

to bring forward other matters. It was not quite fair to attack the character of any body of civil servants not present to defend themselves, and his reason for doing what he did was to urge the Government to see if they could not make some arrangements. He hoped the Premier would do his best to see if greater economy could be obtained in the arrangement during next year with regard to the stipendiary magistrates. He was the last to seek to reduce the number of medical officers in a district, because he knew what a great convenience it was to the district to have medical men there. With reference to Albany, allusion was made to the son of the resident magistrate. It was well known that a promise was made to that gentleman that he should be appointed resident magistrate at Southern Cross. (MR. HASTIE: Why?) He believed the reason was that he said he had a certain amount of legal training, and it was thought that he would be able to perform those duties. He (Mr. Foulkes) had no doubt that he would have made an efficient resident magistrate. The member for the Williams (Hon. F. H. Piesse) seemed surprised that he suggested that legal men should be appointed. He hoped the hon. member did not think he did so from interested reasons—[Hon. F. H. Piesse indicated that he did not]—because he had refused two offers. First, the wardenship of Kalgoorlie was offered to him, and subsequently he received the offer of another appointment. He was glad this discussion had taken place. He wished to withdraw his amendment.

Amendment by leave withdrawn.

On motion by the ATTORNEY GENERAL, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10:31 o'clock, until the next day.

Legislative Council,

Thursday, 6th November, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: Alterations of classification and rate book (railways).

QUESTION—BOULDER TRAMWAY INSPECTION.

HON. W. MALEY asked the Minister for Lands: If the Government Electrical Engineer had been instructed to supervise the specification of the Boulder Municipal Tramway.

THE MINISTER FOR LANDS replied: No.

LEAVE OF ABSENCE.

On motion by HON. W. MALEY, leave of absence for one fortnight was granted to Hon. G. Bellingham, on the ground of urgent private business; and on motion by HON. B. C. WOOD, leave of absence for one month granted to Hon. W. G. Brookman, on the ground of illness.

LAND ACT AMENDMENT BILL.

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

POLICE ACT AMENDMENT BILL.

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

AGRICULTURAL BANK ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 30th October, the Legislative Assembly having concurred in the Council's suggestions and returned the Bill with amendments made accordingly.

Preamble, Title—agreed to.

Bill reported as amended, and the report adopted.

RAILWAYS ACTS AMENDMENT BILL.

PROCEDURE—ASSEMBLY'S OBJECTION.

The Legislative Council having made amendments in the Bill and returned it to the Legislative Assembly for concurrence, and the Assembly having raised the objection that a Bill requiring an appropriation of money could not be amended by the Council, the Assembly's message was now considered in Committee.

THE PRESIDENT suggested that the message should be referred to the Standing Orders Committee.

THE MINISTER FOR LANDS (Hon. A. Jameson): This matter being a constitutional question, and one dealing with the privileges of the House, it ought to be referred to the Standing Orders Committee. He was not prepared to say anything about it now, but it seemed to him that the House had to guard very carefully its privileges. He moved that the message be referred to the Standing Orders Committee.

HON. J. W. HACKETT: Who were the Standing Orders Committee?

The CLERK read the names of the committee, namely Sir G. Shenton, Hon. J. W. Hackett, and Hon. A. Jameson.

HON. G. RANDELL seconded the motion. This was an important matter, especially in view of what might arise subsequently, and the House should take every precaution to deal with the question in a careful and able way. He thought the House might leave the consideration of the question to the Standing Orders Committee, who no doubt would produce a report which would be of great assistance to the House in arriving at a conclusion.

HON. J. W. HACKETT: The reason he asked whom the Standing Orders Committee consisted of was that he

thought it would be desirable for the committee to include in this case Mr. Moss.

THE PRESIDENT: As the Standing Orders Committee was appointed for the session, as a rule there would be no alteration made unless through resignation. But there would be nothing to prevent the committee from calling upon Mr. Moss for his opinion and advice.

Question put and passed.

Ordered: That the Committee report this day week.

PUBLIC WORKS BILL.

IN COMMITTEE.

Resumed from the previous day; Hon. M. L. Moss in charge.

Clause 100—Definition of "railway;" land purchased for a railway to be deemed part of the railway:

HON. M. L. MOSS: Schedule 1 provided for the repeal of various Railways Acts and amendments. These repeals really took out of the various Railways Acts all the provisions relating to the making and completing of railways, and made the Railways Acts simply refer to the control and management of the railways. All the clauses in this Bill from 100 to 117, and perhaps farther, were clauses dealing with the construction and completion of railways.

HON. T. F. O. BRIMAGE: Private railways, too?

HON. M. L. MOSS: No; railways made by the Ministry under the authority of Parliament. It had nothing to do with the running. As members knew, there were certain duties imposed on the Commissioner of Railways, who was now in a position almost of General Manager. These clauses were not new. They were re-enacting in a better form clauses in the present Acts relating to construction.

HON. J. W. HACKETT: Were they identical?

HON. M. L. MOSS: No.

HON. J. W. HACKETT: Would the hon. gentleman point out the difference. They were not, he thought, altogether on all-fours.

HON. M. L. MOSS said he did not say they were. He was willing to comply with reasonable requests, but to do what was asked for would require two persons for the purpose of making the compari-

son. It was the duty of the hon. member to do that before coming to the House, and to point out where there were great differences, and ask the reason.

HON. J. W. HACKETT: All were indebted to Mr. Moss for the time and attention he gave to this Bill; but we should know how far we were adding to the existing law, how far we were making the conditions more stringent against the public.

HON. M. L. MOSS: Paragraph (d) in Clause 102 would have to come out, because Clause 93 had been struck out.

