

CONSTITUTION ACT AMENDMENT
BILL.

THIRD READING.

Bill read a third time.

MR. SPEAKER announced that there was an absolute majority of the members of this House present, on the third reading, as there had been also on the second reading of the Bill, as was required when an amendment of the Constitution was made.

Ordered—That the Bill be transmitted by Message to the Legislative Council, and their concurrence desired therein.

ADJOURNMENT.

The House adjourned at 11·5 p.m.

Legislative Council,

Tuesday, 15th August, 1893.

Eastern Railway: relaying Guildford portion of—Leave of absence to Hon. J. A. Wright—Post Office Savings Bank Consolidation Bill: third reading—Excess Bill, 1892: third reading—Post and Telegraph Bill: committee—Constitution Act Amendment Bill: first reading—Stock Tax Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at half-past two o'clock, p.m.

PRAYERS.

EASTERN RAILWAY—RELAYING
GUILDFORD PORTION OF

THE HON. J. MORRISON moved,—
“That in the opinion of this House it is advisable, instead of taking up and then relaying that section of the Eastern Districts Railway, now running along portion of James and Mangles Streets, in Guildford, to remove such section entirely from the streets named, and lay a new line from the present railway station, through Stirling Square and onwards until it meets

the present line again.” He said: I am aware, sir, that this motion is brought before the House rather late; but one reason for that has been the long adjournments we have had. It is, however, better late than never. I am aware, too, that the question is already practically settled, the line having been relaid through the streets; but, having brought the matter forward, I trust that before long the Government will see their way to take it up again and run it through the Square. When the line was originally laid through the streets there were two objects in view—one, to save compensation, and the other to satisfy the people of Guildford, who, at that time, had an objection to their Square being interfered with. In those days there were only about four trains a day; but now the traffic is much greater, and as time goes on there will be a still further increase. Even now there is a great liability of accident, and this must be intensified in the future. Of course to take the railway through the Square would involve some compensation to the owners of the three grants at the back of the hospital, through which it would then pass; but the Government would be amply repaid this from the sale of that portion of the Square lying between the railway and the frontage to James Street. I presume the Government would be able to sell, for the strip would be a narrow one and of no use for recreation purposes. In order to show that the people in Guildford are with me in this matter, I may say that as soon as I gave notice of this motion I received the following petition:—

To James Morrison, Esq., M.L.C.:—

SIR,—We the undersigned ratepayers of Guildford Municipality approve of the question you asked in the Legislative Council on Wednesday last, and trust the Government will, instead of taking up and relaying that section of railway now running along James and Mangles Streets, in Guildford, remove such section from the streets named, and lay a new line from the present Railway Station through Stirling Square and onward until it meets the present line again. The great danger of accidents is our reason for desiring the change.

And it is signed by: W. G. Johnson (Mayor), Fred. Read, W. F. Guppy, junr., W. N. Howell, and F. H. Monger (councillors), A. H. Halford, R. Gardiner, C. H. Rason, Chas. Crossland, H. S. King, S. J. Sainsbury, John Male,

Geo. Hiscox, S. B. Jecks, Jno. Allpike, J. Jecks, Jas. Male, O. Jones, and Jas. Turton (ratepayers). These are the principal landowners of Guildford, and therefore in moving this resolution hon. members will see that I am supported by those most interested in the question. I now beg to move the adoption of the motion.

THE HON. E. T. HOOLEY: I have very much pleasure in seconding the motion of the hon. member who has just sat down. It is a most awkward thing to have the present heavy traffic running through the centre of the town of Guildford, and, as the hon. member remarked, it is likely to be increased in the future. I took an interest in this matter in the early days, and I was then in favour of running the line through the Square, but I was not supported. Of course there is even greater necessity for its running in this direction now than there was then, and I hope the Government will soon see fit to make the alteration.

THE COLONIAL SECRETARY (Hon. S. H. Parker): As far as I am concerned, I should be glad to see this motion adopted; but the hon. member must bear in mind that this railway was built through the streets of Guildford in consequence of the great opposition of the townspeople of Guildford to its running through the Square. And it must be borne in mind that this Square is a very great acquisition to the people. It adds to the beauty of the town, and supplies the inhabitants with an admirable place for recreation; but as soon as the railway runs through, it will be entirely destroyed. Then, if the Government were to resume the portion not required for the railway, and sell it, the people would naturally expect that the money should be spent in providing another recreation ground. And again, if the line were taken through the Square, the hospital would have to be pulled down and a new one built.

