

would oppose it again if it were brought before the House. The present condition, however, is the raising of certain revenue; about £8,000 is the idea. It occurs to me that there are other things to which we as legislators should give our hearty consideration; other things besides money. Of course we require money, and especially in the present condition of the Treasury. Still there are things in connection with the people that are larger in their volume and in their consequences than the raising of money. The character of the people is greater than its cash. The moral character of the people is of more importance than the mere raising of money. I think it is beyond argument that this House at a very early date will need to do something on the gambling question, and to bring in legislation that will limit the evils accruing from the gambling going on around us. What I feel concerned about is that the Bill proposed will to some extent tie the hands of this House when we come to deal with that kind of legislation. We shall be taking part in, and taking into our revenue a portion of, this ill-gotten gain. I know some members do not agree with that sentiment. To them it is not ill-gotten gain, but to a large number in the State it is ill-gotten gain. I think no member is blind to the fact that the gambling evil is sapping the character of our people and interfering very materially indeed with our population, the character of the people and their general conduct. It is also affecting commerce; but that is a small phase of the subject. This gambling evil is destroying the character of our people. The drink traffic and the gambling evil may be classed together in the evil consequences that are accruing to our people; and I do object to this House linking itself in any way to this system or tying its hands in connection with restrictive legislation. I believe that the effect of this Bill for the appropriation of certain amounts from the totalisators will tie our hands materially, and be used as an argument against questions when we have to deal with them for restricting the gambling evil. For this reason I shall be compelled to vote against the second reading of the Bill.

On motion by MR. MONGER, debate adjourned.

ADJOURNMENT.

The House adjourned at 9.48 o'clock, until the next afternoon.

Legislative Council,

Wednesday, 6th December, 1905.

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

PRAYERS.

BILLS (5)—THIRD READING.

Bills were read a third time and forwarded to the Legislative Assembly as follows:—

Public Education Act Amendment.
Jury Act Amendment.
Fire Brigades Act Amendment.
Electric Lighting Act Amendment.
Fertilisers and Feedingstuffs Act Amendment.

BILL—PERTH MINT ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: Hon. members will recognise in this Bill another old friend, which failed to pass the final stages last session only because of the dissolution. In asking the House to agree to the second reading now, I can only recapitulate the arguments used when the Bill was previously before members. I may point out that the measure proposes merely an increase of capital to be available for the purposes of the Perth Mint

as a trading concern; and it is estimated, I think correctly, that this provision of extra capital, that is to increase the capital available from £20,000 as at present to £22,500 as proposed, will result in an increase of profit to the State of Western Australia. In moving the second reading, I should be wanting in my duty were I not to pay some tribute to the gentleman who has occupied for some years the position of Deputy Master of the Mint. It is only due to Mr. Campbell to say that the necessity for this increase in the finances required for working the Mint has arisen as a result of his successful management; and it is gratifying to find that the Perth Mint, which puts forth only gold coinage, that being the least profitable coinage dealt with in a mint, should be in such a favourable position as it is to-day. It is a pleasing fact that it has been found necessary in these circumstances to increase the capital for the purposes of carrying on the Mint, from £10,000 in the first instance to £20,000 at a later stage, and again a farther increase to £22,500 as provided in the Bill. I move that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

BILL—ROADS AND STREETS CLOSURE.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: This is the usual annual Bill which comes down to this House, providing for the closure for certain reasons of various streets and roads throughout the State. There is nothing peculiar in this measure to distinguish it from those which have gone before. The principal part of the measure is contained in the schedule. I propose to deal with that schedule now, in order that members who wish to ask farther questions may do so during the committee stage. In each case the local authority has been consulted, and in many cases the initiative has been taken by the local body asking the Government to

close the road or street as the case may be. The first application for a closure is in the town of Broome. It is requested by the gaol authorities, and has been approved by the resident magistrate, the municipal council, and the Minister involved. The next is the closure of a public road in Buckland Hill, requested by the Buckland Hill roads board, in order that the ground may be included in a recreation reserve. The next application for a closure is in Busselton, and it has been applied for by the municipal council. It appears that the council wish to shift a street from one side of the show ground to another. A new street is to be provided in the east side of the show ground, and the closed street is to be included in the show ground. I believe it is already included, but this will legalise it. The next closure is in Carnarvon; and this again is another show ground proposition asked for by the local authority, in order that an area taken from the road may be included in the show ground. Show grounds have quite an appetite for closing roads. Again, in Claremont a street in the municipality is desired to be included in the show ground. The municipality has given consent, and also the Lands Department. The next is a request by the municipal council of Day Dawn that Scott Street should be closed as an adjunct to the alteration which they are making in the design for the subdivision of the municipality. In Fremantle there is a right-of-way which is shown on the public plans in error. It has never been used as a right-of-way, and has been built over for years. It is now used as a car-barn site for the Fremantle Tramways Trust, who own the land on each side of it. I do not think that members can have any objection to this being included in the list of streets to be closed. In Kalamunda it appears that Railway Road is desired to be closed on the application of the Public Works Department. The roads board approves, and the Lands Department also. The next is Forrest Street in Kalgoorlie, and the land proposed to be closed is the site for the bonded stores, which, if the Municipalities Amendment Bill be passed, it is hoped will be initiated by the Kalgoorlie municipality as soon as possible. All the holders of ground opposite, except the

part-owner of one lot, have agreed, and this part-owner has manifested so little interest in the subject that he has not answered a letter dated 20th April last on the subject; and so it may be taken, I presume, that on his part silence gives consent. In Kataning, the pastoral and agricultural society, acting again in the interests of a show ground, wishes to have the road which is scheduled and described in the Bill included in the show ground. The roads board approves and states that the surrounding owners have willingly consented to the closure. In Leonora the warden asks for the closure of a certain road. The council approves, and also the Lands Department. The alteration proposed is to erect a well adjacent to Lot 500 and in order that a special lease may be granted to its owner. In Midland Junction, the municipality approving also, it is proposed to close a private road, which is to be included in the recreation ground. At Moojebing it is proposed to include a road, the closure of which is requested for water supply. The Lands Department and roads board approve. In Mundaring, on the application of the Public Works Department and with the approval of the roads board, the closure which is asked for is being made; and to take the place of the closed road a deviation is provided. At Narrogin, the Public Works Department again wish for a closure. The roads board approves, and railway crossings are being provided elsewhere, with the consent of the owners. At North Fremantle, the Public Works Department again wish for a closure, and the council approves. In Perth we find the closure of William Street. A new bridge has been provided in place of the old railway crossing. This subject has been threshed out at some length in the Press and in the councils and within the walls of Parliament; and so far as I can learn, there is not likely to be any objection to the course proposed.

HON. J. W. WRIGHT: What guarantee is there that the bridge will remain open?

THE COLONIAL SECRETARY: I see no possible chance of its not being allowed to remain open.

HON. J. W. WRIGHT: The Commissioner may take it into his head to close the bridge.

THE COLONIAL SECRETARY: The power of Parliament is paramount, and such a proposal would not be tolerated for a moment.

THE HON. J. W. WRIGHT: Why not put it in the Bill that the bridge should remain open? Dedicate it to the public and we are satisfied.

THE COLONIAL SECRETARY: This is not the place for such a dedication. It is a Roads and Streets Closure Bill, not a Roads and Streets Opening Bill.

THE HON. J. W. WRIGHT: We object to the closure without a provision for the bridge remaining open.

THE COLONIAL SECRETARY: When we reach the Committee stage, if the hon. member will make that objection, I shall endeavour to have proper provision made, if necessary, in the proper place. It does not appear to me that its proper place is in this particular Bill. The next closure is also in Perth, comprising a portion of William Street. The request is made by the Public Works Department with the approval of the City Council. The land really forms part of what is known as the approach to the William Street jetty, and comes under the purview of the Public Works Department. Again we have in Perth a proposal to close all that portion of Ord Street between Havelock Street and Harvest Terrace. Owing to the proximity of this street to Parliament House, members will know it. The object is to throw portion of the street closed into the reserve for the High School, all except a strip of the width of 75 links, which it is proposed to add to Wilson Street directly opposite the door of this Legislative Council. That again is a matter that has been debated on more than one occasion in Parliament. The council approves, and I think it is pretty nearly certain that Parliament will approve also. The next closure is in Wagin, and is made on the application of the Public Works Department with the approval of the roads board and Lands Department.

HON. R. F. SHOLL: Do the owners approve?

THE COLONIAL SECRETARY: I presume so. No protest has been received, and the local authority, which is, after all, the body to which Parliament and the Lands Department have to look for the confirmation of their wishes or

for the refusal of the right to close, has signified its consent. Again, it is proposed to close the whole of the surveyed streets and rights-of-way in Yarri. This has been done because the townsite has been cancelled. Unfortunately, the townsite being cancelled and there being no inhabitants in Yarri, we have not been able to obtain the consent of the local authority. That finishes the list of the proposed closures, and I have much pleasure in moving the second reading of the Bill.

HON. C. A. PIESSE (South East) : I have no desire to oppose the second reading, but I trust that the Colonial Secretary will postpone the Committee stage until next week. The Bill has not been long before us, and it is only right that members should look into it in connection with the streets in the towns we represent.

