

tor and not an outside solicitor who will officially decide the question. On application being made the matter will be referred to the public solicitor, and according to the requirements of the case the public solicitor or some other legal practitioner will be assigned by the Minister. Where both parties to an action are poor and unable to obtain legal assistance, then both parties can be assisted, under the Bill, but some other practitioner will of course have to act for the second party. The same provision applies to appeals. Where costs are recovered by a person whose case has been conducted as a poor person the costs will be paid to the Crown as a recoup to Crown expenditure. If in any civil proceedings taken on behalf of a poor person and an amount exceeding £50 is recovered, then the cost the Crown has been put to may be recouped from such amount, provided that such cost shall not exceed one-fourth of the amount involved. Apart from this, where the public solicitor acting on behalf of a poor person is successful, there will be nothing to prevent his applying for costs as against the party losing the action. In the drafting of the Bill submitted for consideration the whole of the laws in England and the other States on this question have been considered by the Crown Law Department with a view to providing an up to date and workable scheme. It might be thought that the provision of legal aid as set forth in this Bill will involve the expenditure of a considerable sum. That has not been the experience of the Eastern States. In South Australia the cost does not exceed much more than £1,000 a year. In view of the action taken by the Law Society, which is offering to put up a suitable scheme, I think the cost in Western Australia will be considerably less than the figure I have indicated. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Harris, debate adjourned.

House adjourned at 9.24 p.m.

Legislative Assembly,

Thursday, 6th December, 1928.

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The SPEAKER took the Chair at 4.50 p.m., and read prayers.

QUESTION—UNEMPLOYMENT.

Mr. MANN asked the Premier: 1, What is the number of unemployed registered for employment at the Labour Bureau? 2, What is the number of single men so registered? 3, Are the single men receiving rations? 4, Do the Government intend taking any action to relieve the position?

The MINISTER FOR RAILWAYS replied: 1, 556, but many of these have obtained employment since registration. 2, 190, of whom some have obtained employment. 3, No. 4, The Government have in hand a works programme which is limited only by its financial resources.

BILLS (3—THIRD READING.

- 1, Hospital Fund.
 - 2, Reserves.
 - 3, Lake Grace-Karlgarin Railway.
- Transmitted to the Council.

BILL—ROADS CLOSURE (No. 2.)

Second Reading.

Debate resumed from the previous day.

MR. SAMPSON (Swan) [4.37]: I desire merely to say that the Leader of the Opposition has intimated that he has looked into this Bill and is of opinion that it should have the support of members.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Closure of portion of Vaughan street, North Fremantle:

The MINISTER FOR AGRICULTURE: The Texas Oil Company (Australasia) Ltd. has purchased North Fremantle Lots 52 and 53 and wish to purchase land included in portion of Vaughan-street in order to consolidate their blocks. The North Fremantle Municipality have no objection, and there is no departmental objection. Other streets provide for the citizens' access to the beach. In such matters all that we have to do is to hold a thorough investigation and get a report from the Surveyor-General. We have done that and we have also an assurance in writing from the municipality that they agree to the proposal and that under it no householder will be debarred access to a street.

Hon. G. TAYLOR: I assume that everything is in order and that the people of North Fremantle are perfectly satisfied. Can the Minister tell the Committee what length of street it is proposed to close?

The Minister for Agriculture: It is shown on the litho.

Clause put and passed.

Clause 3—Closure of portion of Phillip-street, North Fremantle:

The MINISTER FOR AGRICULTURE: In this instance the Shell Oil Company purchased North Fremantle lots 44, 45 and part of 48 and are desirous of purchasing land in portion of Phillip-street, North Fremantle, to consolidate the whole. The North Fremantle Municipality have no objection to the closure of this street, nor is there any departmental objection. The fullest investigation has been made, and apparently the municipality are anxious to assist the company in installing industrial works in the locality. This will consolidate the company's holding, and nobody will be cut off from access to a street.

Clause put and passed.

Clause 4—Closure of a way at North Fremantle:

The MINISTER FOR AGRICULTURE: There is a story attached to this proposal to close part of Thomson-road at North Fremantle. It was included in the Roads Closure Bill of last session, but was thrown out by another place. At that time the North Fremantle Municipality objected to the closure, but they have withdrawn that objection and are now anxious to see the closure effected. It is proposed to make this closure on the application of the Ford Motor Company of Australia. On the last occasion the North Fremantle council complained that they had not been consulted. Now, however, they realise that it is in the interests of the industrial development of the district that this closure should be made, and so they favour the proposal.

