

in New Zealand, and have this Act at their fingers' ends; therefore, when we were adopting a new system, we naturally fell back on the Public Works Act of New Zealand. Clause 69 deals with the award of compensation. It provides that the Court shall take into account the value of the land or interests in the land, including riparian rights, and the extent to which any remaining lands of the claimant are likely to be affected by the works in question, or whether, as in the case of the making of a railway, the other portion of his land of which he is not deprived will be improved in value by the execution of those works. [MR. ILLINGWORTH: The betterment principle.] That principle, to a certain extent, but not so fully as it is carried out in other places. I think there is a great deal of justice in that principle. A man often protests that it will be ruin to him to take a portion of his land for a railway, whereas we know his property will be improved by making the railway; and in such a case it would be wrong for him to get a large compensation; therefore, the Court is authorised to take these things into account. In Clause 85 there is a provision that commonly appears in Bills of this sort, namely, that the Minister may agree to grant easements in lieu of compensation to persons (for example) whose land is taken for railway purposes. I have not deemed it necessary to go into all the clauses of the Bill in detail, on a motion to read it a second time, but have confined myself to describing its main principles. As I have said, the Bill repeals the existing law relating to the taking of land for public purposes, and consolidates that law. It also provides for the taking of land both by the Government and by public bodies, for public works as well as for railway purposes. I beg to move that the Bill be now read a second time.

MR. ILLINGWORTH: I move the adjournment of the debate until Tuesday next.

Motion for adjournment of the debate put and passed.

ADJOURNMENT.

The House adjourned at 6.35 o'clock, p.m., until next day.

Legislative Council,

Thursday, 20th August, 1896.

New member—Railway construction up Helena River—Coolgardie Water Supply Scheme: particulars of—Perth-Fremantle Road: cost of repairs to—Perth Park Fencing: cost of—Municipal Institutions Act Amendment Bill: third reading—Western Australian Turf Club Act Repeal Bill: third reading—Agricultural Lands Purchase Bill: committee—Powers of Attorney Bill: committee—Federal Council Reference Bill: second reading; adjourned debate—Coolgardie Goldfields Water Supply Loan Bill: second reading; adjourned debate—Constitution Act Amendment Bill: first reading—Adjournment.

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

NEW MEMBER.

THE PRESIDENT (Hon. Sir G. Shenton) reported that he had received a telegraphic return to the writ issued by His Excellency the Governor for the election of a member to serve in the Council for the Central Province, and that, from the return endorsed upon such writ, it appeared that Mr. Richard Septimus Haynes had been duly elected for the said province.

The Hon. Richard Septimus Haynes, having subscribed the oath required by law, took his seat.

RAILWAY CONSTRUCTION UP HELENA RIVER.

THE HON. R. G. BURGESS asked the Minister for Mines,—

1. If the Government had on record any plan of a survey for a railway line from Guildford up the Helena River and on Eastward?

2. If so, could the said plan be laid on the table of this House?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied, as follows:—A copy of reports on the Helena Valley route from Guildford to York was laid on the table of the Legislative Assembly on the 12th January, 1893, and I will now lay a copy on the table of this House, for the information of the hon. member.

COOLGARDIE WATER SUPPLY SCHEME —PARTICULARS OF.

THE HON. R. G. BURGESS asked the Minister for Mines the following questions

with reference to the details of the estimate contained in the Engineer-in-Chief's report on the proposed Coolgardie Water Supply Scheme:—

1. Where, and for what purpose, the 15 miles of railway, mentioned in Item No. 14, were to be constructed?

2. How far was the proposed reservoir, mentioned in Item 16, from the Midland Junction Railway Station?

3. Why the upper reservoir, shown on plans in the Public Works Department as holding nearly four times the quantity of water held by the reservoir mentioned in Item 16, was not referred to in the report?

4. When the bridge, mentioned in Item 16, was to be constructed, and how far it was from the Midland Junction Railway Station?

5. Whether the Government had made any estimate as to purchase of land, compensation to millowners, &c., and damages to private property likely to be caused by the back-flow of water up Helena River in consequence of the erection of the dam.

6. Whether the Government had considered a shorter route, which would save 20 miles of piping and about 400 feet in pumping, and also the erection of one pumping station, thus avoiding the expenditure of £11,000, and £8,000 for horsepower, £9,000 for cost of piping, and other expenses; amounting, in all, to £150,000.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied, as follows:—

1. (a.) From reservoir site No. 10, on the Helena River (said reservoir site being about five miles South-West of Sawyer's Valley Railway Station), to Eastern Railway, and along other parts where the pipe track may not closely follow the railway.

(b.) For conveyance of pipes and other materials.

2. About 15 miles—that is by following the bends of the Helena River; about 11 miles in a straight line.

3. This site is one of those referred to in the appendices to report—*vide* Appendix E, Clause 9.

The reservoir site referred to in report is the best, and the calculations were based thereon, but 12 reservoir sites have been surveyed.

The reservoir site referred to is at Minjalong, about four miles South of the 17-mile post on the York-Perth Road.

Rain gaugings have been for some time, and are still being, recorded there by the Public Works Department, and stream gauging is now in hand there.

The advantages of the site are:—

(a.) Its elevation, and

(b.) Its geographical position.

Against this, however, there has to be faced the fact that the drainage area is very limited, and the soil of a porous nature.

There is, therefore, no reasonable probability of securing at this site a reliable and sufficient supply for the scheme.

At the same time, the conditions surrounding this site, and another between it and the lowest, or Mundaring site, are being carefully investigated for the purpose of deciding whether either of them may not be utilised in conjunction with the lowest site.

The sites surveyed on other streams are also being carefully considered.

A detailed survey has been made of the reservoir basin at Minjalong, and a traverse also made of the catchment area. Plans have been prepared from the information so obtained.

These plans show,—

(a.) Position of reservoir.

(b.) Height above sea level.

(c.) Capacity of reservoir.

(d.) Contours to 80 feet above bed of river.

(e.) Catchment area.

4. Across Helena River, about three miles above lowest dam site, and about 18 miles by river from Midland Junction Railway Station.

5. Yes. *Vide* detailed estimates, Item 16—"Miscellaneous."

It would, however, be injudicious to state further particulars of this. Ample provision has been made.

6. The pumping station referred to could not be saved, as the upper reservoir alone would be insufficient for the purposes of the scheme.

Whether either of the upper reservoirs should be constructed is at present doubtful, but is under consideration.

Railway, Guildford to York, *via* Helena Valley, would cost about £400,000.

PERTH-FREMANTLE ROAD, COST OF REPAIRS TO—PERTH PARK FENCING, COST OF.

THE HON. S. H. PARKER asked the Minister for Mines to lay on the table of the House,—

1. A statement of the estimated cost of the repairs to the road between Perth and Fremantle.

2. A statement of the cost of the fencing round the Perth Park.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that he would be glad to supply the information asked for, as soon as it could be procured.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

This Bill was read a third time, and *passed*.

WESTERN AUSTRALIAN TURF CLUB BILL.

This Bill was read a third time, and *passed*, and ordered to be transmitted to the Legislative Assembly.

AGRICULTURAL LANDS PURCHASE BILL.

IN COMMITTEE.

Clause 10—"Reserves for public purposes, roads, and townsites to be provided."

THE HON. F. T. CROWDER: I move to strike out the word "townsites." As this is a Bill to purchase land for agricultural purposes, I hope those towns which are situate in agricultural districts will receive some benefit from it. I fail to see why the Government should have power to establish fresh townsites. If they have the power, a short time only will elapse before deputations will be found waiting upon the Government wanting town halls, poor-houses, &c., and then we shall be left to the tender mercies of Mr. Poole, who will want £8,000 or £9,000 for a gaol, or £20,000 for a post office. I do not see any necessity for new townsites, and, therefore, I move that this word be struck out.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I hope that hon. members will not agree to this amend-

ment. It will be unfair to settlers if a new townsite cannot be created, so that they may have their store, and so on, from which to purchase what they require. I may say that a similar provision is also in the Queensland Bill.

THE HON. D. K. CONGDON: I can hardly understand the hon. member's objection, and should say that the larger the number of towns in the colony the better.

THE HON. F. T. CROWDER: The Government have the power to create fresh townships under another Act.

THE HON. D. K. CONGDON: I know they have, but I cannot see why we should make a restriction here.

THE HON. C. E. DEMPSTER: I can see no objection to this clause. I think, if land is purchased by the Government for agricultural settlement, some provision should be made by which townships can be created if necessary.

Amendment put and negatived.

Clause agreed to.

Clause 11—"Price and conditions on which land is to be sold."

