

the Colonial Secretary. We do not wish to enter into recriminations with the Assembly, but we must uphold our privileges. All through the session attempts have been made to interfere with our privileges, and so long as we agreed with the Assembly everything went smoothly; but the moment we began to exercise our functions, we are told that we virtually possess no power at all. In this instance we might have reconsidered our decision; but no attempt has been made to argue the question with us—we are only told that we have no right to deal with the matter.

THE HON. C. A. PIESSE: I should like to point out that the Legislative Assembly has been to a certain extent inconsistent in this matter. Members of that House have said that we ought to have originated the Bill, and yet they say now that we cannot amend it.

Motion put and agreed to.

ADJOURNMENT.

The Council, at 6 o'clock p.m., adjourned until Tuesday, 13th November, at 7:30 o'clock p.m.

Legislative Assembly.

Thursday, 8th November, 1894.

South Australian "Blocker" System—New Zealand Life Assurance System—Postal Facilities at Rockingham—Reduction of Live Stock Rates on Government Railways—Reduction of Duty upon Kerosene—Message from the Deputy Governor: Assent to Bills—Revoking of Civil Service Commission—Municipal Institutions Bill: Message from Legislative Council—Pharmacy and Poisons Bill; re-committed—Southern Cross-Coolgardie Railway Bill: second reading; in committee—Scarb Act Amendment Bill: second reading; in committee—Goldfields Act Amendment Bill: second reading—Adjournment.

THE SPEAKER took the chair at 4:30 p.m.

PRAYERS.

SOUTH AUSTRALIAN "BLOCKER" SYSTEM.

MR. THROSSELL, in accordance with notice, asked the Commissioner of Crown Lands whether the Government would, in the interest of land settlement, inquire into the working of the "Blocker" system of South Australia, with a view, if found successful, of introducing a similar system into this colony.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that he would be glad to adopt the suggestion, and would make inquiries of the South Australian Government, with a view to considering the advisability of introducing the "Blocker" system into this colony.

NEW ZEALAND NATIONAL LIFE ASSURANCE SYSTEM.

MR. THROSSELL, in accordance with notice, asked the Premier whether the Government would cause inquiry to be made as to the success attending the system of national life assurance in New Zealand, with a view of introducing a similar system into this colony.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government would make inquiry into the matter.

INCREASED POSTAL FACILITIES AT ROCKINGHAM.

MR. SOLOMON, in accordance with notice, asked the Premier—

1. Had any representations been made to the Government, through the Postmaster General, referring to a petition from the residents and shipping masters at Rockingham, as to an extension of the mail service between Fremantle and Rockingham, from once to twice a week; also, as to the inconvenience caused at Rockingham in consequence of there not being any money order office there for the convenience of settlers, residents, and ship masters?

2. Would the Government, taking into consideration the want of railway facilities, endeavour to meet the wishes of the people in this most important district, where for some time past vessels have been shipping from 2,000 to 2,500 tons of timber monthly, and give all the postal facilities possible?

THE PREMIER (Hon. Sir J. Forrest) replied, as follows:—

1. Yes.

2. I am advised that the quantity of correspondence does not warrant a bi-weekly mail at present. I am also advised that the amount of business anticipated does not warrant the establishment of a money order office. So soon as the business increases sufficiently, the facilities asked for will be supplied.

REDUCTION OF LIVE STOCK RATES UPON GOVERNMENT RAILWAYS.

MR. HARPER, in accordance with notice, moved "That inasmuch as the cost of conveying sheep by rail is (as shown by the Schedule of Rates on the table of the House) in this colony £3 6s. 8d. per truck carrying 60 sheep, in South Australia £3 6s. 8d. per truck carrying 100 sheep, in Queensland £4 4s. per truck carrying 140 sheep for the distance of 100 miles; and that for the distance of 350 miles the charge in this colony is 2s. 10d. per head of sheep, in South Australia 1s. 5½d. per head, in Queensland 1s. 4¼d. per head, it is apparent that the charges levied in this colony are far in excess of those levied in those other colonies, and that the best interests of the colony will be served by an immediate reduction of the live stock rates on the Government railways." The hon. member said that last session he moved in the same direction as was indicated by this motion, and the Commissioner of Railways then informed the House that the Government railways in this colony were carrying stock, as a rule, at a lower rate than was charged in the other colonies, and he as much as said that the figures he (Mr. Harper) had quoted on that occasion were incorrect. But he felt pretty certain at the time that he was not far wrong, and it appeared from the schedule of rates laid on the table of the House this session, that the rates charged here were, on the whole, very much higher than the rates charged in the other colonies, and amounted to a very heavy tax upon the community. He need not point out how very desirable it was that every encouragement should be given to the farmers to send their live stock into the central markets, and this could only be done by giving them low rates. The

Commissioner of Railways told them, last session, that he did not think it possible to carry stock at any lower rate than they were then doing; if the hon. gentleman was of the same opinion still, in the face of the rates charged in the other colonies, surely, such an admission was rather a reflection upon the management of our railways. If they could carry stock in the other colonies at something like half the rates charged here, there must be something wrong if our railways could not carry stock at lower rates than were now charged. One very important consideration in connection with this matter was the fact that in the course of a few months they might expect to see the Midland Railway opened, and it was anticipated that a large proportion of the fat stock coming into the metropolitan market would be conveyed by that railway. The Commissioner of Railways, last session, replying to some remarks of the hon. member for York, gave them to understand that, once the Government agreed to any given rate with these land-grant railway companies, it was all but impossible for the Government afterwards to alter that rate. If that was the case, and the Midland Railway adopted the present high rates charged on the Government lines, this colony would be paying a much higher rate for the carriage of live stock than any other Australian colony. Therefore, he thought it was very important that, before the Midland Railway was opened, the present scale of charges should be modified. He stated, most distinctly, that the rates should be lowered, because they were a heavy tax upon the community, and one which was not fair to either the producer or the consumer. The Commissioner of Railways had told them more than once that the question of modifying the present stock rates was under consideration, and that he hoped, some day, to reduce them. He hoped the hon. gentleman would be prepared to inform the House, now, that it was his intention to carry out that promise immediately.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) did not think the hon. member had got the rates charged in the other colonies quite correctly. The General Traffic Manager had promised to have some returns prepared

for him relating to this question, but unfortunately he had not got them. It was his intention, when the House prorogued, to issue a fresh classification table, with a lower scale of charges for live stock, and assimilating ours more with those of the other colonies than they were at present—although this would very much handicap the department here, inasmuch as the live stock traffic here was so small, compared with the traffic in the other colonies, that it would not pay us to do the business exactly on the same terms as they did.

MR. CLARKSON was very pleased that this matter had been again brought forward, because he could speak from experience about the hardship now inflicted upon stockowners by the present high rates. He used the railway a good deal in sending stock to the Perth and Fremantle markets, and he found it cost him a little over 1s. per head to have them conveyed from Newcastle to Perth, a distance of only 65 miles. He thought that was too high altogether. Not only that, there was also a difficulty in obtaining trucks. If he happened to receive a telegram from a butcher in Perth or Fremantle, to send down half a truck load of sheep, he had to give 48 hours notice to the Railway Department before he could get a truck. He thought the department ought to keep a few extra trucks in readiness at these country stations, instead of compelling people who bring in sheep to be forwarded to Perth to keep them 48 hours in somebody's paddock, while the department is providing a truck.

MR. RICHARDSON said there could be no doubt that the stock rates on our railways at present were somewhat prohibitive, especially for short distances. To small farmers, who killed a few sheep every year, there was no inducement whatever for them to use the railway; it was rather the other way—they preferred to drive them by road. He felt convinced that the railway was losing a considerable amount of traffic, through not adopting a more economical scale of charges. The Commissioner said that the traffic here was much less than it was in the other colonies; and no doubt it was so. But it would be much larger than it is at present, if the rates were reduced.

Motion put and passed.

REDUCTION OF DUTY UPON KEROSENE.

MR. HARPER, in accordance with notice, moved, "That whereas the present Customs duty levied on kerosene in this colony is about 50 per cent. upon its cost, this House is of opinion that this rate is excessive, and is opposed to the best interests of the colony, in consideration of the importance which this fuel promises to become in the development of our goldfields as well as in agricultural pursuits through the use of oil engines, and suggests the advisability of the Government introducing a measure at the next session of Parliament to carry this resolution into effect." He thought this resolution was one of great importance to the future interests of the country. It was not generally known, perhaps, that a very great departure had of late been made in the manufacture of the class of engine known as oil engines. These engines, which had been in use for several years past, had caused a good deal of disappointment, but lately the Royal Agricultural Society in England offered a prize for the most improved type of oil engine, and those sent in were submitted to a very exhaustive test, and one particular engine exhibited such a marked improvement upon anything hitherto seen, and was so satisfactory, that it received the unqualified approbation of competent judges. It was obvious that this type of engine was destined to play an important part in the future development of the mining and agricultural industries, as it was very simple and cheap and easily worked. Considering that at present we were charging a duty on kerosene oil equal to about 50 per cent. on the cost of the higher grade oil—it would be more than 50 per cent. upon the lower grades, which were used for engines—it was obvious that this high duty was a great hindrance to mechanical development, and particularly in our goldfields districts, where water was scarce. He had heard one gentleman, who was deeply interested in our mines, say that the companies in which he was interested had ordered several of these new class of oil engines; and there could be no doubt that if the result was satisfactory it would have an important effect upon the development of this industry. There was also a very wide field for their employment in agricultural pursuits. There was a great

deal of danger at present in using the ordinary steam engines in the field, for chaff-cutting, and work of that kind; but with these oil engines that danger was entirely done away with, and there was reason to believe that they would be largely used in agricultural operations in the future. It was therefore very desirable that the present high duty on the oil used as the motive power for these engines should be reduced. He hoped the Government would offer no opposition to the motion, but would take it into their favourable consideration, and that at the next session of Parliament they would be prepared to deal with it.

THE PREMIER (Hon. Sir J. Forrest) said the hon. member must recollect that the question of the tariff was dealt with last session, and that there was a good deal of discussion as to the rate of duty to be charged on kerosene. Notwithstanding the duty, the price of kerosene oil for domestic purposes was very low at present. At the same time, he thought, if it was going to be largely used as a fuel, the question of reducing the duty was one that might well be considered. The Government, in fact, were considering the matter at present; therefore there was no particular necessity for this motion, though he had no objection to it. He might say that, so far as his own experience in connection with the use of these oil engines in mining was concerned, the result had been rather disappointing. The Government, however, would consider the matter, and if they came to the conclusion that it was desirable in the interests of the country, and particularly in the interests of the gold-mining industry, that the duty on kerosene oil should be reduced, they would submit a Bill dealing with it. He did not know whether it was desired by members that the duty should be reduced all round—for kerosene used for ordinary consumption, as well as the oil used for machinery. It was rather early to deal with the new Tariff Act yet, and the question would have to be carefully considered.

MR. A. FORREST said if the hon. member intended this motion to benefit the mining industry, he was afraid he would be disappointed. The experience of those who had tried these oil engines

had been very discouraging. A company in which he was concerned bought one, which cost £350 in Adelaide, and about £500 before it was set up at the mine, and the result was very disappointing. He believed they were very useful for driving a sausage machine, or a lathe, or some little machine of that kind; but for crushing purposes they were of little or no use. As for importing kerosene for fuel, we had plenty of timber in this country for that purpose. Besides, he did not believe in this constant tinkering with the tariff. There were many other items which ought to be reduced—items which affected the cost of living; and, if the Government intended to do anything in this direction he hoped they would bring in a comprehensive measure.

MR. MORAN said the opposition of the hon. member for West Kimberley to the motion appeared to be a personal one, based upon his own experience, which had been disappointing. Probably that was because those who used the engine did not understand it. One swallow did not make a summer, and the opposition of one disappointed man to a motion of this kind should not count for much. He thought it would greatly benefit the mining industry if a reduction were made in the duty on kerosene. The consumption had largely increased, and would increase still more, so that the revenue would not suffer if the duty were reduced.

Motion put and passed.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

ASSENT TO BILLS.

The following Message from His Excellency the Governor's Deputy was delivered to and read by Mr. Speaker:—

"*Alex. C. Onslow,*

"Governor's Deputy.

"The Governor, by his Deputy, has the honour to inform the Legislative Assembly that he has this day assented, in Her Majesty's name, to the under-mentioned Bills:—

"*An Act to further amend 'The Constitution Act, 1889.'*"

"*An Act to consolidate and amend the Law relating to the Registration of Births, Deaths, and Marriages.'*"

“ *An Act to amend ‘The Roads Act, 1888.’*”

“ *An Act to authorise the raising of a sum of One Million Five Hundred Thousand Pounds by Loan for the construction of certain Public Works and other Purposes, and to amend ‘The Loan Act, 1893.’*”

“ *An Act to provide for the Registration of Dentists.*”

“ *An Act to provide for the Management of Public Hospitals.*”

“ Government House, Perth,
“ 8th November, 1894.”

REVOKING OF CIVIL SERVICE COMMISSION.

MR. HARPER, in accordance with notice, moved, “That an Humble Address be presented to His Excellency the Governor, informing him that, in the opinion of this House, the proceedings of the Commission appointed to inquire into the working of the Civil Service in this colony are involving a considerable expenditure of public money, without any probability of useful effect resulting, and is of opinion that the appointment of such Commission should be at once revoked. This House is further of opinion that the object sought by the appointment of the said Commission could be more satisfactorily obtained by the introduction of a Bill, at the next session of Parliament, to provide for the better regulation of the Civil Service.” The hon. member said: I hope every member of the House has carefully read the first progress report of this Commission, and will, therefore, be prepared to address themselves to the subject. It certainly took me somewhat by surprise to find such a voluminous report placed before us, and, from a rather cursory examination of it, it seemed to me that the Commission has put no limit upon the object and scope of its inquiry; and I should think, if it continues as it commenced, it will take some years before the labours of the Commission are exhausted, and, in the meantime, we may possibly find them visiting various parts of the colony. The scope they have given to this inquiry seems to be a good deal wider than I should think is justified by the terms of their commission; though I understand from some members of the Commission that they are themselves disappointed,

and consider themselves hampered by the limitation placed upon their inquiries, and that they are not able to get as much evidence as they would like. So far as I can glean from the report, I do not know that they have made any great discoveries, though there are one or two things that have been brought to light which are of considerable interest; and I am glad of this opportunity of calling attention to one important point elicited, particularly in connection with the Railway Department. Perhaps this would be a good opportunity for the Commissioner of Railways to explain these allegations, which certainly have given rise to a good deal of adverse comment. I allude to the statement as to the Commissioner having let off a contractor from paying a considerable amount of penalties which he had incurred under his contract. It is quite possible that the Commissioner may have a very satisfactory explanation, but the thing as it stands does not look particularly wholesome, and I hope he will be able to explain to this House why these penalties were remitted. Beyond this, I cannot discover that the Commission has made any great discoveries, notwithstanding the scope of their inquiries; and looking at the cost which the Commission has gone into up to the present, and the probability of this cost being largely increased in the future, I think it becomes a matter for this House to consider whether it is desirable to continue this Commission. I may say that several members of the Commission have expressed to me their appreciation of the resolution I have brought before the House, and their desire to see the labours of the Commission terminated. One or two members have told me distinctly that it is their intention to resign. I think I am right in saying that the hon. member who originally moved for the appointment of the Commission has persistently absented himself from their meetings. He seems to be disgusted with the result of his own labours. Of course, if the House desires that the Commission should be allowed to work out its own end, I have no particular desire to press this motion, but I think the House should give some expression of opinion on the subject, looking at the expense and the amount of labour that appears before the Commission if it con-

tinues on the same lines as it has started upon, and looking also at the fact that a good many people express a lack of confidence in any beneficial result from the labours of the Commission.

