

THE CHAIRMAN: The hon. member could not move that amendment. The test vote taken just now was on the question that there be 43 members of the Legislative Assembly and 23 members of the Legislative Council. The object of that vote was to reduce the salaries of members of the Legislative Council by £100. It was a question already decided.

MR. HOPKINS: Would he be in order in moving that members of Parliament be paid by results? (General laughter.)

THE CHAIRMAN: The hon. member had better give notice of that at the report stage.

Schedule as amended put and passed.

Preamble, Title—agreed to.

Bill reported, with amendments.

ADJOURNMENT.

The House adjourned at 10.10 o'clock, until the next day.

Legislative Council,

Wednesday, 26th November, 1902.

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The **PRESIDENT** took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the **MINISTER FOR LANDS:** Report of the Central Board of Health, 1902.

Ordered: To lie on the table.

FACTORIES AND SHOPS BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson): In moving the second

reading of this Bill, entitled an Act relating to factories and shops, I do not know that at this time it is necessary to adduce arguments for such legislation. The need for the regulation of factories is now so fully acknowledged by all British people, that I shall hardly be expected to give reasons for bringing in the Bill. I may say, however, that legislation of this kind has existed in Great Britain for 100 years, and has gradually progressed since the beginning of last century; in fact, this is a class of legislation for which England has probably been more renowned than any European country. It is to England that other industrial nations throughout the world have looked for an example when framing such measures; therefore it is merely a mark of the progress of our times that we should be called on to consider the Bill. There are Factory Acts in all the Eastern States and in New Zealand, and it is only this State which is without one. The first object of the Bill is to conserve the health of the workers. That has been the object of all Factory Acts in the first instance—to promote the health of the employees by securing cleanliness, ventilation, and other sanitary conditions. The second object of such legislation is the safety of those who work among dangerous machinery. The dangerous parts of the machinery are to be fenced off so that the workers may not be drawn in and disabled. These are important objects of all factory legislation; but we have now advanced somewhat farther, and desire to secure to the worker as much leisure as possible. With this end in view the hours of labour have from time to time been reduced; and they are regulated by the Bill. Finally, the greatest need of all is that the morality of workers should be safeguarded. Factories should have decent accommodation for each sex, and factory life should be well ordered, so as not to constitute a blot on our social system. On reading the very interesting history of factory legislation throughout the last century, one finds that the objects constantly in view are health, safety, leisure, and morality. This Bill is not a slavish copy of any other, but is taken from the various Acts now existing in the Eastern States and New Zealand, more particularly the Victorian Act of

1890, the South Australian Act of 1894, the New South Wales Act of 1896, the Queensland Act of 1900, and the New Zealand Act of 1901; so we have a large number of Acts from which we can draw our legislation, and I may say at once this is a very moderate measure, not by any means so stringent as the Victorian Act, nor even so stringent as the Queensland Act, which was drafted for a country the climate of which is in many respects similar to ours. Although we have not a Factories Act in this State, we have in the Health Act and the Municipalities Act certain sanitary provisions; and the Municipalities Act regulates accommodation in factories where machinery is used. Much good has been effected by the Industrial Statistics Act of 1897 also, by which we have ascertained what factories we have in this State. We have now upwards of 11,000 factory workers in the country, and their wage-list approaches £1,300,000; so the time has come when something must be done for them by legislation. Factories are springing up in all directions; and our industries are more numerous than one would at first suppose. I was asked the other day, "What is the use of a Factories Act here? We have no factories." That is not so. We are employing 11,000 factory hands in the following works:—Tanneries, bakeries, flour mills, aerated water factories, breweries, boot and shoe factories, tailoring establishments, brick-works, quarries, timber mills, furniture shops, boat-building establishments, dairies, printing works, saddlers' shops, and gas works; so there is a large number of industries which this Act will touch.

HON. E. G. BURGESS: There are not many children employed.

THE MINISTER FOR LANDS: There are a good many children, but not so many proportionately as would be found in more populous countries. I think members will see this is a Bill which has a sound economical object, inasmuch as factories are being established in our midst, and it is well that they should be established under regulations which must come sooner or later. Great expense will undoubtedly be saved if we legislate with a view to conditions which we know must soon obtain. If we establish it in that way at once, undoubtedly we shall save expense, therefore, to a large degree, it is

an economical measure. I would like to draw the attention of members to some of the most important clauses of the Bill, so that we may better consider it. The definition of a factory is taken from the Queensland Act of 1900. It is included in Subclause (1) of Clause 2, which says:—

Any building, premises, or place in or in connection with which two or more persons, including the occupier, are engaged in working directly or indirectly at any handicraft, or in preparing, working at, dealing with, or manufacturing articles for or in connection with any trade, or for sale, including every laundry.

It is decided, therefore, that where two or more persons are employed, that number constitutes a factory. This clause has been very much discussed.

HON. J. W. HACKETT: What is the number in Queensland?

