Legislative Council,

Tuesday, 18th November, 1902.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Copy of by-laws of the municipality of York.

Ordered: To lie on the table.

QUESTION—LAND SURVEYS, CLASSIFICATION.

HON. C. A. PIESSE asked the Minister for Lands: If he is aware that settlers are considerably inconvenienced by the long delays they have to submit to in connection with classification and survey of lands.

THE MINISTER FOR LANDS replied: Yes; but with selection prior to classification and survey some delays must necessarily occur.

ROADS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 13th November; HON. M. L. Moss in charge.

Clause 128—Valuation of subdivided lots:

HON. G. RANDELL: There seemed to be no proper provision for the appointment of valuators. One gathered from the Bill that the roads boards were to be the court of first instance to decide appeals from rating, a farther appeal being allowed to the Local Court. Therefore it was highly inadvisable that roads boards should value for rating purposes, and it should be obligatory on them to appoint a proper valuator.

HON. R. G. BURGES: Why should not the boards rate for themselves and so save expense?

HON. G. RANDELL: Because that course was open to so many objections.

HON. M. L. MOSS: Valuators in sparsely populated districts of large area would prove most expensive.

HON. G. RANDELL: No doubt Mr. Moss would agree that expense must not be considered when the ends of justice were to be served. The provision was dangerous in one sense: a local body might be affected by prejudice and favouritism. The strongest objection, however, was that the roads boards were the court of appeal in the first instance, and it was against every principle of law that anyone should be a judge in his own cause. The power of valuation had, he believed, been taken away from municipalities, which were now compelled to appoint valuators. [HON. M. L. MOSS: That was so.] The expense of competent valuators would not be great. The clause constituted a blot on the Bill. We were making a new Bill which we hoped might possibly prove a final measure, standing in no need of vital amendment; and therefore the point he had raised should now receive attention.

HON. R. G. BURGES: The appointment of valuators was objectionable on the score of expense. Mr. Randell possibly did not know much of the enormous extent of country districts. Valuing would have to be done every year, since new holdings were taken up every year in almost every district. Roads boards ought to be divided into three classes, as was done in New South Wales, and the third class should be exempted from rating at all. In the South-Western districts of this State, where a great deal of settlement was going on, no rates whatever ought to be levied, for such a course was inconsistent with the land policy of the State. Mr. Randell's suggestion, though good in certain respects, would prove enormously expensive. The experience of one roads board showed as much. Valuators would need a guide to show them round, as some districts extended 70 miles. In the first year, all the revenue derived would be absorbed. Boards were elected by ratepayers, and being intrusted to spend money, the boards ought to be capable of valuing the land. They were people who had had experience, and they ought to have wider experience than anyone they could obtain by payment.

THE MINISTER FOR LANDS: In this Bill it was specially provided that committees of roads boards could be

appointed. There were always on these boards three or four practical men who were chosen by the electors on account of their actual knowledge of the country in which they lived. It would be difficult to find, particularly in country districts, anybody better adapted for discharging the duties of valuators than a committee of the roads board. In a thickly populated district in which he was chairman of the roads board they tried on several occasions to have land valued by a valuator, but found it not satisfactory.

SIR E. H. WITTENOOM asked the Minister for Lands whether, as Clause 127, which dealt with unimproved values, had been struck out, a consequential amendment was not necessary.

THE MINISTER FOR LANDS: A consequential amendment was not necessary, he thought. Clause 127 related to unimproved value. It was unimproved value in this way, that one might actually have improvements on the land, but those improvements had to be entirely discounted. Land might be worth a thousand pounds, and the improvements worth four thousand; but those improvements would be entirely discounted, and the unimproved value would be taken. That was not the case as regarded Clause 128, which related to land that was unimproved, and where it was unimproved one had to take the unimproved value.

HON. R. G. BURGES: Under Clause 126, unimproved or any other land could be rated.

Clause passed.

Clauses 129, 130—agreed to.

Clause 131—Notice of valuation to be given:

HON. G. RANDELL: There was a new departure here, and it was a very desirable one.

Clause passed.

Clauses 132 to 140, inclusive—agreed to.

Clause 141—Board may make and levy rates:

HON. R. G. BURGES moved that the word "shall" in line 1 be struck out, and "may" inserted in lieu.

SIR E. H. WITTENOOM: The same result could, he thought, be reached by another amendment which he proposed to make. He purposed to strike out the first and second parts of Clause 141, and introduce the original clause in the Bill which stood therein as Clause 141. The amendment in the Bill was introduced by a member in the Assembly.

HON. R. G. BURGES's motion by leave withdrawn.

SIR E. H. WITTENOOM moved that the words "shall in every year," in line one, be struck out, and "may from time to time" inserted in lieu.

HON. C. A. PIESSE: The amendment met the requirements of new districts excellently. It was simply an injustice, and a growing one, to ask new districts to rate themselves. The charge need not exceed one and sixpence, and the board might go as low as sixpence. Under those circumstances it would be as well to leave one and sixpence in. Now as the word "may" was to be used, we made it optional with the board, and that was all right. It was simply impossible for the roads boards in those large areas on the Great Southern Railway to make roads, as they were asked to make them, for the benefit of the State, from the grant given them. In the locality westward from Cranbrook, Katanning, Narrogin, or Wagin it was necessary to construct main roads 50 miles from those places, and it was not fair to ask those people to bear the burden. It was unfair to put new districts, which had been practically settled only in the last seven years, on exactly the same footing as old ones. The construction of main roads was a burden which ought not to be thrown on people engaged in making homes. In old districts hundreds of thousands of pounds' worth of assistance had been granted in the shape of prison labour on road construction. [HON. R. G. BURGES: No.] Such was the fact. He spoke from personal knowledge, having seen the gangs at work in his youth. The Government could not expect newer districts to stand on the same footing as older districts. He congratulated the mover on his amendment, which met the case excellently.

THE CHAIRMAN: The position would be clear if the Committee would understand that Sir Edward Wittenoom's amendment was that the words "shall in every year," line 1, should be struck out, and "may from time to time" inserted in lieu. The mover of the amendment also

desired that the second paragraph should be struck out.

HON. J. W. HACKETT: The amendment exemplified the objection raised, that the measure was at once too broad and too long. We wanted a farther division of the land of this country. At present, provision was made only for municipalities and roads boards, the latter term by the widest possible sweep of interpretation being made to include districts of all sorts and sizes in all parts of the country. Roads boards at Wyndham and Derby would be on the same footing with goldfields or suburban roads boards, which, on the face of it, was absurd. A farther division ought to be made between new districts and old districts. The Victorian system comprised full municipalities in cities or towns; then, municipalities somewhat akin to our goldfield and suburban municipalities; and, lastly, pure roads boards. Mr. Piesse had made out a good case from his point of view, but he had forgotten that injustice would result to goldfields and suburban roads boards. The Government grant was absolutely in the discretion of the Minister for the time being, who might refuse or allow assistance. Now, it would be exceedingly unfair for the Minister to grant assistance to bodies which were able to rate themselves, which should rate themselves, but which did not rate themselves. Unless rating were made compulsory, some boards would refuse to strike any rate. Goldfields and suburban municipalities might ask why they should be expected to strike rates when certain rural roads boards simply sponged on the Government. Indeed, Mr. Piesse had directly contended that certain boards ought to be allowed to sponge on the Government. Granting that it was eminently politic and proper to allow them to do so, still a sense of injustice was at once created on the part of suburban and goldfields roads boards because they did not share in the Government grant to the same extent. We ought to have a triple division. He would go farther, and say that with the exception of certain exempted cases every roads board, rural, suburban, or goldfields, new or old, should be compelled to rate itself to some degree before it received a penny of public money by way of assistance.

HON. R. G. BURGES: The hon. member surely did not understand what he was saying.

HON. J. W. HACKETT: Perhaps the meaning of these remarks was not clear to the hon. member. He would not give a penny of public money to any body able to rate itself but not rating itself, with the exception of a few special cases which might be exempted for a year or two; and that was provided in the clause itself. It was to be hoped that a very good case would be required before exemption was granted. Regarding subsidies, different rules should be made for different roads boards. The poorest roads boards, or those with the most scattered settlement, should be given as much as £4 or £5 for every £1 raised. The true municipality, he understood, was now receiving 15s. in the £. Goldfields roads boards and the roads boards of the suburbs of any large town should certainly receive something more than the municipal subsidy, but less than the subsidy granted to the purely rural roads board. In the case of the first-mentioned roads boards the subsidy might be £ for £ or £2 for every £. He would not, however, give a single shilling to exempted roads boards unless a very good case for a year or two's exemption had been made out. In view of what had been done on the goldfields and in the suburbs with the aid of the Government subsidy, we should encourage all municipalities, whether of the lesser roads board kind or of the full city or town kind. If they would help themselves, the State should help them. He supported the Government in their proposal to insist that rating should be compulsory, with the all-important proviso that the Governor might exempt in certain circumstances. One would be glad if a clause could be inserted in the Bill providing that the Government might arrange all local representative bodies into certain classes, and allow a subvention to be granted proportionately to any conditions which might be taken into account, especially as to value or extent.