HON. W. MALEY (South-East) : I intended myself to move the adjournment of the debate. I think it is desirable that someone should pass a few remarks in respect to the closing of so important a thoroughfare as William Street, Perth. I noticed in the remarks of the Leader of the House, that in most instances not only the local authorities had been consulted before any street was included in the Bill, but also the owners of the land adjacent; but so far as William Street is concerned, the owners have not been consulted at all, and I question whether the public of Perth know anything whatever about what has been done in what I may call a hole-and-corner fashion. I will admit that from appearances the street is closed; but the Leader of the House knows full well that legally that street is not yet closed. Legal authority is now being sought to support the very strong stand taken by one individual, that being the Commissioner of Railways. The question is whether the Commissioner of Railways or the Mayor of Perth, as a member put it to me just now, is to be "top dog;" whether the Commissioner of Railways is to secure the possession of the fee simple of that roadway with all the rights appertaining to it, or whether the Mayor of Perth and the citizens will retain the rights for themselves. In regard to the surrender of such rights in such an important position as that, not only should the rights

of existing owners of property be considered but also the rights of the general taxpayer and the residents. I suppose there is no other part of the city of Perth where there is such a congestion of traffic as at that part, and there is no part of the State where there is so valuable an avenue as that which at present legally exists along William Street. We have a bridge there which reflects credit on the Government for its erection. It is a serviceable and very suitable bridge. At the present time we have no legal right to that bridge except that we are using it at the sweet will, the pleasure I may put it, of the Commissioner of Railways. Under the Public Works Bill which has passed into law I think, the Commissioner has already power to regulate the traffic over roads crossed by the railway line, including William Street. That ought to be amply sufficient for the railway authorities. Now something farther is sought, and if I may look into the future I would say that bearing in mind that the structure put there is but a temporary structure and that the Commissioner of Railways who erected it publicly announced that it was his intention to build it of such material that he could use it in some other quarter, I say it is time to oppose the granting away of rights the citizens possess, not knowing what there is in the future for them. We have the Commissioner of Railways stealing away by night the foot-bridge; we have afterwards the Commissioner again attempting to occupy the frontage to Wellington-street immediately in front of the Railway Station for the purpose of putting up a big pile of offices; and I will venture to predict that part of the policy of the Commissioner in securing the freehold of this land is to secure the rights which ownership will give—the right to be able to erect such buildings as he may desire. The erection of any building in proximity to that bridge will in all probability necessitate the removal of a portion of that structure, and I take it that it is quite within the bounds of possibility that this temporary bridge may be removed when the fee simple is obtained, and a pile of buildings put up there and the thoroughfare blocked for ever. Whether that will be so I cannot say, but I assert that it is within the bounds of possibility. The citizens have

no right to surrender any privileges they at present enjoy, particularly with regard to a thoroughfare of that importance, and the Commissioner, who I say is the prime mover in this matter, has no right to use this House for the purpose of gaining an advantage which apparently is not required and which may be used to the detriment of the city of Perth. I think it my duty to stand here as a citizen and a taxpayer in the city, and one who has an interest in the city, to oppose the closing of that road until ample provision is made for the substitution of some other roadway in regard to which the citizens will have the full rights they enjoy for crossing from Wellington Street to Roe Street.

HON. R. F. SHOLL (North): I am inclined to agree with the suggestion for adjournment. I think and always have thought that closing streets and interfering with the rights of private individuals by bringing in an Act of Parliament without probably consulting the individuals concerned is unfair and should not be permitted by Parliament. We hear the Leader of the House stating that the local authority does not object. The local authority does not, as a rule, object, but if an individual who has bought a valuable block of land in the street knew that his approaches were going to be taken away, and the value of his land depreciated, he probably would object. It is only right that publicity should be given when it is proposed to close a street, or at any rate compensation should be given to the individual if his property is depreciated by the closing of the street. I am not going to vote for this measure; in fact I would like to move the adjournment for a month, so that there would be ample time for people whose interests are attacked and likely to be injured by the closing of this street to have an opportunity of entering a protest.

HON. G. RANDELL (Metropolitan): In relation to that portion of the Bill which refers to William Street, I think the House ought to have a diagram indicating the exact operation of this measure. I can see there are possibilities here of difficulties in the future, and unless we are assured by Mr. Moss, who has studied this question, that there can be no difficulty, we ought to make

absolutely sure. I am still of the same opinion I was long ago, that there was no necessity for that bridge, except for railway purposes. For the street traffic there was absolutely no necessity for it, and as far as the traffic of the city is concerned thousands of pounds have been literally thrown away. The traffic would have been more direct, and could very easily have been dealt with practically without injury to properties on either side. Some slight injury on the northern side could have been compensated for with a very little, I think. However, that is past, and the bridge is built. The real object was to create a large number of offices immediately underneath it. What we want to do is to secure the rights of the citizens in the future and see exactly what is aimed at. Most of us as laymen can scarcely understand the statement made unless we have a diagram to guide us in our judgment, and I think a diagram should be produced to show us what effect the closing would have. With reference to the continuation of the street down to the river, I want to draw the attention of the Colonial Secretary to the fact that as far as I can see no provision has been made to secure access to the eastward of the William Street jetty; and if there be no provision made, some difficulty will occur. It is proposed to carry out works in a direct line with the new road, and the sooner it is done the better for the credit of the State, and the sooner the road is properly macadamised down to the river the better it will be. I do not know who has it in hand, whether the Government or the City Council.

HON. M. L. MOSS (Minister): Mr. Maley has, I think, drawn attention to an exceedingly important point, which I admit at once is not provided for. With regard to the portion of William Street lying between the southern side and Roe Street on the north side of Wellington Street, if we leave that portion of the schedule with Clause 1 of the Bill, it is quite obvious that rights which have been mentioned will cease after the passing of the measure. It seems that the inclusion of this portion of the street is to legalise its use to the Commissioner of Railways. Mr. Maley puts his finger on a weak spot when he points out that no rights of the public are preserved in regard to passing

over the bridge substituted for the highway which crossed the railway line prior to the closing of the street. I would ask the House to agree to the second reading of the Bill, and I will undertake to have another clause drafted which will put the citizens of Perth in the same position as far as possible with regard to their rights in going over the bridge as they were in before the street was closed. If that is done and other safeguards provided in that clause to prevent the Commissioner of Railways from encroaching or obstructing or interfering with the traffic along that highway, I think the House may very well let the Bill go through. At the present time I cannot give the House the assurance that all public rights are properly protected in the way the Bill is drawn, and I am much obliged to Mr. Maley for having brought this under the notice of the House, because it is an important matter, and I do not know how the thing was allowed to pass through the Assembly without being noticed. Mr. Maley has done something which I think the public may well appreciate.

HON. G. RANDELL: Will there not be a question of upkeep? Is it saddled on the City Council?

HON. J. W. HACKETT (South-West): There is one other point. When the Commissioner of Railways said that the bridge was to be built in such a manner that its materials could be used to advantage at a later date, he clearly had in view what must inevitably happen in Perth—the raising of the whole railway, the construction of a viaduct through the city, to allow the vehicular and other traffic to pass under that viaduct. This must come about, be it next year or twenty years hence. If Mr. George, who is a very masterful gentleman, insists on raising a pile of buildings on that part of William Street which is to be resumed for the purpose of a viaduct, and covers the ground with railway premises—if he erects a block of buildings at each side of the railway on that street—he will make the viaduct considerably more costly than it will otherwise be.

HON. W. MALEY: He cannot build without authority.

HON. J. W. HACKETT: Yes. At one time he actually intended to do so. A block of buildings opposite the central

station, and estimated to cost £30,000, was to be built without the consent of Parliament.

THE COLONIAL SECRETARY: He cannot build without the consent of Cabinet; and on that occasion Cabinet stopped him.

HON. J. W. HACKETT: Cabinet was compelled to stop him, when public opposition was aroused. Cabinet originally agreed to the Commissioner's proposal; and the only hope the people had of arresting the construction of that pile of offices was through the Minister for Railways, and the Minister had given his consent at the time. The £30,000 was devoted to the work; and the work had actually commenced when the public discovered what was in the air. Then the citizens raised their voices, the Government was moved, and the work stopped.

HON. R. F. SHOLL: Where did the Commissioner get the money?

HON. J. W. HACKETT: I can assure hon. members that the facts are as I have said. The Commissioner considered that he had sufficient funds; and he was prepared to carry out the work without any reference to Parliament. It will take too long to explain how the money was to be obtained.

THE COLONIAL SECRETARY: From the vote for additions and improvements to open lines.

HON. J. W. HACKETT: It is in the highest degree advisable that the two ends of the street in question should be kept unobstructed by buildings, in order to enable the great work of raising the railway to be carried out, as it must be carried out sooner or later. The whole matter needs investigation; and it may well be investigated by my friend Mr. Moss.

HON. J. W. WRIGHT (Metropolitan): I should like to call attention to the closure at Buckland Hill of a road north of the northern side of Higham Street. That was supposed to be made a circular road. The Claremont people and the Peppermint Grove people have made their portion; the Buckland Hill Roads Board has cleared its portion to a certain extent; and by taking out the piece of road mentioned in the schedule, we shall have two dead-ends, and prevent the making of a circular road. If the closure

is for the purpose of a park, why cannot the road go through the park?

THE COLONIAL SECRETARY: The road will be included in the recreation reserve.

HON. J. W. WRIGHT: But we do not want the road cut in two.

