MR. RASON moved, as an amendment, that the following be inserted, to stand as Sub-clauses 3 and 4:—

(3.) The notice may be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business.

(4.) The notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post: and in proving the service, it shall be sufficient to prove that the notice was properly addressed and registered.

The interpretation of what was meant by "notice" should appear in the Bill, and not have to be sought for in some other Act.

Amendment put and passed.

MR. WILSON (referring to Sub-clause 3 as printed in the Bill) moved that the following words be added:—"Or manager for the time being of the work upon which the worker is employed."

HON. W. H. JAMES: Notice of this amendment should have been given, so that it might be considered. That was the practice elsewhere in regard to amendments, and it should be the practice here.

MR. WILSON: The Minister in charge of the Bill had said he would oppose the amendment, and that therefore it ought not to be moved.

HON. W. H. JAMES: No, no.

MR. WILSON: No doubt the direction to communicate with the Crown Solicitor was clear and plain to members; but navvies working at the head of the line knew nothing of any Crown Solicitor. They knew the "boss," the manager of the works, and they should be allowed to serve notice on him. The unions would see to it that the men knew of their right to make a claim.

On motion by the HON. W. H. JAMES progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at six minutes past 11 o'clock, until the next day.

# Legislative Council,

*Wednesday, 2nd October, 1901.*

Paper presented—Question: Midland Railway Company, Particulars—Motion: Midland Railway Company, to Inquire—Paper (Plan): Crown Lands Granted in Perth District, how—Bush Fires Bill, third reading—Roads and Streets Closure Bill, third reading—Land Drainage Amendment Bill, third reading—Presbyterian Church of Australia Bill, third reading—Roads Act Amendment Bill, Recommittal, progress—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Annual Report of Governors of High School.

Ordered to lie on the table.

QUESTION—MIDLAND RAILWAY COMPANY, PARTICULARS.

HON. R. S. HAYNES asked the Minister for Lands: 1, What agreement, if any, exists between the Government and the Midland Railway Company of W.A., in connection with the payment for the use of Government wagons carrying goods over their private line. 2, What amounts have been collected from the Midland Railway Company of W.A. during the past six years for the hire of such wagons, on what date were they collected, and how were the amounts calculated and arrived at. 3, Why are these dues not collected and paid to the Consolidated Revenue monthly. 4, Have the officers and wages employees of the Midland Railway Company of Western Australia been examined, and do they hold certificates of competency similar to those held by Government Railway officers and wages employees; if not, why not. 5, If it is a fact that there are at present no professional officers in charge of the Permanent way and Locomotive Branches of the Midland Railway Service, and that risks are run thereby. 6, If the Minister will take early action in this regard in the interests of the travelling public.

THE MINISTER FOR LANDS replied:—1, No such agreement exists. 2, Not any. 3, The existing Regulations do not authorise the collection or payment of running charges to or from the Government and Midland Railways. 4 and 5,

The Government has no information to enable a reply to be given to these questions. 6, This is receiving the Minister's attention.

## MOTION—MIDLAND RAILWAY, TO INQUIRE.

HON. R. S. HAYNES (Central) moved:

That a Select Committee be appointed to inquire and report upon—1, The nature of existing agreements between the Midland Railway Company and the Government; 2, The present position of the company; 3, The manner in which the traffic over the line is conducted; 4, The method of inspection and upkeep of the permanent way; 5, Generally.

From time to time I have drawn the attention of the Government to the manner in which the traffic along this line has been conducted. Recently my colleagues have also drawn the attention of the Government to this matter and the other evening a general feeling was expressed amongst members that everything was not going right along the Midland Company's line. I then stated that the examination of the line by the Government inspectors was a mere farce. I had the information at the time and I could have given reasons why I had said it was a farce. I can assure the House that the examination of the line for some time past has been a farce, and nothing but a farce. Some two or three years ago the inspection was carried on by officers who went over the line at a very great rate, but a 1,500-gallon water tank was so placed as to obscure the view of the inspectors as they went along, and the officers of the Midland Railway Company must have laughed to think that the officers of the Government could inspect the line through a water tank. Before the inspection, notice is given to the Midland Railway Company and bolts are taken from the fish-plates from all the side lines and sidings and put on to the permanent way, and as soon as the inspection is over the bolts are removed and taken to the side lines again. In some instances there are two bolts in the fish-plates and in other instances only one bolt. On one occasion a special train was passing over the line, and on portions of the journey the train ran at the rate of 50 miles an hour. The consequence of the running of the train over the line was a practical suspension of traffic which necessitated the putting down of five and a half tons of dog bolts to hold the line together. How long these bolts remained down is another matter; whether they have been taken up I do not know. The system along the Midland line is to use the bolts from the side lines for the purpose of strengthening the main line, so that when the inspection takes place everything appears to be secure, but so soon as the inspection is over these bolts are taken away again. The report of the inspector of this line for the present year is before the House, and a more glaring and contradictory report it is impossible for any person to imagine. I know I am speaking of a gentleman who holds a very high position—Mr. Dartnall—but that officer does not personally inspect the line; he writes on the reports of other officers. The report says the line is in fairly good running order, but on the other hand a list of things that are necessary to be done is given, and it is an alarming list. The white ant has practically rendered miles and miles, on some sections of the line, practically useless, and in some instances the couplings are bad.

HON. C. E. DEMPSTER: Dry rot and white ant.

HON. R. S. HAYNES: I should think there is absolutely nothing honest in the whole line. I have pointed out to the House that the Company are in the habit of taking up the bolts from the main line, rending it unsafe.

HON. J. M. SPEED: What do the bolts cost?

HON. R. S. HAYNES: It is no matter whether the cost is very slight, but the present gentleman who manages the Midland railway line will not spend a penny on the railway. He sends home every penny to satisfy rapacious mortgagees. I was not aware, at the time I was speaking previously, that there was a letter on record which bore out what I was saying. Mr. S. F. Moore, of Dongara, has sent an important letter to the Government in regard to this matter. It is dated 26th April this year, and states:

I think it well to let you know something that has come to my knowledge relative to the Midland Railway, viz., that Inspector Turner, who has charge of the permanent way from Walkaway to Watheroo (that is about half

way), has reported for months past that the sleepers are in a very bad condition, and would not hold a spike; so bad have they become that he has just made a special trip to head-quarters to interview his employers over the matter, and as a proof that something was up I notice that they have already got a truck or two of new sleepers for replacing. I further notice that at several sidings two bolts have been removed out of each fishplate.

That is a strong corroboration of my statement. The letter goes on:

The line is being starved from end to end, and all they think of is to make money. The Government inspections so far have been valueless. The inspectors run over the line and report it in good order. They want to look under the surface, and see how the sleepers are. To examine the line properly would certainly take ten days. The above information was obtained from one of the company's own officials, and I thoroughly believe it. The sleepers here have been laid something over eight years. If the safety of the general public is to be jeopardised through the miserable economy of the Midland Company it is quite time the Government stepped in and pulled them up. I wish you could see your way to purchase the whole concesssion and throw the land open.

That is the letter from Mr. Moore confirming the charges which I made. Mr. Moore is the leading settler of the district. Mr. Throssell in his remarks says:

I pass this on for information, and for the Engineer-in-Chief to note also in regard to inspection of this company's railway. I consider information sent by Mr. Moore of a valuable nature.

That is Mr. Moore's report. In Mr. Dartnall's report on the permanent way, it is stated:

The line is all in fairly good running order, excepting the portion between Midland Junction and Gingin.

HON. G. RANDELL: What is the date of that?

HON. R. S. HAYNES: The 28th June, 1891. The report continues:

And more particularly from 1 to 10 mile, where the line runs through marshy country. . . The sleepers, which are all of jarrah, are in very fair order throughout; those in the middle section are in a splendid state of preservation, attributable to the high and dry formation through which they are laid. In some cases the white ants have attacked the sleepers at the ends, but so far have done no damage; this is noticeable where the line passes through rich soils and gimblet wood country, but in the sand and salt lake country the pest is not noticeable.