THE MINISTER FOR LANDS: The number in Queensland is two. This provision is taken from the Queensland Act. Then "factory" means—

Any building, premises, or place in which a person or persons of the Chinese or other Asiatic race is or are so engaged; and any building, premises, or place where steam or other mechanical power or appliance is used in preparing, working at, dealing with, or manufacturing goods or packing them for transit.

This is inserted because it is very difficult to trace the Chinese or other Asiatics. They are so much like one another that it is not possible to identify them readily. Therefore, it is difficult to know if there are one or more persons employed in a place. It is thought that it will be safer to say that any place where there is one Chinese or other Asiatic at work is to be taken as a factory.

HON. J. W. HACKETT: One person is a factory?

THE MINISTER FOR LANDS: That is if that person is a Chinese or other Asiatic. One cannot be sure there is only one Asiatic employed in a factory. Where there is one, there may be many. A factory does not include any prison or any industrial or reformatory school, and the reason is obvious, because they are State establishments. Neither does a factory include—

Any building, premises, or place used for the manufacture of dairy produce; or any ship; or any building, premises, or place used exclusively for pastoral or agricultural purposes.

That is owing to the processes being dependent on conditions that cannot be controlled. Shipping is dependent on weather, and agriculture is dependent upon the seasons, which we cannot control. Therefore, agricultural and pastoral pursuits are left outside the provisions of the Bill; so also is shipping.

HON. G. RANDELL: Subclause 3 is of some importance.

THE MINISTER FOR LANDS: It is clear.

SIR EDWARD WITTENOOM: A private house?

THE MINISTER FOR LANDS: Later on one of these places is excluded; but I will go on with the explanation of the Bill, and come back to that later. Subclause (e) states:—

Any mine, or colliery, or any place in which machinery is used about a mine or colliery.

These conditions are provided for under the Mines Regulations Act, therefore it is unnecessary to deal with them in the Bill. Subclause (f) includes private places. It says:—

Any building, premises, or place in which any person, not being a Chinese or other Asiatic race, is so engaged at home, that is to say, in private premises used as a dwelling, or in any adjacent building or structure appropriated to the use of the household, and in which no steam or other mechanical power is used in aid of the manufacturing process carried on there, and where the only persons engaged do not exceed four and are members of the same family, and dwelling there.

I think that will clear away the difficulty in regard to Subclause 3.

HON. J. W. HACKETT: One Chinese amongst twenty Europeans makes it a factory. Wherever there is a Chinaman to be found, it is bound to be a factory.

THE MINISTER FOR LANDS: He must be working at a definite trade.

HON. J. W. HACKETT: At cooking?

THE MINISTER FOR LANDS: We will deal with that when we come to it later on. I am explaining the provisions of the Bill now.

HON. M. L. MOSS: The man who employs a Chinaman must put up with the inconvenience.

THE MINISTER FOR LANDS: When we come to deal with the matter in Committee, I shall be prepared to enter into these matters. On the second reading I think we are inclined to get into too discursive a mood. There are constant

interruptions going on. It seems to be unnecessary to go farther into the matter on the second reading, only to point out the leading features of the Bill, so as to be able to deal with the questions when the Committee stage comes along. But it is not impossible to go into the details of all the clauses just now.

HON. R. G. BURGESS: We may not get to the Committee stage.

THE MINISTER FOR LANDS: We shall not get to the Committee stage if members think that the Bill is not worth to be read a second time. At present, I am dealing with the principles upon which we believe the Bill should be established. Part III. deals with factories, and Part IV. with shops. The Bill is really divided into three parts, and each is entirely distinct. This measure also includes the early closing of shops, and one part deals entirely with that subject. The third part is kept entirely apart from factories under Part III. Members will find that under Clause 6 the application of the Bill is by proclamation. It is not proposed that this Bill should affect the whole State at first. It can be brought into force by proclamation where it is found to be necessary. The Bill will only be brought into force at such places as the Governor in the *Gazette* shall declare necessary. I believe there are parts of the State to which the Bill is not applicable, and members will know that the Bill will not apply to those parts. It will only apply to those portions of the State to which it is deemed advisable, and the Governor may in like manner rescind or alter any notice under Clause 6. It is more a factory measure at the present time. Clauses 7 to 17 contain provisions for the registration of factories. The registration must take place within three months from the application of the Bill, and the registration must provide for the names in full of the occupier, the kind of business, the nature of the work, and the number of persons to be employed therein, and other particulars. That is dealt with in Clause 7, and the other clauses, on to Clause 17, are machinery clauses in regard to registration. I should like to point out that in Clause 16 it is provided that if the occupier is married then the occupier, together with his wife, shall be considered one person so employed. Where the operations of a fac-

tory are carried on in adjacent buildings, all are included as one and the same factory. In Clauses 18 to 20, provision is made for the inspection of factories, and setting forth the powers of inspectors. The laws of a country cannot be carried out unless there is inspection. But we do not think that there should be anything like harassing treatment by inspectors. That will be checked by the Minister. There will be nothing to fear that the inspectors will use their power unduly. By Clause 21, a record must be kept of the names of all persons employed in a factory, together with the respective ages of all persons under 18 years of age. And a record must be kept of the name and address of the inspector for the district, the working hours of the factory, and the holidays and days on which women and boys are allowed a half-holiday. The hours of work in factories are not laid down in the Bill as far as adults are concerned. It was thought that while we have a Conciliation and Arbitration Act, and a court is provided for in that law, the court should decide and regulate the hours of labour. Therefore, it is not necessary to have a provision in this direction included in a Factories Bill. But we provide for the hours of work of women and boys under Clause 23. It will be seen that women and boys must not work more than 48 hours in any one week. That is similar to the Queensland law. In New Zealand the Act provides only for 45 hours for women and boys; but we have followed the Queensland Act in this respect. It has been represented that great inconvenience would be created if women and boys were only allowed to work for 45 hours. Clause 23 also provides that a woman or a boy shall not be employed—

