

Legislative Assembly,

Tuesday, 21st December, 1897.

Companies (United Kingdom and British Colonies Registers) Bill: first reading—Message: Aborigines Bill—Tramway Bill (private): Speaker's Ruling—Railways Act, 1878, Amendment Bill: first and second readings—Question: Railway Workshops at Midland Junction—Question: Frozen Meat supplied to Steamships—Question: Perth Water Supply—Question: Perth Hospital Medical Fees—Question: Houses of ill-fame—Question: Breaches of Distillation Act—Question: Payment of Members (to give effect to)—Police Act Amendment Bill: omission from Notice Paper (restored)—Discharge of Orders: Inebriates Bill, Railways Bill, Public Works Bill, Lands Bill—Employment Brokers Bill: Legislative Council's Amendments—Circuit Courts Bill: Legislative Council's Amendments—Sale of Liquors Act Amendment Bill: Legislative Council's Amendments—Public Notaries Bill: Discharge of Order—Appropriation Bill: second and third readings—Tramways Bill: second and third readings—Fremantle-Owen's Anchorage Railway Bill: first, second, and third readings—Mining on Private Property Bill: second and third readings—Agricultural Lands Purchase Act Amendment Bill: second and third readings—Steam Boilers Bill: second and third readings—Metropolitan Waterworks Act Amendment Bill: second reading (moved)—Adjournment.

THE SPEAKER took the Chair at 4:30 o'clock, p.m.

PRAYERS.

COMPANIES (UNITED KINGDOM AND BRITISH COLONIES REGISTERS) BILL.

Introduced by MR. A. FORREST, and read a first time.

MESSAGE—ABORIGINES BILL.

A Message from the Governor, received and read, stated that the Aborigines Bill (amendment of the Constitution Act) was reserved for Her Majesty's assent.

TRAMWAY BILL (PRIVATE).

SPEAKER'S RULING.

MR. OATS gave notice of his intention to introduce a Bill for the construction of a tramway on a goldfield.

THE SPEAKER said the Bill of which the member for Yilgarn had given notice appeared to be a private Bill, and it would be well that the notice now given to the House should not appear on the Notice Paper. He (the Speaker) had not yet seen the Bill; but, as at present advised, this was a private Bill, and he must rule that it would have to go through the procedure prescribed in the Standing Orders relating to private Bills.

MR. OATS said he would obtain the necessary information.

RAILWAYS ACT, 1878, AMENDMENT BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

SECOND READING.

THE ATTORNEY GENERAL (Hon. E. W. Pennefather), in moving the second reading, said: This is a Bill comprising about five clauses, and the object is to enable the Railway Department to try and remedy certain grievances, which would otherwise have been dealt with in a larger measure now before the House, but which is not to be proceeded with at this late stage of the session. This short Bill deals with the right, which has been technically questioned in the court here, to run locomotives over railways in this colony. The first clause gives that right. The next clause deals with the right to erect and maintain gates over level crossings on railways; and the object is to give to the Commissioner of Railways express power, where there is a level crossing, to erect and maintain gates according to his discretion, for the protection of the public and the safety of the traffic. The fourth provision, which concerns the resumption of land for railway purposes, deals with the fact that, having regard to the number of cases in which the Government have suffered adversely in arbitrations on the value of land resumed, it is necessary to ask this House to give to the Government and the State the same protection as is given, for instance, to the Government in Victoria, and I believe in some other colonies, in determining the value of land resumed for public purposes. That is to say, every person will not be able to avail himself of the privileges to be conferred under this Bill, which will be restricted to cases over £100 in amount. I move that the Bill be read a second time.

HON. H. W. VENN (Wellington): It seems to me a most irregular proceeding, to move the second reading of a Bill before members of the House have seen the Bill in print.

THE ATTORNEY GENERAL: The Bill will be in the hands of members in the course of an hour or so.

MR. LEAKE (Albany): I agree with what the member for Wellington has said. At the same time, I listened closely to the Attorney-General's explanation of the Bill, and I do not think there is anything very contentious in it. It is the wish of the department that the Bill should be passed, and I would not urge upon hon. members to dispute the second reading. We have the assurance of the hon. gentleman that, for the sake of convenience, he only proposes to pass the second reading this afternoon, and that the Bill will not reach the committee stage until to-morrow. I shall support the second reading.

Question put and passed.

Bill read a second time.

QUESTION—RAILWAY WORKSHOPS AT MIDLAND JUNCTION.

MR. KENNY, for Mr. Ewing, in accordance with notice, asked the Director of Public Works, When he intended to commence the main portion of the work in connection with the Midland Junction workshops?

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) replied: The Government are very anxious to proceed with the construction of the Midland workshops without delay. The Engineer-in-Chief was instructed to inquire, whilst in England, into the latest designs for works of this description. The result of his inquiries induced the Government to arrange with Mr. Aspinall, chief mechanical engineer of the Lancashire and Yorkshire railway, to report and make a recommendation on the subject. The report and design have recently been received, and are now under the consideration of the Government, and, with some slight modifications in the design, they will probably be adopted. It has been found necessary to refer the design to Mr. Aspinall, with a view to a few minor modifications. When the plans are returned from England, the work will be undertaken with as little delay as possible. Meanwhile, all the preliminary works will be proceeded with.

QUESTION—FROZEN MEAT SUPPLIED TO STEAMSHIPS.

MR. SOLOMON, in accordance with notice, asked the Premier:—1. Whether it was a fact that the s.s. "Marloo" brought

some frozen meat to the port of Fremantle, part of same being sold to the Adelaide Steamship Company, Limited, upon which no duty was paid? 2. Whether it was also a fact that the ship "Timaru" brought for her own use some frozen meat, and was compelled to pay duty on same before being allowed to take it away again for her own consumption? 3. Whether there was any reason why the Adelaide Steamship Company should have special advantages over other companies with regard to the importation of frozen meat? 4. Whether the Adelaide Steamship Company was given such special advantages?

