Legislative Council,

Tuesday, 24th November, 1903.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS—ABORIGINES RESERVE, MURCHISON.

HON. J. M. DREW (Central) moved:

That all papers and correspondence in connection with the leasing of 20,000 acres of Aborigines Reserve No. 297A, in the Murchison district, be laid upon the table of this House.

Some years ago 50,000 acres of land were resumed from the pastoral lease of Mr. John Williams, in the Murchison district. Three years ago Mr. Prinsep, the Chief Protector of Aborigines, leased 20,000 acres of the land to a private individual at the low rental of £20 a year. There were many unemployed aborigines in the Murchison district, and there was no place for them to camp. The land which had been leased to this private individual contained some of the best country in the neighbourhood and took in some of the best wells of water. At the time Mr. Prinsep leased this land there was no power to lease it, and it was only at the commencement of the year that the Executive Council confirmed Mr. Prinsep's action. Either the land was required for aborigines, or it was not; and if it was not required it should not have been resumed from the pastoral lease of Mr. Williams. If the land was required when it was resumed, it was required now and should not have been leased to a private individual at the low rental of £20 a year. If the land was not required, the proper course was to have called for applications through the Press, but this was not done. The action of Mr. Prinsep had created a very bad impression in the Murchison district, and the object of moving for the papers was to allow the public to read what had led up to the leasing of this land.

SIR E. H. WITTENOOM (North): The private individual referred to was a brother of his (Sir E. H. Wittenoom's), and the land was practically discovered by himself years ago and was taken up by the gentleman referred to, Mr. John Williams, and afterwards exchanged. The circumstances in relation to the Government resuming the land had been correctly stated, but as to whether the land was required as an aborigine reserve he was not in a position to state. At all events, Mr. Williams offered the department £1 per 1,000 acres for a lease of the land, though at that time similar land in the district was leased at 10s. By the agreement with him the Government could resume the land at any time if it were required for an aborigines reserve. It had been fenced in and improved; and the lessee had no objection to the production of the papers or to full publicity. He was paying a double rental; and even then his tenure was not altogether secure.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): The preceding speaker's explanation was practically correct. The Aborigines Department did not anticipate that the land would for some little time to come be needed as an aborigine reserve: indeed, it was doubtful whether many attempts could be made to deal with the aborigines by collecting them on reserves, for the system presented difficulties which members with experience of our aborigines would readily realise. To prove that he (the Minister) did not object to the motion, he would immediately lay on the table the papers required.

Question put and passed.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Correspondence, etc., as to leasing 20,000 acres of Aborigines Reserve No. 297A.

Ordered, to lie on the table.

CONSTITUTION ACT AMENDMENT BILL.

The order for third reading postponed till the next day, in accordance with understanding.

ELECTORAL BILL.

POSTPONEMENT.

Order read for the third reading of the Bill.

THE COLONIAL SECRETARY: Members might consider whether the understanding just referred to could not be departed from in the case of this Bill, because by the excision from it of those clauses dealing with the Constitution it had been dissociated from the Redistribution Bill and the Constitution Act Amedment Bill. He would like this Bill read a third time to-morrow, so that the suggested amendments might receive immediate consideration in another place. He moved that the order be postponed till to-morrow, when he would ask the House to pass the third reading.

HON. J. W. HACKETT: The weight of the Minister's appeal must be admitted; but it was questionable whether the hon. member realised the extreme gravity of the constitutional position as it was realised by probably a majority of the House. It was absolutely essential that the reform question should proceed with equal steps in regard to the three Bills now passing through the Chamber. The Minister admitted the existence of an understanding to that effect.

THE COLONIAL SECRETARY: And if the House held him to that understanding, he would abide by it.

HON. J. W. HACKETT hoped the Minister would not ask for any alteration of the understanding. It was right that the crucial question of all, redistribution, should be disposed of before final steps were taken regarding the Constitution Bill. He (Dr. Hackett) insisted that the improvements made by the select committee in the three Bills sent to them, of which this Bill was one, and which had for the most part been adopted by the House, were entirely neutralised and made absolutely mischievous to the community and dangerous to the existence of this House by the action taken on the Redistribution of Seats Bill; therefore he earnestly hoped that until this rock was removed, the Minister would not press for the third reading of any of these Bills.

