Legislative Council,

Tuesday, 25th November, 1902.

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

PRAYERS.

PETITION — HAIRDRESSERS' CLOSING TIME.

HON. B. C. WOOD presented a petition from 34 master hairdressers, praying to be exempted from the early closing provisions of the Factories and Shops Bill, in so far that master hairdressers be allowed to do work themselves after the ordinary hours.

Petition received and read.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: Alterations in Railway Classification and Rate Book.

Ordered: To lie on the table.

QUESTION—KATANNING RESERVE CANCELLATION.

HON. W. MALEY asked the Minister for Lands: 1, How many Government Reserves situate within three miles of Katanning townsite had been cancelled and disposed of during the past five years. 2, To whom they had been allotted. 3, On whose recommendation were they disposed of. 4, The area thus dealt with. 5, The area of reserves remaining within that radius. 6, Did the Government propose to dispose of the remaining reserves or any of them.

THE MINISTER FOR LANDS replied: 1, Two. 2 (*a.*), Frederick Henry Piesse and Charles Austin Piesse; (*b.*) William Pemble. 3 (*a.*), The Hon. the Minister (Mr. Throssell); (*b.*) Government Land Agent, Katanning. 4, About 73 acres. 5, 3,680 acres 2 roods 10 perches (excluding reserves in Katanning townsite). 6, 261 acres have been cancelled and applied for, but not yet allotted. May I here take the liberty of pointing out that it is very awkward when two questions are asked under one heading, such as "cancelled and disposed of." These are two distinct queries, and consequently the answer is misleading, "Two have been disposed of, but three have been cancelled." To such complex questions it is very difficult to frame a complete answer.

QUESTION—KIMBERLEY LAND SETTLEMENT.

HON. W. MALEY asked the Minister for Lands: 1, The date of the first issue to the public of lithographic plans of the country discovered by the Brockman party. 2, On what date was that land first thrown open for selection. 3, In view of the recognised value of these pastoral lands, were the date of sale, and full particulars and description of the country, advertised in the leading Australian newspapers. 4, If not so advertised, and applications were only invited from residents within this State, in which of our leading papers did advertisements appear. 5, If not advertised in any of the newspapers circulating in this State, by what method were applications solicited. 6, Did the Government fix any maximum area to be allotted to each applicant. 7, Who, amongst the first applicants, applied for the largest tract of country. 8, What was the total area he applied for. 9, Were Parliament or the people first consulted about the method of disposal of this newly discovered and valuable public estate. 10, Did the Government adopt any new provisions to prevent the monopoly of the country by a few. 11, If not, why not. 12, What was the total amount spent in advertising the Brockman country.

THE MINISTER FOR LANDS replied: 1, 3rd April, 1892; but a few proof copies were available shortly previous to that date. 2, 1st July, 1902. 3, No. 4, None. 5, By advertisement in the *Government Gazette* from the 21st February to the end of June, and by free distribution of plans and Mr. Brockman's

report on the country. 6, No. 7, S. W. Copley. 8, 2,000,000 acres; but the application was subsequently withdrawn. 9, No. 10, No; it was thrown open under the existing land laws. 11, Because it was not thought necessary. 12, There was no amount spent in advertising beyond the cost of printing the report referred to in answer No. 5, and the notice in the *Government Gazette*.

QUESTION—WATER CONSERVATION, EASTERN DISTRICTS.

HON. C. E. DEMPSTER asked the Minister for Lands: If it was the intention of the Government to assist settlers in obtaining water on Crown lands to the north-east of Newcastle and Northam, either by boring, tank making, or by paying the cost of such work done by private enterprise.

THE MINISTER FOR LANDS replied: The question is under consideration.

LOCAL INSCRIBED STOCK ACT AMENDMENT BILL.

Read a third time, and *passed*.

POST OFFICE SAVINGS BANK CONSOLIDATION ACT AMENDMENT BILL.

Read a third time, and returned to the Legislative Assembly with amendments.

COMPANIES ACT AMENDMENT BILL.

Read a third time, and *passed*.

STAMP ACT AMENDMENT BILL.

Read a third time, and returned to the Legislative Assembly with amendments.

PUBLIC WORKS BILL.

RECOMMITTAL.

HON. M. L. MOSS moved that the Bill be recommitted. Since the Bill was reprinted with the amendments made by the Council, he had carefully perused it, and could recommend it to members for their acceptance. There was a slight amendment he desired to make in the definition of "public reserve"; and it was also necessary to make a slight alteration in Clause 8, which called on the Minister every session to lay before both Houses estimates of expenditure setting forth works proposed to be undertaken during the ensuing year. As the clause was printed, it would prove a stumbling-block to the carrying out of necessary works. When the Bill was in Committee, Mr. Randell asked whether the clause would not prevent the undertaking of urgent works if Parliament was not sitting. He had since considered the clause, and thought it would have that effect. It was undesirable to put an enactment on the statute book when it was known perfectly well the measure could not be carried out.

Question passed, and the Bill recommitted.

Clause 1—agreed to.

Clause 2—Interpretation:

HON. M. L. MOSS moved that the words at the end of the interpretation of public reserve, "but shall not include any reserves gazetted under the Permanent Reserves Act, 1899," be struck out. Throughout the Bill where reference was made to the taking of any reserves, the words "subject to the provisions of the Public Reserves Act, 1899," were given. Therefore, it was unnecessary to have the words in the interpretation.

HON. J. W. HACKETT: When in Committee he had suggested that certain words be inserted to protect more effectually the public interests so far as reserves were concerned, whether partial or complete. He desired to obtain the assurance from the Minister that Subclause 2 of Clause 12 effectually secured to the public all reserves which had been gazetted.

HON. M. L. MOSS: The reserves were properly protected under Clause 12.

Amendment passed, and the clause as amended agreed to.

Clauses 3 to 7, inclusive—agreed to.

Clause 8—Annual Estimates:

HON. M. L. MOSS moved that the words, "and no such works shall be undertaken unless Parliament appropriates money for the execution thereof," in lines 3 and 4 of paragraph 1, be struck out.

HON. J. W. HACKETT: This should be done by way of suggestion.

HON. M. L. MOSS: True. Let the amendment read that it be a suggestion to another place to strike out the words.

Amendment passed (in altered form), and the clause with suggested amendment agreed to.

Clauses 9 to 94, inclusive—agreed to.

