

Legislative Council.

Tuesday, 21st November, 1899.

Paper presented—Pharmacy and Poisons Act Amendment Bill, third reading—Statutory Declarations Amendment Bill, third reading—Excess Bill, third reading—Cottesloe Lighting and Power Bill (private), third reading—Roads Act Amendment Bill, second reading, division (negative)—Fisheries Bill, second reading; Select Committee (proposed) Bank Holidays Act Amendment Bill, in Committee, progress—Land Act Amendment Bill (private), first reading—Cemeteries Bill, first reading—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Further correspondence (with enclosures) with reference to Ocean Mail Steamers calling at Fremantle.

Ordered to lie on the table.

PHARMACY AND POISONS ACT AMENDMENT BILL.

Read a third time, on motion by HON. F. M. STONE, and *passed*.

STATUTORY DECLARATIONS AMENDMENT BILL.

Read a third time, and *passed*.

EXCESS BILL, 1898-9.

Read a third time, and *passed*.

COTTESLOE LIGHTING AND POWER BILL (PRIVATE).

Read a third time, on motion by HON. F. T. CROWDER, and returned to the Legislative Assembly with an amendment.

ROADS ACT AMENDMENT BILL.

SECOND READING.

HON. R. G. BURGESS (East), in moving the second reading, said: This Bill is introduced to meet a difficulty which roads boards have in assessing land for rating purposes. The Director of Public Works, through the Under Secretary, has written to the various roads boards to say that they must raise funds, or otherwise they will have little

or no money with which to keep up the roads in their districts in the future; and, in fact, this year the boards have been compelled to rate themselves, although that is a most difficult matter in a country where land is given away. It is most extraordinary that land should be given away one day, and the next day the people on the land called upon to pay rates to make roads. The Bill is brought in with the object of saving roads boards the expense of sending valuers round, some boards having immense areas to administer. At York, for instance, the board's district runs 50 miles to the west, 25 miles to the north, 20 miles to the south, and 12 to 20 miles to the south-west. It is easy for roads boards in towns and suburbs to rate themselves, but in large districts, where valuers have to be appointed and sent round, the expense means an addition of a penny or twopence in the £1 to the rates. When roads boards are first appointed, they want some idea of the value of the properties to be rated, and someone must be sent around to get an estimate, so that much expense is entailed before any revenue is got in. There is hardly a place in this new country, which has so much developed in the last few years through the increasing population of the goldfields and the quick sale for stock and produce, where the roads board have not an extending area every year to administer, and as it is necessary to send valuers round every year, it struck me that the Bill would assist in raising the rates in a cheaper way than under the present Act. The main provision is taken from a measure which some time ago I had the pleasure of assisting in rejecting, because I considered it unjust. At a conference of six or seven Eastern Province roads boards at Northam, in October, the Bill was discussed, and after I had explained the clauses, it was resolved that such legislation was necessary to assist in getting the rates in for the first year. The Bill, which has been pending for some time, has been explained by me to other roads boards; but while I propose the second reading, I am not much in love with the measure, and do not care whether it passes or not. It has to go to another place, and at this late hour of the session will most likely meet with opposition and be

thrown out; but it is now my duty to submit the Bill to hon. members. Clause 2, which is the principal clause, reads:

On or before the 1st day of September in each and every year, it shall be the duty of every owner or occupier of any land within a roads board district to make a return (in the form prescribed in the Schedule of this Act) to the chairman or other officer appointed by the roads board, of all lands in his possession, either as owner or tenant, stating the area and improvements, amount of annual rent payable if leased from the Crown or from any other person, and the nearest distance from a railway station, siding, or townsite.

HON. D. MCKAY: And if the owner happen to make an oversight, he is fined £10.

HON. R. G. BURGESS: No; he is not, because Clause 3 provides:

Any owner or occupier who fails to comply with the requirements of this Act shall be guilty of an offence, and on conviction before any court of summary jurisdiction shall be liable to a penalty not exceeding ten pounds.

The fine is not to exceed £10, and may be only a shilling, but it is necessary in cases of this kind to have a penalty, because there are many acts which, in the absence of penalties, are never carried out.

HON. F. T. CROWDER: This will be another one.

HON. R. G. BURGESS: No; it will not, and I may tell the hon. member that boards are taking steps similar to those proposed in the Bill, without the authority of any law. Legislation of this kind is required, and if it be not passed now, it will have to be in the near future. Clause 4 reads:

Proof that such return has not been received on or before the date specified shall be *prima facie* evidence that such return was not made or forwarded as required by this Act.

More is not required from me in submitting the Bill to the House.

HON. A. P. MATHESON (North-East): I can quite confirm, from my own experience, what Mr. Burgess has said as to the necessity for this legislation. Very great difficulty arises in the case of roads boards where they have to deal with subdivided land, because little blocks out of big estates are sold at intervals right throughout the year, and the secretaries of boards have great difficulty in ascertaining who are purchasers, unless a vendor, of his own free will, furnishes a list of sales.

HON. F. T. CROWDER: Purchasers can be ascertained at the Titles Office.

HON. A. P. MATHESON: It is true an extract can be made at the Titles Office, as soon as transfers have been registered, but the hon. member is not aware, perhaps, that people make a habit of getting transfers stamped, and not putting them through the office. I speak from experience, because I have a large number of transfers through my hands. People take transfers away and lock them up in order, I fancy, to avoid the rates, with the result that names of purchasers do not get into the Titles Office until it is desired to pawn the land in order to build. As a matter of practice, I have supplied lists of purchasers for the last two years, to the roads board in the district in which I am interested, in order that it may be known who the owners are. I see no hardship in asking owners to make such a return as is proposed in the Bill, but I should amplify the schedule so as to give the names and addresses of persons to whom land has been transferred during the current year. This Bill does not deal with the only amendments required in the Roads Act, which is practically a useless measure requiring entire revision. In the case of a roads board I know of, and I have land in the district, a rate was struck improperly and never gazetted, and therefore became inoperative. I will not mention the name of the board, because it is immaterial, but at a later date the board discovered the rate was illegal, and then they held a meeting, and, without giving any notice, struck off the roll every ratepayer who had not paid the illegal rate. That seems a high-handed proceeding for which I cannot find a remedy, because the boards are not called upon, either through the secretary, the chairman, or by advertisement, to give notice that they intend to dispute the insertion of a name on the roll. The result is that little meetings are held in some hole-and-corner office, and nothing is heard of the matter until some friend writes and informs the landowner that his name has been struck off for not paying rates.

HON. R. G. BURGESS: That is the same as under the Electoral Act.

HON. A. P. MATHESON: I believe it is, though I cannot speak of that from

experience. I am sorry the Bill does not go further, and I am also sorry the Government have not brought in a proper measure to deal in *extenso* with roads boards.

HON. R. G. BURGESS: The Government have promised to do that for the last two years, but they have not had time.

HON. C. E. DEMPSTER (East): I support the Bill because I can see that in order to collect rates a measure of the sort is necessary. At the same time I must say that roads boards have been extremely unwise in accepting the principle of local rating, because it is unfair and most unjust that the producing districts of the colony should be rated for the maintenance of roads, which are a benefit to the whole of the public, and not only to the residents of the districts. Roads enable producers to bring their produce to market as cheaply as possible; and, in that case, who benefits?

HON. F. WHITCOMBE: The middleman.

HON. C. E. DEMPSTER: The consumer benefits, and therefore it is unjust to rate the farmers and landed proprietors for roads which benefit these classes only to a slight extent. If there were no roads, produce could not be easily sent to market, and the consumer would have to pay more for commodities. Roads ought always to be maintained out of revenue, as every man who knows anything at all about the subject must admit.

HON. F. T. CROWDER: Out of what revenue?

HON. F. WHITCOMBE: A land tax.

HON. C. E. DEMPSTER: The roads ought to be maintained out of the revenue of the country, and the cost not allowed to fall directly on local taxpayers.

HON. R. G. BURGESS: You will be going before the electors directly.

HON. C. E. DEMPSTER: I am quite sure the roads boards have acted extremely unwisely in accepting this principle at all.

HON. F. M. STONE (North): I am glad to hear the hon. member who has introduced the Bill is not in love with it. He told us it was a very innocent little Bill; but I am afraid that when we look into it, its innocence will fly away. What he is striving for is that roads boards shall be put into such a position that they shall be enabled to place a value

upon land without a valuer. That will not help him in the slightest.

HON. R. G. BURGESS: Yes; it will. You cannot see the drift of it.

HON. F. M. STONE: If he refers to the Act dealing with the question of how rateable value is to be fixed, he will find that notwithstanding what has been proposed in this Bill, it will be necessary to have valuers to value property upon which a rate is chargeable.

HON. R. G. BURGESS: How will they make up the rate first?

HON. F. M. STONE: How do municipalities do it? Do they require every person to send in information every year as to improvements and what has been done on the property? Not only in country districts but around the towns there are roads boards, and how are they going to do it? This means every year you have to send in an account of all improvements effected on your property. You start with a house, fencing, cabbage garden, and I do not know what else. If you do not send the statement, you will be liable to a penalty not exceeding £5. How is that information to help the valuer? The valuer must see the property to value it, unless he is going to take the amount named by the person himself as correct. Under this measure you merely put in the nature of the improvements. Supposing I have a cabbage garden on property at South Perth, and that I live under a roads board there, a person would have to come and see that property in order to value it, because if it is occupied the annual ratable value has to be stated. A person would have to go and see that place to arrive at the annual value, to start with. Then, if it is unoccupied, he has to value that property, and under the Bill the ratable value is—

HON. R. G. BURGESS: Ten per cent. on the capital value.