THE COLONIAL SECRETARY assured Dr. Hackett that there was no intention of departing from an understanding legitimately arrived at, if even one member objected to the third reading of any of these Bills. The understanding was definite, and would be observed.

Order postponed until the next day.

SUPREME COURT ACT AMENDMENT BILL.

RECOMMITTAL.

Order read for the third reading of the Bill.

THE COLONIAL SECRETARY (Hon. W. Kingsmill) moved:

That the order be discharged, and the Bill recommitted for amendment.

HON. S. J. HAYNES (South-East) moved as an amendment:

That all the words after "that" be struck out, and the following inserted in lieu: (That) "the Bill be read this day six months."

The reason for the Bill was not obvious. By the Supreme Court Ordinance of 1880, the Governor was empowered to appoint Commissioners for special purposes; and according to the preamble of the Bill doubts had arisen as to whether such Commissioners could have appellate jurisdiction. By Section 12 of the Ordinance the Governor could appoint as Commissioner a practitioner of seven years' standing or a magistrate of the Local Court. It might be very risky to give such a Commissioner the powers contemplated in the Bill; nor was there any reason for giving such powers. The whole community trusted and respected the one Commissioner now acting; but future Governments might appoint persons who, though qualified for some purposes, were not fit to be intrusted with appellate jurisdiction. True, such jurisdiction was proposed to be confined to a Judge of the Supreme Court, or to a practitioner of seven years' standing. A Judge already had the jurisdiction, and to confer it on barristers of seven years' standing might be dangerous; for such barristers might not be qualified to deal with appeals to the Supreme Court. It was argued that the goldfields would be benefited by such appeals being dealt with there by the Commissioner; but Supreme Court Judges went on circuit, and could readily deal with these appeals. The Bill might in courtesy have been submitted to the Barristers' Board. Several barristers to whom he (Mr. Haynes) had spoken admitted that the

Bill had not attracted their attention till it reached this House. To appoint an unqualified Commissioner with appellate jurisdiction would be contrary to the best interests of the country. This Bill was a dangerous one, and there was no necessity for it. He trusted that in the interests of the general public his motion would be supported. Many practitioners of seven years' standing were not sufficiently competent and had not the experience necessary to deal with the appellate jurisdiction of the Supreme Court; gentlemen well qualified in their office work and other matters pertaining to the legal profession, but who, if approached, would admit they had not had the experience to enable them to honestly and consistently deal with the appellate jurisdiction; yet at any time one of those gentlemen might be appointed if this Bill were passed, and have as a matter of duty to sit in the Supreme Court and, when the time came to vote, if the view of one Supreme Court Judge was against that of the other, that barrister would practically give the casting vote. The Commissioner would give a decision which would not carry with it the confidence which it should, by reason of his inexperience. The present Commissioner was appointed owing to the illness of Mr. Justice Burnside. Directly Mr. Justice Burnside came back the Supreme Court Judges would be in a position to lend one of their number to go on circuit.

THE COLONIAL SECRETARY: The hon. member had said no reason was given for the introduction of this Bill. The Bill ran its usual course in another place, and notification was given in the Press. The measure was introduced in the interests of the public. There were small appeals in the Local Courts which it was desirable the Commissioner should sit upon. Arrangements had been made that Mr. Commissioner Roe should take the goldfields circuit. It was already a moot point whether the Commissioner had not the power referred to, but the measure was introduced to put that point beyond question, and to convenience the appellants in different parts of the State. At present the Commissioner had practically the full powers of a Judge of the Supreme Court. If members rejected the Bill, they would be doing a grievous wrong to people outside Perth, and would be helping that centralising policy of which we heard so much. He hoped members would consent to the recommittal of the Bill in order that the amendments on the Notice Paper might be introduced. Those amendments had for their object the farther safeguarding of the power of appellate jurisdiction, and provided that appellate jurisdiction should not be assigned except to a practitioner of the Supreme Court of at least seven years' standing. That was an ample safeguard, and any legal gentleman qualified in the opinion of the Government to be a Commissioner of the Supreme Court, with all the other powers of the Supreme Court, should be fitted and able to take these appeal cases on circuit.

