

Item, Inspectors, £23,081:

Mr. MUNSIE: This item shows an increase of £1,955 over last year's expenditure. Last year 63 inspectors were employed. Why do not these Estimates show the number now employed? Is the increase in the item due to increase in the number of inspectors, or to increase in inspectors' salaries, or to both causes?

The PREMIER: There are about 10 or 12 more inspectors this year than there were last year. The item includes Lands, Agricultural Bank, Industries Assistance Board, and Soldier Settlement inspectors.

Vote put and negatived.

Vote — Land Settlement for Soldiers, £12,652:

The CHAIRMAN: I suggest that this vote be negatived, so that the matter may be put in order.

Vote put and negatived.

Progress reported.

BILL—HEALTH ACT CONTINUATION.

Returned from the Council without amendment.

House adjourned at 11.58 p.m.

Legislative Council,

Thursday, 28th October, 1920.

Privilege: Parliamentary Allowances Bill	...	1294
Questions: Pastoral leases, rent and inspections...	...	1302
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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PRIVILEGE—PARLIAMENTARY ALLOWANCES BILL.

Debate resumed from previous day on the following motion by Hon. A. Lovekin—

That the words uttered by the Hon. Sir E. H. Wittenoom as recorded in "Hansard" on the 5th December, 1919, constitute a breach of the privilege of this House.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.30]: In common, I have no doubt, with most members of the House, I should very much have preferred to say nothing whatever regarding this matter, but it seems to me, as leader of the House, that the question of the privileges of members is involved and a certain responsibility rests upon me. I am sure all of us regret very much the position which has arisen. It is undoubtedly desirable and in the best interests of the country that men, elected to responsible positions such as members of this Chamber or of another place, should be men of outstanding personality and strong character. It is, I suppose, inevitable that there will be clashes between men of that kind. Because of the point of view I desire to place before the House, I think it is necessary to say at the outset that I shall endeavour to remove two misconceptions that probably may be in the minds of a number of members and certainly, in my opinion, is in the mind of the only other member who has spoken in this debate, with the exception of Mr. Lovekin and Sir Edward Wittenoom. I refer to Mr. Cornell. The first point, and it is a most important one from the view I take of the matter, is the absence from the Chamber of Mr. Lovekin. It is important, for there can be no question that had Mr. Lovekin been in the Chamber at the time, he would have had no standing at the present juncture. Whether, in spite of his absence at that time, he still has a standing in the matter, is one for the consideration of the President, rather than for an expression of opinion from any member of the House. There can be no question that had Mr. Lovekin been in the House at the time, his remedy would have been immediate and if not availed of at once, could not have been taken at any future time. Mr. Cornell quoted from "Hansard" to show that Mr. Lovekin was in the House both before and subsequent to the incident. That is quite correct, but I know that at the time the statement was made, Mr. Lovekin was in the corridor and I also was absent from the House for a moment or two. Although I was constant in my attendance during the day, I was absent at that particular juncture; and Mr. Lovekin was in the Chamber for the greater part of the evening, but it was peculiarly unfortunate that he was temporarily absent from his place in the Chamber at that particular moment. The other point raised was that if Mr. Lovekin had nothing whatever to do with the writing or inspiring of the article in the "Daily News," he was, by virtue of his position as proprietor or manager, responsible for what was done by one of his employees. I put this point of view before hon. members for their consideration: Had the same article appeared in some other paper, with which no member of this Chamber was connected, they could not have taken any notice of it. I want members to understand

that. There was nothing in the article in any way offensive or such as reflected upon Parliament or the privileges of members. That is assuming that the article appeared in a paper with which no member was connected.

Hon. H. Stewart: It could have been resented.

The MINISTER FOR EDUCATION: It is a matter of common practice for newspapers to publish forecasts of divisions on important debates. That practice is followed by every newspaper in Australia, and I think I can safely say by every paper in England as well. On every occasion that I can remember when a no-confidence motion has been tabled or when any important debate, either in the Parliaments of the State or in the Federal Parliament, newspapers have published a forecast of the division list. That occurs not only where no-confidence debates are concerned, but on other important matters, including Bills which are of great public importance. There is no contempt of Parliament or any invasion of the privileges of members involved by any newspaper publishing a forecast of a division. There can be no question whatever regarding that point and the provisions of Standing Order 404, which applies to newspapers, could not possibly have been invoked in a case of the kind under review. Standing Order 404 reads as follows:—

Any member complaining to the Council of a statement in a newspaper as a breach of privilege shall produce a copy of the paper containing the statement in question, and be prepared to give the name of the printer or publisher, and also submit a substantive motion declaring the person in question to have been guilty of contempt.

The Standing Order, it will be observed, refers to statements that have appeared in newspapers. That is the point I want members to grasp. Any statement published in a newspaper which merely contains a forecast of how members are likely to vote, could not be construed as a breach of privilege or be regarded as such that any member would dream of calling anyone to account.

Hon. Sir E. H. Wittenoom: That is not in question.

The MINISTER FOR EDUCATION: The attitude of Mr. Lovekin, merely as the proprietor or general manager of the newspaper, cannot come into the question if, for the sake of argument, his reporter had obtained this information and written this article. It would be a perfectly legitimate thing for the paper to publish, and the person in control could not be held to be responsible under the Standing Order I have quoted.

Hon. J. Cornell: How about the "West Australian," which suffered for the action of one of its reporters?

