adapted for it than this rich valley of the Blackwood. No doubt the country has been kept back owing to the fact that there has been no railway communication. The cost of making roads is a serious consideration. Whereas as in some of the eastern districts and on the goldfields one can practically drive anywhere with a buggy, it is a big consideration making roads in this district, and the cost of culverts is a big thing in railway construction, owing to the many creeks and rivers that traverse the area referred to. I do not know that I need add anything farther than to say that I feel satisfied that if the line is constructed it will do much to open up the area referred to, and it will enable those people who have taken up the 100,000 acres under saw-milling permit to get to work at once. It will also assist us in our proposals for pine planting, and will render available for the sleeper hewers a certain area, while an area will be made available for the Railway Department to put their hewers in to get their sleepers for renewals or for other railway construction which is being done departmentally. I have much pleasure in moving the second reading of this Bill.

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

ADJOURNMENT.

The House adjourned at 10.52 o'clock, until the next day.

Legislative Council,

Friday, 13th December, 1907.

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

Prayers.

PAPERS PRESENTED.

By *the Colonial Secretary*: The Land Act, 1898: Regulations. The Cemeteries Act, 1897: Davyhurst Public Cemetery, Statement of Receipts, etc. The Land Act, 1898, and Amendment Act, 1902: Permission to construct Timber Tramways.

QUESTION—CONDITIONAL PURCHASE LIABILITIES.

Hon. C. A. PIESSE asked the Colonial Secretary (without notice): When was it likely that a return would be brought down showing the amount owing by the conditional purchase holders of this State? The return was moved for last session, and promised by the Colonial Secretary. This session it had been again referred to.

The PRESIDENT: The hon. member must not debate it. He could only ask a question.

The COLONIAL SECRETARY could not give the member an answer without notice.

Hon. C. A. PIESSE: Would it be necessary to give notice of another motion?

The PRESIDENT: If the information were desired, the hon. member must give notice, in the event of the Minister not being ready to answer the question forthwith.

QUESTION—RESERVE LEASE AT MINGENEW.

Hon. J. M. DREW asked the Colonial Secretary: 1, Has any portion of Depot

Hill Reserve No. 2360, of about 5,000 acres, situated near Mingenew and set apart as a camping ground for the use of travelling stock, been leased? 2, If so—(*a.*) To whom? (*b.*) What area? (*c.*) At what annual rental? (*d.*) For what term? 3, Was the local Road Board or any other public body in the district consulted prior to the granting of the lease? 4, Was the holder of the pastoral lease from which the reserve was originally resumed given the first opportunity of securing the lease? 5, Is the Government aware that the Depot Hill Reserve is a well watered reserve where travelling stock are camped while waiting for sale at Mingenew or for despatch from there by train? 6, What investigation did the Government make before deciding to grant the lease? 7, Does the Government propose to renew the lease when it expires?

The COLONIAL SECRETARY replied: 1, Yes. 2, (*a.*) Francis Pearse. (*b.*) Two thousand acres. (*c.*) £2 per annum. (*d.*) One year. 3, No. 4, No. 5, Yes; but the water and stock route were protected. 6, No particular investigation was considered necessary. The temporary grazing rights were granted to Mr. Pearse in consideration of his relinquishing, for the time, his rights to a grazing lease which had been granted to him within a pastoral lease, but which in accordance with the decision in the Lee-Steere case was considered to have been illegally granted. 7, No; it expires on the 31st instant.

SITTING HOURS, EXTENSION.

The COLONIAL SECRETARY moved—

That for the remainder of the present session, this House do meet at 2.30 *p.m. on every sitting day, instead of* 4.30 *p.m. as provided by Standing Order No.* 48.

The object of the motion was that on next Tuesday, Wednesday and Thursday the House should meet at 2.30 o'clock instead of 4.30, so as to afford more time to finish up the business of the session.

Question put and passed.

BILL—GAME ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a very small amendment to the Game Act of 1892. It provides for the better protection of native game. Although under the existing law we have native reserves for kangaroos in the South-West, it has proved quite impossible to enforce the conditions, for reasons I will mention presently, and therefore this amending Bill is necessary. Kangaroo hunters in the past have taken full advantage of the defects in the existing legislation, and have destroyed kangaroos on these native reserves by thousands, for their skins alone. Several cases have been taken before the court, but under the existing conditions it was found almost impossible to obtain convictions. It is the desire of the settlers in the South-West that the kangaroos should be protected for their use, because as members know these kangaroos are a very valuable commodity to new settlers as a source of meat supply. Under the existing Act certain districts are proclaimed native game reserves on which kangaroos must not be shot except for the purposes of food. This section, however, has been evaded. Kangaroo hunters have gone on to the reserves and destroyed the kangaroos in great quantities, and it is almost impossible to obtain a conviction because they say they kill them for food. Undoubtedly their object is to kill the animals for their skins, which are sent away and sold. Whenever they are seen killing a kangaroo, all they do is to cut a small steak off it and claim that the animal was shot for the purpose of food. At the various shipping ports one can see hundreds of skins being shipped away. These without doubt come from the native game reserves, but it is impossible to prove it, or that the animals, if obtained from there, were not killed for food. Under the Bill the onus of proof will lie on the kangaroo hunters. It is necessary to do this in order to protect the game. Many urgent requests have been received from settlers with regard to this matter, not only since I have held the position of Colonial Secretary but also in

the Hon. Mr. Kingsmill's time. It is proposed to provide that kangaroo hunters shall be licensed, and their names will be published in the *Police Gazette*. If they infringe the provisions of the measure their licenses will be cancelled and they will not be allowed to shoot at all. It is not likely that in such circumstances they will attempt to evade the Act any longer. The protection of ducks is also referred to in the Bill; for it has been discovered that a great number of ducks in settled districts have lately been trapped by nets. It has been impossible to enforce the law against people destroying ducks in the native game reserves in a wholesale fashion, so provision is made in this Bill to enable convictions to be obtained against offenders. Licenses will be issued to hunters to kill, and will be issued principally to settlers and tillers of the soil. If licensed persons are convicted of killing ducks illegally, their licenses will be cancelled; therefore they will not be likely to infringe the law. At the end of the Bill provision is made to repeal a small Act which allows kangaroos to be hunted for food during the close season on native game reserves. Power is given in the Bill to grant licenses to shoot animals on the reserves, and these will only be issued to *bona fide* settlers. Therefore there is no necessity to continue in existence the small Act to which I have referred.

