absolutely disgraceful, and the justices of this State, owing to this fact, are held in contempt.

MR. BUTCHER: Not the whole.

MR. JACOBY: A large percentage of the people holding commissions of the peace in this State are absolutely unfit for the position; and I throw out a suggestion—it is a rather thorny subject I know—that the Attorney-General should take some steps in this matter. I have nothing farther to say in regard to the Bill, except to indorse the complaints of the member for West Perth that we have not on the Opposition side of the House a little more legal experience.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9·20 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 19th August, 1902.

Papers presented—Children's Convalescent Home Bill, Petition against Site—Question: Perth-Fremantle Road, Repairs—Question: Helena Reservoir—Question: Metropolitan Storage Reservoir, Leakage—Leave of absence (remarks)—Fremantle Prison Site Bill, third reading—Parks and Reserves Amendment Bill, second reading (negatived)—Pharmacy and Poisons Act Amendment Bill, in Committee, reported—Transfer of Land Amendment Bill, in Committee, progress—Explosives Act Amendment Bill, first reading—Friendly Societies Act Amendment Bill, in Committee, reported—Public Service Act Amendment Bill, in Committee, progress—Children's Convalescent Home Bill, second reading (moved)—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, By-laws of the Perth High School. 2, Census Returns, 31st March, 1901. 3, Regulations for Gaols and Prisons.

Order: To lie on the table.

PETITION—CHILDREN'S CONVALESCENT HOME BILL.

Hon. C. SOMMERS (North-East) presented a petition from 10 residents of Cottesloe Beach against the Children's Convalescent Home Bill.

Petition received and read, and ordered to be considered during the Committee stage of the Bill.

QUESTION—PERTH-FREMANTLE ROAD, REPAIRS.

HON. G. BELLINGHAM asked the Minister for Lands: 1, When the Government intends starting the repairing of the Perth-Fremantle road. 2, If tenders have been accepted for the material and cartage of same. 3, If the work will be done by contract or day labour. 4, The amount to be expended on the work.

THE MINISTER FOR LANDS replied: 1 and 2, The repairs immediately necessary, and the minor repairs to keep the road in fair order, have been attended to, and the heavier repairs (that is, complete fresh coats of metal) will be commenced as soon as the material contracted for is delivered. 3, Most probably by contract. 4, Not yet decided.

QUESTION—HELENA RESERVOIR.

HON. G. BELLINGHAM asked the Minister for Lands: 1, What quantity of water is at present in the Helena Reservoir. 2, What was the quantity at the end of last summer.

THE MINISTER FOR LANDS replied: 1, The approximate quantity above the lowest outlet level was, on the 15th instant, 663 million gallons. 2, On the 16th May, approximately 558 million gallons (at lowest outlet level), the water in the reservoir having reached its lowest level last summer on that date.

QUESTION—METROPOLITAN STORAGE RESERVOIR, LEAKAGE.

HON. J. W. WRIGHT asked the Minister for Lands: Who is the person responsible for the leakage in the Mount Eliza reservoir.

THE MINISTER FOR LANDS replied: By the constituting Act, the Metropolitan Waterworks Board alone can carry out works in connection with the water supply of Perth. The Government approved of the work being done,

but contrary to the advice of the late Engineer-in-Chief, and notwithstanding the remonstrances of the engineer on whom it would devolve, determined that the Department should carry out the work. The work was commenced, but in the meantime, owing to a change of Government, instructions were issued that the Board's designs were to be adopted. These were carried out as far as possible, although the Department considered that the designs were inadequate for the class of foundation that had to be contended with.

LEAVE OF ABSENCE.

HON. B. C. WOOD moved that leave of absence for one fortnight be granted to the Hon. W. G. Brookman (Metropolitan-Suburban), on the ground of sickness.

THE PRESIDENT: Had the hon. member a medical certificate stating that the member was seriously ill? The irregularity of Mr. Brookman's attendance during this session prompted him to ask this question.

HON. B. C. WOOD said that he had no medical certificate, but he knew perfectly well that Mr. Brookman was seriously ill.

THE PRESIDENT: An application of this nature ought to be backed by a certificate from the medical attendant of the member for whom leave of absence was sought.

Question put and passed.

FREMANTLE PRISON SITE BILL.

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

PARKS AND RESERVES AMENDMENT BILL.

SECOND READING.

Debate resumed from the 12th August.

HON. J. W. HACKETT (South-West): Perhaps the House will pardon me if I offer my congratulations, although late in the day, to the hon. members who represent the Government in this House. The Minister for Lands (Dr. Jameson) seems to me to have a perpetual lease, at all events a lease of the Treasury benches as he receives a renewal of office with each Cabinet, and I congratulate him upon taking the position again. I am sure his appointment will be of the same advantage to the country, and I say it advisedly, which I found his work had been during the few months before I went home. As to my friend Mr. Moss, I hope he will accept my warm congratulations on his return to the House. It is a sad sight to see the ranks of the lawyers so sadly depleted in this House in the short space of time which has occurred during my holiday, which makes it more important to have a gentleman of learning and experience such as Mr. Moss once more amongst us. With regard to the Bill, I owe no apology to the House for taking up a little time in going through the new principles it proposes to lay down, and I may point out the somewhat serious consequences if they are carried in their present form. The House knows the great interest which I have always taken in the parks and reserves of the State, and I am sure members are at one with me when I say that any legislation that affects the reserved rights of the people, either at the present time or in the future, should be watched with the utmost jealousy. Every member of the House is invited to give the best attention he can to any alteration of the state of the law which, with the utmost difficulty, has been brought up to its present condition, for the Crown lands of the country have been squandered recklessly in years gone by. It is hardly necessary to dwell on this point, but merely to call the attention of members to the large sums of money that have to be paid now by the Crown in all directions for reserving the rights of property which never ought to have been parted with. With regard to the Bill, I would invite the House to take this view of it. It is exceedingly inexpedient that the measure should be passed into law without having been subjected to much closer inspection than can be given in the general Committee of the whole Council, and the Bill ought to be sent to a select committee. I will give my reasons for pressing that course as briefly as possible, and I hope I shall carry conviction to members that it is the proper course that should be adopted. The Minister for Lands pointed out that this was a measure mainly to set right some technicalities in existing legislation; but the technicalities,

except in Clause 4, which provides for the protection of any animal or bird, or any building, erection, or other property in park lands and reserves, do not exist except in that clause, which perhaps contains a technicality. I cannot see any technicality in the Bill, but there are a large number of new principles in the measure, and some of them of a most undesirable character. With regard to Clause 2, I cannot compliment the Government upon the drafting of that clause. It states:—

> The Governor may commit the control and management of any park or reserve within any municipality or road district to the council or board of the municipality or district, and in such case the municipal council or road board shall be charged with the duties and may exercise the powers conferred by the principal Act upon a board of parks and reserves, and so far as may be necessary the members of the municipal council or of the road board for the time being shall be deemed to have been duly appointed a board.

Then the clause goes on to deal with the chairman. I do not know really the object of introducing that clause, particularly as it makes very little change in the law, and the change which it does make is not desirable. Whoever drew this clause was perhaps unaware, in the first instance, that practically the same clause is in the Land Act of 1898, that is the consolidated Land Act; that practically the same clause is in the Municipal Act, and practically the same clause is in a Bill which is now under consideration in another place dealing with public roads. Therefore this clause is the fourth amendment of the law in the same direction. If members will cast their eye over the clause, I will read what the Land Act says:—

> The Governor may, by Order in Council, and without issuing any deed of grant, place any reserve under the control of any municipality, road board, or other person or persons, as a board of management, and may empower such board to make, repeal, and alter by-laws for the control and management of such reserves, for prescribing such fees, for depasturing thereon, for directing the manner in which such fees shall be imposed, paid, collected, and disposed of, and to impose such penalties, not exceeding in any case five pounds, for any breach thereof, and three pounds a day for a continuing breach, but not more than twenty pounds in the aggregate.

Then it provides that such by-laws shall be laid before the Houses of Parliament. Hon. members see that the clause is practically the same, only that the words "parks and reserves" are not used. Members will see exactly the same provision in the Municipal Act and in the Bill which it is proposed to introduce shortly into this Chamber, the Roads Bill. The clause does nothing that the member said it was desired to accomplish. The Minister for Lands said that it had been found that municipalities were unable to spend their rates on reserves; but this amending Bill gives no more power. What is desired can be equally well accomplished by the Land Act, which gives power to use the same control and management but not to spend the rates. The position is this: either the clause is not required, or if the roads boards or municipalities have the control and management of the reserves, and spend the rates upon them, having spent the rates on the reserves they can claim the fee simple of the land.