THE HON. J. MORRISON: There is the old dépôt.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Although a very admirable building for the purpose for which it is used, I doubt whether it would be suitable for a hospital. Then compensation would have to be paid for three grants through which the line would run, so that altogether the expense of making

the change would be considerable. Besides this the work of relaying the rails has been commenced.

THE HON. J. MORRISON: It was finished this morning.

The COLONIAL SECRETARY (Hon. S. H. Parker): Then all this work would have to be taken up. I hope, however, in a few years the colony will be able to afford this being done. Although at the present time the colony is prosperous, it is difficult to obtain money, and it is works such as these that we must do out of Loan money. We must, therefore, be economical, and especially now must we undertake no further works than those which are absolutely necessary for the moment. I trust that the line will be continued to be used in its present position with no greater number of accidents than has been the case hitherto, and that in a short time the Government will be able to adopt the views of the hon. member. Under these circumstances, I hope the hon. member will not press his motion.

THE HON. J. MORRISON: After what has been said by the Hon. the Colonial Secretary, I beg to withdraw the motion, although I might point out that the Square contains ten acres, only three acres of which would be required for the railway.

Motion, by leave, withdrawn.

LEAVE OF ABSENCE TO HON. J. A. WRIGHT.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I beg to move, without notice, that leave of absence for one week be granted to the Hon. J. A. Wright, on account of ill-health.

Question—put and passed.

POST OFFICE SAVINGS BANK
CONSOLIDATION BILL.

This Bill was read a third time, and passed.

EXCESS BILL, 1892.

This Bill was read a third time, and passed.

POST AND TELEGRAPH BILL.

IN COMMITTEE.

Clauses 1 to 6 agreed to.

Clause 7. — "Declaration by Postal Officers."

THE HON. J. MORRISON: I think officers in the Savings Bank should be compelled to make a similar declaration to those in the Post Office, and I move, therefore, that the words "Savings Bank" be inserted after the words "Postal Department."

THE COLONIAL SECRETARY (Hon. S. H. Parker): The hon. gentleman will see that the declaration is in the following form:—

"I [A.B.] do solemnly and sincerely declare that I will not willingly or knowingly open, detain, return, or deliver, or cause or suffer to be opened, detained, returned, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment, relating to the Post Office or Postal Department, except by the consent of the person or persons to whom such letter or packet shall be directed, or by an express warrant, in writing, for that purpose under the hand of the Governor, or except in pursuance and under the authority of any Act now or hereafter in force relating to the Post Office or Postal Department or of any regulations made in pursuance of such Act, nor will I directly or indirectly make known to any person, except to an officer of the department duly authorised to receive the same, any information, matter, or thing which may come to my knowledge by virtue of my employment in the Postal Department. And I make this solemn declaration, &c." The hon. gentleman will see that this declaration applies only to the Postal department, but what the hon. member wants he will find in the Post Office Savings Bank Bill which we have just passed.

THE HON. J. MORRISON: I simply drew attention to the matter, because it seems to me unnecessary to have two Acts dealing with the same department.

Amendment withdrawn. Clause agreed to.

Clause 8.—"Postal officers free from tolls:"

THE HON. J. MORRISON: I think the words "any turnpike gate" should be struck out. To have such words in an Act passed in 1893 would be a disgrace. It would be going back to the dark ages.

I move that the words "or at any turnpike gate or bar, or any other gate or bar," be struck out.

THE HON. G. W. LEAKE: It may be necessary in time to come to have turnpike gates, and then these words will be necessary.

THE HON. J. G. H. AMHERST: I can follow my hon. friend when he says that there may come a time when we shall have to erect these gates and bars, and hence it would be undesirable to strike these words out.

THE COLONIAL SECRETARY (Hon. S. H. Parker): There are no turnpike gates or bars now, and therefore no harm can be done by leaving the words in the clause; but if the time should come when such are necessary to be erected, these words will then be very useful. Contractors for the conveyance of mails, for instance, might do the work more cheaply if they knew that there was an Act in force which exempted them from payment of tolls.

THE HON. J. MORRISON: It is surprising to find the Government willing to retain in an Act a reference to things which should now be considered obsolete. Turnpike gates are only erected to provide funds to keep the roads in order; but here we have our Roads Boards Act, under which the settlers can be compelled to keep the roads in repair. To my mind it would be a retrograde step to countenance anything approaching the erection, in 1893, of a turnpike gate or bar.

Amendment negatived, and the clause agreed to.

Clauses 9 to 14 agreed to.

Clause 15.—"Power to frank letters:"

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "recommended by the Postmaster General" be struck out.

Question—put and passed.

