

laid on the table of the House, showing—1, The total cost of the mail train station and approaches erected on the Victoria Quay at Fremantle 2, The total cost of running the mail trains in connection therewith during the year ending 30th June last. 3, The total revenue derived from the running of the trains, including payments from the Federal Government for carrying mails.”

#### RETURN—CRIMINAL LIBEL PROSECUTIONS.

On motion by MR. NANSON (Murchison), ordered: “That there be laid upon the table of the House a list of the cases in which newspapers have been criminally prosecuted for reporting portions of parliamentary debates.”

#### RETURN—LAND PURCHASES (RAILWAY).

On motion by MR. HIGHAM (Fremantle), ordered: “That a return be laid on the table of the House, giving full details of all lands purchased since 1st January, or about to be purchased by the Government, for Railway and other purposes in the vicinity of Fremantle, Richmond, Preston Point, Bicton, Buckland Hill, and Cottesloe, giving the number and position of each block, the names of the vendors and buying brokers, the prices and commissions paid by the Government, and also commissions paid to the brokers by the vendors, stating whether the same have been refunded to the Government.”

#### RETURN—RAILWAY STORES (VALUE).

On motion by MR. RESIDE (Hannans), ordered: “That there be laid upon the table of the House a Return showing—1, The value of railway maintenance stores outstanding which were delivered during the financial year 1900-1, but which were not paid for until the year 1901-2. 2, The value of material chargeable to working expenses delivered to the railways—(a.) Prior to January, 1902. (b.) During January, February, March, April, and May, 1902, respectively, accounts for which were paid in June, 1902.”

#### ADJOURNMENT.

The House adjourned at 14 minutes past 9 o'clock, until the next Tuesday.

## Legislative Council,

Tuesday, 12th August, 1902.

Member Sworn—Question: Coolgardie Water Scheme, Action on Report—Questions (2), Metropolitan Water Supply: Filtering, Leakage of Reservoir—Question: Jetty at Albany, particulars—Papers ordered: Land Purchases (railway), Fremantle—Motion: Perth Drainage, Money Grants—Children's Convalescent Home Bill, first reading (debate)—Supply Bill, assent—Parks and Reserves Amendment Bill, second reading (moved)—Pharmacy and Poisons Act Amendment Bill, second reading, Committee (progress)—Fremantle Prison Site Bill, second reading, Committee—Transfer of Land Amendment Bill, second reading, Committee (progress)—Friendly Societies Act Amendment Bill, second reading—Public Service Act Amendment Bill, second reading—Adjournment.

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

#### PRAYERS.

#### MEMBER SWORN.

HON. C. A. PRESSE (South-East), who had not attended during the session (through illness), took and subscribed the oath of allegiance as required by law, and signed the members' roll.

#### QUESTION—COOLGARDIE WATER SCHEME, ACTION ON REPORT.

HON. G. BELLINGHAM asked the Minister for Lands: 1, If, in view of the report of the Royal Commission on the Coolgardie Water Scheme, the Government intends instituting proceedings against Messrs. Hodgson, Finlayson, and Couston, or any of them. 2, If so, what is the nature of the proceedings proposed to be instituted.

THE MINISTER FOR LANDS replied: 1 and 2, A board having been appointed to inquire into certain charges against Mr. Hodgson, the matter is now *sub judice*; the question, however, has not been overlooked.

#### QUESTIONS (2)—METROPOLITAN WATER SUPPLY.

##### FILTERING.

HON. J. W. WRIGHT asked the Minister for Lands: What steps, if any, are being taken to filter the water supplied to the inhabitants of the city of Perth and suburbs.

THE MINISTER FOR LANDS replied: The Metropolitan Waterworks Board states that it is proposed to construct filter beds.

## LEAKAGE OF RESERVOIR.

HON. J. W. WRIGHT asked the Minister for Lands: 1, If it is true that the new reservoir on Mount Eliza has serious leakages. 2, If so, where. 3, Who is responsible. 4, If anything is being done to remedy same. 5, If so, what.

THE MINISTER FOR LANDS replied: The Metropolitan Waterworks Board reports as follows:—1, Yes. 2, At the bottom, and particularly at the junction of the sides with the bottom, also to a less extent along the sides. 3, The Public Works Department, but that department states the cause of the trouble was the inadequacy of the Metropolitan Waterworks Board's designs for the class of foundation that had to be contended with. 4, The exigencies of the case required a temporary measure, which took the form of clay puddle. This expedient considerably reduced the leakage. 5, At the season when the reservoir can best be spared, the Board proposes to use a coating composed of asphalt and other materials.

HON. J. W. WRIGHT said he would give notice of a farther question.

## QUESTION—JETTY AT ALBANY, PARTICULARS.

HON. J. W. WRIGHT asked the Minister for Lands: 1, If Messrs. Couston and Finlayson had a contract to build a jetty at Albany. 2, If so, when. 3, The amount of the contract. 4, If the contract was cancelled and material taken over by the Government. 5, Who was engineer for the Department of Harbours and Jetties at that time. 6, What compensation, in addition to paying for material, was made.

