

## ADJOURNMENT.

THE PREMIER moved that the House at its rising do adjourn until 7.30 p.m. to-morrow.

Put and passed.

## PROROGATION ARRANGEMENTS.

THE PREMIER: I should like to say, for the information of hon. members, that if the state of public business permits it, we may be able to prorogue some time on Thursday. We shall have all the evening to-morrow.

MR. ILLINGWORTH: You say from 7.30.

THE PREMIER: The Government have very little business to-morrow, and I think a good many of these motions should not take much time; and I suppose, as regards the most important of them, that of the member for Central Murchison (Mr. Illingworth), it is not his intention to proceed with that.

MR. ILLINGWORTH: Oh, yes, it is.

THE PREMIER: It will take a month. I certainly will take it as a vote of want of confidence in the Government, if carried. It is the most unconstitutional motion, from a member of the Opposition, I ever heard of.

The House adjourned at 11.13 p.m. until 7.30 p.m. the next day.

## Legislative Council,

Wednesday, 26th October, 1898.

Question: Public Works, Purchase of Materials—Question: Auditor General's Report—Motion: Paris Exhibition, Representation of Colony—Motion: Auditor General's Report on Purchase of Materials—Bankruptcy Act Amendment Bill, clerical error—Municipal Institutions Act Amendment Bill, Legislative Assembly's Amendment—Appropriation Bill, first and second reading; Division in Committee—Metropolitan Waterworks Bill, No. 2, second reading; Division on Amendment; progress arrested—Companies Act Amendment Bill, Legislative Assembly's Amendments—Appropriation Bill, Legislative Council's Suggestion further considered; third reading—Adjournment.

The PRESIDENT took the chair at 7.30 o'clock, p.m.

## PRAYERS.

## QUESTION: PUBLIC WORKS, PURCHASE OF MATERIALS.

HON. H. G. PARSONS asked the Colonial Secretary if it is a fact that the Auditor General has condemned the repeated action of the Public Works Department in buying materials at higher prices than those contracted for.

The COLONIAL SECRETARY (Hon. G. Randell) replied that it was quite true that the Auditor General's duty had compelled him on divers occasions to draw attention to this important matter.

## QUESTION: AUDITOR GENERAL'S REPORT.

HON. H. G. PARSONS asked the Colonial Secretary, if the Government will lay the Report of the Auditor General to 30th June, 1898, upon the table of the House before the Estimates are submitted.

The COLONIAL SECRETARY (Hon. G. Randell) replied: I will read the following answer from the Auditor General:

The Honourable the Colonial Secretary,—As you are doubtless aware, it is my duty to transmit to Parliament (not the Government) the statutory report asked for (vide clause 40 of the 54th Vict., No. 12); but unfortunately my experience has taught me that it is beyond the bounds of possibility to carry out the requirements of the Act, owing to the volume of work to be accomplished, unless the requisite time be

allowed, or in other words, that an alteration be made in the financial year or the meeting of Parliament takes place.—Fred. Spencer, Auditor General.

I informed the hon. member the other night that five months is the earliest time within which the report can be obtained. In New South Wales it takes twelve months before Parliament gets the report of the Auditor General. The report for the year ending June, 1897, was presented to the New South Wales Parliament on the 22nd June, 1898.

#### MOTION: PARIS EXHIBITION, REPRESENTATION OF COLONY.

HON. H. G. PARSONS moved

That, in the opinion of this House, it is desirable that the colony should be represented at the forthcoming Paris Exhibition, and that the Government should take immediate steps to secure the necessary space.

A motion similar to this was to be brought forward in another place to-night. He would confidently ask the favourable consideration of the House to the motion on business grounds, for it was not an affair of politics. Western Australia was in the position of a vendor of two commodities in which the French nation was largely interested at the present time, and potentially was much more largely represented. That was to say, our relations with Paris and the departments of France, in connection with timber and gold, were almost as important as our relations with London. There was no doubt the Paris Exhibition would take place unless there was a war, in which case the British Imperial authorities would hold an exhibition on their own account in Paris. If there was no war, the exhibition would be held, and Western Australia would have to compete with the rest of the world. One of our leading mines, the Boulder Perseverance, was owned in France, or the majority of shares were held in Paris; and other of our great mines were largely owned in France, and might be still more largely owned there. Our timber had been tried all over France, and although it had not been used there so largely as in London and other English cities, it had been experimented with, and very favourably reported on. One point worthy of note was that French experience had been largely in favour of karri. For jarrah we were safe for a market,

but if the French desired to use karri—and there was every reason to suppose they did—we should be glad to sell it to them. They had sound scientific and business reasons for using karri, because they placed it on a cement foundation, and karri had shown itself not liable to rot under these circumstances; at any rate, karri happened to suit their road-making conditions better than jarrah, and we could sell our karri to them and our jarrah to other countries. Jarrah, karri, and other timber exhibits ought to be sent to the great exhibition, along with specimens from our mines. The French were the largest investors in the way of putting absolute cash into mines. Speaking as a mining man, he knew that the largest sum put into mining in absolute hard cash had been put in by French investing firms, syndicates, and companies. The French Government offered to take exhibits free from Fremantle, or any other port in Australia, to Paris, so that on that point there would be no cost to Western Australia. In the second place, the French Government, as a preliminary measure, had allotted 20,000 feet of space in the exhibition to the whole of the Australasian colonies. He was credibly informed that Western Australia could very well fill 10,000 or 12,000 feet of space with profit to the colony, if they only dealt with the three industries represented by pearl-shells, timber, and gold; and the expense of retaining further space, if it could be obtained, would be nominal. The way to go about it would be to appoint honorary commissioners now. In the industry of which he knew most, he could say that if efforts were put off for a year from now the Government would have to pay through the nose for mining specimens, and probably, owing to the shortness of time, would not be able to get the specimens desired. But if commissioners were appointed now, leading men in the mining world, they could get specimens absolutely for nothing, on loan from mines with which they were connected, or personally through their business relations. There was no doubt that in Kalgoorlie there could have been got together the most important and valuable collection of mining specimens in the world, worth, he was told by experts, something like a

quarter of a million, if the Government would have afforded housing for them at a cost of £500 or £750; but the importance of procuring specimens at this important stage of our mining was not properly understood, and the opportunity was missed and gone for ever. But there was no reason why during the next twelve months, whilst valuable discoveries were being made in many mines, specimens should not be obtained, as they could easily be by arrangement with leading mining men. These specimens could, as he had said, be got on loan from the companies at no expense to the colony. By agreeing to this motion, and appointing commissioners, the Government would be pledged to no expense beyond the freight of bringing mining or timber specimens from up-country to the coast. There were plenty of good men to be got to act as commissioners, representing the mining and the timber industries, and we ought to look a little bit forward and make appointments. He was informed by persons authorised to speak on the subject, that the Minister of Mines of Victoria was anxious to come to some arrangement with the Minister of Mines in Western Australia in this matter, because they in Victoria were anxious that Australia should be adequately represented at the Paris Exhibition. His desire was that the Government, in this matter, should look forward a bit, because while it would be easy to get timber specimens together in six weeks or two months, mining specimens could not be brought together under a year. For this reason commissioners ought to be appointed now to obtain the utmost flooring space at the exhibition in the interests of the two leading industries of the colony.

Question put and passed.

#### MOTION: AUDITOR GENERAL'S REPORT ON PURCHASE OF MATERIALS.

Hon. H. G. PARSONS moved:—

That the report of the Auditor General relative to the purchase of materials at higher prices than contracted for be laid on the table of this House.

A similar motion, he said, would be submitted in the Legislative Assembly: and he was credibly informed that materials had been bought at a higher price than should have been paid under contract.

He had been afforded a fairly full explanation, which, he dared say, would be satisfactory in the long run; for he was told there were certain considerations of emergency as to time, and various other reasons for such bad bargains as had been made by the Government. His members were fully satisfied that there had been extravagance in the purchase of materials, and in the conduct of affairs by the department: and it would be better if the report of the Auditor General could be placed on the table even at the late stage of the session.

THE COLONIAL SECRETARY (Hon. G. Randell): The Auditor General's Department was one which came under his control, and the report referred to passed through his (the Colonial Secretary's) hands. Some reports had passed through his hands on their way to the Works Department, and his duty was to minuter them on and draw the attention of the Director of Public Works to such report with minutes thereon. There his duty ended, and what had ultimately become of the minute and the report in question he was unable to say. He believed, however, that satisfactory reasons had been given in most instances, at any rate. The contention on the part of the Audit Office was that contracts existed with certain individuals, with whom purchases should be made more economically, in the interests of the public service, than could be made outside. That was a question which he believed was disputed by the Department of Public Works, and also by the contractors. The latter stated they had not contracted for these articles, and although he (the Colonial Secretary) believed he was correct in stating the goods had been purchased from the contractors, yet these were not articles mentioned in the contract, and therefore the usual prices for wholesale supplies were charged. But how far the contention of the Audit Office was borne out he was unable to say. When the report was laid on the table, it would be seen that the Auditor General had from time to time queried these purchases, not only by the Works Department, but other departments. But he (the Colonial Secretary) had reason to think satisfactory answers had been returned, at any rate by the Public Works Department, to nearly all

the queries by the Auditor General. There could be no objection to the report being laid on the table, because he felt sure the Government only desired that all their actions should be submitted to the cognisance and criticism of the House.

