with all respect that Bills have been before hon. members for a length of time sufficient to permit of several second readings for which we are still waiting. I have been anxious to meet members' wishes, and so have consented to adjournments of debate; but I hope that next week we shall be able to enter, if I am allowed to say so, a little more seriously on the business of the House. I move that the House do now adjourn.

Question passed.

The House adjourned at 25 minutes past 4 o'clock, until the next Tuesday afternoon.

Legislative Council,

Tuesday, 5th December, 1905.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Annual Report on the operations of the Agricultural Bank for the year ending 30th June, 1905. 2, The Mines Regulation Act—Regulation 27 as to safety fuse. 3, The Mining Act, 1904—Amendments of regulations and new regulations as to pipe track water rights. 4, Copies of Orders in Council issued under Section 35 of "The Audit Act, 1904." 5, Goldfields Water Supply Administration—(*a.*) Amendment of By-laws for Protection of Catchment Area; (*b.*) Annual report for the year ended 30th June, 1905. 6, The Public Service Act, 1904—Regulations. 7, Public Works Department—(*a.*) "Roads Act, 1902." (*b.*) By-laws of the Port Hedland Roads Board.

QUESTIONS—LENGTH OF NOTICE.

THE COLONIAL SECRETARY requested members to give at least 48 hours' notice of any question to Ministers; for the reason that, as the Houses of Parliament are now situated at a considerable distance from the Government offices, it is found that a notice somewhat longer than one day should be given for the necessary information to be obtained.

ADDRESS-IN-REPLY—PRESENTATION.

THE PRESIDENT reported that the Address-in-Reply to the Governor's opening Speech had been presented to His Excellency, who had returned the following answer in writing:—

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I thank you for your Address in reply to the Speech with which I opened Parliament, and for your expression of loyalty to His Most Gracious Majesty the King.

FRED. G. D. BEDFORD, Governor.

Government House, Perth,
1st December, 1905.

BILLS (3)—FIRST READING.

Perth Mint Bill, received from the Legislative Assembly and read a first time.

Roads and Streets Closure, received from the Legislative Assembly and read a first time.

Permanent Reserve Rededication, received from the Legislative Assembly and read a first time.

QUESTION—PERTH TOWN HALL, NEW SITE.

HON. J. D. CONNOLLY asked the Colonial Secretary: 1, Is it the intention of the Government to obtain the ratifica-

tion of Parliament to the proposed gift of the Perth City Police Court Offices and land to the Perth Municipal Council? 2, If not, why not? 3, What is the frontage to Barrack Street of the said land, and its value? 4. What was the cost of buildings now erected on the said land?

THE COLONIAL SECRETARY replied: 1, A distinct promise was made by a former Government. 2, The whole of the papers, including the promise were submitted to Parliament in the years 1903-4, and no objection was raised. 3, 75′ 3″. Estimated value £18,800. 4, £4,900.

QUESTION—COURTHOUSE AT KALGOORLIE INSUFFICIENT.

HON. R. D. McKENZIE asked the Colonial Secretary: 1, Is the Government aware that each Judge of the Supreme Court who has visited Kalgoorlie on circuit has complained of the unsuitability of the rooms in which the Court is held? 2, If so, is it the intention to provide more suitable accommodation?

THE COLONIAL SECRETARY replied: 1, Attention has been drawn by Judges to the unsatisfactory accommodation in the Court House. 2, The Government has improved, and will continue to improve, the accommodation as far as practicable.

QUESTION—RAILWAY FOOTBRIDGE AT CLAREMONT.

HON. J. W. LANGSFORD asked the Colonial Secretary: Is it considered necessary to strengthen the footbridge at Claremont, in view of the immense crowds using it on Show days?

THE COLONIAL SECRETARY replied: The Railway Department reports, "The margin of safety being ample, it is not considered necessary to strengthen the Claremont footbridge on account of the crowds using it on Show days. The advisability of widening the structure and otherwise adapting the Claremont station for extra traffic, is now under consideration."

LEAVE OF ABSENCE.