THE MINISTER FOR LANDS replied as follows: 1, Yes. The name of the firm was Messrs. Couston, Holman, and Finlayson. 2, 20th May, 1896. 3, £6,094 1s. 4d. 4, Yes. 5, Mr. T. C. Hodgson. 6, £600.

## PAPERS—LAND PURCHASES (RAILWAY) NEAR FREMANTLE.

On formal motion by HON. M. L. MOSS (appointed honorary Minister since notice of motion was given), ordered "That there be laid on the table of the House—1, All papers in connection with

the purchase of land, on behalf of the Government, at East Fremantle and Buckland Hill, for railway or harbour works purposes; also all documents relating to the employment of auctioneers and agents in respect of such purchases. 2, A return showing a list of the properties purchased or under offer, and the amounts of the purchase moneys in each instance."

## MOTION—PERTH DRAINAGE, MONEY GRANTS.

HON. M. L. MOSS (Minister) formally moved:

That no farther grants of money be made to the Perth City Council for surface or other drainage works, without the previous consent of Parliament being obtained thereto.

Question put and passed.

## CHILDREN'S CONVALESCENT HOME BILL.

THE MINISTER FOR LANDS (Hon. A. Jameson): I wish to move, without notice, for leave to introduce a Bill entitled "An Act to enable the permanent reserve known as Cottesloe Suburban Lot 70 to be dedicated to the purposes of a Children's Convalescent Home." This measure refers to the Cottage-by-the-Sea movement, in which Lady Lawley has taken so active an interest. As His Excellency and Lady Lawley are about to leave the State on Thursday next, it is thought desirable to have, if possible, the site of the cottage settled before Lady Lawley's departure. I hope hon. members will, in the circumstances, agree to the first reading.

Question put and passed.

Bill introduced, and read a first time.

## STANDING ORDERS, TO SUSPEND.

THE MINISTER FOR LANDS: I move the suspension of the Standing Orders to allow of the Bill passing through its remaining stages.

HON. A. G. JENKINS (North-East): I trust my action in opposing the motion for the suspension of the Standing Orders will not be misinterpreted. I feel it my duty to point out that if the Bill passes in its present state, great injustice may be done to numerous residents of Cottesloe Beach, who up to the present time are utterly without knowledge that the reserve referred to has been selected

for the site of the proposed hospital. The plans of the locality show that the Government have a frontage of nearly 18 acres to the sea; yet they have selected those four acres which are nearest to the residences erected at Cottesloe Beach. The people who bought land and built in the district were, at the time of purchasing, informed by the Government plan that the reserve affected by this Bill was a reserve for recreative and other such purposes. Personally, I have no objection whatever, indeed I gladly welcome the establishment of this hospital by the sea; but I do think the Government ought to consider the people who have acquired the land and built residences in the district. Having so much other land available, Ministers should not have decided to put the proposed convalescent home immediately next-door, so to speak, to the residences. It is only fair that the full facts should be placed before the House. I do not for a moment oppose the establishment of the proposed cottage on a reserve at Cottesloe Beach. The Government have three reserves in the neighbourhood, and I venture to say there would not be the slightest objection to one of those three reserves being selected for the purpose in view. But there is, or may be, considerable objection on the part of the residents of Cottesloe Beach to the hospital being built on the particular reserve selected, since the institution will thus be planted right among private residences. Another reserve ought to be selected for the purpose. The Government are in a position to select a site where the establishment of the home will not interfere with property holders. My object, I repeat, is not in any way to place even the smallest obstacle in the way of the execution of a very good and most charitable object, which I rejoice to see being brought to a successful issue. My object is merely to ask the Government to consider whether they cannot select some other block of ground on which the establishment of a hospital or convalescent home would be less objectionable, or nowise objectionable, to the residents of Cottesloe Beach. I hope, therefore, that under the circumstances the Bill will not be hastily rushed through. I think all hon. members will agree to the granting of a reserve; but I maintain that in

justice to the property holders of the district, that reserve on which the hospital would cause least inconvenience should be selected.

HON. C. SOMMERS (North-East): It appears to me there is no element of urgency in this matter. The members of this House are elected for the special purpose of conserving the rights of property holders. I know the desire of the Government is to push the Bill through as quickly as possible; but I have to point out the Cottage-by-the-Sea cannot possibly be ready for the reception of patients during this summer. The week's delay which will be caused by passing this Bill through its ordinary stages cannot, therefore, be material. The residents of Cottesloe have had no opportunity of knowing that this Bill is to be passed through Parliament; otherwise, I have little doubt objections would have been raised. It does seem hard that if another site can be secured, that now proposed should be selected. It is a pity to establish a building in the nature of a hospital or convalescent home right amongst the residents of a district. We have all assisted in pushing the project itself ahead, and naturally we agree that it is desirable to know that the site and everything else will be settled before Lady Lawley leaves the State. In the ordinary course of legislation, however, this Bill will require only about a week for its passage. I hope, therefore, that the measure will not be rushed through hurriedly; and I accordingly oppose the suspension of the Standing Orders.