Hon. G. TAYLOR: I am glad to hear the remarks of the Minister. Apparently the North Fremantle Council opposed the matter last year out of pique, but have now decided to support it. All local authorities should be consulted before measures of this kind are brought down.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Closure of portion of Brown-street, Busselton:

The MINISTER FOR AGRICULTURE: The South-West Dairy Products Company desire to purchase portion of this land as a site for the manager's residence. The local authorities say it is only a mud hole, that only the tail end of the street is involved, and that they are quite willing that the land should be used for this purpose.

Clause put and passed.

Clause 7—Closure of portion of Federation-street, Mt. Hawthorn:

The MINISTER FOR AGRICULTURE: The City Council have acquired a considerable area of land here for recreation purposes. It is desired to close portion of this street for inclusion in that ground. Provision has been made for roads giving access to it. There is no objection to the closure.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—WATER BOARDS ACT AMENDMENT.

Council's further message.

Message from the Council received and read notifying that it insisted on its amendments Nos. 1 and 2, to which the Assembly had disagreed.

BILL—DOG ACT AMENDMENT.

Council's Amendments.

Schedule of six amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; Mr. Lindsay in charge of the Bill.

No. 1. Clause 3.—Insert a new Sub-clause (2) as follows:—

(2) When the dog, the registration of which is applied for, is the property of an aboriginal, registration shall not be refused except with the consent of the nearest Protector of Aborigines.

Mr. LINDSAY: I move—

That the Council's amendment be not agreed to.

These words were inserted at the instigation of the Chief Protector of Aborigines. The Act provides that any male adult aboriginal may lawfully keep one unregistered dog, but under this amendment he could keep a number of them. We do not want anything like this in the agricultural districts.

Mr. SAMPSON: I suggest that after the word "refused" we might insert the words "unless already owning another dog." There has always been a feeling in favour of giving the aborigines some consideration, and I think my suggestion might overcome the difficulty.

The MINISTER FOR AGRICULTURE: If a protector of aborigines had to be consulted before a registration was refused, it might lead to a lot of red tape and circumlocution. I fail to see why the Aborigines Department should be consulted in this matter, and I am opposed to the amendment.

Mr. MARSHALL: The number of dogs kept by aborigines in the North has always represented a difficult situation. These dogs get mixed up with wild dogs, and the result

ant progeny is a half-bred animal that is more destructive than either the domestic dog or the dingo. On the Murchison most of the trouble arises from these mongrel dingoes. Natives will never destroy any dog they may have, and sometimes there are five or six to every male aboriginal. Whenever a constable comes upon a tribe suddenly he finds dogs all over the place, and generally shoots some of them. The Council's amendment was made by someone who did not properly understand the situation.

Hon. G. TAYLOR: I do not know how the amendment will affect the Kimberleys, but I do know that it will seriously affect the districts of Mount Margaret, Leonora and Menzies, where sheep are now raised. The blacks in those districts are partly civilised, and in most of their camps the dogs outnumber the aborigines. These starved dogs are more susceptible to disease than dogs that are well cared for. The mover of the amendment cannot know much about the sheep-raising areas, where the aborigines' dogs are highly dangerous, one half-bred dingo being infinitely more destructive than the pure dingo and possessing the cunning of the domestic dog.

Question put and passed; the Council's amendment not agreed to.

No. 2.—Clause 4. Insert after "person" in line 9 the words "not being an aboriginal or half-caste, except with the consent of the nearest Protector of Aborigines."

Mr. LINDSAY: I move—

That the amendment be agreed to.

Under the Bill as it left this Chamber an aboriginal could not lay poison. North-Western members do not consider the restriction right.

Mr. CHESSON: I fail to see why a half-caste should be debarred from laying baits. Many half-castes have been well educated by the missions.

Mr. COVERLEY: All half-castes are legally deemed aborigines, unless exempted by the Chief Protector of Aborigines. The amendment would permit them to lay poison with the consent of the nearest Protector of Aborigines. The object of the clause was to restrict the full-blooded aboriginal, who does not know the full danger of poison. The department would discriminate suitably between aborigines and half-castes.