HON. J. W. HACKETT: There were other paragraphs. For a mile on either side of the line between two termini, the Minister had almost absolute power over the lands, roads, and easements comprised in such area.

HON. G. RANDELL: Apparently the clause was intended to cover all railways hereafter to be constructed, and in future special Acts nothing more than the two termini would be provided. To make this clear he moved that the words "this or," in line 2, be struck out.

SIR GEORGE SHENTON: Evidently the amendment was needed, because the next clause provided that every railway should be made under the authority of a special Act, and the words in question must be struck out to make the clauses agree.

HON. M. L. MOSS: The clause was copied from a New Zealand Railway Act. In that country a special Act was not needed for the construction of a line, a "public works statement" being laid on the table showing the works to be undertaken during the year. He agreed to the amendment.

Amendment passed, and the clause as amended agreed to.

Clause 101—Railways to be made only under special Act:

HON. J. W. HACKETT: These railway clauses should be postponed, and the Committee be supplied from the drafting office with a statement of the alterations proposed in the existing law, showing what provisions were to be more drastic than the present.

Clause passed.

SIR GEORGE SHENTON moved that Clauses 102 to 117, inclusive, be postponed till the end of the Bill

HON. M. L. MOSS: What information was required?

HON. J. W. HACKETT: Briefly, in what respect did these clauses differ from existing legislation.

Motion passed, and the clauses postponed.

Clause 118—Land may be occupied temporarily:

SIR GEORGE SHENTON: By paragraph (d) of Subclause 1 the Minister might manufacture bricks or other materials on private land, and there was no provision for his filling up the resulting excavations. If the Government obtained the material free, the least they could do was to leave the land as they found it.

HON. M. L. MOSS: Under the Roads Act no compensation was payable for the actual taking of material; but the owner might call upon the Government to take the land and pay compensation. This was an extension of the principle.

HON. G. RANDELL: The provision seemed somewhat stringent, but by the next clause the owner might demand compensation. Supposing there were a brick-kiln and large excavations had been made for getting clay, that would form a subject for compensation. On the whole he was inclined to allow the clause to pass, with the saving Clause 119.

HON. J. W. WRIGHT said he did not see that Clause 119 did away with the difficulty, because land might be entered upon during the absence of the owner. One might be away for six or eight months, the damage might be done in the meantime, and the parties might have cleared out before the owner knew anything about it.

HON. A. G. JENKINS: The side-note of Clause 119 read: "Owner may require land to be permanently taken." If one read the clause, it would, he thought, be found that they could not permanently take the land. He thought the meaning was that one could get compensation if they only took land for a time. In his opinion the side-note was wrong.

THE CHAIRMAN: We were considering Clause 118.

HON. A. G. JENKINS: In considering paragraph (d) of Clause 118 members naturally would look at Clause 119. It seemed to him that the Government

would have to pay compensation whether they took the land permanently or not.

HON. J. W. HACKETT: We could not, he thought, dissociate Clause 119 from the preceding clause. Under what Act would the compensation be assessed?

HON. M. L. MOSS: Under Part III. of this measure.

HON. G. RANDELL: Clause 119 fully explained Clause 118. If the Government did not take the land permanently, the owner and all persons having any interest in the land might recover compensation. That was not for the value of the land, but for all damage done. Supposing there were an excavation for the purpose of making bricks, it would not be incumbent on the Minister to fill up that hole, but he would have to pay compensation.

HON. M. L. MOSS: The method of assessing compensation was, he thought, very clearly set out in Clauses 39 to 49.

HON. J. W. HACKETT said he did not happen to be in the House when those clauses were passed.

HON. G. RANDELL: The marginal note of 119 was irrelevant and incorrect. Clause passed.

Clause 119—agreed to.

Clause 120—Buildings exempted from local building regulations:

HON. J. W. HACKETT: This clause seemed a very strong one, when we remembered that "railways" included all the land upon which any railway was made, or authorised to be made, under this or any special Act, and all buildings and erections of every kind thereon, whether of a permanent or a temporary nature, and so on. It was a bad principle to entirely exempt all these buildings and everything erected on this wide area of country from all local building regulations. It was not a just exemption.

HON. M. L. MOSS: Take the case of the Municipal Council of Perth, it would be asking a good deal if the Government must submit their plans to that council for its approval, and so with regard to other municipalities where the Building Act was in operation. He thought that, generally speaking, all buildings put up by the Government far more than complied with the provisions of the Building Act. He spoke subject to correction. Some members might be able to point out cases in which there had been breaches of

regulations which the Government had themselves approved of.

HON. J. W. HACKETT: Under this Bill there might be an infringement of the by-laws and regulations in the Building Act which were intended for the protection of the community. Why should the Railway Department be freed from the obligation of looking after the safety and health of the community?

HON. T. F. O. BRIMAGE took it that this clause was merely intended to apply to temporary buildings. He suggested that after the word "no," in line 1, "temporary" be inserted.

HON. M. L. MOSS: What the Government required was that the Committee should either agree to the clause or strike it out. If the clause were struck out, it would be putting the Government in a very awkward fix. He quite recognised that the Government ought to put buildings up in accordance with the regulations under the Building Act, but it was asking too much of a Government department to submit their plans to a municipal council for approval.

HON. C. SOMMERS: We might, he thought, trust the Government to look after these buildings.

HON. G. RANDELL moved that after the word "erection," in line 1, "not intended permanently for human habitation" be inserted.

HON. J. W. HACKETT: Offices might be unsanitary, and they were so, he believed, in some cases. He did not think we could quite trust the Government in regard to these matters. He moved that the clause be struck out, and if necessary it could be brought up in an amended shape and added as a new clause. In regard to the first Technical College, a large body of regulations deemed necessary for the health of the people had been violated. He believed the inspector drew the attention of the Government to the breach committed, and the reply was that they were free from jurisdiction and could do as they liked. They put up buildings there and elsewhere directly contrary to the provisions of the new Shops and Factories Bill.