Question put and passed.

## BANKRUPTCY ACT AMENDMENT BILL.

### CLERICAL ERROR.

A message was received from the Legislative Assembly stating that, from a perusal of the Votes and Proceedings, an amendment was made to strike out clause 51, and not clause 55, and asking the concurrence of the Legislative Council in the amendment to strike out clause 51.

THE COLONIAL SECRETARY moved that the amendment made by the Legislative Assembly be agreed to.

Put and passed.

## MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

### LEGISLATIVE COUNCIL'S AMENDMENT.

The Assembly having amended the Bill by adding a new clause, the same was now considered.

### IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Randell): The new clause which had been inserted by the Assembly was only permissive, and not mandatory. It had been shown conclusively in another place that it was desirable that the municipalities in many places, not only in North Fremantle and Fremantle, should have the power given by this clause. The only question that remained was whether it was desirable that a street less than 33 feet wide should be declared a public street. The Government had proposed that no public street should be less than 33 feet: but, on the motion of a private member in another place, the width of the street was reduced to 25 feet, so as to embrace some of the streets which existed in Fremantle. The argument that had been used was that it was desirable that municipal councils should have the power, in the interests of the public, of taking over these streets, and that the councils might be trusted to deal with the subject in the best interests of the municipalities. He could not see that the

clause was open to any great objection. Power was given to a council to effect improvements. There was a suspicion that this clause might lead to what was called log-rolling, but he did not know that the clause was open to that objection; and certainly many other powers entrusted to municipalities might be open to the same objection. Seeing that this clause was desired by the municipalities generally, he was confident in recommending it to the Committee for acceptance. There was one street particularly at Fremantle, John street, which extended through Bruce's Estate, and a jetty had been constructed in Rocky Bay to which this street led; therefore, it was desirable that power should be given to the municipality of North Fremantle to take over this particular street. Similar conditions prevailed in many other municipalities. Although we could not all subscribe to the doctrine that municipalities could not err, yet we must trust to the members of municipal councils to do what was best in the interests of their towns and cities, as the case might be.

HON. R. S. HAYNES: Although anxious to vest, as far as possible, local government in the hands of municipalities, there was a view of the section of the principal Act, which it was intended to amend, that had not perhaps been thought of. The new clause said, in effect, that where any street or by-way, not less than 25 feet in width, had been used for 12 months by the public for vehicular traffic it was open to the municipal council of its own motion to declare the street a public street. Whether a place had been in unrestricted use as a street for vehicular traffic was a question of fact, and of that question of fact the municipal council were to be the sole judges.

THE COLONIAL SECRETARY: The municipal council had to get the sanction of the Governor.

HON. R. S. HAYNES: Supposing he (Mr. Haynes) had a large estate, and through it people had been in the habit of passing for twelve months, and vehicles had passed over that estate—he could instance many places in Perth where vehicles had not been prevented from passing up and down for the past twelve months—it was open to the muni-

icipal council, in his absence and without his consent, to declare these places public streets. If it were a subdivision, and a subdivisional plan had been lodged showing a street, he could understand this clause; but a street was simply a portion of land over which the public passed. What was going to be the width, and who was going to decide what the width should be? There might be a cart track through a piece of land, and there were plenty of pieces of private land over which carts had passed for the last four or five years; and was it to be open to the council, because the public had been in unrestricted use of the land without the consent of the owner, to declare it a public street? There was a piece of land in Perth, from Hay-street to Murray street, which Mr. Connor or Mr. Quinlan took up, and the public had been in unrestricted use of that right-of-way for years. It was questionable whether that land was not dedicated by user, at common law, to the public. The owner of the land was not to get notice of this dedication; but an advertisement was simply to be inserted in the *Government Gazette*, and behind the back of the owner the municipal council could go to the Government, and obtain consent to the land being dedicated as a public street, and in this way the fee simple would be taken from the owner, and vested in the municipal council. The rights of private owners should be preserved.

HON. H. BRIGGS: Say "with the consent of the owner."

HON. R. S. HAYNES: That was all right. If we said "with the consent of the owner," his objection fell to the ground.

THE COLONIAL SECRETARY: It was easy to do it the way proposed.

HON. R. S. HAYNES: It was easy to put your hand in a man's pocket, but you could get seven years for it.

THE COLONIAL SECRETARY: It was difficult now, with the consent of the owner, to convey the land.

HON. R. S. HAYNES: The execution of a transfer would cost 30s. or £2.

THE COLONIAL SECRETARY: There might be twenty owners on either side of the street.

HON. R. S. HAYNES: If there was a street, it belonged to one person, and not

the twenty owners on either side. If a person subdivided a piece of land, the fee simple of the street through that land belonged to the person who subdivided. There were many valuable blocks of land through which carts had been allowed to pass for the past twenty years, and, without the consent of the owners of these blocks, these cart tracks could be declared public streets. We knew that the affairs of the council were open to the public, but their proceedings were not fully discussed or reported, and a matter like this might go through in an evening, and the council could then go to the Government next day, and the Government would see no objection to gazetting the street as a public street. By a simple notice in the *Government Gazette* a man's land was taken from him. It was the most drastic measure he had ever heard of; a ukase from the Czar of Russia was nothing to it.

THE COLONIAL SECRETARY said he would consent to the words "with the consent of the owner" being inserted.

HON. R. S. HAYNES moved, as an amendment, that after the word "Governor," in line 2, the words "and with the consent in writing of the owner" be inserted.

HON. W. T. LOTON: This was a very important amendment to be dealt with in a somewhat off-hand manner. We were now changing the principle in regard to the width of streets, laid down in the principal Act. The question as to the width of streets in any municipality was fully discussed when the principal Act passed through Parliament; and at that time it was decided, and thought desirable, that no street in any municipality should be less than 33 feet in width. Under the new clause which had come down from the Legislative Assembly, it was proposed to give power to any municipality to make a street a public street and expend money on it in an important municipality, of a width of not less than 25 feet. The reason for this alteration had arisen from the fact that in North Fremantle, and possibly in one or two other places, some private streets had been laid out of a less width than was laid down in the principal Act—that was not less than 33 feet. It would be far better for Parliament to deal with the

places and particular streets on their own merits, and not give this power, in the future, to reduce the width of streets to 25 feet. He did not call a street of 25 feet a street at all; it was a lane, and it was not desirable, in a climate such as we lived in, that we should have a lot of small lanes in municipalities. He had no objection to give power to a particular municipality, labouring under disadvantages, to expend public money after the municipality had obtained a title to private streets, but he objected to give a general power to municipalities in any part of the colony to take over, from private individuals, streets less than 33 feet in width. It was probable that blocks of land would be cut up and advantage taken of this measure to lay out streets 25 feet in width. It would not be a difficult matter to get these streets declared public streets through the municipal council, and the consent of the Governor obtained. This was a step in the wrong direction.

HON. H. BRIGGS: This was only a permissive provision, and referred only to streets that were laid out long before the present Act, which stated that public streets should be 66ft. in width, was passed. In 1886 he (Mr. Briggs) laid out a street, in accordance with the regulations at that time, 50ft. in width. He cut up the frontage into 34 different lots. Eight people had built on these allotments, and these people had been paying rates ever since that time. The street could not be taken over by the municipal council because it was not of the required width, and it had to remain a sand track; yet the municipal council of Fremantle was drawing rates from these people. He would give another instance: Some time ago the Marmion Estate was cut up in accordance with the Act. He (Mr. Briggs) had an adjoining block of land to this estate, and he had to buy the right from the Trustee and Agency Company, over the street adjoining his own. It would be well to give municipalities power to take over such streets, when people had been paying rates for many years. Municipalities should have power to exercise their discretion as to whether they would take over the streets or not. The street 50ft. in width was Nelson-street, off Mandurah-road. It was

laid out by the Government surveyors in 1886, and had not been taken over by the municipality of Fremantle yet. The clause which had been inserted by the Legislative Assembly referred to streets which had been laid out in the past. The Crown Lands Office would give no title to a subdivisional block which was not cut up in accordance with the provisions of the present Act.

Motion to amend the Assembly's amendment put and passed, and the new clause as amended agreed to. A message accordingly was transmitted to the Legislative Assembly.

#### APPROPRIATION BILL.

##### FIRST AND SECOND READING.

Received from the Legislative Assembly, and read a first time.

