Legislative Council,

Wednesday, 27th October, 1909.

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The PRESIDENT took the Chair at 4·30 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: (1), Local Board of Health By-laws—(*a*) Leederville, (*b*) Moora; (2), Municipality of Cottesloe By-laws.

BILL—ABATTOIRS.

Read a third time and returned to the Assembly with amendments.

BILL—PUBLIC EDUCATION ENDOWMENT.

Report of Committee adopted.

BILL—LAND ACT SPECIAL LEASE.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: The object of the Bill is to give a 99 years' lease to the Mount Lyell Mining and Railway Company Limited, to enable them to carry on the work of manufacturing artificial manures. Under the Lands Act power is given to the Governor-in-Council to grant a special lease of land for a period not exceeding 21 years. As I have stated, the lease to be given to the Mount Lyell Company under the Bill will be for 99 years, and there is no power in the existing legislation to grant a lease for such a term. That, therefore, is the reason for the introduction of the Bill. The area under consideration consists of little less than 17 acres, and is situated at Rocky Bay, near the Swan River at North Fremantle. On this property the company will erect large chemical works for the manufacture of superphosphates and acids. It is well to know that a company of this magnitude, having a capital of £1,200,000, will begin operations of this description in the State. They will assist largely the development of the agricultural lands, and it also speaks well for the advance that agriculture is making in the State, when a company is prepared to start works of this kind. In this connection they do not stand alone, because there is another company erecting works in another part of the metropolitan area also for the purpose of manufacturing superphosphates. The Bill clearly sets forth the conditions under which the lease is granted, and there is a small lithograph accompanying it showing the ground. The company are prepared and have agreed to spend something like £35,000 in the erection of these works. They have already placed contracts for buildings to the extent of £23,000, electric lighting, £3,500, and of engines and boilers, over £7,000. During the last few weeks they have spent from £3,000 to £5,000 in putting in foundations, and generally are making a bona-fide start with the works, even before the lease has been properly granted to them. It will be seen in the schedule of the Bill, which constitutes the agreement, that they have undertaken to spend at least £35,000, but they are authorised by their directors to go to the extent, as I have stated, of £54,000. When the works are in full swing it is estimated they will be turning out a quantity of not less than 20,000 tons of superphosphate per annum. They will require for this some 12,000 tons of sulphuric acid and 12,000 tons of phosphatic rock; the sulphuric acid will be made at their works, and the rock is to be imported by the company from Christmas Island, of which they have a lease.

Hon. W. Kingsmill: Is that our Christmas Island?

The COLONIAL SECRETARY: No.

Hon. W. Kingsmill: There is in Western Australia a Christmas Island with phosphatic rock on it.

The COLONIAL SECRETARY: The pyrites to be used, it is to be hoped, will be obtained in Western Australia. We know, of course, that a good deal of pyrites exists in this State, but whether it is of the right kind remains yet to be seen. At the present time the company are making investigations to see whether it is the right kind. If it cannot be obtained in Western Australia, the company will have to obtain it from their mines in Tasmania. Hon. members will agree that the State is exceptionally fortunate in having a company like this to start operations in Western Australia; they will employ a large number of men, and generally, they will be of great assistance to the agriculturists. I also think we can congratulate ourselves that the State has been able to obtain such a favourable agreement. The area to be leased, as I have stated, will be a little less than 17 acres. It carries with it a right to erect a wharf on the river and the matter of the erection of this wharf will be contained in a separate lease. This 17 acres of land has not a water frontage, and a narrow strip of land will be given to enable the company to have access to the wharf landing. The agreement also provides that the company may pump water for the works from the river, but this is subject to the approval of the Engineer-in-Chief. The agreement also gives the company the right of access to the railway system under certain restrictions, and subject to the approval at all times of the Commissioner. It carries with it also the right to cross the railway line by the construction of a subway, or other communication necessary, and this is also with the approval of the Engineer-in-Chief. This provision is necessary, because the railway line goes through the land, and it is necessary to give them some means of getting to it. The usual permission is given to construct sidings at the company's own cost and subject to the approval of the Commissioner of Railways. The rent to be paid for this land, I think, is certainly on a liberal scale. For the first five years it will be £250 per annum, or equal to £12 17s. per acre. For the next five years it will be £315 per annum or £18 10s. per acre. For the third period it will be £420 per annum or £24 14s. per acre. For the remainder of the term it will be £500, equal to £40 per acre. If I owned that land I would be very pleased indeed to let it on terms like these. They would probably have done better to purchase, but the Government would not consider the question of selling this particular piece of land. The company also have to pay all rates and taxes that may be imposed from time to time on the property, and there are further undertakings. It is provided that the premises are to be used only for the special purpose of the business of manufacturing acids and superphosphates and other fertilisers unless the Governor-in-Council should give consent to any alteration. It is provided that the lessees shall expend within two years, in addition to the amount I have mentioned, at least £25,000 on buildings and machinery, and as already stated they are authorised by the directors to spend £53,000. Under Clause 5 they are bound to have 25 men continually employed, but they expect to employ from 140 to 150 men from January to May, and 85 to 90 men from May to January. There is a clause that may be considered a little stringent, but the lessees have agreed to it, that is, if any cessation of work takes place for a period of six months, unless it is absolutely beyond the control of the lessees, they shall be subject to a penalty of £500. It is further provided that the total penalties to which they are subject in this connection shall not exceed £3,000. There is an arbitration clause inserted so that they may go to arbitration to show whether the cessation of work could be prevented by the company or not. Clause 9 provides that the company cannot transfer, assign, or sublet without the consent of the Governor. They have the right to remove the buildings and machinery within six months of the termination of the lease, but as the lease is for 99 years it will be a long time before that can come about. The final clause gives the Governor the right to remove any stone