On motion by the COLONIAL SECRETARY, leave of absence for one month granted to the Hon. G. Bellingham, on the ground of urgent private business.

BILL—ABORIGINES.

THIRD READING.

THE COLONIAL SECRETARY moved that the Bill be now read a third time.

HON. R. F. SHOLL asked the Minister to take into consideration that as the persons chiefly affected by this Bill resided in parts of the country remote from railway or telegraphic communication, and having few postal deliveries, ample time should be allowed before the Act was to come into operation.

THE COLONIAL SECRETARY: The suggestion was reasonable. By Clause 1, the Bill would come into operation on a date to be fixed by proclamation. When the date was being fixed, the suggestion would be considered.

Question put and passed.

Bill read a third time, and transmitted to the Legislative Assembly.

BILL—STATUTES COMPILATION.

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

BILL—PUBLIC EDUCATION ACT AMENDMENT.

COMPULSORY ATTENDANCE, TRUANTS, ETC.

SECOND READING.

THE COLONIAL SECRETARY AND MINISTER FOR EDUCATION (Hon. W. Kingsmill): In moving the second reading, I presume that not much explanation is necessary; because this is one of the Bills which passed through this Chamber, and if I am not mistaken through another Chamber, during the early part of last session; and it was only due to the subsequent political confusion that the Bill, which had reached its final stages, did not become law. I would point out that the principal objects of the Bill are, firstly, to make some little variation in the compulsory attendance provisions; secondly, to bring into force an improved system of dealing with habitual truants; and thirdly, to provide that proprietors of private schools shall make monthly and quarterly returns of attendances. All these objects will, I think, meet with the approval of mem-

bers. With regard to compulsory attendance, it is proposed by this measure to bring within the scope of the existing Education Act those children who are not less than 9 and not more than 14 years of age, and who live within 12 miles of an efficient school, 10 miles of which distance may be travelled by railway. Members will doubtless recollect that when the Bill was last before this Chamber, a provision was made that such compulsory attendance should only be enforced where there was a suitable train service, that being defined as a service which enabled the children to leave and to return to their homes during the hours of daylight. I think that is an essentially reasonable proposition; and I do not anticipate that any objection to it will be raised. With regard to habitual truants, it is found that the present Education Act is not sufficiently explicit; and indeed I may say it has been one of my hobbies for some time since I have been Minister for Education to establish in this State an efficient truant school. I do not for a moment believe in forcing children who are guilty of nothing more than truancy into close proximity to and into danger of contagion from children who have been sent to reformatories and industrial schools for much more serious offences. Again, the treatment which children receive in industrial schools is not fitted for the punishment of truancy. It is therefore to deal more efficiently with habitual truants from school that Clause 3 of this Bill has been drafted. Clause 4 renders it necessary that—

(1.) The proprietor, headmaster, or principal teacher of every elementary school, not being a Government school established under an Act relating to public education—

(a.) Shall forward to the Education Department in Perth within the first seven days of every month, a return in the form of the first schedule to this Act, giving the names of all scholars between the ages of 6 and 14 years who have not made at least four-fifths of the possible half-day attendances during the preceding month, and of all scholars who have left during the preceding month.

(b.) Shall forward to the Education Department in Perth, within 7 days after the close of every school quarter, a quarterly summary of attendances in the form of the second schedule to this Act.

Subclause (*c.*) of Clause 4 defines an elementary school; and Subclause 2 of the same clause provides a penalty which shall be incurred by any proprietor, headmaster, or principal teacher failing to comply with the provisions in this clause. These are the objects, and I think essentially reasonable objects, of the Bill; and I have much pleasure in moving that it be read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

HON. H. BRIGGS in the Chair; the MINISTER FOR EDUCATION in charge of the Bill.

Clause 1—agreed to.

Clause 2—Compulsory attendance:

HON. J. W. HACKETT: How could the fine be enforced?

THE MINISTER FOR EDUCATION: Presumably in the usual way, by notice; and in default of payment, by distress.

Clause put and passed.

