

PERMANENT RESERVES REDEDICATION BILL.

Received from the Legislative Council and, on motion by the MINISTER FOR MINES, read a first time.

ADJOURNMENT.

The House adjourned at 10·42 o'clock, until the next day.

*Legislative Council,
Thursday, 30th October, 1902.*

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Bills: Indecent Publications, second reading resumed, in Committee, reported	1885
Agricultural Bank Act Amendment, in Committee, reported	1895
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THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Fremantle Public Hospital: Fifth Annual Report of the Board of Management.

**INDECENT PUBLICATIONS BILL,
SECOND READING.**

Resumed from the 9th October.

HON. J. W. HACKETT (South-West): I am not prepared to make any lengthy remarks on this Bill. The measure seems to form one of that series of enactments upon which the present Government desire to stake their reputation, and propose to descend to posterity as the Government who discovered a new and short way of making people moral, of doing away with all the evil in our midst, especially the evil to which this Bill

refers, and to present to the rest of Australia the spectacle of an immoral State regenerated and reformed by the efforts of the Government over which Mr. James presides. Only a very young Premier, only one very new to the duties of office, and only one who carries with him fresh juvenile enthusiasms, would, I think, undertake the task which Mr. James has undertaken. He is still possessed with the belief which I am sure my hon. friend the Minister for Lands (Hon. A. Jameson) regards as one of the dreams of youth—I believe I used to share it myself in days, alas, too long gone by!—that it is possible to redeem the world by the simple process of getting two Chambers of moderately intelligent men to pass certain resolutions. How far that has succeeded we know in the past. We know this from reading, and from what can be told by any man who has any knowledge of human nature, that the more Governments apply themselves to this class of legislation, the more stringent they make it, the more sweeping and thorough in its effects, so much the more certainly are they preparing the house for the entry of worse spirits than those which they seek to cast out; for it is a singular fact that legislation of this kind provokes in a greater degree the evils which it is sought to cure. Whether it be through natural re-action, through the swing of the pendulum which brings changes from generation to generation, or whether it be that these things which are so strongly condemned and are dealt with in such an ostentatious way by Governments or Parliaments have a certain inviting attractiveness which leads men to do the very thing legislated against—

HON. H. BRIGGS: Stolen kisses.

HON. W. MALEY: Very hard to prove.

HON. J. W. HACKETT: The hon. member asks me to go through many cases of history; but I must decline, and refer him to a library. Whether it be this, or whether it be the very fact that Governments and Parliaments seek to make those things crimes and offences which certainly may be wrong, but which have been also part of the elements of humanity since it has fallen from Paradise; whether it be from these causes or others, the fact remains that so surely as a period of enthusiastic legislation of this kind occurs, so surely in a short time do

we find that the latter state is worse than the first. I am not urging this in the least to damp the almost juvenile buoyancy with which the present Government are attacking these matters, but I hope we shall have as much wisdom as was shown in another place—I will not say where—when an endeavour to introduce one of the most horrible offences against woman-kind was frustrated. But for the good sense of opposing it, we should have had the land defiled with pamphlets and debates which would have done ten times more harm and wrought tenfold more ill than the evils attempted to be cured. In this Bill we have an effort made to suppress what are called indecent and obscene publications. When in Committee, I shall move that the word “obscene” be struck out, unless there be a good reason for retaining it, because not only is it calling things by too violent a name, but it involves anyone who may be attacked and perhaps convicted under this Act, perhaps wrongfully—for that is one of the evils of all Bills of this kind, that they lead, I believe, to more wrong decisions than to right ones—anyone convicted wrongfully goes forth to the world with a stain on himself or his business which he will be unable to wipe away for his lifetime. Members of the Government seem to have ignored altogether the way in which they offer up the innocent as a sacrifice to the guilty. The supreme indifference with which they perform that act, and the manner in which they seem to suppose that because they can strike down one guilty man or woman it is lawful to do all that is in the power of the law to harm nine innocent persons, is one of the most alarming features with regard to this burst of legislation which the Government are seeking to press forward. This Bill is an endeavour, first of all, to carry out the provisions of the Imperial Act, and nobody can deny for a moment that when the Imperial Act was passed it was called for. There was a demand for it under the circumstances. No people could walk down certain London streets, amongst the most frequented business parts of the town, without being pestered by the solicitation to purchase pamphlets or to receive information usually conveyed in the form of leaflets as to matters which it was wholly undesirable the majority should

be brought into close contact with, and this the Legislature very properly took it upon themselves to suppress. But while I maintain that, I beg this House to bear in mind that what the Government are doing is not introducing legislation commended by the wisdom of centuries, but adopting the new-fangled, hasty, and ill-digested proposals of youthful States, which assuredly ought to be considered very much more carefully by those States ere they invite other States to follow them, and for the obvious reason that not only does such legislation not come from properly-trained legislators, but it has not been sufficiently considered or sufficiently digested before being placed on the statute-book. The Bill proposes in the first instance to prevent the distribution of any obscene book, paper, newspaper, writing, postcard, letter card, and so on. A certain number of the clauses is copied from the Imperial Act, and no doubt this is to a certain extent advantageous. Then the Bill declares that certain advertisements shall be unlawful; and here I have strongly to complain of the drafting of this and similar Bills. Mr. Moss will recollect that yesterday I asked him if in regard to the Public Works Bill he could assure us what clauses contained new matter and what were simply repetitions of the existing law, and he declared himself unable to do so. I protest that when the hon. member is introducing a Bill of this kind he should not—no doubt unconsciously—confuse the House by mixing up the admirable legislation of the Imperial Parliament with the cranky legislation of other States. If hon. members will compare this Bill with the Acts on which it is supposed to be founded—the Imperial, the Victorian, and the New South Wales Acts—they will see how just is my contention. To Clause No. 4—“Certain advertisements, etc., to be declared indecent”—the marginal note is, “*ibid.*,” which is true or nearly true, as it means the New South Wales Act; but on the top of the page we find, “See Imperial Act 52 and 53 Vict., c. 18, s. 5.” The clause states that certain advertisements, pictures, printed or written matter, and so forth, shall be deemed to be indecent within the meaning of this Act. It will hardly be believed that the Imperial Act says nothing of the sort.

HON. M. L. MOSS: I do not care whether it does or not. It is right that some Act should say so.

HON. J. W. HACKETT: But the hon. member in alluding to the clause said it was based on the Imperial Act. It is as far as the poles asunder from the Imperial Act. The Imperial Act declared that the publication of such advertisements, pictures, or written or printed matter should be forbidden when they were affixed to a building, wall, pillar, post, door, tree, or anything whatsoever, so as to be visible to a passer-by. There is nothing in that Act about the insertion of advertisements in newspapers or their distribution by post. Now, I do not think that a candid way of treating the two Houses of Legislature. I am not now speaking of the Minister, but of the draftsman of the Bill, who has ventured to insert an untruthful marginal note in order to enlist the support of members, who may be misled by the reference to the Imperial Act. I wish to point out that the Imperial Act, which I hold in my hand—page 102 of *Chitty*—simply prohibits and enables summary proceedings to be taken against persons affixing indecent or obscene pictures or printed or written matter on any house, building, wall, hoarding, etcetera.

HON. G. RANDELL: Does not Sub-clause 3 say that?

HON. J. W. HACKETT: Sub-clause 3 is not identical with the Imperial Act. The marginal note, if the hon. member will run his eye to the top of the page, will be found to refer to the New South Wales Act. That is the whole point I am trying to make; for the note reads "See also Imperial Act," which Act contains no wording whatever of this sort.

HON. M. L. MOSS: But it is as clear as can be that the references are to both Acts, meaning that some provisions are in one Act and some in the other.

HON. J. W. HACKETT: That is the very confusion which I wish cleared up. Do not allow a Bill to be put before us in such a manner as to persuade the House that the measure follows the Imperial Act when it is at variance with that statute.

HON. M. L. MOSS (in explanation): Dr. Hackett is misquoting or misrepresenting what I informed the House. I said the Bill was based on Imperial legislation and on the legislation of New South

Wales; and I think his strictures are not justified.

HON. J. W. HACKETT: I hope the hon. member will deal with my remarks when in reply; and I shall postpone what I was about to state, as this seems a moment adverse to the hon. member, who is somewhat irritated.

HON. M. L. MOSS: No; I am not. You are again misinterpreting me.

HON. J. W. HACKETT: Then I shall take this opportunity of a bright and happy moment of the hon. member's consciousness to make the remark. He spoke in language so vigorous, so excited, about the disgraceful things published in newspapers—hon. members will recollect the form, figure, and voice of the Minister—that I could not help thinking this, and it was the only remark I made: it was a vigour which could only be equalled—could not be surpassed—by the hon. member himself if he were fed on the other side to defend a client attacked under this Bill.

HON. M. L. MOSS: I erred in very good company. Mr. Randell spoke in a similar strain.

HON. J. W. HACKETT: But Mr. Randell is, I am pleased to say, on a pedestal by himself.

HON. M. L. MOSS: I will go up to him.

HON. J. W. HACKETT: I know of none more reasonable and none whom I would more gladly follow as a rule than Mr. Randell; but such positions as his are too lofty for me to aspire to. I beg leave to point out an instance where the draftsman of the Bill has not acted candidly. He should have struck out the words "see Imperial Act." The Imperial Act contains a prohibition of those pictures, pamphlets—and I will not distinguish more carefully the other publications—which were placed in the hands of passers-by as they traversed the streets of London, or the affixing or inscribing on any house, building, wall, hoarding, fence, pillar, or post of those pictures or advertisements which are declared to be indecent. The Victorian Act also is appealed to. I hope I shall not bring my friend to his feet again. He said this Bill was based on the Victorian Act; in fact, there are three Acts referred to—the Imperial Act, on which he seemed to lay the greatest stress and from which the