For more than eight hours and three-quarters, excluding meal-times, in any one day.

This seems a reasonable provision. The clause farther provides that a woman or a boy shall not be employed—

For more than five hours continuously without an interval of at least three-quarters of an hour for a meal; nor at any time after one o'clock in the afternoon of one working day in each week; nor in the case of women, at any time between the hours of six o'clock in the evening and eight o'clock in the morning following: In the case of boys, at any time

between the hours of six o'clock in the evening and a quarter to eight o'clock in the morning following.

Clause 25 provides that there shall not be more than three hours' overtime in any day, and not on more than two consecutive days in any week and not on more than thirty days in any year. It will be seen, therefore, that not more than 90 hours' overtime during the year is allowed for boys and women. There are certain special provisions in regard to women and boys under Clause 27, in which it is provided that no deduction shall be made against wages for work actually done, except special damage which shall be withheld from the wages. Under Clause 28, members will find there is a provision in regard to the employment of boys and girls, and a restriction in regard to the ages of boys and girls in factories. Under Clause 32 it will be found that there is a provision in regard to sanitation, and Clause 32 and the several clauses that follow to Clause 37 contain provisions in regard to the sanitation of factories. These provisions are taken largely from the New Zealand Act, and they have been looked into very carefully indeed. I think they are very valuable provisions. The clauses provide for the drainage, overcrowding, and ventilation of factories. It is provided that there shall be fans, which is very important in a country like this. There is also a provision in regard to infectious diseases. Clause 36 states:—

In order to check the risk of disease being spread by infection or contagion the following provisions shall apply:—(1.) It shall not be lawful to manufacture or work up goods or materials, or to receive them for any such purpose, in any factory—(a) Wherein, to the knowledge of the occupier of such factory, there resides any person suffering from any infectious or contagious disease; or (b) Wherein any such person has so resided at any time during the previous fourteen days, unless and until the factory, and all such goods and materials therein, have been disinfected to the satisfaction of the inspector.

This is a very valuable enactment, to prevent the spread of disease.

HON. J. W. HACKETT: Have you struck out the provision in regard to iron buildings?

THE MINISTER FOR LANDS: That comes later on. Clause 42 contains a very reasonable provision as to accidents in factories. Clause 43 makes provision

for escapes being provided in case of fire. Clause 44 is important, and deals with sweating in factories. The occupier of a factory at all times must cause to be kept a record of the names, addresses, and descriptions of the work done, and the remuneration paid. By Subclause 2, if the person to whom the work is let or given out, directly or indirectly sublets the work or any part thereof, whether by way of piecework or otherwise, he is liable under the Bill. We are informed that nearly the whole of the sweating evil arises from the subletting and the re-subletting of contracts, with the result that tremendous pressure is brought to bear on women and young people in particular, necessitating their working till all hours of the night, greatly to the disadvantage of the community, especially in a country where it is desired that the physique of the people should be improved and well established in order to build up a great nation. It is therefore of the utmost importance that our men, and more especially our women, should be protected against sweating. I believe this clause will at all events in some measure accomplish that end.

SIR E. H. WITTENOOM: Suppose a contractor sublet a contract at the price he receives?

THE MINISTER FOR LANDS: What would be the object of his doing that? That is very unlikely. He will sublet with a view to making a profit. Unless a profit be anticipated there is not much object in subletting.

HON. G. RANDELL: What is the meaning of Subclause 4?

THE MINISTER FOR LANDS: It is difficult to see how a conviction can be obtained if that subclause be not enforced. However, that is a matter for consideration in Committee. Part IV. deals with shops, and I may point out that this part represents the Early Closing Act of 1901, with the exception of Clause 49, which is new, and relates to the closing time for small shops. This question of small shops was considered last session, and I suppose it will come up from time to time for ever if it be not settled now; for it has been recognised in the Eastern States that there should be a distinction between those persons carrying on their own shops with their families, and those who employ assistants. With regard to shops, the object of the Bill is