Amendment negatived and the Bill recommitted.

Clause 2—Amendment of 44 Vict., No. 10, Section 12:

THE COLONIAL SECRETARY moved that the word "includes," in line 5, be struck out, and "may include" inserted in lieu. This amendment would give permissive power.

Amendment passed.

The COLONIAL SECRETARY farther moved,

That the following be added to the clause:—"But no appellate jurisdiction shall be assigned unless the Commission is granted to a Judge of the Supreme Court, or a practitioner of the said Court of at least seven years' standing."

It was intended by this amendment to preclude the possibility of granting these commissions to try appellate cases to resident magistrates, wardens, and persons who were assumed not to have sufficient legal experience for the trial of these cases. It had always been the case that where a commission was given to any gentleman such as a resident magistrate or warden who had not the necessary standing as a barrister of the Supreme Court, that commission was given for specific purposes only, namely for the trial of certain cases, and it was not, as contemplated in this case, a general commission to one as a Commissioner of the Supreme Court.

HON. S. J. HAYNES moved that all the words after "Supreme Court" be struck out. He did not think the effect

of striking out these words would be centralisation.

THE COLONIAL SECRETARY: It was to be hoped the words would not be struck out. The qualification of seven years' standing as a barrister of the Supreme Court was that which regulated the appointment of Judges, and the qualification was not unduly low.

Second amendment (to strike out "or a practitioner of the said court of at least seven years' standing") put, and a division taken with the following result:—

Ayes	...	...	6
Noes	...	...	18
Majority against		...	12

AYES.	NOES.
Hon. G. Bellingham	Hon. T. F. O. Brimage
Hon. J. T. Glowrey	Hon. E. M. Clarke
Hon. S. J. Haynes	Hon. J. D. Connolly
Hon. C. A. Piesse	Hon. A. Dempster
Hon. J. W. Wright	Hon. C. E. Dempster
Hon. J. A. Thomson (*Teller*).	Hon. J. M. Drew
	Hon. J. W. Hackett
	Hon. A. G. Jenkins
	Hon. W. Kingsmill
	Hon. W. T. Loton
	Hon. E. McLarty
	Hon. M. L. Moss
	Hon. B. C. O'Brien
	Hon. G. Randell
	Hon. C. Sommers
	Hon. F. M. Stone
	Hon. Sir E. H. Wittenoom
	Hon. Z. Lane (*Teller*).

Second amendment thus negatived.

HON. S. J. HAYNES moved as a verbal amendment that the word "practising" be inserted between "a" and "practitioner." This would minimise the danger. Gentlemen of the Bar got on the roll who were never briefed, having taken up other pursuits, and by reason of want of practice knew really nothing at all of the forms of practice of the Supreme Court. They simply read up, got admitted, but never practised.

SIR E. H. WITTENOOM: Would such a man ever be appointed?

HON. S. J. HAYNES did not know; but such a barrister might be appointed. In the old country many were admitted to the Bar who for that reason could claim to be admitted to the Bar of this State. In the past gentlemen had come out from the old country and been admitted to legal positions in this State, who were not qualified for those positions; and though they might have filled the positions honourably, they had not done so with credit.

HON. M. L. MOSS: It would be extremely inexpedient to agree to this verbal amendment. In the first place whoever might be appointed to the position of Commissioner of the Supreme Court to carry out the functions of a Supreme Court judge, the appointment had to be made by the Governor-in-Council, and the Ministry of the day would be responsible for the appointment. It was absurd to suppose that any Government would appoint a nonentity to fill the position. The gentleman at present holding the position of Commissioner was a practitioner of many years' standing, and one who held a very high position among the magistrates of the State. By adopting the amendment we should preclude any barrister filling a Government position, such as the Parliamentary Draftsman and Crown Solicitor, from fulfilling the duties of Commissioner, whereas any young barrister would be qualified to become Commissioner because he was practising. The great safeguard lay with the Executive Council. Personally he rather objected to the appointment of the Commissioner, because it would have been better to have appointed Mr. Roe as an acting Supreme Court Judge, and thus get out of the difficulty. Mr. Roe had all the qualifications of a Judge of the Supreme Court, except that he could not sit in the Full Court.