HON. F. M. STONE: I thought it was seven, but it is ten. I was a member of a board which was the first to rate itself in this colony, and perhaps I may tell hon. members that I know something about how these rate lists are made up, because in those days we were not rich, and could not afford a valuer, so we had to set to work ourselves and value property. Strange to say, in those days we were obliged to have our meetings in the dis-

tract, and used to assemble in a little tin shanty, because in those days it was all bush out there. We had considerable difficulty in making up the rate list, but overcame the difficulty in the end. I do not see how this Bill will help the boards, and to my mind it will inflict a great hardship upon property owners in the colony, because every person owning property, it does not matter whether a quarter of an acre, half an acre, 500 acres, or what it is, will have to send in a return on or before the 1st September every year. As Mr. Matheson has pointed out, if land is subdivided and it is a vacant block, no improvements whatever being upon it, the owners have to send in this return. Five pounds is the amount often paid for a block, yet the owner would have to send a return and state any improvements upon it.

HON. R. G. BURGESS: What would it cost?

A MEMBER: A two-penny stamp.

HON. F. M. STONE: All persons need do is to go to the Titles Office and find out what the transfer was.

HON. R. G. BURGESS: We know about that. You go to one person and get passed on to another.

HON. F. M. STONE: Take a few notes of what I am saying, and we shall get on faster.

HON. R. G. BURGESS: You ought to talk on something you know about.

HON. F. M. STONE: I am talking on something I know about.

HON. R. G. BURGESS: You are misquoting the Act.

HON. F. M. STONE: There is nothing in the Act about the Titles Office.

HON. R. G. BURGESS: We know about the Titles Office.

HON. F. M. STONE: The practice is this. The secretary, in getting at the value, often obtains information at the Titles Office as to what the value is. He knows the blocks are cut up and the prices they have been sold at, and is able to put the value in the rate book, which value has to go before the board. This information can be obtained from the Titles Office without payment of any fee, I believe. I have pointed out that under this Bill persons have to state the area and improvements and the amount of annual rent payable if leased from the Crown or any other person. We have to

give the area and improvements right throughout the colony, and we know that very small suburbs are springing up under roads boards. It is too cumbersome to go into a municipality, and they carry out the work under the Roads Act. In all these subdivisions they will have to send in these particulars. The same with the country. Directly you clear an acre you will have to send in particulars of every improvement; not what it has cost, and not the value, but simply the particulars, such as "five acres cleared."

HON. A. P. MATHESON: Alter the schedule.

HON. F. M. STONE: How is a valuation to be arrived at unless the valuer looks at the property and sees the description of it? It may be worth £1 an acre to clear, or £10 an acre. How, I again ask, is one to arrive at the value and the improvements unless he visits the property? If you go so far as to say the area, the improvements, and the cost of the improvements are to be stated and a declaration is to be made by the person that it has cost him that amount and no less, see how cumbersome you will make it upon property owners. We have enough to put up with already. The object of this Bill is to lessen the work of the roads boards.

HON. R. G. BURGESS: Of course.

HON. F. M. STONE: In some country districts where they cannot afford to appoint a person to act as valuer only, but combine the offices of secretary and valuer, the measure may be useful; but members must remember we are legislating for the whole of the country and not only for these particular districts. I feel sure that if you place this Bill on the statute book, you will inflict great hardship upon property owners in the whole of the colony, and for no purpose whatever, because in two-thirds of the colony probably valuers would still have to go round and value property the same as is done in a municipality. There is no such clause in the Act relating to municipalities. It may be desirable that when property is subdivided owners shall send in a map of such subdivision for the purpose of valuation of the property. I am not against that, but it has nothing to do with the present proposal, which is that you shall send in particulars of area and all improvements and the rent you

are paying. There are a considerable number of cases in which land is unoccupied, and you will have no rental value to go upon. To arrive at the annual value you have to value the property, and the annual value is to be 10 per cent. of the capital value. This will not do away with the difficulty.

HON. R. G. BURGESS: There is no trouble in doing that.

HON. F. M. STONE: It will be inflicting a hardship for no object whatever, because it will not carry out what the hon. member is striving for, which is that such particulars shall be furnished so that there shall be no necessity to appoint a valuator at all.

HON. C. E. DEMPSTER: Under the present Act you cannot get at holders of land under conditional purchase.

HON. R. G. BURGESS: Yes; you can.

HON. F. M. STONE: I have had cases where there have been appeals from roads boards. Will this measure prevent appeals in any way? If you had to go into Court the valuator of the roads board would support his valuation. How would the valuation be supported under this Bill? It would still be necessary to have a valuator. The measure would inflict hardship upon property owners, and I repeat that there would still be a necessity to have a valuator to back up a valuation in case of appeal. What is the use of a measure of this kind? The hon. member started by saying that he was not in love with the measure, and I feel sure that he is less in love with it now.

HON. R. G. BURGESS: No; I am more in love with it.

HON. F. M. STONE: Like myself, he does not like to drop a thing when he starts it; but I feel sure there is no necessity for this measure. I move that the Bill be read this day six months.

HON. F. T. CROWDER (South-East): I hardly think Mr. Burgess was in earnest when he said he was not in love with the Bill, for he seemed to grow very hot when my hon. friend Mr. Stone tried to explain that the measure was of no use. He was very quiet towards the end of the criticism, and I think he must have seen, although he would not admit it, that the Bill is not required.

HON. R. G. BURGESS: Yes; it is.

HON. F. T. CROWDER: For my own part I have a pretty high opinion of

human nature, but it does not go so far that I am prepared to take the word of every man in the colony for the return he sends in, especially when the Roads Act distinctly states that a roads board shall appoint a valuator. The Bill does not go so far as to say there is any penalty attached to a person who sends in a false return. According to the Bill, roads boards will simply take the return that a man sends in; and whether it is right or wrong they will have to accept it.

HON. R. G. BURGESS: No; you need not accept it at all.

HON. F. T. CROWDER: Unless you employ a valuator, and I assume the object of the hon. member is to do away with the expense of employing valutors.

HON. R. G. BURGESS: Do away with a large portion of it.

HON. F. T. CROWDER: For many years I belonged to a roads board which was one of the first to levy a rate, and we appointed valutors among ourselves.

A MEMBER: What board was that?

HON. F. T. CROWDER: Cottesloe. We appointed valutors among ourselves, and that has been done year after year. I myself was one of the first valutors, and I know the work took me about a fortnight in conjunction with others. Still we struggled through to try and save the cost, and I think other roads boards will have to do the same. We cannot get away from the fact that roads boards will have to appoint valutors, and these valutors must value. The system it is sought to introduce by this measure will never work. I do not see that it can, because I know that even in the case of the roads board with which I am connected, no less than 150 of the rate notices sent out were returned, the owners not being found, and half of them being out of the colony.

HON. F. WHITCOMBE: That is what the Bill is to remedy.

HON. F. T. CROWDER: You will have to take the returns of those people who choose to fall in with the measure and send them in, and then if you want to get at the rates you will have to value the remaining property for which the returns have not been sent in. You cannot sue people who do not send in a return, when they are out of the colony. Therefore, although I sympathise with the hon. member in his just endeavour

to save the roads boards, I am certain, from my knowledge—although, according to the hon. member, no one knows anything about roads boards but himself—this Bill will not answer the purpose for which it is intended.

HON. S. J. HAYNES (South-East) : I must point out to Mr. Burges that this Bill would be inoperative. It is provided that the return shall be sent in to the chairman of the roads board, but it does not say which roads board.

HON. R. G. BURGESS : That is easily altered.

HON. S. J. HAYNES : And if the return is sent in, it is not binding, but is simply waste paper; and, judging from what Mr. Burges has said, he does not care whether the Bill be passed or not.

HON. R. G. BURGESS : That is because it is so late in the session.

HON. S. J. HAYNES : According to the Roads Act, there is machinery for striking a rate, and the valuers mark the roll with the valuation in, and the Bill does not affect this in any way. The Bill does not say that if the return is sent in it shall be binding on the person sending it in, and the chances are the owner will not send in too high a valuation.

HON. R. G. BURGESS : The hon. member does not see what is wanted. We want something to go upon at first.

HON. S. J. HAYNES : I am afraid Mr. Burges cannot see what is wanted. I understand he wants to do away with expense in obtaining the valuation.

HON. R. G. BURGESS : We want something to work on in making the valuation.

HON. S. J. HAYNES : But the return is not binding on the person who sends it in.

HON. R. G. BURGESS : Yes, it is, under a penalty.

HON. S. J. HAYNES : It is not binding at all.

HON. R. G. BURGESS : Why?

HON. S. J. HAYNES : The owner is bound to send in a return, but that return does not bind him to his own valuation.

HON. R. G. BURGESS : But we are not bound to accept this valuation.

HON. S. J. HAYNES : I know that.

HON. R. G. BURGESS : You seemed to have forgotten that.

HON. S. J. HAYNES : After the expense of sending in the return, there

will be a valuation just the same as now.

HON. R. G. BURGESS : Where is the expense?

HON. S. J. HAYNES : The expense of the valuers going round. I think I shall best carry out the wishes of Mr. Burges by supporting the amendment that the Bill be read a second time this day six months.

HON. E. McLARTY (South-West) : I speak with some knowledge of roads boards and their work, having been connected with such bodies as chairman and an active member for the last 25 years. I live in a scattered district, where the roads board are now about to levy a rate; and we have employed a valuator at a cost of some £50 or £60 to inspect the properties. I can see that it would be a great advantage to country districts to have such a return as is proposed in this Bill. Mr. Stone has given us his experience.

HON. R. G. BURGESS : That is only out of books.

HON. E. McLARTY : Mr. Stone has told us of a case where a meeting had to be held in a tin shanty, or under a juniper bush, but I suppose that was within "cooe" of the Town Hall. I am speaking of country districts, and if this return were sent in, the expense would be only a penny or twopenny stamp; and, as Mr. Burges points out, the board is not bound to accept the valuation.

HON. S. J. HAYNES : Nor is the owner bound by the return.

HON. E. McLARTY : But the return would be of great assistance to roads boards. In most districts settlers who know every inch of the ground are members of the board, and the return would give a description of the property, with the area and improvements; and I can say that in a great many instances in my own district, I as one member out of seven, would be in a very good position to judge whether the valuation was a fair one. And if the board was of opinion that the valuation was fair, the trouble and expense of valuing these properties, at all events, would be saved. The Bill would apply in scores of cases in country districts.

HON. R. G. BURGESS : Hundreds of cases.

