

Question passed, and the subclause added.

New Clause:

**THE MINISTER FOR LANDS** moved that the following be inserted as Clause 179: "The auditors may at the expense of the board take legal opinion on any question arising in the course of an audit."

Question passed, and the new clause inserted.

New Clause—Proof of ownership or occupancy:

**THE MINISTER FOR LANDS** moved that the following be inserted as Clause 203:—

In any legal proceedings under this Act, in addition to any other method of proof available:—(1.) Evidence that the person proceeded against is rated as owner or occupier in respect of any land to any general or special rate for the district within which such land is situated; or (2.) Evidence by the certificate in writing of—(a.) The Registrar of Deeds, or his deputy, that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or (b.) The Registrar of Titles, or any assistant or deputy registrar, that any person's name appears in any register book kept under the Transfer of Land Act, 1893, as proprietor of any land; or (c.) The Under Secretary for Lands or the Under Secretary for Mines, that any person is registered in the Department of Lands or of Mines as the occupier or lessee of land—shall, until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

Question passed, and the new clause inserted.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

#### RECOMMITTAL.

**HON. J. D. CONNOLLY** moved that the Bill be recommitted to-morrow.

Question passed.

#### ADJOURNMENT.

The House adjourned at 9:50 o'clock, until the next day.

## Legislative Assembly,

Tuesday, 25th November, 1902.

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**THE DEPUTY SPEAKER** took the Chair at 2:30 o'clock, p.m.

#### PRAYERS.

#### QUESTION—PUBLIC SERVICE COMMISSION, COST, ETC.

**MR. DAGLISH** asked the Premier: 1, Upon what date did the Public Service Commission commence its labours. 2, What has been the cost of the commission up to date for salaries, travelling allowances, and expenses, office rent, salaries of staff and contingencies. 3, How many departments and branches has the Commission classified up to date. 4, How long will its labours continue at the same rate of progress, and what will it cost the State. 5, Has the Government received any progress report or reports upon the Public Service, or are such reports being withheld until Parliament is out of session. 6, Will the Government request the commission to send in, without delay, a report of its work up to date.

**THE COLONIAL SECRETARY** replied: 1, The 8th July, 1902. 2, £2,837 15s., as per statement attached. 3, None. The commissioners found it necessary, before classifying the officers in any department or branch of the Public Service, to examine them, and also the records, methods of conducting business, and possibilities of amalgamation of work in each place. They also found it essential to visit the country offices before proceeding to the examination of the head offices in Perth. They, therefore, commenced by travelling over 4,000 miles, visiting and calling in the officers from 88 places, and examining 856 officers, and, as far as necessary, their records and work. This portion of the inquiry is now nearly completed. 4, (a.) The commissioners

will be able to reorganise and classify the staffs of all the places outside of Perth, and to recommend the necessary reforms, early in January next. They may possibly be able to classify and grade the rest of the Public Service by the 30th June, 1903. To complete the remainder of their broad commission, namely to report on necessary legislative provisions, to establish a method of keeping public accounts, to place the public expenditure on an economical basis, to regulate the conduct of business, to improve the procedure, to abolish unnecessary work, and to do the other things they are commanded to do will take at least a further period of twelve months. (b.) The estimated future cost of the commission is £4,700 per annum. 5. The progress reports have been made and laid on the table. 6. Answered by 3 and 4.

Cost of Commission to November 22, 1902.	Preliminary expenditure to 8th July, 1902.		Expenditure of Commission since 8th July, 1902.	
	£	s.	£	s.
Salaries of Commissioners	416	1	1,216	2
Travelling allowances and expenses	117	2	436	10
Office rent	7	18	39	0
Salaries of staff	116	19	202	18
Furniture	169	11	1	10
Printing	11	18	3	8
Other expenditure	29	17	68	15
Total	£809	9	£1,988	5
Summary.				
Expenditure to 8th July, 1902	£809	9	10	
Expenditure since 8th July, 1902	1,988	5	2	
	£2,837	15	0	

## PAPER PRESENTED.

BY THE MINISTER FOR RAILWAYS:  
Alteration in Railway Classification and Rate Book (tinware not packed).

Ordered: To lie on the table.

WINES, BEER, AND SPIRIT SALE ACT  
AMENDMENT BILL.

Introduced by the PREMIER, and read a first time.

## FACTORIES AND SHOPS BILL.

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

## MINES DEVELOPMENT BILL.

## LEGISLATIVE COUNCIL'S AMENDMENTS.

Schedule of two amendments made by the Legislative Council now considered in Committee; MR. ILLINGWORTH in the Chair; the MINISTER FOR MINES in charge.

No. 1—agreed to.

No. 2—Clause 9: Strike out words "may be required," in line 2, and insert "shall;" and before the word "mortgage," in line 3, insert "first."

THE MINISTER FOR MINES: The clause as it left this House read: "Before receiving any instalment in advance, the borrower may be required to execute at his own cost and to the satisfaction of the Minister a mortgage of the whole of the mine, and in the case of a company of its own property and assets except uncalled capital, with a view to repayment of the advance and interest," etc. The amendment would nullify the provisions of Part I. of the Bill by making it obligatory for the borrower to give a first mortgage; but considering the value of the remaining portions of the measure, he moved that the amendment be agreed to as regarded the striking out of "may be required" and the insertion of "shall."

MR. THOMAS opposed the motion. Both in this and in last session it had been clearly demonstrated that a company desiring financial assistance from the Government could get infinitely better terms from a bank, or even a pawnshop, if it were obligatory that a first mortgage should be executed over the mine at the cost of the company. The provision was inserted to help those who had helped themselves. If any small struggling company had sunk their all in trying to develop a mine, and came to the end of their tether during a bad slump in the market, it might be absolutely impossible to go to the market and reconstruct or raise fresh capital.

It was to help such a company who had helped themselves, and also to assist the mining industry of the State, that the proposal was inserted in the Bill. The clause only allowed a grant of £1,000, and it was a pound for pound subsidy; therefore it would be an absurdity to agree to the amendment and say that the company should execute a first mortgage on the capital of their property and machinery. It would be better to allow the clause to remain as amended on recommitment in the Assembly. At first he was inclined to think that there was no necessity to have any restriction at all. Still, no objection was raised in the Assembly to the insertion of the words "may be required" to execute a mortgage. The Minister had the power to require a mortgage to be given, and the Minister and his officers were able to judge as to the *bona fides* of those making the application. Seeing that the intention of the Bill was clearly to help those who had helped themselves, such an amendment as that inserted by the Council was an absurd restriction, and turned the Government into what was worse than a second-hand pawnshop.

MR. HASTIE: If the amendment was agreed to, all those clauses referring to assistance being given to companies might be struck out of the Bill. If assistance was only to be given to a mine when it was free from debt, then the Minister would not be called on to assist any company. As the Bill stood it was absolutely useless. The argument principally used in another place was that before any advance was made to agricultural settlers by the Agricultural Bank the settlers were required to give a mortgage; but the circumstances were very different in regard to gold-mining, and any idea of giving assistance to a mine might be given up if a first mortgage had to be obtained over the property of any company requiring an advance.

MR. THOMAS: This was not a Bill to loan money on absolutely first-class security; it was a measure to facilitate the development of our gold-mining industry; therefore the people who were supposed to be benefited were those who had tried their utmost to benefit themselves, and had come to the end of their tether. Take the case of a small company who wished to sink their shaft

another 200 feet to prove their property. The company went to the Government, showed their *bona fides*, and made a legitimate proposal. The company had already spent all their money in wages, stores, material, rent of lease, in customs duties, and so on, and they desired to sink 200 feet farther to see if they could get through their barren zone and obtain something better. The company would be willing that the Government should supervise the work, so that it could be seen they were not getting at the Government. As long as the work was carried on the Government would receive rent for the lease and the customs duties, and provision could be made that before any money was divided amongst the shareholders the Government would first of all be repaid the amount which had been advanced, with interest. If nothing were found the Government would lose the £1,000 advanced, less the rents received, and the indirect and direct revenues. It would be a paltry loss to the Government, but the company would lose the pound for pound which they had expended, in addition to everything else which had been sunk in the mine, less the paltry amount which could be obtained from the sale of the company's property. In such cases it would be utterly unfair for the Government to step in like a pawnbroker, saying, "We have a first mortgage over your plant and machinery, and we shall sell your plant and machinery in order to recoup our advance."

THE MINISTER FOR MINES: The hon. member must bear in mind that this Bill consisted of several parts. The debates in another place gave evidence of a spirit of strong antagonism to the principle of the Bill, in the absence of this amendment. It was true that the adoption of the amendment would to a great extent nullify the beneficial operation of the measure.

MR. MORAN: What was the great objection on the part of mining companies to giving a first mortgage?

THE MINISTER FOR MINES: The Bill provided that the Minister might demand a mortgage, whilst the Council's amendment insisted on his obtaining a first mortgage. The practice of the Government had been to place annually on the Estimates a bonus for deep sinking. Grants were made in the shape of

£ for £ subsidies; and in such cases the Government insisted on receiving a lien on the lease, but not on the machinery. One of the oldest gold-mining companies of Western Australia, which had already mortgaged its plant and machinery, was likely soon to apply to the Government for a subsidy with a view to testing ground at a greater depth than 1,000 feet. In the event of gold being discovered, the company would repay to the Government the amount of the subsidy. Under the amendment that company would not be eligible for Government assistance, since it could not grant a first mortgage over all its property. Under the Bill, money would be advanced only where its expenditure was likely to result in great advantage to the industry and to the State. Members of another place insisted that as a first mortgage was required in connection with loans on agricultural security, a first mortgage should be insisted on under this Bill. The Committee would do well to agree to the amendment. If Part I. of the Bill, as amended, should prove valueless, a farther amendment might be introduced next year.

MR. THOMAS: The Bill might as well be dropped.

THE MINISTER FOR MINES: No. Other parts of the Bill were valuable; in fact, more valuable than Part I.

MR. MORAN: If the Minister thought his Bill in danger of total rejection unless the amendment were agreed to, we should give way. He (Mr. Moran) had yet to learn that in any part of the world such Bills as this had resulted in good. The State could not enter on the gigantic enterprise of accepting prospecting risks all over Western Australia, and at the same time supply to those engaged in the mining industry the conveniences of civilisation; therefore the money advanced under this Bill could be only as a drop in the ocean. It was to be remembered that many mining companies would be glad to give a first mortgage in return for assistance. [MR. HASTIE: Not one.] This Bill, like the Agricultural Bank measure, was intended to benefit those who could not obtain assistance except from the Government. While prepared to accept the amendment, he would certainly prefer that the taking of a mortgage should be at the Minister's option. Mortgage or

no mortgage, however, in granting advances to mining companies the State was taking a risk very different from that involved in agricultural loans; since all was doubtful in mining, whereas the realisation of agricultural prospects was reasonably assured. It was to be regretted that the clauses intended to benefit the prospector would fail of their object, since the real prospector would never apply for assistance while he had a sovereign of his own. However, the measure could not do much good in any event.

MR. WALLACE: In view of the Minister's statement that the Council was not likely to reconsider its amendment, the question arose whether it would not be well to drop the Bill and introduce a fresh measure next session. The discretionary power vested by this Chamber in the Minister was perfectly proper. The State had sufficient security for advances in the circumstance that applicants as a guarantee of *bona fides* must put up £ for £ with the amount of the Government loan. Western Australia could adopt no better policy than that of dealing liberally with the prospector and the small mining company. In many cases little companies had developed their mines as far as they could with the aid of a financier or backer, who now refused to assist farther; and such companies the amendment would deprive of Government assistance. It was to be regretted that the Minister recommended that the other Chamber's amendment should be agreed to, since this meant the destruction of the very principle of the measure.

MR. THOMAS: During both the present and last session a number of Bills which had received the exhaustive attention of members of this House had been returned from another place with amendments, and time after time we had beheld the spectacle of Ministers rising to announce that unless the Council's amendments were agreed to the Bill would be wrecked. He objected to dictation from anyone, either in this Chamber or in another place. As for the Minister's suggestion that an amending Bill might be introduced next session, the placing of imperfect laws on the statute-book was most improper. We should rather wait until next session and then pass a measure as nearly perfect as possible.

MR. HASTIE also wished the Committee to throw out the Bill altogether rather than accept it in the ridiculous state in which the Upper House wished it to be. Only those companies which had not exhausted their capital, only those which had never borrowed money, could get the benefit of this clause, if the amendment were passed. He hoped the House would not agree to the amendment. Besides, from the Constitutional aspect of the question, this was a financial matter. This Assembly would be required to find the money, if money were needed, and it seemed very strange that the Upper House should take a strong stand on a financial matter. Had it been a matter involving almost anything else, doubtless we should have had the Premier objecting to the interference of another Chamber in this direction. He hoped the Committee would send the Bill back in the state in which it originally left this Chamber. He did not believe that if the Committee did that, the Upper House would stand on its dignity and throw out the measure altogether.

MR. TAYLOR: We were getting towards the close of the session, and it seemed to be the same as last year. In the last week or fortnight of the last session amendments to measures were sent to this Chamber from another place, and there were as many as nine amendments to one Bill. This House accepted six and rejected three. The rejected amendments went back to the other place and were again sent to this Chamber, and this House was told that if it did not accept those amendments the Bill would be thrown out. Time had proved that amendments made to one Bill by the Upper House had practically ruined that measure. The Legislative Assembly, as the Chamber of the people, should assert its strength and power. It was well for the people of the country to know whether the Assembly was going to pass the legislation for the country, or the other place was to do so. It behoved this House to send the measure back, and leave the onus upon the other place if it was not put on the statute-book. He intended to vote against the amendment.

MR. BATH: One was glad to hear that some members recognised there was necessity for the Assembly to adopt a

different attitude from what it had done in the last week or two in regard to acquiescing in the wishes of the other Chamber as to measures sent from this House. He thought, however, that the measure as it now stood was of sufficient value in its other provisions to warrant the Committee in supporting the Minister for Mines in his desire to pass the measure with the amendments proposed by the Legislative Council, and so give an opportunity to amend it next session in the manner we desired. He therefore supported the proposal to agree to the amendment.

