

solution be reported to the House at its next sitting.

This was agreed to.

The House adjourned at a quarter to ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 29th August, 1885.

Sanitation and Water Supply, Perth and Fremantle (Message No. 7).—Superannuation Act Amendment Bill: first reading—Facilities to Gold Prospectors in the Kimberley District—Supplementary Estimates, 1885: reported—Destruction of Rabbits Amendment Bill: third reading—Municipal Institutions Act Amendment Bill: second reading—Volunteer Foreign Service Bill: in committee—Dog Act Amendment Bill: third reading—Dame Barlee's Annuity Bill: in committee—Law and Parliamentary Library Amendment Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

SANITATION AND WATER SUPPLY (MESSAGE No. 7).

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright), in moving that the report of the select committee appointed to deal with the question of sanitation be taken into consideration, said the committee had given their most careful attention to the subjects referred to in His Excellency's message, and that they had been very much assisted in their labors by the report of the commission appointed during the recess to inquire into these matters. The committee, in the main, had adopted the conclusions arrived at by this commission. In the first place they recommended the appointment of a Central Board of Health, having jurisdiction over the whole colony. This board it was suggested should consist of five members, to be appointed by the Governor, and out of the five it was recommended that one should be a civil engineer, one a medical

man, and one a practical builder. It was also proposed that, acting in conjunction with this Central Board, there should be a Chief Inspector of Nuisances appointed, who should also occupy the position of secretary to the board. It was considered advisable and a reasonable thing that the members of this Central Board should be remunerated for their services; and what the committee suggested was that their remuneration should take the shape of an attendance fee. The Chief Inspector and the Board's Secretary would of course also have to be a paid officer. In the next place it was proposed that there shall be local or District Boards of Health, to be appointed by the Governor, on the recommendation of the Central Board, in the various towns of the colony, and that the Mayor or Chairman of the local Municipal Council for the time being should be *ex officio* members of these District Boards. These local boards would have power to appoint their own inspectors of nuisances, but subject to confirmation by the Central Board. With regard to the expenses that must necessarily be incurred by these boards in carrying out their duties, the committee suggested that the expenses of the Central Board,—which, as he had already said, would have jurisdiction over the whole colony,—should be defrayed out of the general revenue, while the expenses of the various District Boards should be defrayed out of local funds. Nothing of course could be done in this matter, either by the Central Board or the local bodies, until an Act was passed giving them statutory powers; and the committee contemplated the introduction of such an Act this session. With regard to the question of water supply for Perth and Fremantle, which had also been referred to the committee, the committee after giving the question their most careful consideration came to the conclusion—while fully recognising the importance of providing a pure supply of water for these towns and Guildford,—that the financial position of the colony at present precluded them from recommending the adoption of what must ultimately be our proper source of water supply, namely, that it should be obtained from the Darling Range. It appeared, however, to the committee that though the colony itself

might not at present be in a position to bear the expense of such a scheme, which must necessarily entail a heavy outlay,—it appeared to the committee that very possibly contractors might be found who would undertake, on their own responsibility, to carry out such a work. The committee therefore recommended that the Government be requested to prepare a comprehensive scheme of water supply from these ranges, and that contractors be communicated with, during the recess, in order to ascertain upon what terms they would be willing to undertake such a work. In the meantime, as an interim scheme, the committee, recognising the urgent necessity of providing an intermediate supply of pure water to the more thickly populated portion of Fremantle, recommended that this could be done by means of mains laid down from the Convict Establishment, where there was an abundant supply of excellent water. This, however, the committee only proposed as a temporary means of meeting a pressing necessity. As he had already said, the Darling Range would eventually be the source from which these towns shall receive their water supply; and, when the larger scheme came to be carried out, the mains which the committee now proposed to have laid down could of course be utilised, so far as the town of Fremantle was concerned. He was not aware that at this stage he need say any more. He had briefly sketched out the recommendations of the committee, and it would be for the House now to consider them, with the view of their adoption or otherwise. He begged formally to move that the recommendations of the committee be adopted.

MR. STEERE said he certainly was not prepared to accept these recommendations *in globo*, and he would suggest that the report be considered in committee of the whole House, clause by clause.

This was agreed to.

IN COMMITTEE:

Clause I.—a. “That a Central Board of Health be appointed for the whole colony.

“b. That this Board consist of five members, to be appointed by His Excellency the Governor, and your committee advise that of these five members one be a civil engineer, one a

“medical man, and one a practical builder.

“c. That a Chief Inspector of Nuisances be appointed, who shall at the same time act as Secretary to the Central Board.

“d. That the members of the Central Board of Health be remunerated for their services, and your committee advise that this remuneration be in the form of an attendance fee:”

MR. STEERE asked whether any calculation had been made as to the probable cost to the colony of this Central Board, with its inspector and its secretary? What was proposed to be the amount of the attendance fee to be paid to the members of the board, and how often was it intended they should meet?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said he should say that the whole expense connected with carrying out the proposed scheme would be between £800 and £1,000 a year.