Hon. W. KINGSMILL (Metropolitan-Suburban): I have much pleasure in supporting the second reading, and I endorse all that has been said by the Colonial Secretary in reference to the need for the Bill. The trouble existed for some time, and has lately become more acute. Looking at it from the point of view as one who has from his boyhood taken an interest in all kinds of sport—looking at it from the sportsman's point of view—in this State, I have noticed how our game laws have been disregarded during the last few years, and I have received numerous complaints from persons who no doubt know that I take an interest in sport, in regard to the destruction of ducks during the close season. And I took the liberty of calling the attention of the officer administering the Act to the matter, and I believe the trouble is on the way to be remedied. As to kangaroo shooting, this occurs possibly to a greater extent than anywhere else along the rabbit-proof fence; the kangaroos are driven there east and west, and are brought up along the rabbit-proof fence, and fall an easy prey to kangaroo shooters. That part of the rabbit-proof fence lying between Cunderdin and the coast, or even farther north, should be closed to kangaroo shooting. Along the fence there is a tremendous destruction of kangaroos going on. I am glad to see paragraph (*b*) of Subclause 1 of Clause 2 in the Bill by which the Governor may, by proclamation published in the *Government Gazette*, prohibit the use of any instrument or means for the purpose of killing, destroying, or taking native game, which refers, I think, to all parts of the State, and not alone to the native game reserves. There is a great destruction of ducks in the close season, and also in the open season by means of nets, and I know that Mr. Clarke will view with a great amount of horror as I do myself such a thing. I have much pleasure in supporting strongly the second reading of the Bill.

Hon. C. A. PIESSE (South-East): I ask the Colonial Secretary, for I have not read the Bill through, whether it is possible to have a clause inserted to safeguard game on private lands. Only last week a gentleman residing in my district told me the lakes teem with wild ducks, and that with all his care there is a tremendous destruction of ducks going on upon his property. There should be some provision to prevent this destruction. I would like to point out the need for some clause to prevent men settling down in the bush in hundreds for the purpose of destroying the game. In the Arthur district I know of 20 camps, consisting of strong and healthy men who are supposed to go on the land and cultivate it, but who are opossum hunters, and kangaroo hunters, and duck shooters. They have shot nearly all the ducks on that river. They are an undesirable class, and are suspected of shooting more things than ducks.

The Colonial Secretary: Do they shoot kangaroos?

Hon. C. A. PIESSE: Yes.

Hon. W. Kingsmill: What about the lambs?

Hon. C. A. PIESSE: What about the sheep? I hail the Bill with pleasure. I know that there are crates and crates of ducks sent away from the place; they are trapped by wire netting. I shall support the Bill.

Hon. R. F. SHOLL (North): I have no objection to the Bill so long as it does not apply to the North.

The Colonial Secretary: To proclaimed areas?

Hon R. F. SHOLL: When I went to the North close on 40 years ago you could hardly see a kangaroo, and the same thing applied to Kimberley. Some friends of mine who went there and settled in the early days said that the same was the case with regard to Kimberley, and in the Roebourne district. I have travelled extensively over the North-West, and one can travel for weeks and not meet a kangaroo; but of late years, and Mr. McLarty can bear me out in this, we have been paying 4d. a scalp for the destruction of this pest, and on one station in one year 70,000 kangaroos were destroyed. The question arises as to whether we want the kangaroos or the cattle to eat the grass. If this Bill is going to be general to prevent kangaroos from being destroyed it will not do with regard to the North. My contention is, though we have heard the statement and read it in the Press, that all this cattle stealing and sheep stealing is owing to the destruction of the native game, I think it owing to the destruction of the natural enemies of the kangaroo. In the North-West district particularly, and in the Kimberleys, owing to the destruction of the natural enemies of the kangaroo, and the natives being fed on good mutton, beef and flour, the kangaroos have increased to such an extent that they have for some time become a perfect pest in Kimberley, and though this Bill may apply in certain parts of the State, it would be absolutely unsuitable for the Northern portion from Ashburton or Roebourne and away into the Kimberleys. In the early days when there was little settlement in the North, one could travel for miles and miles day after day, and when one had to depend on one's gun for meat to eat one could never see a kangaroo, now you can see them in flocks. In Roebourne you can see them in dozens in paddocks, and it would be absurd to put the law in force in those districts, where the kangaroos are not required for natives' food. I believe a great deal in regard to what has been stated as to ducks. The kangaroos down in the Southern parts are not so numerous, they do not breed so quickly there; they must breed more quickly in the Northern parts. I hope nothing will be done to prevent kangaroos being destroyed where they become a pest. I do not agree that kangaroos should be driven off the face of the earth by destroying them unnecessarily; but when they increase as they do in the Northern parts they become such a pest that the carrying capacity of the country is reduced by more than one-half.

Hon. E. M. CLARKE (South-West): I support the Bill, and from my recollection of the South-West district in the past, you could find kangaroos almost anywhere; any settler could go out and get one or two as he thought fit. In those days the skins were worth 1s. each. When kangaroos became more numerous people used to go out and shoot them for the skins, and it has been a common thing for skins of kangaroos to be sold at 10s. each; I myself have seen a kangaroo skin sold for 15s. in the South-West. Where they were numerous they should be destroyed; but you can walk now for miles over old haunts where I used to go when I was a boy, and you cannot find a kangaroo; it requires an expert to get one nowadays. I have every sympathy with the Bill. It is the practice to organise parties to go out and have a real good holiday and a picnic, shooting kangaroos. There is a great traffic in skins, and the only way it can be stopped in the South-West is to prevent the traffic in skins altogether. I realise if kangaroos are left alone, and the native reserves are left alone, the kangaroos will soon

ncrease enormously, but in such a case here is nothing more simple than to allow he kangaroos to be killed. At the pre-ent time it seems to me that the kanga-oos are to be swept off the face of the arth. I can realise, as Mr. Sholl said, hat this Bill should not apply to the Torth-West because of the nuisance the angaroos are there; down here the kan-aroos are not by any means a pest.

Hon. J. M. DREW (Central): I have o objection to the Bill because I believe he Government will exercise a wide dis-retion in its operation. I should not like t to apply to the Victoria district, be-ause in that district the kangaroo is a est, nearly as great a pest as in the Torth-West. Some years ago kangaroos ere very scarce, but since the natives ave disappeared they have become a reat pest, and last year 80,000 skins ere exported from Geraldton alone, and n the previous year 40,000 skins, so that embers can realise from these figures iat the kangaroo must be a pest in that istrict. The day will come when it may e necessary to apply this Bill in that dis-rict. In other respects I think the Bill s all right and altogether worthy of sup-ort, because it leaves the matter to the iscretion of the Government.

Hon. E. McLARTY (South-West): I ink this Bill should apply to the South-rn portion of the country, but not to the Torth. The kangaroos have become such pest in the Kimberley district that had 'e not received assistance from the Gov-rnment and had not the squatters put ieir hands in their pockets the settlers ould have been eaten out by kangaroos uring the last two dry seasons. It has een admitted by all station managers iat they could not have kept their sheep live if it had not been for the destruc-on of kangaroos during the last few ears. On one station, in which Ir. Sholl and myself are interested, early 100,000 kangaroos were shot in little over 12 months. The law as it tands at present, although Parliament enerously has voted £1,000 for several essions towards the destruction of angaroos, and this has been supple-mented by the squatters, there is no-thing to regulate how this sum is to be distributed, and the cost has fallen on half-a-dozen squatters in the district, whereas perhaps twice as many people participated in the benefits, as they had kangaroos removed from the land, but did not contribute one penny. I think it is quite right that the game should be protected in the settled districts. We recognise that the wild duck will soon be a thing of the past. The Mandurah Estuary and the lakes south from Man-durah a few years ago were teeming with ducks, but now one can see the water without a bird on it. The same remark applies to the kangaroo in settled districts. I do not see any pro-vision in this Bill to limit the area in which we can kill, but I can agree that it is most necessary in the northern part of the State that the killing of kangaroos should be permitted, else the stations will be absolutely ruined in a very short time.