MR. SOLOMON: As a member of the Commission, I think it is only right that I should say a few words. Of course it will be borne in mind that, on various occasions during the last session of Parliament, the shortcomings of a certain department were brought before the House, and it was more particularly with reference to that department that the Commission was ultimately appointed. As to the cost of the Commission, it must be known to members that in all these cases there is necessarily a large amount of expense; in fact, I think that point was discussed at the time the appointment of the Commission was discussed in this House. It was anticipated that it would cost money. In South Australia, a few years ago, when the members of a certain Commission were paid for their services, the cost to the country there came to something like £15,000 altogether. I may say with regard to the cost of the Commission now under discussion that, as regards most of the items, they will not be repeated hereafter; they were preliminary expenses, which were necessary to get the Commission into working order. It may be asked why we did not first of all direct our attention to the particular department against which there had been so many complaints. We made up our minds to base our course of action upon the lines of similar Commissions in the other colonies, and to go deliberately to work. With that view we obtained from each of the other colonies copies of the reports of their Commissioners, which in many cases were very voluminous, and must have cost a deal of money. It has been stated that one member of the Commission, who is also a member of this House, but who is not present now, has continuously absented himself from the meetings of the Commission. That is a fact; and I think it is almost a pity, if that gentleman was not satisfied with the appointments made by the Government, that he did not resign at once, and let the Government appoint someone else in his place. I do not think that any slur should be cast, indirectly, upon those who have taken upon them-

selves the responsibility attached to these appointments, and are doing their duty to the best of their ability. I may say that, so far as I am concerned, I have gone into the work of the Commission as if it was a business of my own. I think, when we have given the time we have to the work of this Commission, the least we might expect was that some regard would be had for the efforts at least of those who have attended the meetings of the Commission, and tried to do their duty to the Government and to the country. I may say that an attempt was made by one member of the Commission, who was appointed possibly on behalf of the Government, to limit the scope of the Commission; but, had it been limited to the extent which that gentleman desired, I think I may say we might just as well have stopped at home, and taken no action whatever in the matter. When I accepted a position on this Commission, I expected we should have been allowed a free hand, and that, wherever there was anything like a complaint or a grievance, and the public or this House wished to have a light thrown upon it, it would be the duty of the Commission, as far as possible, to inquire into the matter, and endeavour to arrive at a fair conclusion. Our duty, I thought, was that if we found there was anything wrong in the management of the Civil Service, we should endeavour, to the best of our ability, to suggest something by way of a remedy, and to prevent a recurrence of it. I do not think it is necessary that I should go any further into the matter. So far as I, myself, am concerned, I can only say that I have endeavoured to do my duty; I have attended the meetings of the Commission regularly, even when they were held during the session of this House. I have attended every meeting but one, and I was only absent then because I was not aware of the meeting taking place. Of course it rests entirely with this House to say whether the result of our labours, so far, justify the amount of time expended, and the expenses incurred; and whether the result of our investigations, so far as they have gone, justify the Commission in inquiring into other departments. I think it was the unanimous wish of this House that the Commission should be appointed, and I cannot see any reason, except it is

that the cost has been rather large—and the greater part of it will not occur again—why we should not, at any rate, go into that particular department on account of which the Commission was particularly appointed.

MR. PEARSE: As another member of the Commission, I do not know that I can add anything to what has been said by the hon. member for South Fremantle. Having taken these duties upon us, we have endeavoured to the very best of our ability to carry them out. Whether we have given satisfaction to this House or not, I cannot say. Speaking for myself, personally, I can only say I have devoted a lot of time to the work of the Commission, and, if it is the wish of the House that I should continue the work, I shall cheerfully give up my time in the future as in the past. The expense, of course, has been large; but, when you compare it with the cost of similar Commissions in the other colonies, it is very small indeed. As I said, if it is the wish of the House to continue this Commission, I shall be glad to give my services to it; but if the House thinks it would be in the interests of the country that the Commission should be abolished, I shall be quite ready to bow to its decision.

THE PREMIER (Hon. Sir J. Forrest): I certainly should not like any idea to go forth in connection with this Commission that we desire to find fault with those who have taken up these duties, and given up a great deal of time to the work, without any remuneration whatever. I think, whatever we do, we should at any rate be grateful to the gentlemen who have given their services and their time, and devoted themselves to this work. I must, however, say this: I never contemplated that this Commission, which was pressed upon the Government last session, would have been such a lengthy affair as it has been. The idea which this House had when it passed that resolution was that the Commission should inquire into the organisation of the Civil Service, "with a view"—I have the words here—"of ascertaining if it can be placed on a more satisfactory basis." That was the resolution as it was passed. It was originally proposed by the mover of the resolution that the Commission should "inquire into the

view to the economical and satisfactory administration of the affairs of the colony." But that was altered by the House, upon my suggestion, I believe, and the Commission was appointed simply to inquire into the organisation of the service. It seems to me, judging by their report, that the Commission have not been inquiring into the "organisation" of the service so much as into the "working" of the service. The working of the departments seems to have received more attention than the organisation of the service: and the result has turned out to be a very long affair, and it seems to me it is likely to last another year, or, at any rate, for several months longer, before it completes the work it has set out for itself. Speaking for myself, I never anticipated that any great good would result from this Commission. I knew that the work of inquiring into the working of the various Government offices, by members of the Legislature, or of a Commission such as this, would be a very difficult thing indeed. It is a laborious task, and I think that as a rule no great result is achieved. I never expected, myself, I am sure, that this Commission would have taken very long; I thought about a couple of months would have finished it, and I thought that long before this we should have had a report from the Commission on the organisation of the service, containing suggestions as to the way in which they considered its organisation could be improved, with the view of their recommendations being taken up and forming the basis of the Act which the Government said, last session, they desired to introduce, and which we are still desirous of introducing among the statutes of the colony. We desire to place the Civil Service in a better position than it is now in regard to appointments, promotions, and its organisation, and also to place the officers of the service in a position a little more defined than at present. Their position at present is not very satisfactory—in fact, I do not know what their position is. There is no law regulating their position in the service, and no law regulating appointments to the service, or promotions, or dismissals generally; and we desire, in the interests of the colony and of the Civil Service itself, that the service should be placed

on a more satisfactory basis. I think we shall be able to do something in this direction during the coming months, and be able to place some scheme or other before members. Whilst I am most desirous of giving all credit to the gentlemen on this Commission, I must say I think they have gone too much into detail. They have given themselves an immense amount of work which the Legislature never intended them to undertake, when it agreed to the resolution in favour of the appointment of a Commission. I feel myself in a rather awkward position in regard to this motion: I am convinced that no great good will result from the labours of the Commission if they continue on the same lines they have been working on up to the present; at the same time I should be most unwilling, and very sorry too, to say one word, or to join in passing any resolution, that would be a reflection upon gentlemen who have given up a lot of time—some of them travelling to Perth to attend the meetings of the Commission—to investigate matters which few people would care to investigate from choice. I should be very sorry indeed if this House were to pass any resolution that would lead them to think that we are not grateful for the services they have rendered. I really do not know what is best to be done in the matter, but if I were allowed to give a bit of advice I should say, it would be as well perhaps not to pass this resolution revoking the Commission, but to ask the Commission to bring their labours to an end as quickly as possible, to deal with matters generally rather than go so much into detail as they have been doing, which necessitates a lot of work, and a lot of printing, and long reports which I do not believe any one will read, or very few. I see the reporting alone comes to £120, and the printing of the evidence to about £180,—evidence which, as I say, very few, if anyone, will ever go to the trouble of reading. They seem to me to have gone too much altogether into details which are outside the scope of their Commission; and I should say, if the House agrees with me, that they should try to bring their labours to an end as quickly as possible.

MR. R. F. SHOLL: I do not see how this Commission could do any good, and report upon the organisation of the service,

without going into the details of the working of it. At the same time, whilst I am unwilling to place any restriction upon those who have given up their time to carry out the wishes of this House by accepting a seat on this Board, I do not think that any practical good will come out of it after it is all over. The Government have told us that they intend to bring in a Civil Service Bill next session, and it is useless, I think, for this Commission, at great loss of time and inconvenience to the members of it, to continue its labours, when the Government intend to take the matter in hand themselves, as the Premier has told us. The expense of this Commission is much greater, I think, than ever anyone anticipated, and, if we had ever thought it was going to entail such an expense upon the country, I do not think we would have agreed to its appointment at all. I think it would be as well for the House to express an opinion that the Commission should be revoked. I think it would really be an act of kindness to the members of the Commission themselves to bring their labours to a close. I say that, without in any way reflecting upon them, because I think they have taken a great deal of trouble, and, in one or two instances, they have elicited, at any rate, some very useful information which we were not aware of before.

THE PREMIER (Hon. Sir J. Forrest): What is that?

MR. R. F. SHOLL: About railway contractors.

MR. JAMES: I think, if the House agreed to this resolution, it would be acting somewhat ungraciously towards those who have voluntarily given their time for the purpose of carrying out a resolution of this House. I do not think it is desirable to let the impression get abroad, that once the House appoints a Commission to do certain work the House itself is going to exercise a sort of supervision over the Commission, and dictate to it in what way it should do its work. Surely, if a Commission is appointed, and we nominate the men who sit on it,—

MR. HARPER: We don't nominate them.

MR. JAMES: Those who are responsible to us nominate them; and as no one has questioned the competency of the members of this Commission, surely,

therefore, we ought to leave them to say how they will carry out the details of their work. They are the best judges of that. They have discussed the question, no doubt, and have had the experience of others to guide them, and they are in a better position than we are to say how the business of the Commission should be conducted. If the course adopted has been unsuccessful or injudicious, surely they are as capable of seeing it now as the members of this House are, and more capable. I can quite understand what the hon. member for South Fremantle has said, that with this Commission, as in all other inquiries, the initial expenses are always greater than they are afterwards. I think we should be wrong in assuming that in the future the cost of this Commission will be in the same proportion as in the past. The Commission has now got into working order, and I think it's a very good job indeed that they have got into working order, and sharpened up their swords a bit, before they tackle the Railway Department. I think if the Commission is wiped out before it comes to the Railway Department, every penny spent on it will practically have been wasted. We cannot gainsay the fact that this Commission was appointed because we wanted to know more about the working of that particular department; and, now, just as they are approaching that department, we have this suggestion from the Ministerial cross benches that the Commission should be revoked. That is rather significant. I hope the House will not agree to this resolution. These men have been appointed by the Government, and they are men whose fitness, on the whole, no member of this House will question. They have given up a lot of time to the work, and they must be the best judges as to the manner in which it should be conducted. To suggest that they should hurry up and bring their work to a completion is hardly fair. We have given them certain powers; let them exercise those powers in the way they consider best. For goodness' sake, do not let us get hold of the idea that if a Commission does not act as promptly as we would like, or is costing more than we thought it would, we are to bring forward a resolution like this, to strangle it, just at the time it is about to come to the de-

partment which of all others requires inquiring into.

Mr. CLARKSON: I shall support the motion, and my reason for doing so is that I have heard more than one member of the Commission say they considered they were only wasting their time. I very much regret, however, that the Commission did not in the first instance proceed to deal with the department referred to by the hon. member for East Perth, the Railway Department; for there is no doubt about it—it is no use mincing matters—that the way that department is conducted is causing very great dissatisfaction. Of course we must not believe all we hear, but there can be no doubt that if half one hears about this department is true, there must be something wrong with it, and that there is great need for reformation. I regret very much that this Commission did not direct their attention to this department, instead of going into matters outside the scope of their commission, which they had no right to deal with, and neglecting other matters for which they were appointed. If they are willing to act, and to express some opinion about the working of that department, they might do some good.

Mr. RICHARDSON: I think that the one question we have to consider in dealing with this matter is, how far we are disposed to let this Commission go, how long their labours are going to last, and what amount of money this House is prepared to vote for defraying the expenses of the Commission. It appears to me that if no limit is put upon the Commission, except what the particular views of its members may choose to put upon their duties, they may go on for an unlimited time, and last for years, and cost the country thousands of pounds. The little bill we have already from them seems to me very large, considering the result of their labours, and the number of departments they have got through. I remember we had a rather important Commission last year, the Tariff Commission, which sat some three months, and I think the total cost was not more than about £100, including the salary of the secretary, reporting, and all. I really do think that this Civil Service Commission is travelling over ground which this House never anticipated, and possibly over ground that

may not be altogether necessary. No doubt, as has been said, they ought to be the best judges, and no doubt they are doing what they conscientiously consider to be their duty. But the question for this House to decide is, is the result likely to be what we anticipated? Is the game worth the candle? Does this House approve of the Commission going on as long as it likes, and spending as much as it likes? This Commission can have no good result, if continued, unless it is likely to be able to suggest some reforms which will result in putting our Civil Service on a totally different footing; and the question we have to consider is, will that object be accomplished, as the result of the labours of this Commission? Or is it more likely to be attained by adopting another method altogether? The Government say they have under their consideration this question of Civil Service reform, and that it is their intention to make some very important reformation in the present system. If so, I am inclined to think that if the Government themselves take the matter in hand they are more likely to accomplish the end in view better than a Commission is. It appears to me that no matter what evidence a Commission may take, the only people who can say where the shoe pinches are the officers concerned. As a rule these Commissions discover a considerable number of "mares' nests," while they are not often the means of discovering where the real cause of the trouble lies. They very often fail to put their fingers upon the real sores. Whatever evidence outsiders may take, it will be found that if a department considers it desirable to hide anything, it will manage to hide it, in spite of any number of witnesses which a Commission may examine. The heads of departments, who know in their hearts where the trouble lies, are better able to recommend what is the best remedy than any Royal Commission can.

