Legislative Council,

Thursday, 12th November, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: New Houses of Parliament, showing suggested extension, etc. He explained that plans in connection with the suggested extension were not yet available, but would be laid upon the table on the 17th December. It was not considered advisable to delay the laying of these papers on the table until the plans were ready.

Ordered, to lie on the table.

QUESTION—EXPLOSIVES CARRIED ON MIDLAND RAILWAY.

HON. J. M. DREW asked the Colonial Secretary: 1, The description and respective quantities of the explosives conveyed over the Midland Railway to Walkaway, and over the Government line from Walkaway to a siding near Geraldton, on September 30th and October 8th last. 2, Whether such explosives were conveyed in a wagon attached to the only passenger train running on each of those days. 3, Whether the Government recognise the danger of permitting large quantities of explosives to be carried by regular passenger trains. 4, Whether arrangements could not be made to have such explosives conveyed by the special goods or stock trains.

THE COLONIAL SECRETARY replied: 1, (*a.*) 197 cases gelignite, 25 packages powder, for Day Dawn; (*b.*) 194 cases 1¼ gelignite, 120 cases ⅞ gelignite, for Day Dawn; 30 cases gelignite, 20 cases blasting powder, for Lennonville. 2, (*a.*) Robb's Jetty to Midland Junction by goods train; Midland Junction to Racecourse Siding, Geraldton, by mixed train; (*b.*) Robb's Jetty to Walkaway by goods train; Walkaway to Racecourse Siding, Geraldton, by mixed train. 3, In no case are explosives carried on mixed trains unless goods and stock trains are not likely to be available for some days. 4, See answer to No. 3.

COMPANIES DUTY ACT CONTINUANCE BILL.

IN COMMITTEE.

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

PRISONS BILL.

ASSEMBLY'S AMENDMENTS.

Schedule of 11 amendments made by the Assembly now considered in Committee.

No. 1—Clause 19, line 1, between "any" and "justice" insert "member of the Legislature":

THE COLONIAL SECRETARY moved that the amendment be agreed to.

HON. S. J. HAYNES: It would be indiscreet to interfere with the clause as it left the Council. The appointment of visiting justices should be made with proper consideration, and the clause as it left this House would be ample for the purpose, and be far more likely to carry out the objects aimed at than it would be if the amendment by the Assembly were adopted. If the amendment were adopted, perhaps it would give an opportunity to a meddlesome member of Parliament to put the State to a considerable amount of expense.

HON. G. RANDELL: The proposal by the Assembly was unique, and it would be most mischievous to introduce political feeling into matters connected with prisons. The officers of the prison already had trouble arising in other directions, and hardly any right-minded member of Parliament would desire to have the privilege, if it were a privilege, or the duty cast upon him to visit prisons for the purpose of making inspections. Lately we had seen in various directions the mischievous effect

of this constant meddling, finding fault, and holding up to ridicule and contempt public men in various positions. The tendency was demoralising. Persons appointed by the Governor were the proper persons to carry out the duty referred to, and if His Excellency chose to appoint a member of Parliament to visit prisons well and good, but to constitute a member of Parliament *ex officio* a visitor would be a most undesirable change. He doubted whether any such provision prevailed in any part of Australasia.

HON. A. G. JENKINS: Should any member of Parliament desire to see the prison, the Sheriff or Governor would be only too pleased to afford him every opportunity, and members ought not to be put on the list of visitors indiscriminately. If members could go at any hour of the day or night to see into some imaginary abuse, that would not lead to the proper working of prisons.

HON. R. LAURIE: It was not at all necessary to adopt the Assembly's amendment. The superintendent of the prison at Fremantle was only too pleased at any time for any member to visit that establishment.

THE COLONIAL SECRETARY said he had very little feeling either one way or the other, because the amendment would not give members of Parliament any farther right than they had now. Admission to the prison was gained by an order from the Minister controlling the prison, and he (the Colonial Secretary) had given scores of admission orders to persons. Nothing would more quickly cause these fictitious reports to stop than giving the public access—and return of course—to the principal prison of this State. He made a point whenever a member of Parliament asked him for a permit to let that member go at once, and not to give any notice to the prison authorities. These people on their return had always expressed themselves as amply satisfied with the condition of the prison. He did not intend to press the amendment to a division, because it meant so little. Anybody, especially a member of Parliament, could always be sure of getting a permit by applying for it either verbally or by writing, or in any other way.

HON. W. MALEY: Unless something of an extraordinary nature occurred in a prison, there was no need for any member of the Legislative Council to visit the prison, and it was easy enough to get a permit.

HON. F. M. STONE: It was not advisable to include this provision in the Bill. If the amendment were agreed to members of Parliament would be entitled to go into prisons at any time to inquire into imaginary grievances. This would be inadvisable, as it would do away with prison discipline by bringing political influence into prison management.

Question negatived, and the amendment not agreed to.

No. 2—Clause 19, line 6, after "such" insert "member or":

THE COLONIAL SECRETARY: This was consequential, and he moved that it be not agreed to.

Question passed, and the amendment not agreed to.

No. 3—Clause 34, Subclause 1, strike out "solitary" and insert "punishment":

THE COLONIAL SECRETARY moved that the amendment be agreed to. The Bill followed as much as possible the wording of the Imperial Acts, but in this case in the matter of defining "solitary cells" that wording had been departed from. It was thought better to follow the wording which had been lately adopted in England and insert "punishment cell" instead of "solitary cell." This was a Government amendment.

Question passed and the amendment agreed to.

No. 4—Clause 36, Subclause 1, strike out "solitary" and insert "punishment":

Amendment agreed to.

No. 5—Clause 37, insert new subclause as follows: "Pretending illness":

THE COLONIAL SECRETARY moved that the amendment be agreed to. The object was to take "pretending illness" out of the aggravated prison offences, and place it in the minor offences.

Question passed, and the amendment agreed to.

No. 6—Clause 38, strike out subclause 8:

Amendment agreed to.

No. 7—Clause 39, strike out the words "other prison," and insert "other suitable place":

THE COLONIAL SECRETARY moved that the amendment be agreed to. It might not be convenient to take prisioners from penal out-stations to Fremantle to be tried. The object of the amendment was to provide that prisoners might be tried at some suitable place; for instance, the nearest court-house. It was purely a machinery amendment which met with the approval of the Government.

Question passed, and the amendment agreed to.

No. 8—Clause 42, line 1, after "gaoler" insert "and the medical officer":

THE COLONIAL SECRETARY moved that the amendment be agreed to. Although the clause inferred that the medical officer should be present at the corporal punishment, it was thought better to explicitly state it.

Question passed, and the amendment agreed to.

No. 9—Clause 42, line 4, after "effect" insert "in the presence of the medical officer":

Amendment agreed to.

No. 10 — Clause 54, line 1, after "general" insert "or medical officer":

THE COLONIAL SECRETARY moved that the amendment be agreed to. The effect was the medical officer could also order the removal of a prisoner to an hospital for medical treatment. The power was otherwise vested in the Comptroller General.

Question passed, and the amendment agreed to.

No. 11—Clause 68, line 2, between "shall" and "and" insert the words "unless the Governor otherwise directs":

THE COLONIAL SECRETARY moved that the amendment be agreed to. This amendment was put in the Bill at the instigation of the Inspector of Prisons, to meet cases where men who escaped suffered such injuries and privations as would compensate them for the time they had been out of prison. The power was vested in the Governor, and the Committee would be perfectly safe in adopting the amendment.

Question passed, and the amendment agreed to.

Resolutions reported, and the report adopted.

A committee drew up reasons as follow:

1, That in the opinion of the Legislative Council, such amendments would prejudicially interfere with the discipline of the prisons. 2, That every reasonable facility for visiting prisons is at present afforded to members of Parliament.

Reasons adopted, and a message accordingly returned to the Assembly.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

Order read for the second reading.

After explanation that this was a private member's Bill and no member of the Council appeared to be in charge of it, the order was postponed.

WATER AUTHORITIES BILL.

ENABLING POWERS FOR LOCALITIES.

SECOND READING.