Clause 16.—"Newspapers may be registered on payment of the prescribed fee:"

THE HON. J. W. HACKETT: I am not prepared with an amendment to this clause; and I now merely rise to point out the objections I have to it in its present shape, and to intimate that when the Bill is reported I shall move that it be recommitted, in order to make a few changes. It will be noticed that newspapers are placed in an unusually

strange position. In the first place it is reserved to the Minister to say what shall constitute a newspaper, and it is to be defined by some regulations, of which we now know nothing, and which are to be approved by the Governor-in-Council. Unless we have some idea of what these regulations are to be, it will be exceedingly unwise, I think, for the House to pass this clause as it stands, and place in the hands of anyone a power which may act in the most unfair way upon an industry which is of the greatest importance to the country. I would ask my hon. friend the Colonial Secretary if he has, at this moment, any idea of what the definition of a newspaper may be. To define it, I know, has puzzled many minds in this colony and elsewhere; but unless we have some definition, showing whether it is something published daily, weekly, or monthly, or whether it is for transmission outside the colony, and above all what the substance matter consists of, we shall be landed in a sea of difficulty. It is a patent fact that large numbers of pamphlets are circulated in this colony under newspaper privileges, one of which is the right to free postage; and this, being allowed, interferes most seriously with the legitimate enterprises carried on by many people in Western Australia. It is stated that before a newspaper can pass through the post a prescribed fee has to be paid; but I find no indication in this Bill as to what such is to be. Everything is left to the Governor-in-Council, and such a power as that should be carefully guarded. Newspapers sometimes have the misfortune to make themselves obnoxious to persons in authority, and with such a power in their possession the newspaper might be made to suffer. Again, this Bill takes no heed of the Act passed some years ago,—the Act to amend the law of libel, and which provides for the registration of newspapers. That Act was passed to give gentlemen who might have reason to complain of the conduct of newspapers a remedy at law. It insists on the proprietors of newspapers registering themselves; but by an unfortunate oversight it is provided that newspapers shall be registered in January. Consequently newspapers which start their career at the end of that month have nearly twelve months to run before they are bound to register, and the result

has been that deliberately libellous journals have evaded the Act. When the Bill comes to be recommitted, I hope to be prepared with an amendment, which will prevent newspapers going through the Post Office until they have complied with the provisions of "The Newspaper Libel and Registration Act of 1884."

THE HON. G. W. LEAKE: Why not introduce it now.

THE HON. J. W. HACKETT: Firstly, because I should like to take counsel with my hon. friend the Colonial Secretary, so that any amendment I may bring forward may be of an amicable character; and secondly, so that I may put it in print ere asking hon. members to consider it. And let me say that I think it would be of great advantage if more care were taken to have proposed amendments in print before we are asked to consider them. Had my hon. friend Mr. Morrison put his ideas into print, I am sure a more interesting and satisfactory debate would have ensued.

THE HON. J. MORRISON: There was not time.

Clause agreed to.

Clause 17.—"Removal of newspaper from Register":

THE HON. G. W. LEAKE: I think the words "libellous, offensive," should be added, and then the clause would read "The Postmaster General may refuse to transmit or deliver any publication containing seditious, blasphemous, libellous, offensive, or obscene words."

THE HON. J. W. HACKETT: I complained, when considering the last clause, that the rights of a newspaper might be taken away by the Governor-in-Council, and now, according to the hon. member, we are to go a step further and take away the right to appeal to a jury, and the Supreme Court, and a few other trifles of that sort. If the hon. member's suggestion be given effect to it will leave the Postmaster General to say what is libellous and what is not, and, moreover, the Postmaster General is to be the prosecutor, judge, and jury combined. I for one am not prepared as yet to give up the privilege of appealing to a jury. Then as to the suggestion to insert the word "offensive," why the most carefully conducted journals are at times offensive. Suppose they came across a rogue and a vagabond, and said so, no doubt their remarks would

be very offensive to that individual, and the journal in question would be very obnoxious to him; but surely, on that account, you would not stop the paper going through the post. I really cannot think the hon. member can be serious.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no doubt that newspapers are very often offensive to individuals, and I have no doubt that they consider that in the interests of the public at large they should at times be offensive to certain persons. If this word were inserted it might be that in criticising the action of the Postmaster General offensive remarks might be made, and with the power in his hands he might refuse to transmit the paper through the post. And as to the word "libellous," the most carefully conducted papers are often libellous. I doubt whether any newspaper is carried on for twelve months without being libellous.

THE HON. J. W. HACKETT: Technically or otherwise?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I cannot but think that it is better to leave these matters to be decided by a judge and jury, and that if anyone feels himself aggrieved it is preferable to let him move by action than allow him to use his influence to prevent the paper passing through the post.