THE HON. F. M. STONE: I move, as an amendment, that the words "to the satisfaction of the Board" be inserted after the word "maintained," in the fifth line. It appears to me that there is nothing in this clause to show how the improvements are to be ascertained. If they are to be done to the satisfaction of the Board an owner can get a certificate, and he will then be able to obtain his Crown grant.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I cannot agree with this amendment. The Board has nothing to do with the improvements. All the Board has to do is to advise the Government as to the purchase. Then, by Clause 8, after lands have been surrendered, they become Crown lands, and, by Clause 2, it is provided that, after lands are surrendered, this Bill is to be administered by the Commissioner of Crown Lands. The Board is simply to act as a check on the Government, and, the lands having been acquired, the Board will have nothing further to do with them.

Amendment put and negatived.

Clause agreed to.

Clause 12—"Where there is more than one applicant for the same land:"

THE HON. F. M. STONE: I propose to alter this clause so that it shall read that if there is more than one applicant it shall be decided by ballot as to who shall take the land. I move, therefore, as an amendment, that all the words after "land," in the second line, be struck out, and that the following words be inserted in lieu thereof:—"and the question of to whom the land shall be sold shall be decided by lot, to be drawn by the Minister in the presence of the applicants, or such of them as shall attend at his office, after being duly notified that such drawing is to take place on a day to be named in such notification."

THE HON. E. McLARTY: I shall support this amendment, because I think it will relieve the Government of a good deal of responsibility.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am sorry to hear the hon. member say he is going to support this amendment, because it will interfere altogether with the policy of the Bill. If all applications are to be decided by lot, it means that a man in town, who may be a speculator, has the same chance as a *bonâ fide* farmer. The Bill provides that if the applicant for any land gives a satisfactory assurance that he will reside upon it he will be given a little advantage. The amendment, however, puts the speculator on the same footing as the *bonâ fide* settler.

THE HON. F. T. CROWDER: I shall have much pleasure in supporting this amendment. The clause as it stands opens the door to favouritism, and the speculator may be given the preference over the *bonâ fide* farmer.

THE HON. H. BRIGGS: I think a wise discretion should be placed in the hands of the person appointed by the Minister to decide among the applicants. Such a person would give preference, no doubt, to the man with a family who would reside on the land. I think there is a strong reason why there should be a discretionary power allowed.

THE HON. R. G. BURGESS: I think there should be an amendment to this clause. It will be a most unpleasant thing for any person who may be appointed by the Minister to decide between several applicants who may, perhaps, reside in his own district. I do not

think the Government would get anyone to undertake the work.

THE HON. C. A. PIESSE: I think this clause as it stands is a dangerous one. Why should not the first applicant have the land? I fail to see why, if I apply before anyone else, I should not have the preference.

THE HON. E. McLARTY: Suppose half a dozen applications come in at the same time. Each would have an equal right to the land, and how then would the matter be decided?

THE MINISTER FOR MINES: Draw lots.

THE HON. E. McLARTY: That is what the Hon. Mr. Stone says, but there is no provision for it in this Bill. I know an instance, which occurred a short time ago, where two persons applied for the one piece of land. Of course, only one of them could get it, and a good deal of dissatisfaction was consequently caused. I think the amendment will relieve the Government of a good deal of responsibility, and I shall, therefore, support it.

THE HON. A. B. KIDSON: I think the amendment is a proper one, and for this reason: I do not think the House should pass a measure whereby an injustice may occur to any person. The object of this Bill is to allow persons who are most likely to settle upon the land to have it, but it does not confine itself to any particular class of person. Everyone has the right to apply, and I do not think we should do anything to take away that right from any individual.

THE HON. J. W. HACKETT: I am not taking any part in the discussion on this Bill, for reasons of my own, but I might point out that hon. members have hardly brought the matter down to its full depth. The suggestion that undue influence should be kept away from the Government, and that they should be saved from falling into it, we all concur with; but I may say that a similar provision to that proposed by the amendment has been found to result most corruptly in the other colonies. What has happened is this: when one of these land lotteries have been held, a number of persons have come together and applied, as well as the *bonâ fide* applicant, and, of course, the chances have been 12 to 1 against the *bonâ fide* applicant getting it. In some cases the speculators have

offered to withdraw on payment of a certain amount, or, after one of them has got the land, they have offered it to the person who really wanted it, upon his giving them a certain consideration. One of these cases not long ago was fought out in the Courts, but the law was so explicit that nothing could be done. I should suggest that we do not pass the Bill on any hard-and-fast lines. Let there be some way for the Government to get out if they find such practices as I have referred to going on here.

THE HON. F. M. STONE: The hon. member has told us rather a far-fetched story.

THE HON. J. W. HACKETT: I object to that. I was simply repeating what is the history of the other colonies.

THE HON. F. M. STONE: By Clause 4 hon. members will find that persons who apply for land under this Bill will have to pay a certain amount on account of the purchase money; they will have to fence and cultivate the land; and, in these circumstances, I cannot see how the speculators will come in. The Hon. the Minister for Mines has said that this amendment is against the policy of the Bill. I cannot see it; because it seems to me that it does not matter who it is that takes up the land, so long as he cultivates it and pays the price. What we want is that the land shall be settled and worked. I might ask what is to prevent a farmer applying and being selected as a successful applicant, and then selling the land at once to the town speculator?

THE HON. S. J. HAYNES: I do not see any provision to permit the transfer to a land shark. The person who gets the land must comply with the regulations or his land is forfeited.

THE HON. R. S. HAYNES: Is there no provision against it?

THE HON. S. J. HAYNES: No; but I cannot see any provision by which a man can transfer his interest.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): If the clause, as it stands, is looked into carefully, hon. members will see that it is very workable. The Governor is to appoint such persons to decide among the applicants as he shall think fit. If 10,000 acres were bought, say at Bunbury, would it not be better to appoint three persons to decide if there were a number of applicants for a par-

ticular piece of it, than it would be for the Minister to decide.

THE HON. R. G. BURGESS: What men will you get to do it?

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): That is the business of the Government to find out who will do it. If it is found that all the applicants are equally entitled, then a decision by lot can be resorted to. However, I leave the matter in the hands of the committee, and trust that the amendment will not be agreed to.

THE HON. C. A. PLESSE: The objection of the Hon. the Minister for Mines seems to me to make the amendment all the more necessary. If 10,000 acres of land were available at Bunbury, and there were 10 applicants for one particular piece, and three gentlemen were appointed to decide, they would immediately make nine enemies for themselves because they could only give the land to one person.

THE HON. J. H. TAYLOR: Why should not the land be given to the first applicant? If there happen to be two or three applications at the same time they might be dealt with in the same way that applications for mining leases are dealt with by the Wardens.

THE HON. F. M. STONE: Suppose all the applications were posted on the same day?

THE HON. J. H. TAYLOR: I think you will always find one man quicker than the rest.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): In all cases of large estates I think the practice will be much the same as in regard to the coal leases. The estate will be cut up, and applications will be received up to a certain date. All the applications that come in up to that date will be taken as having been received at the same time. In the applications for coal leases, all which are received by the first post on the date on which the applications are due are taken to have arrived at the same time.

THE HON. F. M. STONE: And the very means I propose here of getting over the difficulty was recommended by the Registrar in connection with the coal leases.

THE HON. C. A. PLESSE: Would the man who applied the day before the applications were due have a preference?

THE HON. R. G. BURGESS: Why do the Government not alter the Land Regulations, and make the provisions the same as are contained in this Bill?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): For the simple reason that we have not the Land Regulations before us.

THE HON. C. E. DEMPSTER: I think it would be better to leave the matter in the hands of the Government or the Board.

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

The committee divided with the following result:—

Ayes ...	...	...	8
Noes ...	...	...	10
—			
Majority against	...	2	

AYES.
 The Hon. H. Briggs
 The Hon. D. K. Congdon
 The Hon. C. E. Dempster
 The Hon. J. W. Hackett
 The Hon. R. S. Haynes
 The Hon. W. Spencer
 The Hon. J. H. Taylor
 The Hon. E. H. Wittenoom
 (Teller).

NOES.
 The Hon. F. T. Crowder
 The Hon. S. J. Haynes
 The Hon. A. B. Kidson
 The Hon. E. McLarty
 The Hon. S. H. Parker
 The Hon. C. A. Piesse
 The Hon. J. E. Richardson
 The Hon. H. J. Saunders
 The Hon. F. M. Stone
 The Hon. R. G. Burgess
 (Teller).

Amendment put and passed.

Clause, as amended, agreed to.

The remaining clauses were agreed to.

New clause:

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the following new clause be added the Bill, to stand as No. 22: "The position of a member of the Board shall not be deemed "or taken to be an office or place of profit "or emolument or of employment in the "public service within the meaning of any "law now or hereafter in force in the "Colony of Western Australia." Hon. members will, no doubt, at once see the object of this clause. It is to enable members of Parliament to be appointed, if necessary, to the Board. In the two Houses we have sixty-five of the leading men of the colony, many of whom are connected with agriculture, and it would be against the interests of the Bill to preclude them sitting on the Board. It has been argued that this clause is somewhat against the Constitution Act, but I may say that the only points which have to be reserved for Her Majesty's assent are those dealing with the civil list and

the boundaries of electorates. I shall not, however, press the clause if hon. members do not desire it.