HON. J. D. CONNOLLY said he would support the amendment by Dr. Hackett, but at the same time it would not remedy the difficulty which was arising

in the country districts. A roads board could not be brought under the Building Act, therefore if the clause were struck out the local authority would have no control over buildings erected in the country, because the Building Act did not apply. It had been said that it would inflict a great hardship on the Government if they had to submit plans to the local authority. But it would be no hardship at all. The plans would be laid on the table at the ordinary meeting. The great point was to see that sanitary arrangements were properly carried out. If the Government purchased any land for railway purposes they might let that land on a lease, and the buildings on it would be exempt from the provisions of the Building Act.

HON. J. W. HACKETT: Or where there were cottages, as at West Perth.

HON. J. D. CONNOLLY: The Government might acquire land which they might want to use in five or ten years, and they might let it on lease for five years. We knew no one would erect a brick and stone building if the lease granted were only for five or ten years; therefore temporary structures would be put up, which would be very dangerous to property alongside.

HON. M. L. MOSS: The Building Act should not apply to the Crown.

HON. G. RANDELL: The Government should not be exempt from sanitary regulations; but it would be impossible to erect at once permanent buildings for such institutions as the Technical College. The Minister might introduce a new clause making public buildings subject to sanitary regulations.

HON. J. W. WRIGHT: Municipal councils granted annual licenses for temporary buildings, and the Government could obtain such licenses.

HON. T. F. O. BRIMAGE: Supposing a license were refused?

HON. J. W. WRIGHT: Erect a permanent building.

HON. G. RANDELL and HON. J. W. HACKETT withdrew their amendments.

Clause postponed.

Clauses 121 to 124, inclusive—agreed to.

Clause 125—Proceeding in case of refusal to take up land:

HON. G. RANDELL: There would be difficulty in levying the distress pro-

vided by Subclause 2. Could the sheriff call in the police or the military in case of resistance?

HON. M. L. MOSS: The police could be summoned. The clause would greatly simplify the existing procedure, by which the Government must take an action of ejectment, the sheriff taking possession under the judgment, using necessary force. By the clause the sheriff could enter without an action.

HON. J. W. HACKETT: But the costs were to be settled by the sheriff.

HON. M. L. MOSS: None but the sheriff could judge of the costs, and these would be the fee of one guinea to the officer making the levy, and 8s. or 10s. per day to the man in possession.

Clause passed.

Clause 126—Penalty for obstructing workmen or destroying fences, marks, etc.

HON. B. C. O'BRIEN: This was almost identical with Clause 83. He moved that the word "wilfully" be inserted after "who" in line 1.

HON. M. L. MOSS opposed the amendment. This clause aimed at punishing for interference with the work of a departmental officer, and any person interfering whether wilfully or not, should be liable. True, there was not the same objection to inserting "wilfully" as in Clause 83, for here any obstruction would be wilful.

HON. B. C. O'BRIEN: The two clauses were practically identical.

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

Ayes	...	...	...	8
Noes	...	...	...	7

Majority for 1

AYES.				NOES.	
Hon. R. G. Burges				Hon. T. F. O. Brimage	
Hon. J. D. Connolly				Hon. C. E. Dempster	
Hon. J. W. Hackett				Hon. A. Jameson	
Hon. A. G. Jenkins				Hon. E. McLarty	
Hon. B. C. O'Brien				Hon. M. L. Moss	
Hon. C. Sommers				Hon. G. Randell	
Hon. J. W. Wright				Hon. J. E. Richardson	(Teller).
Hon. W. Mailey (Teller).					

Amendment thus passed.

HON. B. C. O'BRIEN moved that the word "fifty," in line 7, be struck out and "twenty" inserted in lieu.

Amendment negatived, and the clause as amended agreed to.

Clause 127—Penalties recoverable in a summary way:

HON. R. G. BURGESS moved that the words "two justices of the peace," in

lines 2 and 3, be struck out, and "resident magistrate" inserted in lieu.

HON. M. L. MOSS: It was to be hoped the Committee would not agree to an amendment of this kind. If this amendment were passed, and all these offences were only cognisable by resident magistrates, a vast amount of work would be put on magistrates throughout the State.

HON. A. G. JENKINS: Most of them had nothing to do at present.

HON. M. L. MOSS: The present intention of the Government was to consolidate, and to do away with a number of magistrates. It was also the intention of the Government to frame new regulations, and impose on justices the duty of discharging their duties regularly in the State, otherwise they would be struck off the list. To throw on the magistrates throughout the State the duty of trying all the offences under this Act would, in his opinion, be against the best interests of the State. Why was it necessary to cast such reflection on the honorary justices? Many offences under this measure and the regulations made under it would be trivial in character.

HON. C. SOMMERS: Now the word "wilfully" had been inserted, we might allow justices of the peace to deal with such cases.

HON. C. E. DEMPSTER: Resident magistrates were paid to do their duty, and he did not see why the responsibility should be saddled upon justices of the peace.

HON. J. W. HACKETT: There were many resident magistrates not particularly fitted to decide questions of this kind. The clause allowed the Government a certain option. A resident magistrate might have a rooted prejudice. Considering the immense scope of penalties, not only under the Act but in the by-laws or regulations, it would be unwise to impose such a limitation as that proposed.

HON. R. G. BURGESS: There was a desire to place the power in the hands of two new justices. Some justices were not trained, whereas resident magistrates were.

HON. M. L. MOSS: No; they were not.

HON. R. G. BURGESS: They had been clerks of courts.