from the ground so long as the surface is kept level. This ground is the site of an old quarry and consists of a big hill of stone. It was thought the Government should reserve the right to remove that stone if it be necessary for public works. I think every point has been fully considered in the agreement. I have outlined its main features, and if members will peruse it they will see that, to say the least of it, it is extremely favourable from the State's point of view. We are extremely fortunate in getting a company of this kind to come here. We have also another company, Cuming, Smith, & Company who are establishing works in the State on some land they have purchased from freeholders, so that it is not necessary for the Government to give them a lease. I move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East): The Minister has not told us whether this Bill has been referred to the health authorities. It would be important and interesting to the House to know that the local authorities were satisfied that there is no danger to the population now around the site, and the very much denser population likely to be there in the future. To a lay mind, a work of this nature is more or less alarming because most of us have seen something of similar works in other places, and in some cases there have been serious developments indeed. However, if the Minister has the assurance of the health authorities that there is no danger in this instance, I should be very sorry to delay the passage of the Bill; but if we have no such assurance then, I believe, we should certainly wait for it. The contract, to a certain extent, will place the Government between the company and any complaint. If the Government with free hand and eyes open enters into a contract of this kind, it to a certain extent places an imprimatur on the works to be established; and though it may be said the law is sufficient on the point, still, I think this is the time for us to take all necessary precautions. I would like to hear from the Minister whether the health authorities have been consulted.

Hon. R. LAURIE (West): In connection with these works the country is to be congratulated. The quantity of superphosphates brought into the State during the last few years has risen from a few hundred tons to 20,000 or 30,000 tons. The establishment of these works will do away with that importation. I can assure the hon. member that in Port Adelaide large works of a similar character are established on the peninsular alongside the wharf within 500ft. of the town. I do not need to bring in Footscray, because around Footscray there are lots of works that come under the character of noxious trades; but this is not a noxious trade, and that is what I want to point out to the hon. member. There will be at least six shiploads of exactly the same material this company will be manufacturing brought here in bulk next season, and the men work amongst it day by day when the ship is alongside the wharf and there is no smell from it. The phosphatic rock that comes from Christmas Island comes in a crude state and has to be crushed here. There are large works at Liverpool in the midst of a big population, and they interfere in no way with the health of the people. The same can be said of Port Adelaide and Footscray, and of Cuning, Smith and Company's works. I do not think the manufacture of acids will be felt; there is no doubt about it as far as Cuming, Smith and Company's works are concerned, and I can speak from personal knowledge, because I have handled thousands of tons of the same article that is going to be manufactured. Further, I am satisfied that if there had been the slightest possible chance of anything being noxious or likely to interfere with the health of the people of North Fremantle we should have had a very strong objection from them. I remember that when it was proposed to start the smelting works at North Fremantle the people protested very strongly; but after inquiry, and after years of working at South Fremantle there has not been the slightest objection to the smelting works. I think the terms the Government have obtained for the land are far in excess of anything I would have asked if I owned the land,

and I think I know the value of land in the district. I would have been prepared to sell it right out at the rent the Government are getting. However, if the company are satisfied, we can be satisfied. It is pleasing to know that 150 men will be employed yearly at the works. I am satisfied that there is nothing likely to be injurious to the health of the people in the district.

