

## LEGISLATIVE COUNCIL,

*Tuesday, 27th July, 1886.*

Increase of Salary, Clerk to Magistrate, North District  
—Appropriation Bill (Supplementary), 1886: in  
committee—Land Regulations: further considered  
in committee—Adjournment.

THE SPEAKER took the Chair at noon.

## PRAYERS.

INCREASE OF SALARY FOR CLERK TO  
MAGISTRATE, NORTH DISTRICT.

MR. McRAE, in accordance with notice, moved "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates for 1887 an amount sufficient to increase the salary of the Clerk to the Resident Magistrate, North District, to £175 per annum." The hon. member said the officer in question had been in the public service for a great many years; and, three years ago, he was in receipt of £160 a year as clerk to the Resident Magistrate and postmaster, but, owing to the amalgamation of the Post and Telegraph Offices, he lost £25 a year. He pointed this out to the Colonial Secretary (Mr. Fraser), who said that he would be one of the first on the list for promotion. Nothing, however, had been done for him; and he (Mr. McRae) thought this was another instance of deserving officers being overlooked because they happened to be stationed away from head quarters. The Government, the other day, when the Supplementary Estimates were on, sought to make some additional appointments in connection with the Resident Magistrate's office at Roebourne, but the votes were struck out, and he believed the present clerk was prepared to do all the work if he got paid for it.

MR. GRANT said the clerk at the North had very onerous duties to do, and he was well up in his work, and, when a change of Magistrates took place, he had to initiate the new Magistrate into his duties. This was another proof of how some of the most efficient and deserving officers in the service were lost sight of altogether, because they did not happen to live in Perth. The salary attached to this office was not at all commensurate

with the importance of the position and the work to be done.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) pointed out that the salary of the officer in question had already being increased—certainly it was only a small amount; but, if it was to be further increased, no doubt many other clerks who were drawing small salaries could make out as good a claim as this officer. He believed he was a very good officer and deserving of consideration; and if it was the unanimous wish of the House that his salary should be further increased, the Government would offer no objection.

MR. VENN said he had no intention to oppose the motion, but he would say this: personally he was opposed on principle to the practice of hon. members in that House moving such addresses as these to increase the salary of any public officer. He thought it was a bad principle to adopt, and a privilege that should not be indulged in. It was rather an abuse (if he might use the term) of the position which hon. members held, and investing it with an air of more importance than really attached to it. It was a practice which he thought should not be followed, and he was afraid it had been abused in many cases. It had the effect of gaining a member a little popularity—spurious popularity, he might say—but he thought it ought to be discouraged. The question of salaries was clearly a departmental one, and he had uniformly set his face against the practice.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): I quite agree with the remarks of the hon. member for Wellington. Certainly this course of recommending certain officers for an increase of salary is an irregular one, but, as I stated just now, under the circumstances connected with this particular case, and if it is the unanimous wish of the House, the Government would not object to the proposal made in this instance. The case of this officer is an exceptional one, as pointed out by the hon. member for the North.

MR. MARMION said though agreeing to some extent with what had fallen from the hon. member for Wellington and from the Colonial Secretary, that perhaps it would be as well that care should be taken in bringing forward such proposals

as these for increases of salary; still, at the same time, it was possibly as well that it should be done openly in this way in that House rather than by any underhand pressure at Government House. There were cases, at times, the surrounding circumstances of which were possibly better known to the member for the district than to the Government, and he could conceive cases in which public officers might suffer injustice if no one undertook to bring their claims under the notice of the Government. He thought that the members of that House, the representatives of the people of the colony, were fully justified in representing any such cases of hardship or injustice to the Government. It was just a question whether it should be done publicly and openly, within the walls of that House, or privately somewhere else, through the medium of some member of the Executive or through the medium of the Governor himself.

MR. WITTENOOM said he quite agreed with the hon. member for Fremantle, that there were many cases in which the representative of a district, and especially of country districts, knew more about the claims of public officers than the Government did, and were more likely to become aware of any grievances.

The motion was then put and passed.

#### APPROPRIATION BILL (SUPPLEMENTARY), 1886.

This bill passed through committee without discussion or comment.

#### LAND REGULATIONS.

The House went into committee for the further consideration of the proposed new land regulations.