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

Ayes	...	...	...	19
Noes	...	...	...	9
Majority for				10

AYES.	NOES.
Mr. Bath	Mr. Daylish
Mr. Butcher	Mr. Hastie
Mr. Diamond	Mr. Hicks
Mr. Ewing	Mr. Johnson
Mr. Foulkes	Mr. Oats
Mr. Gardiner	Mr. Taylor
Mr. Gordon	Mr. Thomas
Mr. Gregory	Mr. Wallace
Mr. Hayward	Mr. Yelverton (Teller).
Mr. Jacoby	
Mr. James	
Mr. Kingsmill	
Mr. Moran	
Mr. O'Connor	
Mr. Parkies	
Mr. Rosen	
Mr. Reid	
Mr. Throssell	
Mr. Higham (Teller).	

Amendment thus agreed to.

THE CHAIRMAN: There was a consequential amendment: "Before the word 'mortgage,' in line 3, insert the word 'first.'"

MR. THOMAS: This was not a consequential amendment. It said first mortgage, and there was a vast amount of difference between a mortgage and a first mortgage.

THE PREMIER: The hon. member was arguing about a first mortgage.

MR. THOMAS said he wanted a mortgage, not a first mortgage.

THE MINISTER FOR MINES: The whole of the argument was as to whether this mortgage should be made, and whether it should be a first mortgage. He thought the hon. member had obtained the sense of the House with regard to that.

MR. THOMAS said he did not intend to divide the House again, but he raised

his voice against the amendment. It had been pointed out by several of the speakers that there might be mortgages already in existence. If we passed it that the parties "shall" execute a mortgage, let the Government come in with their second, third, or fourth mortgage. The point whether it was a first mortgage or not was not raised in the division. He raised it casually, but he was not dealing with that question at all, as to the first mortgage or any other. The point he dealt with was whether these people "may" be required or whether they "shall" be required to execute a mortgage.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

#### DROVING BILL.

##### COUNCIL'S AMENDMENTS.

MR. BUTCHER in charge of the Bill.

Schedule of four amendments made by the Legislative Council now considered in Committee.

Amendment 1.—Clause 3, strike out the definition of "travelling stock," and insert the words "any stock taken or driven, or about to be taken or driven, to any place more than forty miles from the run upon which such stock were depastured previous to starting":

MR. BUTCHER: The amendment absolutely destroyed the Bill, and the Council might just as well have thrown the measure out altogether as make an amendment of this description. It meant that stock were to be considered as travelling stock only when they travelled a distance of over 40 miles. He suggested that the Committee disagree with the amendment.

THE PREMIER: The interpretation of travelling stock by this amendment, he took it, was that only stock which were travelling more than 40 miles from their own run were to be regarded as travelling stock.

MR. BUTCHER: Yes. He understood that a mob of sheep travelling any distance under 40 miles to their destination were not to be considered as travelling stock. If the distance were altered to 20 miles, that would meet the requirement.

THE PREMIER: Let "forty" be struck out and "twenty" inserted.

MR. BUTCHER moved that the word "forty," in line 2 of the amendment, be struck out, and "twenty" inserted in lieu.

Amendment as amended passed.

On motions by MR. BUTCHER, amendments 2, 3, 4—agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

#### MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL (No. 2).

##### SECOND READING.

THE PREMIER (Hon. Walter James), in moving the second reading, said: This is a short Bill, not by any means to overcome all the defects in the principal Act, but to overcome one or two of pressing importance. Clause 2 contains an amendment of Section 26. According to the Act, if it be desired to sever any portion of an existing municipality, to annex any portion of a roads board district to a municipality, or to effect various other changes, petitions have to be prepared, signed by certain specified classes of persons. Without those petitions there is no power in the Governor to carry out the discretion given him under Sections 25 and 26 of the Act. Subsection 3 of Section 26 provides for a petition for the annexation to a municipality of a portion severed from another municipality. But although by Section 11 the Governor has power to sever a portion of an existing municipality on presentation of a petition, Section 26 contains no provision for a petition in such a case; and the question has arisen where a municipality was anxious to sever a portion of its area and to convert that portion into a roads board district. The absence of such a provision is a pure oversight, which we propose to overcome by amending Section 26, which reads:—

Petitions for the exercise of the powers contained in this Act must be signed respectively in the manner hereunder provided, that is to say: . . . 3. For the annexation to a municipality of a portion severed from another or a roads board or other corporation, by a majority of the persons on the municipal or other roll in respect of ratable land in such portion.

We propose to insert after the word "for" at the commencement of Subsection 3, "severance from any portion

of a municipality or for." The subsection will then provide that petitions for the severance of any portion of a municipality or for the annexation to a municipality of a portion severed from another, or a roads board or other corporation, shall be signed by a majority of the persons on the municipal or other roll, in respect of ratable land in such portion. Clause 3 is supplementary to Clause 5. The effect of Clause 5 is to enable any municipality to borrow money for the purpose of constructing a general bonded warehouse under the Customs Act of 1901, also for the acquisition of land for that purpose, and for the construction of a theatre and premises to be used in connection therewith under license, pursuant to the Wines, Beer, and Spirit Sales Act of 1880. The Kalgoorlie Municipal Council wish to construct for public use a bonded warehouse under the Customs Act of 1901. For this building they say there is urgent need, and they wish to supply the want by constructing a municipal warehouse. The municipality are anxious to construct a theatre also, and they point out that a theatre without licensed premises connected with it would hardly be a success. Both enterprises are developments of municipal socialism, a movement in which the gold-fields municipalities have been most progressive, showing in every way a good example to the other municipalities of this State. They have in many instances taken up works which have elsewhere been left to private persons, and they have, in the majority of cases, made such works an abundant success. The Kalgoorlie Council are anxious to have this power, and I should personally be strongly in favour of giving it them, to let them see what they can do with such an undertaking. It is obvious that the warehouse is an institution which ought to be in public hands, either under Government or under the municipality, because when once established it will have to be used by all classes of the commercial community. As regards the theatre, the proposal is likely to create opposition from those members who think municipalities should not have a right to carry on licensed premises in connection with theatres. If I thought for one moment that we could reasonably expect a theatre to pay, I do not say a

handsome profit, but to pay expenses without having licensed premises in connection with it, I should feel inclined to advise those who desire this power to construct the theatre, to avoid the controversy likely to arise over giving the right to build licensed premises. But as I am satisfied, as every other member must be satisfied, that the theatre cannot pay expenses unless there be in connection with it the necessary refreshment bars and an ordinary hotel, I think we are bound to take both proposals together, and if we believe in the construction of a municipal theatre we must confer on the municipal authority the right to build licensed premises in connection with the theatre, and to carry them on together. As members are no doubt aware, municipal theatres are by no means novel. They exist on the Continent; and though from memory I cannot say whether the experiment has been tried in the old country—I understand from the member for Fremantle (Mr. Higham) that one has been tried in the municipality of Salford. The proposal is for the House to consider. On principle, I sympathise with the Kalgoorlie Municipality in their desire to carry out this experiment. I believe the experiment will be successful, will result in benefit to the municipality, and certainly will not result in a financial loss. Clauses 3 and 5 therefore go together. Clause 4 deals with Section 175 of the Act, relating to the making of by-laws. Section 175 states:—

By-laws shall not be inconsistent with or repugnant to any provisions of this Act or to any law in force (etc.).

Now we provide in the model by-laws at the end of the tenth schedule certain provisions for regulating licensing; and it has been contended under Section 175 that by virtue of these words enacting that by-laws shall not be inconsistent with the provisions of any law in force, these by-laws are inconsistent with the Cart and Carriage Licensing Act, and that there is, therefore, a conflict of authority between the Municipalities Act and the Carts and Carriages Act. The Parliamentary Draftsman has suggested Clause 4 as a method of overcoming that difficulty; and members will see that Clause 6 is supplementary to Clause 4. The difficulty now arises, however,

because those words "or to any law now in force" are to be found in the Act, and if we now strike them out the section might be open to a construction different from what it would have been had they never been there.

**MR. ILLINGWORTH:** Municipalities might make by-laws overriding the Health Act if given this power.

**THE PREMIER:** On that subject I shall again interview the Parliamentary Draftsman. The clause is a suggestion to overcome the difficulty. Clause 6 gives to a member of a municipal council, or to an officer, very much the same power now enjoyed by roads boards, and one which municipalities say is absolutely essential to enable them to control the traffic.

**DR. O'CONNOR:** Is it good to give municipal councillors that power? Why not confine it to the officers?

**THE PREMIER:** If we give it to the officer why not to the councillor? I am not particularly anxious to give it to the members of the council; but I think if an officer have it a councillor should have it, because a councillor is less likely to exercise it except in extreme cases, lest he should make himself unpopular. However, that is the suggestion of the municipalities; and if members disapprove of the power, they had better modify it. I move the second reading.

**MR. C. J. MORAN (West Perth):** One thing which strikes the eye on a first glance at this Bill is the innovation allowing municipalities to become vendors of spirituous liquors; and I point out to the Premier that no matter how strong our opinions may be for or against the nationalisation of the liquor traffic, I do not like these provisions we are putting here and there in various Bills. We have the State about to try an experiment of this sort at Rottnest—well and good; that may be desirable. Another experiment is to be tried at Yallingup—that may be all right. But here again we are delegating this power to a sub-public body, as it were; and I am not sure that if the opinion of the Kalgoorlie ratepayers were taken they would be found in favour of the proposal.

**THE PREMIER:** Nothing can be done without the approval of the ratepayers. Money could not be borrowed for the purpose unless the ratepayers approved.

**MR. MORAN:** My experience of rate-payers at Kalgoorlie turning up to vote as to whether the municipal council should borrow money or not shows that there is not the slightest interest taken in the matter either at Boulder or Kalgoorlie.

**MR. BATH:** There was a good vote at the last election.

**MR. MORAN:** Then it was their maiden effort. I think we should "go slow" in regard to this matter. I do not like putting into these little Bills a provision to allow a municipal council to become the purveyors of liquor, for that is what it amounts to. The municipal council can become the owners of a public-house. I should like the principle to be tested first, therefore I think this power should be left out of the Bill. I do not believe in bringing in small snatches of this principle in little Bills, because at present I am not in favour of the nationalisation of the liquor traffic. I do not object to the provision in the Bill allowing members of municipal councils who are going home after some jollification at night, to stop people and ask them for their licenses, and so forth.

**MR. F. ILLINGWORTH (Cue):** I wish to draw attention to Clause 4. Supposing the Bill were to pass and we were to give a municipal council power to put up a customs warehouse or to run a public-house bar, would it be possible for a municipality to make by-laws of their own that would supersede any by-laws which are in existence? The striking out of the words "or to any law in force" will place municipal councils in the position of being able to make by-laws which will supersede those in existence. At present municipalities must make by-laws which are subservient to the Municipal Act and other Acts.

**THE PREMIER:** The difficulty arose in regard to carts and carriage licenses.

**MR. ILLINGWORTH:** The expression is such a wide one. I do not like to strike out the words "or to any law in force" because we may give municipalities power to make by-laws contrary to the Licensing Act, or the Health Act, any other Act. It is a very wide provision, and I ask the Premier to take notice of this matter before the Bill finally passes.



MR. J. C. G. FOULKES (Claremont): I hope the Premier will consider the wording of Clause 2. It would appear that certain provisions are inserted for taking parts of roads board districts and adding them to municipalities.

THE PREMIER: This deals with the severance of a municipality.

MR. FOULKES: It is doubtful if there is not the power to take part of a roads board district and add it on to a municipal district.

THE PREMIER: There is that power.

MR. FOULKES: I hope the Premier when looking at Clause 2 will bear in mind the important provisions which are made in the Roads Act which has just been passed.

MR. H. DAGLISH (Subiaco): I must express my regret at the Premier bringing forward a measure of this piecemeal character. I am satisfied there are a great number of amendments which require to be made in the Municipal Act, and that measure should be dealt with in a comprehensive manner. I know also there are a number of requirements which have been brought under the notice of the Premier, and which are desired by the municipalities—matters which were brought under the notice of the Premier after the last conference of municipal bodies. One of the most important is the question of giving to municipalities the option of rating on the unimproved value, and I do not think any Bill which deals with amendments to the Municipal Act would be complete which does not embody that provision.

THE PREMIER: I do not say this Bill is complete. We ought to amend the Municipal Act entirely.

MR. DAGLISH: There is urgent need for the whole of the municipal area being given a water supply, but the Government have not time to deal with that. There is urgent need for amendments in connection with the treatment of some of the municipalities by the water supply board, but the Government have not time to consider that matter. It is only a measure of this kind, which gives power to the Kalgoorlie Municipal Council to establish a theatre, that the Premier has time to deal with. I contend that the requirement of the people living at Leederville and North Perth in regard to getting

water at a reasonable price is a far greater need than a municipal theatre or hotel at Kalgoorlie. I feel strongly that not only in the constituency which I represent but in nearly all the metropolitan constituencies, great delay is taking place in dealing with the question of the water supply and the reasonable treatment which is not extended to the people in the metropolitan area who are already being overcharged for their water by the waterworks board. I do not intend to discuss the Bill on its second reading; I do not intend to make a second-reading speech, for I have not had an opportunity of looking into the Bill and comparing it with the Act so as to understand the full value of the amendments proposed. I intend to go into the matter carefully, and I shall have something to say after having mastered the measure, when the Bill is in Committee; but I object strongly, and I cannot too often repeat it, to the Government bringing in unimportant measures and allowing great public needs to go without attention.

Question put and passed.

Bill read a second time.

#### PERMANENT RESERVES REDEDICATION BILL.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the COLONIAL SECRETARY in charge of the Bill.

Clause 1—agreed to.

Clause 2:

MR. DAGLISH: Had the Colonial Secretary given any consideration to the matter which was represented to him some time ago in regard to the particular reserve dealt with by the clause which referred to the area known as the municipal gardens at Subiaco. He had pointed out to the Colonial Secretary where the gardens on one side could, with advantage, be extended about 40 feet and with no disadvantage to the Education Department.