THE COLONIAL SECRETARY (Hon. G. Randell): In moving that this Bill be read a second time, I need only say a very few words, for hon. members have had the estimates of expenditure from the general revenue in their hands for the last six weeks, and I think the estimates of the loan expenditure have been in hon. members' hands for some time. I would also mention the fact that these estimates have passed through the Legislative Assembly without any alteration whatever. The estimates have been reduced by the Government to as low a limit as possible, and a saving has been effected compared with the estimates of last year of nearly half a million of money; I forget the exact figures now. I am sure it is hoped the revenue will be sufficiently buoyant to meet the expenditure which is set forth in these estimates. In every department, I think, some reductions have been made, and every opportunity will be embraced by the Government, as the year goes on, to keep the expenditure within the revenue, and to make reductions where they can be made without impairing the efficiency of the administration of the Government of the colony. I do not think it is necessary for me to say more as to the Estimates, as hon. members have, as I have already explained, had them in their hands. It is desirable to get into Committee on the Bill in case an explanation of any item may be required by hon. mem-

bers who may desire to have any information at my disposal; therefore I move the second reading of this Bill.

Question put and passed.

Bill read a second time.

HON. R. S. HAYNES: Was it the desire of the Colonial Secretary to put all the Estimates through to-night? There was only a thin House, and there were some items on which information was required.

THE COLONIAL SECRETARY: The items on which information was required might be postponed.

HON. R. S. HAYNES: Some hon. members had not been aware the Estimates would be discussed to-night, and were not present. But he had no desire to hamper proceedings, if the Colonial Secretary thought progress could be made without the presence of those hon. members.

THE COLONIAL SECRETARY: Progress could no doubt be made.

THE PRESIDENT: Hon. members were pretty well aware that the Appropriation Bill would be brought down to-night, seeing that it passed through the other place yesterday.

#### IN COMMITTEE

Clauses 1 and 2—agreed to.

Schedule A—agreed to.

Schedule B:

HON. R. S. HAYNES drew attention to the item, "Chief Harbourmaster, £550," in the Harbour and Lights Department, and moved that it be a suggestion that this item be reduced by £100. For an outlay of £15,882 in this department, the return was the smallest modicum of advantage. Some time ago he called for a return, and it was then found that there were lying at Fremantle a whole fleet of Government steamers and boats, whereas when he came first to the colony he could count the number of boats in use by the Government. It was true trade had increased since then, but trade had not increased sufficiently to demand the upkeep of the numerous boats at Fremantle. What in the name of common sense was the steamer *Penguin* purchased for? From the Estimates, it would be seen that the salaries of the *Penguin* amounted to £900 odd; but, as a matter of fact, the total cost of this vessel must be something like £2,500 or £2,600 a year. Further on in the Estimates, there was an item "Up-

keep and insurance, uniform for officers and crew of *Penguin*, £850;" so that it was really impossible to find out what was the cost of the upkeep of this boat, which was bought in England because it was cheap. At Sydney, one pilot boat, not half the size of the *Penguin*, did all the necessary work of the harbour, in which there were 50 times as much shipping as entered Fremantle. It was stated that the *Penguin* was required for the purpose of visiting various bouys and painting them. He was in a position to know that the *Penguin* took a trip from Fremantle to Esperance Bay for the purpose of mooring one or two bouys, and he was informed by a nautical man that the estimated cost of the trip, taking everything into account, was something like £1,000, whereas the Adelaide Steamship Co. would do such work for £40 or £50. Bouys were fixed along the coast, and the *Penguin* might have to go to Roebourne, or elsewhere, for seeing to them and painting them. Such work could be done by the police at a cost of £20 or £30, whereas a trip by the *Penguin* cost between £500 and £700. All this was wanton waste; indeed it was a vicious act to purchase the boat. The Government, or any member of the Government could be acquitted of blame in the matter; for the blame rested entirely with the head of the department. The boat was a white elephant, and absolutely useless. As a matter of fact, she was brought here for the purpose of towing; but it was properly urged that the Government should not take towing as against private enterprise. The Government were retrenching and cutting down the salaries of clerks in various departments, but, at the same time, were allowing a wholesale waste to go on from year end to year end in the matter of these Government boats at Fremantle. But that was only one vessel. There was another—called, he believed, the *Protector*—which was bought in Victoria also, because it was cheap. There were so many officers employed on board these boats that there was really the nucleus of a navy lying in the harbour; and he saw that the engines of the *Protector* were turned every day by hand. The vessel herself was lying there rotting, covered, he supposed, with yards of green stuff, whilst her officers—

and small blame to them—enjoyed themselves. He would be sorry to see those officers turned adrift, but, as retrenchment was the order of the day, and there were grave reasons to fear that the estimates of revenue would not be realised, this department wanted very careful scrutiny. He could never get the correct number of boats belonging to the Harbour and Lights Department and the Public Works Department, the returns from both being so split up as to be misleading. As he had said, he had obtained a return, showing the number of Government boats in Fremantle, and he could, perhaps, give some information on the point. There was an Inspector of Fisheries appointed, whose duty was to watch fishermen who plied their trade, if they got a chance, on prohibited ground. This inspector applied for a boat, and they gave him one, the sides of which were not equal, so that if a person pulled in it long enough he pulled in a circle. This boat was built by an amateur, and was the laughing-stock of every person with any knowledge of the subject. Somebody who knew very little about boats bought the craft from the amateur builder, but the purchaser, finding it was no good, sold it to the Government, who thereupon gave it to the Inspector in which to look for the fishermen. The price paid by the Government for this curious craft was £7 or £8, whereas it was not worth 10s. All the time the inspector could not get a boat, there were Government boats lying idle at Fremantle; but eventually the Harbour and Lights Department insisted, and the Government supplied him with a proper vessel. Not one-quarter of the boats lying at Fremantle were necessary, and the upkeep of a boat was rather a serious item. In addition, there were a number of steamers kept for the purpose of carrying officials about. But should an unfortunate fisherman be capsized, the Government steamers did not turn out, but lay snugly in the harbour. This was the second time a complaint had been made about lack of attention which the authorities at Fremantle had shown when life had been in danger. Mr. Mews wrote to the newspapers on the subject, and there was every reason to believe that had the Government or the authorities at Fremantle

sent out a boat on the first occasion when the recent capsizing was reported, the men would have been saved. Instead of that, with a forest of boats, and the bold Penguin and Protector there, not one was sent out to effect a rescue, and some time ago a similar incident occurred along the coast. As to who was responsible, he thought he had, more by accident than otherwise, struck the quarter where the weakness was, when he moved the reduction of the Chief Harbourmaster's salary. If there was a weak man at the head of affairs, it would soon be found that every person under him was weak also. There should be a reduction in the number of boats, the number of men, and in the annual expenses, and if the suggestion he had moved was not adopted, he hoped the House would agree to an investigation into this department next year. If a Committee were appointed with that object, he would be very happy to act, and endeavour to bring to light what he considered waste, extravagance, and gross incompetency in this department.

THE COLONIAL SECRETARY: Probably there were reasons for many of the statements made. He had met the harbourmaster on many occasions, both officially and privately, and had always found him an excellent man, who appeared to thoroughly understand his business. Indeed, he had always considered this officer to be underpaid, assuming of course that he was a thoroughly responsible man, whose position ought to be equivalent to that of an under secretary. This officer had control of a department to which was committed the care of ships valued at thousands of pounds, and he was also responsible, it might be said, for many lives. He (the Colonial Secretary) did not know much of the history of the Penguin, but he believed she was used on many occasions when the weather rendered it unfit for other vessels to go to sea.

HON. R. S. HAYNES: For what purpose?

THE COLONIAL SECRETARY: To visit vessels in case of quarantine, and so on.

HON. R. S. HAYNES: In the other colonies cutters were used for this work.



THE COLONIAL SECRETARY: The Penguin also, he believed, had to visit Rottneest on various occasions.

HON. R. S. HAYNES: Yes; and leave the mails behind!

THE COLONIAL SECRETARY: The Penguin might, of course, be too large and expensive for the business, and he was quite ready to assure hon. members that he would bring the matter under the notice of the Premier, with a view of having a strict enquiry made into the cost of the department.

HON. R. S. HAYNES: What about the "white elephant," the Protector?

THE COLONIAL SECRETARY: The Protector might be supposed to cost no more than the wages of a caretaker, and he was afraid that, having got this vessel, we were bound to keep her. There was no doubt a use for her when she was purchased.

HON. R. S. HAYNES: Surveying; but she had not been used for that, and he was informed that officers were kept on board.

THE COLONIAL SECRETARY: All that could be done was to promise that the matter would be brought under the notice of the Premier; but that would hardly be necessary, because the Premier was exceedingly anxious to reduce expenditure, and had no doubt looked carefully into the matter himself.

HON. H. BRIGGS: No doubt the Chief Harbourmaster was much underpaid; but at the same time the Government were keeping a useless fleet at Fremantle. If a bad purchase were made of a vessel which was not needed, or only needed for a time, there was no necessity to keep it for years; and the best thing was to do away with it at once. As this subject was before the minds of the Government, he would like to call attention to the fact that there was a certain amount of friction between the Water Police Department and the Harbour Department. There had been cases in which fishermen had been lost for many days, and although it was the province of the water police to search for them, their department had no vessels at hand. All this time, the Harbour Department had vessels lying idle, which they would not use even for the sake of preserving life. There had been three or four such cases

during the last twelve months, and if the Government could allay this friction, and make the two departments work together, it would be for the good of the colony, and relieve Fremantle from a grave scandal.

