

go into court without a license. This will apply to him; so it appears contradictory. Even in the existing Act there are points that mining registrars, whose business is to administer the Act, cannot interpret to the public. In Clause 93 provision is made for exemption on both mining leases and claims.

THE MINISTER FOR MINES: It does not apply to claims.

MR. WALLACE: It deals with the working miner and companies. A working miner is allowed four months' exemption if he has done eight consecutive months *bona fide* work. To that I take no objection, but I raise objection to Subclause 3, which states:—

Six months' exemption shall be granted in respect of any lease or group of amalgamated leases, on proof to the satisfaction of the Minister that for every 24 acres held, the lessee has expended in mining or machinery at least £1,500, independently of the proceeds of any gold or mineral derived from the mine; and twelve months' exemption shall, in a like manner, be granted when the sum expended exceeds £3,000 for every 24 acres held.

Twelve months' exemption is too much to give to any property-holder at one time. We have always had an outcry against exemption in this State, and particularly against exemptions given to companies. It was only to-day that I received a letter pointing out that a property at Gullewa in my own district has not been worked for a couple of years. There is the case of a little township depending on the mine. The people have had to desert the place for 12 or 18 months, and I learn to-day that this mine, I thought to be abandoned, was only under exemption. It shows the effect these periods of exemption have on these little camps. I intend to offer some opposition to this term of 12 months, because I think, in the first place, the exemption is too long at one period; and I do not think this House will favourably support any longer term at one time than six months. Moreover the terms of the clause read "if the sum exceeds £3,000 for every 24 acres held." Supposing a property comprises 48 acres, would that company be entitled to 12 months for each 24 acres? Perhaps the Minister will suggest some amendment that will meet the case I raise, that 12 months' exemption is too much unless under

certain conditions. The Minister in his opening speech made reference to tributes. Perhaps we could safeguard exemption by enforcing some terms of tribute. There is a proviso here. To me it does not seem to meet the case, but I have no doubt the Minister will explain it. The point I wish to object to is the long term of exemption at one stretch. I deal with Clause 114 to a great extent; but I want to refer now to Clause 115, which refers to mining on private property. For some years past great agitation has gone on in this State for the throwing open of private properties to mining, and some time ago the present Minister for Mines introduced a Bill giving authority to miners —

COUNT-OUT.

MR. TAYLOR: I desire to draw attention to the state of the House, as a protest against this Bill being discussed in such a small House.

Bells rung, and a quorum not being formed,

THE DEPUTY SPEAKER left the Chair, the sitting thus terminating at a quarter to 11 o'clock.

Legislative Council,

Wednesday, 16th September, 1903.

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Electoral Bill, first reading	1029

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

PRAYERS.

PAPERS PRESENTED

By the **COLONIAL SECRETARY:** Report of Inspector of Fisheries, 1902. First annual Report on Trade Unions. Annual

Report of proceedings under Industrial Conciliation and Arbitration Act.

Ordered, to lie on the table.

FERTILISERS AND FEEDING STUFFS ACT AMENDMENT BILL.

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

NOXIOUS WEEDS BILL.

IN COMMITTEE.

Resumed from the previous day.

Clause 13—Effect of money being charged on land:

THE COLONIAL SECRETARY: Yesterday, in debating the measure he had somewhat misled members in reference to existing legislation in New Zealand, which he had said did not go farther than the Bill proposed to go. That statement he found was not quite correct, as the New Zealand law did go farther. But having consulted the Minister for Lands, he was informed that the amendments appearing on the Notice Paper went as far as the Minister felt justified in going. As to this clause, Mr. Stone had pointed out that the amendment made in Clause 10, as to making expenses incurred in clearing weeds a charge on land, would render necessary the deletion of Clause 13. This opinion was confirmed by the Crown Solicitor. He (the Minister) now moved that the clause be struck out.

Question passed, and the clause struck out.

Clauses 14 to 16—agreed to.

Clause 17—Penalty for obstructing inspector:

HON. B. C. O'BRIEN moved that the word "fully" be inserted after "who," in line 1.

Amendment passed, and the clause as amended agreed to.

Clause 18—agreed to.

Clause 19—Proof of ownership:

THE COLONIAL SECRETARY moved that the following be inserted as Subclause 3:—

A certificate, purporting to be signed by the Under Secretary for Lands or for Mines, that any person is registered as the lessee or licensee of any land; or—

The clause was intended to make certain certificates *primâ facie* evidence of owner-

ship or of occupancy; and this had been omitted in drafting.