THE PREMIER (Right Hon. Sir J. Forrest) replied:—1. On the 12th November the "Marloo" brought to Fremantle 188 carcasses of frozen meat, 30 of which were kept on board for consumption on the outward voyage. The usual entry was duly passed, and the goods entered on victualling bill as ship's stores. 2. The ship "Timaru" brought for her own use frozen meat as ship's stores, and consumed the same while discharging in port, and the balance was then landed and duty paid. She was some time in port, and the Collector of Customs presumes that she then bought her meat in the same way that other vessels do. 3. No. 4. No.

QUESTION—PERTH WATER SUPPLY.

MR. WOOD, in accordance with notice, asked the Premier, Whether he would inform the House what definite steps the Government intended to take with regard to the extra water supply for the city of Perth during the coming summer?

THE PREMIER (Right Hon. Sir J. Forrest) replied: Since the passing of the resolution on this subject on the 8th of this month, the Government have carefully considered the matter, and have obtained further information upon it, with the result that they are advised that the artesian water, if carried to the surface in closely-jointed tubes, and kept free from contamination by contact with other water or surface soil, etc., is quite suitable for human consumption; and the Government are therefore of opinion that what ought to be done to meet the demands of the immediate future is to arrange for the pumping of, say, half a million gallons of this artesian water per diem into the

reservoir at Mount Eliza, and that so long as the requisite quantity of water can thus be obtained from artesian bores, concerning which there is very little room for doubt, as the number of bores can be multiplied, it seems to the Government that it would be premature to undertake at present the proposed Canning reservoir and pipe line at a cost of £250,000. Besides this, too, there are possibilities regarding the Helena reservoir which should be ascertained before undertaking another reservoir, which might be unnecessary, and the Government will therefore advise the Metropolitan Waterworks Board to take steps to pump the artesian water to Mount Eliza in the manner which I have indicated.

QUESTION—PERTH HOSPITAL MEDICAL FEES.

MR. ILLINGWORTH, in accordance with notice, asked the Colonial Treasurer, Whether any fees were charged by the honorary medical staff of the Perth Public Hospital for performing operations on or giving medical attendance to patients admitted into the hospital; and, if so, whether such a practice was permitted in the public hospitals in the other colonies?

THE PREMIER (Right Hon. Sir J. Forrest) replied that he was informed that fees were not charged in either case in the Perth Public Hospital.

QUESTION—HOUSES OF ILL-FAME.

MR. WALLACE, in accordance with notice, asked the Premier, Whether he would, during the coming recess, make inquiry with a view to introducing a measure for the restriction and proper control of the numerous houses of ill-fame now existing in Perth and other important towns of the colony.

THE PREMIER (Right Hon. Sir J. Forrest) replied that the Government had not as yet had this matter under consideration.

MR. WALLACE: The reply given by the right hon. gentleman is no reply to my question. I asked him if he would consider the matter during the recess, and he replied that he had not considered it.

THE SPEAKER: The hon. member must be satisfied with the answer given.

QUESTION—BREACHES OF DISTILLATION ACT

MR. WALTER JAMES, in accordance with notice, asked the Attorney General:—
1. The number of fines imposed during the past two years for breaches of the Distillation Act, the names of the persons fined, and the amounts of fines imposed?
2. Whether any fines had been remitted or not paid, and, if so, which and for what reasons?

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) replied: 1. Number of fines imposed, 7. Names and amounts—Dunn, £250; Duntun, £250; McDermott, £100; C. Von Loeve, £300 or 6 months; Fred Carlisle, £100 or 6 months; Friedrich, £300; Goldsmith, £50 or 3 months. 2. No fines have been remitted. Two of the fines have not been paid, Goldsmith's £50 and C. Von Loeve's £300. In Goldsmith's case (£50 fine) the alternative term of imprisonment was undergone, and in Von Loeve's case (£300 fine) he is now undergoing the term, but is also appealing. In Carlisle's case, recognisances have been entered into and notice of appeal given. Note: There have been two other cases under the Distillation Act, Goldsmith's and Armstrong's. In the former case, a penalty of twelve months was imposed, and in the latter the penalty was six months' imprisonment; no fines. There may have been cases in the outlying districts which are not known of in the Crown Law Department. If it is considered necessary to communicate with magistrates, answers cannot be obtained for a short while. It is not probable that there are any other cases.

QUESTION—PAYMENT OF MEMBERS.

MR. GREGORY, in accordance with notice, asked the Premier, in what manner and when the Government purposed complying with the recently expressed wish of this House affirming the desirability of payment of members.

THE PREMIER (Right Hon. Sir J. Forrest) replied that this matter had not yet been considered, but until the question was considered by the constituencies, the Government would hesitate to take action in regard to it.

POLICE ACT AMENDMENT BILL.

MR. LEAKE asked why the Police Act Amendment Bill was not on the Notice Paper. The second reading of the Bill had been moved and debated.

THE SPEAKER: The debate was proceeding on Friday afternoon when the House adjourned at 6 o'clock; and no member moved the adjournment of the debate. Unless the House made an order, and thus placed the Bill on the Orders of the Day, the Bill must lapse.

MR. LEAKE: Was there no way of replacing the Bill in the list?

THE SPEAKER: Yes, by making a motion that it be restored to the Order Paper.

MR. LEAKE moved that the Police Act Amendment Bill (second reading) be restored to the list of Orders of the Day for Wednesday next.

Put and passed, and the second reading (resumed debate) made an order for the next day.

DISCHARGE OF ORDERS.