Verbal amendment negatived, and the Minister's amendment passed.

Clause as amended agreed to.

Bill reported with amendments, and the report adopted.

ELECTION OF SENATORS BILL.

Read a third time, and *passed*.

WATER AUTHORITIES BILL.

IN COMMITTEE.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

THE COLONIAL SECRETARY moved that in line 5 the word "authority" be struck out and "board" inserted in lieu. In Clause 7 it was proposed to abolish the provision that, when a water area was co-extensive with the district of a local authority, the local authority should be constituted the water authority for that water area. It might come to pass, when the Government were creating these authorities, that it might not in all cases be advisable for the local authorities

to be created water authorities. Then we would have really only one class of authority, the water boards. If an automatic creation of water authorities were to take place so that in the case of a municipality, where the water area was co-extensive with the municipality, the municipality would become automatically a water authority, there would be two classes of boards; one a board which acted as a board because it was a municipality, and the other a board which was a board because it was appointed by the Government. Under these circumstances it was found necessary to introduce into the Bill a general term which should embrace both these classes of boards. It was proposed to do away with the automatic creation of water authorities; therefore the definition of "water authority" became practically unnecessary.

HON. S. J. HAYNES: In some of the suburbs of Perth residents had gone to the expense of erecting windmills and creating water supplies of their own. Would the Bill affect them, for it seemed somewhat oppressive and tyrannical to make them pay water rates when they did not use the water?

THE COLONIAL SECRETARY: The Bill had no effect whatever within the metropolitan area. When a measure dealing with the Metropolitan Water Supply, which was at a certain stage in another place, came before this Chamber, he would be able to answer the hon. member's question. That Bill dealt with the water supply of the metropolitan area between Midland Junction and Fremantle. The Bill before the Committee was designed for the smaller towns throughout the State; but where a water scheme of such magnitude as that required for Perth and suburbs was contemplated, then a special Bill would be introduced. This measure was for places such as Broome, Roebourne, and Cue, giving power to create water authorities and constitute boards for the management of areas at such places. If the member raised the point when the Bill for the management of the water supply of the metropolitan area was before the Chamber, he would answer the question; but he was afraid the answer would not be such as the member wished. People who had erected windmills would have to pay water rates if the water pipes were carried along the street where they lived.

HON. S. J. HAYNES: The explanation was satisfactory, and he would not have drawn attention to the matter except that the chairman of a board within the metropolitan area had called his attention to the matter.

HON. T. F. O. BRIMAGE: The taxation of people who were not supplied with water should be seriously considered. He had a windmill, and he should resent any attempt to tax him for water which he did not take from the mains. He had not seen this Bill before to-night, and he did not remember the Minister moving the second reading of it. He moved,

That progress be reported.

Motion put and negatived.

THE COLONIAL SECRETARY: The speech with which he moved the second reading was reported in *Hansard* in pages 2038 to 2041. The Bill did not apply to the metropolitan or suburban areas, neither did it apply to the Coolgardie Water Scheme area, which was an extensive one. Towns or villages or places drawing their supplies of water from the Coolgardie scheme would come under the provisions of the Coolgardie Water Supply Act, upon the provisions of which this measure had been largely based.

Amendment passed.

THE COLONIAL SECRETARY moved as an amendment,

That the definition of "water authority" be struck out.

Later he intended to move that in the definition of "water board" the words "not being a local authority" be struck out; and he had given notice, as consequential amendments, that the word "board" be inserted in place of "authority" wherever it occurred throughout the Bill. That would no doubt be attended to by the clerk. He had already explained the automatic creation of a "local authority" into a "water authority" had ceased. There would be only one class of governing body, which would be called a "water board." Therefore there was no reason for the words.

Amendment passed.