HON. W. MALEY (South-East): Like the two members who have preceded me, I think that in justice to the people who have made Cottesloe Beach what it is, due time should be given to discuss the pros and cons of this measure as regards the healthy and populous locality affected. Certainly, residents should be given an opportunity of considering what may be the result of the establishment in close proximity to their houses of the proposed Cottage-by-the-Sea. I happen to have purchased at a Government sale the block No. 71, adjoining that which is dealt with by this measure, No. 70. When I bought that block, the opposite block was understood to be, as it was shown on the plan to be, a public reserve. Had it not been so shown, I might have bought it myself.

Its value then was about £10 per acre. My decision to buy block No. 71 was, however, to a certain extent influenced by the understanding that there was a Government reserve in close proximity. Block No. 71 has since been subdivided, but I still retain an interest in it. I am in a position to inform the House that one person has built a nice house quite close to the site chosen for the proposed hospital. Indeed, the person in question has not only built a house, but has at his own cost constructed a road; and I presume the Government, in selecting the site chosen, were in a certain measure influenced by the fact that there was a macadamised road leading to that site. The facts I have submitted render stronger the claims for consideration which previously existed. Certainly, the interests of the residents who have made Cottesloe Beach what it is must be considered. I, for my part, strongly object to a Bill affecting the rights of private individuals being rushed through the House by the process of a suspension of the Standing Orders.

HON. J. W. WRIGHT (Metropolitan): I am a resident of the district affected by this Bill, though no property of mine is immediately touched. I think it advisable to let the matter stand over, in order to allow the residents of Cottesloe Beach an opportunity of visiting the proposed site. Unquestionably, the object of the measure is a good one, and I should be the last to throw any obstacle in the way of the execution of the project. Nevertheless, I feel bound to oppose the motion for the suspension of the Standing Orders.

THE MINISTER FOR LANDS (in reply): I regret to find that so much objection has been raised to the suspension of the Standing Orders on this occasion. I wish to explain that the object in pushing the Bill through is to have the site, if possible, settled before Lady Lawley leaves the State. This would be a matter of satisfaction to His Excellency and to Lady Lawley, who have both taken so great an interest in the proposed institution. I have to point out that the Bill, even when passed here, still has to go through another place. We thought it might be desirable to have it settled, particularly as the Roads Board, who are the local authority of this district, have considered the matter

very fully, and recommended that this site should be adopted for the purpose. Great difficulty has been found in obtaining a suitable site for this purpose, for the very reason that there are no macadamised roads to most of the sites by the sea belonging to the Government. This site was not in any way proposed by the Government, but by those interested in the Cottage-by-the-Sea, who appealed to the local Roads Board as to whether they would agree to get this reserve used for that purpose, the reserve being vested in the local body. The local body have no objection whatever. Of course, we had a letter to that effect before being entitled to move in the matter. The Lands Department never move in these matters until satisfied by the local body, the representatives of all the people for that particular part, that it would be desirable to vest the property in another direction. If the objection with regard to the suspension of the Standing Orders be upheld, I shall withdraw the motion and move that the second reading be made an order for to-morrow. I would like members to withdraw their objection to the suspension of the Standing Orders.

Motion by leave withdrawn.

Second reading of Bill made an order for the next sitting.

#### SUPPLY BILL, ASSENT.

Message from the GOVERNOR read, assenting to Supply Bill.

#### PARKS AND RESERVES AMENDMENT BILL.

##### SECOND READING (MOVED).

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I would point out that this is an amendment of the Parks and Reserves Act of 1895. It has been found that the Act of 1895 has not been as useful as it might have been, owing to some little technicalities not being observed, which we now propose to adjust by means of this Bill, particularly with regard to Clause 2, which provides that the Governor may constitute the municipal council or roads board a board of parks and reserves. Members will observe that under Section 3 of the Parks and Reserves Act of 1895 the Governor can

only appoint persons to form boards to control and manage parks and reserves. He cannot appoint the municipal council, nor can he appoint the roads boards at the present time, but he "shall appoint persons to form boards of parks and reserves." In my own district I was chairman of the roads board, and I asked that the board should be appointed as a board to take charge of certain parks and reserves, but I was informed that it could not be done owing to the Governor only having power to appoint persons. That being so, we thought it well to have the Act amended so as to enable the Governor to appoint not only persons but a council or board, "and in such case the municipal council or road board shall be charged with the duties, and may exercise the powers conferred by the principal Act upon a board of parks and reserves." Of course the advantage of this is that you will not only already have a board in whom a park is vested ready to look after the interests of that park, but the board will have the right under the Roads Act, a consolidating Act, which you will have before you in a few days, to expend rates upon those reserves. At the present time it has been the custom to appoint certain trustees as boards in charge of these parks, and they have had no right to expend money raised by rates, the only money they could expend being grants from the Government. As there are now such very liberal grants to roads boards and municipalities, it is thought those bodies ought to be able to expend moneys on parks vested in them, and that is the main object of this Bill. There are certain clauses which are really only an extension of the powers of the present Parks and Reserves Act. You will find in Clause 3 of the Bill a provision which is an amendment of Section 5 of the principal Act. Section 5 of the principal Act gives certain powers included in the general powers which boards have at the present time. By this Bill increased power is to be given by adding sub-clause (g.)—"Render more accessible the entrances to and passages within any cave, and illuminate any cave with electric or other artificial light." That is entirely dealing with the Caves in the South-west. We have reserves there, and under the Parks and Reserves Act we have no power to deal with those reserves in that