Clause 95—Bed of every river to vest in the Crown:

HON. A. G. JENKINS: Had not the Minister undertaken to withdraw this clause? Confiscation was extremely bad in principle. Any lands sold by the Crown and encroaching on any river would, by this clause, revest in the Crown. People who had bought and paid for land, whether in a river-bed or not, had a right to that land. The clause, if it were as contended, identical with the existing law, was unnecessary; nor could there be any reason for passing an Act to take away purchased rights. He moved that the clause be struck out.

HON. W. MALEY supported the amendment. The clause would affect the vested interests which certain persons had in the Swan, the Canning, and, probably, in other rivers. To take away the right of access to the water possessed by every owner of a block of land on the Swan River would be very wrong.

HON. G. RANDELL: That was not sought.

HON. W. MALEY: "The bed of every tidal river up to high-water mark shall vest in and be the property of His Majesty." The Government might declare a road a chain wide all round the river frontage. Possibly the clause was inserted in the interest of the owners of the South Perth ferry boats, who desired an esplanade constructed; or if the Government wished to erect a slip at Fremantle the owner of a riverside villa residence might find the Works Department building such a structure in front of his house, obstructing his view.

HON. C. E. DEMPSTER: Would this apply to flood waters?

HON. J. W. HACKETT: The words referring to them had been struck out.

HON. G. RANDELL: Mr. Maley seemed entirely to misconceive the meaning of the clause, which, far from taking away the right of a land-owner, conferred on him the privilege of going along the shore either above or below his boundary. Everywhere the land below high-water mark vested in the Crown, and this was desirable if not necessary. According to the hon. member, the owners of properties fronting Freshwater Bay should be able to prevent the public from frequenting the beach. For the benefit of the community the Crown took the land below the ordinary high-water mark.

HON. R. G. BURGES: Let the Crown buy it.

HON. G. RANDELL: It had never been sold.

HON. A. G. JENKINS: It had been sold; and the clause would revest it in the Crown.

HON. G. RANDELL: A private person could not acquire a possessory title against the Crown. The question of Crown grants need not be considered. To deprive citizens of the right of access to the banks of a tidal river would be entirely wrong. If land below high-water mark had been sold, it must have been sold in error, and the purchaser should be compensated. To flood waters the clause did not refer.

HON. R. G. BURGES: Some of the lands in Perth Water had, he understood, been bought, paid for, and reclaimed by private persons; and these lands the clause would confiscate.

HON. M. L. MOSS: Not above the ordinary high-water mark.

HON. R. G. BURGES: To define "ordinary high-water mark" a court of law would be required. People should not have to go to law to prevent the forfeiture of land they had bought and paid for. The ends of justice would not be met by the passing of such a clause. It would be unfair to take land away which had been granted in the past. If the Government of the day had made a mistake, and now it was desired to take the land from the people, then those persons to whom the land was granted should be compensated.

HON. S. J. HAYNES: The rights of the whole community should be protected, and there should be free access to the foreshores. Certain grants of land had been made down to the river Swan, and in these grants the land was given beyond the ordinary high-water mark. The purchasers had reclaimed portions of the land. In such cases the Government should respect the rights of the owners. Some people might have reclaimed land beyond the boundaries of the grant, but in such cases land had been stolen from the State. A similar trouble to this cropped up in New South Wales. A number of people bought property from the Crown and encroached on land which was the property of the Crown. The

Government made these people pay for the land which they had taken. If the Crown had granted land in the past beyond high-water mark, and had made a mistake, then the rights of the purchasers should be respected.

HON. T. F. O. BRIMAGE: If a person held a Crown grant on the Swan River or any other river, and if a portion of the land was under water, could it be taken from the person holding it?

HON. F. M. STONE: It would be rather dangerous to pass the clause as it stood. There was a considerable portion of the foreshore which the owners were entitled to. These were all the Adelaide Terrace blocks which ran down to the river. If the clause were passed, it would take away 100 feet from those blocks, and in one instance it would take away 100 yards of land which had been reclaimed: he referred to the land belonging to the Roman Catholic body. The land had been sold, and reclaimed up to the boundary fully for a distance of 100 yards, on which a cricket ground had been laid out. Farther along the Terrace there were houses belonging to Mr. Brookman built on reclaimed land, and, if the clause were passed, it would take away from Mr. Brookman the land which he had reclaimed. All along Adelaide Terrace the foreshore had been reclaimed, and taking the ordinary high-water mark in winter, that would be half up the block. At South Perth the Crown had sold land with a certain boundary to the river. People purchased this land and fenced it. High-water mark ran right up into the boundary, and portions of the land had been reclaimed. We should not interfere with persons, who had purchased land from the Crown, without giving them compensation.

HON. E. M. CLARKE: The clause was somewhat dangerous. Take the present railway station at Bunbury, that was not only below high-water mark, but it was very seldom dry. There were a number of grants sold around the Bunbury railway station, from Cambray Terrace to the Parade Hotel. Every one of these grants ran into the water. Some of the owners had reclaimed the land, and others had not. This clause would take away those people's rights. It was all very well to say that the Government did not sell the whole of the stream, but in the old days the Government sold the land right into the middle of the stream, and in some cases they sold the whole "bag of tricks."

HON. J. W. HACKETT: One was at a loss to know exactly what was the point under discussion. If his memory served him aright, in all questions of Crown grants the expressed law was that where the Crown made a grant, nothing but specific words could take that grant away again, and he believed that had been decided over and over again in regard to the fisheries question in the old country. As to the grants referred to, it was inconceivable that the Crown would resume these if they had the right. As far as his knowledge of Crown law was concerned, the Government had no right to take away land they had granted; the land could only be taken back by a law which specifically dealt with the blocks. The cases referred to by Mr. Stone and Mr. Clarke had no reference to the clause whatever. Where land was granted by the Crown and raised above high-water mark, and a fence put around it, that land could not be taken away. What had happened in the cases referred to by Mr. Clarke was that individuals—grasping landsharks—had claimed that because they bought land all round a tidal river they had bought the bed of the river as well.

HON. E. M. CLARKE: That was not so.