Yet, according to Inspector Turner's report, they are so badly ant-eaten that they will not hold:

Between Dongarra and Walkaway (the oldest portion of the line) it would be necessary to renew about 20 sleepers to the mile, as some were affected with dry rot more or less, and the ends of some are shattered through exposure to the sun, but they were found to be quite sound underneath. On the whole, the sleepers are wonderfully good, and fair attention has been given to their renewal from time to time. Practically no creep of rails has taken place on the line, there being one place only where a 9½in. lead is found, but this was laid so, no green ends being used. The rails are well fastened throughout, and joints well fished up.

The ballast and the earthworks are described as fairly good. There is a list given of what is necessary to be done; and it runs over some three pages of foolscap, of which the following may serve as a sample:

1 M. 1 C.: One beam of cattle pit requires renewing. Swan Bridge, third pier from Guildford end up stream, and one main girder Geraldton end, have white ants in and require renewing. 43 M. 10 C.: One beam of cattle pit requires renewing. 74 M. 28 C. Bridge: White ants show in the whitegum piles of this bridge.

In another bridge the white ants show in one pile. In another, they show in a few planks of the decking; and the same with another.

The rail strings of the Irwin Bridge require attention.

This is absolutely a regular indictment of the company, and in no way justifies the other portion of the inspector's report where he says it is all in fairly good working order throughout. He says the line is dirty; it is not kept in the way in which a line should be maintained. But the following is of importance to all persons who have any interest in that portion of the country or have any idea of the Government buying the line. He says that if the Government buy it, the Railway Department will be expected to bring the line up to the standard of the Government lines, and it is not at present up to that standard. He continues:

The Midland Railway was built for light traffic, and it is quite safe to carry engines now employed; but should the Government purchase the railway, it would not be safe to carry the heavier type of Government engines of the classes E, F, K, and R. Before these

could be allowed to run, the whole line would have to be relaid with rails 60lb. to the L1 yard. Moreover, some of the bridges would have to be strengthened. There are only about 60 bridges on the line, and most of these are of 15ft. spans; but most of the piers have only two piles in the centre and two piles at the side, to which the walings and braces are fixed. These would have to receive further tests before the heavier engines of the Government type could be employed. Furthermore, two engine depôts with all necessary buildings and barracks would probably be required so as to divide the section into 100-mile lengths, say at Moora and Mingenew. At present there is an intermediate depôt at Watheroo. Cottages have not been provided by the company for the accommodation of repairers, but the men have in many cases erected rough huts for themselves.

The line, he says, was built for light traffic; and it was passed by the Government inspectors on the basis that it is safe for traffic at the rate of only 25 miles an hour; but as a matter of fact, the engines travel at the rate of 40 and 50 miles an hour along the line. That is in the reports made from time to time by various officers who have complained. Mr. Dartnall seems to think the line is useless for Government purposes as it at present stands. It is not up to the Government standard. But at the time the agreement was made with the company for the construction of the line, one of the conditions was that the line was to be up to the Government standard. And it must be kept up to the Government standard. I see not one single word in this report about the trucks or the accommodation; but I now refer to Mr. Rotheram's report. This is on one page of paper, and deals with the state of the rolling-stock. And remember that this is not merely a general annual report, but a special report in reply to the complaints made from time to time in reference to the working of the line. Mr. Rotheram says:

> The rolling-stock has been inspected by Inspector McDavitt for the locos., and Inspector Thea for the cars and wagons. I have also generally inspected it.
>
> The engines are in fair running order. They are fitted with spark-preventing appliances suitable for bituminous coal only. For the better prevention of emission of sparks, each engine should be fitted with a brick arch, also additional perforated dampers, and small repairs effected to the wire netting in smoke-box. The cars, wagons, and vans are in fair condition.

Now I want to know if hon. members who travel up and down the line indorse that:—

> The horse boxes have no hand-brakes. The hand-brake gear on the bogie wagons is not very good. Six of the travelling water tanks are in indifferent order. I would point out that the draw-gear is not continuous, and not up to our standard. The wheels are of small diameter, and the journals only 6¼in. by 3in. They are, however, in fairly good order.

That is his special report. Now what are the facts? The line is an inferior line. It was passed by the Government inspectors as safe only for trains at a low rate of speed, up to 25 or 27 miles an hour. Owing to faulty couplings, bad engines, dirty boxes badly oiled, which run hot, and many other causes, there have been delays of from 10 minutes up to several hours in a journey. To make up the time, trains are run at a rate of speed of over 40 miles in places, to the danger of the travelling public. Here is the report for one year. Inspector Hazelmore reported engine-drivers for the following offences:

1899.
19th June.—Excessive speed.
23rd July.—Irregular driving.
25th July.—Excessive speed.
24th Aug.—Excessive speed.
16th Sept.—Irregular driving.
16th Nov.—Fast running of conditional train.
21st Nov.—Fast running of conditional train.
21st Nov.—Irregular driving of up mixed train.
27th Nov.—Fast running.
4th Dec.—Fast running and irregular driving up mixed.
22nd Dec.—Fast running up mixed.

1900.
30th Jan.—Irregular driving.
31st Jan.—Irregular driving.
20th Feb.—Excessive speed.
10th Feb.—Excessive speed up mixed.

I am informed that Mr. Hazelmore's reports have been sent in up to October last, but have been totally disregarded. Those are the reports of the inspector against the drivers from the 19th June, 1899, to the 10th February, 1900, there being in all 15 complaints by the company's own inspector. The engines run up to 50 miles an hour, and complaints have been made of their having gone at that rate to the imminent risk of every person concerned. The inspectors have written and complained to the general manager, mentioning the occasion, giving

the name of the driver, and recommending the driver for dismissal; but not the slightest notice has been taken. This is portion of a report:—

> We lost 20 minutes in cooling the hot box, but made up the time before reaching Mingenew. In one place we ran at nearly 40 miles an hour, and at another we rounded a 15-chain curve at over 30 miles per hour. Now, as this happened several days after the issue of the circular letter in this behalf which you told me you would circulate, I can only conclude one of three things, namely: (*a.*) That the circular letter was never issued; (*b.*) That the circular letter was issued, but with a hint to take no notice of it; or (*c.*) That the drivers openly defy your orders. In any case, Midland Junction is to blame. The driver's name is Ellis. An inquiry into this should be held in your presence.

No inquiry was held. This dangerous driving has been pointed out continuously for the last two or three years, but no notice whatever had been taken. Anyone who has had any experience of travelling on the line knows that frequent stoppages take place; and drivers have to make up their time at the risk of passengers. And let me say that if an accident occur upon a Government railway, any person injured has, very properly, a claim against the Government up to £2,000 for damages sustained; but if the accident occur upon the Midland railway—well, the law is the same, but I am afraid the person injured would not get a penny. If anyone wished to sue the Midland Railway Company, my advice at the outset would be, "Leave it alone, for you will never find who is the person liable." There is the Midland Company, the "Midland Company (reduced)," and then there is Mr. Brownlie, the receiver, and you cannot proceed against him without applying to the Supreme Court for permission to issue a writ. Goods in transit are frequently lost or stolen, and I do not think any person except Mr. Moore ever took the trouble to proceed against the company; but persons selling fruit in Geraldton have complained to me over and over again of the serious losses from trucks coming up from Perth. And it is useless to attempt to sue the company. No doubt Mr. Drew has heard the same complaints.

HON. G. RANDELL: I have heard that even sheep were stolen.

HON. R. S. HAYNES: That is a trifle compared with other complaints. Sections of the line were condemned by the company's own inspector. The Southern half of the permanent way to 15 miles per hour was condemned as being dangerous, and notice in writing was given to that effect. They were to drive at the rate of only 15 miles per hour; but a special train which carried Sir Gerard Smith and other important persons was driven at the rate of 50 miles an hour, to the risk of all concerned.

HON. J. M. SPEED: Perhaps they wanted to kill him.