HON. M. L. MOSS: No; that was the trouble. Take the case of Roebourne.

HON. R. G. BURGESS: Take the two magistrates in Perth and other districts. They had had a training. Sometimes justices of the peace gave most silly decisions because they were inexperienced. It was a very difficult matter now for justices of the peace to go and sit, and have people badgering them all the time. He could say on behalf of plenty of justices that they were not going to do it.

HON. A. G. JENKINS: It was desirable that a resident police magistrate should take these cases as far as possible. Doubtless there were good justices of the peace, but personally he had not an extraordinary opinion of their legal ability. We knew that justices in most cases occupied their position as such through political patronage.

HON. E. McLARTY: Surely any two justices of the peace could tell whether a man wilfully obstructed or was liable to a penalty. He knew plenty of justices of the peace who had quite as much intelligence and experience as resident magistrates in this State. He had in mind a number who had been appointed resident magistrates of various districts without any legal experience at all, nor did they know any more than justices of the peace. It was unworthy of members who were themselves on the commission of the peace to hold their brother justices in so little repute.

HON. M. L. MOSS: Under the Police Act there were many sections which enabled justices to inflict imprisonment up to 12 months. In the case of the Pharmacy and Poisons Act there were tremendous penalties, as high as £100 and £200. In many instances gentlemen exercising the functions of resident magistrates had been appointed, not because of the legal experience they had, but because the exigencies of the public service were such that the duties of resident magistrates had to be combined with those of medical officers, and in some instances other officers. It would be illogical to strike out "two justices of the peace" and insert "resident magistrate" when we knew perfectly well that justices of the peace under innumerable other statutes exercised far greater powers than they would be called upon to exercise under this measure. Clause 117 as it appeared in the Bill appeared in nearly every statute relating to the carrying

on of the affairs of every department of the public service. It was so all over Australia and the old country, and in our Interpretation Act of 1898.

HON. E. McLARTY: If a defendant felt aggrieved, had he not the right of appeal?

HON. M. L. MOSS: Yes. One could appeal on a point of law if the fine were only a penny, and on a question of fact he could appeal if the fine exceeded £10.

HON. R. G. BURGESS: There were many most important questions in this measure. There were lots of cases which would come before the justices, and three-fourths of the justices did not know how to act.

HON. B. C. O'BRIEN: Was it understood that the police magistrate would be debarred from acting?

HON. M. L. MOSS: Under the Interpretation Act and under the Justices Act, one resident or police magistrate could at any time carry out the functions of two justices of the peace.

HON. C. E. DEMPSTER said he did not support the amendment because he spoke disparagingly of any justice of the peace, but he thought the duty was one which a resident magistrate should be called upon to discharge. A case might crop up in a justice's district in which he would far rather not sit.

Amendment (to strike out the words "any two justices," with a view of inserting "a resident or police magistrate and a justice") put, and a division taken with the following result:—

Ayes	...	...	...	4
Noes	...	...	...	12

Majority against ... 8

Ayes.	Noes.
Hon. R. G. Burgess	Hon. J. D. Connolly
Hon. C. E. Dempster	Hon. J. W. Hackett
Hon. B. C. O'Brien	Hon. A. Jameson
Hon. A. G. Jenkins	Hon. W. Mailey
(Teller).	Hon. E. McLarty
	Hon. M. L. Moss
	Hon. G. Randell
	Hon. J. E. Richardson
	Hon. Sir George Shenton
	Hon. C. Sommers
	Hon. J. W. Wright
	Hon. T. F. O. Brimage
	(Teller).

Amendment thus negatived, and the clause passed.

Clause 128—agreed to.

Clause 129—Public works under previous Acts to be deemed constructed under this Act:

HON. J. W. HACKETT: The clause mentioned regulations and by-laws. Was the Minister sure the Government were taking sufficient power to make these? Clause 4 gave power to make regulations for the conduct of Government employees only.

HON. M. L. MOSS: The point would be noted.

Clause passed.

Clauses 130, 131, 132—agreed to.

First Schedule:

HON. M. L. MOSS moved, in reference to "61 Vict., No. 4," that "4" be struck out, and "32" inserted in lieu.

Amendment passed, and the schedule as amended agreed to.

Progress reported, and leave given to sit again.

FREMANTLE HARBOUR TRUST BILL. IN COMMITTEE.

Resumed from the 29th October; Hon. M. L. Moss in charge.

Schedule—agreed to.

Postponed clauses then considered, as follow.

Clause 26—Power to lease lands for certain purposes:

HON. M. L. MOSS: More publicity as to proposed leases was essential. He moved that the words "and at least two insertions in a newspaper published in Perth" be added to the clause.

Amendment passed, and the clause as amended agreed to.

Clause 53 (postponed)—Collection of dues:

HON. J. W. HACKETT: Though by the previous clause large powers of construction were given, the commissioners were by this clause deprived of all means.

HON. M. L. MOSS moved that the words "other expenses incurred by them in administering this Act," in lines 2 and 3 of Subclause 2, be struck out, and "with all expenditure lawfully incurred by the board in exercise of their power under this Act" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 54—agreed to.

Clause 58—Accounts to be audited and furnished:

HON. M. L. MOSS: If the Committee would formally agree to this, we could recommit it.

Clause passed.

Preamble, Title—agreed to.
Bill reported with amendments.

RECOMMITTAL.

Bill recommitted for farther consideration of Clauses 4, 8, 13, 14, 56, and 58.

Clause 4—Appointment of Commissioners:

HON. J. W. HACKETT: Nothing was said as to the period for which the chairman should hold office as such. Was it one, two, or three years?

HON. M. L. MOSS: All the commissioners were appointed for three years.