MR. TRAYLEN: I have some difficulty in rising to address myself to this subject, being one of the Commissioners, but I should like to say to the House that, if members do desire to cut off our heads they need not also hurt our feelings at the same time. There is no necessity to prolong the agony, for I do not think we are so absolutely enamoured of our

duties that, if the House desires to give us the "happy despatch" we would very seriously object to that process. I think, whatever may be the result of this resolution, I ought to pay a tribute to at least three members of the Commission. Two of them have spoken in this House this afternoon, and another is a member of the Legislative Council. They have been most zealous and indefatigable in their labours, and very great credit is due to the three of them—Mr. Congdon, Mr. Pearse, and Mr. Solomon—for their attention to the duties of the Commission. If it be asked whether we ought to continue our labours any longer, I recall to mind a remark I read some years ago, that one need not eat the whole of an apple to ascertain whether it tastes sweet or sour. I think we need not go through the whole of the departments of the Civil Service to get at the principles upon which it is conducted—and, after all, it is principles that we are in search of rather than isolated facts. Although, perhaps, it might be desirable for us to inquire into one or two other departments, I do not think it is necessary to go through the whole of the departments of the service, in order to get at perhaps two or three principles that may affect future action in connection with the service. I may say, for myself, that very early in the investigation I arrived at the conclusion that a Civil Service Board would probably be the cure for some of the evils—I say "some of the evils" advisedly, because I dare say there are evils which even a Civil Service Board could not cure, in connection with the public service—and I do not think that going through the departments of four other Ministers, in addition to the Colonial Secretary's, is likely to alter that conviction in my mind. That being so, I scarcely see what we are going to gain by spending further time and money in going through those departments. One thing that impressed itself upon my mind was this: that there are many grievances which from time to time are brought under the notice of this House which it seems almost impossible to deal with under the present system. I think a typical one—I will not say it is an especially glaring one—was somewhat fully investigated by us. A police constable named French feels it his duty to do certain things; his immediate superior takes a different view

entirely and does not approve of the other's action, and the subordinate being at the mercy of the superior officer is dismissed. Since our investigation it has come to light that the superior officer has been disgraced, and yet nothing is done to reinstate the subordinate, who lost his position owing to the different views entertained by this superior officer. I think cases like this would be met were there a Civil Service Board in existence. It is just possible that in some cases, if an officer could be transferred to another department, instead of having to leave the service owing to some little friction, he might do good service to the public for years to come, whereas, owing to the friction referred to, his position in that particular department would be no longer tenable. There was certainly one thing that came to light in the course of our investigations, which I did think was extremely startling. Slight reference has been made to it this afternoon, and, if there are many such cases in the background, it might pay us to go on with our investigations. I certainly was surprised beyond measure to find this remission of penalties due by a contractor. When the Auditor General was questioned on the subject he had, it would appear, an unassailable position. He was safe, so far as the Audit Act was concerned on the one hand, and the Governor-in-Council on the other hand. But I think there ought to be some variation either in the law or in the practice, so as to bring the matter under the direct notice of Parliament, when a contractor has as much as £2,400 remitted to him of penalties that he owed to the State. These contracts are entered into with open eyes, and I see no reason why the parties who enter into them should not be bound by the terms of the contract. In this particular case, after making all the reasonable allowances that should be made for unavoidable shortcomings or mishaps, there still remained this large sum of £2,400 which was remitted; or, at any rate, all the Auditor General could say with regard to it was that it had not gone into the Treasury, and yet it was strictly in accordance both with the law and the practice.

THE PREMIER (Hon. Sir J. Forrest) : You only heard one side of the case, I expect.

MR. JAMES : We should have heard nothing about it but for this Commission.

MR. TRAYLEN : These are the chief features that impressed me in the course of our investigations. If the House should think that this Commission is costing more than the issues are likely to be worth, all I can say is, I shall not think it any slight myself if the motion is carried.

MR. ILLINGWORTH : The question of Royal Commissions is a very difficult one, and for the most part they are expensive luxuries, and result in very little good. But so far as I am able to gather of the object of this particular Commission—I was not a member of this House when it was appointed—I think I am correct in saying that the main cause of the Commission being moved for was in consequence of a feeling of dissatisfaction which existed with the management particularly of the Railway Department; and it does seem strange, after the Commission has been allowed to work for a considerable length of time, and dealt with a large amount of preliminary work, that just at the time it is approaching the very department it was particularly intended to reach, it should be proposed now to abolish the Commission. It either was unwise to allow this Commission to commence its work at all, or it is unwise to stop it just now. Either the £400 which the Commission has cost up to the present ought not to have been spent at all, or else a sufficient amount of money should be spent to enable the Commission to complete its work. There is an old saying about "spoiling the ship for the sake of a ha'p'orth of tar"; and it seems to me that this motion is very much of that character. Already reference has been made to one point brought to light in connection with the Public Works Department, and I desire to further refer to it, for I think it is one of those questions as to which the department should give us some explanation. Here is a contractor who engages to do certain work, and who, before doing so, must have been aware that certain penalties would be incurred in the event of his not completing the work within the specified time. I want to impress upon the House that these penalties are imposed, not for the purpose of making money out of the contractor, if through some unfortunate

circumstance he should fail to carry out his contract; the primary object is to ensure the completion of the contract within the time agreed upon, and to prevent delay, and consequent loss to the State by that delay. If we look at the evidence embodied in this report we find a rather peculiar state of things. For instance, I find it incidentally mentioned by one witness that in the Public Works office there is any amount of night work, and that some of the officers actually have to come back on Sundays. If the Public Works Department cannot get through its work in six days in the week, they had better put on more men. There is neither sense nor righteousness in compelling public officers to work day and night, and then to come back on Sundays; though I am assured by a leading official that he is compelled to come back, even on Sunday, to keep the work in order and up to date. If a department requires so much of a man's service as all that, it is evident that a larger staff or a better system, or some alteration, is required. I am prepared to admit, from what I see with my own eyes, that this does not apply to all our civil servants, and that a good many do not work extra time, and that a good many do not work even the full time they are paid for. There is some irregularity somewhere, when some officers have to work, not only late hours, but also on Sundays. But the point I wish to come to is the system of dealing with contractors, and how penalties are remitted. Here is some of the evidence on that point, given by an officer in the Audit Department:—

875. By *Mr. Traylen*.—Is it quite clear that you have had no notification of any extension of time in respect to the two railway contracts we have mentioned?—Yes, sir.

876. By *Mr. O. Burt*.—Do you know what the terms of the contracts are?—No. I have never seen the original contracts.

877. Have you seen copies?—We got a document showing the date for completion and amount.

878. By *Mr. Congdon*.—Would you get notice if there were any extension of time?—I suppose we should.

879. By *Mr. Simpson*.—Have you ever received such notice?—I do not recollect having received one.

880. Have you any means of arriving at the amounts a contractor might receive for carriage before he hands over the line?—No.

881. By *Mr. Traylen*.—Among these papers I see a report by an officer showing penalties

due to the Government amounting to £2,450. The "2" and the "4" have been crossed out of the certificate, and £50 only left. Has this account been passed by the Audit Department?—That certificate is cancelled.

882. That is just the point. It is £50 only in the other certificate, and there are many reasons in the officer's minute why the £2,450 should be paid?—The Works Department have the papers showing why the amount was reduced to £50.

883. By *Mr. Simpson*.—Are there further reasons than appear here for the alteration?—Yes. The Works Department have the papers.

884. Could you give us any idea who ran his pen through the "2" and the "4"?—I have seen the papers showing how this was fixed up. The Works Department have the papers.

Then the Auditor General comes on the scene, and he is asked this question: "The penalties shown in this document amount to £2,450, and they are reduced to £50; can you tell us how this was done?" The Auditor General replies: "The Governor-in-Council was my authority, and that authority I am bound to recognise under the Audit Act." The engineer who superintended this contract says in his report that he allowed the contractor sixteen weeks "for extras and delays," and an extension of time of eight weeks for alterations, and an extension of four weeks for delay in supplying points and crossings, thus reducing the penalties that had accrued from £3,250 to £2,450. Clearly, therefore, this contractor had every consideration shown to him by the engineer representing the department; yet, in the face of the fact that every consideration and allowance was made to him, the Executive Council quietly hand over to him £2,450 of the public money, without sufficient reason, or, at any rate, that reason has not yet appeared.

THE PREMIER (Hon. Sir J. Forrest): You better wait until you get it.

MR. ILLINGWORTH: It is all very well to say that. We shall never get it unless there is some debate on the subject, and we should never have known anything about it but for this little light thrown upon it by this Commission. I am prepared to admit there may be very good reasons; and the very fact that this matter has been made known to the public shows the necessity of throwing further light upon the subject, and let us have some explanation. If there be no

explanation to offer, I affirm, without hesitation, it is an unprincipled "job," and one which discredits the Ministry, and discredits the Government of the colony. If such a state of things as that exists, if there is anything that is calculated to throw discredit upon the Government, an explanation should be forthcoming; and I think this is not the time to burke this inquiry, when we have one side which condemns the Government, and have not the other side which may possibly exonerate it.

THE PREMIER (Hon. Sir J. Forrest): It's a very fine "mare's nest;" but it gives you a good chance to talk.

MR. ILLINGWORTH: I know these things are distasteful to the Ministry; but I am speaking just as much in the interests of the Government as in the interests of the public.

THE PREMIER (Hon. Sir J. Forrest): I don't think so.

MR. ILLINGWORTH: I don't expect you to think so. If we both thought the same we should both be sitting on the same side of the House. This disclosure has a very ugly appearance at present. I think the mover of the resolution himself acknowledged there was something "unwholesome" about it.

THE PREMIER (Hon. Sir J. Forrest): Hear the other side.

MR. ILLINGWORTH: Shall we ever hear it, unless this Commission is allowed to go on? That is the very reason why the Premier should oppose this motion. It has been shown that there is something "unwholesome" about this Railway Department, and we want some sanitary light thrown upon it; but now we have a motion which, if carried, will prevent us from having that light thrown upon it, which will prevent us from having the explanation.

THE PREMIER (Hon. Sir J. Forrest): You can get it by a select committee, if you want it.

MR. ILLINGWORTH: We have a Commission now sitting, and why should we have a select committee? We might not get a select committee if we asked for it. The Government have a large amount of power, and a large amount of influence in this House, and, when it comes to a question of this kind, they are quite capable of using it. I say this is not the stage at which this Commission

should be stayed. At the same time, I want to say this: I do not think this House requires such voluminous evidence as we have here. I think, if the Commission endeavoured to deal with the principles upon which the departments are worked, and find out some means of dealing with the Civil Service as a whole, they would do some good. It has been suggested that a Civil Service Board should be appointed. A Civil Service Board was the pet idea for ten years of the Hon. James Service, who, we know, stands in the very front rank of Australian statesmen, and he succeeded, after a great effort, to bring it into operation in Victoria, and it continued in operation for a great many years. But, I am sorry to say, notwithstanding the strong convictions of the Hon. James Service, and notwithstanding the experience of Victoria, my conviction is that the Board was not a success,—that it was a failure, and that the remedy was worse than the disease. It would seem that this Commission is travelling in the direction of a Civil Service Board for this colony; and I desire, at this early stage, to express my conviction that a Civil Service Board is not the remedy. It is not expected that any Commission will be able to travel over such a wide ground as is necessary to find out a remedy for putting the Civil Service on a proper footing, without entailing a good deal of trouble, time, and expense. But the question is whether it will not be a distinct saving to the country if we can arrive at some satisfactory decision on the point. At present we know that the civil servants themselves are not satisfied with their status. A great deal of dissatisfaction, I know, exists, and there is a good deal of friction in some of the departments. I understand there is no principle under which merit obtains its proper recognition, and, unless we have some means suggested by which we can deal effectively with the whole system, there will always be discontent, and it will grow, and it will result in a disorganisation of the service, and loss to the State. Having that object in view, now that we have this Commission, I hold it is desirable we should allow it to proceed with its investigations and deal with this question, and, if possible, make some recommendations which will put an

end to this feeling of unrest and dissatisfaction, prevent this disorganisation, and this loss to the State which must result from a disaffected or disorganised public service. The Civil Service is a growing organisation, and it will increase year by year, and, as it grows, it will require to be carefully regulated. As in any other business, when an employer has only two or three servants under his supervision, he can manage to work his business well enough; but when the business expands into a vast concern, with a manager here and a superintendent there, and a host of servants to look after, it requires very different and very careful organisation. It is so with the public service. Our Civil Service may have worked comparatively well up to the present, but with the growth of it, it will become of such a cumbersome character that, without some definite system of organisation, it will become a failure. I think this Commission is on the right track. I think it is working towards an end which will be useful, and, although it will entail expense, I hope this House will not stay the work of the Commission at this stage. I am certain that those who compose the Commission will take the hint that we do not require such voluminous reports as the one already presented; what we want from them is some practical result which is likely to be of some benefit to the country.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I do not wish to say very much on this subject, nor do I know that I would have risen at all but that a suggestion has been thrown out by the hon. member for Nannine that there is a desire on the part of the Government to burke this inquiry.

MR. ILLINGWORTH: I never said so.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): The hon. member made use of the word "burke." I can refer to the mover of the resolution that there has been no such suggestion on the part of the Government. So far as I am personally concerned, I think, as a member of the Government, it would be a very incorrect thing to do to revoke this Commission. It has been appointed by the Government,—not at the wish of the Government, but at the wish of this House;

the Government were rather opposed to it. I myself never dreamt for a moment that any good would result from it. I have sat on Commissions before, and I know that as a rule very little good results from them. Still, having appointed it, at the expressed wish of this House, and as the members of it have entered upon their duties and are discharging those duties with all the ability they possess, and from their point of view doing all they can to carry out the object of this House, I think it would be rather savouring of a slight indignity cast upon them if the House were now to say that their labours must be cut short. I can assure the hon. member there is not the slightest desire on the part of any member of the Government, or the Government as a body, to burke this inquiry. I myself hope the hon. member will withdraw his motion, and so prevent the Government from being placed in a rather unpleasant position. I do not think we should be asked to cut short the life of a Commission we ourselves have appointed, just at a stage, too, when hon. gentlemen are expecting certain disclosures and surprises, pleasant or unpleasant. I think, myself, they will be pleasant. I think members have been travelling rather beyond the scope of the resolution. We are not now called upon to discuss the actions of the Commission, or the laches of Ministers, or the shortcomings of particular departments, but whether it is desirable that this Commission should be given a longer tenure of life. Expressing my own individual opinion, I should like to see the Commission continuing its work, and carrying out such investigations as they may think proper, and doing it in their own way. Whether their labours will have any good effect is a matter of opinion. I, myself, think that very little good result will come out of it, and that the only way to secure the reorganisation of the service is to entrust the work to a first-class man, a thorough expert, experienced in the working of the Civil Service, who should go methodically through each department, and suggest the best means for improving it. Until you do that, you may appoint Commission after Commission, who may make suggestions that this man's salary should be increased, or that man's duties lessened, but the real mischief will not be removed;

that is, you will never have a scheme of reorganisation that will be worth two pence, unless you have an expert, thoroughly well up in the work, to report on the whole subject, and the Government prepared to abide by it.