HON. J. W. HACKETT said he was absolutely certain of the point. Legislation should be introduced to settle this matter, and to take the tidal waters away from such people. It was generally agreed in the House that a tidal river was where salt water made its way up a river. Large grants of land had been made in the evil old days of the country which were destructive to the country and impeded its progress. These grants were made for a mere song. Some members would remember that these grants were made for 1s. 6d. per acre, and everything which a man brought into the country, with the clothes which he wore on his back and those of his wife and family, were included in the amount. There were some most disgraceful transactions recorded in the old Crown-colony days of the country. Such persons claimed the river-bed, and if the claim were good, it was fatal to

the principal fishing-ground in Western Australia, round Mandurah Estuary, Safety Bay, and neighbourhood — a fishing-ground unsurpassed for steady annual production. The valuable streams which supplied that fishery were essential to its existence; they were claimed by those who had obtained the one-and-sixpenny lands; and the clause gave the Crown the power to conserve the rights of the poorer members of the community, who already paid too much for their food supplies. The spawning grounds were in the tidal waters of those estuaries, and if cut off as they were by dams and nets, the fish supply would disappear. In favour of Greek and Italian fishermen he was not speaking, for if they were abolished there would be plenty of room for Anglo-Saxons.

HON. A. G. JENKINS: This was not a question of protecting fisheries or conserving the right of the public to walk on a beach, but of whether rights bought and paid for were to be confiscated. It was said reclaimed land was not below ordinary high-water mark. In Adelaide Terrace could be seen one block reclaimed over which the tide did not flow, and another block fenced but not reclaimed, which the tide overflowed. Would not the Government have the right to take the land not reclaimed?

HON. J. W. HACKETT: Surely not under the clause.

HON. A. G. JENKINS: From the Land Department's plan of Perth it would be seen that the bed of the river was set out as including some chains of all blocks along Adelaide Terrace.

HON. J. W. HACKETT: That plan showed the depth of the water only.

HON. A. G. JENKINS: No. These blocks belonged to private people, and to various schools and churches. If the clause were identical with the common law, why was it necessary? There must be some concealed reason for its insertion. It was evidently intended to take away acquired rights.

HON. R. G. RANDELL: The right to land below high-water mark could not be acquired.

HON. A. G. JENKINS: Yes; by Crown grant.

HON. W. MALEY: Supposing lands disposed of at low rates in the early days had been practically given away, the purchasers or their successors had acquired and now enjoyed certain rights, which ought not be wrested from them by the clause. Some years ago a Melbourne syndicate had bought six miles of river frontage here, which they would not have purchased had they known that the Commissioner of Crown Lands had reserved a public road a chain wide between their land and the river. If, as contended by the advocates of the clause, the public were protected by common law, let them be thus protected. Strike out the clause, and disappoint those who had some motive for its insertion.

SIR EDWARD WITTENOOM: Before being asked to vote, members should obtain an absolutely reliable legal opinion whether land granted in a river bed by the Crown would be confiscated by the clause. He was inclined to think it could not, though Mr. Stone said it could. It was regrettable Mr. Hackett should have found it necessary to refer in sneering terms to people who in the early days had acquired land at 1s. 6d. an acre. Considering the hardships of the early settlers, they paid more for their lands than those who bought now.

HON. J. W. HACKETT: The House could judge whether he had sneered at the early grantees of the Crown. He had said the lands had been obtained cheaply. He agreed with the last speaker as to the high character of the settlers, and the hardships they had endured; but they were not the men to whom he objected. If ever there was a wicked act, it was that by which an early Governor obtained the best areas in Western Australia, setting an example which others had followed as far as he would let them follow. When a good grant was applied for, the Governor prevented its being thrown open for selection, and subsequently selected it himself. He had very little regard for the clause. The hardships which Sir Edward Wittenoom had pointed out were imaginary.

HON. M. L. MOSS: It was to be regretted that in the old times the course pursued now by the Lands Department was not followed; a two chain reservation being made on the bank of every river in Western Australia. If that had been done there would have been no necessity for the introduction of the clause, and it would have prevented a

great deal of inconvenience caused by the way in which grants were issued in the old times. There had been a singular want of foresight exercised all round in regard to reservations. In Perth if a school site was wanted or a site for a public building was required, the Government had to purchase the land, and that applied not only to Perth but to Fremantle and other places. On the goldfields greater reservations had been made, and the difficulty was not so acute there as elsewhere. Mr. Jenkins had produced a plan of Perth and instanced blocks fronting Adelaide Terrace which ran down to the river. It was perfectly evident that none of the blocks fronting Adelaide Terrace and the river were near high-water mark.

HON. A. G. JENKINS: They went right into the river bed.

HON. M. L. MOSS: They did not go to the point which could be designated high-water mark. The question arose as to what was the meaning of Clause 95. There was no doubt, whether grants were made in the past or not, the effect would be to vest the land up to high-water mark in the Crown notwithstanding the grants made. The question arose, was it a fair thing to do that? In his opinion it was perfectly fair; the public interest was largely at stake. When the land was sold persons did not procure the grants for other than the land included in the title. Whether the land went into the stream or not did not concern the owners so much as getting access to the land by the stream. The public had large rights, and Parliament should do nothing to interefere with public interests. We had one duty to the public, and if there was any doubt about the beds of the tidal rivers to ordinary high-water mark being the property of the Crown or any person, then undoubtedly the right of the Crown ought to prevail, and for the reason that we were not dealing with other than tidal rivers and up to the high-water mark the clause was only declaratory of the common law. The bed of every tidal river belonged to the Crown up to high-water mark. Why should it be within the right of any individual to stop the public using the river for navigation, fishing, or any other purpose? The grants in Adelaide Terrace where some reclamations had taken place and where the land was above high-water mark no one contended could be interfered with, and those who had reclaimed land there need not fear because none of the blocks approached to where ordinary high-water mark was. Taking the river in its ordinary normal state, who had a better right to the water-way than the public at large? It was dangerous to confer on any person the right to use the water-way. The clause was a perfectly good one, and dictated in the public interest. Notwithstanding he held the opinion that the result of the clause would be to confer on the Crown the right to the land up to high-water mark, he thought the clause should pass.

HON. C. E. DEMPSTER: If the Government wished to resume this land, they had sufficient power to do so if the land was for the public utility; but the clause extended the power of the Government and would do a serious injustice. Vested rights could be interfered with in an unjust manner, therefore it was not right to pass the clause. Many complications might arise if the clause were passed; and many parts of the State would be affected. There were many portions of the coast where the sea was receding from the land, and other places where the sea was encroaching; and owners of the land adjoining would be seriously affected. The clause would open the door to a serious injustice being done to those who held land in the country.

HON. J. T. GLOWREY: It was his intention to have voted for the retention of the clause, but he felt bound to vote against it after hearing the explanation of Mr. Moss. If the Government wished to reclaim the land they should go about it in a proper way and purchase it.

