

Legislative Council,

Wednesday, 28th August, 1901.

The Royal Visit, Reply to Address—Question: Court Fees, Reduction—Question: Immigration, Wives and Families—Question: Institutes, Mineral Ore Specimens—Question: Railway Project, Eastern Goldfields to Esperance—Question: Auditing in Departments—Motion: Goldfields Firewood Company, to Inquire—Bills (8), first readings: Summary Jurisdiction (Married Women) Bill, Air and Light to Buildings Bill, Divorce and Matrimonial Causes Bill, Dog Bill, Land Bill, Bush Fires Bill, Prawn Fisheries Bill (Repeal), Streets Closure Bill—Papers ordered: Police Instructions during Royal Visit—Leave of Absence: Debate on Attendances—Joint Standing Orders, to Amend—Roads Act Amendment Bill, second reading (moved)—Adjournment.

THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

THE ROYAL VISIT—REPLY TO ADDRESS.

THE PRESIDENT announced that, in accordance with the resolution passed by the House, an Address was presented to their R.H. the Duke and Duchess of Cornwall and York. His Royal Highness had been pleased to make the following reply:—

TO THE PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

I have received with deep appreciation the Address which was presented to me on behalf of the Parliament of this State, according to the Duchess and myself a hearty welcome to Western Australia.

We have already had an earnest of the deep feeling of loyalty to the Throne expressed in the greetings with which we have been received since our arrival here, and we shall leave the shores of this great Continent with a gratifying sense of the great pleasure that we have received in having become acquainted with its inhabitants and its varied interests, on which the welfare of your country so greatly depends.

Government House, GEORGE.
Perth, 26th July, 1901.

It was intended that His Royal Highness's reply, with a facsimile of the Address presented, should be framed and hung in the Library of the House.

QUESTION—COURT FEES, REDUCTION.

HON. M. L. MOSS asked the Minister for Lands: 1, Whether their Honours the Judges of the Supreme Court have been consulted, in accordance with the resolution of this House passed during

last session, in regard to the reduction of the scale of Court fees payable upon proceedings under "The Divorce and Matrimonial Causes Act 1863 (27 Vict., No. 19)." 2, If so, with what result. 3, If not consulted, what is the cause for the delay.

THE MINISTER FOR LANDS replied: 1, The resolution referred to was forwarded to His Honour the Chief Justice by the then Attorney General, on the 21st September, 1900. 2, The papers have not been returned. 3, Answered by No. 1.

QUESTION—IMMIGRATION, WIVES AND FAMILIES.

HON. J. D. CONNOLLY asked the Minister for Lands: If the Government were prepared to give assistance to men to bring their wives and families to this State? If so, to what extent; and what were the conditions to be complied with to obtain such assistance?

THE MINISTER FOR LANDS replied: Assistance is granted to men wishing to bring their wives and families from the Eastern States to Western Australia, by providing the passages. Full particulars as to number and ages of family must be given, and a bond entered into guaranteeing the amount advanced being refunded within 12 months.

QUESTION—INSTITUTES, MINERAL ORE SPECIMENS.

HON. WESLEY MALEY asked the Minister for Lands: If it was the intention of the Government to provide country institutes with specimens of mineral ores in suitable cases, as a guide to settlers and prospectors.

THE MINISTER FOR LANDS replied: In view of the expenditure involved, the Government is not prepared at present to provide collections of mineral specimens at country institutes.

QUESTION—RAILWAY PROJECT, EASTERN GOLDFIELDS TO ESPERANCE.

HON. G. BELLINGHAM asked the Minister for Lands: 1, If an offer has been made to construct a railway from the Eastern Goldfields to Esperance. 2, If so, what are the terms of the offer, and the reply of the Government to same?

THE MINISTER FOR LANDS replied: 1, The Government have been requested by the W.A. Goldfields Firewood Supply, Limited, to allow them to construct a tramway from Coolgardie to Esperance, *via* Norseman. 2, The papers will be laid on the Table if this hon. House so desires.

QUESTION—AUDITING IN DEPARTMENTS.

HON. G. BELLINGHAM asked the Minister for Lands: 1, How often are the books of the various departments audited by the Audit Department. 2, How long is it since the books of the Land Titles Office were audited?

THE MINISTER FOR LANDS replied: 1, Some daily, some monthly, and others at varying periods. 2, The books of the Land Titles Department have not been inspected since February, 1900, owing to the services of the Chief Inspector of Accounts not being available from July, 1900, to May, 1901; but the Revenue and Expenditure vouchers of that Department have been examined to 30th June last. I may add that the inspection of the books in question is now proceeding.

MOTION—GOLDFIELDS FIREWOOD COMPANY, TO INQUIRE.

HON. G. BELLINGHAM (South) moved:

That a select committee be appointed to inquire into the dealings of the Goldfields Firewood Company Limited, at Kurrawang, with the Government.