THE COLONIAL SECRETARY: The history and merits of the case had been considered, and while acknowledging that the municipality of Subiaco was to be complimented on the excellent use it made of the reserve granted to it, he could not accede to the request made to

increase the area of the gardens, as any extension would unduly circumscribe the playground of the Subiaco school, and make awkward corners and passages in the playground that should not be created. This Bill would not finally settle the question, but at present he was unable to accede to the request.

MR. DAGLISH asked the Colonial Secretary to report progress so that members could visit the reserve and judge for themselves whether his (Mr. Daglish's) view of the case or the Colonial Secretary's was the correct one. The objections which the Colonial Secretary had raised this afternoon were absolutely foundationless, as had been pointed out to the Colonial Secretary when at Subiaco. The Department had liberally granted the Subiaco municipality an arid sandpatch which was lying waste, and had kindly allowed the municipality at its own expense to improve and beautify that sandpatch. He moved that progress be reported.

THE COLONIAL SECRETARY: The Government raised no objection to the motion.

Progress reported, and leave given to sit again.

#### RABBIT PEST BILL.

##### IN COMMITTEE.

The PREMIER in charge.

Clauses 1 to 8, inclusive—agreed to.

Clause 9—The Minister may erect fences:

MR. THOMAS: On the second reading he had suggested that the Committee stage of this Bill should be postponed until such time as the settlers to the east of the proposed line of fence had had an opportunity of examining the measure which vitally affected them. Certain clauses were specially designed to meet the case of those particular settlers. Copies of the Bill had been sent to Esperance, where they would arrive on Friday or Saturday; a meeting would probably be held on the following Wednesday; and the result of that meeting would be known here two days later. In the circumstances he hoped that the Premier would agree to report progress, so that the views of those settlers might be made known.

THE PREMIER: The Bill had better pass through Committee now. The

clauses to which the hon. member referred might be farther considered on recommitment.

MR. THOMAS: Very well.

Clause passed.

Clauses 10 to 12, inclusive—agreed to.

Clause 13—Selectors may be required to contribute:

MR. BUTCHER: Was not this clause rather unjust towards settlers whose lands abutted on the line of fencing? They would be called on to contribute half the cost of the length of fencing on their boundaries, whilst all other settlers to the westward, each and every one of whom would derive direct benefit from the erection of the fence, were to pay nothing at all. The fairest method of meeting the cost of the fence would be the imposition of a general tax.

THE PREMIER: This part of the Bill empowered the Government to erect fences. Under Part IV., any private person erecting a fence had a right to demand a contribution from another person whose land abutted on that fence. Clearly, the Government ought not to put up a valuable fence for the benefit of anyone who chose to select alongside that fence. Why should not the cost of a fence erected by the Government be apportioned in the same way as the cost of a fence erected by a private individual?

MR. THOMAS: Everyone to the west of the fence would derive benefit from it.

THE PREMIER: But only indirectly. We had to provide that the owner of land abutting on a fence erected by the Government should not gain an advantage merely by reason of the fact that the fence had been erected by the Government, and not by a private person. The member for the Gascoyne (Mr. Butcher) should realise the value of this provision, inasmuch as for the safety of the pastoral areas it was essential that settlers should have the need for fencing against rabbits even thrust on them. Moreover, not only was a barrier fence required, but internal fencing would be necessary.

MR. BUTCHER: The Premier had misunderstood him, for he wished the fence to be erected as quickly as possible. At the same time, however, he desired that all persons enjoying the protection afforded by the fence should contribute towards the cost of construction, instead of only a small section being debited.

Why should not holdings abutting on the holdings which abutted on the fence bear a portion of the cost?

MR. GORDON: Because those holdings would not be fenced by the Government.

THE PREMIER: The case was similar to fencing one's own property.

MR. BUTCHER: But the object of the fence was to keep out the rabbits.

THE PREMIER: What matter what the object, so long as the individual charged with half the cost got the benefit of the fence?

MR. BUTCHER: A fence fit to keep out rabbits was much more costly than one fit to keep in stock. Every person benefited by the Government fence would be glad to contribute towards the cost of construction.

THE PREMIER: In that case, the settlers' wisest course would be to combine for internal fencing.

MR. BUTCHER: The settlers would do that, and without asking the Government to supply the wire on twenty-years terms.

HON. F. H. PIESSE: Yes; because they knew that the cost of the fencing erected by the Government would be more than double the cost of fencing erected by themselves.

THE PREMIER: Oh, no.

HON. F. H. PIESSE: The cost of Government fencing would be ever so much higher than that of private fencing.

MR. BUTCHER: A barrier fence properly erected and well maintained would probably keep the rabbits out altogether. He urged the Premier to consider whether some fairer apportionment of the cost was not possible.

MR. GORDON: The clause should pass as printed. Every settler along whose boundary the Government fence ran would be glad to bear half the cost. If the fence were so constructed as to cut the settler's land in halves, the position would be different; but the line taken by the Government fence was one along which the settler himself would be compelled to erect fencing. In time the member for the Gascoyne (Mr. Butcher) would have to fence the whole of his run at his sole cost, whereas the settlers here in view were to get the immediate and direct benefit of a fence at half cost.

HON. F. H. PIESSE: But half the cost of a Government fence would probably

mean more than the whole cost of a private fence.

MR. GORDON: That was mere assertion. The probabilities were that the Government would be able to do the work more cheaply, since they would get wire at a lower price.

MR. MORAN: To exact in every case half the cost of fencing from owners of abutting land would be wrong, for the rabbit fence was a national work, constituting a first line of defence against a terrible pest. He adhered to the opinion he had expressed as Minister for Lands, that the State should bear the whole cost of the fence in the first instance, recouping itself by a special land tax. He put it to the Premier this way. One might just as well, in fixing up a big drain to drain certain areas down South, make the owners of land abutting on that drain bear the whole cost of the drainage.

THE PREMIER: In this case the fence would be used as a fence.

MR. MORAN: That was right, but we did not want the words "one-half." He should say, make the settler pay what it would have cost him to put up a sheep-proof or cattle-proof fence. To make him pay more would be to make him pay the cost of the first line of defence to stop the rabbit invasion. This was a national work. The one man happened to have his land just along that fence, and another man two miles back, who had more valuable land, would pay nothing for the fence.

THE PREMIER: Supposing we made the maximum half of the cost?

[At 4.15, business suspended for fifteen minutes.]

MR. MORAN (continuing): This matter would, in his opinion, be largely one of administration. And we must have a competent authority to decide. It would be a question of valuation in every instance. If we took power to charge not more than half of the amount we should, he thought, be doing well. In many cases perhaps a decision would be come to not to take a penny. He would like the Committee to decide whether the fence should be built or not. If they decided that it should be built he would like to see it erected straight away. It might be waste of money, but if so it would be against the experience of Aus-

tralia, and therefore we could not be blamed in the matter. The question would be largely one of patrolling the fence. It would be a question of patrolling it through a desert in many cases. In many places the fence would go through prospecting country, and though 99 men might respect it, the 100th might cut it down. Probably the patrolling would be done on a bicycle. [MEMBER: One could not run a bicycle over spinifex sand.] He did not think patrolling could be done on horseback. [MR. TAYLOR: It could be done with camels.] The first thing one would have to patrol for would be to see that there were no cuts in the fence. Flood and wind made a fence ineffective. Hundreds of places which this fence would cross, especially where one came across the Murchison, were subject to flood waters. He called flood water any water which would pile up *débria*. In no part of our goldfields could we escape gullies where very large storms of water came down. In windy weather *débria* was piled up against a fence, which would allow the rabbits to go over in thousands. The fence must be patrolled if it was to be effective at all. He would like to see the fence built right through from sea to sea, and he thought the best thing to do was to build it by contract, under careful supervision. [MR. BUTCHER: In sections.] It might be built in sections, if that was desired, and it might be done quicker that way. He was very sorry we had not more agricultural and pastoral members present, for he would like to have seen a good consensus of opinion as to the advisability of building this fence. A second fence might be built, to follow the Eastern goldfields railway line from the coast to the barrier fence; a third to follow the Great Southern line to Albany, from the goldfields railway somewhere in the vicinity of Kellerberrin or York; and, if necessary, another line of fencing from Geraldton, to join a barrier fence on the Murchison, following the goldfields railway line. Was there anything in the description of the fence to say that there should be iron stanchions? [THE PREMIER: No.] The advisability of putting iron stanchions into the fence was worth consideration. If wood were used, there would be a difficulty with white ants.

MR. BUTCHER: There never had been an argument yet brought forward to prove that fencing was not the only possible way of keeping rabbits out. The only thing against it was that in the early days in the other States they thought that if a rabbit-proof fence was put up, the thing was done with without any patrolling. It was the want of patrolling that was the cause of the trouble. To put up a fence was one thing, but patrolling was another. It was of no use to spend money in building a fence if the Government were not prepared to patrol it after it had been built, and to keep it in thorough order. He moved that before the words "one-half" in line 1 of Subclause 3, "not more than" be inserted.

HON. F. H. PIESSE: It was to be regretted that there were not more agricultural members present, so that there might be an expression of opinion as to the desirability of erecting the fence. The question had already received the serious consideration of agricultural members, and a decision had been arrived at which he thought had been acted upon by the Government with regard to this matter, that being that a fence was necessary. That was the only effective method which could now be adopted for the purpose of dealing with this rabbit invasion. The devastating operations of the rabbit in the Eastern States had caused us here to take this matter up, and do as quickly as we could the necessary work to prevent the incursion of rabbits. Doubtless there had been delay, and a very serious delay in carrying out the work. Now that the Government were undertaking the work, no effort or money should be spared to get it done as quickly as possible. The fence being a national work, it would be unfair to require those pastoralists who happened to have land along the boundary line to pay one-half the cost of the fence. If any portion must be paid by the pastoralist, let it not be a charge for one-half the cost of construction, but a charge for interest only. A pastoralist having 30 or 40 miles of country along the boundary fence would find it a heavy burden to be charged one-half the cost of the fence. Every owner or occupier of land within the boundary fence would be benefited by

it; therefore to charge one-half the cost against persons along the boundary line and against no others would be inequitable. In settled districts that principle might apply without unfairness, but it could not apply in the case of a boundary fence erected for a national purpose.

**THE PREMIER:** This clause was very elastic, and no hardship would be inflicted by its operation because it could be adapted to the varying conditions of each case. It would be undesirable to impose on particular persons terms that were applicable to all, without adapting those terms to the varying conditions, and it was with this object the clause was made elastic. There were conditions in which a person abutting on the fence might reasonably be required to pay one half the cost, because it would be a fence to his property, which property would not be worth a twopenny rap if devastated by rabbits as a consequence of the fence not being erected. That settler therefore would obtain a direct personal advantage by the construction of the fence, and he ought to contribute towards its cost. It would not be fair to exonerate him, having land along the boundary fence, simply because somebody else within the boundary would be benefited by the fence. Every fence put up for this purpose would be an indirect benefit to persons occupying land between that fence and the sea. If an owner or occupier of land utilised this boundary fence as a fence for his property, why should he not pay to the Government the same as any other occupier of land would pay if he made use of a fence erected alongside his property? The Committee should support the clause as it stood.

**MR. HAYWARD:** If the occupier of land abutting on the fence received no direct benefit, he should not be asked to contribute anything towards its cost. In any case, he should not be asked to contribute more than in the case of an ordinary sheep-proof fence.

**THE PREMIER:** He would be called on to pay not more than half the cost.

**MR. TAYLOR** supported the clause as it stood.

Amendment passed, and the clause as amended agreed to.

Part IV.—Clause 14, Description of rabbit-proof fence:

**MR. BUTCHER** moved as an amendment in Subclause (a.) that the words "one and a half" be altered to "one and a quarter." It had been found by experience in the Eastern States that 1½-inch mesh would allow young rabbits to get through, and such rabbits could live without the mother, but that if the mesh were 1¼-inch no young rabbit could get through and thrive without its mother.

**THE PREMIER:** This clause, so far as he remembered, was a copy of a similar clause in the Act of New South Wales passed early in the present year; and if it had been found necessary in that country to have 1½-inch mesh, that would have been provided in the amending Act, but he believed the mesh provided for was 1¼-inch.

**MR. THOMAS:** The barrier fence now being erected in this State was 1½-inch mesh. Before the erection was commenced, the Lands Department was urged by himself and others to reduce the size of the mesh to 1¼-inch; and as the result of representations made, the department adopted 1¼-inch mesh for the boundary fence; therefore it was not desirable to enlarge the mesh.

**MR. BUTCHER:** Experience in the Eastern States had shown that a closer mesh than 1½-inch was necessary for keeping out young rabbits.

Amendment negatived, and the clause passed.

Clauses 15 to 19, inclusive—agreed to.

Clause 20—Constitution of court for the determination of claims:

**MR. MORAN:** What was the difference between these courts and the courts constituted for a similar purpose in the Eastern States?

**THE PREMIER:** In the Eastern States rabbit boards existed for this purpose.

**MR. MORAN:** Under this Bill, claims were to be determined by the nearest local magistrate?

**THE PREMIER:** Yes; by the nearest local magistrate, assisted by two assessors. The magistrate was really made an umpire.

Clause passed.

Clause 21—agreed to.

Clause 22—Applicant to secure repayment of cost by mortgage:

**MR. MORAN:** The clause was impracticable, since it absolutely required that the security for wire netting should

be a first mortgage. Many farms and nearly all pastoral holdings were already mortgaged.

**THE CHAIRMAN:** The clause provided for a mortgage, not for a first mortgage.

**THE PREMIER:** Paragraph 2 made the matter clear. Any mortgage given to secure wire netting was made a first charge on the land.

**MR. MORAN:** But would a mortgagee such as a banking institution allow a first mortgage to be granted for such a purpose?

**THE PREMIER:** Yes. The whole value of the fence was given to the land, whoever the owner. The first in occupation of land, the real owner, might desire to have land fenced, and the mortgagee might not agree; or, to take another case, a tenant might be anxious to fence whilst the owner would not agree; in such cases the person desirous of fencing could apply to the Minister. Rabbit-proof fencing was really salvage work, and expenditure on it represented money expended for the purpose of saving the land.