Amendment passed.

HON. J. W. HACKETT: The Minister proposed to add words making the council of a municipality liable. It would be found necessary to move a farther amendment making roads boards liable. The best course probably would be to allow the new clause to pass, and if an amendment was desired it could be moved on recommittal.

THE COLONIAL SECRETARY: *Primâ facie* evidence of ownership in the case of a municipality would be much the same as in the case of a private individual. A vesting order signed by the Under Secretary for Lands or Mines in favour of a municipality would be *primâ facie* evidence that the municipality was the owner or occupier.

HON. J. W. HACKETT: A municipality was neither owner, lessee, nor occupier.

THE COLONIAL SECRETARY: The definition of "owner" was in the Bill.

HON. J. W. HACKETT: That was not sufficient. The best plan would be to let the new clause go, and see what amendment was required afterwards.

Clause as amended agreed to.

Clause 20—If owner absent, agent liable:

THE COLONIAL SECRETARY moved that in line 3 all the words after "found" be struck out and the following inserted in lieu: "Any notice or legal process served on the agent of the owner shall be deemed to have been duly served on the owner." This was making the owner absolutely liable for the clearing of land. If this were not done there would be a certain amount of difficulty in finding persons willing to act as agents.

Amendment passed, and the clause as amended agreed to.

Clause 21—Simplification of proof in certain cases:

HON. C. A. PIESSE: Everyone should show some authority for acting, and unless the Minister gave reasons for authority not being shown, he would move that the clause be struck out.

THE COLONIAL SECRETARY: This provision appeared in other Acts on the statute-book. The Bill would have to be recommitted, and the member could then move to strike the clause out if it could

not then be shown that there was similar provision in other Acts.

HON. C. A. PIESSE: That course would be adopted.

HON. J. W. HACKETT: Members were at a disadvantage in not having marginal notes showing this legislation was in force in other places. There were several other points as to which, on recommitment, he hoped the Colonial Secretary would be prepared with parallel cases. After farther considering the Bill he was inclined to believe that the Bill could not be enforced. No Government dared punish an offending farmer and allow themselves to go scot-free. It would be observed that in the Bill the Government were not touched, neither the Commissioner of Railways nor the Minister for Lands, and the same thing would apply in the case of municipalities.

Clause passed.

Clauses 22, 25—agreed to.

New Clause—Closing of certain Crown lands:

THE COLONIAL SECRETARY moved that the following be inserted as Clause 15:—

All Crown lands being public reserves for stock routes or camping grounds, and all railway reserves, shall, from time to time, be cleared by the Minister for Lands and the Commissioner for Railways respectively.

After consultation with their advisers on this question, the Government found themselves able to go thus far in respect to their own liability and no farther. He had already pointed out that in going thus far the Government were going farther than they were obliged to go under the present law, where the obligation on the Minister to clear Crown lands was permissive. This Bill made it mandatory.

HON. C. A. PIESSE: Would the amendment include all reserves made in a district for roads board purposes?

THE COLONIAL SECRETARY: It was his intention to be loyal to the amendment carried last night, striking out Clause 12, which involved the liability of roads boards to clear lands vested in them. He was prepared to place roads boards under the definition of "owner," and members would see that reserves vested in or under the control of councils or roads boards would have to be cleared of noxious weeds.

HON. J. W. HACKETT: To give the Minister an opportunity of enforcing his threat, he moved that after "camping grounds" the words "or for purposes of education" be inserted. Wherever education reserves were created, they were exceedingly small and could be readily looked after by the Government. A subsequent amendment would have to be made including the Minister for Education in the clause.

THE COLONIAL SECRETARY: Already he had explained to members that this matter had been the subject of prolonged deliberation, and the conclusion come to was that the Government in the amendment which was expressed in the new clause were going as far as they could see their way to go. He could not accept the amendment. This was not obstinacy on his part.

HON. J. W. HACKETT: It was to be hoped the Committee would allow a division to be taken on the matter, to put on record how far the Government were prepared to go. After this amendment had been dealt with he proposed to add the words "or for public purposes." The Minister might consent to the inclusion of these words. It would be found to be impossible to administer the Bill, and it would be an outrage that farmers were liable to a £50 fine, and farther that a farmer's land could be subjected to the invasion of a body of labourers under an inspector and all the charges that the inspector incurred could be levied on the unfortunate farmer, and the expenditure bear no fruit.

THE COLONIAL SECRETARY: It was for his own good.