HON. M. L. MOSS: What section of the Land Act is the hon. member referring to?

HON. J. W. HACKETT: Sections 42 and 43. Either the clause goes too far or it will give the municipalities rights which they should not possess. Municipalities are vested first with the nominal control and with the right to approach the Government. Our Reserves Act is practically swept away. The demand that these lands should be improved at the cost of the ratepayers, and therefore should vest in the municipalities, of course arises. I now come to Clause 3. By that some alteration is to be introduced by the Government and assented to by the Crown to render more accessible the entrance to a cave. We might as well pass legislation to plant seeds and then to water them. In regard to the latter portion of the clause, were it not granted by the Municipal Act or by the Land Act it would be necessary. If the Minister will agree to extend the latter half of the clause to give a general right to light up reserves, I think some good will be done. Take for instance the Perth Park. I will not dwell upon the reasons why this should be lighted up, because members will no doubt understand why; but if authority were given to light up the Perth Park, good would be done. If the clause contained such a

power, it would be a valuable addition to the powers conferred on the Perth Park Board. I will pass over Clause 4, merely remarking that it does not do what it was hoped by the Minister it would do. But it attempts to injure boards such as the board of the Zoological Gardens; and I am speaking now on behalf of the committee of the Zoological Gardens. This clause will injure the powers vested in the committee of the Zoological Gardens. It was thought that as there was no power in the criminal law to deal with this matter, such power should be inserted in the Bill; but it is not here. The next matter is one which in itself demands attention at the hands of a select committee. The Bill says:—

(1.) The Governor may, with the consent of the Board, (*a.*) Erect, or permit to be erected, within any park or reserve, hotels, refreshment rooms, and places for the accommodation of the public, and grant leases thereof, or of the sites thereof, to any person, for any term not exceeding seven years. (*b.*) Grant to the lessee or occupier any license under the Wines Beer, and Spirit Sale Act, 1880, or any amendment thereof. (2.) Any person so licensed shall, in respect of the premises licensed, enjoy the same rights and privileges as the holder of a license of the same kind granted on the certificate of Justices under the said Act, but subject to any conditions the Governor may prescribe.

That is a sweeping innovation of the licensing laws. The hon. member supplied a striking illustration, that refreshment rooms on railway stations were allowed licenses; but the illustration in no way resembles this case. Refreshment rooms on railway station premises are enclosed, and the Government have absolute control over them. Unless within the precincts of a railway station, no one can obtain refreshments, and most of the larger stations are protected by barriers across the entrance gates. Therefore no one is allowed to obtain drink there unless on the premises. In this case, however, not only are public-houses of all kinds to be erected in parks and reserves, the sole protection being the consent of the Governor-in-Council—the licensing bench is passed over altogether—but there is no provision whatever that if local option were introduced and the number of hotels were thus diminished, a corresponding number of hotels could not be erected on the other side of the road, so to speak; that is, erected on reserves by municipalities. I say nothing more undesirable, nothing more inimical to the public interest, than this general power proposed to be granted to roads boards and to municipalities to erect as many public-houses as they please on parks and reserves can be imagined. For, be it observed, the municipalities are subject to no conditions whatever, provided they obtain the consent of the Governor; and in politics, we know, that is exceedingly easily obtained. Thus, public-houses may be studded all over reserves without any notification whatever to the people concerned that the reserves are to be invaded. It seems to me wholly unnecessary to labour the point. All round Perth and Fremantle there is already a sufficient number of reserves in the hands of the municipalities and roads boards to enable the number of public-houses to be doubled under this Bill, if need be; and the municipal public-houses contemplated would be free from such supervision and control as the licensing bench now exercises.

HON. M. L. MOSS: The Government have not granted these licenses everywhere in connection with railway refreshment rooms, but have granted them only where licenses were deemed necessary. I do not think the privilege would be wrongly exercised under this Bill.

HON. J. W. HACKETT: What is the object of the clause if the Government intend to be so very sparing in the granting of permissions? If that be so, why not leave the matter to be dealt with in the usual way by the licensing bench? Why not let the Government approach the licensing bench? I know what the argument of the hon. member will be: that a public-house is wanted at the South-Western Caves.

HON. J. W. WRIGHT: Let private enterprise put one up.

HON. J. W. HACKETT: Yes; certainly.

HON. J. W. WRIGHT: Private individuals are offering to do it now.

HON. J. W. HACKETT: Undoubtedly there will be plenty of offers. Rottnest affords another instance in point. I earnestly hope that if Rottnest Island

be made a public park, no public-house will be permitted there. If, however, there exist a desire to establish a public-house, then let the application be made in the usual way to the licensing bench. Let the matter be canvassed by the Press; let the evidence demanded by the licensing bench to prove the necessity for a public-house be produced. The procedure under this Bill will be practically of the "hole-and-corner" order. At all events, I do earnestly hope that so wide a power as proposed by this Bill will not be accepted by the House. In fact, I should urge the House not to accept any variation of the liquor laws until the whole question has undergone thorough revision and complete reform. I come to the next clause of the Bill: a board may construct tramways. That, I think, is a very advisable power to give under proper conditions; but, without dwelling too long on this point, I may remark it is manifest that a very unjustifiable use might be made of these tramways. I shall not suggest what might happen; but it is quite clear that a great deal of jobbery might result. It is clear, also, that competition might arise between the Government railway lines and the proposed municipal tramways. Hon. gentlemen opposite have, perhaps, not considered that aspect of the question. At all events, if a reserve is to be cut up by a tramway, if the enormous privileges and rights here contemplated are to be granted, let the matter be gone about in the usual fashion. Let notice be given, and let the matter be farther canvassed and considered, either by public meetings or by the Press. Surely the Minister will not refuse to protect the rights of the people in their reserves by so mild a precaution as that! All these considerations demand that the whole Bill should be thrown into the melting-pot and recast. Every line of it, almost, is objectionable. How can we recast the Bill in Committee? As for the last clause, I hope hon. members will bear in mind how for years we fought to protect the reserves. Between political pressure and religious pressure the reserves were all melting away, and therefore we passed the Parks and Reserves Act of 1895, which I think one of the most valuable measures, in the interests of the people, ever passed through Parliament. We sought to protect the few reserves that were left by classifying them as A, B, and C. Class A reserves are those which it requires an Act of Parliament to undo. But what does Clause 8 propose?

> The powers conferred by this Act may be exercised notwithstanding that the reserve may have been classified as of Class A under the Permanent Reserves Act, 1899.

It must be remembered that every reserve in the wide State of Western Australia can be by this Bill committed, as regards its control and management, to a municipality or to a roads board; and by virtue of such a proceeding the reserves would cease to be classified as A. Then comes the next step: the application by the municipality or roads board for the freehold or 99 years' leasehold of the land; so that every one of our reserves, whether classed as A or B or C, will be undone by this simple, little, three-line clause stuck in at the end of this Bill. It is a matter of serious importance that these really vital changes should be introduced in a Bill which is brought forward merely as an ordinary supplementary measure. I think I have shown there is not a clause in the Bill which does not call for the closest inspection and criticism, and which does not require recasting. I close by expressing my intention to move, so soon as the second reading has been carried—I do not doubt it will be carried—that the Bill be referred to a select committee for fuller consideration and for recommendations to this House.

HON. W. MALEY (South-East): I have listened with a great deal of interest to the remarks which have fallen from Mr. Hackett. I am indeed surprised to find the Government adopting the same practice during this session as they made use of last session—bringing down ill-digested and dangerous measures to be passed by this House. I am utterly opposed to the reference of this measure to a select committee, for I think it should be dealt with as it merits. I have made a note of the position which Mr. Hackett has taken up on each clause. The hon. member dealt with every provision of the Bill elaborately, succinctly, and clearly, and in the result pronounced against every clause. I cannot believe that he is really in earnest in suggesting that the Bill be referred to a select committee, or indeed in recommending it for

farther discussion in this House. I move, as an amendment to the motion:—

That the word "now" be struck out, and "this day six months" inserted in lieu.

