

Motion put and passed.

Ordered, that the resolution be forwarded by Address to His Excellency the Administrator.

NEXT SITTING OF THE HOUSE.

THE PREMIER (Hon. Sir J. Forrest) moved that the House, at its rising, adjourn until 2.30 o'clock, p.m., on October 11.

Motion put and passed.

DATE OF PROROGATION.

THE PREMIER (Hon. Sir J. Forrest): I would like to ask hon. members to attend to-morrow afternoon, and I shall be much obliged if they do so. I also wish to tell the House that, as the business of the session is nearly completed, 12.30 p.m. on Saturday will be a convenient time to prorogue Parliament. If hon. members think that time will be convenient, I will advise His Excellency the Administrator accordingly.

ADJOURNMENT.

The House adjourned at 9.25 o'clock, p.m.

Legislative Council

Friday, 11th October, 1895.

Goldfields Bill; Message from the Legislative Assembly—Water and Electric Works License Bill: first reading; Goldfields Bill: Legislative Assembly's Amendments—Appropriation Bill: third reading—Water and Electric Works License Bill: second reading; Bill laid aside—Walth of Tires Bill: messages for the Legislative Assembly—Adjournment.

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

GOLDFIELDS BILL.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE PRESIDENT (Hon. Sir G. Shenton) reported the receipt of the following message from the Legislative Assembly.

Message No. 52.

Mr. President,

With reference to the Legislative Council's Message No. 41, the Assembly has agreed to Amendments Nos. 3, 4, 5, 6, and 8 made by the Council in the Goldfields Bill, without amendment; has amended Nos. 1, 2, and 9; and has disagreed to No. 7 for the reasons indicated in the annexed Schedule.

The Assembly returns the Bill, herewith, and desires its reconsideration.

JAS. G. LEE-STEERE,
Speaker.

Legislative Assembly Chamber, Perth, 11th October, 1895.

Schedule of Amendment made by the Legislative Council in "The Goldfields Bill."

No. 1.—On page 3, Clause 4.—Add the following words to the end of the Clause:—"The expressions 'person,' 'holder,' 'owner,' 'lessee,' include any body of persons whether incorporated or not."

No. 2.—On page 5, Clause 11, line 9.—Strike out all the words after "registrar," and insert the following:—"There shall also be kept in the office of the Minister of Mines in Perth, in respect of each goldfield or district, a register, wherein shall be registered all leases and applications therefor and transfers thereof, and of any shares or interests therein respectively, and all liens, charges, and other dealings and transactions relating thereto respectively."

(2.) No transfer of any lease, or of any share or interest therein, nor any lien, charge, or other dealing or transaction relating thereto respectively shall be valid until registered as aforesaid.

No. 3.—On page 6, Clause 12, line 1.—Strike out "lease."

No. 4.—On page 6, Clause 14, line 3.—After "of," at the end of the line, insert "the manager or."

No. 5.—On page 8, Clause 17, lines 3 and 4.—Strike out, "for the purpose of making or accepting transfer of any lease, claim, or other authorised holding."

No. 6.—On page 12, Clause 31, line 2.—Strike out "or joint stock company."

No. 7.—On page 14, Clause 34, line 10.—Between "thereto" and "any" insert "and a lease may be granted notwithstanding that the person applying for the same may not in all respects have complied with the regulations."

No. 8.—Insert the following New Clause, to stand as No. 12:—"Except in the case of fraud, no person contracting or dealing with, or taking or proposing to take a transfer from the registered holder of any lease shall be required or in any manner concerned to inquire or ascertain the circumstances under or the consideration for which such holder or any previous holder thereof was registered, or to see to the applica-

ation of any purchase or consideration money, or shall be affected by notice, actual or constructive, of any trust or unregistered interest any rule of law or equity to the contrary notwithstanding: and the knowledge that any such trust or unregistered interest is in existence shall not of itself be imputed as fraud."

No. 9.—Insert the following New Clause, to follow Clause 66:—Upon the granting of any injunction relating to any lease, as provided in the last preceding sections, the Warden shall at once notify by telegraph, or, if there shall be no telegraph, by letter, to the Minister of Mines, the fact of such injunction being granted, and the particulars thereof, and on receipt thereof a note of such injunction being granted shall immediately be made in the Record Book kept in the Minister of Mines' Office, and such injunction shall be of no avail until so noted."