The COLONIAL SECRETARY (in reply as mover): By the expression of opinion of hon. members, it seems the Bill is badly needed and is welcomed. I recognise the point raised by Mr. Sholl that, while in some districts it is neces-sary to protect kangaroos for the bene-fit of the settlers, on the other hand it would be equally as disastrous in other parts of the State to protect them. Section 4 of the Act of 1892 gives the Governor power to proclaim districts or localities as reserves for the protection of native game, and the districts men-tioned by Mr. Drew and Mr. Sholl are not likely to be declared reserves for native game. The settlers of the South-Western District are very anxious to preserve the kangaroo, while on the other hand there is an expression of opinion from Esperance that that dis-trict should not be proclaimed a reserve so that the kangaroo may be destroyed. The practice followed in the past has been only to proclaim the district in which it is desired the native game should be preserved. In regard to the point raised by Mr. Piesse, it is men-tioned in the first portion of Clause 2:

of the Bill that a proclamation may be issued prohibiting the killing or taking for sale or barter of any prescribed native game, so that in the proclamation we can prescribe opossums, kangaroos or any other native game. I think all the points raised by hon. members, are touched on.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ELECTORAL.

Second Reading.

Resumed from the 6th December.

Hon. M. L. MOSS (West): If it be desirable that this Bill should pass into law, I notice it is intended to be brought into operation on a day to be fixed by proclamation; and inasmuch as the ordinary periodical elections for this House will take place in April or May next, there will be very little opportunity for electors to become acquainted with the alteration in the system of voting proposed in the Bill, and indeed I think there will be some difficulty in getting the whole machinery of this measure into such thorough-going working order as to enable these elections to be decided in a very satisfactory degree. Also it is certainly a Bill that will have to be reserved for the signification of the Sovereign's pleasure; because most unquestionably, it is an amendment of the Constitution Act. I think if the Bill is to pass into law its operations should certainly be deferred over the Legislative Council elections; but when we look at a Bill of this character and when we know that we are at that stage in this session of Parliament when masses of business are already on the paper and a large mass of other business will come to the House to be transacted within a few days, and when we know that probably before another sitting or two is finished there will be a notice of motion to suspend the whole of the Standing Orders for the passage of these Bills, and when we look at tl Notice Paper and find that it is crowd with important Bills authorising the co struction of railways and a dock at Fr mantle, and the purchase of the De mark railway, I must say that there not sufficient time to consider the ma novelties which this Bill seeks to intr duce in the matter of Parliamenta elections. There is a very curious co dition of affairs prevailing in this Sta at the present time with regard to o electoral law, and I make the asserti that there is not an Assembly roll co rectly prepared in the whole Sta When the Electoral Act of 1904 w passed the qualification of an elector f the Legislative Assembly was the qua fication of residence only. Prior to t 1904 Act the qualification for an elect of the Legislative Assembly was co tained in Sections 26, 27, and 28 of t Constitution Act Amendment Act 1899, and a most remarkable thing h occurred in that, while the Electoral A of 1904 puts the qualification of an ele tor of the Lower House upon a basis residence only, Sections 26, 27, and of the Constitution Act Amendment A of 1899 were never repealed; and think it is absolutely clear to-day, clear as can be, that the provision the Electoral Act of 1904 which sa that the qualification for the Low House is one of residence only, is abs lutely illegal; and as these three se tions of the Constitution Act Amen ment Act of 1899 have never been r pealed and have still the full force law in this State, if a person put in application for registration as an ele tor for the Lower House on any of t qualifications contained in the Cons tution Act Amendment Act of 1899 am perfectly sure no revision cou could prevent his being registered.

The Colonial Secretary: There is section of the Electoral Act which sa that an elector can only vote in one A sembly electorate.

Hon. M. L. MOSS: It may be thoug strong, but I will say that it is equal as illegal for any Electoral Act to a tempt in any way to annul the provisio contained in a Constitution Act. A Co

itution Act cannot be repealed by im-lication. During the last three or four onths the High Court of Australia have id down a principle in the consideration f these Constitution Acts, in the case of ir Pope Cooper, the Chief Justice of ueensland, against the State of Queens-nd. In that litigation the Chief Jus-ce of Queensland declined to pay income x under the Income Tax Act of Queens-nd; and after the matter had been the ıbject of some litigation in the State ourts of Queensland, an appeal was car-ed to the High Court and most elaborate ıdgments were given by the various ıdges of that tribunal. Sir Samuel riffith, the Chief Justice, in a judg-ent replete with learning on this ques-on, laid down the principle that a fun-mental law, such as a Constitution Act, n never be repealed by implication, that e attention of the electors and of Par-ment must be specially and particularly rected to it by a Bill amending the onstitution Act. Hon. members know at by Section 73 of the Constitution et 1889, there can be no repeal of any ovision of it unless it be passed by an solute majority of both Houses on its cond and third readings and that it ust be in certain other instances re-rved for the signification of the Sover-gn's pleasure. This point I am now aking has been recognised by the Parlia-entary Draftsman, because in Clause 2 of the Electoral Bill now before the ouse it will be seen that Sections 26, 27, , 29, and 30 of the Constitution Act mendment Act of 1899 are hereby re-aled. The Parliamentary Draftsman s recognised the slip that was previously ade, but probably no one else has pre-ously drawn public attention to it in e way I am now doing. When the Elec-ral Act of 1904 was passed it contained e same provision as is contained in the ll before the House, namely that resi-nce is to be the qualification, and that elector shall not be on more than one ssembly roll at one time. So this Bill akes no attempt to distinguish between e law as we suppose it to exist to-day d as it will exist if this Bill be given e force of law in the State, if it passes the requisite majority and be treated as an amendment of the Constitution Act. But I have grave doubts indeed if sections of the Constitution Act can be repealed in an Electoral Act at all, in view of the decision of the High Court in the case of Sir Pope Cooper *versus* the State of Queensland; and the position is that if this Bill does not pass by this absolute majority and assuming there is nothing in the point I make that the Constitution Act can only be repealed by a particular amendment of that Constitution Act and cannot be repealed in this implied manner that has been supposed to the present time, then as I say, every electoral roll throughout the State is wrong, and every election decided since the Electoral Act 1904 came into force is null, though of course every member is in his seat lawfully, because the position has not been tested and the correctness of the roll cannot be disputed by a court of disputed returns. Still any person possessing any of the qualifications prescribed in the amending Constitution Act would then have, I submit, a right to apply to a revision court and to insist on being put on the roll in accordance with the provisions of that Act. Such a state of affairs is somewhat alarming to those people who think that the only qualification for a Lower House elector is that of residence. I think there can be no doubt that the registration of electors is somewhat simplified under this Bill, and that the abolition of the system of transfer provided in the Act of 1904 will give effect to an excellent principle. It is quite obvious that if the Bill passes, the abolition of the system of transfer and of application for registration in a new district, and the operation of the machinery provided in the Bill will tend, assuming that the qualification is residence only, to prevent people from being on more than one roll at the same time. If it is the general desire of the country that residence shall be the qualification, it is just as well for persons who generally regard the law and obey it that opportunities should not be afforded to other people of being on more than one roll, to exercise a double vote. In districts such as the Eastern Goldfields, if persons are on more than one roll it becomes almost impossible to keep such a