THE HON. S. H. PARKER: I hope the committee will not allow this clause to be inserted in the Bill, for it is obviously an attempt to amend the Constitution Act by highly irregular means. This is a Bill nominally to make provision for the purchase of lands and to facilitate the better settlement of the people on them, and now it is proposed to make a highly important alteration of the Constitution Act in it. The 29th section of the Constitution Act provides that if any member of the Legislative Council or Legislative Assembly accepts any office of profit from the Crown his seat shall thereupon become vacant. The effect of this section, therefore, is that no member of either House can accept an office of profit under the Crown unless he thereby vacates his seat. If the Government were to come forward with an amendment of the Constitution Act, and say it is desirable that provision should be made to enable members of Parliament to serve on this Board, perhaps it would meet with no objection from members of this House; but to ask us to make such an important amendment to the Constitution Act, by appending to this Bill a clause of this kind, seems to me to be highly irregular. I am not prepared to say it would be necessary, if this clause were inserted, to reserve the Bill for Her Majesty's assent, or that it would be required to be certified to by the Speaker and President as having passed its second and third readings by absolute majorities. The title of the Bill is "An Act to make provision for the Purchase of Lands suitable for immediate Settlement and for facilitating the better Settlement of the People on the Land;" and it recites that whereas it is desirable to encourage the cultivation of the lands near the railways, and to settle people on such lands. These being the title and preamble, I think it can hardly be said that a clause of the kind proposed, which is absolutely foreign to the subject of the Bill, can be inserted in it. Perhaps you, sir, will be good enough to give us your ruling on the point.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): So as to help you, sir, in deciding, I may inform you that a

similar provision has already been inserted in the Federation Act of Queensland.

THE HON. J. W. HACKETT: I was going to take the same point. This clause seems to me to infringe the terms of the 73rd Section of the Constitution Act. You will observe, sir, that you have to certify, with regard to certain Bills, that they have passed their second and third readings by absolute majorities, and these cases are set out in Section 73. One of them is a Bill by which any change is made in the constitution of the Legislative Council. The clause which the hon. member now proposes does make such a change, inasmuch as it permits a member to still retain his seat and yet hold an office under the Crown. If the clause is pressed it seems to me that it will jeopardise the whole Bill.

THE CHAIRMAN (Hon. Sir G. Shenton): I think it would be better if the proposed clause were inserted in the amending Constitution Bill. With reference to the question raised by the Hon. the Minister for Mines, I may point out to him that the Queensland Bill, to which he referred, is not a similar measure to this. That Bill has to do with the government of the colony, and, consequently, such a clause would be quite in order. I would advise the hon. member to drop the clause and bring it up again when the Constitution Act Amendment Bill comes before us.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I think that a good deal more importance has been attached to this matter than there is any necessity for. The object of the clause I propose is simply to say that the acceptance of a seat on the Board which will be constituted under this Bill shall not be deemed an office of profit. There is no desire to amend the Constitution Act. However, I shall not press the matter.

Clause negatived.

Schedule agreed to.

Bill reported, and report adopted.

THE PRESIDENT took the chair.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members will see from the title of this Bill that it is a measure having for its object the settlement of the people on the land, and, in order to carry this out, it may be

necessary to do a little clearing from time to time. There are some lands in Western Australia which are so thickly timbered that I do not suppose they could be cleared under £10, £20, or £30 an acre, and this heavily timbered land is some of the best we have. It has been thought that if some of this land were acquired, and those who wished to take it up were not in a position to clear it, the Government might do the work and add the cost to the price charged for the land. I think it is wise that the Government should be in a position to utilise land of this character, which no ordinary capitalist could clear and bring under cultivation. Some hon. members are under the impression that the Government may not only expend £200,000 on the purchase of land, but may also expend £200,000 or £300,000 in clearing it.

THE HON. F. T. CROWDER: So they can.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): In spite of what the hon. member says, I state that under this Bill only £200,000 can be spent in all. I intend, however, to propose an amendment later on to re-insert Clause 9, which was struck out, but with a limit that the Government shall not expend more than £20,000 in clearing, &c. To enable me to put this clause in order, I move that the consideration of the report be made an Order of the Day for the next sitting of the House.

Question—That the consideration of the report be made an Order of the Day for the next sitting of the House—put and declared carried.

THE HON. R. G. BURGESS called for a division.

THE PRESIDENT (Hon. Sir G. Shenton): I might point out to hon. members that the Minister in charge of this Bill asks that the consideration of the report may be deferred, and it is usual for the House to grant such a request.

THE HON. R. G. BURGESS: I am quite willing to withdraw my call for a division.

Question—That it be the pleasure of the House that a division be not taken—put and passed.

Question—That the consideration of the report be made an Order of the Day for the next sitting of the House—put and passed.

POWERS OF ATTORNEY BILL.

IN COMMITTEE.

Clause 1 agreed to.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that Clauses 2 to 4 be struck out.

Question put and passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the following clauses be inserted in lieu thereof:—

No. 2.—“An instrument creating a power of attorney may be deposited in the Supreme Court.”

No. 3.—“A separate file of instruments so deposited shall be kept, and any person may inspect the file and every instrument so deposited, and an office copy thereof shall be delivered to him on request.”

No. 4.—“A copy of the instrument so deposited may be presented at the office, and, after examination, may be stamped or marked as an office copy, and, when so stamped or marked, shall become and be an office copy.”

No. 5.—“An office copy of an instrument so deposited shall, without further proof, be sufficient evidence of the contents of the instrument and of the deposit thereof in the Supreme Court Office.”

No. 6.—“Every instrument so deposited shall, unless otherwise provided in the instrument, be in force until notice of revocation or extinguishment thereof shall be deposited in the Supreme Court Office.”

No. 7.—“Notice of revocation or extinguishment of any such instrument shall be published once in the *Government Gazette* and twice in a newspaper published in the colony.”

No. 8.—“General rules may be made by the Attorney General for the purposes of this Act, regulating the practice of, and prescribing the fees to be charged and taken by, the Supreme Court Office.”

No. 9.—“This Act shall apply to instruments creating powers of attorney executed either before or after the commencement of this Act.”

THE HON. S. H. PARKER: Perhaps I may be permitted to say, as Chairman of the Select Committee appointed to consider this Bill, that we considered it advisable to strike out the whole of the

clauses of the Bill, as it came to us, with a view of inserting clauses which appear in the report. It will be observed, from these clauses, that it will not be compulsory to file a power of attorney. It may be done. Then a person may file a power of attorney and obtain an office copy of it, which will be evidence that the original power has been duly deposited, and will be evidence of its contents. Then, by the proposed Clause 6, if a person has a power of attorney, and deposits it in the office, and obtains an office copy of it, such power of attorney remains in force until it is revoked or extinguished in the Supreme Court Office. Then Clauses 7, 8, and 9 provide that any notice of revocation shall be published in the *Gazette*, that the Attorney General may make rules for regulating the practice and the fees to be charged, and that the Act shall apply to instruments executed either before or after the passing of it. Suppose an attorney desires to deal under his power, all he will have to do is to produce a certified copy of it, and then any person to whom it may be produced will be satisfied that he has authority to act so long as no revocation or extinguishment is registered at the Supreme Court. As I have said, this Bill is only permissive, and it has been made so to meet cases in out of the way places where it would be difficult to register the powers of attorney. Of course, if a person did not register his power of attorney, it might place difficulties in the way of his completing a transaction, and, therefore, we may take it that in most cases the instruments will be registered.

Clauses agreed to.

Bill reported, and report adopted.

FEDERAL COUNCIL REFERENCE BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members are aware that there is an important combination known as the Federal Council; and it is necessary, if any matters are to be discussed by that body, that they shall be referred to it by at least two Parliaments of Australasia. To comply with this provision this Bill has been introduced, inasmuch as it is considered necessary to refer the matters mentioned

in it to the Federal Council. This body meets during the coming summer, and it will be necessary, if we wish this colony represented upon these subjects, to pass this Bill. It is proposed to refer the following matters:—The establishment of an effectual system of Federal quarantine, status of jointstock companies, uniformity of banking laws throughout Australasia, infectious diseases, and precaution against and remedial measures for tuberculosis. These are all important matters, and I think it wise that Western Australia should be represented in the consideration of them. Without saying anything further, I move that the Bill be now read a second time.