Schedule of Amendments made by the Legislative Assembly in Amendments Nos. 1, 2, and 9.

In No. 1.—In line 1 strike out "The expressions," and in line 2, after "lessee" insert "shall respectively."

In No. 2.—In line 2, between "register" and "wherein," insert "to be called the register of Gold Mining Leases."

In line 6.—Strike out all the words after "shall" and insert the following in lieu thereof:—"until registered as aforesaid be effectual to pass away share or interest in any such lease or render the same liable to any charge or encumbrance."

In No. 9, in line 1.—Between "last" and "preceding" insert "two." In lines 5 and 6 Strike out all words and insert in lieu thereof "Register of Gold Mining Leases."

Schedule of Amendments made by the Legislative Council in "The Goldfields Bill," to which the Legislative Assembly has disagreed.

No. 7.—On page 14, Clause 34, line 10.—Between "thereto" and "any" insert "and a lease may be granted notwithstanding that the person applying for the same may not in all respects have complied with the Regulations."

Reasons of the Legislative Assembly for disagreeing to Amendment No. 7 made by the Legislative Council in "The Goldfields Bill."

The proposed amendment appears to conflict with the provisions of Section 31 and might lead to evasions of the Regulations in important particulars.

The object suggested by the amendment can be effected by Regulation if it is intended simply to meet the case of an inadvertent omission to formally comply with the Regulations in matters of minor detail.

WALTER A. GALE,

11/10/95.

Clerk of Assembly.

WATER AND ELECTRIC WORKS LICENSE BILL.

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

GOLDFIELDS BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

IN COMMITTEE.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved, That the amendments made by the Legislative Assembly on the Council's amendments Nos. 1, 2, and 9 to be agreed to.

Question—put and passed.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved, That the Council's Amendment No. 7, with which the Legislative Assembly had disagreed, be not insisted upon.

Question—put and passed.

Resolutions reported.

THE PRESIDENT (Hon. Sir G. Shenton) resumed the Chair and reported,—That the Committee had considered Message No. 52, from the Legislative Assembly, and had agreed to the amendments made by the Assembly on the Council's amendments Nos. 1, 2, and 9, and did not insist on its amendment No. 7, with which the Assembly had disagreed, whereupon the Council adopted such Report.

APPROPRIATION BILL.

This Bill was read a third time and passed.

WATER AND ELECTRIC WORKS LICENSE BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members are aware that the mining industry of this colony labors under two disabilities, one the want of fuel, and the other, which is the more serious, the want of water. Indeed so serious has this latter become that the Government intends to put down a bore to the depth of 3,000 feet. Some apology is due to this House for the late period at which this Bill has been brought in, but so much is it needed that the Government

did not think they would be doing their duty, if they did not place it before hon. members, notwithstanding the period of the session. Several offers have been made to the Government to supply the Coolgardie fields with water, but the Government did not feel themselves justified in accepting them without some authority from Parliament, and they thought that rather than allow the matter to stand over for another 12 months, they would introduce this Bill. The object of the Bill is to enable private enterprise to supply our goldfields with water from the sea or rivers, other than coastal rivers, and to generate electricity on the coast and transmit it to the fields to be used as power. If this can be done it is obvious that a great gain will result. The Bill does not give all the powers the Government asked for, but sufficient, I think, is given to enable the desired objects to be carried out. At present licenses have been issued for the conservation of water, but there is no power by which the Government can give authority to convey it to the places at which it is required. The Bill is a simple one. Clause 2 enables licenses to be granted for a period not exceeding 21 years, but no water is allowed to be pumped from any coastal river. The Governor is authorised to regulate the charges for the supply of both water and electricity, and the Government have the right to obtain a supply for themselves at the same prices as are paid by the general public. No monopoly is to be granted, and all the Government asks for is for power, during recess, to deal with some of the schemes which have been put forward. It seems perfect folly to think that people are here, willing to embark their money in providing what the Government cannot provide, and yet for us to be unwilling to let them try. Clause 3 gives power to grant licenses, and Clause 8 states that, "At the expiration of any license granted under this Act the Governor may, with the approval of Parliament, purchase the undertaking at the then actual value of the buildings, works, machinery, plant, and appliances, but paying no more for the land vested in the undertakers than the prices paid for it by them. If the Governor and the undertakers differ as to the value, it shall be decided in accordance with "The Arbitration Act, 1895," as if this Act were a submission. The purchase money shall, at the option of the Governor, be paid either in cash or by Government securities bearing