Mr. TEESDALE: I agree with the member for Cue. Unfortunately, a number of half-castes are stockmen on stations; and it would be a serious matter if they were prevented from laying poison. However, permission could be obtained from the Chief Protector of Aborigines for some of these boys to lay baits. Their services would not be very valuable if they were forbidden to do such work.

Mr. MARSHALL: While there are some highly intelligent half-castes, particularly in the Murchison and Kimberley districts, the majority of half-castes are no more educated than the ordinary aboriginal, and are equally reckless. They should not be permitted to lay poison indiscriminately. A squatter requiring the services of a half-caste or aboriginal in this respect can obtain the necessary permission from the Aborigines Department.

Question put and passed: the Council's amendment agreed to.

No. 3—Clause 4. Insert at the end a proviso as follows: "Provided that such poison shall not be laid within one chain of a main road."

Mr. LINDSAY: I move—

That the amendment be agreed to.

The amendment is reasonable. The matter has been previously discussed here.

Question put and passed; the Council's amendment agreed to.

No. 4—Clause 7. Insert a new paragraph as follows: "Limiting the number of dogs that may be kept by any person."

Mr. LINDSAY: I move—

That the amendment be agreed to.

This provision appeared in the original Bill, and in my opinion was wrongly rejected. The argument centred upon the effect in the metropolitan area, it not being known that a further amendment would be moved exempting the metropolitan area. The paragraph merely gives the local authorities power to make by-laws limiting the number of dogs to be kept. It is not mandatory. We must trust the local authorities to know more about the wants of their particular districts than even we do. The by-law would have to be laid on the Table, and would be subject to disallowance by Parliament.

Mr. SLEEMAN: I hope the amendment will not be agreed to. The matter was fully discussed here, and the majority of members thought the power unnecessary. The paragraph represents an interference with the liberty of the subject. If a man or a woman wants to keep two dogs, it should not be within the province of the local authority to say that he or she shall keep only one.

Mr. MARSHALL: On a point of order. The amendment repeats word for word what appeared in the Bill originally. The words having been struck out here, are we entirely within the Standing Orders in considering them as an amendment made by the Council?

The CHAIRMAN: Yes. The Council has re-inserted the words as an amendment.

Hon. G. TAYLOR: Hon. members here thought the deletion of the words would protect metropolitan residents. It was not within their knowledge that an hon. member was ready to move, at a later stage, an amendment exempting the metropolitan area.

Mr. Teesdale: No such amendment was on the Notice Paper.

Hon. G. TAYLOR: Had it not been for that, a provision such as the Legislative Council suggest would have been carried here. What I object to is the practice of women carrying dogs about in their arms and travelling with them in tram cars and elsewhere.

Hon. Sir James Mitchell: Jealous of dogs!

Hon. G. TAYLOR: The people in the out-back country who are going in for sheep must be protected, because the dogs, tame or otherwise, are a menace there.

The MINISTER FOR WORKS: I am the member of this Chamber who has been referred to as having moved an amendment, the effect of which was to make the Bill operate outside the metropolitan area. When I moved that amendment, the member for Toodyay, who is in charge of the Bill, had a copy of the amendment. I showed it to him.

Mr. Lindsay: You did not.

The MINISTER FOR WORKS: The hon. member was notified not only on the day, but prior to the day I moved it.

Mr. Lindsay: I object to that statement. I have never seen any notification to this day about it.

The MINISTER FOR WORKS: I repeat what I say. I told the hon. member what I was going to do, and I showed him a copy of the amendment before I moved it. He can make all the denials he likes, but those are the facts.

Mr. Lindsay: On a point of order; I object to that statement!

The MINISTER FOR WORKS: The hon. member can deny it as much as he likes.

The CHAIRMAN: Order! The Minister must accept the hon. member's assurance.

The MINISTER FOR WORKS: I will not.

Hon. G. Taylor: The Minister must do so. This Mussolini—

The CHAIRMAN: Order! When an hon. member takes exception to a statement, the Minister must accept his assurance. He must recognise the possibility of a mistake having occurred.

The MINISTER FOR WORKS: All I can say is that I showed the hon. member the amendment and discussed it with him before the Bill was dealt with. If hon. members read the speeches made by the member for Toodyay, as reported in "Hansard," they will find out that he referred to the amendment I proposed to move.

Mr. Lindsay: That is correct.

