

## Legislative Assembly,

Thursday, 13th February, 1902.

Petition: Early Closing Bill—Paper presented—Question: Coronation, State Representative—Coal Mining Inquiry, Report of Select Committee—North Perth Tramways Bill (postponement)—Coal Mines Regulation Bill, third reading—Health Act Amendment Bill, third reading—Wines, Beer, and Spirit Sale Amendment Bill, Legislative Council's Suggestion—Perth Suburban Lots (Subinco) Exchange Bill, first reading—Judges' Pension Act Amendment Bill, Council's Amendment: reason for Disagreeing—Land Act Amendment Bill, in Committee (resumed), Recommittal, reported—Public Service Act Repeal Bill, second reading (resumed), in Committee, third reading—Land Drainage Act Amendment Bill, in Committee, third reading—Metropolitan Waterworks Bill, second reading, in Committee, reported—Wines, Beer, and Spirit Sale Amendment Bill (No. 2), second reading—Friendly Societies Act Amendment Bill, second reading—Summary Jurisdiction (Married Women) Bill, second reading, etc.—Municipal Institutions Act Amendment Bill, in Committee, reported—Adjournment.

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

### PRAYERS.

### PETITION—EARLY CLOSING BILL.

MR. PURKISS (Perth) presented a petition from 84 small shop-keepers, praying for the extension of trading hours to 9 o'clock, p.m., in the new Bill.

Petition received and read.

### PAPER PRESENTED.

By the MINISTER FOR RAILWAYS: Memorandum of agreement between the North Perth Roads Board and the Town Properties of W.A., relating to proposed construction of tramways.

Ordered: To lie on the table.

### QUESTION—CORONATION, STATE REPRESENTATIVE.

MR. H. DAGLISH asked the Premier: 1, Who will be appointed to represent the State at the Coronation ceremony. 2, What special cost, if any, will be incurred. 3, Whether Parliament will be asked to vote the money before it is prorogued.

THE PREMIER replied: 1, It is not yet decided; but possibly the Agent General will be appointed. 2, It is impossible to say until it is known whether any representative will go from this State. 3, As no invitation has been received, and none is expected, there is no intention to ask Parliament for a vote.

### COAL-MINING INQUIRY.

#### SELECT COMMITTEE'S REPORT.

MR. J. EWING brought up the report of the Select Committee.

Report received, and ordered to be printed.

### NORTH PERTH TRAMWAYS BILL.

#### THIRD READING (MOVED).

THE MINISTER FOR RAILWAYS (Hon. W. Kingsmill) moved that the Bill be read a third time.

MR. W. J. GEORGE said he wished to oppose the third reading.

THE SPEAKER: The hon. member must vote against it.

MR. GEORGE: When this matter was under discussion last evening, reference was made to an important agreement relating to it; and it was decided that members should see exactly upon what terms the concession was to be given. He did not think the agreement had been laid on the table.

THE MINISTER FOR RAILWAYS: Yes.

MR. GEORGE: If so, it had only just been laid on the table, and members had had no time to see it or grasp the conditions. Although it might be stated that the Bill related to a suburb outside Perth, and that the local authorities should have the right to exercise powers to grant concessions within their boundaries, he thought the Legislative Assembly should have the right to consider the probable importance of this scheme as years went by. It had been considered, in granting concessions of a similar nature before, that there should be two most important provisions made; one, that there should be some contribution to the rates and charges of the municipality in lieu of rating, which requirement was met in Perth and Kalgoorlie by a charge of 3 per cent. on the gross receipts, and was presumably embodied in this agreement. Another most important clause required was that in recent years public opinion favoured the municipalisation of many works, tramways included; and the Perth Council, in their tramway agreement, had the right to acquire the tramways by purchase in 21 years; and at the end of 35 years the tramways became absolutely vested, practically free of charge, in the municipality. When that condition was accepted by the promoters, the terms

were considered, by the council and some of the ratepayers, as advantageous to the city; but the tramways had since proved a valuable asset, and it was now apparent that the agreement was not so favourable to the city as would be required if made now. This North Perth tramway would connect with the Perth tramway system; and doubtless in future years the Perth boundaries would be extended to comprise some of the suburbs, as was done in Victoria. There was no time to examine the agreement; but apparently it provided that at the expiration of 35 years the municipality could acquire the tramway by purchase, the price to be fixed by arbitration. Was that a fair arrangement, or would that right be of any value to ratepayers 35 years hence? One could understand that this agreement might reasonably have followed the lines of the Perth agreement; whereas it it provided that when the Perth tramways reverted to the City Council, that body would be blocked by this outside system, which must either be purchased at an enormous price or be a hostile element to be reckoned with, its purchase being thus rendered practically compulsory. The North Perth municipality had been formed within the last 12 months.

THE MINISTER FOR RAILWAYS: It was a roads board district.

MR. GEORGE: Even so; a few years ago, that district was practically uninhabited. Was it right to expect that people who had been there a few years only should have the necessary knowledge and the necessary interest in the locality to entitle them to sign away a valuable concession, the granting of which might prejudice Perth? This Bill should not have been brought forward at the close of the session. It was said by the Minister that the Bill had the sanction of the Crown Solicitor. Surely none would maintain that it was more than a technical guarantee. He moved that the Bill be referred to a select committee.

THE SPEAKER: That could not be done at this stage.

MR. GEORGE: What could be done?

THE SPEAKER: Vote against the second reading, or move to recommit the Bill for the purpose of making amendments, of which the hon. member must first give notice.

MR. GEORGE moved that the Bill be recommitted for making certain amendments.

THE SPEAKER: That would not do. Notice of the amendments must first be given.

MR. GEORGE moved that the Order of the Day be postponed till the next sitting of the House.

THE MINISTER FOR RAILWAYS: To that proposal he would gladly agree.

Motion put and passed, and the Order postponed.

#### COAL MINES REGULATION BILL.

##### THIRD READING.

MR. J. EWING (in charge of the measure) moved that the Bill be now read a third time.

MR. A. E. THOMAS moved that the Bill be recommitted. He wished to alter Rule 12, paragraph (c), to make it impossible for a miner to use any iron or steel implement in charging or stemming holes. A copper or a wooden tool could be used. He wished for the recommitment in order to strike out certain words which would prevent the use of iron or steel in tamping a hole which had been drilled for inserting an explosive.

THE SPEAKER: The Chairman of Committees had reminded members on the previous evening of Standing Order 297:—

No amendment shall be made in, and no new clauses shall be added to, any Bill recommitted on the third reading, unless notice thereof has been previously given.

The hon. member had not given previous notice in this case, and therefore the Bill could not be recommitted without notice.

MR. THOMAS moved that the third reading be postponed for a week. This would enable him to give the necessary notice.

MR. EWING: This question was thoroughly explained when the Bill was in Committee last evening, and the provision now in the Bill was accepted by members generally. He was satisfied, from conversations with practical miners, that the provision would be perfectly safe and right.

MR. HASTIE: The effect of postponing the third reading for a week would be that the Bill would probably have no chance of being passed into law this session. The amendment suggested was unnecessary, because the Minister for

Mines had power under the Bill to make regulations, and he could, if necessary, make it an offence to use iron or steel in connection with tamping.

MR. TAYLOR: To postpone the third reading was unnecessary. All the enactments which Parliament could pass would not prevent a miner from using a tool that was handy, when some other tool which he ought to use was not near enough to be convenient. There was no danger in passing this provision.

THE MINISTER FOR MINES: The Bill gave power to the Minister to make such regulations as were deemed necessary for the safe working of coal mines.

MR. THOMAS: Would the Minister do that?

THE MINISTER FOR MINES: The select committee which had taken evidence on this Bill formed the opinion that it was not necessary to put in the word "scraper." If, however, there was found to be any danger that a scraper might be used, the Minister could make a regulation to prohibit the use of a scraper.

MR. THOMAS: With that assurance from the Minister, he would withdraw his motion.

Motion by leave withdrawn.

Question (third reading) put and passed.

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

#### HEALTH ACT AMENDMENT BILL.

##### THIRD READING.

Order read, for third reading of the Bill.

MR. J. M. HOPKINS opposed the third reading, because he wanted to have Part II. reinstated in the Bill. The provisions in Part II., relating to the election of a health board for a combined district, had been eliminated from the Bill under a misapprehension, as he believed. The Bill conferred exactly double the powers that were ever enjoyed by any health board previously. There was power to levy a health rate up to 1s. in the £ on the annual value instead of 6d. in the pound; and as the health board for the combined district of Kalgoorlie and Boulder would have power to levy a health rate on a total valuation of £14,000, such large powers should not be exercised by a nominee board, but by a

board to be elected by those persons who would have to contribute the money. It was not only absurd but unjust to permit any local body to levy rates to so large an extent, and yet deny to the persons who must contribute the funds the privilege of having a say in the constitution of the board and as to the expenditure of the revenue. A deputation from the combined districts had waited on the Colonial Secretary, at a time when the Colonial Secretary intended to eliminate Part II. of the Bill; and after that interview the Minister agreed that it should be retained. It was on the distinct understanding that the measure was to be assisted through this House that he (Mr. Hopkins) was absent from the House last night. The Colonial Secretary distinctly promised the deputation, of which the member for Hannans (Mr. Reside) was one and he (Mr. Hopkins) was another, that the Bill would be brought down with Part II. in it. Now, however, the machinery clauses providing for the election of a board of health for the combined districts were eliminated. The Minister was giving such large powers to the board of health, that the people who had to provide the funds should have the right of saying who should constitute the board and how the money should be expended. If new municipalities wished to do the work themselves on the most economical principles, it was desirable they should be able to raise sufficient funds to purchase plant; and that was the reason why the proposition was made to alter the law, so that they might strike a rate of 6d. up to 1s. When the outbreak of plague took place in Perth and Fremantle, the difficulties that beset the health board in the district to which he referred were seen, and it was recognised that unanimity of action was needed if they were to carry out anything like a crusade to prevent the plague from spreading in the community. This matter was looked upon as one of vital importance to the eastern goldfields. Time had been found for the North Perth Tramways Bill, yet we found a measure of this description, of vital importance to the interests of the people, relegated to obscurity, simply because the Colonial Secretary had not given to the question the consideration it merited, and had in consequence moved

the elimination of a portion of the Bill absolutely indispensable. He moved that the third reading be postponed.

**THE COLONIAL SECRETARY** (Hon. F. Illingworth): It was a matter for regret that the member for the Boulder was not present last evening. What the hon. member had stated was perfectly correct. The Bill when first drawn had these machinery clauses. The members for the district, as well as members representing municipalities in the district, were responsible. He had received deputations on one side, asking for these clauses; and deputations on the other side, protesting against them. There had been petitions from Kalgoorlie and Boulder protesting.

**MR. HOPKINS:** What petitions from Boulder?

**THE COLONIAL SECRETARY:** One had just arrived.

**MR. HOPKINS:** From whom?

**THE COLONIAL SECRETARY:** When the Bill was first framed, it had machinery clauses for the purpose of giving elective powers; but finding a considerable amount of opposition, and anticipating it would not be possible to get the Bill through, he suggested that we should eliminate those clauses and let the matter stand until next session. It was with difficulty he succeeded in getting so many clauses passed last night.

**MR. HOPKINS:** That was because the Committee misunderstood the measure.

**THE COLONIAL SECRETARY:** Deal with facts, and not suppositions. He had had great difficulty in getting the Committee to entertain the measure. There was a considerable amount to be said on both sides with reference to the question; and if we had attempted to pass the machinery clauses for the trying of a new principle in the establishment of these health boards, we should have lost the Bill altogether. If we got the portion of the Bill which had been approved, it would be a simple thing to bring in the machinery clauses next session, and he had promised to do that. If the hon. member desired to wreck the Bill, then by the course now taken he would certainly succeed, and then we should find one portion of this district absolutely without a health board.

**MR. HOPKINS:** The people would not submit to this rating if the health board

were reappointed and a new board were not elected.

**THE COLONIAL SECRETARY** said he had an assurance that this was not correct.

**MR. TAYLOR:** The money could not be collected now in many places.

**THE COLONIAL SECRETARY:** An endeavour had been made by him to get through what he believed to be the most important portion of the Bill. He had no objection to the other clauses, but there would be no possible chance of passing them this session, unless we sat till Christmas.