THE ATTORNEY GENERAL (Hon. S. Burt): I regret to say I cannot at all agree with the last speaker, on this subject. I am just as much desirous as any one of according the members of the Commission all that praise that has been lavished upon them, but I cannot help bearing in mind what this Commission was appointed to do. It was appointed to do one thing, and distinctly not to do another thing; and, in my opinion, they have been doing what they were told not to do, and neglecting to do what they were appointed to do. It was moved for originally for a certain purpose — to inquire into the “working” of the service; but it was apparent to the House that no good result would come from inquiring into the “working” of the service. The heads of departments and Ministers are responsible for the “working” of their departments, and the place to inquire into that is the floor of this House, and nowhere else. That was altered, at the request of the Premier, and an amendment was moved (by the hon. member for South Fremantle, I think) that the inquiry should be into the “organisation” of the service. That is what we want to get at—how are civil servants appointed, by whom, what are their hours for work and their hours for recreation, what holidays do they get, what system of promotion is adopted, at what age do they enter the service, at what age do they retire, what pensions do they get, and on what scale, whether under an Act or otherwise. An inquiry that branched off into all these different points would have given this Commission quite enough to do. I, myself, would have been glad for some information on such points as these, and I thought this Commission would have put before us facts and information which would have enabled the Government to present a scheme to the House that would do some good. But, so far as this Commission has gone, I do not find the slightest assistance from its labours. We have a preliminary report, based on certain evidence, and I notice it

is going in the track of all the Civil Service Commissions that I have had a knowledge of during the last twenty years, and who always report that everything is most satisfactory, that the work is well done, that the officers ought to get their salaries increased, and so on. I am sure His Honour the Speaker, who also has had considerable experience of these Commissions, will endorse what I say. A good many years ago he was a member of a Commission appointed to inquire into what in those days was called the “Augean stable” of the Government,—the Lands Department, which, I am happy to say, has very much improved since. A great deal of inquiry was made, a number of the officers of the department were examined, and everybody was on the tip-toe of expectation. Half of them expected to lose their position; but, lo! and behold! the whole thing ended in a recommendation to increase their salaries, that there was an immense amount of work in the department, and that all the rumours to the contrary were unfounded, or of very little moment; and they gave them a “clean certificate” (as the hon. member for the Moore would say, when dealing with his pet subject). This Commission is going on the same road as the rest. Just look, for a moment, at their report. They commence with the Under Secretary’s office, and what do they say? “The arrangements for the conduct of the business of the office appeared to us to be satisfactory.” Of course it did. But we don’t want to know anything about the business, but the organisation of the service. Then we have the Auditor General’s department. What do they say about that? “The result of a somewhat lengthened and minute inquiry was to lead to the conclusion that the Auditor General was a conscientious, zealous, and painstaking officer, and that he had a fairly efficient staff of subordinates.” Next they go to the Police Department, and they say: “We have carefully considered the evidence with regard to the organisation and working of the department. The former appears to us well devised, and the system of working efficient.” Then we have the Medical Department, and they report upon the Colonial Hospital. Here, at any rate, I thought, after all we had heard in this House about this insti-

tution, we should have had some severe strictures; but what do they say: "As regards the organisation of the hospital staff, we observed nothing calling for unfavourable comment. The treatment of the patients appears to be in every respect satisfactory. This is confirmed by the statements of the patients themselves." Yet we were told here that they were killed, day after day, by the doctors. Take the next department — Prisons. They visited the Fremantle prison, and took evidence from the officials connected with that establishment, and what do they say? "The general arrangements for the management of the establishment seemed to be carefully and judiciously carried out." Then they refer to apparent hardships in respect of the amount of the pay of the prison warders, and they add: "We recommend that the fullest consideration be given by the Government to these cases." Just the same old tale. Then they go to the Government Storekeeper's Department, and they say the pay of the Assistant Storekeeper appears to be inadequate; "we recommend that, if possible, his pay should be increased." That is what Commissions always recommend. Then they go to the Printing Department, and they say: "Its management appeared to be very good and efficient, and the character of the work issued from it is excellent." We did not want a Commission to tell us that. The next department is the Education Department, and they say: "We note with satisfaction that steps have been taken to increase the remuneration of teachers, and consequently to improve their status." It always comes to that. They also say: "It is likewise observed that the Government intend to introduce a system of technical education in connection with the Education Department, a step which must meet with general approval." I am sure the Government ought to be very proud of this report. There is not a black word said against them. They also paid a visit to Rottnest, and they say: "The prison is well organised, and suitable for the purpose for which it is used;" and they add that the native prisoners, whilst kept under proper restraint, are treated humanely. That is very valuable information, and I am delighted to hear it, though, as a member of the Government, I knew it before.

What we want to know is how we are to reorganise the public service, and there is not a word in this report to throw any light upon it. We come to the Registrar General's Department, and the verdict is, that "the organisation of this important department appears to be satisfactory." But what is it? We don't want to know of the organisation of one department, but the organisation of the whole service. With regard to Charitable Institutions, they say that "the organisation of this department appears to be simple and effective."

MR. MORAN: What do they say about the Works and Railways?

THE ATTORNEY GENERAL (Hon. S. Burt): If they thought that was a department that required looking into, why did they not go to that department, before spending all this money for nothing? If they went into that department on the same lines as they went into these other departments, they would be adopting a wrong method of inquiry altogether. They were not appointed to inquire into the working of the departments at all. They do not give us one bit of the information we require for reorganising the service. If this House thinks there is anything wrong going on in any particular department, they can at any time appoint a select committee to inquire into the working of the department throughout. There can be no doubt that this Commission has no power to inquire into the working of the departments at all.

MR. CLARKSON: Then it is no good.

THE ATTORNEY GENERAL (Hon. S. Burt): I am not saying it is any good. If it did its work, it might do some good, or throw some light upon the organisation of the public service. If there was anything "unwholesome," or uncanny, or queer, going on in any department, or the accounts went wrong, surely such a thing would be reported upon by the Auditor General, and an explanation demanded. But it was never intended that this Commission, appointed to inquire into the organisation of the service, should go into details upon such matters as the remission of a contractor's penalties, referred to by the hon. member for Nannine, or into the case of a policeman who got himself into trouble, as referred to by the hon. member for Greenough, who told us that a man

named French, who had been dismissed from the service, went to the Commission and made a complaint against his superior officer, or something of the kind. I would like to ask, in all fairness to everybody concerned, what on earth had this Commission to do with that, or with discharged servants who go running about making complaints against their superior officers? I am surprised at the hon. member for the Greenough referring to it. He told me himself that having heard the Commissioner of Police's explanation as to this man's dismissal, he was perfectly satisfied. That is my distinct recollection of what he told me. I may have been mistaken in what he said, but I don't think so; and, if I am right, I do not see why he should mention the case at all. But, whatever may have been the merits of that case, this House did not appoint the Commission to inquire into the complaints of discharged servants against their superior officers. I say, further, it was no part of the business of the Commission to advertise in the public papers for people who had any complaints against any public department to come forward with their complaints. I say that was an absurd thing to do, actually to advertise in the public press, inviting persons who had any complaints to come forward and give evidence. While the Commission is attending to such gossip as this, they are neglecting the important matter we committed to their hands, namely, to propound some scheme for the reorganisation of the public service. If you advertise for complaints against any Government in the world, where are you going to end? It is like advertising in London for a clerk; for every vacancy you get hundreds of applications. A Royal Commission is going altogether beyond its province, and ignoring its functions altogether, in taking a step of that sort. I have reason to believe it was strongly opposed by some members of the Commission, but the majority were in favour of it. If we are to continue this Commission in the future, with this action of theirs before us—for when they advertise for complaints, we must infer that they are going to investigate them—then we have some idea of the expense the country is going to be put to, and the length of time over which their labours are likely

to extend; and we have some little insight into this more important point—the little good result that is likely to accrue from their labours. The question arises, whether we should not stop it. In the light of that advertisement, I must certainly vote for the abolition of this Commission, and I must support the hon. member for Beverley with all my heart. Looking at the lines upon which they have been working up to the present, and looking at that advertisement, I cannot but think that the result of their labours will be of no avail whatever. We would want a Commission of this sort every year, if they are going to unearth and investigate every complaint they can ferret out, against every public department, and to search into every transaction they can come across which may appear to be a little “unwholesome.” This was not the object of their appointment at all, and it is a misuse of the powers conferred upon them. Consequently, I repeat, that in the light of that advertisement, calling for complaints against the Government, and looking at the lines upon which they have been working up to the present, I must vote for the motion of the hon. member for Beverley.

At 6-30 p.m. the SPEAKER left the chair.

At 7-30 p.m. the SPEAKER resumed the chair.

THE SPEAKER said that, in accordance with Standing Order No. 214, the Orders of the Day must now take precedence, and the unfinished discussion on the motion before the House would stand adjourned.

Debate adjourned.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

MUNICIPAL INSTITUTIONS BILL.

The following Message was delivered to and read by Mr. Speaker:—

“*Mr. Speaker,*

“With reference to the Legislative Assembly's Message No. 34, returning “‘The Municipal Institutions Bill,’ the “Legislative Council has agreed to the “amendment made by the Legislative Assembly on the Legislative Council's “amendment No. 28, and does not insist

"on its amendments Nos. 17 and 18, with which the Legislative Assembly has disagreed.

"The Legislative Council acquaints the Legislative Assembly that it insists on its amendments Nos. 36 and 42, and returns the Bill herewith for further consideration.

"GEO. SHENTON,
"President.

"Legislative Council Chamber,
"Perth, 8th November, 1894."

*Schedule of Amendments made by the Legislative Council in "The Municipal Institutions Bill," with which the Legislative Assembly has disagreed, and which the Council insists upon: **

No. 36.—Page 53, Clause 155, sub-clause (3.), lines 2 and 3.—Strike out "Two pounds ten shillings" and insert "Three pounds."

No. 42.—Page 57, Clause 169, sub-clause (6).—Add to the end of the sub-clause:—"Provided, however, that the goods and chattels exempted from distress or sale shall in no case exceed Ten pounds in value."

C. LEE STEERE,
Clerk of the Council.

8th November, 1894.

THE SPEAKER: Only two courses are now open. One course is to appoint a conference, which I am afraid would not result in very much; and the other is to lay the Bill aside.

THE PREMIER (Hon. Sir J. Forrest): Would it not be better, at present, to leave the matter over for consideration, for a day or two?

THE SPEAKER: You will have to give special notice.

PHARMACY AND POISONS BILL.

RE-COMMITTED.

Clause 39:

THE ATTORNEY GENERAL (Hon. S. Burt) moved that paragraph (c) be struck out, and the following paragraph be inserted in lieu thereof:—

"(c) A person carrying on, at the time of the passing of this Act, the business of a chemist and druggist or of a pharmaceutical chemist, by an agent, manager, or servant, who is entitled to be registered as a pharmaceutical chemist; provided

"that his exemption shall have no force or effect beyond six months from the coming into operation of this Act, unless such agent, manager, or servant shall within such period become so registered."

He said the reason for the amendment was that the fact had been pointed out that several persons in different parts of the colony had lately purchased the business of chemists, but did not personally carry on those businesses, and as the Bill would not otherwise permit unqualified persons to carry on any such business, the amendment would meet such cases by exempting these persons from penalty during six months. The amendment would also apply to certain medical men who had an interest in certain chemist businesses in Perth and Fremantle, and would exempt them from penalty during six months.

MR. LEAKE asked whether the effect of the amendment would not be to prevent qualified medical practitioners from carrying on the business of a chemist. If so, it would be a rather sweeping clause. It often happened that medical men, when in the back country where no chemists' shops were available, had to dispense their own medicines; and if a medical man were to be excluded from practising as a chemist, in that way, the provision might work a hardship.

THE ATTORNEY GENERAL (Hon. S. Burt) said that, in the case of medical practitioners in the back country, very few cases would be found in which practitioners carried on the business of a chemist and druggist. If a practitioner made up his own medicines, that would not be carrying on the business of a chemist and druggist. If a practitioner kept a shop for the purpose, he would have to register himself as the Bill required, and be duly qualified.

MR. LEAKE said a medical man who dispensed drugs would, nevertheless, be liable to the penalties of the Bill, for if he made up medicine and sold it he would be carrying on the business.

THE ATTORNEY GENERAL (Hon. S. Burt) said that if a medical practitioner made up prescriptions for his patients, that would not be carrying on the business of a chemist and druggist.

MR. A. FORREST said he did not see why medical men who carried on a

chemist's business in Perth should object to be registered as chemists. The fact was well known that some of the leading practitioners in Perth owned the largest chemist's business in the city; and, if they took the profits, why should they object to be registered? It was not fair to the other chemists that doctors should take the profits out of a chemist's business by a side-wind. These doctors dared not put their names over the door of the shop that belonged to them.

Question put and passed.

Resolution reported.

Report adopted.

SOUTHERN CROSS-COOLGARDIE RAILWAY BILL.

SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn), in moving the second reading, said: This is a very short Bill, and I think hon. members will not require any speech upon it from me. I formally move that the Bill be now read a second time.

THE SPEAKER: The Railways Act requires that, before I put the motion for the second reading of this railway construction Bill, I must satisfy myself that the plans of the route are on the table. I have satisfied myself, and I therefore put the question that the Bill be now read a second time.

Motion agreed to.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2, and 3:

Agreed to.

Schedule:

MR. LEAKE asked how soon the work of construction would be commenced.

THE PREMIER (Hon. Sir J. Forrest): As soon as possible.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that, so far as the department was concerned, it would be in a position, before long, to call for tenders, and the construction would be commenced within three months. The rails would be ordered very shortly. Since his remarks on the previous evening, he had spoken to the Engineer-in-Chief, who stated that, if no rain fell during the next three months, he would have to make some recommendation to the Government as to the propriety of calling for tenders

and going on with the work immediately. The Engineer-in-Chief agreed with him in the opinion that if tenders were out now, the contract price would, in such a dry period, probably be beyond any practicable amount.

MR. R. F. SHOLL said this House should wait until the Loan Estimates had become law before passing this Bill.

THE PREMIER (Hon. Sir J. Forrest) said the Loan Bill was law now, having been assented to by the Governor.

MR. R. F. SHOLL said there were certain Estimates which had not yet passed through the other House. The other, and more important, branch of the Legislature had yet to assent to those Estimates; therefore this Bill was premature at present.

MR. CLARKSON said this railway must be constructed whether the Loan Estimates passed or not. There was no difference of opinion as to the route, and he knew there were no engineering difficulties.

