not draw that cheque no fraudulent alteration would happen. This is a very different proposition from that of drawing it in a careless manner and leaving it in such manner that it is easy for the person to whom he gives it to make the alteration. The phrase "afford any facility" is so wide that it would surely be impossible, unless clear instructions were given, for a customer to know what his real duty was. The Chief Justice, in his judgment, suggested the proper course that the bankers should take and the legislation which Parliament should adopt in order that the dealings between the parties should be fair. In the course of his judgment he said:—

> "A rule that the drawer of a cheque must use such care to avoid forgery as a future jury may think he ought to have used, would not afford any definite assistance to drawers. If the rule is put in the form that he must use reasonable care to prevent forgery, the question arises what is meant by 'reasonable care'? Usually, in considering whether a thing is reasonable or not, all the circumstances must be taken into consideration. In this view, what would be reasonable care in an illiterate farmer might not be reasonable care in a skilled accountant. A rule which would make the question depend upon the capacity or education of the drawer of the cheque can hardly form part of the mercantile law. In the present day in Australia banking accounts are kept by all sorts and conditions of men and women, who must equally be bound by the mercantile law. If bankers think that an intending customer is so unskilled as to be likely, from his carelessness in drawing cheques, to give opportunities for forgery, they can decline to accept him as a customer or they can stipulate, by a note printed in the cheque book or otherwise, that certain precautions shall be taken in drawing cheques. There is, therefore, no inconvenience in applying to cheques the general rule which applies to other cases of forgery."

Hon. members will see that under Clause 3 of this Bill we provide :—

> "Any banker may, by notice in writing, give specific instructions to his customer as to how cheques shall be drawn, so that the banker may not be unreasonably exposed to the risk of having to pay more than the proper amount of the cheque as drawn by the customer by the fraudulent alteration of the cheque."

It is also provided that such notice shall be deemed sufficient if it is written or printed on the cheque form or counterfoil, or the cover of the cheque book containing the cheque form, delivered to the customer or a person authorised by the customer to receive it on his behalf. Afterwards, if in consequence of the non-observance of these instructions, the cheque is fraudulently altered, we throw the burden of the loss on the customer, with this proviso, that it is open for the court to hold that the instructions were reasonable. The court shall take the instructions given by the bank, shall read them, and having done so, shall hold that they could be reasonably carried out by the customer. If the customer does carry out those instructions and there is a loss, then he is given protection. If moreover the instructions are unreasonable, again the bank will not be protected. It is easy for the bankers to give specific and reasonable instructions and if they do so and the customer neglects to carry them out, no one will want the loss to fall on the bank, who should be protected owing to the customer having failed to carry out those instructions. The last clause of the Bill provides that any contract between banker and customer whereby the duty of the customer towards his banker, or liability of the banker to his customer, with reference to the drawing of cheques as established by law is varied, shall be void. It is necessary to add that, for the relationship between the parties is purely contractual, and if it were not provided that the contract should be void, the banker might insist on the customer being bound by the character of the notice. I hope the House will give its support to this measure for it is fair to the customer and the banker alike. I cannot see why exception should be taken to it by any member.

Mr. T. H. BATH (Brown Hill) : I move—

"That the debate be adjourned."

The ATTORNEY GENERAL : I ask the Leader of the Opposition whether he considers it necessary to have an adjournment on a Bill of this character? This notice has been operating since last February, and we are now taking the first opportunity to bring it before Parliament. The Bill is simplicity itself, and the relief desired should be given immediately.

Mr. Bath : It is only one sitting that I desire an adjournment for.

The ATTORNEY GENERAL: If the hon. member presses the adjournment, I am not prepared to oppose it, but I would seriously ask him if it is necessary.

Mr. Holman : There is no particular hurry for a day. The circular has been in existence since February last, and it may well stand over for another week.

Motion passed, the debate adjourned.

BILL—DISTRICT FIRE BRIGADES.

Second Reading.

The ATTORNEY GENERAL (Hon. N. Keenan) in moving the second reading said : The Bill is much the same as when brought before Parliament last session. There is, however, one exception and an important one ; that is that all clauses in the last Bill which allowed roads boards to be in any way affected by the provisions have been deleted, and it now remains a measure applicable only to municipalities. In order that it may be possible for any benefits the Bill confers to be available for roads boards, one clause is inserted at the instance of the roads boards delegates, under which, if they choose to do so, they can enter into any arrangement they think fit with the district boards under the Bill for services outside the boundaries of their district. Of course if the terms on which those services are to be rendered are such as do not commend themselves to the roads boards,

there will be no necessity for them to enter into such arrangements. That is practically the main feature in which this Bill differs from the one presented last session. Perhaps members do not remember the Bill as introduced last year, and therefore I will refer shortly to the clauses. The Bill purports to establish fire brigade districts outside of the metropolitan area and the present Fire Brigades Board. There are new municipalities arising in all parts of the State, and in some parts of the municipalities fire brigades have been established on quite a large scale. At present the whole cost of maintenance falls on the municipalities and it is a very grievous cost, especially as the Government have reduced their subsidies. It is not only a grievous cost but most unfair, because the insurance companies, who have large insurance risks in these municipalities, contribute nothing to the maintenance of the brigades. In addition, the Government, who will certainly be benefited in many instances from the effectiveness of the brigades, are also at present paying nothing. The matter has gradually grown from year to year until now I feel sure members will recognise that the municipalities are justified in asking for relief. Under the Bill, districts are to be proclaimed by the Governor and may consist either of one municipality only, or of two or more, if they express their willingness to join for mutual advantage. The boards will consist of one member appointed by and representing the Government, and other members representing the municipalities and fire insurance companies.

Mr. Scaddan : Will there be a board for each district?

The ATTORNEY GENERAL : Yes.

Mr. Scaddan : Well, that may mean one for each municipality.

The ATTORNEY GENERAL : It is possible, but I should be very sorry to see such a thing happen because in many instances municipalities will be able to combine with great advantage to each other. Under Section 15 the board has the duty of regulating and enforcing all necessary steps for extinguishing fires and protecting life and property in case of fire, and the general control of all fire stations and brigades within the district. In the performance of that duty the board may provide and maintain fire brigades consisting of efficient firemen, furnished with such appliances as may be necessary for the complete equipment of such brigades and the performance of their duties. Full power is given to the board to get the necessary funds either by borrowing or by issuing debentures. The board is bound to present on the 31st March of each year to the Minister a report setting out the working of the board during the past year, the nature of the services rendered and the total cost. Under Section 31 provision is made in the direction I indicated for affording services to roads boards and other local bodies where they wish for them, and enter into arrangements with the district board as to the terms on which those services shall be supplied. Privision is also made under Section 30 whereby, when a fire occurs in an outside district, the superintendent may be allowed, at the request of the chairman or secretary of the local authority and if authorised to do so by the regulation of the board, to proceed to such fire and take command of the fire brigades present, thus giving them the benefit of his skill and experience in extinguishing fires. This applies only to the superintendent and not to the fire brigade unless a special arrangement is made under Section 31. Unless this special arrangement is made the members of the brigade cannot leave their district at all. The superintendent cannot attend unless he is requested by the secretary or chairman of the local authority. First he has to be asked to attend by that local authority, and then he has to obtain permission from his board. In such circumstanes therefore it will be seen that there is no likelihood of friction arising. Under Section 34 the contributions of the various parties are set out. The State will have to provide one-ninth of the cost, and insurance companies and the municipalities four-ninths each. Provision is made whereby the several sums so payable can be properly recovered in the event of their not being paid to the due date. I

do not think there is any feature of the Bill requiring comment. It is, as I said when introducing the measure, for the relief of the genuine grievances which the municipalities have suffered from in this State for many years. I hope they will not have to wait any longer for this relief.

Mr. Johnson : Why fix the contribution in ninths ?

The ATTORNEY GENERAL : That is the contribution made at present in the metropolitan area.

Mr. H. Brown : The Government pay one-third in the Eastern States.

The ATTORNEY GENERAL : I have pleasure in moving the second reading of the Bill.

On motion by *Mr. Holman,* debate adjourned.

BILL—PERMANENT RESERVE REVESTMENT.

The PREMIER (Hon. N. J. Moore), in moving the second reading, said : This is a Bill having for its object the revesting of reserve No. 6895 in the Crown. To give members the history of this lot, I may say that in 1901 the block, which consists of 27 acres, was granted in fee simple to the Kalgoorlie and Boulder Trades Gala Society for recreation and show purposes. During 1903, the society got permission to borrow from the Western Australian Bank £1,000. In 1904 they met with financial difficulties and asked the Government for a special grant of £250 to help them through their trouble. In September 1904, the Government wrote to the secretary of the society refusing the request for a special grant, but intimating that they were prepared to make an annual grant of £50 to assist the society with their show.

Mr. Johnson : The society have been receiving that for years past.