INEBRIATES BILL, RAILWAYS BILL, PUBLIC WORKS BILL, LANDS BILL.

THE PREMIER (Right Hon. Sir J. Forrest) moved that Orders of the Day numbers 21, 23, 24, and 25 be discharged, as the Government did not intend to go on with these Bills further this session.

Put and passed, and the orders discharged accordingly.

EMPLOYMENT BROKERS BILL.**LEGISLATIVE COUNCIL'S AMENDMENTS.**

The Legislative Council having returned the Bill with 14 amendments, including four new clauses and one new schedule, the same were now considered.

IN COMMITTEE.

Amendment 1, Clause 2, paragraph 4, line 1—Strike out all the words after “means” and insert the following:—“so far as the Magisterial Districts of Perth and Fremantle are concerned, the officials referred to by that name in Part II. of the Statute of the 57th of Victoriae, No. 25, and magistrates now or hereafter appointed under the powers thereby conferred; and, so far as the remaining Magisterial Districts are concerned, the officials referred to in Part III. of the

Statute of the 44th Victoriae, No. 9, and Part II. of the Statute 57th Victoriae, No. 25, Sections 10 and 11.”

MR. BURT moved that the Council's amendment be amended by striking out all the words of the amendment, and inserting the following in lieu thereof:—“The persons having for the time being jurisdiction as licensing magistrates in the district under Part II. of the Statute of the 57th year of Her Majesty, No. 25, Sections 10 and 11, or under Part III. of the Statute of the 44th year of Her Majesty, No. 9, as the case may be.” He said Perth and Fremantle were separate magisterial districts, and each had a licensing bench. In country districts, however, the magistrates in general composed the licensing bench.

Put and passed, and the Council's amendment, as amended, agreed to.

MR. BURT: Some defect might arise in following this procedure, because the committee was in one sense striking out the amendment of the Council, though not really disagreeing with it. The Government, as a matter of fact, agreed with it in substance, but did not agree with the language used.

THE CHAIRMAN: The amendment had been put and passed.

Amendment 2—Clause 4, line 1—Between the words “broker” and “is” insert “already carrying on business.”

MR. VOSPER: The amendment would apparently have the effect of allowing other persons not already carrying on business as employment brokers to start without a license. No good purpose could be served by that.

Disagreed to, on the motion of MR. BURT.

Amendment 3—Page 2, clause 4, lines 2 and 3—Strike out the words “and thenceforth annually.”

MR. BURT: A subsequent amendment of the Council proposed to renew these licenses annually, and to make the licensee apply for a renewal. This might be an improvement; for, as the Bill stood, it put every licensee to the expense of advertising every year, and making an original application annually before the bench. The Council proposed to deal with renewals as liquor licenses were dealt with, so that a man who had obtained a license for a year would be entitled to have it renewed, subject,

of course, to the usual objections. It was with that object that the words "and henceforth annually" were proposed to be struck out. This procedure was necessitated by the subsequent amendment of the Council, contemplating not a fresh application every year, but a renewal.

MR. VOSPER: The amendment established a right or title to the license, or established the right of an employment broker to obtain a renewal of his license every year. If the intention of the amendment were to obviate the cost of advertising, that was not desirable, because, if the amendment were carried, renewals would be granted as a matter of course, and might be unnoticed by the public. In that way persons altogether unfit to hold licenses might continue in the enjoyment of them for a very lengthy period indeed. The committee would do well to disagree with this amendment.

MR. ILLINGWORTH: By passing this amendment, a right to a license would be established which might perhaps lead to its being sold to some other person, and to the business being continued in the name of the original licensee by someone who might not conduct it so well. It was important that the licenses should be applied for every year, and that no continuing right should be established. The amendment should certainly be disagreed to.

Disagreed to, on the motion of MR. BURT.

Amendment 4—Page 2, Clause 6, line 1—Strike out the words "such application," and insert "application for a certificate for or for the renewal of a license":

Disagreed to, on the motion of MR. BURT.

Amendments 5, 6, and 7—agreed to.

Amendment 8—Clause 19, in line 6, insert the words "or annual renewal" after "issuing":

MR. BURT: This was a consequential amendment, and he moved that it be disagreed to.

Put and passed, and the amendment disagreed to.

Amendment 9—Page 5, Clause 19—Add the following proviso:—"Provided that if the certificate for such annual license be granted after the 31st day of March, the licensee shall pay

only three-fourths of such annual fee, and if granted after the 30th day of June, one-half of such fee, and if after the 30th day of September, only one-fourth of such fee."

MR. BURT said this amendment did not seem unreasonable.

MR. VOSPER: Would the insertion of the word "annual" vitiate what the committee had already done in dealing with previous amendments? He moved that the word "annual" be struck out of the first and second lines.

Put and passed, and the Council's amendment as amended agreed to.

Amendment 10—agreed to.

Amendment 11—New Clause: Licensee may obtain renewal:

Disagreed to, on the motion of MR. BURT.

Amendment 12—New Clause: Transfer of license, 5th Schedule:

MR. BURT moved that the new clause be disagreed to.

MR. VOSPER: Although the principle of transferring these licenses was bad, still would it not be a hardship to prevent a dying man from transferring a license to his widow or son, in order that they might carry on the business?

MR. BURT: The licensing court sat every quarter. In any case, it was too late to make such an alteration in the Bill.

Put and passed, and the new clause disagreed to.

Amendment 13—New Clause: License only available within district—agreed to.

Amendment 14—New Schedule: Form of indorsement on a license, of a transfer thereof:

Disagreed to, on the motion of MR. BURT.

Resolutions reported, and report adopted.