**MR. A. E. THOMAS:** Only 10 clauses out of 60 had been passed, and he objected to cutting out clauses wholesale just at the end of the session in order to stop a little necessary debate.

**THE COLONIAL SECRETARY:** The principle was entirely new.

**MR. THOMAS:** If we were going to strike out all the clauses except the 10 that had been passed, the best thing would be to postpone the whole Bill. He supported the amendment of the member for Boulder.

**MR. W. J. GEORGE:** It was hardly wise to postpone the whole Bill. He did not agree with the portion passed, but he bowed to the opinion of the majority of the Committee. If one could not get a whole loaf he should not refuse to take that which he could get. It was a misfortune that the members for Dundas and Boulder were not present the previous evening.

**MR. THOMAS:** A promise was given.

**MR. HOPKINS** said he was absent by an arrangement made.

**MR. THOMAS** observed that he also was absent by an arrangement made.

**MR. GEORGE:** If a member were absent by an arrangement made, he could not expect the House to postpone doing business on that account. As far as concerned the clauses that were struck out, he (Mr. George) wished they had been carried.

**MR. R. HASTIE:** The member for Dundas (Mr. Thomas) had evidently made up his mind to strike out everything the Committee did last night.

**MR. THOMAS:** Was the hon. member in order in imputing motives of that sort to another member?

THE SPEAKER: No; the hon. member should not impute motives.

MR. R. HASTIE: The House had not been prepared to let business stand still till absent members returned. He (Mr. Hastie) and Mr. Reside had strongly protested last night against dropping the elective clauses, for, without them, the bulk of the rates could not be collected from ratepayers not represented on the boards. But if these clauses were retained, the whole measure must be lost, for none of them could come into operation till after proclamation in the *Gazette*; and probably there could not be an election till after July. In view of the Colonial Secretary's assurance that the elective clauses would form part of a Bill to be brought in early next session, the hon. member (Mr. Hopkins) would surely agree to passing the Bill as amended last night.

MR. W. D. JOHNSON: Though as anxious as the member for Boulder to see the elective clauses passed, he would not agree to lose the whole Bill. The question of elective *versus* nominee boards was a matter of contention on the goldfields; and though he (Mr. Johnson) favoured the former, there was simply the choice of taking part of the Bill or nothing.

MR. J. RESIDE supported the last speaker. To the Hannans district the elective clauses were of more interest than to Kalgoorlie and Boulder. Only about one-third of the people in the Hannans road board district could vote at these elections; and without the elective clauses there would be great difficulty in collecting rates. Rather than lose the whole Bill, let us have the first six clauses.

MR. HOPKINS: Because he declined to be a party to forcing upon Kalgoorlie and Boulder a system of annual taxation, in the expenditure of which the people had no direct control, he would oppose the Bill as it stood. People living on leases refused to pay rates, because they had no voice in electing the board. He objected, in the interests of the eastern goldfields, to sacrificing the rest of the measure for the sake of six clauses introduced by the chairman of the Central Board of Health. Surely ratepayers were entitled to a voice in the constitution of the local board?

THE SPEAKER: The hon. member's amendment would be useless. He should

move that the third reading be postponed to a later date, so that he might give notice of his amendments to-morrow.

MR. HOPKINS: Let the amendment read: "That the third reading be postponed until next Wednesday."

THE PREMIER (Hon. C. Leake): To insure the passing of a very practical part of the measure, a number of clauses had been dropped. With the elective principle for health boards he agreed, and would, if it were possible, reintroduce it early next session. But if the Bill in its present form were not passed, the discussion in the Upper House would be so prolonged that the measure must be lost.

MR. HOPKINS: Rather than be a party to the passing of the Bill with the first portion as it stood, he would prefer to resign his seat.

MR. PURKISS: This was a case of "Nero fiddling while Rome was burning." The objection came from two members who had been playing "high jinks" in their visit to Albany; and because something was done in their absence, they now appeared here and objected to it.

MR. HOPKINS: Was the hon. member in order in speaking after the mover had replied?

THE SPEAKER: No.

Question (that the Order be postponed until the next Wednesday) put, and negatived on the voices.

MR. HOPKINS called for a division.

Division taken with the following result:

Ayes	...	...	...	2
Noes	...	...	...	26

Majority against ... 24

AYES.	NOES.
Mr. Thomas	Mr. English
Mr. Hopkins (Teller).	Mr. Diamond
	Mr. Ewing
	Mr. Gordon
	Mr. Hastie
	Mr. Hayward
	Mr. Hicks
	Mr. Holman
	Mr. Illingworth
	Mr. Jacoby
	Mr. Johnson
	Mr. Kingmill
	Mr. Leake
	Mr. McDonald
	Mr. McWilliams
	Mr. Monger
	Mr. Nanson
	Mr. O'Connor
	Mr. Piesse
	Mr. Purkiss
	Mr. Quinlan
	Mr. Reid
	Mr. Reside
	Mr. Sayer
	Mr. Wallace
	Mr. Taylor (Teller).

Motion thus negatived.

MR. HOPKINS: Was not a member who voted Aye on the voices bound to vote Aye in the division?

THE SPEAKER: Yes.

MEMBER: Perhaps it was a mistake.

THE SPEAKER: A member should not make such mistake.

MR. HOPKINS moved (in effect) that the Bill be read a third time this day six months.

Amendment put, and negatived on the voices.

MR. HOPKINS called for a division.

Division taken, with the following result:—

Ayes	...	...	...	2
Noes	...	...	...	25
				—
Majority against	...	...	...	23

AYES.  
Mr. Hopkins  
Mr. Thomas (Teller).

NOES.  
Mr. Daglish  
Mr. Diamond  
Mr. Ewing  
Mr. George  
Mr. Gordon  
Mr. Gregory  
Mr. Hastie  
Mr. Hayward  
Mr. Holman  
Mr. Illingworth  
Mr. Jacoby  
Mr. Johnson  
Mr. Kingmill  
Mr. Leake  
Mr. McDonald  
Mr. McWilliams  
Mr. Mouger  
Mr. O'Connor  
Mr. Piesse  
Mr. Purkiss  
Mr. Quinlau  
Mr. Reid  
Mr. Reside  
Mr. Sayer  
Mr. Wallace (Teller).

Motion thus negatived.

Question put and passed.

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

#### WINES, BEER, AND SPIRIT SALE AMENDMENT BILL (No. 2).

##### LEGISLATIVE COUNCIL'S SUGGESTION.

The Council desiring to amend Clause 3 by adding certain words, to the effect that the license fee be 10s. (instead of £10), the suggestion was now considered.

THE PREMIER: Was this fixing a penalty or a tax; and if so, was the amendment in order?

MR. W. F. SAYER: No amount was fixed in the Bill. The Bill provided that the provision relating to a one-gallon license should apply to a two-gallon license. He knew the intention of the

Legislative Council was to send this to the Assembly as a suggestion, and not as an amendment.

THE SPEAKER: The Message asked the Assembly to make an amendment.

THE COLONIAL SECRETARY: The wording of the Message was very much a matter of form.

THE SPEAKER: Looking at the Message again, he observed that the Council did ask the Assembly to make the amendment, and had not made it themselves.

THE COLONIAL SECRETARY: This House should not consent to reduce the amount of the license fee from £10 to 10s.

THE SPEAKER: Properly speaking, the Legislative Council ought to set forth in their Message the provision in the Constitution Act under which the suggestion was made.

THE COLONIAL SECRETARY moved that the Message be considered at the next sitting of the House.

Put and passed, and the consideration postponed.

#### PERTH SUBURBAN LOTS (SUBIACO) EXCHANGE BILL.

Received from the Legislative Council, and, on motion by the PREMIER, read a first time.

THE PREMIER (Hon. G. Leake): I move that the Bill be read a second time.

MR. W. J. GEORGE (Murray): Before a Bill for an exchange of this sort is passed through the Legislative Assembly, we should have more information. There is apparently no explanation given. We do not know where the land is, what reasons there are why it should be exchanged, or what the land is to be exchanged for. I move that the second reading of the Bill be made an order for the next sitting of the House.

Motion (postponement) put and passed.

#### JUDGES' PENSION ACT AMENDMENT BILL.

##### LEGISLATIVE COUNCIL'S AMENDMENT.

Amendment (one) made by the Council now considered, in Committee.

THE PREMIER: It would be noticed that the Legislative Council had struck out a clause in the little Bill we passed the other day, and had substituted another. Apparently no attempt had

been made to amend or affect the Act at present on the statute book; and it had been pointed out to him that this amendment would conflict with the law as it stood. At present a Judge might demand a pension if he satisfied the Governor-in-Council that he was unable, by infirmity of mind or body, to perform his duties. This amendment did not go so far as to repeal that section, and he thought that if we were to accept it we should be doing wrong. Under the circumstances, he felt justified in asking that the House should not agree to the amendment.

MR. W. F. SAYER: As this Bill was drawn, it provided that, "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." The effect of that was to amend the Judges' Pension Act; but, if the clause which it was proposed should stand in lieu of that clause were adopted, the Judges' Pension Act would remain precisely as at present, except that the amendment would simply add another circumstance in which a pension might be claimed. Under the present Act, if a Judge had served 15 years and reached the age of 60, or if it were made to appear by medical certificate that he was incapable of performing his duties, he might demand a pension. The proposed amendment carried it a step farther, by providing that he might demand a pension without its being made to appear that he was incapable by permanent infirmity of body or mind; that he might demand a pension if he were incapable of performing the duties, although that might not be owing to permanent infirmity.

MR. W. J. GEORGE: What did the "incapacity" referred to in this new clause really mean?

MR. SAYER: By the law as it stood, there must be a permanent incapacity of body or mind proved by a medical certificate. By this amendment, the incapacity might be of a temporary character, and yet a Judge might demand a pension.

MR. GEORGE: This amendment should be objected to if on no other ground than this, that he did not like the provision for the appeal to be made to the Governor, unless it meant the Governor-in-Council. If it meant the Governor-in-

Council, that was all right; but we should not delegate any responsibilities or duties of this Chamber to the Governor, whoever he might be.

THE COLONIAL SECRETARY: It meant the Governor in Executive Council.

MR. GEORGE: The amendment said the measure should not apply to any of the three Judges now holding office; but he thought it should, although he would rather see a Bill abolishing pensions, and providing a salary sufficient to enable a Judge to do without a pension.

Question put and passed, and the amendment not agreed to.

Committee of three appointed, consisting of Mr. Sayer, Mr. Purkiss, and the Premier as mover, to draw up a reason for disagreeing to the amendment.

Reason reported as follows:—

The proposed amendment is merely an addition to the existing law, and leaves the right of a Judge to demand a pension on proof of permanent infirmity of mind or body.

Report adopted, and a Message accordingly transmitted to the Legislative Council.

#### LAND ACT AMENDMENT BILL.

##### IN COMMITTEE.

Consideration resumed from the previous sitting, on new clause.

MR. A. E. THOMAS: Could amendments be made to Clause 8? If not, he desired to move new clauses to the same effect as his intended amendments.

THE CHAIRMAN: Amendments to clauses already passed must be made on recommendation; but as there seemed to have been some misapprehension, new clauses might now be moved without notice.

MR. HOPKINS: A new clause of which he had given notice, proposed to be added to Part 9 of the principal Act, would be withdrawn. The Lands Department had entered into a contract regarding residential leases, which contract the department had failed to fulfil. However, as the Premier had promised inquiry, there was no necessity to proceed now.

THE PREMIER: Inquiry would be made. Would the hon. member hand him a copy of the telegram previously referred to?

MR. Hopkins: Certainly.

New Clause:

MR. JACOBY moved that the following be added, to stand as Clause 8:—

Section 12 of the Land Act Amendment Act 1900 is amended by striking out all the words after the word "accordingly," in the seventh line of Sub-clause (4), and by inserting in lieu thereof "the amount fixed (if any) shall be paid by the Minister to the lessee, and the selector shall pay the amount to the Minister by ten half-yearly instalments, with interest added, at the rate of 5 per cent. per annum; the first payment shall be made within thirty days after the award is given, and subsequent payments on the first day of March and the first day of September in each year, and in default the selector shall be subject to the like fines as are prescribed in respect to failure to pay rent by Section 136 of the principal Act."