The PREMIER : Yes ; I said an "annual" grant, which they had been receiving all along. The member for Guildford (Mr. Johnson), who was then Minister for Works, advised that the Government endeavour to get the land back by paying the amount owing. His suggestion was not adopted, and the matter remained as it was until 1906, when a letter was written to the secretary of the society with a view to obtaining some information in regard to the land. This letter was returned unopened. Shortly afterwards the town clerk of Kalgoorlie wrote to the Lands Department saying the society was practically defunct. About the same time a deputation waited on me and asked that the Government should either take over the block or hand it to the Kalgoorlie Council, who would take over the liabilities and subdivide the block into residential allotments.

Mr. Angwin : Make an endowment land of it to the Kalgoorlie Council?

The PREMIER : Yes ; but at the same time they were prepared to take over the liabilities, which at that time amounted to £1,600.

Mr. Angwin : And the land is worth about £8,000.

The PREMIER: I think they would be willing to take 25 per cent. of that amount for it. The Government then decided to pay off the £1,260 owing to the Western Australian Bank, and obtain from the bank a transfer of the mortgage. That transfer was effected in May of this year.

Mr. Johnson : That was our proposal.

The PREMIER: Yes; You recommended it. The Government then, as mortgagee, offered the land for sale with a view to foreclosing. In addition to the liability outstanding to the Western Australian Bank, there were other creditors to the amount of £400 or £500. The trustees practically abandoned their trust and the corporation became nonexistent. Last year a sum of £1,639 was placed on the Estimates for resumption of the land. The Government having discharged the liability to the Western Australian Bank, the object of the present Bill is to re-vest the area in the Crown. Thus far we have simply taken over a transfer of the mortgage, and I understand it is necessary, before the land can be re-vested in the Crown, that a Bill be passed by Parliament authorising it to be so re-vested.

Mr. Angwin : Do you propose to make it a Class A reserve?

The PREMIER : No ; we propose to subdivide the block so that we may get a return for the money advanced. I beg to move the second reading.

Mr. W. D. JOHNSON (Guildford) : I do not propose to move the adjournment of the debate on the Bill. I have risen only to express regret that I was not present in the Chamber when this vote was passed last year. But while on the one hand I have to regret that I was not here on that occasion, I have on the other hand to rejoice, because I believe I was away doing the State a greater service than I would have been doing had I been here to oppose the granting of this money—I was away doing service at the Geraldton election. The Premier has outlined the true position in connection with this land, with the exception that he forgot to point out that the proposal of the Labour Government was adopted; that it was our intention—as a matter of fact we wrote to the Western Australian Bank saying so—to place on the Estimates a sum of money to take over the mortgage.

The Premier : That is so ; you proposed it and we adopted the course.

Mr. JOHNSON : But the objection I take to it is that at the time we intimated we were going to take over the mortgage—and the Western Australian Bank knew we were arranging to take over the liability, plus of course the interest up to the time we got the item passed on the Estimates—the sum owing to the Western Australian Bank, so far as my memory serves, was £1,200. What the interest on that amount might be I do not know, as I do not know the rate charged.

The Premier : They charge 8 per cent.

Mr. JOHNSON : That would be a little over £100; say in round figures £1,400. I desire therefore to know from the Premier why a sum of £1,600 was placed on the Estimates for the purpose of taking over a liability that could only amount at the outside to £1,400. When introducing the Bill the Premier placed the liability at £1,400, and yet on last year's Estimates appeared a sum of £1,600, and this was passed to take over this liability. The sum has now been passed, and of course it is a little too late to take exception to it. Had I been in the Chamber at the time, no doubt I would have been afforded an explanation; but I would like the Premier to explain now what was the reason for placing £1,600 on the Estimates for this purpose. I would like also to have some definite idea as to whether it is intended to subdivide the whole of this area.

The Premier : A design for subdivision has been got out by the town clerk of Kalgoorlie, which we propose to adhere to, and this provides for a reserve in the centre.

The Attorney General : Five acres are to be reserved.

Mr. JOHNSON : Five acres? I believe that will be sufficient. I do not believe in large reserves on the goldfields, because the cost of upkeep is altogether too great. The small reserves on the fields are mostly a credit to the town, but the large reserves are usually a disgrace; and this is not due to any want of attening on the part of the local authorities, but to the fact that the areas are too large to permit of the necessary expenditure to make them pleasure resorts. To do so would be altogether too expensive. But in the locality of this block I think it would be advisable to have a small reserve for tree planting and making a garden. If it is the intention of the Government to reserve five acres of this block, I have nothing farther to say; but I would like the explanation of that extra £200.

The ATTORNEY GENERAL : I can offer that explanation. The transfer of the mortgage gave the Government no right to the equity of redemption, and we might have been charged from some outside source that extra amount in order to secure the equity. That fortunately was not necessary, and therefore the difference between £1,264 and the amount put on the Estimates and passed by Parliament is now available to come back to revenue. The precaution was taken in order that we might have ample funds in hand to purchase the land, if necessary.

Mr. Johnson : I took it from what the Premier said that you had spent all that money.

Mr. J. SCADDAN (Ivanhoe) : There is only one question I desire cleared up. I was not clear, until the Premier pointed it out, whether it was intended to subdivide the whole of the area. The Attorney General interjected that it is intended to retain five acres as a reserve. I would like to be perfectly clear on the point whether five acres is a sufficient area to make a decent recreation ground, and also allow of its improvement for spectators so that a revenue may be obtained from the ground. Members representing goldfields constituencies will bear me out that the only source of revenue from recreation grounds is derived from football matches ; and in view of that fact I think it advisable that we should know whether five acres are sufficient to make a playing ground and provide accommodation for spectators—if it is not sufficient for that purpose, then an area of five acres will be absolutely useless.

The PREMIER (in explanation) : The design which has been sent down was drawn by the city engineer of Kalgoorlie. It provides for an oval-shaped reserve in the centre of the block. The lots surrounding this reserve will not be laid out in the orthodox way, that is, they will not be one chain wide by two and a-half chains deep, but a circular drive is to run round the outside of the reserve, and the lots will lead off from that drive. If any hon. member desires to see the design, which is at the Lands Department, I shall be pleased to arrange for him to do so.

Mr. Scaddan : Does the municipality say what it proposes doing with the reserve ?

The PREMIER : No.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1 :

Mr. SCADDAN was not satisfied as to the purpose for which the reserve was intended. Had the Kalgoorlie Council given any indication of what it desired the reserve made for ? It would be well for members to thoroughly understand the council's proposal. An area of five acres might be insufficient to provide a reserve on which football could be played and accommodation provided for sightseers.

The ATTORNEY GENERAL : The Kalgoorlie Council having examined a number of designs for subdivision, prepared at their instruction by the city surveyor of Kalgoorlie, submitted to the Government a request for the subdivision in a form which would allow the reservation of an area of about five acres in the centre. On the outside of this reserve would be a two-chain wide circular drive open to traffic, and between that drive and the streets now enclosing the reserve the land was to be subdivided. The result was that this subdivision would be more ornamental than the ordinary class of subdivisions ; but whether the five-acres reserve in the centre would be sufficient for a football ground he could not say.

Mr. Scaddan : Had the council, in submitting the plan, stated what it was intended to do with the ground?

The ATTORNEY GENERAL : Yes ; for a park and reserve.

Mr. Angwin : Would the five acres be a municipal reserve, or endowment land which the council might eventually subdivide ?

The ATTORNEY GENERAL : It would be vested as a reserve.

Clause put and passed.

Title—agreed to.

Bill reported without amendment ; report adopted.

BILL—ELECTORAL.

Second Reading.

The ATTORNEY GENERAL (Hon. N. Keenan) in moving the second reading said : In considering a proposal of this character, it is necessary that we should keep before us the two great necessities that exist in the case of all electoral law. The first necessity is to afford the maximum of facility to all who are entitled to the franchise to become possessed of

the franchise, and the second is to include in the measure safeguards of any necessary character against those who are not entitled to the franchise being on the roll, or if they are on the roll to make provision for their removal. These two objects unfortunately strain against one another, because the more we work in the direction of one, necessarily the more we work against the other; and it is therefore our duty on the one hand to take reasonable precautions against the electoral rolls being improperly used by persons who are not entitled to be on them, and on the other hand to give reasonable facilities for all who are entitled to the franchise obtaining a position on the electoral rolls. I should like to point out that it is difficult to distinguish between the two evils that would result from the absence of provision of one character or the other. If in any electorate 500 persons who were entitled to the franchise were not on the roll and the electorate was not large, it would be a deplorable feature; on the other hand if in the same electorate there were on the roll the names of 500 persons not entitled to be there it would be equally deplorable. Therefore it is necessary for members to bear in mind that we cannot shut our eyes to one provision or the other, that we must as far as possible keep both equally in view. I should like before entering into any of the particular clauses of the Bill to point out what is our accepted electoral system. We have adopted in Australia and in every portion of the British Empire constituencies of limited area and population returning in most cases single representatives. In the Bill which on this occasion it is my duty to bring before the House provision is made for electorates returinig more than one representative, but these provisions will only come into operasion if Parliament decides to create electorates of that character. [*Mr. Scaddan*: You must have it in your mind to make provision for them.] When I am bringing in a machinery measure of this character, surely the hon. member will acknowledge it to be my duty to make provision for every possible emergency, not only for what exists to-day but for what we may reasonably anticipate tomorrow. It is not only that it in any way broadens the existing provisions for the purpose; but it makes it unnecessary, if Parliament so decides to create constituencies of that character, to create any new machinery. [*Mr. Scaddan*: Do you intend to close down Parliament when you leave office?] It is for the reason that I do not contemplate that course that I am making the Bill even wider than the hon. member perhaps thinks proper. However, I was pointing out that the cardinal principle of our electoral system is a limited area with a limited population; and I would point out that in other parts of the world, outside the British Empire, experiments have been made where very large areas returned a large number of representatives. That experiment was made in France under the Government of Mons. Gambetta, when they put an end to constituencies returning one member and created very large areas, larger than the Department of France, returning 70 or 80 members. The result was fatal. It was found impossible to obtain that spirit of enthusiasm and interest in electoral returns by the people when they were dealt with on such a large scale; and the result was that the experiment was abandoned, and in France they have returned to the system analogous to our British system, of small electorates returning only a limited number of representatives. The necessary consequence of having a restricted area and a restricted number of electors is that we cannot allow the electors in one constituency to go over and become electors of an adjoining constituency except under special conditions, so as to prevent the abuse of electoral rights by those parties going in at a time to suit their particular purpose. [*Mr. Johnson*: They are supposed to have done that in Kalgoorlie once.] I do not know about the "supposed," I think the hon. member may be able to tell us how far the "supposed" is correct. However, in discussing this Bill to-night and in all its stages through the House, I hope members will not look at any of its provisions from the point of view or party warfare in the past. Though it

