The system of appointing medical officers as magistrates was not a good one, but he did not know any better system. There was not sufficient work at Onslow to keep a magistrate solely.

MR. HOLMAN: Hall's Creek was almost deserted, but there was a magistrate there. Could not a saving be effected?

MR. TAYLOR: We should strike out the item for the Northampton magistrate unless the member for the district could explain the need for maintaining the item. Members took care to be present to move the gag when it was required and to frustrate the Opposition from getting fair play, but they were not present to explain items affecting their district.

THE ATTORNEY GENERAL: The Northampton magistrate was paid by the Colonial Secretary's department. At Hall's Creek the magistrate acted as his own clerk, and was postmaster also.

Vote put and passed.

Vote — *Supreme Court*, £17,114—agreed to.

Vote—*Trade Marks*, £50—agreed to.

This concluded the Estimates of the Attorney General's Department.

Progress reported, and leave given to sit again.

BILL—LAND TAX ASSESSMENT.

MACHINERY MEASURE.

COUNCIL'S MESSAGE AS TO A CONFERENCE.

MR. SPEAKER: I have received the following message from the Legislative Council:—

With reference to Message No. 28 from the Legislative Assembly, the Legislative Council acquaints the Legislative Assembly that it has considered the said message and cannot agree that a free conference should now take place on the subject of the amendments suggested by the Council in the Land Tax Assessment Bill.—H. BRIGGS, President.

On motion by the TREASURER, the consideration of the message was made an Order for the next sitting.

MESSAGE—LOAN BILL.

Message from the Lieutenant-Governor received and read, recommending appropriation for the purposes of the Loan Bill.

MESSAGE—EXCESS BILL.

Message from the Lieutenant-Governor received and read, recommending appropriation for the purposes of the Excess Bill.

ADJOURNMENT.

The House adjourned at 10 o'clock, until the next Tuesday.

Legislative Council.

Tuesday, 20th November, 1906.

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THE PRESIDENT took the Chair at 4·30 o'clock p.m.

PRAYERS.

FISHING INDUSTRY INQUIRY.

TO ADOPT RECOMMENDATIONS.

The report of the select committee having previously been brought up—

HON. W. KINGSMILL (chairman of the committee), in moving that the report be adopted, said: The remarks I have to make are few. I have first of all to regret that the findings of the committee, so far as they go—though the committee took considerable trouble, stuck well to their work, and examined a large number of witnesses—are principally negative. Members will see the committee were appointed to report on the circumstances that prevent a supply of fish to the public at a reasonable price, and secondly on the causes which debar persons of British origin from engaging in this industry. First, there is no doubt in the minds of the committee that the circum-

stances which prevent the supply of fish to the public at a reasonable price amount to the fact that in the fishing grounds, at all events those more adjacent to centres of population in Western Australia, the supply of fish has been gradually depleted, principally I think because of the retreat of fish to other and more secluded spots; and again, while an immense quantity of fish undoubtedly exists—and speaking from a knowledge of the coast extending from Wyndham to Israelite Bay I can vouch for the immense supply of fish on the more remote parts of the coast—so far, the demands of the capital city of the State and the demands of the goldfields are not so great as to allow of a well-organised and efficient system of transport being instituted in order that those fish may be cheaply caught and brought as quickly as possible to the consumers. Members will no doubt be surprised to learn that many Perth fish-dealers pay as much as 4½d. per pound wholesale to the men who catch the fish; and when we consider that from the time when the fish is handed over by the fisherman to the wholesale dealer until it reaches the customer's hands it loses about 25 per cent. in weight, owing to the cutting off of its head and various other parts before it is filleted for the consumer, members will see that the retailer has not a large profit if he sells it at 7d. or 8d. to the public. Again, the committee started out with the commonly-accepted idea that there was a ring in the fish trade; and while the existence of a ring, as a ring is commonly understood, cannot be proved, and indeed is practically disproved, still there is undoubtedly a combination of circumstances, perfectly legitimate circumstances, by reason of which the fish trade of this State has fallen into the hands of a certain class of people. I do not think this is caused by anything but what I may call commercial accident. It so happens that these people come from a maritime country and are used to dealing in fish, and presumably, by their own account, are satisfied with somewhat smaller profits than would satisfy persons from other European countries; and this being so, the trade has gradually crept into their hands. Not only is this so in Western Australia, but I believe in the adjacent States also, where the Greeks and Italians to a great extent command the fish trade. The committee have made several recommendations, one in particular of which I beg to signify my utmost approval, that is as soon as possible markets should be established for the sale of fish by auction under Government or municipal control; and for my own part, I think they should be under municipal control. I think I was the first member in either House to bring this matter before Parliament. I did so, I suppose, about six or seven years ago.