Clause 3—Habitual truants:

HON. J. W. HACKETT: For the enforcement of the contribution, by the parent or other person liable, of a sum not exceeding 10s. a week, something more menacing than a mere order was necessary.

THE MINISTER FOR EDUCATION: It was not usual, in providing for the recovery of fines, to do more than indicate that the usual process must be availed of. The Bill was to be read with the existing Elementary Education Act, which contained a section providing how penalties might be recovered.

Clause put and passed.

Clause 4—agreed to.

Schedules (two), Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—JURY ACT AMENDMENT.

SECOND READING.

HON. M. L. MOSS (Minister): I beg to move the second reading of this Bill. It is very short; but I think the House will agree that nevertheless it will be a most useful measure. By Section 5 of the Jury Act 1898, every man save as thereinafter excepted, possessing qualifications, is bound to serve on a common jury in all civil and in all criminal cases within a radius of 36 miles of his residence. But Section 9 of the Act

provides that the resident or police magistrate, in making up the jury lists, is only concerned with persons who are resident in his magisterial district; and this idea of compelling every adult to serve as a juror within a radius or 36 miles of his residence obviously ceases to have any application in the metropolitan area, where within a radius of 36 miles we have more than one magisterial district. Before the Jury Act of 1898 came into operation, we had residents of Fremantle and the Swan serving on Perth juries; and when we consider the large number of exemptions from service on juries, we find that so many exemptions have crept in from time to time that many of our best residents are excluded from service. I think this is a matter for very grave regret. I do not intend in any way to cut down those exemptions, or to compel persons who are now exempt to serve; but it is with the idea of giving as wide a range as possible, without affecting those exemptions, that the Bill proposes to include the Fremantle and the Swan magisterial districts with this metropolitan area. By that means we shall keep in view the original intention of Parliament to compel men to serve within a radius of 36 miles of their residences; and by that means we shall also have a wider range of choice. Clause 2 of the Bill will authorise the sheriff to make up his jury book, and will direct the magistrates of those three districts to send the returns to the sheriff in Perth.

HON. J. W. HACKETT: How far north does the Swan district extend?

HON. M. L. MOSS: I do not know. But we have still the restriction in Section 5 of the parent Act, by which no person can be compelled to serve outside a radius of 36 miles from his residence; so we shall have the additional benefit of securing the services of business people in Fremantle, and those of the farming community in the Swan district. I do not at this juncture desire to say anything regarding the jury system. Of that system I have my own opinion. I think it a matter of grave regret that Parliament has been persuaded from time to time to make such extensive exemptions.

HON. R. F. SHOLL: Why do you not revoke them?

HON. M. L. MOSS: In this shor session it is not expedient to discuss s many debatable matters. But I thin we can wonderfully improve the syste by passing this short Bill, which I believ is calculated to facilitate the administra tion of justice.

MEMBER: Do you expect to bring i another Bill this session?

HON. M. L. MOSS: No. I cannc make any promise.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee with out debate, reported without amend ment, and the report adopted.

BILL—FIRE BRIGADES ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETAR (Hon. W. Kingsmill): This is a shor measure, and one that is of the greates importance to those bodies with which is proposed to deal. If members wi look at the parent Act which was passe in 1898, they will find that Section 18 c that Act is as follows:—

> The board may from time to time borro with the consent of the Colonial Treasure upon giving security for any freehold or leas hold lands of the board, or without securit such moneys as the board shall deem necessar for the purpose of enabling the board to carr out and perform the powers, authorities, an debts vested in or imposed upon the board b this Act. Any person lending money to th board under this provision shall not be cor cerned or bound to inquire as to the appl cation of any such money, or be responsib for the misapplication or nonapplicatio thereof, provided that the moneys borrowe shall not at any time exceed £5,000.