Hon. V. HAMERSLEY (East): I congratulate the Government upon the good bargain they seem to have been able to make with this company, and the State is certainly to be congratulated upon the fact that its production is now sufficient to induce a company to come along and erect the large works that are to be established at Fremantle for the manufacture of these phosphates. It will open up various avenues for the greater use of the supplies of guano we have along our coast, and will render available to the farmer many products that have in the past been in an unusable condition. By these works a lot or material can be treated, and it will considerably enhance the productiveness of the country which has benefited so much from the use of fertilisers. At the same time I feel that the Government have, in the interests of the revenue perhaps, charged almost an unreasonable rent; because, after all, if the company pay this large amount per annum, it seems to me they must get that back again out of their customers; and I do not know that it was altogether necessary, seeing that the cheaper we can put the article out among the farmers the greater quantity they will be induced to use, and the greater will be the return to the individuals using it, and the greater will be the revenue from the traffic created through the increased produce the farmers will grow owing to its greater use. Undoubtedly, it will be a great satisfaction to the farming interests to know that fertilisers are being manufactured on the spot, and that they will not lose through having to wait for shipments that sometimes do not arrive to time. We all know what a serious matter it has been to the farming community. Only this season many of our farmers had to wait fully three months for the arrival of a ship which was something like 100 days overdue. Many of our farmers had their land all ready to be put under crop, and were not able to sow until the arrival of the phosphates they had contracted to purchase. Thereby they not only lost the benefit of the early rains, but in many instances their land was rendered unfit for cultivation through the weeds getting a tremendous start of their cropping operations which were delayed during the non-arrival of the phosphates, which now, through the introduction of this company, will be available to them just when they require them. This establishment will also give the Government a much better opportunity of being able to control the quality of the phosphates to be supplied to the farmers. I believe, from figures which have been published recently in the *Government Gazette*, it has been shown very conclusively that a great many of the phosphates imported and distributed amongst the farmers are not up to the required standard. What action the Government are likely to take in the matter I do not know. There is an Act governing the quality of phosphates, and under that Act it has been the rule, and it is laid down there, that the Government shall have samples taken of every shipload of phosphates arriving at Fremantle, with the object of preventing the farming community from being penalised by having supplied to them phosphates of an indifferent quality. Samples are taken, and according to the *Government Gazette* the phosphates have not been up to the quality, and the farmers have been paying more than they should have done, according to the guaranteed analysis. That is not a matter that any individual farmer should take up for the community; it is essentially a question for the Government of the day to inquire into. It is undoubtedly a very serious matter to the country. At any rate there will be a much greater safeguard against a repetition of that kind of thing occurring in the future if the fertilisers are manufactured locally. I am pleased indeed, to see that these companies are competing for the trade, and I sincerely hope that by the local manufacture the man on the land will have fertiliser whenever he requires

it, without having to wait during the long delays caused by the vessel's late arrival; they will be able to use quantities of the locally manufactured material as they require it. I am pleased, indeed, to support the Bill.

Hon. M. L. MOSS (West): I must confess I have not made a careful perusal of the draft lease contained in the schedule of the Bill, but there is one thing that strikes me and it is this. It appears that after the leasing of this particular piece of land the draft goes on to say—

> "Together with full and free right and liberty to and for the lessees, and their servants, agents, workmen, and visitors to go, pass, and repass, at all times during the continuance of this lease, if and so long as the lessee shall be the lessees of the land coloured red on the said plan, and for all purposes, and either with or without horses or other animals, carts, carriages, and (or) vehicles of any description, into and out of and from the said land or any part thereof hereby demised, through, over, and along a piece of land of the width of one chain, extending from the land hereby demised to the said piece of land coloured red, and to any wharves erected either by the lessees or the Governor thereon or contiguous thereto, such piece of land over which the right of way is intended to be hereby given being coloured yellow on the said plan, and together also (in the event of the lessees ceasing to be lessees of the said piece of land coloured red on the said plan) with the like right of way over a piece of land of the width of one chain extending from the land hereby demised to the foreshore of the Swan River opposite the land hereby demised, such land over which the right of way is intended to be hereby given to be defined by the Governor when and so soon as the lessees shall apply for the same."

So far it means there is the ordinary right of carriage way. It is the next part that I wish to draw particular attention to. It says—

> "to the intent that the lessees shall have the right of access from the land hereby demised to the said foreshore, and to the wharves erected thereon, and extending into the said river; and it shall be lawful for the lessees to erect overway bridges and other overway communication over the said land intended to be used as a right of way from their land to the said land coloured red or to the said foreshore, as the case may be, and the wharves thereon as aforesaid."

The point I want to make is this. Can the Minister give some assurance that the Crown Law authorities have considered whether under the lease the lessees are to get the right to construct wharves and pass goods over the wharves free of wharfage, because the rent may be a mere bagatelle compared to the wharfage, and the point is sufficiently important that some guarantee should be given. While I want to see the industry established at North Fremantle, I do not think the company ought to get so great an advantage over other companies, or to the detriment of the Fremantle Harbour Trust, that they should be able to get in thousands of pounds worth of stuff per annum and pay no wharfage for it Probably there is nothing in the point I am making, but it is an aspect of the question that should be brought under the notice of the Government. The only other thing I have to say is this. Mr. Cullen has drawn attention to an important matter. I recognise the Bill is to confer on the company a power which under the Land Act the Government possess in respect of this piece of land, and, therefore, it is not necessary to come to Parliament for this special legislation, but it is quite likely that in the carrying on of these operations at North Fremantle there may be fumes arising from this manufacture which may make life intolerable. It is possible, however, the passing of this Bill will not give statutory power for that, and that the company will be subject to all the powers of the Health Act. This is the time we should consider this matter, before we have to put our hands in our pockets to pay out something to people who have now come to Parliament for a concession. If the matter now mentioned is attended