The MINISTER FOR WORKS: Then why deny my statement?

Mr. Lindsay: I will tell you when you have finished.

The MINISTER FOR WORKS: Now you admit the truth of what I say.

Mr. Lindsay: I do not admit anything of the sort. I am old enough to give you my own statement.

The MINISTER FOR WORKS: I am over 21, and I know, too! I showed the amendment to the hon. member and told him that if I succeeded in having the metropolitan area excluded from the operations of the Bill, I would not raise any objection to other features I was not altogether in favour of. The member for West Perth brought the point forward and had he known that the amendment was to be moved, his attitude might have been different. Personally, my objection to the delegation of wide powers to local governing authorities was

on account of the men in the outback areas who rely to a large extent upon their dogs for their living.

Mr. Teesdale: That is the point.

The MINISTER FOR WORKS: The men I refer to have no say in the appointment of the local authorities and yet they are to be handed over to the latter, who will have the right to say just how many dogs those people shall be allowed to keep. Under such provisions we would be handing over to local governing authorities the right to take away their means of livelihood from the men I refer to. There are the sandalwood getters, the prospectors and others who are in that position. Some hon. members talk about people who are battling for a living, but surely there are no men more worthy of protection than those I refer to, and yet they will not have a vote regarding the selection of men who will later on have the right to say how many dogs those pioneers shall have! The position of those men was put before the Committee by the member for Cue on the last occasion when I took the step I have indicated and the clause was deleted. It was in the interests of the men out back that the action was taken; it was not from the standpoint of the metropolitan area. The point raised by the member for Mt. Margaret regarding the position of the sheep men, is adequately covered by other clauses in the Bill, and the local authorities will have full power to destroy dogs that are a menace to them. To give the right to a few men, probably none of whom would be prepared to go out and live the hard life of the men who are doing the pioneering in the back o' beyond, to interfere with the livelihood of men who are battling hard, is repugnant to my ideas of justice, fair play and democracy.

Mr. TEESDALE: The Minister has voiced my sentiments and I am astonished that the member for Mt. Margaret should forget the interests of men in the far outback. The men I refer to do not hang around towns beer-sparring, but they are in the outer areas. To allow persons who sit snugly on local governing bodies to interfere with those men by decreeing the number of dogs they can keep would be wrong. Should one of those men, be he a drover or a prospector, for instance, have a couple of dogs, from which he is able to breed cattle dogs worth £25, does the

member for Mt. Margaret suggest that the local governing authorities should have the right to deprive him of one of the dogs. Would he give any fanatical bumbles the right to say that the bitch should not be allowed to remain? We know that there are men who positively hate and loathe the sight of a dog. What would happen if men of that description on a road board were to give consideration to a question of this description?

Mr. LINDSAY: Before the Bill reached the second reading stage, I received a note from the Under Secretary for Public Works with a copy of the Bill, and before we dealt with the measure I gave a copy of it to the clerk. That was three weeks before the Bill was considered in Committee. I received no further communication from the Minister or from his Under Secretary. At one stage, however, I did ring up the officer in charge of local government matters and he told me that he understood there was an amendment to be moved to the Bill. The Minister for Works had ample time to put his amendment on the Notice Paper, but he did not do so. When the Bill was being discussed in Committee, I met the Minister for Works in the lobby at the tea adjournment and I said, "I believe you have an amendment to exempt the metropolitan area," and he replied in the affirmative. When I returned to the House the debate was continuing on the same clause, and I told members, as best I could, that I understood an amendment was to be moved to exempt the metropolitan area. I was discussing that point when you, Mr. Chairman, called me to order. I was not allowed to go on. I was trying to give hon. members the hint, including the member for Mt. Margaret and the member for West Perth, that such an amendment was to be moved. During the four hours' discussion the Minister sat in his seat and said nothing. I do not think I was treated fairly by the Minister. The member for Roebourne dealt with the question of local governing bodies refusing to license dogs. He also referred to dogs being required for sheep and cattle stations. I understand that most of the local governing bodies in pastoral areas are composed of sheep and cattle men, who require more than one dog, and it follows that if they limited the number, they would be doing themselves an injury.

Mr. Teesdale: For all your specious argument, I know of one board that has six working men on it.

Mr. LINDSAY: Then I am prepared to trust the working men. It is necessary that the local governing bodies should have this power. If it is granted them, I believe they will deal justly with the people.