This action was in accordance with the notice he gave some weeks ago. He had already asked that all the documents in connection with this concession should be laid on the table of the House, and this had been done. Those documents were voluminous and extensive. He went through them; but not having sufficient time and there being so much to deal with, he formulated this motion. There was a report by Mr. Smyth, which disclosed a very unsatisfactory state of affairs in connection with the dealings of this company and the Government. In view of what had since occurred—the strained relations between the Government and certain railway officials, in which question this matter was to some extent involved—lengthy argument was

unnecessary; but hon. members would doubtless agree that a select committee should be appointed. It was evident that not only the goldfields but the whole country demanded an investigation by such a committee. He moved accordingly.

THE MINISTER FOR LANDS (Hon. C. Sommers): To see the transactions of this company with the Government investigated to the fullest extent, none could desire more earnestly than he, especially as he was the representative of the goldfields constituency in which the company was interested. In the past, he had had much to say regarding the company's dealings; but at this juncture the select committee, if appointed, would overlap the work of the board now being formed to inquire into the suspension of Mr. John Davies, and into other railway matters. There might be two committees sitting and doing practically the same work. Therefore, though he would not ask that the motion be withdrawn, it might well stand over for a week, pending developments.

HON. J. M. SPEED: By that time the company might be "suspended."

HON. J. W. HACKETT (South-West): The mover should accept the Minister's suggestion. To everyone it must surely appear inadvisable that two committees should be sitting, each practically charged with the examination of the whole question. Worse than that, the inquiry into the dealings of the Kurrawang Company with the Government and the Railway Department would, no doubt, be made before the board to be appointed to deal with a question now in the minds of all members, the transactions with the company being one of the definite charges reported to have been made by the Commissioner of Railways against the late leading official of the Railway Department. The serious aspect of the question was that such inquiry would be conducted in a manner perfectly judicial and formal. No doubt, counsel would appear on both sides; the rules of legal evidence would be observed; and the matter would more or less assume the form of an inquiry in a court of justice. On the other hand, such a committee as the motion suggested would be expressly of an *ex parte* character. Before such committees the accused person did not usually appear by counsel, and, no doubt, would not so

appear in this case; therefore, there would be on the one side a judicial inquiry, and on the other an *ex parte* inquiry. This was clearly inadvisable. Moreover, the inquiry proposed by the motion might, in the first place, prejudice matters, and, secondly, it was highly probable the same persons and the same papers would be subpoenaed by the board of inquiry as by the select committee; and, in obtaining these, the board of inquiry would take precedence.

THE PRESIDENT: If the mover cared to withdraw the motion by leave, it could again be brought up on notice given.

HON. W. MALEY (South-East): The mover was a member for the district in which the Kurrawang Company carried on business, Kurrawang being somewhere in the vicinity of Coolgardie. The more investigation there was into such a matter, the better for the House and the State. The question of cost would be all that would deter him (Mr. Maley) from recommending the procedure proposed by the motion. For the education of hon. members, who knew little about this matter, it was desirable that a certain number of them be formed into a committee to make ample inquiry, so long as the cost did not exceed, say, £50. The motion was well timed; it had been again and again postponed in the interests of the House; the mover deserved great credit for having brought it up; and hon. members would be neglecting their duty if they did not at once proceed to an investigation. The motion ought not to be withdrawn.

HON. E. M. CLARKE (South-West) supported the suggestion that the motion be withdrawn. It was evident things had reached a stage at which interference such as that now contemplated would damage the case of the officers interested. The necessity for a full investigation was evident, but in the present crisis the motion would do more harm than good; and even were it withdrawn, it would no doubt be carried out in the spirit, if not to the letter. Better withdraw it for the present.

HON. J. D. CONNOLLY (North-East): If the motion were pressed, it would have his support. The Kurrawang Railway was situated in the province of the mover, to whom all credit was due for bringing to light what appeared to be a very nasty business.

HON. T. F. O. BRIMAGE (South) supported the motion. There was much in the statement that all necessary papers would be in the hands of the board of inquiry to be appointed, and no doubt the select committee of this House would be unnecessarily hampered. The motion should for the present be withdrawn; and probably after the forthcoming inquiry the evidence adduced would be available for the use of such a committee, to be subsequently appointed by this House.

HON. M. L. MOSS (West): Not to give a silent vote, he wished to record his reasons for opposing the motion, which ordinarily he would have supported. The more strict an inquiry into this and other matters, where there was a suggestion of fraud in carrying on the affairs of the country, the better for the public. But this matter had taken a serious turn. If the motion were carried, there would be at the same time a parliamentary inquiry and a judicial inquiry; and that would be grossly unfair to the General Manager of Railways and the other officers who were under suspension, or had received extended leave of absence.

HON. W. MALEY: It might turn in their favour.

HON. M. L. MOSS: There was a stronger probability of inquiry turning in favour of those officers, if they had ample opportunity of setting forth their defence either by counsel or on their own behalf, than in an inquiry by a select committee, where the question was ventilated according to the views of the members on the committee.

HON. G. BELLINGHAM (in reply): In consideration of the arguments brought forward he asked leave to withdraw the motion.

Motion, by leave, withdrawn.

SUMMARY JURISDICTION (MARRIED WOMEN) BILL.

Introduced by **HON. M. L. MOSS**, and read a first time.

AIR AND LIGHT TO BUILDINGS BILL.