The MINISTER FOR EDUCATION: That is a different thing altogether. The

hon. member has referred to an incident in which the "West Australian" published some statement or alleged statement by a detective, which was held to prejudice the trial of a certain person. That is not a right thing for any newspaper to do, I am speaking of things that newspapers all over the world do every week and no one dreams of questioning them. It is perfectly within the province of a newspaper to publish such forecasts of divisions and no offence against the privilege of the House would be involved. Mr. Lovekin, in introducing the motion, made some reference to his standing as a journalist. The hon. member is very properly jealous of his reputation as a journalist and, as a man of standing who has represented this State at a conference of journalists throughout the Empire, he is naturally entitled to be proud of his reputation. But this House is not in the least concerned with his standing as a journalist or with the effect this matter may have upon him as a journalist. The whole point is how does this matter affect him as a member of Parliament? What rights or privileges has he, as a member of Parliament? Personally, I do not think that the motion as it stands is one that we would be justified in carrying, for these reasons: Sir Edward Wittenoom on a certain occasion made certain remarks. Had Mr. Lovekin been in his place in the House, there is no question but that he could have demanded a withdrawal of those remarks and I have no doubt Sir Edward Wittenoom would have withdrawn them at once. In such a case there would be no question as to whether the remarks were justified or not. In order to lend point to that aspect of the matter—and I assure Mr. Duffell I have no malice in making reference to the particular incident—I recall a case which occurred in the heat of argument last evening. Mr. Duffell made certain remarks during the course of the debate which reflected upon me. I did not get up and make a personal explanation and say that the statement I had made had been supplied to me by the Crown Solicitor or the Attorney General or somebody else. I simply demanded that the hon. member should withdraw his remark. That attitude was supported by the Chairman of Committees and freely acknowledged by Mr. Duffell himself. I mention that to show that when a statement is made in the House which reflects upon an hon. member, it is altogether beside the point as to whether the statements made are justified or not. That aspect has nothing whatever to do with it. Standing Order 395 deals with this particular question where personal reflections upon a member have been made. That Standing Order is perfectly clear and reads—

No member shall use offensive words against either House of Parliament or any member of such House, or against any statute, unless for the purpose of moving for its repeal, and all imputations of im-

proper motives and all personal reflections on members shall be considered highly disorderly.

It does not say unjustified personal reflection; but that all personal reflections on hon. members shall be considered highly disorderly. It is imperative that this should be the case. It would be an impossible position if, on one member making a personal reflection on another, the other had to get up and defend himself and show that he was not guilty of the things suggested against him. The freedom of speech in regard to Parliamentary debates is, we might almost say, extreme. All sorts of protection is afforded. A member cannot be prosecuted for libel, no matter what statements he makes in the House, and because of that extreme freedom of speech, it is entirely desirable and necessary that there should be this one check, that hon. members must not in any circumstances say anything which is a personal reflection upon another hon. member. One member might have proof in his pocket of something dishonourable or discreditable to another member. There may be means by which he can bring that hon. member to account, but he cannot allude to the matter in the course of debate, and if during a debate he did make a personal reflection, he would be compelled to withdraw it, no matter what justification he might have.

Hon. J. Cornell: Not necessarily compelled to withdraw it; he might be suspended.

The MINISTER FOR EDUCATION: I was going to mention that. The hon. member upon whom the reflection was cast would not be under the least obligation to deny the accusations or justify himself. He would be fully entitled to the protection of this Standing Order, which says that for an hon. member to reflect upon another member is highly disorderly. In such circumstances the President or the Chairman would call upon the hon. member to withdraw, and if, instead of withdrawing he sought to justify himself, he would accentuate his disorderly conduct, and as a last resort would be removed from the Chamber. That would be the only remedy. I point this out to show that had Mr. Lovekin been in his place when the statement was made all that would have been necessary would have been for him to say, "I demand that that statement be withdrawn." It would not have been competent for Sir Edward Wittenoom or any member to ask, "Do you deny it?" That would never have entered into the question. The statement, being a personal reflection, must have been withdrawn directly the hon. member drew attention to it.

Hon. Sir E. H. Wittenoom: That is all past now.

The MINISTER FOR EDUCATION: That is why I say I question whether the motion, as it stands, can be carried, because not only was Mr. Lovekin deprived of his remedy through being absent, but Sir Edward Wittenoom was also deprived of the usual and ordinary method of getting out

of any mistake he may have made. Had attention been directed to the statement at the time Sir Edward Wittenoom made it, and had Mr. Lovekin demanded a withdrawal of the statement, Sir Edward Wittenoom with his long knowledge of Parliamentary practice would have at once withdrawn. He would have reasoned in this way: "I recognise that I violated the Standing Order." We have now reached a very unhappy position, and I do not know whether you, Sir, can see any way out of it. I do not know whether it is competent for Mr. Lovekin, after having raised the question at the earliest moment possible, instead of submitting this motion to censure Sir Edward Wittenoom for a breach of privilege—

Hon. A. Lovekin: I have no desire to do that.

The MINISTER FOR EDUCATION: It would be an extreme course to ask the House to censure Sir Edward Wittenoom, and I do not think any member of this House would agree to it, merely because Sir Edward Wittenoom did not have an opportunity to withdraw the statement which, under Standing Order 395, was irregular. Because of that, the whole thing has been allowed to lapse, and months afterwards it is sought to condemn Sir Edward Wittenoom for breach of privilege. It appeals to me in this way: Is Mr. Lovekin, after this lapse of time and by reason of the fact that he had no previous opportunity but took the first opportunity at his disposal, entitled instead of moving this motion merely to ask that Sir Edward Wittenoom should withdraw the remarks he made in contravention of Standing Order 395? That is the position so far as Mr. Lovekin is concerned. It is for you, Mr. President, to say whether he is entitled to take that course. If he is not, then I submit it is for Sir Edward Wittenoom to say, "Recognising as I must that under Standing Order 395, had the hon. member been present and demanded a withdrawal I must have withdrawn the statement, I am not going to take advantage of the fact that he has been away so long, but I recognise that at one time he had the right to demand a withdrawal, and it was not his fault that he did not exercise the right. If he asks for a withdrawal under Standing Order 395, I am quite prepared to withdraw, because I recognise that the statement was a contravention of that Standing Order." In common with every hon. member, I deplore personal quarrels between any two members, and I am deeply concerned in regard to this, especially as it concerns two members for whom I have a very high esteem, and indeed whose friendship I hope I hold. But the matter affects the Standing Orders and privileges of the House. I would be extremely sorry to see the motion go to a division and a result recorded which might be interpreted as indicating that we regarded lightly this Standing Order. It is imperative that we

should vindicate Standing Order 395. Debate would be intolerable if we departed from the position that no hon. member can cast a personal reflection on another hon. member. Leaving out the question of justification, if any member does something which justifies his impeachment or removal from the Chamber, it can be done, but in the course of debate no hon. member is entitled to make any personal reflection on another hon. member. It is imperative that this Standing Order should be vindicated to the last possible degree, so that there may be no dispute about it in future.

Hon. J. Cornell: Where will it end?