THE COLONIAL SECRETARY moved as an amendment,

That the words "and not being a local authority," in the definition of "water board," be struck out.

HON. A. G. JENKINS: Was it proposed to have water boards separate from the local authority, or was it proposed where possible to appoint the municipal bodies or roads boards water authorities?

THE COLONIAL SECRETARY: In Queensland, where a water area was co-extensive with the local authority, the local authority was the water authority, but that was not considered expedient here. It might arise from a number of circumstances, owing to friction perhaps, that the local authority might not be regarded by the Government as fit to have power over a water scheme; and it was thought the Government should have the power to appoint a board of their own choosing, therefore the imperative necessity of appointing these local authorities. Water boards being done away with, the Government might appoint any local authority a water board, but it was not absolutely necessary to do so.

HON. G. RANDELL: What was the use of the words "local authority" in the Bill?

THE COLONIAL SECRETARY: That only applied to the clause under notice.

HON. T. F. O. BRIMAGE: A local authority might be a water board.

THE COLONIAL SECRETARY: Certainly, but not necessarily.

Amendment passed.

THE COLONIAL SECRETARY moved that the following definition of rateable land be inserted:—

"Rateable land"—All land, with the exception of the following: Land belonging to the Crown and not used or occupied otherwise than for public purposes; land vested in or in the occupation or under the control of a local authority, and not in the use or occupation of any private person; land used exclusively for religious or charitable purposes; land used exclusively as a public hospital, benevolent asylum, orphanage, public school, public library, miners' or mechanics' institute; public reserves and cemeteries; land belonging to any religious body and occupied only as a convent, nunnery, or monastry, or by a religious brotherhood or sisterhood, or as a place of residence of a minister of religion.

The definition was similar to that in the Municipal Institutions Act, and identical with that proposed to be placed in the interpretation clause of the Metropolitan Water Supply Bill. The question arose as to whether it would be better to accept the wide definition which occurred in the Goldfields Water Supply Act, which defined rateable property as being all land not being Crown land; but it was not thought advisable. For instance, the lands belonging to the local authority itself ought not to be rated; and there was a generous provision that land held for public, educational or religious purposes should also be exempt. This was a definition similar in purport to that in the Municipalities Act, and identical with that in the Bill introduced for the water supply of the metropolis and suburbs.

HON. G. RANDELL: Must the exempted bodies pay for their water?

THE COLONIAL SECRETARY: Yes. They were exempted from rating; but where water was supplied they must pay a charge to be fixed. Sir Edward Wittenoom had said it was no concession at all. It was a large concession; for if the land were made rateable the owner must pay whether or not he used the board's water; whereas these bodies had the option of not using the water, and many of them had their own sources of supply. Thus the concession was valuable.

Amendment passed, and the clause as amended agreed to.

Clauses 4, 5, 6—agreed to.

Clause 7—Mode of constitution of water authority:

THE COLONIAL SECRETARY moved that the first paragraph and the words "in any other case," in line 4, be struck out. In certain circumstances it might not be advisable to make the local authority the water board. By Subclause 1 such appointment would be permissive and not imperative.

Amendment passed, and the clause as amended agreed to.

Clauses 8 to 28—agreed to.

Clause 29—Allowance to chairman:

HON. T. F. O. BRIMAGE: As with other trusts, should not the allowance be fixed in the Bill?

THE COLONIAL SECRETARY: To fix an amount applicable to all the varying districts in the State, from Wyndham

to Eucla, would be difficult. In some places the chairman's duties would be easy and in others arduous. Better leave the appraisement to the discretion of the board. The allowance was not a remuneration but a reimbursement of actual out-of-pocket expenses incurred by the chairman, whose work was necessarily harder than that of any other member.

Clause passed.

Clause 30—agreed to.

Clause 31—Appointment, removal, etc., and salaries of officers:

THE COLONIAL SECRETARY moved that the words "a clerk and such other officers," in lines 1 and 2, be struck out, and "such officers and servants" inserted in lieu. It should not be compulsory for a board with limited funds to appoint a clerk. The clerical work might be performed by the chairman or other member.

Amendment passed, and the clause as amended agreed to.

