

Legislative Council,

Tuesday, 11th September, 1923.

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The PRESIDENT took the Chair at 1.30 p.m., and read prayers.

QUESTION—PROHIBITION, HON. T. WALKER'S REPORT.

Hon. H. SEDDON asked the Minister for Education: Will he lay on the Table of the House a copy of Mr. Walker's report on prohibition in America?

The MINISTER FOR EDUCATION replied: Yes, as soon as a copy is available.

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT: I desire to inform the House that the Address-in-reply to the Speech delivered by His Excellency the Governor was handed to him by me at Government House. His Excellency was pleased to acknowledge the Address-in-reply in the following terms:—

Mr. President and gentlemen of the Legislative Council: I thank you for your Address-in-reply to my Speech with which I opened Parliament, and your expressions of loyalty to our most gracious Sovereign. (Signed) F. A. Newdegate, Governor.

ELECTION RETURN—WEST PROVINCE.

The President announced the return to a writ issued for the election of a member for the West Province, showing that Edmund Harry Gray had been duly elected.

The Hon. E. H. Gray took and subscribed the oath and signed the roll.

MOTION—WATER SUPPLY DEPARTMENT BY-LAW.

To disallow.

Hon. A. LOVEKIN (Metropolitan) [4.40]: I move—

That By-law 132 (4a) made under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, be and is hereby disallowed.

Twice last session this by-law was disallowed by this House by majorities of two to one. I, therefore, do not think I need labour the question again now. The House on the present occasion might well go unanimously with me in this matter, seeing that the by-law having been twice disallowed an attempt is being made to flout the House by introducing it again. After this House has expressed its will or wish Ministers ought not to produce these by-laws again and try to pass them through. What I desire to disallow is the high charge for excess water in connection with industries. If, under the by-law, a bowling or cricket club or a golf course requires water, it can get it for 9d. a thousand gallons, but if water is required for an industry, such as one involving the cooling or refrigerating of butter and other primary products, or a company is desirous of doing a little wool scouring, the price is just doubled. If there is any preference at all, it should be given to industries and not to sport. On two occasions the House disallowed this price and thought it should be reduced to 1s. I am, therefore, pressing that again now. We were told last session, when the Minister opposed us, that the average price of water was more than 1s. That may be so, but that cannot be taken into account, because we are dealing with excess water only. The cost of pumping water into the main is under 2d. per thousand gallons, and there is no increased capital cost involved. If, therefore, the department gets 1s. per thousand gallons from industries, it is getting enough. It was also pointed out that the metropolitan water works scheme was showing a loss. It is making a loss merely on paper; there is really no loss at all. The accounts are put up, as many other Government accounts are, I am sorry to say, with a view to camouflaging the position so that the department may be used more or less as a taxing machine. I have the report for last year of the Water Supply Department. This shows that the accumulated loss, spread over a number of years, is £29,653. None of that loss is due to water. There was a loss of £92,688 due to sewerage operations. Hon. members will know the reason for that loss, for they will realise that during the construction of this work there was a good deal of waste. There was a profit on water supplies, however, amounting to £59,225 and a profit on the storm water system of £3,310, making a total profit of £63,035 as against a loss on sewerage of £92,688. The loss debited to the total work was, therefore, £29,653. I admit that the metropolitan area will have to pay, and that this loss has to be made good, but it should not be made good at the expense of any industry, and it should not be made good at the expense of consumers of food supplies. I am told—I do not know if the statement is accurate, but probably Mr. Boan can enlighten us on that point—that on an average butter is 2d. a lb. more than it should be, due to the cost of water used in the refrigerators in the

metropolitan area during summer. It is not right to put that extra price on to the consumer, nor is it fair to the producer, because he has to bear his share of the loss on account of excess water which can be pumped into the main at less than 2d. per thousand. There was this loss on the whole scheme spread over a number of years, and there was a loss last year of £8,810 due to sewerage operations. The loss will be about the same this year. There is another point of interest, for there is an amount of £23,225 outstanding on account of rates and excess water charges as against a total loss of £29,153. Here again is a very peculiar position regarding the metropolitan water supply. It differs much from the position in connection with the Goldfields water supply. The metropolitan scheme has to shoulder £338,261 worth of debentures, the interest charges on which amount to £15,837, and the sinking fund charges to £17,671. It will be seen that the sinking fund charges represent more than the interest payments. If we take a reasonable sinking fund, which the present arrangement certainly is not—it is in excess of the 4 per cent charged for interest—there will be no loss on the work at all. The metropolitan scheme should not be required to pay for the whole capital cost in so very few years. If the sinking fund charges were at the rate of 2 per cent., there would be no loss, so there can be no excuse on that ground. Then again, a tremendous lot of work done for the Government and the State generally is charged up to the metropolitan scheme. Hon. members will see, if they peruse the departmental report, that on page 12—I am referring to last year's report of the Metropolitan Water Supply, Sewerage, and Drainage Department—the septic tank installations at Government institutions throughout the metropolitan area received the necessary attention, but all at the cost of this scheme. The Old Men's Home is a new installation, and others connected up, altered or inspected include King Edward Hospital, Government House drainage, Whitby Hospital, Anzac Hostel, Edward Millen Home, King Edward Maternity Hospital, Victoria Hospital, and the Guildford Remount Depot. All these works have been attended to and charged up to this unfortunate metropolitan concern in order that a loss may be shown and an excessive rate extracted from the people.