THE ATTORNEY GENERAL (Hon. S. Burt) hoped the Government would not find themselves in any difficulty with regard to the Loan Estimates, because the difficulty would be this, that in regard to the Loan Estimates, the Appropriation Bill—in this case, the Loan Bill—preceded the Estimates. The Government had got the appropriation for the Mullewa-Cue, and for the Southern Cross-Coolgardie railways in the Loan Bill, a specific sum being appropriated in each case. That Bill was now law, and the Government must, on that law, become possessed of the funds. What were the Government to do with the money, when they got it? The hon. member for the Gascoyne could not suppose the Ministers would keep the money in their pockets. The Annual Estimates, dealing with ordinary revenue, had to be presented to the Legislative Council for approval; but, with regard to the Loan Estimates, they were only submitted to the Council. He only pointed out this distinction, so that the hon. member for the Gascoyne might ruminate over it.

MR. R. F. SHOLL said that, supposing the Upper House refused to pass this Bill, could the Government construct the Coolgardie railway without the Bill passing? It would be useless to have brought in this Bill, if the Government

could spend the money without the Bill being passed.

THE PREMIER (Hon. Sir J. Forrest) said this Bill was brought forward in accordance with the Railways Act, in order that Parliament should approve of the route which the railway was to take. That was the only object of the Bill, though it also gave power to take land belonging to private persons, required for this railway. The House might pass fifty Bills of this sort, but unless there was an Appropriation Act these Bills would be useless.

MR. LEAKE said if the Government got the Loan Bill and this Bill carried, they could defy the other place, and need not bother about the Loan Estimates. The Government knew that the members in another place dared not throw out this Bill nor throw out the Loan Estimates. Did the Government really intend to run this railway direct to Coolgardie without further inquiry as to routes, or did they not think it advisable to re-commit the Bill, so as to get the right to deviate more than ten miles? He asserted that it was not yet proved that Coolgardie was the permanent centre of that goldfield. The later discoveries showed that the majority of the valuable finds were northward of Coolgardie. The Wealth of Nations mine was nearer the centre of the field than Coolgardie was.

MR. MORAN said it was understood pretty well all over that goldfield, and all over the colony, that Coolgardie was the centre of the Eastern goldfields. Coolgardie was the centre of the discoveries, and a better terminus for the line could not have been chosen.

MR. LEAKE: Of course that settles the whole matter.

THE ATTORNEY GENERAL (Hon. S. Burt): That is the way to put it.

MR. RANDELL asked whether the Commissioner of Railways would give a rough indication of the direction of the route; also what kind of grade would be used, and what kind of country the line would pass through.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the map in the Chamber showed that from Southern Cross to Coolgardie the country was almost level, or fairly level. It was salmon-gum country. The line would be almost straight, there being no curves

whatever; the railway would follow, as close as possible, the present straight line of road, and he thought it would be practicable to utilise all the Government tanks at present along the road. The railway would not go by way of Gnarl-bine, but from Woolgangie to Coolgardie, being almost a straight line.

Schedule put and passed.

Preamble and title:

Agreed to.

Bill reported, without amendment.

MULLEWA-CUE RAILWAY BILL.

SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn), in moving the second reading, said: Hon. members may not have examined the chart, which was placed on the table yesterday, showing the proposed route of this railway, and also the limit of deviation laid down in the Bill. This railway, starting from Mullewa, goes fairly well Eastward to the point known as Yalgoo; from thence to Mount Magnet; after which it goes pretty well Northward through the Island, and on to Cue. The route is somewhat circuitous, but after mature consideration the Government are satisfied it is the best line that can be got. Some hon. members may think it would be better, in the interest of the country, if the line were to take a more direct route to Cue, and would probably serve the pastoral stations to a greater extent; but, by taking the route now proposed, it will serve the whole of the goldfields in that part of the country, and the Government deem it advisable to prefer this route. The line is being surveyed from Mullewa, and that work is being pushed on energetically. In a month or two the surveys will be completed, and within a few months the Government will be in a position to invite tenders for the work of construction. I have pleasure in moving the second reading of the Bill.

MR. R. F. SHOLL: I am one of those who think that, in building a railway through a pastoral district to the Murchison Goldfields, it would have been a wise policy to run this line for the convenience of both the squatting and the goldfields interests. During many years past the pioneers of the Murchison district have been at a great disadvantage, owing

to their removal from the centres of settlement. They have had to cart their wool and supplies over very long distances, and have had to contend with disadvantages that would have deterred many a strong and determined man. It is only fair and just that we should run our railways so as to be a convenience to the pastoral interests of that district. The Commissioner of Railways has told us that, with regard to the Southern Cross railway, there is no back traffic in freight; but if, in laying out this railway, the Government had tried to accommodate the pastoral interest as well as the mining interest, there would be a back freight so far as the Murchison district is concerned; and if even it had cost a little more to run branch lines from the Mullewa railway to the Island and Mount Magnet, that policy would save money in the long-run. He knew these railways to the far Eastward would never have been built but for the gold discoveries; but it was equally true that the goldfields would not have been discovered if the pastoral pioneers had not first gone into the back country. Therefore, in the interest of the railway revenue, it would be well to make this line so as to accommodate the pastoral as well as the goldfields interests, and in that way secure a back traffic.

MR. A. FORREST: I congratulate the Government on the important step they have taken in proposing this railway for construction. Anyone who knows the Murchison country or the goldfields there will say that if the Government had attempted to build this railway in any other direction than the one now proposed, they would not have had the support of members in this House; because there are some members who are not too much in favour of this large and costly public work, which is certainly a tremendous undertaking. If the Government had attempted to build this railway farther to the Northward, and had left out two of the most important goldfields merely to cater for a small wool traffic, I do not think they could have carried such a Bill through this House. We know the line is being surveyed in a direction that will accommodate all the mining centres in that district. The hon. member for the Gascoyne has said it would be far better to build branch lines.

I differ from him; for we know other branch lines have not been successful—for instance, the Clackline branch to Newcastle, which does not pay for the grease, whereas if the Eastern Railway had been a direct line to York it would have paid well. By the route proposed in this Bill, the whole of the Murchison district will be served, and the distance from the two pastoral runs will not be too far for carting the wool to the railway. I say that, because the Mount Magnet goldfield will be the biggest in the lot. Most of the Murchison gold has been found there. As for building a railway to serve the two pastoral stations to the Northward, I think the Mount Magnet goldfield is more important than those two stations. I congratulate the Government on having brought down a comprehensive scheme, that will meet the wishes of nearly every hon. member.

MR. CLARKSON: I do not know much about the line of country this railway will traverse, but I take it for granted the Government have selected the best route, and will not, in this instance, repeat the blunder alluded to by the hon. member for West Kimberley. One blunder of that sort is enough. But the Government are making another great blunder in the railway from Mullewa to Geraldton. That is a line which will never be required. The proper route for that railway should have been from Mingenew to Mullewa, and then onward to the Murchison back country. I trust the Government have taken means to ascertain that the route proposed in this Bill is the best.

THE PREMIER (Hon. Sir J. Forrest): I have listened to the remarks of the hon. member for the Gascoyne, but cannot agree with them. I have travelled both routes; I have known the country intimately during many years; and, although the route by Yuin and up to the Sanford River is very good, from an engineering point of view—not quite as easy, but equally good—it is not easier than the route proposed in this Bill, and does not accommodate all the mining centres, as the present route will. The country is very level all the way. There are a few granite spurs across the line, but they can be avoided. Taking the route altogether, it is level for many

miles, and in other places it is gently undulating. This route will serve not only all the mines, but will go through a pastoral district equally as if it went the other way, and the whole of the land is occupied for pastoral purposes. [MR. R. F. SHOLL: No.] I know it is, and I know the district better than he does. The only disadvantage this route has is that it is not so direct for travelling stock from the North. As for the wool traffic, we know there are the Meka and the Murgoo stations, and the railway would be more convenient for them if it went in the other direction; also those living on the Lower Murchison would find the other route more convenient, rather than going on to Mullewa or Cue; but those on the Upper Murchison will be able to go into Cue without great difficulty by this route. I remember when I was at Wilgiemia, from Mount Talworth I could see Mount Hale, on the Upper Murchison; so that, when you can see a thing, it cannot be a long distance away. The traffic to the Eastward, where there is settlement, will go into Cue; also the people in the country about Nannine, and to the Southward and Eastward, will be able to go into Mount Magnet, which will be a very important centre, second to no other centre on the Murchison goldfields. There are no two opinions about that among persons conversant with that country. Personally, I would like to have taken the railway to the Northward, because it would be a great advantage to the Northern settlers, and I should like to assist them if, by doing so, the route would be equally good for the goldfields. But, by taking that course, we should be serving the settlers to the Northward at the expense of the mining interests at Yalgoo, Mount Magnet, and the Island. I think there is no question that this railway ought to take the route proposed in the Bill. We are building this railway in order to develop our auriferous deposits, and at the same time doing as much good as we can to open the country to pastoral centres.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): A proposal was made to the Government, a short time ago, to make a trial survey of a line by Bunbenoo, and coming in toward the end at Yalgoo; but the Engineer-in-Chief

found the country there was so broken that he could not recommend the making of a survey by that route. Hon. members will now see, by the chart, that Bunbenoo is left to the Northward considerably.

MR. ILLINGWORTH: To my knowledge, the wishes of the people on those goldfields—which should have some influence with members of this House, as they are the people who have to use this railway, and who know what the requirements of the district really are—are in favour of this route as being the best, and among them there is no second opinion upon it. They are unanimously in favour of the route now proposed by the Government.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2:

Agreed to.

Clause 3.—Deviation:

MR. LEAKE asked why the power of deviation in this case was to be extended to fifteen miles, as the limit in the Coolgardie Bill was ten miles.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said there was no particular reason for the larger deviation beyond this, that the Engineer-in-Chief had a great desire to have as wide a space as possible, until he felt satisfied he had secured the best and cheapest route.

Clause put and passed.

Schedule:

Put and passed.

Preamble and title:

Agreed to.

Bill reported without amendment.

SCAB ACT AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: This Bill is introduced by the Government in accordance with the recommendations of a joint committee of both Houses, which considered this question a short time ago. The alterations of the law which will be effected by the Bill are important in one or two cases only. The first alteration is in Section 5 of the present Act, the section being repealed by this Bill, and re-enacted

in a form for making the section more efficient regarding the examination of sheep and the power of inspection. Under the section as it stood, before an inspector could examine a run where there were supposed to be infected sheep, he must find infected sheep in that run. The section as re-enacted in this Bill will allow an inspector, whether he finds infected sheep or not, to insist on a further muster; and, if he finds any infected sheep, he can put the expense of that inspection on the owner or owners. The next alteration is in Section 11 of the Act, and this is a rather important alteration, for the section at present requires that information of infection breaking out shall be given to the Resident Magistrate and inspector as soon as the owner becomes aware of the existence of infection in the flock. But an owner might plead, under that section, that he was not aware of his flock being infected. We say that every owner should keep such a close supervision of his sheep as to be bound to know when his sheep do become infected; and we propose in the Bill to make it an offence for not reporting scab as soon as it breaks out. The next amendment is in Section 12, which is repealed by the Bill, and re-enacted in an altered form; for whereas the old section allows an inspector to examine sheep only after he has received a notice of the presence of infection, this altered section will enable an inspector to examine sheep on any particular run, whether he has received notice of infection existing there or not. Section 19 contains a small amendment as to branding, and it alters the old section; for the new section requires that sheep shall be branded before they are six weeks old instead of three months old. In Section 31 there is a verbal amendment. Section 45 the committee recommended to be struck out, and a new section enacted in lieu of it, as in Section 8 of this Bill, which refers to the introduction of infected sheep into a clean district. The old section provided that sheep should not stray over the boundary of an infected into a clean district, beyond three miles, without being dipped; but that is abolished by the Bill, and it is made an offence to cross the boundary at all, unless the sheep have been effectually

dipped twice within fourteen days immediately preceding their being introduced into the clean district. This provision applies as well to sheep travelling by land as by sea. It is as necessary for sheep from an infected district to be dipped when they travel by land as by sea. The law at present requires that if sheep travel by land, they should be dipped once only; but that was a provision which I have very much objected to, because, if sheep are affected with scab, it is utterly useless to dip them only once, because the insect deposits its eggs below the skin, and these are not killed by once dipping. Infected sheep should be dipped at least twice, and some persons are of opinion that three dippings are necessary. As to the present Act being defective, if inspectors would only read the Act they could fully carry out the law. An inspector can do almost as he likes, under the existing Act, and it has amused me to hear even the Chief Inspector saying he has not the necessary power. An inspector is too much inclined to say, "I won't do this because I don't see that I have the power;" the fact being that, in many cases, the inspectors have not read the powers entrusted to them. An inspector can dip sheep as often as he likes, anywhere and anyhow, under his own supervision or that of sub-inspectors. There is no limit to the power of dipping. The joint committee also recommended that the inspector should have power to burn any enclosure or yard in which he may know infected sheep to have been within six months, and that power is given in the Bill; also a power to make secure any enclosure or paddock in which infected sheep are kept or depastured, and the necessary expense may be charged to the owner or owners. The joint committee also suggested that inspectors should have power to divide any paddock in which infected sheep are kept, if the infection continues beyond six months; but I think that to make a provision which would permit sheep to be kept infected for six months would be a mistaken policy, and therefore the provision has not been inserted in the Bill. Inspectors will have power, under the Bill, to compel the subdivision of any paddock in which infected sheep are kept, unless cured within six months. I say that if an inspector sees infected sheep dipped, or pretended to be dipped,

over and over again, within six months, without curing the infection, it will be no remedy to say that after the owner has failed to cure the infection in that time, you will then make him subdivide his paddocks in which the infected sheep are kept. An inspector has power to prevent the keeping of sheep in any paddock, if he thinks fit to do so; and if a paddock in which infected sheep are kept is so overgrown with bush that the inspector cannot be sure the muster of sheep is sufficient, he can prohibit the keeping of sheep in that paddock at all. He can withdraw the prohibition if the paddock be afterwards subdivided to his satisfaction; but this Bill will not countenance the keeping of sheep infected during anything like six months. The only other recommendation by the Joint Committee was that an inspector should have power to order sheep to be shorn before a compulsory dipping, and that power will be found in the Bill.

MR. CLARKSON: This amendment of the Scab Act will be of very little avail for eradicating scab. The Bill permits fat stock, going from the North to Southern markets, to pass after one dipping; and yet the Attorney General has just told us that one dipping is not sufficient for infected sheep. It is hardly necessary for me to point out that sheep which go Southward to market, nominally as fat sheep, are, unfortunately, very frequently only store sheep, and when they arrive in that condition they get spread from one end to the other of these Southern districts for fattening. I have at present in my flocks some store sheep I purchased two years ago, though they had passed as fat sheep. They were dipped only once, and had they been infected I should have had the scab in my flocks. So that I see no security whatever in these amendments of the Act. Another point is that we have no inspector in this Southern part of the colony, to see whether sheep coming into the district have been effectually dipped or not, and we shall never be safe until a properly qualified inspector is stationed near Perth or Fremantle.