HON. M. L. MOSS: It was to be feared that one clause would not achieve that object.

HON. J. W. HACKETT: No; possibly not.

HON. C. E. DEMPSTER supported the amendment, which alone would meet

the exigencies of the case. It was impossible for people in districts such as those mentioned by Mr. Piesse to contribute to the rates as they were expected to do. Such a course would discourage settlement in every possible way. The allusion made by Mr. Piesse to the construction of roads by prison labour was beside the point, because those roads were not now in use, having been superseded by the railway; indeed, they constituted a burden to the various roads boards concerned. [HON. C. A. PIESSE: What about the Northam to York road?] That road was possibly an exception, but it had not been made by prison labour. It had been constructed by the municipalities. The roads boards were the right bodies to deal with the matter of rating.

HON. W. MALEY supported the amendment. In new districts settlers had a good deal to contend with in the making of roads to their homesteads from the road leading, say, to the railway station. For about 25 miles from Katanning one settler had had to clear a track, and the Government had got the benefit of that track. No land was now to be selected within eight miles of Katanning; indeed settlers had taken up practically all the land within 25 miles of the town; so in that case the onus of maintaining the road was thrown on new settlers. Yet under this clause, a rate would be put on as soon as a man took up land. Dr. Hackett had spoken of "sponging." That settler did not sponge on the Government nor did settlers sponge on the Government who were situated along the railway line, and went to the Government and demanded what was right, that being to have a main road connected with the line. If a board got money for making fashionable thoroughfares, that would be sponging upon the Government, or if one or two settlers went on a roads board and made roads in front of their own premises, that would be sponging. But he thought the Government ought to undertake the making of main roads where required. We required a Main Roads Bill, and a Roads Board Bill. Settlers themselves were only too willing to contribute to the upkeep of the roads about their own property.

THE MINISTER FOR LANDS: Although the Government originally brought in a permissive Bill, they accepted the position as it now appeared; and after all, it was not a very hard one. The Bill provided that the board should in every year impose a rate not exceeding 1s. 6d. in the pound. The rate might be merely a penny or a halfpenny. At all events, it would create interest in the work done; and even if it were very small, it would be of advantage to the rural community. Moreover, there was a provision that any district might be made exempt by the Governor when good reason was shown why it should be.

SIR E. H. WITTENOOM: Instances had been pointed out by Mr. Piesse and Mr. Maley; but he thought that in each of those cases the property which these roads went through was freehold property. The properties he had in his mind were immense areas in the northern parts of the country, in which roads ran through holdings where there was no freehold at all. People would be rated to make roads on land which might be taken away upon 12 months' notice by the Government. He thought most people were willing to tax themselves fairly, and that they would do so, especially if the Government held out inducements to those who taxed themselves by making a grant. Those who did not tax themselves did not get much of a grant. As this was purely a permissive clause, he thought it would be a fair thing to leave it as it had been amended.

HON. C. A. PIESSE: The idea he had in his mind, and it was the same with Mr. Maley, was in reference to Crown lands. He referred to settlers in the far North. If his memory served him aright, roads around Perth and Fremantle had been taken over by the Public Works Department, and people immediately adjoining were saved the trouble of keeping them in repair. If that was necessary in such a case, how much more was it in new districts.

HON. T. F. O. BRIMAGE: People on the goldfields hoped that the clause would remain as it stood. If there was any doubt whether a board might or might not make rates, doubtless people who aspired to the position of roads board members would be asked if they were in favour of rating a district or not, and the man who was not in favour of rating was bound to secure an advantage over another who was.

HON. R. G. BURGES: Doubtful.

HON. C. E. DEMPSTER: There was no agricultural land in Mr. Brimage's district.

HON. T. F. O. BRIMAGE: If proper representation was made, every assistance would be obtained from the Government for the purpose of making these roads. There was nothing which prevented the Government from making a grant for any particular road. Every district should be rated somewhat. Rating made all the residents take an interest in the work going on around them.

HON. R. G. BURGES: The Minister for Lands was doing everything he could in country districts to get the people on the land; and the moment they were on they were rated. The Minister said the rate might a be halfpenny or a penny; but the thing was not worth doing at all, unless the rate was fourpence or sixpence in the pound. We wanted population. Let us get people settled on the land, and not put them on to-day and rate them to-morrow. In New South Wales, roads boards were classified, and that was what we wanted here. New districts should be in the third class, and should be exempt from taxation.

HON. M. L. MOSS said he had listened with a good deal of satisfaction to the remarks by Dr. Hackett; but in order to carry into effect the ideas presented to the Committee, it would be necessary to recast the Bill. Speaking entirely for himself, he might say that he thought the grants to the various roads boards throughout the State should be based on the amount raised by local rating. He did not say, however, that the amount should be equal in all districts. In the case of such a roads board as that at Cottesloe, for example, the subsidy should be much less, approximating to the amount of a municipal subsidy; districts such as those represented by Mr. Dempster and Mr. Burges should receive a higher subsidy; whilst the still larger districts to be found in Sir E. H. Wittenoom's province should receive a still greater share of Government assistance, provided they did not seek the benefit of the proviso to this clause. That proviso had been inserted absolutely to meet the case of such districts as were comprised in Sir E. H. Wittenoom's province. It would be absurd on the part of the Government to expect certain districts to rate themselves.

SIR E. H. WITTENOOM: But the Government had to be convinced of that.

HON. M. L. MOSS: The proviso was undoubtedly intended to meet such cases.

SIR E. H. WITTENOOM: Then why had that provision not been made compulsory in the first draft of the Bill?

HON. M. L. MOSS: The time was nearly at an end when amounts would be put on the Estimates indiscriminately for roads boards throughout the State. Subsidies would have to be regulated on some basis. The same remark applied to charitable institutions and hospitals, the upkeep of which would to a certain extent fall on localities. It was to be understood, of course, that much larger subsidies would be granted to charities in sparsely populated districts, than to those situated where the population was close. With respect to municipal and roads board subsidies, this clause would enable the Minister for Works to point out to gentlemen approaching him with a request for grants, that their districts must make use of their own resources, and that the Government would assist only commensurately with local rates. [MEMBER: "To him that hath shall be given."] If a district could not rate itself without great injustice, then this proviso would be brought into operation, and that district would nevertheless be subsidised; but in all other cases, rating would be insisted on before subsidies were granted. [HON. R. G. BURGES: That would be most unfair.] The unfairness was not apparent. From the remarks of Mr. Maley and other members, one would almost imagine that the compulsory provision would operate as a deterrent to land settlement. But was it reasonable to say that so slight a burden of local rating—the money to be expended for the immediate benefit of those who paid it—would prevent intending settlers from taking up land? The great inducement to settlement in this State was the excellence of the local market. Moreover, the whole remedy for excessive rating, as had been well said by Mr. Brimage, was found in the circumstance that members of roads boards were elected by the ratepayers. One could be certain that in the case of contested elections, each candidate would

be asked to express his views as to the amount of rates to be levied. There was a growing idea that the Government should do nothing but ladle out large sums to all roads boards, and that the roads boards should do nothing but expend these subsidies; but we had to look a little farther. While land owners should not be positively victimised by local taxation, still they should undoubtedly do something for themselves. The Government recognised that it was their duty to maintain certain main roads, and under the Public Works Bill they had taken power to proclaim, by notice in the *Gazette*, that any road should be a Government road, whereupon such road would be maintained entirely by the Government. [MEMBER: That applied to only one road.] No. The Government would deal fairly and evenly with the whole State, quite apart from Perth and Fremantle. The clause had been inserted to benefit more than one locality.

HON. W. MALEY: The clause would certainly not benefit more than two.

HON. R. G. BURGES: Subsidies to roads boards were now apparently to be granted on the same principle as subsidies to agricultural societies. A society which gave £200 in prizes was entitled to a subsidy of £50. It was perfectly absurd to say that roads boards which could raise three or four hundred pounds in local taxation ought to obtain larger subsidies than roads boards representing struggling settlers in new districts. Mr. Moss could not understand the position or he would not have made such a suggestion. Did hon. members think this a fair way to encourage settlement? The suburbs got tremendous subsidies to improve freehold property, so that a 10-acre block might be cut up into a hundred lots and sold at an enormous profit. But could that be done in the country? His own district, which rated itself, would receive a subsidy under this Bill; but other districts would be greatly injured. New places ought to be encouraged, and old places should be left to help themselves.

HON. C. E. DEMPSTER: Too little importance was generally attached to the consideration that roads in farming districts were for the benefit of the consuming public of the whole State. Better facilities for transit of produce to market meant lower prices of produce in the market. Why any different view should be taken he could not understand. There seemed to be an insatiable desire to tax the man holding a couple of thousand acres. In the future, land was likely to prove a curse to its owner. He himself would certainly not increase his holding. This strong desire for taxation was sheer madness. Roads in the district should be maintained out of revenue, being for the benefit of the whole population and not for one section only. The view taken by some members was unfair and unreasonable.