The MINISTER FOR EDUCATION: If a member who has cast a reflection upon another member is called upon to withdraw, he must withdraw whether his statement was true or not. The Standing Orders do not allow a personal reflection, and therefore withdrawal is necessary. I hope some means may be found to honourably retrieve the position we have reached. I submit very respectfully, Sir, that it is largely a question for you to say if you think that, in the circumstances, Mr. Lovekin has forfeited the right that he undoubtedly had at the time the remark was made to demand its withdrawal. If he has not, then he may demand a withdrawal under Standing Order 395, and no doubt that will be a way out of the difficulty. If he has forfeited his right to demand a withdrawal I would put the question to Sir Edward Wittenoom.

The PRESIDENT: Does the hon. the Minister wish to ask that question now?

The MINISTER FOR EDUCATION: Yes.

The PRESIDENT: In my opinion the hon. member has forfeited the right. Furthermore, I would explain that I do not take the same view of Standing Order 395 as does the Minister for Education. No member shall use offensive words against either House of Parliament or any member of such House. The offensiveness of the words lies in the application of the words by the member against whom they are directed. If that hon. member calls attention to the words as being offensive, I regard it as my duty to order a withdrawal. If he does not, and if the words were not patently and openly abusive, I do not regard it as my duty, nor do I intend in the future to practically stifle debate by ordering a withdrawal unless it is asked for. That is my opinion.

The MINISTER FOR EDUCATION: I would be extremely sorry, Sir, if anything I said suggested to your mind that I considered you should call for a withdrawal of the words.

The PRESIDENT: I certainly did draw that conclusion.

The MINISTER FOR EDUCATION: Then I must have blundered in my speech if you came to that conclusion. I said that had Mr. Lovekin demanded a withdrawal,

the statement would have been withdrawn. I did not suggest that you, Sir, should have demanded a withdrawal. I quite realise that the position is as you state, that the offensiveness lies in the application which the hon. member himself attaches to the words. There is certainly no obligation on the President or on the Chairman to ask for a withdrawal excepting in gross instances. I trust that you will accept my assurance that I never had in mind that you should call for a withdrawal. Had Mr. Lovekin been in his place and demanded a withdrawal you, Sir, would have supported him in that demand.

The PRESIDENT: Quite right.

The MINISTER FOR EDUCATION: Then there is no difference of opinion between us. In any case I should not question your decision on the other point, but I entirely agree with you. Mr. Lovekin, probably through no fault of his own, has forfeited his right to demand a withdrawal. All I can add is that, if I were in the position of Sir Edward Wittenoom, I should say that because the hon. member's absence forfeited to him the right which he otherwise had, I should be disinclined to take advantage of it, and that if I had said anything contrary to the Standing Orders of the House, I would be only too glad to withdraw it.

Hon. J. J. HOLMES (North) [4.55]: I have no desire to enter into the rights and wrongs of the controversy between Sir Edward Wittenoom and Mr. Lovekin. Both are friends of mine, but, like the leader of the House, I am concerned regarding the rights and privileges of this House. So far as I can understand, it is a case of the greater truth the greater the lie. It matters not whether the statement made by Sir Edward Wittenoom is right or wrong. If the hon. member had been present he could and probably would have asked for a withdrawal of the statement. The hon. member was not present. Your ruling, Sir, when this motion was introduced on Tuesday, to my mind put Mr. Lovekin back where he was had he been present, or had he been able to attend in his place at the next sitting of the House. I took that to be your ruling, and that it practically put Mr. Lovekin back to where he would have been if he had been present. Now we come to this point, whether the words were offensive or not, and whether they were words which should have been withdrawn. I have looked up "Hausard," and I find on page 2043 that Sir Edward Wittenoom is reported as having said—

We have now a member of this Chamber who is the proprietor of a newspaper, and I am sorry to say that he has made use of his position as a member to take outside of this House and publish opinions expressed in ordinary conversation.

I do not care whether that statement is true or untrue, it is a reflection upon an hon. member of this House, and as such I think it should be withdrawn.

Hon. Sir E. H. Wittenoom: That is all past now.

Hon. J. J. HOLMES: I raise this point; I claim it is not past. I claim that your ruling, Sir, put us back to where we would have been had Mr. Lovekin been present.

Hon. A. Sanderson: Which ruling?

Hon. J. J. HOLMES: When the motion was introduced on Tuesday.

Hon. A. Sanderson: There was no ruling.

Hon. J. J. HOLMES: The President addressed the House and said that, as Mr. Lovekin had been absent for some time and had only just returned to the State, he would allow him to proceed, and I take it—I may be wrong—that that ruling put Mr. Lovekin back to where he would have been had he been present on the occasion in question.

THE PRESIDENT: For the information of the hon. member, I would point out that objection to any words used in debate must be taken at the time the words are used. No action of mine could put the two parties to this dispute back in the position they occupied when the debate occurred. The ruling I gave was on a matter of privilege under Standing Order 106. I pointed out that it was somewhat straining that Standing Order to permit the motion to be moved, but that in the circumstances I had decided to allow it.

Hon. J. CUNNINGHAM (North-East) [4.38]: The question with which I am faced is, am I prepared to support or oppose the motion. I remember very clearly what happened during the last day or two of last session. I realise that most hon. members were taking an active, and, I may say, an intelligent interest in the business before the House. It is well known that conversations did take place; members do not walk about with their mouths shut. Surely it is not a crime to converse one with the other, and very often the probable result of a Bill may be discussed before a division is taken. I desire to lead up to the fact that I know now, as I knew then, that Mr. Lovekin was taking an active part as regards the defeat of that Bill. Mr. Lovekin was also looking for information, undoubtedly. I think the hon. member will admit that he had conversations with other members. Knowing those facts, I, and also other members, on that occasion did resent what we considered to be a breach of confidence on the part of Mr. Lovekin. I am not prepared to say that I exchanged confidences with that hon. member, but I had a conversation with him on the subject matter which has brought about the present difficulty.

Hon. A. Lovekin: That conversation did not appear in the newspaper.