Introduced by **HON. M. L. MOSS**, and read a first time.

DIVORCE AND MATRIMONIAL CAUSES BILL.

Introduced by **HON. M. L. MOSS**, and read a first time.

DOG BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

LAND BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

BUSH FIRES BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

PRAWN FISHERIES BILL (REPEAL).

Introduced by the MINISTER FOR LANDS, and read a first time.

STREETS CLOSURE BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

PAPERS—POLICE INSTRUCTIONS DURING ROYAL VISIT.

HON. W. MALEY (South-East) moved :

That there be laid upon the table of this House a copy of the general instructions for the guidance of the police on duty in Perth from 20th to 25th July last, as circulated amongst the police force.

He would draw attention to one or two occurrences that took place on the occasion of the visit of their Royal Highnesses the Duke and Duchess of Cornwall and York to this State. The police were called in from all parts of the State, and a fine body of men they appeared to be. It was a splendid opportunity for making an exhibition of the physical vitality and physique of the force. After visiting Melbourne and seeing the way in which things were there managed, he was not pleased with the general management affecting the police force here. Many members of the police force were excellent men, very capable officers, and very amiable and good men in every way for the positions which they filled, both in the country and in the city. Occasionally, however, we were brought into touch with the vagaries of a few members who seemed to hardly realise that they were the servants of the public, and that it was their duty to protect the interests of the public and give the public as much freedom as was conformable with the public peace and order, which must of course be maintained at any cost. We had an

incident of that some years ago when a constable "ordered on" the late Mr. Alexander Forrest from the footpath in Hay street, and (it was said) took him to the lockup. Things like that might occur at any time, and had occurred without the public knowing about them. An individual member of the public accosted by the police and told to move on had no remedy whatever. His complaint to the Commissioner would, if it received any notice at all, have a reply which would probably run in these terms: "I recognise that mistakes will occur, and I very much regret that a mistake apparently has occurred in your case." Young men with little experience were sometimes placed in posts where experience was required and a good deal of tact needed. A good policeman must have a lot of tact. Placed at the corner of, say, Hay Street and Barrack Street, a constable who was officious would order on two persons if there was nobody else perhaps within some considerable distance, and it was perhaps that officiousness which provoked an uneasy feeling and exasperated the public into resenting what was highly improper interference with the liberty of the subject. On the occasion of the visit of their Royal Highnesses there was no great crowd. Altogether, we probably numbered only 180,000 people in this State, and there was ample room in Perth for 180,000 people, if they were all adults. When it was borne in mind that in Melbourne and the immediate suburbs there were 450,000, and most of them turned out on a Saturday night without inconvenience, one did not see that there was any cause for alarm on the part of the police or of the authorities on the occasion of the visit of their Royal Highnesses to Perth. There were too many police. It was a show time for the police, and particularly for the officers. He would like to draw attention—and that was his reason for moving that these instructions should be laid on the table of the House—to the way in which the public were stopped and put to a lot of inconvenience. Trams were stopped at Lord Street, a long way from where there was any crush at all. After the functions were over, on the first day, Monday, he went down to the Ozone Hotel, and afterwards proceeded towards the city by tram. It was stopped at Lord street,

and there were not 12 people between Lord street and the Town Hall at that time. The trams had been stopped from the time of the ending of the functions until he was returning to catch his train. In Melbourne, as soon as the concert was over—and there were something like half-a-million people, he supposed, around the building—the trams could run for the convenience of the public. He did not see why in a little place like this similar conveniences might not have been provided and the trams allowed to run. He did not know who was responsible. He did not know whether it was the police or who it was, but he noticed irritating acts on the part of the police. He noticed that the trams were also stopped on the occasion of the Royal visit to the Park. They were stopped at Milligan Street, about an hour before the Duke and Duchess arrived on the scene. He was in the tram. Three trams were stopped at that street. Of course the occupants got out and attempted to walk and take the Havelock Street tram, but an inspector of police gave instructions to clear the road, and there were very few people on that road. People were supposed to keep clear of the roadway, and to go on to the footpaths. They chose the easiest means of getting along. At Havelock Street there was a mounted constable driving people on to the unmade footpaths. For this there was no occasion, as there was no chance of the Royal visitors being in the city at the time. He had seen a member of this House endeavouring to get through, and a mounted policeman endeavouring to drive the gentleman off. It was seldom the public had an opportunity of protesting against such treatment. He (Mr. Maley), who had been present, maintained it was very wrong and improper for the Government to employ policemen to harass the public. Again, he had been walking with a member of the House past the residence of the Mayor of Perth, some considerable time after one of the functions had taken place. A few men were being drilled just inside the barricades along the street. Two or three men, apparently from the country, were leaning on the barricades watching the drill. This seemed to offend the officer in charge, who directed a policeman to move them on. It was certainly necessary that some-

one should take up this matter, and he (Mr. Maley) would not be doing his duty if he allowed this sort of thing to go on. A farther illustration of what he meant was found at the Zoological Gardens. It was well known there was only one road to South Perth.

HON. M. L. MOSS: For what happened there, Mr. Hackett was responsible.