Amendment put, and a division taken with the following result:—

Ayes	...	...	6
Noes	...	...	13
Majority against	...		7

AYES.	NOES.
Hon. C. E. Dempster	Hon. G. Bellingham
Hon. W. Maley	Hon. J. D. Connolly
Hon. C. A. Piesse	Hon. J. T. Glowrey
Hon. J. E. Richardson	Hon. J. W. Hackett
Hon. Sir E. H. Wittenoom	Hon. A. Jameson
Hon. R. G. Burges (*Teller*).	Hon. A. G. Jenkins
	Hon. M. L. Moss
	Hon. G. Randell
	Hon. Sir G. Shenton
	Hon. J. A. Thomson
	Hon. B. C. Wood
	Hon. J. W. Wright
	Hon. T. F. O. Brimage (*Teller*).

Amendment thus negatived.

HON. J. W. HACKETT moved that the word "Parliament," in line 7, be struck out, and "both Houses of Parliament, in writing" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 142—Maximum rate on unimproved values:

HON. G. RANDELL moved that the clause be struck out. It was, he thought, a consequential amendment, Clause 127 having been struck out.

Question passed, and the clause struck out.

Clauses 143, 144—agreed to.

Clause 145 — Recovery of rates by distress:

HON. C. A. PIESSE moved that the word "fourteen," in line 2, be struck out, and "thirty" inserted in lieu.

Amendment passed.

THE MINISTER FOR LANDS moved that the following be added as Subclause 6:—

A bailiff appointed by the board to levy rates by distress and sale shall have power and

authority to sell by public auction any goods and chattels seized under warrant of distress, without taking out a license as an auctioneer.

HON. C. A. PIESSE: To allow any Tom, Dick, or Harry to come along, carried with it the possibility of very poor prices being realised.

HON. T. F. O. BRIMAGE: The auctioneer was appointed by the board.

HON. C. A. PIESSE: But the board did not know the man. One could not make an auctioneer out of every man he met.

HON. M. L. MOSS: Any reputable person could get a license by paying the fee.

HON. C. A. PIESSE: A good auctioneer would very often make prices double themselves.

HON. J. W. WRIGHT: Did not the Minister think that the sale should be advertised before the auction took place?

HON. T. F. O. BRIMAGE: The sales always were.

HON. J. W. WRIGHT: That was not provided for here. If the Minister would add that, it would make the sense clear.

THE MINISTER FOR LANDS: The parties were all served with a notice, and there might not be a newspaper to advertise it. Members should look at Clause 152.

HON. J. W. WRIGHT: What he meant was advertising the auction sales so that the public should know.

Subclause passed, and the clause as amended agreed to.

Clauses 146 to 151, inclusive—agreed to.

Clause 152—Premises may be sold for arrears of rates, etc., remaining unpaid:

THE MINISTER FOR LANDS moved that after "months," line 2, the words "or longer" be inserted. Rates might be standing unpaid considerably beyond 18 months.

Amendment passed.

THE MINISTER FOR LANDS moved, as a farther amendment, that the words "and incumbent upon," line 4, be struck out.

HON. G. RANDELL: What was the object of this amendment?

THE MINISTER FOR LANDS: It was undesirable that advertising should be incumbent on the board.

HON. G. RANDELL: This farther amendment merited careful consideration. For the protection of the individual owner, it was certainly desirable that publicity should be given to the circumstance that a property was to be sold. He hoped the Committee would recognise the principle of protecting the rights of individual ownership as far as possible. The matter of advertising involved no great hardship to the roads board.

THE MINISTER FOR LANDS asked leave to withdraw his farther amendment.

Farther amendment by leave withdrawn.

Clause as amended agreed to.

Clause 153—Person ordered to sell need not have auctioneer's license:

HON. W. MALEY moved that the subclause be struck out. A good deal of dissatisfaction, and possibly great injury, would result from the selling of properties by any odd man, hard up for a day's job who might be selected by a roads board.

HON. M. L. MOSS: The provision was certainly not new, since it appeared in the Local Court Act and in the Municipal Act. Every bailiff and sheriff's officer throughout the State was entitled to carry out the duties of an auctioneer without a license.

HON. G. BELLINGHAM: But bailiffs and sheriff's officers were court officials, whereas this clause referred to any person.

HON. M. L. MOSS: The roads boards would appoint some competent person. In the northern parts of the State an auctioneer might not be available. No doubt, in the selection of a person to act as auctioneer, roads boards would be equally alive to their own interests and those of the person whose land was to be sold. So long as the provisions of Clause 152 were observed, no harm could result.

HON. T. F. O. BRIMAGE: The clause should stand, since it enabled roads boards to carry out their functions cheaply. Sales took place very rarely, as rates were nearly always paid before matters proceeded to extremity. Moreover, the engagement of a professional auctioneer would frequently result in added expense to the ratepayer who paid his rates at the last moment.

Amendment negatived, and the clause agreed to.

Clauses 154, 155—agreed to.

On motion by HON. G. RANDELL, consideration of Part VII. (Clauses 156 to 157, inclusive) postponed.

Clauses 168, 169—agreed to.

Clause 170—Auditors:

HON. J. W. HACKETT: There was no provision for cases where an auditor was not elected.

HON. M. L. MOSS: If the roads boards failed to make an appointment——

HON. J. W. HACKETT: That was not the case he had in view. It was rather a common method of evading the audit clauses of the measure to fail to elect an auditor.

HON. M. L. MOSS: That point would be dealt with under Clause 173.

Clause passed.

Clause 171—Election of auditor by ratepayers:

HON. R. G. BURGES: Should a ratepayer have four votes for the election of one auditor? Surely each ratepayer should not have more than one vote.

HON. M. L. MOSS: The clause was correct.

Clause passed.

Clause 172—agreed to

Clause 173—Casual vacancies:

HON. M. L. MOSS moved that after "if," in line 1 of paragraph 2, "no auditor is elected or" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 174—Annual balance and audit:

HON. G. RANDELL: Why should three months elapse after the balance before the auditors would finish the audit? It seemed to be too long a time. It was also worthy of consideration whether there should not be a half-yearly audit.

HON. R. G. BURGES: There were quarterly audits under this measure.

HON. G. RANDELL: The clause said "the board shall cause the accounts of the board to be balanced annually." There might be good reasons.

THE MINISTER FOR LANDS: At that particular period there would be very great demand for auditors, who must be allowed a certain amount of time. Seeing that we had now nearly a hundred roads boards in the State, three months was a very short time to provide for the audits of all these boards.

HON. J. W. HACKETT: A year was rather too long to allow the books to run without an audit, especially in the case of country districts, where books were not always kept as carefully as they were in other places.

THE MINISTER FOR LANDS: A roads board could have a financial committee. It would be impossible to call upon the Government to audit every six months.

HON. G. RANDELL: The clause just passed contained a very good provision, that the cheques were to be signed by three persons.

Clause passed.

Clause 175—Persons interested may be present:

Clause put and passed; but subsequently the Minister intimated a desire to move an amendment in relation to giving notice of the audit, the Hon. J. W. Hackett having called attention to the point.

The CHAIRMAN said that this could be done on recommittal.

Clauses 176 to 179, inclusive—agreed to.

Clause 180—Remuneration:

HON. G. RANDELL: Had the board to pay for both auditors, the one appointed by the Minister and the one elected? It was just possible that the word "auditor" should be substituted for "auditors."

THE MINISTER FOR LANDS: It was intended that the board should pay both auditors.

HON. T. F. O. BRIMAGE: The Kalgoorlie roads board paid for the auditor appointed by the Government, the same as the auditor elected.

HON. C. A. PIESSE moved that the word "auditors," in line 1, be struck out, and "elected auditor" inserted in lieu.

THE MINISTER FOR LANDS: It was doubtful whether that was in order. The charge would be one upon the Government. He asked the Chairman's ruling on the point.

The CHAIRMAN ruled the amendment out of order.

HON. R. G. BURGES: Could not the committee make a suggestion?

The CHAIRMAN: Yes; a suggestion could be made and sent by message.

HON. C. A. PIESSE moved as a suggestion.

HON. M. L. MOSS: In the past, one auditor had been nominated by the Gov-

ernment or by the warden (practically the same thing), and his fee had been paid by the local body. It was not intended that an officer from the Audit Department should go and audit these accounts. That might entail a considerable travelling allowance. It might throw a very large responsibility upon the Government, and he thought that as the local body would have its accounts audited the least that body could do was to pay for the audit. In New Zealand, where the accounts of all those local bodies, both municipalities and county councils, were subjected to strict Government audit, the auditors were all paid. The money was to be paid into the consolidated revenue, and that would be the case here, except travelling allowance. We ought not to cast upon the Government the burden of paying for the auditor.

HON. C. A. PIESSE: If we had an assurance that the officer the Government would appoint would be a person resident in the locality, that would do away with the necessity of his suggestion.