THE HON. F. T. CROWDER: I move, That all the words after "that" be struck out with a view to inserting the following words:—"this House deems it would be wanting in its duty to the constituents if it represents if it consents to any matters being referred for consideration and legislation by the Federal Council of Australasia until provision is made by statute for the due and efficient representation of this House in the said Council." When the Federal Council Enabling Bill was before this House on the 11th July, 1895, I made certain remarks upon it, and I do not think I can do better than to repeat them to hon. members. I said:—

I beg to move, as an amendment, to strike out all the words after "that," and insert the following in lieu:—"this House deems it would be wanting in its duty to the constituents if it represents if it consents to any matters being referred for consideration and legislation by the Federal Council of Australasia until provision is made by statute for the due and efficient representation of this House in the said Council." In moving this resolution I can assure hon. members that, so far as I am concerned, there is no ill-feeling consequent upon the late appointments to the Federal Council. I intend to leave the past alone, and deal only with the matter concerning the amendment. In bringing forward this amendment, I do so not only in the interests of the privileges of this House, but also in the interests of the different constituencies represented by hon. members here present. According to the statute which governs the appointment of delegates to the Federal Council, it is laid down that the Governor shall have full power to make all appointments. He may appoint his own friends, irrespective of the wishes of this House, or the wishes of the Assembly, or he may appoint persons who do not belong to either House. It will be remembered that in the controversy

which took place some time ago between the Premier and the hon. member who lately represented the Ministry in this House, as to the appointment of delegates to the Federal Council, it was distinctly laid down by the Premier that he, notwithstanding the use of the word Governor in the statute, had the sole power of making the appointments. Therefore, if the Premier chooses, members of this Council may be totally ignored, and will have no say in any matter which may be brought forward at the Federal Council. The Bill now before us deals with matters of the greatest moment to the people of this colony, and the Premier has the power, if he thinks fit, to exclude members of this House from being represented, or having a word to say. If we pass this Bill, we leave it in the power of the Premier to totally ignore us, and elect delegates irrespective of the wishes of this House. I ask hon. members whether, under the circumstances, we shall be doing our duty to our constituents if we pass this Bill. We are sent here, I take it, to hold the balance of power and to check hasty legislation. If we pass this Bill what power shall we have? It seems to me we shall have parted with everything, and we shall hand over the power to the Assembly, for the Premier really represent that House. This is a matter of serious consequence to us, and I hope hon. members will look at it in this light. In asking hon. members to vote for this amendment, I am not seeking to put the Government in a fix. The Federal Council will not meet for two years, and, therefore, the Government will have plenty of time before proceeding with this Bill to bring in another, which will give to this House a full measure of representation at the Federal Council. Hon. members have no right to pass this Bill until they are assured, without doubt, that representation will be given to this House when the time arrives. I do not think it is necessary for me to say any more, and I now simply move the amendment.

I do not think it necessary for me to add anything further, except that the resolution I moved was carried unanimously, and that since then no notification has been received from the Government on the subject. I fail to see, therefore, how this House can now stultify itself by passing this Bill.

THE HON. S. J. HAYNES: I beg to second the motion, and I do not think I can do better than to quote what I said last year. I said:—

I shall support most strongly the motion of the Hon. Mr. Crowder. I think it would be dangerous to the privileges of this House if this Bill, as it is at present drawn, were to pass without our first having before us another Bill containing the subject matter of the amendment. The Premier, I believe, claims the power of appointing delegates to the Federal

Council. Under that power he may appoint members of the Assembly or the Council, or persons outside either House. If the appointments were made without this Council being represented, this danger presents itself to me. By this Bill very important questions may be submitted to the Federal Council. The amendment of the laws relating to Joint Stock Companies and Banking Laws are included in the list, and these are particularly matters which this House should take an interest in as representing the property holders of the colony. In the future we may be cursed with a Premier we may not have the same respect for as we have for the present occupant of the office, and if this Bill passes, and the whole of the delegates are appointed by the Lower House, this House will be bound by what is done, although it will have had no voice in deciding the questions. In these circumstances I shall strongly support the amendment.

My views have not changed, and I strongly support the present motion. As I said twelve months ago, if we pass this Bill the Government may appoint all the members from the Lower House, and we shall have no voice whatever in the matter.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I may say just one word in regard to the amendment. I thank hon. members for reminding me of what took place last year. I remember that a similar Bill to this was the first one I had the honour of introducing, and that there was an objection to it. It is said that there may be a possibility of members of the Lower House only being appointed, but I can give my assurance that this House will be considered in the appointments as well as the Assembly. Four members have already been appointed, and there is one vacancy, and I can assure hon. members that that vacancy will be filled by the appointment of a member of this House.

THE HON. S. H. PARKER: You have given no notice of any vacancy as required by the Act.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I cannot say whether any notice has been given, but I am prepared to say that there is a vacancy, and that it shall be filled by a member of this House.

THE HON. S. H. PARKER: A member selected by the Premier.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I cannot say anything further just at present, except that

it is the desire of the Government that out of the five members to be appointed three shall be members of the Legislative Assembly and two members of the Legislative Council.

THE HON. C. A. PIESSE: It is just possible that this important Bill may be thrown out, and with it will go a number of matters which are of the utmost importance. I think, therefore, we should accept the assurance of the Hon. the Minister for Mines that a member of this House will be appointed to fill the vacancy.

THE HON. F. M. STONE: I have to thank the Hon. the Minister for Mines for the assurance he has given us, but that does not get over the difficulty. What we want is a Bill giving power to appoint so many members to represent this House. That was clearly put before the Government last year, and no notice has been taken of it; and, therefore, if the Bill is thrown out the responsibility is not with us, but with the Government. I hope hon. members will stand up for the privileges of this House.

THE HON. D. K. CONGDON: I am quite in accord with the last speaker, because I think we should have the right to elect our own members to represent us at the Federal Council. I do not think the Legislative Assembly should have the sole right, and, therefore, I shall support the amendment.

THE PRESIDENT (Hon. Sir G. Shenton) then left the chair for one hour.

On resuming,

THE HON. A. B. KIDSON: I move that the debate be adjourned until the next sitting of the House.

THE HON. S. H. PARKER: A motion has been made for the second reading of this Bill, and an amendment has been proposed by the Hon. Mr. Crowder to the effect that this House will not consider the Bill until some steps are taken by which this House may elect representatives to the Federal Council. The amendment is only a reproduction of one that was passed last session, and at that time the Hon. the Minister for Mines informed us that the Government had no objection to arrange for the election of members to serve in the Federal Council in any way the House thought proper; in fact, that the Government were anxious to fall in with the views of hon. members

of this House as far as possible. Twelve months have gone by, and now the Government introduce an exactly similar Bill without taking the slightest notice of the resolution of this House. In the circumstances, I think that, before we adjourn the debate, we should have some reasons given us why the Government have treated the wishes of this House with contempt. What object is there in adjourning the debate? This House resolved, last year, that it would not consider a Bill of this nature unless proper provision were made for the election of members of this House to the Federal Council. If the Government propose to bring in a Bill by which this House shall have an opportunity of electing members to the Federal Council, then certainly adjourn the debate until the Bill is produced; but, so far, the Government are treating the House with contempt—treating it as they would not dare to treat the Legislative Assembly. They have taken no notice of our resolution, but have introduced this Bill, which is similar to the one which was objected to last year. The matter has assumed an entirely different aspect to what it did last year. It is not a question whether we shall have power to elect members of this House, but a question of whether we shall maintain our dignity and independence, or allow the Government to ride, rough-shod, over us, and treat our resolutions with contempt. I am not prepared, sir, to consent to any adjournment unless some good reason is shown for it.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I rise to make one or two remarks, and to take exception to the statements which have been made by the Hon. Mr. Parker. So far from the Government having any desire to ride rough-shod over this House, or to treat it with contempt, the very opposite is the case. These appointments to the Federal Council are made in this colony exactly in the same way that they are made elsewhere, and it is not considered that the Houses are being treated with contempt.

THE HON. S. H. PARKER: But there is the resolution of last year.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am afraid the hon. member has spoken with more warmth than the subject deserves, and I think

that, when he reflects, he will see that the Government have no desire to treat this House other than with the greatest respect. The Hon. Mr. Kidson wishes that a little time should be given to further consider this question, and he proposes that the debate shall be adjourned. I cannot see what valid objection there can be to adopt this course. If the hon. member wishes the Bill to be thrown out, let him get up and say so, and we shall know where we are, otherwise I can see no good reason why the debate should not be adjourned. With a short adjournment, a little time will be afforded to the Government to consider the matter and to try and meet the wishes of the House. I have already given an assurance that the member to fill the vacancy will be selected from this House.

THE HON. S. H. PARKER: There is no vacancy.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): There may have been an omission in not notifying the House of a resignation; but there has been one, and I give my assurance that it will be filled by the election of a member from this House. Any further than this I am not prepared to go at the present time; but if the hon. member wishes that the second reading of the Bill shall not be entertained, let him say so at once. I make this explanation as I do not like to hear the Government run down for actions they are not guilty of.

Question—That the debate be adjourned—put and passed.

Debate adjourned accordingly.

COOLGARDIE WATER SUPPLY LOAN BILL.