Numerous settlers, on obtaining ground included in pastoral leases, had to pay large sums awarded for existing improvements. This new clause had formed part of the Act of 1898, but had been struck out by the Forrest Government because there had been in one case a suspicion of collusion. The member for Northam (Hon. G. Throssell) was in favour of the clause, which would not involve any hardship on the pastoral lessee nor be objectionable to the Government, which would receive 5 per cent. interest on any sums advanced.

THE COLONIAL SECRETARY: The Government had to find the money.

MR. JACOBY: And would get it back.

THE COLONIAL SECRETARY: But it could not be found.

MR. JACOBY: For the want of such a clause, settlement had been blocked in the past.

At 6:30, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

MR. J. L. NANSON: It was to be hoped the Government would not oppose the new clause. A similar provision was in the Land Act of 1898, and in the last session of Parliament it was struck out by an amending Bill, which provided that the selector should pay the whole value of the improvements in a lump sum, the idea then being that there might be collusion between a dishonest pastoral lessee and dishonest selectors, for the purpose of increasing the value of improvements. But no case of the kind had arisen, and the department had not

lost any money by the system. It was proposed in the new clause that the payment for improvements should be extended over five years; this being a great benefit to selectors, who were mostly poor men and not able to provide the full value of improvements in a lump sum. If a selector had to pay the whole value at once, he could not well take up the land, or, having taken it, he would be embarrassed with difficulties in working it for want of sufficient capital. This amendment of the law for extending the payment over five years would be welcomed by many persons, in the Northampton district especially.

THE PREMIER: The difficulty was that the Government would have to provide the money for the improvements, and must more or less trust to luck for repayment.

MR. NANSON: No losses had been made in the past.

THE PREMIER: The system might be abused by collusion, as a possibility. The same provision in the original Act, after being in operation some time, was repealed because of the fear that collusion might be practised. This new clause proposed to reinstate the provision; but he would rather not see it reinstated.

MR. NANSON: There would be no more risk of loss under this system than there was in advancing money to selectors under the Agricultural Bank Act.

THE PREMIER: Would not this be an indirect way of extending the operation of that Act? However, if those members who represented the land interest desired this amendment of the law, he would not offer any particular opposition. A dishonest squatter and an improper selector might agree to exaggerate the value of improvements on a piece of land that was really of little value, and might do this for the purpose of obtaining payment from the Government, who would then have to take their chance of getting back the money from the selector. The selector would say, "I will not oppose your claim on the arbitration: you can put in what you think is fair or unfair, and the arbitrator shall make his award." Whatever award was granted, the squatter would get it from the Government, and the Government would look to the selector. If the land selected was no good, the Government had to pay and



they would only get the value of the land. As a matter of practice, however, that contingency had not arisen. This was an element about the proposal which he did not like, although he was told that the member for Northam (Hon. G. Throssell) was in favour of the clause.

MR. W. J. GEORGE: The Government ought not to be bound to find this money, and he did not see how the matter was on all-fours with the Agricultural Bank Act, because the manager of that bank had practically absolute power, and he took every precaution. Apparently, according to this clause, the question of compensation was to be settled not by the Government but by an independent court, in which the Government might or might not be represented. The Government would have to find the money and trust to luck to get it back again. This was a bare-faced attempt to deal with the Government funds that should not be tolerated by the Committee.

MR. M. H. JACOBY: It was recognised that there was a possibility of collusion, but that possibility might only be attempted in perhaps one instance out of several hundreds. This clause would have the effect of settling a great deal of land that otherwise would not be settled. It was within his knowledge that a good deal of land would be applied for on pastoral leases by small men, if they had not to pay down so much cash for improvements. There was a small risk, but the good done by the adoption of this clause would justify the risk taken.

MR. GEORGE: If the people were in a small way, and had only small sums of money, there were provisions under the Land Act which would enable them to take up land on good terms; moreover, in connection with the Agricultural Bank, they had only to show *bona fides* and they could get assistance which, he believed, was almost unparalleled in any of the other States.

MR. A. J. DIAMOND: With his experience in South Australia, and of what occurred in the back blocks of New South Wales for many years under the term of dummying, he could see that a similar evil would be likely to crop up if we allowed this clause to be passed.

MR. JACOBY: A clause would be introduced to prevent that.

MR. DIAMOND: For years, the squatters got employees to apply for blocks, which were granted to the applicants, who simply remained the necessary term of years as the secret servants of the squatter. This became such a crying evil that the most stringent legislation had to be adopted in South Australia, and afterwards, he believed, in New South Wales, to try to put it down, but an enormous amount of mischief was done, in this way, that land which would have been applied for on certain runs by *bona fide* small settlers was not applied for by them, but it was taken up by dummies.

THE MINISTER FOR MINES: The Government were desirous of doing everything possible to assist the development of the agricultural industry; but a question of this sort should be gone into thoroughly by the officers of the department, who should be asked to report whether such a clause as this could be properly carried out, and whether there would be any great menace to the State, if it were carried out. It meant that money had to be found for the purchase of these estates, and there was a danger of collusion; that persons might apply for certain portions of pastoral leases, that the arbitration board might fix a very large amount of compensation, which, under the clause, the Minister must grant, and that the applicant might, ultimately, throw the land up. He asked the hon. member to withdraw the clause at present, so that it might be placed before the Minister for Lands. The Government would be only too glad to have a small Bill brought in which would give the assistance required, and yet safeguard the State in every way.

MR. JACOBY: If the Government saw there was some benefit to be derived from such a clause as this, he was prepared to withdraw his clause, if they would adopt that course.

THE PREMIER: The manager of the Agricultural Bank might be able to give a report.

MR. JACOBY: The matter might be carried out through the Agricultural Bank.

THE PREMIER: Yes.

Amendment by leave withdrawn.

New Clause:

MR. J. L. NANSON moved that the following be added as a new clause:—

Every application for land shall be accompanied by a statutory declaration by the applicant to the effect—(a.) That the application is made by the applicant in his own interest and for his own exclusive use and benefit, with the intention of holding and improving the land in accordance with the prescribed conditions. (b.) That the application is not made in the interest of, or for the use or benefit of, any other person whomsoever than the applicant. (c.) That the applicant has no interest in any land which should preclude him from making the application, or which, if added to the land applied for, would make the applicant the holder of a larger area than authorised by law.

The object of this clause was to provide for a statutory declaration that the application for the land was made by the applicant absolutely in his own interest, and not for the benefit of other persons. It was intended to act as a certain amount of check upon dummyming. He did not say it would be quite efficacious, but it would impose a check of a certain description, and it could not possibly do any harm. At present there was nothing to prevent the Minister for Lands granting applications for land on grazing leases to persons who did not intend to use the land themselves, but simply to get hold of it for the benefit of other individuals.

THE PREMIER said he saw no objection to the clause.

Clause put and passed, and added to the Bill.

New Clause:

MR. A. E. THOMAS moved that the following be added, to stand as Clause 10:—

In the event of tramways being constructed over declared timber reserves under Section 8, Subsection (a), of this Act, the width over which timber may be cut shall not exceed two chains.

We had a large number of timber reserves granted on the goldfields, to protect the mines in those vicinities. This had been especially the case to the north of Coolgardie, where there was no railway line to bring fuel to the mines, once the timber had been removed from the ground. The present and the previous Government had recognised the necessity that the mines working in the various districts should be protected by reserving the

timber in the locality, and had therefore made timber reserves. Under Clause 8 of the Bill, permission might be granted to any person to cross a timber reserve with a tramway, and cut a certain width of timber on either side of the line. Only recently permission was granted to the Kurrawang Company to run through the reserve north of Coolgardie, which had been reserved for the mines in the Bonnievale and Kuranalling districts; the company receiving permission to cut timber half a mile on either side of the tramway, where the Minister might think no harm would result to mining lessees or prospectors. That permission was given contrary to protests made, and the Kurrawang Company were running their line through the pick of that reserve. His object in moving the new clause was that the Government should not have power to grant leave for cutting timber more than one chain on either side of a tramline, making a breadth of two chains. No company or person should be allowed to denude the country along a breadth of one or two miles where the tramway ran.

MR. HASTIE supported the new clause. The Kurrawang Company had laid nine miles of tramway through the reserve north of Coolgardie, and they had got permission to cut timber for a breadth of half a mile on either side of the line. This meant practically that there would be no check over the cutting of timber, because a company working a timber tramway usually let the cutting to small contractors. Adequate protection should be given to people who were working mines within a timber reserve. Would the Premier say whether there was anything in the Bill compelling those who ran tramways to carry the timber for other persons over the tramway, at specified rates?

THE PREMIER: That was a determination which had been come to, that one condition on which tramways might be constructed through a timber reserve should be that those who got the concession should carry timber for other persons. He might tell the Committee that no objection was raised to this condition by those who proposed to construct the particular tramway. It was not necessary to include the condition in any statute, because the Government

had power to impose this and other conditions. If a big reserve were made for timber, it meant that people could not cut timber on it; consequently if a tramway were run through such reserve, the right to clear the way for the tramline must necessarily be limited. He agreed with those who deprecated the granting of extended rights on either side of a tramway through a timber reserve, and the Government would have power, under a clause passed last night, to make regulations in accordance with Part 11 of the Bill. Conditions for this purpose were more easily provided under regulations; and the regulations being published in the *Gazette*, everyone who applied to the Lands Department as to the terms on which a tramway could be laid through a timber reserve might then see the conditions in print; consequently it was not necessary to include in a Bill the words proposed by the member for Dundas. Such a clause might be evaded; for given a tramline running from point to point through a reserve, it must be remembered that the boundaries of the reserve could be altered at any time; and if a tramway ran through one large reserve, there was nothing to prevent the authorities from dividing that reserve into two parts, and placing the boundaries of the reserve two or three miles from the proposed tramline. Therefore the new clause, if put in the Bill, would not have the statutory effect which the mover supposed. It was right to point out that it was contrary to the spirit of the time to allow reserves to be interfered with to the extent which the mover had suggested. That could be provided for by regulations. Circumstances might arise requiring that a person constructing a long line of tramway should have more than half a chain or a chain on either side; so that the mover's object might be defeated in more ways than one.

MR. HASTIE: Why did the Government give the Kurrawang Company the right, last month?

THE MINISTER FOR MINES: It was the intention of the Government, as soon as they got power under this Bill, to frame regulations at once and have them gazetted. A large number of persons were applying for rights to run tramways into the bush for carrying firewood; and it was the intention of the Govern-

ment to make regulations which would have the force of law. The permission which had been given to the Kurrawang Company was subject to their compliance with any new conditions or regulations which the Government might make; and the concessions which they had obtained was subject to the regulations which would be made under this Bill. The matter had not been fully discussed by the Government yet; but they were going to insist that every person who got a right to carry firewood over a tramway through a timber reserve must carry firewood for other persons at the same rates as the Government carried firewood on railways. The Government might make it a condition that no additional tramway should be constructed within five miles of an existing tramway; this being his own idea as to what should be done. It would be grossly improper to allow a large monopolising company to run a tramway near a line worked by persons who were carrying firewood to a smaller extent, and of course the smaller people should be protected by not allowing another tramway to come too near. The Government wanted to serve those contractors and cutters in a small way who had latterly found it impracticable to carry firewood long distances, having to go farther and farther into the bush; and if the Government could thus serve the smaller people, the mining companies would have a better chance of getting firewood at moderate rates. Timber areas were reserved only temporarily; and if a new clause were adopted, it would be easy for the authorities to alter the boundaries of the reserves. In the case of the Kurrawang concession, for instance, the Government were making another reserve farther out, to prevent the company from getting on to the Jourdie Hills. The Government did not desire to give permission until regulations were framed, and these would be published in the *Gazette* immediately.

MR. F. CONNOR supported the new clause, because it would be dangerous to leave the power in the hands of the Government, and it was better there should be provisions in a statute rather than leave such matters to be administered by the Government under regulations. The Minister had stated that the boundaries of a timber reserve might

be altered; therefore power of that kind was too much to be in the hands of the Government.