Hon. J. CUNNINGHAM: No, but a forecast of the division list did appear in the newspaper. I formed the conclusion, rightly or wrongly, that Mr. Lovekin had had something to do with the publication of that forecast; and I believe most members held that opinion at the time. It is most unfor-

tunate that Mr. Lovekin was not in the Chamber when Sir Edward Wittenoom made the remarks of which he complains. However, I thought at the time that Sir Edward was fully justified in making them. After hearing them, I was satisfied to let the matter rest. For my part I thought no good purpose would be served by repeating what Sir Edward Wittenoom had stated. Still, it had been my intention to draw the attention of members to the fact that something had taken place on the part of one hon. member, which, in my opinion, should not have taken place. Up to the present time, including especially the period of his remarks in moving this motion, Mr. Lovekin has not denied that he had something to do with the publication of the forecast.

Hon. A. Lovekin: Yes. I have told you that there was no foundation, warrant, or justification for the remarks to which my motion refers. I have said that a dozen times.

Hon. Sir E. H. Wittenoom: Get up and say so now.

Hon. A. Lovekin: I will say it again now, if you like.

Hon. J. CUNNINGHAM: What led me to that conclusion was the appearance of certain words in a letter from Mr. Lovekin to Sir Edward Wittenoom, which Sir Edward read here yesterday. From those words it seemed to me that an agreement had been arrived at whereby the difficulty could be overcome. Certain words had appeared in that communication, and Mr. Lovekin scored out those words and inserted in lieu thereof, "I have since learned," or something to that effect. From those words I took it that Mr. Lovekin had not previously denied having anything to do with the publication of the matter complained of. On that ground, and also because I know what was in the minds of hon. members on the night when Sir Edward Wittenoom used the expressions to which Mr. Lovekin takes exception, it is not my intention to support the motion. Whether the words used by Sir Edward Wittenoom constitute a breach of the Standing Orders, I am not prepared to say. We look to you, Mr. President, for the interpretation of the Standing Orders, and also for expressions of opinion regarding the conduct of the business of the House. You have expressed your opinion to-day, Sir. I shall vote against the motion.

Hon. J. E. DODD (South) [5.6]: I must say that this motion seems to me to indicate the most regrettable occurrence that has taken place in this House since I have been a member of it—for the last 10 years. I am sure it is the wish of every member that the matter should not go to a division. Undoubtedly some other method of settling the difficulty should be devised. I was not here at the time the occasion for this motion arose. I was at home sick, and I recollect that at that time something occurred to which

I rather objected. Still, I do not intend to raise that matter now. It seems to me that Mr. Lovekin has taken an entirely wrong procedure in moving that Sir Edward Wittenoom's remarks are a breach of privilege. Had Mr. Lovekin risen in his place and made a personal explanation—and he has stated just now that there is no foundation for the belief that he was in any way connected with the publication of the forecasted division list—no doubt that explanation would have been satisfactory to Sir Edward Wittenoom, and that gentleman would have been prepared to do justice to Mr. Lovekin. Why waste the time of the House by forcing a division on a motion of this kind? At one time I used to like a scrap, and was always prepared for one, and even anxious to get into one; and in my time I have been in a scrap or two. But since getting into my present critical condition I have had rather kindlier feelings than perhaps I had formerly. I appeal to Mr. Lovekin to withdraw his motion, and to make a personal explanation. This he can do without any loss of dignity. Then I am quite satisfied, from my knowledge of Sir Edward Wittenoom, that that hon. member will make any reasonable reparation in this connection that Mr. Lovekin may desire.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.8]: I offer the suggestion that the House adjourn for five minutes to allow the two members concerned to come together. If that were done, I feel sure there would be no further discussion on this motion.

Hon. J. W. HICKEY (Central) [5.9]: Personally I am always prepared to take full responsibility for my own actions, and I had no intention of saying a word on this motion. However, certain remarks which have been made have brought me to my feet. I regret very much that the motion has been moved. The particular incident which has given rise to this motion I happen to have a fairly good knowledge of, and I am not one to sidestep an issue. I do not view with any degree of pleasure the proposal that the House should adjourn for five minutes to allow the principal combatants to get together in the precincts or anywhere else for the purpose of discussing possibilities. Various efforts have been made to throw the responsibility for the settlement of this matter on yourself, Mr. President. However, I, as one of the spectators of this drama, am prepared to cast my vote for that principal who I think ought to get the decision. That being so, I do not agree with the leader of the House and other hon. members who have been trying to find an easy way out of the difficulty. On the present occasion I consider that there is only one way out, and that is to vote for or against the motion. The motion has been launched deliberately by Mr. Lovekin, and consequently he must abide by the result. The difficulty could be easily overcome if he would make a denial of any

complicity in the publication of the forecast. I followed very closely the correspondence which Sir Edward Wittenoom read yesterday, and in no passage of that correspondence could I observe a denial by Mr. Lovekin of his responsibility for the publication. If he would make that denial, probably the whole matter would be over and done with. Whatever our differences of opinion may be on certain principles, aspirations, and ideals, we all come together here to exchange confidences at times. I know that Mr. Lovekin was very active in his opposition to the Bill in question.

The PRESIDENT: I may point out that this is not a motion indicating a breach of privilege on the part of Mr. Lovekin.

Hon. J. W. HICKEY: A motion of this description, however, opens up a wide range of discussion; and the mover has taken a heavy responsibility in launching it. In justification of Sir Edward Wittenoom's remarks, I may say that it was the idea of various members to draw your attention, Mr. President, to the publication. We recognise that there must be something sacred in this House. We are not considering this matter from the aspect of the position of a pressman, but from the aspect of the privileges of a member of Parliament. My opinion was, and I say this emphatically, that Mr. Lovekin was responsible for inspiring the publication referred to; and, that being so, I think Sir Edward Wittenoom should stand to his guns, especially as on that occasion he voiced what was the opinion held by a majority of this Chamber. Confidences should be sacred outside the Chamber, if not inside it. I must oppose the motion.