HON. R. S. HAYNES: I was on the train myself; and the guard, though not a nervous man, said afterwards that he had never been so frightened in his life. In consequence there was a "spread" in the line of as much as an inch or an inch and a half in certain places, which had to be rectified before any other traffic could pass over. At the present time there is no officer to guard the safety of the travelling public, except one person who is called a traffic inspector, a person who I do not think on inquiry will be found of sufficient repute to occupy such a position. The chief crossing station is at Watheroo; and it has for a station-master a noted kangaroo hunter named York. He is an excellent shot with a rifle; but he has never before been in charge of a railway station in his life. Yet this is a very important station. And the other stations, which are really staff stations, because trains cross there at night time, are in charge of the wives of fettlers; and those women receive from 40s. to 50s. a month for their services. That is how the line is worked. Of course it will occur to hon. members how very serious is such an allegation. If untrue, it can easily be refuted. But this is the evidence that will come out before the committee. In charge of the Watheroo station there is a person with no railway experience; in charge of two other stations there are men who have had some experience; but all the other stations are left in the charge of wives of employees. I said the Government inspectors pass the rolling-stock, and the report says that "it is all right." The company mend the bottom of the sheep trucks with kerosene boxes to prevent the sheep from falling out.

HON. R. G. BURGES: On the Eastern railway we have to put logs in sometimes.

HON. R. S. HAYNES: At the time the Government inspector passed the line just three years ago tons of bolts and dog-spikes were required along the line; the line was what is called "curly" from end to end. At the rear of the inspector's train the Midland Railway officers placed a 1,500-gallon tank so as to blind the view at the rear. An inspection of the line will clearly show what the condition is like. The boilers of the engines of the Midland Railway Company—and I press this especially on the attention of hon. members with reference to Mr. Rotherham's report—have never been tested. Under the Inspection of Boilers Act it is absolutely essential that the boilers should be tested. I know that the boilers on the Government engines are not tested, and properly so, because these boilers are under the supervision of Government officers; but the Midland Railway Company's boilers are never tested; no attempt has ever been made to test them. Delays occur along the line, as I said before, owing to the defect in the boilers. In the Midland Railway Company's shops there is no balancing machine, which is necessary to adjust engines after the journals and boxes have been repaired. I do not know how it is possible for the inspector to say that the line is in good order, and I want to show that the inspection is a farce. The Government have been continuously fooled for years by the Midland Railway Company in reference to trucks. Goods are sent from Perth to Geraldton. These goods may be injured on the Midland line, and in one case some trucks took fire, but the person could not sue the Midland Company and the Government had to bear the loss. Trucks have been dodged about along the Midland line when inquiries were being made along the Geraldton to Cue line for trucks by the Government, and when similar inquiries were made on the Midland line the trucks were shunted on to the Cue line and in each reports were sent "no trucks available." As a consequence there is always a reserve stock of trucks on the Midland railway from Geraldton to Cue. There is a person who will vouch for this and give the days, dates, and numbers. The money earned by the Midland Railway Company is not sufficient to pay for the proper upkeep of the line consequently the line is starved throughout. The line is worked in the interests of the mortgagees for their own ends so that they may get the interest on the money they have laid out. The company pay no attention to keeping the line in good working order, and the whole thing is a disgrace to the State and ought not to be allowed. The Government have the right to insist that the line should be worked in as safe and as efficient a manner as the Government line, and I am satisfied in the face of the report before us, which is flimsy and contradictory, that the Government can never purchase the Midland line, as the cost of constructing the line must be absolutely knocked off, for it will be necessary to re-lay the line from one end to the other. The only cost that the company would be entitled to would be that of the earthworks. The line is worthless; the sleepers are rotten and the whole thing is a disgrace. If the Government want to purchase the line in estimating the amount that should be paid the cost of constructing the line will have to be absolutely struck out. That being so the purchase of the Midland Railway Company's line is farther off than ever because the mortgagees will hang on with a view of getting someone to interest themselves on their behalf. There are certain rights in the agreement vested in the Government and although I for one would be the last in the world to harshly exercise any right of forfeiture, as I would give every opportunity to persons to protect themselves, speaking on behalf of the people of the State, I say it is right and proper that when the Government are treated in the way they have been by the company, the Government should insist on their rights. If there is a clause in the contract providing that the company should put their line in a proper and efficient state and bring it up to the same standard as the Government railway lines, so that passengers can be carried with the same comfort as on the Government lines, then we should insist on that clause being carried out. If the company fail to do that, after due notice to them, we would be justified in exercising the right of forfeiture. I think I have made out a sufficient case to show that this matter should be inquired into. And if members are good enough to allow a select committee to be appointed, I

hope those members who are placed upon the committee will be able to devote a fortnight at least to examining thoroughly the agreements. Let us know exactly how we stand; let us have the whole of the facts put in book form so that we can take them up at any time, and we will then know exactly what we have to deal with.

HON. J. M. DREW (Central): I have much pleasure in seconding the motion. It is not necessary that I should make a long speech, as I have, at various times, expressed my opinion as to the merits of this line. I may reiterate that the accommodation on the line is of the most wretched description. I was a passenger from Geraldton last Monday. There was only one carriage on the train, and in that one carriage there were no less than 50 passengers. Eight people were in the compartment that I was in. Mr. Phillips, M.L.A., and Mr. Stone, M.L.A., were there. A Chinaman came into the compartment owing to the second-class compartment being overcrowded. He had a second-class ticket. In several of the other first-class compartments there were eight persons, and in the second-class compartment there were six or seven. The torture which the passengers endured during the journey was something indescribable. The Hon. R. S. Haynes has referred to the rate of speed at which the Midland trains sometimes run. As a general rule the trains run very slow; but when they come to an incline which cannot be got over, the driver generally runs the train back three or four miles, and takes the hill with a rush; then the speed is something like 50 or 60 miles an hour. At Gingin frequently the train is two hours late, and the drivers make the time up between Gingin and Midland Junction, and on these occasions the speed is very dangerous. It is not necessary for me to say more, as I have spoken frequently on this matter in the House.

HON. B. C. O'BRIEN (Central): I beg to support the motion, and I have much pleasure in doing so. Like the Hon. J. M. Drew, there is little more for me to say than I have said on previous occasions. I think members will not hesitate to adopt the motion of the Hon. R. S. Haynes that a committee be appointed to make a searching inquiry into the workings and affairs of the Midland Company. After what the Hon. J. M. Drew has informed members of, we ought not to have any hesitation whatever in appointing the committee. We are going from bad to worse. The Hon. R. S. Haynes forgot to mention, or probably he was not aware of the fact, that the buildings along the Midland railway line are actually being eaten down. If anyone examines the buildings at any of the wayside stations and taps the walls, in places he will find that he can put his arm through the boards, which are almost as thin as tissue paper. The walls at the bottom are just as rotten. These are little matters that ought to convince members that there is a real necessity for a searching inquiry being made into the whole business. I recognise that there are great difficulties before us. If the Government attempted to-morrow to cause any radical change to be made they would be met with obstacles. Still something will have to be done sooner or later, or a catastrophe of a more or less serious nature will take place, and then there will be a general outcry. I certainly think the motion should be adopted, so that a committee can go thoroughly into the whole matter and investigate the business of this company.

THE MINISTER FOR LANDS (Hon. C. Sommers): On behalf of the Government I may say that we welcome this committee. So many questions have been asked in regard to this company lately, and so many conflicting reports have been received as to the working of the railway that the Government would like to see an inquiry made.

Ballot taken, and committee appointed comprising Mr. Brimage, Mr. Drew Dr. Jameson, Mr. Speed, with Mr. R. S Haynes as mover; to have power to send for persons and papers, and sit during any adjournment of the House; to report in a fortnight.

## PAPER (PLAN)—CROWN LANDS GRANTED IN PERTH DISTRICT, HOW.

HON. J. W. HACKETT moved:

1. That a map be laid on the table of the House, coloured threefold, to show all lands within eight miles radius of the Perth Town Hall.—(*a.*) Granted or dedicated to municipal purposes, whether for endowment, commonage, or otherwise; (*b.*) Granted for or dedicated to

other specific purposes; (*c.*) Vested in the Crown and not included in either of the foregoing. 2, That a return be made showing the purposes for which the lands coloured as in (*a.*) and (*b.*) are held and by whom.

For this motion no recommendation was needed in view of the attention now being drawn to endowments connected with the city of Perth. It was desirable to know exactly in what position were the Crown lands around the city.