Clauses 32 to 36—agreed to.

Clause 37—Water authorities to have powers of local boards of health:

THE COLONIAL SECRETARY moved as an amendment:

That the following be added: "All the provisions of the Health Act, 1898, and of all Acts amending the same or incorporated therewith, shall apply to every water reserve and catchment area as if the same were the district of a local board of health.

This was an unobjectionable addition. It was really the creation of water reserves and catchment areas as health districts. Catchment areas and water reserves should be kept as clear from pollution as possible, and it was needful to give the required powers to the Minister.

Amendment passed, and the clause as amended agreed to.

Clause 38—Works to be the property of water authority:

THE COLONIAL SECRETARY moved:

That the words "watercourse, stream," be struck out.

The inclusion of these words appeared rather a large order, and calculated to considerably interfere with riparian rights. This amendment was proposed to obviate that, and to limit the operation of the measure to what was implied in the marginal note. It was still proposed that water which occupied any part of their works should be the property of the board.

HON. A. G. JENKINS: To give the water authority power only over their reservoirs and pipes was not sufficient. That authority should have power over the area whence the water was derived.

THE COLONIAL SECRETARY: As provided in the previous clause, the water authority should have sanitary control over watercourses, streams, and catchment areas, but it would be absurd to give them the right of property over the water running along a watercourse and stream. As soon as the water entered through a pipe or they created an obstruction across the stream which might be called a reservoir, they got the right of property over the water, but not till then. That gave them ample rights, in his opinion, for all the purposes for which this Bill was intended.

HON. J. D. CONNOLLY: If this amendment were passed, the water authority would have absolutely no control over their water supply. Anyone else could come in and block the stream or divert it, and what would be the good of a reservoir if the authority had no control over the catchment which supplied that reservoir?

THE COLONIAL SECRETARY: We could not, he thought, possibly interfere to so great an extent with the riparian rights of any individual or individuals as to give the water authority the property right over the water in any stream.

HON. J. D. CONNOLLY: That was done in the Coolgardie Water Scheme.

THE COLONIAL SECRETARY thought not.

HON. J. W. HACKETT: The matter had to go before three Judges of the Supreme Court.

MEMBER: Compensation was given.

Amendment passed, and the clause as amended agreed to.

Clauses 39 to 42—agreed to.

Clause 43—Objections:

THE COLONIAL SECRETARY moved that all the words after "hereinbefore prescribed" be struck out. It was thought that in certain cases objections might be so obvious that there would be no reason to go to the trouble, expense, and delay of retaining an engineer to report; that the exercise of power of ordinary report might safely be

left within the jurisdiction and discretion of the Minister. It was, therefore, proposed to strike out the words which made such report mandatory, and to leave the obtaining of the report optional with the Minister.

Amendment passed, and the clause as amended agreed to.

Clause 44—Governor may authorise construction of works:

HON. G. RANDELL: Presumably by implication the Minister had to inquire.

THE COLONIAL SECRETARY: Certainly. He took it the Minister, either by himself or some of his officers, must necessarily satisfy himself upon the points mentioned in this clause before he could advise the Governor to sanction the undertaking.

Clause passed.

Clause 45—Powers of water authority:

HON. A. G. JENKINS: Immense powers were given to the water authority to take lands or divert streams, and do very many necessary works, subject to compensation, yet under Clause 38 we had struck out the giving of the right to a watercourse and a stream. It did not seem right to have struck out the power to take streams and then to give the board the power to take land or do any other necessary works. He saw now that compensation would be given.

THE COLONIAL SECRETARY: The clause gave power to award compensation. In Clause 38 the power of ownership over the water in the stream was taken away from the water authority, which he thought only reasonable. Under this clause it was proposed that if the board diverted water from a stream, they must pay compensation for such damages as might be actually sustained by the person suffering. He did not see that there was any hardship.

Clause passed.

Clauses 46 to 52—agreed to.

Clause 53—Works to be transferred to water authority on payment of costs:

THE COLONIAL SECRETARY moved that the word "shall" be struck out, and "may" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 54 to 60—agreed to.