Hon. H. STEWART (South-East) [5.14]: As one who was associated with Mr. Lovekin in a number of divisions on the Bill referred to, I wish to dissociate myself from him as regards the present motion. My reason for doing so is, in particular, that in the correspondence read by Sir Edward Wittenoom when defending himself yesterday, Mr. Lovekin made a quite unfair imputation against Sir Edward. Remembering well what took place in the debate in question, I can clear Sir Edward Wittenoom from that imputation. The imputation made by Mr. Lovekin is that Sir Edward Wittenoom took an opportunity to make the remarks complained of when he, Mr. Lovekin, was not in the Chamber. I have a clear recollection of the occurrence in question. After the Minister for Education had moved the second reading of the Bill, I endeavoured to catch your eye, Mr. President, and failed to do so. Mr. Duffell was the first speaker after the leader of the House. Then I again sought to catch your eye, Sir, and did catch it; but at the moment I endeavoured to secure the privilege of speaking Sir Edward Wittenoom also rose, and you, Sir, accorded to me the right of speaking first. I think it is only fair to Sir Edward Wittenoom to mention that, because it effectually clears him from the imputation. It seems to me most regrettable that

this motion was brought forward, and I can only join with other hon. members, notably Mr. Dodd, in believing that, since it has been brought forward, the best solution of the difficulty would be to withdraw the motion. Another point: Until by interjection while Mr. Cunningham was speaking Mr. Lovekin denied responsibility for the newspaper article in question, we had no straightforward denial. The correspondence does not give any full, plain, simple, British, straightforward denial of responsibility, and the choice of such words as "foundation," "unjustifiable," and "unwarrantable" by Mr. Lovekin does not convey the impression of a straightforward denial.

Hon. A. LOVEKIN (Metropolitan—in reply) [5.17]: I moved the motion as being the only means by which, under the Standing Orders, and on the procedure of the House, I could call attention to the remarks of Sir Edward Wittenoom. I moved it at the earliest opportunity I had, because the remarks I complain of were made in the early morning hours on the closing day of last session, and I did not know the hon. member had made any remarks at all until I saw the newspaper report on the following morning. Since then I have been away, and have had no opportunity of fully complying with Standing Order 106. I asked, and you, Sir, gave me, some latitude in order that I might draw attention to the remarks of the hon. member. If there had been any other way of drawing attention to the matter than by moving the motion, I would have taken that course; because I never had, nor have I now, any intention of attempting to carry a motion which casts the slightest reflection on the hon. member or which is in any way offensive.

Hon. Sir E. H. Wittenoom: I tendered you a full apology in the last letter.

Hon. A. LOVEKIN: No, I do not think so. I will discuss that if you wish it, but I could rather avoid it, because I realise that I am out of time in respect of any right to demand a withdrawal, except with the consent of Sir Edward Wittenoom.

Hon. J. E. Dodd: The hon. member could have made a personal explanation.

Hon. A. LOVEKIN: Perhaps so, but I thought I would follow this course. I consulted others and this appeared to be the only course I could follow. But I want to assure the hon. member and the House that I moved the motion as a means by which the matter could be discussed, but with no intention of reflecting upon or censuring the hon. member. I do not wish to carry it, even if I could, as a censure upon the hon. member. On the other hand to negative it would be one of the worst things we could do, for the reason that it would for all time nullify Standing Order 395.

Hon. J. W. Hickey: Why did you move it if you were not serious?

Hon. A. LOVEKIN: Not to carry the motion would be tantamount to this: that a

member could get up and make any reflection he liked on another hon. member and nothing could be done; because by the negating of this motion the House will declare emphatically that reflections such as this cast upon another member are not a breach of the privileges of the House and therefore not a contravention of the Standing Order. That would be the effect of not carrying this motion. I do not see how, if this motion were not carried and if I subsequently rose in the House and said that Sir Edward Wittenoom had been guilty of dishonourable conduct, the President could in justice call me to order; because the House would have declared that such a statement was not a breach of privilege. Therefore, although I moved the motion, I should be sorry to see it carried, and equally sorry to see it negated for the reasons I have given. When the matter was first brought to my notice by the report in the "West Australian" on the following morning, I wrote a letter to the hon. member. The hon. member has been kind enough to lend me the correspondence, since I have not a copy of it with me. On the 6th December I wrote to the hon. member what I thought was a friendly note which would have the effect of inducing the hon. member to withdraw the remarks complained of, and there the matter would have ended. I wrote to him this—

Sir, after your friendly chat with me at Parliament on Thursday last, it is needless to say I was astounded on perusing the "West Australian" to find remarks attributed to you (as per cutting herewith) for which there is no foundation whatever.

That is a perfectly clear denial in plain English.

Hon. Sir E. H. Wittenoom: You do not read to the end of the friendly letter.

Hon. A. LOVEKIN: I will read the whole of it if the hon. member wishes it. I wrote that there was no foundation whatever for the remarks and that they were unjustifiable. I have said that several times. The letter continues—

My amazement was the greater because, although I was in the Chamber for quite nine hours yesterday, you apparently took advantage of my temporary absence in the early hours of this morning to launch a charge of dishonourable conduct against me. Of course I cannot allow such to go unchallenged. I shall be glad therefore if you will let me know (a) whether the "West Australian" report is correct, and (b) whether, if correct, you will divest yourself of your Parliamentary privilege and repeat the statements publicly so that I may be given a chance of defending myself against so unwarranted a stab in the back.

What does that mean? You make this charge. I say "You make it where you are not clothed with the privilege of Parlia-

ment, and I will take steps to defend myself from it." That means that you would get me in a witness box where you could cross examine me as to my connection with it, and I should have to be prepared to prove that I had nothing to do with it; because if I had anything to do with it I would naturally fail, and it is not likely, unless I was prepared to substantiate my attitude, that I would propose such a course to the hon. member.

Hon. Sir E. H. Wittenoom: I was merely drawing attention to the friendliness of your letter.

Hon. A. LOVEKIN: It is a friendly letter. I first ask if the report is correct; then, if it is correct, I say, will you please give me an opportunity of defending myself? It is a fair proposition to put up.

Hon. Sir E. H. Wittenoom: What was my reply? That I would do it.

Hon. A. LOVEKIN: No, I do not think so. I will read the reply, as follows—

Dear Sir,—I am in receipt of your letter of the 6th inst. in reference to a statement made by me in Parliament at its last sitting. "Hansard" will, of course, furnish a correct transcript of my remarks. I made the statement in a perfectly frank spirit. I was naturally surprised, like other members, to find your newspaper forecasting the probable division in connection with the Parliamentary Allowances Bill, and I merely took occasion to draw the attention of the House to what appeared to me to be an unusual proceeding.