HON. J. M. SPEED supported the motion. The question was whether Perth and the neighbouring municipalities were to fight each for its own hand. Judging by what had happened in other countries, the ultimate unification of metropolitan municipalities was almost invariably the rule, it being found better to have one administration dealing with the whole district. At the time the Perth Commonage was said to have been dedicated to the city of Perth, there were no suburbs of Perth near the Commonage; but now the question had to be considered in the interests of the people living within the metropolitan and suburban areas. Whatever opinions there might be as to the rights of Perth, there could be no two opinions as to the rights of the people living around the Commonage—in Claremont, Leederville, and Subiaco—who had as great, if not a greater right than the people of Perth. Better have a board appointed, with representatives of the municipalities interested, to deal with the Commonage as a whole. He hoped the Government would introduce a Bill to create such body.

Question put and passed.

## BUSH FIRES BILL.

Read a third time, and transmitted to the Legislative Assembly.

## ROADS AND STREETS CLOSURE BILL.

Read a third time, and transmitted to the Legislative Assembly.

## LAND DRAINAGE AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Assembly.

## PRESBYTERIAN CHURCH OF AUSTRALIA BILL.

Read a third time, and *passed.*

## ROADS ACT AMENDMENT BILL.

### RECOMMITTAL.

Resumed from 18th September,

Clause 11—Modification of Section 59 of the principal Act:

HON. E. M. CLARKE moved that the clause be struck out. The 59th section of the principal Act provided for everything that was necessary. The section contained a safeguard.

THE MINISTER FOR LANDS: In many cases the expense of fencing a road on both sides was so great that rather than face the expense the roads boards were compelled to relinquish the idea of the road altogether. In many cases where the traffic was only light the boards, who were not usually flush of money, found the drain on their resources prohibited them from fencing the roads that were necessary; consequently the road was not made, and people had to go a long way out of their course to reach their destination. The proposal was that in such cases the boards could mark off a road and erect swinging gates at either end. The roads boards should be intrusted with such powers. In many cases when an owner was asked to allow a road to go through his land, he insisted that a substantial fence be erected on both sides; and in a new country it was not fair to ask a roads board to go to such an expense. Settlers were thereby prevented from having access to their homes by a short cut.

HON. R. G. BURGES: If the clause was allowed to pass a great injustice would be done to landholders. Athough the roads boards had power to erect gates, after the work had been done numbers of people might use the right, and then an application would be made to have the road fenced. Who was to fence it then? The cost would no doubt fall on the owner; that would be a great injustice to him. There was a serious objection to the clause, and he would support the amendment that it be struck out. He would rather see taxation by the boards made compulsory than that a clause like the one before the Committee should be passed.

HON. C. A. PIESSE supported the amendment. The clause was most unjust. A man who had a road compulsorily made through his land could not prevent the passage of a strange flock of sheep, which

might mix with his own. In most districts, the costs of fencing such roads would not exceed £30 per mile.

HON. M. L. MOSS: As to the beneficial results of this clause, he had not altered his opinion since the Committee last considered it. Before power to dispense with the provisions of Section 59 was exercised, the Minister would be satisfied that the owner's interests were safeguarded. However, Mr. Burges' reference to the power the board might exercise of taking down swing gates was worthy of attention; and apparently that difficulty could be met by the insertion of a proviso at the end of the clause to the effect that where the swing gates were removed the Governor should have power to revoke the order he had made preventing Section 59 from applying. The consideration of Clause 11 should be postponed till the rest of the Bill had been dealt with.

THE MINISTER FOR LANDS moved that consideration of Clause 11 be postponed accordingly.

Motion put and passed, and the clause postponed.

Clause 13:

THE MINISTER FOR LANDS moved that in Clause 13, Sub-clause 1, after the word "purposes," in line 2, there be inserted "under Part X. of the Land Act, 1898, and under Part V. of the Land Regulations of 2nd March, 1887." The amendment was proposed to meet the wishes of Mr. McLarty, who had intended to move a new sub-clause providing that all conditional purchase leases and free homestead farms should be rated by the board on their capital value. There appeared to be a doubt as to whether such holdings could be rated, which doubt the amendment would solve. The sub-clause would then read: "The net annual value of all lands leased by the Crown for pastoral purposes under Part V. of the Land Regulations of the 2nd March, 1887, shall be the annual rent payable to the Crown by the lessee thereof." Part X. of the Land Act dealt with pastoral leases, and defined them; and by exempting this class of property, we clearly showed that roads boards had the right to rate every other class of land within their districts; but pastoral leases and poison leases were to be valued for rating purposes at the rental they paid the Crown, and not on their capital value. All conditional purchase lands and homestead farms could then be rated by the roads board. The reason for inserting the reference to Part V. of the Land Regulations, 2nd March, 1887, was that there were some pastoral leases which had not been brought within the scope of the Land Act, and it was desired to exclude these from roads board taxation.

HON. R. G. BURGES: To what extent was the conditional purchase holder ratable?

THE MINISTER FOR LANDS: He would be taxed on the capital value. The only lands exempted from taxation by the roads boards were lands for pastoral purposes, and pastoral purposes were defined by the Act. Pastoral leases must be taxed on the basis of the rental paid to the Crown.

HON. E. McLARTY: According to the advice which the board of which he was a member received from the Crown Law Department, boards could not rate conditional purchase land above the amount paid to the Government. In the case of a man having 100 acres of conditionally purchased land, and that man paying to the Government £2 10s. a year, if there was a rate of 3d. in the £1, that would mean 7½d. a year. A notice would have to be posted to this man, therefore the rate was not worth levying at all. A free homestead lessee was exempted altogether, because he was paying no rent to the Government. Because a homestead lessee obtained land for nothing was it fair that he should not be rated? A man who took up a homestead lease earned his living perhaps with a team on the road, so that he should not be exempted. The freeholder was rated very considerably, whereas the leaseholder and the homestead lessee paid little or nothing at all. Was he to understand that pastoral lessees, and lessees of poison lands paid nothing?

THE MINISTER FOR LANDS: Pastoral-leased lands were exempted from taxation, but they were the only lands which were exempted; other lands were taxed on the capital value.

HON. J. W. HACKETT: The assurance of the Minister was that the clause carried out what was stated.

THE MINISTER FOR LANDS: That was so.

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

Clause 19—Offences:

HON. J. D. CONNOLLY moved to add at the end of the clause the words:

together with a reasonable sum for the solicitor's costs and witnesses' expenses in connection with prosecution of such person.

Sub-clause (*b.*) of Clause 19 provided that the justices could order a man to pay any damage done to property belonging to a roads board. If a person was convicted of destroying £5 worth of property belonging to a board, it was not sufficient to make him pay the damage only; he should also pay some of the expenses which the board had been put to in prosecuting him.

HON. R. G. BURGES: If all the penalties went to the boards, the clause would meet the case.

HON. M. L. MOSS: In many cases the discretionary power of the justices was not altogether a good one. Some justices allowed costs to follow the decision, but in other cases persons were let off from paying the costs. He would suggest that the amendment should read "together with one pound one shilling for solicitor's costs and a reasonable sum for witnesses' expenses in connection with the prosecution of such person." If a person were penalised to the extent of £5 or £6, the cost should not be more than the amount of the penalty.

HON. J. D. CONNOLLY said he would adopt the amendment suggested by the Hon. M. L. Moss. He did not know what the reasonable expenses of a solicitor were before: now he was told that they were one pound one shilling.

Amendment (as altered) put and passed.

Clause 21:

HON. J. D. CONNOLLY moved that Sub-clause 3 be struck out. The sub-clause was too arbitrary. All the boards were not kept up by Government grants; and it was unfair that the Minister should have power to dismiss the secretary. No man could serve two masters. If the secretary worked to suit the board, he might not suit the Minister; and *vice versa*. Abuses could be prevented by imposing penalties on the members of the board; or the sub-clause should be amended so as to apply only to boards kept up solely by Government grants. It should not be applicable to a board which did not draw 30 per cent. of its revenue from the Government.