MR. RANDELL said the duties which the Central Board of Health would have to discharge would not be of the most pleasant character, and he scarcely thought that the country could expect the members of the board to give up their time for carrying out the important provisions of the proposed Health Act without being remunerated. He found that a great many years ago an Act was passed by the Sydney Legislature, recognising this principle of an attendance fee being paid to the members of boards of health, as an inducement to the members to attend their duties. He thought, after making due allowance for the disinterestedness of our community generally in public matters—and he believed more work was performed gratuitously by people in this colony, particularly in Perth and Fremantle, than in any other part of the world—he thought, after making every allowance for the disinterestedness of the community generally, the time had now arrived when the country should in some way or other recognise the services, often very onerous services and very useful services, performed by members of public boards and commissions. He noticed that the attendance fee provided in the New South Wales Act—which was passed a great many years ago, before Victoria separated

from the mother colony—was two guineas; and the Act provided that the meetings of the board should be held not less often than once a month. He presumed that the members of the Central Board here would not be required to meet oftener than that, once they got into working order. It would thus be seen that at this rate the cost of the Central Board would not be very great—about £120 a year, if all the members attended every meeting. In addition to this there would be the salary and travelling expenses of the Chief Inspector of Nuisances and Secretary to the board, whose salary, he should imagine, would not be more than about £250 a year. He therefore thought the estimate of the Director of Public Works—that the expense of this board would be about £800 or £1,000 a year—was an extreme one. He should imagine that £500 a year would be nearer the mark. This board, it should be borne in mind, would have jurisdiction over the whole colony.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he understood the present report was merely recommendatory—simply the mere skeleton, or framework, upon which the Act giving statutory powers to these boards, and defining their functions, shall be prepared. As to the salary of the Chief Inspector of Nuisances,—if that officer was to be a skilled officer, a man of professional attainments, as he ought to be—he should imagine that £250 a year would be nothing like the salary that would have to be paid him. [THE DIRECTOR OF PUBLIC WORKS: £400 a year, at any rate.]

MR. CROWTHER said no doubt it was necessary that something should be done in the matter of sanitation; but it struck him as being somewhat peculiar that while the Central Board, the members of which would necessarily belong to Perth and Fremantle, were to be paid out of public funds, the local boards, who would probably have all the work—all the unpleasant work—to do, were to be maintained out of local rates. He failed to see why the members of this Central Board should be paid a couple of guineas out of public funds every time they attended a meeting. In London, he believed, there was a class of persons who were facetiously termed “guinea

pigs,”—gentlemen who for a guinea were prepared to discharge duties connected with any board; but here—and he did not think Perth was even yet quite as big and important a place as London—it was proposed to give the members of this Central Board two guineas for every meeting they attended. What he was afraid of was that the board would see the absolute necessity of meeting oftener than once a month, if that was how they were going to be paid. Why should the members of this Perth board be remunerated, when the members of local boards had to work for the honor and glory of the thing?

MR. RANDELL was afraid the hon. member was laboring under a misapprehension. The Central Board would not be a Perth board, but a colonial board, exercising jurisdiction all over the colony. There would be a district board in Perth, like any other town.

MR. BROWN thought there were stronger grounds for remunerating the members of the Central Board than members of local or districts boards, inasmuch as they would have jurisdiction over the latter, and their duties would necessarily be much more important. Up to the present time, he believed, the various Municipal Councils of the colony had been the boards of health, and, individually, he considered the system was one that had not worked well. The system, in his opinion, was a bad one, for this reason—the members of these municipal bodies were elected by the ratepayers, and if they carried out their duties as health officers, strictly, they must necessarily cause some irritation amongst their constituents, which was probably one reason why the system had worked so badly. Now it was proposed to appoint an independent body of gentlemen altogether, who would not have the fears of ratepayers or the electors before their eyes, and who would be perfectly free and unfettered in their actions,—within, of course, certain limits, which would be prescribed by law. One of these gentlemen was to be a civil engineer—and every hon. member would at a glance recognise the necessity of that; another was to be a medical man—an equally obvious necessity; while a third was to be a practical builder. Surely it could not be expected that these men would give their services

for nothing. If it was considered worth while appointing them at all, it ought to be considered worth while paying them. He was not one of those who believed much in gratuitous services rendered. He admitted all that had been said by the hon. member Mr. Randell as to the disinterestedness of our public men; at the same time he did consider that when services were paid for, you were more likely to get really good and efficient services than where those services were honorary. Therefore he thought it would be desirable that the members of this Central Board should be paid for their services in the shape of an attendance fee. He hardly thought that once a month would be often enough for this important Board to meet, and his own opinion was that the estimate of the Director of Public Works as to the probable cost was nearer the mark than that of the hon. member Mr. Randell; and, in this instance, he certainly thought the light would be worth the candle.

THE COLONIAL SECRETARY (Hon. M. Fraser) said, with regard to this question of remuneration, he thought the question was one that required very careful consideration. No doubt the duties of the members of this Board would be very different duties from those of the members of other boards, who had given their services in the past gratuitously. It might, for instance, be necessary to bring in the services of professional men who were not Government officials; but, at the same time, he would point out that they were treading on rather dangerous ground, when they proposed to encourage the formation of paid boards. In the past, gentlemen had been content to accept seats on these public boards without any honorarium; but once the door was opened, once the principle was established of paying for these services, there was no knowing where it would lead them to. There were other boards doing good work in the colony, the members of which gave their valuable services to the public gratuitously, and it would not be surprising if, finding that the members of this sanitary board were paid for their services, they also should expect to be remunerated. He simply wished to draw attention to the fact that we were entering upon a fresh system, which we had shrunk from entering upon hitherto.

Mr. MARMION pointed out that, although this question of sanitation was one that at present only affected Perth and Fremantle, to any large extent, still, as the colony became more populated more attention would necessarily have to be paid to the question, and the duties and responsibilities of this Central Board of Health would be correspondingly increased. But there would be no necessity to increase the number of its members. The same number would be able to discharge the duties of the Board then as now, so that the expense in the shape of fees would not be likely to be increased, as the duties of the Board increased. As to the expenses of this Central Board being paid out of general revenue rather than out of local funds, it must be remembered that the duties of the Central Board would not, as in the case of local boards, be confined to any particular locality. As to establishing any dangerous precedent, he must say he was quite inclined to agree with what had fallen from the hon. member Mr. Randell, as to the large amount of work done and of valuable services rendered in this colony for the public benefit, by gentlemen who receive no remuneration whatever for their services, and he thought the precedent here proposed to be established was one that might fairly have been established years ago. Let it be ever so dangerous, he thought the time had certainly arrived when the country should be prepared to grapple with it, especially in this case where the services of professional men had to be secured. He did not think that an attendance fee of two guineas was by any means too much.