Clause 61—Supply to persons outside water area:

THE COLONIAL SECRETARY moved that after "may," in line 4, the words "with the approval of the Minister" be inserted. This was in order that before the board took such an important step as going outside their area for the purpose of supplying water they should get sanction from some responsible authority.

HON. A. G. JENKINS: Did that mean that no matter how small the quantity, permission would have to be asked?

THE COLONIAL SECRETARY: If they supplied outside their area. The area was strictly defined. It was a most important step for the board to undertake to supply outside their area, and sufficiently good reason must be given before such a course was adopted.

Amendment passed.

THE COLONIAL SECRETARY moved as a farther amendment that, after "Act," the words "as modified by such terms as aforesaid" be inserted.

Amendment passed, and the clause as amended agreed to.

HON. J. W. HACKETT moved that progress be reported.

Motion put, and a division taken with the following result:—

Ayes	...	...	13
Noes	..	...	12
Majority for	...	...	1

AYES.	NOES.
Hon. T. F. O. Brimage	Hon. G. Bellinghain
Hon. E. M. Clarke	Hon. J. D. Connolly
Hon. A. Dempster	Hon. J. M. Drew
Hon. J. W. Hackett	Hon. A. G. Jenkins
Hon. S. J. Haynes	Hon. W. Kingsmill
Hon. W. T. Loton	Hon. Z. Lane
Hon. W. Maley	Hon. M. L. Moss
Hon. E. McLarty	Hon. B. C. O'Brien
Hon. C. A. Piesse	Hon. C. Sommers
Hon. G. Randell	Hon. J. A. Thomson
Hon. F. M. Stone	Hon. J. W. Wright
Hon. Sir E. H. Wittenoom	Hon. J. T. Glowrey
Hon. C. E. Dempster (*Teller*).	(*Teller*).

Motion thus passed.

Progress reported, and leave given to sit again.

FACTORIES BILL.

Order of the day read.

Sir E. H. WITTENOOM moved: "That the House at its rising do adjourn until this day week."

THE COLONIAL SECRETARY: Is it usual for a private member to take this extraordinary course? I really do not know what position I should occupy

if this motion is carried. I would like the President's ruling.

THE PRESIDENT: It is open for any member to move what he likes. If a motion is proposed and seconded, I have no option but to put it.

THE COLONIAL SECRETARY: While I am leader of the House, it is showing a strange want of courtesy for any member to move in this direction.

SIR E. H. WITTENOOM: I will withdraw.

Motion by leave withdrawn.

On motion by the COLONIAL SECRETARY, order postponed.

REDISTRIBUTION OF SEATS BILL.

IN COMMITTEE.

Resumed from 17th November.

First Schedule:

Central Province:

HON. A. G. JENKINS moved—

That the word "Central" be struck out, and "South-East" inserted in lieu.

We had already inserted a Central Province in the schedule, consequently it was not possible to have two Central Provinces. Following on the assurance given the other night by Dr. Hackett that the vote which was taken should be a test vote—to use the hon. member's own words, for when Dr. Hackett's assertion was queried by Mr. Glowrey Dr. Hackett said that he was satisfied the vote should be a test vote—one could not see any reasonable objection to altering the name of this province to the name it must bear according to the decision of the Committee.

MEMBER: The voting was 12 to 12.

HON. A. G. JENKINS: Nevertheless the assurance was given that it was to be a test vote. Members who voted in favour of the Swan Electorate being retained in the South-West Province certainly understood that the vote decided the question; but it seemed from various signs that Dr. Hackett was not now inclined to accept the vote as a test vote.

HON. G. RANDELL: The vote would not decide the matter by a long way.

HON. A. G. JENKINS: The vote bound hon. members at the time, and would have bound members if the division had gone the other way. Apparently some members did not consider the undertaking they then entered into was binding; but the House having decided that there should be an extra goldfields province, it would be idle to call the Central Province by any other name than the name it would have to bear when the schedule was passed. He certainly understood that the vote taken the other night was whether there should be three goldfields provinces and only two agricultural provinces, or whether there should be three agricultural provinces as at present, the goldfields provinces remaining as now. The matter was argued at great length, and it was pointed out that this was a property House and not a House based upon population. If the argument of a population basis should come in, where would be the necessity for the North Province? It would cease to exist.