record of their migrations as to prevent double voting at a general election. The next provisions to which I would draw attention are those altering the method of issuing writs. The draftsman of this Bill has apparently copied from the New Zealand Act of 1905, Section 89, and he provides that instead of His Excellency the Governor issuing writs for a general election, or the Speaker or the President issuing writs in case of extraordinary vacancies, an officer to be called the Clerk of Writs shall be appointed to issue these writs in future. I have grave doubts as to the legality of this provision. According to our Interpretation Act of 1898, the word "Governor" wherever it appears in any Act pased in Western Australia, means "Governor-in-Council." But there is an important exception. The Constitution Act provides that when the word "Governor" is used in that Act, it means the person for the time being lawfully administering the Government of Western Australia, or the lawfully appointed deputy of such person; and that the words "Governor-in-Council" mean the Governor acting with the advice of the Executive Council. Now the "Governor," whenever the word appears in the Constitution Act, is a *persona designata*; and I seriously doubt whether that designated person has any right to delegate the authority conferred upon him under the Constitution Act. Section 12 of the Constitution Act provides that for the purpose of constituting the Legislative Assembly the Governor, before the time appointed for the first meeting of the Legislative Council and Assembly, and thereafter from time to time as occasion may require, shall in Her Majesty's name issue writs under the public seal of the Colony for the general election of members to serve in the Legislative Assembly. And in Sections 46, 48, and 51 of the Constitution Act we find the necessary provision to bring into existence the Legislative Council, and to issue writs for Legislative Council elections. So that the Constitution Act designates the Governor as the person who is to issue writs; and in my opinion "Governor" means the Governor, and the Act does not authorise the appointment of any such person as a clerk of writs to do what is a duty imposed on the Governo himself. It is clear from the margin note in this Bill that the clause has bee copied from New Zealand. But have not been able to obtain in Parli ment House a proper copy of the Ne Zealand Constitution Act. I have t Imperial legislation, in which I ha found the original New Zealand Const tution Act; but that has been so cut abo and so many sections have been repeale that it is impossible to form a defini opinion as to whether the New Zealar Constitution Act follows on parallel lin with the Constitution Act of this Sta and our amendment of 1899. And t possibility is—it is not certain but qui likely—that New Zealand may have son special legislation empowering the Go ernor to delegate this duty, which, so f as I can see, is in this State conferre upon the Governor alone. And I doul very much whether there is in this Sta any constitutional provision which ju tifies Parliament in taking that pow from the Governor, particularly by a Electoral Act. There is no doubt th there are difficulties in the way of t Governor's issuing these writs. At t last general election three contested ele tions resulted in election petitions bein presented to the Supreme Court in r spect of the seats of Geraldton, East Fr mantle, and Coolgardie. As I was cou sel for the three gentlemen returned fo those seats at the general election, I ha an opportunity of ascertaining the diff culties in the way of carrying on t litigation in connection with the thre petitions—difficulties which arose fro the very loose language in which the pre ent Electoral Act is couched. Under th Act of 1904 these election petitions we bound to be lodged within, I think forty-two days from the date of the r turn of the writs; and apparently, a though it was provided that these writ should be issued by the Governor, no pr vision was made for having them returne to some definite person, so that those wh desired to contest the position of electe members could not find exactly when th writs were returned, in order to lodg their petitions within the prescribed tim Such a provision is contained in this Bil

nd in that respect the Bill is a great improvement on existing legislation. And iere is no doubt that what has actuated ie Government in drafting Clause 62 nd the following clauses of this Bill is desire to prevent a repetition of the ifficulties which arose in connection with iese election petitions. But it is very oubtful whether in the Electoral Act, i view of the ruling of the High Court ' Australia, that object can be attained i this manner. I see much mischief in ie principle contained in Clause 64 of iis Bill. I do not think it was in the ill as originally drafted. I think it as inserted in another place, by a priite member. It is a very innocent lookg clause, but I will point out to the ouse the difficulty which it is bound to eate. The clause provides that before ıy warrant is issued under the last preding section—that is, a warrant authoring the clerk of writs to issue a writ—venty-one days' notice of the intention issue the same shall be published in e *Government Gazette*. Before I tell e House what mischief may arise from at, I wish to say that the Colonial Secıtary, and particularly Mr. Kingsmill, no had much to do with the present ectoral law both during the periodical ections for the Upper House and the neral elections for the Assembly, will ar me out in my contention. At the esent time people may, on the ground at certain electors are not qualified, put objections, to any number, against eir names being retained on the roll; id a revision court may uphold the obction and strike out every one of those mes. And the very day after the resion court acts in that manner, the peoe whose names were struck off, perhaps the number of hundreds, may put in her applications for registration.

The Colonial Secretary: They can do up to the date of the issue of the rit.

Hon. M. L. MOSS: True; and this is e position. If the claim is in order—at is to say, in order on the face of it—e electoral registrar has to enrol the me of the claimant. Of course that ıte of affairs is an intolerable farce. he revision court, after considering the objections, decides that so many hundreds of people are not entitled to be on the roll, and strikes off their names; and the very next day the persons struck off laugh at the revision court, put in their applications, and are again enrolled.

Hon. W. Kingsmill: Their applications cannot be refused.

Hon. M. L. MOSS: And by this innocent clause, inserted on the motion of a private member in another place, this intolerable practice will be perpetuated. At Fremantle, of which I know more than of other parts of the State—and Mr. Glowrey tells me it is the same on the goldfields, and I presume it is the same everywhere—the revision court has decided that hundreds of people were not entitled to be on the roll; and those hundreds, by the advice of the political organisation of one party or other—neither organisation is guiltless—have all had their names put back; thus the provision for a revision court is a dead letter. I wish to point out what this innocent little clause will do. By Clause 64, twenty-one days' notice has to be given in the *Gazette* before a writ can be issued for an election, and by Clause 47, paragraph (a), if a writ is issued for an election before the appeal is heard —that is the appeal to strike out a name because the claim is not in order, or because the claimant does not possess the qualification—if the writ is issued for the election before the appeal is heard and determined, the appeal shall lapse, but the name of the person objected to shall not be removed from the roll. There must be twenty-one days' notice in the *Gazette* before the writ can be issued. And if claims are put in, apparently in order, that twenty-one days' notice will enable any number of claims to be put in before the writ is issued, but will certainly not give the necessary time for appeals to be heard, and the same trouble that exists to-day will undoubtedly continue.