According to the Bill before the Hous it is proposed to extend the limit an make the amount to be borrowed to b settled by the Government, and inc dentally by those persons who are to len the money to the board. It has bee found that without some provision c this sort, the utility of the fire brigade particularly the metropolitan section, ar very heavily handicapped. Members can not cavil at the method of control unde which the fire brigades exist, or the utilit or efficiency of the work performed b them. And if this somewhat hig standard of utility and efficiency is to b

kept up, it is necessary that the fire brigades boards should have more extended financial powers than at present. It is to the interest of the fire brigades boards, and those concerned, that the decision as to what amount shall be borrowed shall be considered by the Government of the day; and only by their permission shall the borrowing take place.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—LIFE ASSURANCE COMPANIES ACT AMENDMENT.

SECOND READING MOVED.

HON. M. L. MOSS (Minister): This small Bill has been asked for by the companies carrying on the business of life assurance in Perth; and I think the House, on an explanation of it, will agree that this very essential measure should be passed. At the present time, Section 33 of the Life Assurance Companies Act of 1899—I may mention in passing that the measure is a transcript of a similar statute which is in force in South Australia to which I am going to allude—provides that in case of bankruptcy or insolvency there is certain protection given to the policy of life assurance affected, to this extent, that after the policy has been in force for two years it is protected to the extent of £200, after five years to £500, after seven years it is protected to the extent of £1,000, and after ten years' endurance it is protected to the extent of £2,000. That section was so badly drawn in South Australia that some twelve or fourteen years ago the Legislature altered it, because it was extremely doubtful whether in case of bankruptcy or insolvency the policy vests in the executor or administrator in the case of death, and the executor or administer being compelled to hold it in trust, is protected to the extent mentioned, or whether it vests in the trustee in bankruptcy. The insurance companies in this State, acting on the assumption that it did vest in the administrator or executor, have for years paid the moneys to the administrator or administrators of the deceased's estate. Clause 3 of the Bill validates all the payments made by the companies for years past. If members will look at the marginal note to the clause, they will find it described as 51 Vict., No. 17 of South Australia. The Legislature of South Australia passed a similar validating section through, with the object of validating all the payments made by the companies for years past. With the object of placing this matter on a better basis in future, the life assurance companies here have asked that this Bill be passed. The legislation does not emanate from the Government at all, but from the companies, who propose that the Queensland legislation on the point be copied. Members will recognise to a large extent that money put into life assurance is a compulsory saving to provide against the exigencies of the family after the death of the bread-winner. It is a kind of compulsory savings bank, and the savings should be protected as much as possible. With that object in view, the Queensland legislation seems to be the best in Australia. What is intended, if this Bill passes into law, is that all the moneys which for a period of two years are paid in to keep the policy alive, with interest at 5 per cent. on the premiums, should be set apart to liquidate debts, and that the remainder should be available to the representatives of the deceased. By putting the legislation on this basis, creditors will not stand any loss, because all the money paid for two years with 5 per cent. will go to liquidate debts. Policies are nearly useless during the lifetime of the assured, and they are of very small value during the first two years. That is the main principle. The second principle, which is copied from the Queensland Act, is as to issuing copies of policies that are lost or destroyed. I do not think there are any provisions at all dealing with that question, and the companies have asked that the Queensland legislation be put on our statute-book. I think I can strongly recommend to the House the acceptance of the Bill, which will remove doubts that exist as to the person in whom the policy invests in case of death or insolvency. They will be put on the same footing as is done in Queensland; and the question has been dealt with there

on a satisfactory basis. The question of the value of the policy for the first two years is not worth taking into consideration, but after two years the Bill absolutely protects them. These are savings put by for a rainy day, in case the bread-winner of a family is taken away.

HON. R. F. SHOLL: Is there anything to prevent a policy being transferred?

HON. M. L. MOSS: In the case of the transfer of a policy, none of the provisions in Section 33 of the Act apply, because the policy is invested in somebody until at the time of the bankruptcy or insolvency.

HON. C. E. DEMPSTER: Would the policy moneys be subject to probate duty?

HON. M. L. MOSS: Certainly.