THE COLONIAL SECRETARY: It is provided for in the present Municipal Corporations Bill.

HON. W. KINGSMILL: I tried to provide for it in the Municipalities Bill about four years ago; but unfortunately the municipalities in those days did not look with a kindly eye on the proposal; my little provision was passed out; and since that date I did not have an opportunity of again putting it in a Bill until the Municipalities Bill was before this Chamber some eighteen months or two years ago, when I endeavoured to include the provision. Last session it again appeared in another Municipalities Bill, which failed to pass; and we find it lastly in the Bill of this session, which I hope will become law. In my mind there is no doubt that in any trade, and more especially in the fish trade, the bringing of the producer and the consumer as nearly as possible face to face must have a good effect upon both. In some cases that may possibly work a little hardship, where the middleman has been making a good profit out of the business; but the good of the majority has always to be considered, and in this case I think even the middleman, who cannot have made very much out of the transaction because the margin of profit is not available, will hardly object. Again, the committee have recommended that there should be at each port a special landing-place for fish, to which all should be brought. This is absolutely essential. In the case of a large and I think I may say useful food supply such as fish, proper methods of inspection are indispensable, and these methods are absolutely impossible unless we can concentrate the fish at some period of its transit from the sea to the consumer. The most convenient point at which fish can be concentrated and

inspected is, I take it, at the point of landing. The second subject into which the committee had to inquire was the causes which debarred persons of British origin from engaging in the industry. So far as I can see there are absolutely no such causes whatever; and the estimate of the public as to the number of persons engaged in the industry—I am not referring to the fish trade, but to the industry of fishing—is very inaccurate; because I find the ordinary man in the street saying, "The fishermen are all Italians," or as a rule he says "They are all Greeks." As a matter of fact, nothing of the sort is true. There are practically no Greeks, and less than one-half of those engaged in the fishing industry are Italians. They are licensed, and in so far as the principal centres of population in Western Australia are concerned it is practically impossible for any person to fish for any length of time without having a license, or without being caught and brought before a court of justice. These figures I am quoting are absolutely accurate, being taken from the records of the department. The principal reason which appears to allow the Italians and the men from the shores of the Mediterranean generally to go in for fishing in places where Englishmen or Australians will not is because they are content to work for long hours and live rather hardly. Whether they are to be commended or despised for that depends altogether on which side of the fence one is speaking from. I leave members to form their own conclusions. I have very little more to say, except I think it should be the duty of the Government to as far as possible and as economically as possible devise methods for bringing the fish supply, which undoubtedly exists on the more remote portions of our coast, into actual contact with the consuming public at Fremantle and on the fields. This can only be done by the encouragement of new systems and new methods of obtaining fish, and in the second place by the encouragement of better and improved methods of transit from the scene of capture to the scenes of consumption. I am glad to say that three years ago, when I was in charge of the Fisheries Department, I initiated some experiments in trawling, and this State found out at a cost of £1,500 what it had cost the other States £6,000 and over to find out. We got the same information for £1,500 that they got for £6,000. It is rather amusing on top of that, and considering the fact that three or four of the States in a fairly accurate manner found out what was necessary in this direction, that the Federal Government are setting aside £8,000 for trawling experiments to do over again the work which was so admirably done in this State and in several other States. As to our own operations members will find in the evidence before them attached to the report, and in the evidence of the Chief Inspector of Fisheries in regard to trawling, that the results are practically negative. From Cape Leeuwin to Geraldton the coast-line is absolutely unfit for trawling operations, but when we get north of Geraldton circumstances improve, and when we get to the north end of Sharks Bay we find a trawling ground which, if properly exploited, will be a valuable asset to the State. It will be found that there is water from between 20 to 45 fathoms, with a smooth bottom which will not catch or destroy the trawl, teeming with fish, prawns, and crabs, and with decent methods of transit within easy reach of the capital. That being so, when the investing public turn again to the consideration of industries which may be exploited here they will find an outlet for some of their surplus capital. I hope I have not, in referring to investing capital in the industry of fishing, hurt the feelings of any member of the Council. Some time ago, and for reasons which members will find fully set forth in the evidence attached to the report, a company was formed, but unfortunately it was unable to pursue its operations. I think it will be possible within the near future to successfully work the northern waters of the State. Again under new methods that might be tried, there is the employment of drifting nets, and by drifting nets I mean those by which the supply of herring and mackerel along the shores of Great Britain are obtained. Experiments have been tried in this State and have resulted satisfactorily. A little assistance will be required from the Government before this can be done. I feel certain that members and the public