HON. E. McLARTY: We have more trouble in this matter than Perth and suburban members can imagine. I know one agricultural area where there are 220 selections, over 200 of which are taken up and occupied, and as it means money for a valuator to have to go over the whole, a Bill of this kind would lessen the expense very much.

HON. F. T. CROWDER: The members of the board ought to value the properties themselves.

HON. E. McLARTY: It is most objectionable for members of roads boards to be valuers. In almost every country district the largest property owners are the men who are elected on the roads boards, and if they are to value their own property, or to value each other's property, it will give dissatisfaction to the general public.

HON. F. T. CROWDER: There is always an appeal.

HON. E. McLARTY: It is always better to pay an independent man to value and submit the valuation to the board, as has been done in my district.

HON. F. T. CROWDER: Those are all arguments in favour of valuers.

HON. E. McLARTY: Yes; and I would have a valuator all the same, though the return proposed would lessen his trouble and expense by two-thirds.

HON. F. M. STONE: This return does not give a valuation.

HON. R. G. BURGESS: It gives something to value on.

HON. E. McLARTY: If a man send in a return saying he has ten thousand acres, with so many fenced in and two hundred under cultivation, any practical man could come to a valuation without paying another person to do it. Practical men on the board can form their conclusions, and judge of the ratable value of the property, so long as they know the return is correct, and in most instances a board is in a position to judge as to the accuracy. Mr. Stone has said that people may go to the Titles Office for information, but do hon. members realize how inconvenient it is to people, who live in a district a hundred miles away from Perth, to be everlastingly resorting to that mode of inquiry?

HON. R. G. BURGESS: Do not talk about the Titles Office; it is worse than an attack of the influenza.

HON. E. McLARTY: To go to the Titles Office may suit people in Perth, but it does not suit people in the country, and should be avoided as much as possible. I have the strongest objection to the members of a board being valuers, and it would save a great deal of trouble to have such a return as proposed, which would not impose any hardship on owners of land.

HON. R. G. BURGESS (in reply): The legal members of the House seem to know very little about roads boards, and it would appear that the only Bills passed into law here are those fit for the towns and most unfit for country districts in a large scattered colony. Mr. Stone suggested that information could be obtained at the Titles Office.

HON. F. M. STONE: That was in reply to Mr. Matheson's remarks about subdivisions.

HON. R. G. BURGESS: Mr. Matheson is not the only one who has experience of subdivision, which is carried on in all country districts, and the people connected therewith do not want to be known, or to pay even a sixpenny rate. Legal members who have had professional experience of these cases must know this legislation is required, and the Bill has been considered in the East Province, which is one of the most important, oldest, and richest districts in the colony, except the goldfields. A person who goes to the Titles Office for information is passed from one official to another, and the result is not worth the trouble. Does Mr. Stone know that the York Roads Board made a road from York to Yilgarn?

HON. F. M. STONE: You did not rate yourselves to make it.

HON. R. G. BURGESS: We did not go and ask the Government for the money, because we had the money in hand. It is a disgrace to the country and the Government that little suburbs, upon which so much public money is spent, are not made into municipalities. At Jandakot, which is a mere sand hummock where a few vegetables are grown, enough money has been spent to build a railway twice over; and there must be "something in the wind," because the Director of Public Works has promised £1,000 for an agricultural hall, and another £1,000 for road works in

that district. Then see what was spent on the road at Fremantle.

HON. F. T. CROWDER: Where did the York Roads Board get the money to build the road to Yilgarn?

HON. R. G. BURGESS: We had the money in hand.

HON. F. T. CROWDER: Where did you get the money?

HON. R. G. BURGESS: We got it from the Government.

HON. F. M. STONE: Then you did not rate yourselves.

HON. R. G. BURGESS: But the roads board had to go to the trouble and expense of supervising the work. Can a suburb like South Perth, which is one of the richest in the country, be compared to the district which I represent, and which extends over an area of 50 or 60 miles. In this matter of roads boards the advice of Mr. Stone might be worth something if it were paid for, but it is not of much value now. I have been connected with roads boards for 25 or 30 years, and I know something of their requirements. I say we want this to get something to work on at first, if for no other reason. We want to obtain some idea of what money we can raise, and this will assist us. If it will only assist us in that way, I shall be quite satisfied with the measure. When we get to work in those districts we have to go round and obtain an estimate and send someone else afterwards. One hon. member said it was not satisfactory to have the property valued by roads boards members; but where can you get better men to work the country than those who have large properties, and who are interested in the land? I do not want to make any boast of it, but in the York Roads Board District I have given a valuation of the whole thing, and I know pretty well all the property in that district. This little measure will help us to try and see what revenue we are likely to obtain, and then we will have something to work upon. Shall we go to all the expense of valuers before we know what property we have to work upon? Objections have been raised by Mr. Stone, Mr. Haynes, and Mr. Crowder. I know one hon. member has a little bit of feeling because I attacked him on another Bill; but let members remember that they are going

before their constituents, and it is the duty of the people of the country to stand together now. That is what they will have to do. Parties in this country will have to mind what they are doing, and not get up here for paltry measures for particular districts, but speak and vote for the common good.

HON. F. T. CROWDER: What about the Greenhills railway?

HON. R. G. BURGESS: We are not here to bring up any paltry Bill to carry out our own ideas. I do not care one jot whether this Bill is passed or not, it is so late in the session; but I say, give it a trial, and it can easily be repealed if necessary. We know there will be consolidation of the Roads Acts. Mr. Crowder has himself asked a question on that point, and received an answer from the Colonial Secretary, but the Government are not able to introduce that Bill this session. The present law wants amending in many particulars. The conference of the roads boards of the whole colony recommended alterations and amendments in the different Roads Acts, but the Government did not seem to have time to make them. That, however, is no reason why members should not introduce another little matter which they think would make our roads boards more useful and save expense. I am sure that if this measure be carried into operation it will save our roads boards a penny or twopence in the pound, at any rate. There is hardly a roads board district, excepting those where new roads boards have been formed, in which the members do not know pretty well all the particulars regarding the property in the district. At present roads boards have to collect taxes and they send a collector. That collector can collect the dog tax, the wheel tax, and this rate.

HON. C. E. DEMPSTER: We have a wheel tax now.

HON. R. G. BURGESS: I know; but that could be done away with. A valuator would have to go round. I suppose members of a roads board, who are elected by the people, have a little common sense and know their own business. They would collect all this information and tell the collector to take a note of what he saw at each of the places at which he was collecting, and valuers could be sent in cases in

which they thought that the amount stated was not what it should be. I do not think it worth while to take up the time of the Council in reference to this, but the amendment by Mr. Stone that the Bill be read this day six months is not worthy of the consideration of the House. Although we respect him and follow him in many matters, I think he has taken this subject up more as a joke than anything else; but I am not treating it as a joke. I do not bring things here to treat them as jokes. I repeat that I do not care whether the Bill is passed or not, but I think it would be useful. This question has been delayed long enough. I have to thank Mr. Matheson for keeping this on the paper because I was not able to attend, and I forgot to ask anyone to act for me. The hon. member wrote to me, pointing out one or two amendments which he deemed rather necessary; but there are plenty of other things necessary. We are not grasping with regard to these matters, and we hope the Government will bring in a Bill to consolidate these measures, and try to get the conference of the roads boards to assist them to meet the difficulty. With these few remarks I support the Bill.

HON. A. P. MATHESON (North-East): If I am in order in speaking to the amendment, I should like to criticise the statement of Mr. Haynes that the owner would not be bound by this valuation.

HON. F. M. STONE: There is no valuation provided for in the measure.

HON. A. P. MATHESON: That could be inserted. The intention of the hon. member was perfect, but the expression of the Government draughtsman may have been bad. The point is this, that if the occupier makes a valuation at all, he is practically bound by it. Would they accept his valuation or reject it? If they rejected the valuation, a valuator would be sent out to value the property in the ordinary course of the working of the measure, and the matter might come into court. It is perfectly clear that if the matter came into court the owner would find it extremely difficult to repudiate the valuation he had already put upon his property. On the other hand, if the value were too small, the roads board would have no difficulty in

supporting the valuation they placed upon the property. Members who know anything about roads boards are aware of the great facility the sending in of such returns as those referred to would be in the striking of rates. The secretary of the roads board I mentioned wrote and asked me to make the return I speak of.

HON. D. McKAY: It was his duty to find out.

HON. A. P. MATHESON: It was; but I did not realise the difficulty experienced until he explained the position to me in reply to a letter, in which I said I was not called upon to comply with his request.

A MEMBER: What about subdivision?

HON. A. P. MATHESON: The valuator has to deal with a number of blocks which belong to the same owner. They are all dealt with separately, for very often the valuator does not know that one man owns all these different blocks scattered about the district, and he puts different values on blocks which are practically of the same value. The matter has to be appealed against. If you write to the board, they say "You must take the matter before the Court named in the Act." They frequently say that. Previously they used to ask you to meet the secretary and discuss the question. If you had a statement from the owner as to what improvements he put upon the different blocks, and you saw what he valued the land at, the chances are that the valuator would accept that value. The valuator would soon see from the return whether it was a fair value or not, and if there were only a slight difference between his valuation and that of the owner, undoubtedly he would accept the owner's valuation.

HON. F. M. STONE: What evidence would you have on appeal, if he had never seen the place?

HON. A. P. MATHESON: He can give the value.

HON. F. M. STONE: What is the use?

HON. A. P. MATHESON: The Bill saves dispute and facilitates the work of the roads boards.

Question put (for second reading), and negatived on the voices. Division

called for, and taken with the following result:

Ayes	8
Noes	9

Majority against ... 1

AYES.	NOES.
Hon. R. G. Burges	Hon. H. Briggs
Hon. D. K. Congdon	Hon. S. J. Haynes
Hon. C. E. Dempster	Hon. W. T. Loton
Hon. J. W. Hackett	Hon. D. McKay
Hon. A. P. Matheson	Hon. J. E. Richardson
Hon. G. Randell	Hon. H. J. Saunders
Hon. F. Whitcombe	Hon. W. Spencer
Hon. E. McLarty	Hon. F. M. Stone
(Teller).	Hon. F. T. Crowder
	(Teller).