HON. J. W. HACKETT: We were accustomed to that argument on the part on the Government. Punish the Education Department for its own act in allowing its reserves to be infested with weeds. If the whole country, Crown lands included, were to be kept reasonably clear, the Bill was well enough; otherwise it was simply a Bill to punish farmers.

HON. G. RANDELL: The Colonial Secretary had said he consulted the Minister for Lands, who declined to go farther. This amendment had nothing to do with the Minister for Lands, but with the Colonial Secretary, who was Minister for Education also, and could

therefore accept the amendment. But there was no assurance that Crown lands would be kept clean. This might be secured if we could entirely depend upon an inspector doing his duty against the Government; and we might make provision that when an inspector considered any Crown land should be cleared he could insist on its being cleared by the Government. Such independence, however, could hardly be expected from a Government servant.

HON. C. A. PIESSE supported the amendment. Some seemed to think the farmer responsible for noxious weeds; but the farmer was the last man who should be blamed. Some seeds were imported in the packing around merchandise, others in ship's ballast; yet all the expense of eradication was to be borne by the farmer. The amendment asked the Government to do little; in fact, they would have to do more.

THE COLONIAL SECRETARY: To say that the amendment was a very little one was misleading. The decision he had communicated last night was not the decision of one Minister, but of Cabinet. The amendment would be the thin end of the wedge, and would help to destroy the Bill, which was a distinct improvement on existing legislation, even in defining the liability of the Government. How could the law be enforced against the Government? The fact that the Government brought down this measure and made the amendments already passed was a pledge that they would carry out their own proposals.

HON. G. RANDELL: What about the definition of "may"?

THE COLONIAL SECRETARY: "May" was absolutely permissive. Had "shall" been inserted in Clause 10 the Government would have been bound; but "may" was an express instruction to them to do as they chose.

HON. C. A. PIESSE: The existing Act contained a permissive section much better than the clause passed to-day; for it fixed the responsibility of the Government. The Bill provided that the Government might clear Crown lands, but limited the lands which they must clear. Later he would move that the old section be added as a new clause. For shame's sake the Government could not force a man to clear his land while

adjacent Crown lands were covered with noxious weeds.

THE COLONIAL SECRETARY: The Crown might clear any lands, but must clear some.

HON. G. RANDELL disagreed with the Minister's interpretation of the word "may"; for the section referred to evidently placed the Government under certain obligations. Would the word "may" exonerate the Government from the consequences of failing to clear an infested railway yard? "May" appeared in the section because Parliament did not like to use the word "shall."

THE COLONIAL SECRETARY: Why not?

HON. J. W. HACKETT: Because we then believed in Governments. The Minister's explanation was hardly clear. The existing Act applied to all Crown lands adjacent to certain private lands; while this clause confined the operation of the Bill to a limited number of important reserves, but not to all reserves, nor even all important reserves. The original section should be added to the Bill, to read as follows:—

The Minister may, on report being made to him by any municipal council or roads board or the advisory board of the Department of Agriculture that any noxious weed is growing upon any unoccupied Crown land adjacent to any freehold or leasehold estate, clear such land of such noxious weed.

The addition of this to the Bill would give some hold over the Government as to railway reserves, stock yards, and camping grounds; and beyond that it was necessary to give the Government discretionary power to clear other reserves. Bring the Bill a little nearer to the existing Act, not making the powers compulsory, but exercisable at the discretion of the Minister.

THE COLONIAL SECRETARY was willing to withdraw his amendment and insert the section of the present Act.

HON. J. W. HACKETT: Have both.

THE COLONIAL SECRETARY objected to both, because one rendered the other unnecessary. If the hon. member was satisfied with the section of the Act, insert that in lieu.

HON. J. W. HACKETT: It was necessary that certain reserves, such as the railway reserves, stock routes, and camping grounds should come under the Bill. For the rest, members were willing

to trust the Government. He was sure the Minister for Lands would do what he could to keep clean the lands of the State.

HON. W. T. LOTON: Having listened to the arguments, he had come to the conclusion that the Government were sincere. The action of the Government rendered them to a certain extent more liable to clear noxious weeds than in the past. The amendment covered the whole of the railway reserves, and the railway had been one of the chief means of distributing noxious weeds in the past. Because Dr. Hackett could not get all he wanted he was inclined to have nothing at all. But we did not want to see the Bill wrecked; if one could not get the whole loaf it would be better to take one-half or three-quarters.

HON. J. W. HACKETT: The Government would not wreck the Bill for the educational reserves.