MR. LEFROY: I feel sure the House will defer to the opinion of the Attorney General, in this matter, rather than to that of the hon. member for Toodyay, and I am sure the Attorney General

would not have taken the kindly interest in this matter that he has shown, if he had thought these amendments of the Scab Act would be of no avail. There is one point, at any rate, which will have some avail, and that is the making it an offence to have scab. That is a point the Attorney General was very strong upon, and I have great confidence in his opinion as one well up on the question. Under this Bill, if an inspector finds infected sheep in a flock, he can proceed against the owner for having scab, whether that owner was aware of the fact or not; but, as it is now, an owner may have had scab in his flock, and when detected he can plead ignorance, in which case the law has no power over him. Any man who owns stock ought to know where they are and in what condition they are. As an owner of stock I am not in the least afraid of the Bill. The law will never touch a man who reasonably tries to do right, and this Bill will touch only those people who are trying to evade the law. I dealt with this subject at some length when I was asking the House to adopt the report of the Joint Committee, and there is no necessity for me to speak at length now. I quite approve of the little alterations which the Attorney General has made in the recommendations of the committee. When this extra power is given to inspectors, if they cannot then do away with scab, the sooner we make a clean sweep and start with a fresh lot of inspectors, the better. In this Bill we give all the powers they ask for, and if the disease be not eradicated after these powers are given, we shall have to adopt other means. I am pleased to say that recently, when communicating with the Inspector of sheep in the Toodyay district, I got a reply from him, in which he informed me he felt confident that scab had been cleared out of the Southern districts. I hope such is the case. It has been entirely owing to the want of proper inspection that scab has been allowed to spread there; and now that the inspectors see this House is determined that scab shall be eradicated, I hope they will work more zealously and indefatigably in eradicating scab. I believe the Chief Inspector has the matter at heart, and I hope that, before very long, there will be no necessity for any more appeals to the

Scab Act, and that it will become unnecessary.

MR. A. FORREST: I am pleased to find the Government have brought in this further amendment of the Scab Act. The inspectors will now have full powers to deal with almost every case; and it was pretty well understood, when we were debating the Estimates upon the salaries of inspectors, that unless there is a speedy and distinct improvement, a great change will be made in the next session of Parliament. I think the Government also understand that unless the inspectors carry out their duties by eradicating scab, there will be a change in the working of the department. As the Bill is only for evil-doers, I am sure those sheep-owners who wish to keep their sheep clean will be pleased with the new provisions. The loss to this country, through the continued existence of scab, is untold. At the present time the firm I represent were purchasers of a large number of rams, but we have had to send them to Adelaide because we were not allowed, under the present Act, to ship them to a Northern port; so that the curse of this scab is a great hardship on those who have no scab at all; and if this Bill will have the effect of eradicating scab, those who are engaged in sheep-farming will be very pleased. The cost of bringing Northern sheep to these Southern markets is something enormous, for not only have we to pay for the compulsory dipping, but the sheep get knocked about, and the weight is reduced by four or five pounds a head. I trust that, after the warning the inspectors have received, the number now employed, and the amount of money that has been granted for eradicating scab, there will be no necessity for enforcing this law after a short period. The loss to the settlers caused by the recent outbreak of scab in the York and Northam districts is very great; for whereas they were able, last year, to send their stud flocks to Northern stations, they were not allowed this year to send any, and the sheep for the North had all to come from far outside the colony. That is a great loss in itself. This Bill has my entire support.

THE ATTORNEY GENERAL (HON. S. BURT): In respect to what the hon. member for Toodyay said about sheep coming from the Victoria district South-

ward to market, I think that under the existing Act the inspectors have full power to carry into effect the necessary dipping. The Government will, I think, have an inspector placed somewhere about Wanneroo, so as to inspect the travelling sheep just before they reach the markets. Another inspector will also be on the *qui vive* in the sale yards, and that will be a further protection. Anything that may escape the dip at the Irwin will be arrested in or near the markets, by these means, and scabby sheep will thus be prevented from getting distributed all over the Southern districts. As the hon. member for West Kimberley says, about rams at the Guildford show, whereas it has been customary for hundreds to be sold there at this time of the year, the owners of rams now find that market is taken from them. Fortunately for the North, there is an Act which says you shall not take them there, from an infected district. If scab got into the North, it would be the end of the pastoral industry in that part of the colony.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 11, inclusive:

Agreed to without debate.

Preamble and title:

Agreed to.

Bill reported without amendment.

Report adopted.

GOLDFIELDS ACT AMENDMENT BILL.

SECOND READING.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion), in moving the second reading, said: A select committee was appointed recently by this House to consider the question of an amended Goldfields Act. The committee reported that the question was of too large a nature to be dealt with at that period, and recommended that during the recess a Royal Commission should be appointed with the object of making recommendations with regard to the existing Act, or the bringing in of another; and, in the interim, the committee recommended the short Bill now before the House, for meeting urgent cases. There is very little in

the Bill needing explanation. Clause 2, "Interpretation," refers to the principal Act, and explains that the word "miner" shall mean any person being the holder of a miner's right. In the Regulations at present there is a definition of the word "miner," and it is considered advisable that the definition should be altered—that was at my suggestion—one of the principal reasons being that there are a large number of persons who exercise the rights of a miner without being possessed of a miner's right. It was considered advisable that there should be no doubt as to the meaning of the term "miner," and we intend, after a little while, to sharpen up some of those people who are in the habit of working on our goldfields without being possessed of that necessary agent, the miner's right. Another sub-section of Clause 2 provides that the words "Commissioner of Crown Lands" and "Commissioner" may be read as "Minister for the time being charged with the execution of this Act" and "Minister." I believe the object is that, should it be necessary or desirable to appoint another Minister who should have the sole control of the mining interests, or to place the control of mining matters in the hands of any other Minister, that may be done. With regard to Clause 3, the powers of the Minister in charge are in a certain degree extended, and are better defined than in the principal Act, by giving him a right, with the approval of the Governor-in-Council, to grant leases of Crown Lands, (a) for mining purposes, (b) for cutting and constructing water-races, drains, dams, reservoirs, roads, or tramways to be used in connection with such mining, (c) for erecting buildings or machinery, (d) for pumping or raising water, (e) for residence thereon in connection with any or all of such purposes. This differs somewhat from the original Act, and goes more on the basis of the Mineral Lands Act. Certain exemptions from leasing are provided; that is to say, (a) any Crown land reserved for any public purpose, (b) all Crown land occupied by the holder of a miner's right or business license, unless the holder consents to the leasing of such land, (c) all Crown land which consists exclusively of alluvial ground, except such as has been already worked and

abandoned, or is suitable for leasing, on account of its great depth or excessive wetness, or on account of the costliness of the appliances required for its development, or for any sufficient reason which, in the Minister's judgment, ought not to exempt the land from lease. Great latitude is here given to the Minister, and a latitude which I, as Commissioner of Crown Lands, would rather not have. It is, however, a provision included in the Mineral Lands Act, more especially with regard to tin mines. One of the great difficulties in the administration of our goldfields has been to distinguish between alluvial and reefing land, and a great responsibility is cast on the wardens, even in this amending Bill, for I do not see how it is possible for a Minister residing in Perth to judge, from his own knowledge, as to what may be considered to be alluvial and what may be reefing country, so that he must be, to a certain extent, guided by the local officer who is responsible to him. Still, it is absolutely necessary there should be some lines laid down, because at present there is nothing in the principal Act to prohibit the Minister from granting a lease of alluvial land, although it is understood by the wardens and by the Minister that such course is not desirable. I do not think there has been any case in which alluvial land was granted on lease. When a recommendation is forwarded by a warden to the Minister, the warden does not state whether the particular land is reefing or not, and the recommendation is generally approved, unless there is some good reason for acting to the contrary. Where a lease is applied for, notwithstanding Section 14 of the principal Act, which allowed the person who had applied for a lease to sue for trespass in certain cases, it is now proposed that in cases such as one that occurred lately at the Wealth of Nations mine, where a reef was discovered, and a rush was made to secure the alluvial upon the leasehold, in order to do away with doubts, alluvial men may work within 50ft. of the reef, on any leasehold land for which application has been made for a lease. The intention is that, once the lease is issued, the alluvial men shall be blocked from going on that land at all; but while the lease is being applied

for, and until the lease is issued, the alluvial men shall be allowed to go on the land as being alluvial land. The Government have, in this matter, tried to be fair to all the parties concerned. I will explain the practice, though perhaps it may not be strictly in accordance with any law. In many cases these leases had been granted, especially on the Coolgardie goldfield, subject to alluvial; that is to say, the lease was not issued until such time as the men had worked out what was termed the alluvial ground.

MR. A. FORREST: What right have you to keep the lease back?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I act, as I believe, in accordance with the law. The intention of this new provision in the Bill is that, when application is made for a lease, the alluvial men shall have an opportunity of working within fifty feet of the reef, which distance is perhaps rather near, and may hamper those who are developing the mineral resources of the country. Clauses 5 to 8 refer to merely technical matters. It was found necessary to subdivide these goldfields into what may be called registrars' districts, and as the old law did not give the Government full power, it was necessary that certain amendments should be made, so as to enable wardens' courts and registrars' courts to be appointed on any one goldfield, so that the warden should have full power to act at any of these courts. For this purpose these clauses are introduced. Another feature which may be considered important is Clause 9. There has been lately a considerable deal of talk and action, in our legal courts and elsewhere, with reference to doubts raised as to the validity of certain regulations for the management of goldfields made under and by virtue of the principal Act. For settling such questions it has been considered desirable and absolutely necessary that if there is any reason for the existence of a doubt, that doubt should be set at rest once and for ever; also that all acts which have been done by virtue of the existing law and the existing regulations should be made legal beyond the possibility of any doubt. I think hon. members will agree with the Government that this course is certainly desirable. Even assuming—though I will not allow there is any doubt as to

the validity of all acts that have been done under the existing Goldfields Act and regulations—but, assuming there was such an idea, the parties know that the Government and those officers who had the administration of the Act and the regulations have been carrying them out in a *bonâ fide* way—I mean the regulations which the Executive and the Government assumed that they had the power to make under the Act. I do not think there will be any objection on the part of any reasonable member of this House to make valid those acts of administration which, at the present time, hon. members know to be valid, and which the Government believe to be valid, thereby settling at once and for ever those questions which have had a disturbing effect on the minds of some hon. members, and of a certain section of the public.

MR. LEAKE: Do you make any reservation in favour of existing disputes?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): No. I now move the second reading of the Bill.

MR. ILLINGWORTH: I have no intention of throwing any obstacle in the way of passing this Bill. I think there is one clause which ought still to be added, that is in relation to the right of appeal. I do not accept this Bill as an amendment of the Mining Act, and I hope the Ministry do not intend to present the Bill to the House in any such form as that. As far as these clauses are concerned, they are necessary, and they are urgent. I see no reason whatever why there should be a limitation as to the occupancy of these leases. When a lease has been granted, it is customary in other colonies to allow alluvial miners to work on any leasehold land; and why an alteration is made in this colony, different from the practice in other colonies, I fail to see, so long as the alluvial miners do not interfere with the working of the claim itself. There is nothing in this Bill to prevent that, and I protest only against the utterances of the Minister of Lands.

THE PREMIER (Hon. Sir J. Forrest): It seems to me there are two or three very important matters dealt with, and although this Bill may not deal with the Goldfields Act as some hon. members

may desire, still the provisions of the Bill are most important, and will make the Goldfields Act workable, which it certainly is not at present, on the extended goldfields such as we have, by allowing the goldfields to be subdivided into districts, and having in each of the districts warden's courts, courts of record, and courts of registration. At the present time, on extensive goldfields such as Coolgardie and the Murchison, there is one warden's court at Cue and one at Coolgardie, so that all transactions have to be registered at these courts and nowhere else. The warden visits his district, and settles small disputes, and some of the interested parties have to go hundreds of miles to the one court. This Bill will subdivide these extensive districts, each having courts of record and registration. There a miner will go and apply for his lease, or be registered for any other claim, under the Goldfields Act, and that will be a great advantage to every miner on the goldfields. I found that difficulty at once, when I visited the goldfields, for when we tried to register under the existing Act we found the law was not sufficient; therefore I am glad we have been able to bring in this alteration, so that now there may be a warden's court at Coolgardie, one at Hannan's, one at Kurnalpi, one at the Ninety Mile; also on the Murchison goldfields at Cue, at Nannine, at Mount Magnet, and at Yalgoo. And, really, if this were the only alteration in the law, the change provided in this part of the Bill would be of great importance to the mining community. Then in the third clause we have introduced the same provisions as are in the Mineral Lands Act, except subsection (c); also the exemptions in which alluvial land cannot be leased except under certain conditions. That is the practice now, for a warden will not grant a lease of alluvial ground. There is nothing in the existing Act to say he shall not, but we think it is better that the provision should be made specifically in this Bill. If ground is exclusively alluvial, a lease of it cannot be granted. I think this provision will be an advantage. There is also Clause 8, providing that in case a person does not know whether his ground is in one district or another—and practical difficulties of this kind have arisen—he may make applica-

tion to the nearest registrar. In regard to the last clause, "Regulations confirmed," that goes without saying. This clause is of the utmost importance, as to the validity of the regulations under which we administer the Goldfields Act. These regulations have been amended several times, and I believe they are in accordance with the statute; but still, to avoid any question, it is only reasonable that, in dealing with the subject, we should set any doubt at rest. That clause will commend itself to hon. members.

MR. LEAKE: The sting of this Bill is in its tail, and the Premier, I noticed, passed that by with a grand flourish. He said, without explanation, that this last clause will commend itself to hon. members. I propose to refer to one or two other sections, to show there would be no necessity for this measure if it were not for the bringing in of the last clause. The explanation from the Commissioner of Crown Lands is, as I anticipated, somewhat weak, and shows, to any person who has taken the trouble to study the Goldfields Act and its working, that the Commissioner has not made himself acquainted with all the provisions of the Act which it is his duty to administer. He has thought fit to offer an explanation as to why a certain interpretation should be put on the word "miner." It is, he said, because he wants to sharpen up some of those persons who are carrying on mining without a miner's right. Will hon. members be astonished to hear that the word "miner" is not mentioned once in the principal Act?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): It is mentioned in the regulations.