is my duty to point out that certain faults have to be guarded against, I am not standing up to say that the party to which hon. members opposite belong have committed these faults, nor to say that they have not been common with all parties; it is my duty to prevent their recurring in the future, and I ask every member in the House, no matter where he sits, to assist me in the discharge of this duty. We find a very peculiar condition in our existing law, a provision which is, in comparison with what is the law in other places, all the more peculiar. It is this, that though we insist that any elector transferring himself from one electorate to another should stay in that new electorate for a certain period before he can have electoral rights, we freely give him those rights in his capacity as an original applicant, without any residential qualification whatever. In New Zealand in 1905 they adopted exactly the other procedure, and it seems to me to be the more rational one—they said to a person first coming to claim electoral rights: "We shall impose on you a certain restricted condition so that we may be fully satisfied that you are entitled to electoral rights"; but once a person got those electoral rights they allowed him to transfer on the same terms as we have, that is, by residing in the new electorate for one month. The provision in New Zealand is that to be an original claimant the person must have resided in the electoral district for which he claims to vote for three months immediately preceding his registration on the roll. In New South Wales the provision is exactly the same, and in Queensland it is also of a similar character. These are all States that have legislated within the last few years in regard to their electoral systems. The Queensland provision is that if a person is an original claimant he has to first of all reside a month in the electorate and then has to send in his claim. The claim goes before a revision court, which is only held every two months, but it does not become an effective claim; the person is not on the roll until that revision court has been confirmed by a subsequent court. So the period may amount to four or five months. If the person put in a claim at the conclusion of the business of one revision court it would be two months afterwards before the court sat again, and the subsequent confirming court would be two months after that again. This appears to me to be going to extremes in the desire to introduce elaborate caution to make it impossible for error to occur in any person becoming an elector; they appear to me to have gone altogether to too great lengths. However, what we propose to do in this Bill is to abolish the distinction between original claims and transfer claims, and to put them on the same footing, to take in regard to original claims the precaution that is taken in regard to transfers. I hope members will bear in mind this, that not only is it apparent on the face of it that we should take more precaution in regard to original claims then in regard to transfers, but that it is carried out in the legislation of States so far advanced in these matters as New Zealand and New South Wales. Once we have completed our rolls—members will see when I am dealing with the details that we can complete the rolls properly—if we carry out our duty under the Bill the additions to the electoral rolls in 95 cases out of 100 will consist of transfers, because the only original claims will be from immigrants or from persons who have suffered from a disability and have had it removed. It is not at all an outside estimate to say that in the circumstances 95 per cent. of the additions to electoral rolls will be by way of transfer and not by way of original claims. Having dealt with that, I now turn to the Bill itself, and shall ask members to bear with me while I call attention to some of its principal features. In the first place the Bill deals with the qualification of electors, but only in regard to the qualification of electors for the Legislative Assembly; and the reason is this: Members are well aware that we anticipate reducing the qualification of electors for another place.

Mr. T. L. Brown: I like the way you say it.

The ATTORNEY GENERAL: I do not know what other way I could say it. When that alteration is made——

Mr. Scaddan: Anticipated alteration.

The ATTORNEY GENERAL: The hon. member knows that the alteration was set out in a Bill brought down last session, which I hope the Government will succeed in placing on the statute book this session. At any rate the reason for the omission of any qualification for another place is that to do so at present would be to turn this Bill into not a machinery Bill but one that would be dealt with in another place as a Reform Bill. Now we do not wish that to be done. We wish this Bill to be treated on its merits, as a machinery Bill; and while I for one am determined to do everything in my power to urge the reception of the reform measure, I see no reason why the two should be tacked together, thus endangering the passage of the machinery Bill. The qualifications specified in this Bill are qualifications of electors for the Assembly, and, as members will see, are the qualifications which exist to-day. First, a claimant must be a natural-born or naturalised British subject; secondly, he must have resided in Western Australia for at least six months before he can apply to become an elector; and thirdly, the qualification already provided in our existing Act is made more specific in the Bill; an elector must have resided a month in an electorate before he can be registered to vote in that electorate. I should like to compare those requirements with the requirements in other States. As I pointed out, in New Zealand a claimant has to be a whole year in the colony before he can be enrolled; he has to reside for three months in a particular electorate, and of course has to be a British subject. In South Australia he has to be six months in the State, and on transfer one month in the electorate—practically the same as our law. [*Mr. T. L. Brown*: How long under the Commonwealth Act?] By the Commonwealth provision a man must be six months in Australia before he can file a claim. Of course the Commonwealth does not deal with the States, but with Australia. Under the Commonwealth law, if you wish to transfer from one electorate to another, you must reside for a month in the second electorate before you can claim the transfer; so that the Commonwealth law is practically the same as ours, but it is not carried out to the logical conclusion which I advocate, of not making the transfer a more difficult operation than the original registration. The next portion of the Bill to which I would call members' attention begins at Clause 38. That is a new provision, which I pointed out as one of the means which may be legitimately relied upon to give us an absolutely complete electoral roll with which to make the foundation of our future roll. In these clauses we take power to carry out an electoral census, and at the end of the Bill members will find that a penalty is provided for any person who neglects to fill in and return the electoral census papers left with him. I hope that penalty will not have to be enforced; I hope the people of this State will recognise that no department can be successful unless helped by the public; but as a spur to action, and in case the people do not recognise their duty, we have provided a penalty in cases where electoral census papers are left, and where the parties with whom they are left neglect to fill them in, thereby depriving the Government of the information on which alone we can form the roll. [*Mr. Taylor*: What is the penalty?] Ten pounds, I think. It is not, perhaps, the amount of the penalty so much as the infliction of it that will have the desired effect. In Clause 39 we propose an important alteration of our existing law. To-day, in preparing new rolls in accordance with proclamation, the registrar has power to strike out of the old roll the names of the persons who he thinks are not living within the electorate. [*Mr. Taylor*: He must notify them.] Yes, under this Bill, but not under the existing Act, although, as a matter of courtesy and convenience to ourselves we do notify the parties. We have taken power to strike off a name, provided that the person whose name is removed shall be notified, and subject to the right of that

person, on receiving the notification, to give notice of appeal, which appeal is heard in the manner subsequently provided; and if the appeal be successful, his name remains on the roll. Therefore every person whose name is once on the roll will never be liable to have his name struck off without receiving notice at the address he himself has given, and without, after receipt of that notice, having full opportunity for appeal. [*Mr. Angwin*: You are still disqualifying persons in receipt of charity.] Yes; we follow the existing Act. [*Member*: What about pensions?] The hon. member knows perfectly well that the reference as it stands to-day is not to those who are in receipt of any pension or similar grant under an Act of Parliament, but to those who are wholly supported by the State.

Mr. Walker: Why should they not vote?

Mr. T. L. Brown: Is not a pensioner supported by the State?