Bill is most at variance, the New South Wales Act, and the Victorian Act—a formidable trio. Now, the Victorian Act entirely follows the Imperial Act. It did not do the foolish and absurd things which the New South Wales Act did, and which it was sought to do in this Bill as originally introduced in another place; for the measure has been considerably changed since it was first brought before the Lower House. We have, therefore, only the two Acts from which the Bill is copied—the Imperial Act, containing reasonable provisions, and the New South Wales Act, going into all sorts of by-ways and hollows to find out offences which it was thought desirable to suppress, and which would have been far better left alone. The Imperial Act is the Victorian Act; and I hope we shall not hear any more of the difference between those statutes. They are not even twins; they are identically the same party; therefore we should hear nothing more of an appeal to the authority of Victoria in support of this Bill, for Victoria has not looked at this Bill and would not touch it. It was in New South Wales where the Act was carried in a moment of enthusiasm, when members were ashamed to oppose it, although when they came out of the House the language in which they spoke of the Bill they had just passed is well known. So far as the Imperial Act is concerned, it will be remembered that this moderate and reasonable Act was by no means on a footing with the Bill introduced at the time of the great outcry following the Stead revelations entitled “*Modern Babylon*,” and was a most sweeping—not a puritanical, because the Puritans had plenty of good sense in them—but the most drastic Act imaginable, which would have left the liberty of men, women, and children alike at the mercy of the police or of any designing ruffian who desired to blackmail them. This Bill was introduced in the House of Commons. It was at the time when Mr. Gladstone had unfortunately retired from politics. The labour of fighting the Bill in the House of Commons fell on Sir William Harcourt, and when he rose to oppose it, or to insist on its terms being modified, he did so at the risk of his moral reputation being lost for ever. He was attacked on that very

ground, that his action was to provide liberty for lust and unbridled license, when he rose to insist on the Bill being modified. But he won, for it dawned on the House of Commons that they were acting the part of hypocrites; and the Bill came out of the combined wisdom of the House of Commons and the House of Lords; therefore, I am prepared always to accept Imperial legislation. I desire this Parliament to confine itself, as nearly as possible in dealing with these terrible problems, to what has come from the wisdom and sagacity of Houses which have been accustomed to look at these matters from all sides, and to probe to the utmost not only what the effect has been in the past, but the effect of the legislation being introduced. The present Government has gone away from the Imperial Parliament altogether. It has gone not to Victoria, but to New South Wales, and the design in New South Wales was to stop the publication of what are called indecent advertisements, or certain advertisements referred to in Clause 4. Anyone who looks at the Act will not be surprised to hear that it has been more or less a dead letter. Since it was passed in 1901, hardly anything has been done under it, and nothing has been done effectively to reduce the evil which it is supposed to operate against. With regard to newspapers, let me say a few words, even at the risk of being associated with a class which this Bill seeks to affect. There are two classes of papers, one being a class that seeks these advertisements partly for the sake of payment and partly because they want circulation. There is another class of newspaper—I desire to put it as delicately as I can, but as emphatically as I can also before this House—which feels that the prevalence of these advertisements in newspapers, their existence in any reputable organ, is a proof that they are there as the result of supply and demand. I do not want to go into this matter or labour it offensively in this House; but I desire the House to admit with me that, humanity being constituted as it is, these medical remedies must be called into use. We are told that it is the obvious thing for a man suffering to go to his family doctor. We know a lad will not go to his family doctor; he would as soon go to his

own father. His desire is to conceal it. He goes to the best practitioner he can find, either a man who makes a study of these ailments, or a man who is totally unknown to his family. It seems to me that the disreputable newspapers may perform a service to the community, and though my friend (Hon. M. L. Moss) may smile at it, I consider the matter is too serious a one to be treated with the leer which too often comes from those who think that anybody who deals with this vice in a practical manner must be connected with it in some way or other.

HON. M. L. MOSS: I was not laughing. I was ashamed of the opinions expressed.

HON. J. W. HACKETT: I knew that, and I was not ashamed to stand up and utter them. I say it is absolutely essential that this class of practitioner should exist, and the whole question is whether we should not deal with this matter as a necessary evil, I mean the medical practitioner I speak of, and take care that the man is as reputable as he should be made, and that he is one who does not follow his business for the purpose of black-mailing or extorting undue advantages from his clients. That is where the remedy should come in; but if you forbid these youths from seeking advice of a medical practitioner, what do you do? The state of things would be too horrible to describe. They must be cured. We know they must be cured, and in order to enable them to be cured, let us provide for them a respectable and reputable class to whom they can apply. The respectable newspapers to whom I refer take care, or ought to—I speak for one with which I am especially acquainted myself—not to insert anything of this kind unless they have previously written to ascertain the *bona fides* and standing of the men who seek to insert these advertisements. Until forbidden by law to do so, I shall, for my part, continue to perform that service to the community of which I form a part, or I shall endeavour to do so. I hope I have not said anything which may offend the House. I feel very strongly that from the ages when men and women first became what they are, this evil, which is equal to all other evils put together, came to stay. It came to stay ever since men and women were created. The good time when it may be eradicated may come some day,

but the evil is as much in sight now as it was in the days of Pompeii and Herculaneum. There are also, I may add, two classes of advertisements, one class being simply to catch the unwary sufferer, and the other one which seeks honestly and legitimately to cure the sick man or youth under the rules and regulations which attach to a profession that is generally regarded as one of the most honourable. Of course, such men as I speak of—men who simply send these advertisements either to obtain money under false pretences, or as soon as they get into correspondence insist upon exacting from the unhappy sufferers more than they are entitled to, under a threat of disclosing their names and infringing secrecy they ought to observe, draining these people often of all they can afford to give and sometimes more—ought to be severely punished, but this Bill does not meet those cases. I have warned the Government that a measure based upon these lines, and which does not discriminate between the necessary and the unnecessary, between the expedient and the inexpedient, is doomed to failure. I have very little more to say. I trust that this legislation will see the end of attempts of this kind to make men and youths moral by Act of Parliament, and to punish persons in the most severe manner if they do not accept the teaching of these Acts of Parliament. I trust that what occurred in another place last night—I think I may go as far as that—when leave was refused even to discuss one of the most disgusting Acts that can be conceived of from every point of view, morally, physically, and sexually, is a proof that the Government are returning to a saner and wiser state of mind. I shall always endeavour to combat an evil of this kind, but I warn the Government that if they take a wrong course, as they seem to be doing, they will not only perpetuate the evil, but make it far grosser and far more extensive than it is. I trust the House will carefully consider the clauses before they pass the measure.

HON. M. L. MOSS (in reply): I thought probably some other member would desire to say a few words on this Bill before I exercised the right of reply; but apparently there is a disinclination to make speeches on the subject, and it is absolutely necessary on my own behalf

that I should make some brief observations in reply to the speech that Dr. Hackett has just delivered. In the first place, I think a somewhat undeserved castigation has been passed upon me, inasmuch as the hon. member accuses me of having misled the House.

HON. J. W. HACKETT: Oh, no—the draftsman.

HON. M. L. MOSS: That is about the last thing I should think of doing at any time. The hon. member has accused me of endeavouring to mix up the Imperial Act with the Act passed in New South Wales, and the inference I drew from his speech was that he thought I had almost done it deliberately. I do not know that it is the duty of any Government—certainly it has not been the duty of the Government in the past; this Government has not deemed it its duty and I do not think any Government in the future will be called upon to do it—to provide such marginal notes in Bills brought forward for the consideration of members as will tell them exactly where the whole of the clauses come from. If I may be permitted to express an opinion with regard to the Bill now before this House, I think the information given in the marginal notes is far more comprehensive than we are accustomed to have in the majority of Bills brought down for consideration. In a very frank, candid manner reference was made in the marginal notes to the Imperial Act No. 18 Victoria, and the Act passed in New South Wales in 1901. I think members will agree with me that after receiving the intimation in the marginal notes of the Bill, they can go and compare the proposed legislation with the existing legislation in this State and Great Britain; and the Parliamentary Draftsman having added these marginal notes, the Bill bears the hall-mark that it is not ill-conceived arbitrary legislation on the part of the Government, but that the Government are copying the example which has been set in some instances in Great Britain and in other instances in New South Wales. I hope the House will acquit me of having endeavoured for one moment to confuse any members as to the issues they have to decide in agreeing or refusing to agree to the Bill now before them. Dr. Hackett frequently referred in his speech to the point that I alluded to the Bill as being in

some respects similar to a measure in force in Victoria. It certainly was information to me that I had made any mention of legislation in that State on this particular question. It would be improper and unconstitutional for me to refer to this session's *Hansard*, and I have no intention of doing so. Were I able to do so, I might be able to rebut the statements the hon. member has made; but I take the opportunity of saying I refer in no way to the legislation of Victoria on this question. This Bill, in many respects, follows legislation in Great Britain, and it adopts legislation which has become necessary in consequence of practices that have been prevalent in New South Wales. When we come to deal with the clauses individually, the whole of them will, I think, be found to be entirely unobjectionable. Dr. Hackett said, "Why not adopt Imperial legislation? Don't let us take cranky legislation of other Australian States." It may be, and I think it is, necessary to deal with a danger and a mischief that is existing in Australia by Australian methods. We may have to go a little farther than they go in Great Britain, and if these dangers exist in this community, and the morals of the community are being corrupted or liable to be corrupted, by what is going on, I think the duty of members is apparent. I shall not hesitate to cast my vote in favour of this measure, however drastic its terms may appear to be. I shall in a moment or two refer to the points which apparently are giving Dr. Hackett so much trouble, and I think I shall be able to convince the House it is eminently desirable there should be some stop put to that which, in my opinion, is doing a great injury to the community. The hon. member has told us that since 1901 there has been no improvement in New South Wales, and that the measure has been a dead letter. It may be that there have been no prosecutions under this Bill in New South Wales; but may it not also be the case that the fact of such legislation being on the statute-book has prevented a good deal of that which was the means of bringing about legislation of this kind? I think the hon. member in his speech was principally concerned with that portion of the Bill dealing with newspapers generally; and although I desire to say

no word at all which will in any way disparage the *West Australian*, with which my friend is so closely connected, still I may refer to other newspapers in the community; and many of the clauses in the Bill will prevent a repetition of what every member knows is undoubtedly going on in this State. My friend says there are two classes of newspapers, one which takes advertisements for the sake of circulation and the other which takes them for the sake of payment. I think the latter description is generally applicable to the proprietors of newspapers in this State. I think the motive which actuates the proprietor of the paper is generally the desire for payment.

HON. J. W. HACKETT: No. I must ask that the statement be withdrawn. I have already proved that it is not so. One takes the advertisement for the sake of the circulation and the payment, and the other class takes it with a view to payment solely.

HON. M. L. MOSS: I will withdraw the statement as far as the hon. member is concerned, but not with regard to other newspapers; because I believe the motive which actuates publishers of these filthy advertisements is the income derived from them. I do not believe they add one iota to the circulation of the paper, or raise its status in the estimation of the public. My friend tells us that in a large way the publication of these advertisements supplies a demand. Well, I am rather shocked to hear such a statement. If, as the result of indiscretion, a person contracts a particular disease, I think there are ample means of that disease being cured by the chemist, the druggist—

[HON. J. W. HACKETT: That is a worse evil]—or the medical practitioner, without going to the family doctor referred to by the hon. member. But it is not where a venereal disease is contracted and remedies are advertised in the newspapers that the Bill aims at so directly. I have previously referred members to Clause 4; and it is the matters referred to in Clause 4 the publication of which I think the community should endeavour as far as possible to prevent:—

Any advertisement, picture, or printed or written matter relating to any complaint or infirmity arising from or relating to sexual intercourse, or to nervous debility or female irregularities, or which might reasonably be

construed as relating to any illegal medical treatment or illegal operation, shall be deemed to be indecent within the meaning of the Act.

Now who will contend that advertisements of that kind have not a corrupting influence on the morals of the community? Are we, when we know that a wrong is being perpetrated throughout the length and breadth of this country, as in New South Wales, which has passed similar legislation, are we, because certain newspapers derive a profit from this wrong—and that is the motive which actuates the bulk of the papers publishing these advertisements—to stand still and neglect to do a serious and important duty cast upon us by this community, to prevent that which is having a corrupting influence on the public mind? I shall not stay my hand. If other members strike out clauses dealing with this serious evil, I am sure they will be voting as their consciences dictate, and perhaps according to their lights they will be doing that which is beneficial to the community. But I have strong views on this question; and although Dr. Hackett says that in introducing the Bill I spoke with the vigour and the excitement one would expect to observe if I were feed by a client to put the case forward—

HON. J. W. HACKETT: No; to put forward the case for the defence.