MR. LEAKE: Oh, but in that case the miner is also, by the regulations, defined in the manner mentioned in this Bill. And in regard to sharpening up those persons who carry on mining without having taken out a miner's right, the principal Act already provides for such a possibility, in Section 75, which says that if any person shall be found by the Warden to be engaged in mining, et cetera, he shall be liable to a penalty. So you see there is no necessity really for that clause in the Bill. Section 3 re-enacts Section 10 of the original Act, showing under what circumstances leaseholds may

be granted but under sub-section (c) of paragraph (2), in Clause 3 of the Bill, we find this: "All Crown land which consists exclusively of alluvial ground, excepting such as, in the opinion of the Commissioner of Crown Lands, (i.) has been already worked and abandoned; or (ii.) is suitable for leasing on account of its great depth or excessive wetness, or on account of the costliness of the appliances required for its development; or (iii.) for any sufficient reason, in his judgment, ought not to be exempt from lease," and so on, as to leasing the ground for 21 years. I would like to ask the Commissioner how he or his warden, or his registrar, or his clerk, will be able to say how certain land over which he may have walked yesterday or be walking over to-day can be defined as exclusively alluvial. How can the Commissioner or anybody else say, unless he digs down, what is below the surface? Even when a scientific man, a geologist, ventures to speculate as to what is below the surface, there is grave doubt as to his opinion. This provision in the Bill is new, and I say such ground cannot be defined. As to the passage, "suitable for leasing on account of its great depth," what does the Commissioner mean by "depth" of land? This clause is too wide an authority altogether. By giving authority, in the exercise of the Commissioner's discretion, for granting or withholding a lease, you are, in fact, wiping out all the prior express enactments of the clause; and you might just as well cut out all the prior part of the clause, if you are going to allow sub-clause (iii.) of sub-section (c). The Commissioner has not explained the new provisions. We are supposed to know something of the Act as it stands, but we are also entitled to have some explanation of the provisions that are new.

THE PREMIER (Hon. Sir J. Forrest): It is so simple. It is a power of temporary reservation given to the warden. That is all.

MR. LEAKE: We will have a "go" on it in committee. I want to prepare hon. members for what is coming in committee. Then as to the power of reserving land until the assent or dissent of the Governor is ascertained, as provided in the last paragraph of Clause 3, the meaning is that in the event of any person putting

in an application for what may appear to be a valuable property, the department can say: "Oh, no; we shall keep that as a reserve, and you shall not have it." All these clauses are really cloaks for the last proviso. Of all the valuable recommendations of any select committee ever appointed by this House, commend me to this select committee. Some members of it may be able to tell the House how this matter was passed through the select committee.

THE PREMIER (Hon. Sir J. Forrest): You seem very much interested in this business.

MR. LEAKE: I am interested. There have been proceedings which have led up to this Bill, which, possibly, are questionable.

THE PREMIER (Hon. Sir J. Forrest): Let us have them.

MR. LEAKE: You will have them before this debate is ended. This select committee took about six weeks before holding its first meeting. The hon. member for West Kimberley had moved for the appointment of the committee, and I think he attended one meeting.

MR. A. FORREST: I was away.

MR. LEAKE: Yes, and what is the good of putting a member like that on a select committee? Absolutely useless. There were four meetings of the committee. Three were occupied with desultory conversation, and at the third meeting the committee adjourned in order that the Secretary for Mines, Mr. Prinsep, might prepare suggestions for the committee. The result of his efforts was that he forwarded draft suggestions, which should be, as he said, embodied in the Bill. Consequently, we get this Bill before the House. This is the third print of the Bill. First of all comes the report of the select committee. Then comes a document in the shape of a Bill, knocked into shape by the Commissioner of Crown Lands. Next, we get a Bill in a little better shape—no doubt touched up by the Attorney General. Then we get a Bill in a still better form, so far as form is concerned—no doubt prepared by the Attorney General. This Bill is all right, so far as its construction is concerned; but we find an important subject like this has to be printed three times before it is comprehended by the hon. gentleman who is responsible for it.

I ask hon. members to regard that Bill with the greatest possible suspicion. Clause 4 authorises the entry by the holders of miners' rights upon land which is applied for as a leasehold. As a matter of fact, the warden gives that authority at the present moment; but, as the law stands, that entry upon land is improper. That matter, however, can be met by a regulation, I think, in this way, that the lease shall not be granted until it is ascertained there is no alluvial on the block; and, if there is alluvial on the block, the application may be a blind for the purpose of getting the alluvial. The Commissioner may say: "I won't allow you to get the alluvial, but I will allow you to pick out a reefing claim." As to Clauses 5 and 6, in respect to what the Premier has stated, I ask hon. members to look at Section 31 of the principal Act, and they will see the Government have power, in that section, to appoint wardens' courts, and to appoint as many wardens as they like on the goldfields. All that these clauses in the Bill provide for is that, instead of appointing wardens' courts, the Government may appoint courts of absolutely the same jurisdiction, but may call them district courts. So, where is the necessity for these clauses? As to keeping records at the offices of registrars, that can be provided for by the regulations; although they do practically provide for that already. As to Clause 9, confirming regulations, we have here what is the most dangerous practice in the course of legislation. It is retrospective legislation; and I say it is the duty of every member who sits in any Legislature to set his face against retrospective legislation, unless, in the interests of the country, you are forced to adopt it. The British Judges have always striven their utmost to refuse to give effect to retrospective enactments, and have always deprecated them. We should deprecate them here; and unless this House is satisfied that the circumstances under which such legislation is proposed are overwhelmingly dangerous, we should refuse to pass clauses of this kind. If it were not for the enormous power the Premier believes he has at his back, I venture to say he would never think of bringing down such a clause as this for our consideration. You can wipe out

all the other clauses, and I am perfectly certain you never would have seen this Bill, unless the Government had sought an opportunity for bringing in this clause. And what does the Commissioner tell us? That he will make no reservations whatever. The Commissioner knows full well there are several matters already in dispute touching the validity of these regulations, and by which, instead of the interests of the Crown, the interests of private parties are affected. And this Bill is brought in, not in the interest of the public, but I say it looks very much as if the Bill were brought forward in the interest of certain individuals. That is an expression I make use of with full regard to its importance. I can quite understand why the Premier thinks that, with a majority at his back, he will be able to foist the Bill through this chamber. I dare say he could bring in a Bill that would deprive other hon. members of vested rights, if he thought fit, so long as he did not think it would affect persons on his own side of the House.

THE PREMIER (Hon. Sir J. Forrest): You won't get your side to agree with you.

MR. LEAKE: We will see about that. What does this last clause provide for? It says: "All regulations heretofore made, or purporting to have been made, under the provisions of the principal Act, relating to the management of goldfields, shall be deemed to be within the powers conferred by the said Act, and to have been legally and properly made, and are hereby confirmed." That is to say that anything which has been done since these regulations were passed will be deemed to have been done regularly. That, in fact, has a retrospective effect. This clause would confirm all the illegal acts of the Commissioner of Crown Lands.

THE ATTORNEY GENERAL (Hon. S. Burt): There is nothing about acts in it. You have got hold of the wrong copy.

MR. LEAKE: For goodness sake, let us have the right copy. I know there are three. I will read the last clause again. (Clause read.) If we begin to argue upon the validity of regulations, it will be said: "Here is an Act confirming them, and you can't question the regulations." There are certain questions now before the courts, and the interests

of private parties, apart from the Crown, will be wiped out by this clause for confirming the regulations. I say that is an iniquitous thing to do, and I wonder that any Ministry can come down and ask this House to pass such legislation. The Commissioner of Crown Lands has said this provision is required in order to give effect to the *bonâ fide* intention of the Government in carrying out the law. What does that mean? Who has been trying to carry out the law? The Commissioner of Crown Lands and the wardens. But who made the law? Not the Legislature. No; the Commissioner of Crown Lands made the law.

THE PREMIER (Hon. Sir J. Forrest): How do you know?

MR. LEAKE: I know the Commissioner of Crown Lands is a mere cipher in your Ministry, but we must assume the Goldfields Regulations were made on his recommendation.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): They were made before I ever occupied the position.

MR. LEAKE: No; they were not. You see the Commissioner of Crown Lands does not know. Listen to this:—"Department of Lands and Surveys, 4th October, 1892. His Excellency the Governor has been pleased to make "regulations," et cetera. Signed—"W. E. Marmion, Commissioner of Crown Lands." I understand that is the gentleman opposite.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): That is only a re-enactment.

MR. LEAKE: There is no doubt the regulations are the laws which the Commissioner says he wants to confirm; and those laws, or by-laws, they want to confirm, and in doing so they want to confirm the illegal and improper acts which have been done by the Commissioner and his subordinate officers. There are some very ugly rumours current with regard to the administration of the Goldfields Act, and the administration of justice generally upon the goldfields. If everything is true that we hear, there is, at any rate, enough to justify the strictest possible inquiry, by the Commissioner of Crown Lands and his colleagues, into the doings of certain persons. Recent matters have been before the courts, and matters have been referred to in this House. There have

been disputes between various parties. Whether the rumour is correct or not, I am not prepared to say, but I have heard it stated that long before decisions in certain quarters are given, the result, the probable result, is fairly well known. I say that from my place in this House.

THE PREMIER (Hon. Sir J. Forrest): Where? At Perth, or Coolgardie, or where?

MR. LEAKE: In both places. You can afford to laugh, with a majority at your back; but I ask hon. members to regard this as an important matter; for unless we find the fountain of justice pure and undefiled, no community is safe, and any person who will assert to the contrary is hardly fit to be listened to. I do not wish at present to say more than enough. I say we can discuss this matter again in committee, and in the meantime I hope that the Government, and the Commissioner of Crown Lands especially, will take the trouble to make inquiries into all these questions, and will certainly reconsider the feasibility of asking us to pass this Clause 9. No one who knows anything about the administration of justice on the goldfields can deny there is a strong feeling that on important legal questions there should be a decision, not of the warden, but of a properly constituted tribunal; and I am astonished to think there is no provision in this Bill for an appeal from the warden, on points of law. As a matter of fact I have given notice, this afternoon, of a certain clause I intend to move in committee, which goes to the root of the Bill; and I ask hon. members to bear in mind that the right of appeal on points of law does not involve a re-hearing of all the matters disposed of by the warden, but merely with regard to the points of law, to be decided by the Full Court. [MR. R. F. SKOLL: And increase the litigation.] Why, have we not had the pettiest and most paltry offences enacted by this House, and in every case a right of appeal is given. If a man is fined 40s. for having been drunk, he has a right of appeal, whereas if, under this Goldfields Act, he is deprived of £30,000, he has no appeal, if you have an arbitrary warden adjudicating in the case. Only in the last session of the Supreme Court, I was professionally concerned in an action which involved property to the

amount of £30,000. That case had been decided against me in the warden's court, but by consent of both parties a case was stated for appeal, and when it came before the Chief Justice the decision of the warden was reversed, and a proper decision was given in favour of the man who was entitled to the £30,000 worth of property, and he has got it. There is an instance in which, by leaving an important question of law to the decision of a person who is trained in law, and whose qualifications enable him to determine these matters, we find that property to that amount was imperilled. Can any one say it is justice to refuse an appeal in such a case? Certainly it is not; and if you give a man a right of appeal in a matter of forty shillings or five pounds, surely you will give a man a right of appeal when the question at issue involves thousands of pounds. There are different classes of holdings on goldfields. There are claims, and leases, and other matters in the nature of leases. It is not likely that questions of appeal will arise in regard to claims which are in the nature of mere tenancies at will, and which merely require that a decision shall be given off-hand, because when you have an alluvial rush, each man pegging out his fifty feet by fifty feet, it is important that the warden should decide off-hand, because the men are here to-day and gone to-morrow; so that to hang up questions relating to claims would be absurd. But when you deal with leaseholds, where the tenants of the land are not adventurers, and the amount of the property is large, it is absurd that a warden, who may never have had experience in law, should be called upon to decide most intricate questions which may puzzle the lawyers and the Judges. And yet we are to be met with the argument that we don't want to increase litigation. Won't it increase litigation if a man can speculate as to the result, if he knows he is going before a warden who does not know the law? Won't it be worth his while to risk something for the purpose of catching a decision? Of course it will. If you have proper finality in a determination of the law, you don't increase litigation, because you avoid speculation in the courts. I shall be very much astonished if this House, when in committee, refuses to

consider this clause relating to the question of appeal. I do not move to have this Bill rejected, because I think it is of paramount importance that this right of appeal should be given. If it were not for that, I should move that the Bill be rejected altogether. But I desire, and I know it is the desire of people on the goldfields and those interested in them, that matters of this kind, involving important issues, should be decided by proper tribunals. I hope hon. members will regard this question from a proper standpoint, and not merely as a Government measure, and that they will not accept everything for gospel which is stated by members of the Government, but exercise their own sense of justice and right.

THE PREMIER (Hon. Sir J. Forrest): That is what they will do.

MR. LEAKE: If they do, they will vote with me. There is no doubt at all about it, and, I am perfectly certain, pressure will be brought to bear on some members.

THE PREMIER (Hon. Sir J. Forrest): Not a bit.

MR. LEAKE: We have heard that "not a bit" once or twice before. If hon. members are left to reason this out for themselves, you will find that they must, if guided by their own consciences, support my suggestion.

THE ATTORNEY GENERAL (Hon. S. Burt): The hon. member for Albany prefaced his observations by saying the sting of this Bill is in its tail. I should judge, after having heard the observations be addressed to us, that the last clause was the one he particularly objected to. But he has not told us where the sting was, because he immediately proceeded to show there was no necessity for this Bill, by endeavouring to belittle every other clause in it excepting the last clause, and to leave that clause standing as the only one to justify the bringing in of the Bill, and, therefore, to justify the argument that it was for the purpose of passing that clause that the Bill was introduced. Now, I say I should judge that from the observations he has made on the separate clauses, if he had not told us, of the importance in his eye of the last clause, in which he says the sting lies. I hope to show what it is the hon. member describes as the sting in the last clause. I cannot say he made much of a

case in endeavouring to show there is no necessity for eight clauses out of the nine. He even attacked the little interpretation of the word "miner" by saying the word "miner" does not occur in the principal Act. Well, it does occur in this Bill, and that being so, and being backed up by the recommendation of the select committee, whose recommendations it was the duty of the Government to embody in this Bill, I say that word appearing in the Bill is sufficient justification for interpreting it. I do not say there is any particular importance in it, but in the Bill we do speak of a miner going on a leasehold, and therefore there is justification for the definition. As to Clause 3, the hon. member says there was no necessity for that. Possibly there is no great necessity, but it has been pointed out by the Premier that sub-clause (3) of sub-section (2) it was thought advisable to put in this clause, and that this should find a place in the Goldfields Act, that is to say that all Crown land which consists exclusively of alluvial ground, excepting such as, in the opinion of the Commissioner of Crown Lands, has been already worked and abandoned, or is suitable for leasing on account of its great depth or excessive wetness, or on account of the costliness of the appliances required for its development, or for any sufficient reason, in his judgment, ought to be exempt from lease. The hon. member asked what is land exclusively alluvial? He says you can get no opinion from this side of the House, upon this clause; but I think any one who runs may read this Bill. It is as simple as simplicity itself, and every clause explains itself.