A committee consisting of Mr. Burt, Mr. Illingworth, and Mr. Vosper, drew up the following reasons for disagreeing to certain amendments:—

2.—It is considered that the amendment may tend to confuse the construction of the clause, and that the words proposed are redundant.

3, 4, and 8.—As the Assembly has disagreed with proposed amendment (11), it disagrees with these consequential amendments.

11.—The Assembly disagrees with this proposed amendment, because it is thought undesirable that these licenses should carry

a distinct right of renewal, as the license relates only to the individual, and not to the property.

12.—The Assembly considers it undesirable that these licenses should be transferable, as it is important that the character of every applicant should be publicly known. The result of this amendment would be to give secret licenses for several months.

14.—Disagreed to as consequential.

Reasons adopted, and a Message accordingly transmitted to the Legislative Council.

CIRCUIT COURTS BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The Legislative Council having made two amendments in the Bill, the same were considered as follow:—

1. Page 2, Clause 3, line 3—Between “Commissioner” and “to” insert “of at least seven years’ standing and practice in Western Australia.”

2. Add the following new clause to stand as No. 15:—Within such Circuit District all appeals against convictions or orders of the justices of the peace, and all other appeals directed to be heard before justices of the peace in session, shall be heard and determined before the said circuit court, and the presiding judge or commissioner shall, for that purpose, have and exercise all the like powers of justices in session.

IN COMMITTEE.

Amendment No. 1:

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The first amendment made by the Legislative Council would unduly limit the Government's choice in the appointment of a temporary commissioner, by making it a necessary qualification for the post that the candidate must have at least seven years' standing and practice in Western Australia. The essential qualification should be one of ability to perform the duties. He moved that the amendment be disagreed to.

MR. BURT: Possibly the Attorney General forgot that a commissioner must be either a magistrate of a local court or a barrister of seven years' standing and practice, according to Section 12 of the Supreme Court Act. The conditions of appointment, therefore, could not be altered. The object of the Council's amendment was to make the local magistrates eligible for this appointment, and not to insist on a commissioner being of seven years' standing in the colony.

MR. LEAKE: The effect of the Council's amendment was to limit the appointment of a commissioner, as far as barristers were concerned, to practitioners of seven years' standing in this colony. The Supreme Court Act merely provided that a barrister so appointed must be of seven years' standing. That was right enough; but, under the proposed amendment, not even an English barrister of 20 years' standing could be appointed, unless he was of seven years' standing in the colony. It was plain that the object of the Council was to make that limitation.

MR. BURT: The member for Albany (Mr. Leake) was quite right. He (Mr. Burt) had overlooked the words “in Western Australia.”

Put and passed, and the amendment disagreed to.

Amendment No. 2:

MR. BURT moved that all words after the word “court,” in line 4, be struck out.

Put and passed, and Council's amendment, as amended, agreed to.

Resolutions reported, and report adopted.

A committee, consisting of the Attorney General, Mr. Burt and Mr. Leake, drew up the following reasons for disagreeing to the first amendment:—

1. This amendment is disagreed to on the ground that it is unnecessary to limit the qualification of commissioners to practitioners of seven years' standing and practice in Western Australia, or to limit the operation of Section 12 of the Supreme Court Act, 1880.

Reasons adopted, and a Message accordingly transmitted to the Legislative Council.

SALE OF LIQUORS ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The following schedule of amendments made by the Legislative Council was considered:—

1. Page 2, Clause 7, line 6—Strike out “salicylic acid.”

2. Page 5, Clause 20—Strike out the whole.

3. Page 6, Clause 22, line 11—Strike out all the words after “forfeited.”

4. Add the following new clause to stand as No. 22—“The Licensing Magistrates may, before granting a provisional certificate, require the applicant to enter into a bond, with one or more sureties approved by them, in favour of

Her Majesty, Her heirs and successors, in a sum to be fixed by the Licensing Magistrates at the hearing, conditioned to be void in case the premises are duly completed within the time specified by and to the satisfaction of the Licensing Magistrates, otherwise to be of full force and virtue."

5. Add the following New Clause to stand as No. 24—"Section thirty-three of the Act, 44th Victoria, No. 9. is hereby amended by striking out the proviso at the end thereof."

IN COMMITTEE.

Amendment No. 1—agreed to.

Amendment No. 2—disagreed to, on the motion of Mr. BURT.

Amendment No. 3:

MR. BURT: Clause 22 placed on the licensee the onus of proving that a person to whom liquor was sold was a *bonâ fide* lodger or traveller. He moved that the amendment be disagreed to.

Put and passed, and the amendment disagreed to.

Amendment No. 4:

MR. BURT approved of this amendment, which required an applicant to enter into a bond that he would complete the building in the time specified. He moved that the amendment be agreed to.

Put and passed.

Amendment No. 5:

MR. BURT: This amendment was important, as it repealed the proviso in Section 33 of the principal Act, and by striking out the words "provided no objection to such renewal," etc., thus gave an unrestricted right to the renewal of licenses. This would mean that every license now in existence carried with it the right to perpetual renewal, no matter what objection there might be against the hotel-keeper or against the house. He moved that the amendment be disagreed to.

Put and passed, and the amendment disagreed to.

A committee, consisting of Mr. Burt, Mr. Illingworth, and Mr. Leake, drew up the following reasons for disagreeing to certain amendments:—

Amendment No. 2: The present fees are too low, and licensees can well afford to pay the increased fees in the centres mentioned.

Amendment No. 3: The onus of proof should be thrown on the person charged, as he accepts the responsibility and takes the profit.

Amendment No. 5: The effect of this amendment would be to establish a right to a perpetual renewal.

At 6-25 p.m., the SPEAKER left the Chair.

At 7-30 p.m., the SPEAKER resumed the Chair.

Reasons presented by the committee, and adopted, and a Message accordingly transmitted to the Legislative Council.