to protect the assistants. We do not wish to injure the man or the woman carrying on a small shop. The Early Closing Act has done great injury to the State. I have pointed out before in this House that the first Early Closing Act in Australia was passed in this country. That is strange, seeing that our State is so sparsely populated. New South Wales and South Australia actually copied our original Act, used it for some time, and then had it amended in the direction in which this Bill seeks to amend it, namely by making provision for the carrying on of small shops as distinguished from large shops working with assistants. By the Bill small shops may be open from 7 o'clock in the morning of every week day, and the closing time for them shall be 8 o'clock in every evening on which the shop, if not exempted under Clause 47, would have been closed at 6 o'clock, and 10 o'clock in the evening of Wednesday or Saturday, according to the choice of the shopkeeper; and no person shall be registered or employed as an assistant unless such person is the husband, wife, grandchild, sister, or parent of the shopkeeper. This is a valuable provision against undue interference with small people; for if they are crushed out, as many have been, great hardship is inflicted not on the consuming public only but on enterprising people who wish to make their way in the world. If we insist that a man must close his shop at 6 o'clock and use his premises within certain hours only, he must, in order to make a living, go to the centres of population where the rents are high. It is impossible for him to carry on business in a sparsely-populated neighbourhood, particularly in the suburbs, if he has to close at so early an hour as 6 o'clock; for a small shop does very little business in the day time, therefore to close at 6 means simple ruin. I know that from my own personal experience. During the last few years many people who have been driven out of business have before leaving the State told me that they have been ruined by the Early Closing Act. I have no hesitation in saying that was one of the cruellest measures ever passed in this State; for it undoubtedly ruined many a small man struggling to make his way. Probably he came here with a little capital, built a house in some

outlying part of a town, expended his money, and then when the Early Closing Act came into force was sold up and absolutely ruined. Many such people have had to leave our shores for countries where the law is more liberal, and where they are allowed to carry on legitimate business during reasonable hours—hours which will best suit their pockets and their families.

HON. J. W. HACKETT: Then we have set a bad example to the other States?

THE MINISTER FOR LANDS: They did not follow it very long. They quickly amended their Acts. I need not longer take up time. All the remaining clauses of the Bill are machinery clauses merely. It will be found that Clause 66 provides for the safety and the management of elevators; Clause 68 provides for what Mr. Hackett referred to, the lining of iron buildings; Clause 69 for escape from fire, Clause 70 for lavatories, Clause 71 for sitting accommodation for women; and so on. They are merely machinery clauses to carry out the provisions I have already mentioned in regard to factories and shops; and I hope hon. members will see their way to support the second reading of this very moderate and temperate measure, and if they wish to alter the details, that can be done in Committee. I move that the Bill be now read a second time.

On motion by HON. J. M. DREW, debate adjourned till the next Tuesday.

CRIMINAL CODE BILL.

Received from the Legislative Assembly, and on motion by Hon. M. L. Moss, read a first time.

POLICE ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous sitting; the MINISTER FOR LANDS in charge.

New Clause:

HON. G. RANDELL moved that the following be added to the Bill:—

Every person who shall, in any street or public place or within the view of persons passing therein, between the hours of 11 a.m. and 1 p.m. on Sunday, sell or dispose or attempt to sell or dispose or invite any person in any manner to purchase any books, newspapers, or periodicals, shall on conviction forfeit and pay for every such offence a sum not exceeding Five pounds.

The hawking of newspapers in the streets on Sundays was an intolerable nuisance, and should be stopped at all events immediately before and during the hours of divine service in the morning. Urchins seemed to take a peculiar pleasure in calling their wares at the doors of churches, and this was an outrage on the common decencies of life. There was ample time for selling such papers without interfering with public worship. He could not speak for other parts of the State, but he supposed the same evil prevailed there. In the best interests of the boys themselves, they should be taught a little more reverence for things of higher importance than the hawking of newspapers on Sunday. There was a strong and earnest desire to put a stop to the unreasonable and improper interference of the quiet of the Sabbath-day. It was his desire to have made the hour half-past 10 to one o'clock.

MEMBER: What about the earlier services?

HON. G. RANDELL: The great body of people attended service from 11 o'clock to one o'clock, and because there was another denomination which desired to hold a service earlier in the day, there was no reason why a special provision should be made for that. He would like to see the sale of newspapers prohibited on the Sunday altogether. The newspapers were published on a Saturday, and there was no reason why they should be retailed for sale on a Sunday. He could hardly conceive that public opinion was not with him in trying to prevent the sale of newspapers and the noisy cries of the boys on Sunday mornings.

Clause passed, and added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

PUBLIC WORKS BILL.

RECOMMITTAL.

Resumed from the previous sitting.

Clauses 96 to 122, inclusive—agreed to.

Clause 123—Works authorised, or anything commenced under repealed enactments:

HON. G. RANDELL moved that in line 1 of Subclause 2 the word "Minister" be struck out, and "Governor" inserted

in lieu. The power sought to be given to the Minister was too large.

HON. M. L. MOSS: The amendment would be accepted.

Amendment passed, and the clause as amended agreed to.

Clauses 124 to 127, inclusive—agreed to.

Schedules, Preamble, Title—agreed to.
Bill reported with amendments, and the report adopted.

BREAD BILL.
POSTPONEMENT.

THE MINISTER FOR LANDS moved that the order for consideration in Committee be postponed till the next sitting.