HON. W. MALEY: Mr. Hackett was responsible for a good deal.

HON. J. W. HACKETT: For nothing of that sort was he responsible.

HON. W. MALEY: One hoped to deal with Mr. Hackett on some future occasion.

HON. J. W. HACKETT: And gently.

HON. W. MALEY: During the Royal visit it had been one's bad fortune to be placed in positions favourable for viewing the action of the police. At the last moment, on the occasion of the visit to the Zoo, he had rung up a livery stable and asked for a buggy and pair, with groom and coachman. He secured these, and attempted to get to the gardens. It was well known the Royal party were to cross to South Perth by water, so his conveyance was not likely to interfere with their movements; nevertheless he had not been allowed to reach the gardens: he got into the near neighbourhood, but then had to alight and walk.

HON. J. W. HACKETT: For a hundred yards.

HON. W. MALEY: No matter how far; he had to walk. Yet other vehicles had immediately afterwards been allowed to proceed. Who was the inspector responsible for all these misadventures was not apparent; but other vehicles were allowed to drive past the gate, which he (Mr. Maley) had for some reason been forbidden to do. After the ceremony in the gardens, when he came outside the gates and sought his vehicle, it was not in sight; he saw that some persons were crossing through the bush, and decided to follow; but apparently his movements had been watched by a certain inspector. At last he descried his vehicle away on the top of a hill, about a quarter of a mile from the entrance. Beckoning to the vehicle, he attracted the notice of the inspector, who rode up to him and told him he was not allowed even to cross the road. This was rather hard, so he

walked up to the vehicle and waited the turn of events. He waited about three-quarters of an hour, and saw several hon. members pass: he saw Mr. Justice Stone pass, and, he believed, Mr. Randell, both of whom had been allowed to drive away; and certainly they had every right to go, but the police had no right whatever to prevent anyone, no matter how humble, from passing over the King's highway. There was only one means of getting away from the gardens, and there was no advantage in congesting the traffic. Every vehicle that could have been got away should have been allowed and encouraged to go in good time; but it appeared the object was to teach a lesson in the management of *fêtes*, at the expense of the public. He, and no doubt others, had been detained; and later on, a remarkable exhibition took place at the Causeway. There, when the traffic was as far as possible congested, police were stationed along the Causeway, and there were narrow escapes from accidents caused by the police, who were trying to make the vehicles pass in single file, the police horses being so restive as to be actually dangerous to those who were driving. There was no reason why vehicles should have been detained, and the traffic thus congested. If the laws were to be enforced by the knuckles of the police being thrust on every occasion into the faces of the public, it was time the public should rise up and find a mouth-piece somewhere; and it was very unsatisfactory if such a mouth-piece could not be found in this House. If the police were endeavouring to run the city of Perth in the same way as we heard of things being done in the North-West, or if we were to revert to the old unfortunate times when the police were a great power in the land, to this he for one would not submit. Being a free man, he would not be opposed by the police in this or any other State. It had not been his misfortune to be in a chain-gang or to stand at the triangle, and he would not be sneered at because he advocated the liberties of the people. He had not been in the stocks, and he felt it his bounden duty to protest against the attempt of the police to override the public on the occasion of the visit of their Royal Highnesses.

HON. J. W. HACKETT (South-West): It was unlikely there would be

any objection on the part of the Minister to laying on the table a copy of these instructions, which were few in number. If the statements made by the hon. member revealed his only grievances, the hon. member was a most fortunate man.

HON. W. MALEY: It was not for himself he spoke, but for the public.

HON. J. W. HACKETT: With regard to police precautions, the least said the better. During the whole of the long visit of their Royal Highnesses to Australia there was one case, and one case only, which put the police into a state of alarm which might be imagined rather than described. That was at Perth. He would not go farther into this matter than merely to mention it. The instructions were strict, in order to prevent a calamity that would have been world-wide, that all crowds and all congestion were to be kept at a distance.

HON. W. MALEY: Congestion had been encouraged.

HON. J. W. HACKETT: Every case the hon. member had quoted was capable of explanation under that instruction; and those who had been a little behind the scenes had seldom felt a moment of greater relief than when the "Ophir" passed outside the heads and steamed away.

HON. W. MALEY: That was a reflection on the people.

HON. J. W. HACKETT: It was a reflection on certain people, but not on the people of Western Australia. Enough had been said.

Question put and passed.

LEAVE OF ABSENCE—DEBATE ON ATTENDANCES.

Debate resumed from 10th July, on motion by Hon. J. E. Richardson that leave of absence for two months be granted to the Hon. F. M. Stone, on account of urgent private business in England.

HON. G. RANDELL (Metropolitan): The adjournment of the debate had not been moved by him in any spirit hostile to Mr. Stone, but rather with a view of assisting Mr. Richardson in giving some farther particulars. Since the last discussion there had been a long adjournment, and the merits of the case would doubtless be met if he now moved that the farther consideration of the motion be

postponed till this day three weeks. He moved accordingly.