The ATTORNEY GENERAL: No. In no circumstances can such a pension be sufficiently high to support anybody, nor would a pension be a charity. But when the State takes a man, clothes, feeds, and houses him and keeps him entirely, I fail to see where we are to draw the line if that is not charity. The reason why in all electoral systems the line has been drawn at allowing persons in that category to exercise the vote—[*Mr. Collier*: Not in the Commonwealth Act.] That is the one exception. The objection to allowing such persons to vote is that such a franchise offers to those who spend the money an easy means of obtaining the support of such voters. For that reason the system has been always objected to under English law. The British Parliament have always said they will not allow the Government to give the franchise to soldiers—and why? Because the Government are the masters of troops, have them under complete control, and therefore would have an unfair influence as compared with members of Parliament who happen to be in Opposition. Hence, from time immemorial, there has been successful opposition to the exercise of the franchise by persons who might be supposed to be under some obligation to those in power, and therefore not in a position to give a fair verdict. To proceed with the Bill, the next matter to which I will draw attention is the system of claims, provided in Clause 41. Claims have to be lodged in a form set out in the schedule. [*Mr. Taylor*: This is a new system.] This is a new system. The form of application, instead of being on a sheet, is on a card. Form No. 5, page 60, is that for the Assembly. The words below the small print will be printed on the back of the card; and the card is signed in duplicate by the claimant. One of the cards is retained by the registrar of the electoral district; the other card is sent to the central office, Perth. The great advantage of this card system as compared with any other is that the cards can be put in alphabetical order on a patent file. A duplicate card, on arriving at the central office, is taken by the clerk in charge, who can immediately discover, almost automatically, because the cards will be not only in alphabetical but in lexicographical order, whether the claimant is on the roll, although the claimant himself may have neglected to give that information. The clerk finds that John Smith of Kanowna is a duplicate of John Smith of Hannans; and the name is taken immediately from the Kanowna district and put into the Hannans district. [*Mr. Scaddan*: There may be two John Smiths.] Yes; but the hon. member will see that every claimant is obliged to sign his name. And although two John Smiths can exist, it is extremely unlikely that their signatures will be the same. We rely very largely on this provision to enable us to avoid what is possibly the greatest trouble in our Electoral Department—the appearance of an elector's name on several rolls. Very often that is not the fault of the elector. He does not know, or he forgets when making a claim, that he has already been put on another roll. But under the new system, if he does forget the fact and sends in another claim without mentioning that he is on another roll, the error will be discovered when the duplicate goes to the main office,

the district office will be notified, and the main register, kept in the central office, will be purified by the removal of his name from the roll for the district in which he formerly resided.

Mr. Holman: How are people out back to sign before "a person authorised?"

The ATTORNEY GENERAL: The hon. member will see in a subsequent clause, No. 204, that the authorisation is very wide. However, to speak of that would be to anticipate; and I would ask the hon. member to allow me to come to that matter in due course. Clause 43 points out what shall be deemed to be essential particulars in all claims for enrolment. Those particulars are very simple, and are such as the applicant can in every case furnish—his surname and Christian name in full, his residence, and his usual signature in his own handwriting; and if the claim is for a province, he has to set out the qualification necessary for the Upper House franchise. In a subclause we provide what is absolutely necessary: that if the residence of the claimant is within a municipal district or townsite, the name of the street or the number of the house, if numbered, shall be stated, and if not numbered, such particulars shall be given as in the opinion of the registrar are sufficient to enable the exact locality of the claimant's residence to be ascertained. One of the greatest troubles with electoral rolls occurs in respect of long thoroughfares such as Hay Street. A claimant gives his address as "Hay Street," with the result that the department do not know what is his electorate, and it is utterly impossible to tell. His claim may be perfectly valid for West Perth, for East Perth, or for Perth itself; and therefore it is absolutely necessary, if we are to have correct rolls, to insist that where the houses are numbered he shall give the number of his house, and that if they are not numbered, the information given should be sufficient to define the exact locality of his residence. When the claim has been filed in the manner mentioned, if it is in order and is not objected to, the registrar shall, at the expiration of 14 days from its receipt, endorse the claim as approved. This interval of 14 days is to be used by the registrar, as members will subsequently see, for the purpose of making proper inquiry, if he has any reason to make it, as to the validity of the claim; and the provision made is this. In order that no hardship may arise from the fact of a writ being issued prior to the hearing of the objection, it is provided that if an objection be made by an elector and not by the registrar, then, notwithstanding the objection, the claimant's name is to go on the roll and he is to be entitled to vote. On the other hand, members will see that if the objection is taken by the registrar officially, the claimant will not be entitled to vote unless he makes a declaration supporting his claim. But he is not prevented from voting in any case by reason of the claim not having been heard by a magistrate. He is only put under the necessity, if the objection is taken by an official, to support his claim by declaration in the form of the schedule.

Mr. Taylor: In the original Act he has to make application 14 clear days before the issue of the writ.

The ATTORNEY GENERAL: That is provided for. Now I come to objections to those already on the roll. In this part of the Bill the same procedure is followed. In regard to objections to any person on the roll made by an elector, he shall deposit a shilling and serve the notice of objection. The objection is to be served on the party whose name is objected to. The objection is heard in due course before a resident magistrate, and when heard, if the objection is not sustained the magistrate is empowered to award payment to the person objected to of any reasonable costs and expenses. If an objection is made by a private citizen who is on the roll of the district and his objection fails to be heard, the party against whom he has raised the objection is entitled to the franchise notwithstanding the objection. If the objection is by the registrar the elector must make a declaration in the form set out in the schedule before he is entitled to exercise the franchise. No advantage

is given to any elector in a constituency to enable him to harass those on the roll, but if the official thinks it is his duty to serve an objection the person on whom the objection is served must support his claim by statutory declaration before exercising his vote.

Mr. Angwin : Do you exempt these declarations from stamps?

The ATTORNEY GENERAL : I am not aware of stamps being required on declarations. The next matter I wish to call the attention of the House to begins at Clause 61 dealing with elections. I am pointing out all the new provisions of importance, but perhaps before I go that far I should remind the House that in this Bill we have done away with revision courts altogether. The revision courts were a cumbersome procedure to put the rolls in order, and we had to go through the formality of calling the courts together and they were not held except at long intervals. Under the Bill we make resident magistrates courts of appeal and they can sit any day of the week, at any time; there is no stated time at which they are to sit. They can open the court at any time when a matter comes forward that the court is called on to decide. Now I turn to the elections. The provisions dealing with the elections are the issue of writs which are practically the same as we have in the present Act, except that we avoid any difficulty by authorising the Governor to appoint a clerk of writs by whom all writs shall be issued, and we also authorise the appointment of a deputy clerk of writs, to act in the absence of the clerk. There is nothing in that but mere machinery. The provisions made in the Bill for voting in absence will be a matter which members no doubt wish me to refer to next. This begins at Clause 86. Personally I would have been in favour of striking out all the provisions for voting in absence except for one consideration, and that is this. We have conferred the franchise not only on males but on the females of the community, and it would be, it seems to me, a most unfair thing to do to make that provision and not afford some means of carrying it out under circumstances we have every reason to know must arise in the case of females. Therefore it is necessary, as it has been found necessary in every electoral law in the Commonwealth and in the other States, to retain provisions for voting by post. [*Mr. T. L. Brown* : It has been abused.] I have done something in the Act to reduce the abuses of the system. In the first place under Clause 92 members will see that it is unlawful for any postal officer to visit any elector for the purpose of taking his vote, or to take any elector's postal vote in any other place than such postal vote officer's ordinary place of living or business, except under the circumstances set out in Subclauses (*b*) and (*c*) of Clause 87, that is in the case of a woman who is in ill-health, and secondly those who are absolutely ill.

Mr. Angwin : That is where the abuses come in, people saying they are ill when they are not ill.

The ATTORNEY GENERAL : The hon. member, in attempting to guard against that, would create a greater difficulty. If we allow the franchise and if the Electoral Department appoints with due care the officers on whom this function devolves, it is absurd not to make the provision for carrying it into effect. Then if you can arrive at this stage, that the postal vote officer would not go at all to the bedside of anyone who is sick but that some means is provided for voting in absence, that is something worth consideration; but when we make a channel of communication to another party to tell the officer to go, we do not arrive at anything worth getting at. As it is impossible to carry out the system of postal voting without allowing the officer to meet the voter, it is no use making provision for the postal officer going there in consequence of a communication received from someone else, so I omit it. The next matter that I desire to call the attention of the House to begins at Clause 126. The intermediate matters while of interest, and no doubt members will give them serious attention, are practically a repetition of the existing law, and where they depart from the existing law it is to such a small extent as not worth while for me on an occasion such as this to call attention to. Clause

126 is a new clause and introduces an entirely new principle : it is preferential voting. I know members have an idea that when I spoke on preferential voting on a former occasion I did not quite understand the subject ; but I hope to be able to-night, whether I understand it or not, to make the House understand it. In this Bill we have made two provisions for preferential voting. Firstly we deal with preferential voting as applied to an electorate returning only one member, and secondly, preferential voting as applied to electorates returning more than one member. It is only in the second case that proportionate representation can arise. The provision for preferential voting where one member is returned is as follows : if there are more than two candidates for the position the first count is taken of the first preferent votes only. We have not made it compulsory on electors to exercise their preferential votes ; we have only given them the option of doing so.

Mr. Taylor : They can plump, then ?

The ATTORNEY GENERAL : They can vote one preference only, if they like. I do not know any system where it is made compulsory, and I have looked through them all.

Mr. Taylor : You will be known as "Norbert Keenan the plumper" at the next election.