to we may, in some way, safeguard the public interests. There ought to be one of two things put into the Bill. Either that nothing in the Act should prevent the whole of the provisions of the Health Act applying in all its phases to the company, or that there should be nothing in the Act which authorises the lessees to commit any nuisance in the manufacture of phosphates and fertilisers. Something ought to come in the Bill to safeguard this position. When you authorise the doing of a thing by statute—and I happen recently to have had personal experience of what I am talking about, because I have had to sue the Government because the Government made a nuisance to a number of the public, and the Government turned round and said, that they had statutory authority to do it. This company may make themselves an intolerable nuisance to the public, and then they may say, or it is capable of this argument, that this Bill gives statutory authority for the lease to be granted for the manufacutre of this material, and that the company are manufacturing in the most up-to-date manner. I do not suppose my constitutents will thank me for the observations which I am making, because when there is an expenditure of money to be made all people are eager for that expenditure to be made. I want to see money expended, and I want to see the industry started, but I want to see that the people who live in North Fremantle, and in fact in any other part of Fremantle, safeguarded from an intolerable nuisance. The observations which I am making are not in a spirit of hostility to the Bill. I want to see it go through with one small amendment, and if the Minister will not force the Bill into Committee to-day, I will put my amendment on the Notice Paper so that he may have an opportunity of considering it. I am not putting anything on the Notice Paper as to the wharfage question: that is important from a Government point of view because the Government will lose, if anything, on the question.

Hon. W. PATRICK (Central): I think the two points raised by Mr. Cullen and Mr. Moss are very important indeed; notwithstanding what has been said by Captain Laurie there is some danger in a work of this kind. No doubt there are very large works at Port Adelaide, Hindmarsh, and also at Wallaroo in South Australia, and in nearly every case the people in the towns are only too pleased to see manufactories of any kind established in consequence of the increase of business which is brought about. The manufactured article, the superphosphate, as Captain Laurie has mentioned, is certainly not noxious at all, but I understand that this company in entering into the manufacture of superphosphates in Western Australia intend to munafacture also sulphuric acid. The very fact that they are talking of using iron pyrites shows that they intend to manufacture sulphuric acid, and if they do not manufacture sulphuric acid it would not pay them to manufacture superphosphates. The rock is imported and manufactured, and becomes superphosphates. In the manufacture of sulphuric acid there are very noxious fumes of sulphur produced. I should not like to live in the neighbourhood where sulphuric acid is being manufactured. It is just possible—I do not know the locality—but in this locality there may be no large population.

Hon. M. L. Moss: Yes; there are 4,000 people at North Fremantle.

Hon. W. PATRICK: I think the point raised by Mr. Cullen is worthy of attention. The opinion of the health authorities ought to be expressed before we finally pass the Bill. So far as the bargain made by the Government with the company is concerned, it is really an excellent one, but at the same time I do not think we need trouble ourselves about it being too dear as far as the company is concerned, because it is notorious that it has cost more than 30s. a ton for freight to introduce superphosphate from Europe, and the greater portion, I may say, of superphosphates used in this country comes from England. It costs about 30s. a ton to import it, and the local super manufactured in Melbourne and Adelaide, in fact all the Australian superphosphate manufactured

is not sold for one sixpence less than the superphosphate imported from England, which is subject to a large freight and wharfage. There is an enormous profit, and there is a ring, because you cannot buy the superphosphate one sixpence cheaper from one company than you can from another in Australia. If you ask for quotations from companies you will find that they all charge the same price. The other point raised by Mr. Moss ought to be settled before the Bill is passed. This is not an extravagant assumption, but assuming that in four or five years time this company manufactures 20,000 tons of superphosphate per annum, at 2s. 6d. a ton wharfage that would mean £2,500 a year, which would be a nice little sum for the Company. I am in favour of the second reading of the Bill; but these matters ought to be settled definitely before we finally pass the measure.

The COLONIAL SECRETARY (in reply): In regard to the points raised by Mr. Moss, I would like to point out that in the Bill now before the House the lease does not give the company the right to erect wharves at all. The right to erect wharves or landings is the subject of another lease. This Bill leases to the company 17 acres of land and it gives them the right over the strip coloured yellow to the strip coloured red, that is to the site of the works. The company has the right of access across the land to the works, it always insures them an outlet from their land to the works. The giving them the right to erect wharves at the spot will be subject to another lease the conditions of which will be similar to those appertaining to the Swan River Company, and other companies having wharves along the river. The company will have the right to erect three hundred feet of wharves for a term of I think, 15 years, solely at their own cost. If the harbour should be extended the lease will cease. If such extension of the harbour takes place within ten years the company will have the right to remove the wharves, if the Trust be not prepared to buy them; but if the extension be not made until after ten years the company will lose all right to the wharves.