THE MINISTER FOR LANDS: The hon. member's argument was weak. As the Government provided most of the money spent by roads boards, it was only fair that the Government should have its rights in every way conserved. It was not likely the Minister would take advantage of the sub-clause unless gross irregularities were committed by the secretary.

HON. E. M. CLARKE supported the Minister. Any officer doing his work properly had nothing to fear. It was a fact that some boards never levied a penny except the wheel tax, which they were compelled to levy; and whether the board's money was raised in the district or contributed by the Government, the safeguard provided by the sub-clause was a step in the right direction.

HON. J. M. DREW supported the sub-clause. Large sums of money were contributed by the Government to roads boards, and the accounts should at all times be open to Government inspection. No honest board would deny the fairness of this provision.

HON. E. McLARTY: The amendment should not be pressed. Though at first in its favour, yet on looking into it he agreed with the last speaker that no board conducting its business properly would be afraid of investigation.

HON. M. L. MOSS: A proper audit was above all things necessary for the efficient working of Local Government Acts. The power granted by the sub-clause could be exercised only in case of failure by the board's officer to observe the provisions of Clause 21 of the Bill, and of Section 102 of the principal Act. These dealt with the financial matters of the board. While the officer kept his accounts correctly and observed the provisions indicated, he would offend neither the Minister nor the board. If the Minister had power to dismiss summarily for some act connected with the general administration of the business, the case would be different. The power was required in cases of misappropriation of funds; and there had been instances of money having gone into channels for which it had not been raised.

HON. A. JAMESON moved that the question be now put.

Motion put and passed.

Amendment put and negatived.

Clause 22:

HON. J. D. CONNOLLY moved that the word "two" before "auditors" be struck out, and "one" inserted; also that all words after "Works" be struck out. He had always maintained that it would be far better if municipal auditors were sent from the Auditor General's office, instead of being elected by the people. At present, one auditor was elected by members of each roads board, and such auditor was amenable to the members. Better have one independent auditor, who would be quite sufficient.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

THE MINISTER FOR LANDS: Two auditors were desirable; the system had been found to work well in Victoria under the Local Government Act. One auditor would be appointed locally, and one by the Government. The objection to one auditor was that however careful he might be, it was possible that he might overlook something which another auditor, working with him, would discover. If there was only to be a Government auditor, in case certain rumours reached a board that irregularities existed, then it would be necessary to send away for the Government auditor and some days would elapse before the officer could reach the spot. If a local auditor was appointed the board could call him in at once to look into the irregularities. The precaution of having two auditors was a good one as it provided a thorough check. The system had been found to work well in other States and our law should be brought into line with that of the other States. The local board was not bound to appoint a local auditor, but boards should have the opportunity of doing so if they desired.

HON. S. J. HAYNES: It seemed desirable that two auditors should be appointed; the one selected by the Government would be an expert by reason of his experience in auditing. The local auditor would be on the spot and get hold of details of which he could inform the Government auditor when he appeared on the scene. In this way abuses would be prevented.

HON. A. JAMESON (Minister): There was the point whether the auditor appointed locally should be elected by the board or by the ratepayers.

HON. J. D. CONNOLLY: On a previous occasion he had moved that the local auditor be appointed by the ratepayers, but it was decided otherwise.

HON. J. M. SPEED: It was hardly necessary to make an alteration in the clause, for many boards would not appoint a local auditor. Boards never had too much money to spend, and they would rather spend £10 or £15 in making a road than in paying an auditor. The local auditor if appointed should be elected by the ratepayers.

HON. R. G. BURGES: It would be much better to leave the clause as it stood. The local auditor might be required to do some work when the Government auditor was not at hand.

HON. J. M. SPEED: The Government auditor must make the audit.

HON. R. G. BURGES: The Government auditor in such a case might make a supplementary audit.

HON. E. M. CLARKE: The clause would receive his support.

HON. E. McLARTY: A board should have the right to appoint a local auditor, and that was usually done.

HON. C. A. PIESSE: The Minister for Lands should meet the wishes of the people in the country by allowing the local auditor to be elected by the ratepayers. It was not right that the members of boards should appoint their own auditor.

HON. J. D. CONNOLLY: When the Bill had previously been in Committee, he had moved an amendment that an auditor should be elected by the ratepayers. The roads boards existed in small communities, and an auditor appointed by the board would probably be a personal friend of the members. This was undesirable, especially in the case of boards almost wholly dependent on Government money. However, as it was evident the feeling was against the amendment, he would withdraw it.

HON. G. RANDELL: An amendment on the Notice Paper provided for the election of an auditor by the ratepayers.

The appointment of an auditor by the board was highly objectionable. If "ratepayers" were substituted for "board," that would meet the case. It was desirable to have two auditors; but what would happen if the two disagreed? Apparently no provision was made either in the Bill or in the Act as to which auditor should prevail.

Hon. R. S. Haynes: How was that dealt with in the Municipalities Act?

Hon. G. RANDELL: Difficulties had there arisen, as in the case of Leederville. But did not that Act provide that the council might elect as to which auditor's report they would accept?

The Chairman: On the 18th September the Committee had rejected an amendment by Mr. Connolly that one auditor should be elected by the ratepayers.

Amendment (Mr. Connolly's) by leave withdrawn.

Hon. C. A. PIESSE moved that in Sub-clause 2 the words "board at its first" be struck out, and "ratepayers at the annual general" inserted; and that the words "in each financial year" be struck out. This would mean that two auditors should be appointed, one by the Minister and the other by the ratepayers.

Hon. B. C. O'BRIEN: The amendment, though it looked reasonable, was open to objection. As one auditor was appointed by the Minister, it was not absolutely necessary that the other should be elected by the ratepayers, for on him the ministerial auditor was a great check. In the Municipal Act it was rendered essential that the other auditor should be a ratepayer; and there had been cases in which it was impossible to obtain a competent auditor from among the ratepayers. The clause as it stood would give power to the board to employ a competent auditor.

Hon. J. M. DREW: To allow the board to appoint an auditor was a perfect farce. An unscrupulous auditor appointed by a board wishing to conceal wrong doing, might do much to mislead the Government auditor.

The MINISTER FOR LANDS: Though the clause might well stand, there was no objection to the amendment. A consequential amendment was required in Sub-clause 2.

Hon. J. M. SPEED: Apparently no provision was made for filling a casual vacancy for an auditor.

Hon. R. S. HAYNES: The Bill was now being reconsidered in Committee. If during the former Committee stage the Committee had rejected an amendment, it was not competent in the same session to reconsider the same amendment.

Hon. M. L. Moss: Yes.

Hon. J. D. Connolly: Why was it necessary to recommit at all then?

Hon. R. S. HAYNES: The clause could be reconsidered but the same question could not be decided by the Committee twice. The clause should pass as it stood.

The CHAIRMAN: This Bill had been recommitted without limitation, in which case the entire Bill could be reconsidered according to Rule 271. The amendment moved by the Hon. J. D. Connolly was not on all fours with the amendment moved previously.

Hon. R. S. HAYNES: If the amendment be carried it would entail a number of necessary consequential amendments. Provision would have to be made for balloting, notices, nominations and other details.

Hon. C. A. Piesse: Provision was already made for those things in the original Act.

Hon. R. S. HAYNES: Provision would also have to be made in case of dispute between the auditors as to which decision should prevail. It would not be possible to get an auditor to submit himself for election in country districts for the high salary, of probably one guinea per annum, which would be paid. The board was bound to appoint an auditor before it commenced its business, therefore it would be better to leave the matter to the good sense of the board. Members of the board were not usually a happy family and did not work in unison, therefore if anything wrong was going on attention would be drawn to it by one of the members of the board. Auditors were not appointed for the purpose of finding out what the board had done with the money, but chiefly to keep a safeguard over the expenditure by the officers. No provision had been made in case no person was elected as auditor.

Hon. M. L. Moss: The Government auditor would act then.

HON. J. T. GLOWREY: The appointment of auditors by the ratepayers had been the rule in the past, and that was the right system to carry out. There were many boards in the country which had no ratepayers, as a good many boards did not rate. Those boards which had ratepayers should allow the auditor to be elected by the ratepayers. He would support the amendment.