Clause agreed to.

Clause 18 agreed to.

Clause 19.—"Parcels may be sent by post."

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "or from" be inserted between "to" and "which," in the last line.

Question—put and passed; and the clause, as amended, agreed to.

Clauses 20 to 35 passed.

Clause 36.—"Power in certain cases to refuse to register or deliver letters:"

THE HON. J. MORRISON: I beg to move that sub-sections *a*, *b*, and *c* be struck out; and I do so because I cannot see why our Statute-book should be constantly added to or amended with the object of trying to cure people of what I may call frivolous immoralities, such as sweeps or raffles. Last session we had the same sort of thing in connection with the Police Act, and then large things were winked at, and small things were crushed. Post cards or circulars may, under the Act, be

circulated for notifying raffles or sweeps in aid of religious objects, and nothing is said of it; but it is considered to be very wrong for anyone to take an interest in any raffle or sweep on a race. At the same time, we know that from the Minister down to the office boy chances are taken in these sweeps, and why there should be so much fuss over the matter I fail to see. In my opinion, life is made up almost wholly of speculation and gambling, and therefore I cannot see that clauses such as we have here are necessary in this Bill. It is to mind only false sentiment to insert them. The Government urge that they have inserted them in the Bill because they object to betting and gambling. I do not uphold them either, but we can go too far, even to inconsistency. We find the Government on the one hand subsidising horse-racing, and on the other introducing provisions in the Police Act against it. We find them, when a new division of the colony was to be opened, declining to allow the land to be selected, but letting it by means of a State lottery.

THE COLONIAL SECRETARY (Hon. S. H. Parker): That was the old Government.

THE HON. J. MORRISON: At all events, that was done in connection with the opening up of Kimberley, and it is not fair for the new Government to come forward and urge that they are now more virtuous than the old one.

THE HON. G. W. LEAKE: They are worse.

THE HON. J. MORRISON: The great objection I have to these three sub-clauses is, that it places too much power in the hands of the Postmaster General and his subordinates.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It is the Minister.

THE HON. J. MORRISON: It is the same thing. We have only to recollect what took place a short time ago. A certain letter was posted, and a lad in the department, who had more time than work, looked at the missive, and thought he knew the person to whom it was addressed. He then asked another lad about it, and the two began to guess about it, and after being turned over and over, the letter was eventually found to be open. Both lads were taken to Court, but whether they were punished or not I do not remember. Now it was proposed by this Bill to make the same sort of

guessing on the part of the Postmaster General, or Minister, legal. To permit letters to be opened and tampered with in this way, to my mind, savours more of Russia than Australia. If complaint were made that any particular letter was delivered open, there would always be an excuse available, if these clauses pass, that the Postmaster had reason to believe it contained a ticket for a lottery. I do not think we should permit even the chance of anything of that kind happening. Some time ago I myself had to send a business letter to a well-known promoter of one of the sweeps—George Adam, of Sydney. It was a letter purely upon business, and contained documents in a large envelope. Had this Bill become law, and that letter had been posted, it would have been said that Mr. Morrison was sending his whole fortune away because he could not send it in a small envelope but used a large one. No doubt the letter would have been opened, and it would have been found to contain only private business. I object to see any Government department in this colony given the power to open private matter when in their charge, and this will be given if these three sub-clauses are allowed to stand. Besides this, the names of persons to whom letters will not be delivered are to be published in the *Government Gazette*; but when published I question whether the notice will not come under the head of what is called libel. What right has the Government to publish even over the signature of a Minister or the Postmaster General the fact that Smith of Queensland, or anyone else, is not to have any letters sent to him from Western Australia? I feel more strongly upon this subject than I can give expression to, but I must say that to my mind it will be a disgrace to the Statute-book of Western Australia, to see a Russian piece of legislation entered upon it. I move that sub-sections *a*, *b*, and *c* be struck out.

THE HON. E. T. HOOLEY: I have much pleasure in seconding this amendment.

THE CHAIRMAN (Hon. Sir G. Shenton): It does not require seconding in committee.

THE HON. E. T. HOOLEY: Then I am glad that the hon. member has brought it forward, for it seems to me

that the clause as it stands is a direct interference with the liberty of the subject. Why should the power of opening letters be placed in the hands even of a Minister?

THE COLONIAL SECRETARY (Hon. S. H. Parker): There is nothing in the clause about opening letters.

THE HON. E. T. HOOLEY: How, then, is he to ascertain what the letters contain.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The clause says, "If he has reasonable grounds to suppose," etc.