HON. J. W. HACKETT: The appointment of chairman should, he thought, be an annual one, or the Governor should have power to remove the chairman. He moved that the word "annually" be inserted after "be," in line 3.

Amendment passed, and the clause as amended agreed to.

Clause 8—Deputy Commissioners:

HON. M. L. MOSS moved that the clause as printed be Subclause 1, and the following be added as Subclause 2: "If such commissioner is the chairman, the Governor may temporarily appoint another commissioner acting chairman, who while so acting shall have all the powers and perform all the duties of the chairman."

Amendment passed, and the clause as amended agreed to.

New Clause:

HON. M. L. MOSS: The clause just passed referred to the appointment of an acting chairman in the case of illness, suspension, or absence of the chairman. He now moved that the following be inserted as Clause 14:

In the absence of the chairman from any meeting of the Commissioners, or if after being present he retires, the commissioners present may elect one of their number to be acting chairman for that meeting or for the remainder of the meeting.

New clause passed and added to the Bill.

Clause 14—Procedure on difference of opinion:

HON. M. L. MOSS moved that after "chairman," in line 3, "or acting chairman" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 56—Accounts to be balanced:

HON. M. L. MOSS moved that all the words after "balanced" be struck out,

and the following inserted in lieu: "The commissioners shall cause their accounts to be balanced twice in every year or on such dates as the Minister may from time to time direct."

HON. W. T. LOTON: Why was it desirable to leave the time to the discretion of the Minister? It would be better to fix the time. The Government financial half-year ended in June or December. If the dates were fixed, people would know at what times these accounts should be before them.

Amendment by leave withdrawn.

HON. M. L. MOSS moved that all the words after "balanced" be struck out, and "twice in every year, on the 30th day of June and the 31st day of December," inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 58—Accounts to be audited and furnished:

HON. M. L. MOSS moved that the word "once," in lines 2 and 5, be struck out, and "twice" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Bill reported with farther amendments, and the report adopted.

At 6:33, the PRESIDENT left the Chair.
At 7:35, Chair resumed.

ROADS ACT AMENDMENT BILL.

IN COMMITTEE.

The MINISTER FOR LANDS in charge.

Clauses 1 to 5, inclusive—agreed to.

Clause 6—The Governor may constitute, divide, and abolish districts:

HON. T. F. O. BRIMAGE moved that the word "ten" in Subclause (b), line 3, be struck out, and "twenty" inserted in lieu. Ten persons should not be allowed to petition the Governor for the alteration of a district.

THE MINISTER FOR LANDS: The petition would be for inquiry only, and not in the nature of a vote that the district be divided.

HON. W. MALEY opposed the amendment. The Bill should not be made more conservative; and it was now sufficiently difficult to get 10 signatures to a petition.

Amendment negatived, and the clause passed.

Clauses 7 to 17, inclusive—agreed to.

Clause 18—Three members to retire annually:

THE MINISTER FOR LANDS moved that the words "except the year one thousand nine hundred and three" be inserted after "year," in line 1. There would be an election next month, and to have another in the following March would be unreasonable.

Amendment passed, and the clause as amended agreed to.

Clauses 19 to 22, inclusive—agreed to.

Clause 23—Ouster from office:

THE MINISTER FOR LANDS moved that the words "declared elected as a member has been elected unduly and contrary to this Act, or any person," in lines 1 and 2, and "has been elected or" in line 4, be struck out. These words would lead to complication, as invalid elections were provided for in Clause 78.

Amendment passed.

THE MINISTER FOR LANDS moved that Subclause 2 be struck out, and the following inserted in lieu: "(2.) If upon the return of the rule or order it appears to the Court or Judge that the person so holding or exercising office was, while holding or exercising office, incapable under the provisions of this Act of holding office, the Court or Judge may make the rule or order absolute, or, if the matter does not so appear, may discharge the rule or order, and in either case with or without costs." It was in connection with the same matter as that in Subclause 1, namely that we no longer dealt with invalid elections.

Amendment passed.

THE MINISTER FOR LANDS further moved, as a consequential amendment, that Subclause 4 be struck out.

Amendment passed, and the clause as amended agreed to.

Clauses 24 to 27, inclusive—agreed to.

Clause 28—Manager may be registered:

HON. R. G. BURGESS: Northern members agreed with him, he knew, that this clause, providing that the manager or superintendent of the owner of any ratable land should be allowed to vote, was a very dangerous one. Although that had been the law for some time, it was dangerous. It was a most extraordinary clause to have in any Act, and the sooner it was wiped out the better. If it were

allowed in this measure, it might just as well be allowed all through, in everything.

HON. M. L. MOSS: It was almost the same as giving a tenant a vote under the Municipal Act.

HON. R. G. BURGESS: Did the hon. member call that a right principle?

HON. M. L. MOSS: Yes.

HON. R. G. BURGESS: It was a most unjust principle. A man might have £10,000 worth of property. The tenants could get the power to tax that land and everything else, and at the last moment they could leave the country without paying their rates, and then the man who owned the land would have to pay all those rates. He moved that the clause be struck out.

HON. J. E. RICHARDSON: This was a Roads Bill, not a Municipal Bill. On the northern stations it would be rather hard if the manager of a station who used the roads and who lived there all the year were not allowed to be on the roads board, and to have a vote at a roads board election.

HON. W. MALEY: As he took it, this clause would give the manager of a store a vote, as well as the manager of a run. We might just as well give a clerk or an office-boy a vote. [HON. R. G. BURGESS: And the labourer.] He did not see why, because a person was managing a store which was ratable, he should be thus qualified to vote. Were the owners of property to pay rates, and were clerks, office boys, or managers to have the disposition of their employers' funds, for that was what it amounted to? He did not see anything reasonable in the clause.