The Colonial Secretary: Claimants must apply fourteen days before the issue of the writ.

Hon. M. L. MOSS: Yes; and there is twenty-one days' notice. A warning

is given that the writ is about to be issued; and all these claims can be put in, and the roll stuffed just as it can be at present; and we shall be no better off than we are in the intolerable position that obtains to-day. I do not wish to say that the private member of another place who moved the amendment had that object in view. I do not wish to cast on him the aspersion that he did it purposely. Perhaps his amendment was made with a perfectly good motive. But whether that be so or not, it will perpetuate the intolerable state of affairs now existing, which makes our electoral law a farce. Reverting again to Clause 62, it is well to remind the House—though I do not say distinctly the opinion I am about to express is correct—that while the Governor has power to appoint a clerk of writs, there does not appear to be any power to remove such officer from his office. Again with regard to Clause 64, it has been customary in the case of a non-periodic election, that is an extraordinary election caused through death or resignation, to issue the writ providing for nomination in seven days, an election in a farther seven days, and the return of the writ in seven days after the election; also in many instances it is highly necessary there should not be a greater delay than 21 days. I need hardly remind members that in the event of death removing a member of this House or of another place during a session of Parliament, it would be unfair that an Assembly electorate or a Council province should be deprived of its member longer than three weeks. But if the provision contained in Clause 64 be passed as printed, 21 days' notice must be given of the intention to issue the writ, seven days more allowed for nomination, a farther seven days before the election can be held, and seven after election for return of the writ. The result will then be that over six weeks must elapse before an extraordinary vacancy can be filled.

The Colonial Secretary: The 21 days' notice of the issue of a writ does not apply in the case of extraordinary elections.

Hon. M. L. MOSS: I am apparent wrong in regard to extraordinary ele tions; but my argument applies wi considerable force in another directio Supposing there should arise a constit tional crisis consequent on the defeat a Government after Parliament has a sembled, and a general election becar necessary as the result of a dissolutic as it would do in such circumstanc it would then be desirable that Parliame be called together again as soon as po sible, to proceed with the public bus ness. In those circumstances there wou certainly be six weeks' delay. Anoth argument is that if this be a good pr vision, why apply it only to general ele tions? If it be a desirable innovatio why not apply it in the case of non-pe odic elections for this House and in t case of extraordinary vacancies in a other place? The proposal may be sur med up in two ways—as a waste of tir in the first place, and as a continuance unsatisfactory provisions in the prese Act. When the Bill is in Committee, shall endeavour to prevent the passing Clause 64. The system of voting by po has been very properly preserved. Whi we retain, as I hope we shall for all tim property votes for this House, electo will never be able to satisfactorily exe cise the franchise unless voting by po is preserved, particularly in a State such great area as Western Australi The provisions in this Bill are somewh an improvement on those now obtainin The part of the Bill showing the greate amount of novelty, and which will be pr ductive of considerable informal voti until the people can be educated up to is the method proposed for the marki of ballot papers. When the Coloni Secretary was speaking, I interject that the ballot papers destroyed the se recy of the ballot to a large extent. spoke rather hurriedly then, as on tur ing to form 24 I thought provision w made in the schedule for a counterfoil the ballot paper; but I now find th what I took to be a counterfoil is mere the back of a ballot paper, and I find th very properly it is not intended the shall be a counterfoil. Of course if the were a numbered counterfoil to a ball

paper, that would destroy the secrecy of he ballot. There is an objection on the part of many persons to exercise the franchise, if they think there is a possibility after a vote has been placed in the ballot-box of its being traced; and considerable doubt is often expressed as to whether the necessary care is taken by presiding officers to properly seal up the ballot papers so that they cannot be inspected by interested parties or busibodies anxious to find out how a particular person voted. I am satisfied now that the ballot provided in the Bill is perfectly secret, except in the case of postal votes, in connection with which it is absolutely necessary there should be a counterfoil to provide for necessary checking when he postal vote reaches the returning officer. Coming to the marking of the ballot paper, and considering the question for a moment apart from the Bill, it must appeal to every member that there are grave doubts as to whether the departure proposed is justified. In municipal elections the names of candidates are printed on the ballot paper, and the method of voting is by placing a cross opposite the name desired to be voted for; secondly, as to the procedure in road board elections I am not certain; thirdly, the Commonwealth method of voting is the same as in our municipal elections. We also have this method of voting in our State parliamentary elections; and it is farther provided by the Electoral Act 1904 that no ballot paper shall be deemed to be informal if, instead of marking a cross opposite the name of the chosen candidate, an elector strikes out the name or names of candidates for whom he does not desire to vote. It is now proposed in the Bill to institute a different practice altogether, a practice which will be neither the marking of a cross nor the striking out of names. In the sample ballot papers given in the schedule are four names, and an elector has to place the numeral "1" opposite the name of the person he desires to vote for. In the case of that candidate not obtaining an absolute majority of votes, the elector may exercise his right to vote preferentially by placing the numeral "2" opposite the name of his second choice. But preferential voting is to be permissive, not compulsory in the Bill; hence we shall have the farce of one section of the community exercising the permissive right of voting preferentially, and another section voting outright for one candidate. So in either case there must be an abnormal number of informal votes, until the people become educated to this new method of voting by ballot. The desire of Parliament should be to make the methods of voting uniform. We cannot of course alter the Commonwealth method, for the Commonwealth marks out its own line; but we can follow the Commonwealth in our parliamentary, municipal, and roads boards elections, and thus secure a uniform system in this State, one which will be easily understood. I do not condemn the system proposed in the Bill as bad; it may be an excellent system. The Colonial Secretary tells us it is the form of ballot paper used in Canada, and the Canadians are an enlightened people living under the same form of government as we have; but the Canadians probably are educated up to this method of voting. Here, however, it means instituting a new method of voting in connection with our parliamentary institutions, and educating in that system the least intelligent section of the community. It will not be necessary to educate the intelligent section of the community, for they will readily grasp the idea of preferential voting; but others in the community not so well informed will need to be educated to a similar standard. They must be told—and it is sometimes a difficult matter to explain—which numeral they are to use for the person they desire to see placed at the head of the poll, and must be told also what preferential voting means. If we are to have preferential voting, then in my opinion it should be made compulsory. I believe the principle contained in the Bill is good; but it is a pity that some method cannot be arrived at which, while establishing preferential voting, would enable us at the same time to preserve as far as possible the existing method of marking ballot papers. Probably that is impossible; but my argument is that it is unfair that a Bill of this im-