Mr. WITTENOOM thought they ought to be very careful indeed before committing themselves to this remunerating business. He was very much inclined to agree with the hon. member for Greenough that, if the members of this board got two guineas for every meeting they held, they would meet much oftener than once a month. He thought, if they were going to pay them at all, that one guinea would be quite sufficient. He believed that was the fee usually given to directors of insurance companies, banks, and other bodies who paid their directors.

Mr. GRANT said the proposal to pay the members of this Board involved an

important principle. Why should not the same principle be extended to the members of that House? Country members, at any rate, were put to great expense in attending to the business of the country, and why should they not be paid for their services as well as the members of this sanitary Board.

MR. PEARSE thought the duties of the members of this Board would be exceptional duties, and that the Board ought to be remunerated.

MR. LAYMAN considered two guineas too much altogether. What were these gentlemen to do for their two guineas? Nothing, it seemed to him, worth the money.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said the beauty of the thing was, nobody so far as he was aware had ever proposed that the fee should be two guineas. The committee certainly hadn't. The only question, the only principle involved, was whether the members of this Board should be remunerated for their services, or not.

MR. S. H. PARKER said that speaking personally he should be very sorry indeed to accept a seat on this Board, even at two guineas a meeting. He would not accept the position at any price, and become—for that was virtually what the office involved—an inspector of nuisances for the whole colony.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said there could be no doubt that the functions of this Board would be of a very important character. Nothing could be of greater interest and importance to a community than the sanitary state of their towns, and it was obvious that the duties of this Central Board would be of a very onerous nature. At the same time, as the Colonial Secretary had said, they should undoubtedly be introducing a new principle if this Board was to be a paid body; and he thought the House would do well to pause before adopting that principle, especially upon such an occasion as this. To a certain extent the health of the whole colony would be in the hands of this Board, and he thought they ought not to suppose there will not be men found of sufficient public spirit to come forward and devote their attention to such an important matter, without payment. He

was not saying nor suggesting for a moment that, if the Council was of that opinion, it should not proceed to pass this resolution; at the same time it did seem to him that the House ought to pause before it entered upon this new principle. There were several other important boards, such as the Board of Immigration, the Board of Advice under the Scab Act, the Central Board of Education, and the Finance Board—all discharging very important duties, but the members of which were not paid, nor, so far as he was aware, had they ever asked to be paid; and he must say, for his own part, that he had not heard yet any argument which showed that the present suggested Board ought to form an exception to this principle. He had no wish to say any more to the House than to state that it appeared to him the committee should pause, once, twice, and thrice before they gave their sanction to this principle of payment for public duties of this kind.

MR. CROWTHER thought it would be time enough to offer to pay for such services when they found that no one would come forward to perform them without being paid. Such duties, in the past, so far as they had been performed, had been performed by municipal bodies, who were neither paid nor thanked for their services. The hon. member for the Gascoyne said these bodies had not performed their duties as they ought to do, because they were afraid of their constituents; and it was now proposed to raise up an upright independent body of men by paying them £12 a year. Well, if that was the rate at which unimpeachable honesty of character and independence of spirit could be secured, he thought it would be cheap if the Government were to offer £12 a year to everyone in the community.

MR. SHENTON thought that everybody who had given the question a thought at all must be of opinion that the time had arrived for establishing a Central Board of Health. His own experience in connection with municipal matters convinced him of that; and, if he had not already been convinced, the evidence that came before the Commission as to the sanitary condition of our principal towns, and more especially of Fremantle, was such as pointed to the

absolute necessity of something being done in the matter; otherwise, sooner or later, we shall have to cope with epidemics that will cost us a great deal more than this Board is likely to cost us. He thought the members of this Board would be placed in a very different position from the members of the other Boards referred to; they would have very serious responsibilities and some very unpleasant duties cast upon them,—duties which they must not shrink from.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought there was a very clear line to draw between the position held by persons who were in the regular service of the Government,—who were responsible to the Government, who could be dismissed or censured by the Government—and gentlemen who came forward to perform public duties without having any absolute responsibility to the Government cast upon them, and who were to a certain extent independent of the Government. It appeared to him there was a very clear distinction between the two classes. As to directors of public companies being paid for their services, he would point out that directors of public companies managed the business of their companies for profit; but the members of this Board would not come forward for the sake of profit, but in the interests of the public.

Mr. S. H. PARKER did not suppose for a moment that any professional men, outside the Government service, were going to give up their time to the duties that would devolve upon them on this Board, without expecting some remuneration. He thought there was a great deal in what the hon. member Mr. Randell had said, about the disinterestedness of Western Australian public men. There were men now serving on many boards—the hon. member for Fremantle for instance—and performing duties of a public character without expectation of fee or reward,—duties in many instances of greater importance and requiring more practical knowledge and experience than mere departmental duties. But it was absurd to suppose that this was going to last for ever. For his own part he had quite made up his mind that in future he would sit on no Board, nor give up his time to serve upon any Commission. He had done so in the past, but he certainly

had not the slightest intention of doing so any more, payment or no payment. He could not afford the time, and no doubt there were others in the same position as himself. There was one exception, however, in his own case. To a certain extent he felt bound, if called upon, to accept a seat upon one board—the Board of Advice, under the Audit Act; for he was in some measure instrumental in the establishment of that board. But as for any other board or commission he had quite made up his mind, as already said, that he would serve upon no more of them. He therefore spoke disinterestedly on this question of remuneration.

The clause was then put, and carried, on the voices.

Clause II.—“a. That Local or District Boards of Health be appointed by His Excellency the Governor, on the recommendation of the Central Board.