PUBLIC NOTARIES BILL.

DISCHARGE OF ORDER.

On the motion of Mr. BURT, this order (for consideration of Legislative Council's amendments) was discharged.

APPROPRIATION BILL.

SECOND READING, ETC.

THE PREMIER (Right Hon. Sir J. Forrest), in moving the second reading, said: I do not know that it is necessary for me to say anything in regard to this Bill, as the points involved in it have already been before hon. members. It is generally understood that the Appropriation Bill should not come up till the end of the session. As we are going to prorogue on Thursday, I think hon. members will agree that the Council should have time to get through the various stages in connection with the Bill. I move that the Bill be read a second time.

MR. LEAKE (Albany): I do not rise to oppose the Bill, but to come to some understanding with the Premier on the subject. There are several motions on the Notice Paper which we on this (the Opposition) side of the House regard as important. We do not propose to allow this Bill to go through, unless these motions are also disposed of. The fifteenth Order of the Day, for the adjourned debate on the Administration of the Stock Diseases Act, is important; and there are one or two notices of motion that should be dealt with before the prorogation. I do not oppose the passage of the Bill; but, if the Premier will consent to hold it over till to-morrow evening, we can pass it through.

THE PREMIER: We must consider the Upper House.

MR. LEAKE: The Upper House cannot possibly touch the Bill. They must accept it.

THE PREMIER: They took several days last year before they put it through. However, I can give the hon. member for Albany all the assurance he wants, and I promise to assist him in dealing with the motions to which he has referred.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and transmitted to the Legislative Council.

CITY OF PERTH TRAMWAYS BILL.

SECOND READING.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse), in moving the second reading, said: The provisions of the Tramways Act have been conformed to by the promoters of the Perth tramways, and they have advertised in the way provided by the Act, giving the notice required under Sections 6 and 7. A provisional order, which has been approved of by me as Commissioner of Railways, is attached to the Bill, together with a schedule. It has been found necessary to amend the Act, 49 Vict., Section 23, by omitting the words in the third and fourth lines, "in the first ensuing session of the Legislative Council." Some objections to the Bill have been raised by suburban authorities, and a reply has been sent to them stating that they have a right to petition this House to have the Bill referred to a select committee, which will have power to consider the objections, and can recommend to this House whether they shall be dealt with or not. By Clause 9, power is given to local authorities to refer the objections to arbitration under the provisions of the Arbitration Act, 1895; and the clause provides that

If at any time hereafter any local authority shall require to connect with and to acquire running powers over the tramways authorised by this Act, the terms and conditions upon which it shall be lawful so to do shall be referred to arbitration under the provisions of the Arbitration Act, 1895, and shall be determined by the award, and it shall be lawful for any local authority interested to be represented at and take part in the arbitration.

This clause has been embodied in the Bill; so that if objections are raised hereafter by local authorities, they may have a right to set forth their objections,

and to make terms with the promoters for the purpose of connecting any suburban tramway to the city. Clause 6 provides for the repeal of the Perth Tramways Act, 1889, which is rendered necessary by this Bill. I beg to move the second reading.

MR. OLDHAM (North Perth): I have no desire to oppose this Bill; but I crave the indulgence of the House whilst I put before hon. members some of the interests which seem to have been overlooked in the provisional order which the Bill proposes to confirm. I regret to have to take this course, for the reason that I believe these tramways will give the inhabitants of the city the means of communication which they so much require, and will also give them comfort and many conveniences. I am fully alive to the fact that, at the present time, it is not advisable to throw any obstacle in the way of any person desirous of investing capital in this city; the more so because I am convinced that the people whom I have the honour to represent will materially benefit by the new avenues of employment which will be opened to them in connection with these tramways. I hope the House will give me credit for being desirous of safeguarding the interests of my constituents, and the two municipalities I represent, and will believe that my objections to this Bill are not made in any spirit of captious opposition. Clause 9, which has been put in for the purpose of safeguarding their interests, will not do so in any way. It states:—

If at any time hereafter any local authority shall require to connect with and to acquire running powers over the tramways authorised by this Act, the terms and conditions upon which it shall be lawful so to do shall be referred to arbitration under the provisions of the Arbitration Act, 1895, and shall be determined by the award; and it shall be lawful for any local authority interested to be represented at and to take part in the arbitration.

The suburbs want tramways, and they do not want running powers over anyone else's tramway. The fact that this Bill provides that they are to have the right to acquire running powers over the city tramways, subject to terms and conditions which the arbitrators may place upon them, shows conclusively that the power which is given

here will not be of the slightest use, for it can never be taken advantage of. In the first place the arbitrator, in giving his award, would possibly take into consideration the great advantages which these municipalities would enjoy in the event of such extensions of the tramways being made.

THE PREMIER: There are to be three arbitrators.

MR. OLDHAM: Yes. One is appointed by the company, another by the suburban municipality concerned, and the third by the Supreme Court. The advantages to these suburban municipalities would be so great that the price charged to them for the privilege of tramway communication would put them entirely out of court. It would be impossible for these two municipalities, Leederville and Subiaco, to make arrangements with any company, if that company held the key to the situation by having the power to block every line of route into the centre of the city. What every person wants who lives in the suburbs is to get to the centre of the city; and how is it possible, I ask, after giving this city company a monopoly, to get fair terms by any arbitration whatever? I intend, in committee, to propose an amendment which I think will be fair to the company, namely, to strike out Clause 9 with a view of inserting another clause. I do not want to move this now. It is not my desire, nor is it the desire of the municipalities which I represent, to prevent the city from getting tramways. We only want to be safeguarded in this matter; and I appeal to this House not to perpetrate the injustice which the passing of this Bill in its present form would inflict, but to have some consideration for the people who are building up their homes round about the city proper. The clause which I shall propose to substitute for Clause 9 is to the effect that if at any time a suburb—say Subiaco or Leederville—wishes to have a tramway constructed, this company shall construct the tramway upon the same terms and conditions as those it has granted to the municipality of Perth. There is nothing unfair in that; but it must be borne in mind that, if any person has to pay for these tramways—if they are to be a paying concern at all—it is the suburbs which will have to make them pay, and those two suburbs