THE COLONIAL SECRETARY: The Buckland Hill authorities ask for the closure.

HON. J. W. WRIGHT: I object to it. Dr. Jameson, when Minister for Lands, more than once promised that the circular road should be made at the Government expense. It will be one of the best drives round the bay. I strongly object to the closure.

HON. Z. LANE (Metropolitan-Suburban): While agreeing with the last speaker, I do not quite agree with all that has been said as to shelving this Bill for a month. At the same time, I think we ought to adjourn the Committee stage for a day or two, to give some time for consideration. I can substantiate what Mr. Wright has said. I am perfectly certain that the Buckland Hill suburban area road is not to be closed with the consent of the residents in the district. The hon. member and I reside in the district. We have not been consulted; and if we had, we should certainly have objected to the closure. This is the first time the proposal has ever come under my notice, and I dare say it has not previously come under the notice of Mr. Wright. I shall certainly support any adjournment for a day or two, or until next week, so that we may consider the matter, and ascertain exactly how it stands.

THE COLONIAL SECRETARY (in explanation): Taking the closures alphabetically, I will point out in regard to the objections raised by Mr. Wright to the closure of the road at Buckland Hill, that he is labouring under a misapprehension. I have here a plan which I shall lay on the table. The hon. member can see, from where he is sitting, that the portion of road marked yellow, and proposed to be closed, is merely a dead-end that cannot by any means ever form part of a circular road. It is a little dead-end of a road which runs into the recreation reserve, and stops there.

HON. J. W. WRIGHT: Put your plans on the table and let us see what they are.

THE COLONIAL SECRETARY: I have already expressed my intention to

lay the whole file on the table for consultation by members. But I wish to point out the slight mistake which the hon. member must be making.

HON. J. W. WRIGHT: I do not know what your plan shows; but I have lived in the district for 14 years, and there is not 200 yards of it with which I am not familiar.

THE COLONIAL SECRETARY: A portion of the road runs into the recreation reserve, and absolutely stops there. If the hon. member thinks the Government plans are wrong, he will have an opportunity of pointing out the error when in Committee. I certainly hope that the consideration of the Bill will not be adjourned for anything like a month. To a reasonable adjournment I have not the slightest objection. I join with Mr. Moss in congratulating Mr. Maley on the point he has raised. It is undoubtedly fair that if public access and rights-of-way are stopped in one direction, they should be provided in another; and that should be put beyond all doubt. Before we go into Committee I am willing that the Bill shall be amended with that object. I do not know whether members will need any more diagrams than are comprised in this file, which I am perfectly willing to lay on the table. I think they should not; because each road the closure of which is proposed in the schedule is mapped out on the file, which members will have every opportunity of consulting at their own convenience. I do not think members can ask for any farther concession than we are quite prepared to make in the directions indicated.

Question put and passed.

Bill read a second time.

COMMITTEE STAGE.

THE COLONIAL SECRETARY moved that the committee stage be made an order for Wednesday next. As soon as possible the intended amendments would be tabled, so that members might see whether they expressed their wishes.

Question passed; order made.

BILL—METROPOLITAN WATERWORKS ACT AMENDMENT.

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

BILL—PERMANENT RESERVE
REDEDICATION.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): The sphere of operation of this Bill being so remote, and its object being so good, as I think members will agree when I explain it, I hope it will not meet with any opposition. It appears that in 1896, Broome Town Lot 136 was reserved for a mechanics' institute. In 1902, six years later, no improvements had been effected; the object of the reserve had apparently not been carried out; so the reserve was cancelled, and included in the recreation ground at Broome. Till 1904, nothing farther was heard of this reserve or its object; but in that year the Broome Literary Institute applied to have the lot reinstated; and when the request was under consideration, it was ascertained that between 1902 and 1904 the Broome Literary Institute had so to speak taken the law into its own hands, and had built a mechanics' institute, worth approximately about £1,000, on this very block the dedication of which had been cancelled. That being so and as the Government do not wish to treat this enterprising body with any discourtesy, or to involve them in hardship, it is proposed by the Bill to reinstate this reserve for the purpose of a mechanics' institute thereon, which institute already exists. I do not think any farther explanation necessary. The facts are as I have stated that the people of Broome neglected for six years their opportunity to build the institute, and then awakened suddenly to their responsibility of building it after the purpose for which the reserve had been created lapsed. It is now desired to rededicate the reserve for the purpose originally set forth.

HON. J. D. CONNOLLY (North-East): I have no fault to find with the Bill as far as it goes, but as a member of the Parliamentary Buildings Committee I wish to point out that a resolution was passed by that body to widen certain streets round the Parliament Houses, that is to say to take so much off the the reserve on which the building stands and which is a permanent reserve so as to widen Malcolm Street from George Street to Harvest Terrace, to make the line from King's Park Road complete.

HON. M. L. MOSS: A Bill is coming down for that purpose.

HON. J. D. CONNOLLY: But you cannot introduce two Bills for a similar purpose in the same session.

HON. M. L. MOSS: But it will not deal with the same matter.

HON. J. W. HACKETT: Will it deal with Ord Street also?

THE COLONIAL SECRETARY: Yes.

HON. J. D. CONNOLLY: We wish to have a chain and a half road round the reserve. Ord Street having been closed it will also be necessary to make some reference to that so as to include Ord Street in the reserve known as the High School Reserve. I wished to ask for an adjournment of this debate, but I will not do so if a Bill is coming down. I thought two Bills dealing with similar matters could not be dealt with in the same session.

THE COLONIAL SECRETARY (in reply): The hon. member is in error in saying that two Bills of this character cannot be brought down in the same session when they deal with different reserves. A Bill dealing with the reserve on which Parliament Houses stand is in course of preparation in the Lands Department. The Bill has been discussed in Cabinet, approving of the widening of Wilson Street and also the throwing into the High School Reserve, not the whole width of Ord Street, but twenty-five links width of that street. I would like members to pass this measure as quickly as possible, for it is not advisable to mix the affairs of Broome with the affairs of Perth. I would like the member (Mr. Connolly), if he will do so, to consult the Minister for Lands about this matter, and I have to inform him that notice for the introduction of the Bill was given in another place to-day and it will be introduced to-morrow. I shall be glad if he will see the Minister for Lands, but if the hon. member desires I will see the Minister myself.

HON. J. D. CONNOLLY: Does the Bill deal with Malcolm and George Streets.

THE COLONIAL SECRETARY: I will lay the matter before the Minister. I have no doubt Mr. Moore has the fullest information on the subject. I am prepared to deal only with the Broome aspect of the measure. I will take care

to be posted on the other matter on which the member has spoken, when the Bill reaches us from another place.

HON. J. W. HACKETT: Will the Minister for Lands consult the chairman of the Parliamentary Buildings Committee?

THE COLONIAL SECRETARY: No doubt.

THE PRESIDENT: As chairman of the Parliamentary Buildings Committee, I may mention that it is the wish of that committee that the streets round Parliament Houses should be of the same width as George Street. Malcolm Street requires widening, and we shall also have to widen Wilson Street taking a strip off the High School Reserve. I will see the Minister for Lands on the matter.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

BILL—LIFE ASSURANCE COMPANIES ACT AMENDMENT.

SECOND READING.

Resumed from the previous day.

SIR E. H. WITTENOOM (North): I do not purpose to address myself to the provisions of this Bill. I was a little afraid, on reading Clause 2, that it might open a door to fraud, that persons might possibly be induced to take out large policies and then defraud their creditors; but on giving the matter consideration, I have come to the conclusion that the Bill is a good one. I have nothing farther to say except that I think this is a desirable measure.

HON. J. M. DREW (Central): The Leader of the Government stated that this measure was introduced at the desire of the insurance companies, and I can well understand that they wish it, because it seems to me that it is entirely designed in the interests of those corporations. The machinery of the Bill, it seems to me, is distinctly fashioned to provide means for enabling persons to swindle their creditors. Under Section 33 of the Act of 1888, which Act the measure proposes to repeal, policies are protected for two years after they have been taken out, three years up to £200, up to five years

£500, up to seven years £1,000, and up to 10 years £2,000. But under Clause 2 of the Bill policies are partially protected for two years and absolutely protected after three years. The position may be this. A man may take out a heavy insurance policy, continuing to pay the premiums, and he can, if he wishes to defraud his creditors, do so by paying the premiums and his policy is absolutely protected for all time. He can take out an endowment policy, paying the premiums and after a few years draw the money. I prefer the legislation now in force. There is no protection to the creditors if the Bill becomes law. If a man gives a bill of sale over his property, that bill is registered and put in the trade circular; but if a man takes out a life assurance policy, no one but himself and the assurance company know anything about it. Therefore there is no protection to the creditors. A man may be able to put aside not only the profits of his business but a large proportion of the proceeds of his business, and in the end draw the amount and at the same time pay 5s. in the £ to his creditors. I feel inclined to oppose Clause 2 in Committee. Clause 3 is of a retrospective character. It renders legal the illegal acts of insurance companies. If insurance companies have illegally paid money away to certain persons, how do we know that certain cases may come before the Supreme Court? But if this clause is passed it will stop the machinery of the law. I think that is about the last thing the House should do. I think the Bill should be given very careful consideration, and that Clauses 2 and 3 should be rejected.