HON. R. S. HAYNES: In view of the remarks of the Colonial Secretary, he begged to withdraw the motion.

Motion, by leave, withdrawn.

HON. R. S. HAYNES asked why a solicitor at £500 a year had been appointed to the Railway Department? When was this solicitor appointed, who was he, where did he come from, what were his qualifications, and was the appointment open to other members of the legal profession? This was a salary introduced for the first time, and as a member of the Barristers' Board he had no knowledge of any gentleman being appointed to this position. There was a highly paid staff in the Attorney General's Department, and some information ought to be afforded the Committee. It was a great mistake to pitchfork unknown gentlemen into professional positions in the public service; and, if this officer was a stranger, the Committee ought to be told why he had been appointed. There were a number of practitioners in the colony, able and worthy men, who were quite competent to fill this position; and, if they had been passed over, hon. members ought to know the reason why. A gentleman was pitchforked into the position of Official Receiver, when other members of the profession would have been only too glad to take it; and hon. members knew the result of that appointment.

THE COLONIAL SECRETARY: It was only somewhat recently he became aware of the fact that a solicitor had been appointed to the Railway Department.

HON. R. S. HAYNES: What was the solicitor's name?

THE COLONIAL SECRETARY: Clydesdale.

HON. R. S. HAYNES: There was no such solicitor in the colony.

THE COLONIAL SECRETARY: The hon. member meant that Mr. Clydesdale had not been admitted in this colony.

HON. R. S. HAYNES: Then he was not a solicitor.

**THE COLONIAL SECRETARY:** It was in consequence of representations made by the heads of the department that this appointment was made. Owing to the immense amount of work in the Attorney General's office, it was found impossible to give the attention necessary for the protection of public interests in connection with actions brought against the Railway Department.

**HON. R. S. HAYNES:** The appointment should have been open to public competition.

**THE COLONIAL SECRETARY:** Possibly that was so. He did not know how Mr. Clydesdale was selected, but he understood that gentleman to be a specialist.

**HON. R. S. HAYNES:** Oh, they were all specialists. We had had a specialist in bankruptcy, and we knew how he had turned out.

**THE COLONIAL SECRETARY:** Mr. Clydesdale had had a large experience in connection with railways, and it was anticipated the cost of his salary would be more than saved by this appointment. He understood the department were perfectly satisfied with the ability of Mr. Clydesdale. He did not know whether any action against the department had arisen since the appointment, but possibly this very appointment had saved the department from being brought into court.

**HON. R. S. HAYNES:** That was a bad tribute to the Crown Solicitor.

**THE COLONIAL SECRETARY:** No doubt there were some professional gentlemen who would have taken the position, but he did not know whether there were many such.

**HON. R. S. HAYNES:** There were many.

**THE COLONIAL SECRETARY:** No doubt there were some who would have been able to do the business.

**HON. R. S. HAYNES:** The explanation of the Colonial Secretary was most unsatisfactory. This man, who was not a solicitor, could obtain costs.

**THE COLONIAL SECRETARY:** What would he do with the costs; would he pay them into the Treasury chest?

**HON. R. S. HAYNES:** He would pay them into his own chest. The Government had better give up practising as solicitors.

**THE COLONIAL SECRETARY:** The appointment was made to prevent actions.

**HON. R. S. HAYNES** said he was pleased to support the Crown Solicitor in the administration of his department, and he could speak in the highest terms of that officer. The Crown Solicitor had over and over again advised the Government to settle actions; yet the Government would not settle them, but went into court and lost the cases. It was not right to say that, because the Crown Solicitor did not attend to his cases the Government lost the day. The Crown Solicitor had to attend to all the criminal business as well as the civil business. Where was the Attorney General? He (Mr. Haynes) had known occasions on which the Crown Solicitor had to leave one court to go into another court, and ask for the postponement of a case because he was engaged in another court. The Crown Solicitor had been practising ever since he (Mr. Haynes) had come to this colony, and was a member of the English bar, and had proved himself to be a capable man; but there were so many wise men in the Railway Department who would fight every case, with the hope of deterring people from bringing actions; but people would bring actions. When a case was placed before the Crown Solicitor, he could give an independent opinion, because he was an independent officer; but if there was a solicitor under the Commissioner of Railways, that solicitor would be, in a certain measure, bound to fall in with the views of his superior officers. The Government had made a bungle of the Public Works Department long enough.

**THE COLONIAL SECRETARY:** This officer was not to advise in regard to the Public Works Department.

**HON. R. S. HAYNES:** Then he would oppose the item all the more strongly. The legal work of the Railway Department could be done by one man, and that man would not be occupied three months in the year if the department took the advice given. He moved that a suggestion be forwarded to the Legislative Assembly that item 8 of Railways and Tramways, "Solicitor, £500," be struck out. It was not right to appoint as a solicitor a man who was not a solicitor. He (Mr. Haynes) made no charge against this gentleman,

whose name he had never heard until this afternoon; but he was a person who was unknown in the profession here.

HON. H. G. PARSONS: Not being a member of the Barristers' Board, nor a practising solicitor in this colony, he could not be accused of having any objection to this gentleman on professional grounds. No one could be a solicitor in this colony until he had passed the Barristers' Board, and this man had not done so; yet he was being paid £500 a year as a solicitor, when he had not been admitted as a solicitor. This officer was not a lawyer, and was therefore not entitled to take any fees whatever. The Government proposed to give this officer power to receive fees, when he could be punished for doing so.

THE COLONIAL SECRETARY: The hon. member meant that this officer was not a lawyer, because he had not been admitted—that was all.

HON. H. G. PARSONS: As a matter of fact, this officer was not a lawyer in this colony, therefore the Government had no right to give him any fees as payment, or to recognise him as a lawyer, until he had been recognised by the Barristers' Board. The Government were instituting a bad example in this case. Although he (Mr. Parsons) gave the Government credit for the best motives in the world, he could not but suspect there was something behind this. Why should the Government give £500 a year to a man, when the public had been demanding the appointment of an extra judge, and had been refused on the ground that the Government could not afford it? The appointment of this gentleman was on a level with the high-handed conduct of the Government throughout its recent history. Why had we not heard anything about this gentleman, and why had this item been inserted in the Estimates and brought before us, without five minutes' notice? There were no reasons given for this appointment. Money should not be squandered in this way, when there were many better ways in which the money could be utilised.

HON. A. P. MATHESON said he intended to support the suggestion, because he could not conceive why the Railway Department should take upon itself to run a solicitor, as it were, "on their own." A solicitor, if necessary, should form a part

of the Attorney General's Office or the Crown Law Department, and this £500 provided for a solicitor should be a portion of the vote under the head of Crown law officers. He did not know whether it could be called unconstitutional, but it was impracticable that the Government should try to run two Law Departments. The Attorney General was paid a very high salary; the Crown Solicitor received £750 a year, and the secretary to the Attorney General received £650. These gentlemen occupied responsible positions, and they were supposed to see that the legal staff did their work properly. All important questions should be referred to the Attorney General. As he understood it, important questions of law would be dealt with by the Commissioner of Railways and his solicitor. The Railway Department seemed to be showing a tendency to make itself independent of the Government altogether, and to make itself an altogether autocratic body. He noticed that it was suggested a little time ago that the Railway Department should have a printing office of its own. He could not find any reference to it in the schedule, although he had looked through it.

THE COLONIAL SECRETARY: This appointment had been made for some considerable time, although he was not present when the appointment was made, but the reasons adduced by the Commissioner of Railways must have been very cogent and good to obtain the consent of the Government to the appointment of such an officer. He presumed this officer was a solicitor, although he had not been admitted to the bar here. The Law Department was as full of work as it possibly could be at the present time, and the secretary of the Crown Law Department had been working almost night and day during the time Parliament had been sitting, as he, to a large extent, was responsible for the Bills. Apart from any connection with the Government, he (the Colonial Secretary) saw an absolute necessity for having an officer of this kind at the disposal of a large department. In connection with the running of the railways there was a good deal to do, and, if this gentleman who had been appointed was an expert in the kind of work to be done, the £500 would be

well spent, as he would save more than ten times that amount if he was an efficient man. One could easily understand how very awkward it would be for a department, such as the Railway Department, to send every time advice was wanted to the Attorney General's Department. No doubt on some occasions several visits a day would have to be made. Questions were continually arising, and it was necessary to have a solicitor at hand when cases were being settled. Possibly a larger number of cases would now be settled through the knowledge and ability which this new officer would bring to bear.

HON. R. S. HAYNES: This officer had no right to practise as a solicitor until he had been admitted.

THE COLONIAL SECRETARY: That should not influence hon. members in voting on this motion if the step taken was a wise one, and in his opinion it was a wise step.

