Legislative Council,

Wednesday, 29th October, 1902.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Western Australian Government Railways: Alteration to Classification and Rate Book.

PERMANENT RESERVES REDEDICATION BILL.

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

FREMANTLE HARBOUR TRUST BILL.

IN COMMITTEE.

HON. M. L. Moss in charge.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Appointment of Commissioners:

HON. J. W. WRIGHT moved that Subclause 3 be struck out.

Amendment passed, and the clause as amended agreed to.

Clauses 5 to 8, inclusive—agreed to.

Clause 9—Tenure of office:

HON. M. L. MOSS moved that paragraph (*e*) of Subclause 1 be struck out. When this Bill was originally drafted, it was intended that the chairman and engineer should both be members of the board. That had been altered in another place. The engineer was simply to be an employee.

Amendment passed, and the subclause as amended agreed to.

On farther motions by HON. M. L. Moss, the words "each House," in Subclauses 3 and 4, were struck out, and "both Houses" inserted in lieu; also "or otherwise shall," in line 3 of Subclause 4, struck out, and "and subject thereto may" inserted in lieu.

Clause as amended agreed to.

Clause 10—Remuneration of commissioners:

SIR E. H. WITTENOOM: Anyone who had given consideration to the Bill, and noticed subsequent clauses, would be of opinion that the conditions contained in Clause 10 and the two following clauses reduced the whole thing to an absurdity; and were it not that he was thoroughly in accordance with the principle of the Bill, thinking it was perhaps the thin end of the wedge whereby a really good and useful body of men would be obtained, he would take the responsibility of moving that the Bill be read this day six months. To expect that any three men, or five men, could carry on a business like the development of the harbour of Fremantle and look after it in a competent manner, and do the work thoroughly with some knowledge of it, was absurd when we came to think of the remuneration. We found that the chairman was limited to a sum of £300 a year, and the other members of the board to £150 each.

HON. R. G. BURGES: Reduce the number to three, and increase the pay.

SIR E. H. WITTENOOM: That was a matter of detail. Better appoint one man at a good salary, who would understand his business and give it his whole time. To expect to get a chairman and three or four commissioners for the remuneration offered was absurd. To develop the magnificent harbour at Fremantle, experienced men of great ability were necessary; but to appoint commissioners at small salaries would, he feared, result in injury to the port. However, it was too late to amend the Bill, the feeling in another place being very strong.

Clause passed.

Clauses 11 to 15, inclusive—agreed to.

Clause 16—Minutes of proceedings:

HON. M. L. MOSS moved that after the word "shall" in line 1, "(1)" be inserted, and that the following be added to the clause: "And, (2) make an annual report to the Minister of their proceedings, and such report shall be laid before both Houses of Parliament."

HON. G. RANDELL: The public should have the advantage of reports from the commissioners, published half-yearly. He moved as an amendment on the amendment that the words "an

annual report" be struck out and "a half-yearly report" inserted in lieu.

SIR G. SHENTON: When acting as Chairman of Committees he had always found it better to postpone a clause in these circumstances, so that it might be redrafted and read out to members.

HON. M. L. MOSS: The alteration was simple. The reports would be half-yearly instead of annual, and the Minister might publish them. He accepted Mr. Randell's amendment.

HON. J. W. HACKETT: Yes; after laying them before both Houses.

Amendment passed.

HON. G. RANDELL moved that the words "who, on receipt thereof, may forthwith publish such report," be inserted after "proceedings," in line 4.

Amendment passed, and the clause as amended agreed to.

Clause 17—Annual report:

HON. M. L. MOSS moved that the clause be struck out.

Amendment passed, and the clause struck out.

Clauses 18 to 22, inclusive—agreed to.

Clause 23—Commissioners to control, maintain, and preserve:

HON. J. W. HACKETT: Did the Minister observe that Clause 23 gave the commissioners exclusive control of the harbour? The New South Wales Act vested the Commissioners with full constructive powers. It was not proposed to do so here, but to leave that power in the hands of Parliament and the Public Works Department. If this clause were kept as it stood, it would enable the commissioners to prevent the Department of Public Works from entering the harbour or doing anything, or having any right there, without their consent.

HON. M. L. MOSS: Did not the hon. member think Clause 24 amply provided for that?

HON. J. W. HACKETT: No; the two clauses clashed. Clause 24 provided that the completion and extension within the harbour of all harbour works should be deemed Government work within the meaning of the Public Works Act, and might be undertaken by the Minister for Works on the recommendation and under the advice of the commissioners. Assuming their recommendation and advice to be given, still the commissioners had a right to step in at any point and clai control of the works carried out.

HON. M. L. MOSS: Clauses 23 and 2 were bound to be read together, and seemed to him that they were harmoniou one with the other. Clause 24 provide that when once the board had recou mended certain works, the Minister woul be entitled to undertake them. So far a concerned the right of the commissioner to the exclusive control of the harbour, was, he understood, cut down to the ex tent mentioned in Clause 24.

HON. J. W. HACKETT: If a wor were undertaken by the Minister on th recommendation and by the advice of th commissioners, an alteration might b made, and the commissioners would hav the right to veto every departure fro the original plan. If they pleased, the could stop the work half way and exercis their power of control.

HON. M. L. MOSS: It was absolutel necessary that the commissioners shoul have that power. As he understoo Clause 24, it provided that, from th time this measure came into operation, th Government would have no farther powe of constructing any works at Fremantl Harbour except such as would be recom mended by the board. In another plac it was argued with a great deal of forc not only that the board should be give absolute control of the works, but tha they should have the right to carry ou future works. The Government did no think it advisable in the initial stages o the board to give that power, and a kin of compromise had been arrived at. Th Government would carry out work, th work being recommended by the board The point which the hon. member (D Hackett) made was that the board coul prevent the Government from makin departures from the plan. He (th Minister) thought it was highly desirabl we should put an end to a good man things that had taken place in Fremantl and the alteration of plans from time t time had been one of the troubles. Cap tain Laurie gave an instance of a whar at Fremantle where the level was differen at one place from what it was at anothe It was found that a mistake had bee made, and there had been continual alter tions of those plans. The board woul know perfectly what was best in th interests of the State and for the smoot

working of the port. They would recommend the carrying out of the work, and the Minister would put it in hand. It would not then be within the power of any officer in the Public Works Department to alter the plans.

Hon. J. W. Hackett: The Public Works Act gave that power of alteration.

Hon. M. L. Moss: It would not give it in relation to the Fremantle Harbour Works, and it was highly desirable that the Public Works Department should not have it in regard to those works. The board should have power to stop work which they deemed inexpedient, and which might be useless.

Hon. J. W. Hackett: It meant that the two bodies must be mutually agreed upon everything that had to be done, and there would be a deadlock very early.