HON. T. F. O. BRIMAGE: In the case of the Kalgoorlie roads board the warden appointed an auditor, and the residents appointed one. [MEMBER: It must be the Minister now.] He did not think the Government ever intended that an auditor from the audit office in Perth should sign the accounts. The Government were sure to make these appointments in the country where possible, and in the course of the year, when the Government auditors were travelling around, they might go and demand the board's books and see if they were properly kept.

THE MINISTER FOR LANDS: That was quite correct. The officers would be appointed locally where possible.

Suggestion withdrawn, and the clause passed.

Clause 181—agreed to.

Clause 182—Provision for repayment of disbursement of board or members:

HON. R. G. BURGES moved that the clause be struck out. Members of roads boards had done the work throughout the country without pay, and we did not want to give them 3 per cent. The clause would only be abused.

HON. C. A. PIESSE supported the objection.

THE MINISTER FOR LANDS said he had no objection to the clause being struck out.

HON. T. F. O. BRIMAGE: The 3 per cent. would, he trusted, be allowed. Whilst he was chairman of the Kalgoorlie roads board the expense that he went to was something very considerable. As a matter of fact, in a large district like the Kalgoorlie district—and he might say in other populous districts around the larger towns—there was a good deal to be done in the way of inspecting. [HON. R. G. BURGES: And entertainment, too.] And also entertaining. There were plenty of officers who came from Perth, and who wished to inspect the district. Some fund was needed to draw upon for the purpose of taking them around and also entertaining them. It was allowed in the case of municipal authorities, and he failed to see why it should not be allowed to a roads board. The clause said the board "may"; it did not say "shall." The money was not granted by the Government, but was collected in rates from the ratepayers. A man could state on the hustings whether he was in favour of that or not, and people would vote accordingly. Consequently the people decided whether the chairman should be able to get that money or not.

At 6·30, the CHAIRMAN left the Chair.
At 7·35, Chair resumed.

HON. J. W. HACKETT: The striking out of this clause meant that roads boards would be left without a margin to meet unconsidered disbursements, and thus a serious predicament might result. What would happen if certain payments were disallowed—say if a roads board made obviously illegal and improper payments, who would be responsible? Not the board.

HON. M. L. MOSS: Yes; the board.

HON. J. W. HACKETT: In that case, the clause should pass. No board was infallible, and obviously there must be a small margin to allow the ignorance, the thoughtlessness, and possibly the frivolity or even the hospitality of boards some scope. The three per cent. margin was a mere trifle, in view of the fact that it covered all acts of decency and indecency.

HON. T. F. O. BRIMAGE: Members should bear in mind that occasionally Ministers of the Crown visited roads boards, and had to be driven about the district in order that they might see the progress of works. Money expended in hiring vehicles could not, under the measure, be debited to any particular account. The three per cent. allowance was intended to meet such expenses, and also any little cost of entertaining distinguished visitors As chairman of the Kalgoorlie roads board he had been compelled to meet such expenses out of his own pocket, and that he did not consider right. If the three per cent. allowance were not expended, the money was retained in the board's treasury.

Amendment by leave withdrawn, and the clause passed.

Clauses 183 to 186, inclusive—agreed to.

Clause 187—Neglect to keep in repair fence adjoining the road:

HON. R. G. BURGES asked what this clause meant.

HON. M. L. MOSS: Would the hon. member look at Clauses 189 and 190?

HON. R. G. BURGES: The board could require a man to have his fence in order. This might mean any fence.

HON. M. L. MOSS: This clause was exactly the same as the enactment in Subsection 4 of Section 74 of the Roads Act of 1888.

HON. R. G. BURGES: The section in the original Act referred to where a road was taken through a man's property, and the owner was supposed to keep the fence in repair; but this clause referred to any fence. It was unreasonable to expect a man to keep this fence in repair, or be liable to a penalty under the measure.

HON. M. L. MOSS quoted Section 74 of the Roads Act of 1888. It was, he said, perfectly plain that the clause we were dealing with in this Bill was a re-enactment of a portion of Section 74 of the Roads Act. Mr. Burges said the section was referable merely to fences which had been placed in position by the board on taking a road through a person's property. This was not his reading of Section 74. The sections that preceded Section 74 dealt with powers of boards in exactly the same way as the preceding sections of this Bill, so far as he could see.

HON. R. G. BURGES: The Government were burning Collie coal. He did not wish to say anything against Collie coal; but the Government were burning paddocks and grasses every day, and fences too. He hoped members would look into this clause before passing it. There was no reason or common sense in it as it stood.

HON. W. MALEY said he was not convinced that this clause at all tallied with the section to which Mr. Moss had referred. If the hon. member owned property in the country, and a bush fire happened to break out and burn down his fence, he would be liable to a penalty of £20. It was absurd to think that people who owned property would not keep their fences in repair. What right had roads boards or anyone else to trespass on the property of a person whose land happened to abut on the road? He did not see that any person was concerned, except the owner of the property, to keep up his own fence and protect his own property. It cost more to keep up one particular class of fence than another. We should next have a proposal that power should be given to insist on a stone wall or picket fence being erected, and farther trouble would be caused to people who were endeavouring to settle on the land and make homes for themselves. Such people had not only to fight against taxation, but against absurd, stupid impositions such as this.

HON. M. L. MOSS: Clause 104 dealt with the keeping in repair of fences erected by a roads board on private land for the purpose of making a road. This clause provided that in case of failure by the owner of property to maintain fences erected by himself to separate his land from a public road, he should be liable to a penalty. Extravagant illustrations as to fences burned down through fires caused by sparks from Collie coal were utterly beside the point. Any owner allowing his fences to fall into decay and disrepair, however, was liable to prosecution. If a fence were erected at the cost of the State, was it asking too much of the person for whose benefit the fence was erected that he should keep it in repair?

HON. R. G. BURGES: This clause was quite superfluous, since Clause 104 provided all that was necessary. Moreover, the Committee ought not to pass such unjust legislation as here proposed.

HON. C. A. PIESSE moved that after "fence," line 1, the words "erected by any board" be inserted. This amendment should pour oil on the troubled waters.

HON. J. W. HACKETT: What fences would this amendment apply to? Very few indeed.

HON. C. E. DEMPSTER: The amendment was most reasonable. Fences erected by original proprietors were no concern of any board. Hon. members ought to bear in mind that many of the roads were taken through freehold for a width of a whole chain, that owners were thus frequently cut off from improvements and water, and that occasionally their land was rendered almost valueless. Moreover certain roads boards objected to gates. Now we were asked to add insult to injury by demanding that the proprietor should keep such fences in repair. It was of course to the interest of the proprietor to maintain fences erected by the board, but he should be under no penalty for failing to keep in repair fences erected by himself.

HON. M. L. MOSS: If the clause were struck out, the penalty imposed for failure to comply with Clause 104 would still hold good. Where a statute imposed a duty on any person, failure to comply with that duty created a common-law misdemeanour. Clauses such as the present were always inserted, because a common-law misdemeanour could be dealt with only by the Supreme Court. Without this clause, therefore every person offending against the measure would have to be committed for trial in the Supreme Court. The clause merely provided a summary remedy, which was expeditious and inexpensive, in place of the roundabout and very expensive common-law remedy.

HON. C. A. PIESSE protested against the Minister's explanation as misleading. Mr. Moss must know that Clause 104 applied to fences erected by roads boards wholly and solely, while Clause 187 applied to any and every fence. The two clauses were as different as chalk from cheese.

HON. J. W. HACKETT: That was not Mr. Moss's point.

HON. C. A. PIESSE: No; but it was the point of those who opposed the provision. This clause was not intended to be read with Clause 104 at all.

HON. J. W. HACKETT: Even so poor a creature as a Minister of the Crown ought not to be attacked on the ground of unfairness when he had not been unfair. Mr. Moss had pointed out that by Clause 104 we adopted one rule, and that by striking out this clause 187, we should adopt another rule. If we eliminated the general direction to occupiers and owners to keep their fences in order where abutting on a road, we should have to go back and strike out the direction in Clause 104.

HON. C. A. PIESSE: The difference between the two clauses was this. In one instance, a man put up a fence himself; in the other, the board put up a fence. Owners or occupiers of land should not be forced by a clause of this kind to keep their own fences in repair whether they wished to do so or not.

HON. R. G. BURGES: A burden was proposed to be thrown on an owner whose land was taken from him to keep the roads board's fence in repair, but it was a different thing altogether to compel a man to keep in repair fences which were no concern of the roads board. The provision might apply in municipalities, but it was utterly unnecessary in the country.

HON. W. MALEY: The original intention was to compel the owner or occupier of land to keep in good order fences put up to cut off roads which bisected that owner's property — roads which the owner of the property naturally did not need or desire. In many instances owners through whose property roads ran would object to the public using the road, and would also object to the erection of fences, since by those fences the working of their properties was rendered less economical. It was necessary to compel owners by enactment to keep such fences in existence, because they would rather see those fences down in order that their cattle and sheep might get from one part of the property to the other for food and water. Accordingly, there was a motive for the owner to get rid of such fences if possible, because he had

not put them up and because they had been erected against his wish. In the other case, the owner of the property put up a fence to increase the carrying capacity of his land, and to enclose his stock and keep them secure from trespass. In the first instance it was necessary to legislate for the upkeep of the fence, but in Clause 187 it was absolutely cruel to insist that a person should keep the fence up.