SECOND READING—ADJOURNED DEBATE.

THE HON. S. H. PARKER: I rise to move that the debate be further adjourned, and the reason I do so is that, at the previous sitting of the House, I asked the Hon. the Minister for Mines to lay on the table certain information with respect to this Bill. I do not know whether hon. members generally consider it of importance; but, so far as I am concerned, I think it highly desirable that we should know what schemes have been proposed other than this one in regard to supplying Coolgardie with water. £2,500,000 is a large sum of money for a small

community like this to raise by way of loan. It means a charge of £23 or £24 per head of the population, and, therefore, it seems to me that, if it is possible to attain the end the Government have in view by means of private enterprise, it would be well to allow individuals to undertake the work.

THE HON. C. A. PIESSE: Is the hon. member in order?

THE PRESIDENT (Hon. Sir G. Shenton): Perfectly in order.

THE HON. S. H. PARKER: I thank the hon. member for being so alive to the rules of this House, and I trust he will take note that I am perfectly in order. I was saying, sir, that I regard this as a very important matter as affecting the whole community. I have not had an opportunity of inspecting the paper which the hon. the Minister has been good enough to lay on the table, and I have not been able to consider whether it is possible that this great work shall be undertaken by private enterprise or not. I fully recognise that water is required in large quantities on the fields, and I also admit, that if it can be shown that private enterprise cannot properly undertake the work, that then, in spite of the heavy charge upon the community, it may be desirable for the Government to undertake it. In these circumstances, I move that the debate be further adjourned until this day fortnight.

THE HON. J. W. HACKETT: I would call your attention, sir, to Standing Order No. 122. It says: "A member who has spoken to a question cannot speak to any amendment thereon until such amendment has become the main question; nor can he, during the debate, move or second the previous question, or the adjournment of the debate, or the adjournment of the Council, or that the Council do now divide." I take it for granted, therefore, that the hon. member who has just sat down has lost his right of speaking further to the question.

Question—That the debate be adjourned—put and declared negatived.

The House divided with the following result:—

Ayes	...	...	7
Noes	...	...	10
			—
Majority against...			3

AYES.
The Hon. R. G. Burges
The Hon. F. T. Crowder
The Hon. C. E. Dempster
The Hon. S. H. Parker
The Hon. J. E. Richardson
The Hon. F. M. Stone
The Hon. S. J. Haynes
(Teller).

NOES.
The Hon. H. Briggs
The Hon. D. K. Congdon
The Hon. J. W. Hackett
The Hon. R. S. Haynes
The Hon. A. B. Kidson
The Hon. E. McLarty
The Hon. C. A. Piesse
The Hon. H. J. Saunders
The Hon. J. H. Taylor
The Hon. E. H. Wittenoom
(Teller).

THE HON. F. M. STONE: I beg to move that the debate be adjourned until this day week, and I do so for the reason—

THE HON. J. W. HACKETT: The hon. member, under the Standing Orders, must wait a quarter of an hour before he can move this resolution.

THE PRESIDENT (Hon. Sir G. Shenton): Yes, the hon. member must wait a quarter of an hour.

THE HON. R. G. BURGESS: As no other hon. member seems inclined to speak to this question, I may be permitted, perhaps, to say a few words. I am not going to oppose the second reading of this Bill, because I fully realise that it contains a good principle, namely, that the goldfields should be supplied with water. At the same time, when we come to the details, I think I shall be able to show, by the figures of the Engineer-in-Chief, that there is little probability of the work being undertaken for the sum which is stated. We must consider this scheme by the light of other works which had been undertaken by the Government. If we look at our railways, and especially to the deviation which has been made, we see that the cost has far exceeded the estimates, and that the works when completed have not been too successful. From the map, which has been laid on the table, I can show that the Government can save nearly £250,000 by laying the pipes of this scheme in a direct line instead of taking them the circuitous route proposed. The three reservoirs are in a due East line from the No. 7 reservoir, which last-mentioned reservoir must be used in time, if it is not required at first. I asked the Engineer-in-Chief the other day whether, if in time, this No. 7 reservoir had to be used, he would not have to construct a railway to it, and he said that such would be the case. I think that might as well be done now. If we run a line of railway wherever the pipes are to be used, we shall have the double advantage of saving the cost of

carriage on the pipes and opening up good agricultural land. The present lines are up steep gradients, and are almost unworkable, so that if the direct route, which I am in favour of, were adopted these grades could be done away with and the traffic facilitated. The Government are already going to construct some 15 miles of railway for the purpose of carrying out these works, and I would suggest that if the line were laid from a point nearer to York it would be straighter, more level, and would give many more advantages. I think hon. members when making up their minds to vote large sums of public money, should consider how they can best be spent in the interests of the whole country, and if, when constructing these water works, we can also serve the agricultural classes by opening up new land, I think we should do so. If the route for the pipes were altered, and the railway line which it is necessary to construct close to them were made straighter in the direction I suggest, there will be an additional advantage to the people of Albany, who will then have a chance of bringing their produce to a more favourable market. It may be said that it will take time to do this, and that the Government want to get on with the work at once; but I maintain that the railway can be hurried along just the same as the Yilgarn Railway has been. Mr. O'Connor says that all the pipes for this scheme can be delivered in two years, but, notwithstanding this, the Government do not seem to be at all certain that the work can be completed in three years; and I maintain that, in these circumstances, there would be ample time for the construction of the railway I contend for. With reference to the pumping stations, I do not believe that sufficient allowance has been made for the engine power. I do not think that 3,612 horse power will be sufficient, but we could save a good deal of the pumping if my idea were carried out, because the difference in height between the top reservoir and the lower one is about 400 feet. Then, again, by the route I suggest, the distance the pipes would have to be taken would be one-seventeenth less than that provided by the Engineer-in-Chief's scheme. Therefore, it would be possible to save one-seventeenth part of the cost of the pipes and other materials connected with

the scheme, which would make a total saving of £174,000, and, in addition to this, a very large annual sum would be saved in the cost of maintenance. I am not opposing a scheme for supplying the goldfields, because we know that water must be taken there; but I do say that we should expend the money in the most judicious manner possible, and at the same time give the greatest benefits we can to the country. Another important point, if my scheme were adopted, is that it will provide a safe line for those going from Albany to the goldfields to travel upon. All along the railway construction of the colony has been carried on with great lack of facility. We have only to look at the line up the Darling Range, the Midland Railway, and the Great Southern Railway. Some years ago, when I was speaking at Geraldton, I said the Government were about to commit a very great mistake in giving away the land for the construction of railways. I was then told that I was a lunatic, but the Hon. the Premier has lived to see the day when my words have come true. In the present instance I tell the Government that they are about to make another mistake, and in time it will be found that the top reservoir will have to be used, and then the country will have to undertake the very work I urge should be done now. I do not wish to see any greater burden imposed upon the country than is necessary, but it is of no use trying to curtail the expenditure and afterwards discovering that the money has been wasted. I think I have shown that there is a necessity for carrying this water scheme up to the No. 7 reservoir, and that, if that be so, it is the opinion of the Engineer-in-Chief the railway line must also be constructed. To carry out the present scheme as proposed will cause another block on the Eastern Railway, for trucks and engines, which can ill be spared, will have to be taken out of the ordinary traffic to convey the pipes and material. Some doubt has been expressed as to the holding ground at the top reservoir, but, as everyone knows, there is 30 per cent. more rainfall there than on the ranges to the East. I have here the rainfall from 1877 to 1895. In 1877 it was 13·90 inches; in 1878, 19·80 inches; in 1879, 12·50 inches; in 1880, 18·57 inches; 1881, 14·95 inches; in 1882, 19·45

inches; in 1883, 23·96 inches; in 1884, 19·17 inches; in 1885, 22·19 inches; in 1886, 14·18 inches; in 1887, 16·79 inches; in 1888, 17·77 inches; in 1889, 19·99 inches; in 1890, 22·97 inches; in 1891, 15·19 inches; in 1892, 13·86 inches; in 1893, 23·31 inches; in 1894, 10·99 inches; in 1895, 16·08 inches—or a mean during the whole period of 17·66 inches. Therefore, there can be no question as to the rainfall being insufficient to give an adequate supply of water. I am not bringing this scheme forward in the interests of my constituents, because, under the Redistribution of Seats Bill, we shall not represent the same people that we do at present; but I do say that my proposal will benefit the Southern portion of the country, which is at present idle. I now move, as an amendment, that all the words after “that” be struck out, with a view to inserting the following:—“the Coolgardie Water Supply Loan Bill be referred to a select committee.”

THE PRESIDENT (Hon. Sir G. Shenton): I think it would be more in order if the hon. member made that motion after the Bill has passed its second reading. I refer the hon. member to Standing Order No. 246.

THE HON. R. G. BURGESS: Then I withdraw my amendment for the present, but I hope hon. members will consider the subject carefully, and not rush into so large a public expenditure without being assured that the best results will accrue to the colony from it.