Hon. G. Randell: We must go back to Clause 21 to understand the exact position. That clause provided that certain lands and property were vested in the commissioners, and they were to deal with them in certain directions. The Governor could at any time withdraw the lands vested in them, or he might vest other properties in them. It appeared one clause referred to the maintenance and preservation of all property that naturally belonged to the board, and that it did not apply the same as Clause 24 did, to the completion, which must be in the hands of the Public Works Department. The extension of the harbour would, he took it, be recommended by the commissioners. To him it seemed clear that the methods proposed to be adopted by means of these clauses were right, and not likely to produce confusion if the commissioners understood their duties, which would be in the first place to maintain and preserve all property vested in them by the Governor, or which might hereafter be vested in them.

Sir E. H. Wittenoom: The commissioners should have the powers mentioned by Mr. Moss; but he did not think that any practical man in the world would ever fancy that for a sum of £900 we should get a body of men who would give their time to the work and carry out a thoroughly good continuous policy of a progressive nature and scientific character. Clause 23 set out that the commissioners should have exclusive control of the harbour, and Subclause 1 of Clause 21 provided that all lands of the Crown within the boundaries of the harbour as described in the schedule to this Bill, including the bed and shores of the harbour, should be vested in the commissioners. There might be two or three freehold blocks within the boundaries, facing the ocean, and did those freehold blocks come within the control of the harbour commissioners or not?

Hon. M. L. Moss: There was a schedule setting out all the boundaries. The Minister for Lands was having a plan prepared and coloured showing exactly what was comprised within the boundaries, so that before we got to the third reading members would be able to inspect the plan.

Sir E. H. Wittenoom: Was there anything which said the commissioners should have the control of private freehold land that did not belong to the Crown?

Hon. M. L. Moss said he did not think so. If the hon. member could point out that the Government were including within the boundaries anybody's private land, he would be very much obliged for the information, and the Government would get the matter rectified.

Sir E. H. Wittenoom: The Minister would, he thought, find that there were freehold blocks at Rockingham.

Hon. M. L. Moss: With regard to the remuneration of the commissioners, he could assure Sir Edward Wittenoom that numbers of competent persons, both in Perth and Fremantle, had spoken to him with reference to the matter, and were perfectly prepared to give their services gratuitously.

Hon. J. W. Hackett: Let not the Government trust them.

Hon. M. L. Moss: Some of those of whom he had spoken he was perfectly prepared to trust. He did not wish to give the names in the House, but he was prepared to give them to members when the House was not sitting. Mercantile men with considerable interests in connection with the proper and smooth working of the port at Fremantle were prepared to give their time and labour for the purpose of seeing a thoroughly workable and good board in existence. Many

of the persons of whom he spoke were well known to the hon. member. The Government would have no difficulty in getting a competent board to act, at the remuneration set down in the Bill.

Clause passed.

Clause 24—agreed to.

Clause 25—Roadway and approaches:

HON. J. W. HACKETT: The same question came up here as he had previously referred to. In the Act of New South Wales the very fullest powers were given to the commissioners, and by endeavouring to work into this measure a second system by which control would be opposed at every point by one body or another, the Ministry were preparing the way for disaster. The provisions contained in Clause 25 were perfectly reasonable in the New South Wales Act, where the commissioners raised the money and spent it. That was to make and maintain roads and approaches to all wharves, docks, piers, jetties, landing stages, slips, platforms, depôts, sheds, and so on. In this case where were the funds to come from?

HON. M. L. MOSS: Out of the earnings.

HON. J. W. HACKETT: Precisely. Who was to appropriate them?

HON. M. L. MOSS: The Bill was, he thought, very plain about that when the financial clauses were looked into. Look at Clause 53.

HON. J. W. HACKETT: That provided for the revenue being paid into a trust account at the Treasury, which account was chargeable with fees, salaries, wages, and other expenses incurred in administering the Act; not in construction, repair, and maintenance, or in the minor structures contemplated by this clause.

HON. M. L. MOSS: In Clause 53 the necessary alteration would be made.

Clause passed.

Clause 26—Power to lease lands for certain purposes:

HON. J. W. HACKETT: Though reluctant to rise where newspapers were involved, he asked was it wise to confine advertisements of leaseholds to the *Government Gazette*, read by scarcely anybody, and having a circulation of a few hundreds? These should be advertised in a newspaper, and posted on police stations. When he had an advertisement he wished to keep secret, he published in the *Gazette*.

HON. M. L. MOSS: The advertisements should appear in the *Gazette* and in two newspapers circulating in the district. As such leases would seldom be granted, and as the property would be valuable, this publicity should be given, and the cost would be small.

SIR G. SHENTON: In addition, notice should be posted in a conspicuous place at the office of the commissioner. This would give greater publicity than any other form of advertisement.

HON. M. L. MOSS moved that the clause be postponed till the end of the Bill.

Motion passed, and the clause postponed.

Clauses 27, 28—agreed to.

Clause 29—Disputes between departments to be settled by the Minister:

HON. M. L. MOSS moved that the words "Railway Commissioners" be struck out, and "Commissioner of Railways" inserted in lieu.

Amendment passed.

HON. R. G. BURGES: To refer disputes to the Minister would give the Minister too much power. The Executive Council should arbitrate. He moved that the word "Minister" in line 4 be struck out, and "Governor-in-Council" inserted in lieu.

HON. M. L. MOSS: The whole Ministry could not act as arbitrators. Without this clause disputes between the Commissioner of Railways and the board must be fought out in courts of law hence the New South Wales Act was copied, and arbitration left to the Minister, who on matters of law would consult the Attorney General, and the Cabinet when necessary.

HON. J. W. HACKETT: Suppose the Minister were Minister for Railways?

HON. M. L. MOSS: Then another Minister could be appointed by proclamation.

HON. R. G. BURGES withdrew his amendment.

Clause passed.

Clause 30—Pilotage:

HON. G. RANDELL: Were there any exemptions?

HON. M. L. MOSS: Yes; as provided by regulations, which regulations would remain in force till new ones were made

Mail steamers were bound to take pilots; but many intercolonial boats had exempt masters.

Hon. J. W. Hackett: What were the regulations referred to?

Hon. M. L. Moss: Those under 18 Vict., No. 11, the present Act. The new regulations would have to be approved by the Governor.

Hon. J. W. Hackett: All pilotage would be under the control of commissioners?

Hon. M. L. Moss: The clause provided that pilotage was necessary, except where the regulations provided for exemption.

Sir G. Shenton: Since the new light had been erected at Fremantle, was it not true that many mail steamers did not take pilots? At Rottnest they took a harbour pilot, but not a deep-sea pilot. Apparently the clause made it compulsory to take a deep-sea pilot.

Hon. M. L. Moss: Subclause 2 provided that if after a qualified pilot offered to take charge of a ship, a master not exempted piloted the ship himself, the ship should be liable for double pilotage dues. The clause was copied from the English Merchant Shipping Act, and must be enforced if only for the sake of revenue.

Clause passed.

Clauses 31 to 52, inclusive—agreed to.

Clause 53—Collection of dues:

Clause postponed.