“b. That the Mayor or Chairman of the Municipal Council, for the time being, be *ex officio* a member of the Local or District Board.

“c. That Inspectors of Nuisances be appointed by the Local or District Boards, subject to confirmation by the Central Board:”

This clause was agreed to, without discussion.

Clause III.—“That the expenses of the Central Board of Health be defrayed from the general revenue of the colony, and those of the District Boards from local funds:”

This clause upon being put was declared to be carried, on the voices, whereupon Mr. Steere called for a division, when the numbers were—

Ayes	8
Noes	12
Majority against			4

AYES.		NOES.	
Mr. Brown		Hon. A. P. Hensman	
Mr. Burges		Hon. J. Forrest	
Mr. Marmion		Mr. Brockman	
Mr. Parker		Mr. Burt	
Mr. Pearce		Mr. Crowther	
Mr. Randell		Mr. Grant	
Mr. Sheaton		Mr. Harper	
Hon. J. A. Wright		Mr. Layman	
(Teller.)		Mr. McRae	
		Mr. Venn	
		Mr. Wittenoom	
		Mr. Steere (Teller.)	

The clause was therefore negatived, whereupon

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) moved

that the Chairman leave the chair,—which was agreed to, and the House resumed.

SUPERANNUATION ACT AMENDMENT BILL.

Mr. BURT introduced and moved the first reading of a Bill to amend the Superannuation Act.

Motion agreed to.

ASSISTANCE TO GOLD-DIGGERS, KIMBERLEY DISTRICT.

Mr. GRANT moved the following resolution: "That in the opinion of this House it is desirable that facilities be offered to a party of gold-diggers now organised, in Perth, to prospect the Kimberley District from Cambridge Gulf, and that the Government afford the party the loan or help of horses that are not in use by the survey party in the Kimberley District, during the summer months." The hon. member said there was a party of diggers from the other colonies then in Perth ready to start for Kimberley, prospecting for gold, if they got this assistance. He was given to understand that they were thoroughly practical miners,—not geologists, and he thought we ought not to lose this opportunity of having the country examined and tested. He found that Mr. Hardman himself now said: "That payable gold exists in Kimberley I felt convinced on seeing the nature of the rocks, and from the favorable prospects I obtained in the alluvium. After inspecting the great Victorian goldfields, I am more than ever convinced of its existence; and I write this short report in the hope that His Excellency the Governor and the Legislative Council may be induced, during the present session, to take such steps as will lead to the thorough examination of that very promising district, and tend to encourage its development." What he would suggest was that the horses not in use by the Government survey party should be lent to these men, and that the horses should be left in charge of somebody representing the Government,—some of the men attached to the survey party.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it appeared to him, how-

ever good the intention of the hon. member might be, and however desirable it might be to encourage gold-prospecting, this was rather an awkward way of putting it before the House. It was simply asking the House to interfere with the departmental arrangements of the Survey Office. These horses belonged to the department; they were purchased out of public funds for a specific purpose, namely, for carrying on certain surveys then in progress. If satisfactory arrangements could be made, on equitable terms, to loan the horses to these gold-diggers, and the animals were in a fit condition for such work,—well and good; but here the House was asked to go outside the department's own arrangements, and possibly to interfere very materially and perhaps detrimentally with the surveys for which these horses were purchased.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that not having the Estimates for next year yet before him, nor the votes for surveys arranged, he was unable at present to say how the question of lending the survey party's horses to these gold prospectors would interfere with the work of the department. Should it be decided to have surveys conducted next year in the Cambridge Gulf country, these horses would be required there: on the other hand, should it be decided not to undertake any surveys at Cambridge Gulf next year, it would be a very good thing to get rid of the horses when the party now in the field had done with them. He had already told the hon. member that if he could do anything to assist him in this matter he would do so; but at the same time he told him he could not promise him any assistance until the House decided what surveys shall be undertaken next year. He thought, himself, if any assistance was to be rendered to these gold prospectors, the best way would be for the House to vote a sum of money for it, rather than the Survey Department should lend these horses. If the horses were used during the summer months, they would not be much fit for survey work when again required. At present he was unable to say what would be done with the horses, and therefore he could give no promise with regard to them.

MR. CROWTHER said he could see no great difficulty in the way of lending these horses, if the Government wished to do so. Somebody must necessarily be employed to look after them. The general impression was that gold was to be found in this Kimberley District; we had now a party amongst us who were prepared to spend their money and their labor in ascertaining the existence of gold or not; and all they asked was they should have the loan of a few horses that would be perfectly useless to the Government. It appeared to him that horses, like men, the moment they entered the public service became entirely different animals from other horses, and required different treatment: they could only be worked for certain hours a day and at certain seasons of the year. Surely the expense of lending a few horses to these men would be nothing compared with the value to the colony of having this question of "gold or no gold" set at rest. He commended the proposition to the good sense of the House.

MR. BROWN would have wished for some further information as to who constituted the party to whom it was proposed to render this assistance. How many were there of them, where did they come from, did they come here accredited by the Government of any of the other colonies, or by anybody else? How far could they be trusted with the property of the Government, in this distant territory? Who was going to be responsible on their behalf, if they were not themselves men of substance? No doubt satisfactory replies could be given to all these questions, by the hon. member for the North; and a great deal depended upon the nature of those replies. As the Survey Department had about 70 horses, about half of which would probably not be required during the next twelve months, he thought some of them could reasonably be spared for the use of this gold-prospecting party, provided reasonably satisfactory security were given. The hon. member asked the House to offer "facilities" to these men,—what did he mean by "facilities"? [MR. GRANT: Pack saddles, and such like.] He thought it was very desirable that the House should be furnished with a little more information on the subject, and he would suggest to the hon. member that

he should bring the matter forward in a more definite form.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said his two hon. friends the Colonial Secretary and the Surveyor General having already spoken, and being therefore in the condition once described by the late Lord Beaconsfield as that of "exploded volcanoes," he merely rose to say that he believed there was every desire on the part of the Government to assist any *bonâ fide* party of diggers, but that they were not in a position at the present moment, until the surveys to be undertaken next year were agreed upon, to make any definite promise as to lending any horses belonging to the survey parties. He thought a little further information might have been vouchsafed by the hon. member in charge of the resolution, as to the nature and extent of the assistance which he contemplated should be given to these men. They were told that it was desirable to offer "facilities" to them, and they were also told that by "facilities" was meant "pack-saddles." He believed this was the first time that pack-saddles had been called "facilities." It was not a bad word, so long as they understood what it meant. He hoped the hon. member would agree to withdraw his present motion for the present, and bring it forward at a later period of the session.