HON. G. RANDELL: In his opinion the illustration given by Mr. Maley did not touch the case at all. Supposing a man had gone to the expense of fencing his land, and the fence got into disrepair, why should he not repair it? [HON. W. MALEY: He would naturally.] If animals went along the road, it naturally would be to the best interests of the owner of the land to keep the fence in repair. There might be another difficulty in not keeping it in repair, as cattle might trespass on the public roads. [HON. R. G. BURGES: There was power under the Roads Act.] If there were an accident to some person with a vehicle, what would happen? As to a man's fence being burnt down through sparks from an engine, Mr. Moss made it very clear and distinct that no man would think of prosecuting, and he was sure that no bench of magistrates would think of imposing a fine in such cases. The clause seemed to be very reasonable. A man had a duty to perform to the general public. He could not see where the hardship came in, in a board compelling the owner of property to keep his fence in repair. Mr. Burgess had said that was the municipal law, but that municipal circumstances would not suit the country. The hon. member had not, however, explained how he made out the difference. If it was worth while to put up a fence, it was worth while to see that it was kept in reasonable and proper repair.

HON. R. G. BURGES: There were hundreds of miles of railroad in this country not fenced, which cattle went across. Thousands and thousands of miles of road in this country were not fenced at all.

HON. G. RANDELL: If there was no fence, a man could not repair it.

HON. C. A. PIESSE: What reason was there for the insertion of this clause? He had never heard that the fences were kept in bad repair.

HON. M. L. MOSS: The provision had been in existence since 1888.

HON. C. A. PIESSE: There had never been an outcry in any roads board district that he knew of for a clause of this kind.

HON. M. L. MOSS: Then it had not been much hardship up to the present, if the hon. member had not heard of it.

HON. J. W. WRIGHT: The life of a fence was only a certain number of years; after that time it would be impossible for any settler to repair. Was it necessary for the settler to re-erect, or would the board re-erect?

HON. C. A. PIESSE: They would make the settler do it.

HON. C. E. DEMPSTER: It was to the interests of every proprietor to keep his fences in order; but there was a certain amount of sting in compelling proprietors to keep fences in repair at their own expense, independently of any roads board.

HON. J. W. HACKETT said he would suggest that the Government keep all these fences in repair?

HON. R. G. BURGES: Owners did not want anything of the sort. They were quite contented to keep their own fences in repair. They had a perfect right to express their opinions.

Amendment put, and a division taken with the following result:—

Ayes	...	...	8
Noes	...	...	6
Majority for		...	2

AYES.	NOES.
Hon. G. Bellingham	Hon. J. W. Hackett
Hon. R. G. Burges	Hon. A. Jameson
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. C. E. Dempster	Hon. G. Randell
Hon. C. A. Piesse	Hon. Sir George Shenton
Hon. J. E. Richardson	Hon. T. F. O. Brimage (*Teller*).
Hon. J. W. Wright	
Hon. W. Maley (*Teller*).	

Amendment thus passed.

HON. C. A. PIESSE moved that the words "or gate," in lines 1 and 2, be struck out.

Amendment put and passed, and the clause as amended agreed to.

Clause 188—Leaving open gate:

HON. J. W. HACKETT suggested an alteration of the wording.

HON. G. RANDELL moved that between the words "gate" and "placed," "which has been" be inserted.

Amendment put and passed, and the clause as amended agreed to.

Clause 189—agreed to.

Clause 190—Penalties:

HON. R. G. BURGES: It was a most serious matter to go and leave gates open, but it was often done, and done purposely. Men went through at night, and left every gate open in the paddocks. He moved that the penalty be £30.

MEMBER: This penalty applied to everything.

HON. M. L. MOSS: This was the same penalty as was in the Act of 1888.

THE CHAIRMAN: It was impossible to increase the amount.

HON. R. G. BURGES said he suggested the increase.

HON. M. L. MOSS: For the information of the hon. member he might mention that in discussing with the Perth Police Magistrate the appeal section of the Justices Act, which having received the Administrator's assent had become law, he had been informed by the magistrate that in all the cases tried in Perth, with the exception of those in which a fixed penalty was provided, as sly grog-selling, he had only three times inflicted a penalty exceeding £10. The hon. member would do well to let the clause alone.

Clause passed.

Clauses 191 to 204, inclusive—agreed to.

On motion by the MINISTER FOR LANDS progress reported and leave given to sit again.

ASSENT TO BILLS.

Messages from the Administrator were received and read, assenting to the following Bills:—1, Transfer of Land; 2, Marine Stores; 3, Fremantle Prison Site; 4, Public Notaries; 5, Justices; 6, Supply (£500,000).

COMPANIES ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by Hon. M. L. Moss (Minister), read a first time.

POLICE ACT AMENDMENT BILL.

[Gold stealing, Prostitution, Juvenile smoking, Sunday observance.]

SECOND READING.

Debate resumed from the 11th November.

HON. J. W. HACKETT (South-West): I think I may compliment the Government not on the Bill they originally introduced in another place, but on the Bill as it has reached the Legislative Council. I am not sure how much of the very salutary change which has been effected in its provisions is due to the action of Ministers and how much is due to the action of private members in another place; but whatever the influence, I thoroughly compliment the Ministry on giving way to that influence, and on bringing the Bill into the state in which it has reached this House, so that it is possible to speak of the measure in terms of general approval—not only to abstain from moving a general motion adverse to it, but even to speak of it in terms of general approval. When this Bill was received I was under the impression that it contained certain utterly obnoxious clauses in the same obnoxious form as they were introduced elsewhere; and I was most agreeably surprised on perusing what I may term the expurgated edition of the Bill now offered to the notice of this House. It has been said that this Ministry—and I trust hon. gentlemen opposite will not be offended at what I say—considers itself called into existence to deal with social questions, and pre-eminently with the social evil. In fact, it has been stated that if a Bill is to receive careful consideration at the hands of the Government, if it is to be pressed on the attention of Parliament with all possible energy, it should contain a clause or two dealing with this unsavoury subject. As the Bill was first introduced into another place, it was one which merited the opprobrium and indignation of every right-thinking and fair-minded man; and, for my part, I hope we shall never see again in this State a Ministry introducing a Bill with such provisions as this measure contained before it passed its third reading in another place. Most of this Bill, I think, can be fairly commended to the House. It contains a number of important amendments of the law, some of them of a very sweeping character; some of them based on principles which are almost new, but for which there is certainly precedent; and others which I say must appeal without qualification to the approbation of members of the Legislative Council.

My general objection to this class of legislation is that it multiplies—and often multiplies without needful cause—offences; that it makes things wrong which were formerly considered right and innocent, and at all events causes the eyes of the law to open themselves so very wide that they are always on the lookout to detect offences and misdemeanours, trifling in themselves, which could be happily passed over for the moral good of the community, instead of being brought into the open light of day, and the mere giving of publicity to which certainly does not benefit the community. In the present Bill, a number of new offences are created, and I venture to think that in the short time this Ministry—I speak with a little severity perhaps—has held office, it has created more new offences, imposed more obligations of an anti-criminal character, and invented more misdemeanours than any Ministry has hitherto in two years of existence discovered, or created, or enforced. It would perhaps not be going too far to declare that Ministers have done as much in the way of law-created offences as is advisable for a single session. While I hope that this Bill may be the last of the experiments in this direction, I cannot shut my eyes to the fact that the fecundity of Ministers in creating offences appears to be undiminished. The very Notice Paper now before us contains in the Roads Act Amendment Bill, in the Police Act Amendment Bill, in the Bread Bill, in the Stamp Act Amendment Bill, and in the Bush Fires Act Amendment Bill, new offences which the Government have raised to the pedestal of criminal disregard of the laws of the land. I do hope we have got the last of such offences in this Bill, for the present session. I trust that no more experiments in that direction may be made. It used to be the boast of the reformers of the last century, headed by the illustrious Sir Samuel Romilly, that they had swept away unnecessary offences; that in the first instance the severity of sentences and of the criminal law was mitigated, and that in the next a number of offences of an utterly trifling and sometimes indeed of a harmless character had been abolished; and that generally not only was law made milder and more humane, but that people were allowed to walk about without fea of discovering suddenly that quite un consciously, without any wilful perversio on their own part, they were bringin themselves into trouble and committin offences against the King's peace o against the King's laws. We have a instance of a new law which I hope wi commend itself to the House in th clauses dealing—I am not committed t the verbiage, but to the principle—wit thefts of gold. I understand from gentle men whose authority I am bound t accept, that this practice of gold stealin is rife on the goldfields, that it is wide spread, that large damage and injury ar caused to vested interests, and tha generally—and this is the most seriou consideration of all—a false principle o morality is being created and estab lishing itself on the goldfields. Hon members will remember that something o the kind happened—it is only a matte of history to many of us—in the day when the laws against smuggling wer introduced. Smuggling, as we all se now, is a discreditable and a monstrou offence against the laws of the land.