are adjoining the city. I ask any hon. member who knows anything of the relations in which Fitzroy and Richmond stand to the city of Melbourne, whether the positions of Subiaco and Leederville are not exactly analogous. Certainly those suburbs of Melbourne have contributed a great deal to the tramway trust in that city. I admit it would be unfair to ask the company to run a line to any particular point in a suburban municipality, if it would not pay them to do so; but later on I propose to insert a clause, which I believe will cover this, to the effect that, in the event of any disagreement between the said local authority and the promoters in respect to any extensions, all matters in dispute shall be referred to arbitration under the provisions of the Arbitration Act of 1895. This is what may be called a fair matter for arbitration. We are not desirous of asking this or any company to run trams to outlandish portions of these municipalities. We would be satisfied, I believe, for the present, if these trams were run to the centre of each municipality, or as far as it would pay the company to run them. I ask this House to bear in mind that the Bill as it stands actually gives this company the power to ruin these two municipalities. How is it possible for any municipality to connect with the tramline, when this company could block them immediately.

THE PREMIER: They could go to the boundary, at any rate. They could go to the boundary of Leederville, for instance.

MR. OLDHAM: And the company could not only do that, but they could charge 3d. from the centre of Leederville to their own boundary, and then make passengers change cars and pay another 3d. to the centre of Perth.

A MEMBER: That would soon adjust itself.

MR. OLDHAM: I do not think it would soon adjust itself. At any rate, I shall try in every possible way I know of to get this clause inserted; and if I am not successful in doing that, I hope the majority of the House will support my proposal to refer this matter to a select committee.

THE PREMIER: It will kill the Bill, at this period of the session.

MR. OLDHAM: I do not want to kill the Bill. Our only desire is to get fair

and legitimate terms from this company, and I hope this House will assist the municipalities which I represent in doing so.

THE PREMIER (Right Hon. Sir J. Forrest): The 9th Clause in this Bill, which the member for North Perth (Mr. Oldham) has read, was put in at my suggestion, in the interests of persons represented by him. I do not think the hon. member has much to fear. It will be to the interest of a great company such as this, with many lines all over the city, to extend its operations; and, wherever there is a likelihood of making money, the company will be only too glad to increase the mileage of its tramways. Clause 9 gives the local authorities the right to go to arbitration on any matter connected with the extension of the trams. There seems to me no difficulty about it. With regard to the right of municipalities to acquire running powers, I do not suppose a local authority would seek to move in that direction. The local authority would ask the company to extend its service to their locality. But, if hon. members will look at the schedule, they will see that these trams will be run to a considerable distance from the city. In the direction of Leederville, the tram is to run as far as the city boundary. That is very close to Leederville, and it will be a good thing for those inhabitants if the tram goes so far. In respect to Subiaco, it goes to Thomas-street—that is, to the municipal boundary there. Even if it went no further, it would be of some advantage; but I have no doubt it will be possible to take it further. We must remember that this agreement was made with the citizens of Perth, who had no power to make arrangements with this company for districts outside of their own boundaries. But it seems to me that, in trying to get more than was agreed to, you may lose what has been provided for. The company have not agreed to do more than what is here provided for; and, if we were to add conditions to the effect that they must run to Subiaco, and up to the end of Oxford-street in Leederville, the company might not be prepared to do it. I think we had better take what is offered now. So long as there is power to join on, I do not see that there need be any reason why the hon.

member should oppose the Bill; and he has told us he does not desire to oppose the Bill. I may say that, if any alteration is made in the Bill, it means that the measure will have to go the same way as some others. The session is just about closing, and a good many things have to be done. The way to get the Bill through is to allow it to go without amendment. If an amendment is made, the Bill will not be able to be forwarded to the Legislative Council until to-morrow. It will have to be dealt with in the Upper Chamber, and the result will be that the measure will not get through before we prorogue. After all, it is the city of Perth which has made this arrangement with some capitalists. Have the people outside of the city a right to interfere with what the citizens have done? I do not think those people living in the outskirts and in the suburbs have a right to say to the citizens of Perth: "You shall not have what you want, because we want something too." Why do not the Leederville and Subiaco people enter into an agreement themselves?

MR. OLDHAM: They tried to.

THE PREMIER: Then the reason that some arrangement was not come to is that the promoters cannot see that a tramway to the suburbs named will pay. Some agreement might be come to between the tramway company and the local authority to allow the suburban lines to join on to the company's lines. I do not know that Clause 9 goes so far as I intended that it should go, but at the same time if the citizens of Perth have entered into an agreement with a company to give the people tramway facilities, I do not think it reasonable for those outside to say you shall not have the tramway. The suburban people must look after themselves. This is only a local matter: it is not a national question, but is simply a matter between the citizens of Perth and a company. The citizens have entered into an agreement, and unless the House see that there is something wrong, I do not think we should go out of our way to interfere with the desire of the citizens.