generally are rather apt to under-estimate the importance to the State of the assets which we have under the water. We are endeavouring to encourage to the utmost of our ability our agricultural industry and our mining industry, but I feel sure the time will come and will come quickly when the Government should turn a good deal of attention to the encouragement of the industries that deal with the sea. I am glad to notice in the daily Press one industry which has been promising well for the last two or three years is likely to be established in a fair way, the obtaining in the waters around the coast of a supply of sponges. This and the fishing industry I feel certain some day, and before long, will form a valuable asset to the State, and I hope it may do so. I have to commend the resolutions of the select committee to members and to move the adoption of the report.

HON. W. MALEY: I second the motion.

Question passed, the report adopted.

BILL—MUNICIPAL CORPORATIONS.

IN COMMITTEE.

Resumed from the previous Thursday, the COLONIAL SECRETARY in charge of the Bill.

Postponed Clause 50—Electoral lists:

MR. LANGSFORD moved an amendment that Subclause 1 be struck out and the following inserted in lieu:—

> The town clerk shall, on or before the twentieth day of September in every year, cause to be prepared a list of all persons who appear to him to be entitled, subject only to the payment of rates, to be registered as electors on the electoral roll for the municipal district, and if the district is divided into wards, for the several wards. Such list is hereinafter referred to as the electoral list.

Amendment passed; the clause as amended agreed to.

Postponed Clause 81 — Mayor and councillors, by whom elected—amended consequentially, the column dealing with capital unimproved value struck out; also Subclause 4 struck out. Clause as amended agreed to.

Postponed Clauses 303 to 312:

THE COLONIAL SECRETARY: These clauses were postponed at the suggestion of Mr. Moss, as they dealt with the council having power to remove dilapidated buildings, etcetera. They were taken from the Imperial Act and from the Queensland Building Act. Mr. Moss had raised the point that no appeal was provided against the decision arrived at. That would be provided for later.

Clauses put and passed.

Postponed Clause 323—Appeal:

THE COLONIAL SECRETARY moved an amendment—

> That after "owner" the words "or other person" be inserted, and after "Supreme Court" the words "or the local court held within or nearest to the district" be inserted.

Two points were raised previously. The Bill provided that any builder or owner feeling aggrieved by any refusal to sanction or any notice or order of the council under this part of the Act could appeal to the Supreme Court. It did not provide that a mortgagee or any other person could do so. This amendment provided that the mortgagee or anyone else interested in the land could appeal. The other point raised was that the Bill did not provide that there should be power to appeal to any other court than the Supreme Court. In country districts it might be very inconvenient and indeed expensive to appeal to the Supreme Court, so the amendment provided that there could be an appeal to the Local Court held within or nearest to the district.

Amendment passed; the clause as amended agreed to.

Postponed Clause 466—Power of council as to expending its income (as to 3 per cents.)—put and passed.

New Clause—Council to manage roads, bridges, etc.:

THE COLONIAL SECRETARY moved that the following (in the name of Mr. Moss) be added as Clause 250:—

> Subject to the provisions of the Public Works Act 1902, the council of every municipality shall have the care, control, and management of all public places, streets, roads, ways, bridges, culverts, ferries, and jetties within the municipal district.

This remedied what was clearly an omission from the present Act. Although implied, it was never clearly set forth in

the Act that every municipal council should have the care and control of the streets. The provision was set forth in these words in the Victorian Act and other municipal Acts.