Hon. C. E. Dempster: Not as bad a gold stealing.

Hon. J. W. Hackett: My hon friend speaks the opinion of two or thre generations ago. The precise opinio then held was that smuggling was no merely a venial crime, but a crime whic any gentleman might commit so long a he was not caught. I need not say tha the police officers of those days for th most part received instructions to be ver careful to look in another direction whe a bale of French silk or a barrel of Frenc wine was being landed under their ver noses, so to speak. Happily, as I think those days have gone by; and if I ma venture to differ from my friend, it is i saying that I believe smuggling is n better and no worse than gold stealing; tha robbery of the country's revenue is at leas as gross an offence as robbery of a privat company's or private individual's revenue I am sure my hon. friend, saturated n doubt as he was with the odour o sanctity that attached to smuggling which I believe was not unknown in th very State we are now assembled in uttered merely what was a pious opinion and not his view as to what is moral an what immoral with regard to the laws o

the land. It is right we should prevent from coming into existence that feeling which has now been voiced by my hon. friend, that there are crimes which are really not crimes and are hardly sins, but may be committed freely and without hesitation so long as the guilty parties are not detected. That was the principle of smuggling, that it was a fair thing to cheat the Government. I believe that feeling is spreading on the goldfields, and that men who would have shuddered at the thought years ago have gradually accepted the creed that it is a fair thing to rob the company or the owner of a mine so long as it can be done without bringing scandal upon themselves or their friends. I am very much afraid that theory is spreading, from what I have heard and from the little I have seen on the goldfields. The sooner that theory is upset, the better it will be in the interests of the morality of the community. The injury done to the individual is one which would alone justify us in dealing with the matter; but I look behind to the public opinion which is created by permitting a sin, I will not call it a crime—we are going to make it a crime now—a sin of this kind to hold its course and pursue its way unhindered and almost uncondemned by public opinion. So much for the question of gold stealing. But then comes another matter in regard to which I am inclined to pay my hon. friends opposite perhaps the dubious compliment of saying they are more rational than other members of the Cabinet to which they belong, namely the question of the social evil. For my part I could hardly have believed that a Government which evidently held such strong convictions on this question could have watered down from the proposals they first made, those which appear in the Bill the second reading of which is now sought at the hands of this House. I do not see how any of these can be objected to, and I am perfectly prepared to give my hon. friends every assistance in my power in placing them upon the statute-book of the country. I need hardly go through them *seriatim*. They are all more or less either developments of the actual law of the land, or such improvements upon them that I believe they will obtain favour at the hands of members. Of course we must consent to a clause such as No. 8, ridiculous in itself and utterly unnecessary, which provides that "any common prostitute who by signs, gestures, or otherwise accosts, solicits, importunes, or invites any boy apparently under the age of 16 years for the purpose of prostitution, is liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months." I may ask my hon. friend in the course of the discusion in Committee, to explain to us the virtues of the word "apparently;" how it is a more valuable word than "actually," or how indeed it helps the cause of morality by being there at all. If the hon. member takes it out, he will find that the clause not only reads rationally, and not only carries out the views which I believe my hon. friend has in asking us to accept it, but—and this is an important point—it does not appear to infringe on one of the noblest principles of British law, that appearances go for nothing, that actual guilt must not be inferred but must be proven. I hope the hon. gentleman will give us an opportunity of discussing whether that word "apparently" should be retained in this clause and in another one. [HON. J. A. WRIGHT: Clause 7.] That does not deal with the word "apparently." I see what the hon. member means. I think perhaps it would be better to consider it in Committee. It is to avoid any evasion of the law which a decision of an English Court has made possible. I have been a long time in this State, and it is part of my profession to be about at all hours of the night, and in all places. I do not believe, and I echo the words that have been used elsewhere, that there is any part of Australia where I have been, at all events—and the same applies to cities such as London and Paris, and also a number of others I could mention—where the vice of accosting or soliciting prevails less than it does in Western Australia; and one of the reasons why I complain bitterly of dealing with this question is that it goes forth to the world that the evil is so predominant here that it is necessary to bring in special legislation. It is an unworthy slur on the country, and a slur which I think this Government, headed as it is by a native of Western Australia, should have been the last to put upon it.

With regard to these boys, I believe this absurd clause has been introduced because some ridiculous statement was made that in Kalgoorlie a school stands at the head of a street, a large part of which is, we know, devoted to immoral purposes, and these young scoundrels go out of their way to go down this street for the purpose of, I believe (to use a vulgar word), chaffing these unfortunate women. An excellent inspector of education, observing these boys gathered round the doors, did not venture to approach near enough to hear what was going on, but took it for granted that these women were reducing themselves to the most degrading position of inviting these little boys to go in and defile themselves. The general idea of course is that a fallen woman is beyond grace altogether, that she is not only guilty of every crime against her own sex, but of every crime against humanity. But this I will say, that I do not believe that one woman in 50, even in the abandoned class, could reduce herself to the level of trying to destroy boys. I know many of them are so hardened in vice that they take particular pleasure in betraying girls; but I challenge my hon. friend to produce a single report from a policeman who knows his business to prove that any attempts were made to lead boys astray. However, as these boys insist on going down this street and indulging in more or less discreditable chaff with these poor girls, it is necessary, I believe, that we should have this clause. My remedy for that state of things would have been a very old-fashioned one—to make this inspector go up and carry the boys away, or report to the inspector and bring them back to school and give them a sounder birching than ever they got in their lives before, with an assurance that it would be doubled the next time they were caught at the same kind of game. That is the practice which would be followed in any English school. We have to put up with it. We have to publish to the world that this is so common a vice, that the wickedness is so general, of common prostitutes trying to lead boys astray, that special legislation is needed to put a stop to it. [MEMBER: We can strike it out, can we not?] If there is an amendment to strike it out, I shall vote for it. I am sure the Minister will suggest that a stock of birches be laid in to administer the proper punishment to these disgraceful little wretches. I will not speak of another of those pieces of fancy legislation where the sale of tobacco to children is prohibited. Boys of 16 in Australia are called children! I have never met them. I dare say there may be such boys in some parts of the Commonwealth. [HON. G. RANDELL: They are infants until they are 21.] In law, but what I am talking of is practice, which is a very different thing. In Australia boys 16 years of age may be 20 or 22 in vice as compared with an English, Scotch, or Irish boy. A young person apparently under the age of 16 is not to be allowed to buy tobacco, or some nonsense of that kind. I again ask my hon. friend what is the particular virtue in the word "apparently" and why it should not be struck out, so as to make the clause read "any tobacconist or other person selling cigarettes, cigarette papers, or cigarette tobacco in any form to a child or any person under the age of 16 years." That is the proper way to express the law of the land. Let us not have appearance or repute, or anything else, but let us say that if a purchaser is under 16 the seller is liable, and if not under 16 he is not liable.

HON. R. G. BURGES: Will that stop it? It will make them smoke secretly.

HON. J. W. HACKETT: No doubt it will; it will send boys down those streets. They will say, "Why are we forbidden by an Act of Parliament?"

HON. M. L. MOSS: They will not know anything about it.

HON. J. W. HACKETT: The hon. gentleman does not know as much about the Australian youth as he might.

HON. M. L. MOSS: They would not know anything about an Act of Parliament.

HON. J. W. HACKETT: How can you argue with a Government one of whose most intelligent members makes a statement of that kind. They will know it within 24 hours of its being assented to. [Interjection.] They will keep out of sight: this will keep them going down Brookman Street. It will foster and inculcate in the minds of these youths the poisonous idea that they have some rights or privileges not to be communicated to women; that wherever men and women come together it is the woman

who is to be punished, and the youth apparently under 16 years of age is to go scot-free. It is one of the growing evils of this kind, and one which I hope female suffrage will put an end to. With regard to Sunday entertainments, I have not very much to say. I think it was a mistake certainly to repeal the sections in the old law which existed here dealing with Sunday entertainments, and I speak now not from any fanatical or sabbatarian point of view. I am not talking now of Mosaic legislation, of Judaic usages, or of Christian amendments and improvements on the old law of sabbatarianism, nor am I touching on that controversy; but what I am insisting upon is this, and I am sure Dr. Jameson will agree with me, that the main object of one day in seven being kept apart is to entirely change the current of one's thoughts, actions, and associations, and to make it as far as possible a day of rest from one's usual avocations. [HON. M. L. MOSS: Hear, hear.] I think I heard my hon. friend say something, and I am confident of his approval. No doubt that is the object of having Sunday set apart. If we go in for hard work on Sunday, it may be of benefit to the individual as a sort of antidote or counterpoise, but for the most part one is not fit for his work in the week if he has not mainly devoted the time to recuperate or more or less resuscitate his faculties.

HON. J. W. WRIGHT: Does this close the Zoo?

HON. J. W. HACKETT: No; because Sunday is absolutely a day of rest there. No one works there, not even the animals, because we do not feed them that day, and we give them an appetite. Only one there does work, and that is the man who takes the tickets.