HON. A. G. JENKINS: Would the Minister consent to a reference of the Bill to a small select committee, to report on Tuesday next? One or two persons interested wished to give evidence.

THE PRESIDENT: On several previous occasions he had decided this point. It was clearly laid down in *May* that in these circumstances the member in charge of the Bill was the only person who could make a motion that it be referred to a select committee.

Question passed, and the order postponed.

ROADS ACT AMENDMENT BILL.
RECOMMITTAL.

Resumed from the last sitting.

Clause 111—Board may require land on which there is an excavation to be fenced:

HON. R. G. BURGESS moved that the clause be struck out. To throw on the owner of the land the cost of fencing a gravel pit or other excavation made by a roads board would be most unfair. Boards should be compelled to fence if a road adjoining the excavation were subsequently made.

THE MINISTER FOR LANDS: Such a hardship as the hon. member suggested was impossible. By Subclause 5 of Clause 106 the board must fill up or securely fence any excavation which it made. This clause was needed for the safety of the public, and of horses and cattle.

HON. C. E. DEMPSTER: Injustice might be done by boards repudiating responsibility for old excavations.

HON. J. W. HACKETT: The clause was necessary for roads boards in suburban and in mining districts, where dangerous excavations, if unfenced, were a menace to life. Any needful amendment should be made in Clause 106.

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

Ayes	...	...	...	5
Noes	...	...	...	18

Majority against ... 13

Ayes.	Noes.
Hon. R. G. Burgess	Hon. G. Bellingham
Hon. E. M. Clarke	Hon. J. D. Connolly
Hon. C. E. Dempster	Hon. J. M. Drew
Hon. Sir E. H. Witte- noom	Hon. J. T. Glowrey
Hon. J. E. Richardson (Teller).	Hon. J. W. Hackett
	Hon. S. J. Haynes
	Hon. A. Jameson
	Hon. A. G. Jenkins
	Hon. R. Laurie
	Hon. W. T. Loton
	Hon. E. McLarty
	Hon. M. L. Moss
	Hon. B. C. O'Brien
	Hon. G. Randall
	Hon. Sir George Shouton
	Hon. J. A. Thomson
	Hon. J. W. Wright
	Hon. T. F. O. Brimage (Teller).

Amendment thus negatived, and the clause passed.

Clause 126—Rate book and valuation:

HON. R. G. BURGESS moved that in line 15 of Subclause 2 the words "seven pounds ten shillings" be struck out, and "five pounds" inserted in lieu. This matter had been discussed previously, but in a thin House, and he wished to take the sense of members again upon it. There were sufficient powers under Subclause (a) to tax on the annual rental, and no reason had been given why farther provision should be made.

HON. T. F. O. BRIMAGE: It had been decided that £7 10s. on the capital value should remain. All roads boards were elected from the people who owned the land or resided in the district, and if 7½ per cent. on the ratable value was too high the electors had an opportunity of going to the boards and asking them to reduce the amount. It was absolutely necessary to have a rate of 7½ per cent. on the goldfields, where a large amount of work had to be done.

HON. W. MALEY: Previously he had voted for the retention of £7 10s. in order to meet the views of the goldfields members, but having failed to secure an amendment making the maximum 1d. per acre on agricultural lands he must in

justice to his constituents, and acting true to the principles he had previously enunciated, oppose the amendment and vote for a tax of £5, as he considered 6d. per acre much more than any agricultural land could pay; 1d. per acre was as much as agriculturists could afford to pay.

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

Ayes	...	...	...	15
Noes	...	...	...	9
Majority for				6

AYES.
 Hon. G. Bellingham
 Hon. R. G. Burges
 Hon. E. M. Clarke
 Hon. C. E. Dempster
 Hon. J. M. Drew
 Hon. J. T. Glowrey
 Hon. J. W. Hackett
 Hon. W. T. Lotou
 Hon. W. Maley
 Hon. E. McLarty
 Hon. G. Randell
 Hon. J. E. Richardson
 Hon. Sir George Shenton
 Hon. Sir E. H. Wittenoom
 Hon. J. W. Wright
(Teller).

NOES.
 Hon. J. D. Connolly
 Hon. S. J. Haynes
 Hon. A. Jameson
 Hon. A. G. Jenkins
 Hon. R. Laurie
 Hon. M. L. Moss
 Hon. E. C. O'Brien
 Hon. J. A. Thomson
 Hon. T. F. O. Brinage
(Teller).

Amendment thus passed.

HON. J. D. CONNOLLY moved that the words "which are not the sole property of the lessee, and held in possession and enjoyment by him or any of his servants and workmen," be inserted after "machinery."

THE MINISTER FOR LANDS: The object of the amendment was attained by the new clause to stand as Clause 127, inserted at the last sitting.

Amendment withdrawn, and the clause as amended agreed to.

New clause—Assessment on unimproved values:

HON. J. D. CONNOLLY moved that the following (struck out at a previous sitting) be reinserted as Clause 127:—

(1.) The board may, except in the case of mining leases, adopt a general system of valuation on the basis of the unimproved value of lands instead of a valuation as prescribed by the preceding section. (2.) In such case the unimproved capital value of ratable property shall be inserted in the rate book in place of the net annual or capital value thereof. "Unimproved value" means the sum which the owner's estate or interest in any land, if unincumbered by any mortgage or other charge thereon, and if no improvements existed on the land, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to require.