THE HON. E. T. HOOLEY: Can he then detain letters without opening them? On the face of the letters there would be nothing to show what they contained, and they would have to be opened. I do not support gambling or sweeps; but, at the same time, if some people choose to spend their money in that way, why should we interfere? If the Government are going to stop this, why not go a step further, and stop men from spending pounds in the purchase of drink, thus putting the colony to the expense of a larger police force, besides leaving their families in ruin and wretchedness. They might also take steps to prevent people from going into mining ventures. Since the gold discoveries in this colony, nearly every man, woman, and child has had some interest in them, and much more has been lost in this way than by sweeps. What did a strong supporter of this Bill say in another place? He used these words: "The Government can't be expected to prevent people making fools of themselves." And now that is exactly what is being attempted. If the Government are going to try to prevent them in one case, why not do it altogether? After the Minister has opened the letters, I should like to know what he is to do with them, or with the money they contain. There is certainly no provision in the Act to show what becomes of either. I do not intend to say anything further, but express the hope that hon. members will generally support the Hon. Mr. Morrison in his effort to strike out these sub-clauses.

THE HON. J. F. T. HASSELL: I must support what has fallen from the last two hon. members, for I consider that these clauses should be struck out, as being an infringement of the rights of British sub-

jects. Every man considers, when he pays the postage and posts his letter, that it is safe to be delivered. In other words, he looks upon the Postal Department in the light of a common carrier who accepts reward for the service performed. It is said that the clause is to prevent people going in for sweeps, but I do not see that we should attempt to stop any person spending his money as he wishes. It is his own money, and this is a free country, and no Minister has a right to interfere or tamper with his letters. A person might be sending a letter to his aged mother, or a girl might be sending a love-letter, and neither of them would care to have them either opened or suppressed. The post office is, in some cases, the only means of communication that exists, and every man has a right to use it as he thinks fit, so long as he does not do so to the injury of others. Then, as the Hon. Mr. Hooley has said, there is nothing in the Act to show what is to become of the letters or the money. I hope hon. members will support the striking out of the clause.

THE HON. D. K. CONGDON: It is my intention to support the amendment, and my reason for doing so is that the greatest necessity should arise before legislation of this class is introduced. To place such a power in the hands of anyone might make it very awkward for some who may have posted letters expecting to find them delivered, and ultimately find that they have been detained. Besides this, it is a very great power to give to anyone to open private correspondence. We are accustomed to look upon the Post Office as the most private source we can trust our correspondence to, but now all this is to be swept away. I am altogether opposed to these sub-sections, and I may say that had I been in the chamber when clause 27 was passed I should have objected to that also.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not think hon. members have considered the few words of this section. It reads:—

(1). "The Minister, if he has reasonable ground to suppose a person, whether in or out of Western Australia, to be engaged—

(a.) "In receiving money or any valuable thing as consideration for
"an assurance or agreement, ex-

"press or implied, to pay or give,
"or as consideration for securing
"the paying or giving by some
"other person of any money or
"valuable thing on an event or
"contingency of or relating to any
"horse race or other race, or any
"fight, game, sport, or exercise;
"or

(b.) "In promoting or carrying out a
"scheme connected with any such
"assurance, agreement, or security,
"or a lottery or scheme of chance
"or an unlawful game; or

(c.) "In receiving money under pre-
"tence of foretelling future events;
"or

(d.) "In any fraudulent business or
"undertaking, may, by order under
"his hand, published in the *Go-
vernment Gazette*, direct that any
"letter, packet, newspaper, or par-
"cel received at a post office, ad-
"dressed to such person either by
"his own or a fictitious or assumed
"name, or to any address without
"a name, shall not be either regis-
"tered, transmitted, or delivered
"to such person."

Is there anything unreasonable in that? The Post Office is not maintained to further frivolous immoralities, as the Hon. Mr. Morrison calls them, but is kept up for the convenience of the public at large, and to enable them to carry on their business; but is it wise to allow it—maintained as it is at such a cost to the country—to further immoralities? My hon. friend admits they are immoralities; but he calls them frivolous immoralities. So far as I know, there are no immoralities which may be deemed frivolous. To call them such seems to me to be a contradiction in terms; and certainly, if it be an immorality at all, it should not be countenanced by the State. My hon. friend from the South suggests that a letter to a lady or to a mother might, under this clause, be suppressed; but is it to be supposed that any Minister would imagine that such a letter was being sent to a person engaged in immoralities? Hon. members must bear in mind that a Minister is a person who has some common sense, otherwise he would not be at the head of that and several other departments, and it is not to be supposed that he is going to the Post Office every day