Hon. Sir JAMES MITCHELL: There is ample power, without this amendment, to deal with all dogs that might be a menace to stock. It was refreshing to hear the member for Fremantle objecting to taking away the liberty of the people, but he overlooked the fact that he had supported such action many times this session. If a man owned a valuable kelpie and it had three or four pups, would they have to be destroyed if they could not be sold? A farmer might have two dogs, and the council might decide to limit the number to one. Would he have to destroy the other? Very few dogs really do damage. I should not think any board would object to a man keeping two or three kangaroo dogs to assist him in his living.

Mr. Teesdale: They could not make distinctions.

Hon. Sir JAMES MITCHELL: We have given power to protect the stockowner. If we are to go further and limit the number of dogs to be kept, the limitation should be set down in the measure and not left to regulation.

Mr. LATHAM: This is the clause on which the Bill was lost last year after a conference between the two Houses. The Acting Minister for Works then undertook to introduce a Bill on behalf of the Government, and the matter is of sufficient importance to warrant such action. There are good reasons for the restriction. No local governing body is likely to harass its rate-payers. The regulations must be laid on the Table, and Parliament would have an opportunity to reject them if they were unfair. Last year landowners paid £28,000 for the destruction of dogs. A man might breed dogs in order to collect the £2 per head, and we have a perfect right to legislate to prevent that sort of thing being done. A little while ago a man was prosecuted for wrongfully obtaining large sums of money from the fund. There is no intention to harass the man who keeps dogs to assist him in his business or in earning a livelihood.

Mr. Teesdale: You cannot draw a distinction.

Mr. LATHAM: We are asking the local authorities to draw a distinction.

Mr. Teesdale: That is tripe.

Mr. LATHAM: I object to the hon. member's remark. Does any member desire to facilitate a man breeding a lot of useless dogs simply that he might collect £2 per head on them?

Mr. Teesdale: That is exaggeration again.

Mr. LATHAM: There is no exaggeration about it. The vermin board is paying for wild dogs that are not dingoes.

Mr. Teesdale: Very few.

The Minister for Works: For half-breeds and tame dogs.

Mr. LATHAM: Yes, because it is difficult to distinguish. If we had destroyed 14,000 dingoes last year, there would be little fear for the future, but we paid for at least 9,000 domesticated dogs that had or had not gone wild. I am prepared to throw the responsibility on the police. If we have any doubt about men keeping female dogs for the purpose of breeding other dogs in the hope of getting money from this fund, then we should certainly support the amendment moved in another place.

Mr. MANN: One would think that there were persons who were wilfully breeding dogs to obtain money from the fund.

Mr. Latham: I said they may be doing so; you are twisting my statement. Will you say there are none?

Mr. MANN: The whole of the hon. member's remarks revolved around that point.

Mr. Latham: And it is perfectly true.

Mr. MANN: The Criminal Code makes provision to prevent what the hon. member fears. It would clearly be false pretences. The member for Toodyay, when the clause was being debated, cited the case of clearers who had two or three dogs that were not being properly fed. To meet cases of that kind there is no need for a dragnet provision such as this. If the hon. member likes, I will draft a clause that will prevent the exploitation of the fund.

Mr. Latham: You are too late now.

Mr. CHESSON: I am not in favour of giving local bodies power to limit the number of working dogs. A station owner has working dogs and he is not required to register them. If a prospector requires one or two dogs—

Hon. G. Taylor: This Bill will not affect the prospector.

Mr. CHESSON: No, but it gives the local bodies power to limit the number of dogs. We have power now to kill destructive dogs and station owners have power to lay poison on their runs. Those who go through runs keep their dogs muzzled and thus no risk is run. Sandalwood getters and prospectors have as much right as station owners to keep dogs, and they should be considered. I am not in favour of granting powers additional to those we have at the present time.

Hon. G. TAYLOR: There should be some protection for those people who suffer losses by reason of dogs playing havoc amongst sheep. There are no kangaroo hunters in Mt. Margaret or Mt. Leonora. If there are, then they must be a long way outback. We have given power to local bodies to deal with people's property and mode of transit and other things, and we have not had complaints. Surely now we can trust to their judgment in a matter of this kind. I know of no one on the Murchison or the Eastern Goldfields who will be injured by the amendment if it be carried. At the same time I shall always be prepared to assist those who are outback pioneering. I am perfectly satisfied to accept the Council's amendment.