THE MINISTER FOR LANDS: This provision was not a new clause; but it had been proved for the last nine years, and had been found to be successful. Undoubtedly it would be a hardship in many cases if the manager or superintendent who took a very lively interest in the whole affairs of the district could have no say in that particular district. It did not seem right or reasonable that it should be so.

HON. C. E. DEMPSTER: The clause, it seemed to him, would lead to a great deal of injustice [THE MINISTER FOR LANDS: It had not done so.] He should support the amendment.

HON. C. SOMMERS could not see that any harm would be done in passing the clause. It was impossible for a manager to occupy such position in spite of the owner's wishes. The owner would only have to express a wish that he should come off the board, and the manager would very promptly do so. [HON. R. G. BURGESS: After the mischief had been done.] His experience was that the principle had worked well.

HON. G. RANDELL: That the manager or superintendent of the owner should have a right to vote seemed to him an injustice, and it should be objected to by members. He had always objected to the practice of the Perth Municipal Council for some considerable time past. He had no knowledge of other municipalities. In Perth, if a man having valuable property in a ward ceased to reside there, his name was struck off the roll and replaced by the name of the tenant, such a course being permitted by the Municipal Act. If the tenant left, the property carried no vote, for the new tenant would not be on the roll. Thus both owner and tenant might be disfranchised. As the principle of the Bill was altogether different from that of a parliamentary Electoral Act, this was a great injustice to property owners.

HON. C. SOMMERS: The agent would vote for the owner, in the owner's absence.

HON. G. RANDELL: If the manager were to vote for the owner, that should be made clear. He moved that the words "on the written application of the owner" be inserted after "may," in line 2.

HON. T. F. O. BRIMAGE supported the clause as drafted, as it had worked very well with goldfields roads boards. Mr. Burgess had not given an instance of its working badly.

HON. R. G. BURGESS: How could one give an instance when there was not yet compulsory rating? Mr. Moss knew this clause ought not to be in the Bill. It should be postponed. A superintendent with a vote might help to impose a rate of 1s. 6d. in the pound and leave the district next day, while the rate must endure for twelve months.

Amendment passed, and the clause as amended agreed to.

Clause 29—agreed to.

Clause 30—Preparation of lists:

HON. T. F. O. BRIMAGE: The principal Act, providing that the lists of persons entitled to vote be made up by the 20th January, should be adhered to. He moved that the word "first," in line 1, be struck out and "twentieth" inserted in lieu.

HON. R. G. BURGESS: The Bill was intended to alter all conditions to suit the financial year. The hon. member was mistaken as to the principal Act, which provided for preparation of lists by the 20th September, the elections taking place in December. By the Bill, the elections would be held in March.

HON. E. McLARTY said he agreed with Mr. Burgess.

Amendment negatived, and the clause agreed to.

Clauses 31 to 41, inclusive—agreed to.

Clause 42—List to be made out and signed by chairman:

HON. T. F. O. BRIMAGE moved that after the word "on," in line 9, "or before" be inserted.

HON. G. RANDELL: The words would be indefinite.

Amendment negatived.

HON. M. L. MOSS: An alteration was needed, as the 1st March might be on a Sunday.

HON. G. RANDELL: That was provided for in the Interpretation Act, he thought.

SIR GEORGE SHENTON: Clause 4 said "chairman" would include a person acting for the time being.

HON. J. W. HACKETT: Insuperable difficulties might arise to prevent the chairman from attending on the 1st March.

HON. M. L. MOSS: There was, he thought, a clause which said the Governor might extend the time of doing any act.

HON. J. A. THOMSON: What objection could there be to the clause? It was distinctly stated that the chairman, having satisfied himself of the correctness of such list, should on the 1st of March sign the same, but if the 1st of March happened to be on a Sunday or public holiday, the next day following it would take effect.

SIR GEORGE SHENTON: Subclause 2 of Clause 46 provided that if from any cause the revision of any list had not been made or completed within the time

appointed for that purpose, the Minister might extend the time.

HON. W. MALEY said he could not see how we could expect a new chairman to sign on any particular day, for the papers might not be in his hands. The word "forthwith" might meet the case.

HON. M. L. MOSS suggested that "day of," in the last part of the clause, be struck out, and "Monday in" inserted in lieu.

SIR GEORGE SHENTON mentioned the Bank Holidays Act and the Public Service Act.

HON. J. W. HACKETT moved that "on," in line 9, be struck out, and "not later than" inserted in lieu.

HON. E. McLARTY: By the existing Act, rolls had to be made up on 20th September; there was a fixed day for holding a divisional court, and a fixed day for signing the rolls; and in his 28 years' experience no inconvenience had been felt.

HON. J. W. HACKETT: The amendment would bring the Bill into line with the principal Act.

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

Ayes...	...	...	...	6
Noes...	...	...	...	10

Majority against ... 4

Ayes.
Hon. T. F. O. Brimage
Hon. J. D. Connolly
Hon. J. W. Hackett
Hon. B. C. O'Brien
Hon. B. C. Wood
Hon. C. Sommers
(Teller).

Noes
Hon. R. G. Burges
Hon. A. Jameson
Hon. W. T. Loton
Hon. E. McLarty
Hon. M. L. Moss
Hon. G. Randell
Hon. J. E. Richardson
Hon. J. A. Thomson
Hon. J. W. Wright
Hon. C. E. Dempster
(Teller).

Amendment thus negatived, and the clause passed.

Clauses 43, 44, 45—agreed to.

Clause 46—Omission to publish, etc., not to invalidate proceedings:

HON. J. W. HACKETT moved that the words "or if the electoral list be not signed" be inserted after "completed," in line 2 of Subclause 3.