MR. BURT moved that the debate be adjourned until the following Monday, so that the House might be furnished with more exact information on the subject. He thought it was very desirable that they should not let slip this opportunity of having the district prospected. It appeared that there was now organised a party of experienced diggers, who were prepared to proceed to the district at their own expense, and he thought the least the Government might do was to render them every assistance in their power.

MR. GRANT said he was not at all surprised at the opposition shown to his motion by the hon. member for the Gascoyne, with his hair-splitting proclivities. Unless a proposition emanated from the hon. member himself, his usual course was to resort to hair-splitting. As to the nature of the facilities to be offered to these men, by facilities he meant horses, pack-saddles, and perhaps tents,

required for travelling; also, a man to go with them to look after the horses. That was information exact enough to satisfy anybody but a hair-splitter. If the House was not prepared to do this much towards having the country prospected, he did not intend to thrust his motion down the throats of hon. members. He had done what he considered was right in the matter, and if the House did not wish to avail itself of the present opportunity of assisting this party of practical diggers, he was sorry for it; and hon. members too would be sorry some day.

MR. BROWN: Who will be responsible for the return of the horses?

MR. GRANT: Who was responsible for the return of the horses lent to Mr. Hardman to carry his cargo of stores? We know how free the Government were with their horses in that case; but now that a party of practical men come forward to put the geologist's speculations to a test, and without cost to the colony—no two guineas a day here—all sorts of hair-splitting opposition is raised. If the House likes to let the opportunity pass, let it be so.

MR. MARMION thought the hon. member for the North deserved credit for bringing this matter before the House. The opportunity was one that might not occur again for some time, and he thought the House should accept it. At the same time he thought the House and the Government were entitled to a little more information. If they assisted these men in this way the party became accredited as it were by the Government of the colony, and he thought the colony would be entitled to know what was done, and that there should be a leader appointed, who should furnish the Government with a report showing the progress of the party's operations.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) understood that the party would require about twenty horses, which, with their equipments, and other necessities, he would value at about £400. If the House was of opinion that they ought to be assisted in this way, he was quite willing for his own part to do all he could in the matter.

MR. BURGESS considered the subject so important that he hoped the House would agree to the motion that evening.

He thought the matter might be left in the hands of the Surveyor General.

MR. BROWN said he was satisfied that the Government would see that the interests of the colony would be protected, and the resolution did not commit them to any particular course of action.

THE COLONIAL SECRETARY (Hon. M. Fraser) suggested that the words "provided it does not interfere with the arrangements of the Survey Department" be added. He saw no objection to the resolution being then adopted. If that was understood, it might even be passed in its present form.

MR. WITTENOOM thought it would be a good thing for the colony to render this assistance, even if it did interfere with the arrangements of the Survey Department.

MR. HARPER thought if they left the matter in the hands of the Commissioner of Lands, to ascertain the *bona fides* of the party, the course would be simplified and the way cleared. The opportunity was one which if possible should be taken advantage of.

The motion for the adjournment of the debate was then put and negatived, and the original resolution was put and passed.

SUPPLEMENTARY ESTIMATES, 1885.

On the order of the day for the committee of supply to report to the House,

THE CHAIRMAN OF COMMITTEES reported that the committee had reconsidered the Supplementary Estimates, and granted a further supply of £1,050, making a total of £25,086 13s. 8d.

The report was adopted.

DESTRUCTION OF RABBITS AMENDMENT BILL.

Read a third time and passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

MR. RANDELL, in moving the second reading of this bill, said he must detain the House a short time in explaining the reason for its introduction, and also the scope of the amendments which it sought to introduce. The 2nd and 3rd clauses, which altered the hours of voting at municipal elections, were introduced in consequence of the existence of a very

general feeling amongst the various municipalities, and particularly Perth and Fremantle, that the hours of polling should be enlarged. The hour now fixed for opening the poll was 1 o'clock in the afternoon, which was very inconvenient in the case of working men and those employed in stores; and it was now proposed to commence at eleven o'clock in the forenoon, and to close the poll at six p.m., instead of at five p.m. Clause 4 was a clause that was absolutely necessary for carrying into execution the scheme of public works which had recently been adopted by the City Council. It extended the works for which the Council was empowered to borrow money, and included in such works the permanent paving of footpaths and the lighting of the streets. The Council had already power to carry out these works out of general revenue, but unfortunately the general revenue was not equal to the strain. He believed it was generally admitted that the time had arrived when the streets of the city should be put in better order, and, so far as possible, be lighted with gas. Complaints were very general as to the condition of the streets, and of the darkness prevailing at night in the absence of gas; and he knew the proposal to carry out these improvements commended itself to a large section of the citizens, and to the unanimous approval of the City Council. The next clause, the 5th, providing for events falling on Sunday, Good Friday, Christmas Day, or any public holiday, was not one perhaps of very great pressing importance, but it was one that he thought might well be inserted when consolidating the various Acts. No special provision was at present made for this contingency: it was only provided that it should be done next day. But this bill provided that any act required to be done on a date falling upon Sunday, or one of the other days mentioned, might be done on the day next ensuing or within the three following days. The next two clauses were of considerable importance, and a departure from the state of the law as at present existing as to fencing town allotments. He might state that in his opinion it had become necessary for this alteration to take place. It was found that things were done in Perth continually to the injury of the footpaths and to the general discomfort and discredit of the