**HON. F. H. PIESSE:** How would paragraph 2 affect mortgages to the Agricultural Bank?

**THE PREMIER:** Mortgages under this Bill would rank in priority to Agricultural Bank mortgages.

**HON. F. H. PIESSE:** In many cases the cost of wire netting would be small, and it was not advisable to cast on an Agricultural Bank mortgagor the expense of making a second deed. Moreover, the land being already mortgaged to the Agricultural Bank, the security for wire netting must rank as a second mortgage.

**THE PREMIER:** In such cases no difficulty would occur, both loans being Government loans. If a question arose as between the Agricultural Bank and the Rabbit Department, the latter would be in a position to maintain that the money spent on wire netting was money spent to save the land—that salvage services had been rendered and that the charge for these must rank first. If the cost of wire netting were not allowed to rank first, fencing might not be done at all, since a mortgagee might have collateral security, and might feel indifferent as to the damage from rabbits, whilst on the other hand a rabbit invasion

might mean absolute ruin to the mortgagor.

**MR. BUTCHER:** This clause created no difficulty so far as the Government were concerned, but how were existing mortgages to private companies or private individuals likely to be affected by it?

**THE PREMIER:** Rights under existing mortgages were not taken away.

**MR. BUTCHER:** Then present mortgagees must be allowed a prior right?

**THE PREMIER:** No. We might have to go even farther than at present proposed, and compel every man within the reach of rabbits to perform his duty to his neighbours and himself by fencing his land. The matter should really not be one of option. The fact of the real owner of land desiring to fence was a sufficient guarantee of the necessity for fencing, since no man would encumber his property needlessly. The cost of the work ought, therefore, to be a first charge on the land which it improved and saved, mortgage or no mortgage.

**MR. THOMAS:** For the information of the Premier he desired to state that on recommendation he would move an amendment, the adoption of which would protect those people to whom protection had been guaranteed by the Government on the floor of the House during the discussion of last year's Estimates. A promise had then been given that a subsidiary line of fencing should be erected to protect those settlers in the vicinity of Esperance Bay who were outside the line of fencing now contemplated. Even if that district carried no settlement, the erection of the fence would still be justified and warranted as affording a second line of defence. The people in question were quite satisfied with the promise of protection given last session. Around Esperance Bay and at Balladonia, however, settlers had already found it necessary to erect fencing at their own expense. The proprietors of Balladonia station alone had applied for 100 miles of fencing wire. The landed cost of that material would be about £27 per mile, and erection involved large additional expense. Still farther east the settlers were devoting as much as they could possibly afford to the task of keeping the rabbits back; for the rabbits were there, no matter what might be said. He asked the Premier to consider whether, in the case of the settlers

referred to, rents might remain in abeyance or properties might be fenced free of cost by the Government.

Clause passed.

Clauses 23 to 27, inclusive—agreed to.

Clause 28—Duty of owners and occupiers to destroy rabbits:

MR. THOMAS: The owners of certain stations and selections in the vicinity of Esperance Bay, on which holdings the rabbits had already obtained a footing, should not be required to free their land of rabbits "to the satisfaction of the chief inspector," for the rabbits were there by reason of the neglect of the Government. Even prior to the inauguration of responsible government, settlers at Eucla had cried out for protection; and they should not now be made to suffer for what was no fault of theirs.

Clause passed.

Clauses 29 to 33, inclusive—agreed to.

Clause 34—Owner or occupier to pay expenses incurred:

MR. THOMAS: Would it not be better to substitute the word "may" for "shall," in line 3?

THE PREMIER: Did the hon. member not think it wiser to make it compulsory?

MR. THOMAS: No. Instances might occur through no fault of the man himself. The next clause said: "Where money has been voted by Parliament for the purpose of rabbit destruction, the Minister may apply such money for that purpose, in such manner and upon such terms and conditions as he may think fit."

THE PREMIER: Clause 35 would cover the case the hon. member had in his mind. Although the clause said the money "shall" be repaid, it rested with the Minister to enforce the provision. If the word "may" were substituted, it would ruin the whole clause.

Clause passed.

Clauses 35 to 42, inclusive—agreed to.

Clause 43—Penalty for keeping, liberating, etc., rabbits:

MR. BUTCHER: Though the rabbits were approaching these settled districts at a very rapid rate, they were not doing it of their own natural will. These rabbits were conveyed in this direction, and had been for some considerable time past, and the same thing would continue in future unless very stringent measures were taken to prevent it. Under this

clause a person found in possession of a live rabbit could be fined £100. He proposed to go farther, and to move that in line 8 the words "or six months" be inserted.

THE PREMIER: If a man did not pay, he was liable to six months' imprisonment.

MR. MORAN: Why were exceptions wanted?

THE PREMIER: In case of the Zoo.

MR. MORAN: Even for the Zoo he would not do that.

Clause passed.

Clause 44—Reward for destruction of rabbits prohibited:

MR. THOMAS: This clause, he took it, would apply to the whole of the State?

THE PREMIER: Yes.

MR. THOMAS: We should not stop the people east of the fence from giving rewards for killing the rabbits, because they were being eaten out by them.

THE PREMIER: Where sums were paid as bonus or scalp money, the result had been an increase in the number of rabbits.

Clause passed.

Clause 45—Sale of rabbits prohibited:

MR. MORAN: This clause would not prevent anybody from killing rabbits outside the fence and selling them inside.

THE PREMIER: That could not be helped.

MR. MORAN: The incentive was just as powerful in this case to go on creating.

THE PREMIER: People ought to have a right to deal with rabbits east of the fence, because rabbits were there. We did not want them to have the right to deal with rabbits west of the fence.

MR. MORAN: Let the clause be so worded that rabbits could not be offered for sale west of the fence.

MR. THOMAS: That would be a hardship on people east of the fence. If they were killing rabbits for sale, why should they be debarred from a market whilst people from outside the State obtained a market.

THE PREMIER: It was very difficult indeed to prove where a rabbit had been obtained from. If rabbits had been obtained from beyond the State, people could produce the invoice.

MR. MORAN: This clause destroyed the skin, although it allowed a man to sell the body.

**THE PREMIER:** West of the fence he could sell the carcase. He must not have the skin in his possession. At present people were not killing rabbits east of the fence and sending them down here west of the fence; therefore we were not depriving them of any existing advantage at all. It was far wiser that this condition, although stringent, should be inserted. Supposing a person were charged with exposing dead rabbits for sale he would say: "I got these from Coolgardie." And he could produce his consignment note from Coolgardie. Why in a case like that should he be exempt, when for all one knew the bulk of the rabbits might have come from the west of the fence, and simply have been carted to Coolgardie and consigned down from Coolgardie to Perth? He would like the clause to stand.

**MR. BUTCHER** supported the clause. Clause passed.

Clauses 46 to 51, inclusive—agreed to.

Clause 52—Regulations:

**MR. MORAN** reminded the Premier that the Rabbit Department did not appear to know much about the question. There was something radically wrong, because when a jacket of papers was called for recently, it appeared that the Rabbit Department did not know of the existence of such papers; that although they contained Ministerial decisions relating to the work of that department, the officer in charge of it did not seem to have acquired the necessary information for carrying on the work of the department. This new department should be shaken up.

Clause passed.

Schedule, Preamble, Title—agreed to.

Bill reported with amendments.

#### CRIMINAL CODE AMENDMENT BILL.

##### IN COMMITTEE.

**THE PREMIER** in charge.

Clauses 1 to 4, inclusive—agreed to.

Clause 5—Summary trial of aboriginal natives on plea of guilty:

**MR. FOULKES:** The subclause provided in effect that two ordinary justices should have power to inflict sentences up to three years' imprisonment. This was so great a power to be given to ordinary justices; therefore, he moved as an amendment that the word "three" in the sub-

clause be struck out, and "one" inserted, limiting the sentence to not more than one year.

**THE PREMIER:** It would be seen that this applied only in the case of an aboriginal prisoner pleading guilty. The law at present was that in the case of a plea of guilty entered before magistrates for an offence punishable with not more than three years' imprisonment, the magistrate could award the sentence in the case of a prisoner white or black; therefore it did not give power to magistrates to impose a longer sentence than under the present law. But in a case of horse stealing, for instance, being an offence punishable with more than three years' imprisonment, under the existing law a native prisoner who pleaded guilty could not be at once sentenced, because the punishment for horse stealing was up to seven years' imprisonment; therefore he had to be remanded to quarter sessions for sentence, and the sessions might not be held for two or three months afterwards, so that the punishment did not follow promptly. If the presiding justice were a stipendiary magistrate, though not empowered to impose the sentence in such case when sitting as a committing magistrate he could impose that sentence if he afterwards sat as chairman of quarter sessions. The magistrate as a committing justice had not power to inflict the sentence under the present law, but as chairman of quarter sessions he would have power to do so. The provision in this clause would save a great deal of expense; and in the case of a native prisoner pleading guilty, his punishment could follow promptly to the extent of three years' imprisonment. There would be no risk of injustice, because this new power applied only where the prisoner pleaded guilty to the charge. One effect would be that in the case of a charge punishable with a heavier sentence than three years' imprisonment, the magistrate might reduce the sentence to three years, and punishment would then follow without the delay of committing the prisoner to quarter sessions for sentence.

**MR. HAYWARD:** Was a single justice empowered to do so?

**THE PREMIER:** No; two justices.

**MR. MORAN:** The effect really would be to reduce the punishment in a case of



horse stealing, if the magistrate thought a less punishment than seven years would meet the case.

Amendment negatived, and the clause passed.

Clause 6—Farther amendments of Schedule:

MR. MORAN: In the case of an offence where a warrant was not required to apprehend the accused person, was this the law elsewhere, or would this be a new provision?

THE PREMIER said he would look into the point, and inform the hon. member later.

Clause passed.

Schedule, Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

#### CONSTITUTION ACT AMENDMENT BILL. IN COMMITTEE.

Resumed from the last sitting; the PREMIER in charge.

Second Schedule (resumed), fixed charges:

MR. MORAN: Would the Chairman put each item in the schedule separately? Some big considerations were involved. For example, we might possibly do without a third Puisne Judge.

THE CHAIRMAN: The items in this schedule would be dealt with in the same way as items on the Estimates.

MR. HOPKINS moved that in the item "Governor, £4,000," the figure "4" be struck out. Later he intended to move that a lower figure be inserted.

THE PREMIER: It was to be hoped that the Committee would not agree to the amendment. Was it wise unduly to minimise the importance of the position of the gentleman who was for the time being Governor of this State? The amount paid hitherto was £4,000 a year, and that amount was not too high if we looked forward to having our Governor appointed from the old country. Different conditions might apply if we were prepared to accept a man appointed from inside the Commonwealth or inside this State. We provided a handsome Government House with extensive grounds, and the experience of our Governors was that household expenses and wages of servants and staff alone absorbed £1,000 a year. It was idle to suggest that the

Governor need not incur this expense. The house had to be kept up: Governor could not live in a house full of cobwebs, with windows covered with dust. A man could not be being affected by his environment, and our Governor lived under conditions tending towards a certain amount of hospitality. The Governor was expected to entertain to a certain limited extent, and even that limited extent entailed an expense in the shape of wages which could not be disposed of by the engagement of temporary hands. Moreover, Fremantle being the first port of call for steamers coming from the old country and from India, our Governor was called on to meet and to entertain all distinguished visitors coming to and going from Australia by that route. Now what would happen if this amendment were carried?

MR. HOPKINS: The salary would probably be reduced to £3,000.

THE PREMIER: What should we save in reducing the Governor's salary to £3,000? On entering Federation the States had shown every desire to retain State autonomy as far as possible, and surrender to the Federal authorities only those powers which could most advantageously be held by the Federal authorities. The States were jealous of their rights and prestige then, and since the adoption of the Federal Constitution they had shown themselves anxious to maintain their position. Public men of various States had complained time after time that Federal Ministers and the Federal Parliament had encroached on State rights and were regardless of State prestige. Were we not to bear in mind the circumstance that our prestige was materially affected by the manner in which we treated our Governor for the time being? If we were prepared to accept a Governor appointed locally or from the Eastern States, that circumstance would seriously affect our importance in the eyes of the Commonwealth and in the eyes of the old country. If we wanted to maintain our prestige and to keep undiminished our State position, the money we were expending in the Governor's salary was money well spent, and served a purpose which a lesser sum would not serve. The statement had often been made in this

Chamber that the opinion of investors in the old country had an important influence on the welfare of this community, and there could be no doubt of its truth. Difference of opinion might exist as to whether the British investor was at times influenced wisely or not, but there could be no doubt that the motives which influenced him were such as we should carefully regard. We ought to do our best not to leave on the British investor's mind any impression that we did not value our position. Did hon. members think that we should succeed in obtaining a Governor from the old country at a salary of £3,000 a year? He thought not. On such a salary being offered the Colonial Office would at once say, "As you are so niggardly in this matter, we shall lose all interest in it and shall not worry as to whom we appoint." If this feeling were created, the tendency of the Colonial Office would be more and more to throw the States on the Commonwealth, and give greater encouragement to the Federal Ministers and the Federal Parliament. If we squabbled over a matter of £1,000 where our interests and our *prestige* as a State were closely concerned, the Colonial Office would be inclined to anticipate a similar feeling in the various States, and accordingly place greater reliance in the Federal Parliament. The tendency of the Colonial Office would then be to support every proposal tending to secure unification as against federation. Again, why should we in a matter like this take the initiative? Every argument which could be adduced for the reduction of the Governor's salary here could be equally well adduced in the sister States. If there were a general feeling throughout the length and breadth of the Commonwealth that the salaries paid to State Governors because of reduced scope of duties should be diminished, the position would be different. Surely this matter was one which could be better discussed at the Premiers' Conference, with a view to joint action being taken in the various States. Why should we here take such action as might not be indorsed by the other States? Why should we put ourselves in the position of paying our Governor only £3,000 per year, while no other State of the Commonwealth was paying its Governor less than £5,000 a year?

MR. NANSON: The other States paid less: they had reduced salaries.

MR. HASTIE: What was the Governor's salary in South Australia?