HON. M. L. MOSS: I can assure him I am looking very dispassionately at the provisions of the Bill. I believe such publications have a bad influence on the community; and being strongly of that opinion I hail with the greatest satisfaction the introduction of such legislation. This Bill, as I pointed out before, contains many safeguards. These are in Clauses 5 and 6. No *bona fide* medical work or treatise is an indecent work within the meaning of the Bill, nor is the exhibition of it in the window of any shop unlawful. Such works are not within the scope of the measure, and there is no desire on the part of the Government to bring them within its scope. And although the hon. member chooses to stigmatise the Bill as one which bursts with ill-considered legislation, every protection is given by that clause to works or treatises which deal with these questions in a *bona fide* manner and from a scientific standpoint.

And now with regard to Clause 6, even the newspaper itself has a protection afforded it which as I said on the second reading I do not think is deserved. Look at the protection. No newspaper proprietor can be prosecuted or punished until he is first warned in writing by an officer of police above the rank of corporal; and then not until the Commissioner of Police or the Attorney General gives a written fiat enabling the prosecution to take place. There is no use looking at this matter from the standpoint of Dr. Hackett. He tells us we are endeavouring to make people good by Act of Parliament. We are, in my opinion, endeavouring to close the door to certain facilities offered at the present time. I think the Bill will close the door to a good deal of immorality. I have no sympathy with the man who makes up a mixture to bring about miscarriages; and this is one of the evils we seek to prevent.

HON. J. W. HACKETT: The Bill does not deal with anything of the kind.

HON. M. L. MOSS: Then I do not understand the meaning of these advertisements. But in using my own common sense and judgment in the reading of Clause 4, I believe legislation of this kind will largely prevent the publication of advertisements which enable much immorality to go on unchecked, and which offer to people the means of cloaking that immorality. This is, so far as I can judge, the effect of many of these advertisements which occur in public prints; and I can assure the House that when introducing this Bill I had no desire to confuse hon. members or to lead them to suppose that the Bill was entirely based on the Imperial Act. It goes very much farther. It is based largely on the New South Wales Act, but is not quite so stringent. It was as stringent when introduced in another place, but it has been there subjected to considerable modification; and in my opinion the best interests of the community will be served by its passing into law, even at the expense of our being told that we have endeavoured to make people good by Act of Parliament. Apparently that is one very grave objection of Dr. Hackett's. I think this is an occasion for Parliament to step in to prevent that which is exercising a very corrupting influence on the community.

HON. G. RANDELL (Metropolitan): In justice to the Government I must mention what I have heard from more than one quarter, and in good quarters of society—that the Government deserve the admiration and commendation of every right-minded citizen of this State for introducing such legislation, whether we agree or do not agree with Ministers as to the ultimate effect of the measure. The moral courage required when introducing legislation of this kind to a Parliament constituted like ours is very considerable. These expressions of opinion I have heard from several quarters, from persons whose opinions I highly value, and who are able on a question of this sort to form sound judgments. Of the evils mentioned I know nothing. I very seldom read any newspaper advertisements; I certainly never read the sporting news or anything of that kind. I find I have not the time to waste. So I am to a large extent ignorant of the evils which the speech of Dr. Hackett related as existing in the country, though I believe the tendency of this legislation will be to restrict and limit those evils. And Dr. Hackett's speech, although very moderate, couched in excellent terms and in the best of taste, left a very painful impression on my mind when he dealt with certain advertisements in the respectable portion of the Press. I certainly feel inclined not to believe the Bill will accomplish all that may be anticipated, but to believe that its tendency will be for good, for it will in any case indicate that the good sense and the moral feeling of Parliament are opposed to harpies and parasites existing on the follies and the sins of the people of this community; and to that extent it will have a good moral effect on the public at large. Though I have had some little doubt as to the ultimate effect of such legislation, yet after hearing what Dr. Hackett has said and the Minister's reply and his second-reading speech on the Bill, I think there is a need for some such legislation, and I know there is in some directions very urgent need. While I was a Minister of the Crown my attention was drawn by a friend to a periodical circulated in this State, but which I hope and believe is no longer introduced. If it be introduced it is not on exhibition in the shops of this city. Certainly I never

in my life saw anything so disgusting as was contained in that periodical. I shall not mention the name of the paper, because sometimes, as Dr. Hackett says, the very effect of mentioning such a name, owing to the peculiarity of our human constitution, induces people to buy the publication, thus increasing its circulation. But I took such steps as I could at the time. I found that under an old Act a conviction might possibly be secured against persons exposing this periodical in their windows; but success was doubtful. At any rate, I took the trouble personally to purchase a copy of another issue in the shop from which the first had come, and the copy I purchased was not so bad as the other, but still very obscene. I told the vendor the purpose for which I obtained it. Since then I have never seen that paper exhibited there, and only once since on the railway station.

HON. J. W. HACKETT: On the Government railway station?

HON. G. RANDELL: On the Government railway station. I found it on a bookstall at the railway station. This publication was introduced into Western Australia by very respectable wholesale people.

HON. J. W. HACKETT: Did the Government prosecute them?

HON. G. RANDELL: I do not think the Government have any knowledge of what is on the bookstall of a railway station. It was there. I think that of all publications tending to damage the moral feelings of persons, especially young people, those were the worst. Those are evils which want some attention, and I am pleased the Government are able to introduce some measure. If we find that the exigencies of the case in this State need more drastic legislation than is contained in the English Act we should not, I think, hesitate to adopt it. I know members will at once agree that Dr. Hackett, in speaking as he has done, has not been influenced one iota by the fact that it is bringing grist to the mill, but that he really believes in his inmost heart that the tendency of such legislation is in a wrong direction, and will not do good.

HON. J. W. HACKETT: It would not equal £1 in a thousand.

HON. G. RANDELL: I am sure the hon. member has spoken from right, proper, and patriotic motives.

THE MINISTER FOR LANDS (Hon. A. Jameson): I had not intended to speak on this Bill, which is in the hands of my colleague, who can deal with it more ably than I am able to; but there is one point on which it is right I should reply to Dr. Hackett. He referred to this Bill as being the outcome of the youth of the Premier. I am a little older than the Premier, and it may be thought that I am not in sympathy with the Bill; but I must at once say I am entirely in sympathy with the measure as it comes before us to-day. [HON. J. W. HACKETT: Officially?] Officially and conscientiously. I have not been asked to advise on this Bill, but had I been, I should certainly have supported the measure in every detail. It seems to me a very moderate Bill, and I think the Premier is to be congratulated on having brought forward a measure of this kind. From my experience as a medical man, I may say that undoubtedly the conditions in this State are somewhat different from those in the old country and older countries. This Bill is dealing throughout with questions in regard to the sexual system. Undoubtedly the sexual life matures much more early in a country such as this than in colder and northern countries. This country is much more stimulative. Therefore, we have to take measures which may not be necessary in colder and more northern climates. Again, I should like to support my colleague in regard to Clause 4. He refers to female irregularities and certain questions. My colleague is perfectly correct in saying that the female irregularities refer to stoppage of the ordinary physiological processes which take place with all women, and which stop during the course of conception. That is the meaning of the term in medical parlance.

HON. J. W. HACKETT: What I meant was that the chemists may sell and make up their drugs in spite of this.

HON. M. L. MOSS: For the purpose of curing venereal disease.

THE MINISTER FOR LANDS: It is very objectionable for these advertisements to appear in the paper, for, as my colleague has pointed out, Clause 5 saves the position entirely. So long as the advertisement is *bona fide* there can be no difficulty. Undoubtedly, it is of great

value indeed to the youths, particularly in a State such as this, to know that they can always go to well-qualified medical men. There are always such men in a community who are prepared to advise young men and young women in regard to these matters. Those persons who are advertising have no special knowledge. They have no knowledge which is not possessed by other members of the profession. It should be understood that if persons go to a qualified, experienced, and honourable medical man, who has a recognised position in the profession, they will be in safe hands, and will be rightly advised. It is in view of this that we bring in a Bill of this kind, so that there will not be these advertisements blazing before the eyes of our youth, and telling them that when they have got into certain difficulties, they can get out of those difficulties by going to certain persons who advertise in papers and are undoubtedly, in medical parlance, quacks. They are not sound medical men. It is not only that indecent pictures and engravings are published, but it is this tempting of young men into the hands of these quacks, who undoubtedly will do them an enormous amount of damage. The advice they give to these young men is of a most disastrous kind. I know it in many cases. From my professional position I know that the advice given by quacks advertising in certain papers has been mainly advice with regard to those matters, and persons have been got into such a condition that it is really very difficult to deal with them. By this measure the Government is doing its utmost in relation to stopping advertisements of quackery and incency.

HON. J. W. HACKETT: To prevent reputable practitioners from advertising?

THE MINISTER FOR LANDS: Not so. Curious as it seems, the respectable practitioner never does advertise.

HON. J. W. HACKETT: Oh, yes.

THE MINISTER FOR LANDS: It is not considered etiquette on the part of the medical profession to advertise, and as a matter of fact it is not done.

HON. J. W. HACKETT: It is done.

THE MINISTER FOR LANDS: I do not admit it is so. It is bringing forward a class of person unable to take the posi-

tion required, and who intends, in almost every case, to adopt a dishonest course to advise these young men dishonestly and to their disaster. I believe there never was a measure brought before this House which will be of greater advantage to the community than this measure.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Printing and publishing obscene books, etc.:

HON. J. W. HACKETT: What was the difference between "indecent" and "obscene"?

HON. M. L. MOSS: In our Police Act of 1892, and in every Act which dealt with matters of this kind, one would see the words "indecent and obscene language," "indecent and obscene publication," "indecent and obscene printing." These words were the words usually used.

Clause passed.

Clause 3—Imposition of penalties:

HON. J. W. HACKETT: The reputation of a person should not be at the mercy of two justices of the peace. It was an appeal to a jury, and to a jury of the very worst kind. He moved that the words "two justices of the peace," in line 2, be struck out, and "any resident magistrate or police magistrate" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 4—agreed to.

Clause 5—Savings:

HON. J. W. HACKETT: Would the clause save the *Decameron* of Boccaccio, certainly one of the most amusingly indecent publications ever issued, and comparable with *Rabelais*? Would it not include all save medical treatises, and place the Public Library at the mercy of the Commissioner of Police? It was hard to conceive that *Rabelais* would be allowed into the State under the clause; and undoubtedly certain stories from the *Decameron* would be prohibited.

HON. M. L. MOSS: In another place the Attorney General had expressed the opinion that the works alluded to were saved by the clause.

HON. A. G. JENKINS: That would depend on the Attorney General.

HON. M. L. MOSS: Those administering the Act harshly would be amenable to public opinion and to Parliament.