HON. F. M. STONE (North): I think the hon. member has overlooked the latter part of Clause 2. Policies are protected only after two years. Certainly the clause protects the whole of the policies, but hardly a case will arise of a person swindling his creditors because a policy would have to run for two years, and if a man dies after three years the creditors lose nothing, because the premiums are returned for two years. I think this is a far better clause than the section of the present Act. Numbers of questions have arisen under the present section, and it is desirable that some alterations should be made. The only

point that occurred to me was as to whether there should be protection on the death of the assured in all cases. It should only protect the near relatives. Under this Bill protection is given in all cases. Supposing a person were to die intestate leaving a cousin, that cousin residing out of the State, he would get the benefit and the creditors would get no payments at all. Take the case of a man assured for £2,000. He might leave debts amounting to £500. He might leave no will, and the only relation be a distant cousin. That cousin could claim the £2,000, and the creditors might whistle for their £500. I think in Committee we might alter that. The protection should apply to the near relatives, the father, the mother, the wife, the husband, and the children. With reference to Clause 3, doubts have arisen whether moneys paid to the executors or administrators have been legal. We should remove these doubts, and protect the companies in the payments that they have made. No questions have arisen in the courts. The companies having made payments in good faith, the moneys may have been spent, and the companies should be protected against speculative actions.

HON. W. MALEY (South-East): As this Bill emanated from the life assurance companies, it is intended to pave a way for considerable business. It would lead to considerable business if a canvasser could put an intended investor in the way to operate in the manner indicated by Mr. Drew. If the Bill had emanated from the working classes, or from some friendly societies, or from some source which we could respect as having an honest purpose of getting the best that could be got for the benefit of all insurers, I mean the best terms for the greatest number, I could support it; but, I find, in fact, that the insurance companies doing business in this State, and some of them dealing with very large funds, have caused this Bill to be brought forward for the purpose of increasing the profits of the insurance business. Therefore, I look upon the Bill with a certain amount of distrust, not to say suspicion. I am not surprised at the remarks of some of the members in that direction. If the Minister in charge of this Bill had shown how it was to benefit wives and children

of persons insured for a sum payable after death, I would have hesitated to speak of it in the way I have done. I think, too, that creditors have a right to be protected in respect of investments, whether made in land, or insurance, or otherwise. And there is another feature of the Bill, that policies taken out are in some cases allowed to run on a considerable time without payments, and I have known of one policy which has been running for about twenty years, and which (up to last year I know) had a certain surrender value. I find that these policies, after payments have been made for a year or two, practically run themselves, and I have mentioned one instance in which a policy has been kept going for twenty years. I cannot see that the power given by the Bill to secure to the creditors the premium paid on policies for the two years immediately preceding an insolvency is of any value, because the insolvent, if he were honest, would not be in a position to make the payments, and would rather trust to the society to carry on the policy. Altogether, there is an element of doubt with regard to the intention of the Bill and the effect it will have on the community.

HON. C. SOMMERS (North-East): In regard to Clause 2, I favour the clause with this exception, that the policy of insurance should be on the whole life of the insured, and be payable at death, and not on an endowment policy. It is possible to take out an endowment policy, paying heavy premiums for a short time, and by this means defrauding the creditors of money that would otherwise belong to them as part of the estate. In my experience I know of such a case, in which a man paid heavy premiums on the endowment policy out of a business that had been practically insolvent for five or six years prior to his being declared insolvent. We should prevent this sort of thing. If the policy were taken out on the whole life, it is quite right that those who are near and dear to the insured should reap the benefit of it.

HON. M. L. MOSS (in reply): With regard to Mr. Drew's statement that the passing of this Bill will enable fraud to be perpetrated on creditors, Mr. Stone has properly pointed out that up to two years, the whole of the premiums will go back in interest, and after that it is not

like the taking away of any of the debtor's property that would be divisible among the creditors. I am prepared, so far as endowment policies are concerned, to make some alteration in the measure. My idea is that all endowment policies should be subject to creditors' claims, unless they exceed say 15 years in duration, and unless the endowment becomes payable in case of death in the meantime. I will have a clause drawn that will take away from the endowment policy of under 15 years duration the privilege which this Bill extends to policies, except of course to payment under that endowment policy in case of death. In regard to another point raised in the debate, I may assure members that there is no intention on the part of the Government to protect the insurance companies from any pending litigation, because I made inquiries before advocating this measure as to whether any proceedings were pending, and I found there were none. The companies have made payments from time to time; and as a doubt had arisen in regard to cases of bankruptcy, as to whether money payable on a policy effected on the bankrupt's life was divisible among his creditors, or whether it should be payable to the executor or administrator of the bankrupt's estate for the benefit of the wife and children, it was thought that as we were dealing generally with the question of protection in case of bankruptcy, it was advisable to deal with this point in the Bill. I do not think that in case of payments made in good faith in years gone by the companies which made those payments should be liable to repay the amounts now. There is a doubt as to the validity of those payments. We should set the doubt at rest. If Mr. Stone is prepared to move in Committee that the protection shall not extend farther than persons mentioned in the third schedule of the Administration Act, I am prepared to agree with that amendment. Or, if he does not intend to move, I will put the amendment on the Notice Paper. The object is to make it clear that moneys payable under policies that have been effected to provide for a rainy day for wife or family shall not be taken by creditors who have claims against the deceased's estate. If the House is prepared to pass the second reading now, I

will have the necessary amendments put on the Notice Paper for consideration in Committee.

Question put and passed.

Bill read a second time.

BILL—FISHERIES.

SECOND READING.

THE COLONIAL SECRETARY, in moving the second reading, said: I may at once state that, although from the fact of this being a consolidating and amending Bill in regard to all the Acts now existing in relation to fisheries as set forth in the schedule for repeal, and although the measure appears lengthy consisting of 44 clauses, there is not very much that is new as compared with the existing law. It is my intention, in referring to the Bill later in Committee to point out which clauses are new, and why these innovations have been introduced. I do not know what members think about the question, but I consider too little importance is attached to the subject of developing and regulating the fisheries in this State, by which I mean all those industries which have for their primary object the fostering and obtaining the products of the sea, a kind of wealth that has been so far very little exploited in Western Australia. Too little attention in the past has been devoted to the subject. In other countries, large sums of money have been expended on the fostering and development of those industries connected with fisheries; and the object of this Bill is to provide for the working and regulation of fisheries in this State so as to obtain the best results. Members will notice in the marginal notes that a large portion of the subject matter is taken from the legislation of New South Wales, which agrees in some respect with our legislation on the subject; and the reason for taking these provisions from that legislation is that we are really taking advantage of a Royal Commission which sat in New South Wales and obtained valuable information in regard to the fisheries of that State, the result of the inquiries being reported to the Parliament of New South Wales. That commission must have cost several thousands of pounds; and it is a comfort to think that we, by taking this course I have explained, shall be able to get the benefit of that expenditure.

New South Wales has been particularly fortunate in having amongst her public men several who took a very keen interest in this matter, and who devoted a great deal of their time and ability to placing on the statute-book suitable provisions in this connection. For instance I need not go farther than mention Mr. Farnell, who was chairman of the New South Wales Fisheries Commission, and the late Mr. J. H. Want, who spent a great deal of time in fostering the fishing industry in New South Wales. Most of their investigations are found in the New South Wales Fisheries Act, and to a large extent the Bill now before us is modelled on that Act. I feel sure that hon. members will agree with me that it is worth our while to pay some little attention to the wealth which exists around our coasts; and that this wealth is very considerable has been shown by the existence in the northern part of this State of the pearling industry, which has a large turnover and employs a great deal of labour. Though at the present time, owing to the low price of shell, it is not doing so well as in the past, this industry has returned a great deal to those who have invested capital in it. The pearling industry does not come within the scope of this Bill because it is regulated by another provision in the statute-book, which also requires amendment and consolidation that it would have received this session had the time at the disposal of the Government been less limited. There are one or two remarks I should like to make about the possibilities of this wealth. Some of the officials of the department mentioned in this Bill and, so to speak, re-created in this Bill, have discovered the existence on this coast, from Turtle Island on the North-West to Esperance in the extreme South, of sponges of really good marketable value. Whether they are in quantity has yet to be seen. I hope that on the Estimates, which are to be brought down in a few days, some small sum for the exploitation of this industry and for the farther prospecting of sponges in Western Australia will receive attention. In this connection, too, I may say that what little assistance we could give has been given in the past. We have in one or two instances loaned boats from the Harbours and Light Department to

individuals desirous of prospecting for these very valuable products. That they are very valuable I think can be easily proved if hon. members will refer to the industries that exist to-day in the Mediterranean and in the Bahama Islands. To deal with the Bill in detail, members will see that in the First Schedule the Acts proposed to be repealed in this Bill practically include everything that deals with the subject of fisheries. The interpretation clauses have been made somewhat clearer. I would point out that one particular interpretation, that of fixed engines, has been considerably added to. Cases have occurred where prosecutions initiated by the Fisheries Department against persons using an extremely destructive machine known as the long line or bultow, which consists of an extremely long line with a great many hooks attached to it, have failed because it has been held that the definition of "fixed engine" does not specifically include this machine. Now it is thought wise to include a definition of the particular instrument. Clause 4 gives power to the Governor to exempt by proclamation portions of Western Australia from the operation of the Bill. This is already in operation and the proclamation, so far as my memory serves me, exempts all the Northern portion of the State, where the fishing industry has not yet reached sufficient importance, although there is any amount of scope for it, to be included under the provisions of the Bill. Clause 5 deals with the administration of the Act and provides for the reappointment under this Bill of the various officers now existing. Clause 6 deals with the power of the Governor to make regulations for certain purposes. It has been pointed out to me by Captain Laurie that it would be well to give the Governor power to fix landing places at which fish for sale can be landed, and only there. If the hon. member will move to that effect in Committee, I shall have much pleasure in supporting him. Again, under the regulations which the Governor has power to make, it is possible to prescribe the mode of testing the length of nets and the dimensions of the meshes of nets and the method of disposing of forfeited nets. At present the nets which have been confiscated from persons offending against present legislation are heaped up in the