HON. J. W. LANGSFORD: Take the main Fremantle Road running through three or four municipalities; would this clause mean that the care of it would come under the jurisdiction of those municipalities? At present the care of that road was under the control of the Government.

THE COLONIAL SECRETARY: The clause contained the words "subject to the provisions of the Public Works Act 1902, so that the municipalities would not have control of the road Mr. Langsford spoke of if it were proclaimed a public road under that Act.

HON. R. F. SHOLL: All that road along the Mount until one got to Crawley was within a municipality, and it appeared to him that the municipality say of Perth, which got no revenue from it, would have control of it.

THE COLONIAL SECRETARY: Unless it were declared a public road, which was not likely to be the case.

HON. R. F. SHOLL: The whole of that land after one left say this side of the Narrows was bringing in no revenue until one got close to Crawley, and then there were a few blocks. The Government could assist in keeping up that road, although it would be under the control of the municipality he took it. Still, if the municipality had to keep up that road and derived no benefit from the land between Crawley and the Narrows, it would be a great burden upon the municipality.

THE COLONIAL SECRETARY: The amendment on the Notice Paper did not affect the question raised by Mr. Sholl, but only made the titles to the roads as it were clear. As to the Perth-Fremantle Road, the Government could expend money on it without proclaiming it a public road, if they thought the case a hard one.

HON. J. W. HACKETT: That had been done in the past.

THE COLONIAL SECRETARY: Yes; they would not be likely to make the road a public one, because if they did so they would have entire control of it.

Clause put and passed.

New Clauses (to stand as Part XIII., power to construct main sewers, etc.), re-enacting as in the present Act, were now proposed by the Colonial Secretary to be inserted in this Bill, because time would not permit of an amending Health Bill being passed this session. These new clauses (five relating to sewers, etc.) were added to the Bill.

HON. J. W. WRIGHT: The original clause provided for carrying sewers through underground cellars, vaults, and streets, and the new clause provided for carrying them through "any land other than streets." Did not this also mean that sewers could be taken through a man's private cellars? That was most unjust.

THE COLONIAL SECRETARY: To carry sewers through private land might be necessary. In case of damage, compensation was provided.

HON. J. W. WRIGHT moved an amendment—

That the words "or through any land other than streets or ways," in lines 2 and 3, be struck out.

Let the sewers go through the streets. What were the streets for? The main sewers in some of the biggest schemes in the world avoided private property.

HON. C. SOMMERS: If the amendment passed it would be impossible to construct the sewer now being made through George Street, Perth, to the river.

THE COLONIAL SECRETARY: To keep to the streets was sometimes impossible. The amendment would make the clause useless. So as to connect a drain with another in a parallel street the council now had power to take the drain through private property.

HON. G. RANDELL: The clause, being less objectionable than the corresponding section of the parent Act, might be accepted.

HON. R. F. SHOLL: The sewers should be taken to a certain depth. If constructed near the surface of a site suitable for a warehouse, the land would be valueless for that purpose, as cellars could not be excavated.

THE COLONIAL SECRETARY: Let the owner claim damages.

HON. R. F. SHOLL: He must do so within two years, which term should be extended to five at least.

HON. W. PATRICK: We had already threshed out this matter. Even if the new clause were negatived, the Government could resume the land under the Public Works Act.

HON. W. MALEY: If fairly administered the clause could inflict no hardship; but influence was sometimes used unfairly, as in a case when a drain was diverted from one property through another property, to the great injury of the latter, and the court held there was no appeal from the local authority. An appeal should be provided.

New Clause — Definition of public building:

THE COLONIAL SECRETARY moved—

That the following be inserted to stand as Clause 286:—For the purposes of this part of this Act, the expression "public building" means and includes a building used as church, chapel, or other place of public worship; a building used for purposes of public instruction or as a college, hospital, or benevolent or other asylum; a building used or constructed or adapted to be used either ordinarily or occasionally as a theatre, public hall, public concert-room, public ball-room, public lecture-room, or public exhibition-room, or as a public stand, gallery, platform, or place of assembly for persons admitted thereto by tickets or by payment or otherwise, or used, or constructed, or adapted to be used either ordinarily or occasionally for any other public purpose, but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes.

It was not clearly defined in the Health Act or Municipal Act what a public building was.

Question passed.

