

mentioned that the tendency of this Bill was to liberalise; but he ought to have added that its liberalisation was in favour of the shopkeeper, and by no means in favour of the shop assistant. The clause would not, however, effect its intended purpose, namely of covering the shops mentioned in the schedule of exemptions. Hon. members would see that it applied to women and young persons under the age of 16, but did not apply to men. The Minister for Lands had stated that the provision of the old Act limiting the hours of women and children to 48 hours per week was found unworkable. No complaint had ever reached him concerning that clause, except from the hon. gentleman himself. On the other hand, he had heard complaints as to the increase in hours proposed to be made by this Bill. Such being the case, would it not be better to adhere to the provisions of the old measure?

HON. G. RANDELL: As the President was doing double duty to-night, he moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10:28 p.m., until the next day.

Legislative Assembly,

Tuesday, 4th February, 1902.

Question: Midland Railway, Firewood Trucks—Question: Pastoral License, Renewal—Question: Stinkwort, to Eradicate—Question: Land Settlement, Esperance District—Question: Police Detective, Gratuity—Question: Petroleum Storage, Risk at Fremantle—Question: Cue-Nannius Railway, Rails and Completion—Question: Vaccination, Compulsion Threatened—Question: Parliament Houses (new), Freestone—Question: Police Uniforms, Contract Cancelled—Question: Companies Amendment Act, Enforcement—Standing Orders Suspension, to Expedite Business—Judges' Pension Act Amendment Bill, all stages—Bush Fires Bill, third reading—Dividend Duty Act Amendment Bill, in Committee, progress—Kalgoorlie Tramways Act Amendment Bill, second reading, etc.—Roads Bill, second reading, in Committee, reported—Health Act Amendment Bill, second reading—Public Service Act Repeal Bill, second reading (moved)—City Sanitary Depot, Order discharged—Light and Air Bill, second reading—Land Act Amendment Bill, second reading—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Return showing Working Hours of Warders and Officers of the Fremantle Prison (ordered 22nd January); 2, Boulder School Accommodation, Particulars (ordered 15th January).

By the MINISTER FOR WORKS: Papers connected with proposals of Messrs. Couston, Finlayson, and Porritt, for completion of Coolgardie Water Scheme.

Ordered: To lie on the table.

QUESTION—MIDLAND RAILWAY, FIREWOOD TRUCKS.

MR. M. H. JACOBY asked the Minister for Railways: 1, Whether he is aware that, owing to the scarcity of trucks on the Midland Railway, the firewood trade is disorganised, and the farmers at Chittering are about to revert to the old system of carting to Guildford. 2, Whether such scarcity is caused by the refusal, as alleged by the company, of the Government to continue the arrangement which long existed whereby the company were able to use Government trucks on certain conditions.

THE MINISTER FOR RAILWAYS (Hon. W. Kingsmill) replied: 1, I am not aware of this. 2, I have no knowledge of any such arrangement, nor has any application for trucks been made by

the Midland Railway Company ; consequently they have not been refused.

**QUESTION—PASTORAL LICENSE,
RENEWAL.**

MR. JACOBY asked the Premier: 1, For what reason **Mr. B. Duffy** was given notice that his pastoral license 150/109, Swan, would not be renewed after 30th June next, notwithstanding that his application was approved and the rent paid. 2, Whether the Minister contemplates any change in the ownership of the license. If so, for what reason.

THE PREMIER (**Hon. G. Leake**) replied: 1, As the land included improvements effected by a former lessee who had allowed the lease to become forfeited in error, the licensee was given notice that his license, which was granted "during pleasure," would terminate at the expiration of the term for which rent had been paid. 2, Yes; the land will be thrown open again in order that any application which is made may be subject to the value of the improvements.

**QUESTION—STINKWORT, TO
ERADICATE.**

MR. JACOBY asked the Premier: Whether his attention has been directed to the rapid spread of "stinkwort" in the agricultural areas. If so, whether he will take measures to deal promptly and effectively with the pest.

THE PREMIER replied: Yes; measures are being taken to deal with the pest.

**QUESTION—LAND SETTLEMENT,
ESPERANCE DISTRICT.**

MR. A. E. THOMAS asked the Premier: Whether he will send an officer into the Salmon Gum and Grass Patch districts, between Norseman and Esperance Bay, to inquire as to whether the land is suitable for settlement.

THE PREMIER replied: Yes; as soon as one is available.

**QUESTION—POLICE DETECTIVE,
GRATUITY.**

MR. W. M. PURKISS asked the Premier: Whether the Government has decided to grant any, and what, gratuity to Detective McCartney on his retirement from the Police Force by reason of

unfitness for further service through ill-health.

THE PREMIER replied: The amount would be placed on the Supplementary Estimates.

**QUESTION—PETROLEUM STORAGE,
RISK AT FREMANTLE.**

MR. J. J. HIGHAM (for **Mr. Diamond**) asked the Premier: 1, Whether he is aware that permission has been given by the Municipality of North Fremantle to a company to erect tanks for the storage of petroleum oil in bulk on lands adjacent to the wharves on the north side of the river. 2, Whether the Government is aware that such storage is a danger to the town, wharves, bridges, and shipping.

THE PREMIER replied: 1, No. 2, No; but inquiries would be made.

**QUESTION—CUE-NANNINE RAILWAY,
RAILS AND COMPLETION.**

MR. J. B. HOLMAN asked the Minister for Works: 1, What efforts are being made to complete the Cue-Nannine Railway line. 2, Whether it is a fact that the rails taken from the Southern Cross Railway line, and intended for the Cue-Nannine line, are too much damaged to relay. 3, When the necessary rails will be available for this work. 4, Whether the Minister can name a date when the line will be finished.

THE MINISTER FOR WORKS (**Hon. C. H. Rason**) replied: 1, The earthworks, bridges, culverts, etc., are being pushed on, and are now completed up to 27½ miles. 2, As none of the rails have as yet been received, the Engineer for Railway Construction is not in a position to give an opinion as to their condition. 3, This depends upon the Working Railways Department, who are being urged to supply the rails. 4, The date of the completion of the line altogether depends upon the rate of delivery of rails.

**QUESTION—VACCINATION, COMPULSION
THREATENED.**

MR. H. DAGLISH asked the Colonial Secretary: 1, By whose authority notices threatening with prosecution the parents or guardians of unvaccinated children under seven years of age are being issued. 2, Whether he will cause action in this

matter to be stayed until Parliament has an opportunity of considering it.

THE COLONIAL SECRETARY (Hon. F. Illingworth) replied: 1, The Superintendent of Vaccination. 2, The city is in too dangerous a condition, owing to the number of unvaccinated children, to make it advisable to stay proceedings.

QUESTION—PARLIAMENT HOUSES
(NEW), FREESTONE.

MR. DAGLISH asked the Minister for Works: 1, Whether it is true that, in preparation of the working plans of the new Parliament Houses, Donnybrook stone is being cut out. 2, If so, on whose recommendation, and for what reason.

THE MINISTER FOR WORKS replied: Plans are being prepared, providing for freestone dressings.

QUESTION—POLICE UNIFORMS, CONTRACT CANCELLED.

MR. F. WALLACE asked the Premier: 1, Whether it was true that the police uniform contract of Messrs. Condit and Launder has been cancelled. 2, If so, whether it is the intention of the Government to call fresh tenders, and when.

THE PREMIER replied: 1, Yes; on the ground that the goods were not up to sample. 2, Nothing as yet decided.

QUESTION—COMPANIES ACT AMENDMENT ACT, ENFORCEMENT.

MR. W. OATS asked the Attorney General: 1, Why the Companies Amendment Act of 1899 has not been carried out in its entirety. 2, Whether the Government intend to do so, and when.

THE ATTORNEY GENERAL (Hon. G. Leake) replied: 1, The Registrar of Companies reports that there are no duties imposed upon him which have not been carried out. 2, See answer to question No. 1.

STANDING ORDERS SUSPENSION.
TO EXPEDITE BUSINESS.

THE PREMIER (Hon. G. Leake) moved:

That, in order to expedite business, the Standing Orders relating to the passing of public Bills, and the consideration of Messages from the Legislative Council, be suspended during the remainder of the session.

This was only following the usual practice in Parliament, when nearing the end of a session, particularly when there was before the House a number of Bills of a more or less formal nature, not likely either to give rise to discussion or to be amended. Doubtless all hon. members desired the session to be brought to a close as soon as possible; and so far as he could read the Notice Paper, he thought it was not at all unlikely, if the Legislative Council were prepared to expedite business, we might possibly prorogue either on Saturday or early next week. If members would look at the Notice Paper they would see most of the Bills down for second reading were very small matters. Those that had not yet passed the Committee stage had practically been determined, the principle had been settled, and there was very little that was contentious. He proposed to confer with the leader of the Opposition in order to decide what Bills should be brought forward and passed without delay, and as to which of the propositions before the House might fairly be abandoned.

Question put and passed.

JUDGES' PENSION ACT AMENDMENT BILL.

Introduced by the PREMIER, and read a first time.

SECOND READING.

THE PREMIER (Hon. G. Leake): As the Standing Orders have been suspended, I beg to move the second reading of the Bill; and, as members will notice, it will require very little consideration. It was brought forward owing to a promise—

MR. MONGER: Are you going to move the second reading now?

THE PREMIER: I do not wish to block debate in any way; but as I have introduced the Bill and wish to explain my reasons for so doing, I hope members will permit me to make a few remarks. This Bill is the result of a promise given the House when the Fourth Judge Bill was going through. The Fourth Judge Bill has practically been passed—I am not certain whether it has gone through all its stages in another place.

MR. JACOBY: We have no copies of the Bill.

THE PREMIER: It will be seen that the measure contains only one clause, which is as follows:—

Notwithstanding anything contained in the Judges' Pension Act 1896 to the contrary, no pension shall be granted, without the consent of Parliament, to any Judge resigning his office within five years of his appointment.

It was pointed out, when the Fourth Judge Bill was going through the House, that possibly a gentleman might be placed on the bench whose health was so poor that he might be in a position to demand his pension on a doctor's certificate, as provided by the Act, within a few months or a few weeks after his appointment. It was suggested by some members that before anybody could be appointed to the bench, he should undergo a medical examination. That I do not think will commend itself to members for this reason. Most men who are placed on the bench as Judges are past middle age, and it is not to be supposed that they would be passed as a first-class risk by insurance societies. In order that the risk may be minimised, the Bill provides that a Judge shall not secure a pension within five years of his appointment. If a Judge discharge his duties satisfactorily for five years, I consider that as he can only leave the bench because he is incapacitated, physically or mentally, to discharge his duties, it is not unfair to permit him to draw his salary. If members think there ought to be an alteration in the yearly limit, I shall be very glad to consider any proposition. I have hit upon five years as being what I consider a fair length of service, but if members wish to reduce the term to three years or to increase it to seven years, then I can say we can easily discuss and arrive at a proper conclusion. I forget who the members were who suggested that it was necessary to protect the State in the direction indicated, but I realised the fairness of the suggestion, and I promised that if the Fourth Judge Bill was passed to bring down some sort of amendment, and this Bill is the result. It is shortly this, that no Judge can demand his pension until he has served five years. Under the existing Act, a Judge can demand his pension if he satisfies the Governor in Executive

Council, on a medical certificate, that he is incapacitated, either mentally or physically, to perform the duties of his office. Here is a wholesome provision that the pension cannot be given within five years, unless with the consent of Parliament. I do not think there can be anything fairer than that. It takes away from the Executive of the day what may possibly appear, to some extent, patronage. The Government would be loth to recommend a pension to a Judge who had been on the bench only a few weeks.

MR. GEORGE: What objection would there be to giving the pension *pro rata*?

THE PREMIER: The pension is only £750 a year, and if you give it according to the time of service, if a Judge had only been on the bench for one year, the pension would hardly be worth bothering about.

MR. GEORGE: Is it not three-fourths of the salary?

THE PREMIER: One-half at present. In any event a Judge's retiring allowance is not a very large sum. Such a gentleman would be precluded from private practice, and we may take it for granted that if he is so ill mentally or physically as to require to be retired on a pension, his life is not worth many years. The Bill is a very simple one, it is easily understood, I submit it to the House for discussion, and I see no reason why members should not consider it now.

MR. R. HASTIE (Kanowna): I wish to ask the Attorney General a question. I understand that the Judges' salaries are on the Civil List, and I understand the reason is that Judges are not to be dependent on the will of Parliament for voting their salaries. Is not this Bill a breach of that understanding with the Judges, as they will have to depend on the goodwill of Parliament to get a pension?

THE PREMIER: No; it is the Judge's salary which is secured by statute. Parliament cannot interfere with the salary except by passing an Act. Parliament under the existing law has nothing to say in regard to the pension; but under this Bill, if a Judge has not served five years on the bench, he must be dependent on Parliament for the granting of any pension.