Clause 54—Expenditure:

Hon. J. W. Hackett: An order must be signed by two commissioners, one of whom must be the chairman or acting chairman, and countersigned by the secretary. There was no provision made for an acting chairman. The appointment of chairman should be an annual one. Under this measure was it to be for one, two, or three years?

Hon. M. L. Moss: For three years.

Hon. J. W. Hackett: The question was whether it ought not to be annual. Clause 14 provided that if at any meeting at which four commissioners only were present such commissioners were equally divided in opinion, the chairman should have a casting vote as well as a deliberative vote. The chairman might not be present. What was meant was the person in the chair. In regard to Clause 54, he presumed that the acting chairman would be one appointed to act *pro tem.* It was quite possible that, if the Governor-in-Council appointed both chairman and acting chairman, both of them would be out of the State, and then business would be dropped.

Hon. M. L. Moss thanked the Hon. J. W. Hackett for calling attention to the matter, and moved that the clause be postponed.

Hon. G. Randell remarked that he drew attention to the matter on the second reading.

Clause postponed.

Clause 55—agreed to.

Clause 56—Accounts to be balanced:

Hon. M. L. Moss: Provision was made for a half-yearly report, and the accounts were to be balanced once a year. If we had a half-yearly report, we ought to have a balance twice a year.

Clause passed.

Clause 57—agreed to.

Clause 58—Accounts to be audited and furnished:

Clause postponed.

Clauses 59 to 77, inclusive—agreed to.

New Clause:

Hon. J. D. Connolly moved that the following, to stand as Clause 17, be added to the Bill:—

Office of Commissioner not to be deemed an office of profit.—The office of commissioner, and the office of any person employed or retained by the commissioners otherwise than at a salary, shall not be deemed an office of profit within the meaning of the Constitution Act, 1889, or any amendment thereof.

New clause passed.

On motion by Hon. M. L. Moss, progress reported and leave given to sit again.

MINES DEVELOPMENT BILL.

Received from the Legislative Assembly, and, on motion by Minister for Lands, read a first time.

STAMP ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by Hon. M. L. Moss, read a first time.

PUBLIC SERVICE ACT AMENDMENT BILL.

ASSEMBLY'S AMENDMENTS.

In Committee, resumed from the previous day at paragraph *(d)* of amendment No. 1.

HON. M. L. MOSS (in charge of the Bill): The Parliamentary Draftsman had been referred to with regard to this paragraph, and agreed with him (Mr. Moss) that the words "before the passing of this Act" were quite sufficient to save the rights of the persons referred to. Those rights would remain intact as though the section were in operation.

HON. G. RANDELL said he was satisfied with the statement of the Minister.

Amendment No. 1, as amended, agreed to.

No. 2—Add the following as Clause 11:—

Section 16 of the principal Act is hereby repealed.

HON. M. L. MOSS: The section providing that every head of department should furnish, yearly and as directed, confidential reports was of no use, as such reports could be obtained without the section. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 3—Add the following as Clause 15:—

If the services of any public servant are, in the opinion of the Minister, in excess of the requirements of any department, and are not required in any other department, the Governor may call upon such officer to retire from the public service, and every such officer shall retire accordingly.

HON. M. L. MOSS moved that the amendment be agreed to.

HON. R. G. BURGES: In what condition must such officer retire?

HON. M. L. MOSS: Anyone within the scope of the Superannuation Act would be entitled to the benefit of its provisions. The existing Public Service Act provided that on the abolition of an office the Governor might appoint the holder to some other office, or in default of another might dispense with his services; but there were public servants such as clerks, not holding any particular office; and any dispute as to whether they could be dispensed with should be avoided.

HON. R. G. BURGES: Some long-service officers who had done good work had already been retired without just cause; and the clause would give the Governor power to abolish any office in the service.

HON. M. L. MOSS: For the retrenchment of the service there must be power to get rid of unnecessary officers. Would the hon. member retain useless employees? Why anticipate that the Government would do injustice?

Question passed, and the amendment agreed to.

Resolutions reported, the report adopted, and a message accordingly transmitted to the Assembly.

PUBLIC WORKS BILL.

IN COMMITTEE.

Resumed from the 9th October; HON. M. L. Moss in charge.

Cause 2—Interpretation:

HON. G. RANDELL moved that the words "and police magistrate" be added to the definition of "resident magistrate."

Amendment passed, and the clause as amended agreed to.

Clause 3—Repeal:

HON. G. RANDELL: In the first schedule there seemed to be several wrong references.

Clause postponed.

Clauses 5 to 7, inclusive—agreed to.

Clause 8—Annual Estimates:

HON. G. RANDELL: Was not provision made in the Bill for several emergencies?

HON. J. W. HACKETT: Would the Minister state what clauses were practically repetitions of the old Acts, and what were new?

HON. M. L. MOSS said he was afraid he could not do that. All one could tell the hon. member was that if he looked at the schedule he would find exactly what was gone.

Clause passed.

Clauses 9 to 11, inclusive—agreed to.

Clause 12—Crown grants, reserves, etc.:

HON. J. W. HACKETT: The hon. gentleman (Hon. M. L. Moss) assured him that he believed that Subclause 2 was sufficient to retain all the vitality of the provisions of the Permanent Reserves Act, 1899. It was intended to be so.

HON. M. L. MOSS: The power was "subject to the provisions of the Permanent Reserves Act." To interfere with any reserves under the Permanent Reserves Act, a separate Act of Parliament would be required.

Hon. J. W. HACKETT: Whilst the Permanent Reserves Act was saved, a deadly blow was aimed at those reserves which were not permanent reserves, but which were vested in local trustees. The language was far too sweeping in Subclause 2. Under Subclause 2, the Zoological Gardens could be interfered with.

Hon. M. L. MOSS said he did not think that any Government would have an idea of encroaching on the Zoological Gardens. He was not going into all the possible cases that might arise, but he certainly thought the Government ought to have the power of taking for public purposes lands vested in trustees, because in taking that land the Government would do just as they did in the case of private individuals. They would pay full and fair compensation, which would enable the parties to purchase other land. No doubt any Government would pause before touching the land of a private individual, or boards of trustees who might hold land for public or semi-public purposes. But if for public purposes it became necessary to take such lands, they ought to go under.

Hon. J. W. Hackett: Oh, no; an Act of Parliament should be obtained.

Hon. J. D. Connolly: Every case should be dealt with on its merits.

Hon. M. L. MOSS: Doubtless every case would be so dealt with, but the idea of coming to Parliament every time it was necessary to take reserves——

Hon. J. W. Hackett: That was not the idea.

Hon. M. L. MOSS: Take the case of trustees holding an agricultural hall. If they had lands, why should the Government be obliged to deal with them on a different footing from that on which they would deal with a private individual whose land was taken?

Hon. T. F. O. BRIMAGE: The Committee should be grateful to Dr. Hackett for having drawn attention to this matter. No doubt a great deal of inconvenience would be caused to such places as agricultural halls, miners' institutes, and mechanics' institutes, in relation to which grants of land from the Government had been received, if the Public Works Department were to be empowered to take that land away from them.