**THE MINISTER FOR MINES:** Would the hon. member give the Government power to make reserves?

**MR. CONNOR:** Yes; but not power to cancel them.

**MR. A. E. THOMAS:** The Minister for Mines and the Premier had told the Committee that the Government had power to make regulations. At present apparently they had power, for they granted a concession to the Kurrawang Company last month—not as a “concession” but an “extension,” and they did this notwithstanding a protest which he (Mr. Thomas) had made; and as to a limit of two chains in width, the limit actually made by the Government was half a mile on either side the company’s tramline.

**THE PREMIER:** It was sometimes convenient to tell only half the truth. Those people were there first, and the land was reserved all round them so that they were blocked. Was it unfair in these circumstances to grant to that company the power to run through the reserve?

**MR. TAYLOR:** Too much power should not be left in the hands of the Government. A motion by the member for Boulder, not yet disposed of, had affirmed that the Government should not grant any concession to the Kurrawang Company, pending the decision of this House on the question; yet in face of that, the Government granted the concession.

**THE PREMIER:** Did the hon. member call that a “concession”?

**MR. TAYLOR:** The company asked for a concession, and the people of Coolgardie and Kalgoorlie opposed it and sent a deputation to the Government against it. It now appeared that the Government, in consequence of the objections made, did alter the word “concession” to “extension of the present line.” But it meant the same thing. It was not correct for the Premier to say that the land had been reserved all round where the company were working, for they were not cutting within miles of the reserve; but the people there could see that the company were going to devastate the country in that locality, and they

therefore agitated for the timber to be reserved, and it was reserved in that locality. The company had said, four months ago, that the mines would be shut down in three or four days unless they were allowed to do as they proposed to do; yet in spite of that forecast, the timber was afterwards reserved and the mines did not shut down.

**THE PREMIER:** The Government did not say that.

**MR. TAYLOR:** But the Kurrawang Syndicate said it.

**THE PREMIER:** The Government were not the Kurrawang Syndicate.

**MR. TAYLOR:** This House should make regulations, and not allow Ministers to hand over the people’s right to any syndicate. The Government should have a certain latitude, and no more. He did not believe that this House would have approved of the concession which was made to the company in that case, if opportunity had been allowed for the House to express an opinion.

**THE MINISTER FOR MINES:** The hon. member had not been quite fair to the Government. He must have known that previously the company ran lines in certain directions, and built spur lines in addition. As soon as the Government realised the necessity for having timber tramways all over the country on the gold-fields, and recognising that the Government could not afford to build and run these tramways, the Government decided to introduce a Bill for legalising the action they desired to take in regard to the construction of tramways through timber country. The Government kept the applications back while the Bill was before the House. One condition which the Government made was that once in every month plans should be sent by the holders of timber concessions to the Mines Department, showing the spur lines which had been made, so that the Government might see whether encroachment was taking place. A month ago representations were made by a number of persons who had been carting timber, to the effect that it was necessary these branch tramways should be run out; and finding there was a danger that the mines would be short of firewood, the Government found it essential to grant permission to run tramways through the reserve. The Government made special reserves to prevent the

holders of concessions from cutting out the timber where it would be required for mines in the district. If the Government gave five or six chains on either side of a tramway, that would be objected to. The main purpose of the Government was to break up the monopoly in the firewood business, and the intention was to frame regulations so that every person who wished to provide tramways for carrying firewood could do so in accordance with those regulations.

MR. JOHNSON supported the amendment. The Government practically said they agreed to the amendment, but asked that it should not be pressed. It was not necessary to discuss the case of the Kurrawang Company on this occasion. There were many sides to the question. A deputation recently opposed the granting of a farther concession to the Kurrawang Company through a reserve; and then some members of that deputation went to another part of the country and advocated that the reserve should be thrown open to them.

MR. TAYLOR: Who supported that? He (Mr. Taylor) did not.

MR. JOHNSON: The Kurrawang Company had had too much power in the past, and provision should be made in the lease to allow everybody to run firewood lines, and break up the monopoly which the Kurrawang Company had at present.

MR. TAYLOR: That would give them a new lease of life.

MR. JOHNSON: The company had got the right, and we should try and break up the monopoly.

MR. G. TAYLOR said he was not briefed by the Kurrawang Syndicate to see them get concessions, but he was present to look after the interests of the workers. That syndicate had been abused in the House by members sitting on the Government side, and now those people who had been abused in the past were being remunerated.

THE PREMIER: The member for Dundas would have to make his amendment clearer, if he desired it to have any effect at all. If it were passed as it stood, he would find that probably people would not be able to cut timber at all.

MR. THOMAS: Under Clause 8, paragraph (a).

MR. HASTIE: It was desirable to have the amendment made clearer. Reference was made to giving one company half a mile on each side, and the Minister for Mines, he thought, said five or six chains. Evidently the Minister had not given the matter the necessary attention. Five or six chains on either side should not be given, or, if it were given, the people who wished to make a tramway would pick out the best timber and make the tramway as long as it was convenient to them, and there would practically be no check, because the company did not cut the timber, but simply bought from those who did. It was better for the Committee to decide on the maximum amount to be given, rather than leave it to the Minister. There should be a regulation embracing the labour conditions. To his own knowledge there were two or three applications from people who did not intend to work the timber, but would simply get the concession and wait till the ground became valuable. He hoped the Minister would make a note of that, and make some sort of labour conditions by which people would give up the right to run the tramway if they did not supply timber, as it was becoming more valuable every year. What did the Minister intend to do about carrying other people's timber? That ought to be known before we agreed to this.

MEMBER: The Government had pledged themselves to it.

MR. J. M. HOPKINS: The amendment was one which he would support, but it required redrafting. He wished every restriction to be placed on those who had concessions. Experience all over the Commonwealth showed that no matter what restrictions were imposed, the concessionaire was bound to get the best of it in the long run. It was not to the interest of the country to grant any of these concessions. The right to run railways had been a loss to the country, and so it would prove in this instance.

MR. THOMAS asked leave to withdraw this new clause in order to introduce another.

Clause by leave withdrawn.

New Clause:

MR. THOMAS moved that the following be added, to stand as Clause 10:

It shall be a condition of any grant under Section 8, Sub-section (a), that so far as any

tramway may be constructed over a timber reserve, the grantee shall not cut any timber or firewood outside a limit of one chain on each side of the line.

Clause put and passed, and added to the Bill.

MR. THOMAS farther moved that the following sub-clause be added to the foregoing Clause 10:

If encroachment be made on the declared timber reserves by the person or persons having the license to pass over them, the Minister shall cancel the license.

THE COLONIAL SECRETARY: The lessee would probably have an action for damages if the license were cancelled.

MR. THOMAS: We had power already to step in at any time.

MR. CONNOR: This new clause would only strengthen the hands of the Government.

MR. THOMAS: If this power were placed in the hands of the Minister, and these people knew that if they encroached on timber reserves the license would be cancelled, they would be more careful than they had been during the past few months or few years.

Sub-clause put and passed.

New Clause:

MR. THOMAS moved that the following be added, to stand as Clause 11:

No timber lease or exclusive license over any timber land shall be granted within the boundaries of the declared goldfields.

Goldfields members would be sorry to see leases of our firewood supplies granted.

Clause put and passed, and added to the Bill.

New Clause:

MR. THOMAS moved that the following be added, to stand as Clause 12:

Before any timber tramway may be laid within any goldfield, the consent of the local governing authority shall be first obtained.

MR. HASTIE: Who were the local authorities in the bush? Apparently it would not be the municipal authority, because there was no chance of any permit being given in any municipality, as all the timber was cut out; and it could hardly be a roads board, because no roads were made in the bush, and in some instances roads boards were not reliable local authorities. He asked the hon. member to define the meaning.

MR. DIAMOND: It would be a mistake to insert such a clause as this. Our

experience of roads boards hardly justified the placing of this confidence in them.

MR. THOMAS: We wanted as many restrictions as possible. We had repeatedly seen during the past few months deputations coming down, and members writing to the Minister for Lands, to get new reserves granted to protect different interests. Before the Government, who might not have a local knowledge, granted a concession to allow a tramway line to be put down, the local people should be consulted. Some of the Ministers might be able to suggest a better way of safeguarding interests than by means of this clause.

MR. J. RESIDE: It would be well for the Government to advertise for a month before a tramway concession was granted, showing that such a thing had been applied for, and thus giving the public an opportunity of protesting against it or otherwise.

THE MINISTER FOR MINES: We had clause after clause and amendment after amendment from the member for Dundas (Mr. Thomas), but no real solid amendment moved by him to protect the public in regard to these tramway lines. There were conditions which must be imposed, and which the Government would take good care to impose. The Government were anxious to get these tramways at work as soon as possible. The member for Hannans (Mr. Reside) suggested that if any person applied for a tramway, such application should be advertised, so that, if there were a desire to protest, the public could protest. He did not know how many new clauses the hon. member was going to move.

MR. THOMAS said he had finished.

THE MINISTER FOR MINES: It was to be hoped members would not allow this new clause to be carried, as it would be worthless. Within a week of the passing of the Bill the regulations would be before the House, and members would know exactly under what conditions these concessions were granted. They would not be granted except under those conditions. If members objected to the regulations, the Minister would be ready to listen to any good suggestion, and the Government would try to make them as perfect as possible.

MR. TAYLOR: Were the Government satisfied, from the representations made

to them, that unless they granted these concessions the mines would close down?

**THE MINISTER FOR MINES:** The Government were quite satisfied that unless this permit were granted considerable injury would be done to the mining industry at Kalgoorlie. As soon as these regulations came into force the company must abide by them.

**MR. THOMAS** said he understood another member was moving a new clause instead of this, and he thought an amendment providing for advertising was considerably better than this. He wanted to see that these things were not done in the slipshod manner in which they had been in the past. He asked permission to withdraw the clause.

Clause (new) by leave withdrawn.

New Clause:

**MR. HOPKINS** moved that the following be added as a new clause:

Subsequent to an application for permission to construct tramways under this Act, such permission shall only be granted by sale of such permission to the highest bidder, to be determined by public tender.

Good timber country existed in belts, and if there were more than one application for the same belt, the concession should be given to the highest bidder.

**THE MINISTER FOR MINES:** This point was new, and had not been considered by the Government. It did appear to him that by this system a wealthy syndicate would be able to outbid the poorer man, and huge monopolies might be the result.

**MR. HOPKINS:** This was another illustration of what happened in granting concessions. Some members must know that the timber on the goldfields ran in belts.

**THE COLONIAL SECRETARY:** The suggestion would inevitably result in one big company trying to get every concession, being able to outbid the smaller man, and the effect would be ultimately to raise the price of timber to the mines. When a big company had secured all the timber concessions, they would put up the price.

**MR. HOPKINS:** The small wood-cutter did not build railways or own engines.

**THE PREMIER:** That was just the point.

**MR. HOPKINS:** It was understood the Government intended to provide in the regulations that the holder of a tramway concession should undertake to carry firewood for other persons.

**MR. HASTIE:** It would be a great evil if a few rich men collared all the ground; but another evil would be that there were a few particularly rich belts of timber, and any person getting hold of one of these belts would have a valuable concession which he could sell. Some applicants at the present time were men who were not reputed to be in a position to build a tramway or equip it. The Minister might consider the matter in framing regulations.

**MR. DIAMOND:** Some members were endangering the passing of the Bill, in their anxiety to prevent a monopoly. If several persons applied for the same timber concession, it should be allotted according to priority of application, and if the applications were simultaneous then decide by ballot. If a concession were put up for competition, it would get into the hands of wealthy capitalists. He knew some small men who were applying for concessions, and he believed they would be able to raise sufficient capital for the purpose.

**MR. THOMAS:** If several persons applied for one belt of timber, how would the Government decide? Twenty persons, including some members of Parliament, might apply for a concession to lay a tramway through a particular belt of timber, and if priority of application was to determine the matter, some members might put in applications to-morrow morning. He supported the new clause.

**MR. F. CONNOR:** The new clause would help the revenue. If money was to be made out of these concessions, it was better the State should get the benefit, as the concessions were likely to go to wealthy syndicates sooner or later.