THE PREMIER: £4,000 a year.

MR. HASTIE: No extras.

THE PREMIER: That was right. To put it first of all as a personal matter, should a Governor be called on to keep and maintain Government House as it ought to be kept and maintained, as a gentleman would like to keep and maintain it, on a salary of less than £4,000 a year? That salary left no margin either for saving or for the dispensing of that undue amount of entertainment which we often heard discouraged, and rightly discouraged. Surely a step which would weaken our *prestige* as a State, by weakening the *prestige* of the Governor for the time being, was the last we should take. Not one reason could be urged for reducing the salary of our Governor but could be equally urged in the sister States. The only objection which could be justly raised to retaining the salary at the original amount was that under Federation the duties of our Governor were less onerous or the position of less importance. If these were the broad grounds justifying reduction, they applied equally to every State in the Commonwealth, and therefore we should do better to leave the matter for joint action, after discussion, by the whole of the States rather than by ourselves taking an invidious initiative, for a salary of £4,000 was by no means extravagant. No man coming to us from the old country could make a saving out of such a salary. On the contrary, our Governor living here as an English gentleman must at the end of twelve months find himself appreciably a loser by reason of holding the position. If we believed in maintaining State rights, if we believed that the time was coming when we should have to assert those rights vigorously, we ought to be the last to weaken our position in the manner proposed by the amendment. A sum of £1,000 a year was a trifle in relation to the influence which the reduction might have. We could not desire that the finger of scorn should be pointed at us as a people wanting a Governor at a salary less, almost, than the earnings of many a clerk in the old country, to keep a house which compelled

him to spend something like £1,000 a year in servants' wages. Members could not be serious in the desire expressed for reduction. Surely we ought not to be the first to detract from our *prestige* and importance by affirming that the inauguration of Federation had brought about such a lowering of the status of this State that we thought it right to effect a corresponding reduction of £1,000 a year in our Governor's salary.

MR. HOPKINS: Or a reduction of £2,000.

THE PREMIER: That was as extreme as his good friend's suggestion about 36 members. One did not believe a reduction to £3,000 to be warranted, and he hoped the Committee would not agree to that. If they thought joint action should be taken, that was a question of representation to the Conference of Premiers, so that each State might take common action in connection with the matter.

MR. TAYLOR: This House would have to instruct its Premier how to act.

MR. NANSON: In dealing with this matter the Premier had used a number of arguments which bore very little upon the question. He had, for instance, enlarged upon the subject of State rights, and had asked us to believe that in some mysterious way if we reduced the salary of the Governor we should be striking off something from the rights we at present enjoyed as a State. There could be no connection at all. One of our most important rights was that we should be allowed to say what we should pay the Governor. The Premier told us that our *prestige* would be affected by the manner in which we paid the State Governor. We heard a great deal of that argument when the Federal Parliament decided to have a Governor General on a somewhat less extravagant basis than characterised the Marquis of Linlithgow during his term of office. When this subject was ventilated in the English Press we found there was quite as much opinion favourable to the change as against it. If there was one thing which at present in England the English newspapers almost without exception were crying out against it was the extravagance of Australian governing establishments. We were told again and again that this country with its population of 4,000,000 people was overmanned in its governing

establishments, not only in the staffs at Government Houses but in the Ministers and members of Parliament; that everything, in fact, connected with the Government of the country was carried out on a scale of extravagance absolutely unknown in the Dominion of Canada. We did not find that Canada had suffered in the slightest degree in *prestige* by placing her vice-regal establishments and her State Governors' establishments on an economical basis.

THE PREMIER: No province in Canada had any *prestige* at all. The provinces were not known.

MR. NANSON: If the hon. gentleman went to London he would find that a great province like Manitoba was much more known in London than were many of the Australian States, and it was well known for this reason, that there was a constant stream of immigration from the mother country into those Canadian provinces. If one took the first hundred people he met in the streets and asked how many of them had heard of Manitoba or Ontario, and then asked the same people if they had heard of Western Australia, Queensland, and Tasmania, he would find that for one person who knew anything about Australia there were probably about half a dozen who knew something about the Canadian States.

THE PREMIER: That was quite right. It was the way they advertised.

MR. NANSON: Surely it was better to be known in the way the Canadian provinces were known than in the way the hon. gentleman would like Western Australia to be known, simply by paying the Governor a needlessly extravagant salary. If we had money to pay in advertising the State, it was better to spend it in the mother country in giving information of the attractions of Western Australia to the industrial settler, rather than expending it by giving too lavish a salary to the Governor. If we simplified the establishment of the Governor, we should still be able to get a man fully capable of filling the position, but we should not have it surrounded by the same amount of elaboration as at present. The hospitalities at Government House doubtless would be diminished. Probably there would be no hospitalities at all except those which the Governor might care to

extend to his own private friends, which was a matter entirely of his own concern, and there might be a very slight amount of official entertaining to members of the Government. If that deduction from the existing hospitalities were made, not one person in a thousand in this State would ever dream of uttering a complaint. The few people entertained at Government House comprised a very small minority indeed of the total population. And in a democratic country like this there was no hankering after those hospitalities at Government House. We did not want anything resembling a court, but simply a business Governor very much on the same basis as in Canada. And if we got a suitable man for the position, one fancied that man would be respected for the way in which he carried out the constitutional duties of the position, and he would not be thought any the more of or any the less on account of the money he might happen to spend here. That was a view he had seen taken in the English newspapers. We could not reduce the salaries of the civil servants of a more humble grade, or reduce the number, unless we were also prepared to begin at the top of the tree. The Premier had pointed out that the saving of a thousand pounds a year was a very small matter. It was a peculiar fact that whenever anyone in this House got up and urged some economy, it was always pointed out that the sum involved was so small that the thing was not worth troubling about. If, however, we took the aggregate of all these economies, it would be found that the sum was fairly considerable. Even if we were only arguing on the question of saving £1,000, every £1,000 we could save from useless expenditure, or every £100, could be diverted into another channel where the money would have a fructifying influence, adding to the welfare of the State and the convenience of the people who lived in it. The Premier told us that a Governor with the ordinary instincts of an English gentleman would save nothing out of his salary of £4,000 a year. Although the Premier was fortunate in being the leader of the Bar in this State, even the hon. gentleman would, he thought, scarcely urge that he could not exist on less than £4,000 a year, yet one assumed the Premier had the ordi-

nary instincts of an English gentleman. If the hon. gentleman was in sympathy, as he had shown himself to be on many occasions, with democratic aspirations, one of the first things he should endeavour to do was to show that a man might be a gentleman able to fulfil the duties of a high position, and yet not draw a high salary.

THE PREMIER : But we did not want to put one into a position where his poverty would be thrown in his teeth.

MR. NANSON : It was absurd to talk of a man with £3,000 a year being poor. It undoubtedly depended on what a man's expenditure might be. In America, according to the Jeffersonian doctrine as to the simplicity which should attach to men in public life, an endeavour had been made to keep salaries at a low level, so that public men might be a sort of object lesson to the community at large in maintaining a dignified position without unnecessary display, recognising that the estimation in which a public man was held should not be a matter of pounds-shillings-and-pence, but of the way in which he discharged his public functions and maintained a high standard of character. The Premier told us that if we reduced the salary to £3,000 a year we should be paying a Governor in this State a salary which many clerks got in England. One would like to know how many clerks in England got a salary of £3,000 a year. If the hon. gentleman was referring to persons in charge of large undertakings, he must recognise that people who in any industrial affairs, or even at the head of any large State department, received large salaries, received them because they were in charge of very important departments and possessed special knowledge, and probably very great abilities. Could it be said that the functions of Governor in this State called for very marked abilities? Persons of high character rather than persons of extraordinary ability might be expected to take a position of this kind, and there were many English gentlemen who would be glad to obtain the position.

THE PREMIER : How was it there was so much difficulty in getting a Governor General for Australia at £10,000 a year?

MR. NANSON : There would be no difficulty if the holder of the office was

not expected to spend more than the amount of his salary. The case of the Governor General had created a feeling in Australia hostile to anything approaching Indian magnificence instead of Canadian simplicity. The policy of the State should be in the direction of economy, so that instead of this State being obliged to revert to the loan market so largely as in the past, we should have a greater sum available from ordinary revenue for developing the resources of the country. By beginning with the salary of the Governor as proposed in the amendment, this House would be making a new departure, and he believed that instead of a reduction of salary operating to diminish the importance or the *prestige* of Western Australia in the eyes of the English people, it would rather inspire them with confidence, as they would see that we intended to regulate our State departments on a basis of rigid economy.

MR. HOPKINS: Replying to the remarks of the Premier that £4,000 a year would cause this State to be held in higher esteem by persons outside than would be the case if a lower salary were paid to the Governor, according to that argument we might increase the prestige of this State by increasing that kind of expenditure. The present was an opportunity of reducing expenditure by cutting down the salary of the Governor; and even then we should be spending over £6,000 a year on Government House establishment. Many English gentlemen would be glad to take the position at the reduced amount. Having regard to the several Governors who had occupied the position in Australia, he believed we could to-day find a gentleman in this State as proficient and as likely to adorn the office as any Governor who was known to the people of this State. The President of the United States maintained his high position on £10,000 a year. Would it not be better, instead of our building elaborate offices for Government purposes in Perth, to turn Government House to some more practical use, and provide for the Governor a less expensive residence suited to his position? The salary could be well reduced by at least £1,000 a year, and then he believed we should find that able and capable men would be willing to come

from the old country and accept the position in this State.

MR. FOULKES opposed the reduction of the item. We should consider how the reduction would affect people in the State and affect the minds of people outside. The amount of £4,000 could not be regarded as remuneration for the Governor's services, because not a single Governor for ten or fifteen years past had derived monetary benefit from the salary received, the whole salary having been spent in keeping up the position. Sir William Robinson did not incur elaborate expenditure nor entertain largely but lived a simple life in this State; and when he retired for the last time it was well known he had only his pension to depend on for his maintenance. We should set an example of economy, but how did we do it? Like political humbugs, we had passed a vote of £800 for servants to wait on members of this House. Did that look like economy? If it was necessary to pay this amount for servants in connection with this House, a considerable sum must be necessary for the same purpose in connection with Government House. English gentlemen who came here to fill these positions had been accustomed before coming here to keep a number of servants; and we knew that the expense of servants here was much larger than in the old country. We could not expect an English gentleman in a first-rate position to come here on a salary only just sufficient to pay expenses.

At 6-30, the CHAIRMAN left the Chair.  
At 7-30, Chair resumed.

MR. FOULKES (continuing): The fact of a first-rate man holding the position of Governor was a good advertisement for the State, and induced immigration. If we could prevail on bearers of names which were household words at home to accept the governorship of this State, population would be attracted to our shores. Sir Arthur Lawley's governorship afforded an instance in point. While some contended that high positions might be maintained in as simple a fashion as humble positions, still it was at all times as necessary for the State as for private persons to keep up appearances. Great Britain paid its ambassadors in

France and Russia salaries of £10,000 a year, simply in order that appearances might be kept up. Even in the humbler sphere of municipal life, that necessity had led to the institution of the 3 per cent. allowance. The same thing applied to the head of the State. The man who was here as our Governor, moreover, was not merely the head of this State, but also the representative of the mother country; and surely the people did not desire that Great Britain's representative should be treated illiberally. In attacking this item, members were attacking an absent man. [MEMBER: A non-existent man.] No great advantage would result from reducing the Governor's salary by £1,000, but an unpleasant impression would be created in the Eastern States and in the mother country. The only reason so far given for the reduction was that of economy, and that reason did not appear very convincing in view of the fact that we had recently voted £800 for the salaries of servants to wait on us. The amendment manifested the spirit of reform and economy in rather a haphazard fashion. True economy consisted not in reducing salaries but in dispensing with superfluous officers. Ten years ago, when its revenue was only £440,000, this State had paid its Governor a salary of £4,000, and now with a very much larger revenue and an enormously increased population we were asked to say that we could no longer afford to pay the salary so long attaching to the office of one particular public servant. He fully agreed with the Premier that our duty was to maintain the status of Western Australia in every possible way. Now that we had Federation it would take us all our time to hold our own as against the Federal authorities. [MR. TAYLOR: Were they our enemies?] He did not say they were our enemies, but the natural tendency of all authorities was to try and obtain as much authority as possible. We should unite in order to give the State the best appearance we could. We wanted to show the outside world that our finances were in such a state that at any rate we could pay the same salaries to our chief public officials as we had been doing for the last ten years. There was no public servant who attracted so much outside attention as our Governor, and if we proclaimed that

we were attacking and seeking to reduce the salary of the Governor, it would create a very unfavourable impression.

MR. DIAMOND: We wanted to have a representative of the Crown, but unfortunately it had been looked upon as a necessary adjunct that he should also be the bulwark of society. No one respected society in a certain sense more than he did, but he thought society big enough, old enough, and rich enough to support itself, and those who did not come into the category covered by the word "society" should not be called upon to pay for those who did; consequently our Governor should be purely and simply an officer appointed by the Imperial Government, or he hoped later on by ourselves. He yielded to no one in his loyalty to the throne, but he looked upon all the ceremonies of Government House as absolutely superfluous. The President of the United States received 50,000 dollars a year. He did not want to keep up a lot of show and pomp. Reference had been made to Canada, and there we had an object lesson; and Canada must have done very well, because if he remembered correctly the Queen's son-in-law was Governor General. £3,000 and an allowance of about £3,000 a year—he thought that was about it—was in his opinion quite ample for a man who would suit all the requirements of the Crown and all the requirements of the State. The member for Claremont (Mr. Foulkes) referred to ambassadors. When we started sending ambassadors to our sister States, or to China or Japan, he would be prepared to consider the advisability of paying sufficient to make a good show of Western Australia's glory and splendour; but there was no comparison between ambassadors to represent the greatest Empire of the world at Courts and what we had to pay our Governor here. We should have a Governor who would set us an example of plain and economical living. The member for Claremont referred to the expense of servants in this House, but he (Mr. Diamond) could not see how the hon. member could make a comparison. The servants in this House were necessary to the work, whereas the ornamental portion of the Governor's work was certainly not necessary to the work of this State. Economy had been preached. The very speculators

who preached economy were a gang of thieves who robbed us when we put our loans on the market, and they were the very men who expected to have the hospitality of Government House when they came out here. Let us show them that we did not intend to continue our extravagant career, and that in starting on a new course we would begin at the highest salaried officer in the State by reducing his salary 25 per cent. The few financial papers in London which were respectable, pure, and sound, would commend us for so doing.