Hon. G. Randell: They could not take a building away.

Hon. T. F. O. BRIMAGE: Take the case of the Mechanics' Institute at Kalgoorlie. The whole of that ground was not built upon, and the Government endeavoured to take that away. If a clause like this were passed, the Government would have power to do so.

Hon. M. L. Moss: Full compensation would be paid.

Hon. T. F. O. BRIMAGE: Compensation would be of no value in that case.

Hon. M. L. Moss: Most people would, he thought, be glad to see a proclamation taking land.

Hon. T. F. O. BRIMAGE: Not in the case of a building of the kind referred to. They required the whole of the quarter of an acre to complete their building, and if the Government took the land away the whole of the plans, designs, and intentions of that committee would be no good. He hoped the subclause would be struck out.

Hon. J. W. HACKETT said he was not prepared to go so far as to advocate the striking out of the subclause. Such a case as that referred to by the Minister was what members were most desirous of saving. Great pleasure had been taken in making the Karrakatta Cemetery one of the prettiest cemeteries, he thought, in Australia; but under the power the Minister claimed the Government should retain, any part of that cemetery could be taken for any purpose whatever.

Member: Parliament would not allow that to be done.

Hon. J. W. HACKETT: Parliament would not be asked. Mr. Moss claimed that the Minister should be able to take it without consulting Parliament. He (Dr. Hackett) did not think King's Park would be safe, if the Minister chose to interfere with it. Only a short time ago application was made to him (Dr. Hackett), as chairman of the Park Board, to know whether he would consent to a couple of acres being taken out for a school. Once that kind of thing commenced, the Park would crumble away. He desired to assist the Minister in this matter, and trusted he would allow the clause to be postponed, so that members could talk about it and see if they could not come to an understanding. Otherwise he would support Mr. Brimage's proposal to strike out the subclause. He moved that the clause be postponed.

Clause postponed.

Clause 13—Power to Minister to take water or acquire land for purpose of supplying water for railway or other purposes:

HON. C. E. DEMPSTER: Many instances could be brought before the House in which water and permanent improvements had been taken without the owners receiving compensation. We ought to be very careful how we allowed the clause to pass. He thought that after the word "water," "not being private property," might be inserted. It must be evident to everybody that if the Government had this power, it might be abused, and vested interests might be seriously crippled and affected. He suggested that some amendment should be made so that the Minister should not have power to resume without compensation.

HON. R. G. BURGES: This clause should be looked into, for it gave the Minister too much power altogether. There was the case of the Midland Railway, where in some places water was taken away without compensation. He supposed that this clause was introduced in order to cover certain acts which the Ministry had already done. Water had been taken away in cases without compensation being given. After people had spent large sums of money in securing water for their stock, it was unreasonable to give the Government power to take that water away without purchase or inquiry. In laying pipes for the Coolgardie Water Scheme, disgraceful latitude had been allowed the contractors; and on other occasions contractors had entered property, cut fences, and damaged paddocks without compensation, the complainants being referred from one Minister to another. As under the Railways Act, the Minister had too much power already, while the Governor-in-Council was nowhere, and Parliament might as well shut up.

HON. T. F. O. BRIMAGE: Better postpone this clause also. The first cost of a private dam might be trifling, but if filled several times a year its value would greatly increase; yet the Government in compensating would probably consider nothing save the value of the land and the cost of construction. Digging such dams to supply water to the public was now a goldfields industry, and those so engaged were entitled to consideration.

HON. J. W. HACKETT: Was the operation of the clause to be temporary and confined to certain districts, or to be permanent and apply to the whole State?

HON. S. J. HAYNES agreed with previous speakers regarding this and the preceding clause. The House was supposed to protect property and vested interests; but if the clauses passed, these would be at the mercy of the Minister. The powers sought must be made more reasonable.

HON. M. L. MOSS: Hon. members' observations would be laid before Cabinet, the meaning of the clause ascertained, and communicated to the House. At present he would not express his opinion. He moved that the clause be postponed to the end of the Bill.

Clause postponed.

Clause 14—Certain lands, etc., not to be entered on without consent of Governor or owner:

HON. J. D. CONNOLLY: This was similar to the preceding clause.

HON. M. L. MOSS: No; this power existed since 1888, and was in the Railways Act and the Roads Act.

HON. T. F. O. BRIMAGE: Make it "consent of Governor and owner," and then the owner would know what was being done.

HON. R. G. BURGES: When the corresponding section of the Roads Act came before us, he would move that it be amended.

HON. J. D. CONNOLLY moved that the clause be postponed till the end of the Bill.

HON. M. L. MOSS: As there was nothing new in the clause, he must in the absence of reasons for postponing oppose the motion.

Motion negatived, and the clause passed.

Clause 15—Mines and minerals excluded from land taken:

HON. J. W. HACKETT: Unless specially granted with land, gold remained vested in the Crown. Here it seemed to be specially granted.

HON. M. L. MOSS: The clause did not appear to confer on the owner or the lessee more than he had previously. In taking the land the Government would take the surface and a sufficient depth to

keep the surface intact, conserving to the owner what mining rights he previously had. True, gold did not pass to a grantee of land unless specially stated, though every other mineral did pass.

Hon. J. W. HACKETT: By the clause the right given by the grant would not be altered?

Hon. M. L. MOSS: No.

Clause passed.

Clause 16—agreed to.

Clause 17—Procedure for taking land:

Hon. G. RANDELL: Publication in the *Gazette* only was seldom effective. He moved that after "*Gazette*," in line 2, the words, "and in a newspaper circulating in the district wherein the land is situate" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 18—agreed to.

Clause 19—Notice of taking land to be served on the owner:

Hon. M. L. MOSS moved that after "*Gazette*," in line 1, the words "and newspaper as aforesaid," be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 20—Effect of notice on reserves:

Hon. J. W. HACKETT moved that the clause be postponed till the end of the Bill.

Clause postponed.

At 6·35, the Chairman left the Chair.
At 7·30, Chair resumed.

Clauses 21 and 22—agreed to.

Clause 23—Proceedings for registering land taken when not under the Transfer of Land Act, 1893:

Hon. M. L. MOSS moved that the word "within," in line 3 of Subclause 1, be struck out, and "at the expiration of" inserted in lieu.

Amendment passed.

Hon. M. L. MOSS farther moved that the word "within," in line 2 of Subclause 2, be struck out, and "at the expiration of" inserted in lieu.

Hon. G. RANDELL: Was it necessary to have 90 days? Would not that period be too long?

Hon. M. L. MOSS: It meant that the Government would not get any title to the land until after 90 days. The Government might under Clause 21, after taking land, annul the proclamation, and it might not be necessary therefore to vest the land in the Government.

Amendment passed, and the clause as amended agreed to.

Clauses 24 to 27, inclusive—agreed to.