THE COLONIAL SECRETARY (Hon. W. Kingsmill), in moving the second reading, said: I would first like to ask members not to be alarmed at the length of the Bill. It looks rather formidable, consisting as it does of a very large number of clauses, 159 altogether; but the length is caused by the fact that the Bill largely consists of machinery for the carrying out of a system of local government which when I explain, members will feel is eminently desirable. The Bill embodies the provisions of an Act which was passed by Parliament last session—I refer to the Goldfields Water Supply Act—and its numerous clauses give to the authorities created under this Bill their financial powers, and places also the necessary restrictions upon them, and defines their relations towards their ratepayers, their methods of collection of rates, and all the circumstances incidental to such local authorities. The functions of the Bill are to create throughout the smaller towns of Western Australia boards or trusts which shall have the control of the water supply for those towns. It has always appeared to me eminently desirable that the system of rushing to the Government whenever a water supply is needed for a town should be stopped as much as possible. We have in the water supply of towns an undertaking which should be made profitable, and if it is to be made profitable, if revenue is to be received therefrom, it is a good thing to have these affairs under

the control of people who can be trusted, who are on the spot, and who are working for themselves in common with the rest of the community, and will see that they get good value for their money. It has been the practice in the past in very many instances to give towns a water supply, and in some cases, nearly in all, to run them as subdepartments of the Government, the heads of which subdepartments are situated in Perth, whilst the actual concern itself is perhaps a thousand miles away. That I maintain is not conducive to the good government of these water supplies I think all members, or at any rate most of them, are in favour of helping those who help themselves, and we ask people inhabiting places, for instance, like Broome and Cue—and it is for the benefit of those two places in the immediate future this Bill is principally brought in—to assume the responsibility of their position. There should be appointed from amongst their number certain gentlemen of good repute who can be trusted to run the water supplies of these towns and be responsible to their fellow citizens for the proper conduct of these supplies. It is felt that the introduction of this principle will result certainly in a saving to the State. We believe it will result also in a saving to the communities concerned, and I am certain it will result in better administration of water supply. It is not proposed to apply this principle to the larger towns of the State, and I would ask members not to confuse this Bill in any way with a Bill dealing with the water supply of Perth, Fremantle, and suburbs. That Bill is already drafted. Notice will be given of it in a few days in another place, and I presume we shall have it down here in the course of a week or so. This Bill is to provide for places like Cue, Broome, Roebourne, Busselton, and others which want water supplies, and which can very well form a sort of committee or trust to run supplies themselves. [Interjection.] Coolgardie has a water supply of its own, but the principle which actuated the Water Supply Act for Coolgardie is the same as actuates this measure. But places supplied by the Coolgardie water scheme are very large, and it is thought better to give them independent Bills of their own so that the local conditions of government may have due consideration. I feel sure, however, that members would not expect us in regard to smaller places to be put to the inconvenience and waste of time of passing a Bill in each case; therefore we have brought in what may be termed a general water supply Bill for smaller places throughout the State.

HON. C. E. DEMPSTER: Will Northam get a water supply under this Bill?

THE COLONIAL SECRETARY: No. Northam will get a supply from the Goldfields Water Scheme.

HON. J. W. WRIGHT: Will York get a supply under the Bill?

THE COLONIAL SECRETARY: Yes; unless it is connected with the Goldfields Water Scheme; but I understand it will be connected with that scheme. The first clauses are the usual interpretation clauses, and then we come to Part II., which deals with the constitution of what are known as water areas, areas to be under the jurisdiction of boards and trusts which are to be created. The areas are to be defined and may be constituted by the Governor-in-Council. The Governor-in-Council may apportion and adjust the assets and liabilities of the water areas. That means that in cases where a water supply already exists a valuation shall be made before the appurtenances of the water scheme are handed to the local authority, for the purpose of fixing the capital value upon which the water trust is to act. Clause 7 deals with the modes of constitution of water authorities. This clause will I think require a little amendment. Members will see that the first part of the clause provides that if a water area is co-extensive with the district of a local authority, the local authority shall constitute the water authority for that water area. We do not propose to go so far. That is the wording of the Act from which this Bill is principally taken—the Water Act of Queensland. I shall ask the House to make the clause permissive and not mandatory, if the first part of the clause be not struck out. The clause goes on to provide that the water authority may be constituted in the first place by the appointment of the local authority whose district is co-extensive with the water area or a part of whose district is within the water area; in the second place by the election of members;

in the third place by the appointment of the members of the water authority by the Governor-in-Council; and in the fourth place by a coalition of these two former modes, by the election of some members and the appointment of others by the Governor. The method in each case is to be fixed by the Minister who is to administer the Act. Clause 8 provides for the number of members and the rotation of their terms of office. Clause 10 provides the definition of the duties of members and the restrictions as to attendance, resignation, re-election and qualification for office, which is usual in the case of these boards or trusts. Clause 11 is the regular provision that the water authority shall be a body corporate with a perpetual succession and a common seal. Clause 12 is a machinery clause for dealing with disputed elections. The rest of the clauses in this Part are the ordinary clauses which might almost be called standing orders with regard to the method of conducting meetings and to the matters that shall be discussed at meetings of water authorities. Part III. deals with the construction, maintenance, and extension of waterworks, and the most important clauses are those whereby the public are protected from any proceedings which may be deemed to be somewhat arbitrary on the part of the water authorities in the construction of their works and in the carrying out of their various functions. Clause 40 provides, for instance, that as a preliminary to the construction of any water scheme the scheme shall be advertised. Clause 41 provides that plans shall be open to inspection by the public, and that the Minister shall cause the plans to be inspected and reported upon by an engineer, who may be required to visit the locality and inquire well into the subject before reporting. Clause 43, which is an important clause, gives local authorities, corporations, or persons the right to object in writing to any proposal of the water authority, upon which a farther report shall be obtained by an engineer at the direction of the Minister. If at the expiration of one month from the last publication of the advertisement, and from the setting forth of the plans, the Minister is satisfied that the provisions of the Act have been complied with and that everything is satisfactory, and that any objections which may be lodged are frivolous, the Governor may proceed to order that the water scheme may be gone on with. It is thus seen that the public are amply protected and that no person, public body, or authority can suffer by any proceedings on the part of the water authorities without having a due and sufficient mode of redress. The usual powers in the way of breaking up and crossing roads, and the usual powers necessary for the construction of public works, are dealt with in the remainder of the clauses. Part IV. deals with the supply and distribution of water, and it is proposed that the rating for water shall be on the same system as adopted in the case of the Goldfields Water Supply Act. The usual provisions with regard to meters, and the protection of the public in seeing that they must get a proper supply of water, are met with in the rest of this part. Part V. deals, as is usual in a Water Supply Act, with the protection of fittings and with the prevention of waste. Part VI. deals with the water rates and the method of paying for water, with rate books and valuations, and provides that rate books shall be open to inspection, and that the rate book of the local authority shall be open to the inspection of the water authority; it gives access to all books and everything of that sort, and also provides again for the protection of the public in that any ratepayer may appeal against the valuation in the rate book. It is really a mixture of the Municipal Act and the Public Works Act as regards the proceedings of these water authorities. Perhaps one of the most important features is in Part VII., Clause 111, which deals with the financial powers of these water authorities. In this clause power is given to the water authority to borrow money with the approval of the Governor for certain purposes, such as the construction of works, storage, distribution, and supply of water, and the payment of the cost of works constructed by the Minister or charged to the water authority under Clause 108. That is for cases where a water supply already exists, which it is deemed advisable shall be taken over by the authorities created under the Bill. Clause 111 also provides for discharging the principal of any money

loaned to or any indebtedness incurred by the water authority, as in the case of mortgages, or for any other purposes approved by the Governor. In Clause 122 it is provided that the Colonial Treasurer may advance moneys to these water authorities for the purposes mentioned in Clause 111. A rather important clause is Clause 126, which provides that when these water authorities borrow money from the Colonial Treasurer and fail to make the necessary repayments in the shape of interest and sinking fund, the Governor may practically put in possession men who are called commissioners for the purpose of running the business of the water trusts and protecting the Government against farther loss of interest and sinking fund. Clause 127 defines the powers of such Commissioners. Part VIII. deals with the keeping of accounts, and makes provision for a proper audit thereof, in the first place by the auditors of the authority, and in the second place when called upon by special report. Clause 138, which is rendered necessary by our Audit Bill, provides for the examination of books annually by the Auditor General. Part IX. gives power to the water authorities to make by-laws for the purposes of the authorities, and Clause 144 provides the limit of penalties for the breach of such by-laws, which have to be approved by the Governor and published in the *Government Gazette.* Part X. contains the general provisions which are taken, as I have already said, from the Goldfields Water Supply Act passed by Parliament last year. I think this Bill marks a distinct advance in the direction of local self-government, which all of us should have at heart, because apparently the trend of modern thought is very largely in that direction. Personally, I am very glad to see the Bill introduced, and I have pleasure in moving that it be read a second time.