to look into letters and to inquire into the occupations of persons to whom letters are addressed. Such a clause as this would only be acted on in a case where it was notorious that immoralities are being carried on, and then rightly so too. Do not hon. members consider it advisable to put down gambling as far as possible, or is it wise for the State to support gambling? Do hon. members think it a good thing for large sums of money to be expended in sweeps? To my mind it would be far better for the community if these gambling transactions were put down. My hon. friend says that the Government maintain horse racing; but that is not for the purpose of encouraging gambling, but to bring about an improvement in the breed of horses. Years ago it was deemed advisable to vote a sum from public moneys for that purpose; but it was never contemplated that this horse racing was to carry with it the immoralities alluded to by my hon. friend. It is only within the last few years in this colony that we have had very much betting or gambling in connection with horse racing, and when it was found that people would bet it was deemed better, more advisable, to have it under control, by means of the totalisator, than to leave the matter in the hands of irresponsible bookmakers. The Hon. Mr. Hooley said that this clause was an interference with the liberty of the subject; but I cast about to see how, and I could not discover. How is it that the liberty of the subject is interfered with? It is the privilege of the public to use the Post Office, but for moral purposes only. Is it an interference with anyone's liberty to say, "You shall conduct your correspondence with morality?"

THE HON. E. T. HOOLEY: Where is the morality?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am only referring to my hon. friend's remarks. He said that this clause was directed against frivolous immoralities, and I understood the hon. gentleman to support him.

THE HON. E. T. HOOLEY: Not that portion of his remarks.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Sub-clause *b* says: "In promoting . . . any unlawful game." Surely that is immoral. Then sub-clause *c*: "In receiving money under pretence of foretelling future events." Surely that,

too, is immoral. If any person does receive money for such a purpose, he receives it under false pretences and is guilty of an immoral practice, for we know that no one can foretell the future. Then the Hon. Mr. Hooley asked, why not put down drunkenness? Surely he is forgetful of the laws on the subject. Do we not restrict the sale of liquor by every possible means? Do we not know that a license cannot be granted unless a majority of the justices present certify that the licensee is a person of good fame? Are we not aware that drink may not be sold to a drunkard, and also that a person convicted of being drunk is liable to both fine and imprisonment. If my hon. friend will point out any scheme by which drunkenness may be further restrained, I will myself do my utmost to bring it before the Government and the Legislature. Then, with regard to mining. It is certainly a speculation, but not such as this House—

THE HON. E. T. HOOLEY: What about bogus companies?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I suppose that, instead of being speculations with a chance of success, they are speculations certain of failure; but although bogus in their inception, the bogusness is not discovered until all the mischief is done.

THE HON. J. W. HACKETT: And that is provided for by the Companies Act.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes, and besides the Government have no greater means of discovering whether a company is bogus than the public have. The company is put forward as a good, honest concern, and the public subscribe. If my hon. friend will turn to the Companies Act, he will find that every possible provision has been made by Parliament to prevent bogus companies from coming into existence, and persons who do bring out such companies may be prosecuted. I am quite surprised that this House seems prepared to strike out these clauses—directed as they are against the immoralities or frivolous practices alluded to by the Hon. Mr. Morrison. They have been passed by the Lower House, and they are, I feel sure, in accord with public opinion; and I trust that this House will be found to be in accord with that opinion.

THE HON. J. G. H. AMHERST: Hon. members who have supported the Hon. Mr. Morrison in his amendment, seem entirely to have forgotten that in the other colonies of Australia similar clauses to these have been passed, and have, no doubt, been of great service to the community. Unquestionably numbers of young men have been ruined by spending their money in sweeps, and it is high time that something should be done to put a stop to it. There has been a great deal of talk about Russian espionage, and the liberty of the subject; but I contend that as Australians we can adopt this Act without any stigma resting upon us. The Minister is responsible for anything that is to be done. No doubt the police would take the initiative, and, at their instance, the Postmaster General would be instructed by the Minister that letters were not to be delivered to certain individuals, and, with all these safeguards, every protection will be afforded to the public. Indeed, if we cannot trust the Minister in a matter of this sort, it is hardly worth while going on with the government of the country at all.