city, for which the City Council had no remedy. Persons took down fences abutting on pavements, and left them down, and the Council had no means of compelling them to re-erect them, except by giving them six months notice. The bill now before the House provided that the Council shall have more power in this matter, and shall decide each case upon its merits, and order the fencing to be done within such a time and in such a manner as to the Council may appear fair and reasonable, taking into account the locality of the trespass or nuisance. Clause 7 empowered the Council, in case the owners or occupiers did not obey orders as to the fencing, to undertake the work itself and to charge the cost against the property. Clause 8 was another important clause. It provided for paving the footways permanently, and recovering from the owners of the abutting property a moiety of the expense. Provision already existed whereby if a ratepayer requests the footway in front of his property to be paved, the work may be done, the Council bearing half the expense. That had been the custom up to the present; but, in order that the practice may become more general it was considered desirable that power should be given to the Council of the municipality to undertake the paving of the footways with some permanent material, charging the owners of property a moiety of the expense. This would ensure more uniformity, and make the streets more presentable, and also more comfortable for pedestrians generally. It was a provision that found place in all the Municipal Acts that he had been able to consult. He did not think any hon. member would consider that such a power was anything but right and proper; nor did he suppose it would be thought that it was likely to be exercised in an improper or arbitrary manner. Such streets as commanded the greatest amount of traffic, and the paving of which would conduce to the comfort of the citizens generally, would be first selected for the construction of permanent pavements. The next clauses were clauses that now appeared in the Building Act, but which he imagined were out of place there; and, as that Act only applied to a section of the town, and that in Perth and Fremantle, it was

necessary that they should be embodied in the Municipalities Act, having no connection whatever with the Building Act. They were, to some extent, he might say, pitchforked into that Act; and, as the present afforded an opportunity of giving effect to the desire of the Municipal Councils in this matter, he thought it would be well to incorporate these provisions with the present bill. The present bill, however, went a little further than the Building Act, giving power to the Council to make it compulsory upon the owners of property to provide crossing places for cattle and vehicles from the street to private residences. Clauses 12, 13, and 14, relating to the laying out of new streets and the levels of such streets, were an extension of provisions existing to a certain extent already, and which it was considered desirable to extend, in order to prevent in future the clustering of houses in narrow streets, forming hot-beds of disease. It was only that very day that he noticed one single grant about to be cut up into twelve building allotments, ready for sale; but happily this was within that section of the city to which the Building Act applied. He thought it was very desirable that the same provision should apply to the whole colony, and that it should be incorporated in the Municipalities Act rather than in the Building Act. The next two clauses were of importance. Clause 16 provided that the Council of the municipality may manufacture its own gas, and also undertake to supply the city with gas. These provisions were not compulsory but simply permissive. They might be before the time as regards country municipalities; but certainly the day must come when it would be desirable for the municipalities of Perth and Fremantle to have these powers. Clause 17 was a very necessary clause. The Perth Gas Company were at present working under a singular arrangement. They applied for certain powers which the Government declined to give them, and the company were now working under the idea that they might be interfered with at any moment by any ratepayer who chose to do so. This clause gave the Council power to give any company permission to adopt the necessary steps for lighting the streets with gas.

It might appear an unimportant matter, and possibly be regarded as a superfluous provision, but it existed in the South Australian Act—a very excellent Act—and no doubt it was considered of importance there. Clause 19 dealt with cab stands, and the next clause empowered the Mayor for the time being to appoint temporary stands. He had been spoken to about this matter, which some of the inhabitants of the city considered necessary. At any rate there could be no harm in giving power to the Council to regulate street traffic, both as regards omnibuses and cabs. Clause 21 was an important clause, containing a provision that did not exist in the present Municipalities Act, the want of which landed the City Council in difficulties at times. It dealt with the method of amending the rate-books. Errors and mistakes were occasionally inadvertently made in the books, and there were no means of remedying them; the present clause provided a simple means of rectifying such errors. This difficulty was increasing owing to the frequent way in which property now changed hands, and the difficulty of tracking the owners for the purpose of assessing them. Clause 22 was a clause which he did not lay much stress upon; it provided that the Council may in their discretion use a previous year's rate book for the purposes of assessment, with such alterations and additions as might appear necessary, instead of having a fresh book made up every year, which had to be done in all cases at present. Clause 23 was an important one. Municipal Councils very often unfortunately were under the necessity of having overdrafts at their bankers, but, so far as he could understand the matter, there was nothing in the existing Act giving them the right to have an overdraft; and it had struck him that, as they were about to amend the Act in other respects, it might be as well to introduce a clause dealing with this matter, so that municipal bodies might legally have an overdraft, to enable them to carry on public works of necessity. The clause, however, provided that no such overdraft shall at any time, under any circumstances, exceed one-fourth of the prior year's income. The 24th clause was a clause that would be of value. It provided that a special rate might be declared under certain circum-