portance, in the front rank of our legislation, should be brought down to us in the last days of the session, at a time when members are unable to give that study to it which its importance deserves. I certainly have not been able to do so. When another place has been discussing all kinds of motions and considering the Estimates during 24 to 36 hours at a stretch, it is not possible that members working at that high pressure can give to this or any other measure the study which its importance demands. And members of this House, if they will speak candidly, will admit they have not yet made a proper and careful study of this Bill. A Bill of this description should be before the country for six or even twelve months before being placed on the statue-book. There is no doubt the present Electoral Act requires amendment. For instance, it is provided in the Act that a person on the roll of the Legislative Assembly shall vote in only one district. It is also provided in one part of the Act that the electoral roll with the names upon it is conclusive evidence of the right of a person to vote; while in Section 106 it is provided that a person who has left a district for a period not exceeding three months shall be entitled to exercise the vote at any time within that period if an election takes place in the meantime. The position we found ourselves in with the contested elections was this; while in one part the roll was to be deemed conclusive evidence, the proviso in Section 106 prevented that roll from being conclusive. What was the result? Mr. Holmes was returned on the roll which he, as a candidate, had the right to assume was conclusive evidence that the persons named thereon were entitled to vote. It turned out that 22 persons who voted and whose names were on the roll resided outside of the district, and had done so for three months; therefore the Chief Justice struck these 22 names off the roll and Mr. Holmes was unseated. There was no allegation of corrupt practices, of intimidation exercised towards an elector or any other person, but for something beyond his control Mr. Holmes was put to the expense of £400 or £500 in legal expenses in his endeavour to maintai the position he was put into apparentl by the majority of the electors and on law which said that the roll was cor clusive. This, and every other Goverr ment in power since the East Fremantl the Geraldton, and the Coolgardie ele tions were contested, should have brough down a Bill of one or two clauses to r peal that proviso and remedy some o the existing defects in the measure. I was unnecessary to bring in a compr hensive scheme; not that it was not r quired, but we have no right to put o the statute book a measure of this in portance unless members have had a opportunity to make a close investigatio of it. It is not a fair thing to deal wit a subject of this magnitude until all hav had an opportunity of examining closely. I have not pretended to giv members an idea of what the Bill con tains. It must not be assumed for or moment that this afternoon I have e deavoured to deal exhaustively with th measure; all I did was to make a fe notes in reading through it hurriedl and to bring up several points that struc me at the time. With the want of ca and caution exercised in another plac as was proved by the fact that a cau was inserted perpetuating a great mi take in the present law, we should hav grave doubts as to whether we shoul vote for the second reading. I shall n move a motion to have the Bill read th day six months, but I will not vote f the second reading. I am, however, ope to conviction and unless members wh have studied the question and speak the House on the subject can convin me that we have sufficient time to giv careful consideration to it, and that th objections I have raised, and others th will probably occur to me on a farth perusal of the measure, are unwarrante I shall vote against the Bill.

The Colonial Secretary: The Bill h been before the House for eight or ni days.

Hon. M. L. MOSS: But during th time we have been considering one the most contentious measures th could possibly be brought before Parli ment. Members of this House at t

beginning of the session came here on occasions for 10 or 15 minutes, and found that there was no business for them to go on with; but now, at the termination of the session, simply to meet the convenience of another place, we are to be flooded with a number of Railway Bills. There are an Electoral Bill, which is of vital importance to this State, and a taxation measure containing most important principles, and initiating a new system of taxation in the State. On the latter measure we have been engaged in debate during the last day or two until 11 o'clock at night, and probably at the end of the session we shall have to sit here very late at night, under exhausting conditions, and in all likelihood in hot weather, in order to get through the business which is rushed up to us at the last minute. Is it a fair thing to the House or to the country that we should be asked to do that? In addition, the fact must be taken into consideration that members have their own affairs to look after; personally I have mine, and I have to give attention to other business than that of the House. As I say, there have been many important matters discussed during the time the Colonial Secretary says this Bill has been before the Chamber; for instance, there was the important question which was raised by Mr. Patrick. That was debated at considerable length. Then there was the question of a water supply for Perth, which also was a matter for discussion, and I am sure when we look at this Notice Paper and see what we have to deal with, no member will say I am not justified in expressing the opinion that we have not sufficient time to give the necessary consideration to this measure. There are two other matters in connection with the Bill which I wish to refer to before sitting down. It has been customary in the State from the time I have lived in it to leave it discretionary for the returning officer at an election to admit such persons to the count of the votes as he thinks expedient. It has always been the custom, at all events in the metropolitan area, to permit candidates to be present at the count. Under this Bill, however, a candidate will not be permitted to have the privilege, and he will be obliged to stand outside at a hotly contested election among perhaps thousands of people, and elbow his way in, so as to be present at the platform on the declaration of the poll. It should be discretionary for the presiding officer to say who are to have access during the count. I do not know whether there has ever been unseemly conduct on the part of members contesting elections which justifies this alteration. The other matter I wish to refer to is a highly important one. This House during last session at my suggestion agreed to an amendment of the Police Offences Bill, whereby every person charged with an offence for which he could be subjected to six months' imprisonment should have a right to go before a jury, and be tried by them for the offence. I think the feeling in another place, and throughout the country, is that the statutory function of dealing with such cases should not be exercised by one person alone, however capable he might be. It is obvious that some of the magistrates are quite incapable of exercising much of the jurisdiction they possess. In country districts the greatest injustices might be done if we were to permit Clause 194 to go on the statute book. This clause says:—

> "Any person who makes or publishes any false or defamatory statement in reference to the personal character or conduct of a candidate shall be guilty of an offence against this Act, and shall be liable on conviction to a penalty not exceeding £100, or to imprisonment for not exceeding six months."

Again Clause 202 provides that—

> "Offences against this Act punishable by imprisonment exceeding one year are indictable offences."

Consequently an offence under Clause 194 is a small one, which may be punished by a magistrate. If there is one thing in the administration of the law in which a jury is absolutely master of the situation of fact or law, it is a question whether a particular writing is a libel or not a libel. That question is never one for a judge to decide. If a statement

is capable of a defamatory meaning the case goes to a jury, who are the sole judges whether it is libellous or not. At a general election where feeling may run high on political subjects are you going to shut the door of the Supreme Court and the right of a jury from a man who may have made a statement reflecting on the character of a member who goes up for re-election or a candidate, and against whose honour serious implications are made? People who subject themselves to public positions are at times cruelly treated, and unfortunately every public man has to put up with it. In some instances it is cruel, harsh, and wrong but I believe, generally speaking, that it does much to purify politics, and is beneficial to the country in this way. While many men are defamed, the public in the end are very excellent judges as to whether a man is a straight-goer in his public life. I would be sorry to have such cases tried without a jury in some of the country districts, or even in the metropolitan area. Let me illustrate my argument by what may be termed an extravagant case. Take the case of a country district where the resident magistrate is hand in glove with a sitting member. The latter is defamed by some persons who are doing their best to put his opponent in office; let us assume the sitting member is not returned to Parliament, and then it will be seen what a lovely opportunity it is for a magistrate in a country district, who has been the bosom friend of the sitting member for years, to sentence to a term of imprisonment those persons whose over-zeal to put their man into Parliament had led them to make certain statements with regard to the other candidate. It should not be left to a magistrate to say whether the statements made were defamatory or not. There are wholesome provisions in the Criminal Code to reach libel or slander; they are quite ample for the purpose. I hope Parliament will not endorse the granting of a power such as this even to an experienced magistrate, let alone some of the magistrates who possess very little knowledge of what is necessary in the circumstances of a hotly contested election. It would be most unwise to allow him to decide whether or not aspersions made against a candidate were defamatory.