HON. W. T. LOTON: These reserves were not of great importance: the Government had their reasons why they could go no farther. If the Government gave half an inch, then members would want the Government to go an inch farther. The Government had decided to go to a certain extent, and as far as he was concerned he would heartily support the Government in carrying the new clause. If we went that far we should have the commencement of a decent law, which would be useful if properly administered and carried out. Ample power would be given to inspectors, perhaps too much, but if an inspector went too far he could be brought to book. In a difficult question of this kind we should be prepared to make a beginning. We should make some advance on the present Act. On this occasion he could not support the amendment.

HON. C. A. PIESSE: Members should be warned against taking a step forward with their eyes shut. He was astonished to hear Mr. Loton say that he would follow the Government whether they were right or wrong. If the Government did not act up to the desires of members, our duty was show our disapproval in as marked a manner as possible, and if necessary by the extreme course of throwing the Bill out. The Government were not taking that responsibility which they ought to take.

HON. E. McLARTY said he was not prepared to accept the Bill unless the Government took upon themselves a full share of responsibility. It was manifestly unfair for the Government to compel settlers to clear land of noxious weeds unless the Government were prepared to do the same. It was asking settlers to do what would be an impossibility. What was the use of making a man clear land if the adjoining land was infested with noxious weeds? According to the Bill so much depended on inspectors. A man might enter on private land and order the owner to do certain things, putting him to great expense and at an inconvenient time. Most settlers who had noxious weeds which were harmful did their best to eradicate them whether there was a law or not.

HON. W. T. LOTON: Many farmers did nothing at all.

HON. E. McLARTY: Numbers of farmers did the best thing by putting stock in a paddock where noxious weeds existed. He had very little faith in the Bill.

THE COLONIAL SECRETARY: The Government had met the agricultural community in no grudging spirit. As the Bill was introduced it contained absolutely no Government liability whatever. Attention having been called to the fact the Government considered the matter, and they made what he considered a very handsome concession to the wishes and welfare of the agricultural community in inserting railway reserves, stock routes, and camping grounds, three of the most fruitful disseminators of noxious weeds. Furthermore, the Government, at the desire of Mr. Loton, consented to include roads boards in the definition of "owner," thereby lessening the liability of agriculturists, and the Government rendered municipalities liable to look after their own districts. It had been a series of concessions from the beginning. The Government found that their liability had become as much as they should bear.

HON. C. E. DEMPSTER: The inclusion of school reserves was a small matter. It was like spoiling a ship for a ha'p'orth of tar. The Government might give way in this particular. With respect to the definition of noxious weeds, he did not like it left entirely in the hands of an

inspector and the Minister. The application for certain districts to be brought within the Bill should be made by the local boards. Farmers might be ruined if called on to clear the land of a certain class of weeds. If a farmer at Guildford was called on to do away with the wild grass which grew at Guildford, the farmer would be ruined. The same might be said in respect to Spanish radish and double-gees which were introduced years ago. He would far rather have the existing Act, and which met the requirements of the country, than the Bill.

HON. J. W. HACKETT: There had not been a series of concessions as pointed out by the Colonial Secretary, but remedies of bad and neglectful drafting. We were wringing out of the Government some few provisions which went a little way towards the Bill being made an effective measure, but while the Government commanded such a proportion of Crown lands which did not come under the measure, it would be futile to pass the Bill. It was a nice advertisement to send out to the Eastern States, from which we were inviting settlers, that the Government were imposing this burden on farmers without any corresponding obligation on the part of the Government. Members should remember that under the old Act an inspector had to be duly authorised to take steps. Under the Bill the inspector could prosecute; under the existing Act none but the Minister could prosecute. The Act gave the Government a general power to clear Crown lands. If the Government had not exercised that power, would they administer this Bill more fairly? Divide on this question, and make it a test matter. In a political sense, he did not attach the least credence to the Minister's statement as to what would happen if amendments were pressed, but took it to mean that the Minister considered that the Bill ought to be dropped.

THE COLONIAL SECRETARY: Several times he had said that after deliberation Cabinet had decided that the Government had gone as far as they could go. Dr. Hackett practically replied that this statement was an endeavour to bluff the Committee.

HON. J. W. HACKETT: That had not been said.