HON. J. W. WRIGHT: Who takes the money?

HON. J. W. HACKETT: Yes; who takes the money?—that is essential. With regard to this question I would point out it is inevitable in all society that to live, eat, drink, and sleep, or move about at all, the severity of the Judaic sabbath must be relaxed. We know that a great number of people must work, and that a great number of people must work also in ministering to the entertainment and refreshment of others. Of that I am perfectly aware; but what I desire to impress on the House is that it is a question of numbers: that the numbers of those who are engaged to do this extra labour on Sunday should be as small as possible, and farther that the work should be made as light as possible; and thirdly—I lay down these three principles—that those who engage in Sunday work should be compensated by a holiday in some other part of the week. Now, if we follow these three rules, that the number of people working should be the bare minimum that is requisite, that the work itself should be made as light as it can be, and that those working should be given another holiday to make up for their labour on the Sunday, then I think we practically comply with the hygienic—I am not speaking of the religious—requirements of the day of rest. What the Bill is specially directed against is the giving of theatrical and music-hall performances on Sunday, and I entirely object to such exhibitions. I shall not argue the question from the religious or the moral point of view, or even from that of tradition; but I do insist on it that—to take a concrete case—a hard-worked theatrical company should not be compelled to repeat on the seventh day their six days of hard work. That, I say, should be against the law of the land, and should not be tolerated under any circumstances whatever. I am delighted that the Government have brought in a Bill to put an end to that kind of thing. Members of theatrical companies have complained bitterly to me that when they came to this State—fortunately the law was then in existence in Perth and Fremantle, and no one has ever dared to violate it here as it has been violated on the goldfields—they found that in the mining districts they were always expected, as part of their bargain, to play for seven nights a week and also to attend the accompanying rehearsals. If hon. members had heard the complaints of theatrical companies and their denunciations of the Government who allow such a thing to be done—for it was against the law all the while—they would agree with me that the sooner the strong arm of the law puts down that kind of thing the better. There are, of course, numbers of cases in which recreation can be obtained for the

people at a minimum expense of labour; and those cases should be reserved. There are also cases where entertainments of an improving character, entertainments which partake of the nature of refreshment for the mind and for the body, such as lectures and concerts on Sunday evening and the like, should be permitted; but what I want to insist on is that such performances must be entirely at the option of those who engage in them, whereas under the law as it now stands—which law this Bill is intended to remedy—the manager of a theatrical company is entitled to insist on extra work being performed as part of an ordinary engagement. Considering that in this country for two or three years we have been devoting so much time and attention to imposing first of all a six-days' week of work, in providing for holidays almost unnumbered, and farther in providing that the week's work should be cut down to a minimum of hours, it seems to me that if we wish to attain even the poor virtue of consistency the only thing we can do is to re-enact so much of the old law as will prevent this guiding and leading principle from being broken, at all events in one part of the State. I shall not detain the House longer. I again offer my congratulations to Ministers for the very moderate, and as I believe excellent, measure on the whole which they have introduced. It has blots, and I hope Ministers will not be too exacting in their demands that those blots should not be dealt with and removed by the House. Ministers have brought in a Bill which is calculated to do good to the community, and which will cause their names to be respected for this legislation, though a good deal of fault may be found with them in regard to other measures in the direction of social legislation. I beg to support the second reading.

HON. T. F. O. BRIMAGE (South): I have pleasure in supporting the second reading, and I welcome particularly those clauses which relate to gold stealing. Undoubtedly, that offence is rife on the goldfields. It has been stated that large sums of money have been taken from the country by reason of the offence. The trouble in the past has been to secure a conviction against anybody for stealing gold. Although at times gold in various forms has bee found on persons, yet it has never bee possible to secure even a single convictio in the courts. The trouble consists i the difficulty of proving that gold foun on a person is stolen gold. The origin c the trouble is that nearly all gold i alike, that nearly all bullion is alike, an that most gold ores are alike—that is t say, if taken from one particular district When precious metal is found on a per son, it is easy for that person, if accuse of theft, to state that he dug what wa found on him out of a certain mine Prosecutors have not been able to swea definitely that the particular kind of or or gold found on the accused has bee taken from any particular mine. In case recently before the goldfields courts man had in his possession gold apparentl stolen. In defence, the accused state that he had found the gold in a pigsty—that he had picked it up in a pigsty Everyone knows that gold is not usuall found in pigsties, but nobody coul swear that the real thief had not take the gold to the pigsty to hide it, and tha the accused had not innocently found th gold there and innocently sold it. Th great cause of complaint in the pas has been that convictions have bee very rare whilst the offence has bee rife; and I am pleased, therefore, to se that the Bill proposes to throw the onu of proof on the accused. Under thi measure, the accused must give som account of whence he obtained the gol that is found on him; and that provisio will to a great extent check the evil whic has been prevalent so long. I welcom Clause 9, which deals with what is terme the social evil. I think the time ha gone by for those brutes who live on th gains of prostitution. I observe that th clause is carefully worded, providing tha any man living on the evil gains of tha business, or whatever it may be called, ca be prosecuted and convicted. A mos disgraceful case recently occurred in ou courts, and I am sure the citizens o Western Australia must hail with pleasur the introduction of a clause by which th men, and in many cases the women, wh introduce young girls from foreign part for the purpose of prostitution will b punished. I fully believe that th attempt to stop boys from smoking i ridiculous. The legislation proposed wil

have the effect of preventing boys from occasionally smoking a cigarette at the cost of turning them into criminals. Boys, it seems, are to be continually brought in contact with the policeman; and this must have a bad effect, particularly when the boy knows that he is doing wrong in smoking a cigarette. As we know by experience, boys will be boys. When we were young ourselves, even if we did not smoke in the real way, we at any rate tried to. I think the effect of making smoking a criminal offence will really be to train the boys to become criminals. I should much prefer to give the policeman a free hand to tell the boy to take the cigarette out of his mouth, instead of a free hand to drag the boy off to jail.

HON. J. W. HACKETT: And finishing the cigarette himself on the way.

HON. M. L. MOSS: There is no penalty for a boy found smoking: the hon. member is not correct.

HON. T. F. O. BRIMAGE: I do not agree with what Dr. Hackett stated regarding Sunday amusements. I certainly think they should be permitted. I have always been a believer in every kind of recreation on Sundays. I have the greatest respect and admiration for the man who fearlessly attends his church in the morning and devotes the rest of the day to recreation. Any form of amusement or pleasure, I say, is permissible, provided it is in accordance with the claims of respectability. Assuredly, I hold that Sunday afternoon and Sunday evening are a man's right: a man is entitled to spend that time as he pleases. Let him take his pleasure in the form of concerts or theatres, or garden parties, if he will. Moreover, I am a staunch believer in football and cricket on Sunday afternoons.

HON. J. W. HACKETT: This Bill does not stop that.

HON. T. F. O. BRIMAGE: I am glad to know it. Many people are engaged in avocations which allow them very little time for exercise during the week, and those people, by devoting the Sunday afternoon to football or cricket, gain the opportunity of obtaining really good exercise. In my opinion theatres, concert halls, and places of amusement generally ought to be allowed to open on Sunday. I fail to see what justification there is for taking away from the public the pleasure of a Sunday concert or theatre. Church is usually over at half-past eight and on the goldfields Sunday concerts and Sunday amusements generally start as a rule at that time, so as not to clash with the churches. I maintain that to prevent people from visiting a concert hall or a theatre on Sunday constitutes a downright interference with the liberty of the subject. It seems to me a step in the wrong direction, especially in a young country such as this, which offers but few amusements. Possibly, if a man be prevented from spending his Sunday at a respectable concert or theatrical performance, the result will be to make him hang around a publichouse or a gambling den or to drive him into some other mischief which we know not of. It has always been allowed in this country, and I do not know why it has been stopped. I trust this House will throw that portion of the Bill out. It does not seem to me to be right, and consequently I shall use my best endeavours to see it excised.