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

Ayes	...	...	19
Noes	...	...	4
Majority for	...	...	15

AYES.	NOES
Hon. G. Bellingham	Hon. A. Jameson
Hon. H. Briggs	Hon. R. Laurie
Hon. R. G. Burges	Hon. M. L. Moss
Hon. E. M. Clarke	Hon. J. W. Hackett (*Teller*).
Hon. C. E. Dempster	
Hon. J. M. Drew	
Hon. A. G. Jenkins	
Hon. W. T. Loton	
Hon. W. Maley	
Hon. E. McLarty	
Hon. B. C. O'Brien	
Hon. G. Randell	
Hon. J. E. Richardson	
Hon. C. Sommers	
Hon. J. A. Thomson	
Hon. Sir Edward Wittenoom	
Hon. B. C. Wood	
Hon. J. W. Wright	
Hon. T. F. O. Brimage (*Teller*).	

Amendment thus passed, and the second reading negatived.

PHARMACY AND POISONS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 12th August.

Clause 1—Amendment of 58 Vict., No. 35, s. 38:

HON. M. L. MOSS (Minister): It was only right he should reply to a letter which had appeared in the *West Australian* of last Monday, wherein a gentleman by the name of John M. Worth had taken him to task for introducing a Bill which it was stated was not for the purpose of correcting a blunder which had crept into the principal Act, but had an ulterior motive behind it, and stating that the Pharmaceutical Society were not asking for an amendment of the law. There was no ulterior motive behind the measure, and the Pharmaceutical Society was moved by the president (Mr. Mayhew), not now a chemist in business, who had taken action in the interests of the society and of the public at large. That was the only motive in introducing the measure. When the Act of 1894 left another place, there were excluded from the operation of the measure companies registered under the Companies Act of 1893, and for some reason a member of the Council inserted the word "person" before the word "company," thus nullifying the effect of the whole measure, because one person could not be registered under the Companies Act, and the effect of the amendment was that companies which it was intended to protect and keep outside the operation of the measure were outside, and so was a "person," supposing he was a qualified person, carrying on his business. The aim was that the public should be protected against unqualified persons carrying on such business as the dispensing of drugs, and the public had a right to demand from Parliament protection. The letter to which he had referred stated that there was something behind the measure. Well, he believed the gentleman who wrote the article was one of those who would be affected by the measure, as he had not the necessary qualifications, and therefore resented the measure being passed. Those who could qualify in the State, and those who had proper qualifications from other States, were admitted here. That was a more liberal position than in any of the other States of Australia.

HON. G. RANDELL: Or persons from England.

HON. M. L. MOSS: Yes; those qualified from England. It was of the highest importance and in the interests of the public that only qualified persons should be admitted to dispense drugs, and the first clause was inserted in the Bill with the object of protecting that which was not protected at the present time, for at present any unregistered person could carry on business as a chemist. Let them make the Bill which was passed in 1894 a proper Bill, or repeal it altogether. In the other States of Australia and in England there was legislation for protecting the public and qualifying persons. It was of the highest importance that only qualified persons should carry on such a business.

HON. G. RANDELL: All that members desired to know was that the amendment proposed by the Bill did not inflict any injury on any persons who were duly qualified. He did not know that there was very much sympathy with chemists who were not duly qualified. The legislation proposed should not do any injury to persons who were morally or rightly entitled to be registered. He had thought

that it was impossible under the principal Act that anyone who was unregistered could carry on business as a chemist or druggist. Protection should be afforded to those persons who had to spend a considerable time in learning their profession, and who had to pass certain examinations.

HON. R. G. BURGES: Those who had been here a certain number of years were entitled to protection.

HON. G. RANDELL: That was given years ago. The letter which appeared in the *West Australian* naturally made members desirous of seeing that no injury was inflicted on anyone who was legitimately entitled to carry on the practice of his profession. It was only right that the interests of the public should be protected, for druggists had to deal with the health of the community, and no one should be allowed to carry on the profession of a chemist or a druggist unless duly qualified to do so. If a chemist died and his business had to be wound up, three months was too short a time for the executors or legatees to wind up the business. Some more reasonable time should be allowed. Of course the business could not be carried on without some duly qualified chemist was engaged to carry it on. Six months was not too long to make the best bargain for the business.

HON. M. L. MOSS moved that in line 4 the word "twenty" be struck out and "five" inserted in lieu.

Amendment put and passed.

HON. M. L. MOSS farther moved that in line 1, after "business," the following be added: "by a registered pharmaceutical chemist." The object of the amendment was that when a mortgagee took possession and entered into a business, he could not carry on unless he placed a proper and duly qualified chemist there during realisation.

Amendment put and passed.

HON. G. RANDELL moved that in Sub-clause (*d.*), line 4, the word "three" be struck out and "six" inserted in lieu.

HON. M. L. MOSS: The clause as drawn certainly did not allow a mortgagee much time for the realisation of his security, and Mr. Randell's amendment might be passed, particularly as Clause 2 allowed the Official Receiver or the Curator of Intestate Estates a minimum period of six months to carry on a business. The respective periods of three and six months, it might be mentioned, corresponded with those in the Queensland Act.

HON. C. SOMMERS: In country districts chemists' businesses were frequently carried on in the names of companies. Would the passing of the clause prevent a general storekeeper from carrying on a dispensing business with the assistance of a duly qualified chemist?

HON. M. L. MOSS: Mr. Sommers' question arose not under Sub-clause (*d.*), but rather under the first part of the clause. If a registered company, namely a company incorporated under the Companies Act as distinguished from a partnership, wished to carry on a business comprising the compounding of medicines, the company must employ a duly qualified and registered pharmaceutical chemist for the purpose. If the business of a chemist were carried on by a partnership not incorporated as a company, then the owner of the business must be a duly qualified chemist, for the business could not be carried on by a deputy. In most country towns there was either a doctor carrying out the functions of both medical man and dispenser, or there was a properly qualified and duly registered chemist. The public would not be greatly benefited by the carrying on of a dispensing business by an unqualified person with the assistance of a duly qualified chemist, because the probabilities were that in actual fact medicines would be dispensed by the proprietor rather than by the qualified chemist. Clause 1 went no farther than the intent of the original legislation of 1894, and also no farther than similar legislation in other Australian States.

HON. C. SOMMERS: We should be doing injustice in preventing a general storekeeper from carrying on a dispensing business through a duly qualified chemist. The Mutual Store of Melbourne had a large dispensing branch, as also had a general business in Coolgardie. In outlying districts, where there was not sufficient business for a chemist to establish himself, some enterprising storekeeper was usually found ready to employ a chemist on salary to dispense medicines That system was highly advantageous.

THE CHAIRMAN: Did the hon. member consider himself to be speaking to the question?

HON. C. SOMMERS: No; but this opportunity had served to ventilate his views.

HON. M. L. MOSS: The hon. member, if dissatisfied, might move that the Bill be recommitted.

Amendment put and passed.

HON. M. L. MOSS moved that in Subclause (*d.*), line 5, the word "same" be struck out, and "business" inserted in lieu.

Put and passed.

Clause 2—agreed to.

Clause 3—Amendment of 63 Vict., No. 35, s. 6:

HON. M. L. MOSS moved that in the marginal note "35" be struck out, and "36" inserted in lieu. This was to correct a typographical error. The clause itself was really intended only to correct a typographical error in the amending Act of 1899.

Put and passed, and the clause as amended agreed to.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

TRANSFER OF LAND AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 12th August.

Clause 2—Amendment of s. 86 of 56 Vict., No. 14:

HON. G. RANDELL: What was the effect of the amendment proposed by this clause?

HON. M. L. MOSS: The Minister for Lands, in introducing the measure, had fully explained that in the case of a certificate of title or a grant comprising a large area of land which was subdivided, the original certificate lodged at the Titles Office for the purpose of memorialising a transfer became greatly disfigured when a number of dealings had to be recorded—occasionally so greatly disfigured that it was difficult to ascertain what area of land remained covered by the title. The proposed amendment would bring our legislation into line with that of all the sister States except Victoria. Under this clause, the owner of land who cut up his property was not bound to leave his title in the Titles Office, but when he did take his title out, had to pay a fee of 12s. 6d. for a new title showing the balance of land vested in him. Titles might be required for the purpose of lodging with banks in order to secure advances, for example. The Perth bank managers were quite in accord with this amendment, which also had the support of the Registrar of Titles. That officer considered that the effect of the proposed legislation would be to facilitate greatly the dealings of his department with the registered proprietors of land.

HON. G. RANDELL: Would this provision apply to the case of a single indorsement or a single transfer by indorsement?

HON. M. L. MOSS: No; not unless portion of the land covered by the title was left untransferred. At the present time a title was bound to be taken out by a person who purchased land. Trouble arose where a large portion of land was subdivided. Then there were twelve or fifteen signatures indorsed on the certificate, and there was only a small plan which did not show the subdivisions. That was creating a lot of trouble.