Clause 28.—“If at any time after these Regulations come into force, the Governor in Council shall deem it necessary to resume any portion of land which may have been alienated in the Kimberley District for the purpose of being included within the limits of a township, he may resume such lands for that purpose, and notice thereof shall be published in the *Government Gazette*. Upon such resumption the owner of such land shall be compensated for such resumption, either by a grant of the fee simple of land in the district, equal in area to that resumed, or by a refund of

“the original price of the resumed portion. And in the event of any improvements having been made on the resumed portion he shall be entitled to compensation from the Crown, to be assessed in the manner prescribed in these Regulations.”

MR. MARMION asked whether it would not be desirable to limit the time within which this power might be exercised? These regulations might remain in force for the next twenty years, and it would be rather hard for Kimberley landowners to have this power held over their heads all that time. He thought there ought to be a limit to the operation of the clause—say for the next five years. He could quite understand the object of the clause in the old regulations, which was to prevent people going into the Kimberley District (which had then only been recently discovered), and selecting all the most advantageous sites for towns and harbors before the Government had an opportunity of ascertaining anything about the country. But surely within the next four or five years the Government would be in a position to select the most suitable sites for townsites and ports; and why should this rod be held in *terrorem* (as it were) over the heads of owners of land, indefinitely?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought the House might trust the Government in a matter like this. They were not likely to exercise it arbitrarily. There could not be many places in the district where it would be necessary to select townsites, and he thought the Government had every right to look after the interests of the colony in such matters.

MR. VENN: Why confine it to the Kimberley District?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Simply because that district is not well known.

MR. MARMION: There are other districts that are not well known besides Kimberley—Eucla for instance. Some portions of Kimberley are very well known now; between Derby and the DeGrey on the South and between Derby and the Leopold ranges on the north; and we hope to know a great deal about the district before long.

MR. SHOLL thought it would be a very hard thing to make a man give up

his land ten or fifteen years hence at the same price as he originally paid for it. He thought that ought to be a question between buyer and seller, and that the Government should not be allowed to bounce a man out of his land at cost price, when the land might have trebled in value.

MR. McRAE said a man might have selected the best part of his run for a homestead, and built a good house on it and made other improvements, and the Government might step in and resume the land, just giving him the bare value for it. He thought if such a power was necessary at all it should be limited to the next five years after these regulations coming into force.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the Kimberley District was different to any other part of the colony, in having very many harbors, and the land in the vicinity of these harbors might be required hereafter, in the public interests: and, without some such clause as this, speculators might buy up all this land and the Government would be unable to resume it, except at some fancy price. But with this clause in the regulations, purchasers of land would know that the Government would be in a position to step in at any time when the land was required for a townsite; and if these people chose to monopolise all the lands adjacent to these harbors, they would do so with their eyes open. It would only affect those who took up land for purposes of speculation. The Government were not in a position to make these reserves now, and there was no knowing yet what future might be in store for this district.

MR. GRANT said he was quite in accord with the Commissioner in this matter. He believed there was a grand future for this Kimberley District,—a future of which they had no idea at present; and, as most of the district was hardly known as yet, it was impossible for the Government now to select townsites, or declare harbors, or know what to do. If all the land in the neighborhood of the best sites for our future towns and seaports were to fall into the hands of a few speculators, and the Government had no power of resumption, the colony might suffer very serious loss. At the same time he thought there ought to be some limit as to the time within which

this power of resumption should be exercised by the Governor. It ought to be for a definite and not for an indefinite period. He should think about twenty years ought to be long enough. The district could hardly be expected to be fully developed before another twenty years, and he thought the Government ought to be put into a position to hold this power of resumption over the heads of speculators for that time. He quite upheld the Government in this matter.

MR. MARMION said that "speculators" were a bugbear to some hon. members. For his own part he had never been afraid of throwing open our lands to those who wished to invest their capital in it. Why should people be debarred from spending their money in the colony if they wished to do so, and were prepared to accept our conditions? As to there being no land available for townsites hereafter, if it got into the hands of speculators, he presumed the first thing these speculators would do, if they found there was a probability of a townsite being declared, would be to cut up their land into small blocks and offer it for sale. Why should they be debarred from making some profit out of their investments as well as the Government? Why should all the profit go into the pockets of the State, and none to the purchaser and owner of the land? This power of resumption over the heads of owners of land was not possessed by the Government as regards any other portion of the colony. He would have no objection to a saving clause giving the power of resumption as regards land in the vicinity of harbors, but he thought the clause as it stood was very objectionable.

MR. SHENTON thought that some regulation of this kind ought to be put in. He remembered that some 25 years ago the Government of the day were in the same difficulty as regards the port of Dongarra. The whole of the land surrounding the harbor had been taken up and was in the hands of private owners, and considerable difficulty was experienced by the Government in getting possession of sufficient land for a townsite. Seeing that the Kimberley District would in all probability have a good many harbors in the future, he thought it behoved the Government to keep some such power

as this in their hands for some years to come. He looked upon such a provision as absolutely necessary in the public interest.