New Clause—Notice to owner or mortgagee:

On motion by the COLONIAL SECRETARY, the following was inserted as Clause 323:—

A copy of every notice, complaint, or order under sections three hundred and three to three hundred and twenty of this Act shall be served upon every person who, from the registers of the Office of Titles, the Registry of Deeds, or the office of the Department of Lands and Surveys or the Department of Mines, appears to have any estate or interest in the lands.

New Clause—Power to purchase debentures instead of contributing to sinking fund—added to the Bill.

New Clause—Effect of union of municipalities on auditors:

On motion by the COLONIAL SECRETARY, the following was inserted as Clause 471, to meet a point raised by Mr. Langsford:—

Upon the union of municipalities the auditors of the municipal district having the largest population shall be the auditors of the united district until the first election of auditors for such united district, when they shall go out of office, but shall be eligible for election as auditors of the united district.

First Schedule—agreed to.

Second Schedule (Section 29) was amended by striking out the words from "declaration" to "thereof," and inserting in lieu, "by virtue of Section 107 of the Evidence Act of 1906."

Amendment passed; schedule as amended agreed to.

Schedules 3 to 9—agreed to.

Schedule 10—Section 106:

HON. J. W. LANGSFORD: What was the value of the first counterfoil? Nothing was said as to what was to be done with it. In some instances it was retained by the justice, and in other instances by the voter. The ballot paper had only one counterfoil. Why should there be two in connection with the Tenth Schedule? Should not the first counterfoil be struck out?

THE COLONIAL SECRETARY: To strike it out would not be wise. It was clearly intended that the appointee should for his own protection retain the counterfoil. If he witnessed a number of ballot papers, he might not be able to speak with certainty as to whether he witnessed a particular ballot paper or not, if he had not the counterfoil. Only one counterfoil was provided in Schedule 8, and there were two in Schedule 10. That was understandable because the form provided for in Schedule 8 was a ballot paper which went before the returning officer. In regard to Schedule 10 the ballot paper was handed to the appointee, who witnessed the signature of the voter.

HON. W. PATRICK: At the bottom of the Tenth Schedule appeared the words, "the number of votes to which the elector is entitled will be indorsed by the returning officer." That practically destroyed the secrecy of the ballot. When a person voted in absence the returning

officer opened the envelope containing the counterfoil, which represented the person. There was a number on it. And then he opened the ballot paper.

HON. J. W. LANGSFORD: No; not the ballot paper, the envelope.

HON. W. PATRICK: The number of votes would be indorsed by the returning officer.

HON. J. W. LANGSFORD: The officer did not open the ballot paper.

HON. W. BRIGGS would like to move that the first counterfoil be struck out, or some better explanation given for its use, as it caused much confusion. At the late election he had counterfoils sent to him bearing the printed words "To be retained by voter." In other instances he asked what was to be done with the counterfoil, and the reply was, "It is to be retained by the witnessing officer." If something of the kind were inserted, the counterfoil might stand. He moved an amendment—

That the first counterfoil be struck out.

THE COLONIAL SECRETARY: If the Committee would pass the schedule as printed, he would look farther into the matter and see what was the real use of having two counterfoils. He intended to ask the Committee to-morrow to recommit certain clauses, and he would recommit this schedule, and if the Committee were not satisfied with the explanation he subsequently gave an amendment could be moved that one counterfoil be struck out. He felt sure there were good grounds for the insertion of the two.

HON. G. RANDELL would like the Minister to look at Clause 93, which provided apparently for only one counterfoil.

HON. W. MALEY: One counterfoil was an exact copy of the other.

Amendment by leave withdrawn.

HON. J. W. LANGSFORD: The point raised by Mr. Patrick was provided for in Clause 106, which provided that as the returning officer takes out any ballot paper from its envelope he shall, without opening the same, indorse upon it the number of votes to which the voter is entitled, and deposit it in the ballot box. So the secrecy of the ballot was not destroyed.

HON. W. PATRICK: Suppose John Brown to be No. 5. The counterfoil would bear that number, and when the counting of the ballot papers took place they would know how No. 5 voted. There should be no number on the ballot paper.

HON. R. F. SHOLL: How could they trace how someone voted?

HON. W. PATRICK: The fact that he was entitled to vote was proved by the counterfoil.

HON. R. F. SHOLL: The counterfoil was not seen.