Hon. T. F. O. BRIMAGE (North-East): I intend to support the second reading. I am certainly surprised at the remarks which have fallen from the last speaker, for I do not think there is in this Bill more work than the House can deal with. As one who was recently elected to this Chamber, about 18 months ago, I know we found the existing Act was very faulty. I certainly think the Bill before us is a great improvement on the existing Act. The amendments which Mr. Moss has mentioned could surely be passed by this Chamber during the passage of the measure. Mr. Moss has spoken lengthily on Clause 94 and I certainly think if any person is sentenced to six months' imprisonment for defaming one of the candidates, he can always appeal to a higher court. If the clause is not quite clear it is not impossible to amend it in Committee. I certainly shall support the second reading.

Hon. J. T. GLOWREY (South): I think members are indebted to Mr. Moss for his clear and candid criticism of this Bill, and the defects which he has pointed out in the previous measure. As one who had experience two years ago of the existing Act, I may say this Bill is an improvement. There are some clauses that can be amended in Committee, and I hope the House will allow the Bill to go into Committee to see if we can improve it. This is a Bill that should have received a great deal more consideration than we possibly can give to it at this late stage. It is a measure of great importance indeed and one that is not likely to come up for review for a considerable time again. It is a pity it should be brought on at the end of the session when it will not receive that attention and consideration it deserves, and that members would like to give it. I hope the Bill will pass its second reading and go into Committee.

Hon. G. RANDELL (Metropolitan): I have given some little attention to this Bill; but like Mr. Moss, and added to

his disadvantage of having his business to attend to, and the House being pretty fully occupied of late, I have not been well enough to go into this Bill during the last few weeks. But in my judgment, from the examination I have been able to give the Bill I think it is a very great improvement on the present electoral law. But there are certain things in the Bill that require very careful consideration at the hands of members. There are, on the face of the Bill, evidences of haste in its preparation so that it will require attention and amendment when it is passing through Committee. I agree entirely with Mr. Moss that the Bill should have been down for its second reading long before this. Here we are on the last day of the week before it is intended to prorogue and we are expected to give our attention to this important Bill containing so many provisions affecting the community at large. There is a great deal of force in the argument the member used that the Bill has reached us too late to receive the attention it demands and to ensure its being put in order to meet the circumstances of the case, and the approval of the general public. There are clauses in the Bill that have caught my attention that I think will require alteration, and there are those to which Mr. Moss has referred, important clauses and features of the measure, and as far as a layman can venture to offer an opinion, I agree with the views of Mr. Moss. Since he has referred to the subject I have looked up as far as I can the provisions of the Constitution Act of 1899, and I join with him in saying that it is most disastrous that the Constitution can be whittled away by implication. We should give that clause particular attention. I remember considerable discussion took place when the Electoral and Constitution Bills were before the House some years back, when the present Sir Walter James was Premier, and the House rejected the Constitution Bill then before it, and refused to amend the Electoral Act to do away with the necessity of repealing the Constitution Act when the Electoral Act required amending. That is the object the Ministry of the day had in view. This is a Bill of great importance affecting as it does the purity of elections, and it contains some new features especially that one to which Mr. Moss referred, by which the Governor has to appoint a clerk of writs. With him I am of opinion that point deserves the consideration of the House. I do not know if we shall be able to make serious alterations so that they may be considered by another place and the Bill passed. But perhaps it is not for us to deal with that point. We should make our amendments where we think they are necessary and leave it to another place to deal with the Bill as they think proper. I should like to have seen the Bill in the hands of members six weeks or two months earlier, so that we could give it consideration and examine every clause with care and the greatest attention. I am not prepared, however, to vote against the second reading because I think the present delay and the outcry we have had from every quarter of all shades of politics in the country, is mischievous.

On motion by the *Hon. J. M. Drew*, debate adjourned.

BILL—DISTRICT FIRE BRIGADES.

Received from the Legislative Assembly, and read a first time.

BILL—LAND AND INCOME TAX.

To impose a Tax.

In Committee.

Clause 1—agreed to.

Clause 2—Amount of Land Tax and Income Tax:

Hon. M. L. MOSS: This was the clause that fixed the amount of the tax, and this was the place to carry out the idea of members not to make the measure retrospective by fixing it for the year ending 30th June, 1908. But we can make the tax apply to six months by adding a proviso.

The COLONIAL SECRETARY: The member was entirely wrong in his contention. There was nothing in the clause to say that the tax should be retrospec-

tive. The tax was for the benefit of the revenue for that financial year, and to make that quite clear he had no objection to inserting the words "in aid of the consolidated revenue."

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

Hon. M. L. MOSS moved as an amendment—

That in line 1 the word "year" be struck out, and "half-year" inserted in lieu.

He intended to move farther amendments to provide that half the tax was to be paid for the half-year. If a man earned £1,000 he would pay a tax on only £500.

The COLONIAL SECRETARY: It might be necessary to add the words, "in aid of the Consolidated Revenue"; the form usually employed in measures of this description. The words "for the year ending thirtieth day of June, 1908," meant that the money should be applied to the Consolidated Revenue for the year ending 30th June, 1908. This Bill must be read in conjunction with the Assessment Bill, and Clauses 30 and 57 of the Assessment Bill showed plainly that it was impossible to make the tax retrospective. The tax would only date from the first day of January, 1908, and Clause 57 provided that where the amount payable exceeded the sum of 20s. the sum was to be payable in two half-yearly instalments, as the Governor directed. If the Bill passed and the necessary notices were issued, it was provided by Clause 30 that the year on which we based the income was the calendar year immediately preceding the year of assessment. If the Bill passed in January next, the amount of a man's income would be assessed on what he earned for the previous calendar year; that would be the current year. The notices would issue and the amount would be assessed on the second half-year of the financial year 1907-8; that would be from 1st January next to the 30th June. A man would be assessed on what his income was for the current year ending 31st December, next. The next payment would take place six months afterwards, about next September, that would be for the first half of the financial year 1908-9, from the 1st July to 31st December, 1908. If the tax was to be paid in two half-yearly moieties, there must be necessarily six months lapse between the two payments. The Bill before the House was one that must be enacted each year, and it was provided that the tax levied for this year was to be paid into consolidated revenue for the financial year ending 30 June, 1908. The Assessment Bill provided how the tax was to be levied, and showed that the income was to be assessed on the basis of the income derived in the previous calendar year; but seeing two half-yearly moieties were to be paid, according to Clause 57 of the Assessment Bill, it was utterly impossible to collect it retrospectively.