HON. G. RANDELL: It seemed hard that in the case of a man who had two quarter-acre lots of land under one title, because he sold one of them he should have to take out a new title for the remainder. Could it not be arranged that in small transactions a new title should not be required for the remaining portion of the land held? The cancellation of a lease sold and indorsed on the face of the title did not disfigure the title in the same way as fifty or sixty cancellations did.

HON. M. L. MOSS: The question came to one of fee, which was 10s. for the new title and 2s. 6d. for the plan. The fees were not fixed by statute but by proclamation in the *Government Gazette*. In the case of taking out a new title, as it was in the interests of the Titles Office, the question of the fee might be considered and in certain cases reduced. The fee of £1 12s. 6d. was made up of £1 registration fee of title, 10s. for new certificate, and 2s. 6d. for a plan. He would bring under the notice of the cabinet the advisability of reducing the

fees, making them perhaps 5s. for the new certificate and 2s. 6d. for the plan.

HON. W. MALEY: Any additional charge levied in respect to the transfer of land would have to be borne by the poorer classes. The vendor of a block of land at the present time had not to pay the costs of the transfer in cases of subdivisions. He perhaps paid for the new title which was the result of the subdivision. The only expense the vendor was put to was the cost of the survey, and he might have to pay £1 12s. 6d., according to Mr. Moss, directly to the Titles Office for any subdivision. Therefore the vendor would naturally calculate when selling the land upon receiving this money back again, and in such a case the purchaser would have to pay the 12s. 6d. twice over. He had always had respect for Sir R. R. Torrens, who was the author of the system in the Transfer of Land Act. The beauty of the Transfer of Land Act was in its simplicity. In days gone by a man's title became very complicated and it took yards and yards of foolscap to show the title to a piece of land; therefore we should not allow the simplicity of the Transfer of Land Act to be interfered with. No doubt this amendment would be advisable in the interests of bank managers, who liked to see a clean certificate. The Bill might be in their interests and he believed it was so. But it was not legislation for the few but for the many, and in the interests of the poorer classes that members should consider. If a State passed an Act or an amendment to an Act, it was not incumbent upon this State to copy it. He moved that Clause 2 be struck out.

THE CHAIRMAN: The hon. member could vote against the clause.

HON. G. RANDELL: Would the Bill apply to titles which were now held, or would the Crown wait until titles went into the Titles Office to issue new titles to land, and that the old titles would be held in the meantime?

HON. M. L. MOSS: It was not intended to compel people to take their titles to the Land Titles Office. He was in accord with the sentiments expressed, of looking after the poorer classes, and not making the Transfer of Land Act complicated. This legislation was not suggested by a member of Parliament, but by the Department of Lands, because the present system was complicated, so that whenever a title was put into the hands of any person, that person should know what was the land comprised in the certificate. At the present time that could not be done.

HON. W. MALEY: It was the fault of the registrar.

HON. M. L. MOSS: At the present time it was impossible to tell what land was comprised in the certificate. This was not a burden to be borne by the poorer classes. A certificate of title in reference to a number of blocks of land was generally held by a person of means, and that person had to pay if new titles were taken out. For his own part, he would not allow land to be cut up into subdivisions until the titles were deposited, because in many instances men obtained advances against subdivisions at the same time they were receiving instalments from the people. If the Bill was carried, the public would know, by looking at a title, how much land was included in the document, and the department would be able to carry on its business with greater facility than at present.

HON. W. T. LOTON: The clause, with which he was entirely in accord, was intended to simplify and make perfectly clear what had always been considered a simple way of dealing with the transfer of land, and the purchaser of land was not going to be charged any more under the provisions of the Bill. It was the vendor who would have to pay a small sum, but for that small sum he would get a clear title, which would show the purchaser that the vendor was in a position to sell. Under present conditions, half a day was frequently spent in a resultless effort to ascertain how much of the land originally covered by a certificate of title had been sold, and how much remained. This clause would render it impossible for a vendor to sell land which he did not possess. It was well known that a number of unfortunate people had paid deposits on land to which the vendor could give no title. The fee under this clause should be made reasonably low.

HON. C. SOMMERS: The clause should be passed as it stood. People

who had dealings with land would welcome it. As things were, it was frequently impossible, after a number of subdivisional transfers had been made, to see how much land remained covered by a title. The fee proposed, 12s. 6d., was reasonable.

HON. B. C. WOOD: The intent of the clause was good; but the provision, as it stood, would bear hardly on vendors. It was not reasonable that vendors should be called on to pay a fee of 12s. 6d. every time they sold one of the 16 or 20 lots into which an area covered by a single title might have been subdivided. The fee should be fixed at 5s. or 2s. 6d., and, moreover, should be so fixed in a schedule to the Bill, as it was not advisable to trust to the tender mercies of the Land Titles Office. Unless the fee were greatly reduced, he should feel bound to support Mr. Maley's amendment. It would be interesting to know what would be the total amount payable in respect of new issues on the certificate of title recently displayed in this House by the Minister for Lands. Mr. Loton had said that the clause was excellent, and no doubt it was excellent from the standpoint of a banker or mortgagee. What concern of the general public was it how much land was covered by a title?

HON. M. L. MOSS: The public ought to be protected.

HON. B. C. WOOD: Persons interested could ascertain that by inspecting the title.

HON. J. A. THOMSON: Parliament ought to protect the public against swindlers.

HON. B. C. WOOD: There had not been much swindling in this connnection. If the fee proposed were reduced to a reasonable amount, he would support the clause.

THE MINISTER FOR LANDS: The withdrawal of a certificate of title on the occasion of every sale of a subdivisional lot was not necessary. The usual practice when selling a subdivided area was to leave the certificate of title with the Registrar of Titles, and to withdraw the certificate only for the purpose of lodging it with a bank or getting a mortgage on it. Under this clause, a new title would be issued on the occasion of such withdrawal. The certificate of title he had recently displayed to the House need not have been withdrawn and re-issued for the purpose of every sale memorialised on it. The owner of the land would withdraw the title as a clean title, and pay a fee in respect of it, only at the conclusion of the transactions.

HON. G. BELLINGHAM: Had not the Registrar of Titles, under existing legislation, discretionary power to call in an old title covered with memorials, for the purpose of issuing a new title?

HON. M. L. MOSS: No. Under the existing law the Registrar had power to withdraw a title and issue a new one only when the old title was covered with memorials to such an extent that no space remained for the indorsement of a new memorial. That provision was foreign to the intent of this clause.

Clause put and passed.

HON. M. L. MOSS: Certain trivial amendments had been suggested by the Lands Department, and these he now proposed to move. One amendment was that in Section 4, lines 21 and 22 of the principal Act, the words "or for years" be struck out.

HON. G. RANDELL: What would be the effect of that amendment?

HON. M. L. MOSS: That the word "grant" in this interpretation section would mean "a grant by His Majesty of land in fee." "Grant" would thus not include leaseholds.

HON. R. G. BURGES: Was it a regular and proper procedure to submit important amendments in this fashion?

THE CHAIRMAN: It was certainly to the interest of the Committee that these amendments should be in print.

On motion by HON. G. BELLINGHAM, progress reported, and leave given to sit again.

EXPLOSIVES ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

IN COMMITTEE.

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

PUBLIC SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Clause 7—Repeal of 64 Vict., No. 21, secs. 14 and 40:

SIR E. H. WITTENOOM: The clause seemed to deprive the officers of the Government of all the protection which was granted to them by the original Act. Whether this protection was put in rightly or wrongly, he was not in a position to say; but the Act conferred certain privileges which the Bill took away. Although it might be argued with a great deal of force that clerks and others in private establishments had no protection and could be sent away at a moment's notice, without a board of inquiry, that would hardly hold good in regard to the Government service, because Ministers who had the power of dismissing officers were continually being changed and had no interest in the business, only for the time being. They had no capital in it, and therefore under the clause the protection which was afforded was very strongly in favour of the public servant. The Act says:—

> No public servant whose pay is once determined by the Governor and approved by Parliament shall afterwards, whilst doing the same work, suffer any loss or reduction of pay, except as follows:
>
> (*a.*) On abolition of office; or
> (*b.*) On removal; or
> (*c.*) By reduction by Parliamentary vote of the amount proposed on the annual estimates; or
> (*d.*) On reduction affecting generally the Public Service recommended by the Governor and accepted by Parliament.

And Section 40 says:—

> All officers who have been continuously employed for a period of two years, and whose services it is not intended to dispense with at an early date, shall, for all purposes of this Act, be treated as permanent officers.