**MR. TAYLOR:** The proper course would be for the Government to construct tramways through the timber reserves, and make the lines a source of revenue. The timber cutter would then get his fair price, the mines would have timber delivered at a fair rate, and the Government will get a fair revenue. Before long there should be no room in this country for private enterprise on any tramways or railways, if the Govern-

ment carried out their democratic professions.

MR. F. REID: The evils complained of would not be removed by the new clause. The member for Boulder had championed the small woodcutters, yet to-night he was trying to take away their rights and hand them over to moneyed men. The more democratic way would be that if five or six small woodcutters applied for a concession to construct a tramway, the Government should let them do it, as it would suit the interests of all the parties concerned. This would be better than fleecing the poor men by getting £500 out of them in the way proposed in the new clause. Farther facilities for the firewood traffic were necessary, notwithstanding what the member for Boulder had said; and he hoped the small woodcutter would not be "dropped" in the way the hon. member suggested.

MR. HOPKINS: If the Government invited applications, there would be more than one applicant for the most desirable belts of timber. Many applicants might really be representing the Kurrawang Syndicate, and others might represent some other syndicate. Those men who got these concessions would practically be the first robbers, and would sell to other men who had money for constructing tramlines. These things were surrounded by so many difficulties, that the only way was to have each piece of country inspected when it was applied for, and then invite applications by public tender, subject to conditions. So far from the poor woodcutters building tramways and buying locomotives, this sort of thing would be done by such capitalists as Millar's Karri and Jarrah Timber Company and the Kurrawang Company, which had already purchased rails from the Government under exceptionally favourable conditions, and could use them in constructing tramways. If these concessions were an asset, the State should secure it by inviting tenders publicly. Day after day he had been interviewed by persons who desired to secure timber concessions, but had refused to countenance any of them. These things would inevitably fall into the hands of moneyed syndicates.

THE MINISTER FOR MINES: It was difficult to speak positively on a large question of this kind, brought forward

without notice; but his present impression was that when an application was received for a right to construct a tramway through timber country, that application should be advertised in the local newspapers, and if no objections were made by the local authorities, the application should be granted. If more than one application were made for the same piece of timber country, the proper course would be to invite public tenders as suggested in the new clause; but the Committee might allow this to be put in regulations, which would need to be carefully framed. If only one application were received and no protest lodged, he thought the application should be entertained; but if more than one were received for the same piece, public tenders should be invited. Some person might try to get hold of these concessions and hawk them round; but any applicant should be required to show his *bona fides* and satisfy the Government that he was in a position to do what he undertook to do. Some of the small contractors who employed numerous teams might join in a syndicate, and try to get some of these concessions. His fear was that a monopoly might be created, and this should be carefully provided against and regulations framed for preventing anything like monopoly. He hoped these assurances would satisfy the mover.

MR. HOPKINS: After the assurances of the Minister, he readily consented to withdraw the new clause.

MR. A. E. THOMAS: What was to prevent a big man from putting in an application to lay a tramline according to the limit suggested by the Minister, not nearer than five miles? Any syndicate or capitalist might apply for a concession to lay tramlines at distances five miles apart along the south of the Government railway, and five miles apart along the north of that railway; and having obtained a number of concessions, the whole business of the firewood supply would be in the hands of one company or syndicate, who could then control the price. He would rather see the Government construct these timber railways, and avoid any of the trouble which he foresaw.

Clause by leave withdrawn.

MR. JOHNSON suggested that the applicant in each case should be required to pay for the advertising in the local newspapers.



**THE MINISTER FOR MINES:** Before applications were granted, they would be advertised in the local newspapers for one fortnight, and of course the applicant in each case would have to pay for advertising.

Title—agreed to.

Bill reported with amendments, and the report adopted.

#### RECOMMITTAL.

On motion by Mr. W. F. SAYER, Bill recommitted for amendment of Clause 2.

MR. SAYER moved as an amendment in Clause 2, paragraph (j), that the word "no" be inserted before "costs."

Put and passed.

MR. SAYER farther moved that the word "selector," at the end of the same paragraph, be struck out, and the words "lessee or any person claiming under him" be inserted in lieu.

Put and passed.

Bill reported with farther amendments, and the report adopted.

#### PUBLIC SERVICE ACT REPEAL BILL.

##### SECOND READING.

Debate resumed from the 4th February.

MR. J. L. NANSON (Murchison): I venture to think that when the Government introduced this Bill, it came with considerable surprise upon the House. It was understood when the Estimates were under discussion that the Government intended to amend the Public Service Act and not absolutely to repeal it, and now we have the position that, if this Bill be repealed, the civil service will be left absolutely at the mercy of the Government. Surely it would have been better, and an equally easy expedient, if the Government had been contented to amend the Bill, leaving in those portions of it that are desirable and arming themselves with whatever powers they think necessary to permit of their carrying out the reorganisation of the civil service. The Premier on moving the second reading of the Bill gave us to understand that, unless the existing Public Service Act were absolutely wiped out of existence, it would not be possible for the Government to undertake that reform and reorganisation of the civil service which both sides of the House consider so desirable; but the statements he has brought forward in

support of that position are, I venture to assert, somewhat inadequate. We all bow to the legal opinion of the hon. gentleman, or at least we all treat it with a great deal of respect; but when it comes to a question of argument or showing us that it was impossible for the Government to reform the civil service without an absolute repeal of the Act, we get to the position that we have only the opinion of the hon. member, not supported by any argument or not supported by any sort of legal opinion other than his own. In fact, I am not altogether clear whether he simply spoke as Premier of the House, or gave a legal opinion on the subject as Attorney General. In the Civil Service Act of the other States we find in all of them, or nearly all of them, a section which, if it had been introduced into an amending Bill would, I believe, have overcome the difficulty which now confronts the Government. In the Public Service Act in force in New South Wales we have in Section 58 a provision reading thus:—

Nothing in the Act shall be construed or held to abrogate or restrict the right or power of the Crown as it existed before the passing of the said Civil Service Act to dispense with the services of any person employed in the public service.

We have a similar provision in the Commonwealth Public Service Bill which has not yet become law, and also in the Victorian Public Service Act.

THE PREMIER: We have not got it in ours.

MR. NANSON: We have not got it in ours. What I suggest to the Government is that, instead of repealing this Public Service Act absolutely, they should have brought in an amendment containing a clause such as I have quoted. Surely if a clause of that kind had been passed, there would have been no difficulty in the Government proceeding during the recess with the work of reorganising the civil service. I appreciate the fact that the Government have, so to speak, the whip hand over the House in this matter, because if we refuse to carry the repealing Act, it will no doubt be said by the Government that because this House refused to arm them with the necessary powers they were unable to carry out the reform in the civil service. On this (Opposition) side of the House we are

particularly anxious that the Government shall be given every possible facility for reforming the civil service. We do not wish that in any way they shall be able to say they were not given an opportunity of carrying out their pledges. And if this repeal Bill be carried, it will only be for that reason, not that this House thinks that an absolute repeal is necessary, but because we mean to hold the Government to their undertaking to reform the civil service.

**MR. GEORGE:** Will they bring in a proper Bill next year?

**MR. NANSON:** I understood from what the Premier said, in moving the second reading of the Bill, that he was prepared to bring in a Public Service Bill next year, and that of course to some extent does weaken the case of those who would like to see the Act amended instead of being absolutely repealed. It will only be a very few months before the new Bill comes in, and, as the Premier pointed out, for several years we managed to get along without a Public Service Act at all, and it may be argued that, if the Forrest administration managed to conduct the civil service with some amount of success, the Government may be trusted to carry on without an Act. On the other hand, when there is a remedy provided such as I have quoted from the New South Wales Act and the Victorian Act, I should like to hear from the Government benches why it is not possible for them to bring in a clause giving them that full power and yet retaining many of the admirable provisions there are in the Civil Service Act, because there is no doubt the Bill is substantially the same as is in force in South Australia, and as has been in force there for a number of years. A considerable amount of attention has been devoted to this Bill, and it does seem a strange thing that it should be wholly wiped out of existence when this very simple remedy is at hand, the simple remedy of giving the Government power to discharge any civil servant and yet retaining the force of the existing Act.

**THE PREMIER:** The right of dismissal is preserved in the other States, but it is not so with us, and that is the difficulty.

**MR. NANSON:** What I want to urge is that the Government should in their

amending Bill insert a clause giving them the key to that position.

[The PREMIER interjected.]

**MR. NANSON:** I am glad the Government are willing to fall in with my proposal in that respect. I will not, therefore, labour the point any farther; and, if I understand the Government are prepared to bring in a clause of that description, I think the Bill may very well go to the second reading.

**MR. J. M. HOPKINS (Boulder):** I think the proposition of the leader of the Opposition (Mr. Nanson) is a very desirable one indeed. I understand that when Western Australia was a Crown colony the civil service was controlled by what are known as the British Colonial Regulations, and that following the establishment of responsible government, the civil service still remained under the British Colonial Regulations.

**THE PREMIER:** The Colonial Office Regulations.

**MR. HOPKINS:** Those I presume were taken as a guide until such time as the Act was passed. In fact from reading the debates which took place when the present Public Service Act was introduced it appears such was the case. That being so, I think the proposition now made to have that clause inserted would probably meet the case. It does not altogether seem desirable that the Act should be repealed indefinitely.

**MR. H. DAGLISH (Subiaco):** I should like to say just a word against the repeal of the Act absolutely, because it seems to me that whatever good there may be in the Act has never been applied at all. There are many provisions it ought to contain which it does not contain, while there are many good provisions that it does contain which have been of no advantage, simply because neither the present nor the preceding Government have ever attempted to apply them.

**MR. GEORGE:** Cannot they be embodied in the new Bill?

**MR. DAGLISH:** They could be embodied in the new Bill. Through an amending Bill new and desirable provisions can be brought along. What we want is, I think, to get the good provisions of this Act applied as early as possible. For instance, there is a provision that vacancies in the public service in any department may be filled by transfers

from one department to another. This section has never been applied. It can be applied, but new appointments have been made in an already over-crowded public service. Then there is the provision in regard to the examination of all persons prior to appointment. That means a limitation of undesirable appointments made in the public service. That has never been brought into operation at all, and the sooner it is brought into operation, the sooner will our service be improved. Then there is the provision which legally enables the Government to make regulations dealing with public servants, and yet no regulations have been made by the Government.

MR. GEORGE: If we do not prorogue Parliament soon, they will have no opportunity of making them.

MR. DAGLISH: This has not been enforced. There has been no attempt to apply this good provision.

MR. GEORGE: Has there been any request for it?

MR. DAGLISH: By whom?

MR. GEORGE: By civil servants.

MR. DAGLISH: It is not a matter for the public service, but for the country; that is to say, the country is interested in having the public service as efficient as it can possibly be made.

MR. GEORGE: I understood that the Bill was for the protection of civil servants, and not the country.

MR. DAGLISH: If properly administered, it is for the protection of the State as well, but it has not been properly administered.

MR. TAYLOR: It is no protection to the State.

MR. DAGLISH: It protects the State as to the calibre of its public servants by having provisions with regard to the examinations, but you have never applied the provisions. For instance, the present Ministry have made new appointments without submitting the persons appointed to examination.

MR. GEORGE: Why do you not move a vote of want of confidence in them?

MR. DAGLISH: Of course it is very easy for the hon. member to make these flippant objections, but I am endeavouring to point out that an injury has been done to the country in passing through Parliament a measure which has never afterwards been applied in any way.

Actually, this measure limits the privileges of public servants in regard to the long-service leave.

MR. GEORGE: On a point of order, I do not think there is a quorum present.

THE SPEAKER: No; there is not a quorum present.

[Bells rung and quorum formed.]

MR. DAGLISH (continuing): There are other provisions in this measure in regard to which we should act very unwisely if we entirely abrogated them. For instance, there is the provision that no address or testimonial—and that would cover a monetary gift—shall be accepted by a Government servant. There is a provision that no Government servant shall do any work but his Government work for fee or reward without the permission of the Cabinet. These are important provisions which should not lightly be removed from our statute book. Then, again, the Premier in introducing this measure simply pointed out the need of one section giving greater powers over the public service, and he pointed out two sections as being defective, those being Sections 29 and 40. He indicated those as being defective, and as requiring either amendment or repeal. It is an unreasonable proposition that, because two sections in an Act like this require alteration or amendment, therefore we should repeal the whole measure.