particular way, so far as regards rendering the entrances to and passages within these Caves more accessible. By inserting this amendment we obviate having a special amending Act for that purpose. We shall then be able to do what is absolutely necessary to open up those caves for public utility. By Clause 4 there is an amendment of Section 8 of the principal Act. Section 8 of the principal Act provides that a board may make by-laws, including provision whereby "damage or injury to and destruction of trees, shrubs, plants, and flowers in the park lands and reserves" is prohibited; and it is proposed in this clause to add after the words "park lands and reserves," "or any animal or bird, or any building, erection, or other property therein." Under Clause 5 "the Governor may, with the consent of the board, (a) erect, or permit to be erected, within any park or reserve, hotels, refreshment rooms, and places for the accommodation of the public, and grant leases thereof, or of the sites thereof, to any person, for any term not exceeding seven years." I think this is found to be very desirable. In all other towns, certainly in all the continental towns in Europe, you find such places provided in all public reserves and recreation grounds. At the present time a board has no power whatever under the Parks and Reserves Act to erect refreshment rooms or hotels.

HON. J. W. HACKETT: What about the licensing board?

HON. M. L. MOSS: It is the same as licensing refreshment rooms on the railway.

THE MINISTER FOR LANDS: We have a precedent, for we possess similar power under the Railways Act at the present time. The clause also provides that the Governor may "(b.) Grant to the lessee or occupier any license under the Wines, Beer, and Spirit Sale Act, 1880, or any amendment thereof." Clause 6 provides that "No license under any Act relating to the sale of wines, beer, or spirit shall be granted to the owner or occupier of any private land within the outer boundaries of any park or reserve, without the consent of the board." In many of our reserves in this State, the reserves being very large, there are portions of private property within the outer boundaries, and this clause pro-

vides that no one having a small location in a large public reserve shall be able to obtain a license and place a public-house on his land without the consent of the board. This is very necessary, and we have precedent for it also in New South Wales in relation to the Government reserves there. No licenses are permitted there at all, although there are certain private lands. Clause 7 is a provision to enable trams to run in the parks. This is wholly in regard to King's Park. It has been proposed to run a tramway into that park to enable the public and invalids in Perth to take advantage of the park. At the present time the cost of driving in King's Park is very great, and it is thought that if a tramway line were run so as not to interfere with the avenues or the broad roadways it would be of very great advantage to the public. I have personal knowledge of a precedent of the kind in the city of Rome, in Italy, where a tramway company has been allowed to lay a line through one of the most beautiful gardens, right to its centre, by a back way; and this line has proved of great advantage to the community, as I venture to think a similar line will prove here. I see no reason why the same thing should not be done here with the approval of the board. Clause 8 provides that the powers conferred by this Act may be exercised, notwithstanding the circumstance that a reserve may be classified as (a.) under the Permanent Reserves Act; 1899. Hon. members are aware that under the Act in question reserves are classified as (a.), (b.), and (c.), and that the purposes of reserves classed as (a.) cannot be changed except by Act of Parliament. It is proposed to override that provision by this particular clause; that is to say, this provision of the Permanent Reserves Act is to be waived in the particular cases falling under this amending Bill.

HON. J. W. HACKETT: The provision is practically repealed.

THE MINISTER FOR LANDS: In these particular cases, yes; but not entirely repealed; repealed only in a measure, so far as this particular Bill is concerned. For the specific objects of this Bill, that provision of the Permanent Reserves Act would be repealed; and it remains for hon. members to say whether the purposes of the measure now under

consideration are such as they consider sufficient to make the qualified repeal advisable. I have endeavoured to make it plain to hon. members that the principal object of this Bill, in the first place, is to enable the Governor-in-Council to appoint local boards, roads boards, and municipalities as trustees of various reserves; and, in the second place, to effect the various modifications of the existing Act which I have mentioned. I hope hon. members will see their way to support the second reading of the Bill.

On motion by HON. J. W. HACKETT, debate adjourned.