Therefore, under the two clauses officers in the service had been given a permanently recognised position which it was understood they could only be removed from under certain conditions, and if they were removed under other conditions they could demand a board of inquiry. He was not bringing forward opposition to the Act from any feeling that the Government were doing wrong or desired to do wrong, but to facilitate matters. He was aware that it was impossible to get rid of an officer who might be a man of medium ability, a man who never did anything brilliantly, and never did anything wrong. Under such circumstances Ministers had great difficulty in dispensing with servants; but at the same time they must remember that Ministers were very temporary or evanescent. Let members take, for instance, the case of a man on a railway, such as a surveyor. A member of Parliament might ask that officer to tell him where reserves might be created, or where railway stations might be built, and that officer declined to tell the member. Six months afterwards this member of Parliament might be a Minister, and could vent some slight on the man who had refused to give the information. Therefore we should jealously guard the rights of officers in the service who had done good work.

HON. M. L. MOSS: There had been no instances of that kind in the country up to the time of the passing of the Act.

SIR E. H. WITTENOOM: According to Section 14, on the abolition of an office a man could be removed, and in the case of the Coolgardie Water Scheme, when that work was finished there would be an abolition of the office held by every man; therefore the Minister would have the right to get rid of these officers; those in permanent positions only could not be touched. We should endeavour to hit upon some happy medium by which officers who were not satisfactory and who were not doing their work well could be got rid of with the least possible trouble, while at the same time we should encourage good men to continue in the service, developing the best of their abilities, and giving their best time and years to the Government, so that they could be advanced as they grew older and retained their positions.

HON. M. L. MOSS: The repeal of Section 14 was absolutely necessary if the Government were to have an opportunity of carrying out reform in the civil service. It was useless for members of Parliament to talk before their constituents about the reform of the civil service, and then prevent the Government passing measures to carry out that reform. If Section 14 were repealed, the Government could get

rid of any officer. At the present time a Public Service Commission was investigating the working of the various departments.

HON. T. F. O. BRIMAGE: Wait till they reported.

HON. M. L. MOSS: If reform was to be brought about, the Government should not have to wait until the final report was received. He presumed there would be progress reports from time to time, and if the Government thought it wise to carry out reform, it would be better to do so in piecemeal fashion than to wait and carry ont a general retrenchment throughout the State. It might not be necessary to abolish an office, but it might be absolutely necessary to get rid of a particular officer because he was not fitted to carry out certain duties. There were in the service men who made no mistakes, but yet they were unfit to carry out the duties imposed on them. The Government must have an absolutely free hand if the drones in the hive were to be got rid of. At the present time, if a Minister got rid of a man, that officer, under the Public Service Act, could demand a board and put the country to, at a low estimate, an expense of £50. If the section was to remain in the Act, it was going to hamper the Government in their reform. If civil service reform was to be a reality, then the Government should have the power to get rid of any officer they desired.

HON. T. F. O. BRIMAGE: And appoint members of Parliament to the positions.

HON. M. L. MOSS: That interjection did not come in. The civil service was grossly overmanned, and there were many men in the service who were underpaid while others were overpaid. The Public Service Commission would report on all those cases, and the Government wished a free hand to deal with them.

HON. J. W. HACKETT: The original section should not be touched. This issue came forward last session. A Public Service Act had been passed the year before, and under that Act vested interests accrued. The question arose last session whether these accrued interests were to be swept away so as to give the Government a free hand. Reform and reorganisation were wanted, especially in regard to a number of appointments made since Sir John Forrest left office.

HON. M. L. Moss: And plenty before.

HON. J. W. HACKETT: In the time in which they had been made there was not such a proportion before.

HON. M. L. Moss: The service had been a refuge for the destitute all along.

HON. J. W. HACKETT: Let members know what the Government proposed to do under the powers they were now asking Parliament to give them. The House last session said in effect, "We decline to assent to this proposal of the Government to interfere with the rights which we gave the civil servants not twelve months before."

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

HON. J. W. HACKETT (continuing): The attitude taken by the House last year on a similar proposal to this was that we must be fully informed of the facts calling for such stringent action on the part of the Government. We had now no statement of these facts beyond a certain number of generalities and principles, excellent in themselves, but the value of which depended mainly on their application. A still stronger point was that in the ordinary interests of justice, as well as in the interests of civil servants, privileges once bestowed and vested rights once granted should not be taken away, unless a very strong case indeed were made out in favour of such a departure from the ordinary practice of Parliaments. We should know exactly what the Government intended to do before we consented to pass what was practically a revocation of the terms of tenure of civil servants in this State. A reference to the Public Service Act showed that the rights and privileges of civil servants were guarded in every way by Parliament. Section 14, for example, declared that no public servant whose pay was once determined by the Governor and approved by Parliament should afterwards, whilst doing the same work, suffer loss or reduction of pay except on abolition of office, on removal, or by a reduction made by Parliament in the annual Estimates, or by a reduction of pay affecting the service generally and accepted by Parliament. We were now asked to pass a vote of censure on a preceding Parliament. Naturally, parlia-

mentary precautions were imposed in regard to the Public Service Act, because that measure was of a peculiar nature, dealing as it did with the interests of individuals considered not alone as members of the State, but as servants of the King. One would certainly be disposed to think that legal difficulties must arise in the execution of the proposals, simply because our civil servants were the servants of the King.

HON. M. L. MOSS: Civil servants all held their offices during the pleasure of the Government, according to the Privy Council.

HON. J. W. HACKETT: That was perfectly well known; but Parliament had always insisted on the expression "subject to the approval of Parliament afterwards." Parliament had never hesitated, either here or in the old country, to set a wrong right and to see that an aggrieved person obtained justice. Parliamentary control ran through the whole of our Public Service Act in order, it might reasonably be submitted, to shield civil servants from legislation of the nature now proposed.

HON. J. A. THOMSON: Did the Public Service Act say anything about incompetency?

HON. J. W. HACKETT: No; because incompetency was to be judged by the Minister himself, and no Minister would dismiss an officer on the ground of incompetency unless a good case could be made out. While not altogether opposed to action on the lines laid down by the Minister for Lands in his second-reading speech on this Bill, yet he wished, in concert with Sir Edward Wittenoom, to modify the measure and to see whether certain special injustices involved by an absolute repeal of the sections proposed to be repealed could not be avoided. The Government were now requesting the House to hand over parliamentary rights and powers which the House had always been careful to observe and preserve, to a commission of three very estimable gentlemen and to the Government themselves. For his part, he was not prepared to give *carte blanche* to a Royal Commission consisting of one admirable civil servant whose knowledge of our civil service was very limited, and to two very estimable gentlemen appointed from outside the State, who could know nothing whatever of the working of our State service, of the men who had to administer it, of the working of the various departments, of the obligations which had to be observed, or of the relations between the various officers. A year or two in this matter was not much, and he would like to see the proposals of the Government and of the commission laid before the House before members were asked to take any legislative action. That would have to be done, because the difficulties would be so enormous—that of giving effect to the recommendation of the commission—that the Attorney General would advise that legislative sanction be obtained. He moved that in line 1 the words "fourteen and" be struck out, and he did so to test the feeling of the Committee on the matter, and in the hope that the Government would not attempt to hurry, in a precipitate fashion, the Bill before the House. Something would have to be proposed by the Government to obviate this difficulty. The Committee must consider the overwhelming interests of the precedent which we were asked to establish now. A shock would be given to the public servants from which they would practically never recover. Public servants would never believe that a promise by a Government was worth much, unless it were a promise given behind the back of Parliament. He was reminded of a promise made behind the back of Parliament recently in which the salary was higher than that given to any other official than that of the Chief Justice, without the sanction of Parliament. And the boldness of that act made him believe that the Government would be quite as audacious in dealing with the proposals of the Royal Commission. The more drastic the proposals, probably the more pleasure the Government would have in giving effect to them. Such a step as this should not be taken without the gravest consideration by the House, which was looked upon as the protector of the rights of the people.

