

Legislative Council,

Thursday, 1st August, 1895.

Cold Storage on Great Southern Railway—Land Regulations: amendment of—Great Southern and Midland Railways: proposed purchase of—Customs Duties Repeal Bill: first reading—Municipal Bill: first reading—Loan Act 1891 Re-appropriation Bill: first reading—Justices Appointment Bill: committee—Licensed Surveyors Bill: committee—Adjournment

'THE PRESIDENT' (Hon. Sir G. Shenton) took the chair at 4.30 o'clock p.m.

COLD STORAGE ON GREAT SOUTHERN RAILWAY.

THE HON. C. A. PIESSE, asked the Minister of Mines whether the Government had arranged with the West Australian Land Company to have Cold Storage Cars placed upon their railway, known as the Great Southern Line.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: No, the Government have not arranged for cold storage vans on the Great Southern Line, but they will suggest to the company that they should do so.

LAND REGULATIONS—AMENDMENT OF.

THE HON. C. A. PIESSE asked the Minister for Mines, whether the Government intended to amend the Land Regulations so as to permit of lands infested with poison plant being acquired under more satisfactory terms than at present.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: It is not the present intention of the Government to amend the Land Regulations with regard to the lands infested with poison.

GREAT SOUTHERN AND MIDLAND RAILWAYS—PROPOSED PURCHASE OF.

THE HON. C. A. PIESSE moved—"That all correspondence in the possession of the Government with reference to the purchase by them of the Great Southern and Midland Railways be laid upon the table of the House." He said: I am not allowed, I believe, by the practice of the House, to move in a more direct manner than this. I should have liked to have moved a resolution to the effect that it is in the interests of the colony that these two railways should be purchased. I cannot do so, and I must content myself, therefore, by asking that any correspondence on the subject

may be laid upon the table. It has, for some time past, been commonly reported that the Great Southern Railway Company have been willing to sell their line, and that certain correspondence has taken place on the subject. In asking for this correspondence, I wish hon. members to understand that my idea is really to bring the matter before the public. Those who are resident on the railway lines, at any rate, wish to have these railways owned by the State, not so much on account of the railways themselves, but so that the land may be thrown open for selection on the same terms as Government land. I might state that there is nothing against the management of the railways. Indeed, I believe the management is all that can be desired, but what is wanted is, as I have said, that the land shall be thrown open for selection on the same terms as Government land. I am aware that what I am referring to may be considered as rather a large order, but I consider it will be more advantageous for us to purchase now than in the future. I hope the Government will lay the correspondence on the table, so that we may form some idea as to the value these companies set upon their properties. There is no doubt that until these lines are purchased, we shall not be able to get many much-needed branch lines, nor be able to connect other railways with them in that free manner we should if the whole thing were owned by the State. I believe, on the Midland Railway, as well as the Great Southern, there are complaints that land settlement is not going on as it should do. Even in their own interests I think these companies should at once take steps to settle the lands, and they might put purchasers on the same terms as the Government do except, of course, as regards the giving away of land.

THE HON. E. W. DAVIES: Is the hon. member in order? He is asking for some correspondence and is addressing the House about the purchase of these railways, a subject we cannot know anything about until we get the correspondence.

THE CHAIRMAN (Hon. Sir G. Shenton): The hon. member is giving his reasons for the motion. At the same time I think he is going a little too far.

THE HON. C. A. PIESSE: I do not wish to trespass upon the time of the House, and I can only say that I am sorry that hon. members know nothing about the subject. I hope when this correspondence is forthcoming

it will receive due consideration at the hands of the House. I move the motion.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have listened very carefully to all the hon. gentleman has said and in reply, I can only say that there is no correspondence in the possession of the Government with reference to the purchase of the Great Southern or Midland Railways. Perhaps, under these circumstances, the hon. member will withdraw his motion.

THE HON. C. A. PIESSE: Under the circumstances, I beg to withdraw.

Motion, by leave, withdrawn.

CUSTOMS DUTIES REPEAL BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

MUNICIPAL BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

LOAN ACT 1891, RE-APPROPRIATION BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

JUSTICES APPOINTMENT BILL.

IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3. "Justices already appointed to be justices for the whole colony."