Hon. M. L. Moss: Has the second lease been drawn up?

The COLONIAL SECRETARY: Yes; in draft.

Hon. M. L. Moss: You might put it on the table.

The COLONIAL SECRETARY: If the harbour be extended, or if portion of the river be wanted for harbour improvements, the lease of the wharves shall cease.

Hon. J. W. Hackett: What about the other lease; they will have the river frontage.

The COLONIAL SECRETARY: There is no water frontage at all; this land is some distance back from the river.

Hon. M. L. Moss: It is 60 feet above the water level.

The COLONIAL SECRETARY: It is a rocky headland and I do not know that it could be used for any other purpose.

Hon. W. Kingsmill: All the good stone has gone off it.

The COLONIAL SECRETARY: It is the site of the old Rocky Bay quarries. With regard to the wharf they are to pay 6d. per ton wharfage for all cargo shipped over the wharf, with a minimum of £62 10s. a year, and they are bound to ship only their own stuff. If they do not use the wharf they will have to pay the rental of £62 10s. a year. These, I think, are exceptionally good terms, for when they import their stuff they will have to pay overside wharfage to the Harbour Trust; then the stuff will go on a lighter and come to their own wharves where they will have to pay 6d. per ton; so that actually they will be paying more wharfage than the ordinary shipper. It might be asked what about the time when the ships are able to come up to these wharves. That point is protected by the fact that when the harbour is extended their lease shall cease and determine by a year's notice, and the wharf shall become the property of the Harbour Trust.

Hon. M. L. Moss: What is the term of this lease for wharf purposes?

The COLONIAL SECRETARY: It is for 21 years, subject to the wharf not being wanted for harbour improvements. The Government could extend the boundaries of the Fremantle Harbour Trust

next year and the lease would determine. In regard to the point raised by Mr. Cullen, I do not think the manufacture of superphosphates has ever been considered a noxious trade; nor do I think it will be any detriment to the public health at all. Even if it could be classed as a noxious trade, the land is isolated from any dwelling, and therefore it is not so situated as to be harmful to public health. I have not the opinion of the Principal Medical Officer on the point; but I will obtain it and furnish it to the Committee. Again, this question has been before the public for many months, and the local boards of health would have raised the point if they considered it to be a noxious trade. There is nothing in the lease which will prevent the ordinary health laws being applied to this area, just as to any other area in the district.

Question put and passed.

Bill read a second time.

BILL—PERMANENT RESERVE REDEDICATION (No. 1).

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is one of those Bills which have been introduced every session. There is on our Statute Book an Act called the Permanent Reserves Act, under which by proclamation, land may be set apart for a particular purpose. But once that proclamation has been issued the land cannot be used for any other purpose than that set forth in the proclamation.

Hon. J. W. Hackett: It is not a proclamation: I think the land is classified as Class "A."

The COLONIAL SECRETARY: That is so; it is not by proclamation but by classification; but once that classification is made, the land cannot be used for any other purpose unless it is so authorised by Parliament. The land in question consists of a triangular block in Thomas Street and was granted to the Seventh Day Adventists. The Children's Hospital holds four acres near this place and it was found necessary to give them an entrance at the corner of Hay and Thomas streets, thus leaving a triangular piece between the corner of Hay and Thomas streets and the block of which I have spoken, which had been given to the Seventh Day Adventists. Arrangements were made whereby the latter were to take a block lower down in Hay steet and surrender the other. That still left a little block which is included in the second schedule. The land set forth in the third schedule is a small strip alongside the first piece. It is needed to give the carriage way a greater width. The land in the fourth schedule is that granted to the Seventh Day Adventists in lieu of the three-cornered piece I have mentioned.

Hon. J. W. Hackett: There are only three schedules.

The COLONIAL SECRETARY: Yes, I meant the fourth clause. This three-cornered piece stands in front of the Children's Hospital It is of no use for anything else, and it would be detrimental to the Hospital if the trustees could not obtain it. The Seventh Day Adventists will be just as well served by the block they are taking. I think the passing of the Permanent Reserves Act was a very wise provision; it conserves for all time reserves such as King's Park, which cannot be interfered with by any Government without the consent of Parliament. But there are times when it is necessary to change the purposes of a reserve. I think Parliament should at all times exercise the greatest caution before giving away any reserves, because once they are gone, they are gone for ever. But in this particular instance the House will be quite safe in agreeing to the Bill, because it is merely transferring the reserve from a religious body to the Children's Hospital. I move:—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1—Change of purpose of Reserve A 10858:

Hon. W. Patrick: Had the Seventh Day Adventists given their consent to the exchange?