Question put and passed.

Bill read a second time.

MOTION—LAND SELECTION, TO FIX PRICES.

Debate resumed from 27th October, on the motion by Hon. C. A. Piesse.

HON. W. T. LOTON (East): I am not prepared to deliver any oration on this subject, but I understand it is correct that the Government have been varying the price for second-class lands, If that is so, I certainly think that such action should be stopped forthwith, if it has not already stopped.

THE COLONIAL SECRETARY: There is no fixed price.

HON. W. T. LOTON: I am under the impression that the price was fixed.

THE COLONIAL SECRETARY: The minimum price was fixed.

HON. W. T. LOTON: Not the maximum?

THE COLONIAL SECRETARY: No.

HON. W. T. LOTON: I am speaking only from memory, and my impression is there was a certain price for second-class land and a different price for third-class land.

HON. G. RANDELL: It is only fixed so far.

THE COLONIAL SECRETARY: I think the words are "not less than."

HON. W. T. LOTON: This is the reading: "Under Sections 55, 56, and 57, agricultural lands, 10s. per acre. Under Section 60, vineyard, orchard, and garden lands, £1 per acre."

THE COLONIAL SECRETARY: I have the opinion of the Crown Solicitor.

HON. W. T. LOTON: I am referring more particularly to second and third-class leasehold lands; the terms of payment so much per annum, extending over I think it was 30 years in the original Act. These were fixed prices. When a person made an application, we will say for third-class land, the land had to be examined and reported upon, and if the officer representing the Government said this was not third-class land but second-class land, the person would not get it as third-class land but would be told that instead of 3s. 9d. the conditional purchase price would be 6s. 3d. Again, a person might apply for second-class land, and upon inspection the expert on behalf of the Government might report that it was superior to second-class, and therefore it would come in as first-class land at 10s. per acre in the ordinary way. I do not desire to detain the House, but what I say is that if the Government, in regard to these second and third-class lands, have been varying the prices from 3s. 9d. for third-class and 6s. 3d. for second-class, they have been acting in contravention of the Act of Parliament,

and had no right to do so. I do not say that they have done so, but they have no right to do it.

THE COLONIAL SECRETARY: The Crown Solicitor thinks they have.

HON. W. T. LOTON: There are prices laid down, and there is no authority for the Government to vary those prices. Supposing they sold third-class land under 3s. 9d., they had no right to do it. Any member can see that if this sort of thing is allowed the door is open to anything one likes in the way of land jobbing. The person making the application could feather the hand of another person and get land at a price at which he ought not to get it.

HON. J. W. WRIGHT: And shut out somebody else.

HON. W. T. LOTON: I am not making these charges; but if the Government are varying the prices in this way it is time the practice was put a stop to, and it ought not to have been started. I shall indeed be surprised if the Government have been acting in this way.

HON. J. W. WRIGHT: They acknowledge it.

HON. W. MALEY (South-East): I have pleasure in supporting the motion. In the interests of settling the waste lands of the Crown it is desirable that a straightforward policy should be adopted in every instance in dealing with the sale of Crown lands. We have a maximum price fixed of 10s. per acre. Applications are usually put in for third-class land, in the hope that the Government will grant the applicants the land at the lowest possible price. Having received the application, it has been the iniquitous custom of the Lands Department to play with the applicant for a considerable time, keeping him waiting six or seven months before he knows what his position is in respect to the application, and finally to write to him telling him he can have a portion of the land as first-class and other portions as second or third class, as it suits the whim of the people inside the sacred precincts of the Lands Department. If we are to have these lands settled and have an honest deal with them, we must have fixed prices, and those fixed prices must be adhered to. When an applicant puts in his application, that application must be treated in a straightforward way, and there must be no monkey tricks at all in dealing with the Lands Department. If in any dealings of the State we require straightforward and above-board action it is in connection with the Lands Department. Members will remember that when we applied for responsible government it was held up against us in the mother country that it was not safe to give responsible government to Western Australia because the people of Western Australia would divide this great patrimony amongst themselves. As a member of this House and with the responsibility I have on me I must support such a motion as this, and I will not be a party to the partition of this great country in any way but what is above-board. Only recently I received a letter from the department in respect of an application of my own. I was asked to appear before a certain board. Under the regulation there should be no board, and legally there is no board. I was called upon to state my particular claim in respect of a certain application to have that land allotted to me. I waited until the day fixed for the board to deal with this land, and for two or three days afterwards. I wrote a letter and told them that as a member of Parliament I had too much respect for my position to use that position against any other person for the allotment of any piece of land to myself. If persons in this State are asked to represent certain particular claims they have to a particular piece of land, it will lead to all descriptions of corruption of the worst kind. One cannot travel about this country without hearing remarks made as to how a certain poison lease was granted or a certain piece of first-class land was granted as third-class. I see members interested in agriculture smiling. It is high time this matter was taken in hand and something done to bring about a fair deal between the vendor and purchaser in respect of land. Recently—I think the Minister in charge of the House will agree with me—a very pernicious practice was adopted, but I believe the performance did not turn out quite a success. That was the auction of certain lands which was much advertised, and the competition was to take place at Narrogin between certain applicants for the Marjidin estate. Applicants for land at prices set upon it by the

Government were asked to compete by public auction for the purchase of certain estates. A member says it is perfectly illegal, but Acts of Parliament and illegalities have not been at all considered in the various dealings with our Crown land. Nearly every session since I came into the House I have essayed to bring forward a motion for a select committee or royal commission to inquire into the dealings with land, but I regret I have not had that support which I should have received. I hope that we shall have it, and that there will be a great undoing for the Lands Department. I think I have made my place in this House pretty secure with regard to the Lands Department, and I shall not pursue the matter farther. I hope the Minister will have something like a reasonable explanation to make in respect of dealings about second and third class land.

HON. J. A. THOMSON (Central): Is it not a fact that the land is classified before applications are made for it? Or is the classification made after the application is received?

THE COLONIAL SECRETARY: Afterwards, I understand.

HON. J. A. THOMSON: That is quite enough.

HON. C. E. DEMPSTER (East): It does seem to me strange that no valuation is put on the land. If the land were properly inspected and valued, and the price put upon it did not suit the applicant, such applicant would know what to do.

THE COLONIAL SECRETARY: That means survey before selection.

HON. C. E. DEMPSTER: Examination or report. The Government have always had a surveyor, and it would not be very difficult to report on the value of the land. If the department had the right to put whatever value it liked, I think it would lead to endless dissatisfaction.

HON. C. SOMMERS (North-East): My sympathies are with Mr. Piesse in this matter, but I think if it comes to a question of legality the department is quite within its right. To say that land should be classified before selection would not, I think, work for a moment. A person picks out a block of land, and it is then for the Government inspector to say whether the land is first class, second class, or third class in those particular boundaries, but I think it would be better for the settlers if they knew exactly the prices they had to pay. The prices fixed were a maximum of 6s. 3d. and a minimum of 3s. 9d. per acre for various classes of land. The practice in the past was that an application was sent in for a block, and it was referred to the inspector, and the inspector classified it and made a plan marking how much was first class, how much second class, and how much third class. The department then considered this, and the Minister recommended that the application be granted for first, second, or third class. Frequently the applicant was asked to take so much as first-class, and the balance as third class or second class land. The practice of classifying land as second class and charging 9s. seems inexplicable, and I cannot understand how the department arrived at it. I think it would be better in a case of that sort to say "We believe so much is first class, and you can have the balance as second or third class as the case may be." The Act certainly says that the price shall not be less than 3s. 9d. and 6s. 3d., and apparently up to now the officers have classified it first or second class and charged according to classification. Of course every application approved by the Minister must be approved by the Governor, so that really every application has the sanction of the Governor. Legally the Minister is within his right to make these prices; but I do not think that it is conducive to the settlement of the country. It delays applications considerably if a man puts in an application and does not know what he has to pay for it; and if this sort of thing goes on it is disheartening to settlers.