MR. HASTIE: Every argument brought forward in this debate was introduced in Victoria when the question of the reduction of the Governor's salary arose nine years ago. At that time a lot of people used the same argument as the Premier and the member for Claremont (Mr. Foulkes) used to-night. The principal one was that if the salary of the Governor were reduced Victoria would become practically a by-word throughout the world, and that not only the other States but also England would say Victoria was very hard up, and would lose *prestige*. These arguments about *prestige* were not worth considering. The real arguments in favour of the salary being retained as at present were brought forward by the Premier and the member for Claremont (Mr. Foulkes), that it was necessary, or at any rate advisable, that we should have a figurehead in this State who should do a large amount of entertaining. So it was that this House was asked to give a charitable donation for the purpose of entertaining the aristocracy of Perth and Fremantle—[MR. HOPKINS: All the globe-trotters in the world]—and in addition to that a few people who happened to come from the other side. It had been said by the Premier that there was a large establishment to maintain which would cost a big amount of money. A big amount of the upkeep of Government House was, however, not charged to the expenses of the Governor. He was not yet enlightened as to what particular benefit we got by having a man with some high-sounding name from England. Could anyone tell us that it would in any way benefit Western Australia? Would people who wished to invest money in Western Australia be likely to invest more, if some person here

obtained a very large salary and entertained a few people round about the capital, and also a few globe-trotters who happened to call in? He did not think that question need be considered for a moment. He believed that we would get infinitely more respect from the people of Great Britain who had money to spend by economising than by making this very great and unnecessary show. The Premier was good enough to tell us that no man with the instincts of an English gentleman could come out here and practically live on £4,000 a year.

MR. MORAN: Let us get a Scotchman to do it.

MR. HASTIE: The Premier was, he was sure, quietly "pulling the leg" of the House. The member for Claremont told us that unless we offered a large salary we were not likely to get the best man, but he neglected to tell us what he considered to be the best man. No first-class man would come and practically waste his life here. First-class men would not be satisfied by being nominally ruler, and ruling over a miniature court. The Speaker had ten times greater dignity to maintain than the Governor of the State; he had a hundred times more intricate questions to solve than were presented to the Governor; yet no one had suggested that it might be advisable to import a Speaker with a high-sounding name from Great Britain, or that it would be advisable to give the Speaker a really good salary. Our credit abroad had not suffered in consequence of our paying the Speaker of this House £600 a year to maintain his important position. We would be better able to maintain ourselves as a State against any encroachment by the Federal Parliament if we did not incur unnecessary expenditure and maintain useless officers. We should rather endeavour to see that persons in the service of the State were paid fairly well, before we gave a donation intended alone to keep up an expensive figurehead, so that he might contribute to the vanity and entertainment of some people in and near the capital city.

MR. HOPKINS: If the figures in the item were struck out, he would propose to insert £2,500 as a sufficient salary for the position, and he took this course after looking up a number of instances similar or near to our own showing a

much smaller sum than £4,000 paid to the Governor of a British State. Or comparing this with other States in Australia, he found that Victoria with a population of six times that of this State paid its Governor £5,000 a year; that South Australia, with a population larger than ours, paid its Governor £4,000 a year, and there appeared to be no allowances; New Zealand, with a population of about 700,000, paid its Governor £5,000 as salary and £2,000 allowances, making £7,000 for maintaining the position; whilst Tasmania paid £3,500 a year. If the salary of Governor for this State were reduced, it might affect some members or their constituents, because if there were not to be cheap garden parties and cheap champagne spreads, some people at Claremont, for instance, might not like the change; but seeing that the people in the interior of the State had to get on without these things, why should not Claremont and other such places near Perth be on the same footing? If they strongly desired entertainments and parties, they could obtain these by increasing the local rates sufficient to enable their mayor to give entertainments; and if some people in Perth wished for entertainments, these could be provided in the same way by rating themselves. He must take exception to lavish expenditure on Government House, for gratifying the wishes and desires of a small section of the community who could well afford to pay for these entertainments if they desired them. If the salary were fixed at £2,500 as he suggested, together with £3,000 already passed by this House for that establishment, the amount would be reasonably sufficient, seeing that the people of this State had also to contribute towards keeping up the dignity of the Governor General of Australia.

**THE PREMIER:** Probably no member of the Committee would be affected one way or the other by arguments on this question, as all had probably made up their minds. It was most undesirable, in connection with a vote of this kind, to refer to any particular class of people or to any locality which was alleged to obtain special benefits from the Governor's entertainments. He agreed with those members who said we did not want our Governor to spend large sums of money on entertainments; and he hoped

the Governor of this State would, when appointed, be a man who would as far as possible be relieved from the needless obligation of public entertainments. He did not think any member of the House was influenced by such personal considerations as had been suggested. It was idle for a member of this House to protest that £4,000 a year was an extravagant amount for the Governor of this State. The salary of the Governor had remained at the same amount for some years past; therefore the onus was cast on those who said the amount was extravagant to prove that it was so. The cost of living was notoriously higher than when this amount was fixed some years ago.

**MR. DAGLISH:** Then why did not the Premier take off the food duties?

**THE PREMIER:** The cost of servants in this State was higher than formerly, and that was an important item in connection with Government House. He agreed with the leader of the Opposition and the leader of the Labour party, that if the position were put up to auction persons might be found willing to take it for £2,500 a year; but were we prepared to put up a position like this to auction, even though it might result in the early appointment of a gentleman like the member for Mt. Margaret to the position of Governor? We should remember that this was the highest position in the State, that the Governor for the time being represented the State in the eyes of the community and in the eyes of investors who were interested in Western Australia, and that the Governor could smooth over many difficulties and exercise a far-reaching and elevating influence upon all of us. In connection with our late Governor, we had found he was amply worth the money for the good he did directly and indirectly; and we ought not to depreciate this high position by reducing the salary to £2,500 a year. We could not gain fresh light by comparing the Governor of this State with the Governor of some distant British possession in the West Indies where the population was chiefly coloured people. A more fitting comparison would be with the Eastern States of Australia, and no other State in Australia paid less than £4,000 a year to its Governor. Then because Victoria paid £5,000 a year and



had a population many times larger than that of this State, was that a reason why the salary for the Governor of this State should be reduced proportionately to its population as compared with Victoria? There must be a certain number of items applying to every Government House, large or small. If all the States in Australia were taking action in the same direction, he would not say that the salary here should not be reduced; but he did urge on members that we should not start with Western Australia by reducing the salary of our Governor, whilst the other States paid higher salaries. As to the status and duties of the Governor being less since we had Federation, this argument might be applied with still greater force in the Eastern States, because the people there came more into contact with the Governor General than was the case with people in Western Australia. In South Australia and in Victoria their Constitution Acts had been revised since Federation was established, but in neither case was the Governor's salary reduced; yet if reasons for reduction applied to this State, they must apply still more strongly to those other States which had so recently dealt with the matter. No farther reduction since Federation had been made on the ground that the status of a State Governor was thereby lowered. If £4,000 a year was a fair thing in South Australia, it was a fair thing in Western Australia.

MR. DIAMOND: What about allowances?

THE PREMIER: It must be admitted that in South Australia the £4,000 covered nearly all items of expenditure, including the item of £350 in this schedule. He asked the Committee to deal with the matter from the point of view that if the salaries paid to Australian State Governors as a whole were too high, the matter was one for joint action, and that we should not single ourselves out as a State which, having paid £4,000 years ago when its revenue was not so high nor its population so large and when the demands on the Governor were not so great, was now prepared to reduce that salary of £4,000 although admittedly the cost of living was higher and the expense of the office had increased. The item ought to stand.

MR. TAYLOR: On this question one could scarcely give a silent vote. The Premier's argument, that for the sake of our *prestige* we should pay a high salary to our Governor, applied equally to every officer in the State service. The contention that we should pay a high salary in order that as a State Parliament we might maintain our full powers as against the Commonwealth Parliament could not hold, because that Parliament was not our natural enemy. Many people had voted for Federation believing that on its inauguration State Governments would economise. On public platforms and in newspapers it had been stated that if Federation were adopted the office of State Governor would be abolished, or possibly filled by the Chief Justice, but that in any event the expense of the office would be greatly diminished. Only a few residents of the metropolitan area enjoyed the hospitality of Government House, and those few people should be prepared to pay for their jollifications either at Government House or anywhere else. Members would surely not be so hypocritical as to affect to believe that the Governor's hospitality was extended to the large body of the people. A good deal had been said concerning the necessity of obtaining for the position a man socially admirable; but except for one reference by the Premier to Sir Arthur Lawley nothing had been said as to any necessity for administrative ability. The salary attaching to the office should be such as to secure a man who would fill the position with credit to himself and to this country. Many people considered that we had had quite enough of imported gentlemen with sounding titles. This question should be raised at the general election. He hoped the Committee would vote for the amendment, so that the item might be reduced to £2,500.

MR. MORAN: As was only to be expected, the Premier had made an able defence of this item. The case for economy had been learnedly put by the leader of the Opposition. No one was more jealous than himself of the dignity and powers of this State Parliament as opposed to the Federal Parliament, but that consideration was not involved in the question of the Governor's salary. The Governor was merely an

intervening link of a somewhat shadowy description between the people of this State and the King. No connection whatever existed between our Governor and the Federal Parliament. Only on the occurrence of some big constitutional dispute could the voice of the Governor be raised in favour of the State he represented, as against the Commonwealth. A more fitting opportunity for reduction was not likely to present itself. If we took action, the other States would doubtless follow suit. The question of loyalty and devotion to the King was not involved. At any rate the difference between £3,000 and £4,000 per annum could hardly be said to raise a question of loyalty or disloyalty. Indeed, personal devotion hardly found a place in the contemplation of the Anglo-Saxon, who had never been distinguished for that quality of mind. The British Empire was a purely utilitarian institution, governed in the main by considerations of trade and finance. The magnates of the London money market would not be influenced one whit by the amount of salary we paid to our Governor: they looked to the country's financial stability, its economical administration, and the desire of the people to get good value for every pound spent by the Government. Not loyalty, but three and a half per cent. interest, induced John Bull to unbutton his trousers pocket. The amendment was not a mere matter of saving £1,000. In this one small schedule, reductions of perhaps £5,600 could be effected, and that amount represented the interest on the cost of a railway line of some considerable length. An amount of £2,000 might be saved on the Governor's salary, and £50 might be saved on each of the next two items, whilst the proposed increase in judicial salaries with four men on the Bench was questionable policy. If increases were to be granted at all, three Judges ought to do the whole of the work. In Ministerial salaries a saving of £200 could be effected; and, last of all, 24 gentlemen in another place ought to be satisfied with £100 per annum if we were satisfied with £200. In reducing the Governor's salary we were offering no affront to the mother country, were not endangering our financial stability, and were not lowering the *prestige* of the State. Western Australia's *prestige* de-

pended on its production of gold, timber, and wool. The business men at home looked for business administration here, and therefore it was to be hoped that next year's Estimates would show that the country could be governed for a quarter of a million less than this year's administration was costing. He could not help expressing deep regret that we did not adopt the sensible policy of taking away from the Government some portion of the food duties, which we should have reduced by £90,000 and then asked them to remodel the Estimates. We could do the next best thing, which was to cut down the Estimates when they came forward. Let us treat well those officers that we should retain, paying them reasonable salaries; but he hoped that on an item like this we would seize the opportunity of reducing the salary, and let the Imperial authorities at home know that as far as we were concerned we were quite prepared to accept a man who would do the work for the money; that we felt certain we had as great a chance of getting a good man for £3,000 or £2,000 a year as for £4,000. Probably the day was not far distant when we ought to be able to make an arrangement whereby the Chief Justice could do the work of Governor.

Amendment put, and a division taken with the following result:—

Ayes	...	...	...	14
Noes	...	...	...	20

Majority against ... 6

AYES	NOES.
Mr. Bath	Mr. Atkins
Mr. Butcher	Mr. Ewing
Mr. English	Mr. Foulkes
Mr. Hastie	Mr. Gardiner
Mr. Hopkins	Mr. Gordon
Mr. Jacoby	Mr. Harper
Mr. Johnson	Mr. Hayward
Mr. McDonald	Mr. Hicks
Mr. Moran	Mr. James
Mr. Nanson	Mr. Kingmill
Mr. O'Connor	Mr. Monger
Mr. Taylor	Mr. Morgans
Mr. Thomas	Mr. Phillips
Mr. Diamond (Teller).	Mr. Piessse
	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Smith
	Mr. Yolverton
	Mr. Higham (Teller).

Amendment thus negatived.

Item—Private Secretary, £350:

MR. MORAN, referring to the amount of this item, said £300 a year ought to be a fairly liberal salary for a private secretary. Some members were in an

awfully murderous humour to-night in suggesting that the item be struck out. He wanted to take the opportunity of congratulating the Government on the fact that at last on the Constitution Bill we had a fairly full House. Evidently there had been a whipping-up to some purpose to-night, to preserve the little "perks" of the silvertails in Perth. He moved that the item be struck out.

**THE PREMIER:** It was to be hoped members would not strike out this item. A private secretary must be kept. Up to this year we provided for an aide-de-camp as well as a private secretary, but in this year's Estimates no provision was made for an aide-de-camp.

**MR. DAGLISH:** The last vote was not very creditable. If the matter had gone to a division earlier in the afternoon the vote doubtless would have been very different. [MR. MORAN: Hear, hear.] As a matter of fact there was now a record attendance—a resurrection of the dead. The consequence was that the vote was not only against the majority of those who were commonly in attendance in the Chamber, but was also distinctly against the wish of the people of this State. The people of Subiaco were altogether opposed to the last vote, and he was quite satisfied that the people of East Perth were likewise of the same opinion; but unfortunately, while the people of Subiaco were represented in the Assembly, the people of East Perth were not. As a protest against the last vote he should certainly record his vote in favour of the amendment.