HON. M. L. MOSS: The Committee should not lose sight of the fact that the Public Service Act was put on the statute-book just before a general election, which had a great deal to do, no doubt, with the passage of the measure in its present form. With regard to Section 14, the Committee should understand that the

position of the civil servants before the passing into law of the Public Service Act was this, that they held office, except those who were provided for in the Constitution Act, during the Governor's pleasure. Even those officials under the old Crown Colony Government held office during the Governor's pleasure. There was a celebrated case of Smith against Shenton, the then Colonial Secretary, in which it was distinctly laid down by the Privy Council that all officers held office during the Governor's pleasure. The Governor had the right, acting of course under the authority of the Executive Council, to dispense with the services of any civil servant, and it was necessary to tell the Committee this, because Mr. Hackett had spoken of the vested interests of civil servants. There was no case of which he knew, in which a civil servant had been unfairly treated. The country was calling out very loudly for civil service reform. In the case of a private individual conducting his own business, if he desired to get rid of a servant he could do so by giving him a week or a month's notice, and that servant was entitled to no consideration from a board. But the public servant was entitled to have, not only a recommendation by the Minister to Cabinet, but he had the power to demand a board, and then he could only be got rid of in four specific ways which were mentioned in Section 14. If that were to continue, how could Government carry out reform in the interests of the State? Mr. Hackett had said, wait until the Public Service Commission reported.

HON. J. W. HACKETT: That would have to be done in any case.

HON. M. L. MOSS: It was not in the best interests of the State to dispense with civil servants in a body, and bring about perhaps an unemployed difficulty. The Government no doubt, as reports came in, would consider these reports, and it did not follow that the Ministry would take the advice of the Commission in all cases, but if in the interests of the State it was best to dispense with the services of a civil servant, the Government should have the power to do so. If Section 14 remained, the hands of the Government were tied. Of course the Government could abolish the office which a civil servant held, but that would not meet the case of an incompetent officer. Under Section 33 if an officer be suspended he was entitled to demand a board. Without formulating any charge of incompetence, it might be well for the Government to say that it was advisable to dispense with the services of a certain officer. The argument of Dr. Hackett that Parliament should protect all the officers of the King had very little in it, and the Committee ought to pay very little attention to it. Of course from the point of view outside the Chamber, and to get popular favour——

HON. J. W. HACKETT: It was an unpopular minority he was defending.

HON. M. L. MOSS: These organisations were strong at election times. The public servants who did their duty would be protected by the present or any other Government, but it was becoming a great scandal that there were so many incompetent persons in the service. If Parliament expected the Government to bring about reform, then Government must not be hampered.

HON. J. W. WRIGHT: Did the Minister intend to say that the Government were not bound by the report of the commission? If so, then the Public Service Commission would be like a great many other commissions—a perfect farce. Under Section 33 of the principal Act there were ample powers given to the Government to discharge any servant, and if the Government made a civil servant put up the amount of the expenses, then very few boards would be demanded. He would oppose the repeal of Sections 14 and 40. In the first place Section 14 was given as a sop, whereas the civil servants would willingly have accepted five years as the term in which it should be reckoned that an officer was permanent. In five years all temporary works would have been finished, and an opportunity would then have been given to the Government to dismiss servants by that time. He opposed the clause.

HON. G. RANDELL: Section 14 of the existing Act had done no harm whatever, nor had it prevented any action the Government might desire to take with regard to the civil service. Every member of Parliament was deeply interested in securing a competent and efficient civil service for the smooth and

proper working of all institutions; and Parliament to that end exercised considerable protective powers over the civil service. Such rash and random statements as that our civil service was overmanned or filled with incompetent and inefficient individuals generally came from persons who were unacquainted with the inner working of the civil service. Entrance to the civil service should be by examination; but a man once admitted should be secure in his tenure of office, except in very exceptional circumstances. Tenure of office should not be dependent on the caprice of higher officers, or on some outside slander affecting the minds of Ministers. Section 14 provided the Government with ample power to bring the service into line with what was most conducive to the interests of the State. Indeed, the section, according to his reading of it, provided means for the retrenchment of almost any civil servant. Parliament gave its sanction to the employment of civil servants by passing the Estimates, and the sanction of Parliament should not be lightly interfered with either by Ministers or, indeed, by any action of Parliament itself taken merely on the spur of the moment. There might be in our civil service certain officers who by reason of accumulating years were not able to do as much work as they once did, but who possibly did very much better work. Section 14, after stating reasons for retrenchment, provided that the salaries of officers were subject to reduction affecting the public service generally and adopted by Parliament; and we might rely on Parliament doing its duty if retrenchment became necessary. Section 33 of the principal Act provided that in case of suspension or dismissal on the ground of incapacity the officer affected might demand an inquiry. The proposed modification of the right of inquiry was perfectly proper. Although he had introduced the existing Act into this House, the provision as regards departmental inquiries had not met with his entire approval, because he had realised at the time the expense which would fall on the country from the almost inevitable demand for an inquiry by every suspended officer. Instances had occurred of men with no earthly hope of getting a favourable report demanding an inquiry. It was now proposed that in such cases the Ministry should have the right to refuse a board, and this was proper. The provision that the salaries of officers might be affected by reduction by parliamentary vote of the amount placed on the Annual Estimates was surely drastic enough. There was no apparent necessity for the elimination of Clause 14 of the existing Act, and he hoped hon. members would support Dr. Hackett.

THE MINISTER FOR LANDS: Hon. members would not, he trusted, on this occasion support Dr. Hackett. The Government were placed in a position of grave difficulty by Section 14, which read:—

> No public servant whose pay is once determined by the Governor and approved by Parliament shall afterwards, whilst doing the same work, suffer any loss or reduction of pay, except as follows: (*a.*) On abolition of office

and so forth. In this rapidly developing State, which was practically dependent on its mineral industries, an officer in a particular locality might at one time have had a good deal of work to do, whilst at another time his work in the same place might have dwindled to a small modicum. The difficulty of the Government was that the salary of that particular officer could not be reduced in any way whatever, notwithstanding that his work had greatly diminished. The Government had to continue still to pay that officer a large sum out of the public revenue; and as the case instanced was typical of many, it followed that a great deal of public money was being paid away for proportionately very little work. Hon. members must know that the case he had stated was not imaginary, but occurred in many parts of Western Australia. The work had decreased, but had remained of the same class; the office could not be abolished because an officer was required, although he had very little to do. In such circumstances, any ordinary business man would surely say to such an officer, "I cannot afford to pay you so large a salary; but I am prepared to retain you if you will accept a smaller one." A proposal of that nature, however, could not be brought before Parliament by a Government. Ministers, having brought down their Estimates, were supposed to support them. In every State ever known the Estimates

presented by Ministers were supported by Ministers.

HON. J. W. HACKETT: Why could not Ministers reduce the Estimates?

THE MINISTER FOR LANDS: Ministers could not reduce the Estimates in any way whatever.

MR. HACKETT: Why not?

THE MINISTER FOR LANDS: Because Ministers were not allowed to make any reduction in the pay of an officer continuing to do the same class of work.

HON. J. W. HACKETT: Ministers could make reductions by means of the Estimates.

THE MINISTER FOR LANDS: No. It had been decided again and again that Ministers, in view of Section 14, could not reduce their Estimates, but were obliged to bring forward Estimates on the same lines as passed in the previous year. It remained for Parliament to reduce the Estimates, if Parliament thought fit. At the same time, the Ministry of the day would be placed in a most extraordinary position if they brought down Estimates and did not support them. The trend of the arguments in opposition to the clause was that all civil servants should have statutory salaries, like the Judges of the Supreme Court. Such a thing had not been known in any State before. He defied any hon. member to show him in the legislation of any country a provision such as this, which was altogether unknown except in Western Australia. The difficulty had been pointed out when the existing Act was brought forward. It was then remarked that we were bringing in an obsolete Bill, a Bill introduced into the South Australian Parliament by Mr. Kingston but not passed there. The Government found themselves so hampered in every direction that it was simply impossible for them to carry on the service of the country economically. During his own short term of office he had arrived at that conclusion, as had also the other members of the present Ministry. He hoped hon. members would consider well before deciding to take any action in support of Dr. Hackett's amendment.

HON. G. RANDELL: While not supposing for a moment that things would ever come to such a pass here, still, human nature being what it is, he hoped hon. members would not do anything tending to produce such a condition of affairs in regard to the civil service as obtained in the United States of America. It behoved us to be most careful in dealing with a question of this kind, affecting so large a number of individuals. It was possible such a thing as he had pointed out might occur here in the future.

HON. M. L. MOSS: It never occurred up till 1900.

HON. G. RANDELL: It never occurred; but many things which might occur had never occurred in the past, although wise statesmen nowadays guarded against these things occurring.

THE MINISTER FOR LANDS: The hon. member would place an imaginary case against a thing which had occurred.

HON. G. RANDELL: Public servants who served the State well had every reason to receive consideration at the hands of the Government.

THE MINISTER FOR LANDS: They were doing so to-day.