Clause 28—Land may be taken for any public work after or during completion:

Hon. G. RANDELL: Did this do away with the necessity of Parliament being asked to pass an Act for the closure of streets?

Hon. M. L. MOSS said he did not think that any street could be closed without an Act of Parliament being passed.

Clause passed.

Clauses 29 to 31, inclusive—agreed to.

Clause 32—Lands not wanted for immediate use may be let:

Hon. M. L. MOSS moved that the following words be added to the clause: "But no lease shall be granted by a local authority for a term exceeding three years without the consent, in writing, of the Minister."

Amendment passed, and the clause as amended agreed to.

Clause 33—agreed to.

Clause 34 — All persons suffering damage entitled to compensation:

Hon. T. F. O. BRIMAGE: It would be better if the farther consideration of this Bill were deferred till, say, next Tuesday. He moved that progress be reported, and leave given to sit again.

Hon. M. L. Moss: Every opportunity would be given by him for recommitting any clauses of the Bill.

Hon. T. F. O. Brimage: There was plenty of work to do without proceeding farther with this.

Question (progress) put, and a division taken with the following result:—

Ayes	...	...	6
Noes	...	...	7
Majority against		...	1

Ayes.	Noes.
Hon. T. F. O. Brimage	Hon. J. D. Connolly
Hon. R. G. Burges	Hon. A. Jameson
Hon. C. E. Dempster	Hon. W. T. Loton
Hon. W. Maley	Hon. M. L. Moss
Hon. J. E. Richardson	Hon. G. Randell
Hon. B. C. Wood (*Teller*).	Hon. Sir George Shenton
	Hon. B. C. O'Brien (*Teller*).

Motion thus negatived.

Clause 34 — All persons suffering damage entitled to compensation:

Hon. R. G. BURGES hoped the Government would not pass so important a

clause with only 13 members in the House. It dealt with the same matters as the clauses postponed. If passed, it must be amended next session. He moved that the clause be postponed till the end of the Bill.

Motion passed, and the clause postponed.

Clause 35—On resumption of land, no compensation payable if otherwise provided in grant or enabling Act:

HON. T. F. O. BRIMAGE: Better postpone the whole of Part III., and deal with the balance of the Bill.

HON. M. L. MOSS: The provisions of this clause had been in force for 50 years. If authority to take land for public purposes were in the grant, land could still be taken under such grant.

Clause passed.

Clause 36—Limit of time for making claim for compensation:

HON. M. L. MOSS moved that the words "and in a newspaper circulating in the district wherein the land is situate" be inserted after "*Gazette*," in line 5.

Amendment passed, and the clause as amended agreed to.

Clauses 37 to 40, inclusive—agreed to.

Clause 41—Particulars to be inserted in claim to compensation:

HON. G. RANDELL: The necessity of registering letters would involve some little difficulty; sometimes a man might have to travel many miles.

HON. M. L. MOSS: This claim took the place in ordinary legal proceedings of a writ, and a writ or summons had to be personally served. The claim could be made in two ways, either by serving it personally on the Minister or delivering it to an officer at the Public Works office and getting a receipt, or by sending it as a registered letter. The provision that a letter should be registered was a great necessity, and inasmuch as a person whose land was taken had a period of two years in which to make the claim, there was no hardship at all. If he was not within reach of a post office where he could register a letter, it would be very easy to send to some friend at the nearest post office, and equally easy to post it to some officer in Perth and get a receipt. To cut out the word "registered" would be opening the door to serious troubles which would be likely to arise, and which would land the department in great difficulty.

Clause passed.

Clauses 42 to 59, inclusive—agreed to.

Clause 60—Question to be determined by majority:

HON. G. RANDELL: The clause provided that every question before the court should be determined by a majority of the members, but the determination of the majority should be deemed to be the award of the whole court; two persons to form a quorum. He would like to understand how a majority was to be obtained when there were only two present.

HON. M. L. MOSS: It was, he thought, obvious that where only two were sitting the verdict must be unanimous, and it was plain that the first subclause only applied to where three were sitting.

Clause passed.

Clause 61—If court unable to agree:

HON. G. RANDELL desired information regarding this clause.

HON. M. L. MOSS: The clause referred to a case where all three differed in opinion. The clause was a very good one. Heretofore the arbitrators had each arrived at a value, and the umpire generally split the difference. That was not a correct thing. The clause was inserted so that some conclusion should be come to.

HON. G. RANDELL: If two members agreed, of course that would be perfectly satisfactory?

HON. M. L. MOSS: Yes.

Clause passed.

Clause 62—When questions of law alone to be determined, president may determine the same:

HON. M. L. MOSS: The clause provided that if some question of law arose, there should be a case stated for the decision of the Supreme Court. As in cases where the compensation claimed was £500 or over, the president was a Judge of the Supreme Court, it seemed rather stupid that this Judge should ask another Judge to give an opinion on a question of law. Therefore it was proposed that an alteration should be effected so that if the president were a Judge of the Supreme Court he should state a case for the Full Court, but if the president were a resident or police magistrate, who was empowered to deal with

a case of £500 or under, he would refer the point in dispute to one Judge. He (Mr. Moss) thought that would appeal to members as a proper solution of the difficulty. He moved that the words after "assessors," in line 3, be struck out, and the following inserted:—

2. (*a.*) The President, if a Judge of the Supreme Court, may, if he think fit, state a case for the decision of the Full Court thereon. (*b.*) When the President is a Resident or Police Magistrate, he may, if he think fit, and shall if required by the claimant or respondent, state a case for the decision of a Judge of the Supreme Court thereon.

Amendment passed, and the clause as amended agreed to.

Clause 63—How compensation to be estimated for land taken:

Hon. R. G. BURGES: Paragraph (*a.*) referred to the "probable and reasonable price at which such land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to sell at the date the land was taken, without regard to any increased value occasioned by the proposed public work." Supposing a man bought that land before this, and paid for it, then the Government could take the land and only pay him on the original value some years back?

Hon. M. L. MOSS: That was not so. This clause appeared in every resumption Act, not only in this State but in other States, and in the Lands Closure Consolidation Act in England. This clause might prevent people from speculating in land with the object of bleeding the Government. While it was eminently desirable that the Government should pay full and fair value for the land at the time the proclamation was issued, it was most undesirable that the country should find a large sum of money to pay the fancy value of land because the Government were going to spend some thousands in the locality, and make surrounding land more valuable. This was the basis on which all compensation claims had been settled in the past, the value of the land being considered irrespective of any fancy value attached to it in consequence of the public work.

Hon. W. MALEY: Theoretically the subclause might appear proper, but practically it was impossible. To-day people were buying land at Cuballing at about £15 an allotment, on the prospect of the construction of the Collie-Goldfields railway, while the actual value might be 10 shillings per acre. If in two years the Government were to resume that land for a railway, at what would the land be valued? It was impossible to ascertain the increased value due to any proposed work. Never in any city in Australia had such absurd prices been paid for real estate as in Perth. The Government had "boomed up" the price of land, and then purchased it at a boom price.