HON. J. W. HACKETT: The hon. member had given no reason save the Attorney General's dictum. A pharasaical Attorney General, or one with a particular motive, might prevent the importation of books of acknowledged literary merit printed in English. Of the Arabian Nights, for instance, there was only one English unpurgated edition. He moved that the words "to any work of recognised literary merit, or" be inserted after "relates" in line one, and "or a work of recognised literary merit" after "treatise" in line six.

Amendments passed, and the clause as amended agreed to.

Clause 6—Prosecution, how authorised:

HON. J. W. HACKETT: It was objectionable that newspaper proprietors should be under the heel of any Commissioner of Police. All knew how such officers had acted in America. He moved that the words "the Commissioner of Police or," in Subclause (b), be struck out.

Amendment passed.

HON. M. L. MOSS moved that the words "or in case of his absence from Perth the Crown Solicitor" be inserted after "Attorney General."

HON. J. W. HACKETT: As the Crown Solicitor profited by fees, he was always more anxious than the Attorney General to bring cases into court.

Amendment by leave withdrawn.

HON. J. W. HACKETT: What was the right of appeal under the Bill?

HON. M. L. MOSS: Under the new Justices Act there was a right of appeal in every case on a question of law, and to a rehearing in case of imprisonment or a penalty exceeding £10.

Clause as amended agreed to.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

AGRICULTURAL BANK ACT AMENDMENT BILL (No. 2).

IN COMMITTEE.

THE MINISTER FOR LANDS in charge of the Bill.

Clause 1—agreed to.

Clause 2—Extension of purposes for which advances may be made:

HON. J. D. CONNOLLY: By Subclause (1.) these might be to pay off liabilities already existing on holdings. Clause 7 qualified that, but not sufficiently; for it should define the amount to be spent on improvements.

HON. J. W. WRIGHT: Clause 4 gave that.

THE MINISTER FOR LANDS: It did not seem necessary to define what amount should be used for the purpose, because it was entirely under the manager, and with the approval of the Governor. In some cases it might be necessary to use a larger amount than in others. The whole of the money could not be advanced for that purpose. One-third of it would have to be used for improvements.

HON. W. MALEY: Was this clause intended to relieve storekeepers? It would imply that an agriculturist was a borrower already and was involved in some measure, and an advance could be made under Subclause 1 to relieve the mortgagee or person who had lent the money. If that was the real aspect of the case, it would be wiser for the public funds to be invested directly to encourage improvements, and not for the purpose of paying off debts.

HON. G. RANDELL: Clause 7 said no advance should be made for the sole purpose of paying off liabilities.

THE MINISTER FOR LANDS: Subclause 1 merely referred to one of the purposes in question.

HON. J. D. CONNOLLY moved that Subclause 1 be struck out. He did not think that when this Bill was introduced it was brought in for the purpose of enabling liabilities that farmers might have incurred to be paid off, but to encourage people who settled on the land, to give them money to improve their lands and get implements.

HON. R. G. BURGESS: No man could get money by mortgage in the same way as from the Agricultural Bank. The repayment of money from the Agricultural Bank extended over 30 years, the first payment having to be made in the first year. Advances had already been made to people who owed money. Why should not a man who had a good property and owed £200 or £300 be able to borrow as well as anyone else? Surely a man did not get the money

unless he meant to improve his land. Clause 4 provided that a third should be spent on improvements. It would be advisable to reduce the amount that could be advanced to two-thirds.

THE MINISTER FOR LANDS: If Subclause 1 were struck out, the measure would be rendered useless in a large degree. It was not proposed to accept a second mortgage.

HON. W. MALEY: There would be plenty of first mortgages.

HON. J. A. THOMSON: It was easy to see the necessity to have this subclause in the Bill. It was inserted to remedy what had been an injustice to people who had mortgages.

HON. B. C. O'BRIEN: If this subclause were retained, it would be opening the door to a certain amount of fraud. Supposing a storekeeper were the creditor of a man, that man might be pressed by the storekeeper to apply for an advance from the Agricultural Bank, so that the debt might be paid. Moreover, dishonest persons could endeavour to show that a debt was due from one to the other.

THE MINISTER FOR LANDS: The manager must be depended upon.

HON. W. T. LOTON: It would be an injustice to strike out Subclause 1. Every person in the State should be put on the same footing. A third of the sum obtained from the bank must be expended in additional improvements.

MEMBER: That was only in regard to Subclauses 2 and 3.

HON. E. McLARTY: The subclause would be of great advantage to a large number of settlers. If a man owed £200 on his property, seeing that the usual rate of interest was seven or eight per cent., surely it would be an advantage to him to go to the Agricultural Bank and obtain £300, whereby he would have £100 to farther improve his property, after paying the debt of £200, and he would have this lengthened period in which to pay off the sum due to the bank.

HON. J. D. CONNOLLY: Admittedly if a man owed an amount of £100, and had security of the value of £300, it would be very unfair to stop him from going to the Agricultural Bank, but Clause 4 did not provide that he should be able to do so. As Subclause 1 of

Clause 2 stood, a person could borrow the whole amount to pay off a debt, and not spend a penny.

THE MINISTER FOR LANDS: This clause was subject to Clause 4.

HON. J. A. THOMSON: This did not mean to say it was necessary to borrow more money than the sum mentioned in the original mortgage on the property. Persons might only require the exact amount.

HON. G. RANDELL: Clause 7 prevented that.

Amendment negatived, and the clause passed.

Clause 3—agreed to.

Clause 4—No advance to exceed three-fourths of the value of improvements, or the sum of £1,200:

HON. S. J. HAYNES: The limit of three-fourths seemed to overstep the margin of safety, for a private person would not lend to that extent. This would encourage people to take up land before being reasonably able to do so, and might raise up a class of useless yeomanry such as might be seen in other States. The value meant that of the land and all improvements at the market price for the time being, when value might be inflated and a three-fourths margin insecure. Consider the detriment to the State were many of these properties thrown on the hands of the Government. The whole population must pay the piper; and persons would be induced to borrow money who could not repay. He moved that the words "three-fourths," in line 1, be struck out, and "two-thirds" inserted in lieu. This would induce people to stay on the land, whereas half margin would be insufficient.

THE MINISTER FOR LANDS: In reality, only three-fifths would be advanced, as in New South Wales and Victoria, for, as explained on the second reading, one-third of the advance must be expended on improvements, thus increasing the value of the property.

HON. S. J. HAYNES: The bank should be exceedingly careful in valuing improvements; for a property alleged to be worth £1,100, and on which the bank had advanced £400, was put up to auction within the last fortnight, and there was no bidding. Though one-third was to be spent on improvements, Subclauses 2 and 3 of Clause 2 were too general as to

the mode of expending. Farming, grazing, horticulture, and viticulture might be carried on at haphazard, adding little to the permanent value of the property.

HON. J. D. CONNOLLY: A man might buy live-stock.

HON. S. J. HAYNES: Much of the money might go in wages. Permanent improvements should be specified.

HON. J. W. HACKETT: Was it not intended to advance against stock?

THE MINISTER FOR LANDS: Not as security.

HON. W. T. LOTON: Better not lend money too liberally. Some people now settling had a tendency to become rather heavily indebted, and should be protected against themselves. Safe administration depended on the valuer; and ultimately there must be some losses. The loan should not exceed two-thirds of the value, and one-third should be expended on permanent improvements.

HON. R. G. BURGESS supported the amendment.

Amendment passed.

HON. R. G. BURGESS moved that after the word "thereon," in line 4, "except in the case of loans for horticultural and viticultural lands, which shall not exceed one-half of such value," be inserted.

Amendment passed.

HON. S. J. HAYNES: The £1,200 maximum would make the bank a gigantic loan institution, instead of carrying out the will of Parliament. From professional experience he knew that a person requiring a £1,200 advance could get it in the open market on terms as reasonable as and in many respects better than those offered by the Government, save in respect of the date of repayment; and a desirable borrower would not require a term of 30 years. Surely the Act was for the encouragement of small holders of the right type, while the £1,200 maximum contemplated a much wealthier class than should ask the State for assistance. The maximum should be reduced to £750.

At 6-35, the CHAIRMAN left the Chair.

At 7-30, Chair resumed.

HON. S. J. HAYNES (resuming): The present advance which the bank could make was £800, and that seemed a

very fair thing, without any increase. He moved that the words "twelve hundred" be struck out, and "one thousand" inserted in lieu. That, he thought, would have to be done by way of suggestion.

THE MINISTER FOR LANDS: If the amount were reduced from £1,200 to £1,000, the position would be weakened. The matter had been fully and carefully considered by the members interested in agriculture, and the feeling was that it was desirable to increase the amount that could be advanced to £1,200. The manager of the bank held that view. It was very rarely advantage would be taken of the power to borrow up to that amount. Clause 8 provided that applications for sums under £500 should have priority over those for larger amounts.

HON. R. G. BURGESS said he would be inclined to support the amendment. It was all very well whilst we had a careful manager, but we might get a man with lofty ideas in regard to lending money, and then a slump might come, and the revenue might sustain heavy loss.

Amendment passed, and the clause as amended agreed to.

Clause 5—agreed to.

Clause 6—Repayment of advance to discharge existing liabilities:

HON. R. G. BURGESS: It would be advisable to give power to the manager of the bank to call up funds advanced under the principal Act in regard to which the Act provided that repayments need not commence until five years had elapsed. He did not know whether that could be done.

THE MINISTER FOR LANDS: In regard to a loan under the principal Act the advance was made upon the condition of effecting improvements, and those improvements had scarcely taken place in the time which had elapsed. It would seem hardly fair to call upon the borrower to return the loan before the improvements had been effected.

Clause passed.

Clause 7—No advance for discharge of liabilities only:

HON. J. D. CONNOLLY: What was the reason for inserting this clause, which said that no advance should be made for the sole purpose of paying off existing liabilities? Clause 4 provided that a third of the advance should be expended on the land on improvements.

THE MINISTER FOR LANDS: The same point had occurred to himself, that Clause 7 was scarcely necessary, but it certainly made the intention clearer.

HON. J. D. CONNOLLY: Did the Minister think the clause had better be struck out?

THE MINISTER FOR LANDS: The clause made the intention clearer.

HON. J. D. CONNOLLY: Supposing the manager took the clause to mean that if a man owed £275, and borrowed £300, he would be justified in letting that man pay the £275 out of the £300 and spend the remaining £25 in improving the land?

THE MINISTER FOR LANDS: Sub-clause 1 of Clause 2 authorised advances to pay off existing liabilities; and it should be made clear that no advances were permissible for this purpose only; hence Clause 7 was necessary.

Clause passed.

Clause 8—agreed to.

Clause 9—Amendment of 58 Vict., No. 21, s. 5:

HON. R. G. BURGESS: As there was now only £130,000 available, 120 men taking the maximum advance might scoop up the whole fund. The available capital should be increased from £300,000 to £500,000. Mr. Randell smiled; but if he knew more of the country districts he would, like those who had stuck to the country instead of growing rich in the towns at its expense, have more faith in the agricultural and pastoral industries. By these advances the general wealth of the country was much increased, and any property foreclosed on would be readily bought by capitalists, as it would pay to hold improved lands even for stock purposes only.