HON. W. MALEY: It appeared to be anticipated that in every case there would be a contest for the office of auditor. He did not apprehend anything of the kind. The gentleman who was to be the auditor would nominate himself and practically elect himself. Probably in country districts there would be only one candidate. The great safeguard was that the Minister for Lands could appoint an auditor who would be an expert. The Minister had the power to summarily dismiss the clerk of any board if anything went wrong, and if this were done on the representation of an unqualified auditor there might be considerable cost to the State.

HON. J. M. SPEED: The clause should be postponed and redrafted. In the case of a casual vacancy there was no provision that the Government auditor should act as the sole auditor.

HON. M. L. MOSS: It would be well if the Committee agreed to the clause as drafted. Under ordinary circumstances he would greatly favour the appointment of an auditor by the ratepayers, but if the clause were altered in the way indicated by the Hon. C. A. Piesse a great many contingencies would have to be provided for. In the case of the death of the auditor appointed by the ratepayers, provision would have to be made for the Government auditor to act alone. The clause would have to be recast making provision in case of death, lunacy, and for other circumstances. No matter who appointed the local auditor there was always a safeguard in the appointment of the Government auditor.

THE MINISTER FOR LANDS: The Committee had been fighting shadows all night; he was to blame in some degree in allowing the Bill to be recommitted generally. This matter had been thrashed out, and the Committee should come to a decision at once.

HON. G. RANDELL: The objections raised by the Hon. M. L. Moss applied to the clause as at present drafted. There was no provision made in the case of death or lunacy, or any other contingency. If the Hon. C. A. Piesse's amendment were passed he would move certain consequential amendments. For the sake of convenience we ought not to sacrifice a principle. A board should not appoint its own auditor where public moneys were dealt with.

HON. C. A. PIESSE: Section 101, which it was sought to amend, provided for the election of an auditor by the ratepayers, and every other provision was made by that section.

HON. R. S. HAYNES: If all these provisions were in the Act, why put them in a second time?

HON. E. McLARTY: Seeing that the Minister appointed one auditor who would be responsible to the Government, the appointment of the other might be left to the board. The board appointed their auditor at the beginning of each year, so they could not suddenly select a man who would hide their defalcations, as was feared by Mr. Drew. In the greater number of roads board districts there would be no candidates for election as auditors.

HON. W. MALEY: Mr. Piesse had pointed out that under the existing Act the ratepayers had power to elect an auditor; but who had ever heard of this being done? And Mr. McLarty said that even under that Act it was usual for the board to appoint an auditor. If the election by ratepayers had been a dead letter in the past, it was time to make legislation conform to practice.

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

| | | |
|---|---|---|
| Ayes | ... | 6 |
| Noes | ... | 15 |
| Majority against | ... | 9 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. O. Brimage | Hon. R. G. Burges |
| Hon. J. D. Connolly | Hon. E. M. Clarke |
| Hon. J. M. Drew | Hon. C. E. Dempster |
| Hon. C. A. Piesse | Hon. R. S. Haynes |
| Hon. G. Randell | Hon. S. J. Haynes |
| Hon. J. M. Speed (*Teller*). | Hon. A. Jameson |
| | Hon. A. G. Jenkins |
| | Hon. W. Maley |
| | Hon. D. McKay |
| | Hon. E. McLarty |
| | Hon. M. L. Moss |
| | Hon. J. E. Richardson |
| | Hon. H. J. Saunders |
| | Hon. C. Sommers |
| | Hon. B. C. O'Brien (*Teller*). |

Amendment thus negatived.

HON. M. L. MOSS: There was no provision in case of the death or lunacy of the auditor appointed by the board. In his absence the Government auditor could not proceed. He moved that after the word "year," in line 3 of Sub-clause 1, "in case of the resignation, absence from the State, death, or lunacy of the auditor so appointed as aforesaid, the board shall appoint some person to act in his stead," be inserted.

HON. R. S. HAYNES: Better add, "or conviction for misdemeanour" after "lunacy."

HON. M. L. MOSS: Very good.

Amendment (as altered) put and passed.

HON. G. RANDELL moved that after the word "Minister," at the end of Sub-clause 1, the words "by the board" be added.

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

New Clause:

HON. G. RANDELL moved that the following be added as a new clause:—

Section 59 of the principal Act is hereby amended by striking out, in line 2, the figures "55," and inserting "57" in lieu thereof.

Question put and passed.

New Clause:

HON. J. M. DREW moved that the following be added as a new clause:—

In Section 16 of the principal Act, strike out the word "registered," between "by" and "letter," and the words "sent through the post," between "letter" and "addressed," in line 3.

At present, before any ratepayer could get his name on the electoral list he must apply by registered letter to the chairman of the board. It was useless to post an ordinary letter or to deliver a letter at the office of the board. We should do away with the provision in regard to a registered letter, as in consequence of the provision many persons never got on the roll. Even if the ratepayer lived in a town where the chairman resided, he would have to send a registered letter to the chairman.

Question put and passed.

HON. G. RANDELL: A consequential amendment was necessary in line 16. The word "registered" should be struck out.

HON. J. M. DREW: The effect of the amendment just suggested would be to render it unnecessary for the board to inform a person by registered letter that there was an objection to his name on the roll. But, on the contrary, such person should be informed by registered letter; and therefore this was not a consequential amendment.

New Clause:

THE MINISTER FOR LANDS moved that the following be added as a new clause:—

The provisions of this Bill, so far as they relate to the levying and collection of rates and election of members, shall come into force on the first day of July, 1902, notwithstanding anything to the contrary in the Roads Act, 1888, and—

(*a.*) Such annual rates as are authorised to be levied shall be levied and collected for six months only ending 30th June, 1902.

(*b.*) The rate book for the ensuing twelve months shall be made up on or before the second Saturday in June, 1902, and thereafter on or before the second Saturday in June in each year.

(*c.*) The six months ending 30th June, 1902, shall count as one year, both for all members now in office or who may be elected during the period between the passing of this Act and the 1st of July, 1902.

It was proposed that the Bill should come into force on the 1st of July, 1902. Some members might think that was a long way off, but it would take perhaps a month or six weeks before this Bill was passed in another place, and then time should be given so that the Act might become generally known throughout the country. Sub-clause (*b.*) provided for the compiling of the rate book, and Sub-clause (*c.*) provided that the six months ending the 30th June, 1902, should count as one year for the members now in office.

Question put and passed.

New Clause:

THE MINISTER FOR LANDS moved that a new clause be added [as printed *in extenso* in the addendum to Notice Paper No. 19], providing for the manner of taking a ballot, the duty of returning officer with regard to ballot papers of absent voters, and questions to be put to voter. He said this provision was taken partly from the Municipal Act and partly from the Electoral Act.

HON. G. RANDELL: It would be necessary in Sub-clause 6 to strike out "or auditors," because auditors were not to be elected, but appointed by the board.

HON. A. JAMESON: All through the new clause the words "or auditors" would have to be struck out.

HON. G. RANDELL: There was a discrepancy in the form of the ballot paper; and in Sub-clause 7, which provided that a police magistrate should put the ballot paper in one envelope and the counterfoil in another and post them to the returning officer, the instructions on the ballot paper made it imperative that the voter should himself put the papers in the envelopes and send them to the returning officer.

HON. A. JAMESON: Regarding Sub-clause 3, hardship would be involved unless another paragraph were inserted provided for absent voting by persons resident outside the roads board district.

HON. G. RANDELL: Absent voting should always be permitted to persons resident more than 10 miles from the polling place. It was a hardship to drag a man 15 miles to give his vote for a member of a roads board.

HON. J. D. CONNOLLY: But "absent from the State" meant that a man could vote by proxy. He moved that these words be struck out.

HON. A. JAMESON: No. Before he left the State, he would have to attend before a magistrate and vote personally.

HON. J. D. CONNOLLY: That was not right. In parliamentary and municipal elections, a man absent from the State could not vote.

HON. W. MALEY: A person outside the State should not be considered with respect to an election. A man who proposed to be absent from the State was not qualified to vote like a man who went to the poll.