#### PHARMACY AND POISONS ACT AMENDMENT BILL.

##### SECOND READING.

HON. M. L. MOSS (Minister), in moving the second reading, said: This small Bill has been brought forward for the purpose of correcting a stupid blunder which has crept into Section 38 of the Pharmacy and Poisons Act, 1894. The Act in question was placed on the statute-book with the object of regulating the sale of poisons in this State, and of providing that persons practising as chemists here should be properly qualified. In Section 38 of that Act it was found necessary to provide that—

From and after the date of the first appointment of the Council—

That is the council of the Pharmaceutical Society—

(1) Any person other than (a.) A pharmaceutical chemist, or (b.) A person or company registered under "The Companies Act, 1893," carrying on the business of a chemist and druggist or of a pharmaceutical chemist by an agent, manager, or servant who is a pharmaceutical chemist . . . shall be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding Fifty pounds, or to imprisonment for any term not exceeding twelve months, for each such offence.

That is to say, any unqualified person who carried on the business of a chemist in this State was liable to prosecution. That was, no doubt, proper legislation. It is very much to the interest of the public that persons dispensing drugs should be properly qualified for the business. As I have said, however, a stupid mistake has crept into Sub-section (b.) of Section 38; and that mistake consists in the insertion of the words "a

person" at the beginning of the sub-section. On looking up the records relating to this measure, I find that when the Bill passed another place in 1894, the sub-section in question read as follows:

From and after the date of the first appointment of the Council, (1.) Any person other than (a.) A pharmaceutical chemist, or (b.) A company registered under "The Companies Act, 1893"—

And so forth. The words "a person" are omitted. When the measure came to the Legislative Council, however, some hon. member, who I think can hardly have recognised the import of his action, secured the insertion of the words, "a person," and the result was to land us in this difficulty. The Act says that its provisions shall not apply to a person or company registered under the Companies Act of 1893. Now, a single person cannot register under the Companies Act at all, because, as a reference to the measure will show, at least five persons are necessary in order to register as a joint-stock company. The only construction which gives due meaning and effect to all the words of the sub-section absolutely nullifies the effect of the whole section; and thus an unqualified person becomes qualified to carry on a business which, under this statute, was intended to be carried on only by a person who had passed the necessary examinations, and was accordingly entitled to a qualifying certificate from the Pharmaceutical Society. The result is that we have at the present time in this State unqualified persons carrying on the business of a chemist. They seek to take advantage of the mistake made. The result is that any one person—as no number of persons less than five can register under the Companies Act—any one person, provided he be registered as a chemist, enjoys all the privileges which should devolve only on a properly qualified chemist. The only other provision of this clause calling for notice is that contained in Sub-clause (d), which removes from the operation of Section 38 of the principal Act—

A person taking possession of the stock-in-trade of a pharmaceutical chemist under a *bona fide* mortgage or other security, and carrying on the business for a period not exceeding three months, for the purpose of selling the same as a going concern.

The position at present is as follows. A

person may have a mortgage over the assets and goodwill of a chemist's business, and on taking possession under the mortgage may find himself unable to keep the business going, because by law he has no right to carry it on except he be a qualified chemist. That is a wrong state of affairs. A person lending money on the security of a chemist's business should be afforded every opportunity of realising that security, like any other, to the best advantage. This sub-clause is intended to remedy the defect I have pointed out. Clause 2 I am sure hon. members will regard as of great importance. This clause likewise is intended to remedy a defect in the principal Act. It provides that:

Upon the decease or bankruptcy of any pharmaceutical chemist actually in business at the time of his death or bankruptcy, it shall be lawful for his executor or administrator, or for the Curator of Intestate Estates, or for the Official Receiver or trustee in bankruptcy, to continue such business for a period of six months, and for such farther period as may be permitted by the Board: Provided that the business is always *bona fide* conducted by a registered pharmaceutical chemist.

This provision is practically in the same terms as that which obtains in connection with liquor licenses. The license of premises licensed under the Wines, Beer, and Spirit Sale Act may be kept alive pending bankruptcy proceedings, or while the affairs of a deceased licensee are being administered. It has been thought advisable that in the case of decease or bankruptcy of a chemist a similar provision should apply. Clause 3 of the Bill is intended merely to correct a mistake in the Pharmacy and Poisons Act Amendment Act, 1899. The proposal is to amend Section 6 of that Act by substituting the word "four" for "five" in the second line. I may remark that this amendment has reference to a mistake which appears to have been made in the numbering. I shall draw attention to the matter when the Bill goes into Committee. I may inform hon. members that the present Bill has been suggested by the President and Council of the Pharmaceutical Society, who consider that for the proper working of the existing measures, and also for the adequate protection of the public, it is highly desirable, and indeed imperatively necessary, that the defects to which I have

drawn attention should be immediately remedied. I am sure the House will agree that if we are to have on our statute-book measures designed to prohibit unqualified persons from practising as chemists, it is desirable and necessary that those measures should be as workable as possible, and not contain mistakes of the nature I have indicated.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

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

HON. M. L. MOSS: The Parliamentary Draftsman had suggested two small amendments in Sub-clause (d.); that in line 3, after "business" the words "by a registered pharmaceutical chemist" be inserted, and that in line 5 the word "same" be struck out and "business" inserted in lieu.