The COLONIAL SECRETARY: Yes. It had been a mutual arrangement be-

tween the hospital trustees and the Seventh Day Adventists.

Clause put and passed.

Clauses 2, 3, 4—agreed to.

Schedules, Title—agreed to.

Bill reported without amendment, the report adopted.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: The object of this amending Bill to the Administration Act of 1903 is purely in the interests of the Consolidated Revenue Fund. The duties under the existing Act are the lowest in Australia.

Hon. M. L. Moss: And quite heavy enough.

The COLONIAL SECRETARY: They are the lowest with the exception of some in New South Wales. Take as a basis the death duties collected last year and it is shown that if this Bill had been in force we would have received abour £7,000 more than we did from the probate duties. The increased duties start where the total value of the estate is over £1,000, and the increase, taking it roughly, varies from 1 per cent. to 1½ per cent., and a little over. If members will take the second schedule they will see fully set out there what the proposed duties are, and then if they turn to the Act of 1903 and compare the second schedule there with that in the Bill they will see what the proposed increases are. Under the Act of 1903 where the value of an estate exceeds £5,000 and does not exceed £7,500 the duty is 4 per cent., whereas in the Bill before us where the value of the estate exceeds £4,500, but does not exceed £6,000 the duty is 5 per cent. or a difference of 1 per cent. Of course the amounts are fixed differently in the two measures. This Bill is almost entirely on the lines of the Victorian Act in all amounts from £7,000 upwards.

Hon. J. W. Hackett: Have you the English figures?

Hon. M. L. Moss: In England they do not get the 10 per cent. until the amount is over £200,000.

The COLONIAL SECRETARY: I can give the hon. member information as to the charges in all the other States. but not in England. As compared with the other States Western Australia, with the increase. will be only brought up to the standard of the lowest of those States.

Hon. M. L. Moss: That is a poor argument.

The COLONIAL SECRETARY: There is a provision in the Act that in the case of money being left to a husband or wife, or to children, only half the amount of the tax is charged. That section does not exist in many Acts in the other States, and it is not proposed to interfere with it now. I beg to move—

That the Bill be now read a second time.

On motion by Hon. M. L. Moss debate adjourned.

BILL—COOLGARDIE RECREATION RESERVE REVESTMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a very formal measure and deals with the town block or reserve in Coolgardie known as Town Lot 1080. In 1896 this lot was set apart for recreation purposes. It was known as the Coolgardie recreation ground. and was vested in three trustees. A certain amount of money was spent on the ground, but there came a time when the trustees got into difficulties, and the land was sold by the mortgagee. It was bought by the Municipal Council. who desired to preserve it as a recreation reserve. and this Bill is to create trustees in the persons of the Municipal Council of Coolgardie. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

In Committee.

Resumed from the previous day.

Clause 15—Bridges at boundaries of districts:

Hon. J. W. LANGSFORD: This clause provided a new feature and seemed to be in accordance with the policy of the Government to pass on as much expenditure as possible to the municipal councils. It was a very important proposal as it concerned the bridges and causeways around Fremantle and Perth, and possibly would affect the municipalities of Guildford and many other places. It was provided in the Act that with the consent of the municipal bodies the Government might take over the control and maintenance of bridges, but there was nothing in the present Bill which gave the councils any right to say whether they were agreeable to take over the bridges or not. One could quite understand that in connection with some of the bridges the expenses of maintenance and repairs would be very considerable, and would fall on one or two municipalities. The Bill provided that money spent by a council could be recouped from the other councils concerned, but the money must be spent first. The councils should have the right to say whether they would take over the control of the bridges or not. Two or three words of the Act might be included in this clause. He moved an amendment—

> *That in line 3 of Subclause 1 after the word "may" the words "with the consent of the councils concerned" be inserted.*

The Government assuredly desired to work in harmony with the councils, and this amendment would prevent any sudden expenditure being forced on the councils without their consent. It would be very difficult to know how to allot the expenditure to the various councils. There was the Causeway, for instance, and in connection with that structure the councils of Victoria Park, Queen's Park, South Perth, Perth, and others right out to Armadale would be affected. The same remark applied with regard to bridges at Fremantle.