THE HON. F. T. CROWDER: In rising to speak on the question before the House, I must first congratulate the Hon. the Minister for Mines for the able speech he made when proposing the second reading of the Bill. When listening to the hon. member I was all the time looking forward to learn something more of the details of this large scheme—details in regard to the cost and other matters—and I must say I was grievously disappointed. At the same time I am sure he placed before us all the facts he had in his possession, and I must compliment him, therefore, upon making a very good job of a very bad brief. I was disappointed, too, that he did not, like his chief, make some quotation from the immortal Isaiah. This Bill, however, is an important one. It involves millions of money, and I must ask hon. members

to consider, before passing it, what a burden it will place on the future taxpayers of the colony; whether the scheme can be carried out for the money named—£2,500,000; whether it can be carried out in the time mentioned—8 years; whether it is practicable; and, further, whether the Government have the right to ask this House to vote so large a sum of money on the bare word of Mr. O'Connor, the Engineer-in-Chief? There is an old saying that a man who is convinced against his will is of the same opinion still. I suppose that saying would also apply to hon. members who may have been convinced—not that I wish to insinuate that anyone would so far forget his duty as to vote for this scheme as he may have been told to vote, in accordance with their instructions. I cannot help thinking that some hon. members have come here with their minds made up, and that, no matter what arguments are brought to bear to prove that the scheme cannot be carried out in the time mentioned or for the money named, they will still vote for the Bill, and, even if they are convinced when the bell tinkles for the division, they will then be found voting as they originally intended. I hope, however, all hon. members will remember that they are called upon to night to act in the interests of their constituents. I have been asked myself by several not to run my head against a wall. I do not know exactly what that means, but, anyhow, I have a duty to perform, I intend to perform it, and I shall not allow this Bill to pass without saying a word against it. I have heard it said that the Premier and his colleagues have their hearts in the scheme, and that they have not brought it forward for the sake of gaining popularity on the goldfields. I had much pleasure myself in listening to the able speech which was delivered by the Hon. the Premier when moving the second reading of the Bill in another place, and I think that anyone who heard it must have come to the conclusion that, at any rate, he was heart and soul in the work. He painted the picture in such glowing colours that, if I had not gone into the matter before myself, I should have been seduced to believe in it myself. I have also heard the remarks of the Hon. the Minister for Mines, and I believe that he, too, is heart and soul in

this scheme. So imbued are the members of the Government with it that I believe they can almost now hear the water trickling from the pipes at Coolgardie, and see monuments erected to their memories for undertaking the work. So earnest are they that they have been thoroughly mesmerised by the Engineer-in-Chief. I have been told that to wake out of a trance suddenly is dangerous; and, therefore, I shall not address my remarks to the Hon. the Minister for Mines or his colleagues. Their awakening will come soon enough. In addressing this House the Hon. the Minister for Mines relied on two important facts: firstly, as to whether the scheme is practicable; and, secondly, whether it can be carried out for £2,500,000. I also intend to confine myself to these points. It is unnecessary for me to tell hon. members that I am not an engineer, but, as a layman possessing some common sense, I think I am justified in expressing an opinion as to whether a work of this magnitude can be carried out in the time mentioned or for the money named. Now as to the practicability of the scheme. Of course all engineering schemes are practicable so long as there is plenty of money behind them, and I take it that this scheme may be carried out if sufficient money is expended upon it. At the same time I maintain that there is not sufficient evidence before us to prove whether it is practicable or not. When listening to both the Hon. the Premier and the Hon. the Minister for Mines I hoped to find out from them many details in connection with the scheme, but I am sorry to say that I was disappointed, nor have I been able to gather them from the papers which have been laid on the table. I heard that there was to be a reservoir constructed on the Helena River at a cost of some £200,000, and that pipes were to be carried from there until they reached a mount, which the Hon. the Premier said an all-wise and far-seeing Providence had placed there as a site for the last reservoir of this scheme. Not being an engineer, I may not perhaps express an opinion on this particular scheme, but I can arrive at a conclusion by comparing it with other works of a similar character. Now, the Liverpool Water Works are constructed upon a similar principle to that proposed in this

scheme—a principle partly gravitation and partly pumping. The Liverpool works were carried out by the most eminent of British engineers, who, I presume, may be taken to be the most eminent in the world. In that scheme there are three mains, and these has been found necessary, in consequence of the liability there is of the pipes to burst. Here we have one main pipe, and what will happen if it bursts? It is true that it is said that the storage reservoir at Mt. Burges will hold two days' supply, but, knowing as we do, how long it takes to do anything in this colony, I would ask does any hon. member think that in the event of a burst the repairs could be made in time to keep the mines going. Should there be a burst the Government would probably get some more of those impudent telegrams which the Hon. the Minister for Mines read to us the other evening. In looking through the papers which have been laid upon the table I notice a complete absence of detail. Nothing is said as to the filtration of the water, but we are told by the Minister that this House has nothing to do with matters of this kind. I beg to differ with him, and I say that this House has a right to have every detail before it, so as to enable it to properly consider the scheme. We have no right to pass such a Bill as this in the dark. The scheme, as put forward, is minus most important details, and how the Government can ask us to pass it, in the circumstances, I cannot understand. With the information before us we are not in a position to say whether it is practicable or not. Now, as to whether this scheme can be carried out in the time stated. I say it is an utter impossibility for the work to be done in the time, and the Government, I am confident, know it. The only report we have which deals with the matter states that 90,000 tons of pipes will be required, and that it is proposed to commence the delivery of them within six months after the passing of this Bill at the rate of 2,000 or 3,000 tons a month. Of course the 90,000 tons mean dead weight. If the pipes could be carried at dead weight, it would take 20 trucks a day and two engines to keep the delivery going. As, however, these pipes are to be 30 inches in diameter, it is evident they cannot be carried as dead weight, and thus no

more than six pipes can be carried on a double bogie truck, so that three times the quantity of rolling stock will be required to haul them than if they could be carried at dead weight. As hon. members are aware, the journey from Fremantle to Coolgardie, allowing for loading and unloading, will take six days; and, therefore, it will take 360 trucks and eight locomotives to keep this work going, irrespective of the trucks and engine-power required for the conveyance of the cement for the reservoirs, or for the machinery at the pumping stations. This, at least, will take another 15 trucks and a couple of engines. As, however, the whole of the pipes will not be carried the whole distance, it is only fair to halve the quantity of trucks and engines required, and, if we do this, it will be seen that 180 trucks and nine engines will have to be put into use as soon as these works start. We are all aware of the deplorable state into which our railways have got, owing to the want of rolling stock. There are, at the present time, seven or eight steamers lying off the Fremantle jetty unable to unload, and some of them have been here for five or six weeks. We know, too, that there are 250 trucks at Southern Cross which cannot be hauled owing to want of engine-power. For a long time many of our local industries have been half starved from the same cause, and it is said that it is due to the British manufacturers' inability to supply rolling stock fast enough. Seeing that our trade is growing day by day, that we have nothing like the rolling stock we require, and that it will take at least twelve months before we shall be able to obtain sufficient, I ask hon. members how the Government propose to commence the haulage of these 90,000 tons of pipes within six months. It will be utterly absurd for them to attempt it. It is true that, in seven, eight, or nine months' time, we shall be in possession of more stock, but are the Government going to further paralyse trade in the meantime. Knowing the feeling of the public as I do, I feel sure it would take a stronger Ministry than the Forrest Ministry, and they are strong enough in all conscience, to do such a thing as this. I am confident that the Hon. the Minister for Railways would not, in view of public feeling, risk further paralysing trade by carrying these

pipes. Those hon. members who have read the report of the Engineer-in-Chief must come to the conclusion that the work is to be carried out at lightning speed; but I say, seeing what there is to be done, it cannot be completed under four or five years at the least. The Liverpool Water Works were to have been carried out in three years, but they were not completed in five. I come now to the question of whether this scheme can be carried out for the sum mentioned, namely, £2,500,000. Again I say no, and again I am confident that the Government know it cannot be. Every item is set down at the lowest cost. Nothing is allowed for any rise in cost of pipes, and there is no allowance for the carriage of the cement, machinery, and other requirements connected with the scheme. Another great and important matter, for which no allowance has been made, is the interest on the money during the four years which will elapse before the water flows into Coolgardie and a return is obtained from the work. The calculation for the labourers is based at 7s. per day. Even in Perth labourers will not work under 9s. a day, and, I believe, when this scheme is started, it is not too much to say that the Government will have to pay 14s. a day. Then I notice that the 90,000 tons of pipes are to be carried on our railways at 11s. 3d. per ton. Is the Government going to rob the railway system of £200,000 so as to make this water scheme appear cheaper? These pipes are to be carried at mineral rates. When minerals are carried it is on the condition that 12 tons must be taken in each bogie truck, and if there is not that quantity the truck has to be paid for all the same. But pipes cannot be carried in this way because you will never get 12 tons dead weight of pipes on a bogie truck. If private individuals had to send these pipes the Railway Department would charge £2 15s. 6d. per ton to Coolgardie, so that, on this item alone, the Government are going to rob the Railway Department of £200,000. Thus, I say, the Government are misleading the House. I say that the scheme will not be carried out under £5,000,000. I now come to another point. Seeing that so large an amount is about to be expended, I ask are the Government justified in seeking to get this House to pass this Bill upon the word of Mr. O'Connor alone? I