MR. W. J. GEORGE (Murray): I believe I had something to do in suggest-

ing the necessity for legislation on this subject. It is pretty well known in this House that I do not believe in pensions for anyone; but I expect I am in a minority, and shall probably continue so. I do not like this Bill. I would rather it provided for the payment of a pension *pro rata* with the length of service. The original Act provides for the retirement of a Judge with pension, on a medical certificate, after he has served fifteen years. I do not see why this Bill should not provide for the payment of a pension in periods of five or ten years; that is in proportion to the 15 years provided for in the existing Act. The argument of the Premier cuts both ways. If we provide for a pension to be payable *pro rata* of service on the bench, the pension for only a year or two of service would not be worth much, as the Premier says; but my observation of pensions in various parts of the world is that if the amount obtainable as pension is only a few pounds a year, those persons who are in high places are generally keen for adding even such a small amount to their income. Supposing a Judge had been sitting on the bench two or three years, and that the exercise of his duties had broken down his health, Parliament would be inclined to grant him something, if only £50 or £100 a year; but I would sooner see the payment made *pro rata* of service than see a provision requiring a service of not less than five years to entitle a Judge to a pension.

THE PREMIER: Under the Bill a Judge would not be entitled to anything without the consent of Parliament, if he had not served five years at least.

MR. GEORGE: Yes; there is that in it. Still I should like to see laid down as a hard-and-fast principle with regard to the amount of pension to be granted, that it should be according to the length of service. Under this Bill the case of a Judge retiring before he had served five years would have to be discussed by members of Parliament; and as I do not believe in pensions and shall continue to protest against them, I am of opinion that any pension which is to be paid should not require discussion in this House. When the present Act was under discussion in the Legislative Council in 1896, there was considerable debate on this point, and I believe the principle of

payment *pro rata* was lost by only one vote. That House contained more legal members in proportion to its number than does this House, and I think the members of the Council had excellent reasons for putting that view forth.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—Short title:

MR. H. DAGLISH: As the member for the Murray pointed out, the *pro rata* payment was worthy of consideration. In appointing a Judge the person proposed should understand not only his liabilities but his actual legal position in regard to a pension, and it should not be left to the will of Parliament to pass a vote for determining whether a Judge who had become incapacitated for the performance of his duties should get anything or not. A Judge should have a certain legal right, or he should have no legal right; and the question of granting a pension should not be left to the will of Parliament, because personal considerations often interfered in matters of this kind. He hoped the Premier would adopt the suggestion for making a hard-and-fast rule.

DR. HICKS: There was no reason why a person who was about to be appointed a Judge should not undergo medical examination; not necessarily of first-class order, but such as to guarantee a certain expectancy of life. When a Judge had been in practice for a number of years and had arrived at a stage when he found that practice in the outside world was getting too much for him and wished to let himself down lightly, there ought then to be a sliding scale for payment of pension in proportion to length of service.

MR. R. HASTIE: The Bill affirmed, as definitely as possible, that a Judge should be entitled to pension only after five years of service. The suggested sliding scale would not be workable. Would this Bill enable Parliament to award compensation in the case of a Judge being incapacitated in less than five years after his appointment?

THE PREMIER: There was no provision for compensation in the existing Act; but to illustrate the proposed limit of five years, suppose a Judge travelling on circuit were injured in a railway acci-

dent so seriously as to incapacitate him for the performance of his duties as Judge. That misfortune would be no fault of his, and that would be a case which Parliament might consider as to the granting of a pension and the amount. There was no unfairness in the Bill, because it left Parliament to say what should be done in the event of a Judge becoming incapacitated before he had served five years. Under the present law the question of granting a pension on a medical certificate of incompetency was entirely in the hands of the Executive Council. He understood that the object which certain members had in suggesting some provision of this kind when the Fourth Judge Bill was under discussion, was that it should not be possible for a man to be put on the bench one day and practically retired on a pension the next day, but that the State should get something from him for the money paid. One could not think of any fairer way to meet the views so expressed by members than the provision in this Bill; and while not particularly wedded to the Bill, yet having promised to bring it in he would vote for it, and would also consider any amendments.

MR. HASTIE: Would the Bill be retrospective in its operation? Under this Bill no Judge could demand a pension until he had been five years on the bench.

MR. G. TAYLOR: Would the Bill become law immediately it was passed, so that no Judge should be able to get a pension unless he had served at least five years? Also was it to be understood that the certificate of one medical man only should be sufficient for the Judge to produce, as certifying to his incapacity for farther duty?

DR. MCWILLIAMS: To a certain extent he agreed with a previous speaker that medical examination before an appointment should be required in the case of a person elevated to the judicial bench. It was very necessary that persons holding high office should undergo medical examination, and not before one practitioner only, but before a board of practitioners. If this were done it would give a certain guarantee of the proposed Judge being physically and mentally fit to carry out the duties, and would save money to the State. Suppose an instance

the other day in connection with a volunteer who had joined a Contingent going to South Africa. If he had not been medically examined, and had been taken on board the vessel, then he might have become ill in a short time; and being unfit for service, the fact of his having been in the service only a few days might have entitled him to a pension for life. There ought to be some provision made for the case of a Judge who might be accidentally killed, or might develop some particular disease resulting from the locality in which he had been travelling on circuit. Persons holding high office ought to undergo medical examination.

MR. J. GARDINER: If none but a physically perfect Judge were allowed to sit on the bench, we should possibly have a bench of athletes, who would, however, hardly be ornaments to their profession. True, a man with any apparent physical incapacity was unfitted for the position, but a man physically perfect might be a very imperfect Judge. If physically unfit, a barrister was not likely to resign his private practice for the bench, knowing that by this Bill he would not get a pension until he had been a Judge for five years.

MR. W. F. SAYER: Though not opposing the Bill, one could not look on it with approval. In England, and in all Australian States, every Judge was granted a pension on serving 15 years, or, regardless of his length of service, on being disabled by permanent infirmity. It was but right that Judges unexpectedly obliged by infirmity to retire from the bench should be provided with the means of adequate livelihood. Any man worthy of a judgeship had a distinguished career, by which he had made an ample fortune. But, if worthy of the appointment, a Judge was worthy of his pension, should permanent incapacity befall him. The Queensland law was free from the ambiguity in our existing Act; but no doubt our Act was intended to be similar to the Queensland measure, providing that in case of retirement through infirmity, the full pension might be claimed, regardless of length of service.

MR. W. H. JAMES: This proposal for a medical examination had not been heard of till medical men gained admission to this Chamber. At the first opportunity these gentlemen tried to

subordinate the Supreme Court Judges to the medical profession. Able as doctors doubtless were, they had not yet special qualifications for picking out occupants for the judicial bench. When an office had a pension attached, such pension was always considered by eligible applicants as part of the salary. The salary plus the pension was the inducement. In the old country, there was no such legislation as contemplated by the proposed amendment; nor was there in the colonies, except to some extent in New Zealand. Speaking from memory, even in New Zealand, if a Judge served two-thirds of his term, he was entitled to the full pension; and he (Mr. James) did not recollect the case of any Judge in Australia, New Zealand, or the old country who, though he had served less than two-thirds of his term, was drawing his full pension. Even if during the last ten years, three or four of such instances could be found, surely the saving that would have been effected by the Australian States if they had adopted this amendment, would have been altogether outweighed by the greater inducements the Bill afforded to eligible applicants for judgeships. In all countries Judges could be found who were more or less delicate, and after a few years unable to discharge the whole of their duties. Strangely enough, among such sufferers were some of the most eminent men on the bench. Before a man had an opportunity of securing a judgeship, he had generally passed middle age, particularly in the old country; it was the men who, by working day and night, had attained positions at the bar, the possession of which alone qualified them to sit on the bench, who were appointed. Consequently the strain of the work was generally too great, and the Judge's health failed. Many of the British Judges had accepted their positions because they could not stand the strain of large private practices; therefore they went on the bench and gave to it that standing which it should be the aim of the Australian States to equal.

MR. W. B. GORDON: It was refreshing to find members were making second-reading speeches on the Fourth Judge Bill at this late stage of the session. The simplicity of this Bill evidently led the member for the Murray to fall foul of it,

because it was too fair and too just. Better pass the Bill as it stood.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

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

BUSH FIRES BILL.

Read a third time, and returned to the Legislative Council with amendments.

DIVIDEND DUTY ACT AMENDMENT BILL.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of 63 Victoria, No. 6, Section 4:

MR. W. H. JAMES: The end of the Clause provided that the provision should be deemed to have been originally enacted. The Dividend Duty Act passed in 1899 provided that certain duties should be paid by certain mining companies, and he assumed that Act had been in force since 1899, and certain duties had been paid. If the Act had been enforced against some companies, it should be enforced against the balance.

MR. A. E. THOMAS: It was well known that at the time of the passing of the Dividend Duty Act it was not intended to place the mining companies on any different footing from other companies, and the latter portion of Clauses 3 and 4 was to indemnify the companies and the Government also. Recently the Treasury department were threatening with writs some mining companies carrying on business within, and also beyond, Western Australia. Those companies carrying on business within Western Australia occupied a similar position to the ordinary limited liability company, and no provision was needed to protect them. Companies carrying on business within, and also beyond, Western Australia were threatened with proceedings unless they paid the amounts owing on the book profits as against the dividends declared. The original intention of the Act was not that any mining company should be taxed for any portion of its book profits that it might put into the

purchase of machinery, or the development of its ground. Some companies had paid to the Government according to the demands made. Some companies had paid the tax on the book profits, and others on the dividends declared, but only small amounts had been paid on either side. If the Treasurer would look at the matter he would find that about the same had been overpaid as had been underpaid.

MR. JAMES: Was it a fact that under the existing Act some companies had paid the tax and others had not?

THE COLONIAL SECRETARY: There were a few companies who, as yet, had not complied with the provisions of the Act. Directly he saw the Bill he objected to the latter portion of the clause, which made the Bill retrospective.

MR. THOMAS: Clause 4 indemnified both parties, and prevented litigation on either side.

THE COLONIAL SECRETARY: It seemed strange that the Bill should be made retrospective in one clause, and in another the retrospective provision should be done away with. Some companies had got out of their liabilities, and other companies had honourably met theirs. There was no desire to object to the principle of the Bill, but he opposed the retrospective provision. He moved that all the words after "three" in line 2, to the end of the clause, be struck out. Mining companies would be placed on the same basis as other companies; but he differed from the hon. member when he said it was not the intention of the Parliament which passed the Bill to make an exception with regard to mining companies. There was a considerable amount of debate on the matter, and it was distinctly understood that a difference should be made.

MR. THOMAS: The original Bill was made retrospective.

THE COLONIAL SECRETARY: The retrospective provision of the Bill he objected to.

MR. HOPKINS: It was desirable that members should be informed distinctly as to the amount of revenue likely to be lost by passing the Bill. Some members seemed ready to sacrifice a portion of the State revenue with a celerity which was almost remarkable; and he had yet to learn that the interests of foreign inves-

tors were paramount over those of persons within the State. If some member were to propose to abolish certain inter-State duties, thereby causing loss of revenue, there would be considerable opposition; yet this was a Bill introduced by a private member, the effect of which would be to interfere seriously with the revenue of the State. If other members were to follow this example, the revenue would be like a spreading chestnut tree, from which each member could lop a branch at his own sweet will. Members should be put in a position to know which source of revenue could best be spared; for it was not advisable to sacrifice revenue in a haphazard way. The purpose of the Bill should receive more consideration than had been given to it. The existing Act for taxing dividends was a good one, and he wanted to see it judged in comparison with other sources of revenue which might be reduced. He particularly wished to ascertain the amount of loss likely to be caused by the passing of this Bill.

MR. A. E. THOMAS: The member for Boulder apparently did not know what he wanted to do in regard to this Bill. A deputation composed of every goldfields member in the House, except the member for Boulder, had waited on the Colonial Treasurer and pointed out that it was not fair or just that a mining company should be on a footing different from an ordinary limited liability company; that a mining company was taxed on its gross book profits, instead of on profits divisible among shareholders. A gold-mining company might wish to spend a good portion of its profits in any year on the development of the mine or on new machinery, and yet that company was to be taxed on money which it had earned and proposed to expend in a manner beneficial to the mining industry and to the country. In the case of the Lady Bountiful Company, about £1,000 were piled up as book profits in the course of a year; and the Government, instead of allowing the company to wipe off an overdraft which had been accumulating, insisted on the company paying the duty as required under the Dividend Duty Act on the £1,000 which had been earned as book profits.

MR. HOPKINS: Yes; they paid £50 on that, while every member of the com-

munity had to pay on an average £20 to the revenue of the State.