The ATTORNEY GENERAL : Then I shall have done what a great many people have done before me. It may be advisable after some years to make the system compulsory; but if at the start we made it compulsory, we should have a lot of informal votes. Although it may be at some future date wise to make it compulsory, I should be sorry to see it made compulsory when we first bring it into vogue. For it might mean at the first election held under it that 50 per cent. of the votes might be informal. The position I pointed out to the House if three candidates stand is this. Every voter is entitled to a first preference, a second preference, and if three candidates he is entitled to a third. When the ballot box is opened the first preferent votes are counted, and if any candidate of the three secures an absolute majority of votes polled he is declared elected, but if there is no candidate who has secured an absolute majority of the first preferent votes, the candidate at the bottom of the list on the count of the first preference is struck out and all the votes counted for him are transferred to the party who has secured the second preference, and then if that candidate has secured an absolute majority he is declared elected. This system applies not merely to three candidates but to any number of candidates, and the same process is repeated, that is say, the lowest on the count is struck out and all votes not exhausted—and by the term exhausted is meant where no other preference is indicated—these are carried to the party indicated in such preference. That is not a complex system and will not unduly harass the electors because they will have to place the numbers in the order in which they prefer that the candidates should be returned. If members will turn to the ballot paper set out on page 71, they will see that it will be a black card with white spaces where the candidates' names are printed in alphabetical order. Therefore it will not be possible for informalities to occur such as have been so frequent in the past, that numbers or marks are placed in such a position that one is unable to tell to whom the number or mark referred. [*Member* : A coloured pencil will have to be used.] Any coloured pencil will make a mark on white paper. The elector will mark the ballot paper as set out on page 69 or in any order he or she chooses, and the count will take place as I have explained to the House. The matter of proportional representation is more difficult, and I do not know that I shall go into the matter more fully than members wish in order that they may grasp the idea ; for this simple reason, that until Paliament sees fit to create electorates returning more than one member, these clauses cannot apply. Proportional representation is only possible when a constituency is allowed to return two or more members ; and it is carried out in a similar way to preferential voting. The candidates' names are submitted on a ballot-paper, and the elector marks them in the order of prefer-

ence. If members will turn to the last portion of the added matter on page 74 of the Bill, they will see an example of an election of more than one member for the same district. [*Mr. Walker*: Is it proposed to make dual electorates?] Not during this Parliament. As I explained before, in bringing in a machinery Bill of this character, we should bring in one so complete that it will not be necessary, in view of something looming up in the future being possibly adopted, to create new machinery. Every body knows that throughout Australia there is a strong move in the direction of bringing about proportional representation; for this reason. Not only does the party coming into power frequently come in with far more representatives than the votes cast for the party justify; but the other party is weaker in strength than the votes cast for its candidates entitle it to be. There is an example in the British House of Commons. I believe that, counting the voting at the last general election, the Government's majority would be 122; but owing to the fact that one vote may carry an election the real majority is about 350. So there is no proportional voting there. [*Mr. Underwood*: It does not make any difference.] It all depends upon the view of the hon. member. If the hon. member thinks that the Government of the day have not the volume of public opinion behind them that the number of their supporters in the House indicates, and that the members of the Opposition have a greater volume of public opinion behind them than the numbers show, then that cannot be just representation. I have no doubt that in a large measure this evil will cure itself; but it does exist. It always means that the party in power gains a great advantage because of the fluctuation of a small body of opinion. With the flowing tide we always know that there is a section of the population which will invariably be found; and when there is a flowing tide the Government coming into power gain more seats than they are entitled to. If we have an Opposition that is strong, one that really represents to the full extent the opinion of the country, it is there with a full sense of its responsibility. There is nothing more dangerous to the community than a weak Opposition. [*Mr. Bolton*: Then why do you wish to make it weaker?] This would make it infinitely stronger. If the hon. member has not understood that, I must have been very faulty in my explanation. Naturally from the very weakness of an Opposition and their inability to be put in a position compelling the discharge of the duties of a Government, they become rash and propound things which they would be the last to touch if there lay before them an immediate opportunity of putting the Government out. Therefore, it is a duty on the part of the Government to devise a system which, while giving the Opposition strength, will not endanger the Government benches. There is the other point. Every section of the community has a right to proportional representation. It may be that the representative elected is a man's first choice, or his second choice, but certainly he will be some choice of his. Where a number of candidates stand, the minority will have representation entirely commensurate with the number of its votes. In a constituency returning three representatives, if a third of the voters were of one particular view, that number would be absolutely certain to have one member returned. That is a desirable result, because undoubtedly we have the fact that large minorities are not represented at all, not merely on this side of the House, or on the other side of the House, but on both sides. For that reason it is probable that in the early future a proposal may be made to at any rate try the experiment of proportional representation in those parts of the State that lend themselves to the carrying out of such a scheme. In Tasmania, where they have tried it, it has been confined to the large centres, where an electorate could be created returning more than one member without having an enormous area. I am not here to-night advocating proportional representation; that Bill is not before the House; but I am pointing out to members that there is a distinct probability of its being a live measure in the

near future, so that it is our duty to make provision in this machinery Bill for carrying out any possible change in the Constitution that may be made. [*Mr. Horan* : How is a person to record his vote in the event of not adopting the preferential system?] We give the right to all electors to exercise a preferential vote. [*Mr. Horan* : What is the alternative?] In order to allow every person to vote, to remove informalities, we allow a cross or number to indicate the intention of the voter. It is not wise to be tied down to any strict rules in regard to how a voter shall vote. Of course we intend to educate if possible the public to vote in a particular manner, but in the meanwhile we want to make as wide as possible the rules governing the manner in which persons shall vote, and we make any vote, where the intent is plain, a formal vote.

Mr. Horan : Clause 126 makes it obligatory to start preferential voting straight away ; it says "shall."

The ATTORNEY GENERAL : Read Subclause 2 :—

> "If there are more candidates than two, the elector shall mark the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and he may give contingent votes for the remaining candidates."

He " may " give contingent votes. Of course that does not make it compulsory for electors to vote. We do not want them to put ballot-papers in their pockets, but once they come to the polling-booth we expect them to vote and make it compulsory. But they are not compelled to cast a preferential vote. In the ordinary contest, where only two are standing, it will still be No. 1. Members will see that while we try to educate the electors into the one groove, we are not going to make it penal until such time as they have been fully educated into it. The next matter of importance in the Bill is doing away with the present system of appeal and substituting a Court of Disputed Returns (see Clause 155). The object of that innovation is that by constituting a special court we entirely remove the possibility of there being any appeal from its decision. It is not the Supreme Court, and therefore the possibilty of the argument which arose on another occasion cannot recur. We have made one attempt in this Court of Disputed Returns to save candidates from being unnecessarily harassed and possibly being made the victims of circumstances over which they have no control, by providing in Clause 160 that 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 provisions for making up rolls make it necessary for every roll to be dated—the original roll and the supplementary rolls; and this provision in regard to disputed returns is that the court is to take the roll on the date it bears on the face of it as being the correct roll. That is the intent of the existing Act, but it is badly phrased and is open to another interpretation. I think it is only fair to the candidates to say that when the department issues its roll and dates it at the date of issue, they can rely that on that date—they do not of course take responsibility for anything subsequent to that date—the parties enrolled were entitled to the franchise. Of course this carries the matter somewhat farther, from this point of view, that provision is made in this Bill whereby any person who leaves a constituency is entitled for three months after he has left the constituency to exercise the franchise. Therefore, if any member here were a candidate and it became necessary for him to assure himself as to whether some person was entitled to vote or not, he at least could assure himself to this stage, that if the person's name appears on the roll that was printed within three months of the date of his inquiry, that person was presumably entitled to vote. I say presumably, because I assume it is the same person as the one whose name is on the roll. On the other hand at any subsequent date it would be his duty to make inquiries. If he did not make these inquiries, and in consequence a petition to the Court of Disputed Returns was successful, we would not hear

that abuse of the department for misleading a candidate by making him the victim of a roll that was a bogus roll; because he would have only himself to blame. I think we are entitled to go that far.

Mr. Angwin: Have you made any provision for challenging postal votes?

The ATTORNEY GENERAL: Yes. Members will see that when a postal vote is challenged by a scrutineer appointed by a candidate the presiding officer has to compare the signature on the postal vote with the signature on the elector's electoral claim, which he has with him; and every postal vote must have attached to it a declaration verifying the voter's claim. The result is we have taken extra precaution. In the first place we make the voter go the length of verifying his claim when he goes to secure the right to a postal vote; and secondly, if the scrutineer of one of the candidates thinks it necessary, he can ask the presiding officer to compare the signature on the postal vote with the signature on the elector's electoral claim.

Mr. Angwin: I was referring more particularly to persons exercising the right to postal votes when they have been more than three months out of the constituency.

The ATTORNEY GENERAL: The provision in regard to the declaration covers that. But apart from that, if any person chooses to make a declaration recklessly, just as if a person who has been more than three months out of the electorate chooses to go to the poll, no machinery can prevent it. We eliminate any abuses that arise from error, but we cannot eliminate what arises from wilful abuse.

At 6.15, *the Speaker* left the Chair.
At 7.30, Chair resumed.