THE HON. F. T. CROWDER moved, as an amendment, "That all the words after 'shall' in the second line, be struck out, and that the following words be inserted in lieu thereof: "' upon the passing of this Act cease to exercise jurisdiction throughout the colony, and shall be re-appointed and assigned to keep the peace in such districts as shall be assigned by a commission under the seal of this colony, and in the form contained in the schedule of this Act or to the like effect." He said: Although hon. members did not see their way to throw out the whole Bill, I take it, from what fell from them, they were inclined to ridicule the idea of having two classes of justices. I think we should only have one class, and, therefore, I move this amendment. Yesterday the hon. the Minister for Mines referred to some remark I made concerning the action of the Government, but he was careful not to give any explanation of the charge I made, which was that the Government had, within the last three months, created as many justices as they could, notwithstanding that they knew this

Bill was about to be brought forward. I still consider that the Government should have made no appointments until this Bill was settled. I have endeavored to find out what are the qualifications of justices, but whenever I have asked a question, I have been told to ask something easy. According to the names published in the *Government Gazette*, morality is evidently not one of the qualifications.

THE HON. C. A. PIESSE: Name.

THE HON. F. T. CROWDER: At all events if we strike out the words I propose, it will simplify matters very much. It will mean that when this Bill comes into force, all justices who at present hold commissions, will cease to be justices, and they can be re-gazetted for the different districts.

THE HON. J. W. HACKETT: Do I understand that for some days there are to be no justices?

THE HON. F. T. CROWDER: They can be gazetted in the same *Gazette* as that in which the assent to the Bill appears.

THE HON. H. MCKERNAN: I have much pleasure in supporting this amendment, for the reasons I have already expressed in connection with this Bill.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I hope hon. members will not support the amendment, because, as I said last night, retrospective legislation is always objectionable. It would be manifestly unfair to justices who have been appointed for the whole colony to have their jurisdiction limited. The Hon. Mr. Crowder's argument in favor of the amendment he proposes is so weak that I do not think I shall waste the time of this House in trying to combat it.

The Committee divided on the question that, "the words proposed to be struck out stand part of the clause," with the following result:—

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|------|-----|-----|-----|-----|-----|----|
| Ayes | ... | ... | ... | ... | ... | 12 |
| Noes | ... | ... | ... | ... | ... | 3 |

Majority for 9

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|-----------------------|-----------|--------------------|-----------|
| AYES. | | NOES. | |
| Hon. C. E. Dempster | | Hon. A. B. Kidson | |
| Hon. J. W. Hackett | | Hon. H. McKernan | |
| Hon. R. G. Burges | | Hon. F. T. Crowder | |
| Hon. E. M'Larty | | | (Teller.) |
| Hon. E. Robinson | | | |
| Hon. C. A. Piessé | | | |
| Hon. J. E. Richardson | | | |
| Hon. E. W. Davies | | | |
| Hon. F. M. Stone | | | |
| Hon. H. J. Saunders | | | |
| Hon. S. J. Haynes | | | |
| Hon. E. H. Wittenoom | | | |
| | (Teller.) | | |

Question put and passed.

Clause agreed to.

Clauses 4 and 5 agreed to.

Clause 6: "Jurisdiction of justices residing in existing districts when new districts appointed."

THE HON. A. B. KIDSON moved, as an amendment, "That all the words between 'residence,' in the fifth line, and 'provided,' in the eighth line, be struck out, and that the following words be inserted in lieu thereof: "within the new districts shall immediately after such declaration have and exercise jurisdiction in the new district only."

Question put and passed.

Clause, as amended, agreed to.

Clauses 7 and 8 agreed to.

Clause 9. "Governor may prohibit justices from acting."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved, as an amendment, that the words "except a member of the Executive Council or Judge of the Supreme Court" be inserted after the word "mentioned," in the third line.

Question put and passed.

Clause, as amended, agreed to.

Clauses 10 and 11 agreed to.

Clause 12. "Act of justice not invalidated merely because of being outside his jurisdiction."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved, as an amendment, that the words "in respect of which he has jurisdiction," be inserted between the words "justice" and "shall," in the first line.

Amendment put and passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved as an amendment, "That the word "deemed" be inserted between "be" and "invalid," in the first line."

Amendment put and passed.

THE HON. A. B. KIDSON moved that the words, "conviction, order, or other proceeding," be struck out, and that the words "such act" be inserted in lieu thereof.