THE PREMIER: I did not put it that way. I instanced those among others.

MR. DAGLISH: I am quite satisfied the Premier will agree with my argument that there is much which is very good in the Act as it at present stands. A reference was made to the fact that the civil service was managed for eight or ten years without any Act; but I would ask the House to remember that during those times all the evils the civil service is now suffering from were introduced because of the fact that there was no limitation with regard to the number of appointments and the fitness of persons appointed; so that we had a swollen and partially incompetent public service; and if you revert to the same conditions now, as you will do by repealing this Act, you are simply in danger of bringing back the days of anarchy in the public service. I am prepared to protest, and to protest very strongly, against that, and should

there be a division on this motion, I shall be quite ready to vote against it.

MR. W. J. GEORGE (Murray): As far as this Bill is concerned, I think the House will do well to pass the second reading, reserving arguments with regard to the alterations which they wish to be made until we get into Committee. The reason why I should prefer to see the Bill passed as introduced by the Government is this. In regard to amending Bills brought in I should like to know how many members got the original Acts and studied the alterations. The practice is to get an amending Bill through. It seems all right. Some few members may study it, if it is of particular interest to them, but the bulk of the members do not study it, and they do not see the effect of the alterations. I believe the Premier gave an illustration of that with regard to one of the matters which we have been discussing this evening, and it will be a very dangerous thing to alter some of these little measures. Amending Acts cannot be as satisfactory as bringing in new measures. I agree with much that was said by the member for Subiaco (Mr. Daglish), and the House also will do so, but at the same time, seeing that the next session of Parliament cannot be many months distant, I do not think there is likely to be any harm to the public servants through their not having a Public Service Act to lean their backs upon.

THE PREMIER: Their salaries are paid up to 30th June. The repeal of the Act would not be likely to interfere with them until then.

MR. GEORGE: Besides, who is going to accuse the Government of a desire to act in a cruel or autocratic manner?

MR. DAGLISH: I did not raise that point.

MR. GEORGE: No; but it comes as a corollary of the argument of the hon. member, that they must be afraid the Government are going to act in that way. I do not think there is the slightest fear of anything of the kind. I would like to see the Act repealed. I remember the passing of that Act in this House, and I say, with all due deference, that the Public Service Act was not properly discussed in this Chamber, but was passed through in a most hurried fashion.

MR. NANSON: There was a long debate.

MR. GEORGE: We have had any amount of long debates at times.

MR. HASTIE: You ought to know that.

MR. GEORGE: I do. I have listened to the member for Kanowna with a great amount of interest and pleasure sometimes, hearing him spin out a long yarn with absolutely nothing in it, and he has given me most valuable lessons in that respect. I am referring to the Public Service Act. Members who were in the House previously will know that when the Bill came forward it was a sort of unspoken opinion on the part of a number of members of the House, and I believe some portions of the Press also, that the measure was brought in on purpose to absolutely secure the position of certain individuals, whom it is not necessary for me to name. That was the impression on the minds of members and of people outside the Chamber. The Bill was rushed through this House without proper discussion. Are we going to say that this Act which hampers the Government must still stand? or will the House say, "No Act which hampers the Government in dealing with these matters should be allowed to stand;" and if the Government act in a cruel and autocratic manner, they will be here to meet the House next session, and the House will deal with them. It seems to me that if we take up the former view, we shall be practically saying we cannot trust the Government till next session, and that we cannot trust ourselves to do what is a fair thing if the Government act unfairly. I hope to see this Bill passed, and when the matter is again brought before us let the hon. gentleman take the responsibility of carrying out what is proposed. If we are not going to throw the onus upon them, let us take that course, but I want to give the Government a fair trial. Let us know the metal they are made of, and if they do not act fairly, surely we can act fairly, and surely the civil service can wait a few months without having this little prodding behind.

THE PREMIER (in reply): I really think that the member for the Murchison (Mr. Nanson) was not far out in the remarks he made when he said that if we did not get this Bill through, we probably should not be able to do anything. I think that is really what I said. If we

get this Act repealed, then of course we have to take the responsibility. I tell hon. members at once it is of no use to talk about amending the Act this session. Repeal the Act or leave it alone.

MEMBERS: Repeal it.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE, ETC.

Clause 1—Repeal of 64 Vict., No. 21:

MR. NANSON: To test the feeling of the Committee he suggested as an amendment, in lieu of Clause 1, that the following be substituted:—

Nothing in the Public Service Act 1900 shall be constituted or held to abrogate or restrict the right or power conferred, as it existed before the passing of the said Public Service Act, to dispense with the services of any person employed in the public service.

He understood from the Premier that a clause to this effect would not be opposed by him, and that it would give him all the power required.

THE PREMIER: No. If the Bill were amended, he would drop it.

MR. GEORGE: The Premier should not drop the Bill.

MR. NANSON: A clause of this description would give the fullest power.

THE PREMIER: So many other amendments must follow, and were absolutely necessary. A repeal of the measure was the only thing that would satisfy.

MR. NANSON said he had understood the Premier would offer no objection to a clause of this description.

THE PREMIER: That was not so. What he said was that it was the key of the position. He admitted it was not in the Act.

MR. GEORGE: That was the key, but no one could put it into the lock.

MR. NANSON: If there was opposition to his suggestion, he did not intend to arm any member with a weapon by enabling him to say that an attempt was made to block the Government in their schemes of reformation.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

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

#### LAND DRAINAGE AMENDMENT BILL. IN COMMITTEE, ETC.

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

Bill read a third time, and passed.

#### METROPOLITAN WATERWORKS AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. F. Illingworth): In rising to move the second reading of this Bill, I desire to intimate that in consequence of the lateness of the session I do not intend to ask the House to deal with the many minor matters contained in the measure, but only to pass Clauses 1, 2, and 16. The object of these clauses is to increase the powers of the Metropolitan Waterworks Board to raise a farther sum of £20,000. By the principal Act they are empowered to raise £400,000, but this sum is exhausted, and it is urgent than an extension of the mains in various directions, especially to the suburbs, shall be undertaken; and in order that this work may be done, it is necessary to increase the borrowing powers of the board. The only object of the clauses which I propose to ask the House to pass is to increase the sum from £400,000 to £420,000; and a farther alteration is made by Clause 16. By the existing Act, the first charge on the waterworks is the interest upon the sum of money advanced, and that scarcely works out. We must make the first charge the actual working expenses of the waterworks. It is intended to make the first charge upon the revenue the actual cost of working; and there is another slight alteration. Provision is made in the principal Act for a sinking fund. It is not intended to alter the nature of the sinking fund, but it is intended to date it from the present year instead of from 1900. As a fact, there has not hitherto been sufficient profit to provide a sinking fund, and we desire to alter the date of the commencement of the sinking fund to 1902, the present year. These are the alterations in Clause 16. Clauses 1 and 2 are intended to increase the capital of the board. I move the second reading.

MR. W. J. GEORGE (Murray): I understand from the Colonial Secretary

that in Committee a lot of the clauses will be struck out; and this renders it unnecessary for me to speak at any length on the Bill. But I think it necessary to say that whoever is responsible for certain clauses has evidently no regard whatever for the rights of the great bulk of the people of the metropolitan area.

**THE COLONIAL SECRETARY:** That is so. That is why the Government have not supported the Bill.

**MR. GEORGE:** I understand the Government have taken a very proper view of the measure; but I think it just as well that members here should know how this board is proceeding. The Colonial Secretary spoke about altering the time for the payment of the redemption from some two years back till now. About two years ago, on the plea that the waterworks were not paying, a Bill was introduced to this House, and arrangements made whereby the charge to the consumers of water in Perth was increased by about 35 per cent., on the plea that it was necessary to meet the debentures which were falling due. If I understand the Minister, the board wishes for relief because it has been unable to do that, and I should therefore like to know where was the justification for that increase in the price of water. This opens up a question which during the recess might well be investigated by the Government, to see whether this board works in the interests of the people. The board has command over a fairly large undertaking, seeing that it will be empowered to borrow £420,000; and, as hon. members see in this Bill, it is seeking powers which in my experience are far in excess of any given before to such a board, including the power to evade its responsibility for preserving the purity of the water. There is something peculiar in Clause 24, which is to be knocked out; but I should like to point out its effect were it passed. [**MR. JACOBY:** Don't!] The hon. member may know a little about sour wine, but he knows nothing about water or the health of the people. Clause 24 absolves the board from carrying out its obligations under the Fire Brigades Act, which Act provides that fire-plugs shall be placed at a considerable elevation above the roadways where there are mains; and the reason that

provision is made in most of the big cities of the world is that a fire-plug on a level with the street allows any quantity of filth to get into the mains, with germs which might be prejudicial to those who drink the water. With the knowledge of this, Mr. Traylen, chairman of the board, who poses as an authority with regard to sanitary matters, desires to have this enactment repealed.

**MR. H. DAGLISH** called attention to the state of the House.

[Bells rung, and quorum formed.]

**MR. GEORGE:** It is about time we inquired into the working of the board.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Increase of capital:

**MR. MONGER:** Was the position held by the chairman of the board a life appointment, or was it merely temporary?

**THE COLONIAL SECRETARY:** The chairman could be removed at any time.

**DR. O'CONNOR:** Was there any likelihood of this clause being given immediate effect to?

**THE COLONIAL SECRETARY:** No. The time was approaching when we should have to consider the larger question of a Metropolitan Board of Works.

**SEVERAL MEMBERS:** Hear, hear.

Clause put and passed.

Clauses 3 to 15, inclusive:

**THE COLONIAL SECRETARY** moved that Clauses 3 to 15, inclusive, be struck out.

**MR. DAGLISH:** What would be the effect of Clause 3, "Previous Acts to apply to new districts," if that clause were passed?

**THE COLONIAL SECRETARY:** The effect would be to make every suburb amenable to the existing Act, and to prevent the Metropolitan Waterworks Board from making special arrangements, as it was now doing.

Amendment put and passed, and the clauses struck out.

Clause 16—Repeal of Section 15, Metropolitan Waterworks Act 1896:

**DR. O'CONNOR:** Under this clause, the ratepayers would pay 1 per cent. annually towards a sinking fund. Who would own the property when it was paid for?

**THE COLONIAL SECRETARY:** The property would belong to the Government, who had provided the money to purchase it. Naturally, if the redemption money covered the whole of the amount advanced, the property would revert to the State.

**DR. O'CONNOR:** But the ratepayers were asked to pay the money.

**THE COLONIAL SECRETARY:** The principle was the same as obtained in the case of the Coolgardie Water Scheme, in connection with which the community was asked to pay 3 per cent. annually towards a sinking fund.

**MR. W. J. GEORGE:** The Colonial Secretary appeared hardly to understand the question of the hon. member (Dr. O'Connor). The ratepayers of the city of Perth, before the water supply had been extended to the suburbs, were paying extra rates and also a sinking-fund rate. Those were the conditions on which the property was purchased by the Government. Would the property when redeemed by payment of the ratepayers' money belong to the ratepayers?

**THE COLONIAL SECRETARY:** No doubt, if events had so successful an issue, the Government would be pleased to hand over the property to a Metropolitan Board of Works. It was quite certain, however, that the issue indicated was years distant. No doubt, a Metropolitan Board of Works, which would take over all the waterworks of the metropolis and would also carry out a sanitation scheme, would be in vogue before the question of ownership arose to be dealt with.

**MR. GEORGE:** The question was hardly worth fighting over.

**MR. MONGER:** Perhaps the Colonial Secretary, who was in charge of the Bill, would inform the Committee whether the measure emanated from the Government or from the Metropolitan Waterworks Board? Certainly, the Bill reflected credit on neither.

**THE COLONIAL SECRETARY:** Without wishing to cast a reflection on the board, he could not refrain from saying that he was surprised at the manner in which this Bill had been drafted by the board.

Clause put and passed.