HON. R. G. BURGESS: Hon. members ought to have an opportunity of considering this Bill. Legislation affecting chemists was often of great importance. We had before us not only an amending Bill, but amendments on that amending Bill. He therefore moved that progress be reported.

Progress reported, and leave given to sit again.

#### FREMANTLE PRISON SITE BILL.

##### SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: The object of this Bill is to repeal an old Act of 1851, which is quite obsolete. That Act vested the site of the convict prison in Fremantle in certain officers of the Crown. Since then various grants have been made by the Governments of the day of certain portions of that site to different bodies, particularly to the municipality of Fremantle and also to certain ecclesiastical bodies; and their title is perhaps in some respects doubtful, for so long as this Act exists the legal estate still stands in the names of representatives of His Majesty, in regard to the original investiture. Therefore this Bill has been found necessary, and it was pointed out when the Penal Commission sat some years ago that sooner or later those to whom the land had been

granted would need to have their title secured, and to get the old Act repealed. I bring forward this Bill with the object of repealing that Act and validating and confirming the grants made to the municipality of Fremantle and those various ecclesiastical bodies. This is done by Clause 1 of the Bill, repealing the Ordinance "to vest the site of the convict prison at Fremantle in certain officers in trust for Her Majesty, her heirs and successors, for ever." Clause 2 provides that "Subject to the grants mentioned in the second schedule, the land described in the first schedule is hereby vested in His Majesty, his heirs and successors, for ever." After having set aside the various grants made to these bodies, the balance of the land will be the convict site. Clause 3 provides that "The grants mentioned in the second schedule comprising portions of the land described in the first schedule are hereby validated and confirmed." It seems to have been a somewhat irregular act on the part of past Governments to make these grants at all, the Act at present on our statute-book being in existence. This Act of 1851 should have been repealed before those grants were made; but seeing that the grants have been made, and made by Governments with which we had nothing to do, I think we must validate and confirm them. I ask you to pass the second reading of the Bill as being absolutely necessary in justice to those to whom this land was granted in previous periods, as laid down by the schedule.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

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

#### TRANSFER OF LAND AMENDMENT BILL.

##### SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: The object of this Bill is to bring our Transfer of Land Act into line with all the other States, except Victoria. The present custom is that, when a certificate is granted, a new certificate is issued to the transferee, and



the old certificate is held by the Titles Office for the transferror. When the transferror wants to get his title, to see how it stands, it at present appears something like this. [Title held up before members.] It is covered with indorsements or cancellations of small portions of the original estate, the result being that it is difficult to know really how much of the estate is left. It is now proposed in the Bill that when a transfer is made, a clean certificate of title shall be given to the transferee. At the present time he gets a clean transfer, but the old title will be held by the Titles Office. It will not be given up at all. If the transferror should require his title for any particular purpose, he need not take the title out unless he deems it necessary to do so. If he requires the title for any particular purpose he can get a fresh title by paying a small fee of 10s. and 2s. 6d. for registration. This will simplify the matter very considerably. The fee is a small one. The system gives a little more work to the Titles Office, no doubt, but it simplifies the matter of titles very materially. There is only one State in Australia where it is not done, and that is the State of Victoria, from which our Land Transfer Act was originally taken. You will see by Clause 2 of the Bill that all the other States have adopted this very plan. This can be done by carrying out the Bill now introduced. Clause 2 provides that "Section 86 of the Transfer of Land Act, 1893, is hereby amended by inserting after the word 'wholly,' in the seventh line, the words 'or partially'; and by striking out, in the seventh, eighth, and ninth lines, the words 'and the duplicate of any partially cancelled certificate shall be returned indorsed as aforesaid to the transferror.'" That is the whole object of this Bill, and I think members will admit that the measure is a very desirable one.

HON. G. BELLINGHAM (South): I take it the intention is to issue the titles from the Titles Office showing the whole of the land included in the titles. At the present time, when the title of an estate goes into the Titles Office, as soon as transactions take place and allotments of land are sold, these are indorsed on the title, and the indorsements on the certificates, as the Minister showed us

just now, cover up a very considerable amount of the parchment. I understand that the intention is for the Titles Office to issue deeds or certificates without any indorsements on them, so that the whole of the land shown on the deed is the land which belongs to the registered holder. The fee of 10s. is the one laid down in the present schedule of the Act. I understand that the various bank managers have been consulted on these matters, and have expressed their entire approval. When a man with a large estate has it surveyed and cut up into allotments, the usual practice is to leave the title in the Titles Department until the whole of the land is absorbed, and certificates are issued showing the various portions. That can still be done, but in the case where a person wants to get the balance of the land, he gets a clean title and can see without any trouble what land he has left. I am quite prepared to support this Bill.

Question put and passed,  
Bill read a second time.

#### IN COMMITTEE.

Clause 1—agreed to.

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

HON. M. L. MOSS: It was proposed to add three new clauses and a schedule to the Bill.