The hon. member's remarks did not bear that out. He said that I, as a member, had used my position to convey outside the result of private conversation within the precincts of the House—clearly dishonourable conduct.

Hon. Sir E. H. Wittenoom: Well, that is unusual.

Hon. A. LOVEKIN: The letter continues—

If the forecast had been one which was given as the result of public utterances of members, the position would have been different, but so far as I am aware members had not made any public pronouncement of their views. To draw the attention of the House, therefore, to such a matter is, I think you will admit, the right and privilege of every member, and had I not done so, other members would have acted, and I would not question your right in similar circumstances to do likewise. I believe, however, in being perfectly fair, and if the statement is not correct and I have your assurance to this effect, then I am quite prepared to make the necessary explanation and withdrawal at the first opportunity after the House meets again.

Hon. Sir E. H. Wittenoom: What more than that do you want?

Hon. A. LOVEKIN: I want something more than that. I put this position to hon. members: Sir Edward Wittenoom has made a charge against me which is without foundation. I say now, "You withdraw that charge before you ask me to give you any assurance or to defend myself in any way." I am entitled to that. The greatest criminal is entitled to ask the Crown to put up a *prima facie* case against him before he is tried. It is making matters worse to bring this charge against me and then say, "Assure me that I am not right and that this thing did not happen, and I will retract what I never ought to have said." I cannot accept that position from anyone. Is there anything more I need read?

Hon. Sir E. H. Wittenoom: That is quite enough for our case.

Hon. A. LOVEKIN: In the letter I have just read I have said there was no foundation whatever for this statement. I have also said there was no warrant for the statement, and that it was not justified. Someone wants me to say that I had nothing whatever to do with it. If the hon. member had not made a demand to this effect I would have said this. I do not think I ought to be called upon by the hon. member, or anyone else who has made an unjustifiable attack upon me, to go to him and ask for mercy as it were, in the very words that he dictates. I cannot do that. I have told him that the statement was without foundation, and that there was no warrant for it, and that it was not justified by the facts. I repeat those words and emphasise them to hon. members at this moment. I am not prepared to go down on my knees and allow the hon. member to dictate the terms that I should use, namely, that I had nothing to do with it. I cannot stultify myself by doing that. Let the hon. member do what he ought to do, when he has made remarks which are without foundation, and which, because there is no foundation for them, he should withdraw. When the hon. member has withdrawn his statement, I am perfectly willing to accept the withdrawal and I am also willing, if he wishes it, to say what he has asked me to say; but to precede him in this direction I must certainly decline. A good deal of time has been taken up over this matter. I wish to uphold the Standing Orders of the House and to support you, Sir, and other members wherever I can. No one regrets more than I do that I have had to rise in my place on this question and table this motion. The purpose for which I moved this motion has been served and I am prepared now to withdraw it. I shall merely repeat and emphasise what I have already said, that there was no foundation for the statements that were made concerning me by the hon. member, that there was no justification for them and no warrant for them. Having said so much I ask leave to withdraw the motion.

Motion by leave withdrawn.

QUESTION—PASTORAL LEASES, RENT AND INSPECTIONS.

Hon. J. W. HICKEY asked the Minister for Education: 1, What is the area of country held in the name of F. Pearse in the North-West division? 2, What is the total amount of rent paid per annum on that area? 3, Have the pastoral leases of the State been inspected by a Government lands inspector? 4, If so, when, and by whom?

The MINISTER FOR EDUCATION replied: 1, 1,070,885 acres. 2, £1,035. 3, Inspection is in progress. 4, Answered by 3.

QUESTION—STATE HOTELS.

Hon. J. CUNNINGHAM (for Hon. F. A. Baglin) asked the Minister for Education: 1, Are the Government prepared to review the salaries at present paid to managers of the State hotels with a view to making substantial increases? 2, Are any of the managers married; if so, how many? 3, Are housekeepers employed at the State hotels; if so, what are their respective salaries, and at what hotels are they employed? 4, Do the managers keep their books, or are clerks employed to do this work?

The MINISTER FOR EDUCATION replied: 1, Increases to managers will be considered in cases where the services of managers warrant such. 2, Yes; five. 3, Cook-housekeepers are employed at Belgart and Corrigin at 40s. a week with keep. 4, Managers keep their own records and financial books are kept at head office.

BILL—OPTICIANS' REGISTRATION.

Introduced by Hon. J. Nicholson and read a first time.

BILL—BUILDING SOCIETIES.

Report of Committee adopted.

BILL—CORONERS.

In Committee.

Resumed from the previous day; Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

The CHAIRMAN: The Minister for Education had moved a new clause to stand as Clause 27.

The MINISTER FOR EDUCATION: I reported progress on this new clause yesterday at the suggestion of Mr. Dodd, with a view to having included in it those provisions of Clauses 25 and 26 in regard to inspectors in the case of accidents occurring in factories. I have had a conference with the Solicitor General on the matter, and the new clause has been somewhat redrafted

and it is in the altered form that I will move it—

With respect to every inquest on the body of any person whose death may have been caused by an accident in or about a factory, or a "building" within the meaning of that term in "The Inspection of Machinery Act, 1904," the following provisions shall apply:—1, If an inspector is not present the coroner shall adjourn the inquest and send to an inspector a notice in writing of the time and place of holding the adjourned inquest. 2, The coroner before the adjournment may take evidence to identify the body and may order the interment thereof. 3, An inspector may examine witnesses and elicit evidence relative to the cause of death and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of the Factories Act, 1904, or the Inspection of Machinery Act, 1904.

Hon. J. E. DODD: The new clause, as redrafted, does not take in all the provisions of Clause 25, although it is more satisfactory than the previous proposal. It only takes in Subclause 2 of that clause, and does not take in Subclause 1. If Clause 24 is applied it may overcome the difficulty. What we want is that the representative of the person killed and the representative of the industrial union of workers may examine the scene of the accident and examine witnesses, just as occurs in the case of coal mines. We want the representative of the workers' union and the inspectors to have the same power under the proposed factories clause as they have in connection with mining and the Mines Regulation Act, or coal mining and the Coal Mines Regulation Act.

The MINISTER FOR EDUCATION: The view that the Solicitor General takes is that every person is entitled to take part in the proceedings.