HON. A. JAMESON: Supposing a man were leaving for Adelaide before the election, and was to be absent for a few days only, was it right that he should be hindered from travelling?

HON. E. McLARTY: Proxy voting was objectionable.

HON. A. JAMESON: This was absent voting. The voter could not send his vote or send a proxy. He must go before a magistrate and vote in person.

HON. J. D. CONNOLLY withdrew his amendment.

Amendment by leave withdrawn.

HON. S. J. HAYNES moved that after the word "he," in line 1 of Sub-clause 3, "intends to be and" be inserted.

HON. G. RANDELL: The amendment would not work well, and would introduce a new principle into elections. Better strike out paragraph (*a.*), which was misleading, and a man intending to be absent from the State could vote under paragraph (*b.*).

Amendment put and passed.

HON. G. RANDELL moved that in paragraph (*b.*), line 1, "fifteen" be struck out, and "ten" inserted.

HON. B. C. O'BRIEN: A person so near the polling place as 15 miles should attend the poll. He would oppose the amendment.

Amendment put and passed.

HON. A. JAMESON moved that the following be added as a new paragraph to Sub-clause 3:—

(*c.*) Resident outside of the roads board district.

It had been the custom in the past to allow persons living outside a district to vote as absent voters; and it was well to continue this provision in the Bill.

Amendment put and passed.

HON. G. RANDELL moved that in Sub-clause 4 the words "at least four days before such election takes place" be struck out. There was no necessity for this provision, as it was not necessary for a person to send a voting paper at least four days before the election took place.

THE MINISTER FOR LANDS: The provision was inserted so that the votes might reach their destination in time.

HON. C. A. PIESSE: Some provision should be made so that a person could not vote before the day of nomination.

HON. G. RANDELL: That was impossible.

Amendment put and passed.

HON. G. RANDELL moved that in Sub-clause 6, line 2, the words "specifying whether for the office of member or auditor" be struck out.

Amendment put and passed.

HON. G. RANDELL: The directions on the ballot paper instructed the voter himself to send the ballot paper and the counterfoil to the returning officer, but

Sub-clause 7 instructed the Resident Magistrate or Police Magistrate to do this.

THE MINISTER FOR LANDS: It would be better to alter the voting paper rather than Sub-clause 7.

HON. G. RANDELL: It was obligatory to have a number on the voting paper, and it was a very good check; but in practice it was found that the instructions could not be carried out, and in the Perth municipal elections the numbers were not put on the papers.

HON. A. JAMESON moved that in Sub-clause 11 the words "or auditors" be struck out.

Amendment put and passed.

THE MINISTER FOR LANDS moved that in the instruction to voters on the ballot paper the words "the voter shall then enclose both such envelopes in a second envelope and himself send same by post or otherwise to the returning officer" be struck out.

HON. S. J. HAYNES: If this instruction were carried out by the voter himself he would know that no mistake had been made.

Amendment put and passed.

Clause as amended agreed to.

New Clause:

THE MINISTER FOR LANDS moved that the following be added as a new clause:—

Section 110 of the principal Act, 52 Vict., No. 16, is hereby amended by adding the words: "or the board may authorise the secretary or other officer to take proceedings on behalf of the board to enforce any of its by-laws."

This would relieve the chairman of the necessity for taking proceedings.

HON. C. A. PIESSE: As chairman of a board for many years, he had found the existing law very inconvenient, and he welcomed the new clause.

Question put and passed.

New Clause:

HON. E. MCLARTY moved that the following be added as a new clause:—

Any person who pays rates, whatever be the amount thereof, shall be entitled to at least one vote at a roads board election.

Under present conditions a resident was deprived of a vote unless he was rated at a value of £5 or over. This had caused great dissatisfaction amongst small landholders.

HON. C. A. PIESSE: If this were carried, a man who paid the wheel tax would be entitled to vote, though he might not own a foot of land. He moved that "person" be struck out and "landowner or landholder" inserted in lieu.

THE MINISTER FOR LANDS: The clause should read, "for rates in connection with that land." It should be any landholder or occupier who paid rates in respect of any land.

HON. S. J. HAYNES: By Section 14 of the principal Act a man having property of a ratable value of £5, and not exceeding £10, had a right to one vote. Surely £5 was a reasonable minimum, which was hardly worth altering.

HON. A. JAMESON: And it applied to vacant land only. In his district no one had a house not worth £5 a year. Section 14 applied to people who had small blocks of unoccupied land for which they had paid, say, from £20 to £40, and who were not living in the district.

HON. W. MALEY: There were parts of the State in which temporary residents, such as sawmill employees, had the same vote as freeholders in respect of little tenements erected for their passing accommodation. Such voting was objectionable to permanent residents. The secretary of the Albany Roads Board had recently requested him to bring an amendment before the House which he did not see his way to move, because the tendency of present legislation was to enlarge the franchise; but as any man whose tenement was rated at £5 a year could vote under the existing Act, no alteration was required.

HON. M. L. MOSS: The intention of Mr. McLarty could not be effected by carrying this substantive clause. As Mr. S. J. Haynes had pointed out, Section 14 gave one vote to a man with property of a ratable value of not less than £5 and not exceeding £10. The correct way of making the alteration was to reduce £5 to £2 or £1.

HON. R. S. HAYNES: The minimum was little enough.

HON. M. L. MOSS: True.

HON. E. MCLARTY: Let the reform be achieved, he cared not by what means. There was great dissatisfaction amongst small landholders. A man rated at only

£2 should have a voice in electing a roads board representative.

HON. C. A. PIESSE asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

HON. E. McLARTY asked leave to withdraw the proposed clause.

Motion, by leave, withdrawn.

New Clause:

HON. E. McLARTY moved that the following be added as a new clause:—

Section 14, Sub-section 2, of the principal Act be amended by striking out £5 and inserting £2 in lieu.

HON. R. S. HAYNES: The Committee should insist on £5. The trend of legislation was to give everybody a vote, but if a person was living on a block of land and had a house upon it it was worth £50 or nothing.

HON. E. McLARTY: The hon. member was talking about Perth.

HON. R. S. HAYNES: It was worth that amount in the country. He hoped that the Bill would be got through, as members were getting tired of it.

HON. C. A. PIESSE: Parliament gave a vote to a man, who had no stake in the country, for elections to the Legislative Assembly, yet the Committee would not extend the privilege of a vote when it affected roads board elections. He hoped the Committee would not defeat this amendment because some members were tired of the subject.

HON. R. S. HAYNES: Sick of it.

HON. C. A. PIESSE: The country members who knew something about the matter were not sick of it.

HON. R. S. HAYNES: The question should be put.

HON. C. A. PIESSE: This subject should be discussed in a reasonable manner.

HON. E. McLARTY: The discussion should not be stopped because one or two members were tired of it. This was an important matter to the country. He had been a member of a roads board for 27 years, and had had long experience, and when the Hon. R. S. Haynes said that any place in the country was worth £50 a year he did not know anything about it. The Committee should give small holders a vote, or they would be dissatisfied.

HON. M. L. MOSS moved that the question be now put.

Motion put and passed.

Question put and negatived.

HON. E. McLARTY: Proxy voting had now been done away with, so that there was now no necessity for him to move the new clause, of which he had given notice.

HON. A. JAMESON: Proxy voting had been abolished.

HON. E. McLARTY: Proxy voting enabled a man to go around the country and fill his pockets with votes, and thus be returned at the head of the poll. One was pleased that proxy voting had been abolished.

New Clause:

HON. M. L. MOSS: Throughout the Bill the control of the measure was given to the Minister for Works. The Hon. J. W. Hackett had brought under his notice the desirability of the Governor from time to time vesting the administration of the Act in any other Minister; therefore on behalf of the Hon. J. W. Hackett he moved that the following be added as a new clause:—

For the purposes of this Act the word "Minister" means the Minister for the time being authorised by the Governor to administer the principal Act and any amendment thereof.

If that were carried, there would be a number of consequential amendments to be made in the Bill.

Question put and passed.