THE CHAIRMAN: The matter before the Committee was Clause 2 of the Bill, and not any amendment.

HON. M. L. MOSS: In that case the Committee had got to the end of the Bill, and he therefore moved that progress be reported.

Progress reported, and leave given to sit again.

#### FRIENDLY SOCIETIES ACT AMENDMENT BILL.

##### SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I may remind hon. members that this Bill has already come before the House, and has gone through all stages. However, the measure has come back to us for consideration. I do not know that the fact of its having been previously discussed will greatly affect argument on it, seeing that we have many new members; and therefore,

perhaps, I had better show clearly what the objects of the Bill are. Clause 2 sets forth the principal object of the measure, namely that societies wishing to provide medical services, or to provide a sick or a burial fund, under the Friendly Societies Act as it stands at the present time, must register under the Act. Such bodies, unless registered under the Friendly Societies Act, are not to be permitted to do the things I have mentioned. Against this chief aim of the Bill the objection has been raised that it will act harshly towards certain members of the goldfields community. Having looked into the matter, however, I can assure hon. members that such is not the case; that, on the contrary, if this Bill does not become law, a hardship existing at the present time will continue. That hardship consists in the circumstance that many members of friendly societies who reside on the goldfields have levied on them a rate of 1s. per week by various companies for medical services. Such employees of these companies as belong to friendly societies thus have to pay twice over for medical assistance; once out of their weekly wages to the companies, and once again by subscription to their societies, their membership of which they may not feel disposed to terminate since it carries with it certain benefits. If bodies desirous of affording medical aid are compelled to register under the Friendly Societies Act, the difficulty in question will be met. The amendment contemplated seems to me most reasonable, and I think the Government will have no difficulty in obtaining the support of the House for it. Clause 3 provides that no company or corporation shall either provide medical services or provide for a sick or burial fund. The object of that provision is to prevent evasion, because certain companies might maintain that they were not societies, but other bodies or persons. In order, therefore, to make it perfectly clear that no company or corporation is to do the things enumerated, Clause 3 has been inserted. The natural corollary of Sub-clause (a.) of this clause is the provision in Sub-clause (b.) that companies and corporations shall be incapable of registration under the principal Act. Clause 5 is designed merely to provide that friendly societies

shall not in any way interfere with the operations of life assurance companies, or with the operations of unions formed under the Industrial Conciliation and Arbitration Act and Trade Unions Regulation Act. Such bodies already have various benefits granted them by statute, and it is not desired to interfere in any way by this amending Bill with those benefits. Clause 6 provides for the insuring of money to be paid on the death of certain persons. This clause can be best explained by reading Section 7, Sub-section 3, of the original Act as it will stand:—

For insuring money to be paid on the death of such persons or for defraying the expenses of the burial of such persons, subject to the restrictions hereinafter contained.

The insertion of those words makes the object of Section 7, Sub-section (3), of the present Act much clearer. By Sub-clause 2 of Clause 6 it is provided that after the word "week" in the same Section 7 of the principal Act, the words "or for the payment of a sum at death, or for defraying the expenses of burial exceeding in the case of a member Twenty-five pounds, or, in the case of any other person Fifteen pounds" shall be inserted. The object is to make it perfectly clear that friendly societies must not in any way whatever interfere with the operations of life assurance companies, which assure for much larger sums. The provision limits the amount up to which assurance may be effected with friendly societies. This seems to me quite reasonable, for if friendly societies were permitted to assure for large sums, there would be a clash of interests and the intention of the Friendly Societies Act would not be carried out. The remainder of the amendments contemplated are of a purely technical character, and I shall state the reasons for them when the Bill goes into Committee. I do not think it necessary to dwell on these points on the second reading. The main object of the Bill, I repeat, is simply to forbid the registration under the Friendly Societies Act of companies which at the present time are levying rates for medical purposes. The measure has already received the support of this Chamber, and I hope there will be no difficulty in passing it now.

Question put and passed.

Bill read a second time.

PUBLIC SERVICE ACT AMENDMENT  
BILL.

## SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: This is a short Bill designed to amend the Public Service Act, 1900. The necessity for amendment of that Act has been felt for some time past; indeed, the necessity was so strongly felt that at one time it was thought advisable by the Government to repeal the Act. However, that proposal did not meet with the approval of Parliament. Certain amendments are now proposed. Hon. members will observe that by Clause 2 of the Bill, Section 5 of the existing Act is amended by the insertion of the words:—

Railway servants within the meaning of the Railway Servants Act, 1887, or whose appointment is within the power of the Commissioner of Railways, under the authority delegated by the Governor or otherwise.