Fisheries Department until they are sent away to some place to be used where they are not illegal, generally to the North of the State. Again, provision is made for the sale and disposal of underweight and undersize fish, and also of nets found in closed waters without an owner. They are very often found in closed waters without an owner. As a matter of fact, if any nets are found in closed waters, it is a matter of considerable difficulty to get claimants for them. Power is also given to prevent the destruction of fish in any river or stream by deposits of filth or refuse, or by allowing any deleterious matter to get into tidal or inland waters. Clause 7 gives a new right of entry on land for the purpose of giving effect to or carrying out any of the provisions of this Act or regulations. Clause 8 prescribes that the Governor may by proclamation declare that any particular waters in Western Australia shall be closed against the taking of any prescribed species of fish, or of fish generally, by the use of fishing-nets or lines; and power is given to at any time alter or rescind such proclamation. In Clause 10, Subclause 2, a provision appears which will make the conviction of offenders against the Bill much easier than now. The conviction of offenders against the present legislation is a matter of the greatest difficulty; because before a conviction can be obtained, the inspectors have to actually catch men red-handed with their net in the water, and fish in the net, and they must have in actual possession both net and fish. This is not as it should be. Presumptive evidence is absolutely disallowed. Though it may be as morally certain as possible that the man is in possession of the net, and though the inspector may be certain that the man is going to use it, still the possession of the net, unless the man is using it for the capture of fish, cannot now be alleged against him. In this clause the onus of proof is on the man instead of on the inspector. The clause is necessary to enforce the regulations at present in existence and which are contained in this Bill. Clauses 10 and 11, providing for the licensing of boats and fishermen, are precisely the same as now. Clause 13 provides that any person may own a net for the purpose of taking fish for domestic use only. Clause 16 pro-

vides that the Governor may by proclamation state what sort of nets shall be legal, and it is put more plainly than in the present legislation. Clause 17 exempts from the provisions of the Bill persons engaged in fishing for scientific purposes only. Clause 18 provides a penalty for using unlawful nets, practically the same as now; but it appears in the Bill instead of being, as now, subject to regulation. Clause 20 prohibits the setting of what are known as fishing traps. If there are any gentlemen present representing northern districts where this practice is in vogue, this may occasion a little alarm; because with the great rise in tides in the North these traps are popular methods of obtaining fish; but where they are popular the provisions of this Bill do not operate, so members will see there is no reason for alarm in this direction. Clause 21, dealing with the penalty for having underweight or undersize fish in possession is precisely the same as now. Subclause 2 is an innovation rendering it an offence to have in possession any female crayfish during the spawning season. This has been found necessary from the fact that the shores around Fremantle are being very rapidly depleted of crayfish. Clause 23 deals with a subject on which I have for long held extremely decided opinions—the prohibition of the use of dynamite to obtain fish, a procedure which, so far as I can see, has only one remedy, that it is attended with a great deal of danger to the person using it. A more shocking, wasteful, and deleterious way of obtaining fish is not to be found. I am glad there is provision against the use of this explosive for obtaining fish. Although a good many of these provisions appear to operate to the detriment of fishermen, in Clause 24 we have one that operates undoubtedly to their assistance. It renders it illegal to damage nets by placing obstacles on hauling ground. Members know that a fishing net and the boat of a fisherman in many instances represent the capital of the owner; and in order to protect this capital from wilful and malicious damage this clause finds a place in the Bill. Clause 25 is new. Strange to say it has been omitted from our Acts hitherto. It provides that persons illegally fishing, or supposed to be, must on demand give their true

names and places of residence to any inspector, justice, or any owner or occupier of land bordering the water or over which it ebbs and flows, and provides that a penalty shall be inflicted for the refusal to give names and addresses. Clause 26, which is a new clause, makes it lawful for the Minister from time to time to direct the institution and carrying out of experiments in methods of catching fish, and in the culture and propagation of fish, and to take steps for the discovery of fishing grounds suitable for trawling off the sea-coast. In this connection I may say that, although we have had no legislative powers, certain of these experiments have been carried out. They have been carried out to some extent by the Acclimatization Committee, and in other cases by the Fisheries Department; and some 18 months ago or so trawling experiments were carried out off this coast, and although in a great many instances good results were not obtained, it showed fishermen where they could trawl, and the possession by this State of a trawling ground at the north end of Sharks Bay of great extent and undoubted possibilities. I hope that when perhaps some of the other reserves of the State become more crowded out than at present, the attention of the public will be given to this ground, as I have no doubt will be the case. Clause 27 provides that notwithstanding anything contained in the Game Act 1892 the Governor may declare a scale of rewards, and the conditions for the payments thereof, for the destruction of cormorants, pelicans, and such other birds as by proclamation may be declared hostile to fish life. This is an extremely necessary provision, and one that I hope will be availed of in future as much as possible. The destruction of fish life that goes on in all these waters by cormorants, not to mention pelicans, which are less numerous, is very considerable. The cormorants must destroy more fish by a good many times than the fishermen ever see. Clause 29 gives power to the Governor to grant to any person or persons, on such terms and conditions as to the Governor may seem fit, a license to the exclusion of all other persons to collect and gather for any term not exceeding 14 years, from any portion of the coastal waters of the State, any product of the sea not being food fish. That is for the purpose of exploit-

ing some of the industries I have already alluded to, such as obtaining sponges, and also obtaining sponges for the cultivation of same. An application was put in not very long ago from persons who are willing to establish in the northern part of this State a manufactory for the purpose of making fertilisers from the bodies of cartilaginous fish, such as sharks and cretaceous fish—whales. That is an industry that has been carried on with great success in some parts of the world, and with the ample supply of raw material which we possess in the northern part of this State, I see no reason why it should not be carried on with great success here also. Clause 30 is a new clause, which is very badly wanted, and gives powers to inspectors to arrest persons offending against the provisions of this measure. This has been wanting hitherto, but I think members will agree with me that it is a very necessary provision and should find a place in the present Bill. Clause 31 gives power to inspectors to go on board any boat or into or upon any house, tent, or other premises to inspect fish, and to search for, seize, and take away any net used or about to be used in breach of this Act. In this connection it has been suggested to me that it would be well to give to these inspectors the power to stop boats which they are pursuing, that is rather to make the failure to stop on the part of these boats an offence against the present Bill. Clause 32 is a new clause, and provides that all fish of which the taking possession is prohibited by this measure or the regulations may be searched for, seized, and forfeited by any inspectors. Clause 34 provides that it shall be an offence to assault inspectors in the execution of their duties. Hitherto this has only been looked upon as a common assault; but now it is brought within the provisions of this Bill I presume the penalty will be made correspondingly heavy. That there is reason for this provision is amply proved by the records of the Fisheries Department. On more than one occasion when it has fallen to the lot of inspectors to arrest persons illegally netting, those inspectors have been severely handled; and in one case an inspector, while arresting some man on the Swan River, was rendered unconscious for some time by being hit over the head. He was laid

up for some considerable time. It appears, therefore, that there is some little necessity for this provision. By Clause 36, the present law which deals with the forfeiture of nets etcetera is amended, and I think improved by giving the bench the power to forfeit to His Majesty any boat, net, or implement used in breach of this measure or the regulations. If the offence is, in the opinion of the bench, not commensurate with the penalty, I presume that such penalty will not be inflicted. The clause gives the bench power to inflict heavier penalties than they can at present. Clauses 37, 38, 39, and 40 detail the method of obtaining convictions against offenders, and also give the way of recovering penalties and make it possible to substitute imprisonment in default. Clause 42 is a concession to our aboriginal friends, for it provides that the measure shall not apply to fish obtained for food by the aboriginal inhabitants in their accustomed manner, otherwise than by means of any weir or hedge. With those exceptions they are to have a free hand in obtaining whatever fish they want for their own sustenance. Clause 43 provides that the Chief Inspector of Fisheries shall, as soon as possible after the 31st December in every year, submit to the Minister a report of the fisheries of the State, and such report shall be laid before both Houses of Parliament. Clause 44 is the usual incorporation of the Interpretation Act with the present Bill. The whole effect of this Bill is to render it possible for the Fisheries Department and the inspectors employed thereunder to have a better opportunity of carrying out what are undoubtedly necessary provisions, if we wish to continue an industry which I at all events regard as one of the greatest importance to the State. It also gives to those people who wish to invest capital in this direction more facilities for doing so, and I hope members will treat the measure with the utmost kindness, and offer no obstacle to its passage through the House.