THE CHAIRMAN (6·30 o'clock): The Chair was usually vacated at this time; but a wish had been expressed that we should sit longer. As he was the servant of the House, he would like to know the opinion of members.

HON. J. W. HACKETT moved "That no adjournment be made, and that the debate be proceeded with until disposed of."

SEVERAL MEMBERS: No.

HON. A. G. JENKINS: Could that question be put?

HON. J. W. HACKETT: We could order our business as we liked.

Motion put, and a division taken with the following result:—

Ayes	...	...	12
Noes	...	...	13
Majority against	...		1

AYES.	NOES.
Hon. E. M. Clarke	Hon. G. Bellingham
Hon. A. Dempster	Hon. T. F. O. Brimage
Hon. J. W. Hackett	Hon. J. D. Connolly
Hon. S. J. Haynes	Hon. J. M. Drew
Hon. W. T. Loton	Hon. J. T. Glowrey
Hon. W. Maley	Hon. A. G. Jenkins
Hon. E. McLarty	Hon. W. Kingsmill
Hon. C. A. Piesse	Hon. Z. Lane
Hon. G. Randell	Hon. M. L. Moss
Hon. F. M. Stone	Hon. C. Sommers
Hon. Sir E. H. Wittenoom	Hon. J. A. Thomson
Hon. C. E. Dempster (*Teller*).	Hon. J. W. Wright
	Hon. B. C. O'Brien (*Teller*).

Motion thus negatived.

At 6·40, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

HON. G. RANDELL: If the Committee agreed to the insertion of the words "South-East," would that commit members to anything farther? He objected to Northam, Toodyay, and York being included in the province with Albany, Beverley, Katanning, and the Williams. There had been a province consisting of York, Northam, Beverley, Toodyay, and Swan for a great many years, and that province should be allowed to remain. This was not a Government alteration, but had been accepted by the Government in another place. It was to be hoped that members would consider the serious consequences which might result from the way in which votes had been given. He realised this was an important crisis in the history of the State. Members might not realise what was to follow from the effect of creating four goldfields provinces. He saw the probable ill-effect, although he might not realise the full result. Members should not allow any ulterior motives or any side issues to enter into this matter, such as a seat for one side or another. From the voting which had taken place he had arrived at a conclusion. It was to be regretted the Government were endeavouring to force on a division of provinces which would not be in the interests of the whole State. If members voted for the insertion of the words "South-East," would that commit them to accepting the seven electorates included within that province?

THE CHAIRMAN: The question before the Committee was the proposal to strike out the word "Central," and to insert "South-East" in lieu. The amendment would affect nothing else.

HON. G. RANDELL: The Committee were agreeable that the province should be called the South-East Province. It was to be regretted that the Swan was taken out of its original province, which had brought on the difficulty members were in to-night. The decision of the House would be disastrous to the populous portion of the agricultural settlement, and it might be the stepping-stone to the dissolution of both Houses, and perhaps the destruction of the Legislative Council.

On motion by HON. J. W. HACKETT, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 7·45 o'clock, until the next day.

Legislative Assembly,

Tuesday, 24th November, 1903.

THE DEPUTY SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

QUESTION—FREMANTLE DOCK SITE.

MR. FERGUSON asked the Minister for Works: 1, How many men are employed in boring operations in connection with the site of the Fremantle dry dock. 2, Whether the Government have secured the services of an engineer from outside this State to report as to the best site for the dry dock.

THE MINISTER FOR WORKS replied: 1, Boring operations are not in progress at present, pending farther consideration of sites other than those already dealt with. 2, The Government has been pressing this matter forward, and from recent advices it is expected that the services of Mr. Napier Bell, and of Mr. Keele from New South Wales, will be available directly after Christmas.

QUESTION—RAILWAY ENGINE SPARKS.

MR. BURGES asked the Minister for Railways: 1, Whether the Government intends taking any immediate steps to stop the firing of the country from sparks