Clauses 17 to 26, inclusive:

**THE COLONIAL SECRETARY** moved that Clauses 17 to 26, inclusive, be struck out.

Put and passed, and the clauses struck out.

Clauses 27 and 28—agreed to.

Preamble, title—agreed to.

Bill reported with amendments, and the report adopted.

#### WINES, BEER, AND SPIRIT SALE AMENDMENT BILL (No. 1).

##### SECOND READING.

**MR. M. H. JACOBY** (Swan), in moving the second reading, said: This Bill as originally drawn contained a large number of clauses, some of which were of a debatable character. When the Premier recently promised me an opportunity of having this Bill discussed, I decided to eliminate from the measure all clauses after Clause 4. The first four clauses are of great importance. They provide for the issuing of licenses for the sale of colonial wine, in quantities of not less than one reputed pint, to storekeepers who are able to satisfy the licensing court of their respectability. The viticulturists of this State will in a year or two find themselves in an exceedingly difficult position, owing to reduction of duties taking place before the industry has had an opportunity of becoming firmly established. In these circumstances, it will be no easy matter to conduct a successful wine-growing business, more particularly in view of the comparatively small scale on which wine-growers of this State are working at present. The provision affirmed by the Bill obtains throughout the Eastern States, and is common in Europe. In fact, generally speaking, there is in wine-growing countries no restriction whatever on the sale of wine. It has been advanced as an argument against the extension of wine licenses that they lead to abuse in the shape of sly-grog selling. I certainly admit that wine licenses extending permission to sell by the glass have led to gross abuses. It is, however, of far more importance to the viticultural industry that grocers' licenses should exist than that sale by the glass should be permitted. If either of the two licenses had to be abolished and I were given my choice, I would prefer retaining the storekeeper's license. Sly-grog selling is

not to be apprehended where wine is sold by the bottle, particularly as any applicants for licenses must convince the licensing bench of their respectability. The wine will not, of course, be consumed on the premises. In connection with the wine and beer licenses so largely granted throughout the goldfields, there is undoubtedly great danger of sly-grog selling; but I do not think the licenses now proposed can involve any such danger. I trust there will be no objection to the measure. I was indeed glad to receive the assurance of the Premier that he did not object to the Bill, which I trust the House will pass.

**THE PREMIER** (Hon. G. Leake): I informed the hon. member (Mr. Jacoby) on a recent evening that I should not oppose the second reading of the Bill; but in expressing that opinion I did not, of course, pledge the whole of the Government support to the measure. I think the House might pass the second reading to-night, and consider the Bill in Committee at the next sitting.

**MR. MONGER**: Make that sitting six months hence.

**THE PREMIER**: Oh, don't talk nonsense! If the hon. member in charge of the Bill will prepare his amendments and place them on the Notice Paper for to-morrow, we shall know exactly what we are doing.

**MR. JACOBY**: The amendments are all in the Bill. I propose to strike out everything after Clause 4.

**THE SPEAKER**: My copy of the Bill contains only four clauses.

**THE PREMIER**: This is a new Bill, sir. That which you have is one introduced by the hon. member some time ago and already passed. That measure dealt with general amendments of the Wines, Beer, and Spirit Sale Act. The hon. member now proposes to drop the first measure and to introduce farther amendments.

**MR. JACOBY**: No.

**THE PREMIER**: Are the first four clauses of the Bill retained, then?

**MR. JACOBY**: Yes.

**MR. TAYLOR**: They are not on the Notice Paper.

**MR. JACOBY**: No; but they are in the Bill.

**MR. J. L. NANSON** (Murchison): Every clause in the Bill from Clause 4 has been dropped.

Question put and passed.

Bill read a second time.

#### FRIENDLY SOCIETIES ACT AMENDMENT BILL.

##### SECOND READING.

**MR. W. F. SAYER** (Claremont), in moving the second reading, said: Under the Friendly Societies Act of 1894, provision is made for the registration of societies to provide, by subscription, for the relief or maintenance of their members, the husbands, or wives and families in old age, in sickness or infirmity, bodily or mental; and secondly for providing medical attendance, for the dispensing of medicine for such persons, defraying the cost of burial, and for other purposes. These are some of the provisions of the Friendly Societies Act of 1894. By the Bill under consideration it is proposed that no society or other body of persons shall henceforth be engaged in providing any of the benefits that I have already enumerated which friendly societies may provide, unless such society is itself registered as a friendly society. Provision is also made by the Bill that no incorporated company shall in any event do or cause to be done any of these things which the friendly societies may do, nor may such society be deemed capable of registration as a friendly society; so that the object of the Bill is to compel all these societies designed to provide such benefits to be registered, or to prevent any incorporated company from providing those matters for any persons or registering as a friendly society. So that the object is that if any society is to be formed for the purpose of relief of its members, when sick, or to provide medical attendance or burial funds, all these societies are illegal bodies unless registered as a friendly society. That is the object of the Bill, and I beg to move the second reading.

**DR. O'CONNOR** (Moore): I rise for the purpose of opposing the Bill. It appears to me the Bill is a very unfair one. Many societies are not able to register under the Bill. Supposing a medical man wants to form a club, or wants to make arrangements with a



private hospital to take in patients, he is unable to do so because, under Clause 4, only friendly societies can register under the Bill. The same thing applies to a medical man who takes patients at so much per week. Friendly societies only provide for attending patients in private houses. A medical man taking in or providing hospital accommodation, and also providing medical attendance, cannot register under the Bill. Friendly societies only allow people to join a society who are strong, generally under 40 years of age. There are many people in this country who could not become members of a friendly society because they could not pass the doctor's certificate; therefore they would not be able to obtain any benefit in any society at all. One hon. member says form a medical club. Who would take all the bad cases of a medical club?

MR. SAYER: Any such club would be illegal under the Bill: such club could not register.

DR. O'CONNOR: The member for Hannans (Mr. Reside) and his *confrères*, generally speaking, are against contracts. Here is the very worst form of contract possible with medical men. In Fremantle, for instance, there was a medical man attending a friendly society there at 1s. 2d. per member per month, which is 14s. a year, and the medical man had to provide medicine. The consequence is that medical men taking these clubs—they would be called blacklegs or scabs in any other profession or trade—are ignored by every medical man in the district. Only fourth and fifth-class medical men are got to attend these clubs.

MR. JACOBY: It gives a good many a start.

DR. O'CONNOR: There are many reasons why this Bill should not pass, and I move that the Bill be read a second time this day six months.

MR. F. C. MONGER: I second the amendment.

MR. J. RESIDE (Hannans): I certainly favour the Bill being read a second time. I think the move made by the member for the Moore (Dr. O'Connor) is merely on behalf of his own fraternity. This Bill is chiefly aimed at preventing the iniquitous system that prevails on the goldfields, whereby medical men are allowed to collect levies from the miners

there without giving them any say in the distribution of the funds. I have known cases on the goldfields, and they still exist, in which men who have already made provision through a friendly society or a labour organisation for medical benefits are double-banked. Miners are made to pay a third time, by contributing to the benefit fund of the mine. When men have made provision they should be exempt from further contributions. These men who are paying to a medical society or a medical fund have to pay 1s. a week at the mine, and in some cases they get the same doctor to whom they are already paying. Therefore, so far as they are concerned the demand of 1s. per week is totally unnecessary and unfair. I think the time has arrived when some amendment of the existing law should be made whereby the system should be stopped. Some time ago the labour organisations moved in this matter, and endeavoured to get an amendment of the Truck Act, whereby the imposition of a levy of 1s. per week was illegal; and to-day such levy is illegal. But the law does not prevent its going on. In some of the mines in my district there are men who not only pay into the provident funds but to the mine levy as well. I admit that some of the men are not healthy enough to join friendly societies, but at the same time, there should be an amendment of the law to stop the iniquitous levy at the mines. It has been found on the goldfields that some of the doctors are in league with the management of the mines, and they collect £1,000 a year, and farm out the cases to other doctors, the fifth-raters, to whom the member for Moore referred, and the first-rate doctor reaps the benefit for doing nothing. There is a contract system existing now by which medical men undertake to provide attendance, advice, and medicine, and also, in cases of necessity, hospital accommodation; and so far as the hospital accommodation is concerned, it is at the will of the doctor, and the doctor is not likely to order a patient to the hospital until the patient is in the last stages, and often on account of the doctor not ordering patients to the hospital in time, lives are lost.

MR. A. E. THOMAS: What?

MR. RESIDE: What I say is correct.

MR. THOMAS: You should retract the statement.

MR. RESIDE: I know it is a fact: it is published in the local newspapers on the goldfields.

MR. THOMAS: Then it must be an absolute fact!

MR. RESIDE: I have known cases amongst my friends. The men who are compelled to pay into the medical funds have no choice of doctors or of the management of the funds. As far as the opposition of the hon. member, who has moved the amendment, is concerned, it is on behalf of the medical profession.

DR. O'CONNOR: It is not.

MR. RESIDE: The members of the medical profession on the goldfields have issued a circular letter to almost every member of the House, asking them to oppose this Bill; and two medical gentlemen waited on the Minister for Mines when on the goldfields on the subject. I saw one medical gentleman from the goldfields in the Government offices the other day, he was down on the same matter. The medical gentlemen have sent down a special declaration to try and prevent the passing of the Bill. The House will only be doing its duty in passing the second reading, and when we go into Committee the provisions of the Bill can be threshed out.

MR. F. C. MONGER (York): As a rule, I always like to support any suggestion that emanates from the member for Hannans (Mr. Reside), but on this particular occasion I think that the small Bill which contains so many intricate problems should receive farther consideration, not only from the Government, but from members of the House; and with the object of allowing members to consider this intricate little Bill, I move that the debate be adjourned.

Motion put and negatived.

THE MINISTER FOR MINES (Hon. H. Gregory): In regard to this Bill, I may say that a deputation did wait on me at Boulder the other day. The deputation consisted of members of the friendly societies and the workers' association on the one side, and the doctors on the other. I prudently had them all in together and let them fight their battle one against the other, whilst I quietly stood back as umpire. This Bill is to prevent a system

which has been carried on in the past upon our goldfields, more especially in Kalgoorlie, and to a very great extent the statements that have been made by the member for Hannans (Mr. Reside) are correct. The action of some of our mining managers is to my mind improper; in this sense, that they demand that every man employed upon a gold mine shall pay a shilling a week towards a medical fund, irrespective of whether he is paying into any other medical fund or not. They give him no say whatever in the distribution of these funds, nor as to what doctor shall be employed; but the larger number of managers only impose this shilling a week payment on those who are not members of any other association or medical society, and they give the men a choice of doctors. They do this so as to compel the improvident man to provide in some way for himself and his wife and family in case of sickness. In the old days, when any person met with an accident or suffered from sickness the subscription list was at once going round, and it was with a view of seeing this remedied that the managers adopted the system of having a levy. I think it is our duty to say that every person employed upon a mine should make some provision for himself and his wife and family against accident. But when one society will only take a certain class, and another will refuse to join a medical association to get medical benefit, I say these men must be compelled to provide for themselves in some way. If we pass the Bill as it is at present, we shall prevent any association from being formed except present associations or friendly societies. We have no system for a medical fund in places outside those organisations.

MR. THOMAS: Government hospital.

THE MINISTER FOR MINES: The Government hospital would be a great loser, because the improvident man would be sent to the hospital, and no person would pay the expenses. At the present time if a man is sent there he must be on the doctor's list. The doctor is compelled to charge the fees prescribed by the Government for the treatment of that patient; and if this proposal were passed, the Government would lose a very large amount. It is essential that this Bill shall be amended in such a way that

mine managers shall be allowed to exact from every man working upon their mines, unless he be a member of some society or association which will provide medical comforts in the case of accident, at least a shilling a week for a medical fund, and the men themselves should have the disposition of that money and be allowed to employ any doctor they like.

**MR. TAYLOR:** How will the Truck Act operate?

**THE MINISTER FOR MINES:** I am not a lawyer, and I do not know how that will come in. I think the hon. member will be with me in every attempt to make the improvident man do something for himself or his family if he becomes sick. We do not want the subscription list to be always going round, whilst some men are paying nothing.