HON. S. J. HAYNES (South-East): I am entirely in sympathy with the object of the proposer, although the Government are within their rights in altering these prices.

HON. W. T. LOTON: No. The prices have been gazetted.

HON. S. J. HAYNES: It appears to me that it would be of advantage to the people, as conducive to settlement, if the prices for second and third class lands were absolutely fixed.

HON. W. MALEY: They have been gazetted.

HON. S. J. HAYNES: I understand the Minister denies it. There seems a doubt about it. At any rate it would be better to fix prices and give no latitude to the Governor in these matters. If lands are classified the man who goes into the lands office knows what he is going to pay. As suggested by Mr. Loton, to continue the present practice will leave a loophole for the oppression of the poorer man.

HON. J. W. WRIGHT: I understand the surveyor goes over land and reports on it before it is thrown open for selection.

HON. C. A. PIESSE: No.

HON. J. W. WRIGHT: If he does not do so it is a funny way of doing business.

HON. W. T. LOTON: The surveyor goes over when the lands are applied for.

HON. J. W. WRIGHT: He does not go over before?

HON. W. MALEY: It would be better if he did.

HON. G. RANDELL (Metropolitan): I am afraid I am not competent to say much on the subject; but I notice that Mr. Piesse has mentioned some very serious charges which I think will have to be met by the Minister when he replies. I should like to have waited until I heard the Minister's reply, because it might alter one's opinion. If the statements mentioned by Mr. Piesse are facts, and we have no reason to disbelieve him, it is no doubt a very serious condition of affairs. I would naturally suppose that in asking for a piece of ground, to a greater or smaller extent, the applicant would feel sure that there would be some quantities of first-class, second-class, and third-class land on the area. I do not know the methods of dealing with these lands by the department, but I understand in some cases, from what Mr. Piesse has said, that the Lands Department has departed from the recommendations of the inspectors. That of itself seems a serious charge. Are the officers of the department better informed than the inspectors, or are they suspicious of the inspectors' honesty and integrity in making these recommendations? These are the matters that Mr. Piesse complains of, and his contention was that the intention of the Legislature was to fix the prices at 3s. 9d., 6s. 3d., and 10s.

THE COLONIAL SECRETARY: These were the minimum prices.

HON. C. A. PIESSE: The Act states that the prices shall be fixed by the Governor-in-Council, but shall not be less than 6s. 3d. for second-class and 3s. 9d. for third-class land. I went on to say that the Governor did fix the price one month afterwards.

HON. G. RANDELL: The House wants to know if the applicant applies for third-class land whether he gets third-class land, and on what authority the Government act, and why prices are departed from. If it is second-class land we want the same answer. It certainly is open to suspicion when we find that there is a variation in the methods adopted by the Lands Department, because I assume that Mr. Piesse would not make any unfounded charge. I am not charging the department with being guilty of these acts; but very strong statements have been made, and I think it is entirely obligatory on the Minister to answer these questions to the satisfaction of the House.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): I have very much pleasure in making a few remarks on this motion. My remarks will consist principally of the opinions of the Under Secretary for Lands, the Crown Solicitor, and the Minister for Lands on the points raised. Of course, hon. members will not expect that my remarks will consist of very much else, for the reason that the matter is entirely outside the department with which I have to deal. In the first place, it is admitted that these prices come within the purview of Section 68 of the Land Act of 1898, and the vital part of that section with regard to this subject is Subsection 1, which says:—

> The price of such land shall be fixed by the Governor, and shall not be less than 6s. 3d. for second-class land or 3s. 9d. for third-class land, payable in instalments.

Mr. Loton said it was a fixed price. I venture to say it is nothing of the sort; it is a minimum price. Mr. Loton considers that it has been gazetted. It does not say it shall be fixed by *Gazette* or not. In each particular instance the price has been fixed. This discussion has trenched very closely on innumerable discussions.

that have taken place in other States with regard to selection before or after survey. If land is to be accurately classified we will have to survey it before selection.

HON. J. A. THOMSON: Not necessarily for classification.

THE COLONIAL SECRETARY: I most certainly think it is necessary. If we could put all the first-class land in one part of the State, all the second-class land in another part of the State, and all the third-class land in another part of the State, classification would be very easy. But when we get, as is frequently the case—and I think agricultural members will bear me out—in a thousand acres varying proportions of first-class, second-class and third class land, I say the only way to deal with this land is by classification after selection. I think that is incontrovertible; and it is necessary that elasticity is given to meet the varying proportions of the varying classes of land. In a thousand acres we might get 100 acres of first-class land, 700 acres of second-class land, and the remainder might be third-class land. It might vary in another selection. We might get 400 acres of first-class land, 200 acres of second-class land, and 400 acres of third-class land. For the purpose of insuring that the State gets value for the land this elasticity in prices is absolutely necessary. The Land Act was passed by Parliament and went through this House. Mr. Piesse was in the House then, and nothing could possibly be clearer, if survey before selection was wished for and if a hard-and-fast fixing of prices was necessary, than to move an amendment; and from the feeling of the House nothing could be easier. It was not done, however. The Lands Department has to work under the Act as it stands at present, and all the points raised during the present discussion seem to me to show that what is wanted is not an alteration in the actions of the department, but an amendment to the Land Act. If that is so, let the Act be amended. It is competent for any private member to bring in an amending Bill. A man takes up a thousand acres; the land is classified, a report is furnished on it, and according to the varying proportions of the different classes of land within that area there is a price fixed, the minimum being observed as in the Act. Then that application comes before the Governor-in-Council, it is approved, and the price is gazetted. That absolutely complies with the Act. Whether the procedure is good or not depends on the amendment or non-amendment of the Act. I will read a minute from the Under Secretary for Lands:—

> With reference to Mr. Piesse's motion and speech in support of it, I beg to state, with regard to the first part, that the Land Act prescribes that the Governor shall fix the price for the various classes of land, but that such prices shall not be less than 10s., 6s. 3d., and 3s. 9d. per acre for 1st, 2nd, and 3rd class respectively.
>
> When the Act came into force the various classes of land in the South-West Division were thrown open for selection, and the Governor fixed the *ordinary* price of these lands at the minimum rates named in the Act, but it has always been understood that in any special case he could fix the price at a higher figure, and the insertion of the word "ordinary" in the general fixing of prices in the first instance, and in the *Gazette* notice, was clearly for the purpose of making this plain.

There is the explanation.

> For some years after the Act came into force, however, it was almost the invariable rule to grant applications for grazing leases at the minimum of their respective classes.

It has always been recognised that was the minimum, and not a fixed price.

> It was not till the latter end of 1901 that there was any general departure from this practice. The Surveyor General, in November, 1901, wrote a minute pointing out that the existing practice of pricing the land was a haphazard one, and suggested that the price should be fixed according to the proportion——

This is what I have been telling the House——

> of 1st, 2nd, and 3rd-class land in the selection, and his suggestions were adopted. Although there is no doubt a good deal of objection was raised to the new departure, I cannot see that it was in opposition to the intention of the Land Act; and as to whether it is prejudicial to the successful settlement of the land is questionable.
>
> With regard to the second part of the motion, that the prices should be definitely fixed by Parliament, I do not think it would do; in fact, it would be a retrograde step, going back to what was the practice 20 years ago.
>
> In these days of development, the Government must have power to increase the price of land when railway communication and other facilities for opening up the country increase its value.

That, I think, is a legitimate and reasonable contention.

HON. J. W. WRIGHT: What would be the value of the land, if you could not get to it?

THE COLONIAL SECRETARY: I admit that, but the land is so much better when you can get to it.

HON. J. W. WRIGHT: I do not know that it is any better.

THE COLONIAL SECRETARY: Yes; because it costs less to get to it and less to get the produce away. Then he goes on to say:—

But I must say that I feel some sympathy for Mr. Piesse in his desire to have some fixity of price, or some scale to work by so that people may have some idea when applying for land what price will be put on it.

That can be brought about by an amendment of the Land Act, and no other method. The *Gazette* notice fixed the price for the ordinary class of land in the South-West. Then he goes on to say:—

There is a good deal to be said in favour of Mr. Ranford's suggestion of having more classes, but this would mean an amendment of the Act. By adopting the schedule, as prepared by Mr. Conway, on page 6, the difficulty would, to a certain extent, be met; then when estimating the price of a block of land, the quantity of first, second, and third class would be estimated (at the minimum rates)—on the average being worked out the nearest price on the schedule to such average would be taken as the price of the land, unless other circumstances—position, etc.,—increase its value.