MR. THOMAS: That company was taxed on profits which it proposed to expend in the country for development of its mine. Compare this with the principle of the Act in operation in Queensland. Clause 10 of that Act provided that the first and second dividends paid or declared by any mining company in Queensland should be applied, firstly in payment of the cost actually incurred by the company (before the declaration of the dividend) in acquiring the property, and three-fourths of the cost of machinery. That was a fair way in which to deal with mining companies, by giving them the opportunity to repay the actual cost of purchasing the mine and repaying three-fourths of the money sunk in machinery. Mining companies in this State did not ask to be treated as favourably as that. It should be remembered also that a mining property when worked out was not a saleable asset, whereas an ordinary business, if suspended, would realise something in the market.

THE MINISTER FOR MINES (Hon. H. Gregory): The amendment moved by the Colonial Treasurer was a good one. To charge a mining company a duty on its gross proceeds was absolutely unfair, because if a mining company started work, and saved £5,000 or £10,000 which the company purposed to put into machinery and development work, the State had no right to demand a duty on that money, when it was known that the money was to be expended for the benefit of the mining industry. It was perfectly right to charge a duty on actual dividends, but not on book profits when it was known that such profits were not going to be distributed amongst the shareholders but were to be expended in the business. The anomaly of requiring a mining company to pay a duty on book profits should be got rid of.

MR. J. M. HOPKINS: As to the justice of demanding a tax of 1s. in the £ on the book profits of a mining company, we should remember that nearly every shareholder was a resident outside the State. [MR. THOMAS: Nonsense!] This could not be a hardship in the case of a company whose shareholders resided mostly out of the State, when every person residing in the State was required

to pay about £20 per annum to the revenue, as compared with £5 to £8 per head for taxation paid in other States. Was the repeal of this Dividend Duty Act more important to the State than the reduction of railway rates, or more important than the remission of some of the food duties? The Treasurer had shown, in his Financial Statement, that the railways of the country were being run at a loss, and that therefore it became necessary to raise the rates or reduce the working staff. Was it more important that this should be done than that the dividend duty should be reduced in the way proposed in the Bill? Was it more important to pass the Bill than to provide for eight hours as a working day in the case of nurses in hospitals and in the case of other servants employed by the State?

DR. O'CONNOR: Was the hon. member in order in making these remarks?

THE CHAIRMAN: He was using them as an argument against the Bill, but he was travelling a little outside.

MR. HOPKINS: Every person knew that 90 to 95 per cent. of the shareholders in the gold mines of this State were residing outside the State, and did not contribute in the same degree as residents did to the revenue of the country; therefore while the people were expected to contribute to the revenue about £20 per head, Parliament had a right to consider each source of revenue before remitting taxation on any particular section.

MR. R. HASTIE: Why this new and extraordinary retrospective clause? The reasoning of the last speaker was sound, though his arguments were of no force in favour of remitting the dividend duties, but highly favourable to the imposition of an absentee tax. The existing Act was the only approach we had to an absentee tax; but if the Bill as introduced were passed, it would result in the foreign investors, as represented by the member for Dundas (Mr. Thomas), opposing any similar taxation; yet the hon. member came from New Zealand, where there was an absentee tax. As to the remarks of the Minister for Mines, it was true the Act had been unfairly applied; for large sums representing the dividends paid by mines in this country had been re-invested in other mines; and such dividends had been taxed. That, if not

absolutely unfair, was unwise. Better keep in the country as much money and have as much work done as possible. He protested against the retrospective clause of the Bill. Many people had hitherto obeyed the law and paid the duties. Those who had not should be made to pay; yet the member for Dundas proposed to give such a "clean sheet," and the only people who had systematically defied the law were those the hon. member represented, of whom he (Mr. Hastie) could name half a dozen. [Mr. THOMAS: Name them.] The member for the Boulder (Mr. Hopkins) rightly called attention to the heavy taxation per head paid by everyone in Western Australia. That should be remembered by the hon. member's friends in London when considering their position under the Dividend Duty Act; for it showed there was no desire in this country to be unjust to the foreign investor. As in no case had a tax been levied save on such companies as had paid dividends, these companies, being in a position to pay, had no claim to the charitable consideration of Parliament.

Mr. W. H. JAMES: The amendment would annul the retrospective portion of the clause, and all mine-owners who had not paid the duty would have to pay.

Mr. THOMAS: Unfortunately, Mr. Hastie judged others by himself. His statement, and that of Mr. Hopkins, could not be allowed to pass. One would imagine that foreign mining companies had been the pets of this and preceding Governments. The time was fast approaching when, if we put a few more straws on the camel's back, the camel would break down.

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

Clause 3—Amendment of 63 Vict., No. 6, Sec. 5:

THE COLONIAL SECRETARY moved that all the words after "section," in line 5, be struck out. The effect would be similar to that of the preceding amendment.

Put and passed, and the clause as amended agreed to.

Clause 4—No action to lie against mining companies in certain cases:

THE COLONIAL SECRETARY moved that the clause be struck out. Two other clauses would be inserted in lieu.

Put and passed, and the clause struck out.

New Clause (Banking Companies):

Mr. W. F. SAYER moved that the following be added, to stand as Clause 5:

Every banking company which carries on business within and also beyond Western Australia shall, half-yearly, within three months after each half-yearly balancing day, forward to the Colonial Treasurer a return in the prescribed form and containing the prescribed particulars, and verified by Statutory declaration under the hand of and made by an officer of the bank, showing the total average amount of the assets and liabilities of the bank, wherever situate, during the preceding half-year, the average amount of such assets and liabilities in Western Australia during that half-year, the amount of all dividends declared by the bank during that half-year, and the dates when they were respectively declared.

Every such bank shall at the time of making such return pay to the Colonial Treasurer a duty equal to one shilling for every 20 shillings, and a proportionate sum for every part of 20 shillings, of so much of the total dividends declared by the bank during such half-year as is proportionate to the average aggregate amount of its assets and liabilities in Western Australia during such half-year compared with the aggregate average assets and liabilities of the bank wherever situate during such half-year.

The object of the amendment was to follow the principle of converting the Act from one which imposed duties on the profits of companies to an Act to impose duties on their dividends. This was particularly required in the case of banking companies, because banks doing business in Western Australia only paid the duty on their dividends, whereas foreign banks with local branches paid it on their profits. It was right that all banks should be placed on the same footing.

Mr. JAMES: On what basis would the taxation be assessed?

Mr. SAYER: The duty would be paid on the dividend declared, which would be ascertained from the dividend declared by the bank as a whole in the different countries where it did business, by taking the ratio of that dividend to the bank's assets in this State.

Mr. JAMES: Was the new clause a copy from any other Act?

Mr. SAYER: It was in accordance with the Queensland Dividend Duty Act.

Mr. W. H. JAMES: The new clause seemed to be full of difficulties, but if the

provision was in force elsewhere it might work out all right.

Mr. MONGER opposed the amendment. He was surprised that it had been thought fit to introduce an amendment of this nature into a small Bill, of which very little notice was being taken. The original Act dealt with dividends payable by mining and other companies in this State. The Premier in bringing forward this amendment did not seem to notice the indelicate question which he was touching upon. The member for Claremont referred to the hardships imposed on banks; and while in sympathy with those institutions, he (Mr. Monger) would remind members that two big banking institutions in this country owed three-quarters of a million of money to the people of this State. Were we to pass legislation which would benefit institutions of this description? He referred to the Union Bank of Australasia, and the Bank of Australasia, two institutions which owed to the people of Western Australia three-quarters of a million, as the assets of those institutions in this State were three-quarters of a million less than the liabilities. The amendment which it was sought to introduce into the Bill, no doubt emanated from those two institutions. He would ask that the new clause be withdrawn. The question of unpaid balances which should be considered. First of all banks should keep assets equal to their liabilities, and these institutions should, after a certain period, hand over any unclaimed balances to the State, after advertising the particulars of those moneys. There was a big revenue derivable by banking institutions from lost notes; and he suggested that the amount of any lost note should be handed to the Treasurer. If banks wished to bring forward legislation of the description contained in the amendment, they must be prepared for the little weaknesses which persons like himself would bring forward against the tactics which those institutions adopted.

THE PREMIER: As the hon. member had had his annual fling at the banks, it would be well to report progress.

Progress reported, and leave given to sit again.

At 6:30, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

KALGOORLIE TRAMWAYS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR PUBLIC WORKS (Hon. C. H. Rason), in moving the second reading, said: This is a purely formal measure, rendered necessary to give effect to some desirable alterations in the Provisional Order which was made for the construction of tramways in the municipality of Kalgoorlie. There is no opposition on the part of the local authority, and the Bill has the approval of the local residents. I do not think any farther remarks are necessary in moving that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

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

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

ROADS BILL.

SECOND READING.

MR. W. H. JAMES (East Perth): In moving the second reading of this amending Bill, few words need be said, inasmuch as the great majority of the amendments made are in matters of detail. Members will observe by the schedule that the two existing amending Acts are repealed. That repeal is effected practically for the purpose of bringing those small Acts into the body of this new Act, and to save the trouble that would arise if the three measures were spread over three different parts of the statutes. Most of the alterations embodied in this Bill have been recommended by the roads board conferences held from time to time; and others have been found necessary in connection with the working of the principal Act. I think I am right in saying the most important clauses are those which enable a district to be divided into wards. That is a provision the benefit of which will be more effective in roads board districts that are very thickly populated, and which may be said to stand midway between rural roads boards and municipalities. The second is the clause which provides that the old Act—the amending Act, I think it was,

of 1889, which had the effect of exempting from taxation leases other than pastoral leases—is repealed; and a new provision is that that exemption extends to pastoral leases only, and not to all lands leased from the Crown. And even in connection with pastoral leases, if the pastoral lessees of those areas, or any of them, sub-let them at an increased rent, then the ratable value will depend upon the increased rent obtained from the sub-lessees. The difficulty arises in this way: Under the principal Act, roads boards cannot impose a tax on pastoral lessees; and the consequence was that in the northern areas of this State one could not get together a body of electors who could elect a roads board; because nearly all the settlers were pastoral lessees. For the purpose of dealing with that difficulty an amending Act was introduced which intended to give to roads boards the right to impose taxes on pastoral lessees, but provided that the ratable value must be the amount of rent paid to the Crown. But in carrying out what I believe to have been the intention of that Act, instead of limiting that exemption of pastoral leases, the roads boards extended it to any lands leased from the Crown; so the effect was that the exemption intended to be given to the pastoral lessees for a definite object was extended to every lessee from the Crown, including gold-mining lessees. It is obvious that state of things requires amendment. Under this Bill, the pastoral lessees will simply remain in their present position. They will be rated on the basis of what they pay the Crown. But all other Crown lessees will be treated as private lessees, in the same way as if they were inside municipalities.

MR. HOPKINS: Except that you have a saving clause in the Municipal Act as to striking a rate on the annual value, which you have not here.

MR. JAMES: Subject to a certain sum: yes. Members will observe there is a more efficient method of voting provided by Clause 32. Very grave abuses have arisen in connection with the use of proxies at roads board elections. I undertake to say that most of those abuses in the last Act could have been prevented under the existing law; but irregularities have crept in of recent years which really abolish all idea of voting by

ballot; and moreover, the proxy can, if he chooses, have a blank paper signed by the original voter, and can apparently have the right to insert any number of names thereon, being limited, of course, by the number standing for election. A short time ago, a grave scandal cropped up in connection with the Victoria Park Roads Board, where we found men who had obtained proxies from persons who no doubt intended to vote for one candidate; but the proxies went about to the various candidates hawking the right to have their names inserted on the voting papers. I am told it was in connection with a municipal, and not with a roads board election at Victoria Park, that this occurred; but that has been rendered impossible under this new Bill.

MR. DOHERTY: What happens to proxies in the event of there being no contest?

MR. JAMES: If there be no opposition, the proxy cannot count at all. It would be inoperative.

MR. EWING: It might be held until the next election.

MR. JAMES: That could not be done. The date would prevent it. There is an important power given in Clause 17, in sub-clauses (f), (g), (h), and (i), the effect of which is to enable roads boards to impose a tax on camels and camel-drivers. That has been found necessary in the experience of roads boards on the eastern goldfields, because of the difficulty they have in controlling the use of ordinary tracks by camels and camel-drivers. The Minister for Lands (Hon. H. Gregory) has, I think, practical experience of the need for legislation of this sort. The proviso was very completely debated in the Legislative Council, and I have no doubt the Minister will be able to satisfy the House of the need of the powers given by these sub-clauses.

MR. DOHERTY: Does the schedule state the amount per head?

MR. JAMES: The maximum is a licence fee, not exceeding 10s. per annum for every camel-driver, and a registration fee not exceeding £1 per annum for every camel. I think those are the important alterations to which the attention of the House should be drawn. I have much pleasure in moving the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Amendment of Section 3 :

SIR JAMES G. LEESTEERE: What would be the effect of this clause on the pastoral lessee? Would he be relieved from paying rates?

MR. HOPKINS: He would be made to pay rates.

MR. JAMES: The position of the pastoral lessee would not be altered; but the amendment contained in the Act of 1899 or of 1894 was so worded that it gave exemption, not only to the pastoral lessee, but to any lessee under the Crown. This must be amended so as to except pastoral lessees only.