Hon. M. L. MOSS: When the second reading debate was being considered attention was drawn to this clause, and he communicated with three municipal councils that would be directly concerned in the expenditure for keeping up one of the largest bridges in the State, and they most strongly protested against legislation of this kind. Several municipalities had asked him to try and defeat this clause if possible, and there was no desire on his part to support the amendment moved by Mr. Laugsford. It was a fair thing th t these main arteries should be kept open at the expense of the State generally. If the high level bridge at North Fremantle were down it would be a more serious matter to Perth than to the people of Fremantle. If anyone cared to take the trouble to notice during the course of the day the vehicles that went over the bridge they would find that the major portion of them contained goods from the City, and to put the whole cost of maintaining that bridge on the municipalities at Fremantle would be obviously unfair. With regard to the Causeway, why should Perth and Vicotria Park be saddled with the cost of the maintenance of that structure? This and other bridges were connections which were necessary to keep open the main throughfares in the State. They had been maintained and repaired from the commencement out of consolidated revenue, and that state of things should continue. There seemed to be a dead set upon all local bodies now, and attempts were being made to cast as many burdens on them as possible, and while the Government were deserving of the sympathy of every member who desired to see the financial condition of the State put on a proper footing; they should not attempt to foist responsibility on other bodies. We had been told that municipal councils would have the power to rate up to 2s., but the people said that there would be a total rating of 6s. in the pound in Perth very shortly. The clause in the Bill would be casting upon the three municipalities at Fremantle the onus of repairing

the high level bridge, and Victoria Park and other municipalities would be saddled with the cost of maintaining the causeway. These were burdens which none of the municipalities would be able to bear.

The COLONIAL SECRETARY: If the amendment moved by Mr. Langsford were carried the clause would be made inoperative. It would certainly be almost impossible to get the local bodies to agree to such a proposal. To take an instance like the causeway, which would affect six or seven municipalities, it might be possible that Perth would agree while Victoria Park, South Perth, and Queen's Park would not.

Hon. M. L. Moss: You need not worry, none of them will agree.

The COLONIAL SECRETARY: The result would be that the whole burden would be thrown on one body. It was necessary that the Governor-in-Council should have the power to compel the bodies interested to contribute in a fair proportion. A great deal had been said about the unfairness of the clause. Who, after all, derived the benefit from the main road, which a bridge really was, but the municipalities concerned? It was not an argument to say that because main roads had been maintained in the past by the Government that the Government should maintain them for all time. In connection with the high level bridge at North Fremantle the municipalities down there undoubtedly benefited from it.

Hon. M. L. Moss: So does Perth.

The COLONIAL SECRETARY: A number of ratepayers down there lived almost entirely through that bridge, so to speak, and the State as a whole did not benefit by it. The time had arrived when all the local bodies should no longer expect to receive the same assistance from the Government that they had been accustomed to receive in the past, because the state of the finances would not allow it. At the present time all the initial work of the municipalities had been carried out, and they did not require the the revenue that they received formerly. In most of the municipalities in the metropolitan area the local authorities had little more to do now than maintenance work. It would be casting no undue burden to ask them to maintain a bridge such as was contemplated under the clause in the Bill.

Hon. M. L. MOSS: The Full Court had laid it down that these local bodies in Western Australia, following certain decisions of the Privy Council were never liable owing to their failure to repair a public work. They were only liable for what they called misfeasance, not nonfeasance. If their funds did not permit them to effect repairs, it had been held that there was no responsibility. However impoverished they might be, Subclause 2 of the clause under discussion said that it should be the duty of the council to maintain the bridge, and if the bridge were burned down there was a statutory obligation to build it up again. What a farce it was to put these obligations on bodies that did not have the funds with which to carry out such works; besides, it was a most unfair position for the Government to ask local bodies, with paltry revenues and decreasing subsidies and with the possibility of no subsidy at all in a year or two, to bear such a burden. The Colonial Secretary could not persuade members that it was a fair thing to put the whole cost of maintaining and repairing a bridge upon the municipalities when we knew that a bridge was a part of a main artery. There was not a municipal council that had been consulted by the Government in connection with this matter. The Bill had been initiated in the Legislative Council, and if members were so stupid as to pass it they could rest assured that it would have a very short lease of life in another place.

The CHAIRMAN: Attention might be drawn to the fact, though there was no desire to restrict the debate, that the question before the Committee was that the words "with the consent of the councils concerned," be inserted in the clause.

Hon. M. L. MOSS: Perhaps Mr. Langsford would agree to withdraw that amendment so that a vote on the whole clause might be taken.

Hon. J. W. LANGSFORD: If that were done what would the position be?

It might be better to accept the amendment and then vote on the whole clause.

Amendment put and passed.

Clause as amended put, and a division taken with the following result :—

Ayes	.. 7
Noes	..13
Majority against	.. 6

AYES.

Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. W. Kirwan	Hon. G. Throssell
Hon. J. W. Langsford	Hon. T. F. O. Brimage
Hon. W. Oats	(Teller).

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. F. Connor	Hon. E. McLarty
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. J. M. Drew	Hon. G. Randell
Hon. J. W. Hackett	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. S. Stubbs
Hon. A. G. Jenkins	(Teller).

Clause thus negatived.