**MR. MORAN:** If we had reduced the salary of the Governor from £4,000 to £3,000, that would have been cabled home, but if we passed this amendment it would not be cabled home. All through the Constitution Bill we had been debating pretty big principles, and members had done us the honour to stay away. We could safely dispense with the private secretary, because one felt satisfied there were lots of nice young men around Perth who would do the job for nothing.

**MR. THOMAS** congratulated the Premier on at last having a good House. Early in the sitting a proposal came before the House dealing with a most serious matter for the future of Western Australia—a Bill relating to the rabbit pest. He counted the House time after

time, and the most he could count when the Bill was passing through Committee were 11. Now we were discussing a proposed reduction, and trying to do away with what a lot of members considered an extravagance, the Government whipped up every possible supporter, the result being that we had a splendid House. He intended to support the amendment, because the Government knew that within a month or two, when this Royal Commission on the public service had finished its work, several people would be out of employment, or rather there would be several efficient officers for whom it would be difficult for the Government to find employment.

Amendment put, and a division taken with the following result:—

Ayes	...	...	...	14
Noes	...	...	...	19

Majority against ... 5

Ayes.	Noes.
Mr. Bath	Mr. Atkins
Mr. Butcher	Mr. Ewing
Mr. Daglish	Mr. Foulkes
Mr. Hastie	Mr. Gardiner
Mr. Hopkins	Mr. Gordon
Mr. Jacoby	Mr. Gregory
Mr. Johnson	Mr. Hayward
Mr. McDonald	Mr. Hicks
Mr. Moran	Mr. James
Mr. Nanson	Mr. Kingsmill
Mr. O'Connor	Mr. Monger
Mr. Taylor	Mr. Phillips
Mr. Thomas	Mr. Piesse
Mr. Diamond (Teller).	Mr. Purkiss
	Mr. Quinlan
	Mr. Rason
	Mr. Smith
	Mr. Yalvorton
	Mr. Higham (Teller).

Amendment thus negatived.

**MR. TAYLOR** said he desired to move that the item be reduced by £100.

**THE PREMIER:** That could not be done.

**THE CHAIRMAN:** The Committee had decided that the item of £350 should not be struck out, therefore the amount must stand.

**MR. HOPKINS:** Was the office of private secretary in the gift of the Governor?

**THE PREMIER:** It was a personal appointment by the Governor, and the private secretary had also to be the Governor's aide-de-camp.

Item—Clerk of Executive Council, £350:

**MR. HOPKINS** said he had intended to move that the item be struck out, his reason being that the holder of the office

had been drawing two salaries in the previous year, and that practice should be stopped. He understood now that this office was separate from any other, and that the present holder received only the one salary.

**THE CHAIRMAN:** If any member, in proposing to strike out an item, did it with a view of inserting some other amount, the amount should be stated at the time. The last vote was "yes" or "no" on the question of £350 standing. The question in regard to the present item was whether the item should stand as printed.

Item passed.

Item.—Chief Justice, £2,000:

**THE PREMIER:** The amount of this item was an increase for the Chief Justice, and there were increases also for the Puisne Judges, giving them the same rate of pay as the Judges in South Australia. He did not think the Committee would desire to go below that basis. The amount was lower than in any other State of Australia; it was a distinctly moderate rate of payment, and he hoped the Committee would agree to it, because although the amount was nominally the same as in South Australia, yet there was a material difference in the higher cost of living in this State.

**MR. DIAMOND** supported the increase. It was time such a step should be taken, so that we might pay salaries somewhat worthy of the office, and be in a position to obtain the best men.

Item passed.

Item.—First Puisne Judge, £1,700—agreed to.

Item.—Second Puisne Judge, 1,700—agreed to.

Item.—Third Puisne Judge, £1,700:

**MR. MORAN:** Could the Premier assure the Committee that it was absolutely necessary to have four Judges in this State? In South Australia the work was performed by only three Judges, and there were in that State only four or five resident magistrates as compared with about 13 in this State. Litigation in this State was very much behind, notwithstanding the greater number of Judges who had been sitting until lately, and the very large number of resident magistrates. Something was wrong in this State. There ought to be one Judge on circuit years ago, and then the people's

law would not have become congested as it was now, suitors and witnesses being kept in Perth for weeks at a time, because instead of taking the law to the people we brought the people to the law. He thought that three energetic Judges should be sufficient for the work of this State, one of them to be constantly on circuit; and the number of magistrates ought to be reduced by 10, which might be done by amalgamating offices and by keeping the best men in the service.

**MR. THOMAS:** Since Parliament agreed to the appointment of a fourth Judge, circuit courts had been held only at Kalgoorlie, and there not more than two or three times; whereas members had been led to expect that circuit courts would be established at the principal centres throughout the State. If the present arrangement was to continue, with circuit courts held only at Kalgoorlie, three Judges should be sufficient for the work.

**THE PREMIER:** The difficulties which had lately arisen in connection with the Supreme Court Bench were well known to members. Besides the trouble in connection with Mr. Justice Moorhead, it should be remembered that Mr. Justice Parker was for a time unable to take his seat on the bench pending the inquiry affecting himself; and these unforeseen difficulties had somewhat disorganised the work of the bench. As to the suggestion that three Judges should be sufficient, he would be glad if that were so; but so far as he could gather the opinion of those best able to speak on the point, four Judges were required in order that circuit court work might be carried on, and because a large portion of the time of one Judge must necessarily be occupied with industrial disputes referred to the Arbitration Court. It would not be advisable in these circumstances to reduce the number of Judges to three. It was desirable that the full number should be maintained, so that after twelve months of good working we should be able to see whether three Judges could perform the work. It was not desirable to incur any risk of congestion in the law courts, or of having complaints in connection with the holding of circuit courts or in connection with the disposal of questions referred to the Arbitration Court. To retain the number of Judges at its

present strength would be wiser. Comparisons drawn between this State and South Australia were misleading, because for one Supreme Court case occurring in South Australia we had fifty, and of course prosperity necessarily brought litigation in its train. South Australia unfortunately had not enjoyed prosperity of late years, and as a consequence there had been hardly any litigation in its courts. While by no means anxious to appoint more Judges than necessary, he hoped the Committee would pass these items as printed.

MR. PURKISS: Justice could not be administered here with less than four Judges. When three men were on the Bench, the business of the courts had always been in a state of congestion. Since the fourth Judge was appointed an effort had been made to have Circuit Courts established at Albany, Geraldton, Northam, and Kalgoorlie. The Circuit Court at Kalgoorlie lately occupied the time of a Judge for three weeks, exclusive of two days spent in travelling. The work of the Arbitration Court would apparently occupy the whole of one Judge's time. New Zealand had found it necessary to assign a Judge specially to the Arbitration Court, and that Judge was the hardest-worked in the colony. Assuming that in this State the Arbitration Court demanded the time of one Judge, and circuit courts that of another, only two would be available for business transacted in the past by three.

MR. HOPKINS: This matter was worthy of more than passing consideration. Last session he had adduced certain figures which caused the late Mr. Leake some astonishment. The State of Victoria had 10 Judges, or one for every 168,000 people. In Western Australia, it was contended four Judges were required for a population of 230,000.

MR. PURKISS: But we had twenty times as much contentious matter here.

MR. HOPKINS: That point could be dealt with later. New South Wales had 13 Judges, and South Australia had three. In the latter State the Judges travelled on circuit distances varying from 136 to 305 miles. These facts went to show that the Judges of the sister States were able to get through far more work, taking population as a reasonable consideration, than that required of our

Judges. Queensland had a Bench of nine, or one Judge to every 56,000 people. Tasmania had three Judges. [Interjection.] He was quoting these figures from *Hansard*, and they might possibly not be correct: there was no time to refer to the year-books. There were young and active men on the Supreme Court Bench who would have no difficulty in coping with all the litigation of this State.

MR. DIAMOND: Comparisons between South Australia and Victoria on the one hand and this State on the other were hardly fair. In addition to its three Supreme Court Judges, South Australia had another Judge called a Commissioner in Insolvency. Certain Victorian Judges were County Court Judges, with jurisdiction not much superior to that of our resident magistrates.

MR. JACOBY: The Victorian County Courts had jurisdiction up to £500.

MR. DIAMOND: The Victorian population was settled, and a large proportion of it consisted of women and children who were not likely to be litigants. Outside Adelaide, South Australia had no centre comparable to Kalgoorlie. Our goldfields population was turbulent, while the bulk of the South Australian people were hard-shell Nonconformists requiring little supervision. The work of the Supreme Court had fallen hopelessly in arrear and was likely to remain so, although our Judges had done an average amount of work at least equal to that of Judges in the sister States. The fact that the presidency of the Arbitration Court would occupy practically the whole time of one Judge threw a new light on the question. It had to be remembered also that our Judges undertook insolvency business. In the circumstances, we should certainly not be out-running the constable in retaining four Judges.

MR. DAGLISH: This was a question not of population or of area, but of the amount of work to be done. During the few years he had spent in Western Australia, the law courts had always been congested and the Judges had always been heavily overworked. The business of the Arbitration Court in particular had been unduly delayed. Therefore the State required four Judges, at any rate for a time. Possibly existing difficulties might

be overcome by the appointment of an acting Judge. The Government might refrain from making a permanent appointment until it was seen whether after the existing congestion had been relieved the business of the courts was within the powers of a Chief Justice and two Puisne Judges.

HON. F. H. PIESSE: Undoubtedly a most unfortunate chain of circumstances had arisen in connection with the work of our law courts. The Government were deserving of sympathy in their difficulties. He still held the opinion which he had expressed last session, that a fourth Judge was unnecessary. The fact that even four Judges had not been able to cope with the work was accounted for by the losses which the judiciary had sustained. The contention of the Labour members, that a Bench of four was necessary because the Arbitration Court would demand the whole time of one Judge, was indeed refreshing. Here was an opportunity for keeping down expenditure, and he thought the Government would have welcomed rather than otherwise the cutting down of this item, because they must fully recognise that the work of this country could be carried out by three Judges. They said that if the work was not sufficient to warrant the appointment of four Judges, or a continuation of four Judges, that number would not be appointed. It would, however, be very difficult for the Government to deal with the matter, because if they had this vote and the Fourth Judge Act was still in existence, the salary would have to be provided and someone appointed to the position. A saving of £1,700 could be effected by striking out this item.

THE PREMIER: How could the present difficulty be overcome, save by appointing a fourth Judge?

MEMBER: An acting Judge could be appointed.

MR. TAYLOR: It did not follow that because there were a lot of cases pending now, it was on account of there being only three Judges. It was on account practically of there being no Judges for a certain period. In his opinion three Judges would be sufficient to carry on the work of the country. As the work was in arrears the Premier would be perfectly justified in appointing an acting Judge until the work was caught up. As for

the Labour party not being anxious to go in for economy, as far as the goldfields were concerned employers had tried to reduce the wages of the workers, and the workers appealed to the Arbitration Court. That was no argument why the Labour party should support the item for the appointment of a fourth Judge.

Item passed.

Item—Five Ministerial salaries, £5,200:

THE CHAIRMAN: Members had already decided that there should be six Ministers.

MR. MORAN moved that the amount of the item be reduced by £200. He did not intend to push this with any vigour, in view of the vote he saw to-night, the result of going forth into the wilderness and the highways and byways and bringing members to the Premier's marriage feast. He knew perfectly well the patient and never-changing were outside waiting, and would vote against him. He thought he would be consulting the time of the House and the country if he bowed to the inevitable, and said there was still a "brutal" majority in Western Australia.

THE PREMIER: The object was, he took it, to test whether Ministers should have £800 a year or £1,000. He thought £1,000 a year was not too much for a man who devoted the whole of his time to Ministerial work. If one could effect some scheme by which Ministers could give half a day to Ministerial work and half to their own work, he would be delighted. For himself he had not been able to look at his own office.

MR. MORAN said he was not going to press for the reduction of the salaries of men who worked hard, when the Committee had decided to give an ornamental officer £4,000 a year. He did not think he would carry this amendment if he were able to, for reducing the salaries of Ministers by £200. We had not yet arrived at an economic stage in Western Australia; but that time would come. Then probably these Ministerial salaries would be attacked as well as others. He would have liked to see the whole schedule dealt with. He wished to withdraw his amendment.

THE PREMIER: We had six Ministerial salaries to carry out what he believed the hon. member must recognise to be the desire of the majority. The total should be £6,200, should it not, instead of £5,200? He would want a

message to do that, and would like to move to report progress.

MR. MORAN asked the Premier not to move that progress be reported.

THE PREMIER: The Bill could be re-committed.

MR. DAGLISH said he objected to the withdrawal of the amendment. He voted for there being six Ministers, and one of the grounds on which he did so was that there should be no increase of the amount in the schedule.

MR. MORAN: There was no chance of carrying that.

MR. DAGLISH: Then why should we not revert to the provision for five Ministers?

MR. MORAN: If the hon. member objected to the amendment being withdrawn, it could not be withdrawn.

MR. DAGLISH: The work of the Ministry was worth about £5,000, but he did not agree that it was worth £6,200. The work could be more efficiently done by six Ministers than by five, and he thought £800 was a reasonable salary for a Minister. He would therefore support the amendment.

MR. THOMAS: There was no desire on his part to see this matter go to a division; but the Government previously proposed that there should be only five Ministers, and that those five Ministers should be paid among them £5,200.

MR. HOPKINS: The Committee made the number six.

MR. THOMAS: Yes; recognising that at present the Ministers had to devote the whole of their time to the work of their offices, and especially would they have to do so for some time to come, during the reorganisation and retrenchment that the Government were going in for so vigorously within the next few weeks. So that they should not have to devote the whole of their time to their duties, the Committee decided to let them have another Minister. He claimed, therefore, that it was not necessary to put the amount at £6,200.