HON. C. SOMMERS: At first he was in favour of voting for the clause as it stood, but after hearing the discussion he was opposed to it. The public should have access to the foreshores of all tidal rivers, but an injustice might be done to people who had acquired rights. Some saving clause should be inserted in the Bill. He opposed the clause as it stood.

HON. S. J. HAYNES: It was his intention to have supported the clause as it stood, and he certainly thought it would

not affect any grant that entrenched beyond high-water mark. The Minister had stated as his opinion that the rights of persons would be invaded and the land vested in the Crown, therefore he (Mr. Haynes) felt constrained to vote against the clause.

HON. J. A. THOMSON: Members had to consider the interests of the many as against the few. He felt inclined to take exception to the clause as it stood, especially after the explanation of the Minister. He did not believe it right in equity and justice to take from the people land which had been reclaimed along their frontages, as people had improved their property on the distinct understanding that the land was theirs. It had been explained that the Government had no right to acquire nor had power over such improved grants in cases where the tide would not reach and overflow the land reclaimed, therefore he did not think the clause would touch land which had been reclaimed. The public had a right to river frontages, at any rate to tidal river frontages, and land owners, no matter what right they believed they had to a river frontage, had no legal or moral right to prevent the public from going along the river frontages. Though he had land abutting on the river-bed, he admitted he had no right to block the general public from access to the frontage; and it would be necessary for the Government to construct wharves and other works on these frontages. He would vote for the clause.

HON. E. McLARTY: Great difficulties would arise were not the Government given control of river beds, but that should mean control of the water and not of the land. The last speaker said the public had a right of access to the foreshores. Several rivers acted for many miles as fences to properties, the ground being cultivated down to the water's edge. Would Mr. Thomson allow the public to travel through cornfields and orchards? This the clause would not permit. Without the clause the Government could hardly control the fishing industry and the use of the rivers for navigation purposes. Though he (Mr. McLarty) owned considerable tidal-river frontages, he would not support the amendment.

HON. T. F. O. BRIMAGE: The clause should be amended so as to protect Crown grantees, some of whose deeds comprised land under the river. He moved as a farther amendment that the words "unless it be held by Crown grants" be added to the clause.

HON. M. L. MOSS: This unconsidered amendment would be dangerous, as its full effect was not apparent. It could not be accepted. The clause must be either agreed to or struck out. Its effect had been clearly expressed by Mr. McLarty. The question as to who had the right to the water of a river did not affect the owner of the foreshore. There was no desire to infringe any person's rights to land included in a title. The clause read "the bed of the river up to ordinary high-water mark." The land from high-water mark to the centre of the river was of little use to anyone except the general public, and the King was the proper authority to protect this public right.

HON. J. A. THOMSON: It was not to land above, but to land below high-water mark that he maintained everyone had a right of access.

HON. C. SOMMERS: Though it was desirable that all tidal river beds should vest in the Crown, the words "high-water mark" did not meet the case. On the Swan some land had been reclaimed, while the fences of other land stood two or three feet deep in water. Such land might be resumed were the clause passed. There should be an assurance that the resumption would be paid for. Only on the Swan River would compensation for such mud banks be necessary.

HON. M. L. MOSS: The Government had no idea of taking possession of any man's land under the clause. If any of the Adelaide Terrace frontages were taken, even if the fences comprised land below ordinary high-water mark, compensation would be made if the land were included in any grant. The clause sought to make it indubitable that the waters of rivers as distinct from the land should be the property of the Crown, and that the public should be entitled to free use of the waters without permission of owners of land on the banks.

HON. W. MALEY: The public had now an absolute right to the river, but the Government proposed to take to itself the river frontage, with power to construct buildings, thus depriving the

public of free access to the banks; therefore the clause was objectionable.

HON. G. RANDELL: Mr. McLarty and Mr. Sommers had made clear the necessity for the Government having some control over tidal rivers. No Government would think of resuming without compensation lands on the north-eastern shore of Perth Water. And in a few years all that foreshore would be reclaimed from Mount Eliza to the Causeway. None would accuse him of being inimical to the rights of property; but private enterprise should not be allowed to jeopardise the unmistakable right of the public to the natural highway along the river bank. If such land had been alienated by a Crown grant, it could not be resumed without compensation. Some of the grantees had fenced in their land. Leave such cases out of consideration, and deal with the larger issue. There were times and seasons when we should clearly see that it was in the interests of the people at large that these rights should be lessened to some degree. He hoped members would not strike the clause out. This was the only way in which we could get a proper control of the foreshores.

HON. R. G. BURGES: The Government could resume one-twentieth of all the blocks of land that had been sold along the foreshores of tidal rivers. Reference had been made to the fishing in the rivers; but the game laws of the country would protect that.

Amendment by leave withdrawn.

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

Ayes	...	...	8
Noes	...	...	14
Majority against		...	6

AYES.	NOES.
Hon. J. W. Hackett	Hon. T. F. O. Brimage
Hon. A. Jameson	Hon. R. G. Burges
Hon. E. McLarty	Hon. E. M. Clarke
Hon. M. L. Moss	Hon. C. E. Dempster
Hon. G. Randell	Hon. J. M. Drew
Hon. C. Sommers	Hon. J. T. Glowrey
Hon. J. A. Thomson	Hon. S. J. Haynes
Hon. R. Laurie (*Teller*).	Hon. A. G. Jenkins
	Hon. W. T. Loton
	Hon. W. Maley
	Hon. J. E. Richardson
	Hon. Sir Edward Wittenoom
	Hon. J. W. Wright
	Hon. B. C. Wood (*Teller*).

Question thus negatived, and the clause struck out.

On motion by Hon. M. L. Moss, progress reported and leave given to sit again.

FACTORIES AND SHOPS BILL.

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

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

POLICE ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Clause 7—Summary proceedings against keepers, etc., of premises for purposes of prostitution:

HON. J. W. WRIGHT moved that the words "It is immaterial whether the premises kept or occupied for prostitution are kept or occupied by one person or more than one person," in lines 21 to 23, be struck out.

Amendment negatived, and the clause passed.

Clause 8—Accosting boys for purposes of prostitution:

HON. J. W. HACKETT: This was getting very near the borderland of grandmotherly legislation, and was becoming intolerable: it might carry us to any length unless we were prepared to put a stop to it. The clause appeared to have occurred to some person casually, while the Bill was being discussed, and it was supposed to be intended to meet a case reported to the Education Department by one of the inspectors, who had seen boys going down a street in one of the towns of the State where they had no business to be, and which took them aside from their school in order to have the degraded and debased amusement of talking to girls who were of the unfortunate class. This occurred to someone to be a new offence under the law. It was too much the habit of the times we live in, when anything occurred to the mind of certain members of the Government to be wrong, that the obviously right way of amending it was to put it in an Act of Parliament. He did not believe this occurrence ever happened.