stances; but the clause guarded very carefully against abuse. This special rate could not be levied without the consent of the ratepayers, and must not in the aggregate exceed 6d. in the pound in any one year,—in the South Australian Act it was one shilling. The next clause provided how the consent of the ratepayers was to be obtained, and, in the event of a poll being demanded, provision was made for it in the following clause, and, he ventured to say, in a more efficacious manner than at present provided. The simplicity and at the same time the effectiveness of the clause had commended it to himself, and it was introduced here with the full concurrence of the City Council. Clause 27 was another very important one. The 123rd section of the Municipalities Act made no provision—in the event of there being any surplus loan money remaining after the works for which the money had been borrowed were completed—for the re-appropriation of this money; and it was considered very desirable that power should be given for the re-appropriation of any surplus, either to the continuation of such works as those for which it was borrowed, or to other undertakings of public utility, fulfilling the object of the loan. This bill contained a provision to that effect. But such re-appropriation could not be made until the Council of the municipality had been specially convened for that purpose, and until it had been subsequently confirmed, with the consent of the ratepayers. The next clause (the 28th) was a clause that perhaps ought to be in the Building Act, but he thought it was better not to interfere with two Acts. It would be found to be a very useful clause, giving municipal authorities power over buildings, and, if not introduced here, must sooner or later—and very shortly, he believed—be introduced into the Building Act. It had in view the protection of the health of the community, and in that direction perhaps it went a little farther than ordinary legislation went. The clause, which was rather a long one, had been compiled partly from the Sydney Health Act and partly from the South Australian Municipalities Act, and he ventured to think it would commend itself to the House as likely to meet the circumstances of our own city and our principal towns.

When the members of the Sanitary Commission visited some of the dwelling houses in Perth they found a most unwholesome state of affairs as regards ventilation and the condition of the basement or ground floor of the buildings; and he thought the time had arrived when the builders of houses should be compelled to pay some attention to the laws of health in the design and erection of dwelling houses. The 29th clause was a clause to prevent the destruction of footpaths by the overflowing of drains and the drippings from roof-flats or balconies. At present they had to go to the Police Act and the Municipalities Act before they could construe anything as to what powers they had to deal with these matters; but this clause showed their powers at a single glance and at the same time provided an effectual remedy for the evil. The next two clauses had been suggested to the City Council in consequence of some little difficulties which had occurred, and it enabled the Council to exercise more complete control over the expenditure of the corporation's income. It defined the mode of procedure as to dealing with the municipal funds more clearly than at present. At present the treasurer was allowed to hold any moneys handed to him by the collector for a week, but he was only allowed to draw cheques upon the funds in the bank, upon the warrant of the Mayor or Chairman. There was nothing, however, to hinder him from so drawing a cheque for a considerable amount of money, and make his way out of the colony, and the Council might know nothing about it until the next monthly meeting. The present clause surrounded the funds of the Council with very much greater safeguards. The next clause was not of very great importance. It provided that no Mayor or councillor shall be subject to be sued or prosecuted personally by reason of any act of the Council in its corporate capacity. He was not aware that any Mayor or councillor had been so sued, but he found the same provision in the Acts of the other colonies, and he thought it was a useful provision. The 33rd clause was a mere matter of detail, providing for the authentication of documents. The next clause called for no explanation, and the 35th clause provided that all penalties recovered under the Act shall become part of the ordinary income

of the municipality. He had now glanced through the principal clauses of the bill, and he hoped he had satisfied the House as to the necessity of these provisions. Objection had been taken to the bill on the ground that there were already a large number of amending Acts, and that it would be better to wait until they were all consolidated. But the necessity for introducing the present bill had arisen, and some of its provisions were much required. Although he believed this was the first private bill of the session, still, having been entrusted with the duty of framing these amendments, he had not shirked that duty. He thought he should have betrayed the trust reposed in him by the Council over which he had the honor to preside, had he in any way shrunk from the duty imposed upon him. For the lateness of the time at which the bill had been brought forward he had not been responsible. The delay in its introduction occurred consequent upon circumstances over which he had no control. He was aware that their main object should be to amalgamate and consolidate all the existing Acts and to render them more consonant with the requirements of the colony, and especially of the principal towns of the colony; but he ventured to think that the adoption of these amendments would in no way retard that which was to be desired in the way of consolidation. Some parts of the bill were absolutely necessary, and he thought that altogether it was desirable in the interests of municipalities that it should become law. He now left the bill in the hands of the House, believing, as he had always experienced, that the members of that House were ever desirous of giving their most careful consideration to any measure introduced to their notice by another member. He fully believed he should have every justice at their hands, and that they would give him that fair play which had always characterised them in dealing with all public measures.

Mr. SHENTON said he had listened carefully to what the hon. member in charge of the bill had said, and he had also carefully gone through the bill himself. Nobody was better aware than himself that several clauses in the existing Act required amending, but he thought it would be better to wait for a

more favorable opportunity of consolidating all our present Acts, of which there were now six or seven, rather than introduce another amending Act. He quite agreed as to the desirability of extending the time for polling at elections, but several of the other clauses were word for word the same as in the Building Act, and, if introduced again into this bill, would, he was afraid, lead to confusion, unless they at the same time repealed the corresponding clauses in the Building Act. The 8th clause, dealing with the compulsory paving of footpaths, was a clause about which there was great difference of opinion in the city, and he thought the feeling of the ratepayers generally ought to be ascertained before passing a clause like this. In some cases it might not prove a great hardship, but in other parts of the town it would come very hard upon the residents. As to the provisions of the 6th clause, dealing with lighting the streets with gas, that power he thought was already given under the 7th clause of the 44th Vic., No. 11. With reference to giving power to gas companies to break up the public streets, as a rule a private bill had to be introduced by each individual company seeking such rights, which were granted subject to such conditions as the municipality might choose to impose, according to circumstances. The next few clauses were, he thought, desirable, but when they came to the 28th clause, dealing with buildings, that certainly was a clause that ought to be introduced into the Building Act, if anywhere. As we already had a Building Act he thought we ought to stick to it, and not have two Acts constantly clashing with each other, and creating no end of confusion. As to the 30th clause, dealing with the funds of municipalities, and proposing that all moneys received by the treasurer shall be paid into the bank within forty-eight hours after receiving it, a similar proposition which he had sought to introduce into the existing Act was thrown out because it was considered it would be impossible to carry it out in country districts, where there were no banks to pay it in. He thought for several reasons that the Mayor ought to have nothing to do with signing cheques, and that the present system afforded ample security