Question thus negatived, the amendment passed, and the second reading postponed for six months.

FISHERIES BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This Bill has been introduced for the purpose of preventing the immense, reckless, and I may say wicked waste (as I understand from various quarters) of good, wholesome food which is taking place in the waters of this colony; and I am sure hon. members will be in accord with the spirit of the measure in that respect. As far as I can gather from the reading of the Bill, I believe the measure provides all that is necessary for carrying into operation what is desired. Hon. members have seen from time to time in the different newspapers—and have also, I dare say, read the debates that have taken place in another place—that there is an immense amount of recklessness in the catching of fish in the rivers along our coasts, and that they are afterwards wantonly destroyed. No attempt is made, I believe, to put immature fish back in the water in such a state as they will live and grow; and if it had not been for some peculiar quality of the waters of this colony, there is very little doubt our rivers and coast-line, for a considerable distance from Fremantle at any rate, and in one or two other places, would have been denuded almost entirely of this wholesome food which everybody desires. In consequence of certain arrangements which have been made, it appears that sellers of fish and fishermen have some means of so limiting the supply on the market as to enhance the price of the commodity very much

indeed; and instead of our obtaining fish as we used to do a few years back, at a moderate price and in excellent condition, we have sometimes to take fish in a state in which it is not fit for human food, and at a high price. The Bill provides that the supply of fish shall be constant, because it protects young and immature fish until they become of age to be a marketable food. I am quite sure hon. members will be in sympathy with the object aimed at, and the only question is whether the Bill carries out the intention of the framers. I believe that the intention will be carried out by the Bill, which has had great consideration from some who, judging from their expressions, have a considerable knowledge of the fishing industry. From the information I have obtained from newspapers and elsewhere, I am inclined to think the evil is as great as it has been represented, and it should be met by legislation as far as possible, in order to secure the future of our fisheries. In many parts of the world fisheries are established on a very large scale, and I believe they are increasing here. But in this colony the fisheries are carried on very much by Greeks, Italians and other foreigners, who have not much interest in this colony, and only labour from day to day for their subsistence, with no great ideas as to the future; and when the rivers and harbours and the coast line are denuded of fish, they will probably go elsewhere. The Legislature should protect as far as possible the fish supplies, and only recently it has been decided that the cormorant shall be destroyed. These birds are very destructive, especially to young fish, but, with the limitation in the size of the net, and the regulations which are provided in the Bill for the protection of fish, we may reasonably anticipate the supply will be maintained, if not increased. Clause 4 provides that no boat shall be used for catching fish in Western Australian waters for sale, unless the owner of the boat is the holder of an annual license, which he obtains for £1 per annum, and Clause 5 provides that every person engaged in catching fish for sale, shall hold a license for which he will have to pay 10s. per year, which fee is reduced proportionately if a license be taken out when a part of the year has passed over. Clause 6 pro-

vides that nets of a certain size mesh shall be used, and the size set down in the Bill is three inches from knot to knot. That mesh, I think, is sufficiently small though it has been suggested that the mesh should be wider; but when we remember that fishing has been going on with nets of two-inch mesh, catching small fish which it is a shame to see on our tables, it will be admitted this Bill is a step in the right direction.

HON. J. W. HACKETT: Will Sub-clause (d) of Clause 6 prevent blasting in Fremantle harbour?

THE COLONIAL SECRETARY: Sub-clause (d) provides that any person who "puts or attempts to put into any Western Australian waters any explosive, poisonous, or other noxious material, with intent to catch or destroy fish in such waters, or whereby any fish are injured or destroyed, shall be guilty of an offence against this Act." It will be noticed that the words "with intent" occur there, and no doubt a reasonable construction will be put upon the clause, and the intention of the offender taken into account. No prosecution would be likely in such a case as that of blasting operations, and if there were a prosecution, I am certain no conviction would result. Clause 7 provides for the order of casting nets on arriving at the fishing ground. This is an arrangement by which preference is given to the boat which arrives first, those following to take their chance. At first sight I thought this an unnecessary provision, but I dare say it is desirable to have such a clause, in order to prevent disagreement and quarrelling amongst fishermen. I believe this clause is taken from an Act in operation elsewhere, but I am not prepared at this moment to say where; and no doubt it will prove useful in the direction I have indicated. Clause 8 is a very useful provision, inasmuch as it prohibits emptying fish on the land or in very shallow water, so as to prevent their escaping into the sea. Nets must not be dragged or drawn on to the foreshore, but emptied in not less than two feet of water; and I have often thought, how sad it is that these small immature fish should be thrown on the foreshore of the river, as has been done in Perth, and thus wasted and prevented from increasing in the future. The same principle prevails in Clause 9 in regard to prawns,

which must be riddled so as to allow the small prawns to escape, only the marketable fish being retained. Clause 10 provides that fish are not to be caught or used for the purpose of manure; and though I do not know whether much is done in that direction now, fish some years ago were used for the purpose on a very large scale, especially, I believe, on the Murray.

HON. J. W. HACKETT: In Albany it has been done quite recently.

THE COLONIAL SECRETARY: And I have heard that at South Perth, river fish in large quantities have been spread on the land for manure. Clause 11 is not very important, but it compels every boat to carry a white light at night. I remember, on the coast of Sicily, what a pretty sight it was when the fishing boats, with their lights, were out between Messina and the coast of Italy; and the practice appears to be followed in many parts of the world. Clause 12 provides that underweight fish shall not be taken or sold, and the weight of the various fish is described in Schedule 2; but a certain amount of elasticity is allowed, inasmuch as the Governor may frame regulations which will enable other fish to be included, and alterations made from time to time as may be necessary. Under Clause 14 the Governor may also make regulations prescribing the length, width, and meshes of nets, and otherwise for the effectual execution of the Bill and prescribe pecuniary penalties and so on. The Governor may at any time by proclamation declare that any kind of fish shall be omitted from or added, together with a weight set opposite to the name in the schedule, and that the weight now set against the name of the fish may be altered, and the proclamation read as an amendment to the clause. Clause 15, which is of some importance, gives certain privileges, intended primarily for people who live on the margin of the river, inasmuch as they may be allowed to catch fish for their own use, but not for sale. The Minister may cause licenses to be granted to catch fish for domestic purposes only, and every person so licensed who, while the waters are closed, catches fish for other than domestic purposes, or sells the fish he catches, shall be guilty of an offence. Clause 19 provides that all persons charged with offences under the Bill may

be prosecuted before a court of summary jurisdiction, and where no punishment is specified for any offence, the person convicted shall be liable for a fine of not more than £20. This leaves it to the discretion of the justices as to the nature of the offences which have been committed, and justices, in such cases, do not impose the maximum penalty, but take into consideration all the circumstances. So far as I can see, the Bill makes provision for all that is necessary, but I shall be very glad to consider any amendments proposed. I ask hon. members to pass this Bill, with such amendments as may really be necessary to make it effective, for the preservation of a food supply of such a valuable nature as fish.

HON. F. T. CROWDER (South-East): I have to congratulate the Government on having introduced this measure; but, at the same time, I must say they have been very dilatory, because this legislation should have been passed two years ago. No doubt the wilful waste of fish during the last two or three years in Western Australia has been something enormous; and I have, from time to time, pointed out what that waste means. In the estuary of the Murray I have seen great loads of fish, of two and three inches in length, caught and destroyed for the sake of two or three fish weighing a pound a piece.

HON. J. W. HACKETT: That practice is destroying fishing in the estuary.

HON. F. T. CROWDER: Year after year the fact has been brought before the Government that the snapper industry of the colony is being destroyed in the same way as in the other colonies, by allowing the fish to be caught during the schooling season, brought into Fremantle, and thrown away by thousands. This year, after a good deal of pressure has been brought to bear, the Government have seen fit to close Safety Bay. No sooner was this done than a large deputation of Greeks and Italians waited upon the Government to try to alter it; pointing out the ruination it was causing them, and urging that it was not effecting a saving at all in regard to the destruction of fish. This time last year snapper could be bought in Fremantle at 6d. and 9d., and were being hawked about Perth at 6d., while at the present day, since the closing of Safety Bay, the

fish are fetching from 4s. to 5s. each in Fremantle. That shows the fish are being protected. The Government know, as fishermen know, that from all parts of the colony fish come to Safety Bay to spawn. Knowing that, they have allowed boats to enter Safety Bay and catch these fish by thousands when there was no sale for them. The closing of Safety Bay this year has shown what it means. There is no doubt that, if this place had not been closed, the magnificent supply of snapper we have, which is not equalled I think in any other part of Australia, would in a short time have been lost to the colony. So far as the three-inch mesh is concerned, there are different opinions upon that, but I think those who know anything about the matter will agree that a three-inch mesh is quite sufficient. The leader for the Government in this House in moving the second reading of the Bill said provision was made for destroying shags and other such birds. I am pleased to see even at this late day that the Government have really come to their senses. It is only a little while ago that deputation after deputation waited upon the Government and asked that the Government would allow shags and pelicans to be destroyed, but such permission was not granted. Although it was pointed out that the shag or pelican destroys more fish in a day than a fisherman catches, still these birds were allowed to keep on their way destroying fish. Now, when fish are very scarce and are hardly catchable, these birds are allowed to be destroyed. I think this is the hatching season, and the best way to destroy the shags would be for the Government to send over to the islands opposite Fremantle and destroy the nests of the birds. Three years ago, I was on Rock Island, and I dare say you could have filled with the eggs the boat I was in. You could scarcely put your foot on any portion of the island without smashing a couple of eggs. I think the most efficient way of getting rid of this perfect nuisance will be to watch such places as that, and destroy the eggs.

HON. D. MCKAY: Have you ever eaten the eggs?