MR. A. FORREST (West Kimberley): The hon. member who is opposing this Bill is hardly serious in his objection, because he is fully aware that this matter has passed the city council, and the schedule

has been placed in this Bill, so that there shall be no mistake that the wishes of the city council shall be carried out. This company has agreed to put down some 17 miles of tramway at an immense cost; and if we ask the company at this stage, when it is inadvisable, that they should connect their lines with Leederville and Subiaco, then the Bill may be thrown out. I should be sorry to see the Bill thrown out, because it is entirely in the interests of the citizens. We have everything to gain and nothing to lose. Our streets are to be maintained to a certain width at the cost of the company, and in every way the city is protected. If the hon. member (Mr. Oldham) thinks it would be a good thing to connect this tramway with Leederville and Subiaco, I am sure the company, if the line promises to be profitable, will undertake it. I see no reason why the municipalities of Subiaco and Leederville should not put down a tramway themselves to their own boundary. The only objection would be that people would have to jump out of one tram into another.

MR. OLDHAM: There would be double fare.

MR. A. FORREST: I do not suppose people will be able to travel from Subiaco to Perth Town Hall for the same fare as would be charged from Hay-street West to the Town Hall. There will be different sections. We know what trams are. There will be no trouble to jump out of one tram into another, even while the tram is going along. I hope the hon. member will not move his amendment. There is no reason why the work of constructing these tramways should not be started at once, if the Bill is passed. If any amendment is now made in the measure, and the Legislative Council further amend it, the Bill cannot become law this session. In the interests of the city itself I wish the hon. member not to oppose the measure, but to allow it to pass through all its stages.

MR. ILLINGWORTH (Central Murchison): I agree with the hon. member (Mr. Oldham) that no monopoly be given to the City of Perth that may be injurious to any of the suburbs. I think the hon. member is within his rights, as a member for the suburban districts named, to see that no injury is done to those districts. I would call the attention of the

hon. member to the fact, as an instance, that the Adelaide and Suburban Tramway Company has entire power, without arbitration, of settling the question of running powers over its lines. This Bill before us provides not only that these powers shall be granted, and provisions for connecting the suburbs with the city trams made, but it provides further that the tramway company shall not take advantage of their position to charge the suburban tramways with an undue proportion of the cost. The people in the suburbs must either get a Bill passed to run a tramway through the city on the same road as the tramway company or on another road, or they must obtain running powers over the company's lines, or they must connect with the company's tramways and have a division of fares. This is done in South Australia. In reference to the Melbourne tramways, they are practically under one control, and I instance the Adelaide tramways because they are not so. There are four or five tramways belonging to different companies running into that city, in some cases using the same roads and rails. In South Australia there is no provision for arbitration whatever: the settlement of the rates is left with the companies. Provision is made in the Bill before the House that the company which gets the first monopoly shall not unduly press on those who construct lines subsequently. I do not see how the hon. member can expect to get his amendment inserted in this Bill. If the measure had been brought forward by the Government to establish State tramways, then it would have been a different thing. It is very desirable that the tramway company should begin work as early as possible. We have heard tramways talked about for years, and now it is important that the work should be begun; and once the tramways are established in the city, they will materially help the suburbs in which the hon. member (Mr. Oldham) is interested. There can be connections by omnibuses, or the suburbs can have a tramway system of their own. I think there is nothing to fear so long as Clause 9 remains, providing for an equitable basis of arbitration. Although I sympathise with the hon. member in his desire, I shall support the second reading of the Bill.

THE COMMISSIONER OF RAILWAYS: I think the object of the hon.

member has been met by having this question debated. When the Bill is in committee, I hope he will not move the amendment that he has indicated. If the amendment is moved, unless better arguments than those already advanced are put forward in support of the amendment, it is my intention to oppose it, and for the reason that anything that is done now will interfere with the passage of the Bill through the House, and will retard the carrying out of the work. It is a time when no obstacle should be placed in the way of the carrying out of the work. The agreement entered into between the promoters and the city of Perth some time ago has been well considered. The Bill has been thoroughly gone into by the legal advisers of the Government, and the provisional order submitted by the promoters has been thoroughly revised. Everything has been made to comply with the provisions of the Tramways Act, and there is now nothing left but for the House to pass the Bill. I would like to see the measure pass through all its stages to-night. I quite admit that the hon. member for North Perth, in speaking just now as he did, was doing what was in the interests of his constituents, and what every right-thinking member would do for his constituents. At the same time the powers and reservations set forth in Clause 9 should meet the wishes of those constituents. I certainly hope the hon. member will not press the amendment he proposes to move, when the Bill gets into committee.

Question put and passed.

Bill read a second time.

IN COMMITTEE:

Clauses 1 to 8, inclusive—agreed to.

Clause 9—Power of local authority to connect with and acquire running powers over tramways:

MR. OLDHAM moved that the clause be struck out, and the following be inserted in lieu thereof:—

If at any time hereafter any local authority shall require an extension of the tramways authorised by this Act, the promoter named in the provisional order and his assigns shall extend these said tramways to places named by such local authority, and being within the area under the control and jurisdiction of such local authority, upon the terms mentioned in the agreement made between the city of Perth and the promoter, and also subject to this Act and "The Tramways Act, 1885." 2.

Provided always that in the event of any disagreement between the said local authority and the promoter in respect of any extension, all matters in dispute shall be referred to arbitration under the provisions of "The Arbitration Act, 1895."

He was convinced that Clause 9, as originally drafted, would not serve the object the Minister had in view, but would place two important municipalities, whose existence depended to a large extent on rapid and cheap communication, at a great disadvantage. The first part of the amendment, standing by itself, would do a grave injustice to this particular company, but safeguards were provided in the sub-clause. If the company refused to construct a line to any part desired by the municipality, that would be a fair matter for arbitration. A tramway scheme must embrace the suburbs, from which really the revenue would come; and it was the province of Parliament to see that no injustice was done to outside municipalities. There was not a single street open at either Leederville or Subiaco, from which a tramway could come to the centre of the city; and it was out of the question to expect those municipalities to have tramways of their own. As to running powers being given in other places, the motive power and the circumstances would be altogether different in Perth and neighbourhood. At the present time about a mile and a half of line would meet the requirements of Subiaco; and it would be impossible to get a company or get municipalities to enter into obligations to erect buildings and plant for such a length of line. The clause as originally drafted gave the company power to make their own terms, without considering the interests of the people. He was well aware of the advantages which would accrue to the city from a tramway system, and was, therefore, loth to oppose the Bill. He, with two or three members of the city council, was responsible for getting two or three clauses inserted in the Bill of benefit to Perth in the future; and he was only desirous of safeguarding the interests of the people.