HON. W. MALEY: Apparently the good purpose for which the bank was founded would not be achieved—to advance money for the improvement of small holdings. Doubtless storekeepers would congratulate themselves on Subclause 1 of Clause 2, by which they would have an excellent claim on advances to their debtors. In the other States there had been found a tendency to borrow from the Government, but not to repay; and nothing could prevent a man's borrowing money here on a thirty years' term,

selling the property, and levanting to South Australia, where he might perform the same trick. All advances should be well secured; and it was, he believed, a rule of banking that the worst securities were those already pledged.

HON. R. G. BURGESS: No; that depended on the character of the borrower.

HON. W. MALEY: Power was given to lend not only to those desirous of improving their holdings, but to men already involved. A business man would prefer to borrow from a financial institution; for after harvest the bank would credit him with returns as against interest. To a business man the Agricultural Bank offered no attractions, but offered many to the farmer, who was ignorant of business methods.

HON. G. RANDELL supported the clause. He had been charged by Mr. Burgess with illiberality, but the hon. member was under a misapprehension. What he (Mr. Randell) laughed at was his supposition that 120 people were to get the whole of the money. He felt sure the manager of the bank would not allow 120 people to obtain it all.

HON. E. McLARTY: The past working of the Agricultural Bank should, he thought, inspire confidence in members. If there was an institution in the State that had been of more benefit than any other, it was the Agricultural Bank. Out of the £113,000 which had been advanced up to the present time, the whole loss had been £7 10s. That spoke for itself as to the careful management of the bank. Under the principal Act, one could borrow up to £800; but he did not think that half a dozen people in the State had borrowed to that extent. Very few would apply for advances of £1,000. The majority of applications had been for advances of from £250 to £300, and very few had been for larger amounts.

Clause passed.

Clause 10—agreed to.

On motion by the **MINISTER FOR LANDS**, progress reported, and leave given to sit again on receipt of message from the Assembly.

On farther motion, message sent to the Legislative Assembly requesting the Assembly to make the amendments suggested by the Council.

ROADS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: This is a Bill to consolidate and amend the law relating to roads boards, and I think I may remind members that I introduced a Bill of the same nature in the last session of Parliament. It was passed through all its stages in this House and went to the other place, but it was sent back to us, and owing to certain technicalities, particularly in regard to dates, we were not able to pass it through at the last moment. Very much the same Bill is before us to-day. It is a Bill for consolidating the existing Acts. You will see by Schedule 1 that the Acts which are to be repealed are the Roads Act of 1888, the amending Act of 1889, and the amending Act of 1894. I may mention to members now that nearly all the amendments that appear in this measure are based upon recommendations made by various conferences which have been held from time to time throughout this State. Particularly during the last year these conferences have been active, and I think I may take the liberty of saying that the State is under an obligation to these conferences, which have spent so much time and have devoted a great deal of ability and practical energy to the recommendations sent forward to us to be incorporated into the Bill now introduced. In regard to the second reading, I would simply point out that the principle of the measure, after all, is to provide machinery for the carrying on of administration, and so far as concerns that portion relating to local government, which is under the control of the roads boards, I think it must be admitted by all that this Bill is a good measure, and will be useful to the community. It has received a great deal of attention, and I think it is a very well considered measure indeed. It rests with me to point out some of the principal amendments brought forward in this Bill, provisions which do not exist in the older Acts that are hereby repealed, and which I have just mentioned. You will find the measure is divided into several parts. You will see by Subclause 2 of Clause 6, Part II., that two or more districts or parts thereof may be united into one district. Part II. also gives power to divide a

district into wards, and to define the boundaries of wards. This division into wards is a new feature, and it is a very valuable one, particularly as regards large agricultural areas. This State is developing very rapidly, and so large are agricultural areas, and so great the distances, that it is an advantage that the districts should be divided into wards, and have direct representation, members being elected for each ward. Not only in those districts, but in well-settled districts, there are differences of interests, even in a few square miles, and we thought it would be of great advantage to divide several districts into wards. Paragraph (a.) provides that "before any power conferred by this section is exercised, notice shall be published in the *Government Gazette*," and by Paragraph (b.) it is provided that "within 21 days of the publication of such notice, or within such farther time as may be stated in the notice, any 10 ratepayers, or any 10 persons owning ratable property within a proposed district, may petition the Governor for an inquiry into the advisability of the power being exercised." Thus you see it is well guarded against being taken advantage of unduly. This I look upon as a very important provision. Part III. relates to the constitution of roads boards. Subclause 2 of Clause 11 provides that "if the district is divided into wards, the Governor may increase the number of members of the board to nine, and shall from time to time determine the number of members for each ward." This is a great convenience. Supposing you have three wards, as will frequently be the case, you will have three members for each ward. There has been a discussion about that matter at various conferences, and they thought nine was the number that would be most suitable. In regard to qualification of electors, members will see that under Clause 25 an alteration has been made in so far that persons who on the 1st day of January in any year are the owners or occupiers of lands liable to be rated within the district, shall be qualified as electors. There has always been a great deal of difficulty as to whether a person should be an elector through having property from January or from September only. There has been difficulty in working in the past. Different opinions have been

given, and this makes it perfectly clear that those whose names are on the roll on 1st of January next year can vote in the following March. The election will take place in March, and not December as in the past. In Subclause 2 of Clause 25 there is a very important provision. Paragraph (b.) provides that when a district is divided into wards a person shall be entitled to vote for every ward wherein any qualifying land of such person is situated; that is to say, vote for each ward. That is a principle which exists in relation to this House, I imagine, with a good deal of justice. This being a property House, a vote can be given for each province where a person has property. In this provision the vote is a property one. There is no difference at all between the principle here and in relation to this Bill; the one is a ward and the other a province. Property is represented. I call particular attention to it, because there may be some difference of opinion with regard to that matter, and I shall be very pleased to hear it discussed. You will see that under Clause 49, the annual election will take place on the third Thursday in March of every year. You will remember, that at the present time it takes place on the third Thursday of December, and this is an entire alteration, with a view of bringing the financial year of the roads boards into unison with the financial year of the Government. It is made with regard to the audit, and will greatly simplify the keeping of the books of these roads boards. You will see there is an important alteration by Subclause 2 of Clause 56, for the subclause provides that if it appears that there is more than one candidate for any one vacancy, the returning officer shall order a ballot. Thus we do away with the ridiculous and absurd custom of a show of hands, which has been used in the past with really in some cases disastrous results. You will find from Clause 62 that there is no longer to be any proxy voting in relation to these roads boards, but the system will be the same as that which prevails in relation to the Legislative Assembly. Every elector must vote in person, unless he intends to be, or is, absent from the State; resident in the State, but more than five miles distant from a polling place; resident out-

side the district; or is prevented by illness or infirmity from attending a polling place on polling day. Members will see by Clause 63 that a poll will be taken in exactly the same way as for the Legislative Assembly at the present time. Part IV. relates to the proceedings of the board. The proceedings of the board are very much the same as indicated in the principal Act, but in Clause 87 there is a provision which is not in the principal Act, although what is referred to has been frequently done by these boards, namely, that a board may appoint committees, either for general or special purposes, and may delegate to a committee power to do any specific act or hold any inquiry. It is very important that the power should be clearly specified, although it has been frequently used. Still, it is very doubtful whether they had the legal power to do it. Under the part relating to powers and duties of boards, members will see that in Clause 91 it is provided that "For the purpose of controlling or managing any park, recreation ground, or reserve the board shall have all the powers of a board of parks and reserves appointed under the Parks and Reserves Act, 1895, or any amendment thereof, together with the powers conferred by this Act." This I deem very important. Hitherto it has been doubtful whether roads boards could take advantage of the Parks and Reserves Act, though the Government might appoint persons as trustees. Among the powers of the board it will be seen that by Subclause 2 of Clause 98 the board may:—

Construct, sink, and maintain tanks, wells, dams, and reservoirs, and bore for water for the purpose of providing a water supply along any line of road within the district.

That is in some measure a new power; and there is another new power in Clause 100:

No roads shall, without the consent of the Governor, be set out unless the width of such road, to be ascertained by measuring at right angles to the course of such road from front to front of the boundary line on either side thereof, shall be 66 feet at least.

Therefore every road taken over by a board must be at least one chain in width.

MEMBER: Is not Clause 101 new?

THE MINISTER FOR LANDS: No. That is Section 56 of the existing Roads Act. Under Clause 115, which is new,

the board may establish pounds. It is thought boards should be able to do this under Section 82 of the Cattle and Stock Trespass Act; but there seems to be some doubt as to whether the power exists. Under the by-laws clause, No. 117, very liberal provision is made for by-laws, particularly for the regulation of heavy traffic. By Subclause 11 the board may regulate the weight of any engine, etc.; and by Subclause 31, heavy traffic means, *inter alia*—

The transportation of any vehicle, engine, or machine which shall itself, or together with any thing or things being transported thereon, weigh more than one and a half tons avoirdupois to each pair of wheels.

I would draw attention also to Subclause 25, by which the board may make by-laws providing for the annual licensing and prohibiting the use of any unlicensed bicycle or motor car. The license fee is not to exceed five shillings. I think that a valuable provision, which gives cyclists a right to the road, and at the same time brings them within the purview of the law and makes their position clear.

HON. R. G. BURGESS: It is not compulsory?

THE MINISTER FOR LANDS: No. Any board may make, or may refrain from making, such a by-law. Clause 121 is taken from the New Zealand Act of 1900. For the purpose of giving effect to any by-law relating to heavy traffic:

Any person authorised in that behalf may stop and detain any vehicle or machine which in his opinion infringes any by-law until the weight of such vehicle or machine, and the load thereon, or the weight or measurement of the contents thereof, can be ascertained.

That is an important power and may prove valuable. Part VI. deals with revenue, and contains important provisions regarding rating. I should like members to take particular note that in Clauses 126 and 127 will be found alternative powers of rating. Under Clause 126 the board may rate according to the annual value, which shall be by Subclause (a.) the yearly rent at which the land might reasonably be expected to let, free from all usual tenant's rates and taxes, and deducting therefrom the probable annual average cost of insurance and other expenses (if any) necessary to maintain such property in a state to command such rent. This makes it clear, in suburban properties particularly,

exactly how the rate is to be ascertained, if the board choose that method of rating. In Subclause (b.) there is an alternative method of assessing the annual value at—

An amount not exceeding £7 10s. per centum on the capital value of the land in fee simple. That seems a little high; but the question is open to discussion. Then follows a proviso:

The net annual value of land leased by the Crown for pastoral purposes shall be taken at the annual rent payable to the Crown by the lessee; or if sublet at an increased rent, then at such increased rent.

HON. R. G. BURGESS: What about conditional purchase holders?