HON. F. T. CROWDER: The eggs are good to eat. It is a matter of taste. In regard to fish being used for manure, the

only fish that I know of that has been used for such purposes, is the shark, and I have seen that in the Murray. Sharks make very good manure, and I presume you would not stop people from catching them for that purpose. There are several other matters in the Bill that will need careful consideration, and in many cases they will require altering. But I do not intend to take up the time of the House by dealing with any of them, except one to which I would like to call the attention of hon. members, and that is Clause 11, which reads :

Every licensed boat engaged after sunset in catching fish in any West Australian water shall carry and keep exposed a white light while so engaged, and every adult person on board any boat not carrying a light as hereby required, shall be guilty of an offence against this Act.

If the hon. gentleman will take the trouble to read the evidence of the Select Committee on the Harbour Works, he will find that captains of boats coming to Fremantle said it was very reasonable to expect that the lights on the fishing boats would lead vessels on to the rocks. I can hardly see it myself, but when we see that the "City of York" ran on to the rocks as she did, there must be some force in what they state. One captain pointed out that if he had been coming as a stranger for the first time he most certainly would have mistaken the light from a fishing boat behind a rock for a pilot light in a boat. The Committee discussed whether some means could not be provided to stop these fishermen who lay in near Rottnest Island against the rocks from having a light on board. These boats lay in at night time along the rocks, and the occupiers were not fishing. They were in shallow water and the light was burning all night. They were absolutely free from all danger of being run down, because they were not in the waterway of boats; but a stranger might be led wrong by them. Taking the Bill as a whole, I have much pleasure in supporting it. The measure has been demanded by the thoughtful people of this colony who have had experience in other colonies, and have seen the fishing industry destroyed by neglect. For many years their one object has been to try and induce the Government to introduce a Bill which would in some way protect the fishing industry. I think

this Bill hardly goes far enough, but I welcome it as being better than leaving things in the most unsatisfactory position in which they are at the present day. I repeat that I have much pleasure in supporting the second reading.

HON. F. M. STONE (North): I wish sincerely that the Government could have brought in this Bill at an earlier stage of the session, for it is a measure that requires a good deal of consideration, and now it is brought in at the tail end of the session and we are to consider it. We are continually getting, at the end of the session, Bills which we wanted the Government to bring in, and this is one of them. It could well have been brought in some four months ago, and we would then have had plenty of time to consider it. The Bill is not framed at all well, and I should prefer the Colonial Secretary to withdraw it and let it go before a commission during the recess, so that we may have a proper Bill, because it is of no use tinkering with a measure of this kind. We know that in times past there has been a wholesale destruction of fish, and that in many cases fish have been utilised for manure and other purposes. At the present day these fish are so scarce that they are simply caught for sale. I should like to see the Government put an end to the ring formed; the existence of that ring being the cause of the destruction which takes place. We know from the information regarding cool storage that fish is kept back as long as possible to keep the market; and then when a quantity of fish are brought into Fremantle, sooner than sell them at a low price people cause them to be thrown overboard. That has occurred in Perth. It has been found that persons have thrown a great number of schnapper into the river rather than sell them under the market price. What is wanted in the first place is that the fish caught shall be sold through the market. If that were done, we should have a cheaper supply of such wholesome food as fish. It is all very well for us to pass a stringent measure for the protection of fish, but what is the use of doing that when there are not the men to carry it out? Take the river Swan. It is absurd to think that one policeman should be able to protect the whole of that river. It is a perfect farce. He has to go up Guildford way, and in the

meantime the fishing can go on just as one likes in the Canning.

THE COLONIAL SECRETARY: There are two or three.

HON. F. M. STONE: It would take half-a-dozen at the least. Two fishermen in a boat could draw police after them whilst others could fish elsewhere.

HON. J. W. HACKETT: And these men have other duties to perform.

HON. F. M. STONE: They have other duties to perform. Persons have been drowned, and these men have been dragging the river all day, and yet have been supposed to go on duty at night. It is a perfect farce. Unless the Government follow up legislation and have a good river service, not only on the Swan, but in other parts where fish are caught in numbers, it is useless to pass any Bill for the protection of fish. If such is the case in regard to the Swan River, what must it be in a large place like the Murray Estuary? People can go and catch what they like there. In the past shags and pelicans have been protected, as have also other fish-destroying birds.

HON. R. G. BURGESS: Shags have not been protected, have they?

HON. F. M. STONE: Yes; in this way: you cannot shoot a shag on the Swan River unless you have a license. I think there are about four licenses. You cannot shoot pelicans; in fact no shooting is allowed on the Swan River except a person has a license. As in other parts of Australia, there ought to be a reward for shags.

THE COLONIAL SECRETARY: I believe there is a reward.

HON. F. M. STONE: That may have come in recently. We want to destroy the shags and pelicans, although I must say the pelicans look very nice swimming about the river. It is a pleasure to see them, but according to my experience they destroy a tremendous lot of fish. I have watched them, and have seen one pelican swallow as many as 20 herrings. Where it put them is another matter, but it swallowed them right enough. I have seen them catching fish by, I was going to say, the score. They come in great quantities in the river, being protected. They are all over the place, and, as I say, are destroying a great number of the fish. I do not know whether it would not be better that we should

destroy the shags and leave our river to the swans alone. We know since the bar has been opened the porpoises are coming up in great numbers. I have watched them, and the Colonial Secretary will know I have had a long experience of the river, and that I know what I am talking about. I have fished with nets of all kinds, and done fishing of all kinds. For the last 25 years I have done all kinds of fishing.

HON. J. W. HACKETT: And poached occasionally?

HON. F. M. STONE: There is greater excitement in poaching than in other kinds of fishing, but I am not going to admit that I have poached. Porpoises and sharks are now becoming very numerous in the river.

HON. J. W. HACKETT: How can we get rid of the porpoises?

HON. F. M. STONE: It is a question whether it would not be wise to offer a reward for their capture, because such a course, combined with other restrictions, would help to prevent the destruction of fish. In that portion of the river which is rightly closed, and is a resting place for fish, the porpoises, knowing it is quiet, come in and go right round, not caring for steamers or anything else. I am not exaggerating when I say that around Perth jetty I have seen 20 or 30 porpoises chasing fish right to the banks; and, in fact, we are protecting the fish for the sake of the porpoises and sharks. It requires a great deal of consideration as to how we are first to protect the fish from ourselves, and then from these destructive birds and larger fish. The Bill is badly drawn, I regret to say, and evidently those who know about the subject were not consulted by the framer. Take that provision in regard to the light on fishing boats. Clause 11 provides that "every licensed boat engaged after sunset in catching fish in any Western Australian water shall carry and keep exposed a white light." That is all right, but the clause goes on to say "every adult person on board any boat, not carrying a light as hereby required, shall be guilty of an offence against this Act," so that if there are four people in a boat, each one must carry a light. But, as a fact, when fishing with a net it is desirable to go very quietly, with oars muffled, and if a light be shown on the boat the

fish at once become frightened and disappear.

THE COLONIAL SECRETARY: Lights are used on the coast of Italy to attract the fish.

HON. F. M. STONE: But the fish here are of a different kind; and on some nights, when the water is phosphorescent, a light will cause the fish to at once go from one side of the river to the other. I suppose the idea of the person who drew the clause was that if fishermen carried a white light, it would be known where they were, but he evidently forgot that a person carrying a light would never get near the fish at all. This shows that the framer of the Act never consulted the fishermen and others who knew something of the subject, and, as I say, the provision as drawn means that every adult person in a boat must carry a light.

THE COLONIAL SECRETARY: That is not the intention, as the hon. member knows.

HON. F. M. STONE: I know it is not the intention, but that is the effect of the clause as drawn. Other examples of the faulty drafting of the Bill might be cited; as, for instance, in the provision in regard to size of the nets. Clause 6, Sub-clause (a), enacts that "every person who fishes with a net, the mesh of which is of less dimension than three inches from knot to knot" is liable to a penalty; and then, in Clause 14, it is provided that the Governor may make regulations prescribing the "length, width, and meshes of nets." It is well known that if the Governor make regulations contrary to the Act, they are *ultra vires*; and as the Bill declares there must be three-inch mesh nets, it is difficult to see how the Governor can alter the size by regulation. When drawing regulations, it must first of all be seen that the Act and the regulations do not conflict; and should the Governor by regulation prescribe a two and a-half inch mesh in a certain part of Western Australia, the regulation would be *ultra vires*, because the Bill provides a three-inch mesh. Then at present there are small hand-nets used for the purpose of catching bait, consisting of fish which grow no longer than an inch, or an inch and a-half; but the Bill provides there shall be no fishing with a net, except a net with a three-inch

mesh, and that no net must be hauled up and emptied in any water under a depth of two feet, so that in catching this bait a fisherman is liable to two penalties. A provision is, therefore, required, allowing persons to use these small nets for the purpose of catching bait, and considerable alteration would be required in the Bill to meet such cases. Again, according to Clause 5, any person using these nets, though it be only a boy of 10 years of age, must have a license. The clause reads that "no person shall engage in catching fish for sale unless he is the holder of a fisherman's license," and that is all right so far, but it goes on to say, "provided that no person shall fish with a net, except for shell fish, unless he is the holder of a fisherman's license," so that no person can use this little net for catching bait unless he hold a license. I take it that the object of the Bill is not to prevent the catching of these small fish which do not grow any bigger, but to prevent the wholesale destruction of young and immature fish; and to provide in the Bill that the mesh shall be confined to three inches is wrong, because it is a matter which ought to be controlled by regulation. Since the present regulations have come into force, I have been consulted about them, and I was of opinion that two and three-quarter-inch would be a small enough mesh through which any fish not worth catching could escape. In order to get a three-inch mesh in the water, the net, in the first instance, must be three and a quarter-inch mesh, because it shrinks in the water. River mullet and sea mullet are of different sizes, and the three-inch mesh is really a sea mullet mesh, through which any ordinary river mullet could escape, and I have found that a good sized flathead can also get through this mesh; but under the Bill, not only on the Swan River and the Murray, but over the whole of the colony, a three-inch mesh must be used. We know that at Sharks Bay, for instance, it is not necessary to apply the Bill at present, and it would be well to have a clause providing that the measure shall only apply to such parts as the regulations may prescribe. Of course, directly fishing boats begin to go to Sharks Bay and bring down fish for sale, the Government can at once bring that part of the colony under the Bill. In the North it is

known that cast nets are used for catching small smelts from the shore, but under the Bill that would be prevented, because the smelts are caught in a depth of water under two feet, being hauled up on to the beach.