Hon. M. L. MOSS: Section 22 of the Railways Act, 1878, under which the bulk of resumption claims had been determined, provided that regard should be had solely to the value of the land at the time of its being taken or resumed, without reference to any alteration in such value arising from the establishment of the railway, and the damage, if any, sustained by the owner by reason of severance. That was the principle underlying Subclause 1—the probable or reasonable price at which the land would have sold in the open market irrespective of the increased value due to the public work; and this was the principle in all the other States and in England.

Hon. G. RANDELL supported the subclause, which would be a restriction to the assessors in determining the value. It had been argued that the man whose land was taken was the only man excluded from benefiting by the construction of the public work, as his neighbours could obtain an enhanced price for their land.

Hon. W. T. Loton: The whole of a man's land was never resumed; therefore Subclause (*a.*) would be a dead letter.

Hon. G. RANDELL: True.

Hon. R. G. Burges: Why not bring in a Bill to prevent banks raising the rate of interest when money was scarce? The principle was the same.

Hon. G. RANDELL: Subclause (*c.*) was very different, and did not appear to be taken from any other Act. It read:—

> By way of deduction from the amount of compensation to be awarded, the court shall take into account any interest in the value of the estate . . . . in any land adjoining the land taken likely to be caused by the execution of such proposed public work.

If Subclause (*a.*) were a dead letter, this subclause would be twice dead.

HON. J. D. CONNOLLY: What about the man next door, the value of whose land had similarly increased?

HON. G. RANDELL: According to Mr. Moss, the subclause was new. He moved that it be struck out.

HON. M. L. MOSS: When the Municipalities Act was before Parliament, the Government of which Mr. Randell was a member brought in a similar clause copied from the New Zealand Act. This he (Mr. Moss) had opposed; and as the subclause was unjust he would not defend it. As Mr. Connolly interjected, while we reduced the amount of compensation payable to him whose land was taken, all the adjoining owners would, though equally benefited by the construction of the work, contribute nothing. He (Mr. Moss) believed in the betterment principle, but believed in its applying all round, and not only to the unfortunate man whose land was taken. Though generally in accord with the Bill, it was not to be expected that a Minister should recommend to the House what he had previously opposed.

HON. J. D. CONNOLLY: The subclause was good so far as it went, but did not go far enough. He would support it if amended.

HON. M. L. MOSS: Let the hon. member try to amend it.

HON. J. D. CONNOLLY: The adjoining owner might derive greater benefit from the work than he whose land was taken.

HON. W. MALEY: Some inscrutable ingenuity had apparently been exhibited in constructing Subclause (*c.*), which could not be amended without much trouble. It would be a great deterrent to land settlement and improvement in country likely to be taken for a railway; for few would care to have their land resumed at a valuation two or three years old.

Amendment passed, and the subclause struck out.

HON. J. D. CONNOLLY: By Subclause (*a.*) the court might award such amount as it deemed proper, not exceeding 10 per cent. Why tie down the court to to this limit?

HON. M. L. MOSS: That was in addition to the full value of the land.

HON. T. F. O. BRIMAGE: It was a bonus.

HON. J. D. CONNOLLY: Ten per cent. in exceptional cases might not cover the damage done by compulsory taking. Better let the words "not exceeding ten pounds per centum on the amount ascertained," lines 2 and 3, be struck out.

HON. M. L. MOSS said he thought that Mr. Wood and Mr. Loton, who had had experience in valuing land, would know that generally under the Railways Act, firstly they considered the full value of the land, and then they added 10 per cent. for the compulsory taking. Under paragraph (*a.*) full value would be allowed, and under paragraph (*d.*) compensation up to 10 per cent. could be given for the compulsory taking.

HON. J. D. CONNOLLY: There might be exceptional circumstances.

HON. M. L. MOSS: If the amount that might be given for compulsory taking were not limited, the effect of paragraph (*a.*) would be nullified, because the full value of the land could be given, and anything the arbitrators liked on top of that.

HON. W. T. LOTON: Some years had elapsed since he had experience in valuing land. The result of his experience was that wherever land was taken when a public work was going on, in the construction of a railway, the claimant was always enabled to prove that the land was worth about 50 per cent. or in some cases 100 per cent. more than its actual value, and that was generally the amount of the award; always considerably in excess of the actual value. No member need fear that the amount paid in any case would be less than the actual value in the first place, and it seemed to him that the 10 per cent. addition was a little extra plum.

HON. C. E. DEMPSTER: In the Railways Act passed some years ago, the Government reserved to themselves the right to resume one-fifth of any holding without compensation.

HON. M. L. MOSS: That was only in regard to country lands.

HON. G. RANDELL: Not one-fifth.

HON. C. E. DEMPSTER: One-twentieth. A railway line was taken right through his field, cutting him off from water and from the whole of his improvements, and he was not able to get compensation.

HON. M. L. MOSS: The hon. member took his land originally with that condition.

HON. C. E. DEMPSTER: Top price was paid for the land by him. The railway cut him off from his improvements, and there was serious loss.

Clause as amended passed.

Clause 64—How compensation to be estimated in other cases:

HON. M. L. MOSS: This clause had, he thought, better be postponed to the end of the Bill.

Clause postponed.

Clauses 65 to 67, inclusive—agreed to.

Clause 68—Costs:

HON. M. L. MOSS moved that Subclause 1 be struck out, and the following inserted:—

(1.) The costs of the inquiry as between party and party shall be taxed by the taxing officer of the Supreme Court, and the amount thereof shall be included in the award, and the Court shall direct to whom such costs shall be paid.

It would be very inconvenient for a Supreme Court Judge on the Bench to assess the amount of witnesses' expenses, solicitors' fees, and so forth.

Amendment passed, and the clause as amended agreed to.

Clauses 69 to 79, inclusive—agreed to.

Clause 80 — Governor may grant surplus land in lieu of compensation:

HON. G. RANDELL: Was it obligatory upon the claimant to take that land from the Governor?

HON. M. L. MOSS said he did not know whether it would be, but he did not think it ought to be, in any event. He would not object if the hon. member moved that the Governor might do so with the consent of the claimant.

HON. G. RANDELL moved that after "may," in line 1, "with the consent of the claimant" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 81—agreed to.

Clause 82—Powers of entry on lands, etc., for survey purposes:

HON. R. G. BURGES: With regard to Subclause 2, an amendment was needed as to a surveyor entering upon land. A 48-hours notice should be given before land was entered upon. These surveyors could go on one's property, and dodge in without one's knowing anything about it at all.

HON. M. L. MOSS said he would accept such an amendment.

HON. R. G. BURGES moved that the word "reasonable," in line 1 of Subclause 2, be struck out, and "48 hours" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 83—Penalty for destroying survey marks, etc.:

HON. J. D. CONNOLLY: This was rather a severe clause. It provided that if a man interfered with survey marks he should be subject to imprisonment, with or without hard labour, for any term not exceeding two years. It did not provide that a man should have done so wilfully; one might have done it in ignorance; yet the magistrate would have to inflict two years' imprisonment.