Amendment passed.

HON. R. G. BURGESS moved that the words "and a newspaper circulating in the district" be inserted after "Gazette" in line 4. *Gazettes* were sent to justices of the peace and to police courts only.

HON. M. L. MOSS: The notices would merely extend the time for doing formal acts.

THE MINISTER FOR LANDS: The amendment would only add to the expense of advertising, which for some boards was sufficiently high.

Amendment negatived.

HON. J. W. HACKETT moved that the words "or signed" be inserted after "completed" in the last line.

Amendment passed, and the clause amended agreed to.

Clauses 47, 48—agreed to.

Clause 49—Annual elections:

THE MINISTER FOR LANDS moved that the words "except the year one thousand nine hundred and three" be added to the first paragraph. The reason had been given while on Clause 18.

Amendment passed.

HON. R. G. BURGESS: Very often these elections took place without people knowing anything about them. He moved that the words "and some newspaper circulating in the district" be inserted.

HON. C. E. DEMPSTER supported the amendment. He knew how little the *Government Gazette* was read.

Amendment passed, and the clause amended agreed to.

Clause 50—agreed to.

Clause 51—Candidates for election to give seven days' notice to chairman:

HON. R. G. BURGESS: This matter had often been brought before people. If the country were settled, there would be no trouble, but power would be given to districts where there were few people.

HON. M. L. MOSS: Had the hon. member read Clause 6?

HON. R. G. BURGESS: Persons would have power to waste money very often where there were only a few people.

Clause passed.

Clauses 52 to 61, inclusive—agreed to.

Clause 62—Votes to be given in person:

THE MINISTER FOR LANDS moved that all the words after "he," in line 1, be struck out, and the following inserted:—"(a) intends to be absent from the State; or (b) resides more than five miles from a polling place or (c) is prevented by illness or infirmity from attending a polling place." This clause provided that if a person were more than five miles from a polling place he could

although he might be actually inside the district, vote as an absent voter.

HON. R. G. BURGESS: This clause provided all that was necessary to give power to those people not residing on the land.

HON. J. W. HACKETT moved as an amendment on the proposed amendment that the words "on the day of election" be inserted after "State."

Amendment on the amendment passed.

HON. J. W. HACKETT: The last part of the clause seemed to allow all sorts of openings.

HON. G. RANDELL: We ought to give electors every facility of voting, and although one might live only half-a-mile or a mile away from a polling place he should be allowed the right of voting as an absent voter. The election of members of Parliament was very different from this. Every facility should be given to a ratepayer to record his vote, as long as there was protection against fraud.

HON. C. E. DEMPSTER: A voter might be in some outlying part of the State whilst the election was going on, and why should he be precluded from voting?

THE MINISTER FOR LANDS: The new clause would make voting easier.

THE CHAIRMAN: It would clear the ground if all the words after "he" were struck out, and then the paragraphs could be dealt with separately.

Amendment (to strike out the words) passed.

Paragraphs (a) and (b)—passed.

HON. G. RANDELL moved that after paragraph (b) the paragraph "Resides outside the district" be inserted.

THE MINISTER FOR LANDS: An elector should take the trouble to vote if within five miles of a polling-place. That would keep up interest in the election.

HON. M. L. MOSS: In parliamentary elections a person outside the district was entitled to give a proxy vote. Although personal solicitation was made penal and a disqualification, yet it could to a considerable extent be carried on if persons living just outside the boundary were given absent votes. As in the Constitution Bill, absent voting should not be allowed unless the voter resided more than five miles from the polling-place.

HON. G. RANDELL: Why throw difficulties in the way of ratepayers recording their votes as they thought proper, when they lived outside the district?

THE MINISTER FOR LANDS: The amendment would put those in an adjacent district in a better position than residents. A limit of five miles was reasonable.

HON. J. A. THOMSON opposed the amendment. Two districts might be divided by a road, and a voter living just across the boundary would have a right not possessed by a resident on the opposite side of the road. Let there be a hard-and-fast rule based on the distance from the polling-place.

HON. J. W. HACKETT: The amendment would put outsiders in a better position than residents. It was not advisable to extend proxy voting farther than was necessary, for it was open to serious objections and great abuses. One of the most undesirable forms of canvasser was he who for payment brought voters to sign proxies before a justice, many persons being thus persuaded to vote by mere importunity. The five miles limit was reasonable enough.

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

Ayes	...	...	...	7
Noes	...	...	...	11

Majority against ... 4

AYES.	NOES.
Hon. R. G. Burgess	Hon. T. F. O. Brimage
Hon. C. E. Dempster	Hon. J. D. Connolly
Hon. W. T. Lotou	Hon. J. W. Hackett
Hon. W. Maley	Hon. A. Jamson
Hon. G. Randell	Hon. E. McLarty
Hon. Sir George Shenton	Hon. M. L. Moss
Hon. R. C. Wood (Teller).	Hon. B. C. O'Brien
	Hon. J. E. Richardson
	Hon. J. A. Thomson
	Hon. J. W. Wright
	Hon. C. Summers (Teller).

Amendment thus negatived.

Paragraph (c) passed, and the clause as amended agreed to.

Clause 63—Voting in absence:

HON. G. RANDELL: The direction as to counterfoils was indefinite. If the person appointed to receive them were to have two, he should send one to the returning officer. He moved that the clause be postponed till the end of the Bill.

HON. J. W. HACKETT: There was another point in this clause. He did not

find it stated up to what period an absent voter might give his vote.

HON. M. L. MOSS: At any time as long as it reached the returning officer on or before the closing of the poll.

Clause postponed.

Clause 64—agreed to.