THE MINISTER FOR LANDS: Their lands will be taken at the annual value; but then comes the point whether, a large number of conditional purchases being unimproved, they may not be looked upon as unimproved lands under Clause 127. We must consider very carefully whether we approve of the assessment on unimproved values. Clause 127 introduces quite a new principle, and should receive very close attention. However, it is a matter for the Committee stage, and I hope it will then be fully discussed. In regard to the striking of rates, Clause 142 must read with 127. The former reads:

Where the system of valuation on the basis of unimproved values of lands is adopted by the board, the general rate to be levied in any year shall not exceed twopence halfpenny in the pound on the capital unimproved value of the land rated.

It is said that comes to about one and sixpence in the pound on the annual ratable value of such land. The point needs close attention. Under Part VIII. accounts and audit have been carefully provided for, with the advice of the Audit Department. There must be two auditors for every district, one to be appointed by the Minister and another to be annually elected by the ratepayers.

HON. R. G. BURGESS: By Clause 141, rating is compulsory?

THE MINISTER FOR LANDS: Yes; the board may strike any rate it desires. That is for the purpose of registration, and ought to have been the law long ago. However, it is a matter for hon. members' consideration. I think it desirable that a rate should be struck by every board, even if it be a very low rate, so that the residents of the district may take some

interest in the board's work and that books may be kept; for it is largely on the rates raised by the board that Government advances will be made; consequently the rates guide the Government as to what advances shall be given a district, for how it is helping itself may be seen by the amount of rates collected. I have pointed out the bulk of the amendments, and it might be well to allow a little time before going into Committee, for the Bill is highly important and needs careful consideration. I have brought forward a few of the principal points, and I hope there will be no difficulty in supporting the second reading.

HON. C. E. DEMPSTER (East): During the past 11 years there has been scarcely a session of Parliament without the introduction of an amendment of the Roads Act; and I think the fact that throughout the whole of this country so few boards have resorted to rating property proves that such a method of raising money for the maintenance of roads has never met with the approval of the people generally. [MEMBER: Because they have to pay.] Country roads are the life arteries of the State; they benefit not one section of the community but the whole; and there is not any item of expenditure of the Government that could more justly come out of revenue than that for the maintenance of our main and minor roads. Looking at the matter from any fair point of view, any reasonable man must come to that conclusion. There must be roads by which we can travel through the country and convey produce to market; and the cheaper and more effective our means for supplying the markets and feeding our railways, the better for the consuming public. Therefore, how can it be said that only one section of the community benefits by the construction of roads? The roads of the State are its life arteries, and ought to be maintained out of revenue. I think the people have been simply fools for not having in this respect asserted themselves with determination. It cannot for a moment be contended that the position of the country roads is in any way on a par with that of streets and footpaths and other property in towns. Of a country road the public generally derive the benefit, whereas city streets are for the benefit of those

holding property in the immediate neighbourhood; and every improvement of a street or a footpath enhances the value of the surrounding property; therefore, the rating of property is totally different from that which may be considered necessary for the mending of roads. I would like to point out also that throughout these districts farmers have for a long time past been contributing to the roads boards' income by taxation upon teams. We have all to pay for licenses, and some pay as much as £9, £10, or £12 a year for teams. It all goes in that direction. It is all paid to the roads boards, and again expended for the repair and maintenance of roads. It must also be remembered that all these farms have no roads adjacent to them. The occupiers have to make their own roads at their own expense to these main lines. That ought certainly to be considered, and when boards call upon the farmers to contribute so much towards the maintenance of these roads, I contend that it is very unfair and unjust. I do not know that anything can be done, but if I had my own way in the matter I should certainly move that in future all country district roads should be maintained out of revenue, for the reasons I have already offered. I am quite satisfied it is unjust to rate one section of the community for that which is of benefit to the whole State. I have no doubt that, as the Minister for Lands has stated, the Bill before us has been drawn up with a great deal of care, and those who drew it up perhaps deserve much credit for the way in which they have gone into it; but I feel sure they are not fully acquainted with the whole of the circumstances, and that they have looked more to the interests of those places mixed up with municipalities than to the interests of districts such as the Eastern districts, outlying districts, where we are all producers.

THE MINISTER FOR LANDS: Clause 125 provides for what you want.

HON. C. E. DEMPSTER: Yes. I contend that this is what we have always stuck too, that our roads should be altogether maintained out of revenue, except those that lead to private holdings. I can point out hundreds of cases where there are no roads nearer than three or four miles to where persons are

producing, and people have to make their own roads at their own expense. There is no provision for them to meet their requirements in that way, and they have to make shift as they can. With respect to my own property, until the last 12 months there was never a single line of road made within two miles of where we were producing hundreds and thousands of bushels of stuff. We had to make our road to the main line, and that has been the case with hundreds of others. It must not be thought that we are fighting for our own interests, and we do nothing for the maintenance of the roads. We have had, I say, to make our own roads, and maintain them, and do our best to see to the work done. I consider that throughout the State the system which has been adopted by the roads boards has worked thoroughly satisfactorily, and the roads boards have done as much with the money at their disposal as it was possible to do. I think one has only to look at the enormous extent of road they have had under their control to come to the conclusion that the small amount received from the Government for it would not have gone very far had it not been very carefully and satisfactorily expended. I am sure that the roads boards throughout the State deserve a very great deal of credit in this respect. They have given up their time gratuitously two or three days a month, they have had meetings regularly every Saturday, and hundreds of members have had to give up weeks and weeks to go out and set the work and measure up the work done. I do not think roads boards have had sufficient credit for what they have accomplished. The State is very much indebted to those men who have worked in the way they have. It is unnecessary perhaps for me to express my opinion any farther in this respect, and what we have to do is to make the best of the Bill under our consideration. The extreme rates here allowed would be ruinous to holders of property. I have already gone carefully through the measure, and there are many things which will require a considerable amount of amendment. Where it is evident that the roads of the country are a general necessity, not only one class or section of the community ought to be taxed for the maintenance of those roads.

That has been the aim of Parliament in the past. You cannot get any assistance from the Government unless you contribute so much yourselves. One man may spend 20 or 100 times more than another, and the more the largest owner has to contribute, the more he pays for these roads. It is unfair.

HON. M. L. MOSS: He gets more roads to benefit his property.

HON. C. E. DEMPSTER: We made a road from Esperance Bay to Fraser Range, a distance of 150 miles. In the whole of that distance there was only one place where permanent water could be obtained, and that was 50 miles from Esperance Bay. These were some of the difficulties settlers had to contend with. One hundred miles of road had to be cut, and water had to be carted for the men whilst they were doing the work. That range has been held for over 30 years. We have spent thousands and thousands of pounds in providing water and fencing it, and there has not been a single road made within 100 miles of the place, yet we have been rated on the rental value of that land. The amount paid is not a very great deal on the Government rents, but we have been rated for roads, and we have not had a road constructed by the Government.

HON. M. L. MOSS: How many miles of road did you make?

HON. C. E. DEMPSTER: One hundred and fifty. We made roads between our stations, from one tank to another, and this has been a great boon to people travelling. In many instances some people would have suffered very severely had it not been for the water provided. I suppose we hold about 250,000 acres, and not one thing has been done towards procuring water on the road referred to, nor a single mile of road ever made by the Government, or roads board, and yet, as I say, we are called upon to pay so much a year towards the maintenance of roads. I suppose there are others in the country similarly situated. It shows we are not all treated quite as justly as we ought to be. However, I trust that now this Bill has been introduced, we shall go into it very carefully and see that the rates are so adjusted that they will not be so oppressive as might otherwise be the case.

HON. T. F. O. BRIMAGE (South): I think that all the roads boards of the goldfields will welcome with a great deal of pleasure this Bill for the purpose of constructing their roads, and levying proper rates.

HON. C. E. DEMPSTER: You have no freehold.

HON. T. F. O. BRIMAGE: I see that the Bill is divided into two parts, and perhaps we can so adjust the clauses that they will suit my hon. friend. I was very glad to hear the expressions from the Minister regarding the work that has been done by roads boards conferences. I think a great deal of praise is due to those conferences.

HON. R. G. BURGESS: For the time they have wasted.

HON. T. F. O. BRIMAGE: For the time they took in making the various recommendations which the Minister states have been partly drafted into the Bill.

HON. R. G. BURGESS: That is the suburbs.

HON. T. F. O. BRIMAGE: And the country members, too. I was at some of those conferences in the early stages of the goldfields, and I know that a good deal of work was done. I am sorry the Bill was sent to a select committee in another place. I prefer the measure as it left the parliamentary draftsman.

HON. R. G. BURGESS: This Bill is not our recommendation to the select committee.

HON. T. F. O. BRIMAGE: The measure is before this House as it left the Assembly, after it had been before a select committee. Some of the amendments by the select committee will have to be altered, I think, back to the original provisions of the Bill.

THE PRESIDENT: There has been no select committee of this House on the Bill.

HON. T. F. O. BRIMAGE: I may refer the leader of the Government to paragraph (b.) of Clause 6, which says: "Within twenty-one days of the publication of such notice, or within such farther time as may be stated in the notice, any ten ratepayers or any ten persons owning ratable property within a proposed district, may petition the Governor for an inquiry into the advisability of the power being exercised."

It was originally intended that 20 ratepayers should sign that petition, and I think 20 would be the right number. I think that as 10 persons or 20, whichever may be decided, can petition, we should have a provision that 20 persons can veto the petition of the first 20. It seems to me that if a body of men get up a petition for the purpose of having a road district that may not be convenient for other portions of the community, it would be right for a petition from another number of persons to be sent, and when a deadlock of that kind arrives, the decision should be left to the Government officials. I quite approve of the powers given under this Bill with regard to the taxing of mining sheds. I disapprove entirely of taxing the mines on the capital value of anything of that kind, but where housing of machinery is erected on a mine, I think these sheds, or barns as they are called sometimes, should be taxed in the usual way.

HON. R. G. BURGESS: Not under this Bill.

HON. T. F. O. BRIMAGE: They can be under this Bill.

HON. R. G. BURGESS: No.

HON. T. F. O. BRIMAGE: There have been one or two court cases over that on the goldfields. The mining managers have thought it unjust that they should be taxed for their sheds, and their residences, but we do not think so. We, as a roads board, have to make the roads about these mines, and it is quite fair that the mine-owners should bear their amount of rating.

HON. R. G. BURGESS: They pay a gold tax.

HON. T. F. O. BRIMAGE: The roads boards do not reap that benefit. That goes into the coffers of the Treasury. We want money to construct roads.

HON. R. G. BURGESS: Can you not get it out of revenue?

HON. T. F. O. BRIMAGE: I do not believe in getting such expenditure out of revenue. I believe in allowing every portion of the community to look after itself. With regard to the contention of Mr. Dempster, we have just gone through the Public Works Bill, which I think contains clauses empowering the Government to construct public roads. Anyhow the Government have power to repair main roads; so that it is quite competent

for them to give a special grant in respect of a long road such as that from Perth to Esperance or to Albany, and then it would be the duty of the roads boards to keep the road in order. Regarding voting by proxy, that is not at present allowed; but I will move as an amendment that the minimum distance from the polling place be ten miles, in order that a man shall be entitled so to vote. If a man be, say, five miles from a polling booth, surely that is not too far for him to travel. I do not think we should encourage proxies for short distances; and I believe ten miles is a good minimum. Several other amendments I hope to bring before the House when in Committee, and on the whole I think the Bill very workable, and congratulate the Government on bringing it forward. It is much needed on the goldfields.