MR. WALLACE: All roads boards were now collecting rates from pastoral lessees on the annual value.

MR. JAMES: And that they could continue to do.

Clause put and passed.

Clause 5—agreed to.

Clause 6—No new district to be created or existing district altered unless upon a petition:

MR. HOPKINS: The number of persons required to make the petition regular was too small. Better strike out "by at least 20 persons," and insert "by an absolute majority."

MR. JAMES: The object of the clause was to provide that there must be a petition signed by a certain number to set certain machinery in motion. To require an absolute majority would entail the establishment of machinery for ascertaining whether that majority had been recorded; and although in a populous district a comparatively small number might put the law in motion and cause annoyance, yet the legislation really dealt with rural roads boards rather than suburban roads boards. When a petition was presented inquiry had to be made, and when a report was brought up it was not incumbent on the Governor to create a roads board. Although 20 people seemed a small number, in large sparsely populated districts it was a great many, and that was where the difficulty arose.

THE PREMIER: This was only the initial proceeding.

MR. DOHERTY: There should be a provision that a vote be taken as to whether the people of a district required a change or not.

MR. JAMES: Supposing a certain number of people said they required a roads board in a district defined between point A and point B?

MR. DOHERTY: Then have a referendum.

MR. JAMES: Between point A and point B?

MR. DOHERTY: No; in the whole district.

MR. JAMES: That would create a hardship. It would invariably be found that no roads board district would be proclaimed unless proper notice was given.

MR. HOPKINS: The difficulty would be overcome if after "Governor" the words were inserted "signed by at least 20 persons owning or occupying property in the district."

MR. WALLACE: The Bill studied the interests of sparsely populated districts. In outlying districts where the roads boards were required, those who signed the petition for a roads board would generally be men having solid interests in the district.

MR. HOPKINS: The clause was required more for severance than for the creation of new boards.

MR. WALLACE: The provision was acted on now for the creation of new boards. The clause should be made elastic to suit the condition of outlying districts.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Townsites to be within the adjoining district:

MR. WALLACE: This clause might work hardship. If a townsite was located on a spot where it was necessary in the interests of health to make some improvement to the townsite for drainage purposes at a cost of £300 or £500 it was not right to ask the roads board to find that money. Had the Minister for Works made provision for such a case?

MR. JAMES: This clause provided that where a townsite was not a municipality but was inside the roads board district the townsite should belong to the district.

MR. WALLACE: An appeal had been made by the residents of Lennonville, whose townsite had been surveyed by the Government in a locality which required draining, but this townsite not being a municipality came under the clause. Where was the roads board going to get

the money from to carry out the work which was necessary? Had provision been made for a grant for the purpose?

MR. JAMES: Did that point arise under the clause?

MR. GORDON: The hon. member was out of order in asking for a subsidy for Lennonsville.

Clause put and passed.

Clauses 9 to 11, inclusive—agreed to.

Clause 12—Annual value of Crown lands held under lease:

MR. THOMAS: What was the effect of this clause in connection with mining leases? According to the original Act and the 1894 Act all lands leased from the Crown had to pay on the annual rental. Mining leases could only be rated on the rent paid to the Crown, but if Clause 12 passed a mining company's lease could be rated for the buildings on that lease.

MR. JAMES: Under the principal Act of 1888 there was no exemption in favour of any lessee except a pastoral lessee and the leases mentioned under the definition of ratable property. Under the Act of 1888 a definition of ratable property was given, and it exempted waste lands of the Crown, which would not include gold-mining leases or pastoral leases. The effect was that the pastoral leases and pastoral lands were exempted from rates. When the amending Act of 1894 was introduced it provided, by Section 3, that the words "or leased from the Crown for pastoral purposes" be struck out. That made these lands liable to be rated, and the persons who paid the rates became electors. That was the main object. Clause 4 said the net annual rental of all lands leased from the Crown, whether occupied or not, should be taken to be the annual rent payable, whereas by Section 3 these lands were allowed to be rated as pastoral leases, and the next section said to what extent the pastoral leases should be exempted from taxation. It was thought, with justice, that there was no reason why the provisions of the principal Act in that respect should be departed from. That Act gave no exemption except to pastoral leases. To a certain extent the Act of 1894 exempted from taxation pastoral leases, mining leases, and all other leases. Seeing that pastoral rent represented only the value of the herbage, it was reasonable that the

ratable value should be taken at the actual rental paid to the Government; but there was no reason why, in dealing with mining leases, a different rule should apply to mining leases inside a municipality as compared with mining leases outside and not far from the municipality. It was found now, in connection with some cases at and near Boulder, that inasmuch as under the Roads Act mining properties could not be rated, therefore there was no means of obtaining a rate from them for sanitary purposes. His own opinion was strong that gold-mining leases ought not to be exempt from taxation; that they should not enjoy exemption here which similar properties did not enjoy elsewhere.

MR. HOPKINS: With regard to gold-mining leases, the provision in the Municipal Act would meet the case. It laid down that a gold mine should be rated only on the annual value of the buildings, and not on the value of the minerals or machinery. That would be a reasonable way of arriving at the valuation of a gold-mining lease.

MR. HASTIE: The Bill appeared to provide that gold-mining companies should not be taxed on the annual value of their property. In the case of the Horseshoe or Ivanhoe mine, the annual value as a piece of ground might be £20,000 or £30,000; and if the Kalgoorlie Roads Board were to get rating on all that value, what would they do with it? The member in charge of the Bill ought to explain the bearing of the clause.

MR. GORDON: The words "net annual value" would meet the case, and save most of the mines from being over-rated by local bodies. In the past these properties had been exempt from local rates, although the companies working the mines used the roads in the particular locality more than the inhabitants did. This had been a bone of contention in the conventions of roads boards, as to how they were to get some value from the mining properties situated in roads board districts. Some provision might be made so that unprincipled members of a roads board should not be able to rate the richer mines unduly, but only on the annual value of the buildings.

MR. HOPKINS: Section 377, Subsection (g), of the Municipal Act provided for mining properties being valued

for rating purposes on the buildings, and not on the minerals or machinery. If that was found desirable in the Municipal Act, it was even more desirable in a Roads Act. Very few gold mines in this State were within municipal boundaries, although in other States, especially Victoria, the contrary was the case.

MR. W. H. JAMES: It would be well to make the meaning clear, and a clause like that suggested by the member for Boulder might be considered later.

MR. A. E. THOMAS: Did the member in charge of the Bill undertake to bring up such a clause?

Clause put and passed.

Clause 13—Manager or owner may be placed on electoral list as an occupier:

MR. W. H. JAMES moved as an amendment in line 6, that "30th June" be struck out, and "31st December" inserted in lieu.

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

Clause 14—Government may give board control of reserves, etc.:

MR. JACOBY: Would this clause enable the Government to take charge of certain main roads after these had been in charge of local bodies?

MR. W. H. JAMES: This clause did not deal with that question. In the Works Bill now before the House, which was not likely to be passed this session, provision was made in that direction.

MR. WALLACE asked whether the clause would enable the Government to take charge of some buildings, such as a miners' institute, which had been erected partly or wholly with public funds; so as to be able to place it under the charge of a local body, for the better protection and use of the building. Such cases became necessary in places where the mining population shifted.

MR. W. H. JAMES: This clause would give all the power necessary for the purpose suggested by the hon. member.

HON. F. H. PIESSE: The clause did not refer to buildings such as institutes which had been erected with public funds, aided perhaps with a contribution from the Government. Such buildings would be in charge of the local body, and the Government could not interfere by taking control of the buildings after they had

been once placed under the control of local trustees, as was usually the case.

MR. GORDON: The Government might grant that power to a local body, if the building had been put up partly or wholly with public funds. The clause provided that the Government should have power to place the control under, or withdraw the control from, public bodies. The Government were justified in taking over any such building of which they could make a better use.

MR. HOPKINS agreed with Mr. Piesse. The Government should not have power to take over a building unless such building had been constructed wholly with Government funds.

MR. JAMES: If such building were vested in a public body, the Government could not take control. If not in the hands of a public body, why should not the Government take it over?

Clause put and passed.

Clause 15—Government may give board control of reserves, etc.:

MR. DOHERTY: Better provision should be made for auditing accounts.

MR. JAMES: A new system of audit was provided by Clause 23.

MR. DOHERTY: The expenditure of the funds should be safe-guarded. Sometimes the total amount of money collected was eaten up in clerical and other expenses, which did not benefit the roads of the district.

Clause put and passed.

Clause 16—agreed to.

Clause 17—Additional powers to make by-laws:

MR. TAYLOR moved that in paragraph (i), line 1, the word "ten" be struck out and "twenty" inserted in lieu. The paragraph imposed a fee of 10s. on every camel-driver, and a registration fee of £1 on every camel. If the bulk of the camel-drivers were white people instead of Afghans the tax would be higher. Taxes laid on white people always ran into pounds, and never appeared as shillings.

MR. HOPKINS opposed the amendment. The Afghan camel-owner would not suffer, for he would simply add the extra tax to the price of loading, and the burden would fall on the pioneer.

MR. WALLACE: Was this power optional with the board?

MR. JAMES: Yes.

MR. WALLACE opposed the amendment. The tax would fall on white camel-drivers also.

MR. TAYLOR: The tax would not fall on the consumer. If the camel-drivers were taxed £1, we should no longer find five or six Afghans working practically for "tucker" for Afghan employers. If the camels were owned by white men, there would be only two drivers where there would be four or five Afghans. Therefore the tax would fall on the right shoulders. In the back country there had been a decided stand against Afghans as carriers, and the amendment would assist the white teamsters.

MR. WALLACE: Would not the consumer pay the tax in the long-run? The amendment should be supported if it would decrease the number of Afghans; but better results could be obtained by the white people binding themselves not to encourage these Asiatics. So long as the whites dealt with them in preference to white carriers, the evil would continue.

MR. THOMAS supported the amendment, and would support a tax five times as heavy if it would drive out the Afghans. On the road between Coolgardie and Norseman these had nearly driven off the white carriers.

MR. GORDON opposed the amendment. The tax of 10s. per driver and £1 per camel was very heavy. He sympathised with Mr. Thomas, but one must remember that white men as well as Afghans had camels, and that the Afghans with their camels were sometimes very serviceable, as they went where teams could not go; witness the recent floods on the Murchison.

MR. DOHERTY: Camels would not go over soft ground.

MR. G. TAYLOR: If the amendment were passed, every camel-driver would be charged a license fee of 20s. per annum. The amendment would also reduce the number of Afghans employed, and it would have the effect of making a white teamster compete more successfully against the coloured driver. Camels thrived better and were better looked after under white men's supervision than under that of Afghans.

MR. JAMES said he was prepared to accept the amendment.

Amendment put and passed.

MR. J. B. HOLMAN moved that in sub-clause (i) line 3 after "every" the words "cow or gelded" be inserted. He intended to move later that a license fee of £5 be paid for every bull camel. In season bull camels were very dangerous; they attacked cow camels and the drivers. This license fee would not affect the white drivers, who gelded their camels.

MR. W. B. GORDON: It was cruel to geld a camel nine or ten years old; the amendment might be made to apply to camels under three years.

Amendment put and passed.

MR. J. B. HOLMAN farther moved that in sub-clause (i) line 4, after "hire" the words "and £5 for every bull camel" be inserted.

HON. F. H. PIESSE: The addition of these words might jeopardise the Bill. If a fee of £5 were charged for every bull camel, it would be exacting too much from the owners of the camels. If the amendment could be made to apply to the future, it might be a different thing. There was a danger in gelding camels, and the amendment was only proposed in consequence of the antipathy to Afghans, who had been very useful in this country from time to time. By acting in an arbitrary way the Committee might be going too far, and we should be careful not to impose a penalty which was not fair and just. The amendment might interfere with the carrying trade on the goldfields, because the camels might have to be withdrawn. He opposed the amendment also because he wished to see the Bill passed, and any amendment made now had to be considered by the Upper House.

MR. GORDON: It was cruel to geld camels 12 or 13 years old. The hon. member was carrying his antipathy to the Afghans rather far. When a bull camel was astray he was dangerous, and for letting him stray the master was liable to a penalty.

THE MINISTER FOR MINES: This Bill was introduced not to have a slap at the Afghans, as had been suggested, but so that those who were trading should contribute something to the taxation of the country. A special fee should be paid for a bull camel; for there was extreme danger from this kind of beast at certain periods of the year, and the fee

should be such as would be likely to check the use of bull camels.

MR. GORDON: A special fee would not alter the danger.

THE MINISTER FOR MINES: It would discourage the use of this animal. His opinion was that a tax of £2 would meet the case. A teamster had to pay a wheel tax; therefore Afghans who used camels in the carrying trade should pay a tax. Another great object of the Bill was that all animals liable to taxation should be registered. By having them licensed, the ownership could be traced and action could be taken against the owner of any licensed animal, as in the case of a camel left dead on a public road. At present the owner in such a case could not be traced, there being no means of identity. He moved as an amendment that the license fee be £2.