There is no doubt the whole question of dealing with these grazing leases is a difficult one, and different people seem to take very different views of it. Here is Mr. Piesse arguing that we are stopping settlement by putting too high a price on these leases; whereas Mr. Throssell—— .

We all know Mr. Throssell, what he has done for land settlement and the land laws of this State, and his experience of the land. And we all know Mr. Piesse. So, when such doctors differ, who shall decide?

——whereas Mr. Throssell tells us that by granting large areas under the easy terms of grazing areas we are building up large estates, which in a future generation the Government will have to repurchase.

HON. W. MALEY: They will not have the money to do it.

THE COLONIAL SECRETARY: I should like to read to the Council a minute from the Minister for Lands, which embodies in a few words what is the Crown Solicitor's view of the legal situation:—

The resolution proposed by Mr. C. A. Piesse is divided into two parts, the first being—That the system at present adopted by the Lands Department of increasing at will the prices to be paid for second and third class lands is distinctly in opposition to the intention of the Land Act, 1898, and prejudicial to the successful settlement on the land. This is answered fully and completely by the Crown Solicitor, whose opinion is as follows:—

There can be no question as to the meaning and intention of Section 68 of the Land Act with regard to the price of second and third class land. It is expressly stated that the price shall be fixed by the Governor; but, in fixing the price 6s. 3d. must be the minimum for second-class land, and 3s. 9d. for third-class land. No maximum price is stated; but I assume that the maximum price for third-class land would be something under the minimum for second-class land, and the maximum price for second-class land something under the minimum price for first-class land.

It seems to me quite reasonable that if a location contains mostly second-class land, but a proportion of first-class land, it might be classified as a whole second-class land, and the price fixed at something between the minimum price for first-class and second-class lands respectively.

That is what is being done, and I maintain it is eminently a reasonable solution of the difficulty. The Crown Solicitor's minute finishes there. Mr. Hopkins goes on to say:—

From the reading of the Land Act, 1898, the position is clearly established that the Act has fixed the minimum price only, leaving it to the Governor in Council to adjust finally what the price shall be.

That is done.

It was stated by Mr. Piesse that grazing leases had issued for lands valued at 10s. If this case is inquired into, it will be found that the land in question is worth 10s., and such value is borne out by the fact of the selector having accepted our valuation. His objection came subsequent to his securing the land.

MEMBER: That is no argument.

THE COLONIAL SECRETARY: No; it is a statement of fact.

HON. J. W. WRIGHT: He wanted possession to prevent someone else stepping in.

THE COLONIAL SECRETARY: The Minister for Lands says:—

The department in this case, recognising the obligations of residence were secured to the State by the applicant's present residence on another selection, strained a point to assist him by the more liberal conditions controlling

grazing leases. It does not follow that a conditional purchase inspector is infallible;——

Here, of course, there is the difficulty which always arises when discretion has to be exercised, because you are dependent in some way upon human agency, and no human being is infallible. They only have to use the best of their discretion, and in this case, as in plenty of others, that may be sometimes fallible. The Minister goes on to say:—

—his estimates are sometimes revised by the older and more experienced officers of the department. The department is satisfied to grant as second or third class lands those areas which the selector is not prepared to accept at 10s. per acre. I certainly deem it wiser to settle 10 families on 5,000 acres of land as against one family on such area.

That, I think, is a fairly reasonable proposition.

There is no justification for the statement that applicants for Western Australian land are paying in excess of its value. There is no case on record where an industrious selector within the borders of this State has had occasion to regret his purchase of land according to the classification of the Department. It is commonly stated by those in a position to speak with authority that the fertile lands of Western Australia are too little known and too little appreciated, and the position is accentuated by the doleful utterances of many selectors, whose good fortunes are a pleasant contrast to the poverty-stricken farmers they so frequently picture. No reduction in the price of Crown lands need be anticipated in this State, neither can this department adhere rigidly to the classification of an inspector. The subsequent construction of a railway or the expenditure of large sums of money on other public works carrying with it an increased value to the land in question, the drainage schemes introduced, have always been accepted as genuine reasons for increasing the selling price of the land.

That I think is a fair proposition.

If Parliament was called upon to readjust the rates at which the land is selling to-day we may rest assured that instead of any reduction being made an appreciable increase would result. I assume you will make such notes as you deem discreet from the views expressed by me and also from the minute of the Under Secretary for Lands, pages 8 and 9.

Instead of making notes, I have as far as possible taken the House into my confidence and read the whole of the minutes. I maintain that the position of the Lands Department is legally unassailable, and as a matter of departmental administration can be defended to the very utmost. I maintain that the reasons which actuate them are for the good of Western Australia, to prevent people getting more than good value for their money, and to encourage settlement as much as possible.

At 6·30, the PRESIDENT left the Chair.
At 7·30, Chair resumed.

HON. C. A. PIESSE (in reply as mover): In reply to the Colonial Secretary, I would like to express my feeling of regret when he was speaking that he was not on the side of the people I seek to aid but against them, for I am sure that with his eloquence and his documents he would carry the House with him as a body. I trust the indulgence of the House will be extended to me to the fullest, for it is my duty to fight for these people all I can. I desire at the outset, as the Minister has dealt so extensively with the price of land, with as few words as possible to discuss how these prices were fixed under the Act. Under the section with which my motion deals we find it stated that the price shall not be less than so and so. This Act was assented to on the 28th October, 1898. On 29th December in the same year, one month later, the Governor-in-Council fixed the price of land in accordance with the desire of Parliament, and it was one month later before the *Gazette* notice appeared, two months from the date of the assent to the Act. The *Gazette* reads:—

Prices of Land under various Sections. *Department of Lands and Surveys, Perth, 29th December, 1898.* It is hereby notified, for general information, that His Excellency the Governor in Executive Council has been pleased to fix the ordinary prices of land open for selection, under the various sections of "The Land Act, 1898," at the following rates, that is to say:—Under Sections 55, 56, and 57, Agricultural Lands, 10s. per acre; under Section 60, Vineyard, Orchard, and Garden Lands, £1 per acre; under Section 68, Grazing Lands, Second-class Land, 6s. 3d. per acre; Third-class Land, 3s. 9d. per acre; under Section 71, Poison Lands, 1s. per acre.

These prices were fixed in accordance with the desire of Parliament. There is no getting away from that. The Colonia Secretary says that in regard to certain prices the department is dealing with special instances. I am in a position to state that it is a general rule adopted throughout the Great Southern district. Although the Act may allow special

instances to be dealt with in this way, I maintain that the Government of the day are abusing the power given to them and that they are making the rule general and not keeping it to special instances. Before getting away from this question of prices I want to state that it was recognised that the prices specified in the *Gazette* were to be the fixed prices, because for two or three years there was no alteration in prices, and there has not been an alteration by *Gazette* notice since. Any alteration effected has been done behind closed doors, and I am in a position to state, without fear of contradiction, that these prices are fixed, not by the classification officers who see the land, but by the officers in the department who never see it. This is a state of affairs Parliament did not wish and the people did not expect. I defy the Colonial Secretary and the Minister for Lands and the Government to deny what I am saying. It is a fact that lands have been classified by the officers in the department, and that classifications have been raised by officers in the department who have never seen the land. It is on this account that bitterness has sprung up. I was told that I had raised a commotion through my motion, and that the farmers were going to stand to their rights and to prevent this injustice being practised upon them. I only desired in bringing forward this motion to rectify the prices of land. The Under Secretary for Lands is a gentleman desirous of doing his best for the country, and I say that upon his shoulders the responsibility of the fixing of prices of lands should not be thrown. If this Act does not fix the prices I say it is the duty of Parliament to fix them. Let us have four, or five, or six prices absolutely fixed. Much has been said about the classification officers. I do not say one word against them. They are satisfactory. The complaint is that the reports of the classification officers are overridden in the office by men who never see the land. That is the position so far as prices are concerned. I maintain that Parliament has fixed the price, and that the Governor has fixed it by *Gazette* notice. These prices went on for two or three years until the commercial element stepped into the Lands Department. There is too much commercial element, more than was intended by Parliament. I can prove that there should be no alteration in the prices. It was absolutely fixed by Parliament, and in these circumstances people should have an action against the Government. The Minister contends that first, second, and third-class lands are included in improvements. I deny that absolutely, and can prove it. I challenge the Colonial Secretary to bring the classification reports to the House, and I will name the applications, and show the House that first-class lands did not come under these particular applications. They are purely second and third-class lands. I will read a letter, without mentioning names. It says:—

Department of Lands and Surveys, Perth, 5th October, 1903.—With reference to your application of the 14th November last—[This is the sort of thing dealt out to these people, eleven months interval after the application!]—for 300 acres of land in the Williams district as a grazing lease, I beg to inform you that on the inspector's report the hon. the Minister for Lands is of opinion that the same should be disposed of as a second-class grazing lease at 8s. per acre.