HON. M. L. MOSS moved that progress be reported.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 3 |
| Noes | ... | ... | 14 |
| Majority against | | ... | 11 |

| AYES. | NOES. |
|---|---|
| Hon. M. L. Moss | Hon. T. F. O. Brimage |
| Hon. J. E. Richardson | Hon. R. G. Burges |
| Hon. D. McKay (*Teller*). | Hon. E. M. Clarke |
| | Hon. J. M. Drew |
| | Hon. R. S. Haynes |
| | Hon. S. J. Haynes |
| | Hon. A. Jameson |
| | Hon. W. Maley |
| | Hon. B. C. O'Brien |
| | Hon. C. A. Piesse |
| | Hon. G. Randell |
| | Hon. H. J. Saunders |
| | Hon. C. Sommers |
| | Hon. C. E. Dempster (*Teller*). |

Motion thus negatived.

Clause 3—Division into parts and operation of Part 2:

THE MINISTER FOR LANDS moved that the clause be struck out.

Part 2 of the Bill had been defeated; therefore this clause was not necessary.

Question put and passed, and the clause struck out.

Clause 11—Modification of Section 59 of principal Act:

Hon. E. M. CLARKE: Better strike out the clause, and go back to Section 59, which was quite good enough. He moved that the clause be struck out.

Hon. R. S. HAYNES: By Clause 11, there appeared to be no objection to the roads board erecting swing gates with the consent of the Governor. Under the existing Act the onus might be thrown upon the roads board of putting up fences all through the land in which the road was declared, thus practically giving the landowner the right to block the road passing through his land. It was objected that roads boards might subsequently abolish the swing gates, and then the landowner would have an open road without gates or fences made through his property. If that were so, the clause should be expunged; but that was not so.

Hon. R. G. Burges: Yes.

Hon. R. S. HAYNES: Clause 11 proposed to allow the board to declare a road through a paddock, and with the consent of the Governor swing gates were to be a sufficient protection for that road. With those gates, when once erected, the roads boards could not interfere. True, by Section 72 the board were empowered to abolish gates, but not such gates. The section provided that the board might sanction the placing of gates across a road, which gates might subsequently be abolished; but the board could not interfere with gates erected under Clause 11.

Hon. C. A. PIESSE: The last speaker was absolutely wrong. Clause 11 sought to modify Section 59, which stated the conditions upon which gates could be erected. Section 72 gave power to abolish gates; and as that section followed 59, it was evident the board had power to abolish any gates.

Hon. S. J. HAYNES: When consulted by Mr. Burges, he had declared against Clause 11, but after hearing Mr. R. S. Haynes he was satisfied that the injustice referred to by Mr. Burges could not take place.

Hon. R. G. BURGES: Supposing that were so, then if the gates were erected they would be there for ever, and could not be removed.

Hon. R. S. Haynes: They could not be removed by the board.

Hon. R. G. BURGES: This would give rise to more injustice than had ever previously been supposed. He hoped the Minister would not press the clause. The existing section was one of the greatest safeguards the roads board had, for when people asked the board for roads, members could always reply that there was no money available for fencing. A settler might have his farm burned through the carelessness of a teamster going along a road which was unfenced. It had been said that the roads boards squandered money, but the York roads board had at one time £500 in hand, and when the Yilgarn railway was started the York roads board asked the Government to allow them to spend the money in hand in making a road to the goldfields. The road was made and it went through other districts, so that it would be seen that all the roads boards of the State had not squandered their money. The clause had not been thoroughly thought out by the Government or by the person who drafted it, and he hoped the Minister would withdraw the clause. There were cases in which perhaps this provision would be advisable, but in some cases it would work a great injustice.

The MINISTER FOR LANDS: It had been shown that the roads boards very seldom had money to spend, and that they were unable to make roads for want of funds. The Government wished to give the power to erect gates in lieu of fencing the land on both sides of a road. That protected the individual against any injustice, but if any injustice was done, the person suffering the injustice could represent his case to the Minister, and the case would be looked into. The Governor had power to give permission to erect the gates, and anything which the Governor could do he could revoke.

Hon. G. Randell: Not without a special enactment.

The MINISTER FOR LANDS: The Hon. S. J. Haynes would move an amendment to meet that objection. It was hardly possible for an injustice to be

done, because an individual could represent his case to the Minister and no Minister would see that an injustice was done.

HON. S. J. HAYNES: There was very little likelihood of an injustice being done under this clause. Was it likely that the Governor in Executive Council would do an injustice to the backbone of the country, which the farming industry really was? He intended to move to add at the end of the clause the words "and by notice aforesaid revoke such direction."

HON. R. G. BURGES: The road would be made then.

HON. S. J. HAYNES: If the road was made the direction could be revoked by the Governor-in-Council, and then the board would fall back on the Act and the fencing would have to be done.

HON. C. E. DEMPSTER: The objection to Clause 11 was as strong as ever. The public objected strongly to gates, and people would not shut them. It should always be optional for the man through whose land the road was taken to say whether a gate or a fence should be erected.

HON. W. MALEY: It had been contended that the want of funds on the part of a board should be an inducement to retain this clause. Nothing had been said about the individual who could not possibly be expected to have the accumulated funds a roads board possessed. Was the weakest always to go to the wall for the benefit of the many. The weakest in some instances had rights which should be recognised. If that were not so, it would be a sorry look-out for the people of the State, and the sooner Parliament reformed the better for the State. Already there were certain precautions to see that roads were declared before land was fenced in, and the Government in marking out roads when surveys were made recognised this. The roads should be the first consideration, but after a survey had been made and people had taken up the land, the roads board had the right to declare additional roads. Once the land was fenced it should be a different matter altogether. He would vote against the clause.

Amendment (to strike out the clause) put, and a division taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 7 |
| Noes | ... | ... | 7 |
| A tie | ... | ... | 0 |

| AYES. | NOES. |
|---|---|
| Hon. E. M. Clarke | Hon. J. D. Connolly |
| Hon. C. E. Dempster | Hon. R. S. Haynes |
| Hon. W. Maley | Hon. S. J. Haynes |
| Hon. C. A. Piesse | Hon. A. Jameson |
| Hon. G. Randell | Hon. B. C. O'Brien |
| Hon. H. J. Saunders | Hon. C. Sommers |
| Hon. R. G. Burges (*Teller*). | Hon. J. M. Drew (*Teller*). |

The CHAIRMAN gave his casting vote with the Noes, to allow time for farther consideration.

Amendment thus negatived.

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

## ADJOURNMENT.

The House adjourned at 10·20 o'clock until the next day.

# Legislative Assembly,

*Wednesday, 2nd October, 1901.*

Question: Police Force, Allowance in Tropics—Question: Mining Lease Surrendered, how—Question: Asiatics, Labour Registry Act—Question: Pastoral Lessees, Compensation—Question: Guard of Honour, Civil Servants—Question: Wanneroo, Fencing Reserve—Papers ordered: (1) Battery at Lake Darlôt; (2) Battery at Donnybrook, Particulars—Return ordered: Mining Leases Surrendered, Particulars—Early Closing Act Amendment Bill, first reading—Papers ordered: Death in Lunatic Asylum, Mr. Fitzpatrick—Motion: Mining Inspection, to Increase (negatived)—Motion: Wardens on Goldfields, to remove periodically (withdrawn)—Motion: Railway Workers, Eight-hours system; Amendments—Motion: Ivanhoe Venture, Compensation for Imprisonment, to Inquire—Motion: Mineral Protection Area (J. H. Walker), to Inquire—Telegrams and Correspondence of Members, Free (lapsed)—Motion: Judges' Relatives pleading as Counsel (negatived)—Motion: Attorney General, if appointed a Judge (withdrawn)—First Readings (3): Prawn Fishing Act Repeal Bill, Roads and Streets Closure Bill, Bush Fires Bill—Motion: Mechanics' Institutes, Money Grants, how Apportioned (negatived)—Motion: Rifle Clubs, to Encourage—Motion: Railway Workshops Inquiry, to Extend—Motion: New Parliament Houses, to adopt Report (adjourned)—Motion: Midland Railway Contract, to Enforce (adjourned)—Permanent Reserves Act Amendment Bill, first reading—Adjournment.

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

PRAYERS.