MR. JAMES: Say "not exceeding £2." He agreed entirely with the remarks of the member for the Williams as to our not endangering the passing of the Bill.

MR. HOLMAN: This provision was brought forward at a meeting of white carriers on the Murchison; for they wanted some tax put on those animals so that the teams of white men should not be molested by bull camels roaming in the bush. The danger was great, and it was necessary something should be done.

THE COLONIAL SECRETARY: The amendment to make the license £2 should be supported. He had given a promise in regard to a license being required for these animals, in replying to a deputation from the Murchison; and though his own opinion was in favour of £5, yet he hoped the suggested amount of £2, which some members favoured, would prove sufficient. The danger ought to be checked as far as possible.

MR. HASTIE: Many members were as anxious as the member for the Williams that the Bill should pass into law this session; but in dealing with this clause, we should remember this House was specially one for imposing taxation. This tax would fall heavily on the Afghan owner of a bull camel, but he should bear his share of taxation, being free from most other taxes which white men had to pay, because the Afghan did not use dutiable goods as a rule. It was preferable the amount should be £5, because bull camels were

dangerous and the danger should be reduced.

MR. TAYLOR: As to some members desiring to impose this tax on a class of persons who were not of our own people, we should remember the great danger caused by the use of bull camels, which were preferred by Afghans for carrying purposes because they could carry larger burdens. He was in favour of the license fee being £5, as more likely to check the danger than a smaller fee. There were periods of the year when bull camels on getting loose were absolutely mad: they rushed about like wild animals that had escaped from confinement. Bull camels up to three years of age were harmless; but castration could be performed on those animals up to 20 years of age. The Government Veterinary Surgeon might be sent for one season where camels were much in use, to perform the operation and minimise the loss.

MR. JACOBY: Provision for taxing the owners of bull camels by requiring a license fee should be made in another Act, and not in a Roads Bill, especially as some provision would have to be made for carrying out the object suggested by the last speaker.

HON. F. H. PIESSE: There was already a Trespass Act providing for the castration of any horse or bull found trespassing, if the owner were unknown, and for a fine of £5 if the owner were known. That could easily be extended to include camels.

MR. HOLMAN: How so, when two or three hundred miles in the bush?

HON. F. H. PIESSE: Even there a person would still be within the pale of the law.

MR. HOLMAN: The white carriers said castration was the easiest remedy.

MR. GORDON: This amendment sought to drive Afghans out of the country because they would not be cruel to their camels. The hon. member stated the Afghans could not keep their camels in the same condition as the white men. Admitted; because the Afghans tied their camels up at night—

MR. HOLMAN: That was untrue.

MR. GORDON: Whereas white men let camels loose at night. To make this fee more than £2 would be legislation run mad.

Amendment put and passed.

MR. A. E. THOMAS: Some age limit should be inserted.

MEMBERS: No.

Clause as amended agreed to.

Clauses 18 to 22, inclusive—agreed to.

Clause 23—repeal of Section 101 of principal Act and substitution of new section:

MR. W. H. JAMES moved that the words "for Works," in line 4, be struck out.

Put and passed, and the clause as amended agreed to.

Clauses 24 to 36, inclusive—agreed to.

Clause 37—No new road of less width than 66 feet to be laid out:

MR. WALLACE: To have to clear every new road to a width of 66 feet would entail great hardship; and funds might not permit.

MR. W. H. JAMES: The road need not be cleared, but merely set out.

MR. JACOBY: Some discretion should lie in the Governor in the case of a road going through highly-improved property, the owner of which offered sufficient ground for the road. If the 66ft. width were obligatory, there would, in such case, be hardship.

MR. S. J. PHILLIPS: There were many half-chain roads sufficiently good for their purpose.

MR. W. H. JAMES: The clause as printed would prevent the setting out of any road less than a chain wide. There might be cases where a less width was necessary; but before such roads could be constructed, the consent of the Governor should be obtained. He moved that after the words "no road shall" in line 1, "without the consent of the Governor" be inserted. It was to be hoped such consent would not be given except where absolutely necessary.

Put and passed, and the clause as amended agreed to.

Clause 38—agreed to.

New Clause:

MR. W. H. JAMES: It was desired to add certain new clauses to stand as Part II. The effect would be that the Governor might, by proclamation, direct that any one or more of such clauses should apply to certain roads boards. In the Bill introduced in another place, Part II. existed, and the Governor had power by proclamation to direct that any one or

more sections in that part of the Act should apply to any roads board district in the State. The Council thought that undesirable, and did not approve of such powers being extended to rural roads boards, and therefore struck out Part II. The clause was now considerably modified, so as to provide that the Governor might by proclamation apply any one or more of those clauses to any one or more of the following roads board districts: Claremont, Cottesloe, Peppermint Grove, and Buckland Hill. All those districts wished the new clauses to be applied to them. One clause would enable the Governor, by proclamation under the Act, to extend the operation of the Building Act to the district. Another would enable the roads board, if any land abutted on any macadamised or otherwise made road, to call on a land-owner to fence such land as abutted on the road. Another gave large powers to make by-laws, and the next gave powers to make footpaths; the board to pay half, and to have power to require the owners of the frontage to pay the other half. Another section gave power, by contract or otherwise, to light the streets. All these powers were found necessary. Members who knew Perth recognised that the work done by suburban roads boards was similar to the work done in a municipality; that the work done would be the foundation on which municipalities of the future would begin. Therefore it was desirable as far as possible to have sufficient powers to enable road boards to so carry on that when the district was enlarged and became a municipality, there should be none of the defects that existed now—small roads, shanty buildings, and so forth. The powers contained in the original Part II. of the Bill were extensive. One clause was intended to give permission to borrow money; but that power was not asked for now, in view of the opposition shown by the Upper House. He moved the new clause which he had indicated, to stand as Clause 39 of the Bill.

THE MINISTER FOR RAILWAYS: Could any roads board, by application, obtain these provisions?

MR. JAMES: The Legislative Council objected to the provision. According to the Bill, as introduced in the Upper House, the Governor had power to apply any of the provisions to a district. That

was objected to by the Legislative Council, and the whole part thrown out.

MR. JACOBY: Power might be given to the Governor-in-Council to allow roads boards, on application, to come in under the clause.

MR. JAMES: It was only wasting time in endeavouring to insert such a provision, as the Legislative Council were not likely to go back on their previous decision.

MR. JACOBY: The Legislative Council took exception to that portion of the Bill which allowed any board to come in, but now certain boards had been mentioned. He moved to add at the end of the proposed new clause the words, "any other boards may be included on application to the Governor-in-Council."

MR. JAMES: This Bill would have to be recommitted to-morrow, therefore if any member thought of other boards they could be stated in the clause.

MR. JACOBY: Was power given to the boards to raise loans?

MR. JAMES: That was not suggested. The Upper House had shown opposition to that proposal.

THE MINISTER FOR RAILWAYS: A great deal of the opposition shown by the Upper House was due to the fact that under the original Part II. power was given to boards to borrow money, but Part II. had now been eliminated.

MR. GORDON: The fencing provision seemed to be the great trouble in the Legislative Council. The members were afraid that some persons would be elected on the boards who would be antagonistic to the owners, and make them fence.

SIR JAMES G. LEE STEERE: Had not this question been already decided in another place? If so, it could not be considered again, and the Bill would be lost altogether.

MR. JAMES: The objection, he understood, was to the provision allowing any roads board district to come in, but an alteration was now made confining the operation of the Bill to certain districts.

SIR JAMES G. LEE STEERE: The question was similar to the one already rejected by the Council.

MR. JAMES: If that was the opinion of the hon. member, he would ask leave to withdraw his amendment.

Amendment by leave withdrawn.

Schedules—agreed to.

Title—agreed to.

Bill reported with amendments, and the report adopted.

HEALTH ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. F. Illingworth): In moving the second reading of the Bill, I may say the measure has been urged on more particularly by a defect, which is covered by Clause 2 of the Bill. It was found that although boards were nominated, yet there was no provision to fill vacancies. At the same time, in attempting to remedy this glaring mistake an attempt was made to remedy other defects, more or less of a legal character, and I shall have to depend on the legal members of the House to explain those provisions when we get into Committee. I shall content myself at the present stage with moving the second reading of the Bill.

MR. J. M. HOPKINS (Boulder): This Bill has been found necessary owing to the establishment of the Kalgoorlie and Boulder combined district board of health. Members may not be conversant why a combined district board of health was originated and established in that district, and it may be advisable for me to tell hon. members briefly how it was this combined district board of health was constituted. The Kalgoorlie district board of health exercised jurisdiction over territory outside its municipal boundaries, and the Boulder Municipal Council, as a health board, also exercised jurisdiction outside its municipal boundaries. In each case there was a local municipality, as a board of health, levying rates on people who had no voice in the constitution of the board and no control over the expenditure. The next matter that engaged attention on the eastern goldfields was that the persons who were being rated, and resident in the health radius but outside the municipal boundaries, refused to contribute any funds in the shape of rates for the purpose of maintaining the health board, as they had no voice. The health board had no alternative but to strike a rate. The Kalgoorlie Roads Board sought to become a health board, which would give the people on the eastern goldfields three boards of health exercising the functions of three different health boards over a

territory concentrated within a radius of five miles by two. That would have brought about the establishment of three boards, having three systems of sanitation, three medical officers, three sets of inspectors, and perhaps each one with different systems of sanitation, and each one working in opposition to the other. The original Act of 1899, in part 2 (financial), distinctly lays down that "Every health board shall make and levy a special annual rate, to be called a public health rate, not exceeding 6d. in the £, upon the annual ratable value of every house, store, shop, mill, tenement, or other building, piece of land, allotment, garden, or other premises within the limits of the district under the jurisdiction of the local board of health, and liable to be rated as may be deemed necessary for the purposes of this Act." So that it was incumbent then, as it is now, on the people in the combined district board of health to strike a health rate on every house and every tenement within the boundaries of the combined district. I may say I asked the Clerk of the Assembly to get the files of the *Kalgoorlie Miner* newspaper for the year 1899, and place them in the Assembly Library; and these files having now been obtained from the Victoria Public Library, members who refer to them will see that I have marked the files showing that agitation existed on the eastern goldfields in the year 1899, when persons living on leases absolutely refused to pay a health rate because they had no voice in the local administration. When the combined district board of health was established there, it was unfortunate that the drafting of the amendment to the Health Act had been faulty; for, in the first place, it provided for a nominee board, which I may say was unsatisfactory; and secondly, it made no provision to fill vacancies in the board, while it took from the old board the power of assessment for district rates, but did not confer the power on the combined board to collect any rate which had been levied for properties then exempted. The result is that the combined board of health has been without funds; and I am not exaggerating the position when I say the Colonial Treasurer, and probably this House, are sick and tired of having to deal with appeals for annual, and

more than annual, grants of money for carrying out the purposes of a health board in the combined district of Kalgoorlie and Boulder. The introduction of the present measure will be the means of making that health board an elective body; and that this is reasonable and necessary will be evident when I mention that it has issued over 10,000 assessments, and will have power to levy rates on a total annual value of £14,000. Therefore it is eminently desirable that this combined board of health should be elected by the persons who are to contribute rates on that enormous amount every year. These are the principal reasons which account for the introduction of this Health Bill. The only object which the health board have had in asking that provision should be made for an elective board is that the control should be vested in those people who are to contribute the funds for the upkeep of the board. Hon. members will notice that, by Clause 2, any vacancy in the board of the combined district may be filled. By Clause 3 it is provided that the district board may adopt the roads board or the municipal valuation in the particular area; and hon. members will see this is very necessary when I mention that at Kalgoorlie the combined district health board were asked a fee of £50 from the roads board for a copy of their valuation, if adopted. As the valuation of the roads board did not meet the requirements of the combined board of health, I may say there was no danger of the new board closing with that offer. In order to avoid the cost of valuers having to go through the same territory again for the purpose of a health board valuation, it is provided that the valuation made under the Municipal Act or under the Roads Act may be adopted by the district board of health. It is also provided that any premises exempt before the proclamation of a combined health district may be rated by the district board; thereby conferring the power which was omitted to be conferred by the Health Act Amendment Act of 1900. By clause 5, where a rate has been struck for the removal of night-soil and other refuse, the district board may collect the rate from the owner or occupier of any exempted premises. Under the original Act of 1898 it is laid