HON. J. W. LANGSFORD (Metropolitan-Suburban): I should like to know whether the Bill removes the protection which the old Act affords. The old Act affords protection to the assured for two years up to £200 and so on, and ten years up to £2,000. I do not know if this Bill removes that limit, or whether there is no limit to which the protection shall extend.

HON. M. L. MOSS: They are fully protected.

HON. G. RANDELL (Metropolitan): As far as I can gather from reading the Bill, I think it is one that may be accepted as being in the right direction. Sixteen years ago I introduced the Act which contains the clause referred to; it was the best provision we could get at the time. This Bill extends the protection of the policy as far as it is possible to do so, but it does not prevent a person borrowing on a policy. But if there are doubts in regard to many matters to which the hon. member has referred, I hope they will be removed. The Act has been in operation here for 16 years, and although I think the officers of some societies are somewhat apt to put an evil construction on it, no difficulty has occurred. I think the proposed alteration desirable, particularly when recommended by the hon. member, Mr. Moss, who introduced the Bill. When that Bill was passed, it was described by experts as being the best Bill in the whole of the Australian colonies, and I believe it remained so until the time of the passing of the Supreme Court Act. I have pleasure in supporting the second reading.

HON. SIR E. H. WITTENOOM (North): After the explanations of my friend, it seems to me that the measure requires careful consideration, and I beg to move the adjournment of the debate until the next sitting of the House.

Motion passed, and the debate adjourned accordingly.

BILL—ELECTRIC LIGHTING ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: This Bill is brought forward for the purpose of extending to roads boards the provisions which exist under the Electric Lighting Act of 1892, which members will find in the second volume of the Statutes, page 79. The measure is brought in principally because it is possible, indeed I may almost say probable, that electricity as a motive power will be used very much more in this State than at present, and it is also probable that power houses may be situated in places where land is obtained more cheaply than in a municipality. It is introduced in order to obtain sufficient protection both for the public and the companies which provide this electric power. For the leasing of their wires and cables and other appliances on land which does not belong to a municipality, the provisions of the measure are absolutely necessary. Owing to the strides electric motive power has made in the last few years in Western Australia, which uses it more, I think, than any of the other States, members will have become sufficiently familiarised with the conditions of the Electric Lighting Act of 1892 to render it unnecessary for me to go in any detail into the provisions of this measure. Taking the Bill in detail, the principal amendment which is made is in the interpretation clause. If members will look at the parent Act, they will see in the interpretation clause the following words, "council means municipal council." Now it is proposed to excise that interpretation and to insert in lieu the following words: "Local authority means the council of a municipality or the board of a roads district."

Again, the Bill provides in Clause 3 that wherever in the principal Act the word "council" occurs it shall be struck out and the words "local authority" be inserted in the place thereof. Clause 4 provides that wherever in the principal Act "municipality" occurs it shall be struck out, and the words "municipal district or roads district" inserted in place thereof. The Bill is easily understood, and I hope the objects of it are clear from the short explanation which I think is all that is necessary to make it sufficiently apparent to the House and ensure its successful passage.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—FERTILISERS AND FEEDING-STUFFS ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: It may be understood that I rise with some amount of diffidence to move the second reading of this Bill, and I have a very great mind to ask my predecessor in this chair, who introduced it last session but did not see it through, to explain the meaning of such trifling terms as "citrate soluble phosphoric acid," and other matters that appear throughout the Bill. Members will excuse me, I am sure, if I have to refer to notes prepared by the Agricultural Department in explaining the meaning of these terms, and the necessity for their appearance in this Bill. The object of the Bill is to render it more comprehensible and more efficient than the Act which was passed in 1904, which is known as the Fertilisers and Feedingstuffs Act, and which was passed with the idea of protecting the agricultural community against fraud committed by unscrupulous dealers in fertilisers for the land and feedingstuff for stock. I may say at once that so far as this little Bill goes, the question of feedingstuffs does not enter into it. It deals only with fertilisers. Reasons are given by the Agricultural Department for the various amendments which are made. In Clause 2, Section 3 of the principal Act is amended as follows:—

(*a.*) The definition of "acid soluble phosphate" is struck out and the following inserted in place thereof:—"'Acid soluble phosphoric acid' means phosphoric acid contained in compounds soluble in acids, except 'water soluble phosphoric acid' and 'citrate soluble phosphoric acid,' as hereinafter defined."