THE HON. J. W. HACKETT: I do not quite understand the amendment. The first part of the clause says that no act done by a justice shall be deemed invalid by reason of the fact that at the time of doing such act he was outside the limit of his jurisdiction, and it goes on to say that it shall not be necessary that any "conviction, order, or other proceeding," etc. The Hon. Mr. Kidson now wants to strike out these words and insert the words "such

act." The acts referred to in the earlier part of the clause are those which might be supposed to be invalid, and which the clause validates. It is not these acts we wish to deal with now, but the convictions, orders, or other proceedings. The two parts of the clause refer to two different classes of acts. I believe, if this amendment be agreed to, it will make a most hopeless state of confusion and mix up the two classes of acts.

THE HON. A. B. KIDSON: I am willing to withdraw that, and to propose instead, that all the words after the word "jurisdiction," be struck out.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I should be glad if the hon. member would withdraw entirely. It is evident, according to his own showing, that the words he wishes to insert are identical with those he wishes struck out. No doubt, the gentleman who drafted the Bill had some particular reason for inserting these words, and I think we should allow them to stand.

Amendment put and negatived.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved to insert after the word "proceeding" in the fourth line of the Clause the words "over which he has jurisdiction."

THE HON. F. M. STONE: Might I suggest that the words be, "over which a justice has jurisdiction."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I accept that.

Amendment, as amended, put and passed.

Clause as amended agreed to.

Clause 13 agreed to.

Clause 14. "Warrants and Summonses may be executed throughout the colony."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the words, "or clerk, of Petty Sessions" in the first line of the Clause be struck out.

Amendment put and passed.

Clause, as amended, agreed to.

The remaining Clauses were agreed to, the Bill reported and the report adopted.

LICENSED SURVEYORS BILL.

IN COMMITTEE.

Clause 4, "Constitution of Board," to which the Hon. A. B. Kidson had moved an amendment to strike out the word "five" in the second line of the Clause, and substitute "six" in lieu thereof.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I might point point out that

five members would work better than six. The Surveyor-General would be in the chair and there might be, in case of a difference of opinion, two members on one side and three on the other, unless, of course, the Surveyor-General chose to exercise his right to vote. If, however, the hon. member will look at Clause 12 he will see that the Board may provide for regulating the manner of voting and the conduct of business, and this, I think, will do away with the difficulty the hon. member has suggested.

THE HON. A. B. KIDSON: I beg to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause agreed to.

Clauses 5 to 13 agreed to.

Clause 14.—“Application of Fees.”

THE HON. F. T. CROWDER: I see no provision is made here for auditing the accounts. Might I ask whether they will be audited by the Auditor-General as are other public accounts?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): There is nothing stated in this Bill about it, but I do not know whether the Audit Act would apply.

Clause agreed to.

Clause 15. “Surveyor may enter on lands to survey.”

THE HON. R. BURGESS moved that the following words be added to the first sub-clause:—“Provided always that no surveyor shall enter upon any lands for the purposes aforesaid unless he shall have given at least 24 hours’ notice to the owner or occupier of such lands of his intention so to do.”

THE HON. A. B. KIDSON: I think that even with the amendment proposed by the Hon. Mr. Burgess, the power given to licensed surveyors will be a great deal too wide. I shall propose in the first line to add between the words “may” and “enter” the words—

THE CHAIRMAN (Hon. Sir G. Shenton): You can only amend the earlier part of the clause on re-committal.

THE HON. F. M. STONE: If hon. members will look into the matter they will see that this power to enter lands has existed for a considerable time. If, also, they will look at Sub-section 2 of this clause they will see that a surveyor is liable for any damage he does, so that an owner is well protected. If we specify that twenty-four hours’ notice must be given, it may be very awkward in some cases, especially when the owner or occupier lives

some distance from where the surveyor requires to work.

THE HON. J. E. RICHARDSON: I agree with the hon. member, Mr. Burgess, that before a surveyor enters land he should give notice. A surveyor might wish to survey some boundary line which the owner might be interested in, and might like to be present when the work was being done.

THE HON. C. A. PIESSE: Under the Land Regulations notice must be given.

THE HON. C. E. DEMPSTER: But it is not carried out.

THE HON. C. A. PIESSE: No. I hope the committee will agree to this, and prevent surveyors going through other people’s property without notice.

THE HON. R. G. BURGESS: It is all very well to say that if any damage is done it must be paid for, but who is to pay? It may be that the surveyor and the person who employs him have nothing to pay with. Surveyors go into people’s paddocks in the summer time, and before they are there half a dozen hours perhaps, all the grass which has been carefully saved is destroyed by fire.