HON. C. SOMMERS: It was not worth discussing. Strike the clause out.

HON. J. W. HACKETT: It was an advertisement for the State that the

police had been guilty of allowing abandoned women to accost boys in the street and invite them to enter their abodes for immoral purposes. He believed Western Australia as a whole was equal if not superior in morality to any State that he had been in. He objected to the insane passion and lust for social legislation that seemed to have taken possession of certain members. These persons seemed to believe that women were the root and branch of every offence against morality. The offence was supposed to be committed by the women. No one said anything about the rebuke or birch which should be administered to these little scoundrels. If the clause were not struck out, he would suggest an amendment that the boy should be punished, and if not the boy then the schoolmaster and the father. Why should not the father or the mother be punished for not having brought up the boy properly?

HON. R. G. BURGES: If Clause 7 were carried out strictly, there would not be these places.

HON. J. W. HACKETT: We knew the clause would not be carried out. The legislation amounted to this: we should either punish those who ought not to be punished, those who were sinned against, or else the matter would become a dead letter. The less we intruded on this domain the better. It was outrageous that such a small item on this moral cancer as the accosting of small boys by abandoned women should be singled out for punishment. Let us seize upon the most flagrant sides of this evil for attack and punishment. We offered a new branch of industry to those who obeyed the law and found lodging for these creatures; and we supplied them with reasons to increase their fortunes at the expense of these wretched creatures, who were deserving more of pity than punishment. He moved that the clause be struck out; and if it be retained he would move an amendment that the schoolmaster and the father and the mother of the boy who allowed the children to get into questionable company be punished also.

THE MINISTER FOR LANDS: The Committee should consider the clause before striking it out. The principle was good. We had to recollect that in this State and throughout Australia our State education had withdrawn boys from home influence, and therefore it was due in a measure not only on the Government but on every member to be responsible for the conduct of the boys when away from their homes. Dr. Hackett had said that this was a bad advertisement for the country. He could not believe that, for after all, who read all the laws on the statute-book of this country? We were told that the punishment fell entirely on the women. If that was so, the more honour to the women. It meant that men looked to women to control our social life. We must recollect the age of consent of girls was 16. If a man had connection with a woman under 16 years of age, the penalty was a grave one. Exactly the same law was now to be applied in regard to those who exercised their influence over boys under 16. There was very little difference between the one and the other. A great deal was to be said in favour of the clause.

HON. C. SOMMERS: Did any sensible person think that a prostitute would waste her time in soliciting boys under 16 who had no money. As to the argument of Dr. Jameson, a girl under 16 was ruined for life if tampered with.

HON. S. J. HAYNES: The clause should be struck out. It was wrong to place on the statute-book laws of this kind, and it was a mode of harassing the unfortunate class who were entitled to our pity rather than to be harassed. It would be exceptional for a prostitute to accost a boy under the age of 16. The responsibility rested chiefly with the parents to look after their boys. If the clause were passed it would become a dead letter.

Amendment passed, and the clause struck out.

Clause 9 — Summary proceedings against male persons connected with prostitution:

HON. T. F. O. BRIMAGE moved that the word "male" in line 1 be struck out. The last few months had shown that women also had imported girls to this country for immoral purposes.

Amendment passed.

HON. C. SOMMERS moved that the word "female," in line 3 of Subclause 3 be struck out, and "person" inserted in lieu.

HON. J. W. HACKETT: That would hardly do. The whole subclause was directed against the keeping of a house by one female instead of several, for the purpose of prostitution.

Amendment by leave withdrawn.

HON. M. L. MOSS moved that the word "male" in line 4, and the same word in line 7, be struck out.

Amendments passed, and the clause as amended agreed to.

Clause 10—Sale of tobacco to children prohibited:

HON. A. G. JENKINS moved that the clause be struck out. Surely a parent, and not a policeman, was the proper person to decide whether a child under 16 should be permitted to smoke. As well pass a clause that a child under 16 should use somebody's patent pills when indisposed.

HON. E. M. CLARKE: This clause was simply grandmotherly legislation. It was monstrous to say that a pipe was good for adults, but should be denied to children. Personally he had no sympathy with smoking, but he did not object to others smoking, and would certainly resent any constable searching a son of his for tobacco. To prevent juvenile smoking was the business of the parent who objected to smoking.

HON. J. W. HACKETT hoped the clause would be passed; for if it were, he would move that it be amended by the addition of a paragraph directing the police to watch the child lest it went into a public-house, another to the effect that children should eat none but perfectly sound and wholesome food, also that constables be empowered to examine boys and girls, especially in summer, to see that they wore flannel next to the skin.

HON. J. A. THOMSON: Mr. Clarke should remember that the law already prohibited a publican from serving a child under a certain age with drink. Would the hon. member object to that?

HON. E. M. CLARKE: On that score he could protect his own boys.

HON. J. A. THOMSON: Cigarette smoking by mere children was a most pernicious practice; and as the law prohibited the serving of boys with drink, there was as good reason for preventing their smoking cigarettes. He supported the clause.

HON. G. RANDELL: Notwithstanding Mr. Hackett's ridicule the clause should be passed. Most medical men were agreed that nothing was more injurious to a child than cigarette smoking. As to parental control, many of the boys who smoked were neglected by their parents. Any legislation of this kind he would support; and though he realised the difficulty of giving it effect, that difficulty was not so great as Mr. Hackett supposed. An attempt might be made when opportunity was given for members to concur in legislation which was good for the rising generation, to do something in this direction. There were occupations in which young people were engaged which tended to demoralise and excite them to imitate grown men. His opinion of smoking was that it was a bad habit, and he would be glad to see it done away with altogether. The clause deserved more consideration than had been given to it. We should not be frightened of the term "grandmotherly legislation." A mere word like that which was really a parrot cry among some people should not frighten us from passing this clause. Perhaps the police were not the best persons to put a stop to this offence: moral suasion would be much better. We should try and educate public opinion on these questions. Now the clause was brought before us he was willing to try the experiment. He did not like treating any Bill which came from another place with contempt and ridicule. A large number of people in various parts of the world turned their heads away from the bad habits of young people which were demoralising them and producing great injury.