wish it to be understood that I have nothing to say against Mr. O'Connor. To my mind he is a hard-working gentleman, and he has performed good work for this colony. Still, I must be permitted to say that he is somewhat given to fads, and this is one of them. He has been forced on in this matter by the Government, and I defy anyone to say that he has had proper time to consider this scheme. If he had, I am sure he would never have sent down such a document to this House as has been laid upon the table. We are already spending a large sum of money on Mr. O'Connor's reputation in connection with the Fremantle Harbour Works, and I believe that, within a short time, this House will be in possession of such facts as will show that the Engineer-in-Chief is out, both as regards the time in which the works can be completed and the amount they will cost. I ask hon. members to vote with me in this matter unless they are prepared to say that it is impossible for Mr. O'Connor to make a mistake. I will refer again to the Liverpool Water Works. The estimated cost was £1,500,000, and the actual cost was found to be £3,000,000. The work was to be completed in three years, and it took five years. If the leading engineers of Great Britain could make such a mistake, surely it is possible for Mr. O'Connor to make a mistake. It is all very well for the Government to tell us that if we pass this Bill they will get other expert advice. To my mind this is treating hon. members as so many children. Why should not the Government bring down a proper scheme, which could be criticised and not be found wanting? This scheme is not worth the paper it is written on, and the House should not pass it. The next thing we shall have is the Government coming down and asking us to sanction the borrowing of £5,000,000 or £6,000,000, and telling us they will supply the details in a week or two. I claim now that I have shown that the work cannot be carried out in the time mentioned; that we have no evidence of the practicability of the scheme; that it cannot be completed for the sum mentioned, and that the Government have no right to ask us to pass this Bill on the word of the Engineer-in-Chief alone. If I have proved these things to the satisfaction of

hon. members, I claim their votes against the second reading of the Bill. Apart from this, there is no necessity for the Government to undertake the scheme and interfere when private enterprise is prepared to carry out the work. I say private enterprise is prepared to give to the goldfields, which are in want of water, this very scheme if necessary.

THE HON. C. A. PIESSE: We do not want anything of that kind.

THE HON. F. T. CROWDER: I say private enterprise is prepared to carry out this scheme without risk to the taxpayers. The Hon. the Minister for Mines, in referring to the question of private enterprise, pointed to the Great Southern Railway, the Midland Railway, and the Perth Water Works. These are all good schemes in their way, and would have done good work had the Government taken steps to bind the companies so that they could not get out of their bargains. In the original contract, the Great Southern Railway was bound to land so many people in the colony, but the Government allowed that provision to fall through. The Midland Railway was a tangle from start to finish, and so was the Perth Water Works. But having seen their foolishness in the past, the Government should take advantage of their experience, and make such an agreement with private enterprise for the supply of this water as is binding. Surely agreements can be drawn which will be binding. I am aware that the Hon. the Premier has stated that no agreement can be drawn which a syndicate cannot get through. No doubt he was speaking for the members of the profession in his own House, but, looking around here, I can see one or two hon. members who, I feel sure, could draw such an agreement that their reputed leader, Satan, could not get out of. The Hon. the Premier also said that £60,000,000 of British capital had been invested in the goldfields. I think that statement is somewhat on a par with the report which has been sent to us on this scheme; but, allowing that this sum has been spent, it supports my argument, that, for the sake of another £2,500,000, these British capitalists are not going to lose their £60,000,000. Hon. members are all aware of the labour clause under which the mines are worked, and even allowing that this scheme is passed, I

would ask what are the mine-owners going to do during the next four or five years while it is under construction.

THE HON. D. K. CONGDON: Three years.

THE HON. F. T. CROWDER: It cannot be done in three years; more likely four or five years. At the end of that time what will be the position of the water works. Will not every mine by that time have its own water scheme? The Hon. the Minister for Mines told us there was no risk about this scheme, because it would pay from the jump. That is all moonshine, and no one knows it better than he does. If he does not, he is not fit to hold the position he does as a director of one of the leading banks in this colony. Would he lend money on such a project as this, the results of which are based on the supposition that the whole 5,000,000 gallons per day will be sold at 3s. 6d. per 1,000 gallons? No allowance is made for bad debts, or for the dishonesty of clerks, or for breakdowns, or for the hundred and one other things that may happen. The whole calculation is absurd and misleading. If such a proposal were set out in the prospectus of any syndicate for the purpose of floating a company, every respectable paper would write it down. I ask hon. members to look at the scheme, not as a paper emanating from the Government, but as a prospectus published by a private company; and, looking at it in this way, I say how many hon. members would put their savings into it? I ask would the Hon. Mr. Saunders put £1,000 or £2,000 into it? Then there is another serious point we have to look to? If the scheme is carried out by the Government, what will happen? I may ask what has happened in regard to the freights on the railway line from Perth to Coolgardie? The present Government gave a distinct pledge, when asking this House to agree to the construction of the Coolgardie railway, that such freights would be charged as would not only pay the interest and working expenses, but would also provide a sinking fund to pay off the capital in about 30 years. What has happened? The Government, under pressure from the goldfields, have brought the freights down to the same as those which are charged between Perth and Fremantle, and yet the whole of the

trucks are returned from Coolgardie empty. The Hon. the Minister for Mines has told us that this scheme will save £30,000 a year in water for the railway lines, and he pointed out that the lines were not paying on account of the quantity of water that had to be carried.

THE MINISTER FOR MINES (Hon. E. H. WITTENBOOM): I did not say the lines were not paying. I think what I said was that so many trucks had to be used for the conveyance of water, and thus the Government were not able to carry the amount of freight they otherwise might have done. I do not think I said the lines were not paying.

THE HON. F. T. CROWDER: I thought the hon. member would try to twist out of it, but I took his words down. At any rate the Government reduced the freights, and what happened in connection with the freights will also happen in regard to the water. At no very distant date the power of the goldfields will predominate in the Parliament of the country, and the goldfields members will argue that, as the Government are supplying Perth with water at 1s. 6d. per 1,000 gallons, the goldfields should not be placed at any disadvantage. Then the Hon. the Minister for Mines said that he had three offers from private enterprise to take the whole of the water which this scheme will be able to give. This shows that private enterprise is willing to carry out the scheme. I also heard the hon. gentleman say that the Government do not intend to block the scheme put forward by Mr. Wilson. I do not think Mr. Wilson has anything to thank the hon. gentleman for. Does he think that Mr. Wilson is such a fool as to enter into competition with the Government? Then the Hon. the Minister for Mines laid great stress on the fact that this Bill was passed in another place without a division. I should like to see the hon. gentleman sitting on the opposite side of the House and hearing such a statement made. What a happy half-hour we should have. He would ask whether it was a fact that, when the time for the division arrived, 17 or 18 members were not in their places. I ask hon. members, in considering this question, not to take into account the fact that there was no division on this scheme in another place.

I have shown that the scheme cannot be carried out in the time mentioned, or for the amount named; that, for all we know, it is not practicable; that the Government have no right to ask us to pass this Bill on the word of Mr. O'Connor alone; and, lastly, that there is no need for the Government to interfere with private enterprise. On these grounds I claim the vote of every hon. member against the second reading. No hon. member who has carefully considered this Bill as I have, and has gone through every paper which has been placed in our possession, can vote for a scheme such as this, bristling, as it is, with grave and serious errors, deficient in most important details, and throughout grossly misleading and untrue in the deductions that are drawn therefrom; and I defy any member of the Government to prove to this House that the figures contained in the report of the Engineer-in-Chief can be relied upon. I say this scheme will cost from £4,000,000 to £5,000,000, and the water will cost from 8s. to 10s. per 1,000 gallons. This scheme is only the thin end of the wedge to get this House to incur an enormous expenditure. The Government know full well that it cannot be carried out for the sum they state. Knowing this, why do they not take more time to prepare a proper scheme? If they do so it will be shown that the cost will be £5,000,000, that the scheme will take five years to complete, and that the water will cost 9s. per 1,000 gallons. Even if they do this, I feel sure they will have the same chance of passing it as they will in regard to the present scheme. I ask hon. members to bear in mind, that if they pass this Bill, they will drive a nail into the coffin of private enterprise.

THE HON. C. A. PRESSE: And a good job too.