The object of the clause is to exempt from the operation of the Civil Service Act all railway servants specified in the schedule to the Railway Servants Act, 1887. This was the original intention, but it seems questionable whether the appointment of any railway servants specified in the schedule can be delegated by the Governor, in view of Section 38 of the Railway Servants Act, which states that the Governor must approve of all appointments to be made. The amendment under consideration, therefore, is designed to make clearer and render more secure the object aimed at by Section 5 of the principal Act. I hope I have made myself clear. The matter is rather difficult to follow, but a reference to the Railway Servants Act will show hon. members exactly what I mean. Clause 3 represents little more than a verbal amendment, striking out as it does "each year" in Section 28, line 8, of the principal Act, and thus rendering it unnecessary for the Minister to repeat his consent each year. Then, by Clause 4 Section 29 of the principal Act is amended by adding the following sub-section: "In computing continuous service under this section, service prior to the commencement of this Act shall be included." When the question of long leave arose it was very doubtful whether we were to compute the period of service previous to the passing of the Public Service Act,

and this is to provide that it shall be so. If when this measure comes into force a civil servant has been six years in the service, he will be entitled to long service leave. By Clause 5 we strike out certain of the present holidays, namely Coronation Day, the Prince of Wales Birthday, and the 26th January. The public holidays are so numerous, largely interfering with business, that it was thought advisable to strike those three out of the Public Service Act. The holidays mentioned in the original Act are the birthday of the Sovereign, the anniversary of the coronation of the Sovereign, the birthday of the Prince of Wales, the anniversary of the foundation of the colony, the anniversary of the settlement of Australia, and Proclamation Day. By Clause 5 the birthday of the Sovereign, Foundation Day, and Proclamation Day remain. It has been thought that this will bring our Act more into line with similar Acts in the Eastern States. Clause 6 is simply a consequential amendment, inasmuch as the Bank Holidays Act, 1899, provides that bank holidays shall be public holidays, and those struck out are bank holidays. It is purely consequential. Clause 7 provides that "Sections fourteen and forty of the principal Act are hereby repealed." The object of repealing Section 14 is to enable the Government better to prepare their Estimates. At the present time the Government cannot bring forward their Estimates before Parliament reducing salaries, and it is proposed that they should have the same right to reduce as to increase, if thought advisable. The effect of the repeal of Section 40 of the principal Act will be that temporary officers will no longer be considered permanent officers. That section was introduced by one of the private members, and under it all those who have been on the temporary staff for two years are to be treated as on the permanent staff. That is found most inconvenient, because we have many works purely of a temporary nature; therefore, it is deemed advisable to repeal that section. Clause 8 provides that in the case of illness, suspension, or absence of any public servant, whether his office is created by statute or otherwise, the Governor may appoint some person to act as a deputy. At the present time we

have not the power. Under the present Act, if a person is appointed by statute, the Governor has not the power to appoint someone to deal with the work. I had an instance of that in my own department quite lately. Through the illness of Mr. Paterson, I had to appoint someone as bank manager, and it was very doubtful whether I possessed the power to do so. However, we have been obliged to do it, and we hope it will be all right. But we want to be sure of it, and, in order to be certain, we insert this clause in the Public Service Bill. Clause 9 provides that it shall be in the discretion of the Governor whether a board of inquiry is to be appointed or not. This is being much discussed. It is a most expensive matter. When a servant is dismissed he can at once demand a board of inquiry, which is, undoubtedly, costing the country a great deal of money, and the provision is one which, I understand, exists in no other country. To take entirely from the Government the power to decide whether there should be a board or not seems to me to be interfering with certain privileges of the Government, and not to be to the interests of the State in any way whatever. If the Government cannot be trusted to have a board appointed, I do not think them fit to carry on the responsible and important duties which they have to perform. Clause 10 provides that: "Nothing in the principal Act, as from the commencement thereof, shall be construed or held to abrogate or restrict the right or power of the Crown, as it existed before the passing of the said Act, to dispense with the services of any person employed in the public service." This simply means that we have power to dismiss a servant when we deem it necessary to do so. Under the Master and Servants Act a master has power to dismiss a servant; therefore if the Government service is to be properly carried out, there should be power, when an officer misbehaves himself, to dismiss him, and Clause 10 provides for that. I think these are all very reasonable amendments in this measure, and we have found by the working of the Act that they are all necessary. This Act has now been in operation for some two years, and has been exceedingly difficult to administer. The Act has caused a great deal of trouble and

has put the country to very much expense. We do not really interfere with any of the privileges of the civil servants in proposing these amendments, but are simply making the Act more workable. I am sure members will see the desirability of supporting me in the second reading of the Bill.

Question put and passed.

Bill read a second time.

THE MINISTER FOR LANDS suggested that the President leave the Chair for the purpose of the Bill being considered in Committee.

HON. B. C. WOOD (Metropolitan-Suburban): I raise a protest against this unseemly haste. The Public Service Bill is a most important one. It contains very important clauses, and I think it should be left until to-morrow at the very least, so that we may go through them, in order that members shall have an opportunity of considering the amendments which have been proposed.

On motion by the MINISTER FOR LANDS, the Committee stage postponed until the next sitting.

#### ADJOURNMENT.

The House adjourned at twelve minutes past six o'clock, until the next Tuesday.