HON. C. E. DEMPSTER: A maximum sentence of two years' imprisonment seemed rather severe, but considerable loss was caused by the wilful removal of pegs—a frequent offence, committed out of sheer "devilment."

HON. M. L. MOSS: That the removal was wilful could never be proved.

HON. W. MALEY: Better refrain from making criminals, even if we lost a few survey pegs. A not too reasonable magistrate might destroy a man's good name for ever. A fine for the first offence would meet the case. He moved that the word "wilfully" be inserted after "authority" in line 1.

THE MINISTER FOR LANDS opposed the amendment. Interference with trigonometrical survey posts put the country to great expense. The law would not be severe on a fool; but all others knew they should not pull up numbered pegs on another man's property.

HON. R. G. BURGES: Some surveyors, to save themselves trouble, marked the number on a convenient tree at the corner of a fence; yet it was proposed to make it criminal to destroy this mark! Members should not be so anxious to convict for a paltry offence often resulting from carelessness of the surveyors. A man who burned such a tree might be accused by spiteful people of wilfully destroying the survey mark, though the tree might be only a nuisance on the land. By the Land Regulations dividing

fences must be erected on the boundary line, and some ignorant people thought they must take up the survey peg and insert in the hole the corner-post of the fence. They would be liable to imprisonment under the clause.

HON. M. L. MOSS: It was hard to believe that survey marks would be found on growing trees. [MEMBER: Thousands of them.] Then the surveyor had committed a serious breach of the regulations, and should be reported. The offence consisted in moving pegs or poles fixed or set up by the surveyor.

HON. R. G. BURGES: What about "mark"?

HON. M. L. MOSS: It was an offence to remove a mark, pole, or peg fixed or set up by the surveyor, not fixed or set up by nature. Under the clause none could be punished for burning a marked tree. The object was to reach those who wilfully moved survey pegs, thus causing trouble and expense to the State and the landowner. All knew the trouble and annoyance resulting from removal of survey pegs in the metropolitan district. Whether or not this were done wilfully, it was done by trespassers, and there must be a means of punishing those who injured State and private property.

HON. B. C. O'BRIEN: Surely Ministers would not force the clause to a division. To inflict such a heavy penalty for a trivial offence would be outrageous. In pegging out goldfields leases and alluvial claims it was of great importance to peg quickly and accurately; and sometimes pegs were interfered with. Any person might be tempted to remove a peg from one place to another so as to get a bit of valuable land in an alluvial area. If the removal of pegs was a serious offence here, it was a more serious offence on the goldfields. On the goldfields they dealt with this matter by fining a person. He trusted the Committee would be a little bit mild. He had seen thousands of marks on trees, just ordinary trees. An axeman might come along on the other side and perhaps not see the mark. There were many ways whereby an innocent man might offend, and the unfortunate part of it was that under this provision the justices would have no option, but must imprison. He did not think it would be necessary to force this to a division, but if it were he hoped members would not carry th clause in its present form.

HON. M. L. MOSS: The hon. membe talked about the removal of pegs at th corner of a claim on the goldfields. N doubt that was serious, and doubtless fine would under those circumstance meet the case; but if members turned t the interpretation clause they would fin that "surveyor" meant "a surveyo licensed under the Licensed Surveyor Act, 1895." Consequently the interfer ence with pegging for which a perso was to be punished was not interferenc with the ordinary pegging out of an allu vial claim on the goldfields. Clause 8 was sweeping in its character, for i applied to surveys authorised by th Minister (that was the Minister fo Works), the Minister for Lands, or an local authority. Supposing a railwa line were being surveyed, and som mischievous person pulled up a lot o these pegs, and the survey cost perhap thousands of pounds, ought not suc person to be punished, and should it b part of the duty of the prosecution t prove that he did it willingly o maliciously? A man ought to kno what a survey peg was, and if he did no he ought to be punished till he did.

HON. W. MALEY: Some 18 acres o land were purchased by him in th vicinity of Albany, and at that time h had never seen it. It was fenced in, an he went to examine it. Walking acros it he saw three survey pegs about in th centre of the block; one was upright, an the others were sticking out at an angl of about 45 degrees. He could not im agine what they were doing there. I was, he supposed, some two months after wards when it occurred to him, "Why there was a railway surveyed fro Albany to the racecourse on one occasion and that probably marks the line of rail way." He had let that land to a butcher and the butcher, he believed, was improv ing it. He would see those pegs, an probably would not know what the meant, and being in the centre of th property he (Mr. Maley) would say tha butcher would be perfectly justified i removing them. We did not want to pu the police or black-trackers on the trac of men to make prisoners of them. Le us trust magistrates with the option o imposing a fine or inflicting imprisonment

Hon. E. McLARTY: Whilst fully recognising the importance of dealing severely with any person who removed land marks, he quite agreed with Mr. Maley that magistrates should have the option of imposing a fine or imprisonment. It often happened that survey posts were knocked down by accident. He had frequently seen where teams had been travelling through the bush and a wagon wheel had run up against a post and pulled it out of the hole, and possibly the driver would have no knowledge that there was a survey. It would be very hard for someone to come along and say that so and so had pulled down a survey post, and for that driver to be made liable to two years' imprisonment. He suggested that after the word "conviction," in line 5, the words "to a penalty not exceeding one hundred pounds or" be inserted. As to surveyors marking a standing tree, that was a common practice.

Hon. G. RANDELL: The provision with regard to the removal of marks or posts and so on only related to poles and other marks which might be fixed under the authority of this measure. That was for some public work over which the Minister for Works had authority. He thought that such was the case.

Hon. R. G. Burges: Clause 82 mentioned the Minister, the Minister for Lands, or any local authority.

Amendment (Mr. Maley's) put, and a division taken with the following result:—

Ayes	...	...	6
Noes	...	...	8
Majority against		...	2

Ayes.	Noes.
Hon. R. G. Burges	Hon. A. Jameson
Hon. J. D. Connolly	Hon. W. T. Loton
Hon. C. E. Dempster	Hon. E. McLarty
Hon. W. Maley	Hon. M. L. Moss
Hon. J. W. Wright	Hon. G. Randell
Hon. B. C. O'Brien (*Teller*).	Hon. Sir George Shenton
	Hon. R. C. Wood
	Hon. T. F. O. Brimage (*Teller*).

Amendment thus negatived.

Hon. E. McLARTY moved that after "conviction," in line 5, the words "to a penalty not exceeding one hundred pounds or" be inserted.

Hon. R. G. BURGES opposed the amendment. A man unable to pay the fine could be imprisoned.

Hon. M. L. Moss: Suppose a man offended five or six times?

Hon. R. G. BURGES: The hon. member wished to make criminals.

Hon. B. C. O'BRIEN: If the maximum term of imprisonment were reduced, the amendment might be accepted.