HON. G. RANDELL (Metropolitan): Dr. Hackett has gone really exhaustively, I think, into the provisions of this Bill, and speaking generally I am very much in accord with what he said on the various subjects which are embraced within these five or six pages. I am very pleased that the Government have seen their way, not to go to the extremes which were intended perhaps in the first place, but have here brought in a Bill which recommends itself to the good sense of the House and indicates a desire for the best interests of the community at large. I need not dwell on the first part of the Bill, dealing with gold. Apparently, special cases need special remedies, and if the stealing of gold is carried on to the extent stated, it is quite right that every effort should be made to protect those persons who are the lawful owners from the pilfering of other people. Therefore, I think the Government are quite right and the Legislature will be quite right in passing legislation of this kind, at any rate of an experimental nature, and I only hope that it may be successful. I am sorry to hear that the pilfering of gold is so widespread. It seems to exhibit a low moral state in the people on the goldfields—a large number of them, at any rate—which augurs very badly, in my opinion, for the

future welfare of a young State. If we cannot build up our State upon justice, truth, and righteousness, the end will not be very far off. We all know the causes of the decline and fall of the Roman Empire, and those principles exist in these days as much as they did in ancient times. There is another State of Europe which is said to be in a very bad condition through the want of recognition of right principles of conduct. I think the hon. member said the stealing of gold was worse than smuggling. I do not know but that I quite agree with what Dr. Hackett has mentioned. I do not know that we can draw any distinction between stealing from the Government and stealing from private individuals. I know a large number of men think it is no harm to open a case of whisky, wine, or brandy, and steal a bottle from it. They would be horrified at putting their hands into a person's pocket and taking out six shillings, the price of a bottle, but, as I say, they think it no harm whatever to steal spirits, wine, or beer. Apparently, a number of people think it is no harm to unlawfully obtain possession of some of the gold—perhaps in some instances they have been paid to raise it -which belongs to their employer. I only hope that the methods proposed here, which seem to be very drastic and comprehensive, will have the desired effect. With regard to vice, whether the history which has been given to us by Dr. Hackett is correct or not, I am inclined to think that the clause in the Bill may possibly be productive of some good. I quite realise the force of the argument the hon. member has used, and think perhaps something like that may result. At the same time, I think the provision exhibits a desire on the part of public men in this country to meet an evil which apparently exists. I can bring myself easily to believe there are some abandoned women who would be quite ready to lead young boys into evil habits, or to blunt their moral feelings. I am afraid this is true, and that this vice prevails to a larger extent than the hon. member thinks. I have been told only recently that such is the case. I am not able to say so from my own personal knowledge, but I have every reason to believe those who have told me it prevails to a very large extent, and that it is of the utmost consequence to the moral welfare of this community that any steps which give promise of success shall be taken. I do not see that there would be any hardship in the case, and I really think the remedy which the hon. member proposes is one which could possibly be carried out. It is very unpleasant perhaps to refer to these things, but as men intrusted with legislation we have to face them, and especially we have to face them and deal with them in the best possible way we can when they are introduced to us in the form of a Bill. I am sure every member will be in sympathy with the desire there is to uplift and elevate all the members of our community, whether they are females or males, and if by restrictive legislation we can accomplish this end, I am sure we shall be only too glad that such is the case. With regard to Clause 9, I quite join in the scathing remarks by Mr. Brimage. If there is a contemptible person or individual upon the face of the earth, it is, I think, the man who lives upon the wages of prostitution. One would be almost inclined to say that lynch law should take effect, but, perhaps, for the danger of sometimes arresting accused persons, and taking their lives without giving them an opportunity of trial. But any punishment that could be inflicted, whipping or imprisonment in irons, or any heavy penalty, would be about the best thing to be meted out to a man guilty of this despicable vice. There is no doubt that there are such men about. We have seen reference to it in police reports, and there can be no reason to doubt in the slightest that there are many men who are of that class to which this clause refers. If there is any one portion of the Bill of which I am more doubtful than another, it is that in relation to cigarettes. I think it is just possible this may utterly fail to accomplish the purpose, but still I am willing that the experiment should be made, and no very great harm will be done. There is no punishment inflicted upon the boys, some of them only eight or nine years of age, and they go sporting about in the city with cigarettes in their mouths. Whatever the effect of smoking cigars, cigarettes, or tobacco may be on a grown man, there can be little doubt that it has a seriously injurious effect upon young boys. It appears that these young lads

are outside the pale of authority, in some way or other, of their parents, or the policeman, or public opinion. I think people laugh at them when they see them, instead of frowning and trying to persuade them to give up the evil habit, which possibly when they get older they will be very glad to have lost. In my opinion any efforts that can be made in that direction ought to be tried, though we may have doubts of their efficacy in curing the folly of these young persons. With regard to Clause 11, relating to the opening of places of amusement, I am entirely at variance with Mr. Brimage, and I think Dr. Hackett has voiced the opinions of most right-thinking men in this community. At any rate, I hope it is so. I have had a long experience of life, and I have had to labour pretty hard. I have spent a great many hours in the pursuit of my business; but the greatest relaxation I have had has been in the attendance at public worship on the Sabbath, or on the Lord's Day as I prefer to call it, and in endeavouring to do any good I possibly could to any of my fellows who needed it at my hands. I have often felt weary at the close of a week, but entire change of thought and of energy has had an exhilarating effect, as I believe it has on everyone who has so spent the Sunday, and it enables one to take up the work next day and go through the week with greater vigour and energy than he otherwise would. I have always found that these picnics and excursions and other things on the Sunday bring home the people tired, and weary, and cross with themselves and their children, if they have children, unfitting them for entering upon the duties of the next week in that healthy state of mind and body which they would have if they spent the Sunday rationally; for I consider spending the Sunday in the way I refer to is irrational, apart from the fact that when people enjoy themselves in the way Mr. Brimage mentioned, it means, as Dr. Hackett has pointed out, employing a large number of persons to cater for their needs and wants. We have no right to ask persons who are employed six days in the week to labour for us on the seventh. The nearer we keep to religion and the ordinances which have been appointed by the Supreme Ruler, and under the authority of Christ himself, the nearer we keep to those and to the moral law, the better for the community at large; and I am certain that such pursuits and conduct on the part of individuals generally will always have a tendency to elevate the nation to a higher pitch of morality, of comfort, and of enjoyment than any other relaxation. I speak these words from a long experience of life, and I believe I have been as busy as most men who have reached my age. As I have said already, the relaxation I have had in the way in which I have spent the Sabbath has been, I think, to use a strong word, my salvation with regard to my physical energies and mental powers, as well as for the benefit of the higher nature which God has placed in me. I do not know that there is anything more I wish to say in connection with the Bill. If there is, it can be said in Committee; but I hope members will realise that this is a step in the right direction, for the good of our fellow citizens and for the community at large. I hope they will not allow any of. I was going to say their notions, which have been derived, I am afraid, not from a right source, to induce them to take any steps that will lower the standard which has been raised, or which it is attempted to raise by the introduction of this Bill.

HON. C. E. DEMPSTER (East): I have listened with much pleasure to the debate so far as it has gone, particularly to the learned remarks both of Dr. Hackett and Mr. Randell. I am sure all they have said will be truly appreciated by the members of this House, and I sincerely congratulate the Government upon having brought forward this Bill. I think it is one of the most useful Bills introduced here this session, and it is in the interests of the public generally. We all know that gold robbery has been going on for a very considerable length of time. In travelling about as I have done, I have frequently heard of most enormous robberies that have taken place, and there is no doubt that numbers of those men who have been paid high wages by the mine proprietors have been robbing their employers. There is great difficulty in bringing home these thefts and getting these men punished. There is not the slightest doubt that in the interests of gold-mining some measure of this kind is very necessary, and I hope this will be found to be effectual. I do

not quite agree with some of the other provisions of the Bill, as to their being desirable in the interests of the public. I recognise the importance of doing everything possible with respect to dealing with the evil of prostitution, and I fully agree with everything that has been said. Certainly those who employ prostitutes in the way alluded to here are a crying disgrace. It is humiliating to think that there are on the face of the earth men who will resort to such means of making a living. I do not quite agree with the plan here proposed to prevent boys from smoking. I cannot help thinking that the restrictions provided by the Bill will have a tendency rather to make young fellows wish to smoke. The idea of investing a policeman with power to take a cigarette out of a boy's mouth, and then perhaps smoke it himself, is a peculiar one from the point of view of the desirability of dissuading boys from smoking. I should be more disposed to think it would have a tendency in the opposite direction. Young fellows will be tempted to smoke; and the only way to prevent them is to reason with them, and to show them the unwisdom and imprudence of such a course, and then to leave the matter to their common sense. When I was a youth my father always smoked, and I thought I should like to smoke. One day my father handed me a cigar, saying "I will not prevent you from smoking, but if you commence smoking this cigar you must finish it." I commenced it, and of course before I had smoked very long I was very sick, and it was a very long time before I wanted to smoke again. I followed the same course with my own sons. I said to them, "You may smoke a pipe of tobacco if you like, but if you start it you must smoke it right out," and in that way I cured them with a single pipe each. For a very long time after not one ever attempted to put a pipe in his mouth. My sons really felt no desire to smoke, I believe, because they knew I raised no objection to their doing so. Human nature is very contradictory in some respects. When restrictions are imposed, when a thing is forbidden, there is a great desire to disregard the restrictions and do the forbidden act. I fear that the Bill will not achieve the desired end in this respect. As regards the keeping of disorderly houses, I entirely agree with all that has been said as to the necessity for doing away with the evil. There is one consideration calling for attention, however, and that is the indiscretion of youth. I think we should be most careful in dealing with this matter, because it is probable that young people might be led into evil in a way that few of us may for the moment conceive. I do not think it desirable that the clause should contain the particular words I have in view. On the whole, I am pleased that the Bill has been introduced, and I hope that good results will spring from its enactment.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9·36 o'clock, until the next day.

Legislative Assembly,

Tuesday, 18th November, 1902.

THE DEPUTY SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.