SIR G. SHENTON: It was not often he intruded his opinion on the Committee, but on a matter of this kind he would like to make a few remarks. The age laid down in the clause was rather high; it might be reduced to 14. He wished to draw the attention of the Committee to a different phase of the subject which had not been touched upon. He had an opportunity of moving about the town considerably, and his attention was drawn to the fact of boys, often as young as 12 years of age, constantly smoking cigarettes. The question which came forcibly to him was, where did the boys

obtain the money with which to purchase the cigarettes? The bulk of the boys were poorly clad and received small pay, yet they smoked cigarettes whenever they were about. The question arose, were these cigarettes obtained in a legitimate manner, or did the boys rob their employers of the money to buy cigarettes? This might be grandmotherly legislation, but very often our grandmothers gave sound advice. Perhaps some of the advice given to him in his younger days had been of great advantage to him all his life. If the age was reduced to 14 years, perhaps there would not be so much objection to the clause. Looking at the matter from a medical point of view, it was admitted that the smoking of tobacco by boys was certainly injurious to health. If we could prevent the rising generation from indulging in this habit which was injurious to health we should be doing good. An amendment to reduce the age to 14 would receive his support.

HON. S. J. HAYNES: It was to be hoped that the clause would be struck out. If we passed legislation of this class, we should make ourselves ridiculous in the eyes of the world. The clause provided that any tobacconist or person selling cigarettes, etc., to a boy under the age of 16, except on production of a written order by the parent of the boy, was liable to punishment. What was there to prevent a boy writing his parent's name to an order? Was the order to be certified to in any shape or form? Some boys at 16 could write far better than their parents, and was a tobacconist to be mulcted in a fine of £10 because a forgery had been committed? Subclause 2 provided that a police officer might take from any child under the age of 16 who was smoking in a public place, any pipe, cigar, or cigarette. Some boys might go on to an allotment, which would be a private place, and smoke in the face of the gentleman in blue. If boys were to be handled by policemen for temporary offences like smoking, it would demoralise the boys and accustom them to the police. This was a matter more for the parents to deal with. One parent said to his boy: "If you do not smoke until you are 21, I will give you £25 or an allotment of land." Lord Russell offered his sons £100 each if they did not smoke until they were 21, and he depended on their honour. One of the sons broke his word, but his father forgave him and gave him encouragement, and the boy turned out an honourable young fellow. Legislation of this kind was distasteful, and tended to make boys unmanly.

HON. J. W. WRIGHT: It was his intention to support the striking out of the clause, for as it stood it would not have the desired effect. We all knew what school boys were. If they wanted to smoke they would do so on the quiet, even if they could only get a piece of cane. The clause would tend to make boys very cunning. It was admitted that cigarette smoking caused consumption of the throat, and for that reason we should strike higher than the clause went. If we wanted to stop cigarette smoking, why not stop the manufacture of cigarettes altogether?

HON. C. E. DEMPSTER: The Government deserved a certain amount of credit for endeavouring to put down this evil. He agreed with the President that the age should be reduced to 14. It would not be well to place the power in the hands of the police to stop boys who were smoking cigarettes and take the cigarettes away from them. There were many policemen who had no discretion and who would abuse the power.

HON. B. C. WOOD: The clause did not go far enough. If he had his way he would prohibit cigarette smoking altogether. More adults learnt to smoke from taking to cigarettes than anything else. The Government were to be commended for trying to abolish the evil. He would like to support the clause, but he could not do so in its present form. The Minister for Lands might try to amend the clause.

HON. W. MALEY objected to the powers proposed to be given the police. If the last speaker would move that grandmothers and other relatives be substituted, the clause would be worthy of support.

HON. J. W. HACKETT: Mr. Randell had said cigarette smoking was due to imitation by young people of their elders. Then let the elders give up smoking, and the children would follow suit. If Ministers were in earnest, and if the head of the Government, with his pathetic

belief in the possibility of making people moral by Act of Parliament, desired to be consistent, he should introduce a Bill prohibiting expectoration in the streets—a far worse evil than cigarette smoking.

THE MINISTER FOR LANDS: That prohibition already existed.

HON. J. W. HACKETT: If so, it was not enforced. The Government objected to dealing with grown men, but would set the police on women and children.

HON. T. F. O. BRIMAGE: Having started smoking at 12 years of age, what harm there was in a boy smoking a cigarette was not obvious to him. He opposed the clause.

THE MINISTER FOR LANDS: Smoking was undoubtedly injurious to children under 16; and this attempt to reduce the evil would be better than inaction. In some of the southern parts of Europe, scientists who had devoted their whole lives to social questions in the midst of a vast population thought such legislation necessary; and cigarette smoking by small boys was there prohibited. Children who had neither parents nor guardians must be provided for; moreover, much parental responsibility was transferred to the Government when the State established schools. As to street expectoration, the enforcement of its prohibition was in the hands of municipalities.

HON. J. M. DREW: The clause if passed should be properly administered; and if properly administered it would seriously increase the duties of the police, who would be far better employed in catching thieves than in chasing boys who smoked. There were already many undiscovered crimes in Western Australia, and with this clause the number would increase.

HON. E. M. CLARKE: It was in vain for the advocates of the clause to declaim against frivolity. So long as such trivial and grandmotherly measures were proposed, the public could not be expected to look seriously on the Legislature. The Minister said it was injurious to boys to smoke cigarettes So it might be were they unaccustomed to smoking, but some well-seasoned urchins could smoke the hon. member "under the table." To a boy who had never touched tobacco the result of smoking a pipeful would be injurious; and to a man who smoked a pipe for the first time the result would be equally injurious.

Amendment passed, and the clause struck out.

Clause 11 — Sunday entertainments prohibited:

THE MINISTER FOR LANDS moved that after the word "except," in line 1, "by statutory authority or" be inserted.

Amendment passed.

HON. G. RANDELL: Must the Colonial Secretary's license be obtained for entertainments for religious or charitable purposes?

HON. M. L. MOSS: Only if held on Sunday.

HON. G. RANDELL: By any stretch of the law, was it possible to include religious services in this category, when a charge was made for seats or a collection taken up?

THE MINISTER FOR LANDS: Subclause 3 said: "Any lecture, address, or discussion on science, ethics, social duties, literature, or art, or on any matter of public interest, shall not be deemed a public entertainment or amusement within the meaning of this section." Religious services were also well guarded under Subclause 2.

HON. G. RANDELL: Would the subjects enumerated in Subclause 3 embrace preaching?

THE MINISTER FOR LANDS: Surely ethics would.

Clause passed.

Clause 12—agreed to.