Mr. LINDSAY: I have previously stated, and I want to repeat it, that 90 per cent. of the scalps paid for in the agricultural areas are not dingo scalps at all, but are those of half-breeds and of tame dogs gone wild. It was to overcome the difficulty of so many people allowing dogs to go wild that the clause was inserted. Another reason for the clause was that so many people will keep more dogs than they are entitled to have. The only trouble with the Council's amendment is that if agreed to in its present form it will have to be applied all over the agricultural areas. To obviate that and permit of its being applied to individual instances, I am going to move that we insert before "person" the word "one" and so make it read, "Any one person."

The CHAIRMAN: Before the hon. member can move any modification to the Council's amendment he must withdraw his motion that the Council's amendment be agreed to.

Mr. Lindsay: Very well. I will withdraw the motion.

Motion, by leave, withdrawn.

Mr. LINDSAY: I move—

That the Council's amendment be modified by inserting "one" before "person."

Mr. BROWN: I am surprised at the objection to the Council's amendment. Under the Bill a man can own as many dogs as he likes, but if a man has left half a dozen dogs and they are not licensed, they can all be destroyed. If it is reported to the local authority that a man has a lot of useless dogs causing damage, even if they are licensed the board can take action and limit them to a certain number.

Mr. Mann: How do you arrive at that interpretation?

Mr. BROWN: Under the Bill there is no limit to the number of dogs a man may own. But if any of the dogs is a menace, the local authority should have power to limit the number of dogs owned by a man. Sheep are destroyed in the middle of the night, and it is very difficult to determine which dog did it.

Mr. Mann: It might have been done by some man's only dog.

Mr. BROWN: But the board can say that the dog is a menace and must be destroyed. I hope the Committee will agree to the Council's amendment.

Mr. SLEEMAN: I can scarcely believe that the member for Toodyay is in earnest. Does he want Parliament to direct the local authority that Smith can keep one dog and that Jones can keep two dogs? Does he want Parliament to legislate for every man in the community? I hope the Committee will not agree to the amendment.

Mr. GRIFFITHS: We should do what we can to prevent the keeping of dangerous dogs.

The CHAIRMAN: The question before the Chair is, not the Council's amendment, but the member for Toodyay's modification of that amendment. We must stick to that.

Mr. GRIFFITHS: An immense amount of money is being paid in vermin tax, notwithstanding which immense losses are being suffered by sheep owners.

Mr. DAVY: The member for Toodyay has said that his modification of the Council's amendment will enable the local authority to pass a by-law dealing with a particular person who has more dogs than the local authority thinks he should have. I would rather have the original clause than the amendment. To give power to a local authority to pass a special by-law to deal with an individual would be most improper.

I disliked the original clause, but I like this amendment still less.

Modification of the Council's amendment put and negatived.

Mr. LINDSAY: I move—

That the Council's amendment be agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DAVY: I am anxious to help to achieve the objects of the Bill, but question whether we have any right to allow local authorities to fix the number of dogs that anyone can keep, or whether that is the right way to achieve the objects in view. No one will keep dogs and pay the license fees merely out of a desire to increase the number of sheep-destroying animals. Apparently the idea is to get rid of dogs that at present are not being looked after. Such animals have probably never been licensed, and never will be. We should say how dogs shall be kept and what registration fees shall be paid, but I cannot agree to allow the local authorities to fix the number of dogs that may be kept. The member for Mt. Margaret is wrong in suggesting that I withdrew my opposition to the Bill when its operations were restricted only to parts of the State outside the metropolitan area. That was not the attitude I took up.

Question put and a division taken with the following result:—

Ayes	13
Noes	22

Majority against .. 9

AYES	
Mr. Angelo	Mr. Lindsay
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Doney	Mr. Stubbs
Mr. Ferguson	Mr. Taylor
Mr. Griffiths	Mr. North
Mr. Latham	(Teller.)

NOES	
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Corboy	Sir James Mitchell
Mr. Coverley	Mr. Pantou
Mr. Cowan	Mr. Rowe
Mr. Cunningham	Mr. Sleeman
Mr. Davy	Mr. J. M. Smith
Mr. Kennedy	Mr. Teesdale
Mr. Lamond	Mr. Willcock
Mr. Mann	Mr. Withers
Mr. Marshall	Mr. Wilson
	(Teller.)