HON. R. S. HAYNES: If a man practised as a solicitor in this colony before being admitted by the Barristers' Board, that man might just as well pack up his traps and leave the colony, because he would never be admitted afterwards. This officer was advising the Government, and doing work as a solicitor. If this official was under the Crown Solicitor that would be a different matter, because the Crown solicitor was a responsible officer; but this officer, as solicitor to the Railway Department, was an irresponsible officer. No one could say that this man would be admitted to the Barristers' Board. He (Mr. Haynes) was taking this course in the interests of his profession and in the interests of the public, as it was a very dangerous thing to have an irresponsible man in such a position. This officer would be entitled to draw fees if successful in cases, and there was no means of getting costs out of him.

THE COLONIAL SECRETARY: The officer could not draw fees if he did not go into court. He presumed the advice of the Attorney General had been obtained as to the legality or otherwise of this appointment.

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

Ayes	...	...	...	9
Noes	...	...	...	3

Majority for	...	...	6
--------------	-----	-----	---

Ayes.	Noes.
-------	-------

Hon. H. Briggs	Hon. G. Randell
Hon. R. G. Burges	Hon. H. J. Saunders
Hon. C. E. Dempster	Hon. D. McKay
Hon. R. S. Haynes	(Teller)
Hon. W. T. Loton	
Hon. A. P. Matheson	
Hon. H. G. Parsons	
Hon. J. E. Richardson	
Hon. W. Spencer	
(Teller)	

Suggested amendment thus passed.

HON. H. G. PARSONS moved that a suggestion be forwarded to the Legislative Assembly that the item "Salary of Under Secretary of Public Works" be reduced by £100. He did not wish to cast any reflection on this officer, but wished to have something to say about the department. It was universally admitted that there was a widespread feeling of dissatisfaction in connection with the working of this department, particularly in regard to the Minister who had the honour to conduct it. We were all satisfied, as the Auditor General had been satisfied, that the extravagance of the department was habitual, and that the mismanagement was equally consistent. It would be better if it could be arranged that the accounts of the department should be audited up to the end of the 30th March, and laid before Parliament in June. If that had been done, it would have probably brought this extravagant department within our control before now. We had been suffering for months and perhaps years. It was a notorious scandal that public moneys were injudiciously expended in matters of detail.

HON. R. S. HAYNES: This department had brought about the deficit.

HON. H. G. PARSONS: Everybody knew that. The colony had been suffering from unexampled prosperity; and, as a consequence, a deficit had been caused by the extravagance of one department. We were all devoted followers of one man in this country, and we believed that it was in consequence of his absence, and being unable to control this one department, that the deficit was caused. We were face to face

with a depleted Treasury, a rapidly diminishing population, and a want of public confidence, which would entail further want of confidence which none would like to look forward to.

**THE COLONIAL SECRETARY:** The population was increasing.

**HON. H. G. PARSONS:** The population in the producing parts of the colony was not increasing. The deficit which this department had brought upon the colony had made us unable to provide ourselves with an extra judge, who was necessary at the present time, and had made us unable to extend our railways in certain directions when it was shown that these railways would pay 10 per cent. at once. We were not able to make surveys of certain lines, and when we talked about a redistribution of seats, we were told that there was no money. The money had been expended by this one department. He moved that a suggestion be sent to the Assembly to mark the dissatisfaction of the Committee with the department primarily, and with the Government who were responsible for backing it up.

**THE COLONIAL SECRETARY:** The hon. member did not mean to be serious in regard to this motion. He had only brought it forward for the purpose of discussing the administration of the Works Department. The statements which the hon. member had made were not borne out by facts. Parliament voted moneys for the expenditure of the Public Works Department, and something like £180,000 below that authorisation was expended. That saving was due to the head of the Public Works Department. As an administrator, Mr. Piessé had shown himself to be a good man, if we took the whole history of the Public Works Department and the Railway Department into account. His attention had been directed, for a considerable time past, to the reorganisation of the department and in this he had had immense difficulties to contend with. In the boom time everybody was clamouring for works to be executed, and for money to be expended; and the Minister who controlled this department was deserving of the thanks of the colony for the way in which he set himself reso-

lutely to work, when he found the revenue was not answering expectations. Hon. members should be just and even generous, considering the circumstances through which the colony had been passing, and the clamour on every hand for public works. It would be recognised how difficult it was for the Government to refuse works which in themselves were desirable, and in some cases absolutely necessary, for the development of the country.

**HON. R. S. HAYNES:** Who asked for the expensive railway stations?

**THE COLONIAL SECRETARY:** In connection with Governments and other public bodies, there would always be mistakes made in expenditure, and probably in some cases there would be extravagance. On the other point raised, he had previously stated that the purchases could be accounted for satisfactorily. Materials had been urgently needed in some cases, and in other cases materials could not be got from the contractors. Although there might have been some little mistakes made, this could not be laid on the shoulders of the administrator of the department, who could not look into every item, but must be guided by the opinion of his officers. If hon. members would consider, they would see the Director of Public Works had been desirous of limiting the expenditure as much as possible. He had taken infinite pains to make himself acquainted with all the works, and to have them as economically executed as it was possible for the head of a department to do.

Motion put and negatived.

**HON. A. P. MATHESON,** referring to the Engineering division of the Railway Department, asked under what head he should look for the expense of running the engineering shops at the foot of Barrack-street? He found no provision in the Estimates for these works, which had, however, been in full swing for the past twelve months. In the railway estimates he found no provision for these engineering shops in Barrack-street, which appeared to be turning out cars.

**THE COLONIAL SECRETARY:** The Works in Barrack street belonged, he believed, to the city council, and the cars were sanitary cars.

HON. A. P. MATHESON said he understood they were a Government department.

THE COLONIAL SECRETARY said he was now given to understand that these works were in the Harbours and Rivers Department.

HON. R. G. BURGESS asked what it was proposed to do with the small sum of £500 under the head of "Incursion of rabbits"? Such a sum would only be wasted if devoted to this object?

THE COLONIAL SECRETARY: This question had been fully discussed in the Legislative Assembly, and some dissatisfaction expressed by agriculturists that a larger sum had not been placed on the Estimates. The explanation of the Commissioner of Crown Lands was that there was no necessity to spend a large sum until further information had been obtained. Steps would be taken to ascertain more definitely how far rabbits had invaded the colony.

HON. J. E. RICHARDSON: What was the £500 for?

THE COLONIAL SECRETARY: For necessary expenses in connection with the inquiry.

HON. R. G. BURGESS asked for information on the item "Viticultural and horticultural expert and chief inspector under the Insect Pests Act (6 months.)" A statement had been made by the Commissioner of Crown Lands that the experts were to be kept on. If that were so, why was this item put before hon. members in its present form?

THE COLONIAL SECRETARY said he had no information except what had appeared in print. Other arrangements had, perhaps, been made, so as to readjust items in this department; and he understood the Minister to have said that some experts would be kept on in the interests of agriculturists. The Minister made use of an expression to the effect that it was desirable to shake people up sometimes, and that possibly a scare had done them good. There had possibly been some dissatisfaction in the department.

HON. R. G. BURGESS: Yes; there had been dissatisfaction.

THE COLONIAL SECRETARY: Whether that dissatisfaction was well founded, he did not know.

HON. R. G. BURGESS: It was well founded.

HON. H. G. PARSONS: Under the new mining law, exemptions would, he understood, be unnecessary. If so, why did "Exemption fees, £2,000," appear in the Estimate of the Minister of Mines?

THE COLONIAL SECRETARY said he was unable to offer any information on the subject, but would try to do so tomorrow.

HON. R. S. HAYNES asked for information as to the item "Law and Parliamentary draftsman (2 months), £100."

THE COLONIAL SECRETARY: The functions of Parliamentary draftsman were not performed by the same gentleman as hitherto.

HON. R. S. HAYNES: Who was now the Parliamentary draftsman?

THE COLONIAL SECRETARY: The responsibility rested, he believed, on the Secretary of the Law Department.

HON. R. S. HAYNES: It was too much to ask that officer to do. Referring to the item of "Commissioner of Titles, £750," in the Attorney General's Department, he said he was informed that Mr. Acting Justice James, who was Commissioner of Titles for many years, had resigned that position. If that were so, who was now Commissioner of Titles?

THE COLONIAL SECRETARY said he did not know that Mr. Justice James had resigned. He (the Colonial Secretary) had attended at every Executive Council meeting but one, and no such resignation had been dealt with.

HON. R. S. HAYNES: The informant was one of the judges of the Supreme Court, and the resignation might have occurred before Mr. Randell became a Minister of the Crown. There was £750 a year attached to the office of Commissioner of Titles, and while he did not wish to say one word about Dr. Smith, who was now acting, he must say the position ought to be filled by a person conversant not only with the theory but the practice of conveyancing. There should be no danger of good titles being refused and bad ones authorised.

THE COLONIAL SECRETARY: The complaint was, he thought, that Dr. Smith was too strict.