THE HON. J. W. HACKETT: My hon. friend on my left (Hon. J. Morrison) commenced his speech by laying down a number of propositions, and from these I gather his objections are directed to certain parts of the clause only, while other members who have supported him have expressed themselves as being inimical to the entire clause. The Hon. Mr. Morrison asks us only to strike out the sub-clauses *a*, *b*, and *c*, leaving in force sub-clause *d*, which gives the Minister power to refuse to deliver letters to any person he thinks is engaged in any fraudulent business or undertaking. The Hon. Mr. Hooley, on the other hand, inveighs against the whole clause, and would thus allow the Post Office to deliver letters to any person who might be carrying on a fraudulent business or undertaking, as well as to a person promoting a sweep or lottery; but at the same time he supports the amendment of the Hon. Mr. Morrison to strike out portion of the clause only. Now, if the amendment be carried, and a discretionary power is given to the Post Office to refuse to deliver letters under sub-clause *d*, what becomes of the cry, "Liberty of the subject"? The very fact of allowing this sub-clause to

stand sweeps away the whole argument. Those hon. members who support the amendment base their argument on two grounds—one, the general right of a citizen to enclose what he likes in his letters, and claim, after putting a two-penny stamp on them, to have them delivered.

THE HON. J. MORRISON: Why not?

THE HON. J. W. HACKETT: "Why not," the hon. member asks. Well, I leave it at that for the present. Then, secondly, they claim that the gambler should have rights. The Hon. Mr. Morrison does not certainly put his proposition in this form; he rather prefers to call it the right of people to indulge in frivolous immoralities. Now, sir, my hon. friend does not deny that gambling is attended by consequences of a most direful character. Next to drunkenness, perhaps, if there is anything which lies at the root of degradation in modern civilisation it is the gambling spirit which prevails, and in many instances its effects are infinitely worse than an undue indulgence in strong drink. At the present day it is too late to claim liberty for the subject, and override the direction of Parliament. What is it that the subject has free leave to do? Surely only that which he is allowed to do within the four corners of the Statute-book. The moment we get away from that definition we get into difficulties. The liberty of the subject is trammelled from the moment he comes into the world until the time he goes out of it. He cannot, for instance, come into or leave the colony without being subject to regulations. We find restrictions on every hand—restrictions as to eating, drinking—restrictions even as to the clothes we wear. We must work in a certain way.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Must not drive round corners at more than a walking pace.

THE HON. J. W. HACKETT: Just so; and now, if you have the misfortune to have a baby, it is intended to prevent you from wheeling it in a perambulator on the footpath; but I hope I shall never be brought into the Police Court for this offence. It is not permitted to a man to use the other departments of the State for unlawful or immoral purposes, and why should he be allowed to use the Post Office? He could not send a telegram

of a disgraceful character, and why should he be allowed to send a post card of a nature scandalous to the community?

THE HON. J. F. T. HASSELL: That is a different thing.

THE HON. J. W. HACKETT: The hon. member can then show us the distinction. But I have a special grievance in this matter. Last session the Government brought forward a Bill which made it penal for a newspaper to circulate what the Post Office could do with impunity to a much greater extent. By that Bill the proprietor of a newspaper may be imprisoned with hard labour for two months for inserting an advertisement relating to one of these sweeps; while the same advertisement can be sent through the post without question. This Bill now removes that stain upon our statute book, and I intend to support it. Do not let us declare it unclean if a newspaper publishes an advertisement, and then swell the public revenue with the postage derived from the very same thing. The colony might certainly have derived the benefit of the little money paid to the newspaper for the advertisement; but as against that we know that more had to go out.

THE HON. J. MORRISON: Why not hold the sweeps here?

THE HON. J. W. HACKETT: I am astonished. Perhaps the hon. member would wish us to establish a Monte Carlo here. I have heard it argued that if the drawings were held here, it would be the means of bringing thousands, aye millions, to the colony; but I hope we shall never take up such a position as that. I hope we shall never, for the sake of the degrading coin it might bring in, gain an unenviable position among the colonies by becoming a gambling hell; and I trust we shall not tolerate that which our neighbours have discovered to be inimical to their interests.

THE HON. G. GLYDE: After hearing what has been said on both sides, I may say that it is my intention to support the clause as it stands.

THE HON. G. RANDELL: There is very little left for me to say; but I do not think that on such a question as this I should give a silent vote. In inserting this clause in the Bill I think the Ministry of the day have only been giving expression to a large sentiment existing in the