Why this had been struck out was not

apparent, for surely the majority of hon. members had declared in favour of unimproved value rating. Such rating was optional, and would be at the discretion of the ratepayers.

HON. R. G. BURGESS: Roads board members sometimes changed their minds after election.

SIR E. H. WITTENOOM: The Committee should not reverse its recent decision. The clause was most unjust; and he congratulated the Government on their not having introduced it.

HON. A. G. JENKINS: The Minister for Works introduced it.

SIR E. H. WITTENOOM: To rate a large area of third-class pastoral land on the unimproved value would be most unfair. Such land would be useful for a small portion only of the year. Roads boards were rarely elected. People had to be solicited to act as members, and they did as they liked. Inexperienced valuers might do great mischief, and the remedy by appeal was costly and troublesome.

HON. J. A. THOMSON: Land of no real value to the owner or occupier could not have a real value for rating purposes; and if of great value it should bear its fair share of rating. Why should members who advocated the enlargement of the powers of local bodies oppose this clause merely because they feared it might be used to tax their own or their friends' lands? If the House had no confidence in local bodies, better abolish them. If few people could be induced to act on roads boards, why did not members or their friends get elected? From extensive travel in Western Australia he knew that roads boards, particularly in the South-Western District and towards Albany, consisted of earnest and intelligent men, whose discussions would sometimes compare favourably with those in this Chamber. If given power to rate themselves on the unimproved value they would be unlikely to abuse that power; and in case of its abuse the remedy lay with the ratepayers, who could deal with the board as parliamentary electors would deal with hon. members who disappointed them. The clause had no reference to any abstract principle. It was a common-sense clause, and any member who voted for its rejection would be voting

against the interests of the majority of electors.

HON. R. G. BURGESS: To show the absurdity of the valuation of land in the country, he would give an illustration. Some years ago, he was passing some land where a surveyor was at work, and he asked the officer what the land was worth, and the reply was £3 per acre. Some years afterwards, this land was put up for sale by the Government. It was then improved, having been ringbarked, well burnt and well fenced. This same officer was sent out to value the land, and having gained some experience in the country, he placed a value of 6s. to 7s. per acre on some of this improved land.

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

Ayes	...	...	...	11
Noes	...	...	...	18

Majority against ... 2

Ayes.	Noes.
Hon. G. Bellingham.	Hon. E. M. Clarke
Hon. T. F. O. Brimage	Hon. C. E. Dempster
Hon. J. D. Connolly	Hon. J. W. Hackett
Hon. J. T. Glowrey	Hon. S. J. Haynes
Hon. A. G. Jenkins	Hon. A. Jameson
Hon. R. Laurie	Hon. W. T. Loton
Hon. M. L. Moss	Hon. W. Maley
Hon. B. C. O'Brien	Hon. E. McLarty
Hon. J. A. Thomson	Hon. G. Handell
Hon. J. W. Wright	Hon. J. E. Richardson
Hon. J. M. Drew	Hon. Sir George Shenton
(Teller).	Hon. Sir E. H. Wittenoom
	Hon. R. G. Burgess

Question thus negatived.

Clause 166—Property to be fenced if board direct:

HON. R. G. BURGESS moved that in line 2 the word "district" be struck out, and "townsite" inserted in lieu. This would make the provision apply to townsites instead of districts.

HON. J. W. WRIGHT: This would hardly meet the requirements. In many places working men had only paid £10 to £25 on their blocks, and if they were compelled to fence, they would pay more for the fencing than for the land. It would debar working men from getting a holding at a reasonable cost. Working men would have to fence their blocks before they could build, for these men built piecemeal. It would be better to strike the clause out altogether.

Amendment withdrawn.

HON. J. W. WRIGHT moved that the clause be struck out.

THE MINISTER FOR LANDS: It would not be wise to strike out the clause.

Under the Seventeenth Schedule the districts to which the clause should apply were given. It was only the fencing of the frontage of the land, and not the whole block, which was provided for, and the advantage was great, as people in suburban districts could not get a foot-path made until their land was fenced.

HON. R. G. BURGESS: In Kalgoorlie the roads board was elected by the suburban ratepayers entirely. The amendment he previously moved would have met the case.

Amendment negatived.

At 6:30, the CHAIRMAN left the Chair. At 7:35, Chair resumed.

HON. J. W. WRIGHT moved that in line 1 of Subclause 2, the word "district" be struck out and "townsite" inserted.

HON. M. L. MOSS: The word townsite would be altogether unsuitable, and would not achieve the object sought, as the clause applied to suburban localities such as Cottesloe, which were not townsites within the meaning of the Land Regulations. The power to compel an owner to fence that portion of his land abutting on a road was similar to the power possessed by municipalities, and the districts mentioned in the 17th schedule were those which, though not municipalities, should have more extensive powers than were necessary for ordinary roads board districts.