Hon. J. Duffell: What would you charge?

Hon. A. LOVEKIN: I would charge 1s. per thousand for excess water for industrial purposes, so that industries may be encouraged by a reasonably cheap rate. Even then, the charge would be twice as much as it is in the Eastern States.

Hon. J. Duffell: Regarding the works you have mentioned, where should the money come from?

Hon. A. LOVEKIN: Surely the State should pay for these works! Government

House and the other institutions are State concerns, and should be paid for by the Government, not by the ratepayers of the metropolitan area.

Hon. J. Duffell: Then you would pay for them from Consolidated Revenue?

Hon. A. LOVEKIN: Yes. As against the total loss of £29,653 and the excessive charge respecting the debentures, which has gone on for year after year, there should be a profit shown on the scheme, instead of a loss. Besides the items I have enumerated, these accounts show that there was debited to the metropolitan scheme an interest charge of about £1,600 last year respecting stores in hand. A department such as this should not have that quantity of stores in hand, unless it represents meters. We know that that is not so, because the department is installing meters as fast as they can get them, and only half the metropolitan area is metered. Certainly, such a large quantity of stores, representing some £30,000 worth, should not be kept eating its head off at the cost of the consumers of water. This department is really a taxing machine. To-day big pipes are being laid, mile after mile, past vacant areas, to supply distant parts. The water those pipes will convey will not be required for many years, and by the time it is required, the pipes will be corroded. We know the extent to which these pipes corrode. It is shown in the report and it is due to the quality of the water. All this has to be added to the cost of the scheme.

Hon. A. J. H. Saw: Where are those pipes being laid?

Hon. A. LOVEKIN: They are being laid to Fremantle along the south side of the river, and another 30-in. pipe is being laid from King's Park to North Fremantle, going past miles of vacant land. In such circumstances, this work cannot be expected to pay. I have shown that the scheme would pay if a reasonable sinking fund were provided for the debentures.

Hon. J. Duffell: What do you call reasonable; on a 30 years basis?

Hon. A. LOVEKIN: I consider 2 per cent. is a reasonable sinking fund charge on dams and cast iron pipes. Hon. members can make the sinking fund payment 3 per cent. if they like. On that basis the goldfields scheme paid for itself within 15 years. I urge we should do something to encourage industry by cheapening water supplies. Later on I shall propose that we assist industry in another way, but for the present I suggest we disallow this by-law with a view to excess water, which costs 2d. per thousand to pump, being made available for industrial purposes at 1s. per thousand gallons. As the House has already agreed to this motion on two occasions, I will not further labour it now.

On motion by Minister for Education debate adjourned.

MOTION—INDUSTRIAL DEVELOPMENT, ADVANCES.

On motion by Hon. A. LOVEKIN, ordered—

That particulars giving the names of the firms or persons to whom advances have been made by the Industrial Development Vote, and the amounts of such advances, be laid on the Table.

BILLS (4)—FIRST READING.

- 1, Registrations of Deeds Act Amendment.
- 2, General Loan and Inscribed Stock Act Amendment.
- 3, Reciprocal Enforcement of Maintenance Orders Act Amendment.
- 4, Pinjarra-Dwarka Railway Extension Act Amendment.

Received from the Assembly and read a first time.

BILL—AMENDMENTS INCORPORATION.

Second Reading.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [5.0] in moving the second reading said: This is a short, but very important Bill to facilitate the transaction of business and reference to legislation that has been amended. Some of the principal Acts have many amendments. If this Bill is passed, it will be possible to ascertain the law by referring to the reprint, whereas previously it was necessary to refer to several Acts. The Bill adopts the provisions of the Commonwealth Act, No. 13 of 1905, as amended by Act No. 32 of 1918. I have copies of those measures, and they are available if any member wishes to see them. Amending Bills commonly provide for the reprinting of the principal Act as amended. This Bill will not only render such provision unnecessary, but will enable existing Acts that have been amended to be reprinted in consolidated form. Clause 2 provides—

When any Act has, before or after the commencement of this Act, been amended by (a) the repeal or omission of certain words or figures; or (b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures; or (c) the insertion of certain words or figures; then in every reprint of the Act by the Government Printer the Act shall be printed as so amended, under the supervision of the Clerk of Parliaments.

It is further provided for convenience that in every reprint, reference shall be made in the margin or by footnote to the enactment by which each amendment is made. Provision has been made to state in the citation clause how the principal Act as amended may be cited. Every reprint of an Act shall have a short reference to every Act by which it has

been amended. The measure will make for the automatic consolidation of statutes, and this is in keeping with the wishes of members. Last session Mr. Duffell moved and I seconded a motion that covered practically the same ground. The regular and automatic consolidation of statutes will be of great convenience to professional men as well as to members, and a great boon to the general public. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. W. Kirwan in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Incorporation of amendments in reprint of Acts:

Hon. J. NICHOLSON: This Bill is intended to be a consolidating measure in connection with all Acts and amendments to Acts.