Question thus negatived: the Council's amendment not agreed to.

No. 5. Clause 8.—Delete all words after "Act" in line five down to the end of the clause.

Mr. LINDSAY: I move—

That the Council's amendment be agreed to.

It may be right to exempt the metropolitan area, but quite wrong to exempt such municipalities as Northam and York, which are in the heart of the sheep-raising districts.

The MINISTER FOR WORKS: The Bill provides that municipalities may be brought under the Act if they so desire. It is now proposed to make its application to them compulsory. Several of these local authorities have protested against its application to them. I do not see why it should be applied to such towns as Northam, Bunbury, Albany, Geraldton, Kalgoorlie, Boulder, etc.

Mr. Davy: The Governor-in-Council can apply it to municipalities without any request coming from them.

The MINISTER FOR WORKS: That is a remote possibility.

Hon. Sir James Mitchell: The Bill should apply to town dogs.

The MINISTER FOR WORKS: The Bill should not be made to apply in a mandatory fashion to municipalities.

Question put and passed; the Council's amendment agreed to.

No. 6—Insert a new clause to stand as Clause 5, as follows:—5. Section twenty-three of the principal Act is amended by striking out the words "five pounds," at the end of the first paragraph, and inserting "twenty pounds": and by inserting the following after the word "pounds";—"When a dog has actually bitten any person the court or justices, in addition to inflicting a penalty, may order that such dog be destroyed forthwith, and may give all necessary directions to make such order effective."

Mr. LINDSAY: I move—

That the amendment be agreed to.

The first part of the amendment increases the penalty from £5 to £20. The amendment was inserted without my being consulted. I leave it to the judgment of the Committee.

Mr. SLEEMAN: The proposed penalty is too high.

Mr. Lindsay: It is a maximum.

Mr. SLEEMAN: It may prove to be the minimum as well.

Mr. Lindsay: Can you give an illustration of that happening in the case of a first offence?

Mr. SLEEMAN: In this respect the position is much the same as with regard to an Arbitration Court minimum, which invariably proves to be the maximum.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, and the report adopted.

A committee consisting of Mr. Marshall, Mr. Millington, and Mr. Lindsay drew up reasons for disagreeing to certain of the Council's amendments.

Reasons adopted, and a message accordingly transmitted to the Council.

BILL—ROAD DISTRICTS ACT AMENDMENT.

In Committee.

Mr. Lutey in the Chair; Mr. Latham in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Further amendment of Section 160 (Provision of homes for employees):

Mr. LATHAM: When I moved the second reading of the Bill, the Leader of the Opposition questioned whether sufficient provision had been made for the redemption of the money. I would draw his attention to the section of the Road Districts Act that provides for that aspect.

Hon. Sir James Mitchell: That is all right so long as you do not make any other financial agreement.

Mr. LATHAM: That is not intended at all.

Hon. Sir James Mitchell: Then that is quite satisfactory.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—EDUCATION.*Council's Message.*

Message from the Council notifying that it had disagreed to the Assembly's amendment now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Agriculture in charge of the Bill.

The CHAIRMAN: The reason given by the Council for disagreeing to the amendment suggested by the Assembly to strike out Subclause 4 of Clause 17 is as follows:—"The existing procedure which Subclause (4) seeks to rescind is oppressive to poor persons. The principle contained in the subclause being generally endorsed, the Bill is the proper place to insert it."

The MINISTER FOR AGRICULTURE: I move—

That the amendment be insisted upon.

Subclause 4 provides that a summons under the Act may, if the court thinks fit, be issued without the payment of the prescribed fee and such summons shall be deemed to have been duly served if sent by registered post, addressed to the person summoned at his usual or last-named place of abode. When the Bill was before the Assembly, we deleted the subclause and the Council have reinserted it. We should insist upon the subclause being struck out. If a summons were issued by registered post, there would be ample opportunity for the defendant to avoid service and it would be difficult to prove service. Although the amendment might provide an apparently cheap method of serving summonses, it would probably be more expensive in the long run. Even if the provision were desirable, it should be inserted in the Justices Act and not in the Education Act.