New Clause—Penalty for wilful damage in public gardens:

HON. J. W. HACKETT moved that the following be inserted as Clause 12:—

> Whoever wilfully or wantonly does or attempts to do any act which may, directly or indirectly, damage, injure, or destroy—
>
> (*a.*) Any beast, bird, reptile, fish, or other living creature, or any egg or spawn thereof; or
>
> (*b.*) Any garden, flower bed, tree, shrub, plant, or flower; or
>
> (*c.*) Any building, structure, or other property,
>
> in any place maintained and used as a garden for zoological, botanical, or acclimatisation purposes, or for public resort and recreation, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, not exceeding six months.

This proposed a penalty for wilful damage in public gardens. He was not certain, speaking on behalf of the Zoological Gardens, whether what was complained of would be met by the clause, but the provision would prevent damage to public property. At present there was no legislation for punishing a person who injured any egg of a fowl or spawn of fish. There was no power to prevent persons who intended to commit damage. The commonest offence at the Zoo was that persons of depraved instincts tried how fast they could kill monkeys with phosphorescent matches. They threw into the cages matches which the monkeys ate greedily, and died soon afterwards. The desire was to prevent persons from throwing the matches; to catch them in the act. The clause would give some additional protection.

Question passed, and the clause added to the Bill.

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

ROADS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 18th November.

Schedules 1 to 8, inclusive -agreed to.

Schedule 9:

HON. T. F. O. BRIMAGE moved that a new column be added to the schedule as follows: "Amount payable in respect of rates at in the £." The object was to relieve roads board secretaries from visiting ratepayers twice. Secretaries had to serve notices, and subsequently to serve a notice of the rate.

Amendment passed, and the schedule as amended agreed to.

Schedules 10 to 13, inclusive —agreed to.

Schedule 14:

THE MINISTER FOR LANDS moved that in line 1, after "shilling," the words "levy, five shillings" be inserted.

Amendment passed.

THE MINISTER FOR LANDS further moved that the words "For man in possession each day or part of day, five shillings" be struck out, and the words "For man in possession one shilling an hour for the first three hours, and if longer detained eight shillings a day or part of a day" inserted in lieu.

Amendment passed, and the schedule as amended agreed to.

Schedules 15, 16—agreed to.

Schedule 17:

THE MINISTER FOR LANDS moved that the words "Nelson" and "South Perth" be struck out, and "Belmont, Bunbury, Suburban, and Cannington" be inserted.

HON. J. W. HACKETT: Had the people been consulted? Was there a district called "Suburban"?

THE MINISTER FOR LANDS: Yes. If the word suburban were an error, it would be altered.

Amendment passed, and the schedule as amended agreed to.

Schedules 18, 19—agreed to.

Clause 63 (postponed)—Voting in absence:

HON. G. RANDELL: To each ballot paper were attached two counterfoils. The J.P. or other person appointed to receive ballot papers remitted one counterfoil and the ballot paper to the returning officer after the election; but what became of the other counterfoil did not appear.

THE MINISTER FOR LANDS: According to the Parliamentary Draftsman the procedure was identical with that for parliamentary elections and that used for voting in absence throughout Australia, and had not given rise to any difficulty. By Subclause 4 both counterfoils were to be sent to the returning officer.

HON. W. T. LOTON: No. Although the second counterfoil was referred to, what became of it did not appear. He found that a number of people did not know what to do with the second counterfoil.

HON. G. RANDELL: Presumably the second was intended as a sort of check on how a man had voted.

Clause passed.

Clause 96 (postponed)—Governor may place reserves, etc., under control of boards:

HON. J. W. HACKETT: It had been the practice of the Lands Office to place public reserves in Class A under control of boards, without dedicating the land to any special purpose; and such boards insensibly acquired vested interests in the land. He moved that the words "subject to the provisions of the Permanent

Reserves Act, 1899," be prefixed to the clause.

Amendment passed, and the clause as amended agreed to.

Clause 97 (postponed)—Governor may exempt roads, etc., from the control of board:

HON. T. F. O. BRIMAGE moved that in line 3 the words "or portion of a district which may be required for roads or bridges" be struck out. The board should be consulted on division of district. These words did not appear in the Bill as drafted, having resulted from the recommendation of a select committee in another place. The words were inserted on the recommendation of the select committee, but were of no use whatever.

THE MINISTER FOR LANDS: A portion of a district might be required for a Government road or bridge, and the Government might exempt that particular portion for the purpose.

Amendment withdrawn.

Clause passed.

Clause 98 (postponed)—agreed to.

Clause 156 (postponed)—Application of this part:

HON. J. W. HACKETT: What was the meaning of the clause?

THE MINISTER FOR LANDS: It was only on petition that this portion of the Bill could be applied to any district.

HON. J. W. HACKETT moved that in line 1 the word "only" be struck out.

Amendment passed.

HON. J. W. HACKETT further moved that in line 3 after "direct" the word "only" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 157—A board may borrow money:

HON. J. W. WRIGHT moved that at the end of the clause the following words be added: "and such construction shall be placed under the supervision of a qualified engineer approved of by the Minister."

THE MINISTER FOR LANDS: It was unwise to restrict the powers of the board, who were responsible to the ratepayers. If the ratepayers demanded that an engineer should control these works, then it could be done. The board might not be able to afford to employ an engineer. What was a qualified engineer? Had he to undergo an examination?

HON. W. MALEY: The person who lent the money would see that it was well spent.

Amendment negatived.

HON. J. W. HACKETT: Did the clause only apply to the towns referred to in Schedule 17? Were there no means of adding to the number?

THE MINISTER FOR LANDS: If it was desired to add to the number the Bill would have to be amended.

Clause passed.

Clause 158—Amount that may be borrowed:

HON. G. RANDELL moved that in line 1 the word "ten" be struck out, and "five" inserted in lieu. Although municipalities might have the power to borrow ten times the amount of their general rate, this was too much power to place in the hands of roads boards for the purpose of carrying out works. A number of people who had votes might not be interested, and these people were liable to be carried away by some plausible person or reason. Roads boards should be limited to borrowing five times the amount of the general rate.

THE MINISTER FOR LANDS: There was no objection to the amendment.

HON. R. G. BURGES: The Kalgoorlie Roads Board would be able to borrow enough money under this clause, because we were told that in one year they collected £2,500 for rates; therefore the Kalgoorlie board would be able to borrow £12,500.