That man applied for third-class land, which it is, as can be seen. It is absolutely a bad third-class. There is not a word about third-class land in it. That is not what Parliament meant, or what the settler was led to believe in, but the Government can use their power to force the hand of the settler. The Minister has mentioned some correspondence about a man being asked to pay 10s. I know the land well, and I can tell the hon. gentleman that it is all third-class. That man applied for 1,000 acres of land. Owing to river frontage it was agreed that he should take 500 acres as first-class at 10s., and in consequence of goodness knows what other reason the balance was sold to him at 10s. an acre with 30 years to pay it in. The selector says it is absolutely true, and he accepted the land because it adjoined his present holding, intending to afterwards apply for reclassification, remembering as he did that his neighbour, Mr. Rodway, had done the same thing. Mr. Rodway told him that, having paid too much for his land, he went to the Government and said, "I want to reclassify my land;" the Government acceded to his request, and brought the classification down about

six or twelve months ago. I do not want to blame the Minister in the matter. I did not say that what was done was illegal, but that it was contrary to the intention of the Act. It was the Minister who brought up the legal point. I will give one more instance to show how these matters are treated.

THE PRESIDENT: The hon. member must confine himself simply to replying to those who have taken part in the debate, and must not bring in any fresh matter.

HON. C. A. PIESSE: My remarks are in reply to what the Minister said. The following was received from the Lands Department in September:—

> With reference to your application of 11th February last for 1,000 acres of land in the Williams district as a grazing lease, I beg to inform you that, consequent on the inspector's report, the Hon. the Minister for Lands is of opinion that the land should be disposed of as a second-class grazing lease at 9s. per acre.

This is a shilling less, and there is not one word said about first-class land. The man is a stranger here, and does not know where he is. I maintain that this is a bad state of affairs, and Parliament should step in to fix a price and put an end to the present condition of things. I brought a motion up dealing with this very matter, and the Minister of the day was against it. I will read a few words I said in introducing the motion, which was for the addition of a new clause reading thus:—

> Land may be applied for under Clauses 59 and 68, in one holding, the annual payments to be calculated on the acreage of each class in area.

In introducing the motion I said:—

> The object was to simplify as much as possible the existing state of affairs and enable a selector for one application to obtain first, second, and third-class lands. It would mean that there would be one application, one deposit, one survey, and one title, whereas at present there were three applications, three deposits, three inspections, possibly three surveys, and the expense of three different titles. The trouble the Lands Department saw in this matter was the difficulty of classification; but we had them carrying out at present the very system of classification. When an inspector was on the ground, it would be no more trouble to say there were 200 acres first-class, 300 acres second, and the balance third. Such system would enable the selector to get the three different classes of land he required to carry on successful farming.

I was pleading with the Lands Department to insert a new clause. Members know the date of the amending Act, and from that day forward we have had them illegally doing the very thing I want to make legal. We find them taking first, second, and third-class land in one application, and there is nothing in the Lands Act to give them that power. I care not what those opinions are (quoted by the Colonial Secretary). Those opinions have been prepared to suit the case. The Land Act is clear enough for anyone to read, or at any rate we should have it clear. A great deal has been said this evening about classification. There is a difficulty in this, and I have said nothing about the officers. I do not want them to be blamed. The area we have to deal with is an immense one, and the only way in which we can deal with it just now is to classify it after the selector has made his application. There are no well-defined boundaries, and unfortunately the system I refer to is the only one we can adopt; but it is open to great abuse, not only in raising the price, but in decreasing it. Instances are numerous where men have come to the city, interviewed the Lands Office, and obtained a reduction. A man who comes down and who has the greatest ability gets the best treatment, and I am sure Parliament did not mean that to be the state of things. I have not much more to say on the matter. The Minister read a pile of correspondence which is too much for my mind to grapple with. Moreover, the rules of the House will not permit me to go through that correspondence, and I shall afterwards deal with the matter in the Press. I have been advised to withdraw this motion, but I do not know that I ought to withdraw it. Those people are watching most earnestly for the opinion of Parliament on this matter, and I feel that the question should come before the House, for there is no promise that the Government will in any way alter the state of affairs, and we have had an admission that the Government do raise the price. I will ask the Government to produce papers, and members will then be able to see for themselves what has taken place. On looking through the reports they will

find that in nine cases out of ten there is no third-class land, and prices are fixed by men who have not seen the land. I do not desire to rush the Lands Office, but I wish justice done to these people. People are already writing to their friends and warning them against coming here, stating that they do not know what price they will have to pay. I hope the Minister will give us some sort of promise that there will be no more doings of this kind, and that prices will be fixed by the introduction of an Act at once. The Minister for Lands made a promise at the beginning of the session, and I maintain that in justice to the department there should be an amendment of the Act, which at present is unsatisfactory to the country and absolutely unjust to the settlers. I feel very strongly upon this matter. There is a big outcry against the action of the Government in dealing with these questions, and I feel it my duty to see what the opinion of the House is. Although I have been advised to withdraw the motion, upon second thoughts I will leave it to the House, for I cannot see how else we are able to get the opinion of the House. If we are going to allow these people to be served in this manner, we ought not to be here. It can be proved beyond doubt that prices have been raised, and nothing has been gazetted to let the people know they would have to pay the price. I hope members will give their strong support to the motion, or that the Minister will make some promise.

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

Ayes	...	...	7
Noes	...	...	6
Majority for		...	1

Ayes.	Noes.
Hon. A. Dempster	Hon. H. Briggs
Hon. J. M. Drew	Hon. W. Kingsmill
Hon. W. Maley	Hon. R. Laurie
Hon. B. C. O'Brien	Hon. W. T. Loton
Hon. C. A. Piesse	Hon. G. Randell
Hon. J. A. Thomson	Hon. J. D. Connolly
Hon. C. E. Dempster (*Teller*).	(*Teller*).

Question thus passed.

On motion by Hon. C. A. Piesse, resolution transmitted to the Legislative Assembly for concurrence.

MOTION—NORSEMAN GOLDFIELD RAILWAY, TO CONSTRUCT.

Resolution of the Legislative Assembly now considered in Committee, as follows:—

That in the opinion of this House the developments of the Norseman Goldfield warrant railway communication, and that such a work should be taken into early consideration.

Hon. J. T. GLOWREY (South): Last session a motion was carried in this House affirming the desirability of constructing a railway to Esperance. As the motion conveyed in this Message only deals with portion of that work, I move that the order be discharged.

Motion (to discharge) passed, and the order discharged from the Notice Paper.

EARLY CLOSING ACT AMENDMENT BILL.

ASSEMBLY'S AMENDMENTS.

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

No. 1—Clause 5, strike out the word "ten," in line 5, and insert "nine" in lieu thereof:

The COLONIAL SECRETARY moved that the amendment be not agreed to.

Question put, and the amendment not agreed to.

No. 2—Clause 11, strike out the following paragraph:—"But nothing in this section shall prevent the *bona fide* owner, or any one and no more of the *bona fide* owners of a hairdresser's shop from himself carrying on the business of a hairdresser until the hour of 10 o'clock p.m.":

The COLONIAL SECRETARY moved that the amendment be agreed to.

Hon. J. M. DREW (Central): Being responsible for the inclusion of this clause in the Bill, he had since discovered that there was hostility to it in another place, and that there was some danger that the measure might be wrecked if the clause was insisted upon. However, he would like to hear the opinion of members, and if it was felt that the clause should be retained he would give it support.

Question passed, and the amendment agreed to.