HON. M. L. MOSS (West): This amendment was dangerous, and would probably prejudicially affect Mr. Stone. Section 38, subsection 5, of the Constitution Act, provided that any member of the Council failing to attend for two consecutive months of any session without the permission of the Council, vacated his seat. True, it was contended that because the House had adjourned from the 25th July until yesterday, that period did not count in computing the two months mentioned in this section; but the section was hardly capable of that construction. The adjournment did not alter the fact that we were still in the session which started on the 28th June; and what difference was there between the long adjournment in question and an ordinary adjournment from Thursday till Tuesday? If this were correct, Mr. Stone would to-day have been absent for two months, and thus his seat would become vacant unless he to-day received leave of absence. Unless this reasoning could be shown to be wrong, it would not be fair to the mover of the motion to allow of its postponement.

THE PRESIDENT: Regarding this question of what constituted two consecutive months, he did not profess to be a lawyer, but took the expression to apply to a time when the House was in session without an adjournment. Still, as Mr. Moss pointed out, there might be an error on account of which it would be unfair that Mr. Stone should lose his seat. Better accept Mr. Moss's suggestion, and grant the extra leave. Mr. Stone had telegraphed him (the President) that he had written him on the subject; and the letter would be here before the end of the three weeks mentioned by Mr. Randell. As there seemed to be a doubt about the meaning of the word "consecutive," better grant to-night the necessary leave.

HON. M. L. MOSS: If in order, he would move another amendment, that leave be granted for two months.

THE PRESIDENT: Perhaps Mr. Randell would withdraw his amendment.

HON. G. RANDELL: It would afford him pleasure to withdraw the amendment. It would be better to be on the safe side.

Amendment by leave withdrawn.

HON. H. BRIGGS (West) moved, as an amendment:

That the Hon. F. M. Stone be granted one month's leave of absence.

HON. M. L. MOSS (West) seconded the amendment.

Amendment put and passed.

JOINT STANDING ORDERS, TO AMEND.

On motion by the MINISTER FOR LANDS (Hon. C. Sommers), consideration of Message No. 3 from the Legislative Assembly, relating to amendment of Joint Standing Orders Nos. 10 and 11, was referred to the Standing Orders Committee of this House.

ROADS ACT AMENDMENT BILL.

SECOND READING.

HON. A. JAMESON (Minister), in moving the second reading of the Bill, said: I wish to point out that in this Bill it is proposed to embody the amending Acts of 1889 and 1894. By embodying those Acts, we shall simplify the statute book materially. At the present time the only Acts we have in this State for the purpose of local government are the Municipal Act of last year for towns, and the Roads Act of 1888 for rural districts; and for years it has been felt there is a great need of farther legislation in regard to local administration in our State. This Bill provides for that in so far as it makes provision for the intermediate areas—areas which are not exactly so advanced as to be cities—to take advantage of this municipal statute, and areas which are not purely rural under the Roads Act of 1888. This Bill is divided into two parts, the second part being adapted for intermediate areas, or suburban areas. It is a distinct advance in our local legislation. There has been an expression of opinion throughout the State at several conferences, all of which were in accord with the view that there should be farther legislation in this direction. Therefore we are prepared to introduce this Bill providing for the administration of the suburban areas of our State. As I have said, this Bill embodies the amending Acts of 1889 and 1894, so naturally there are a great many clauses which are not new. Clauses 4 and 5 are old sections, Clause 4 being Section 3 of the amending Act of 1894,

and Clause 5 Section 2 of the amending Act of 1889; in fact, it is the whole of the amendment of 1889. The amending Act of 1889 has merely reference to the question of quorum, the boards having three for a quorum instead of four, as previously; therefore the fifth clause of this Bill comprises the whole of the amending Act of 1889. Clause 6 is quite new, and very necessary, inasmuch as it provides that no new district shall be created, or existing district altered, unless there has been a thorough investigation. This is a very necessary clause, as I know from my own experience as chairman of a board, for in the most arbitrary manner we were divided into two boards without any investigation whatever being made. I tried my utmost to have an investigation, but the Minister for Lands—not the hon. member opposite (Hon. G. Randell), but the gentleman who previously held the position—forced us to be divided into two boards, and we had no option. We had to give way, although half the board were opposed to its being done.

HON. R. G. BURGESS: This does not affect the board, but it affects the people.

HON. A. JAMESON: A board represents the people. At all events no area will be altered without a thorough investigation and report. Clause 7 seems in some respects reasonable. At many conferences a desire has been expressed for an allowance of ten shillings to be made to a member of a board who is travelling on business for the board. A number may prefer a larger sum than that indicated.

HON. R. G. BURGESS: Wipe it out altogether.

HON. A. JAMESON: However, that is a matter for consideration. It was thought well to bring this forward, and I am responsible for the second paragraph of this clause, namely that "A board may grant to a returning officer a fee not exceeding two guineas for presiding at any contested election." I know that in my own case, as chairman of a roads board for many years, I have frequently had to find the fee out of my own pocket, for under the Act the chairman of the board is the returning officer, and, if I found another to discharge the duties, I had to pay the fee out of my own pocket. In my opinion that is a

little unreasonable. Clause 8 perhaps does not seem to be a very important one. It seems to me hardly necessary. It provides that "Where a town site, not being a municipality, is surrounded by or adjoins a district, it shall be included in the district, and be under the control of the board." I think the board has that power at the present time, but as there may be some doubt with regard to this, it is as well to make the point perfectly clear. With regard to Clause 9, it is merely a provision that where the specified time for holding a revision court has passed, the Governor may appoint such court. At present we have not that power.