Hon. M. L. MOSS: Whether the tax was collected for the whole year or half a year, when it was paid into the Treasury it was all in aid of the consolidated revenue. It was perfectly possible for two half-yearly instalments to be collected under this Bill. Parliament might proclaim the Act between the prorogration and the 31st December, and declare the first instalment payable before the 31st December, and the second before the 30th June next.

The Colonial Secretary: How would the assessment books be got ready?

Hon. M. MOSS: There was nothing impossible about it. The books might be in course of preparation now. If the Bill passed as it stood, with the provision for two half-yearly moieties and there was only half the financial year to run, there would be an inconsistency in the provision for two half-yearly moieties, and it would be the duty of the Court to put a sensible construction on the words. The probability was that a meaning would be placed on the words so that the two half-yearly instalments would run into one. The cardinal principle of the measure was to impose a certain tax on land and incomes for each financial year ending 30th June, and a court would not hesitate to say that in the circumstances one instalment was

necessary to cover the two. If the clause meant what the Minister said it meant, why not state the meaning in plain English?

The Colonial Secretary : The amendment would be inconsistent with the provisions of the Assessment Bill.

Hon. M. L. MOSS : Perhaps it was somewhat imprudent not to insert in Clause 57 a proviso that for the year ending the 30th June, 1908, only one half of each tax should be collected. This legislation was being rushed through without adequate time for consideration. Clause 57 did not convey the meaning intended by the Committee, many of whom thought that as six months of the first year of the tax had already elapsed, we should not be called upon to pay more than half of the tax for that year. The present amendment would show the court that this was the intention.

Hon. E. M. CLARKE: If the Minister wished only half the amount to be paid for the first year, the amendment was harmless.

The COLONIAL SECRETARY : Mr. Moss admitted that the amendment would be inconsistent with Clause 57 of the Assessment Bill. It was not intended to make the tax retrospective. The hon. member flatly contradicted the Crown Law officers.

Hon. M. L. Moss : With them he did not agree.

The COLONIAL SECRETARY: That could not be helped. If the amendment were withdrawn, there was no objection to a proviso to the effect that no more than half of the tax imposed should be paid prior to the 30th June, 1908

Hon. M. L. MOSS: That would not convey the meaning. We should be liable to pay the balance after the 30th June.

Hon. C. A. PIESSE supported the amendment, which was the clearer proposition of the two.

Hon. E. M. CLARKE: The financial year would terminate on the 30th June in each year. The Bill provided that the tax should be levied every twelve months. By the 30th June, 1908, we should have paid three half-years' taxation. If the Minister were sincere in his statement that the tax would not be retrospective, he ought to accept the amendment.

Hon. J. M. DREW was opposed to the clause being retrospective, but Mr. Moss's amendment might convert this into a Bill to impose six months' taxation for this financial year.

Hon. M. L. MOSS was not particular about the first part of his amendment, which he would withdraw.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved an amendment—

That the words "at the rate" be inserted after "tax," in line 1 *of paragraph* (*a*).

The paragraph would then read, "A land tax at the rate of one penny for every pound sterling," etcetera, to show that only a proportion was intended, and not the full year's tax. He would subsequently move to add to the paragraph, "but computed only at half the amount of the annual sum."

Hon. E. M. Clarke : When would this Act need re-enacting?

Hon. M. L. Moss: On the 30th June, 1908.

The COLONIAL SECRETARY understood the hon. member was agreeable to withdraw the amendment, which showed it was by no means easy to make amendments in these matters. If the clause were passed as printed he would agree to a recommittal to allow time to draft a suitable proviso. The Assessment Bill clearly provided that the taxation should not be retrospective. The trouble was occasioned in the other House by the insertion of Clause 57 as an amendment.

Hon. M. L. MOSS: It was doubtful whether this House could send the Bill back to another place with suggestions or amendments a second time. He asked leave to withdraw the amendment, and would submit the following proviso for the consideration of the Minister in the meantime:—

"Provided that for the financial year ending 30th June 1908, one-half only of the land tax and income tax to be charged, levied, collected, or paid according to the provisions of this sec-

tion shall be so charged, levied, collected, or paid."

Amendment by leave withdrawn.

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

That the word "fourpence" in line 1 of paragraph (b) be struck out, and "threepence" inserted in lieu.

He had intended moving to reduce the tax to 2d., but in deference to the expressed desire of members he now moved only for a reduction to 3d.

The COLONIAL SECRETARY trusted the amendment would not be agreed to. This House had objected to a land tax singly as inequitable, and members proved by their votes on the second reading of the joint tax Bill they were prepared to support an equitable proposal. Already in another place the total sum to be raised by income tax was considerably diminished by raising to £200 the exemption on incomes. To now reduce the income tax by 1d. would throw the bulk of the taxation on to land, and considerably reduce the total amount to be raisable, yet incurring the whole cost of machinery necessary to collect the land and income tax as originally proposed, obtaining a comparatively small amount. The effect of the amendment, if carried, would be to throw the bulk of the taxation on land, because the Assessment Bill provided that where incomes were derived from land and other sources, the tax should be collected either on land or income accordingly as one or other yielded the greater amount. Comparison with the income taxation of other places showed that the amount proposed in the Bill was reasonable. In New South Wales the tax was 6d.; in Victoria the tax on personal exertion was from 3d. to 6d., and on incomes derived from property it was 8d. to 1s.; in Queensland, 6d. to 8d., minimum 10s., and on incomes derived from property 9d. to 1s. 1½d.; in Tasmania, 6d. to 1s. Certain members had a great objection to the Bill, although not to the amount of the tax, their belief being that it was an objectionable form of raising revenue. An income tax was equitable, but it certainly had its objections. In the circumstances therefore, members should leave the tax at a reasonable amount so that the country would derive something substantial from it If the tax were reduced, there would be all the expensive machinery, all the annoyance and trouble to the individual, without benefit to the State .

Hon J. T. GLOWERY moved—

That progress be reported.

The COLONIAL SECRETARY: The reason why he was supporting the motion for progress now was that the question should not be decided by such a thin House.

Motion put and passed.

Progress reported, and leave given to sit again.

BILL—LIMITED PARTNERSHIPS.

Motion to discharge.

Hon. M. L. MOSS (who had introduced the Bill) moved—

That this order of the day be discharged?

It was evident that there was not the faintest hope of the Bill getting through another place this session, and it would be wasting time to discuss the Bill in Committee. He had achieved the object he desired of putting the Bill before the country, and he hoped the Government would take charge of the measure next session and see that it became law.

Question passed, the order discharged.

ADJOURNMENT.

The House adjourned at 8.20 o'clock, until the next Tuesday.