HON. R. LAURIE (West): There is one provision which I think ought to be inserted in this measure. There is no power given to the Chief Inspector of Fisheries to prescribe the places at which fish may be landed for sale. I would

remind members that in dealing with this question some time ago, I called attention to the fact that, taking the municipality of Fremantle, if that municipality were to prescribe a place for the landing of fish, it would be a very simple matter for the fishermen who had fish to sell, not in a condition fit to be sold or sent up to the fields, to go perhaps a dozen yards or a hundred yards away and land them in a municipality that had no prescribed landing place. One could land them at East Fremantle, or North Fremantle. The same thing might apply equally well in Albany or Bunbury. They might be landed on a jetty under the control of the Minister for Railways, and consequently not be, unless from a health point of view, under the control of the municipality. There is not the slightest doubt this measure will be productive of very much good in regard to the control of fish and fishing generally; and I think we have to congratulate the Leader of the House upon the way he has put this measure before us. In Committee I shall call attention to the point I have referred to and shall be pleased to see, with the assistance of the House, that the Inspector of Fisheries is given power to prescribe proper landing places for the landing of fish for sale. I have much pleasure in supporting the second reading.

HON. E. McLARTY (South-East): I have much pleasure in supporting the second reading of the Bill. I think the measure shows a great deal of care on the part of those responsible for the drafting of it, and meets a great many wants. For instance, the provisions contained in Clause 10 are very necessary. As has been pointed out by the Colonial Secretary, it is very difficult for an inspector of fisheries to obtain a conviction if one has to actually see the men set the net and see fish in the net. The clause provides that "If any person shall be found having in his possession on close waters any net, fishing line, fixed engine or other appliances for catching fish, he shall, unless he can satisfy the justices to the contrary, be deemed to have offended against this section of the Act." I am also pleased to see the clause contains provision in relation to catching fish in an improper manner. I remember when it was a common practice for fish to

be used as manure, and I have known of a splendid catch of mullet being used in that way. At present, when fish are getting scarce and we pay a high price for them, such a practice should be stopped when it is found out.

At 6-29, the PRESIDENT left the Chair.
At 7-30, Chair resumed.

HON. E. M. CLARKE (South-West): In speaking on the second reading of the Bill, I can only say that I feel it is well to leave a good thing alone, for nearly every clause in the Bill meets with my entire approval. I will, however, take the opportunity of saying that I look upon the conservation of fisheries in our State as having been neglected. I remember, as a young fellow, the time when we could get more fish than we wanted in the rivers of the South-West district, and as we took only the pick of them for bait, we could not make use of the larger fish, and I know schnapper were then very numerous in the Preston River. Now, however, you may fish all day in that river and not catch one schnapper. To show how soon these fish will increase under a system of protection against net-fishing, I may mention that fisheries at Bunbury were closed against net-fishing for several years, and before two years of the close time expired the fish began to increase, while in the third year they were getting plentiful. Then some portion of the Preston River was thrown open to net-fishing, and that meant fishing all over the river. To show that the fishing did extend beyond the area allowed, I remember a drowning case occurred at that time, and a reward being offered for the recovery of the body, some party found the body caught in a net miles from the part where net-fishing was allowed. No sooner was the river thrown open again to net-fishing than it became again difficult to catch any fish in the ordinary way. Then came another period when the river was closed against net-fishing, and the fish are now beginning to accumulate somewhat thickly. Fisheries are looked after and protected in nearly every part of the world, and if in many countries they have the boundless ocean to draw upon for fish, and it is found necessary there to conserve the fish, how much more necessary must it

be to conserve them here? For, notwithstanding what fishermen say, the fishing waters along this coast are very limited. In the trawling operations that were undertaken along the coast not long ago, I believe the trawlers did not meet with any success until somewhere off Champion Bay. Another point to be considered is the destruction of pelicans and shags along our rivers. To protect these birds is carrying protection too far, for it allows the birds to rule the roost while they are feeding on all the small fry in the river and estuary. I have watched a shag in front of the Bunbury Railway Station, and have seen in six or seven minutes that it caught not less than ten small fish. These birds do not attack the large fish, but devour the small ones; and although birds of this kind may be reasonably protected in the North for guano deposits, it is carrying protection to an extreme limit when these birds are protected in rivers and estuaries along the south coast. I am pleased that the Bill is made as drastic as it is. The clause which makes it penal to be found with a net within prohibited waters is one of the best in the Bill. I recollect some men who were caught in the Preston River, apparently fishing with a net, but because no fish were found in the boat those men could not be prosecuted successfully. I have pleasure in supporting the second reading of the Bill, and hope that not only will it be passed but that every provision in it will be carried out strictly.

Question put and passed.

Bill read a second time.

BILL—MUNICIPAL INSTITUTIONS ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY, in moving the second reading, said: I propose to deal with the substance of the Bill at once, without any general introduction, and will take it clause by clause. In doing so, I will refer to a copy of the two Acts which it is proposed to amend in some respects by the introduction of this Bill. In Clause 2 it is found advisable to amend Section 167, in what I think is a very necessary and proper manner, and that is by rendering it explicitly competent for municipalities

to establish fish markets within their boundaries, and also enabling them to pass by-laws for absolutely prohibiting outside those markets the sale of fish which has to be subsequently sold, because any existing markets would be in the municipality. I propose in Committee to move a slight amendment in this clause to make it more clear in the wording. Members will see there is an awkward wording in the first part of the clause, which says, "Prohibiting the wholesale sale of fish excepting in markets established within the municipality, or prohibiting the wholesale sale of fish within the municipality when a market for the wholesale sale of fish is established in another municipality." It is proposed to strike out the word "another" with the object of inserting "any adjacent" municipality. It is almost impossible in the English language to use words that throughout our Acts absolutely and correctly define the meaning. Clause 3 deals with the issue of licences to fish hawkers. It has been said it would be rather a hardship on a person hawking fish, say in a district like Fremantle, if he had to take out separate licenses for Fremantle, East Fremantle, North Fremantle and so on; that it would be taxing this person rather too heavily. For this purpose it is proposed to allow persons by virtue of the first license they take out to hawk fish in any municipality adjacent to or within 10 miles of any municipality in which the license has been taken out. That is some slight hint, I may inform Mr. Randell, of the meaning of the word adjacent.

HON. W. PATRICK: You could say neighbouring.

THE COLONIAL SECRETARY: It is the same thing. Neighbouring is no more definite than adjacent.

HON. W. PATRICK: It is a little more indefinite.

THE COLONIAL SECRETARY: Section 169 members will find deals with the granting of licenses for various purposes, for the erection of bathing houses, carrying on the trade of cow-keepers, keeping and depasturing goats, and for various purposes. The section ends as follows:—

And the council may fix the fees for all such licenses, and may prohibit the doing by unlicensed persons of any act or thing for

which a license may be granted under the provisions of this section, and any unlicensed person doing such act or thing shall be guilty of an offence against this Act, summarily punishable—

It is peculiar that, while it is proposed to deal with unlicensed persons for any breach of the regulations or breach of good faith or anything of that sort, any breach by persons who are licensed appears to be out of the question. In order to have some hold over these people it is proposed to insert after "act or thing" the words "and any licensed person committing any breach of the conditions under which his license is granted." I think the omission of these words in the parent Act was an oversight in drafting which it is proposed to remedy in the manner I have stated. It has been thought advisable by the Standing Orders Committee to delete the next clause and have it inserted in another place. Clause 6 deals with Section 351 of the principal Act. This is provided for already by Section 387 of the principal Act, and it is therefore found advisable, to avoid repetition, to strike out Sub-section 2 as it now appears. Section 416 of the principal Act is repealed. Section 416 is as follows:—

No fee shall be payable on the issue of any summons on the complaint of any council to enforce payment of any rates or any offence against this Act or any bylaw thereof.

This places councils in an altogether different position from private individuals, and as a matter of business it is not advisable that it should continue. If a council wins in a prosecution it can get costs from the other party, but the other party cannot get costs from the council. It is a case of "heads I win and tails you lose" with the municipality. It is proposed to alter this state of affairs by the amendment in Clause 7. The next amendment is in Section 6 of the Municipal Institutions Act Amendment Act of 1902, and is as follows:—

Section six of the Municipal Institutions Act Amendment Act 1902 (No. 3) is hereby amended by inserting after the word "streets" the words "way or ways."

This section itself is an amendment of Section 167 of the principal Act, which gives the council power to prohibit and regulate the driving of heavy vehicles or the carriage of heavy goods along or through a recognised street or streets of

any municipality, and a street is always defined as a highway of not less than 66 feet in width. There are streets used as streets and recognised as streets which do not comply with this condition.

HON. G. RANDELL: Hay Street, for instance.

THE COLONIAL SECRETARY: If it is not 66 feet it is a "way" and not a street. It is found necessary to add after "streets" the words "way or ways" in order to bring these thoroughfares within the provisions of the Act. This finishes the amending clauses of the Bill; and we proceed to some new powers conferred on councils by the clauses which follow. Clause 9 gives to councils power, in or upon any public place, street, road, or way in the municipality, without unduly obstructing the thoroughfares, to—

- (a.) Plant trees and erect tree-guards to protect the same;
- (b.) Erect statues, monuments, fountains, or seats;
- (c.) Erect either permanently or temporarily, as they may think fit, posts, fences, lamp-posts, telephone boxes, and raised pavings or places of refuge for protecting passengers or regulating traffic along the street or road or on the footways, or for making the crossing of any street less dangerous to passengers;
- (d.) Provide suitable buildings for the use, convenience, and shelter of drivers of hackney carriages and such other persons as the council may permit to use the same.