HON. M. L. MOSS: Is it not in the original Act?

HON. A. JAMESON: No. Clause 10 is an important one, especially for the agricultural members, who should consider it very carefully. It is a new clause, and its object is to save ratepayers and the board expense. The clause modifies Section 59 of the principal Act, which provides that in the event of a large area of land, many thousands of acres, being enclosed by a fence, and a road going through that area, the road must be fenced on each side.

HON. R. G. BURGESS: Through a field?

HON. A. JAMESON: Yes; through a field. This is a proposal under which, through the Governor, it should not be necessary to fence each side, but simply to erect swing gates, and see that the owner is protected against trespass. Section 59 really comes under the Trespass Act, and this clause is to enable the roads boards to save the unnecessary expense of having a fence along each side, when merely a swing gate at each end, to enable people to pass, will answer the purpose. This clause should be well considered. Clause 11 is not a new clause. It is Section 2 of the 1894 amending Act. Clause 12 is new in so far as the words "for pastoral purposes" have been inserted. The original intention of this section in the Act of 1888 was that the provision should apply only to the land leased for pastoral purposes, but since that Act the mining industry has, of course, come so much to the fore that the provision is found to apply to mining leases as well as others.

Therefore this clause has been introduced, so that, instead of the provision applying to all lands leased by the Crown, it shall apply only to "all lands leased by the Crown for pastoral purposes."

HON. R. G. BURGESS: Does that include grazing leases?

HON. A. JAMESON: I presume so.

HON. R. G. BURGESS: A pastoral lease is not a grazing lease.

HON. A. JAMESON: For pastoral purposes. It shortly covers grazing leases.

HON. J. W. HACKETT: Pastoral leases are exempted by Clause 4 in the Bill now proposed. What is the object then of getting their annual value?

HON. A. JAMESON: This is simply an amendment of the Act of 1894, the words "for pastoral purposes" being inserted. As to Clauses 13, 14, 15, 16, and 17, none of them are new, for they are Sections 5, 6, 7, 8, and 9 of the 1894 amending Act. The Sub-clauses *f*, *g*, *h*, and *i* of Clause 17 are new. They provide for the licensing of the drivers of camels. There should be a license fee not exceeding ten shillings per annum imposed on every licensed camel driver, and a registration fee not exceeding one pound per annum for every registered camel. Clause 18 is Section 10 of the Act of 1894, and Clause 19 is Section 11 of that Act. Clause 20 is new. Clauses 20 and 21 provide for the better keeping and auditing of accounts, and it is thought this section will be useful. There has been great difficulty in managing the audit under the roads boards. Under the present Act it is provided that the resident magistrate of the district shall be one of the auditors, and it has always been difficult to find magistrates, therefore it is proposed that the auditors shall be appointed, one by the Minister for Works and one by the board. Courts have done it in the past, but illegally. If you read the section of the Act you will find that one of the auditors has to be the magistrate of the district. That is not so under this new clause.

HON. R. G. BURGESS: How will you explain away part of Clause 20, under which the Minister may dismiss an auditor?

HON. A. JAMESON: Very large sums of money may be expended by the Government, and the Minister should have

some control over these matters to see that the accounts are properly kept.

HON. R. G. BURGESS: The Government had better nominate the board altogether.

HON. J. D. CONNOLLY: Why do the people elect members of such boards?

HON. A. JAMESON: The people elect members to look after the collection of rates.

HON. R. G. BURGESS: And the expenditure of money.

HON. A. JAMESON: But that portion of roads board money provided by the Ministry is a general rate levied on the whole of the State; and it is therefore right that the Minister who controls the department should have some control over such moneys. At the present time that is my explanation of the clause. Clause 23 is a distinct departure from the old regulation: it provides for the division of a district into wards. The Governor may gazette such wards, not exceeding seven in number, in any district. Such a provision has been felt to be very necessary, particularly in suburban areas, and I believe in rural areas also. Some of the less populous portions of the roads board districts have been entirely ignored; and it is thought, if the district be distinctly divided into wards, each ward will have its electors, and will have expended on it the amount of money it raises or which is advanced in respect of it by the Ministry. That would seem to be a distinct advantage, and provisions for securing it are also to be found in clauses 24 to 27.

HON. B. C. O'BRIEN: It is not compulsory to make seven wards?

HON. A. JAMESON: No; the clause reads "may." Clause 28 is one which I think requires very careful consideration: it provides for the closing of rights-of-way, after advertisement. Undoubtedly it is a great advantage to be able to close up some of those rights-of-way which are offensive on the ground of sanitation, and are also aesthetically bad. They seem to be used by each occupier of the adjoining lands for depositing tins and refuse; and certainly they often become very unsightly and are very little used as rights-of-way. But at the same time, it seems to me there is a danger that two owners may put their heads together, and decide that the whole of the right-of-way be closed; and in spite of the advertisement, that might be done without attract-

ing the notice of any other person, thus entailing a hardship on the people of the district.