MR. VENN said there could be no objection to the right of resumption as regards land in the vicinity of harbors, but it would be a very hard thing indeed to hold this power over the whole district. He was very glad indeed to find the hon. member for the North at last converted to the principle of non-alienation. He hoped, when they came to deal with the question of security of tenure, the hon. member would be consistent, and would oppose any proposal that would lock up this country for a long term of years in the hands of private lessees.

MR. GRANT said the policy he was now advocating was a good policy to adopt towards speculators. There was a great difference between the mere speculator and the *bona fide* settler. What he objected to was that the whole of this valuable territory should be allowed to get into the hands of speculators before we knew anything about its value. There was no doubt in his mind that several portions of it were auriferous; and there was a great deal of it that would probably become a fine sugar-growing country, worth, at least, double the price now paid for it; and he thought it was very desirable indeed that the Government should not allow it to go out of their grasp altogether.

MR. LOTON said it appeared to him that those who argued against this clause had got it into their heads that the Government were likely to go searching all over the district, looking for suitable localities for future town-sites and harbors, and that no one would be safe with such a power as this hanging over their heads. But he should imagine that it would only be in cases of extreme necessity that any Governor would exercise this power.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) pointed out that what land had already been sold in the district had been sold subject to this same right of resumption.

MR. MARMION said there was no objection to the right when the district was first opened, and when the Government knew nothing about the district.

What he objected to was that the same right should exist for the next twenty-one years. He did not wish to do anything that would be unfair to the Government on the one hand, nor to private individuals on the other hand. He would give all a chance; and, in order to test the feeling of the committee on the subject, he would move that the clause be amended as follows: he would give the Government this right of resumption over the whole district, for the next five years only; he would render it optional with the owner of the land resumed to say whether he would take another piece of land in lieu of it, or a refund of the original price paid for the land, with interest at the rate of ten per cent. added. He thought the Government ought to consider itself fortunate at being able to get the land on those conditions. He would not object to a proviso being added extending the period during which the right of resumption should be exercised to ten years as regards land adjacent to the coast, suitable for harbors. He would move, as an amendment, to insert the words "within five years," after the word "time," in the first line.

MR. SHOLL said it should be borne in mind that this district had no representative in that House. The hon. member for the North (Mr. Grant) was very careful in protecting the interests of his own district, but he was not so liberal in his notions as to what was good for the Kimberley District. Such a regulation as this proposed by the Government would be considered a most unfair and one-sided one if made between two private individuals, and he did not see why the Government should take advantage of such power as this, without giving the owner of the land a fair value for it, after ten, fifteen, or twenty years' purchase.

MR. SHENTON said as for the Kimberley District having no representative in the House, he had only to look round him to see a considerable number of hon. members who were directly interested in the district. There were not many districts in the colony which had so many friends in that Council as the Kimberley District.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that be-

fore the amendment of the hon. member for Fremantle was put he should like to draw attention to the fact that, if these proposed land regulations became law, no alienation of land would be allowed in this district except within specially defined areas, and it was not likely that this power of resumption would be exercised as regards the land so alienated, inasmuch as the necessary sites for towns within these areas would be provided for in the survey. If exercised at all, it would only be necessary to exercise it as regards land outside those areas; and the chances of its being exercised in any way detrimental to the interests of the colony were very remote. Under these circumstances he thought the power might safely be left in the hands of the Crown. As to the ten per cent. interest proposal, that was a very small matter he thought. In cases where no improvements had been made, the owner would probably be a loser; and, where there were improvements, they would be assessed by arbitration; and he had no doubt himself that the arbitrators would be inclined to deal pretty liberally with the owner as against the Government.

MR. WITTENOOM pointed out that, as the land would be wanted only for townsite purposes, the amount required would be so small as not to be worth prolonged discussion. He thought the power of resumption might be left in the hands of the Governor in Council with both propriety and safety. At the same time, in his opinion, it would be very unfair to resume the land at its original cost plus only compensation for any improvements that might have been made; as land acquired a certain prospective value after settlement, which increased value it would be manifestly unjust to deprive the settler.