No. 3—Add the following new clause:—"Sections 4, 5, and 9, and Schedule 2 of the principal Act are amended by sub-

stituting the word 'nine' for the word 'ten' wherever appearing in the said sections and schedule":

THE COLONIAL SECRETARY: This was consequential on No. 1. In moving that the amendment be not agreed to, he was convinced that by altering the closing time to nine o'clock on Saturday nights we would inconvenience a great body of customers in order to placate a small body of shop assistants who had made no movement in the direction whatever. The hours of labour of shop assistants were fixed, and most of the employees did not work up to the fullest extent of those hours. He moved that the amendment be not agreed to.

HON. B. C. O'BRIEN (Central): While realising that the principle in the amendment had already been negatived on No. 1, and he would submit respectfully to the decision of the House, he desired to say a few words on the principle. There was no radical change in the amendment, which was greatly desirable. The arrangement of closing shops at nine o'clock on Saturday nights worked very well in other places. In Ballarat, a very large trading centre, it was carried out to the satisfaction of everybody. He could not vouch for other places. It was said the clause would inflict a considerable hardship on a number of people. We did not know what the effect of the amendment would be until it was tried. It was now only a matter of opinion. If the hour of closing was 12 o'clock there would be a rush at the last, just as happened now. By making shops close at nine o'clock, the people would shop a little earlier. Thousands of people came into the city on Saturday nights out of curiosity and not to shop. The motion would give a huge army of employees shorter hours, because now a great number of employees had to work as a matter of fact until 11 o'clock on Saturday nights.

HON. J. W. WRIGHT: What hours did barmen work?

HON. B. C. O'BRIEN: They had to work long hours for the benefit of the public. If a Bill were brought in to amend the licensing law justice should be done to barmen as to everybody else; but the public clamoured for hotels being kept open for long hours.

HON. G. RANDELL (Metropolitan): With the amendment moved in the Assembly he was perfectly in accord. The hour of closing on Saturday nights should be nine o'clock, and he could not understand any conscientious and right-minded man desiring to keep the shops open till 10 o'clock. It was simply an act of justice to those employed in shops to close these establishments at the earlier hour. If the arguments presented by the District Traders' Association of Fremantle in a pamphlet were to be taken as the best that could be produced against the earlier closing, he was stronger in his opinion on the point than before. The arguments were so childish and so contrary to what was likely to be the result of the closing at nine o'clock, that he was astonished business men would put their hands to such a document. The hon. member had referred to Ballarat, but we need not go beyond Perth. Up to very recently the closing here was by a voluntary arrangement arrived at between the shopkeepers themselves, that the closing hour should be nine o'clock, and those engaged in business at that time were exceedingly desirous of closing their shops at that hour. It was unreasonable of employers to want the services of their employees to so late an hour as 10 o'clock on Saturday night. Letters had been published showing that some young ladies reached home at 12, and had to go through streets and lanes where there was little protection. The purchaser had no right to be considered in this matter. He believed that most people were paid on or before 12 o'clock on Saturday, and some were paid on Friday. Another objection to shopping late at night was that any inferiority or defect in the articles sold could not be seen as it would be in daylight.

HON. R. LAURIE (West): Mr. O'Brien had said that shop assistants had stayed after 10 o'clock, but the hon. member must not lose sight of the fact that the total number of hours these assistants could be kept during the week was prescribed by the Act. Shop assistants had not asked for the closing at nine o'clock. There were three parties interested, namely the shop assistants, the employers, and the public. When the shops in Perth used to close at nine on Saturday nights the conditions were

vastly different. The working men, instead of living in Perth, now lived in the suburbs, and by the time their wives had made their purchases and started homewards, it was probably after nine o'clock. Mr. Randell said it was doubtful whether it was profitable to keep shops open after that hour. He (Hon. R. Laurie) had a petition signed by the bulk of the shopkeepers in Perth and Fremantle, and it contained the names of firms who wished the old hour of 10 to be reinserted.

HON. G. RANDELL: If the assistants did not want shops closed at nine o'clock, how did the hon. member account for the resolution passed the other night?

HON. R. LAURIE: That was never thought of until the matter was brought forward in the other House. It would be time enough to make alterations when they were asked for. He would be delighted to assist shop assistants if they asked him, and said they were suffering from some hardship. Another phase of the question was that a number of Mondays were holidays, so that there was a rest from Saturday night till Tuesday. If we took into consideration the number of hours worked by shop assistants, that there had been no trouble between those assistants and their employers, and that the public were desirous of having the shops in the large centres at all events open till 10 o'clock on Saturday nights, we should be best serving all interests by allowing shops to remain open till that hour.

HON. J. A. THOMSON (Central): If this were a matter affecting only the shop assistants and shopkeepers, it would be wise to have shops closed at nine o'clock, but we had to consider the shopping community. Wives had the evening meal to prepare for their husbands, and to put the children to bed, so it was pretty well eight o'clock or half-past before they got into town, and what time would there be to do shopping before nine o'clock? He did not think the shopkeepers would lose one penny by closing at that hour, but it would be unjust to the community at large to have the shops closed at that time.

HON. W. MALEY (South-East): We were face to face with one of the most difficult social problems of the day. He had frequently maintained that the only method of dealing with the principle of early closing was by limiting the hours of labour. It had been suggested that the working class could not do their shopping before 10 o'clock. The working class had limitation of the hours of labour, and were perfectly protected, and it was unfair for them to demand that other persons should be shut up in shops till 10 o'clock for their convenience. He had made deep inquiries and found that in one of the States the early-closing principle had been adopted, the hour fixed being nine o'clock; but the retailers, in order to sweat their employees to the fullest extent, caused them to appear an hour earlier in the morning, to make up for the hour lost at night. He was willing as an experiment, and only as an experiment, to vote for the closing of shops in the city of Perth at nine o'clock. That would give a chance to see how the principle worked. One only regretted that the hotels did not close at nine o'clock, because the workman was far better off in a shop buying something of advantage to his family than spending money in frivolities of no benefit to himself or to those belonging to him. The only way to meet the difficulty was to limit the hours of labour. The public would require a good deal of education to be educated up to the principle.

HON. C. A. PIESSE (South-East): Although having a decided objection to legislation of this kind, because there was an undercurrent that took away the self-reliance of the people, he supported the proposal to close at nine o'clock. In the country his firm desired to close at nine o'clock on Saturday nights, but found that on nine Saturday nights out of ten the people were in the shops after nine o'clock and could not be got out before 10 o'clock.

HON. G. RANDELL: And they bought nothing.

HON. C. A. PIESSE: Yes; the people purchased, and a profit was made out of them; but it was desired to make the profit before nine o'clock. People simply got into a bad habit, and it was the same thing in the cities. There were many instances where people were indifferent to the interests of store assistants.

HON. S. J. HAYNES (South-East): One was sorry to differ from other members in this matter, but the word "ten" should be inserted instead of

"nine." There was no outcry by the employees, and the employees did not require the alteration which would cause considerable inconvenience to the working classes. In saying this he was not speaking in a claptrap way.

HON. J. A. THOMSON: It was a fact, nevertheless.

HON. S. J. HAYNES agreed with Captain Laurie, who knew the circumstances with regard to Fremantle. So far as shop assistants were concerned in this State their hours were exceedingly reasonable, and employers treated their hands with humanity. The hours were far more reasonable than they were many years ago when there was some cause for grumbling. Closing at nine o'clock would simply mean that there would be a rush and a congestion which would cause the employees to stop behind, and mean great inconvenience to the public. Nine-tenths of the employers gave their employees, if they were out of sorts, holidays on full pay. So far as this legislation was concerned there was too great a tendency to shorten the hours of labour unduly. Following on our present lines, instead of one Sunday and six working days in Australia, we would have six Sundays and one working day.

HON. J. A. WRIGHT (Metropolitan) agreed with Captain Laurie's remarks. If 10 o'clock was not reinserted in the Bill he would ask permission to include licensed victuallers in the Bill.

HON. B. C. O'BRIEN (Central): It had been said there was no demand for the alteration. It was admitted the employees did not start the movement in the first place; but since the Bill had passed another place he had made it his business to make inquiry in all directions, and every employee he had spoken to with one exception was anxious to have the amendment passed.

HON. S. J. HAYNES: If we wanted to close the shops at three o'clock the assistants would say the same.

HON. B. C. O'BRIEN: A little had been said about hotels. As a hotelkeeper for nine years he would welcome any Bill that would shorten the present hours which were dreary and long to the men responsible in a hotel. In hotels, however, there must be conveniences for the travelling public, and for those out at night. It was unfortunate that at times people drifted into hotels and stayed there longer than they should. That, however, would continue to the end of time, for it could not be prevented.