"interest at three per cent. yearly, and redeemable in not more than forty years, such securities being taken at their face value, or partly in cash and partly by such securities. Then Clause 9 says:—(1.) The undertakers shall from time to time, with the approval of the Governor, prescribe a scale of charges at which they shall sell water or electricity, as the case may be, and may, with the like approval, alter any such scale. (2.) Any such scale may be cancelled by the Governor after three months notice in writing to be served on the undertakers, and thereupon another scale shall be prescribed as aforesaid. (3.) No action or proceedings shall lie for the recovery of any charge for water or electricity, as the case may be, except as authorised by any such scale. (4.) In the event of the Governor and the undertakers being at any time unable to agree on a scale of charges, the question in dispute shall be referred to arbitration in accordance with "The Arbitration Act, 1895," as if this Act were a submission." Clause 13 provides that there shall be no monopoly. These are the important clauses. I may say again that the importance of the question is the excuse for bringing down the Bill so late. I move that the Bill be now read a second time.

THE HON. F. T. CROWDER: I move as an amendment, that this Bill be read a second time this day six months. I do not intend to question the remarks of the Minister for Mines, but because we have not had an opportunity of considering the Bill. I move this amendment solely. It is well known that this House is going to be prorogued to-morrow, and I say it is monstrous that we should be asked to swallow Bills of this kind without having a chance to go into them. The Minister for Mines has alluded to the gravity of the situation, but I think it is high time that we should recognise the gravity of our situation, otherwise when the Government find they have no chance of passing measures early in the session will leave them to the last so that we may rush them through. If we are going to pass this Bill, in future the President had better inform us that the Legislative Assembly has passed the Bills, and we can then swallow them without looking at them. Because, however, the Assembly has passed a Bill it does not bind me, especially where, as in this case, it was passed by a narrow majority. We are here to examine the Bills that are brought

before us, and I was sorry to hear the remarks of the Hon. Mr. Parker the other evening, when he contended that we were here only to check anything wrong and, when he said that he had not examined the Bills because he threw the onus on the Government. I do not agree with that, for I think it our duty to look into everything that comes before us. We are here to check hasty legislation, I admit, and as this is most hasty I think we should stop it.

THE HON. F. M. STONE: I shall second the amendment. I do not propose to go into the principle of the Bill, but I object to it now because it is brought in at this late stage of the session, and because we have not time to look into it. In the Goldfields Bill we made several amendments, and if we had not done so we should have found that we had an unworkable measure, and I say we ought not to be asked to rush through our work and make bad legislation.

THE HON. J. C. FOULKES: During the last ten minutes I have read through this Bill, and I can see several amendments that require to be made. For instance, there is no provision in the Bill to compel a company to supply to any individual who requires the water or the power, although by Clause 11 the Government must be supplied. Then if we look at Clause 8 we see the purchase price, if the works are taken over, is to be paid in paper money or partly so. This looks as if we were anticipating that we could not pay cash. I think we should have more time to deal with a Bill of this comprehensive nature and I shall, therefore, support the amendment.

THE HON. D. K. CONGDON: It is my intention to support the second reading, for I think this is an instance of where we should sink our private feelings for the benefit of the colony. I am aware that this Bill has been sent up to us late, but at the same time I think we should endeavor to get through it so as to secure, if possible, a water supply for our goldfields.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): As far as I am concerned there, is no desire to force this Bill against the wishes of hon. members. I may explain to hon. members the reason why it has been brought down so late. A number of schemes have been put before the Government, some of which have been considered impracticable. They have, however, been so pressed on the Government, that it was thought that, as the colony was not prepared to undertake any of them,

no harm could be done by letting others try. There is nothing unconstitutional about the Bill and no important expenditure of money.

THE HON. F. T. CROWDER: How do we know?

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I can assure you.