MR. QUINLAN: There should be six Ministers; but he thought that £800 each for five of them was quite sufficient, and that £1,200 should be paid to the Premier. He knew what the result would be, but he took the opportunity of expressing his opinion, as he had done before, on the platform. The time had arrived when

these offices should not be made so attractive with regard to salary.

MR. MORAN: It was to be hoped the idea would disappear from Western Australia that a Minister was to devote the whole of his time for the miserable two or three years he was in office to the slavery of his office, and then be thrown out in the world. The best Ministers there had been in Australia had kept their businesses going. That referred to one of the greatest workers Australia had seen, Sir Samuel Griffith.

MR. WALLACE: The hon. member was wrong there about the private business.

MR. MOLLAN: Sir Samuel Griffith kept his private business going all the time he was a Minister, and he did more work than any other Minister in Queensland. It was undesirable that a Minister after being in office two or three years should be thrown out and have to live in a condition of shabby gentility through losing connection with his business. Ministers should not have one-half the details put before them that they were required to deal with at present. Half of the day should be sufficient for the work, and half of that time should be spent by the Minister in seeing that his officers were doing their work properly. He should be fit for his Ministerial office because of his knowledge of men, and not because he was a departmental expert; otherwise we could not expect to get good men as Ministers. The whole time of Ministers was taken up at present because they were endeavouring to get a grip on their several departments, and there had been a special reason why the present Ministers should be busy in raking out those "pigeon holes" which were expected to disclose such great scandals. Ministers should not devote their time to that kind of work.

Amendment negatived, and the item passed.

Item—Sixty-six members of Parliament £13,200:

MR. HOPKINS rose to protest against what had occurred to-night. Some members who rarely attended had evidently been raked up to vote on the question of the Governor's salary. He believed it was the intention of the Committee to make a difference in the amount to be paid members of this House, as compared with members of another House, and

also a difference in the amount to be paid to those members who did the work as compared with others who failed to do it or did very little. He protested against members rolling up once in about four months to vote for retaining the Governor's salary. He moved to strike out the whole item, with a view of having salaries provided, first for members of the Assembly, and next for members of the Council.

MR. MORAN: If the amendment were defeated, it would mean that the item should stand, because it would be out of order to move any reduction in the item after a vote had been taken that the item should stand. He wished to move an amendment by which members of the Upper House should be paid £100 a year, and members of this House £200 a year. Having fought for payment of members in a previous period, he did not think it had proved the success it was expected to be. If he were standing now for election he would not care a toss of a penny whether there was payment of members, so far as it affected him, nor would the payment affect the regularity of his attendance in the House. He believed there was a more intelligent interest shown by members of the old Parliament, before the system of payment was adopted, than was shown by the present Parliament with payment of members. One argument he had then used was that payment of members would allow the Labour party to get into Parliament. He did not say he was sorry they were here now—some of them did their duty very well; but payment of members as a whole had not brought that intelligent interest into politics that it was expected to do. Some of the men drawing £200 a year did not think it worth while to exercise their brains on the business before Parliament. Such members did not take the trouble to listen to argument in a debate, but trooped into the House and voted without understanding the question, by simply following this or that leader. Democracy often made mistakes, and he thought that if the people had a chance of choosing between some of the old members and some of the new members, they would be rather likely to prefer the old. One result of the present system was that after questions were settled in a pretty large House, the decision then arrived at would be reversed when a small number of members were

dealing with the clauses in Committee. As to the two Houses, he was sure that members of the Upper House did not earn £200 a year in comparison with the work done by members, and especially some members, in the Lower House.

MR. HOPKINS: Not being in sympathy with the attack on payment of members, the object of his amendment was that the remuneration of members should be according to the work done. By striking out the item, the Government could report progress and bring in a matured scheme on another occasion. As to reducing salaries of members of the Council, he was not prepared to say that those members were not worth £200 a year.

MR. NANSON: Presumably the Committee would proceed now to discuss the amendment proposed by the member for West Perth (Mr. Moran).

THE CHAIRMAN: That amendment had not been moved.

MR. MORAN: The Government would understand that in moving that this item be reduced by £2,200 he desired to affirm the principle that payment of members of the Legislative Council should be at the rate of £100 a year.

MR. HOPKINS: What justification was there for the proposed reduction?

MR. MORAN: The hon. member, if he saw no justification, would not vote for the reduction. Members of the Upper House had not half the work we had. He moved that the words "sixty-six members of Parliament" be struck out, and that "forty-three members of the Legislative Assembly at two hundred pounds a year and twenty-three members of the Legislative Council at one hundred pounds a year" be inserted in lieu.

THE CHAIRMAN: The question now before the Committee was that "sixty-six" be struck out, with a view to the insertion of other words.

MR. NANSON: It was regrettable that the member for West Perth (Mr. Moran) should, from the experience of this session, have arrived at the conclusion that payment of members was a failure.

MR. MORAN: That was scarcely right. He had said, not that payment of members was a failure, but that the conditions under which salaries were drawn were a failure.



[MR. QUINLAN took the Chair.]

MR. NANSON: One was glad to learn that the hon. member, though disappointed with the result of payment of members as evidenced this session, was not hostile to the principle. The hon. member had referred to the fact that certain members seemed to give their votes without intelligence, but that unfortunate state of affairs obtained not on account of the adoption of the principle of payment of members, as the hon. member seemed to infer, but rather in spite of its adoption.

MR. TAYLOR: The same thing obtained in every Australian Parliament.

MR. NANSON: Yes; and in every Parliament throughout the world, for that matter. On the whole, payment of members had proved a distinct advantage to the country, not because it had made Parliament more brilliant or less brilliant, but because it had made Parliament more representative of the people of the country than would otherwise have been the case. The fact that payment of members had brought into Parliament the occupants of the Labour Bench was in itself a distinct advantage. Even those who did not believe entirely in the platform of the Labour party, indeed even those who altogether disbelieved in it, must in fairness recognise that advantage accrued to the State from the fact that the class of opinions represented by Labour members found articulate voice in Parliament. We should be justified in carrying the amendment and reducing the salaries of members of the Legislative Council to £100 a year. After all, the amount of payment to members of Parliament was governed to some extent by the nature and amount of the work to be done; and everyone must admit that the work of the Upper House was nothing like so great in volume as that to be transacted by members of the Assembly, either inside or outside the Chamber. Moreover, the Upper House had been so formed as to be essentially a property House. The plural vote flourished with all possible luxuriance in that part of the Bill which dealt with the Legislative Council. It could not be argued that there was necessity for paying the members of a House so constituted. However, even if the Committee were willing to

abolish payment of members of the Upper House, the proposal was not likely to be carried in another place.

MR. JACOBY: Several members of the Upper House had expressed themselves in favour of abolition of payment.

MR. NANSON: That being so, he thought that while the Upper House remained to all intents and purposes a property House, we might well economise to the extent of abolishing payment of its members. From the discussion of this schedule it appeared that members though in favour of economy in the abstract, encountered great difficulties when concrete opportunities for economising arose. In voting on the amendment members would have the satisfaction of knowing that they were dealing not with expenditure in this House but with expenditure elsewhere, and that the proposal if strongly opposed in another place would not be carried into effect. Our duty was to give a lead to the Council in this matter, so that no doubt might exist as to our opinion that a paid Upper House was not required.

MR. DAGLISH: The amendment should not be carried, because the question was not so much one of economy as of representation. The object of payment of members was to enable all classes of electors to be represented in Parliament, and while the Legislative Council existed there was vital necessity for affording exponents of all shades of political opinion the opportunity of successfully appealing to those holding the Legislative Council franchise. Western Australian politics had shown instances of Labour candidates, though not themselves possessed of the necessary qualifications, successfully appealing to electors of the Legislative Council. [MR. MORAN: Who were those candidates?] Mr. O'Brien, Mr. Thomson, and also Mr. Speed had successfully appealed to the electors of the Legislative Council. [MR. MORAN: But Mr. Speed had joined the Labour party only after his election.] Yes; but still candidates fighting on the Labour platform had in two instances, successfully contested Legislative Council elections. The Constitution Bill provided that a man might become a candidate for election to the Legislative Council although not possessing the property qualifications of an

elector, and the logical concomitant of that provision was that members of the Legislative Council should be paid. If payment was to be made at all, £100 was not sufficient even for intelligent service during the bare time spent in the Council Chamber, quite apart from the work necessary outside the House in order to master the contents of Bills. The member for West Perth (Mr. Moran) had referred with some dissatisfaction to the effect of payment of members as exhibited in this Chamber. Nevertheless, most of the members who, during the last and during this session, had taken a keen interest in the affairs of the House were new to Parliament; likewise the majority of those most regular in their attendance were also new to Parliament. He said this without wishing to cast any reflection on members who had enjoyed a longer experience of the House. It was thus apparent that payment of members, which was responsible for the presence of many new members, had done some little good in that respect. While an advocate of payment of members of both Chambers, so long as two Chambers existed, he nevertheless thought that any man who received money from the country should at all events have the honesty to give the country fair service in return for his pay. Under the existing system, a member was credited on the Votes and Proceedings with an attendance merely by reason of the fact that he had come in for a division, or had made an appearance, retiring almost before his presence was observed. It was to be hoped that before the Bill emerged from Committee stage, some method would be devised of paying members for work done. In perusing the record of attendances he had been absolutely shocked to observe on the one hand that members whom he had hardly known to be present during the whole of the session were shown as missing scarcely a sitting, while on the other hand members who, with the exception of but a few days, had been regular in their attendance ranked in point of number of attendances far below the former members. The list as now compiled, therefore, not only afforded no true indication of the attendance of members, but was positively misleading. He believed that a fair number, and indeed an increasing

number, of members of this House favoured the abolition of the bi-cameral system, but how that end could be attained unless both Chambers agreed to abandon the system was not very obvious. Perhaps both Chambers would agree to allow the question to be decided by referendum. The only possible way of getting both Houses to assent to that change in our Constitution was by getting into another Chamber persons who were in touch with the will of the majority of the electors on the subject. He was quite satisfied the majority of electors would be satisfied to change our system to the uni-cameral one, and he looked upon payment of members of the Legislative Council as a most important means of liberalising and democratising that Chamber; therefore he would strongly resist any proposal to diminish the present payment or to abolish it; consequently he would vote against the amendment.

Amendment put, and a division taken with the following result:—

Ayes	...	...	...	10
Noes	...	...	...	23

Majority against ... 13

AYES.  
Mr. Butcher  
Mr. Foulkes  
Mr. Jacoby  
Mr. Monger  
Mr. Moran  
Mr. Nanson  
Mr. O'Connor  
Mr. Quinlan  
Mr. Yelverton  
Mr. Thomas (Teller).

NOES.  
Mr. Atkins  
Mr. Bath  
Mr. Daglish  
Mr. Diamond  
Mr. Ewing  
Mr. Gordon  
Mr. Gregory  
Mr. Hastie  
Mr. Hayward  
Mr. Hopkins  
Mr. James  
Mr. Johnson  
Mr. Kingsmill  
Mr. McDonald  
Mr. Phillips  
Mr. Piesse  
Mr. Parkiss  
Mr. Rason  
Mr. Reid  
Mr. Smith  
Mr. Taylor  
Mr. Wallace  
Mr. Higham (Teller).

Amendment thus negatived.

MR. THOMAS: Was it competent for anyone to move a reduction of the item of £13,200 by £2,300?

THE CHAIRMAN: The figures had not been put yet.

MR. THOMAS: That reduction would, he thought, meet with the approval of the Committee. The amendment was for the purpose of reducing the salaries of members of the Upper House from £200 to £100 a year.

**THE CHAIRMAN:** The hon. member could not move that amendment. The test vote taken just now was on the question that there be 43 members of the Legislative Assembly and 23 members of the Legislative Council. The object of that vote was to reduce the salaries of members of the Legislative Council by £100. It was a question already decided.

**MR. HOPKINS:** Would he be in order in moving that members of Parliament be paid by results? (General laughter.)

**THE CHAIRMAN:** The hon. member had better give notice of that at the report stage.

Schedule as amended put and passed.

Preamble, Title—agreed to.

Bill reported, with amendments.

#### ADJOURNMENT.

The House adjourned at 10.10 o'clock, until the next day.

### Legislative Council,

Wednesday, 26th November, 1902.

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

#### PRAYERS.

#### PAPER PRESENTED.

By the **MINISTER FOR LANDS:** Report of the Central Board of Health, 1902.

Ordered: To lie on the table.

#### FACTORIES AND SHOPS BILL.

##### SECOND READING.

**THE MINISTER FOR LANDS (Hon. A. Jameson):** In moving the second

reading of this Bill, entitled an Act relating to factories and shops, I do not know that at this time it is necessary to adduce arguments for such legislation. The need for the regulation of factories is now so fully acknowledged by all British people, that I shall hardly be expected to give reasons for bringing in the Bill. I may say, however, that legislation of this kind has existed in Great Britain for 100 years, and has gradually progressed since the beginning of last century; in fact, this is a class of legislation for which England has probably been more renowned than any European country. It is to England that other industrial nations throughout the world have looked for an example when framing such measures; therefore it is merely a mark of the progress of our times that we should be called on to consider the Bill. There are Factory Acts in all the Eastern States and in New Zealand, and it is only this State which is without one. The first object of the Bill is to conserve the health of the workers. That has been the object of all Factory Acts in the first instance—to promote the health of the employees by securing cleanliness, ventilation, and other sanitary conditions. The second object of such legislation is the safety of those who work among dangerous machinery. The dangerous parts of the machinery are to be fenced off so that the workers may not be drawn in and disabled. These are important objects of all factory legislation; but we have now advanced somewhat farther, and desire to secure to the worker as much leisure as possible. With this end in view the hours of labour have from time to time been reduced; and they are regulated by the Bill. Finally, the greatest need of all is that the morality of workers should be safeguarded. Factories should have decent accommodation for each sex, and factory life should be well ordered, so as not to constitute a blot on our social system. On reading the very interesting history of factory legislation throughout the last century, one finds that the objects constantly in view are health, safety, leisure, and morality. This Bill is not a slavish copy of any other, but is taken from the various Acts now existing in the Eastern States and New Zealand, more particularly the Victorian Act of