The Minister for Education: That is so.

Hon. J. NICHOLSON: There is nothing in the Bill making it compulsory to incorporate every amendment in a reprint of the Act. If it were made compulsory we would have a consolidated measure every time an amendment was passed; but otherwise I fear the present state of affairs will continue. It would be worth considering whether this clause should not be amended to provide for such incorporations being made compulsory.

The MINISTER FOR EDUCATION: I cannot agree to that. Wherever it is possible conveniently and without very great cost to have reprints made embodying all the amendments, it will be done. If it were made compulsory to reprint all the laws of Western Australia, it would be a very expensive undertaking. The Government intend gradually and as expeditiously as possible to attain the end that Mr. Nicholson has in view, but to make it compulsory would entail on the Crown Law Department considerable work and on the State great expense. That is not the desire of members generally.

Hon. J. DUFFELL: When I dealt with the consolidation of Acts last session, I had been informed by the Under Secretary for Law that the matter was receiving earnest attention, but to employ a staff to consolidate the whole of the Acts would be very expensive. The Under Secretary pointed out the expenditure in consolidating Acts during the early history of constitutional government in this State. While it was possible at that time to utilise the services of an officer of Parliament, those services are not now available. We can safely leave the matter in the hands of the Government.

Hon. A. LOVEKIN: The Bill goes as far as we can reasonably wish. To go as far as Mr. Nicholson suggests would involve heavy expense. Take the Licensing Act of which the Government Printer would print many

hundreds of copies; in some session a slight amendment may be made and, if Mr. Nicholson's suggestion were adopted, the Government Printer would have to scrap all the copies in stock and reprint the Act as amended. This would involve enormous expense. I take it the intention is that when the Licensing Act has to be reprinted on account of stocks being exhausted, the Government Printer shall then incorporate in the reprint any amendments that have been made.

The Minister for Education: That is the intention.

Hon. A. LOVEKIN: That is a move in the direction of economy and is all we can desire.

Hon. J. NICHOLSON: I quite concur in the desire for economy, but we already have the Statutes Compilation Act of 1905, 12. Under that Act the responsibility was placed, not upon the Clerk of Parliaments, but upon the Attorney General, the head of the Department. That is where the responsibility should be placed.

Hon. A. Lovekin: Nearly every measure we pass contains a clause directing the embodying of amendments in future reprints.

Hon. J. NICHOLSON: Quite so. The Statutes Compilation Act provides—

From and after the passing of this Act, whenever both Houses of Parliament shall, by resolution, direct the compilation with its amendments of any Act in force in the State, it shall be the duty of the Attorney General, so soon as may be possible after the termination of the session in which such resolution shall have been passed, to prepare a compilation embodying all the provisions of such Act, and the amendments thereof, omitting all those portions of the text of such Act which have been repealed or altered by subsequent Acts and inserting in the proper places all words or sections substituted for or added to the text of the original Act by such subsequent Acts, with marginal reference notes citing section and Act; and he shall add to such compilation an appendix showing the Acts and sections of Acts comprised therein.

Hon. A. Lovekin: That is quite different from this.

Hon. J. NICHOLSON: But I question whether the measure before us may not lead to some mistakes. There is that possibility, and it is a most serious thing for the amendment of statutes to be placed on the shoulders of the Clerk of Parliaments. It should not be imposed on that officer while there is a head of a department responsible for such a matter. I see no necessity for the Bill in its present form.

Hon. A. Lovekin: Is not this the distinction, where you want a compilation the Attorney General shall do it, but where you want a reprint the Clerk of Parliaments can do it?

Hon. J. NICHOLSON: The whole object of a compilation is to embody amendments, and that should be done in a proper manner by the responsible head of the department

concerned. I suggest to the Leader of the House that he allow progress to be reported.

The MINISTER FOR EDUCATION: There is a good deal in what Mr. Nicholson says, but there is also a great difference between the Act he has quoted and the Bill before the House. The latter is merely for reprints, while the former refers to consolidation. Moreover, a consolidating measure would be the outcome of a resolution of Parliament. This Bill aims at consolidation, but merely says that a reprint shall embody all amendments. I cannot agree that the Clerk of Parliaments is not able to perform such a task. As head of the Department of Justice I do not wish to shirk any responsibility, and therefore am prepared to report progress so that I may obtain advice as to whether this clause can be amended in a manner satisfactory to hon. members.

Progress reported.

House adjourned at 5.19 p.m.

Legislative Assembly.

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

QUESTION—E. H. HAMEL, RETIREMENT.

Mr. HUGHES asked the Premier: 1, Is it a fact that Mr. E. H. Hamel, a lithographic draftsman, was retired from the Public Service in 1911 as incompetent? 2, If so, was he called upon to retire after the provisions of Section 56 of the Public Service Act had been complied with, viz., (a) that the permanent head had reported to the Commissioner that Mr. Hamel was unfit to discharge or incapable of discharging his duties efficiently, (b) and that after receiving the report of the permanent head the Commissioner had inquired whether and deter-