HON. G. RANDELL: There should be no danger to a civil servant of being dismissed instantly from his position without sufficient reason. One did not say that would occur, because Parliament reviewed the actions of Governments and the public Press could be appealed to. This clause had a great deal of consideration from Mr. Kingston, who was the original author of the measure, and who Sir John Forrest had said "put a great deal of elbow-grease" into the measure. The Bill was in the hands of Sir John Forrest two years before an election took place, and it was introduced at a time when there was no intention of going before the country. He did not think Ministers considered the measure from the point of view that they were going before their constituents. The Government only wished to protect the interests of the civil servants, and do the best they could for the country. There was no question of gaining popularity. The Premier who first introduced this legislation was not then sitting for a Perth constituency, the headquarters of the civil servants, and the measure did not affect in a great degree many of Sir John's supporters. Members should disabuse their minds of the statement that the present

statute was introduced as a political dodge. It had been promised for some time. The existing Act was good and useful, although there were one or two amendments which might be made in it. Still, there was no necessity to strike out Section 14.

HON. T. F. O. BRIMAGE: Such a Bill as this should be brought forward after the Public Service Commission had finished their labours. It was premature now to ask Parliament to decide this question. He was somewhat inclined to support the clause, because in the back portion of the State men were paid a considerable sum of money for living in expensive districts, but when those men moved nearer to the metropolis they did not deserve so much remuneration. That might be overcome by making goldfields allowances. However, he would support Dr. Hackett's amendment, because that hon. member had a great knowledge of these questions, and it was dangerous for any Government to have the right of lowering salaries without the consent of Parliament. The appointment of a board of inquiry should be allowed to civil servants, and should not be struck out of the Act. If, when a civil servant had been dismissed, he thought he had been wronged, it was only right that he should have a board of inquiry, but he should be prepared to pay his portion of the expenses if the board did not report in his favour. If there was not an upright and honourable civil service, there was not likely to be good government.

HON. B. C. WOOD supported the amendment. The carrying of the clause would create a hardship on civil servants. If the Government wished to dispose of the services of a civil servant, they could abolish the office.

HON. B. C. O'BRIEN: The clause as it stood should be retained. It seemed to be recognised by everybody that there was absolute necessity for civil service reform, and if that was not recognised, why was a Royal Commission sitting to endeavour to bring about reform? The Government recognised the necessity for reform, and were endeavouring to meet it in a way which was not too expensive or cumbrous. It was well to deal with the civil service gradually, and not wait until the report of the Royal Commission came in and then make a wholesale slaughter of civil servants. No doubt when the report of the Commission was received, some glaring instances would have to be dealt with, and the Government wished a free hand to deal with these matters. Members should have faith in the Government who, to all appearances, had the confidence of the country.

On motion by HON. C. SOMMERS, progress reported and leave given to sit again.

CHILDREN'S CONVALESCENT HOME BILL.

SECOND READING (MOVED).

THE MINISTER FOR LANDS (Hon. A. Jameson): In moving the second reading of this Bill, I regret to find that a petition has been presented in opposition to the measure. It is unfortunate that this should be so, for I may inform members I have endeavoured to find another suitable site for this home, and I really have practically been unable to do so. All the land in the hands of the Government is so far distant from Perth by road and rail that really it becomes practically impossible to find a site unless this one is adopted. Before this one was brought forward and thought of, the Government communicated with the local body, the roads board, who considered the matter carefully, and were entirely in accord with the proposal that this site should be granted for a convalescent home to be called the "Cottage-by-the-Sea." It is evident, in looking at the plan, that there is very good reason for this. If members will look at the plan they will see that this is a part of a very large reserve, a large portion of which has been broken up for church purposes; therefore it has been thought desirable that this particular portion should be used for public purposes. If that be so, we have a very large reserve indeed, larger than most municipalities have, and certainly much larger than the suburban areas have. It extends from Pier Street to Forrest Road, and is little short of a third of a mile—nearly half a mile. Mr. Jenkins objects to this site as being near his residence, but that difficulty will arise everywhere. As the crow flies, the building will be a quarter of a mile from the residence of that gentleman, and if

we have to remove it a long way away we cannot get a site for such a humane purpose. There is no valid objection to building such a cottage. I have here a small diagram of the nature of the building, and it will be seen that it is a very pleasant object and one of the prettiest buildings in the vicinity.

HON. G. RANDELL: What is the distance to the nearest residence?

THE MINISTER FOR LANDS: I should say about seventy yards.

HON. A. G. JENKINS: Just across the street.

THE MINISTER FOR LANDS: But we do not propose to build right on the street. The reserve is a large one, and the cottage will be erected as far from the road as possible, so that seclusion may be obtained for the residents. I feel impelled to urge the House to support this Bill, for I really do not know where else a site is to be obtained. I know the country well; no one, I suppose, has a better knowledge of it; I know it all the way up the coast; and I assure hon. members that to find another site for this desirable institution will be most difficult. Every portion of the State has subscribed liberally towards the object in view. I do not know of another instance where so large a sum of money has been subscribed here for a humanitarian purpose. This being the case, it is not very fitting or proper that we on the coast should object to the site selected. This may, perhaps, become a question of the coast against the goldfields. Much money has been subscribed towards the Cottage-by-the-Sea by the goldfield residents, with the intention that the cottage should be built by the sea. That the moment it is suggested we should erect the institution in a suitable place on a large piece of ground, four and a-half acres in extent, the proposal should be opposed by the residents in the neighbourhood of the reserve, is indeed unfortunate. I do not like to say too much on the subject; but I cannot refrain from remarking that the spirit shown towards residents of the outlying parts of the State is not a good one. This Cottage-by-the-Sea movement is, in a large measure, a goldfields movement. The cottage is largely intended for the reception of children unable to bear the heat in our inland districts. The children who will take advantage of this convalescent home will not necessarily be in a diseased condition, but merely weak from great heat. To rear children in Coolgardie, Kalgoorlie, and Menzies, for example, is most difficult. I urge hon. members to consider that the children who will visit the cottage will not, as a rule, suffer from anything more than lowered vitality. Surely every endeavour should be used by us to promote an object such as this, initiated by public subscription for the benefit of little suffering children. Hon. members must recognise that there is great difficulty in finding a site. The only other reserves available are at present far distant from roads and railways. I have used my utmost endeavours to find the best site for the institution; I have gone over much of the ground; and I say it is almost impossible to find any other suitable site besides the one proposed. The Government are prepared to grant the site; and the local body, who have considered the matter most carefully, are also prepared to do so. I sincerely hope that the House will support the passing of this small Bill.

HON. J. W. WRIGHT: Have the Government a site available in the neighbourhood of the Eastern Cable Company's area? Such a site would be suitable, being right on the old main road.

THE MINISTER FOR LANDS: I have looked at that site, which seems to me most undesirable. Moreover, the land is in the hands of the company; and whether or no the Government can recover it is a question. Certainly, however, the site is most unsuitable, since it consists mainly of shifting sand.

HON. A. G. JENKINS (North-East): I gave my reasons for opposing this Bill on the last occasion when it was before the House, and I have gleaned from the Minister's speech no reason for altering my attitude. I still say that the erection of the hospital on the site proposed will inflict great injustice on the adjoining residents. That a hospital should be built on the reserve——

THE MINISTER FOR LANDS: It is not a hospital.

HON. A. G. JENKINS: I say it is a hospital. The matter is one of opinion. I maintain that a convalescent home is nothing more or less than a hospital in a modified form.

HON. G. RANDELL: The medical opinion will prevail, in this instance.

HON. A. G. JENKINS: Perhaps; but I hope that the common-sense opinion will prevail. I do not in any way oppose the erection of the Cottage-by-the-Sea on a suitable site. Hon. members surely cannot believe that I would rise here to seek to do injustice to suffering children. I do maintain, however, that the House, in considering a matter of this sort, should bear in mind the petition which has been presented this afternoon. That petition has been signed by every resident in the immediate vicinity of the particular portion of the reserve affected. Does the House propose to interfere with the vested interests which have arisen at Cottesloe Beach during the last few years? Does the House propose to take away from the people that security of tenure which they have a right to expect? The Government plan has always shown the reserve as a recreation reserve; it has been marked so on every Government plan of the locality ever published. Now, however, the Government propose to divert to the purposes of a convalescent home that portion of the reserve which is closest to all the residences. The leader of the House has stated that no other reserves are available. All I can say is that it seems indeed strange that, seeing the number of reserves under the control of the Government all along the coast up to Claremont, Ministers should have found it impossible to select a site which would not interfere with any vested interests whatever. If the Bill be passed in its present form, it will immediately and injuriously affect people who have invested large sums of money in the locality. Moreover, the reserve in question is a large one, comprising some 15 acres of ground; and yet the Government must—for what reason I am at a loss to discover—select that portion of the reserve which is nearest to the residences. If the Government went farther into the reserve, I should not oppose their selection of a site for one moment. However, they choose for the site of this convalescent home that portion of the reserve immediately adjoining the residences. When people have invested money in a locality on the assumption that a certain reserve has been made for a certain purpose, it is not fair that at any later time the reserve should be cancelled or devoted to what I or anybody else, despite the Minister for Lands, may call a hospital.