Hon. E. McLARTY: Reduction seemed unnecessary. If there were sufficient proof of malicious removal of pegs, the full penalty might be just; but this would seldom occur. Imprisonment would rarely be resorted to; but the hon. member knew men sometimes deserved imprisonment for this offence.

Hon. R. G. BURGES: This important Bill ought not to have been considered to-night; and it was surprising to find Ministers taking advantage of a small House to push the Bill through, though several members had tried to secure its postponement. This was the first time in his eight or nine years' parliamentary experience that such an attempt had been made. The Government depended upon their majority of one or two.

Hon. M. L. MOSS: After the hon. member's castigation, but not in consequence of it, he moved that progress be reported.

Progress reported, and leave given to sit again.

AGRICULTURAL BANK ACT AMENDMENT BILL.

SECOND READING.

The MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I think to most hon. members this Bill will seem somewhat familiar; for some of its provisions we have already discussed. [Hon. R. G. Burges: This is not the same.] We have not actually seen the Bill before, although the second reading of a somewhat similar Bill has been moved in the House. As I think members are generally agreed on the principle of the Bill, I shall not go very fully into the matter on the second reading, farther than to point out that an important alteration has been made in Clause 4, by which it will be seen we propose to advance three-fourths of the fair estimated value of the land and the improvements made thereon, conditionally, however, on one-third of such

advance being expended on the land in improvements, in accordance with Subclauses 2 and 3 of Clause 2 of the Bill. The full amount of the advance is not to exceed the sum of £1,200. That is an important clause, and is very liberal indeed in advancing three-fourths of the whole value of the property to the settler. However, I should like to make it perfectly clear that only three-fifths of the actual value of the estate is advanced. Take the value at £1,000; three-fourths of that amount would be £750, the amount advanced; but £250, or one-third of the advance, has to be expended on the estate, thus increasing the value to £1,250, upon which £750 (really three-fifths of the value) has been advanced. So there does not seem any danger in such advances. We shall have ample security, and need not, I think, fear any loss as the result of this somewhat liberal clause. With the other points in the Bill I think the House is already familiar, and therefore I shall not deal farther with it, but strongly urge hon. members to support the Bill as it now stands.

HON. R. G. BURGES (East): In this Bill there are some important alterations. Clause 2 permits of advances to carry on farming and grazing. Grazing was not included before. I find advances may be made for agricultural, horticultural, or viticultural purposes also. I am sorry to object to advancing three-fifths of the value for horticultural or viticultural purposes; but having regard to the uncertainty of these pursuits, I think the Government ought not to advance three-fifths even under the conditions here laid down; for I am quite sure one-half would be enough, and doubtless members connected with the industries will agree with me. There are large viticultural and horticultural interests in my province; but everyone knows that in some years the crop may be destroyed by frost, and in other years by easterly winds; and, apart from those dangers, there are all sorts of insect pests. Moreover, a long time elapses before the owner gets any return whatever. Mr. McLarty looks at me, but I am sure what I say is true. After renting a farm in the North for a few years, I took a farm in the Eastern District, and had to pay a pretty stiff rent. I had been accustomed to make wine, having been brought up to it; and I planted a small vineyard. For the first year I had a very good prospect, and during the next year a better. But on the 11th of October of that year there was a severe frost, which cut down every green shoot; not only nipped it at the top, but cut it down to the root. If I had had to pay interest to the bank on borrowed capital, I should have been altogether ruined. Since that time I have always regarded such an undertaking as one which in certain districts should be carried on as a hobby. No doubt viticulture is a great State industry; but I believe it is well known that when the banks failed in the other States the principal losses arose through large loans to horticulturists and viticulturists. One clause now introduced here is not in the principal Act, and should not have been put before this House. I mean the clause with reference to repayment. True, the section in the principal Act is not repealed; but there is a provision that when a portion of an advance is for the purpose of enabling a borrower to pay off liabilities already existing on his holding, the repayment of such advance shall begin at the expiration of one year from the 1st day of January or the 1st day of July, as the case may be, next following the date of the advance; and the repayments are spread over five years. I should like to see the determination of the time for repayment left altogether in the hands of the bank manager. Many men who secure an advance in good times are in a couple of years in a position to pay off a large amount of the capital; and that capital could again be brought into use by the bank. I have often spoken of this to the bank manager, and he says that such money goes back into the consolidated revenue fund; but against that a provision could be made. A certain sum could be devoted to this purpose, and such money kept circulating without our again going on the loan market. Many men could thus in a couple of years, with good management, repay large proportions of their principal; and it is far better for them that they should do so. I know that some of these men may speculate and lose the lot; the value of their securities may decrease; and I am sure it would be an improvement to empower the manager to enforce the repayment as soon as he saw

that borrowers were able to pay, not allowing the loan to extend for the five years provided in the principal Act. We shall have to be very cautious with regard to advances for farming, grazing, agricultural, and horticultural pursuits. I suppose "farming and grazing" include advances on stock?

THE MINISTER FOR LANDS: Not on stock.

HON. R. G. BURGES: For grazing purposes only?

THE MINISTER FOR LANDS: Yes.

HON. R. G. BURGES: How for grazing?

THE MINISTER FOR LANDS: To carry on farming and grazing. There are grazing leases consisting of second and of third-class land.

HON. R. G. BURGES: It is not the intention of the Government to advance on pastoral leases?

THE MINISTER FOR LANDS: No.

HON. R. G. BURGES: Why advance on second-class and third-class land, and not on pastoral leases? Although they may make these leases of second and third-class land freehold, it is well known that a good grazing lease is even better security. Holdings are very often taken up, and they are not of much value until they are improved. I am not going to oppose the Bill in any way, but I think that when it goes into Committee it would be advisable to reduce the amount from three-fourths to fifty per cent. As regards horticultural and viticultural holdings, I am sorry to have to do this, but I think it is necessary. I do not think there is occasion to take up the time of the House any farther. We have already passed an Act on almost similar lines to this. I will support the second reading.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9·34 o'clock, until the next day.

Legislative Assembly,

Wednesday, 29th October, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR RAILWAYS: 1, Cost of Locomotive Departments in Australian States; return ordered 10th September. 2, Copy of Alteration to Classification and Rate Book relating to Reduced Fares to Pupil Teachers, Carriage of Firewood, and Carriage of Cyanide Tailings.

Ordered: To lie on the table.

QUESTION—PERTH SUBURBS SURFACE DRAINAGE.

MR. HOLMAN (for Mr. Daglish) asked the Premier: 1, Whether the Board appointed to deal with the question of surface drainage in the suburbs had yet commenced its investigation, and, if so, when would the inquiry be completed. 2, If not, what steps the Government intended taking to expedite the settlement of this question.

THE MINISTER FOR WORKS (for the Premier) replied: 1, A preliminary meeting of the Board was held on 8th September, when it was decided that the first matter to be dealt with would be that of water supply. 2, Owing to the absence from the State of Mr. Alexander, Mayor of Fremantle, the other questions remitted to the Board to report on were held over till another meeting, which has not yet been arranged.