The ATTORNEY GENERAL (continuing): The last clause to which I drew attention was Clause 190, under which it is provided that when any person has signed a claim to be enrolled as an elector, any other person who induces the claimant to let him have custody of the claim for transmission to the registrar, and fails without just cause or excuse to transmit the claim to the registrar, shall be guilty of a contravention of this Act. One of the matters of most common complaint has been that certain parties went round and solicited people who were living in an electorate, and were capable of being electors, to sign electoral claims; and becoming possessed of these signed claims, tore them up and threw them away, with the result that the people who thought they had done everything necessary to get on the roll, found when they came to vote that they had no right to do so, not being on the roll. No doubt the number of cases of this kind that have been stated to have occurred was exaggerated, but such a state of things has occurred, and therefore it is proposed to make it a penal action for anyone to fail to transmit such claims. Under Section 191 it is set out, as I have already informed the House, that any person who neglects to furnish the necessary return for an electoral census commits an offence. I feel sure that the fact that that clause exists and that we have power, if we think necessary to use it, to prosecute offenders, will make the voters rise to the occasion and return the necessary forms to the registrar. Under Section 192, which is also a new clause, it is made necessary for employers to allow their employees leave of absence in order to vote. The effect of the provision is that those employees shall only be absent for a reasonable period, that is for a time not exceeding two hours, in order that they can exercise the franchise. The obligation on the part of the employer to allow his employee to leave will only lie in the case where the employment covers the hours during which the poll is held. Section 193 is another new clause, and I trust the House will say it is a proper one to be inserted in the measure. This clause makes it an offence for any person to make or publish any false or defamatory statement in relation to the personal character or conduct of a candidate. There is a proviso that it shall be a defence to a prosecution for an offence under the section if the defendant proves

that he had reasonable ground for believing, and he did in fact believe, the statement made or published by him to be true. Of course we must allow in a political controversy a fair margin for comment, but when that is exceeded and when, by reason of the excess, some unfair advantage is taken by one candidate over another it will be a penal ofience.

Mr. Collier : Who will say if that margin is exceeded or not ?

The ATTORNEY GENERAL : The court.

Mr. Collier : This will result in endless litigation.

The ATTORNEY GENERAL : That is not so. If the hon. member were to be proceeded against for such an offence he would be charged with having published a false and defamatory statement concerning the personal character or conduct of the candidate, and would appear before the court on that charge.

Mr. Walker : Before which court ?

The ATTORNEY GENERAL : The police court.

Mr. Collier : Will there be no appeal from the decision of that court?

The ATTORNEY GENERAL : There is no appeal in criminal matters. Under Subsection 2 of the clause, any person who makes a false and defamatory statement in relation to the personal character or conduct of a candidate in contravention of the section may be restrained by injunction, at the suit of the candidate aggrieved, from repeating this statement or any similar false and defamatory statement.

Mr. Walker : Are you going to leave such important issues as are involved in these cases to an ordinary magistrate?

The ATTORNEY GENERAL : The prosecution for defamatory statements will be heard before a police court bench, but the application for injunction must of course be decided by the Supreme Court. The nature of the injunction would be to prevent a repetition of any defamatory statement.

Mr. Holman : Would there be an interim injunction?

The ATTORNEY GENERAL: At the present time injunctions are granted by the Supreme Court to prevent the repetition of an offence of this character. I am not now referring to statements made in connection with elections but in the ordinary matters of life. If defamatory language is published about any person an injunction can be obtained to prevent farther publication.

Mr. Angwin : Then why put it in here, if you already have the power to obtain these injunctions?

The ATTORNEY GENERAL : Let the hon. member read Section 1, which creates quite a different remedy from that provided in the existing law. Section 204 sets out the persons who are authorised to witness signatures. They are justices of the peace, returning officers, electoral registrars, post and telegraph masters, public officers classified in the administrative, professional or clerical divisions of the State or Commonwealth Public Service, classified State school teachers, members of the police force, and any other person appointed by the Minister. The authority is made very wide, but at the same time consists of persons who are recognised as holding responsible positions. [*Mr. Holman* : There are lots of places in the country where there are none of those persons mentioned in the clause.] In order to deal with such cases the Minister is given authority by the Bill to appoint any other person. Not only are *ex officio* persons authorised to witness signatures, but when a case arises such as the hon. member suggests, when no one of the class to be found in the clause lives in the district, the Minister will be able to appoint someone to undertake the duty. The clause farther states :—"Any statutory declaration required under the provisions of this Act may be made before any person authorised to witness signatures to claims, and shall have the same force and effect, and in the case of a false declaration shall subject the declarant to the same penalty as if such declaration has been made before a justice of the peace." That relates to declarations made under Form No. 10. I do not think there is any farther matter to refer to under the section. In the course of a speech of this character there is no necessity to go into details,

but the mover of the second reading should deal with the general principles underlying the measure. The Committee stage is the proper time for full explanations to be given as to details. I have only to say this, that the Bill has been drawn after very careful study by the administrative officers, who are perfectly satisfied that they will be able to produce good results under it. It has only been put into its present form after comparison with the electoral laws of other places, not only in Australia, but also outside of the Commonwealth, and indeed outside of the British Empire itself. While I am not sufficiently expert to be able to venture the opinion that absolute success will be achieved under this Bill, still I am sufficiently aware of the intelligence of the officers of the department and have sufficient knowledge of the care and trouble they have taken in framing the Bill to believe that we will achieve a great measure of success, and that, when the Bill is in operation, we shall avoid what has been almost the universal curse of all elections, State or Commonwealth, the number of people who are properly entitled to be on the roll not having a vote, and the large numbers, unfortunately, having the apparent right to the franchise but who have no right at all.

Mr. G. TAYLOR (Mt. Margaret) : I should like to move the adjournment of the debate for a week

The ATTORNEY GENERAL : I have no objection to give the greatest possible extension of time, but there are only a few Bills now before the House, and if the hon. member will allow the debate to be adjourned until next Tuesday I will see that it is put at the bottom of the list.

Mr. TAYLOR : I recognise there is not much business before the House, but I think it necessary that members should have opportunity of fully considering this measure before the second reading is continued. In view, however, of what the Attorney General said, and as he has promised that he will put the Bill at the bottom of the list, I move that the debate be adjourned until the next sitting of the House.

Motion passed, debate adjourned.

BILL—STATISTICS.

Second Reading.

The PREMIER (Hon. N. J. Moore) in moving the second reading said : This measure has been sent down from another place. It is purely a machinery Bill, and brought in with a view of repealing the Statistical Act in force at the present time. The Act became law in 1897, but we recognise that it is now insufficient to meet the requirements of the Commonwealth statistical authorities. An agreement has therefore been come to by various States to bring in a measure which shall be on all-fours with the Commonwealth Statistical Act, which was introduced in 1905. With that end in view the measure which we are now dealing with is submitted. It is desirable that our legislation should enable us to effect the collection of population statistics on a uniform plan with the Commonwealth and the other States, so that no work need be duplicated. This Bill is modelled on the Commonwealth Act of 1905, and will enable this State more efficiently to compile its own statistics than hitherto, and at the same time to continue to supply the Commonwealth with the matter required by them. The appointing of a deputy Government statistician and statistical agents will entail no additional expense, for it is intended that the officers now doing the work under our own local statistical registrar shall undertake the duties set out in the new Bill. At the same time there is one slight alteration, inasmuch as the resident magistrates are now responsible for collecting the statistical information, though as a matter of fact the police do practically the whole of the work. Consequently we have recognised that it will be much better if the police communicate direct with their own department, the Colonial Secretary's, rather than that the information should filter through the resident magistracy to the Crown Law Department. By this altera-

tion the information required will be more promptly furnished. Members will find very little difference between the Bill and the old Act of 1898. We have introduced this measure at the request of the Commonwealth Government, the State Premiers having undertaken to endeavour to make their respective statistical returns as uniform as possible. There is another slight alteration in the returns of stock. Under the old Act a form was not sent to a stock-owner unless he possessed at least one acre of land; consequently if a holder of less than one acre owned any stock, no information was obtained as to their number. The Bill provides that irrespective of his area every stock-owner must furnish this information so that the stock returns will be complete. If I can throw any farther light on the Bill I shall be glad to do so in Committee; but I do not think there is any need to deal at length with what is purely a machinery measure, and one which will be uniform throughout the States. I beg leave to move the second reading.

On motion by *Mr. Taylor*, debate adjourned.

BILL—VACCINATION ACT AMENDMENT.

Second Reading (irregularity).

Mr. A. J. WILSON (Forrest): I understand that copies of the Bill have not yet been received from the printer, but the measure contains only two clauses, one of which is the title, while the other provides for an exemption under certain conditions from the penalties to be found in the parent Act of 1878.

Mr. Hudson: Surely we should have the Bill before us.

Mr. SPEAKER: Strictly speaking, copies of the Bill should be here; but as the hon. member points out, there are only two clauses. If the House objects, the mover cannot proceed.