THE COLONIAL SECRETARY: The Bill does not limit fishing to two feet of water, but provides that fish shall not be drawn out of the net under two feet of water.

HON. F. M. STONE: In some parts of the colony the tide runs up into creeks, and I have seen natives, by means of stretching nets across, catch splendid fish as the tide goes out again, but the Bill would prevent all that sort of thing being done. Hon. members will see that it is not advisable to provide that the whole of the colony shall come under the Bill, but only certain parts, by regulation as circumstances arise.

At 6:30, the **PRESIDENT** left the Chair.

At 7:30, Chair resumed.

HON. F. M. STONE (continuing): Clause 9 of the Bill provides that:

Every person who catches prawns shall separate the marketable from the unmarketable prawns by riddling them in the waters where they have been taken, and so as to allow the unmarketable prawns to escape; and every person failing to comply with this section shall be guilty of an offence against this Act.

What an absurd, what a ridiculous clause! What is a marketable prawn? I defy any hon. member or the Colonial Secretary in charge of the Bill to define a marketable prawn.

HON. C. E. DEMPSTER: Those not fit to eat are not marketable.

HON. F. M. STONE: We know that in the old country shrimps are eaten which we would not look at here. But the time may come when those prawns which are called "shrimps" in England will be eaten here. They are very small indeed. The Bill refers to riddling prawns in the waters where they have been taken.

HON. W. T. LOTON: It will want a policeman to watch them.

HON. F. M. STONE: If the gentleman who drew this Bill knew anything about prawns he would know they are caught at night. How you are to take

up these prawns on a dark night and find out which are marketable and which are not, I do not know. Where will the police be? They will have to be watching these boats every time the fishermen have a haul to see whether the prawns caught are marketable prawns. I do not know how they are going to make them marketable unless they put a mark at the end of their tail.

HON. C. E. DEMPSTER: Put them through a sieve.

THE COLONIAL SECRETARY: They will have to be riddled.

HON. F. M. STONE: How are we going to arrive at what is marketable? You have a sieve of a certain size, and the prawns you are getting rid of may next day become marketable. Then I would tell the Colonial Secretary that it is an impossibility to get prawns through a sieve. I defy anyone to get a sieve full of prawns and make them jump through. The prawns will all lie flat at the bottom of the sieve, and how will you get them through? That clause is really a perfect farce. The Prawn Act deals quite sufficiently with the catching of prawns.

THE COLONIAL SECRETARY: There is something in a close season.

HON. F. M. STONE: When we consider the destruction of prawns I ask what has destroyed them? Last year so many crabs came about and destroyed prawns that the fishermen had to stop prawning. Hundreds and thousands of small crabs came up suddenly. This Bill proposes to protect prawns in the way pointed out, but we shall find that they will be destroyed in another manner. I am indicating what a lot of consideration a measure of this kind needs. I am as anxious as the Colonial Secretary to protect fish, my only object being to get such a measure passed as will protect them, and not a measure which will afterwards be found to be a farce. At present we have a Fisheries Act, and I think we may well leave it as at present until next session. I would suggest to the Colonial Secretary that in the recess a commission be appointed to go fully into this matter. I know what the state of things is with reference to inspectors. Certain persons who have a particular fad about a particular fish go to an inspector and want something done, and the inspector is talked to until they give

him the idea that what they suggest ought to be adopted. One well-known and much respected gentleman interested in fishing here was the means of getting the first Fisheries Act passed. He got about four fish stuck in the schedule which were never in these waters at all, being Melbourne fish. He had the size of the fish put in, and people were not to catch any fish of that nature under a certain weight. The Act was in a good direction, but it had to be repealed. After that we had two Fisheries Acts, I think. The Fisheries Act of 1889 came into force, and with that I think we may leave it. One or two clauses of this Bill relating to licensing boats and persons to use nets will be of advantage. Clause 7 deals with the crew of a boat not being allowed to fish when another boat is on the same ground. There again consideration is wanted. You not only want to provide that when a boat is casting a net on a certain piece of ground another boat shall not be allowed to come up alongside it, but you want to stipulate that it shall not come within a certain distance. Take prawning. I know there is a great competition between boats, and directly one rushes over and pulls round, another comes, and takes half the prawns away, and the boats get muddled up together. The same provision as I have referred to should be made in regard to fishing, and this should be done not by Act, but by regulation. You want to see men engaged in the industry and get from them the distance which should be stipulated. As the clause stands at present it says "The crew of the boat which arrives first shall be allowed to cast a net first, and the crew of the boat which arrives second shall next be allowed to cast a net."

THE COLONIAL SECRETARY: That is on the same ground.

HON. F. M. STONE: You do not fish on the same ground. That is a farce.

THE COLONIAL SECRETARY: There is no need for a regulation.

HON. F. M. STONE: There is. What you want is that a person shall be able to say "If I am fishing here, you shall not come and interrupt my fishing." I believe there is a provision in the English Act which the gentleman who drew this Bill might well have looked at. Under the English Act you are not allowed to go within a certain distance of where the

lines are set or the net is cast. That is what is needed here, but it should be done by regulation, because you want to get the opinions of men as to what distance these nets should be cast for particular fish. As to prawning and netting, I know the fishermen themselves are very anxious for the clause, because the present state of things has led to a great many rows; in fact, I was consulted by some of the fishermen, who wished to know whether it could not be prevented, especially with regard to prawns. Boats were racing, and one came and took away fish which would have been obtained by another. I told them there was no such provision in the Act as they desired, and I know they will be anxious to have such provision.

HON. D. K. CONGDON: Cannot you insert that when in Committee?

HON. F. M. STONE: The Bill wants such a lot of alteration, and the time is so short now. The subject ought to go before a select committee. This House cannot take the evidence of these men. I do not know much about prawning, and if I were on a select committee I should not be in a position to say what the distance should be; but I should like to have evidence by men who have fished in this river for years—not men who have come recently, Greeks and others, but old fishermen who thoroughly know the river, and who would tell us what distance is required. We should perhaps be doing an injustice if we said they must not fish within 100 yards, while they desired to fish within 50 yards; and it is impossible to now pass a Bill which would give satisfaction to the fisherman and also protection for the fish. Clause 16 seems to me to be a ridiculous clause. It reads:

In any prosecution for an offence against this Act in which it is material to show that the accused person was engaged in catching fish for sale, proof that such person in fact caught fish shall be *prima facie* evidence that such person caught the fish for sale, and the burden of showing that the fish were not caught for sale shall rest on the accused person. Under this clause it would be in the power of any policeman to summon a person caught fishing, and that person would be put to the expense and trouble of attending the police court and proving he had not caught fish for sale. In police prosecutions no costs are given against the

police, and so a perfectly innocent person must be put to expense; and when a man goes out fishing he may not be in the best of clothing, and, under the circumstances, he runs considerable danger of being summoned by a policeman.

THE COLONIAL SECRETARY: This clause embodies a common principle in law.

HON. F. M. STONE: It is only in cases under the Liquor Sale Act that the onus of proof is thrown on the defendant, and is quite proper that should be so, for there the defendant is a licensed person; but this clause deals with the general body of the public, and places a great power in the hands of the police. It should soon become known to the constables as to which persons fish for sale, because there are not so many after all, and I see no use for the provision as it is drawn. The real reason why fish have not been protected, is the want of police supervision on the river. Some time ago I spoke to the Commissioner of Crown Lands, and recommended that the inspectors should be made special constables, because it is ridiculous that these men should have no power at all. At present the inspectors cannot compel a fisherman to give his name and address, but have to fetch a water constable, before the information can be obtained. In one case, I saw six or eight Greeks fishing in Peppermint Grove with a net, the mesh of which could not be more than half an inch, and actually destroying the fish. There were about 300 yards of this net, which was about 20 feet deep, and took in nearly half a mile, dragging up everything. This was after the proclamation as to the three-inch mesh, and when I had seen the net emptied, I reported the case to the police. When the police went down the Greeks refused to give their names, and were "going for" the constables, who, however, in the end got the boat and brought it up to Perth. The men were fined, and the net was confiscated; but I am informed the men petitioned the Government, and actually received their net back again. It is a farce passing legislation, if such things as these are to occur. In another case, certain gentlemen caught fishing up the river were brought before two honorary justices and fined a shilling and four shillings and sixpence costs, the net being confiscated, while a poor unfor-

tunate fisherman subsequently caught fishing was fined £5. The maximum penalty should have been inflicted in the first case, and the gentlemen made an example of, because the inducement to the fisherman to break the law was that he saw they were mulct in only a nominal fine. I do not like to move the rejection of the Bill, because I am strongly in favour of some measure of the kind; but I think we might well be content with the present Act for a time, and in the early part of next session bring in a comprehensive measure. I object to an important Bill of this kind being brought in at the tail end of the session, because it is a measure which ought to be referred to a select committee in order to arrive at provisions satisfactory to the fishermen and effective in protecting the fish. The only way in which I can see that fish can be protected under the present Act is by the Government increasing the number of inspectors, making them special constables, and providing boats for them. At present, even the water policemen in Perth have not a boat, either for the purpose of going after fishermen or for saving life, the only craft being a wretched little punt which it is unsafe to take on the open river. At Mandurah there is an inspector, but he cannot be of much use, because it is impossible for one man to thoroughly perform the duties. Greek fishermen have gone to Mandurah, and I am informed that there small fish are thrown away on the shore. The Bill is badly drawn, badly worded, and in many ways *ultra vires*, with a number of entirely unworkable clauses; and, as I do not care to move the rejection of the Bill, I ask the Colonial Secretary whether it would not be advisable at this late hour of the session to withdraw it. If the Bill does pass the second reading, I shall move that it be referred to a select committee, which, if carried, will have the effect of shelving the measure, because the select committee would be unable to report this session.