down that certain premises are exempt from rating, notably churches, mechanics' institutes, and other public buildings ; but if this Bill be passed, giving power to rate as laid down in Clause 9, it will be seen that the local board of health or the combined district board of health will have the power to rate up to 1s. in the £ ; and then they will be able to carry out the sanitary work themselves instead of having to pay a contractor to do it. Under the old Act, the health board would have had no power to collect a fee from the owners or occupiers of those premises which were exempt under the Act ; and it thus becomes necessary to have this amendment by Clause 5. Clause 6 provides the powers and duties of a local board of health. Clause 7 will validate any orders properly made as to quarantining infected places, and so on ; these being simply matters of machinery, all which are essential. By Clause 9 the principal Act is amended in ten particulars, which are set forth, most of them nominal ; but also amending Section 38 of the principal Act, by inserting a paragraph specifying some place or places at which all fish must be produced for inspection—before being sold or exposed for sale. The necessity for this clause was recently exemplified by evidence given before the Select Committee on Food Supply, which has recently reported to this House ; for it was there shown, in regard to Perth, that fish, after being exposed in shop-windows for sale during the day, were returned to the Refrigerating Stores for the night, and being taken out again next morning were put through a solution which enabled the dealers to sell them as fresh fish, though the fish would then go bad quickly, before the retail buyers could cook them. Clauses 10 and 11 are purely machinery clauses, such as will commend themselves to everyone. With regard to Part 2 of the Bill, I wish particularly to call attention to certain provisions. Clause 11 provides that the Bill shall apply only to such district board of health as may from time to time be declared by proclamation in the *Gazette* ; and I presume such proclamation would be made by the Governor, on application from the board itself. Clause 13 provides that Section 5 of the Health Act shall not apply to a district board of

health declared by proclamation, but that such board shall consist of nine members who shall be elected as provided in the Bill. By the next clause, one-half the members are to form a quorum, presumably five. By other clauses, the board may regulate its proceedings, appoint a secretary, and so on. Clause 19 provides the method of preparing the electoral list ; and it is particularly laid down that every person in occupation of rateable premises shall have his name inserted on the list in preference to the owner. It is reasonable that, for purposes of public health, the person resident on the premises should have preference in having the right to vote on questions of electing the board or expending the rate. The remaining clauses are machinery details, all being absolutely necessary. I want the House to clearly understand that, for some time past, the board of health for this combined district have been in great difficulty for want of funds to carry on ; and, in the annual Estimates a sum of £750 is now provided for health boards, the necessity for such provision being brought about in this case, not because the residents in the combined district were unwilling to pay, but because the nominated board had not power (under a faulty Act) to collect the annual rate levied previously to the proclamation, and the board were not elected by the people resident in the district. This Bill will remove these anomalies, and under it there will be no more applications to the Government for funds to carry on the work. I may say, also, that if this Bill be not passed, the existing board of health will immediately disband. There will be no alternative, as they have not a quorum of members. I ask the Government whether, if this Bill be not passed, they are prepared to provide money necessary for carrying on the work of a health board in the combined district.

THE COLONIAL SECRETARY: No.

MR. HOPKINS: I congratulate the Minister on that statement. Parliament having by its action taken from the board the power to collect the necessary revenue, it is absolutely necessary this Bill shall be passed for conferring on a board of health for the combined district the powers which are enjoyed by every other health board in Western Australia.

In reply to an interjection by the member for York, I may say the object of the Bill is to give to these people the power to rate themselves for health administration, and to provide that those who pay the health rate shall have the privilege of electing representatives for controlling the expenditure of the money. The Bill gives to the ratepayers, *pro rata*, equality of rating, and gives to those who pay the health rate equality of opportunity for securing election to the board. I hope that those hon. members who have not read the Bill will be satisfied with the assurance of those who have read it.

MR. W. D. JOHNSON (Kalgoorlie): In supporting the second reading, I wish to say this is not a Bill brought forward by the member for Kalgoorlie and the member for Boulder. It is a Government measure; and in supporting this Bill, hon. members will be supporting a Government measure.

MR. HOPKINS: I did not say I brought it forward; though as a matter of fact, I did originate it three years ago.

MR. JOHNSON: The main purpose of this Bill is to secure an elective health board for the combined district, instead of a nominee board. The member for Boulder has mentioned the agitation which took place on the eastern goldfields some few years back against the health board system of taxation without representation. At that time I was working on the mines and living on the leases. My camp was taxed; and I refused to pay the tax simply because I had no voice in the expenditure of that taxation; and to-day, although a member of Parliament representing a municipality, my ideas have not changed. The municipality of Kalgoorlie distinctly oppose this elective system. They have asked me to oppose it in the House; but I feel I cannot do so. I feel that the aggregate amount raised by taxation is rather too large a sum to be controlled by a nominee board; and I maintain that if the people be taxed, the people should have a voice in the election of those who are to spend the money. Therefore I support the second reading of this Bill, and hope the clause in question will not in any way be altered in Committee.

MR. J. RESIDE (Hannans): I think the member for Boulder did give an impression that this is a local Bill.

MR. HOPKINS: It is distinctly local; for the Kalgoorlie-Hannans board is the only united district health board in the State.

MR. RESIDE: At present, I believe the board is the only district board in existence; but as soon as this Bill becomes law, I believe other combined district boards will be established; therefore the Bill applies to the whole State, and is not purely local. I do not see how any person claiming to hold democratic principles can object to make this board elective as is proposed in Part II.; and I cannot understand why some local bodies object to this provision; because they know in times past there was a distinct and strong opposition, in which I took a prominent part, to the people on the leases paying rates without proper representation in the expenditure of the money. When we recollect that in my district, which is controlled by the Kalgoorlie Roads Board, there are hundreds, and I suppose thousands of people who will have to pay rates under this Bill, and who at the same time have no voice in the election of members for that board, I certainly think they should be given a voice in that election. Part II. of the Bill will not come into operation except by the proclamation of the Governor in Council; and that, I suppose, will have to be moved for by the local people. Until that has been done the old system will remain unaltered, and the new will not be brought into force so as to dislocate the existing machinery; in fact, it will not come into force until everything is ready to carry it into proper effect. I should like also to call attention to the fact that on account of the faulty drafting of the existing Act, the present combined board is practically paralysed. There are not sufficient members to form a quorum, simply because the Act did not give the board power to fill the vacancies of those members who retired or resigned. Therefore it is absolutely necessary to pass this Bill at once for the sake of effective sanitation for the benefit of the immense population on the eastern goldfields. It is absolutely necessary that this should be attended to properly, actively, and intelligently during the summer months. I would ask members not to show any contentious opposition to

this Bill, but to assist it through Parliament as soon as possible.

Question put and passed.

Bill read a second time.

PUBLIC SERVICE ACT REPEAL BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. G. Leake): I move the second reading of a Bill to repeal the Public Service Act, and in doing so I think hon. members are aware that my opinion and the opinion of my colleagues is that the Act is one which rather hampers than assists Ministers in the administration of affairs. I wish to say at once that should the House deem fit to carry this repeal Bill, it will be my duty during recess to prepare, and during next session to bring in, another and more comprehensive Bill, with, I hope, some suggestions regarding the reorganisation of the service. And particularly is it necessary that there should be some comprehensive scheme of classification. I think the classification of civil servants is, after all, the basis of any civil service reform; and the existing Act really appears to have begun at the wrong end. It was introduced some time ago by Sir John Forrest's Government; and I am in a position to tell the House that the heads of the service were not consulted with regard to the present Act. I, on one occasion, desired to gain some information regarding the original Public Service Bill which was then passing through the House, and interviewed one of the Under Secretaries; and I was told by him that he had not seen the Bill at all. It is quite evident that the present Act was not one which had been thoroughly and properly considered. There are several blots in the Act; and although these blots might be removed by an amending Bill, yet the underlying principle would remain, and the work of reorganisation could not be satisfactorily proceeded with. Amongst the sections which require amendment and explanation are Section 29, relating to long service leave, and Section 40, relating to permanent officers. In Section 40 of the Act it will be noticed that when any civil servant has been employed for two years, he is entitled to the full benefit of the Act. Well, we know there are works like the Coolgardie Water Scheme and

the Fremantle Harbour Works, which in their nature are temporary; and, whilst employing a great number of hands, of course it follows that when such works are completed there will be no need to employ the majority of the men who have been engaged on those works. And yet, by Section 40, any man who has been in the service for two years can claim practically to be permanently employed, and to be entitled to the full benefits of the Act. It is true that in Section 41 there is power to make regulations with regard to the classification of civil servants; but that power has not so far been enforced, neither this nor the preceding Government having taken any steps in the matter. It is true there was a board appointed composed of two or three under secretaries; but no practical advantage was taken of the report which was presented. It is admitted on all sides that the civil service requires reforming. (Mr. JACOBY: Hear, hear.) Members admit also that the civil service is overmanned. That is the chief point I ask hon. members to consider. Now if the civil service be overmanned, it necessarily follows that some of the civil servants must be got rid of. Under the present Act, we cannot get rid of a civil servant; because they are no longer servants at will, seeing that the Act limits the prerogative in that regard; and if a civil servant does anything wrong, it is only then we can get rid of him. We must have a report that he has been guilty of some form of misconduct; and then he can be dealt with. But he may demand a board of inquiry; and on the report of that board of inquiry the Executive Council acts, and the officer may be removed, or reduced, or generally dealt with. If, in our desire to reduce the civil service, we find that the services of some of the officers must be dispensed with, it will cost a tremendous sum of money if we have to lay charges or to summon boards to try them. Of course, reducing the service does not imply that we wish to make against men charges of incompetency or anything of that sort; and there must be an arrangement enabling Ministers to dispense summarily with the services of Government employees if we are to bring about a speedy and practical reform.

HON. F. H. PIESSE: Would the Premier, in dealing with Section 14, Sub-

section (d), state whether that does not provide for a reduction affecting generally the public service when recommended by the Governor?

THE PREMIER: I think you would find, if you tried to enforce that by regulation, that the general effect would be that the officers would say they had been hardly dealt with, or at any rate you would have several actions in the Supreme Court; and I do not, nor do my Ministers, desire to be pelted with writs because we have attempted to reorganise the civil service. What I tell the House is that in my opinion it is necessary to repeal this Act because it is unworkable; but that during recess I will take steps to have a fresh Bill drafted, having regard particularly to the proposed Civil Service Act which is being passed by the Commonwealth Government; and we may be able to take that as our guide. But in dealing with the civil service, I do not think it right that the hands of the Executive should unnecessarily be tied. If the Act be repealed, it will be easy for us to follow as closely as possible, and take as a guide, the old Colonial Office Regulations, and we shall endeavour not to do any well-deserving servant an injustice. But I say that if the service is overmanned, it clearly implies that somebody has to go. Under the Public Service Act, how are you to get rid of officers? That is the point and the only point really. I submit to the House that if the Ministry are to be assisted in the discharge of their necessary duties, this Act must be repealed, and a more workable measure be introduced without delay. I see the member for the Williams in his place: I do not know if he agrees with the views I have expressed or not. I admit his expression of opinion is entitled to considerable weight, and if it turns out the hon. member is in accord with my views, I shall be very pleased. At the same time if he is not, I cannot well withdraw any of the remarks I have made in moving the second reading of this Bill.

HON. F. H. PRIEST: You say the Act will interfere with the reorganisation of the public service, yet we must wait till next June until another Bill is introduced.

THE PREMIER: In the meantime we can go on with reorganisation. The existing Act is a block to reorganisation, and if we have to reduce the number of

civil servants we cannot do it with the Act staring us in the face, and we must, by way of amendment, recommend some system of classification. When you have got your mind made up as to what system of classification to adopt, it is not so difficult to apply it to the public service. It is a matter of common knowledge to members who have been in the House for some time that the Act was brought into the House and passed. That is about all you can say for it. What I have said before is correct. The prominent officers in the civil service whom the law must affect, and who must have understood the working of the measure, were not consulted. You would have expected their opinion would have been taken; but that was not the case. This Act is almost an exact transcript of the Act in force in South Australia, and the Minister for Mines reminds me that for upwards of eight or ten years the civil service was managed without the aid, or without the encumbrance, I may say, of this statute. I cannot say if it is any particular advantage to the civil service. If it is an advantage to them, I say it is a disadvantage to the State. Considering the views which I hold, and which I have attempted to explain, I do not care who compose the Ministry—they cannot do justice to themselves or their employers if they have to bring about reorganisation and reclassification under the Act now on the statute book.

On motion by **MR. NANSON**, debate adjourned.

CITY SANITARY DEPOT, REMOVAL.

DISCHARGE OF ORDER.

MR. H. DAGLISH: On behalf of the chairman of the committee, I beg to move that the Order of the Day be discharged from the Notice Paper, as I understand that provision has been made for carrying into effect the recommendation of the committee; therefore there is no necessity for the report to be considered.

Question put and passed, and Order of the Day discharged.

LIGHT AND AIR BILL.

SECOND READING.