Mr. WILSON: Whatever the objection of the hon. member may be, he can, after I have briefly explained the measure, move that the debate be adjourned until a future day. This is practically the same Bill as was introduced last year in this House, when it passed its second reading. The only difference is that in the present Bill I have adopted the measure recently introduced by the British Government in the House of Commons, a measure which provides that, instead of the conscientious objector having to appear in a court and establish his objection and his right to exemption under the conscience clauses, it will be adequate for him to make a statutory declaration before a justice of the peace or other person qualified to receive such declarations. If such a principle is good enough to receive the support of conservative England, it ought to be good enough for the more democratic sentiments of the people of Western Australia. The Bill briefly provides that—

> "No parent or other person shall be liable to conviction or to any penalty under the principal Act if within four months from the birth of a child he makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days after delivers the declaration to the vaccination officer of the district. A statutory declaration made for the purposes of this section shall be exempt from stamp duty. A statutory declaration for the purposes of this section shall be made in the form set out in the schedule to this Act or in a form to the like effect."

Then follows in the schedule the form of declaration which will entitle the conscientious objector to an exemption from the penalties provided in the Compulsory Vaccination Act of 1878. On the face of this it will be apparent that in the matter of vaccination we have not, as in many other matters, been keeping pace with the trend of modern sentiment regarding a practice which by many people in the community is considered not only unnecessary but absolutely objectionable, and frequently most prejudicial to the health of children. And seeing this measure has been adopted in South Australia, New

Zealand, New South Wales, and other parts of the British Empire, I think we have at all events ample and justifiable precedents for its adoption here. I have at my disposal statistics which will go a long way to remove the impression which was once so general as to the supposed virtues of vaccination; and these figures, together with photographs, a book of which I have, I shall be pleased to place before any member who wishes to see something of the evil effects which have resulted in many cases from vaccination, cases which have been under the closest scrutiny of some of the ablest practitioners.

Point of Order.

Mr. Hudson : I rise to a point of order. I do not wish the hon. member to exhaust his introduction of this measure, but to draw attention to Standing Order 266, which requires that Bills should be printed, and to ask the ruling of the Speaker as to whether we can proceed while the Bill is not printed and before members.

Mr. SPEAKER : I have said already that, strictly speaking, the copies of the Bill should be before the House. If the House objects to the hon. member proceeding I shall be bound to take the feeling of the House, and possibly to prevent his proceeding farther. The hon. member has explained that the Bill contains only two clauses. A rule is laid down in the Standing Orders that a Bill shall be printed: "After the first reading a question shall be put 'that this Bill be printed and the second reading made an order of the day for some future date.'" The hon. member (Mr. Hudson) is in order in objecting, but I would ask him to allow the mover to finish, he having proceeded so far.

The Premier : I think the hon. member (Mr. Hudson) might withdraw his objection, seeing that after the speech of the mover he can secure a postponement by moving the adjournment of the debate.

Mr. Hudson : My only reason for objecting to the procedure is that it will introduce a precedent which may lead us into future difficulty, and I think it my duty to bring the point before the House. I know this is a very controversial subject, and the only medical practitioner in the House spoke against the Bill on the previous occasion. He is not now present to hear the arguments of the hon. member, though we are generally guided by his (Dr. Hicks's) advice. I thought that, sooner than see a precedent created for discussing a Bill before it was printed, I should bring the matter under notice. I withdraw my objection on the present occasion.

Mr. Walker : I should much like to hear the mover continue, for vaccination is a subject in which I am interested; but we are pursuing a most dangerous course. I submit that if at any stage we discover that our proceedings are out of order, it is our duty to take the point there and then, even though a member speaking has proceeded for a certain time. I take it that strictly speaking he cannot be considered to have said anything. He is out of order up to the present. It is absolutely necessary, by our Standing Orders, that we should have the printed matter before us; and if we allow this matter to go on, we cannot condone the breach of the order. We have not power to condone it; we are bound by our Standing Orders.

Mr. Taylor : The hon. member (Mr. Wilson) was practically speaking with the indulgence of the House.

Mr. Walker : But the House have no right to indulge in defiance of the Standing Orders. We could at that rate indulge anything. There would be no violation of the Standing Orders that we could not condone. What are the Standing Orders for but to prevent this kind of condonation, and, in spite of our temporary inclinations, to keep us strictly to rule? There will be no end of that sort of thing if once we open the door to a violation of the rules. Whilst I am absolutely sympathetic with the subject the hon. member has introduced, I prefer that it should be introduced according to order, and that we should not, because we sympathise with his object, violate the rules of the House, which are more important than any matter of the kind.

Mr. Hudson : My sympathies are not with the hon. member.

Mr. Walker : Mine are ; but notwithstanding that, we ought to be strictly guided by the rules of the House.

Mr. SPEAKER : The mover is certainly not strictly in accord with the Standing Orders ; but No. 266 provides that "the Bill shall be printed." This Bill has been ordered to be printed, although copies have not yet arrived here. I believe I have known more than one occasion when similar latitude has been allowed to a member, probably when copies of the Bill have been on the way from the printer to the House. The protest having been raised, however, my only course is to put the question to the House, asking whether it is the pleasure of the House that the hon. member should proceed.

The Premier : It would be more satisfactory to the House if you ruled whether the member is in order or not.

Mr. Hudson : It would be a better guide for the future.

Mr. Taylor : The Speaker has ruled that it is out of order.

Mr. SPEAKER : I prefer to put it to the House that strictly speaking the member is out of order, but with the indulgence of the House he may be allowed to proceed

Mr. Hudson : I mentioned the matter at the inception, not after the hon. member had proceeded.

Mr. A. J. Wilson : Will it be permissable for me to continue my remarks on Tuesday next or for whichever day the order is set down ? I have no desire to proceed against the wishes of members.

Mr. Hudson : If you state that the hon. member will have an opportunity of speaking again on the subject and will not be debarred from moving the second reading, I will move the adjournment to allow that course to be taken.

Mr. SPEAKER : The better course will be for me to rule that the hon. member is out of order at this stage, and he can then proceed in the ordinary way at the next sitting of the House.

Mr. A. J. Wilson : Shall I then move that the consideration of the Order of the Day be postponed until the next sitting ?

Mr. SPEAKER : The Order will remain on the Notice Paper as an Order of the Day. Perhaps it would be as well if the member moved that the Order be postponed.

Mr. A. J. Wilson : I move that the Order be postponed until the next sitting of the House.

Motion passed, the Order postponed.

MOTION—WATER METERS, RETURN.

On motion by *Mr. Daglish*, ordered: That a return be laid upon the table showing—1, The number of tenements of an annual value of £20 or less within the metropolitan area upon which water meters have been placed or in respect of which notices requiring meters have been issued. 2, The number of tenements of an annual value between £20 and £30 similarly affected. 3, The number of tenements of an annual value between £30 and £50 similarly affected. 4, The capital cost incurred by the Metropolitan Water Works Board for meters placed upon private residences. 5, The annual maintenance charges in respect of such meters.

MOTION—HOSPITAL COOKS, HOW IMPORTED.

Mr. T. H. BATH (Brown Hill) : I move—

"That all the papers relating to the importation of cooks from the United Kingdom by the Perth Hospital Board be laid upon the table of the House."

Members will recollect that during the course of last session owing to certain rumours then in the Press, I asked certain questions in the House in regard to these rumours, that the hospital board of Perth were taking steps to import cooks from the United Kingdom. On that occasion I asked the Premier:—

> "1, Were applications invited in England for the position of cook at the Perth Hospital ? 2, Has the appointment been made ? 3, If so, who was the successful applicant ? 4. Was he resident in Western Australia or selected from outside the States ?"

"The Premier replied: 1, Applications were invited by the board for two duly qualified female cooks. 2, 3, and 4, No appointments have yet been made. The chairman informs me that the board have been unable to get satisfactory female cooks in the State, and have therefore decided to advertise in England"

Later on in the course of the session the member for Subiaco and myself asked certain questions in regard to the same subject:—

"Mr. Daglish asked the Premier: 1, Has his attention been called to the fact that the Perth Hospital Board propose to introduce two immigrants from England to act as cooks at that institution? 2, Will the Government allow the funds voted by Parliament for the upkeep of this Hospital to be used for the purpose of paying the passages of immigrants to the State? 3, Were the arrangements for the engagements of these cooks for the Hospital made through any Minister, and if so, whom? 4, Did the Board obtain any Ministerial approval at any time to this use of public money? 5, Did any of the members of the present hospital board sanction the engagement of these cooks, and if so, who? 6, What action does the Government propose to take in the matter?"

"The Premier replied: 1, Yes. 2, Under Section 12 of the Hospital Act, all expenditure is under the control of the Board. 3, No, the arrangements were made by the Board as is usual. 4, No expenditure has yet been incurred. 5, Yes, Dr. Lovegrove, Mr. James Rendall, and Dr. O'Connor. 6, The Government does not propose to interfere."

I also asked at that time—

"1, What wages are being paid to the women cooks brought out by the Perth Hospital authorities under the agreement which has been entered into? 2, Were any endeavours made to secure suitable persons from within the State? 3, If any, with what result?"

"The Premier replied: 1, The women cooks have not yet arrived in Western Australia. The salaries proposed are—For the first cook—£70 for the first year, £80 for the second year, and £90 for the third year. For the second cook—£60 for the first year, £65 for the second year, and £75 for the third year. 2, Yes. 3, Most unsatisfactory, *vide* accompanying minute to the Board of Management from the matron of the hospital, dated October, 1905."