MR. LEAKE: You were misquoting me about alluvial ground.

THE ATTORNEY GENERAL (Hon. S. Burt): I say any one knows what alluvial ground is, and the hon. member ought to know what alluvial ground is. He asks what is the meaning of the sub-section which says "Is suitable for leasing on account of its great depth." I have heard of a great depth of alluvial ground. The same words are used in the Mineral Lands Act, and I do not know that any difficulty in respect to it is found in this country, or in other countries that use exactly the same word.

"Deep ground" is a common expression in the mouths of persons who know anything about mining. In this case the warden may allow leases to be granted for working deep alluvial. The hon. member finds fault even with the proviso to this Clause 3. I want to show the House that he has been labouring this point. The hon. member's attempt to belittle this clause will not go down. Take this proviso, which he says is dangerous and has not been explained:—"Provided that the warden may, until the assent or dissent of the Governor is ascertained, reserve any Crown lands within a goldfield for any public use or purpose, or exempt from occupation for mining purposes any Crown lands within the goldfield." The hon. member says we can do this now. But we cannot do it so readily now as this proviso will enable the Government to do; and ground is required from time to time for public purposes, on a goldfield, which would be taken at once before the Crown became aware of the public purposes for which the ground may be specially suited. I do not think any one would suggest that the present Government would use this clause so as to sneak land away from persons who desired it for private use. Taking into account the numerous new townships that are springing up on goldfields, a warden may see a site very suitable for a tank or dam, or for a townsite, and he may say: "This shall be reserved for the present, and I will not deal with it until I hear what the Executive have to say." And what Government would dare to reserve land in these localities, merely for an improper purpose? Referring to Clause 4, the hon. member could not make much of his attack on that section. He said we have power to do the same thing by regulation. I do not know whether that is so, but it is just as easy to do it by Bill, and the select committee recommended it to us. I was a member of that committee, but I only found time to attend during a short portion of one meeting. I have heard of the claim of diggers to obtain alluvial on leasehold land, and I say the mining community have looked to the Government so as not to leave the question in doubt. It is a question that should be settled as quickly as possible. I do not say whether alluvial diggers

should go within fifty feet of a reef, more or less. I leave that to gentlemen more able to judge of it than I am; but I think it will be convenient, to say the least of it, that this point should be settled by a clause in a Bill of this nature. Clauses 5 and 6, dealing with the division of goldfields into districts and the jurisdiction of district courts, the hon. member says are not wanted, and that Section 31 of the principal Act provides all that we require. But I differ from the hon. member, and I will show why these clauses are wanted. Section 31 in the Act says: "It shall be lawful for the Governor, by proclamation in the *Government Gazette*, to establish on any goldfield one or more courts, to be presided over and holden "by a warden, and which shall be a court "of record, and shall have jurisdiction to "hear and determine all actions, suits, "claims, demands, disputes, and questions which may arise in relation to "mining." I cannot help thinking that, according to the hon. member's argument, this Section 31 should have read thus: "It shall be lawful for the Governor, by proclamation in the *Government Gazette*, to establish a court on any goldfield." If I were to come back from a court of similar jurisdiction, with a document entitling me to a certain piece of land, and another person came with a similar document, obtained in another court of similar jurisdiction, it would be a case of "Pull devil," "Pull baker." As to Section 31 in the Act, I thought it my duty to advise the Government, long before this Bill was dreamt of, that it was necessary to establish these courts; and it was long before any contentious question arose, or before any committee was thought of for an amendment of the Act in this direction, that I strongly advised the Government as to the absolute necessity of such a provision, in order to protect these goldfields, because I saw at once, after considering these sections in the principal Act, that it was absolutely necessary to provide these district courts, and to provide for registration within each district. That is one reason for the necessity of this Bill, whether there had been a select committee or not. As to Clause 8, it is merely a corollary of Clauses 5 and 6, establishing the district courts. As to Clause 9, which the hon. member says is retrospective, I

admit it is intended to be retrospective, and for the best of reasons; but I cannot agree with the hon. member when he further says that, but for this clause, the Bill would never have been thought of; for that is not the case. He says this clause is brought in for the benefit of individuals. I deny that, distinctly. He says it is an iniquitous attempt to wipe out the interests of private individuals. That is to say that, because private individuals choose to attack the force and validity of regulations made under an Act which has been in existence in this colony since 1886, and which Act was framed on an exactly similar Act existing in Queensland, where the regulations are exactly the same, therefore we are to be told in this House, representing the country and the laws of the country, that we are attacking the interests of private individuals; saying, in fact, that those individuals have an interest in showing that these regulations have no force at all—regulations that have been running on the goldfields for years—regulations under which the title of very many properties on the goldfields are based at this moment—regulations that affect the titles of properties which have passed through various hands for vast sums of money. And simply because some persons outside have ventured to run a tilt at the validity of these regulations, we are told that this Parliament is to stand by, for the interest of these geutry, while one of them knocks over these regulations! I never heard of such a contention, in all my life.

MR. LEAKE: What I said was that you are settling disputes between private parties, where the Crown is not concerned.

THE ATTORNEY GENERAL (Hon. S. Burt): I say this House would be neglecting its duty in a matter of primary importance, by taking the course suggested by the hon. member. As to the interests of individuals, so far as this matter has gone before the courts, we are told, in effect, that the regulations are valid. Therefore the Government might leave the matter there, but for the fact that this Bill is necessary for the establishing of district courts; and I say we might well have afforded to rely on the known validity of these regulations, and not have included this Section 9, and moreover having the opinion of the

Supreme Court that the regulations are valid. But I say it would be criminal neglect on the part of this House not to set this question at rest, now that the question has been raised. Numbers of persons who have been induced to come to this country and work under this Act and under these regulations surely have a right to see that the regulations have been legally made under the Act, and when persons have found auriferous deposits and have applied for leases of land that was not being worked by others, and have come into possession of the leases and gained titles—and they are numerous about the country—and when under such circumstances, and without a breath of opposition, they have gone to the London market or elsewhere and sold or arranged to sell many of the properties so obtained, they are in this position at the present moment, that none of those transactions can be completed. Why? Because someone has chosen to raise the question—no doubt in his own interest—that these regulations regarding the working of the ground applied for and not yet granted for lease are invalid; and therefore the title of so-and-so, who has effected a sale in London, and has got deposits paid, and is only waiting for the passing of the title, is blocked and can go no farther in the transaction, because he learns from this colony, where the property is situated, that somebody says the title is no good, and is worthless. Will that state of things tend to the development of gold mining in Western Australia? What confidence can the public have, in the money markets of the world, when dealing with mining properties, the titles to which can be obtained, if the parties interested find out that the titles are doubtful, by the validity of the regulations being open to question, and that this House—the question having been raised—will not take the opportunity of setting such questions at rest? We have the satisfaction of knowing that the Supreme Court of the colony, so far as it has pronounced on the subject, is in accord with the view taken by the Government, that these regulations are valid. Then, what is the position of those private individuals with the so-called private interests? It is based on the fact that they are trying to show these regulations are illegal, and have been improperly

made. They are men who have themselves worked under the Act, and under these regulations from time to time, who have made their applications under these regulations, and who were perfectly satisfied as to the validity of the regulations until they found their case was not successful in the Warden's Court; and then they turned round and said, "We will try and knock over the regulations." I cannot blame individuals for doing that. There are a number of other regulations and laws, in the knocking over of which some persons might equally be said to have an interest. There are, for instance, the Land Regulations of the colony, and, if a man is not successful in getting from the Commissioner of Crown Lands a certain piece of property which he has set his eyes on, I should advise him to say, boldly, "The Land Regulations of the colony are invalid." There are plenty of points that could be suggested on which to test the question of the validity of the Land Regulations. Suppose such a case came forward, and was pending without a decision, and this House was dealing with the Land Regulations, do you tell me the House would not produce and pass such a clause as this, rather than leave the question of the title to numerous properties to be knocked about in the courts from time to time, and so destroy all confidence in the titles to properties in this colony? This Clause 9 is retrospective, and meant to be so; but it wipes out no interest established that has been properly acquired. The hon. member referred to certain rumours as to the administration of justice, in Perth and on the goldfields, and he hoped that members of this House would regard the rumours as important. What importance does he attach to them, seeing that he has taken no steps to put me or any other Minister on inquiry in this direction? His statement is the first I have heard of any rumours as to the maladministration of justice on the goldfields or elsewhere. I can only say that if anything in the shape of rumour reached me, having any foundation at all, it would be my bounden duty to make further inquiry. I take it that, as no communication has been made to the Government as to these rumours, up to the present, what has been said has not gone beyond mere rumour.

There are always rumours, which unsuccessful litigants hear, as to the administration of justice in the courts. You always find that, when a litigant loses a case, he has some reason to give. The unsuccessful litigant naturally thinks the judge is a fool, to begin with, and he may say he never heard of such rotten talk in all his life. But these annoyances wear off. Many of the bystanders also sympathise with an unsuccessful litigant, and tell him they quite agree with him that the judge is wrong altogether, and that, if they were he, they would appeal. If he can't appeal, they say, "Look what a good case you have got." Well, but very often a man is thankful he can't appeal, because he might be driven to appeal in order to cover his defeat, while he knows in his heart it is best to say no more about it. However, he generally complains loudly among his friends, and they sympathise with him, and he says he wishes he had appealed, because he knows he has not got justice. In reference to the rumours referred to, if any particulars can be given to show that justice is not administered, the fullest and strictest inquiry will certainly be made by the Government; and I should have thought that, if the hon. member attached any importance to the rumours, he would have made some reference to the matter before to-night. Now with regard to the question of appeal, I have before expressed myself to this effect, that if you have a good and reliable and honest warden, as I hope we have in all instances, who is acquainted with the law and the regulations, his decision would give more satisfaction than if you brought the parties down before Judges and juries who know nothing about mining and about mining transactions. I quite admit this much, that it is rather inconvenient, perhaps, to allow questions as to leasehold properties involving large sums of money to be decided without a right of appeal. There are a number of reasons why, in the case of leases, you might grant an appeal, or oblige the warden to state a case. I am inclined to think we should consider some sections granting a right of appeal in certain cases where large properties are concerned, but smaller matters should be left to the decision of the tribunal on the spot, because it would be impracticable to allow

appeals in every case. I think, however, this is a question altogether for the consideration of those members who know a good deal about mining, and who represent the goldfields and know the views of miners generally. [MR. ILLINGWORTH: They want an appeal.] If it is stated that the mining community want an appeal with regard to leases, I do not think it would be right for the Government or the House to withstand a request and deny an appeal in the case of leasehold properties. I think I have shown it is most essential we should have district courts, that with regard to a right of entry on ground for alluvial it is most essential that such a provision should be passed, and that with regard to the validity of the regulations it would be wrong if this House were to separate without passing a clause of the kind now before us.

MR. JAMES: The principles of this Bill are almost solely a question for those members who represent goldfield constituencies. In sub-clause (2), paragraph (b), of Clause 3, an exemption of land from leasing is covered by a business license, and I notice that, by the Act and regulations, the limit of a business license is ten years, the holder having simply rights over the surface. I think it is undesirable to give the holder of a business license power to prevent persons from mining underneath the surface, so long as his business is protected on the surface. In Clause 4 a right is given, at any time after a mining lease is granted, to prospect or dig for alluvial at a certain distance from the reef. What would be the rights of a person prospecting for alluvial, in respect of any improvements effected on the surface, as to his not doing damage in carrying out his miner's right? As to Clause 9, confirming regulations, the Attorney General has not dealt with the gravest objection. He simply asks us is it right that we should allow some uncertainty to exist under regulations which we ourselves have made? No member will object to this confirming section being passed, for confirming titles that have not been attacked; but I do say it will be altogether wrong to pass a clause which will have the effect of destroying a right of action in the case of a title that has been attacked. A right of action is a sub-

stantial thing. One English Judge has said that he could hardly imagine that the Legislature could take away a right of action, which he said was just as bad as taking away a man's property; and the Judge pointed out that it is a mistake to assume that because a man has got a right of action, it is something that could be played with like shuttlecock and battledore. In dealing with this question of *ex post facto* legislation, I am certain you will find the Judges have expressed a strong objection to the passing of legislation such as this, which takes away vested rights of action. It may be there is no good in the action, but the law allows any man to test the question, and it is very wrong, after a man has begun his action, to take away his right of action, which is just as bad as taking away his property. It is a bad principle that already, during this session, we have had two Bills of a retrospective character, which have been proposed in the rudest manner from the Treasury bench, and which have been, of course, supported by the large Ministerial majority. We are protesting against this, not in the interest of any individual, but against an infringement of one of the fundamental rights of British fair play. What reasons are there for taking away from those individuals the right of action which has been commenced? I have nothing to do, professionally, with any such action. What justification is there for taking away those persons' rights? Half the litigation in our courts consists in attacking statutes and attacking regulations; and are we to lay it down, as a rule, that every time a litigant attacks a statute, or attacks regulations made under a statute, we are at once to pass a retrospective Bill for preventing him from doing so? There have been hundreds of English statutes, which have been acted upon sometimes for hundreds of years, and because it has been found, eventually, that these statutes have not carried out the intention of the Legislature, has that Legislature passed retrospective Bills such as this? The members of the Government must be unaware of the strong repugnance of British Parliaments to such legislation as this. Can it be a fact that some members of the Government are interested in these Londonderry cases? I am not speaking of the Ministers, but suggestions have been made.

THE PREMIER (Hon. Sir J. Forrest): Speak out. We want to know what you mean.

MR. JAMES: I understand there are members in this House who are interested.

THE PREMIER (Hon. Sir J. Forrest): Who are they?

MR. JAMES: There are members in this House who are interested directly in the result of that litigation. The Premier knows them just as well as I do. When I ask what reason there is for departing from those well known rules of fair play, I can find none, and none has been given. The only question we can now ask ourselves is: Is it possible that, perhaps, behind these nominal reasons given, the Government have been insensibly influenced by the agitation of those persons who talk a great deal about attacking the regulations, but, somehow, only seem to object to an attack when they themselves want to benefit by the regulations being upheld? I do not object to this clause removing all doubt as to titles, excepting as to existing litigation. I propose to move an amendment in committee, but I want to enter my protest now against the introduction of such legislation as this. I ask hon. members to insist, not only on some reason being adduced, but on extremely good reasons being adduced, for this retrospective legislation. The law itself always looks with the utmost suspicion on this legislation. *Prima facie*, retrospective legislation is bad, and those who ask for it should not only adduce some reasons, but should adduce abundantly good reasons. Did the Attorney General refer to this question of stopping litigation? I say not one argument has been adduced to support legislation of such a violently retrospective character as this.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 10:52 o'clock p.m.