HON. G. RANDELL: Has the area been reserved for any other purpose?

HON. A. G. JENKINS: It has been reserved for recreative purposes, and no other purposes whatsoever. The Government, before selecting this site, endeavoured to secure other sites, which in each case were refused by the local bodies concerned; for some good reason, no doubt. In the case of one site proposed there was not a residence within half a mile, I understand; and yet the roads board, having at heart the wishes of the residents and the best interests of the district, refused to grant the site.

THE MINISTER FOR LANDS: Where?

HON. A. G. JENKINS: At the bottom of Shenton Road or Claremont Road. A site was refused there, I am given to understand. Why should the residents of Cottesloe Beach, who have built houses and improved the locality—I am speaking from the purely personal point of view, on this occasion—have their properties damaged by the erection of a hospital?

HON. J. A. THOMSON: How would the hospital damage them?

HON. A. G. JENKINS: I do not know whether the hon. member would like a hospital to be erected in close proximity to his property.

HON. J. A. THOMSON: I should not mind, if the hospital were properly conducted.

HON. A. G. JENKINS: We have before us the petition of the residents of Cottesloe Beach.

HON. M. L. MOSS: Only 10 residents signed that petition.

HON. A. G. JENKINS: Yes; and there are only 10 residents affected. That is the unfortunate part of it. If 20 residents were affected, they would all have signed. A site which I would strongly recommend to the leader of the House—indeed, the finest site in the State—is to be found in the beautiful reserve at Buckland Hill. The cottage, if erected there, would be a Cottage-by-the-River; but atmospheric conditions by the river would be much milder than those prevailing by the sea. I commend that site to the Minister for Lands; and if the hon. gentleman will accept my

suggestion, I shall in no way object to the Bill. Indeed, I shall then have much pleasure in supporting it. The petition which asks the House to reject the Bill in its present form is surely entitled to consideration. The wishes of the signatories ought to weigh with us. I suppose there is no harm in mentioning that I have spoken with the leader of the House on this subject, and that he informs me that there is no other site available for the erection of this Cottage-by-the-Sea. I have, therefore, no other course than to move as an amendment to the motion now before us:—

That the word "now" be struck out, and "this day six months" inserted in lieu.

HON. C. SOMMERS (North-East): I second the amendment, since there are other reserves available and the Government do not see fit to amend their Bill. I agree with the last speaker, who I know subscribes liberally to all movements of this kind, and who no doubt has aided this object with his purse. It is indeed hard that if objection be raised, and it be shown that damage is likely to be done to vested interests in the neighbourhood of the site selected, the convalescent home cannot be moved another quarter of a mile away. The Government have a reserve of 15 acres in all; and no reason exists, therefore, why the cottage should not be erected in a locality which would be acceptable to the residents of Cottesloe Beach. The prayer of the petition is a very proper one, and the Government ought to give way. They should alter the Bill by selecting some other portion of the 15 acres. I personally see no great objection to the establishment of a hospital on the reserve. However, if I built opposite the King's Park, having paid a good price for land on the understanding that the King's Park, as a reserve, could not be interfered with except by Act of Parliament—and Parliament, we now know, is very careful in diverting reserves from their original purposes—I should consider myself unfairly treated if a hospital were erected in the King's Park. It is absolutely certain that Parliament will never interfere with any reserve in so hurried a manner as proposed by the Minister for Lands in introducing this Bill. The measure was being rushed through as a matter of sentiment, in order that it might be passed before Lady Lawley and His Excellency the Governor left the State. However, Sir Arthur and Lady Lawley have left the State, and the Bill has not yet been passed, and therefore we may now take plenty of time and make sure that we are selecting the best site available. I have little doubt that along the coast there are dozens of sites admirably suited for the erection of the institution towards which we have all been willing to subscribe.

HON. J. W. HACKETT: Mr. Jenkins said that all the sites proposed were objected to.

HON. C. SOMMERS: No; Mr. Jenkins said that several other sites had been objected to, and that the Government were determined to choose this particular site. The 10 residents who have signed the petition will not offer any objection to the establishment of a convalescent home, provided it be removed to some other portion of the reserve; and I consider the request they make a fair one.

HON. J. W. HACKETT: The cottage must be by the sea, you know.

HON. C. SOMMERS: The whole of the 15 acres reserved is by the sea. In erecting the cottage on any portion of the reserve, you cannot take it away from the sea, because the sea is there. I believe another block of four acres is available. If, instead of taking the portion marked blue on the plan, the Government were to take another portion, the objection would be overcome, and the residents would have no objection.

HON. J. W. HACKETT: Nor the roads board.

HON. J. W. WRIGHT: The roads board consists of one man, down there.

HON. C. SOMMERS: We are wasting the time of the House on a small matter, but if we are doing an injustice to anyone it is only right that the House should take the matter into consideration. If people have purchased land and erected houses in this locality on the understanding that there was a permanent reserve, then Parliament should be very careful not to interfere with that reserve.

HON. G. RANDELL (Metropolitan): We should deal with the question in a less drastic manner than that proposed by the hon. member (Mr. Jenkins.) Perhaps we may be able to deal with the matter later on, if the hon. member will consent

to withdraw his motion and have the debate adjourned until this day week. There will then be farther time to consider the matter, and perhaps some members would like to go down and see the locality for themselves. I should not like to see anything done which would interfere with this project, which so far has been carried on very successfully, but if the debate is adjourned it will give the Government an opportunity of looking into the question farther. Although the leader of the House says he has gone over the ground and there is no site so suitable as the one selected, yet he may find another site. The views of some members of the House are strong on the matter, therefore the Government may see their way to reconsider the question and make another suggestion. I urge the hon. member to withdraw his motion and then some other member may move that the debate be adjourned for a week.

HON. A. G. JENKINS: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

On motion by Hon. J. W. HACKETT, debate adjourned for a week.

ADJOURNMENT.

The House adjourned at 8·50 o'clock, until the next day.

Legislative Assembly,

Tuesday, 19th August, 1902.

Petition: Esperance to Goldfields Railway — papers presented—Question: Poor-box Donations, Fremantle — Question: Police-court Procedure, Subiaco—Question: Museum, New Wing (funds)—Fremantle Harbour Trust Bill, first reading—Returns ordered (2): Estates Purchased under Statute, Leonora Railway Cost—Explosives Act Amendment Bill, third reading—Elementary Education (District Boards Bill), in Committee, progress — Justices Bill, in Committee, reported—Fremantle Prison Site Bill, first reading—Public Works Bill, second reading—Droving Bill, second reading (moved)—Indecent Publications Bill, second reading (resumed)—City of Perth Building Fees Validation Bill, first reading—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PETITION—ESPERANCE TO GOLDFIELDS RAILWAY.

MR. R. HASTIE presented a petition from 35 public bodies on the Eastern Goldfields, including municipal councils, roads boards, chambers of mines, mine managers, workers' associations, Trades and Labour Council, etc., praying the House to authorise the immediate construction of the Esperance Railway.

Petition received, read, and ordered to be printed.

PAPERS PRESENTED.

By the PREMIER: 1, Woods and Forests Department, Report for year ended 31st December, 1901. 2, Regulations for Ticket-of-Leave Holders. 3, Regulations for the Management and Control of Gaols and Prisons. 4, Report on Industrial and Reformatory Schools for 1901. 5, Report on Rottnest Prison for 1901. 6, Report of Charities Department for 1901. 7, By-laws made by the Municipalities of Perth, Bunbury, Coolgardie, Collie, Fremantle, East Fremantle, Leonora, Guildford, Leederville, Mt. Morgans, North Perth, and Norseman.

By the MINISTER FOR WORKS AND RAILWAYS: Alteration to Railway Classification and Rate Books (reduced fares to students).

By the COLONIAL SECRETARY: 1, Report of the Committee of the Victoria Public Library, 1901-02. 2, Report of the Chief Inspector of Explosives and Government Analyst for 1901.

Order: To lie on the table.