THE HON. F. T. CROWDER: I want my own assurance.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): Surely the Government can be trusted to protect the interests of the colony. All that is asked for is authority to deal with these schemes which have been placed before the Government.

THE HON. E. McLARTY: I have read through this Bill, and I cannot see any danger in passing it, and I shall support it, although I think hon. members are quite right in asking that they should be given further time.

THE HON. H. J. SAUNDERS: The Minister for Mines has made a great deal about this water question, but it seems to me that as far as Coolgardie is concerned, all chance is done away with by Clause 3, which says that no water shall be pumped from any coastal river. I am inclined to vote with the Hon. Mr. Crowder, because I do not think the Bill will now be of much use.

Question—That the word proposed to be struck out stand part of the Question—put.

The Council divided.

Noes	7
Ayes	4

Majority against	3
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AYES	NOES
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Hon. D. K. Congdon	Hon. F. T. Crowder
Hon. J. W. Davies	Hon. H. McKernan
Hon. E. McLarty	Hon. J. E. Richardson
Hon. E. H. Wittenoom	Hon. E. Robinson
(Teller)	Hon. H. J. Saunders
	Hon. F. M. Stone
	Hon. J. C. G. Foulkes
	(Teller)

Question—That the Bill be now read a second time—put and negatived.

Bill laid aside.

WIDTH OF TIRES BILL.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE PRESIDENT reported the receipt of the following Message from the Legislative Assembly:—

Message No. 53.

Mr. President,

The Legislative Assembly acquaints the Legislative Council that it has this day agreed to a Bill intituled "An Act to regulate the

Width of Tires to be used on certain Vehicles, and for other purposes," subject to the amendments set forth in the Schedule annexed; in which amendments the Legislative Assembly desires the concurrence of the Legislative Council.

JAS. G. LEE STEERE,
Speaker.

Legislative Assembly Chamber, Perth, 11th October, 1895.

Schedule of Amendments made by the Legislative Assembly in Width of Tires Bill.

Clause 2—"Reduce the width of tires by half an inch in each case":

IN COMMITTEE.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the amendments be agreed to.

THE HON. E. McLARTY: I do not agree with the alteration, and I think we had better let matters stand as they are than assent to the proposal.

THE HON. D. K. CONGDON: I am not prepared to accept this amendment, because, as I have already said, I have seen the bad effects of these narrow tires.

THE HON. J. W. HACKETT: I shall support the hon. gentleman on my right (Hon. E. McLarty), because his experience in this matter is second to none. We have heard his opinion, and I shall want more than a Message from the Legislative Assembly to induce me to vote against what he says is right.

Question put and negatived.

Question—"That the amendments be disagreed with"—put and passed.

THE PRESIDENT (Hon. Sir G. Shenton) resumed the Chair and reported, that the Committee had considered the amendments made by the Legislative Assembly in the Width of Tires Bill, and had disagreed with the same; whereupon the Council adopted such report.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved, That the Hons. J. W. Hackett, E. McLarty, and the Mover be appointed a Committee to draw up reasons for the inability of the Council to agree with the Legislative Assembly's amendments.

Question—put and passed.

The Committee retired.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) brought up the following reason, and moved that it be agreed to: Because it is considered that the reduction of the

width of the tires would affect materially the usefulness of the Bill.

Question—put and passed.

Ordered—That a message be forwarded to the Legislative Assembly, informing them that the Council had disagreed with their amendments and conveying the reason for such disagreement.

THE PRESIDENT (Hon. Sir G. Shenton) then left the Chair for an hour.

On resuming,

THE PRESIDENT (Hon. Sir G. Shenton) reported the receipt of the following Message from the Legislative Assembly:—

Message No. 54.

Mr. President,

With reference to Message No. 48 of the Legislative Council, the Legislative Assembly acquaints the Legislative Council that it does not insist upon the amendments made by it in "The Width of Tires Bill."

JAS. G. LEE-STEERE,
Speaker.

Legislative Assembly Chamber, Perth, 11th October, 1895.

ADJOURNMENT.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) moved, That the Council, at its rising, adjourn until Saturday, 12th October, at twelve o'clock noon.

Question—put and passed.

The Council at 7:40 o'clock, p.m. adjourned until Saturday, 12th October, at twelve o'clock, noon.