HON. J. W. WRIGHT (Metropolitan): I have patiently listened to the explanation of the Minister. By Clause 125 the Government may grant money to the boards, but there is no provision made for the Government or any other body seeing that such money is properly expended.

THE MINISTER FOR LANDS: There is an audit.

HON. J. W. WRIGHT: That is no protection. I have lately been concerned with certain cases in which grants have been made, where the money was simply wasted and practically thrown away. Plenty of money issued to the Perth City Council for drainage purposes has never been spent on drainage, but has gone into roads and footpaths; and to-day it is impossible to trace such expenditure.

THE PRESIDENT: The hon. member must stick to the Roads Bill. We are dealing with that and not with a Municipalities Bill.

HON. J. W. WRIGHT: Then I say the Government should provide in this Bill the necessary machinery to insure that such grants shall be properly expended on the works for which they are intended. In South Australia, I believe, all roads for the making of which money is granted to roads boards or to councils have to be properly examined by a Government engineer before the cash is paid over.

HON. R. G. BURGESS: We here have had enough of engineers.

HON. J. W. WRIGHT: And a certificate has to be sent in showing that the moneys are properly expended. Here the roads boards are their own engineers. I think they send out carpenters to repair the roads, and the boards engineer the money. It is necessary to provide that these moneys shall not be handed over to the boards until the works have been carried out on thorough business principles, as would be done by private people.

HON. J. D. CONNOLLY: How can the board carry out the work if they do not get the money?

HON. J. W. WRIGHT: How could the hon. member build a house on borrowed money? He would not get the money till he had done the work; it would be advanced as the work proceeded. That principle would be like paying your butcher before you get the meat. The works should be carried out before the moneys are handed over; and I shall try to have a clause inserted to that effect. I believe this is provided for in the Victorian Act, as well as in the Acts of other States.

HON. R. G. BURGESS (East): I am surprised at the remarks of the last speaker, and am sure the roads boards of this country do not deserve the abuse they have received at his hands. The hon. member says we ought to have engineers. The older members of this House can remember Mr. Hickman, who in a certain Governor's time, had a hobby. He intended to do wonders in making a road, borrowed £1,000, and got an engineer to see what would have to be done. The engineer was sent up to the Eastern District, and advised that two large drains should be constructed for about a chain on each side of the proposed road. By the time that work was done the whole of the money had gone and there was never an inch of road made.

HON. J. W. WRIGHT: "One swallow does not make a summer."

HON. R. G. BURGESS: I will give you another swallow. When the goldfields started, Sir John, then Mr. Forrest, was Commissioner of Crown Lands, and visited Southern Cross to see whether the York or the Northam route would be the better for a road to that place. When he returned he advised that the road be made from York. The then editor of the

West Australian wrote a leading article advising the Government to appoint a board and pass a special vote to make this road from Southern Cross to York. There was a large working party formed, containing three or four overseers, and head and assistant engineers, and a big camp established almost sufficient for a new line of railway. This went on till the concern became the laughing stock of the whole country. The party constructed about 40 or 50 miles of road, with the York Roads Board standing looking on. The party spent nearly all the money on this length of road, and then had to give in. Now to show what the roads board can do, I will give an instance of the York board. Of course there is always rivalry between the districts; and when the goldfields were discovered, the York Roads Board—not one of the extravagant boards to which the last speaker refers—were in a fairly good position and had in hand some £500. This road from York to the goldfields went through about four or five different roads board districts; consequently our board had to go to the Governor and ask for leave to spend this money on 160 odd miles of road. We took up this work, opened the road through the York district, and afterwards got enough money from the Government and undertook to do up all the bad places and clean up every tank and waterhole between York and Southern Cross. Yet this is the roads board which the hon. member now abuses and accuses of wasting money! We spent for the public good money which we had saved; and I will defy any member to say that money is wasted by the country roads boards generally. There may be some waste; but what about the roads boards in the neighbourhood of the city? I will show the hon. member where the money goes. It is spent round the towns. Take the place the hon. member represents. There has been enough money spent on that road from Perth to Fremantle to build another Perth-Fremantle railway.

HON. J. W. WRIGHT: Quite true; it has been wasted.

HON. R. G. BURGESS: It is wonderful that the hon. member does not look into these matters.

HON. J. W. WRIGHT: That is what I am endeavouring to do.

HON. R. G. BURGESS: There is a clause here providing that the boards shall rate themselves. I believe in such rating. It is better than having no roads at all; but it is very difficult to get people to pay rates. I now pay rates to two roads boards; but the difficulty is, and it must not be forgotten, that we are settling people all over the country in new places, in some cases giving them land free, and inducing them in every way to settle; but the moment they do settle they are taxed for everything, hedged completely round with taxes. They are first taxed in one way and then in another; therefore when introducing such proposals we must be cautious. This is only a new country; and we do not want Acts from old and settled places like New South Wales and Victoria. And as regards this question of rating, nearly every inhabitant of the country districts is a tenant of the Government; therefore we all contribute already towards the expenditure on roads. Hardly any resident of the country districts can be named who is not a leaseholder, a holder on conditional purchase, or a contributor in some other way to the Lands Office. That must not be forgotten when rating is proposed to be made compulsory. I do not know how the Minister is going to tax the conditional purchase leases. There is no provision for it in this Bill. There was in the last Bill.

THE MINISTER FOR LANDS: Either on the capital value or unimproved value.

HON. R. G. BURGESS: The Minister, in moving the second reading, referred to this Bill as a measure brought in last year. In the Bill introduced last year there were only two parts, and we struck out the second part altogether. That part has crept in like a mouse in a lot of chaff, and it will have to go out again, I think. A good many people object to it. Those responsible for the Bill were pretty acute to get to Clause 7 before they introduced the part that refers to these suburbs. We shall have to see if we cannot wipe out some of the clauses as we go along. There are a few minor matters that I will not refer to until we go into Committee. Last night there was a motion in relation to the publication of notices in the local papers instead of the *Government Gazette*, and such a provision as that is necessary. I am sorry

the hon. member made the remarks he did with reference to the mines. We do not want to crush the mining industry at all. There is a clause here exempting the mines. Paragraph (b) in the proviso of Clause 126, stipulates that in estimating the annual or capital value of mines, no regard shall be had to the minerals therein, or the mining machinery, whether fixed to the soil or not, or to buildings used exclusively for the housing of such machinery. I think that is quite right. Gold-mining is one of the greatest industries, and those engaged in it have to pay a direct tax. I do not want to raise their ire by putting additional taxation on one of the chief industries of the State. I quite approve of the provision made. The hon. member who represents the goldfields must be narrow-minded in advocating a taxation on the people he principally represents. With regard to Paragraph (b) of Clause 126, I am going to move that it be struck out altogether, because the hon. member himself mentioned that. A man who has property will have a pretty good tax upon himself. Tax people who have money lying idle. If people get statistics, they will be astonished at the amount. I have often asked a bank manager how it is there are these enormous sums of money lying idle, and he can give no reason. You may just as well make a law to tax people who have money in a bank as one to tax people because they buy land. It is all very well to get stump orators and agitators to try and stir up these things, but there is nothing at the bottom of them. It is really like a puff of wind. As to conditional purchase, the Minister assures me that the rating will be on the capital value. With regard to the rate on unimproved land, I am going to move that the provision be struck out. Here is a rate of 2½d. an acre on country lands.

THE MINISTER FOR LANDS: Twopence halfpenny in the £.

HON. R. G. BURGESS: They have a land tax in South Australia, and it does not amount to more than one-third, or one-fifth of that. Here, I say, is a rate of 2½d. an acre, and the lowest is 1½d. That is a greater rate than the tax on freehold land in South Australia, and I think the tax in New South Wales is lower than the amount here mentioned.

In regard to Clause 141, an alteration is required in relation to the word "shall." Of course we have power, and that is all very well, but we have to consider the peculiar positions, and I do not think anyone put it more clearly than my hon. friend here has. I may mention a little of my own experience where I live. There was a railway cut through my farm 17 years ago last June, and up till last year, when there was a road cut through to go to other places, I never had a penny spent there by the authorities, and the expenditure which took place was of no advantage to me, although I always paid the Government about £200 a year for land, besides heaps of other money. Anything that had to be done I had to do myself. At one time all they could send in the wet season was about 30 bags of chaff, and all you could see was the top of the load. I have had four horses stuck in the river, with the chance of losing them all. People have forgotten those who had to do all this. I know very well that the Minister for Lands, through going about, has some little idea of what the people had to do until the last few years. I shall move that the amount of 1s. 6d. be reduced to 1s. The clause provides that a minimum rate of 2s. 6d. may be levied on any allotment of ratable land, the annual rates in respect of which would not amount to 2s. 6d.; but the amount ought to be increased to 5s., for there will be the cost of collection, etc., and although a man may have only a small bit of land, he gets the use of the roads. Part VII. relates to borrowing and special powers, and it is very dangerous, particularly Clause 158. A petition must be sent to the Governor before these powers can be brought into force, but we know that people get excited sometimes and do extraordinary things. It would put the power into the hands of a lot of small owners, and where they wished to crush the big owners they would borrow money. If they wanted £100 they could borrow £100, and a special rate could be imposed of 1s. 6d. in the £. That, in addition to the other 1s. 6d., means 3s. The principle is a most dangerous one to introduce into a Roads Bill. I think that the municipal laws in this country, and in Victoria, are some of the most foolish ever made. A man has £10,000 worth of property divided into 20 or 30

tenements, and the tenants have the voting power and can spend the money and leave the burden to others, without there being any hold on them at all. That is the law in this State, and in Victoria. We want to be careful how we pass this into law. There are other most dangerous clauses, relating to lights, streets, and several different things, which ought not to be in this Bill, but in Municipal Acts.

HON. J. D. CONNOLLY: It only applies to certain districts.

HON. R. G. BURGESS: It applies to any district.

HON. J. D. CONNOLLY: Here they are defined; seventeenth schedule.

THE MINISTER FOR LANDS: Page 61.

HON. R. G. BURGESS: I never saw it. I am obliged to the hon. member.

HON. J. D. CONNOLLY: York is not in it.