HON. W. PATRICK: How a person voted could be traced quite easily. Any returning officer could see how John Brown voted.

THE COLONIAL SECRETARY: It was impossible to trace him by the number on the ballot paper.

HON. W. PATRICK: The counterfoil had a number on it and the counterfoil was seen by the scrutineers and by the returning officer who ticked off the name showing that No. 5 was entitled to vote, and then when it came to opening the ballot papers there was the same number, which he could see. He opened the paper and then saw how the person voted. There was no secrecy whatever about it.

HON. E. M. CLARKE: If he were an inquisitive scrutineer he would have a book in front of him and when the ballot paper came before him he as a scrutineer would be able to look to see that the number was correct.

THE COLONIAL SECRETARY: The scrutineer did not see the counterfoil; only the returning officer saw it.

HON. E. M. CLARKE: A scrutineer could see a good bit.

HON. W. PATRICK: The returning officer was not supposed to know how one voted. No one was supposed to know how one voted.

HON. E. M. CLARKE: The scrutineer could write down No. 5. Whom No. 5 voted for was called out. There was no name, but one could know how No. 5 voted.

THE COLONIAL SECRETARY: There was no number on the counterfoil.

HON. E. M. CLARKE: A careful and skilful scrutineer would be able to identify No. 5.

HON. R. F. SHOLL: The present system was, he thought, as near to secret voting as possible. The returning officer gave one a ballot paper and initialled it, and he gave a counterfoil with a number

corresponding with the number on the ballot paper. This he (Mr. Sholl) considered necessary to meet the case of anyone wanting to vote who was not entitled to do so, or of any vote being challenged. He did not think the scrutineers knew what number a voter had. Unless someone was prepared to bring in a better system than that which at present prevailed the question was hardly worth discussing.

Schedule put and passed.

Schedule 11—Section 176:

THE COLONIAL SECRETARY moved amendments—

That the word "justice," in line 14 of paragraph 9, be struck out, and "two justices" be inserted in lieu; and that the words "but without felony," in Part IX., paragraph 1, line 9, be struck out.

Amendments passed.

HON. W. PATRICK: Paragraph 75 needed amending. Why should a spring cart driving into a country municipality be required to carry two carriage lamps, while a night-cart need carry only one light?

THE COLONIAL SECRETARY: The provision might involve some hardship to a farmer driving into a municipality, but his case would be exceptional. The proposed amendment would apply to Perth and every town in the State. A cart with only one lamp was dangerous when crossing intersections of streets.

HON. W. PATRICK: The Minister's remarks showed the absurdity of a general Municipalities Act for the whole State. Fancy "two carriage lamps" on a country spring cart. Make special provision on recommittal for the larger towns.

HON. W. T. LOTON: This was the existing law, though it was not observed. Had it inflicted any hardship?

HON. W. PATRICK: The existing provision had reference to the quarter of the moon.

HON. G. RANDELL: The paragraph was word for word with the existing Act.

Schedule as amended agreed to.

Schedules 12, 13, 14—agreed to.

Schedule 15—List of municipalities to which provisions of the Building Act have been extended:

HON. R. F. SHOLL: It was extraordinary that towns like Broome and Cossack were included, while more important places like Kanowna and Narrogin were absent. He moved an amendment—

That the words "Broome" and "Cossack" be struck out.

THE COLONIAL SECRETARY: These municipalities were now under the Building Act, but the councils had full power to permit the erection of any class of building. Other towns could be included by proclamation. By Subclause 4 of Clause 285 the Governor might suspend the operation of all or portion of this part of the Act in any municipality or portion thereof. No municipality was brought under the Building Act until it petitioned for that. Therefore he presumed these municipalities had petitioned.

HON. W. MALEY was surprised at the omission of certain towns from the schedule, and the addition of other towns. The draftsman could hardly have had a list of the important towns before him eligible to be placed in the schedule, when framing it. Great discrimination had been used in placing names in the schedule.

Amendment negatived; the schedule agreed to.

Schedules 16 to 29—agreed to.

THE COLONIAL SECRETARY: The Bill would be recommitted to insert certain new clauses now on the supplementary Notice Paper, and if members desired to propose amendments these should be handed in early.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 6·22 o'clock, until the next day.