against fraud. He could not help thinking, taking all things into consideration, that the best course to adopt would be to move an address to the Governor asking him to appoint a Commission to deal with the whole subject during the recess, so that a bill might be prepared for introduction next session consolidating all the existing Acts and incorporating such amendments as might be deemed desirable and necessary. He had some conversation on the subject with the Mayor of Fremantle, who agreed with him that this would be the best course to adopt.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought the House would be of opinion that the hon. member who had introduced the bill to its attention had taken great trouble, and certainly earned the thanks of all connected with Municipalities for the pains he had taken in the matter. But it seemed to him, as a general rule, that when they were dealing with an Act that affected a variety of bodies scattered all over the community, it was very desirable in the first instance that those bodies should be consulted. They were now dealing with a very large and comprehensive measure and with a very difficult question, and he could see a great deal of force in what the hon. member opposite (Mr. Shenton) had said, that it was very desirable that the whole matter should be thoroughly investigated, and a measure carefully prepared, before any further legislation was attempted. He did not mean as regards such urgent matters as would not wait. But, with reference to anything that was not pressing very much for immediate legislation, he thought it would be better that the matter should stand over for the present. At the same time he did not wish to discourage the passing of any portion of the bill which to the House might seem desirable. He had no intention to go through the bill, but there were to his mind several difficulties which presented themselves. They were told also that many of the provisions of the bill were already in the Building Act, and that other clauses were simply an amplification of the provisions of that Act. If so, was it necessary to have them here as well? Would it not be better to extend the provisions of the

Building Act to other portions of Perth? With regard to gas companies, a Gas Bill was a private bill, and he thought no gas legislation should find insertion in such a bill as this. As to overdrafts, and their legality, if the banks were willing to allow municipal councils to have overdrafts, and had done so in the past, why should they not continue to do so? Was not that a question rather for the banks themselves? Clause 22, providing that no officer of the municipality shall be liable to be sued or prosecuted, appeared to him to require great consideration. It introduced a principle altogether new, apparently, to the law; and it certainly was a very strong provision. If it was a lawful act done by the Mayor and his officers in their corporate capacity no action could be brought against them individually or collectively; but if it was an unlawful act committed by the Mayor or his officers, why should not an action be brought against them? It was only the corporation property that could be touched; the private property of the Mayor or of the councillors could not be touched. The contracts of a corporation were the contracts of a corporate body. He hoped the hon. member would not think that he was wishing in any way to impede him in the passage of his bill. The hon. member had asked for candid criticism and fair play, and there was every desire on the part of that bench to give it to him. He had simply risen to point out some of the difficulties in the way. The bill admittedly was not a permanent measure, but an attempt to cobble up legislation for the time being. He thought that, beyond such provisions as were really pressing, and of immediate necessity, they should pause before committing themselves to such a bill. The hon. member's objects were good, and some of the clauses were no doubt desirable clauses, and if the House wished it, he should be happy to assist the hon. member to the best of his ability, and the hon. member would receive every consideration and fair play from the Government bench.

MR. RANDELL thought the objections raised by the hon. member for Toodyay were as to matters of detail that had better be discussed in committee. As to there being already several amending Acts on the statute book, he would

point out that the circumstances of the city of Perth were altering very much, and such legislation as might have suited the circumstances of the city a few years ago did not apply now. He thought it was very desirable that their legislation should at any rate keep pace with the times, and that it should be of a progressive character.

MR. SPEAKER at this stage pointed out that there was no quorum, and that unless the required number of members were present within five minutes it would be his duty to adjourn the House.

Shortly afterwards the quorum was made by the entrance of the hon. member for Murray and Williams; and

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved the adjournment of the debate until August 31st.

Agreed to.

VOLUNTEER FOREIGN SERVICE BILL.

This bill passed through committee without discussion or amendment.

DOG ACT AMENDMENT BILL.

Read a third time and passed.

DAME BARLEE'S ANNUITY BILL.

This bill passed through committee *sub silentio*.

LAW AND PARLIAMENTARY LIBRARY ACT AMENDMENT BILL.

This bill was further considered in committee.

MR. STEERE moved that the following new clause be added to the bill: "This Act and the Law and Parliamentary Library Act, 1873, shall be read together as one Act." The hon. member said he moved this new clause in pursuance of a suggestion which fell from the Attorney General when the bill was before the committee the other day.

The clause was agreed to.

MR. STEERE also moved the introduction of the following new clause: "The Law and Parliamentary Library Amendment Act, 1881, shall be and the same is hereby repealed."

Clause agreed to.

Preamble amended and agreed to.

Title—agreed to.

Bill reported.

The House adjourned at half-past eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 31st August, 1885.

York-Beverley Railway: compensation for land resumed—Commonage Reserve at the Hamelin—Police Protection at North Fremantle—Eastern Railway Further Extension Bill: first reading—Message (No. 22): confirming new Standing Order—Municipal Councils Titles Bill: in committee—Volunteer Foreign Service Bill: third reading—Dame Barlee's Annuity Bill: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

YORK-BEVERLEY RAILWAY: COMPENSATION FOR LAND RESUMED.

MR. HARPER asked the Commissioner of Railways, if compensations due on the York-Beverley section of the Eastern Railway had been settled; if not, why?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) replied that such amounts as were found to be legally due for compensation in respect of land taken for the York-Beverley Section would be paid within a few days. The delay which had arisen had been owing to the time required for investigating the matter.

COMMONAGE RESERVES AT THE HAMELIN.

MR. LAYMAN asked the Commissioner of Crown Lands to lay on the table of the House a copy of the correspondence with the Government, in reference to the reserves set apart for a commonage at the Hamelin, near Port Augusta; such copy to include tracings. The hon. member was understood to say