(2.) The council may, in, under, or upon any such public place, street, road, or way, in proper and convenient situations and without unduly obstructing the thoroughfares, provide drinking fountains, closets, privies, urinals, and other similar conveniences for public accommodation.

(3.) The council may maintain and from time to time remove the same.

I think this is a very necessary power for councils to have. The objects for which the power is given, the erection of trees for the beautification of the city, tree-guards for the protection of the trees, statues and monuments for the beautification of the city, fountains, not only for the pleasure but for the actual use of the public, and seats that the public may rest themselves, are all particularly good objects, and I hope the clause will commend itself to the House.

HON. J. W. WRIGHT: Does this clause give power to make gardens, as in St. George's Terrace previously?

THE COLONIAL SECRETARY: That is done in Clause 10. I understand amongst members of the Chamber there is a feeling of insecurity as to Clause 10, but I do not think that Clause 9 is objectionable. The rights of the travelling public are protected by the insertion of the words "without unduly obstructing the thoroughfares." Then we come to Clause 10, which gives a council power to make tree reserves, and the wording is as follows:—

The Governor, at the request of the council, may, by order to be published in the *Government Gazette*, direct that any portion of a public place, street, or road in the municipality shall be a tree reserve, so that the portion of such public place, street, or road remaining available for traffic upon both sides of such tree reserve, including footpaths, shall be in no place reduced by any such tree reserve to less than forty-six feet, and so that no such reserve be a greater length than ten chains. The Governor may, at the request of the council, revoke any such order. The council shall have charge of such reserve, and may improve, fence, and plant the same with trees and tend and cultivate the same.

With this reservation it is particularly safe to allow the reserves to go into our streets when members recollect that there must be a space 46ft. on each side of the reserve.

SIR E. H. WITTENOOM: It does not say each side.

THE COLONIAL SECRETARY: On both sides. It is only in streets which are approximately two chains wide that this is possible. It is also provided that no such reserve shall be of greater length than 10 chains, that the reserve must be broken through at frequent intervals by crossing places from one side of the street to the other, and the Governor may at the request of the council revoke any such order. After all, the permissive power to do this is vested, not in the council but in the Governor-in-Council. If the Cabinet of the day does not consider it right and proper that these reserves shall be proclaimed, it is competent for them to refuse to issue such proclamation. Clause 11 deals with the power to lease, and looking at it as it appears in the Bill and without the context, anybody would think it is rather a peculiar provision; but when we remember

that by the parent Act the power to sell in fee simple—the words are “to sell and convey in fee simple or any lesser estate”—when we remember that power is given to the council, I think it is obvious by the context that the words “or any lesser estate” were meant in the first place to include leases. This power to lease, which is a minor power when the larger power is given, is only fair. The Act is rendered more explicit by this clause. Clause 12 has application to one municipality in particular. Members will know that for some time past the Kalgoorlie Council have been extremely anxious to erect a bonded store. [HON. J. D. CONNOLLY: They have erected it.] Then they erected it at considerable risk, but it is proposed to put them now on a proper legal footing, and to legalise the action already taken. Members will see that this is done by giving any council power to erect and maintain such stores. Perhaps one of the most important clauses is the last. It confers upon the Governor-in-Council power which, very strangely, has not been conferred upon it before, probably due to an oversight in the principal Act. The Governor has power to proclaim municipalities when requested to do so, and to vary them, or to extend or diminish their boundaries; but in no case has he power to dissolve a municipality; and the omission in the Act has often been seriously felt. When we had to deal with the municipality of Gingin we had to pass a special Act. There are several places in Western Australia where perhaps this provision might be judiciously and very well exercised, and there is no reason why, if the other powers are given to the Governor-in-Council to deal with municipalities, the power of dissolving a municipality should be withheld. The clause also gives power to the Governor to throw the municipality into the area of the roads board, and to make the assets and liabilities of the municipality the assets and liabilities of the roads board, as was done in the case of Gingin. I have much pleasure in moving that the Bill be now read a second time.

HON. T. F. O. BRIMAGE (South): It seems to me we have a Municipal Amending Bill every session. With regard to this Bill I do not quite see how Clause 2 will work; it seems to me to be an effort

at centralising in the big cities, and that it does not allow any municipality outside the main centre to have a fish market. For instance, if there is a fish market in Perth, Leederville cannot have a market.

THE COLONIAL SECRETARY: Certainly it can. The Bill gives power to any municipality to make by-laws for that purpose.

HON. T. F. O. BRIMAGE: Regarding Clause 11, I do not know whether the Minister is aware that in Kalgoorlie they have been leasing municipal lands for much longer periods than the Minister would grant in this clause, this provision not exceeding three years unless the consent of the Governor is obtained. I would remind the Minister that when these municipalities were first established on the goldfields the Government thought fit to give them certain allotments, either for the purpose of raising money or loans, or to build chambers. These allotments were not necessary for municipal buildings, and to raise revenue many of them have been let on building leases; and in some instances the leases are for 10 or 12 years. I am afraid this clause will somewhat interfere with the present system. I do not see why a municipality should not be able to deal as it thinks fit with its land without consulting the Government. I do not think it is right that municipal councils should need to apply to the Governor for the purpose of leasing ground for a lengthened period. They should have the right to do with the land as they think fit. [THE COLONIAL SECRETARY: Oh, no.] That has been my opinion, and I do not see any reason for altering it. With regard to Clause 12, it is intended in connection with the bonded store at Kalgoorlie to arrange a guarantee, or to adopt a method by which goods imported into the State in bond can go as far as Kalgoorlie without paying the railway charges, the goods to be held in the stores against both railway rates and duty.

THE COLONIAL SECRETARY: That is provided for in Clause 2.

HON. T. F. O. BRIMAGE: I wondered whether the Bill would enable the Council to do this, but I only saw the Bill this morning.

THE PRESIDENT: It has been on the table all the week.

HON. T. F. O. BRIMAGE: I only returned from Kalgoorlie yesterday. I knew the Kalgoorlie Council contemplated doing something in that way, and I desired to know if it could be done under the Bill.

HON. G. RANDELL (Metropolitan): Some amendment is necessary to make Clause 2 clearer. I do not know how it can be effected, but a former Attorney General once told me that we should not employ any words that were likely to be misinterpreted, and that advice, I think, applies to the word the Colonial Secretary intends to put in the clause. Perhaps in thinking over the matter, he may find some word to qualify the clause and meet the case. I understood the Colonial Secretary to say that Clause 6 relieved an ingoing tenant from the liability to distraint for rates due by the previous occupier or by the owner, which he is liable for under the present Act, and which he is liable for in England, if he does not take the precaution beforehand to inquire whether all rates are paid. It is a matter that is open to argument. With reference to Clause 9, it is only right that municipalities should have this power conferred on them. At any rate it will make it quite clear that they have power to do the various things mentioned in the subclauses. Apparently some of the things existing in the streets of Perth now are liable to be called in question, and if an accident happened possibly the Perth Council would be in the same difficulty as they were over the unsightly gardens in St. George's Terrace, which almost every citizen, except the late mayor, was opposed to. It was a hobby of the late mayor, and I think he is still wedded to the idea. I rose to draw attention to one or two things which cannot be attended to this session, but in connection with which I hope something will be done next session. There are nuisances in Perth as I presume in other places, that are making residence in the city very uncomfortable, and in some cases very distressing. One of these things is the smoke nuisance, owing to the extensive use of Newcastle coal. I think it should be prohibited in Perth, except for gas making. It should be prohibited on the railways and in factories, or places where any considerable quantity of coal is consumed. I am

assured that Collie coal is better than Newcastle coal for stationary engines of the locomotive type. I have that on very good authority, and that there is no absolute necessity why Newcastle coal should be used. I do not speak so much in the interests of the Collie coalfield, though I am desirous of assisting it if possible; but I speak for the health and comfort of the citizens. Members looking from this House over the city at any time during the week will see Perth enveloped in smoke. This matter should be taken into careful consideration by the Government. In fact, Roe Street opposite the railway station is becoming almost uninhabitable owing to the low funnels necessary on locomotives and the failure of locomotives to consume their smoke, which in most Australian cities they are compelled to do, and very effectively I believe. In Roe Street, houses are becoming injured and possibly in the near future may be deserted by their tenants. The same thing happens in St. George's Terrace. I will not indicate the offensive chimney stacks that are creating a nuisance there; but I hope the Government will take the matter into consideration, for it is a growing nuisance.

THE COLONIAL SECRETARY: Cannot it be done under existing legislation?

HON. G. RANDELL: I do not know, but the nuisance exists to a great extent. Another nuisance is the blowing of whistles. I believe this is prohibited in other Australian cities. There is one offensive whistle which I should like to see—blown up I was going to say—it is that on the steamer Decoy; and if there is anything more wicked than that, disturbing our sleep at night and disturbing the church services, and making one think at the first moment that some woman is in peril of her life, I do not know it. I think they manipulate the whistle for the very purpose of creating a sensation, and I should like to see that dealt with. It ought to be prohibited at once. The blowing of the whistle of a railway engine, except when there is obstruction in front or the engine is going round a curve or is just starting, is strictly prohibited in Melbourne. In regard to street traffic, bells are preferable to whistles. There is another matter—the regulation

of the speed at which vehicles drive in Perth.