THE COLONIAL SECRETARY: It was a fair inference from the hon. member's remarks. Was it better for the Government to be bound by a mandatory section, or to be given a discretion as to whether the provision should be carried out? Section 10 of the existing Act had been in force since 1900; but not one of the five Governments in office had enforced it. The Government considered, and he considered, that they went far enough in advance of existing legislation in placing on the Crown an obligation to keep weeds clear in stock yards, camping grounds, and railway reserves, and to compel municipalities and roads boards to keep their lands clear. Again he expressed his regret that his word should be doubted by Dr. Hackett.

HON. J. W. HACKETT: The hon. member was Minister for Education; but members were not school children.

THE COLONIAL SECRETARY: If they were, they would not make such statements. Whether the hon. member was joking or not, the imputation was that he (the Minister) had made certain statements which he did not seriously believe.

HON. J. W. HACKETT: If the Minister were pained by any remarks of his, that was regrettable; but certainly the Minister made the statement referred to in order to force through the House the Bill as it stood, and to induce members who were opposed to the measure to vote for it against their own judgment.

THE COLONIAL SECRETARY: No.

HON. J. W. HACKETT: Both Mr. Loton and Mr. Dempster corroborated that. He (Dr. Hackett) had not used the word "bluff;" but he asserted that the Minister made the statement in order to force the House to accept the Bill. That was surely parliamentary.

THE COLONIAL SECRETARY: Certainly; and to the statement he had no objection.

HON. J. W. HACKETT: If five Governments in the past had failed to enforce this permissive legislation, that showed how much we might hope from future Governments.

HON. W. MALEY: At one time he believed that there was no stinkwort in the country, till when travelling through the Katanning district he found some

growing on the property of an inspector of noxious weeds. This incident, while forming an argument in favour of inspection, showed that certain lands would in any case be neglected, and from them the seeds would spread throughout the country. For three years farmers had been obliged to clear their properties of weeds; yet we were told that no progress had been made, and that some years must pass before the stinkwort could be eradicated. The loss caused by this pest was stated by Dr. Jameson to be enormous; and in reply to representations from Kojonup Dr. Jameson had promised he would not enforce the inspection in that district in view of the practical impossibility of eradicating the weed. The old camping grounds at Kojonup were the sources of all the trouble.

HON. J. A. THOMSON: The farmers' representatives had asked the Government to introduce this Bill, but with one exception did not seem to care whether they assisted to pass it. Representing a large agricultural district, he (Mr. Thomson) recognised the right of the farmers to be protected one against the other; but the Government were not prepared to ask the general taxpayer to bear the expense of eradicating noxious weeds on all Crown lands. To do so would be most unfair to the taxpayer. Some members said that farmers should not be obliged to eradicate weeds on the roads fronting their properties; but how could those weeds be on the roads unless they came from the adjacent lands? The Government were going as far as they had a right to go in protecting the farmers in this instance. They were prepared to see that all railway reserves and stock routes were cleared of noxious weeds. If members would take a fair view of the question they would agree that the Government were proposing to do all that they could be expected to do in the direction of protecting the farmers one against the other.

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

Ayes	...	...	...	11
Noes	...	...	...	8
Majority for	...	...	...	3

AYES.
 Hon. W. G. Brookman
 Hon. A. Dempster
 Hon. C. E. Dempster
 Hon. J. W. Hackett
 Hon. W. Mailey
 Hon. E. McLarty
 Hon. C. A. Piesse
 Hon. G. Randell
 Hon. G. Sommers
 Hon. J. W. Wright
 Hon. B. C. O'Brien
 (Teller).

NOES.
 Hon. E. M. Clarke
 Hon. J. D. Connolly
 Hon. J. T. Glowrey
 Hon. W. Kingsmill
 Hon. R. Laurie
 Hon. W. T. Laton
 Hon. Sir George Shenton
 Hon. J. A. Thomson
 (Teller).

Amendment thus passed.

On motion by the COLONIAL SECRETARY, progress reported and leave given to sit again.

ELECTORAL BILL.

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

ADJOURNMENT.

The House adjourned at 5.53 o'clock, until the next Tuesday.

Legislative Assembly,

Wednesday, 16th September, 1903.

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Liquor Laws Amendment	...	1030
Truck Act, Enforcement	...	1030
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Trans-Australian Railway Enabling, second reading resumed, concluded; in Committee, reported	...	1030
Fertilisers and Feeding Stuffs Act Amendment, first reading	...	1079

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Annual Report of proceedings under Industrial Conciliation and Arbitration Act. Annual Report on Fisheries. Annual Report on Trades Unions. Annual Report of Commissioner of Police.

Ordered, to lie on the table.