HON. J. W. HACKETT (South-West): I am sure we have listened with the greatest interest to Mr. Stone's full discussion of the Bill; and no one in the House is better able to express an opinion on the provisions, or more capable of giving sound advice as to what form such

a Bill should take, always providing his sportsmanlike instincts do not overcome his practical judgment. I am afraid that in much of his criticism of the Bill, the hon. member had more in view the good sport to be afforded by fishing in the Swan and in other estuaries, than the benefit to the community from the great wealth of fish around our coasts. A good deal of the criticism of the hon. member is well put, and in many cases hits the mark; but I am glad to observe he qualifies that criticism by urging there are several clauses in the Bill which it might well be safe to pass, even at this late period of the session, and which would form a distinct improvement on the Act now in force. I would urge on hon. members that of the three steps which he suggests, namely opposition to the Bill, referring it to a select committee, which is another form of shelving it for the session, or amending it in the direction of striking out what is inadvisable, and agreeing to such small verbal alterations as would make a workable Bill, the House should incline towards the third. There are points in the Bill which, even if the greater part has to be sacrificed, will work usefully and be most serviceable to the fisheries of Western Australia. We cannot for one moment shut our eyes to the fact that our fisheries in the more settled portions of the colony are diminishing in importance and value almost yearly, and any step this House can take, in conjunction with another place, to prevent this deterioration going on will be service well done in the interests of the country. What we desire at present is to prevent the destruction of fish and the ruin of our fishing grounds, in order to preserve a truly valuable asset to the colony, and to afford means for a most wholesome and interesting recreation to members of the community. I agree with Mr. Stone that the Bill in many respects has not been drafted as carefully as it might be. He has pointed out several blots, and there are others to which he has not alluded, no doubt through want of time; and I will refer to only one of these latter, just to show that the Bill might have been passed through the hands of a draftsman once or twice again, and have gained by the process. The second schedule refers to a list of fish of which the weight in ounces is

given, and this schedule is referred to in Clauses 3 and 12. Just to show how loosely the Bill is drawn, I will call attention to the phrase in the interpretation clause, Clause 3:

"Fish" means every species of fish or crustacea mentioned in the Second Schedule hereto, or which are added to such schedule at any time by proclamation made under this Act.

If you refer to the proclamation clause, Clause 14, you will find there is no power given to any person to add to this schedule, or reduce or alter the weights.

THE COLONIAL SECRETARY: Clause 12, paragraph 2.

HON. J. W. HACKETT: I must have missed it, if it is there.

THE COLONIAL SECRETARY: The paragraph says—

Provided that the Governor may at any time, by proclamation, declare that any kind of fish shall be omitted from or shall be added (together with a weight set opposite to the name thereof) to the said schedule, and that the weight now set against the name of any fish in the said schedule shall be altered, and such proclamation shall be read as an amendment to this section.

HON. J. W. HACKETT: Yes. I searched through the Bill most carefully, and this little proviso is stuck in at the end of a clause. There is no marginal reference to it.

THE COLONIAL SECRETARY: It was probably added in its passage through the other House.

HON. J. W. HACKETT: It may have been.

THE COLONIAL SECRETARY: It is a very minor matter.

HON. J. W. HACKETT: It is, but there are many other points which require amendment if the Bill is to be passed into law. It would appear that, under Clause 4, no matter what the character of a fisherman may be, although he may be an old convicted offender, one of those against whom the police have set a bad mark with regard to fishing malpractices, if he offers a fee of £1, or after the 30th June 10s., the Minister has to cause a boat license to be issued to him. The very insertion of the word "shall" instead of "may"—"may" making it discretionary with the Minister to use his judgment in such a matter—shows how carelessly and loosely this Bill has been drafted. There are numbers of cases in which, in

the interests of the fishing industry, the Minister would feel himself compelled to refuse that license. I think that after two convictions forfeiture may be procured. All through the Bill verbal amendments are requisite.

THE COLONIAL SECRETARY: Do you think the Minister should have power to refuse a license?

HON. J. W. HACKETT: Most assuredly. It is the essence of carrying on the fishing industry in a beneficial manner. I cannot see why the Minister should be compelled to grant a license to a man who may be most dangerous.

A MEMBER: Under this Bill a license may be cancelled.

HON. J. W. HACKETT: There may be fresh applications. With regard to another question to which Mr. Stone alludes, I am not sure I altogether agree with him. Indeed, I know that on this matter we hold diverse opinions. I refer to the right of shooting shags and pelicans, and I may say that when the Bill gets into Committee I shall move to modify that clause—Clause 14. It appears that in defiance of the Game Act and other legislation passed upon the subject, not only is it not necessary for a person to hold a license to shoot a shag, but he is to be offered a reward, if the Minister so chooses on the advice of the Governor, for the number of shags and pelicans he kills. The hon. member said it was more important to save the fish in the river than to save the birds. Shags and pelicans are the great enemies of fish in the Swan River and other estuaries, but I think that, rather than get rid of them by allowing anyone to shoot them at any time of the day and at any period of the year, it would be better to adopt the suggestion of Mr. Crowder and rob the nests in the breeding season. If we are to permit the indiscriminate slaughter of shags and pelicans in the river, it means that every bird which it has been the solicitude of the House to preserve by special legislation will be frightened away, and we shall get rid of our black swan and what we are anxious to tempt back to Perth Water and Melville Water—teal and ducks and other aquatic birds.

HON. F. M. STONE: Pardon me: I did not propose to open the river to shooting generally, what I suggested being that a reward and every induce-

ment should be offered to destroy these shags. I strongly object to indiscriminate shooting.

HON. J. W. HACKETT: I am glad to accept the explanation of the hon. member. I was rather thinking of the Bill.

THE COLONIAL SECRETARY: The Bill does not say "shooting."

HON. J. W. HACKETT: It refers to rewards.

THE COLONIAL SECRETARY: Yes; but it does not say "shooting."

HON. J. W. HACKETT: There is no other way.

HON. R. G. BURGESS: How will you destroy the birds, inasmuch as they are all over the colony?

HON. J. W. HACKETT: The pelicans are the most handsome birds on the river. I would sacrifice a quantity of fish for them.

HON. R. G. BURGESS: How many will they hold?

HON. J. W. HACKETT: A good many, I admit, but we may well spare the pelicans a few tons; not so the shag, which is a dirty bird and not ornamental, and I would agree with anyone who would devise a measure (which would not be injurious in other directions) to get rid of shags. The matter has been under the consideration of the Acclimatisation Society for years past, and the only way to get rid of shags in the river is not to destroy the few but the mass. As their breeding grounds are known, that ought not to be difficult.

HON. R. G. BURGESS: That is not the only place.

HON. J. W. HACKETT: What we do on the Swan we can do on the Murray and everywhere else. I am speaking of the shags in Perth Water and the Melville Water.

HON. R. G. BURGESS: You cannot look beyond Perth.

HON. J. W. HACKETT: I never heard of a shag or pelican on the gold-fields. The reason we specially urge the matter in connection with the Swan River is that the Swan is the river where there is the greatest danger of destruction in these directions. It is also the river which has around its banks the largest number of inhabitants enjoying any advantages it affords. I have no doubt that what is applicable to the Swan will

in time be made applicable to other estuaries in the colony. So far as the Murray goes, I do not think any particular legislation will be required for many years.

HON. R. G. BURGESS: These birds travel thousands of miles.

HON. J. W. HACKETT: The hon. member may be right in his natural history.

HON. R. G. BURGESS: I am right. I can prove it.

HON. J. W. HACKETT: I trust, without any touch of satire, that he will prove it, because all additions of that kind to natural history are extremely valuable, and I will promise the hon. member that any new scientific fact he brings to light shall be published in the scientific journals in the old country. A great deal has happened in these matters which has altered the ideas of naturalists. It used to be the case with the albatross.

HON. R. G. BURGESS: What about the grasshopper bird?

HON. J. W. HACKETT: Yes. I hope the hon. member is in possession of facts with regard to shags which will contribute to scientific knowledge, and if so I shall do my best to get his name mentioned in relation to any new habit which may be detected with regard to these birds. I am glad to find that my friend Mr. Stone is with me at all events in discouraging reckless shooting on the Swan River. We can well afford to sacrifice some fish for the benefit of those beautiful birds, the black swans, and also the pelicans floating about. Watching them is a pleasure the hon. gentleman often enjoys, and so do I, in crossing from one side of Perth Water to the other, and if it really depends upon a little less fish being in the river, I think that after all our precautions to preserve these birds, we may all willingly agree that the sacrifice shall readily be made. Regarding this Bill, I earnestly hope it will be allowed to pass the second reading, and that the hon. gentleman representing the Government in this House will give us a little time to consider amendments. If we shear it of objectionable clauses, and make it a workable measure —

A MEMBER: It will be a new Bill altogether.

HON. J. W. HACKETT: It will not be so much a new Bill if we cut off its head

and tail and limbs, leaving the backbone. I should be content with the backbone until a larger and sounder Bill consolidating the Fisheries Acts is brought in next session. I hope that, in the interests of the commercial and sporting life of this colony, the Bill will be allowed to pass the second reading, and that we will devote all our energies to improving it as far as possible in Committee. Whatever is done, I hope we shall not throw this Bill out. There are excellent points in it, and although they may not be all that we desire, yet I believe that if they can be enforced in the next six or eight months a very material advance will be made in preserving our fish, preventing the reckless destruction of a diet of the most valuable character in a hot climate, and affording genuine sport to all who wish to indulge in it. I have great pleasure in supporting the second reading.

HON. R. G. BURGESS: I will not take up the time of the House, but I wish to refer to Clause 14, to point out the absurdity of the Bill. The clause says—

The Governor may, notwithstanding anything in the Game Act, 1892, declare a scale of rewards, and the conditions for the payment thereof, for the destruction of cormorants, pelicans, and such other birds as by such proclamation may be declared hostile to fish life.

Two years ago the Government, in a fit of retrenchment, decided that there should be a reward for the destruction of these shags. That was a silly thing to do, for the birds were hunted away from this part of the colony and went to some of the country districts, where fish have been brought from the other colonies to a considerable extent and set at large. People are not going to shoot them for nothing, and the birds have pretty well destroyed the fish. That shows the absurdity of Acts of this kind unless such legislation is made compulsory and is continued. Just when the Government get a fit of retrenchment they do all these faulty things, which undo all the good that such Acts should accomplish.