Hon. A. H. PANTON: I am not satisfied that the clause will give representatives of the industrial unions of workers the right to attend inquests.

The MINISTER FOR EDUCATION: If there is any uncertainty about it I shall not have any objection to the words "or representative of an industrial union of workers" being added. I move an amendment to the proposed new clause—

That after "inspector" in paragraph 3 the words "or a representative of the industrial union of workers of which the deceased was a member" be added.

Amendment put and passed.

Hon. J. CORNELL: The relatives of a deceased person should also be given similar privileges.

The MINISTER FOR EDUCATION: So far as the relatives of a deceased person are concerned there cannot be the slightest question, because Clause 24 covers them. The

reason why I agreed to provide for the representative of an industrial union is because it is possible that a coroner may take the view that a representative of the union had not sufficient interest in the subject of the inquest. No coroner could take the view that a relative of a deceased person had not sufficient interest in the inquest. The clauses that have now been inserted will appear in the Bill between the first paragraph of Clause 27 and Subclause 1 of that clause. The insertion of these words will make it necessary to include a definition of "inspector." The amendment appearing on the Notice Paper will have to be inserted here. I move—

That the following words be added:—In this section "inspector" means an inspector of factories or an inspector of machinery appointed under the said Acts respectively; and "occupier" includes any agent, manager, or other person acting or apparently acting in the management or control of a factory or building as aforesaid.

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

Bill again reported with further amendment.

Recommittal.

On motion by Minister for Education the Bill was recommitted for the further consideration of Clause 39.

Hon. J. Ewing in the Chair, the Minister for Education in charge of the Bill.

Clause 39—Coroner may order a post mortem examination:

The MINISTER FOR EDUCATION: At the last sitting, the Committee, on the motion of Dr. Saw, added a new subclause as follows—

When the Commissioner of Public Health certifies that it is necessary in the interests of public health that a post-mortem examination shall be held, the coroner may direct any medical practitioner to make a post mortem examination, and to report thereon to the said Commissioner.

I directed the attention of the Committee at the time to Clause 6 and suggested that some difficulty might arise because we were bringing under the jurisdiction of the coroner a class of body that was not provided for in Clause 6. I discussed this matter with the Solicitor General and he took the same view, but he has drafted an alternative clause to that submitted by Dr. Saw. It carries out the wishes of the Committee and merely makes the power clear to the coroner. Whilst Clause 6 gives the coroner jurisdiction in regard to inquests, it is made clear that the subclause gives him in certain circumstances jurisdiction over the ordering of a post mortem examination in cases where there need not be an inquest. The clause reads—

When the Commissioner of Public Health certifies in writing that it is necessary in the interests of public health that a post mortem examination should be held on the dead body of any person, a coroner may, without holding an inquest, direct any medical practitioner to make a post mortem examination, and to report thereon to the Commissioner of Public Health, and it shall be lawful for and the duty of such medical practitioner to make a post mortem examination and to report thereon accordingly.

Hon. J. E. DODD: Under this provision a coroner can order a post mortem examination to be held on the body of anyone whose death had been brought about by natural causes.

The MINISTER FOR EDUCATION: Only in those cases where the Commissioner certifies in writing that it is necessary in the interests of the public health to do so, the intention being to embrace cases of infectious diseases such as the one suggested by Dr. Saw, and in which cases the cause of death can only be determined by holding a post mortem.

Hon. J. E. Dodd: It will conflict with Clause 6.

The MINISTER FOR EDUCATION: It would if it had remained as Dr. Saw moved it. If the subclause which I have read is substituted, the position will be made clear, that the order may be made without holding an inquest. I move an amendment—

That Subclause 3 (inserted on the motion of Hon. A. J. H. Saw at the previous sitting) be struck out and the following inserted in lieu:—(3) When the Commissioner of Public Health certifies in writing that it is necessary in the interests of public health that a post mortem examination should be held on the dead body of any person, a coroner may, without holding an inquest, direct any medical practitioner to make a post mortem examination, and to report thereon to the Commissioner of Public Health, and it shall be lawful for and the duty of such medical practitioner to make a post mortem examination and to report thereon accordingly.

Hon. J. E. DODD: I enter a protest against the new subclause going in at all. The Bill is one to deal with what might be termed unnatural or violent deaths. Now we find that power is sought to be taken, if not to have an inquest on a person who dies a natural death, to at least have a post mortem ordered in cases of infectious disease. That is entirely foreign to the purpose of the Bill; the proper place for it should be in a Health Bill. I object to the power that is sought to be given not only in this Bill but in others to so-called experts on different matters. I would like to have a definition of "infectious disease." Is there any disease to-day that is held to be not infectious? There are a hundred and one that are in-

fections, and we are going to hand over to the Commissioner of Health the right to order a post mortem examination in cases where a person may have died from one of those diseases.

The Minister for Education: The coroner orders it.

Hon. J. E. DODD: It is the same thing. Let me draw attention to what Mr. Miles said about the towns in the North-West. What sort of medical practitioners have we in some of those outback places. There is no doubt that the coroner will act largely on the advice of a medical practitioner.

The Minister for Education: No, that is not the position.

Hon. J. E. DODD: Well, it is hard to get at what the position really is. Whatever it may be, I object to a provision such as this being inserted in a Coroner's Bill. I see no necessity for it. We will be treading on people's corns and on what has been a sentiment of the ages. I think we should give this matter more careful consideration than we appear likely to go to-day.

Hon. Sir E. H. WITTENOOM: The inquiry has certainly to be held by a coroner and it is provided that the Commissioner of Public Health can recommend to the coroner that a post mortem shall be carried out in certain cases. Surely the coroner is the man to hold the inquest and in the circumstances the Bill is the correct place for such a provision to be inserted. The title of the Bill shows what is intended and when the Commissioner of Public Health sees that there is a suspicious case, or one in which the death has occurred in circumstances of importance from the standpoint of the health of the community, he has the power to recommend the coroner to hold the inquest. That decidedly makes the provision applicable to this Bill. Whether the coroner should deal with the inquest or not, is another point quite beside this other aspect.

Hon. A. SANDERSON: Whether we agree with Mr. Dodd or not, it should not be difficult to understand his attitude. Before I come to a decision on this matter, I want to be certain of my ground. An amendment was made last evening and the leader of the House has moved another to-day.