Mr. DAVY: I support the Minister. It is most important that there should be uniformity in the method of serving summonses for criminal or quasi-criminal offences. I could understand the point of view of another place if the special procedure were confined to the case of a parent prosecuted for not sending a child to school or for not having a good excuse for the child's absence, but every offence under the measure is to be placed in this special category and the offender treated in this peculiarly lenient manner. The leniency to

the offender appears in only the first part of the subclause because the mere sending of a letter to him is to be deemed sufficient service. If we adopt the amendment it will be tantamount to saying that the offences under the education law are not very serious and will not cost much. A man who drives a motor car at excessive speed will be a deep-dyed criminal as compared with a person who employs a child of less than the exempted age.

Question put and passed; the Assembly's amendment insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Council.

BILL—LAND AGENTS.*In Committee.*

Mr. Panton in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—"Land agent" defined:

The MINISTER FOR JUSTICE: The Bill was introduced in a different form. It was referred to a select committee and has been amended by the select committee. It is most difficult to compare the original Bill with the amended Bill and I suggest that a member of the select committee should give an explanation of any alteration made by the select committee.

Hon. Sir James Mitchell: You ought to postpone consideration until you have had time to consider the alterations.

The MINISTER FOR JUSTICE: I wish to expedite the passage of the measure.

Mr. LATHAM: I do not see how anyone, apart from members of the select committee, can possibly get an intelligent view of the Bill. We have had no chance to consider the measure as amended by the select committee, and we should at least be given reasonable time to study the alterations.

Hon. Sir James Mitchell: When was the report distributed?

Mr. LATHAM: Only to-night.

The Minister for Justice: At any rate we can go up to Clause 9.

Clauses 3 to 8—agreed to.

Clause 9—Fidelity bond may enure as to apply to renewals of license:

Progress reported.

**BILL—ROAD DISTRICTS ACT
AMENDMENT (No. 2.)**

Second Reading.

MR. SAMPSON (Swan) [8.35] in moving the second reading said: The Bill is not unknown to members; it received consideration by a former Parliament and the approval of members of this House was given to it. It came back from another place with a number of amendments and then was laid aside in this Chamber. Those amendments, however, did not affect the proposal contained in the Bill we are now considering. The Bill relates to the excavation of gravel pits and quarries in different districts. At the present time, under the Road Districts Act, there is power to make by-laws and regulations in regard to a variety of subjects. But unfortunately approval for the opening of a quarry or gravel pit in a townsite is not required. The result can be seen to-day in many of the outer suburban areas where disfiguring excavations have been made with the result that there are permanent scars on the landscape. From an æsthetic point that is undesirable and from a utilitarian standpoint it is equally bad. The present position constitutes a grave danger. Where excavations are made they become full of water in the winter months and there is the danger of children falling into the water. As a matter of fact that danger exists all the year round. Those excavations also become a dumping place for rubbish of all descriptions. If an attempt were made to repair the damage done, an immense sum of money would be required. The Bill would prevent the unauthorised opening of a gravel pit or quarry within a prescribed area or townsite. It might be thought by members that the liberty of the owner of property is being affected, but I point out that in the event of a local authority being asked for permission and that permission being refused, the owner, if he considers his request reasonable, may approach the Minister for Works and the Minister will have power under the Bill to override the decision of the local authority. We have examples in different outer suburban areas of the evil wrought by the opening of gravel pits and quarries. There is an example at Mt. Helena, a beautiful hills resort on the Eastern Goldfields line. There is another, and perhaps a worse example, at Parkerville. A pit has been opened almost opposite the rail-

way station at Armadale, and there are gravel pits at Kalamunda. The local authorities have been communicated with and they support the proposal contained in the Bill. The Road Boards Association also give it their support. It may be thought that unless it is possible to open gravel pits in townships a disability will follow. Let me point out, however, that gravel is obtainable in practically any part of the hills and there is no justification for opening pits in township areas.

Mr. Pantou: Except perhaps to save cartage to the railway.

Mr. SAMPSON: It will be possible to put in temporary sidings. As a matter of fact, that has been done. For instance, a quarry has been opened at Mahogany Creek and a siding was put in and the industry is flourishing. The Bill, I think, will appeal to every hon. member. Consideration has already been given to it by the local authorities concerned and by the supreme body, the Road Boards Association. I hope the Bill will have a speedy and successful passage. I move—

That the Bill be now read a second time.

On motion by Minister for Agricultural Water Supplies, debate adjourned.

House adjourned at 8.37 p.m.