HON. R. S. HAYNES: An officer could err on either side. What was wanted

was a person who did what was right. Neither the position of Parliamentary draftsman, nor that of Commissioner of Titles, was open to the legal profession in the colony. The positions were high and honourable, and there were some fully qualified practitioners here who would be prepared to undertake the duties. When making appointments of this kind, the least the Government could do would be to make inquiries from the Barristers' Board, who knew all about the conduct of every barrister in the colony, and no man should be appointed to whom the board strongly objected. He would ask the Colonial Secretary to assure the Committee that the position would not be filled by the appointment of the present Acting Commissioner, without leaving the post open to other applications. Barristers who had lived all their lives in the colony were entitled to more consideration than strangers about whom nothing was known.

**THE COLONIAL SECRETARY:** The question had not come before the Executive Council at all, and, so far as he was aware, Mr. Acting Justice James would return to the office of Commissioner of Titles. He would make further inquiries, and endeavour to give the hon. member some assurance to-morrow; but he was certain that nothing had transpired in connection with the filling of the office.

**HON. H. G. PARSONS:** The sum of £1,000 was put down for miscellaneous expense in connection with the preparation of electoral rolls, while the total salaries, provisional and temporary, under the heading of "electoral" amounted to £1,400. The work of preparing the rolls was most unsatisfactory, and it would be wise for the Committee to mark their sense of that fact by reducing the vote. There was obviously a desire in some instances to strike as many people off the rolls as possible; in fact, people were struck off unless they attended from, it might be, a distant part of the country and defended themselves. One member of the Lower House, Captain Oats, was struck off the rolls, although he was known to be a large holder of land in his own constituency. The officers were not called upon to prove that notice had been

served on the elector; and, as he had said, unless a man attended at the court he was struck off. He (Mr. Parsons) moved that it be a suggestion that the item, "Preparation of electoral rolls," etc., £1,000, be reduced by £100.

**THE COLONIAL SECRETARY:** This was a department which had come under his notice very seriously since he had taken office. One of the first things he did when he became Colonial Secretary, was to fully inquire into what was especially the circumstances which had occurred in connection with the electoral rolls at North Perth. He found that the Inspector of Parliamentary Rolls was fully occupied, and that this officer was discharging his duties in such a way as to be deserving of a higher salary; and sundry alterations had been made in the regulations entirely in the interests of the electors. At his own personal request officers attended at night for the purpose of enrolling electors in different constituencies. In order that this might be effectually done, volunteer district registrars were appointed, who were generally more in touch with the working men, and who gave their services at night, where the warden, the police constable, the postmaster, or the registrar could not, the latter generally limiting themselves to office hours. The people appointed were of good character, and were recommended by persons whom he knew, especially members of Parliament. An immense amount of work was required in the preparation of the rolls. Quarterly rolls had to be made out, and then the annual roll had to be revised, and the amount of work and the number of people employed were enormous. It was desirable to have this expenditure, in the interests of residents who desired to be on the roll. The circumstance at North Perth, to which he had referred, did not arise from any fault of the Inspector of Rolls, but through the neglect of the District Registrar at the time. The latter officer had since been requested to resign, his work being placed in the hands of the officer in charge of electoral matters generally. A new Electoral Registrar had been appointed for Fremantle, and he (the Colonial Secretary) had strictly insisted that this office should not be called upon to do anything

but to attend to the duties of this office. He had carefully gone through every item under the head "Electoral" in the Estimates, and he was afraid he had reduced the vote below the actual cost. He had taken this matter into his personal consideration, and he was satisfied that the vote was as low as it could possibly be made.

[Motion by Mr. Parsons not pressed.]

HON. A. P. MATHESON: There was an item, "Purchase of s.s. Waratah from Public Works Department, £750." This steamer seemed to have been sold by one department to another, and in his opinion this transaction should not appear on the Estimates. The Committee were now dealing with the expenditure of certain moneys belonging to the colony, but this £750 was merely a book entry.

THE PRESIDENT: It had always been the rule to show such transactions in the Estimates.

THE COLONIAL SECRETARY: The amount was credited to one department and debited to another, because the boat had really been transferred from the Works to the Medical Department. The boat cost £1,000, and the Medical Department had purchased it for £750.

HON. A. P. MATHESON: With such entries, the Estimates were entirely misleading, as they did not represent cash at all, and the apparent expenditure of the colony was swollen to the extent of the item.

THE COLONIAL SECRETARY: The same thing occurred as between the Postal Department, the Law Department, and other departments.

Schedule put and passed.

Schedule C:

HON. R. G. BURGESS asked how it was there was £5,000 down for the salaries of engineers for the Coolgardie water scheme, when the works had hardly been commenced.

THE COLONIAL SECRETARY: The officers in question were necessary for the carrying out of the works, which were being proceeded with now as fast as possible. It was intended to expend £250,000 this year on the works, and it was necessary to provide for these officers.

HON. H. G. PARSONS moved that it be a suggestion that the item "Immigration, £2,000" be reduced by £100. At

present there was a very unsatisfactory expenditure of money in connection with immigration of domestic servants, which was the only immigration we now had. It would be far better to spend the money in connection with importing wives and families from the eastern colonies, and the relatives of persons already resident in the colony. Unless the Government would start a whole-hearted system of immigration he would like to see this item abolished.

THE COLONIAL SECRETARY: It was not probable that the whole £2,000 would be expended—at all events, there was no intention to spend it, unless there was a demand for the introduction of domestic servants, which from time to time had urgently arisen. In another place, it had been mooted whether it was not desirable to spend the money in assisting the immigration of the wives and families of the men already in this colony, but it had been thought rather an unfriendly act towards the sister colonies to endeavour in that manner to bring their population away. Hon. members could safely leave this matter in the hands of the Government. Some money would be expended in assisted passages to agricultural immigrants.

HON. H. G. PARSONS asked leave to withdraw his motion.

Motion, by leave, withdrawn.

Schedule put and passed.

Bill reported with a suggested amendment, report adopted, and a message accordingly transmitted to the Legislative Assembly.

# METROPOLITAN WATERWORKS ACT AMENDMENT BILL (No. 1).

SECOND READING (MOVED).

THE COLONIAL SECRETARY: In rising to move the second reading of this Bill, I believe, as a whole, it is a good measure. I understand that exception will be taken to one or two portions of the Bill, which I think can be taken into consideration in Committee, if hon. members will allow the second reading to pass. The first clause to which exception will be taken is sub-clause 1 of clause 4, which states that—

The board may cut off the supply of water to any premises, whether rated or not, and whether supplied by meter or otherwise, if any



owner or occupier of such premises, or any part thereof (1) Refuses or neglects to attach a meter to such premises after demand so to do by the board.

I believe this is one of the regulations or by-laws made by the board at the present time, but I have been informed that such by-laws are *ultra vires*, although I am not able to say whether that is the case. A difference of opinion arises in regard to this, but the board must have sufficient powers, inasmuch as the waterworks are for the benefit of the inhabitants, and we must not allow any open door for persons to get away from performing their duties. Although a person may not use the board's water, that person has to contribute to the rates for the general well-being of the community. It is somewhat hard that offices should be rated very high when the occupants of the offices use so little water. Still, these offices have to pay on the ratable value; that is one of the penalties for congregating together in cities and towns. There is another point to which I believe exception will be taken. I refer to clause 6, sub-clause 2, which makes the owner responsible if the occupier leaves the premises without having paid the water-rate. But the owner is in a position to protect himself. In almost every case it may reasonably be expected that the board appointed under the Act will administer the law entrusted to them properly, and without prejudice to any section of the people. I think there is no difficulty for a landlord to protect himself. I have adopted the practice myself of paying the whole of the rates, the water-rates and everything else, for the tenements which I have let to tenants. It is the only safe way, and I believe the practice is becoming very general. The other clause to which I believe exception will be taken is clause 12, which states:—

Whenever a main pipe is laid down or extended after a rate has been struck for the year, the board may, at any time after the publication of the notice in section 48 of the Waterworks Act 1889 mentioned, make and order to be struck and levy a rate for the unexpired portion of the year: Provided that no separate portion of rateable land shall be rated at less than such amount as shall produce to the board one pound for the unexpired portion of such year, and the copy rate book may be amended by the board accordingly.

That is one point on which clause 12 seems to be inequitable. A man might get

water laid on to his land as late in the year as November, but he would have to pay the same rate—£1—as for the whole year. That certainly is not equitable; therefore I am prepared to agree to strike out £1 and insert 10s. I do not know that I need refer to any other clauses of the Bill. There is no doubt that this Bill is a very distinct amendment on the Act now in operation.