It is explained that alteration of the definition is necessary owing to a subsequent provision which members will find in the Bill altering the term "phosphates" into the term "phosphoric acid," and this alteration is made I may explain at once, because the term "phosphates" does not have the meaning which is the intention of the Act. It does not matter a pin to the man who is using the fertiliser what proportion of phosphate there is in the fertiliser, because the phosphate after all consists of 60 per cent. approximately of inert matter, and only about 40 per cent. phosphoric acid. It is better to use the term "phosphoric acid" as a term value of fertilisers rather than the term "phosphate." Members will see that by Clause 3 of this Bill, Section 11 of the principal Act is amended by striking out the words "every person who sells or exhibits or offers for sale," and inserting in place thereof "every dealer who sells or exhibits or offers for sale or who has in his possession, management, or control, or direction." Members will see that the issue dealt with by Section 11 is somewhat narrowed under the provisions of the present Bill, and this is found necessary because of the following reasons: it makes it unlawful for a dealer to have in his possession a fertiliser below the registered standard, and relieves the inspector of the necessity of proving the fertiliser has been sold before a conviction can be obtained. Under the amending Bill the fact of a dealer having an adulterated article in his possession will be sufficient to obtain a conviction. This amendment was found necessary in South Australia, and it is made accordingly in the Bill now before the House. Clause 4 deals with an amendment which I have already explained. That is the substitution of "phosphoric acid" as a term expressive of the value of the fertiliser, instead of the term "phosphate," for the

reasons I have already given to the House. Clause 5 is the usual clause which it is now the practice, I am glad to say, to attach to these amending Bills, providing that "all copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act, under the supervision of the Clerk of the Parliaments, and a reference to this Act made in the margin." The Bill, I need hardly say to those members who have read it, is of an extremely technical character, but I think members will agree with me that the object which it has, the protection of the agricultural community against fraud by unscrupulous dealers, is a good one, and one that deserves encouragement. I have much pleasure in moving the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—FISHERIES.

SECOND READING POSTPONED.

THE COLONIAL SECRETARY: It has been my desire never to move the second reading of a Bill unless the Bill has been in the hands of members for approximately twenty-four hours at least. I regret to say that in the case of this Bill, owing to some amendments which had to be made, the prints will not reach the House until ten minutes to six o'clock this afternoon. If Mr. President will leave the Chair until that time the Bill will be distributed to members, and I shall then move to postpone the order.

[At 5·35, sitting suspended a few minutes.]

ADJOURNMENT.

At 5·56, the remaining business having been postponed, the House adjourned until the next day.

Legislative Assembly,

Tuesday, 5th December, 1905.

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

PRAYERS.

QUESTION—METROPOLITAN WATER, QUALITY.

MR. H. DAGLISH, without notice, asked the Minister for Works: 1, Is he aware that the water at present supplied to consumers by the Metropolitan Waterworks Board is in flavour and smell unpotable and undrinkable? 2, Will he take immediate steps to remedy this, and supply to the public a pure liquid?

THE MINISTER FOR WORKS replied: I am not aware that the supply of water is unpotable and undrinkable. I am aware it is sometimes distasteful, and I am taking immediate steps to remedy it as far as within my power lies. The whole matter is having my immediate consideration.

QUESTION—ELECTIONS, AS TO ILLEGALITY.

MR. A. A. HORAN, without notice, asked the Premier: Does the statement published in the daily Press of Monday, that there was nothing illegal in the recent elections, represent the opinions of the Government as a whole, including the Attorney General?

THE PREMIER replied: I am hardly prepared to say there was nothing illegal in connection with the recent elections; but if the hon. member is referring to the fact that there was no proclamation of rolls, I can assure him there is nothing in the point.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Goldfields Water Supply Administration