The Minister for Education: Merely to give effect to it.

Hon. A. SANDERSON: That may be so, but we should be perfectly certain what are the relative positions of the medical fraternity, the Commissioner of Public Health, and the coroner. Is this amendment which we are discussing, to be found in the Imperial Act, or those in force in New South Wales, Victoria, or Tasmania?

The Minister for Education: No, it is not in existence anywhere in the world that I know of.

Hon. A. SANDERSON: That makes the position more serious still. One day we are told that we should be guided by what other people are doing, and the next day we brush them aside.

Hon. Sir E. H. WITTENOOM: Why should we not improve upon other legislation?

Hon. A. SANDERSON: If we were perfectly convinced that we were improving upon other legislation, I would not have any hesitation upon this point, but there must be very good reasons why some such provision was not inserted in these other measures.

Hon. A. H. PANTON: They have not their Dr. Saws there.

Hon. A. SANDERSON: The hon member puts his cards on the table and shows that he is influenced from a scientific point of view.

Hon. A. J. H. SAW: Nothing of the kind; it is from a public health point of view.

Hon. A. SANDERSON: Well, that is the same.

Hon. A. J. H. SAW: No, it is not.

Hon. A. SANDERSON: Can it be contradicted by the hon. member that his ostensible object is to protect the public health under scientific methods?

Hon. Sir E. H. WITTENOOM: Why should he deny it?

Hon. A. SANDERSON: Every clown from the time of Queen Elizabeth knows what coroners' inquests can be, and are we going to permit any clause to be inserted in the Bill with reference to medical men having the power or the opportunity—I am not certain of my ground there—on the death of an infant, a male, or a female, to say that they will have a post mortem conducted?

Hon. A. J. H. SAW: It would only be on the ground of public health.

Hon. A. SANDERSON: That is perfectly clear, so far as the hon. member is concerned, but in view of the position as it appeals to me I oppose the clause.

Hon. J. CORNELL: You will not find anything about compulsory notification of venereal diseases in other Acts.

Hon. A. SANDERSON: That is an interjection which it is rather difficult to deal with. The attention of members was concentrated upon that particular legislation for some considerable period. This particular clause is a very important one, yet an attempt is being made to slip it through without adequate consideration.

Hon. A. J. H. SAW: So far as I am concerned, I am perfectly content to accept the amendment. The reason for putting power into the hands of the coroner is because the coroner has power to order a post-mortem examination in the case of an accident, or in a case where foul play is suspected. Consequently, although a provision of this kind might be put into the Health Act, it is not out of place in a Coroners Act. Some members who have spoken seem to imagine that my motive is that of a ghoul, who wishes to go about snatching dead bodies in order to perform post mortems. I disclaim any such intention and I can take members into my confidence to the extent of telling them that a post-mortem examination is one of the most repulsive things that I have to do. I would willingly pay someone five times the

for I receive, to do it for me. I consider it is perfectly necessary that someone, in the face of the dangers from infectious diseases, should have the power to order a post mortem. I believe no one has the power at present.

Hon. J. Nicholson: And such a provision is for the benefit of the public as a whole.

Hon. A. J. H. SAW: It is quite possible to start an epidemic raging in this State and in these circumstances the health of the community should be taken into consideration.

Hon. J. E. DODD: Have you ever known cases of relatives refusing permission to have post mortems conducted?

Hon. A. J. H. SAW: I have known of cases but, in the great majority of instances, the relatives, on representations being made to them that on the ground of public health a post mortem is necessary, have given their consent in 99 cases out of 100. It is entirely from the standpoint of the public health that I brought this subject up under this Bill.

Hon. J. E. DODD: I hope that neither Dr. Saw, nor any other medical man will believe that I regard them as anxious to conduct post mortems. We are discussing the measure as it is presented to us and I have no ulterior motive in opposing this clause appearing in the Coroners Bill. I have strong feelings against compulsion in matters of this kind. When we consider the number of infectious diseases, and what this may lead to in the future, if such a clause is inserted in the Bill, we certainly have good grounds for opposing it, quite apart from whether it is relevant to the Bill. For my part I think it is not relevant. I should like to know whether any medical congress has carried any resolution regarding such a matter.

Hon. A. J. H. SAW: Such a proposal has never been before us.

Hon. J. E. DODD: If the matter is of such importance, it should have been considered before now by a medical congress, and in any case it should not appear in the Coroners Bill at the present time.

Amendment put and passed; the new sub-clause added.

Bill again reported with further amendments and a message forwarded to the Assembly requesting them to make the amendments, leave being given to sit again on receipt of a message from the Assembly.

House adjourned at 6.17 p.m.

Legislative Assembly,

Thursday, 28th October, 1920.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—FREMANTLE HARBOUR, DREDGING.

Hon. W. C. ANGWIN asked the Minister for Works: In view of the possibility that the large dredge, which goes to a depth of 40 feet at the Cockburn Sound Naval Base not being required by the Commonwealth Government for some time, will he make representation to the Commonwealth Government for the loan of the dredge to enable the dredging of the Fremantle Harbour to, a greater depth to be carried out with more expedition for the accommodation of deep draught vessels?

The MINISTER FOR WORKS replied: The large dredge employed by the Commonwealth authorities at Cockburn Sound is not suitable for work being carried out in deepening entrance channel, Fremantle, where the nature of the material dredged is rock.

QUESTION—SHIPWRIGHTS' DISPUTE.

Hon. W. C. ANGWIN asked the Minister for Works: 1, When are the Government going to bring to an end the shipwrights' dispute at Fremantle by meeting their employees as do private employers and semi-State departments? 2, Is he aware that the shipwrights employed by the Public Works Department at Fremantle are the only shipwrights with whom any dispute exists?

The MINISTER FOR WORKS replied: 1, The matter has been dealt with to-day. 2, Answered by No. 1.

QUESTION—RAILWAYS, BROWN HILL LOOP LINE.

Mr. LUTEY asked the Minister for Railways: 1, Has the attention of the Government been drawn to the need for shelter sheds on the Brown Hill loop line? 2, If so, will shelter sheds be erected at the sidings known as Maritana Street, Victoria Street, Robert Street, Coombe Street, Half-way, Hainault, Finiston, and Horseshoe?