Clause 16—Sea or river jetties to be deemed to be within district :

The COLONIAL SECRETARY moved an amendment—

That the following be added to the Clause :— " and any jetty the approach to which is within a municipal district shall, if the Governor so orders, be under the management and control of the municipal council."

The clause was put in the Bill at the request of several municipalities who owned jetties, but had not sufficient control over them because they were outside the municipal boundaries : for instance the Cottesloe jetty, and the old jetty at Fremantle. The amendment was now sought to be inserted in order to have the approach to the jetty under the control of the council in the same way, because the approach might be outside the municipal boundary.

Amendment passed : clause as amended agreed to.

Clause 17—Appointment of auditor by Government :

The COLONIAL SECRETARY : It was intended to move a new clause instead of this.

Clause put and negatived.

Clause 18—Hospitals may be subsidised :

The COLONIAL SECRETARY, with a view of inserting other words moved an amendment—

That all the words after " The Council may " in line 1, be struck out.

The clause was inserted at the request of a number of country municipalities. Almost all the hospitals in the State had been taken over by committees and boards of management, but at York and Narrogin, the people had delayed action in this matter until power was given in the Roads Act and Municipal Act, for the council or roads board to apply ordinary revenue to subsidising the hospitals. At Narrogin, with the Government grant of £300, it was anticipated that if the roads boards in the district annually contributed £20 each, and the municipality contributed £50, it would be sufficient to maintain the hospital, and would be handier than making collections. At places like Beverley where there were no hospitals, possibly it might be necessary to subsidise private hospitals to take casualty cases. The words he proposed to substitute provided that not more than 7½ per cent. of the ordinary revenue of the council should be applied in this way.

Amendment passed.

The COLONIAL SECRETARY moved that the following words be inserted :—

" establish and maintain, either within or without their own district, hospitals for the reception and treatment of the sick or may subsidise any such hospital, public or private : Provided that no more than 7½ per cent. of the ordinary revenue of the Council shall in any year be applied to the purposes of this section."

Hon. M. L. MOSS : The clause as it originally stood in the Bill was certainly another instance of the attempt of the Government to cast responsibility on the already impoverished local bodies ; but after hearing the Minister's explanation, and looking at the words now proposed to be substituted, he would withdraw his opposition ; but he was not prepared to support the expenditure of moneys raised by public rates on other than public hospitals, otherwise the door might be open to great abuses. Public money might be raised to run a private hospital

and no member could justify before his constituents the supporting of any such proposal. The management of hospitals needed comprehensive action, and it would be better to strike out the clause altogether; but as a member representing a Fremantle district, he would be ill-advised to move in that direction, though he would strongly support any country member who would move in the direction of the deletion of the clause. At any rate he protested against public monies being paid to private hospitals and moved an amendment on the amendment—

> "*That the word 'public' be inserted between 'district' and 'hospitals' and that the words 'public or private' between 'hospitals' and 'Provided' be struck out.*"

The COLONIAL SECRETARY: Having explained the reason for the inclusion of the word "private" he would now offer no objection to the proposal of the hon. member.

Amendment (Mr. Moss's) passed: the Colonial Secretary's amendment, as amended, agreed to.

Progress reported.

House adjourned at 6.17 p.m.

Legislative Assembly,

Wednesday, 27th October, 1909.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier: 1, By-laws of the Municipality of Cottesloe. 2, By-laws of the Local Boards of Health of Leederville and Moora.

QUESTION—RAILWAY DELAYS, PERISHABLE GOODS.

Mr. TROY asked the Minister for Railways: 1, Is the Minister aware that trucks of perishable goods for Mt. Magnet were cut off and detained at Crowther for twenty-four hours on Wednesday, October 6th, and Friday, October 8th, thereby causing heavy losses to consignees? 2, Will the Minister make inquiries regarding the persons responsible for the delay, and instruct against a recurrence of such delays in the future?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Inquiries will be made.

QUESTION—RAILWAY OFFICERS AND POSTAL WORK.

Mr. W. PRICE asked the Minister for Railways: 1, What amount was due to the Railway Department from the Federal Government for postal work carried out by railway officers between 1st July and 30th September last? 2, What extra remuneration was allowed railway officers for the performance of such duties? 3, If none, why.

The MINISTER FOR RAILWAYS replied: 1, £125 15s. 2 and 3, No special remuneration is given for the performance of postal duties, but any extra work entailed is taken into consideration when fixing their salaries as railway officers, and providing assistance where necessary.

QUESTION—GOLDFIELDS WATER SUPPLY, METER RENTS.

Mr. COLLIER asked the Minister for Works: 1, In view of the decision of this House not to charge rent for water meters attached to private residences in the metropolitan areas, does he intend to abolish the charge for meters under the Goldfields Water Supply? 2, If not, why not?

The MINISTER FOR WORKS replied: 1 and 2, The Goldfields Water Supply is being worked at a large annual