THE HON. F. T. CROWDER: I say they will drive a nail into the coffins of private enterprise, for no one would attempt to enter into competition with the Government. Further, I am told that on certain parts of the goldfields there is more water than the people know what to do with, and there will be still more within the next four or five years. If the Bill is passed all private enterprise for the supply not only of Coolgardie, but of Hannan's, Menzies, and other towns will stop, because no syndicate will come in

where it is possible for the Government to sell the water at 1s. 6d. per 1,000 gallons or even give it away. I ask hon. members to seriously and thoughtfully consider this scheme. To my mind the Government are trying to force this Bill down the throats of hon. members with most indelicate haste. I do not care whom I offend, and while I am here I shall say the hardest words I can whenever the Government try to cram down the throats of hon. members details of a scheme such as have now been put forward. For the first time, to-day a map showing the various parts of the scheme has been laid on the table; but, from the other documents, we learn that the Government have not yet considered whether they will carry it out as shown on the map or in some other way. Surely that is not the way to treat hon. members of this House. Then, again, the Government should give hon. members time to verify the figures in the Engineer-in-Chief's report, and until they do so I ask hon. members to vote against the second reading. For my own part, if I were given proper time to go into the figures and to hear evidence, it is possible I might alter my opinion; but I do think the Government are treating this House with scant courtesy in bringing down such a Bill as this, and laying documents on the table in connection with it at the last moment, and then refusing, as the Hon. the Minister has done, to grant an adjournment when it is asked for. I ask hon. members, unless the Hon. the Minister for Mines comes to his senses, to throw this Bill out. No Government has a right to ask us to sanction the expenditure of £2,500,000 on a scheme which is bristling with falsehoods, the figures of which are grossly misleading, and the deductions therefrom are false. I say the Government cannot prove they are right.

THE HON. D. K. CONGDON: Can you prove you are right?

THE HON. F. T. CROWDER: I have proved that I am, and, unless you are too thick-headed, you will see that I am. It is all very well for hon. members to come here—

THE HON. D. K. CONGDON: We prefer the figures of the Engineer-in-Chief to yours.

THE HON. F. T. CROWDER: The hon. member is evidently satisfied that we should spend £2,500,000 in the dark, and then not know whether the scheme is to be carried out. I ask hon. members to demand from the Government a proper time in which to consider the Bill, and to enable them to obtain the evidence of experts on the subject. If, however, they pass this Bill on the statements which have been put before us, they will be doing what there is no precedent for in any of the Australian Parliaments.

THE HON. C. E. DEMPSTER: I approach this matter, sir, with more anxiety than I have approached any other. We owe a duty to the goldfields, for, to a very large extent, the future of the colony depends upon them; but, at the same time, by taking this step we shall be incurring an enormous debt which we should not, I think, make ourselves responsible for unless the work is to be reproductive. When speaking to the Address-in-Reply to the Governor's opening speech I felt that the work was one of such magnitude that it was not right for us to enter upon it; but I admit, since I heard the earnest way in which the Hon. the Premier put the matter, and saw how anxious and sincere he was, I was led to believe that there must be a good deal more in it than I thought at first. Coupled with this, we have the Engineer, who is the principal authority in the colony on a subject of this kind, fully bearing out the views of the Government; and I think it would be presumption on my part to offer an opinion against his. I consider, therefore, we are justified in going on upon his advice. He says that the work is practicable, and I must say that I cannot see any insuperable difficulties in connection with it. There may be some difficulties, and it may cost more than is stated, but, considering the immense benefits that will be conferred on the goldfields, I think it would be well for hon. members to hesitate before rejecting this measure. We must all admit that the prosperity of the colony at the present time is largely due to our goldfields, and we must also admit that the future of the colony depends largely upon them. By the goldfields we must sink or swim. If they do not go ahead as we anticipate this colony must sink into oblivion, and, therefore, I consider it is our duty to

support this scheme. We know that the Engineer-in-Chief is a man of prudence and integrity, and a man whose opinion can be relied upon. We cannot blame him for the mistakes that have occurred in connection with the construction of our railways, for they were committed before he came to the colony.

THE HON. R. G. BURGESS: What about the deviation?

THE HON. C. E. DEMPSTER: In that case I think the best was made of a bad job. The whole thing was a mistake in the first instance. If the line had been made by way of the Chittering Brook we should not have had the difficulties we now have to contend with, and, besides this, by that route more country would have been opened up than is now the case. I think the idea which has been mentioned of laying the pipes for this scheme some distance from the railway line would not be desirable, because the carriage of them would then cost as much as the construction of another line. I am thoroughly impressed with the importance of this work and the benefit which will accrue to the colony from it. My only doubt at first, when I said that I would not support it, was that I felt it would saddle the colony with an enormous debt, knowing as I did whose shoulders it would fall upon in the long run. There is no doubt that it is those who are nailed to the soil who will have to pay the piper, but still, seeing that we are so much dependent upon the goldfields, I think we must be prepared to risk a little. I trust that no one will have reason to regret having approved of this scheme. We know that Sir John Forrest has been right in many of the things which he has undertaken, although all of us did not agree with him when he first proposed them, and I believe many of us will live to see the day when he will be proved to have been right in this matter. We all must admit that the colony has gone ahead at a greater rate than we expected, and we may conclude that if it goes ahead in the same ratio as the past, we need have no fear of having consented to this expenditure. The population will have so increased that the debt per head will not be as great when the work is complete as it is to-day. If we take this view I do not think we shall be inclined to the opinion that our indebtedness will press very

heavily upon us. I have heard it said that the Government is likely to prove incorrect as to their estimate on the cost of this work. It has been stated that the cost will be £5,000,000, but we have the facts put before us by the Engineer-in-Chief, and I cannot see how we are justified in assuming they are wrong. The cost of the pipes and the laying of them cannot involve an enormous expense, and the cost of the dams ought to be easily calculated by men who have had experience in such matters. I believe the harbour works will show that the Engineer-in-Chief's estimate was outside the mark rather than inside. The cost of the first mole did not come up to the estimate by a considerable amount, and, therefore, I do not think it is right to assume that Mr. O'Connor's figures are incorrect in this instance. I can only say that I shall support this scheme, and I trust it will bring that prosperity we all hope it will. Considering the population of the gold-fields, and the enormous amount of capital expended, I do not think it reasonable to suppose that those people are not satisfied with their investments or are not sure that they are safe. If private individuals are prepared to risk so much, surely the colony can risk a little.

THE HON. D. K. CONGDON: I believe it is almost impossible to complete this discussion to-night, and, in these circumstances, I propose that the debate be now adjourned until Thursday next.

Motion put and passed.

Debate adjourned accordingly.

CONSTITUTION ACT AMENDMENT BILL.

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

ADJOURNMENT.

The House at 10-10, p.m. adjourned until Wednesday, 26th August, 1896, at 4-30 o'clock, p.m.

Legislative Assembly.

Thursday, 20th August, 1896.

Question: Quarantine Accommodation at Albany—Companies Act Amendment Bill: further considered in committee—Fencing Bill: second reading—W.A. Turf Club Act Repeal (private) Bill: first reading—Constitution Act Amendment Bill: third reading—Adoption of Children Bill: Legislative Council's amendments; in committee—Excise Bill: second reading; in committee—Adjournment.

THE SPEAKER took the chair at 4-30 o'clock, p.m.

PRAYERS.

QUESTION—QUARANTINE ACCOMMODATION AT ALBANY.

MR. HASSELL, in accordance with notice, asked the Director of Public Works:—1. The number of rooms at the Quarantine Station, Albany, in the old and new buildings, exclusive of caretaker's quarters. 2. The height and size of each room.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied: The number and size of rooms are as follows:—In the new building: 2 dormitories, each 25ft. x 22ft. x 11ft. high; 4 dormitories, each 12ft. x 10ft. x 11ft. high; 2 bath rooms, each 7ft. 6in. x 9ft. x 9ft. high; 2 bath rooms, each 7ft. 6in. x 8ft. x 9ft. high; 2 anterooms, each 7ft. 6in. x 21ft. x 9ft. high; 2 vestibules, each 7ft. 6in. x 13ft. x 9ft. high. In the old building: 2 dormitories, each 14ft. x 16ft. x 12ft. 6in. high; 1 dormitory, 16ft. x 10ft. x 10ft. high; 1 bath room, 5ft. x 10ft. x 10ft. high; 1 vestibule, 6ft. x 14ft. x 12ft. 6in. high; 1 dining room, 18ft. x 10ft. x 10ft. high; 1 kitchen, 16ft. x 12ft. x 10ft. high. The nine dormitories will accommodate a minimum number of 36 beds. The rooms in the old hospital buildings are not included in the foregoing. The further additions about to be undertaken will provide an additional 30 beds and contingent accommodation.

COMPANIES ACT AMENDMENT BILL. IN COMMITTEE.

Consideration in committee was resumed.

Preamble and title—agreed to.