And the minute of the matron of the hospital at that time, on which I desire to lay special stress, was as follows:-

"*Copy of Matron's Minute.*—The best cooks seem invariably to drink, and any moment they go off and leave us without any help. On Wednesday, the first cook's half-day, the second cook, who does the first cook's work on that day, got drunk, attacked the scullerman, and cleared out. When I came down there was no dinner cooked, and the ranges were almost out. I myself, with the assistance of a housemaid, had to attend to the work, and this is the third time this year that men have absconded from their post; a serious problem in an institution like this."

That was a copy of the matron's minute on that occasion when the Premier answered my question, and it conveyed to members of the House that there had been some justification for the step which had been taken by the Hospital Board in regard to the importation of cooks from the United Kingdom; but whatever may have been the replies then as to cooks being advertised for in the United Kingdom, the fact remains that the impression was conveyed that the Hospital Board discontinued to bring out cooks as immigrants to take places on the culinary staff of the hospital. The existing staff continued their employment until a few weeks ago apparently with every measure of satisfaction to those in authority at the Perth Hospital. In connection with this matter, I notice in the report of the Perth Hospital Board, when the

change was made it was stated that the staff, whom these female cooks replaced, had resigned their positions, but the reason they resiged their positions was because the cooks who had been secured by the Perth Hospital Board, after the board had practically given it out that they had abandoned their intention, had actually landed at Albany, and some official of the hospital went to Albany to meet them and bring them to Perth, and when the men found this to be the case, they naturally put in their resignations because, as members of the House know, if one of those on the old staff was applying for a position elsewhere he would have a much better chance of securing the position if he were in a position to say he left his previous employment rather than to have to say he was discharegd. So these men, knowing so well that their services were to be dispensed with and others appointed to replace them, put in their resignations. The facts of the case are that the three men who were employed for 22 months have carried out their duties of cooking for the hospital staff ever since, and have fulfilled those duties without at any time giving the members of the staff any occasion to say they had ever been drunk or had ever been away from work through indulgence in liquor. And moreover, the three men were able to do the work and did it although the staff and the number of patients in the hospital had considerably increased. Some short time before the termination of their engagement the quarters in the hospital in which these men had to carry out their work were completely renovated, and so renovated, owing to circumstances which have become known since, for the reception of the new staff. I say if it were necessary, to do all the work which has been done in the kitchen of the hospital, to make the place suitable for the new staff, it was essential that the same should be done so that the previous staff should work under the most favourable circumstances. What the men whose engagements were terminated resent most bitterly is the fact that the matron's minute read in the House reflected on them most unjustly, and that it is so I will prove by reading a report of the monthly meeting of the hospital board. It reads as follows :—

> "The chairman reported that two cooks who had resigned had ben given a fortnight's pay. One of them had been in the institution for 22 months, and the other for two years, and in justice to them he wished to say that the report presented in October, 1905, by Miss Anderson could not have had any application to them. During the whole of the time that they were at the hospital, neither of them had been under the influence of liquor. He had mentioned this because something had appeared in the newspapers, and he thought it only reasonable that the Press should make it known that it could not have had application to those two cooks."

Here we have a complete refutation in the charge that there was anything in the conduct of the men which warranted their being discharged or being replaced in their positions by any cooks obtained in the State or imported from the United Kingdom. Farthermore, in order to show that these cooks must have been worthy to fill their positions we have here a letter which was sent to the second cook some time lately, and which reads as follows :—

> "From the Secretary, Perth Public Hospital, to Mr. J. H. McMahon, Perth Hospital.
>
> "Sir,—In reply to your letter of 26th April, applying for an increase of salary, I beg to inform you that the Board of Management have been pleased to raise your salary to £72 per annum, from the 1st of June.—I am, sir, your obedient servant, *Neilson Hancock, Secretary.*"

When on finding that these cooks were coming to take their positions they resigned, they received notification that their engagement would terminate on a certain date, and also an intimation that they would get two weeks' additional pay, together with a testimonial as to their capacity while engaged on the hospital staff. I say if they were competent enough to secure a testimonial from the hospital board they were good enough

to be retained in their positions. It is absolutely wrong that a public institution such as the hospital should really go behind the Federal legislation—because that is what it amounts to—in order to import cooks from outside the limits of this State or Australia, should go to the United Kingdom to find people to fill these positions. It may be urged that on the strength of the minute of the matron, which I may say was given to this House in September, 1906, it was absolutely impossible to find within the borders of Western Australia, without speaking of the Commonwealth as a whole, people sufficiently capable and trustworthy to be given the positions as cooks on the hospital staff. I say it is an absolutely preposterous position altogether, and this is proved by the fact that since its formation the organisation of cooks and employees of hotels and restaurants in Perth has been sending time after time cooks, second-cooks, and those competent to work in hotel kitchens, not only to fill positions in the metropolis, but also to fill positions on the Eastern Goldfields and on the Murchison. I have perused letters from hotel-keepers and others in these districts expressing absolute satisfaction with those supplied and also stating that they would recommend their friends to go to the same source to secure these servants. I maintain that if this organisation can supply servants for the hotels it is quite competent and no doubt could find suitable persons to fill positions at the hospital even if it had been proved that those already in the hospital were not competent. The position is that the first-cook held that position continuously for 22 months until the other day, and previous to that he had been in the employ of the hospital, but owing to ill health he was on a bed of sickness in the hospital for some time and was ordered away to a goldfields district. He went to the goldfields and was employed in the Mount Morgans district for some time. Coming to Perth for a holiday, he was requested by the matron to go to the hospital, but he secured another position at a better salary to go back to the goldfields. On again returning to Perth he was asked a second time to go to the hospital. The fact that he was asked twice to fill the position shows that he was competent to fill it. The same remarks apply to the second-cook. Surely he was competent, or the hospital board would not have raised his salary to £72 per annum. There is reason for the bitterest resentment on the part of these men against some of the remarks of the Mayor of Perth at a meeting of the hospital board shortly after he joined it. Without knowing anything whatever about the facts of the case, and on the strength I suppose of this minute, which is proved not to apply to these men, he made some statements which were certainly not manly nor courteous; and it is to the discredit of the present secretary of the hospital board that he was present on that occasion and, knowing the remarks were untrue, had not the manliness or decency to get up and protect the credit of the men engaged under him. He knew that the remarks made by the Mayor of Perth were untrue, that they were the most snobbish that could be made and absolutely ungentlemanly, but the secretary was ungentlemanly enough to allow them to be said without replying that these men had given every satisfaction. What is the position to-day? These three men have been carrying out the duties of a culinary staff at the hospital all the time without missing any time and evidently carrying them on to the satisfaction of those in control. Now they not only have the female cooks imported from the United Kingdom, but they have an additional staff of three men, that is a staff of six to carry out the work that had previously been carried out by these three men. And I understand that the cooks who have been imported from the United Kingdom are to cook for the staff and the nurses of the hospital, while the three men who were brought in are cooking for the patients; and from all I can gather things are in anything but a satisfactory position so far as the treatment of the patients of the hospital is concerned. In the first place the hospital board, being a public institution under the control of the Government, should

set an example in the administration of the legislation we have against the admission of people under contract; but here they are the first to set an example to private individuals in the violation of the law against the importation of people under contract, or as very often proves, under false pretences. Though I do not know whether they secured any authority from the Federal Minister controlling this department, certainly there was laxity on the part of those controlling the hospital and on the part of the Federal authorities to permit such a thing. I have moved for the papers to ascertain exactly what moved them to take this step, and if I find in those papers that the position is as it is claimed to be, and evidently is according to the evidence I have, I intend to move a farther motion in this House in regard to the matter. At present I content myself by moving for the production of the papers.

On motion by *the Premier*, debate adjourned.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said: There are one or two motions appearing on the Notice Paper in the names of hon. members who are absent, and as those hon. members are anxious that the motions should not lapse, it is desirable to adjourn.

The House adjourned at 8.25 o'clock until the next Tuesday.

Legislative Assembly,

Tuesday, 6th August, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION — CAMELS IMPORTATION.

Mr. HOLMAN asked the Premier: 1, In reference to the alleged permission to import camels into Western Australia, has any compensation or grant of any kind been given to Faiz Mahomet? 2, (*a.*) If any, what was the amount granted? (*b.*) When was the grant made? (*c.*) What were the reasons for making the grant?

The Premier: Does the hon. member refer to the Faiz Mahomet transaction which took place some years ago?

Mr. Holman: Yes.

The PREMIER replied: 1 and 2, Compensation was paid to Faiz Mahomet on the 7th March, 1906, to the amount of £2,000, being the estimated actual out-of-pocket loss incurred by him in consequence of the Government, in October, 1900, having authorised him to import between 400 and 500 camels, and of the revocation on the 7th June, 1901, of the Order-in-Council of the 24th May, 1901, authorising the importation of the said camels. Compensation was recommended by a Select Committee of this House and by His Honour Mr. Justice McMillan in the case of Faiz Mahomet v. The Crown.

PAPERS PRESENTED.

By the Minister for Mines: Commission of Inquiry into Heitmann-Lander case—papers.