HON. J. W. HACKETT: And the two landowners might get possession of the right-of-way for themselves.

HON. A. JAMESON: Yes; the right-of-way would belong to them afterwards: each would take half of it. This question, of course, requires careful consideration. Clause 29 is also necessary, should a district be divided, in order that the rates may be properly adjusted by changing the boundaries. Clause 31 is purely formal, and contains provisions similar to those of the Municipal Institutions Act. Clause 32 is very important. It seems to me highly desirable that all roads made by roads boards should be one chain wide; for, after all, it must be borne in mind that before a district becomes a municipality it is, generally speaking, under the jurisdiction of a roads board, and all roads are laid out before the municipal authorities have any opportunity of having a "say" in the matter. Under the Municipal Institutions Act, it is necessary that a road be one chain wide; but before the district becomes a municipality many of the roads may have been already made. Therefore, if we secure this standard width by regulation, at a time when the population of the State is comparatively small, it will be in the future a great boon, for we shall have wide streets in all places where towns may spring up. If such areas be under the jurisdiction of roads boards, we provide by this clause that all the streets shall be a chain wide. Clause 33 enables the roads board to use the Trespass Act, a power which they need not necessarily use, but which will be of great advantage, particularly in suburban areas, so that cattle may be impounded. The way in which cattle stray over the country is a source of great danger in suburban districts, and by the boards having power to impound such cattle, much of that danger will be obviated. Part II. of this Bill practically speaks for itself. It is intended to apply to suburban areas, and it does not come into use save after notice in the *Gazette*. Clause 34 reads:—

By notice in the *Gazette*, the Governor may direct that all or any one or more of the following sections shall apply to the district or

portion or portions of the district named in such notice.

Part II. does not necessarily come into force unless it be desired. If it should be desired by any particular district, any one of these sections in Part II., or the whole of them, may be brought into force in that district.

HON. J. W. HACKETT: What is the meaning of the marginal note: "Any section in this part may be extended to a municipality by notice in the *Gazette*?"

HON. A. JAMESON: I think there is an error in the side-note. Then by Clause 35 the Building Act 1884, and every amendment thereof, may be brought into use and shall apply to the roads board district. It is said this will be very harsh upon some of the "smaller" people; but it will be seen the Bill merely provides that this may be done; and it is left to the discretion of the board to take advantage of the provision. At the same time, it must be borne in mind that from a sanitary or health point of view, the advantage of a Building Act is very great. By means of a Building Act we can secure back-yards of a sufficient size, and buildings of such a character as to be in every particular in accordance with the Health Act. These clauses in Part II. are not brought into action save when desired. In rural districts it is hardly likely there would be any demand for these advantages; but, when demanded, we have an instrument of local government which we have not had in the past. It is felt that if we can carry through these provisions, it will be unnecessary for comparatively small areas to be turned into municipalities, which are always costly and difficult to finance. A small area with a population of 200 or 300 is hardly fitted for a municipality; and under these clauses it can be well provided for and administered. By Clause 36 properties abutting upon a road must be fenced, if the board so direct. I had incorporated there the words "which road has been macadamised, or otherwise made in whole or in part." I thought it well to insert these words, for the reason that, after all, the object of fencing such areas is to prevent carts and other vehicles from driving over footpaths and destroying the kerbing. At the same time, we do not want to compel property-owners throughout the suburbs and

in country districts to fence their land where fencing is not required; for such fencing prevents people coming out to the suburbs for a day's holiday from going on vacant land. We wish to leave such land as open as possible, for the use of picnic and other parties in suburban districts, while providing that where a road has been made through properties, and is being torn to pieces, proper fences shall be erected to prevent the footpaths from being crossed by vehicles.

HON. G. RANDELL: I think it would be desirable to have a time specified.

HON. A. JAMESON: A limit of time for fencing?

HON. G. RANDELL: Yes.

HON. A. JAMESON: Well, by Clause 37, "the board may make by-laws for all or any of the purposes for which a municipality may for the time being make the same." By Clause 38 the board may grant licenses, and by Clause 39 may cause footpaths to be made. That, I think, is a very important clause. At present, we find that people get footpaths and there is no power to compel them to fence. As soon as people in suburban areas are compelled to fence their properties, then we are in a position to make footpaths; but until then it is no use making footpaths, for they are all destroyed and pulled to pieces, owing to the fact that there is no fence at the side.

HON. R. G. BURGESS: Far better bring the district under the Municipal Institutions Act at once.

HON. A. JAMESON: This clause is not for the rural districts, but for suburban districts only.

HON. R. G. BURGESS: The rural districts could take advantage of it.

HON. A. JAMESON: Not unless they expressly desired to do so.

HON. R. G. BURGESS: These foolish things are often done.

HON. A. JAMESON: It would be in the discretion of the Governor to make the clause apply to any district; and it seems to be wise that power should be given to compel fencing. By Clause 40, the board is given power to light roads by contract or otherwise, and in Clauses 41 to 47 there is provision for roads boards to borrow money in the same way as municipalities.