HON. A. P. MATHESON: I move, as an amendment, "That the Bill be read a second time this day six months." I consider it little short of an insult to this House that a Bill, which is simply a copy of the measure that was laid on the table of another place last year, with only one or two slight verbal amendments, should be sent to us for discussion within one day of the close of the session. This Bill was laid on the table of this House yesterday, and now we are asked to pass the second reading, and to discuss in Committee a Bill which makes the most radical changes in the whole constitution under which the Metropolitan Waterworks Board collect their revenue. It is perfectly clear, had the Government been really serious in desiring these proposed changes, they would have sent this Bill to us very much earlier in the session. I have in my hand a copy of the Bill which was laid on the table of another place last session, and in nearly every respect it is identical with this Bill, which is the last wretched legacy of the Metropolitan Waterworks Board. This Bill was originally drafted under the board's instructions, and contains clauses to cover the board's neglect, and make it easy to carry the business through in a slipshod and slovenly way. I do not think the Government have considered the effect of the various clauses of the Bill. To begin with, in clause 4 there is a most absurd stipulation. It says:—"The board may cut off the supply of water to any premises, whether rated or not, and whether supplied by meter or otherwise, if any owner or occupier of such premises, or any part thereof, is in default." So that the board is absolutely authorised to cut off the water from a complete premises, if any one occupier of any flat of the building is in arrear. I am sure neither the Government nor the Waterworks Board could seriously contemplate taking the power to cut off a supply of

water to a whole house containing a number of flats, if the occupier of one of those flats was in arrear. It hardly seems conceivable that any body of men could have introduced a Bill with such a stipulation in it as that. There is no doubt about it, and if hon. members refer to the Bill they will see what I say is correct. Then we proceed to sub-clause 1 of clause 4. The first offence against the board which will entitle them to cut off the water—that is a salient point, the water can be cut off, and a house left absolutely without water—is if the owner or occupier neglects to attach the water to such premises after demand so to do by the board. No stipulation is introduced, as there should be, that the board should only act under section 22 of the principal Act. I will refer members to section 22 of the principal Act. This section is the fundamental basis of the whole Act. It forms the principal section which provided for the original water company getting their revenue, and it is a section which was considered extremely unjust at the time; but I may say it was a necessary section. The section provided that the council or contractors must supply any person with water, other than for domestic purposes, by measure, at such price and on such terms as they think fit. Then, under section 19 of the principal Act, it is provided that the council or contractors—that is to say, the water company—unless prevented by drought, etc., shall distribute to all persons entitled thereto a constant supply of water for domestic purposes, in the manner prescribed by the Act and by by-laws made thereunder. That is the gist of the whole thing. You have to pay rates whether you use the water or not; that was settled in the original Act.

**THE COLONIAL SECRETARY:** And if you are within 180 feet of the pipe.

**HON. A. P. MATHESON:** That can be left out of the question for the moment. Whether you use the water or not you have to pay rates, and the Company was bound to supply you with water for domestic purposes as the consumer wished. Many people, never in any one year, used as much water as they were entitled to use by the rate they paid. A few people may possibly have used more, perfectly legitimately, for domestic purposes, and

domestic purposes is set out in section 20. You are entitled to use as much water as you like for your water-closet and your bath; you can supply your own private cattle and horses; and you can wash your carriages; all these being domestic purposes; you can use as much water as you like for all these purposes; but if you want to use it for any trade, for watering gardens, or for your fountains, or for horses and carriages if let out on hire, then you have to come under section 22. You then have to enter into an agreement to take water by meter. You are allowed the use of a certain amount of water, to which you are entitled by your rates; and if you use water in excess of that rating for other than domestic purposes, you have to pay the balance. That is perfectly just. The enterprise was taken up on these lines, and we are all to-day pledged to that Act and arrangement. But when the Waterworks Board started, they found it a little troublesome to insist on meters being put in, and they passed a by-law, to which I called attention last session. By this by-law the board can require any premises to be supplied by meter, and if the owner or occupier, after seven days' notice, does not comply, he is guilty of an offence, and his water may be cut off. But that by-law is absolutely *ultra vires*; and, if taken into court, it will have no effect so long as the owner of premises is simply using water for domestic purposes. The board have no right, under the principal Act, to insist on a meter for water used for domestic purposes; and I suppose the board must have been advised by their solicitor that this by-law is *ultra vires*, as they now seek to put themselves right by sub-clause 1 of clause 4 in this Bill. This sub-clause puts the consumer in the position that, so long as the board find he is using less than the amount of water to which he is entitled for domestic purposes, they take no notice, but directly they find that in any one or other of his houses he is using not only the amount he is entitled to, but a little more, they will illegally insist on his putting in a meter, and then send in a note that he has used so much more water than the rate entitles him to, though the consumer is using it perfectly legitimately; and, if he refuses to pay, they take him into

court. This is what they are aiming at, and sub-clause 2 of clause 4 provides that water may be cut off if the consumer "refuses or neglects, on demand, to pay all rates"—that is right, but they go on—"and moneys due and payable to the board for water supplied to such premises, or to any owner or occupier thereof." Having attempted to oblige the consumer illegally to pay for a meter for domestic purposes, the board proceed to take power under the Bill to cut off water, if the consumer does not pay on the demand-note for the excess. It must be remembered that this demand-note is not for rates; because that is provided for in the principal Act, and there is no necessity for the amending Act, except to get behind the principal Act, and make new offences and charges against the unfortunate landowner in Perth. Sub-clause 3 provides that water may be cut off if the householder "Continues or permits any breach or neglect, or the continuance of any breach or neglect, of any of the provisions of the Waterworks Act, 1896, or of the principal Act, or of this Act, or of any of the by-laws made under such Acts." Several of the by-laws, at least, are illegal, and it is absolutely wrong that the board should have the power, for a mere breach of the regulations, to stop in a summary way the supply of water, which is vital to health, especially in summer. There is no such provision in the principal Act, and it is a law utterly unheard-of in a country like this.

THE COLONIAL SECRETARY: Seven days' notice have to be given.

HON. A. P. MATHESON: But there is the effect of cutting off the water. I do not think hon. members realise the effect of cutting the water off in a large establishment or large house, for some trifling neglect of the regulation. It not only entails very serious inconvenience, but absolute risk to the general health of the community, especially in a country like this where there is typhoid fever, and drains—if there are any—must be flushed. If one case of illness is caused, it spreads directly, and the whole town may be contaminated. Clause 5 in the original Bill said exactly what it meant, but clause 5 in this Bill has been ingeniously drafted to conceal what it means; we will, however, pass over

that clause, and come to clause 6, which reads:

The terms of every written agreement between the owner or occupier of any premises and the board heretofore or hereafter to be made for the supply of water shall be binding upon every subsequent owner and occupier of the premises or any part thereof in the same manner as if parties thereto.

Can you conceive a more iniquitous clause than that? You are absolutely asked to agree that a fresh tenant, coming into a house, is to be bound by the agreement made between the previous tenant and the board, an agreement of which the new tenant has no knowledge, and of which no means is provided for his obtaining knowledge. How is a tenant, coming into a house in succession to another, to know what agreement has been entered into between the latter and the board, unless notice be given of such agreement?

THE COLONIAL SECRETARY: Would you make the board have a fresh agreement with every change of tenant?

HON. H. J. SAUNDERS: A new tenant can always inquire whether the rates are paid.

HON. A. P. MATHESON: That is not the point. I want the House to draw a very clear distinction between the question of rates and the question of these water charges, which the board are seeking to impose on every ratepayer in the town. The board are trying to make what I consider an absolutely illegal charge for water, quite apart from the rates. Every matter in connection with the rates is clearly provided for in the principal Act, and the only necessity for these new stipulations is that the board are endeavouring to make the ratepayers of Perth pay for water in excess of what the principal Act provides. That is the sole reason for the new stipulations; otherwise these are absolutely unnecessary, seeing there is the fullest provision in the principal Act for the payment of rates, and for cutting off the water when rates are not paid. Now we come to sub-clause 2 of clause 6, which reads:

The premises to which water is supplied under any agreement shall be charged with all moneys from time to time due for water supplied thereto to any occupier or owner thereof in the same manner in every respect as if such moneys were payable as water rates duly struck and levied.

What is the meaning of that? It simply means that the board are going to enter into an agreement with occupiers of pre-

mises, who are not owners, for the use of their water, and the board are not going to bother themselves whether the occupiers pay or not. That is a matter of absolute indifference to the board, because they intend to make the cost of the extra water used by the occupiers, a charge upon the landlord, or the owners of the premises. Suppose, say, a member of this House were to let premises to a soda-water manufacturer, who used gallons of water in the pursuit of his business day by day, and, at the end of six months, left without having paid his rate. Under the provisions of this Bill, the whole charge for the water would have to be defrayed by the landlord, and if the landlord did not defray the charge, he would have his water cut off, and the board could refuse to reinstate the water until the charges had been paid. Could any one conceive anything more iniquitous than a clause which gave such power to the board in the matter of a private contract—for that is what it is—a private contract between the consumer and the board, and to which the owner of the land is no party whatever. Sub-clause 3 of clause 6 provides.

Where premises are supplied by meter such supply shall, for every purpose, be deemed and held to be given and accepted under the terms of an agreement in the form prescribed by the by-laws for the time being, unless some other written agreement executed by the board shall be produced.

That clause was originally drafted in a slightly different way—however, I need not refer to it now.