Amendment negatived, and the clause as amended agreed to.

Clause 170 (addition)—Quarterly statement of accounts:

HON. R. G. BURGESS moved that the following be added to the new clause passed at the previous sitting: "And such statement shall be examined and certified as correct by the members of the board at that sitting." A member of a roads board should not agree to the statement prepared by the secretary unless the statement was examined. If that were not done, the statement was practically useless.

THE MINISTER FOR LANDS: Clause 170 provided that the onus should not rest on the board, but on the secretary, who had to place before the board a statement of the financial position, and the board would probably not allow that

statement to be entered on the minutes unless it were correct. If the statement was incorrect the responsibility for any error rested with the secretary. It was not right to throw the onus on the board.

HON. R. G. BURGESS: If the onus were thrown on the board, it would make them look after their business. Members of a board could look up the minutes and see what they had done, and could tell if the statement were correct. Boards should take some responsibility on themselves. The object of passing a Roads Act last year was to see that the accounts of roads boards were properly audited. If a statement was prepared by the secretary it should be certified to as correct, and entered on the minutes. If it were provided that the board should examine the accounts, then it would make members of boards careful as to how the money was spent.

HON. M. L. MOSS: The system of audit as provided by the Bill was a good one: the Minister was entitled to appoint one auditor and the board another. The clause compelled the secretary once in three months to prepare and place before the board a statement of the financial position. Secretaries frequently received money for rates irrespective of grants from the Government. The members of a board might not know that the secretary had collected certain rates; and all the supervision and care which the members of boards might take would not enable them to keep a check on the secretary if, instead of paying the money into the bank, the secretary put the money into his pocket. If the secretary had to prepare a statement and it was entered on the minute book, it would have a check, for if two months afterwards it was found that the secretary had received moneys which he had not paid into the bank, by turning up the last quarterly statement entered on the minutes there would be absolute evidence against the secretary of manipulating the funds of the board. The clause was a wise one, as it was intended to be a check on the would-be fraudulent secretary.

HON. R. G. BURGESS: The check should be made greater.

HON. G. RANDELL: The object which Mr. Burgess had in view was an excellent one, and there was an easy way of carrying it into effect. It could be

provided that the accounts should be examined, compared with the vouchers and entered on the minutes, and signed by the chairman at the meeting at which the accounts were passed.

Amendment withdrawn.

HON. G. RANDELL moved that the following be added to the clause: "That such accounts shall be examined and compared with the vouchers, and the minutes signed by the chairman at such meeting."

HON. W. T. LOTON: Members wished to go too much into detail as to the examination of accounts. The clause went sufficiently far. It was the duty of a board to see that the statement put before them, so far as the banking account was concerned, was correct, but if the amendment were carried it would mean that the board would audit their own accounts. The Committee could provide that the accounts should be audited half-yearly instead of yearly. The amendment would give no farther safeguard unless the members of the roads boards audited the accounts, and in the majority of cases members of boards would not undertake that duty, and in some cases they were not competent to do the work.

HON. E. M. CLARKE: Members of roads board who did not know how the secretary was carrying out his duties should not be on the board. It was the duty of members of roads boards, or any corporate body, to keep a strict eye on how things were going on. The members, and particularly the chairman, should ascertain whether accounts were being correctly kept. He knew of two instances in which losses had been sustained through allowing the secretary to neglect his work.

HON. M. L. MOSS: No supervision on the part of the board could prevent larceny by a servant. The clause sought to make the secretary record once in three months all moneys received, so that if he received money and did not enter it, he could, when discovered, be confronted with the incomplete record. The audit was dealt with in Clause 168, and to this the new clause had no reference. A great part of the South Perth defalcations was due to the secretary's receiving money and making no entry. Such frauds could not be detected by supervision; but a quarterly record of receipts

would prompt investigation if the record were found to be incomplete. If there were no record, there would be difficulty in proving a case when a total deficiency was charged against the secretary. The addition of the words proposed would be valueless.

HON. R. G. BURGESS: The Kalgoorlie Roads Board collected £2,500 per annum. A smart man could collect and embezzle the whole revenue in the first three months of the year. Of what use would a quarterly statement be after all the money was stolen and spent, or of what practical value a subsequent prosecution?

HON. T. F. O. BRIMAGE opposed the amendment. To say the whole revenue could be embezzled in three months was ridiculous. The lack of money for current expenses would lead to inquiry.

HON. S. J. HAYNES: The secretary, being the executive officer, must to some extent be trusted; and a quarterly statement would act as a check, as the accounts would come before members when transactions were fresh in their minds.

HON. G. RANDELL: The examination of the statement should be compulsory.

HON. S. J. HAYNES: That it should be examined was implied in the clause. Throw the responsibility on the secretary.

HON. G. RANDELL: Unless the statement were examined it would be valueless, for it could not be compared with the next statement till three months had elapsed, and even then the members present at the first meeting might be absent from the second. In every board there must be one man who could compare the bank pass book with the statement and discover any discrepancies.

HON. S. J. HAYNES: How could the statement disclose moneys received and pocketed without being entered in the books?