A MEMBER: To what rivers are you referring?

HON. R. G. BURGESS: I am referring to rivers all through the country. I do not think Mr. Hackett really knows where the land of the pelican is, because in the North there are hundreds of these birds.

Further, I do not think the hon. member knows that the South-Western portion of the colony, between Esperance and Albany, is truly the land of game. I have been in the estuary and have seen more game there than in all Western Australia put together; and there it is nothing to go out and get a bucket of eggs, and be able to shoot anything one likes for sport. How then could we destroy the shags all over these places? It has been said these birds do not travel, but what about the grasshopper bird and others? This destruction of fish cannot be stopped by making a law to suit Perth alone, and it is no use offering a reward and then, in a fit of retrenchment, withdrawing the offer.

HON. E. McLARTY (South-West): It is not my intention to traverse the various clauses of the Bill, but simply to express the pleasure I have in supporting the second reading, because I know from experience that legislation of the kind is required. In my own district a valuable fishing industry has been completely ruined by the indiscriminate slaughter of fish. A few years ago people used to catch the finest fish, including mullet, and use them for manure; but now there is at times a difficulty in getting fish for the table. Unless some steps are taken to enforce the Act, fishing will become a thing of the past in those waters; and I should hail with satisfaction the passing of the Bill with the amendments suggested. There were several fish-preserving factories in my district in full swing at one time, and there was no difficulty in catching as many fish as required; in fact, fish were caught faster than they could be dealt with. But now scarcely any preserving is going on, and I am assured by those engaged in the industry, that the waters are so cleared it does not pay to go after the fish. I believe there is a fishing Act in force, because only this week four summonses have been taken out in my district against persons for fishing in closed waters; but how far the Act operates I am not prepared to say.

THE COLONIAL SECRETARY (in reply): I have listened attentively to Mr. Stone, but I think his criticism can be resolved into small compass, and be easily met in Committee. He has pointed out perhaps three blemishes in the Bill, one

of these relating only to the wording, which to my mind is sufficiently plain. As I read Clause 11, it means that each boat, and not each person in the boat, shall have a light, although the language may be a little involved. In regard to the objection that the Bill provides a three-inch mesh, while in another clause the Governor is given power to regulate nets, if there be any discrepancy between the clauses, I would personally be in favour of making the Bill more elastic and leaving this entirely to regulation, which would enable us to meet circumstances as they arise. But, if for no other reason than that provision is made for the licensing of boats, and the control of fishermen, the Bill is important; and I may say that it embodies many of the sections of the present Act. As to Clause 9 providing that small prawns must be riddled out where caught, if in Committee it is thought this provision will not accomplish the purpose, it might be struck out without doing much harm. It is well-known, however, that in the season prawns of a most minute description are sold, so small that purchasers find them absolutely useless and have to throw them away.

HON. J. W. HACKETT: What is an unmarketable prawn?

THE COLONIAL SECRETARY: A prawn you cannot use.

HON. J. W. HACKETT: Of what size?

THE COLONIAL SECRETARY: I have seen prawns sold, of an inch or an inch and a half long, and to catch and sell prawns of this size is as bad in its way as to catch and sell immature fish. Whether these small prawns could be riddled out I am not prepared to say, though I think it is very probable a considerable number would go through the mesh; but as hon. members have pointed out, prawn fishing takes place at night when there is nobody to watch the fishermen, and, therefore, the Bill might not suffer if the clause were excised. Referring to the provision as to lights on boats, my experience is that fishing boats carry lights for the purpose of attracting fish, though Mr. Stone says the fish here are of another description, and too wide-awake to be caught when there is a light. In certain seasons of the year I have seen the river from one end of Long Reach to the other, one

blaze of phosphorescence, and have known fish jump into a boat crossing from South Perth to Perth. I have that information from a most reliable source, and though hon. members may laugh, the fact remains. Often in the case of a boat not very high out of the water, fish when they are numerous jump in, and I have seen mullet of a large size caught in that way. As to the catching of small fish for bait, if Mr. Stone looks into the Bill he will see that the Governor has power to authorise nets of a smaller size to be used for that purpose.

HON. F. M. STONE: The Governor cannot override the Bill, which says that fishing nets must be of three-inch mesh.

THE COLONIAL SECRETARY: In any case, that is a small matter easily amended in Committee. Mr. Stone has taken an hour to criticise the Bill, no doubt from an amateur fisherman's point of view; and, as to his statement about porpoises, I do not think we can legislate against them. My experience is that there were larger numbers of porpoises in the river 20 or 30 years ago than now, because I then used to see them in dozens about Fremantle. Latterly I have not seen so many, but I am not now very often on the water. The hon. member's principal objections can be met in Committee, and with the amendments suggested, the Bill ought to be productive of good. There are provisions which will enable the administration of the law to be carried out more perfectly and effectually than under the present Act. The administration, of course, is not the fault of the Act; that is a matter for the Minister, with whom it rests as to whether more inspectors shall be employed and whether they shall be made special constables. That I regard as only a detail, and as Mr. Hackett has said, it is desirable the Bill should pass, with small amendments necessary to make the measure more in harmony with the views of Mr. Stone, and more effective in preventing the destruction of fish. I do not propose to withdraw the Bill, but to ask hon. members to go into Committee on the clauses.

Question put and passed.

Bill read a second time.

SELECT COMMITTEE (PROPOSED).

THE COLONIAL SECRETARY moved that the consideration of the Bill in Committee be made an order for the next day.

HON. F. M. STONE moved, as an amendment, that the Bill be referred to a Select Committee. The Colonial Secretary seemed to think there were only about two or three clauses to be altered, but there were 14 out of 20; and these would require considerable attention, which he was not prepared to give at this late stage. Members had quite enough to do to occupy them. The question of federation was coming on.

THE COLONIAL SECRETARY: There was not much for to-morrow.

HON. F. M. STONE: Every day for the next three or four weeks he would be engaged, and would not have time to look into the measure. He wished to see the Bill a good one. He had pointed out that, with the exception of provisions regarding licenses and fishing in waters of another boat, there was in the present Act everything needed for the protection of fishing.

THE PRESIDENT: The hon. member could not make a second-reading speech again.

HON. F. M. STONE: It was necessary to refer the matter to a Select Committee, not only for the purpose of making the Bill a good one, but for hearing outside opinions from persons who were well qualified to give them.

HON. S. J. HAYNES seconded the amendment. With the exception of one or two matters, the main provisions were in the present Fisheries Act. He thought the hon. member pointed out that the great drawback was that there were not sufficient inspectors, and the inspectors had not enough time. If the effect of referring the Bill to a Select Committee would be the postponement of the Bill to another session, no great harm would be done. It was better to postpone Bills than to rush them through at the end of a session, only to find that impracticable measures had been passed, and that they had to be amended in the following session.

HON. J. W. HACKETT: The amendment was practically a proposal that the Bill be read this day six months.

HON. F. M. STONE: The rejection of the second reading could not be moved by him, because he requested the Colonial Secretary to withdraw the Bill, and it was only open to him to endeavour to achieve his object in this way.

HON. J. W. HACKETT: The object of the hon. member was to get rid of the Bill altogether, and clearly that was the wish of Mr. Haynes. He would much rather that the Colonial Secretary and Mr. Stone consulted together as to the maximum number of clauses to be dropped, leaving others which would be an advantage. There were at least half-a-dozen clauses which would be a real gain. We could not afford to lose another year.

THE COLONIAL SECRETARY said he would be pleased to meet the hon. member with regard to the provisions of the Bill.

Amendment put and negatived.

Question put and passed, and the order made for the next day.

BANK HOLIDAYS ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 5, inclusive—agreed to.

Schedule:

HON. R. S. HAYNES: The Commercial and Business Holidays Bill, which had been postponed, provided for other holidays, which somewhat clashed.

HON. J. W. HACKETT moved that progress be reported.

THE COLONIAL SECRETARY: Whit-Monday was a bank holiday at the present time, but not a commercial or civil service holiday.

Progress reported, and leave given to sit again.

LAND ACT AMENDMENT BILL (PRIVATE).

Received from the Legislative Assembly, and, on motion by HON. F. M. STONE, read a first time.

CEMETERIES BILL.

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

ADJOURNMENT.

The House adjourned at 8:55 o'clock until the next day.

Legislative Assembly.

Tuesday, 21st November, 1899.

Papers Presented—Peppermint Grove, etc., Water Supply Bill (private), Select Committee's Report—Motion of urgency: Alluvial Trouble at Kalgoorlie (negatived)—Question: Destruction of Kangaroos, Protection—Motion: Leave of Absence—Cemeteries Bill, third reading Bills of Sale Bill, Legislative Council's Amendments—Loan Bill, £750,000, second reading (moved)—Annual Estimates, Railways and Works, Annual Statement, votes completed—Supplementary Estimates, Message; debate postponed—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Education Department, Return showing names, salaries, etc., of teachers in Government schools; 2, Ocean Mail Steamers, further correspondence as to calling at Fremantle.

Ordered to lie on the table.

PEPPERMINT GROVE, ETC., WATER SUPPLY BILL (PRIVATE).

Select Committee's report brought up by Mr. JAMES.

Report received, read, and to be considered on the next Monday.

MOTION OF URGENCY—ALLUVIAL TROUBLE AT KALGOORLIE.

MR. VOSPER (North-East Coolgardie): I beg to move the adjournment of the House, in order to call attention to a matter of very considerable urgency; and I submit it is one which you, Mr. Speaker, will allow to be a matter of considerable urgency. It appears, as far as the information I have received will guide me, that an unusual departure from the ordinary criminal law procedure has taken place at Kalgoorlie this morning. I do not propose to offer the House any definite information on the point, but rather desire to receive it from the head of the Government or from the Minister who is responsible for what has happened. It appears, from information which has reached me by telegram, that some 15 men, who were arrested for having gone on the Adeline leases and removed certain ore at Kalgoorlie, were brought before the magistrate this morning, and were