**THE PRESIDENT:** The hon. member can only refer to this Bill now before the House.

**HON. A. P. MATHESON:** When the Metropolitan Board took over the enterprise from the old company, they found the old company had entered into a lot of agreements with consumers of water for other than domestic purposes, and one of the first things the new board did was to send out notices cancelling all those agreements. Why that was done it is impossible to say. The board never took any steps to get fresh agreements entered into, though they left the meters. Later on, the board discovered they had no power to recover, because there were no agreements. This arose entirely from their own neglect, and entirely through the incapacity of the secretary; and,

therefore, they have drafted sub-clause 3, which practically provides that, if a meter happens to be on your premises, you are bound by the meter under the form prescribed, though you may have never entered into an agreement, and though you may not be using the water for other than domestic purposes. The board take no trouble to remove the meter when an occupier goes away, but leave the unfortunate landlord responsible for any waste that his tenant may make. The Colonial Secretary had already dealt with the difficulties of clause 12, which is a striking instance of the way in which this Bill has been sent out without any proper preparation whatever. As the Colonial Secretary has very properly pointed out, the minimum rate in clause 11, namely £1, is the same as the minimum rate in clause 12, in cases where the water service has been laid on, say, for example, for only two months of the year. In that case, if the occupier of the premises had been in the enjoyment of the board's water for only one month, he would have to pay as much as if he had been in the enjoyment of it for twelve months. Then we come to clause 15 which says:—

In any proceeding to levy or recover, or consequent upon the levying or recovering of the amount due in respect of any rate, the copy rate book, signed by the Town Clerk or person acting as such, and all entries purporting to be made therein, in manner directed or authorised by this Act or the Municipal Institutions Act, 1895, shall, upon production thereof, alone be prima facie evidence of the contents, and of the obligation of the person charged with the account payable in respect of any rate to pay the same without any evidence required having been given or complied with, or that any default has been made.

I must say the last two lines are beyond my capacity; but if the Colonial Secretary will refer to the clause, he may be able to explain them.

**THE COLONIAL SECRETARY:** I am afraid, if the hon. member does not understand them, with his exhaustive study of the Bill, I do not think I shall.

**HON. A. P. MATHESON:** An exhaustive study of the Bill will not help one. A number of words have been strung together without any apparent context. The words to which I refer are "and of the obligation of the person charged with the account payable in respect of any rate to pay the same without any evi-

dence required having been given or complied with, or that any default has been made."

THE COLONIAL SECRETARY: I think a comma has gone wrong again.

HON. A. P. MATHESON: There is something inexplicable

THE PRESIDENT: That matter can be dealt with in Committee.

HON. A. P. MATHESON: I was asking what the words mean. In the absence of proper punctuation, it is impossible to say what the words do mean.

THE COLONIAL SECRETARY: As I gather, the intention of the clause is that the copy-rate book is to be *prima facie* evidence of the contents.

HON. A. P. MATHESON: This clause 15 has to be read in conjunction with clause 20. Clause 15, as far as it goes, does not seem to be very objectionable, because the rate is an indisputable thing when the rate book is produced.

THE COLONIAL SECRETARY: It means *prima facie* evidence.

HON. A. P. MATHESON: The rate-book is *prima facie* evidence.

THE COLONIAL SECRETARY: The onus of proof is on the defendant.

HON. A. P. MATHESON: I am quite prepared to say that clause 15 is not very objectionable by itself; but, read in conjunction with clause 20, it becomes exceedingly offensive, because clause 20 says:—

All moneys due and payable to the board, including every reward or payment for a supply of water or otherwise, shall be payable by the same persons and operate as a charge in the same manner in every respect as if such amount were actually due and payable as a water rate duly struck, and be enforced by the same remedies and in the same manner in every respect.

THE COLONIAL SECRETARY: All agreements would have to be enforced in the same way as the rates.

HON. A. P. MATHESON: The agreements can be produced. There may be a matter in dispute as to the amount of water supplied, there may be all sorts of matters in dispute as to the occupier or owner, and I maintain it is an absolute injustice that on the simple *prima facie* evidence produced by a clerk in court a defendant should be prejudiced. I do not know whether the Colonial Secretary proposes to carry the Bill through the

Committee stage in case my motion is not carried.

THE COLONIAL SECRETARY: Certainly not to-night.

HON. A. P. MATHESON: Then I formally move, as an amendment, "That the Bill be read a second time this day six months."

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

Ayes	...	...	...	8
Noes	...	...	...	3

Majority for	...	...	5
Ayes.			Noes

Hon. R. G. Burges	Hon. D. M. McKay
Hon. C. E. Dempster	Hon. G. Randall
Hon. R. S. Haynes	Hon. H. J. Saunders
Hon. W. T. Loton	(Teller)
Hon. A. P. Matheson	
Hon. H. G. Parsons	
Hon. J. E. Richardson	
Hon. W. Spencer	
(Teller)	

Amendment thus passed, and the progress of the Bill arrested.

#### COMPANIES ACT AMENDMENT BILL.

##### LEGISLATIVE ASSEMBLY'S AMENDMENTS.

Schedule of two amendments, made by the Legislative Assembly, considered.

##### IN COMMITTEE.

HON. H. G. PARSONS moved that the amendments made by the Legislative Assembly be agreed to.

Put and passed.

Resolution reported, report adopted, and a message accordingly transmitted to the Legislative Assembly.

#### APPROPRIATION BILL.

##### LEGISLATIVE COUNCIL'S SUGGESTION.

The Council having suggested an amendment, to which the Legislative Assembly had disagreed, the same was further considered.

##### IN COMMITTEE.

Suggested amendment—That the item (Railways and Tramways), "Solicitor, £500," be struck out:

THE COLONIAL SECRETARY moved that the Council do not insist on the suggestion. An appointment had not been made, and the representations of this House would receive due and careful consideration at the hands of the Govern-

ment. In regard to the office of Commissioner of Titles, he could say that Mr. Acting Justice James had not resigned, and that Dr. Smith had not been appointed.

HON. R. S. HAYNES: In view of the full explanation afforded, he had great pleasure in supporting the motion that the Council do not insist on the suggestion. He was pleased the Colonial Secretary had seen that the wishes of the Council should be attended to. The Colonial Secretary represented this House in the Cabinet, and it was to be hoped that, when he spoke there, the fact would be remembered. He (Mr. Haynes) thought he echoed the sentiments of the House when he said the position of solicitor of the Railway Department should be under the control of the Crown Solicitor. No doubt, the Crown Solicitor required further assistance, and when the appointment was made, it was to be hoped the officers who had so ably assisted the Crown Solicitor would not be passed over.

HON. W. T. LOTON: What had been said by Mr. Haynes had his thorough approval. The appointment of a solicitor to the Railway Department could scarcely be regarded as necessary; at any rate, it was rather late in the day to make such an appointment. If a solicitor was ever wanted by the Railway Department, it was two or three years ago, when a great deal of litigation was going on; and, although extra legal assistance was now required, it should be in connection with the present law officers of the Crown, and a new department should not be created.

Question put and passed.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Bill read a third time and *passed*.

ADJOURNMENT.

The House adjourned at 11.15 p.m. until the next day.

## Legislative Assembly,

Wednesday, 26th October, 1898.

Question: Inspection of Liquor—Question: Conditional Titles to Land—Question: Public Works and Purchase of Materials—Question: Railway Crossing at Kimberley-street, Perth—Paper presented—Municipal Institutions Act Amendment Bill, third reading—Appropriation Bill, second reading, in Committee, third reading—Bush Fires Act Amendment Bill, second reading, in Committee, third reading—Companies Act Amendment Bill, in Committee, third reading—Petition of J. Gibson, Cottesloe Road Contract; Division on motion—Municipal Institutions Act Amendment Bill, Legislative Council's further Amendment—Appropriation Bill, Legislative Council's Suggested Amendment—Cemeteries Act Amendment Bill, second reading, in Committee, third reading—Insect Pests Act Amendment Bill, second reading, in Committee, third reading—Public Education Bill, Discharge of Order—Shipping Casualties Inquiry Bill, Discharge of Order—Criminal Appeal Bill, Discharge of Order—Redistribution of Seats: Notice of Motion Withdrawn—Prorogation Arrangements—Adjournment.

The SPEAKER took the chair at 7.30 o'clock, p.m.

PRAYERS.

QUESTION: INSPECTION OF LIQUOR.

MR. HIGHAM asked the Premier, without notice: What steps, if any, have been taken to appoint an inspector under the Act passed last session, dealing with the adulteration of liquor?

THE PREMIER (Right Hon. Sir J. Forrest) replied: No steps have been actually taken, but the matter is in the hands of the Collector of Customs and the Commissioner of Police, and I hope soon to be able to do something.

QUESTION: CONDITIONAL TITLES TO LAND.

HON. H. W. VENN, without notice, asked the Commissioner of Crown Lands: Was it true that the Government had repudiated any conditional titles issued under the Transfer of Land Act? If so, on what grounds?

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell) replied that he was not aware of any conditional titles having been repudiated.