THE PREMIER (Hon. G. Leake): This is a small Bill which has come down to us from the Legislative Council, and

I submit it to the House as a useful measure affecting the rights of property. Hon. members are aware that in certain circumstances the person who builds on his land, and puts windows overlooking his neighbour's land, can, after the prescribed time, unless those windows are blocked, prevent his neighbour from building up and excluding his right to light and air. In the debate which took place on this Bill in another place, it was pointed out that this really amounted to a form of robbery, which was hardly to be appreciated by hon. members who have already considered this Bill, and in that respect I am inclined to agree with them. It does not prevent, however, the party who desires to acquire certain rights to light and air, contracting with his neighbour for that privilege; and I will give a direct illustration of what I mean. Suppose I build a big warehouse on a block of land, and build right up to my boundary and erect that building three or four storeys with windows overlooking my neighbour's land: my neighbour may have built a small shop of only two storeys. In order to prevent my acquiring the right to the light and air, my neighbour must, some time during the period—I think it is 20 years under the Prescription Act—take means to block my windows, and the only way that can be done is by my neighbour running up some sort of obstruction—a wall, if necessary—and asserting his right, so to speak, to deprive myself of the privileges which I may acquire. In a community such as this I think it is only fair that a person should be prevented from obstructing any other person in the use of his land in such a way because, if my building of four or five storeys has remained for a sufficiently long time, my neighbour cannot increase the size of his building if by so doing he interfere with the access of light and air to my building.

THE SPEAKER: I have just been informed that this Bill has not been distributed: it has not come down from the Printer yet.

THE PREMIER: I have a copy.

THE SPEAKER: I believe two or three copies were sent down.

THE PREMIER: Hon. members will not mind my going on with the explanation. It is a very simple Bill, and only

comprises five clauses. The gist of the whole Bill is in the second clause, which is as follows:—

Except as herein provided, after the passing of this Act no teneement shall become servient to any other in respect of the access of either light or air, and no person shall have or acquire, by prescription grant, or otherwise, any claim or right to the access of light or air to any land or building from or over the land of any other person:

Provided that nothing in this Act contained shall prejudice or affect any easement or right to access or use of either light or air now existing, or acquired by prescription or otherwise, prior to the passing of this Act:

Provided further, that a grant of the right of access of light or air made at any time after the passing of this Act may be enforced if—

(a.) Such grant be made by deed duly executed;

(b.) Such grant shall provide that the benefit thereof shall inure for a term not exceeding twenty-one years, and no longer.

So that, as I pointed out, if a person desires to acquire the privilege of light and air to his windows overlooking his neighbour's lands, he can only do so by entering into a contract, and only enjoy that privilege for 21 years. It can be renewed at the end of those 21 years.

MR. DOHERTY: If he does it with the consent of the adjoining owner, can the adjoining owner block him out?

THE PREMIER: He can now. If this Bill is passed, it does not matter how long the adjoining owner refrains from building, he can build up to any time after 20 years. That simply forces the owner of the land to so construct his building that he can get light by some other means than over his neighbour's property. It is a perfectly legitimate and fair Bill, and the number of actions which are tried in the English courts on the question of these easements are very numerous; but I think that, under the circumstances, we may fairly pass the Bill as being an ordinary measure. It really does not interfere with the rights of anybody, but in fact it protects the rights of people and prevents rights accruing to other persons by enjoying the use of borrowed light for a lengthy term, which right did not in the first instance belong to them. I think it is a perfectly legitimate measure, and I submit it to the favourable consideration of hon. members. As the Bill has not been distributed in print to members, I will not press the

second reading to-night unless members desire it, and I will not ask the House to go into Committee on it at present.

MR. W. H. JAMES (East Perth): The Bill is a very useful measure, which should be placed on the statute book. It has always seemed to me to be a great injustice that a person should be able to acquire a right to light from land adjoining his holding, and this can be prevented only by the owner going to the expense of erecting a barrier, costing perhaps £100, which may be for years an eyesore on his property and a constant source of worry and expense. I should like to draw the attention of the Premier to a proviso in Clause 2, which enables a grant of land to be given by deed duly executed. By the Transfer of Land Act, it has been provided that every deed affecting land shall be registered; and I think we should require that a grant like that proposed in this Bill should also be registered, as otherwise it might be contended that, inasmuch as the Bill itself gives validity to a deed apart from registration, therefore registration is not necessary; and in this way a special Act would override the requirements of the general Act. If the Premier will note this for the Parliamentary draftsmen, it may be amended in Committee.

MR. D. J. DOHERTY: As the erection of a party wall is sometimes very costly, and if the owner of an adjoining tenement do not desire to erect a party wall but is willing to use a party wall already erected, it is desirable to consider an amendment for enabling this to be done under the Bill.

THE PREMIER: It would hardly find a fitting place in this measure, which deals with easements, while the other would not be an easement.

Question put and passed.

Bill read a second time.

LAND ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Hon. G. Leake): Having been asked to formally take charge of this Bill, I will simply move that it be now read a second time. If it is intended by members interested in the Bill to debate it, we may adjourn the debate.

MR. J. M. HOPKINS (Boulder): I intend in Committee to move the addi-

tion of a clause providing that at the expiration of the term of a residential lease issued according to regulations framed under this or any other statute, that at any time after three years prior to the issuing of such lease the owner so desiring may obtain a Crown grant. My reason for doing this is to enable the Lands Department to carry out an obligation entered into on the 7th December, 1898. At that time, what was known in the town of Boulder as the "town extension" was subdivided into about 380 allotments. The municipal council were in conference with the Lands Department as to the terms on which the land should be made available; and ultimately, on receipt of a telegram from the department, the land was put up, applications were invited, were received and recorded, and the applicants were registered for the respective lots. The telegram I refer to was sent by the Under Secretary for Lands, dated 17th December, 1898, and is as follows:—

To Mayor, Boulder, —

In reply your wire to-day, I have held matter over in hope of being able devise some scheme by which your wishes could be met; but find it impossible arrange for sale of lots without going to auction. Lots cannot be dealt with as residence areas under Goldfields Act, because they are not in goldfields; therefore I can see nothing but to deal with them as residential lots under regulations gazetted 8th April last, copy of which was sent in my letter 7th October, with some modifications following; holder to put his lot up to auction with value of improvements added at any time during currency of his holding. If this will suit, the matter can be fixed up immediately.

R. C. CLIFTON,
Under Secretary for Lands.

I may here explain that these lots were deemed not to be in a goldfield, because they were within the boundary of a town and inside the municipality of Boulder. It was on these conditions that applications were invited and registration was effected; but on a date subsequent to that telegram, the Lands Department issued certain regulations by proclamation in the *Government Gazette*, which debarred those persons from securing the freehold to the blocks of land which had been sold in accordance with the terms suggested in the telegram from the department, that telegram being really the basis on which the land was selected.

Therefore, seeing that under all other sections of the Lands Act, no matter how a settler comes into occupation of Crown lands, it is specifically laid down that, with due regard to improvement conditions and the period of residence being complied with, the occupier can secure a title to his particular piece of land, the same principle should be applied here. The section of the Land Act which controls working men's blocks, for instance, provides that after five years' residence the occupiers may secure a Crown grant. These very areas in the town of Boulder are the only areas of Crown lands that do not participate in the privilege or right which enables the owner to secure a Crown grant after the conditions have been duly complied with. In the town of Boulder the bulk of the land has been already sold. If an allotment of land was, subsequent to the first land sale, taken up as residence areas under the Land Act, the occupier was enabled to acquire the freehold after twelve months residence. It is not asked that this short term should apply to areas in the town of Boulder, but that three years' residence with registration should give to the occupier the right to secure a Crown grant, because the title to him is just as essential in its own way as is the title in the case of a person occupying Crown land for mixed farming or cultivation. We have seen instances where a person holding one of these pieces of ground, and wanting some temporary assistance, has been unable to get it for the simple reason that the Crown grant was not obtainable. Whether this House deems it right to extend the same privilege to people on the goldfields as is extended to people occupying Crown grants in every other part of the State—[Mr. EWING: Not at Collie]—except perhaps at Collie, I do not know; but I do think it is fair for Parliament to say that this anomaly in regard to sections of Crown land sold and registered in the town of Boulder should be removed, and that the conditions on which the land was sold in accordance with the telegram from the department should be faithfully and honourably carried out. I am sure it is not the desire of any member of this House to deny that right; and I believe that when the member for Northam (Hon. G. Throssell) goes into this matter

again, he will see that those people to which this telegram referred are entitled to some consideration. They are particularly entitled to more consideration than are others, for the simple reason that when the municipal council received this telegram, it was published in the local newspapers as an inducement for people then living on leases outside the town to come in and settle within the town of Boulder. That was the first great impetus given to local trade at Boulder, and that was what gave the town its first great start. It has gone on progressing, until to-day it is the most thickly populated industrial centre in the State, and I think in the whole of Australia—I mean the area known as the Golden Mile, situated about half a mile from Boulder municipality. I may say the people to whom this telegram particularly refers—I think there are 380 allotments—are now preparing a petition to Parliament, asking that the contract which was here established shall be faithfully carried out; and I mention the matter now so that the member for Northam (Hon. G. Throssell) will have an opportunity of considering it. I have no doubt when it is placed before him he will see that those people are entitled to the consideration which they will in the course of a day or two ask from Parliament. It is a reasonable proposition, and I should like to say that while it is right that the issue of Crown grants should not be made indiscriminately, I think it is not the province of the Lands Department to discriminate between persons; and it is not the wish of Parliament that a man living on one side of a street can have a Crown grant of his property, while the man living on the other side shall be denied the same privilege. I do not think it was ever intended that the Act should be interpreted in that way; and if it provided for the issue of grants after three years' residence on a one-eighth of an acre on those goldfields centres, there cannot be much objection to the issue of a grant if they have lived on the land for the term specified and complied with the conditions.

MR. TAYLOR: What would they pay for it?

MR. HOPKINS: That matter is open to some debate; but in New South Wales

or Victoria a valuator would value the land, and they would purchase it at the upset price. I am of opinion that the proper price they should pay for the land is the value of the land on the day they were registered as its proprietors and entered into occupation of it; because, if it has increased in value during the last 12 months or two years that they were in occupation, that increase has not been brought about by any efforts of the Government, but is due to the people who are living there, who have made that town what it is to-day. I do not think there is any unearned increment about this land. I do not think any of those lands would, without improvements, realise at the present day anything above £15 or £25. There may be a few of them, such as corner blocks and blocks more centrally situated, which would realise a little more; but the fictitious prices which were at one time ruling are now a thing of the past in Boulder; and as regards land sales, they have become almost an unknown quantity as compared with what they were when the boom was raging. My appeal is on behalf of those persons to whom the Lands Department agreed to give Crown grants on the date specified in this telegram; and if the Government are willing to carry out the system of administration which obtains in every other part of the State—Collie I believe, Kalgoorlie and Boulder, and one or two other mining towns excepted—the Government will say that after a person has been in occupation of such land for a specific period, that person shall be entitled, if he so desire, to a Crown grant of the property. I certainly agree that if a person be satisfied with a free area title—and I question if we should find one in a thousand who is—I should let him retain that title. But to that person who, owing to unforeseen circumstances, may find it necessary to raise money, or to leave the country for the time being, or to go elsewhere to look for work, but has not the privilege of leaving when he is the registered holder of a free area without running the risk of altogether losing that property, the privilege sought should be extended. I am sure, if evidence were obtained from the Lands Department, the department would say that, during the whole of their administration,

they have had more trouble for the last 12 months in connection with those free areas than with the whole of the other lands vested in the department.

THE SPEAKER: I think it would be more convenient if the hon. member were to have that clause put on the Notice Paper.

HON. G. THROSSELL (Northam): With regard to some of the remarks which have fallen from the last speaker, dealing especially with residential areas, I hope the Government of the day, and any future Government, together with the members of this House, will sternly resist any attempt to convert residential areas into freeholds. In the old days, we had a tough battle about this very matter; and great efforts were brought to bear on the municipal authorities in different parts of the goldfields, to have residential areas or free areas set aside for the poor working man; while, at the same time, it was urged that the greatest possible care was to be exercised that these should be purely residential areas upon which no businesses should be carried on; because, if businesses were allowed upon these areas, that would, it was very properly urged, be very unfair to the men who had bought in open market and given very high prices for town lands proper.

MR. HOPKINS: Oh, they will take that risk.