THE HON. A. B. KIDSON: The notice you propose will not prevent that.

THE HON. R. G. BURGESS: No; but if an owner knew surveyors were going into his paddock he could look after them.

THE HON. B. McLARTY: I think it is necessary some notice should be given. I have had a survey party camped in my field for some time without any notice or permission from me. They have put down pegs all over the place, and they tell me that if I interfere with them I shall be liable to a penalty. I think surveyors should have some authority before they enter anyone’s land.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I may say I received notice that it was intended to move this amendment, and I am prepared to fall in with something of the kind, but not exactly in this form. There are cases in which it is necessary that surveyors must enter upon lands, and I am sure that, as a rule, they will do no more damage than they can help. Instead of what the hon. member proposes, I suggest that due notice shall be given. If the hon. member will withdraw his amendment, I will propose what I have suggested.

THE HON. B. G. BURGESS: I beg to withdraw my amendment.

Amendment, by leave, withdrawn.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Then I beg to move: "That the following words be added to the first sub-clause: 'Provided that due notice shall be given to the owner or occupier of such lands of the intention to enter thereon.'"

THE HON. F. M. STONE: To whom is the notice to be given? If we say the owner, he may be in England, and there might be no occupier. I think we should report progress, so that we may consider the matter. I move that progress be reported.

Question put and passed.

Progress reported.

ADJOURNMENT.

The House at 6 o'clock p.m. adjourned until Wednesday, 7th August, 1895, at 4.30 o'clock p.m.

Legislative Assembly,

Thursday, 1st August, 1895.

Customs Duties Repeal Bill: third reading—Fertilisers and Feeding Stuffs Bill: second reading—Goldfields Bill: second reading; postponement of debate—Railway and Theatre Refreshment Rooms Licensing Bill: first reading—Works Authorised upon Estimates uncommenced or unfinished—Claims re Resumption of Lands at Bunbury for Railway Purposes—Dismissal of Incompetent Civil Servants—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock p.m.

PRAYERS.

CUSTOMS DUTIES REPEAL BILL.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

FERTILISERS AND FEEDING STUFFS BILL.

SECOND READING—ADJOURNED DEBATE.

MR. ILLINGWORTH: I have not been able to make out what is the real intention of this Bill; but, on looking at its provisions, the Bill appears to me to be one for the manufacture

of criminals. That is the general impression I get from the Bill; and, if it is the intention of the Government to place this upon the Statute Book, one of two things is going to happen: either the Bill must be inoperative, and is therefore not worth passing, or else it is going to be exceedingly oppressive, and, in the latter view, this is not the kind of legislation that ought to be passed by this House. We have it stated in the first clause that "Every person who sells for use as a fertiliser of the soil any article manufactured in the said Colony, or imported from abroad, shall sign and give to the purchaser an invoice stating the name of the article and whether it is an artificially compounded article or not;" and so on; so that a man may not sell a bag of bonedust without being required to give a certificate. There is some doubt as to whether a man may sell a load of stable manure, without being, in like manner, compelled to give an invoice setting forth certain particulars—not only that, but an invoice that bears the character of a warranty, by showing the exact amount of chemical proportions of the fertilisers contained in the manure. Failing this, the seller is made liable to a penalty of £20 for the first offence, and £50 upon a second conviction. This might not appear so serious, were it not that upon examination of the provisions, it transpires that any person may take a sample out of any bag or quantity of fertilisers offered for sale and may take it away and get it analysed, although he is not required by the Bill to prove that it is a fair sample of the bulk. Upon such evidence as that, the vendor may be mulct in a fine of £20, upon a first conviction. I would suggest that this is not the kind of legislation we want in this colony—that there is no call for legislation of this kind. Looking at the other portion of the Bill, relating to artificial feeding stuffs for live stock, it seems to me the provisions, if necessary, ought to have been in a general Bill dealing with the adulteration of food. Taking this Bill as a whole, it is so absolutely bad, so useless, and so dangerous in its character that, without further occupying the attention of the House, I am going to move, as an amendment, that the Bill be read a second time this day six months.

MR. LEAKE: I second the amendment.

THE ATTORNEY-GENERAL (Hon. S. Burt): This Bill has been introduced by the Government, at the request of the Agricultural