Clause 65—Questions to be put to electors:

THE MINISTER FOR LANDS moved that after the word "roll," in line 9, "Are you of the full age of 21 years?" be inserted.

HON. W. T. LOTON: Were young people who had holdings, and who paid rates and taxes, to be allowed to vote?

THE MINISTER FOR LANDS: Not until they were 21.

HON. M. L. MOSS: Clause 25 only gave a vote to adult persons.

Amendment passed.

THE MINISTER FOR LANDS moved that after "election," in line 10, "Are you disqualified from voting?" be inserted.

HON. G. RANDELL: If a man's name was on the roll, and his identity known, there should be no farther attempt to disqualify him from voting.

THE MINISTER FOR LANDS: It was merely a precaution.

HON. J. W. HACKETT: These question would take up a lot of time. There was sufficient in the clause already.

Amendment negatived, and the clause as amended agreed to.

Clauses 66 to 87, inclusive—agreed to.

Clause 88—Meetings of committee:

HON. G. RANDELL: Provision was made for a quorum of three for the board, and of two for a committee. He hardly saw how it was possible for that to work. When there were only two members present, one of them had to be chairman, and he was to have two votes. He moved that the word "two," in line 3, be struck out, and "three" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 89—agreed to.

Clause 90—Minutes of boards:

HON. R. G. BURGESS: Very often three members might form a quorum, and at the following meeting perhaps not one of those members would be present. It was only a farce very often. It was a farce for minutes to be adopted at a meeting at which there was not one of those

present who attended the former meeting.

THE MINISTER FOR LANDS: There was a good deal in the contention of Mr. Burgess. He had met this difficulty himself several times. His colleague suggested the insertion of the words "at the next or some subsequent." That would mean that a time could be chosen when all members were present. He moved that amendment.

HON. W. T. LOTON: It would be better to leave the clause as it stood. If the amendment were passed, the minutes might never be confirmed at all. If there were no members present who attended the former meeting, it would be easy enough to defer the matter. It would very rarely happen, he thought, that not one of those who attended the previous meeting would be present.

HON. R. G. BURGESS: Very often.

HON. W. T. LOTON: Then they should resign the position.

Amendment withdrawn, and the clause passed.

Clauses 91 to 94, inclusive—agreed to.

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

BUSH FIRES ACT AMENDMENT BILL.

SECOND READING.

Debate resumed from the 28th October.

HON. W. MALEY (South-East): I am taken by surprise. I wish specially to allude to some proposed amendments. There is no doubt a great deal of concern is felt in the country districts with respect to the bush fires, and any amendment made in the present Act must be effected with every care and caution. [HON. R. G. BURGESS: No care or caution in this one.] We have not in Western Australia so far had very great experience of destruction by bush fires; but if members would cast their memories back to last summer they would recollect that several bush fires of some considerable magnitude occurred during the summer months, causing a certain amount of destruction and loss to station owners and farmers. In the Eastern States and in America the clearings are larger and the grass is more generous in growth. Great losses are of annual occurrence, and many devices have been tried

with a view to prevent the destruction of property by fires. The Bill is short, Clause 1 giving the title and Clause 2 amending Section 7 of the Bush Fires Act; and I see by the Notice Paper that the Minister proposes to strike out the whole of Clause 2 and substitute another. It appears Ministers are much concerned about something they do not understand in either the clause or the proposed amendment. During the winter months, when the grass is green, fire does not spread; and it is an advantage to the State that clearing to any extent should then proceed. In the summer months—the bush fire months—prohibition obtains, according to the recent *Gazette* notice, from the end of October to the 1st March. Section 7 of the Act deals with fires which are lawfully lit during these prohibited times. Well, as it is actually unlawful to light fires in prohibited times, so is it impracticable, because it is unlawful, to have a fire with three men or any other number in attendance. It is only during the months of October and I think March that it would be practicable, owing to the long prohibited time, for bush fires to be lawfully lighted; that is, in two months of the year. But instead of dealing with those two months the Government propose to deal with the whole of the summer months as if fires were lawful, knowing, as they should know, that fires are made unlawful by the prohibition published in the *Gazette*. I hoped to see some intelligent method adopted of dealing with bush fires. No doubt the summer is the best time for burning off new country, for destroying bush, and burning out deep into the ground the roots of trees. While willing to afford every assistance and encouragement to the new settler to clear the soil and make it ready for the plough, we must protect the old settler; and as a rule close settlement takes place along the railway lines. It is there we find clearing in progress and improvements being effected with a view to cultivation; and it is there the greatest protection is required. I say we should make a distinction between scrub lands and lands occupied for farming. It would be well were certain districts declared in which bush fires could be lit all the year round in order to clear the country; and I see no reason why some districts should not

be set apart and called bush fire districts. But so far as my own province is concerned, I should draw the line at, say, 10 or 15 miles from the railway, and within that limit I should allow absolutely no fire during the summer months. If the Bill pass the second reading and go into Committee, I shall have something more to say about it; but to my mind it is a stupid, impotent attempt to deal with something which presents itself to Ministers as a difficulty, but is really not a difficulty at all. They have discovered something which is neither more nor less than a mare's nest.

On motion by HON. C. E. DEMPSTER, debate adjourned.

ADJOURNMENT.

The House adjourned at 9.27 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 6th November, 1902.

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THE SPEAKER took the Chair at 2.30 o'clock, p.m.

PRAYERS.

QUESTION—PRINTING BY CONTRACT.

MR. DAGLISH asked the Treasurer: 1, Whether it is the intention of the Government to give out to private firms any portion of the Government work which has hitherto been done by the Government Printer? 2, If so, for what reason?

THE TREASURER replied: The Government intend calling for tenders for some of the work, which they think can be done more expeditiously by outside firms.