THE COLONIAL SECRETARY: What about the motor car?

HON. G. RANDELL: Motor cars are bad, and the private ones are the worst. I have seen them crossing an intersection of streets at the rate of 15 or 20 miles an hour; and an accident would not have been avoided in certain circumstances. I saw a lady guiding a motor car pass the intersection of Murray and King Streets—which is about 40ft. one way and 50ft. the other—at such a rate that it would have been impossible to prevent a crash if a cart had been coming into Murray Street from King Street. I have seen the same thing in Hay Street where there is a decline from Harvest Terrace to George Street. I believe the City Council have power to alter this. Then, as to the trams, I believe they travel at too great speed between say, for the sake of safety, King Street and Pier Street. One Sunday morning I saw a tram going at the rate of 25 miles an hour, and the cloud of dust created reached to the top of a building. I think that is objectionable. I have seen the police stationed at intersections permit motor cars to pass along at a speed of not less than 10 miles an hour, while the driver of a carriage or other vehicle was compelled to stop or go at a walk. Often bicycles, especially motor bicycles, are allowed to go at the same unreasonable rate. I hope if the council have not the power to deal with the matter the Government will see that power is given them to effect remedies for those things to which I have alluded. In relation to tree reserves, I understand from what the hon. member has said that this power would be very objectionable to members of the House, especially residents in the coastal towns. From the wording of the provision, however, it can only possibly apply to Kalgoorlie, the provision being that the streets must be two chains wide on either side of these reserves, irrespective of the footpath, I think. It is not quite clear, and I should like to see it made clear. It says, “available for traffic upon both sides of such street reserve.” I think that is open to misinterpretation, and that it should be on “each” side of such reserves, so that we should be perfectly sure. Because if the provision is going

to apply to the city of Perth there will be very strong opposition to it, for none of our streets are too wide for the traffic carried on. [**HON. J. W. WRIGHT:** It is for St. George's Terrace.] St. George's Terrace is only 100ft. wide, a chain and a-half; therefore if the hon. member is correct in saying that it can only apply to a street two chains wide, it cannot apply to St. George's Terrace. [**THE COLONIAL SECRETARY:** That is only approximate.] We want to be quite certain, because we are not going to permit this sort of thing in Perth. The hon. member has explained Clause 12, and I have only one clause to refer to, that being Clause 13, in relation to which I ask the hon. member if he will tell us in Committee how the Governor is to be moved in this matter:—

The Governor may, by Order in Council, dissolve any municipality, and include the district thereof in any adjoining road district, and thenceforth all the profits and assets of the municipality shall become vested in the road board of such road district, and all rates and arrears of rates and other moneys due to the municipality shall become due to and may be recovered by the road board, and all the liabilities of the municipality shall become liabilities of the road board.

Is it to be by motion of Cabinet or at the request of any municipality, or how? [**THE COLONIAL SECRETARY:** On motion in Cabinet.] But how will Cabinet be moved? [**THE COLONIAL SECRETARY:** By the municipality.] As long as Cabinet makes every effort to ascertain the circumstances, that will be quite right. I support the second reading.

HON. S. J. HAYNES (South East): I have much pleasure in supporting the second reading of the Bill, more especially as in the past some things have been introduced which have not met with a hearty reception. As far as this Bill is concerned, it seems to me it enlarges the Act where it may be necessary, and in addition to that it clears up that which is indefinite and ambiguous. The only fault I see in the present Bill is in Clause 12, and that has been explained by the Leader of the House. I do not think Clause 10, which has been referred to by a previous speaker, makes provision in relation to what has been strongly objected to as an eye-sore in the city of Perth—I refer to what has arisen over the reserve opposite the old Parliament

House. I cannot call that a tree reserve. Although I give credit for the best of motives to those who originated it, I cannot congratulate them on the artistic taste displayed. I should like to call the attention of the Government to a matter which is not mentioned in the Bill, and that is a provision in the present Municipalities Act—and there are similar provisions in the Roads Act—in respect to dealing with land for arrears of rates. The present provisions are not only unsatisfactory, but they are positively dangerous. Only recently an instance came under my notice, and it was an exceedingly hard case. It was that of a struggling widow or single woman of mature age who had managed to pay about £50 or £60 for an allotment of land near Perth in one of the suburban places. She had struggled hard for that money, and her idea was to get sufficient to erect a house so that when she became past working she might have a home for the remainder of her years. She did not know there was any roads board there, and she went out of the State for six months. She was in a public position under Government, being a hospital matron. Her address was well known, and she has been up and down the State in public hospitals. She had a trip to England and received no notice from the roads board. She was away six months. She is now in a hospital position. The property was sold for practically the nominal sum of £2 10s. I desire to point out to the Government that whilst I think there should be proper provision in the municipalities and roads boards Acts for the sale of land belonging to people who will not pay their rates, I am of opinion that nothing like extreme measures such as I have referred to are necessary. Ordinary prudent and business-like steps should be provided to see that no injustice is done, and to provide that proper notice shall be given. Unless there is some improvement in the statute-book—and I again call the Minister's attention to it—it will imperil securities and make the taking up of land anything but satisfactory. In the present case, I am appealing to the purchaser to deliver back the property as a matter of grace on certain payment being made. Although £60 or £70 may be a small sum, it is all

that woman's savings; but at any rate, whether one be rich or poor the law as at present is most unsatisfactory. Fortunately in some respects several of these deals have been knocked on the head; but the trouble has been in many instances that there is no power. At any rate, I trust that the Government in the near future will deal with the matter.

HON. W. MALEY (South-East): I would like to say a few words with regard to Clauses 10 and 11. In supporting the Bill before the House, I desire to say I join with members who have spoken in objecting to a repetition of what has occurred in Perth, the creation of tree reserves in the centres of streets. I may say farther that I discountenance altogether the planting of trees in suburban thoroughfares. I rather favour the planting of shrubs. The difference between a tree and a shrub will be found to be very considerable. In city thoroughfares various trees have been planted, which will become a great nuisance in a short period of time; trees which will reach a height of 100 feet and which, if allowed to grow to maturity, would, if felled, extend three times the width of the street. It must be apparent to anyone that the planting of trees of that kind in the street will at some time be a source of danger and trouble. With regard to Clause 7, I take it this clause is introduced to cover all transactions of leases in relation to the endowment of land granted to the city of Perth. These lands at present are a considerable distance from the centre of the city, and the value of them is practically unknown. I hope that when lands in any locality which must some day become valuable, such as that locality, are to be dealt with, every step will be taken in regard to leases which may be offered, so that the council will not be left to deal with the matter without the strictest supervision of the Government. I disagree entirely with the remarks that fell from Mr. Brimage. I trust to the Governor-in-Council protecting the interests of the public and the ratepayers of the State by holding this power over the councils. I have pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 8:30 o'clock, until the next day.

Legislative Assembly,

Wednesday, 6th December, 1905.

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THE SPEAKER took the Chair at 2:30 o'clock p.m.

PRAYERS.

ELECTION RETURN, KIMBERLEY.

MR. SPEAKER announced the return of writ for the election of a member for the Kimberley district, showing that Mr. Arthur Male had been duly elected.

MR. MALE took the oath and subscribed the roll.

URGENCY MOTION—GENERAL ELECTIONS, AS TO ILLEGALITY.

MR. T. H. BATH (Brown Hill) : I desire, with permission of the House, to move the adjournment on a matter of urgency. The question to which I desire to draw attention is in regard to the legality or otherwise of the recent general elections.

MR. SPEAKER: It has been customary in the past in this Assembly to ask the decision of members as to the question of urgency being admitted or

otherwise; therefore I will put the question to members, whether they are of opinion that this is a matter of urgency or not?

Question passed; leave given.

MR. BATH: I had purposed calling attention to this matter yesterday afternoon when the House assembled, but I was under the impression that the Premier would, in view of the statement which has appeared in the *Sunday Times*, have made some reference to the matter, and would have given this House, not his own expression of opinion, but the expression of opinion of his legal advisers or at least of some competent legal authority. I considered, when I saw this matter dealt with in the newspapers, that it was one calling for immediate attention; and not wishing to pose as a legal authority myself or to pronounce on the legality or otherwise of the elections, I secured the opinion of what I would term a highly qualified legal man, and the opinion he gives to me leads me to the belief that there is a great deal in the contention that the recent elections were illegal. Without any farther preamble, I will give the House the legal opinion which I have secured. It is to the following effect :—

I have considered the question as to the legality of the election of members of the present Parliament, and the following is my opinion, always assuming that the facts upon which it is based are correct. The facts are as follows :—

In many, if not all, the electorates in which elections have been recently held for the Legislative Assembly there was an existing roll revised by a revision court some considerable time ago. This roll I will refer to in future as the "old roll."

The authorities being of the opinion that such old roll was defective, prepared another roll, which I will in future refer to as the "new roll."

This new roll was compiled by officers of the department from the various sources of information at their disposal, namely the old roll, Federal roll, municipal lists, and names collected by the police and canvassers.

There was no proclamation directing the preparation of this new roll. After the preparation of such new roll no revision court was held, and there was no subsequent proclamation setting forth the day upon which such new roll should come into force.

The new roll contains many of the names of electors qualified to vote upon the old roll, but omits the names of many whose names appear on the old roll.