HON. J. W. WRIGHT: As junior member for the Metropolitan Province, not one shop assistant had approached him about this matter of the hours of labour.

HON. G. RANDELL: It would have been no use.

HON. J. W. WRIGHT: No; it would not have been any use. He considered the shop assistants were well treated, and that they worked four or five hours a week, without counting in the holidays, less than the hours fixed. The petition mentioned by Captain Laurie was signed by every storekeeper of any standing in Perth and Fremantle. If the shop assistants did not move in the matter we should not move in it. It was simply a fad of members in the other House.

HON. W. MALEY (South-East): Having occasion to go into one of the principal shops in the city the other day he was approached by the manager and assistant with reference to this matter. They spoke to him so persistently that they would have convinced any member, as they had convinced him, to give his support to the experiment being tried.

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

Ayes	...	...	12
Noes	...	...	4
Majority for	...	...	8

AYES.	NOES.
Hon. J. D. Connolly	Hon. W. Maley
Hon. A. Dempster	Hon. C. A. Piesse
Hon. C. E. Dempster	Hon. G. Randell
Hon. J. M. Drew	Hon. B. C. O'Brien (*Teller*).
Hon. J. T. Glowrey	
Hon. S. J. Haynes	
Hon. W. Kingsmill	
Hon. W. T. Loton	
Hon. Sir George Shenton	
Hon. J. A. Thomson	
Hon. J. W. Wright	
Hon. R. Laurie (*Teller*).	

Question thus passed, and the amendment not agreed to.

No. 4.—Add the following New Clause:—"The principal Act and this Act shall apply to the several municipalities and road boards districts following:—The Municipalities of Midland Junction, Guildford, Victoria Park, Perth, North Perth, South Perth, Subiaco, Leederville, Claremont, Fremantle, East Fremantle,

and North Fremantle, and the road board districts of Cottesloe, Peppermint Grove, Buckland Hill, Claremont, Bayswater, Belmont, Perth, and Fremantle. Each such municipality and road board district shall be deemed a district for the purposes of the said Acts":

THE COLONIAL SECRETARY moved that the amendment be not agreed to. He could not understand what was aimed at by the clause. It seemed that instead of placing in the Bill certain parts of the State statutorily within the operation of the measure, we might trust the Government to apply it to districts as the case demanded.

Question passed, and the amendment not agreed to.

Resolutions reported.

A committee, consisting of the Hon. W. T. Loton, the Hon. R. Laurie, and the Colonial Secretary as mover, drew up reasons for not agreeing to three of the Assembly's amendments, as follow:—

No. 1.—That it is considered that a great amount of inconvenience would be caused to a large section of the community by shops being compelled to close at 9 p.m. on Saturdays. No. 2.—That the shop assistants, whose hours are already fixed, have not expressed any general desire to have those hours amended. No. 3.—Consequential to No. 1. No. 4.—It is considered that the question of proclaiming districts under the Act may safely be left to the Governor-in-Council.

Reasons adopted, and a message accordingly returned to the Assembly.

SUPREME COURT ACT AMENDMENT BILL.

Received from the Legislative Assembly, and read a first time.

ELECTION OF SENATORS BILL.

Received from the Legislative Assembly, and read a first time.

PHARMACY AND POISONS ACT AMENDMENT BILL

ASSEMBLY'S AMENDMENTS.

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

No. 1—Clause 2, strike out the clause:

THE COLONIAL SECRETARY moved that the amendment be agreed to. This little Bill was brought in with the idea that reciprocity was going to be effected between the pharmaceutical chemists in Western Australia and those in the Eastern States, but he understood it was found that such reciprocity was, to use an Irishism, all on one side, and it had been necessary for the Pharmaceutical Society to change their intention and get the Bill altered. It was now provided that Clauses 2, 3, and 4 should be struck out, and that a new clause, which meant Section 38 of the principal Act, should be inserted. The gist of this new clause was that a person or company not a pharmaceutical chemist, but who ran the business under the direct supervision of a pharmaceutical chemist, might carry on that business, but with this limitation, that while the Pharmaceutical Society were quite willing that this privilege should be allowed to a company or person carrying on business, still they did not recognise that by the employment of a qualified chemist that person or company would have a right to assume the title of chemist, druggist, or anything appertaining thereto. As to the disposal of a business after death, the word "person" was reinserted as it stood in the principal Act. It would thus be seen that if a pharmaceutical chemist died, his wife could, by the employment of a qualified manager, still carry on the business; therefore it was not necessary to place in this Bill provisions for carrying the business on by the executor for six or twelve months, for the purpose of selling it as a going concern. It was proposed for the farther making clear of Section 31 of the principal Act, relating to the sale of poisons and the placing on bottles containing poisons a notice that the contents were poisonous, that the letters should be perfectly legible; and it strictly defined the size of the letters in which the word "poison" were to be printed. There could be no objection to the amendment, and he moved that it be agreed to.

HON. G. RANDELL had been astonished at the drastic alterations made, but on inquiry he ascertained they met the views of the chemists and members of the medical profession. The Government, however, changed their minds in another place, and we now

found that the Bill was rather an improvement.

Question passed, and the amendment agreed to.

No. 2—Clause 3, strike out the clause: Amendment agreed to.

No. 3—Clause 4, strike out the clause: Amendment agreed to.

No. 4—Add the following new clause:

Section thirty-eight of the principal Act is repealed, and the following section is inserted in lieu thereof: 1, No person other than—*a*, A pharmaceutical chemist; or, *b*, A person or company registered under the Companies Act, 1893, or Friendly Society registered under the Friendly Societies Act, carrying on the business of a chemist or druggist or of a pharmaceutical chemist by and under the personal supervision of a pharmaceutical chemist; or, *c*, a legally qualified medical practitioner, shall carry on the business of a chemist and druggist or pharmaceutical chemist. 2, No person other than—*a*, A pharmaceutical chemist; or, *b*, a legally qualified medical practitioner, shall assume or use the title of pharmaceutical chemist, pharmaceutist, pharmacist, chemist and druggist, dispensing chemist, dispensing druggist, homeopathic chemist, or other words of like import, or use or exhibit any title, term, or sign which can be construed to mean that such person is qualified as a pharmaceutical chemist. 3, Any person who offends against the provisions of this section shall be liable, on conviction, to a penalty not exceeding fifty pounds, or to imprisonment for any term not exceeding twelve months for every such offence.

Amendment agreed to.

No. 5—Add the following new clause:

Section thirty-one of the principal Act and the amendments thereof contained in section three of the Pharmacy and Poisons Act Amendment Act, 1899, are hereby repealed, and the following section substituted therefor:—No person shall sell any poison unless the bottle or other vessel, wrapper or cover, box or case immediately containing the same bears thereon—(*a*), The word "Poison" printed conspicuously in letters not less than three-sixteenths of an inch in size; and (*b*), The name of the article, the name and address of the vendor, and the address of the shop or premises from which the article was sold. All such matter shall be so printed that the purchaser of the article can plainly see the same.

Amendment agreed to.

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

ADJOURNMENT.

The House adjourned at four minutes past nine o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 12th November, 1903.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: Papers relating to new Houses of Parliament, showing suggested extensions, etc. He explained that plans would be laid on the table before the next sitting.

Ordered, to lie on the table.

QUESTION—MURCHISON GOLDFIELDS TRAFFIC.

MR. HIGHAM asked the Minister for Railways: 1, Whether any special arrangements have been made for the granting of through waybills or bills of lading for merchandise sent from Perth or Fremantle to stations on the Murchison Goldfields railway lines by rail or steamer. 2, If so—I. By what company or companies. II. If not by all steamers, why all are not placed on the same terms. 3, What is the nature of this waybill or bill of lading, and what concessions, if any, does it concede to consignors or consignees.

THE MINISTER FOR RAILWAYS replied: 1, No arrangements have yet been completed. 2 and 3, Answered by No. 1.

QUESTION—RAILWAY TICKET REGULATIONS, FINES.

MR. REID, for Mr. Daglish, asked the Minister for Railways: 1, What number of men have been fined for breach of ticket regulations at the loco. workshops from 1st January, 1903. 2, What is the total amount of such fines. 3, What is the maximum penalty inflicted. 4, To