**MR. TAYLOR:** The generous man ought to have some say.

**THE MINISTER FOR MINES:** The man who pays a shilling a week should have some voice as to the way in which the money is expended, and in my opinion the best method of getting over that difficulty would be to pass the second reading and appoint a select committee, who could deal with the question in a few hours, so that we could bring in amendments to this Bill which would place it on such a basis that those who already pay into a benefit society will not be compelled by the mining managers to pay; but the improvident man will be compelled to pay. I think that will be the best way, and that it will satisfy not only the associations on the fields but others.

**MR. CONNOR:** What is the age in regard to friendly societies? Is it 60?

**THE MINISTER FOR MINES:** Forty, and if you are not a member for six months you will have no benefits.

**MR. R. HASTIE (Kanowna):** If the House have a few geniuses who can accomplish in a few hours what the Minister suggests, I hope the suggestion will be acted upon. I feel quite certain that if any rule such as he advocates can be drafted, everyone in favour of this Bill will support it. The Minister made some extraordinary statements which I would like to refer to. He says practically that if this Bill becomes law, a lot of people will become a charge upon the

hospital. How is it that this is not found to be the case anywhere outside Kalgoorlie? I believe there are more non-paying people in the Kalgoorlie-Boulder hospital district than anywhere else in Western Australia. Nowhere else is this compulsory levy enforced. In Coolgardie, Kanowna, and other places, they do not have compulsory payments, and they find ways and means of seeing that wherever people pay a shilling a week they get some "say" as to how every shilling has to be spent.

**THE MINISTER FOR MINES:** They have the levies of a shilling a week elsewhere.

**MR. HASTIE:** There is no compulsory levy except in the Kalgoorlie-Boulder district, so far as I ever heard on the goldfields. There is no compulsory levy known, and they have always found the present system to work everywhere except in that particular district. I was present at the time this shilling a week system was started, and I had as much to do with it as anyone else. It was started in the year 1896, because there was no friendly society. There was no other way of attending to the thing at that particular time, and it was started for a special reason. The goldfields at that time were struggling, and that was the only reason why it was started in that shape at that particular time; but unfortunately after those times were gone, it was found that the doctors managed to make many thousands of pounds out of it for comparatively little work. All the doctors' influence has been used since to keep that on, and if any example of the fact that they are determined to go on be wanted, it is to be found in this circular which has been sent to each member of the House to-day, and which contains three or four absolute and deliberate untruths.

**MR. CONNOR:** Name them.

**MR. HASTIE:** I can mention several of them. I think there are six names on the document.

**MR. MONGER:** I have 12 on mine.

**MR. THOMAS:** There are 12 on mine.

**MR. HASTIE:** There are 12 on mine. It says the decision is that of a majority of workers on the mines. Members know that the question has never been up. The doctors here say that it is only objected to by the friendly societies. It has been objected to by nine-tenths of the miners

there for years, long before there was any friendly society there, and it is objected to now by almost everyone. It is the miners everywhere who strongly object to the matter. The friendly societies only came in as a consequence. The third paragraph of the document says:

If they do not do so they would be deprived of all cheap medical attendance, and a great number of them would therefore seek free attendance from the Government institutions.

I have said that this is absolutely against experience. Nowhere else have we got compulsory levies, and nowhere else do miners become a charge upon the hospital. Everywhere miners have shown upon the goldfields that they are as ready to subscribe to these funds as any other class of individuals in the world; and they are not subject to long illnesses. The miners on the eastern goldfields are the picked men of the world. Comparatively few of them are old, and comparatively few are sick, and the number of accidents is fewer than amongst any other class anywhere; yet the doctors tell us that unless men are compelled against their will to do this they will become an unnecessary charge upon the hospitals.

**THE MINISTER FOR MINES:** If you refuse to pass this, you stop the voluntary system.

**MR. HASTIE:** No; this Bill specially provides that any medical club can be formed, and the Minister for Mines knows that if the mine manager arranges it—because it is not the people on the mine, but it is the mine manager who persuades the men to agree to this—they can at once register as a club. It will cost them comparatively nothing, and they will have a say in the business. The Minister for Mines tells us, and doctors subscribe to it, that it is only fair that the men who contribute a shilling should have a say in the matter. If the men who contributed a shilling had had a say in the matter, there never would have been the slightest trouble, but for the last five years that has been absolutely refused. Every possible means has been tried to permit the men to have a say, but everywhere that has been disallowed, and as the member for Hannans (Mr. Reside) mentioned, the way it acts is that the money is usually collected, and most of it as far as we know goes in

aid of the doctor, who has not as a rule performed the work, but has appointed what is called a fifth-rater, and that fifth-rater has practised upon the miners there. I do not know what obtains now, but up to a couple of years ago there was one doctor getting £1,500 or £1,800 a year. They made money, and it was always to their interest to increase this; yet these 12 doctors declare that the miners in the Kalgoorlie and Boulder districts are the only people who cannot be trusted to look after themselves in the case of sickness. We very often hear it said, "Pity the poor doctor"; but I do not think any member of the House believes that any of the doctors on the fields are particularly ill-used.

**MR. THOMAS:** Friendly Societies try to cut them down very fine.

**MR. HASTIE:** So far as I know, members of unions are very much like other classes of people. No doubt many of them try to get things in a way other people consider cheap, but I submit that any persons—the member for Dundas (Mr. Thomas) included—will bear me out in saying that whenever the unions or other societies have made arrangements they have been most liberal. It is not the price the people grumble at. People do not grumble at the money, but at being taxed without representation, and because they know the money is not always legitimately spent. The object of this Bill is, I understand, to see that the people who have to pay the money shall have a say in the matter, and only in one way can that be done. They must voluntarily register a club, and those men who contribute a shilling, or at any rate a percentage of them—because only a percentage of any body of men take an interest in things—will be able to check affairs and make their arrangements accordingly. Other arrangements would be made with those who contribute to friendly societies or to unions. The benefit fund should be free from this double method of taxation. If members are agreed on that, then by all means let them join with us and pass the second reading of this Bill, and if the Minister for Mines and some other members of this committee can suggest clauses to improve that Bill to attain those particular objects—that is, that those who are already provided for shall not be com-

pelled to pay this tax for the special benefit of one or two doctors upon the goldfields, and that those who have not already the privilege may have a say in the disposal of the fund—I feel certain we shall all be satisfied.

MR. G. TAYLOR (Mount Margaret): For many reasons I support the Bill. It has been pointed out by the Minister for Mines that it is necessary to tax the improvident to provide for their medical requirements, and the last speaker has clearly shown the inconsistency of collecting money from people who have not any control over its expenditure. On the mines in that part of the country from which I come, there is a system of collecting 1s. a week, but I do not think it is compulsory, as on the Golden Mile. I have met many men who have left mines in the Kalgoorlie district rather than submit to having money withheld from them on pay day. They had been paid 2s. short in a fortnight or 4s. short in a month; and in reply to a question the mine manager has said: "It is the usual custom here to deduct that money for medical purposes." The miners objected, and were consequently paid their wages and practically dismissed. Numbers of men have gone "on their own" rather than submit to this custom. The Bill will prevent that sort of thing, and therefore I support it. I certainly think with other members that there is some necessity for people who will not contribute to any friendly society or any medical fund being compelled to contribute; but they should have some control over the expenditure of the money. These circulars from the medical faculty of Kalgoorlie do not disclose any reason why this Bill should not be passed. The circulars, which, I take it, every member has received, are drawn up by 12 medical men, to most of whom I suppose this money means, practically, their existence. The money is drawn from the miners; the doctors are engaged by the mine managers irrespective of their capacity or ability as medical men; and the workmen who pay the money have no voice in the appointment of those doctors. Such doctors would naturally send circulars of this sort to hon. members, and would certainly use all their influence against the Bill. I, as a workman, know that portion of the men's wages is deducted; and if the

men object, their objection practically involves dismissal. No employers of labour should be allowed to deduct any amount from a man's wages contrary to his wish. When he earns the money, he should receive it in full. This circular goes for nothing with me. It is from a section of the medical men at Kalgoorlie, who, whether competent or not, are sure of their salaries. Reading this circular, it seems to me these doctors are unable to compete with the rest of the medical faculty of Kalgoorlie, or with doctors in any portion of this State; and I certainly oppose the adjournment of the debate.

THE COLONIAL SECRETARY (Hon. F. Illingworth): The second reading should be passed. No doubt there have been vast abuses in the matter of these levies. In times past this difficulty has come up year after year. We thought we had conquered it in the Truck Act, but it seems the ghosts have not yet been laid; and if we can do that in this Bill, it is very desirable that we should. But I think there is much in the clauses which requires consideration and amendment; and we should hardly do justice to the Bill or the objects we have in view were we to go into Committee to-night. We ought to pass the second reading, for the questions can be better discussed on the clauses than on the Bill itself. I think it is time we took some steps to stop what is becoming a crying evil. It is confined largely, if not wholly, to the Kalgoorlie district; but it is a very great evil there. I know of a good many cases of working miners who are members of their own friendly societies—perhaps of two societies; yet they are compelled to pay the levy of the mine; and while in their societies they have a right to make a selection of a doctor, and to choose their own lodge in order to secure the services of any medical man they prefer, they are, in respect of the mine levy, obliged to accept any doctor appointed by the mine owners: they have not a voice either in the appointment of the doctor or the expenditure of the fund. This abuse ought to be remedied. I hope the House will see its way to pass the second reading, and let us have time to consider some of the necessary amendments in the clauses.

MR. F. CONNOR (East Kimberley): I wish to remove a wrong impression left

by the remarks of the member for Mt. Margaret (Mr. Taylor), who led the House to believe that all the medical men who signed this circular were interested, and received some of the fees paid by the miners. I may say almost the majority of them were never interested in any way in those levies. I think the debate ought to be adjourned. The House is thin and the hour late.

MR. HASTIE: Pass the second reading.

MR. TAYLOR: A word in explanation. If I conveyed the impression that all the signatories to this circular were receiving monetary assistance from the mines, I did not intend to do so. I said I supposed the medical men whose signatures were attached were mostly receiving such payment. I do not know one of the gentlemen in question.

Question put and passed, and the amendment thus negatived.

Bill read a second time.

#### SUMMARY JURISDICTION (MARRIED WOMEN) ACT AMENDMENT BILL.

##### SECOND READING.

THE PREMIER (Hon. G. Leake), in moving the second reading, said: This is an exceedingly simple Bill, which merely extends the Act 60 Vict., No. 10. The principal Act provides that in case of aggravated assault, persistent cruelty, or neglect to maintain wife and children, the court may make an order which is equivalent to a judicial separation, may give directions as to the custody of children, and farther, may order any weekly allowance to be paid to the wife and children. The court also has power to make orders as to costs. The Bill now before hon. members merely provides that in addition to the cases mentioned, in which an order may be made, it shall be lawful to make a similar order in the case of desertion. That is the whole effect of the Bill. Clause 2 reads:—

Section two of the Summary Jurisdiction (Married Women) Act 1896 is hereby amended by inserting, after the word "months," in the seventh line of the said section, and before the word "or," in the said line, the following words: "or whose husband shall have deserted her."

Hon. members will thus see that the whole object of the measure is to add desertion to the list of causes which justify an order in the nature of a judicial separation.

Question put and passed.

Bill read a second time.

##### IN COMMITTEE, ETC.

Clause 1—agreed to.

Clause 2—Amendment of 60 Vict., No. 10, Sec. 2:

MR. TAYLOR: Not being a married man, one had no particular desire to interfere with the measure. At the same time he could not refrain from pointing out that the Bill opened a big question as to the custody of the children.

THE PREMIER: No. The Bill, as had been previously explained, merely added to the list of offences in respect of which an order might be made that of desertion.

Clause put and passed.

Preamble, title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and *passed*.

#### MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

##### IN COMMITTEE.

Resumed from the 24th September, 1901.

Title—agreed to.

Bill reported with an amendment (made previously), and the report adopted.

##### ADJOURNMENT.

THE PREMIER: The Legislative Council having agreed to sit to-morrow, I move that the House, at its rising, do adjourn until 4.30 o'clock on Friday afternoon.

Question put and passed.

The House adjourned accordingly at 11.20 o'clock, until Friday afternoon.