HON. R. G. BURGESS: Why should not that be provided in Part I. as well as in Part II.?

HON. A. JAMESON: Because Part II. can be made to apply to any district, if that be desired. In many of the rural districts its application would be very useful, as some of them do not rate themselves, and it is then a case of a yearly income only. The board may borrow an amount not exceeding ten times the average yearly income for two years immediately prior to the yearly balancing of accounts next preceding the *Gazette* notice of the loan; and an important provision is to be found in Clause 42, where the expenditure of the money is confined to the opening, making, or paving of roads or footways, and the raising, lowering, or altering the ground or soil of roads; so that it can be expended on no other purpose than the making of roads. Clause 49 provides power to levy a special rate to make those roads, and that of course is a very necessary provision. The schedule repeals the amending Acts of 1889 and 1894. There is one point to which I would like to draw attention, that being Clause 47, with regard to borrowing. This clause provides that if no poll be demanded, or on a poll being taken, a majority of persons voting do not forbid the board to proceed farther with such loan, "the board may proceed to make a special order for borrowing money for the purposes mentioned in the notice aforesaid." It seems to me almost that I would like to provide that, if the loan be approved of, the board shall proceed farther with such loan, and thus place the onus upon those who seek to raise the money. I do not think it is well to have the negative. However, that is in the hands of hon. members. I hope the Bill will receive the attention it deserves, for it is distinctly a progressive measure, and the need for an extension of local government to enable the local government of the State to be carried on more effectually has for years been felt throughout the State. We have the Municipal Act for towns, and the Roads Act for rural districts, and we want not only amendments of the Act relating to rural districts, but a new provision relating to suburban districts. It is felt in all the suburbs that such provision is very necessary, and it is really a question

now for the members of the House whether they will take the whole of the clauses or have amendments. I hope they will proceed very carefully in the matter.

HON. M. L. MOSS: I move that the debate be adjourned until the next sitting of the House.

Motion put and passed, and the debate adjourned.

ADJOURNMENT.

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that the House at its rising do adjourn until the next Tuesday. He did so because many members believed there would not be much work proceeded with this week, and they had expressed a desire to speak on this Bill, which concerned a large number of country members. On Tuesday next and right on, he would have business enough to keep the House thoroughly employed until the usual hour for adjournment.

Motion put and passed.

The House adjourned accordingly at five minutes past 6 o'clock, until the next Tuesday.

Legislative Assembly, Wednesday, 28th August, 1901.

Paper presented—Question: Coin forwarded to Western Australia, Cost—Question: Customs Duties under Federation, how to Impose and Collect—Question: Wanneroo, Use of Reserve—Question: Military Contingents, Lack of Information—Question: Leonora Railway Works, Reasons for Stoppage—Question: Public Works, Financial Arrangements—Question: Eastern Goldfields Railway, Refreshment Rooms—Question: Kalgoorlie Telegraph Office—Question: Circuit Courts on Goldfields, to Establish—Question: Railway Employees' Association, and Legal Liability for Losses caused by Strike—Question: Old Age Pensions, as to Legislation—Questions (4): Railway Administration—Question: Greenmount Railway Platform—Railway Administration: Personal Explanations, Mr. W. J. George, Mr. Teesdale Smith—First Readings (6): Police Act Amendment Bill, Trade Unions Bill, Workmen's Compensation Bill, Newspaper Libel and Registration Amendment Bill, Municipal Institutions Amendment Bill, Coal Mines Regulation Bill—Private Bill: Hampton Plains Railway Bill, first reading (debate), referred to a Committee—Industrial Conciliation and Arbitration Amendment Bill, statement, Postponement—Return ordered, Ministerial and Parliamentary Trips, Cost—Motion: Bushmen Contingent, Extra Pay, etc.—Return ordered; Revenue to end of Financial Year 1900—Motion: Aborigines, to Inquire into Treatment (adjourned)—Papers ordered: Kalgoorlie Residence Areas, Mrs. Macnam—Return ordered: Dividend Duty, Amount Collected—Menzies-Leonora Railway: Motion lapsed—Railway Workshops: Midland Junction Site, to Inquire; Notice withdrawn—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COMMISSIONER OF RAILWAYS: Return (moved for by Mr. A. E. Thomas) showing freight received for the conveyance of Collie coal from 1st March, 1899, to 30th June, 1901.

QUESTION—COIN FORWARDED TO WESTERN AUSTRALIA, COST.

MR. C. H. RASON asked the Colonial Treasurer: 1, Whether he could explain the following items in the cash statement of the Agent-General for the year ended 31st December, 1900:—Payments: Cost of silver and bronze coin forwarded to W.A., £4,039 10s. 6d. Receipts: Proportion of cost of silver and bronze coin recovered from W.A. Banks, £2,789 10s. 6d. 2, How the difference of £1,250 was accounted for.

THE COLONIAL TREASURER replied: 1, Difference of £1,250 paid into Treasury on 31st May with interest while *in transitu*. 2, By the Associated Banks, on whose behalf the coin was ordered.