HON. G. THROSSELL: Mining leases were urged upon the Government for the sake of being thrown open to the working man, and to induce him to introduce his family from the Eastern States. This was acted upon to a very large extent, and many hundreds of these residential areas were thrown open on liberal conditions to the labourer. I think I am right in saying that for 5s. per annum men have the right to go into the Lands Office and secure quarter-acre sections; and I am glad to say this principle has not been confined to the goldfields districts, but has been extended to the Collie, Fremantle, York, and Albany. Wherever the Government had land, there free areas were set out, so that any working man landing in this State recognised not only that he had the right to come to the Government offices and acquire a 160-acre free farm, but if he was a mechanic or toiler on the goldfields he also had the

right of going to the Government office and acquiring for himself a quarter-acre building block, without being compelled to resort to the land agent and pay extortionate prices. All this has been done. I can assure hon. members that I have received pages of matter from working men, notably, I think, the Workers' Association—pages of "Henry George" have been sent to me, pointing out that the unearned increment belongs to the State. I took in all that and swallowed it; and we then started this system of residential areas, on which no business could be carried on, but men were simply to reside on them. Men erected their improvements; and they had the right at any time to sell to another eligible person, on the best terms they could get, by means of a simple form of transfer, the value of their improvements. And so it went on. I foresaw long ago that as the land increased in value and the working man's eyes were opened to the value of his block, which would possibly be from £100 or £200 up to £500, the temptation would be very great indeed for this working man to resist. He would possibly be willing to join hands with the speculator. And all honour to the speculator—we owe a great debt of gratitude to him—but the working man would be willing to join with the speculator to bring pressure to bear on the Government to issue a Crown grant; and to prevent that, the older members will recollect—and I am thankful to the present Premier for the support he has always given to the principle—that a Bill was passed through the House enacting that a Crown grant should not issue. I say advisedly that if a departure were now made from that principle, fortunes would be made as a result. It may be urged, and properly urged, that to shut off the working man from a large number of residential areas close to the scene of his labour, though with a good intention, would also sentence him to walk into town, possibly a few miles, for his supplies. I foresaw that this might be averted, simply by reserving here and there blocks which might be submitted to public auction, so that the highest bidder could have them, and places of business be dotted about if need were, close up among these residential areas.

It was very properly urged by the municipal authorities of the day how cruel and unfair it would be to allow businesses to be run upon these residential areas. I have said enough on that. I know I have the sympathy of the present Premier, because already pressure has been brought to bear on him to break down this present system, and to issue Crown grants. If holders were to surrender their present rights, and if they submitted their blocks to public auction and the highest bidder were to become the purchaser, and the State were to get the unearned increment, all would be well. I believe we should be very glad to buy them up for a nominal sum, to secure the poor working man and his family. I intentionally emphasised "the poor working man," because he has so often been quoted to me; but in all seriousness I urge members of this House to steadily resist any attempt to give freeholds of these residential areas. With regard to the Bill before the House, I intend to dwell briefly upon it, and to say that, to my mind, it contains some valuable clauses, and it shall have my support in Committee. Notably, it provides for the classification of lands inside agricultural areas, which is a new departure. Under the present conditions, a man has to take up agricultural land at an all-round price of 10s. This very wise amendment proposes to give the Minister power to classify the land in agricultural areas into 10s. land, or 6s. 3d., or 3s. 9d. land, as the case may be. It also provides, and properly, for the reduction of the minimum area of grazing land from 1,000 to 300 acres. That has my hearty support. It also guards the small selector, who takes up his land in a pastoral lease, from the exorbitant charges which not unnaturally the pastoral holder is inclined to bring against him by way of compensation; and the more that little clause is studied, the more I think it will commend itself to the favourable consideration of hon. members. However, the Bill has objectionable features also, which would incline me to attempt to kill it, if I had not the assurance of the Minister for Lands that he is willing to accept the suggestions which I and my friends have made. This Clause 2 does away with the non-residence conditions upon which grazing land—that is our sand-plain country, our

second and third-class country--can be held. The present amendment compels a man to reside on the sand-plain. The principal Act says that he may, by his servant or agent, reside on that area; and a little reflection will show that this amendment is entirely opposed to the principle of the existing Act, because, under the principal Act, a man may reside in London, take up our first-class land, and, under the non-residence clause, perform the conditions; and, after all, the compulsory conditions of improvement are our chief security. But this amendment, while it permits a man in London to hold our first-class land, provides that a holder must reside on our sand-plain, or second and third-class land. Hon. members will see that this is a folly and absurdity; and at the present day, when we are surrounded by small successful farmers who have worked up their areas of 600 or 1,000 acres of first-class land to their full capacity, and are now casting about for grazing land 10, 15, or 20 miles away from their homesteads, with a view of taking them up for sheep, we can readily acknowledge that these men are the proper people to take up such land. Under the principal Act, within a distance of 20 miles from their homesteads they can still take up non-residential areas; but if they go 21 or 22 miles away, they are penalised by being compelled to reside on a sandplain. We are living under different conditions, and 50 miles away from the Avon Valley is not so far as 50 miles would be from another place; because a man may take a train at York, at Northam, or at Beverley and go 50 miles up country, and still be within five or six miles of his grazing land. Instead of penalising the people we should encourage them to go farther afield. Now a man can go 19 miles and live on his own homestead, but if he goes 21 miles away he has to live on his grazing lease. We can make a sensible amendment there. It is proposed to repeal Sections 69 and 78 of the Act which gives the squatter the prior right of an application to select land. This has existed from time immemorial, so to speak, that the squatter has the first right to 3,000 acres of second-class land or 5,000 acres of third-class land, and if he does not exercise his right within three months the applicant receives the

land. The amendment proposed is thoroughly well intended, but whoever framed the Bill only had the district of Northampton in his mind, and there it is said this class of settlement is abused by the squatter. But we are not only legislating for Northampton but for the whole of the State. I propose we should still retain the right of the squatter under the classification. I shall not be taken as a squatters' man, because I am in favour of closer settlement. I will not penalise the squatter, but we should take care he does not humbug people. A charge has been brought to bear against the squatter, and possibly it is a true one, that when an application is sent to him to enable him to exercise his prior right he has kept the application dangling about until he has driven the small man away and he remains the squatter still. We can end that in a simple fashion. If the squatter fails to exercise his right under the first application sent to him and does not take advantage of his opportunity within three months he should be barred for ever from having a similar right. I think that is fair to the country and to the squatter also. While we are protecting the country we still should not penalise men unnecessarily, because the squatter has done grand pioneering work for the State in the district of Northampton and in other parts. In the district of Northampton there is a considerable area of rich land, and to my knowledge for many years this land has been locked up. Now it has been thrown open in spite of the opposition which was brought against it. I still desire to see full consideration given to the squatter, and I propose instead of carrying the amendment, to keep to the principal Act as it stands and simply protect ourselves by making it compulsory for the squatter to exercise his right within three months, and if he does not do so his chance is barred for all time. There is a new amendment but, I do not wish to dwell long upon it, for we can deal with it in Committee, still it is an important amendment. It refers to Clause 74, dealing with free homestead farms. At present a free homestead farm can be granted of not less than 160 acres. By the amendment I propose I wish to bring about the right to lease 10 acres, and I hope this will commend itself to the

Government. We should not only provide for the farmer proper, but for the farmer's labourer. There is an outcry that we cannot get men to leave the towns and settle in the country; but we have not offered any inducement to the labourer to leave the town. We have done a lot for the farmer proper, but for the farmer's labourer we have made no provision whatever. I ask no excuse for introducing this amendment, as it is a most important one. In having a 10-acre farm a labourer is eligible for a loan of £50 from the Agricultural Bank. It will be seen at once that we shall be placing the farm labourer in such a position as to make a man of him. There is nothing very original in this proposal, as there are similar settlements in Europe, and the greatest men of the day make this one of the foremost questions in their platform and policy. We have in this land an opportunity, by a simple amendment, of doing away with the cry of what are we to do with our labourers. If we do not use proper care, in a couple of years from now there will be an army of unemployed. What are the Minister for Works and the Minister for Mines to do with all the men in their employ when the pipe line to Coolgardie is finished? These men will be thrown on the market and have nothing to do but have recourse to the towns. The amendment I propose, if wisely carried out, will do a lot towards solving this trouble. Specially selected blocks of 200 acres can be found on which 20 labourers can be placed, and if we have 20 labourers on a block of land, they can have a school erected and they will be placed in a comfortable position. The Minister for Lands I hope will remember this suggestion, and look around for 200-acre sections on which he can place 20 men with 10 acres each. Members will see at once that instead of there being no inducement for the labourer to get away from the towns, there will be a rush to the country. This amendment I have had very near to my heart for some time. We have a quarter-acre section for the mechanic, and we can have a 10-acre farm for the labourer. There is another point, although I do not wish the Government to undertake this work at present. I refer to drainage. This House has given the Minister for Lands £30,000 to spend

in drainage works, and before anything is undertaken the Government should look closely into the whole system and submit to the House their intentions with regard to drainage. If the Government do not do this, they may some day awake possibly from a fool's paradise and have to inquire as to the conditional purchases which are unimproved. It would be a monstrous thing for the Government to spend a large sum of money in drainage for the benefit of men holding a conditional purchase who have never spent a shilling on their land. But I have said enough about that to set the Government thinking. I do not think that the matter should be included in the present Bill. I prefer to see this Bill passed with the amendments indicated, and possibly other members may have amendments which occur to them, and which they wish to see become part of this Bill. Next session the Government can come down with a comprehensive drainage Bill, then they will be able to tell us what to do and the special legislation they wish to enact dealing with the land to be drained. When lands are drained they will produce a large return: 10 or 20 acres in some circumstances are sufficient for men to live upon. I have on my own farm to-day a 20-acre block of land which employs six or eight men throughout the year, and these 20 acres produce over £1,000 a year. I have much pleasure in supporting the second reading of the Bill, and I hope the Government will set a stern face against attempting to convert residential areas on the goldfields into areas for trafficking.

MR. R. HASTIE (Kawowna): I hope this Bill will be read a second time, and then we can consider it in Committee at an early date, when all the interesting points mentioned by the members for Boulder and Northam can be dealt with. I only wish to say I regret the member for Boulder is introducing his amendment at this particular time. I only wish the Bill could be considered apart from the new departure altogether, because the suggestion will be strenuously opposed, as the member for Boulder is really asking the House to practically revolutionise the system which obtains in a great part of this country. But this and other questions can be dealt with in Committee, and I trust we shall not have

much discussion on the Bill in general, but consider each point separately and try to get the Bill enacted before the close of the session.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 13 minutes past 11 o'clock, until the next day.

Legislative Council,

Wednesday, 5th February, 1902.

Paper presented—Questions (2) : Fremantle Harbour Works, Cost and Extras; 2, Testing of Pipes—Question: Court Fees, Divorce and Separation Suits—Motions (2) : Railway Refreshment Rooms, to provide; 2, Inspection—Judges' Pension Bill, second reading, Committee stage—Fourth Judge Appointment Bill, third reading—Gaols Act Amendment Bill, third reading—Criminal Code Bill, third reading—Early Closing Bill, in Committee, Clause 13 to end, Recommittal (2), reported—Bush Fires Bill, Assembly's Amendments—Industrial Conciliation and Arbitration Bill, second reading (resumed)—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By THE MINISTER FOR LANDS: Re-turn in connection with the Coolgardie Water Supply, caulking of pipe joints.

Ordered: To lie on the table.

QUESTION—FREMANTLE HARBOUR WORKS, COST AND EXTRAS.

HON. G. BELLINGHAM asked the Minister for Lands: 1, What is the cost to date of the Fremantle Harbour Works, including extras. 2, What was the original estimate of the works.

THE MINISTER FOR LANDS replied: 1, The total amount debited to vote for Fremantle Harbour Works to 31st December last is £1,180,375 11s. 5d., but this includes the cost of many

extensive works which were not contemplated in the original design for these Harbour Works, and which cannot be considered as necessary adjuncts. 2, The only estimate of cost of these works was that contained in the Report by the Engineer-in-Chief, dated 21st December, 1891 (Parliamentary Paper A2, 1892), which was £800,000, and so much of the works comprised in that estimate have been completed within that estimate. There have been authorised from time to time considerable extensions to the works originally contemplated, which extensions are still being carried out.

QUESTION—COOLGARDIE WATER SCHEME, TESTING OF PIPES.

HON. G. BELLINGHAM asked the Minister for Lands: If the Government intend issuing invitations to members of Parliament to the testing of pipes on the Coolgardie Water Scheme.

THE MINISTER FOR LANDS replied: No arrangements will be made until the date is fixed for testing the pipes. Members will certainly be invited.

QUESTION—COURT FEES, DIVORCE AND SEPARATION SUITS.

HON. R. S. HAYNES asked the Minister for Lands: 1. If the Government has caused the court fees payable on divorce and separation suits to be reduced so as not to exceed the sum of £5. 2. If not, will the Government have the reduction made in pursuance of the resolutions of this honourable House.

THE MINISTER FOR LANDS replied: These fees are determined by the Judges, whose attention has been called to the resolutions of the House.

MOTION—RAILWAY REFRESHMENT ROOMS, TO PROVIDE.

HON. G. BELLINGHAM (South) moved:

That, in the opinion of this House, it is desirable that railway refreshment rooms be provided at Northam and Kalgoorlie, also that the premises at Southern Cross be extended.

The afternoon express left Perth at half-past three, and arrived at Northam about half-past six, staying there for 18 minutes only. The nearest hotel was fully five minutes' walk from the station; conse-