MR. MARMION said the question of ten per cent. interest might be a small matter to the State, but it was not a small matter to the individual, and he thought the rights of individuals should be protected as against the State as much as against anybody else.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said the State, after all, was simply an aggregation of individuals, and why should the individual be benefited any more than the State? The whole community would

benefit by the resumption of this land for the purposes of townsites. Why should an individual holder make profit out of the public purse? What was the public purse after all but the purse of an aggregation of individuals?

MR. MARMION said it was not so much a question of benefit as of simple justice. He had no objection to the State deriving a benefit, so long as the individual did not suffer.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said there were certain circumstances under which it was the duty of individuals to suffer for the benefit of the State.

The amendment upon being put was negatived.

MR. MARMION then moved that after the word "or," in the 15th line, the words "at the option of the owner" be inserted. This, as he had already said, would only be fair and just to the owner of the land.

The amendment was agreed to.

MR. MARMION also moved to insert after the word "portion," in the 16th line, the words "with interest at the rate of ten per cent. added."

The amendment was adopted, and the clause as altered agreed to.

Clause 29.—Land of insolvents to be sold for the benefit of creditors:

MR. CROWTHER asked how this clause would affect say a firm of three, only one of whom became insolvent. How would it affect his partners, who were joined with him as holders of the land?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he should imagine that a partnership under this clause would be affected like any other partnership. The clause was exactly the same as the clause in the South Australian Act.

MR. CROWTHER pointed out that the probability would be, if these regulations became law, that the very men who would be likely to buy the insolvent's share of the land under this clause would be debarred from doing so, as they would already probably be holding the maximum quantity of land allowed under the conditional purchase system, and the result would be that the property would revert to the State.

MR. SCOTT failed to see why any person should be restricted from pur-

chasing an insolvent's land. The more purchasers there were, the keener would be the competition and the better it would be for the State.

The clause upon being put was confirmed.

Clause 30.—Governor-in-Council may waive any penalty or forfeiture incurred under these regulations; clause 31.—Lessees to furnish returns, respecting stock or improvements, as may be required by the Commissioner:

Agreed to, *sub silentio*.

Clause 31.—Governor may make reserves for public purposes:

MR. VENN asked how far the following words would empower the Governor to set apart reserves out of freehold lands, say for a land grant railway: "for any other purpose of utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of the colony." It appeared to him these words would empower the Governor to go very far indeed.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that the interpretation put upon these words by legal authorities was that they only applied to purposes analagous to those already specified in the same clause, and not to purposes repugnant to the spirit and evident intention of the clause.

The clause was agreed to.

Clause 33.—Reserves to be publicly notified; Clause 34.—Temporary reserves may be made by the Commissioner:

Agreed to, without comment.

Clause 35.—Governor may order that the rents or profits arising from any reserve shall be paid to the persons having the management of such reserve:

MR. CROWTHER: For what purpose are the rents and profits to be so paid?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I presume it would be for the improvement of the land reserved.

The clause was adopted, as were also the remaining clauses dealing with the management of reserves for commonages—which contain the same provisions as are to be found in the existing regulations.

Clause 39.—defining the six divisions into which the colony is to be divided for the purposes of these regulations:

Agreed to, without comment.

Progress was then reported, with leave given to sit again next day.

The House adjourned at three o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Wednesday, 28th July, 1886.*

Busselton Jetty: Plans and Specifications; Road between Busselton and Bunbury: Engineer's report—Goods Shed at Busselton—Magisterial Investigations into causes of Fires—Message (No. 12): Assenting to Addresses—Proposed vote for erection of Medical Officer's quarters at Carnarvon—Proposed vote for Police and Medical Quarters at Pinjarrah—Criminal Law Procedure Amendment Bill: second reading—Benevolent Institution, Freshwater Bay (Message No. 10)—Land Regulations: further consideration of in committee—Adjournment.

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

PRAYERS.

### BUSSELTON JETTY AND ROAD BETWEEN BUSSELTON AND BUNBURY.

MR. LAYMAN asked the Engineer-in-Chief to lay on the table of the House the report of the Resident Engineer at Bunbury, on the extension of the jetty at Busselton, such report to be accompanied with plans, specifications, and estimate of cost; also the said Engineer's report on the state of the road between Busselton and Bunbury.

THE ENGINEER-IN-CHIEF (Hon. J. A. Wright) replied: I regret that I am unable to lay upon the table the papers asked for by the hon. member for the Vasse. In the first place there is no report from the Engineer of the Southern District about the Busselton jetty extension, and as we are working on the drawings, specifications, etc., it would be a great inconvenience were they to be laid on the table of the House. If the hon. member will call upon me at my office, I shall be glad to give him all the information in my power. The Resi-