HON. R. G. BURGESS: Bayswater, Buckland Hill, Claremont, Cottesloe, Kalgoorlie, Melville, Nelson, Peppermint Grove, South Perth, West Guildford. Fancy Kalgoorlie being there! As regards Kalgoorlie, I do not think they want any more powers. I have heard from other members in that part of the country that they collected—in fact, I have heard them boast at one of the conferences—I attended some of those conferences myself—that they got a larger sum than any other portion of the country, and it did not go to roads, but to sandwiches and other things. The hon. member did not speak of Clause 182. That is one of the things dealt with at these wonderful conferences where, I say, there was a wonderful waste of time. I was one of those who helped to introduce these conferences into the State, and I have regretted it ever since. The first roads board conference was held in York, and I was chairman of that gathering. Roads boards conferences are useless for general work, and I will tell you why. Because the delegates they send from the suburbs or the goldfields carry the whole vote, and the country has no power at all. Those delegates can demand everything. These conferences are not useful for necessary work, and it would be far better if they did not take place at all, because they do no good. The power is in the hands of the suburban towns and goldfields. By Clause 182 it is provided

that a sum not exceeding three per cent. of its ordinary income may be expended by the board in repayment of disbursements of the board or members. We have done this before. Members of the roads boards have done more work than ever will be required again. They had certain power in certain cases, and this gives them too much power, and it should be struck out altogether. That is my idea about it. All the penalties for leaving gates open must be made heavier, so as to harmonise with the provisions of the Rabbit Act, in which the penalties are heavy, and rightly so, else that Act would be useless. We have the greatest trouble now in keeping the gates of our paddocks shut; and of what use will be rabbit-proof fences if gates are left open so that rabbits can get through, and only a nominal penalty is inflicted on the person responsible? I shall not oppose the Bill except as to the clause I have mentioned. The Bill has been called for, though there is no great difference between it and the existing Act except as regards the audit. The audit provision I should like to see carried out at once, for the boards would thus be made more careful. We have had experience last year of how the South Perth Roads Board spent the money; and the audit will do good. A little while ago I heard a remark from a Minister—not the Minister for Lands—that he would have an auditor to show roads boards what work to do and to see that it was done properly. I think if the boards are not fit to be trusted to carry out their work, the sooner they are abolished the better. The original Act was introduced in Governor Weld's time; it was the first step towards responsible Government, and was designed to educate the people; and if we are on the down grade as the Minister implied we were, so that we need an auditor not only to examine our accounts but to tell us how many stones are to be put in each rut and what sort of drains to make, when he perhaps knows not half as much about the work as do the roads board members, better wipe out the boards. I shall support the Bill with certain amendments; and I think the measure will then be workable and satisfactory to the community and to the roads board conferences, particularly to those suburbs which have had the whole

voice in this matter while the country boards have had no "say" at all, because they have been in the minority.

HON. W. MALEY (South-East): This subject has been well dealt with by Mr. Burges and Mr. Dempster. I look with a certain suspicion on this Bill, having a recollection of the measure before the House last year. I am in favour of the principle of local government and of taxation and representation on the roads boards, believing that by direct taxation and by control over the revenue by the taxpayers, the expenditure of the revenue will be better administered. I consider the principle very good, but I do not think it applicable to the whole State. And as the members representing the York and Northam districts seem to be in favour of the Bill, I would suggest that the experiment be made first of all in the earliest-settled part of the State, to see how it will operate, before we tax people in the newly-settled parts such as the country along the Great Southern Railway. I think my proposal would be the thin end of the wedge; it could not do any great mischief; and the advantage of it would be seen before the tax was levied on those who can least afford to bear it. We must admit that out of York gums, white gums, and jam trees very little can be obtained in the way of taxation; and that remark applies to the country between Beverley and Albany. Looking at the plans to-day I was surprised to see the large areas not yet selected; and it will be a long time before the gaps between the settlers' holdings are filled in, and before anything material can be done effectively and systematically to construct roads. I should like to see the Government retain control of the main roads and construct them on definite lines and with some definite purpose. I cannot understand boards dealing as they deal with small sections of the roads instead of working with one uniform end in view in constructing main roads from town to town. If such roads traverse several roads-board districts, the different methods of making different portions of the road, and the disinclination to raise rates, or the want of funds, will make the expenditure unsatisfactory to the State. But it is not always the settler on the spot who uses the main road. He may seldom use it,

except perhaps to go to church once a week. He may use the by-ways to cart his produce to the railway sidings, and may not use the main road as a rule; and it is not fair that he should pay taxes for the general good, nor can we blame members of roads boards if, when they find themselves in possession of funds, and get more funds from the Government, they insist on making the roads past their own properties, and in other locations where they will derive from them the greatest benefit. I think the best method we could adopt would be to grant a subsidy of so much in the pound to roads boards as we grant it to municipalities, for that would be more satisfactory than granting lump sums; because it has been shown by deputation and otherwise that certain roads boards are impecunious, unable to collect money, and efforts will be made to get Government grants as in the past, and the boards will be diffident of levying rates to raise sufficient revenue for the upkeep of the roads, and will continue to come cap-in-hand to the Minister. In that respect I do not think the Bill will be workable, but that those boards who raise the least money by rating will most frequently knock at the Treasury, while those who like the York Roads Board have collected considerable sums will not get from the State the advantage to which they have a right. If they subscribe large sums for the upkeep of the roads and the farther development of their properties, they should have an adequate subsidy to carry them on. I do not think the Bill will bear looking into from any standpoint, and it will require careful revision and examination; but as I said, if we start by dealing with one part of the State, thus making a trial, I am quite prepared to support the measure.

Question passed.

Bill read a second time.

ROADS AND STREETS CLOSURE SECOND READING.

THE MINISTER FOR LANDS

A. Jameson), in moving the second reading, said: This is purely a form for the closing of certain roads and a similar Bill is brought in next year for the abolition of such rights of way. Members will see in the sched-

the streets it is proposed to close. In order that any member taking any interest in these streets may thoroughly understand the position, I have here all the plans, which I shall lay on the table for hon. members to examine if they so desire; but I can assure the House that every one of these proposed closures, with one exception, has been laid before the local bodies—the municipal councils and the roads boards. Very shortly I should like to point out to hon. members, from the maps I have here, what are the streets proposed to be closed. In the first part of the schedule will be noticed a road in the town of Bejoording, which lies to the north of Newcastle. It is a road between the properties of a certain owner who has asked to have it closed; and the local body have no objection. The next closure is in Boulder. It is coloured blue on the plan, and the alteration is to meet the necessity and convenience of certain lessees, the town council having no objection. The next is in the town of Bunbury, where a reserve runs nearly to the sea, the road being between the reserve and the beach; and it is asked that the road be closed to enlarge the frontage of the reserve. The next is at Chidlow's Well, where we have cut up a quantity of land never yet thrown open for selection. We propose to subdivide it in a new fashion, and the roads scheduled must be closed so that we may re-survey the land. Another is in Coolgardie, where a railway fence runs along Woodward Street; and it is proposed that a portion of Woodward Street, which is one of the public streets, should be included in the railway reserve, the municipality having no objection. The next is in Cottesloe, being the closing of a crossing on the old Fremantle road and the opening of a new road opposite Salvado Street. There are certain roads in the Fremantle area running through the Asylum and Barriet Street. They ought to have been declared closed long since, for they are now the high wall of the Asylum running through the roads, which are not public highways. We have been requested by the municipality to have them closed. The next closure is at Greenbushes, and is merely a survey. That at Guildford is a road running through a reserve of the local body, and they desire to have it closed. The closures at Kalgoorlie are in

certain railway reserves; and all these are approved by the municipality. They are marked 1, 2, 3, and 4 on this map, and I shall be pleased to explain them more fully to any hon. member. This (indicated) is in Leonora, for the closing of a street on which there is a water tower. Then we have one in New castle, a street that runs through the reserve, and the municipality desire it should be closed. Then there is one at Niagara; another at Subiaco, a railway reserve running through our commonage; another at Trafalgar, and others at Wagin and York. That covers the number, I think. If members wish to go into them they can see them in these plans. I move the second reading of the Bill.

HON. W. MALEY (South-East): I hope this Bill will not be rushed through the House.

THE PRESIDENT: The Minister lays the plans on the table, and members will have an opportunity of seeing them.

THE MINISTER FOR LANDS: Information can be given during the Committee stage.

HON. W. MALEY: I notice the Committee stage is coming on at the next sitting.

THE PRESIDENT: The Minister has only formally moved the second reading.

HON. W. MALEY: I think this is my opportunity to speak. I notice that an approach to property I purchased—the crossing on the south side of Cottesloe railway station; that is, the old crossing—is specified, and I would like to look into the matter in my own interests as well as those of the people who have property at Cottesloe. I daresay there are others there, same as myself, who did not know this Bill would come before the House. There was a crossing in existence when the Government sold the property I refer to. I think every opportunity ought to be given to the public to consider the matter, and I shall move that the debate on the Bill be adjourned till this day week.

THE MINISTER FOR LANDS: It would be a pity to adjourn the debate. Every year a similar Bill comes down. Any alteration with regard to any particular street is made during the Committee stage. We must close certain streets. It does not follow that all the streets are to be closed.

HON. W. MALEY: Did you fix the Committee stage for this day week?

THE MINISTER FOR LANDS: We have not fixed it at all. It can be fixed for that day, if you desire it. There is no hurry, except that the session is drawing to a close. The Bill must go to another place.

HON. W. MALEY: I will withdraw the motion for adjournment.

THE PRESIDENT: I have not put it. There is no occasion to withdraw it.

Question (second reading) put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9:34 o'clock, until the next Wednesday evening.

Legislative Assembly,

Thursday, 30th October, 1902.

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

PRAYERS.

PETITION—RESIDENTIAL AREAS, TITLES.

MR. J. M. HOPKINS presented a petition signed by holders of residential areas on the Eastern Goldfields, praying that they might be granted the fee simple of their holdings.

Petition received, and ordered to be printed; consideration made an order for the 12th November.

STOCK REGULATIONS EVASION.

MR. WALLACE asked the Premier: 1, Whether it was true that Forrest, Emanuel and Co., having obtained a permit to remove by train, and under quarantine, certain tick-infested cattle from Owen's Anchorage to Kalgoorlie for purposes of immediate slaughter, did detruck same at a place other than that stated in the permit, and subsequently drove same by road to Emu Lake without permission. 2, If true, why action was not taken against the said firm under Clause 4 of the Regulations. 3, Whether the Chief Inspector of Stock did not recommend the same cattle be brought back to quarantine at Owen's Anchorage, as they were unfit for immediate slaughter. 4, Whether that recommendation was acted upon. 5, If not; for what reasons. 6, Whether it was not evident that, if the advice of the Chief Inspector of Stock was not acted upon by the Government, there was a lack of confidence exhibited in the administration of the Stock Department; and whether, under the circumstances, it would not be prudent to abolish the office.

THE PREMIER replied: 1, Yes. 2, Because the Hon. Attorney General instructed the Crown Solicitor to proceed against Mr. D'Arcy Uhr, at Coolgardie, and the papers dealing with the case were forwarded to Mr. Wood, at Kalgoorlie, without further reference to the Stock Department. 3, Yes. 4, No. 5, Because the Hon. Minister for Lands instructed the Chief Inspector of Stock to give Messrs. Forrest, Emanuel, and Co. the option of having their stock quarantined in the Coolgardie District or at Owen's Anchorage, and the firm decided to accept the alternative offered. The stock are now in quarantine at Wongi Dam. 6, No: the advice of the Inspector that the cattle should return to quarantine was accepted, and rightly so, for tick transferred to Lake Emu (if any) will then perish in the absence of a host. The Minister simply extended to the owners of the cattle the opportunity of deciding whether the quarantine ground should be at Owen's Anchorage or Coolgardie, and they preferred Coolgardie.