HON. T. F. O. BRIMAGE: The hon. member did not know anything about the working of goldfields roads boards, and the goldfields people could look after themselves without the assistance of the hon. member. It was not too much power to give to the goldfields roads boards to allow them to borrow ten times the amount of the general rate collected. There was such a lot of work to be done on the goldfields that it was necessary the power to borrow should be given liberally. The Kalgoorlie Roads Board might require to purchase a road roller and other machines, and there was no reason why the board should not borrow the money for that purpose. The Kalgoorlie Board was in a good, solid condition, and had got on very well in the past.

Amendment passed.

HON. G. RANDELL farther moved that in line 6 the word "ten" be struck out, and "five" inserted in lieu. This was consequential.

Amendment passed, and the clause as amended agreed to.

Clauses 159 to 163, inclusive—agreed to.

Clause 164 — Power to levy special rate:

HON. G. RANDELL moved that the words "provided that such sinking fund shall not be less than two pounds per centum per annum, commencing one year after such borrowing" be added to the clause. Experienced politicians from other States had often warned him of the serious consequences resulting from the nonestablishment of sinking funds. In all borrowings, whether by Government, municipality, or roads board, these should be provided.

Amendment passed, and the clause as amended agreed to.

Clause 165—agreed to.

Clause 166—Property to be fenced if board direct:

HON. R. G. BURGES: The clause if enforced would work great injustice.

Clause passed.

Clause 167—Subdivisional plan to be approved by board:

HON. G. RANDELL moved that the word "appeal" in line five be struck out, and "an application" inserted in lieu. "Appeal" was liable to be misunderstood.

Amendment passed, and the clause as amended agreed to.

New Clause:

THE MINISTER FOR LANDS moved that the following be inserted as Clause 127:—

Any person in occupation of any portion of the surface of a gold-mining lease or mineral lease shall be deemed an occupier, and liable to be rated in respect of such occupation notwithstanding any want of title to occupy the same. But if such person does not reside on the lease with the consent of the leaseholder and in connection with the purposes for which the lease was granted, (*a.*) Section 152 shall not apply, nor shall the leaseholder be under any liability in respect of the rate in default of payment by such occupier; and (*b.*) Payment of rates by such occupier shall not affect the liability of the leaseholder to be rated and to pay rates in respect of the lease.

Question passed, and the new clause inserted.

Clause 154—Overdraft:

HON. M. L. MOSS moved that the following be added to the clause:—

Provided that the Bank making such advances shall not be concerned to inquire whether the same have been obtained for the purposes set forth in this section, nor be required to see to the application of such advances.

Amendment passed, and the clause as amended agreed to.

New Clause—Auditors:

THE MINISTER FOR LANDS moved that the following be inserted as Clause 170:—

Every secretary shall, once in every three months, prepare and place before the Board a true statement of the financial position of the Board, including ordinary revenue and grants, which shall be entered on the minutes.

HON. R. G. BURGES: What was the use of this statement if not audited?

THE MINISTER FOR LANDS: The clause was suggested by the Auditor General. In view of the recent embezzlements at South Perth, the clause was highly necessary; and its existence would have prevented their occurrence. By Subclause 3 of Clause 169, all books, accounts, and vouchers must be open to the inspection of any person appointed by the Minister, and this would insure their being kept in order, so as to be ready for inspection.

Question passed, and the clause inserted.

New Clause:

THE MINISTER FOR LANDS moved that the following be inserted as Clause 171:—

All moneys in hand on the last day of the financial year shall be paid to the credit of the banking account of the Board, and shall be included in the banker's certificate of the amount standing to the credit of the Board on that day, which certificate the Board shall obtain and produce to the auditors.

HON. R. G. BURGES: Much of the money never came into the board's current account, but was expended by cheques on the Treasury.

HON. M. L. MOSS: To such moneys the clause did not apply.

Question passed, and the clause inserted.

Clause 174—Annual balance and audit:

THE MINISTER FOR LANDS moved that the following be added to stand as Subclause 2: "Notice of the time at which the audit shall take place shall be exhibited at the office of the board on the seven days next preceding."

Question passed, and the subclause added.

New Clause:

THE MINISTER FOR LANDS moved that the following be inserted as Clause 179: "The auditors may at the expense of the board take legal opinion on any question arising in the course of an audit."

Question passed, and the new clause inserted.

New Clause—Proof of ownership or occupancy:

THE MINISTER FOR LANDS moved that the following be inserted as Clause 203:—

In any legal proceedings under this Act, in addition to any other method of proof available:—(1.) Evidence that the person proceeded against is rated as owner or occupier in respect of any land to any general or special rate for the district within which such land is situated; or (2.) Evidence by the certificate in writing of—(*a.*) The Registrar of Deeds, or his deputy, that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or (*b.*) The Registrar of Titles, or any assistant or deputy registrar, that any person's name appears in any register book kept under the Transfer of Land Act, 1893, as proprietor of any land; or (*c.*) The Under Secretary for Lands or the Under Secretary for Mines, that any person is registered in the Department of Lands or of Mines as the occupier or lessee of land—shall, until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

Question passed, and the new clause inserted.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

RECOMMITTAL.

HON. J. D. CONNOLLY moved that the Bill be recommitted to-morrow.

Question passed.

ADJOURNMENT.

The House adjourned at 9·50 o'clock, until the next day.

Legislative Assembly,

Tuesday, 25th November, 1902.

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

PRAYERS.

QUESTION—PUBLIC SERVICE COMMISSION, COST, ETC.

MR. DAGLISH asked the Premier: 1, Upon what date did the Public Service Commission commence its labours. 2, What has been the cost of the commission up to date for salaries, travelling allowances, and expenses, office rent, salaries of staff and contingencies. 3, How many departments and branches has the Commission classified up to date. 4, How long will its labours continue at the same rate of progress, and what will it cost the State. 5, Has the Government received any progress report or reports upon the Public Service, or are such reports being withheld until Parliament is out of session. 6, Will the Government request the commission to send in, without delay, a report of its work up to date.

THE COLONIAL SECRETARY replied: 1, The 8th July, 1902. 2, £2,837 15s., as per statement attached. 3, None. The commissioners found it necessary, before classifying the officers in any department or branch of the Public Service, to examine them, and also the records, methods of conducting business, and possibilities of amalgamation of work in each place. They also found it essential to visit the country offices before proceeding to the examination of the head offices in Perth. They, therefore, commenced by travelling over 4,000 miles, visiting and calling in the officers from 88 places, and examining 856 officers, and, as far as necessary, their records and work. This portion of the inquiry is now nearly completed. 4, (*a.*) The commissioners