HON. G. RANDELL: How could that be detected under the clause?

HON. S. J. HAYNES: The statement was submitted by the secretary, and according to the vouchers produced the statement could be checked. If the secretary had received moneys for which he had no voucher, when it was discovered the board could confront the secretary with his own statement.

HON. G. RANDELL: The members of a board would be in touch with the

accounts to be collected, and if certain accounts were not collected the members of the board could ask the secretary why the amounts had not been got in. The board could go into the accounts and examine the vouchers, which would not be very numerous in three months. A farther check was provided by the amendment, and he could not see why objection was taken to it because it did not place farther responsibility on members of roads boards.

THE MINISTER FOR LANDS: The amendment would be accepted. It practically made no difference to the position at all. All that was entered on the minutes, as a matter of course, was certified to by the chairman as correct.

HON. R. G. BURGESS: Three members of a board formed a quorum, and at the next meeting these three members might not be present.

THE MINISTER FOR LANDS: The amendment carried the position no farther, but it could do no harm.

HON. M. L. MOSS: The statement ought to be signed by the secretary as well as by the chairman, for if any defalcation was discovered and the secretary was confronted with the statement not having his signature, but only that of the chairman, the reply would be that it was the chairman's statement.

HON. G. RANDELL altered his amendment to read: "and such statement shall be examined and compared with the vouchers, and the minutes signed by the secretary and the chairman."

HON. W. T. LOTON: If these words were added to the clause, there was no farther check on the secretary. If members of roads boards wished to be sure that the accounts were correct, they should have them audited more frequently. By the amendment we were imposing the duty on roads boards of practically auditing their own accounts, because the secretary's accounts were the accounts of the board. A board would naturally examine their own accounts and compare them with the bank book.

HON. W. MALEY: It was too late to catch a thief three months after the theft. The desire was to prevent defalcations. A secretary should be required to record on the minutes amounts collected, and it could be easily seen what had been

paid into the bank. If a secretary placed on the minutes the amount collected since the last meeting, it was the fault of the board if they did not see the vouchers. A lot of money would be collected under the Bill, and it was necessary that the ratepayers should be protected.

Amendment passed, and the clause as amended agreed to.

Bill reported with farther amendments, and the report adopted.

LAND ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 19th November; the MINISTER FOR LANDS in charge.

New Clause:

HON. T. F. O. BRIMAGE moved that the following be added to the Bill:—

A person holding a free area may obtain a Crown grant in the following manner:—(a) If he effects the improvement required by the Act; (b) With the Minister's approval.

Free areas had been granted to miners on the goldfields, and these miners had built substantial houses, in some cases costing as much as £500. They had improved their homes and now wished to obtain a title to the land. They were willing to pay for the land if it was submitted to auction and the improvements allowed for. He thought the new clause should be inserted after Subsection 7 of Section 88 of the original Act.

THE MINISTER FOR LANDS: The hon. member was under some misapprehension. Section 88 of the principal Act referred to working men's blocks. As a matter of fact there were no working men's blocks on the goldfields. Unfortunately, working men's blocks had not been a very favourable holding, for up to the present time the department had only issued 38 working men's blocks in the State, and these were chiefly at Collie and Harvey. A few had been issued elsewhere. The hon. member was under a misapprehension if he referred to working men's blocks.

HON. T. F. O. BRIMAGE: Free areas?

THE MINISTER FOR LANDS: What were termed free areas under the Goldfields Act had become residential leases under the Land Act. They were

referred to in Section 14 of the Land Act of 1900, which says:—

The Governor may, by notice in the *Government Gazette*, define and set apart for residential leases any unalienated town, suburban, or rural lands, and may in like manner declare any such land as open for selection and may withdraw any such land from being so open and may by regulations prescribe the terms and conditions on which such leases may be granted.

No lands of which residential leases were granted under this section, or of which leases had been or might be granted, were to be sold or granted in fee simple. Once granted, there was no power to depart from the residential lease tenure. The amendment sought to give power to grant the fee simple on certain improvements being effected. The reason for the clause introduced in another place was a promise made by the late Premier (Mr. Leake) to a member of that House (Mr. Hopkins) that the opinion of Parliament should be sought as to whether the section in the Amending Act of 1900 should be abrogated. For this course there was some reason, inasmuch as a telegram had been sent on the 7th December, 1898, from the Lands Department to the hon. member interesting himself in the matter, which encouraged the holders of these blocks to believe they would receive the fee simple. In another place it had been decided that the fee simple could not be granted, and as this amendment sought to reverse that decision it was doubtful whether the Lower House would agree to the amendment if passed. The object sought could not be attained without amending Section 14 of the Amending Act of 1900.

Amendment withdrawn.

HON. A. G. JENKINS: When the clause mentioned was struck out in another place there was a very thin House, and as he intended to move that the clause be reinserted with a view to securing another expression of opinion in the Lower House, he moved that progress be reported and leave asked to sit again on Tuesday next.

Motion (progress) put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

On motion by the MINISTER FOR LANDS, the House adjourned at 8:35 o'clock until the next Tuesday.