colony, and I am glad to find that this sentiment, in favour of doing everything possible to prevent the spirit of gambling, which is eating into the hearts of the young people of Australia, is growing. I do not intend to traverse the reasons why such a sentiment should be fostered and encouraged, because that gambling has been fruitful of much evil in this colony no one will deny. To make a large sum by the expenditure of a small one has a powerful influence among many, and they fall victims to it. Therefore, everything we can do to prevent and cope with the spread of the evil, we should give our best support to. I do not think any of us hope to remove altogether gambling from among us, but this Bill is evidence that the Ministry desire to make us as moral as possible. I am sorry to say that many of my friends whom I very much respect have taken a wrong view of the matter now before us, but their arguments have been admirably and conclusively met by the Hon. the Colonial Secretary and the Hon. Mr. Hackett. The power to open letters, which I admit is a large one, is safely guarded by the Bill; and I cannot see how anyone, looking carefully into the matter, can object to it. We may assume that no Minister will detain any letter without good and sufficient cause, because ultimately his action must be brought to the bar of public opinion. I hope hon. members will see that it is in the best interests of the colony that this clause should be passed, and I, for one, should be sorry to see it go forth that this Council had rejected it. Drunkenness has been referred to. We must all admit that every effort has been made to cope with this great evil, but that members have not been successful has not, in my opinion, been so much the fault of the Government of the day, as the want of the support of the country at large they had reason to expect. I hope the clause will pass as it is printed.

THE HON. G. W. LEAKE: I think a great deal more has been made of the slip expression—"frivolous immorality"—on the part of the Hon. Mr. Morrison than it deserves. The clause is intended, it is said, to check gambling, but even that is hard to define. Is it playing at three-card loo, whist, or cribbage? Is it playing for stakes or not? If so, is there to be a maximum? Are they to be sixpenny,

shilling, or two shilling points? I think we are going altogether too far, and farther than we can possibly enforce. I shall support the Hon. Mr. Morrison.

Question—That the words proposed to be struck out stand part of the clause—put.
Committee divided.

AYES—5.	NOES—6.
The Hon. J. G. H. Amherst	The Hon. D. K. Congdon
The Hon. G. Glyde	The Hon. E. Hamersley
The Hon. J. W. Hackett	The Hon. J. F. T. Hassell
The Hon. G. Randell	The Hon. E. T. Hooley
The Hon. S. H. Parker	The Hon. G. W. Leake
(Teller.)	The Hon. J. Morrison
	(Teller.)

Majority of one for the Noes.

Question—That the sub-clauses *a*, *b*, and *c* be struck out—put and passed.

Clause, as amended, agreed to.

Clauses 37 to 42 agreed to.

Clause 43.—“Power to destroy documents”:

THE HON. J. MORRISON: In this clause I move that the word “two” be struck out, and the word “three” inserted in lieu thereof. It seems to me that two years are not long enough to keep documents.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It is only a discretionary power. The clause does not say he shall destroy them, and of course if the Postmaster General finds that two years are not long enough to keep any document, he will keep it longer. It must be remembered that these documents in the aggregate are very bulky, and if kept too long storage room will have to be found for them.

Amendment negatived, and clause passed.

Clauses 44 to 67 agreed to.

Clause 68.—“Power to make Regulations”:

THE HON. J. MORRISON: While on this clause I would draw attention to a notice recently issued by the Postmaster General making what I consider is an unusual charge for code addresses. Hitherto one guinea was paid for registration of the address, but now the charge is to be 10s. a year.

Clause agreed to.

The remaining clauses and schedules were agreed to, and the Bill reported.

CONSTITUTION ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

STOCK TAX BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

The Council, at 4:55 o'clock p.m., adjourned until Thursday, 17th August, at 4:30 o'clock p.m.

Legislative Assembly,

Tuesday, 15th August, 1893.

Merchandise brought Overland, by Camel Train, from South Australia—Homestead Selections within Agricultural Areas—Greenough Farmers' Club: Grant in aid for a Show Ground—Farmers' Club: Licensing Law re bogus Clubs—Erection of a Light-house at Carnarvon—Government Advertisements in Perth Newspapers—Public Depositors Relief Bill: first reading—Chinese Immigration Amendment Bill: first reading—Fremantle Gas and Coke Company's Act Amendment (Private) Bill: first reading; referred to select committee—Post Office Savings Bank Consolidation Bill: Message from Legislative Council—Excess Bill, 1892: Message from Legislative Council—Return showing sums granted by the Government to Roads Boards—Criminal Law Appeal Bill: second reading—Legal Practitioners Bill: second reading—Homesteads Bill: in committee—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

MERCHANDISE BROUGHT OVERLAND, BY CAMEL TRAIN, FROM SOUTH AUSTRALIA.

MR. MONGER: I should like to ask the Premier, with leave of the House, whether he is aware that the proprietor of the camels which recently arrived at Southern Cross brought over a quantity of merchandise from South Australia, and whether any duty was paid on such merchandise?

THE PREMIER (Hon. Sir J. Forrest): I am not aware.