MR. SIMPSON: The object of the hon. member would be accomplished by Clause 9. He (Mr. Simpson) believed it would satisfy the citizens of Perth, and at the same time conserve the rights of those who were living on the boundaries

of the city. He therefore supported the clause as printed.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): The amendment for compelling extensions to be made when required by a local authority was a one-sided provision. It would give to suburban authorities the power to force the promoter to extend the city tramway whether payable or not. It would be better, in the event of the promoter not desiring to extend in the direction required, that the matter should be referred to arbitration. Provision had already been made by Clause 9 for a reference to arbitration, and that provision was far-reaching enough. If local authorities were not satisfied with the conditions, they could refer to arbitration. In his opinion, all the necessities of the case were met by Clause 9, and he therefore opposed the amendment.

Amendment—to strike out Clause 9—put and negatived, and the clause passed as printed.

Schedule and title—agreed to.

Bill reported without amendment, and report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

FREMANTLE-OWEN'S ANCHORAGE RAILWAY BILL.

Introduced by the **DIRECTOR OF PUBLIC WORKS**, and read a first time.

SECOND READING.

Bill read a second time, without debate.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Construction:

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): This railway was two miles 55 chains in length; and the starting point was near the Government railway sheds, and extended to Owen's Anchorage jetty. No opposition was offered to this railway by the local authorities. The municipality of Fremantle had acquiesced in the route as surveyed, and the work could be put in hand so soon as the necessary authority was obtained. The reason why this railway was being constructed was to serve

the shipping interests at Owen's Anchorage, and principally in connection with the large cattle trade growing up. He thought that a good object would be gained by constructing the railway to the point named, for the reason that livestock had to land at Owen's Anchorage and were driven through the port at the risk of the inhabitants' lives, and also to the detriment of the stock. When this railway was constructed, it would be possible to treat the stock very much better, and the interests of the public would be served in a way that would be acceptable to all concerned. After this explanation he hoped no opposition would be offered.

MR. VOSPER asked if the Director had sufficient money for the construction of the work.

THE DIRECTOR OF PUBLIC WORKS: Yes.

MR. HUBBLE said he would not oppose the Bill, but would like to ask if the construction of the proposed line would in any way interfere with the traffic on the esplanade, which was largely frequented for recreation purposes, and a great number of people from the gold-fields and also from Perth frequented it. He supposed that, if this line were constructed, the esplanade would be a thing of the past.

THE COMMISSIONER OF RAILWAYS: This short line would run along the seaside of the esplanade, and would undoubtedly interfere with traffic if the traffic got in the way of the trains. This danger was pointed out to the people of Fremantle before, but as this line would not be used frequently, and as no objection had been offered by the people of Fremantle, in whose interests the railway was being constructed, he took it for granted that all objectionable features had been removed. The railway would be built as near as possible to the outer edge of the Esplanade.

MR. SOLOMON: This matter had been fully ventilated at Fremantle, and the people unanimously agreed that the railway would be in the interests of the town. Various gentlemen had been interesting themselves with regard to a railway on the south side of the river; and this fact had caused some little inquiry to be made into this question by the member for the Gascoyne (Mr.

Hubble), who was interested in that affair.

MR. A. FORREST: One would think, from the remarks of hon. members, that this esplanade was a busy thoroughfare, on which people were walking up and down all day long. As a matter of fact, the people of Fremantle had been in great danger for many years owing to the absence of this railway, which had frequently been asked for by the people engaged in the stock trade. The cattle owners and the stock agents were almost afraid of their lives, owing to the actions for damages to which they were liable on account of injuries inflicted on the public by herds of wild cattle which had to be driven over the jetty. Large sums of money had been lost in this way, and accidents might still happen any day; and it was a shame that this railway had not been completed.

MR. HUBBLE said that, while not opposed to the Bill, he wished to explain his action in regard to a proposed railway on the south side of the Swan river. The facts were that a requisition was got up by some Fremantle residents, asking the mayor to call a public meeting to consider the desirability of a railway on the south side of the river, from Fremantle to Perth. He (Mr. Hubble) signed this requisition; but, when the document was read at the meeting, he found that the heading had been altered to an expression of approval of the construction of a railway to Owen's Anchorage and the Jandakot Agricultural Area. He then asked that the requisition be handed round the room; and every man in the hall considered the erasure of the original heading a most disgraceful act on the part of those who were guilty of it. It was people of this sort with whom he had to contend.

MR. DOHERTY: Was this line to Owen's Anchorage to be for the carriage of live stock only, or would passengers also be carried?

THE COMMISSIONER OF RAILWAYS: At the present time it was not the intention of the Government to use this line for passenger traffic. It would be used for live stock and for goods; also large quantities of explosives and mineral oils would be carried over the line. In the future, if there appeared to be a prospect of a passenger traffic being

worked up, the Government would of course afford the necessary facilities.

Put and passed.

Clause 3—agreed to.

Schedule and title—agreed to.

Bill reported without amendment, and report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

MINING ON PRIVATE PROPERTY BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather), in moving the second reading, said: The Government have, at the request of a considerable number of the members of this House, thought proper to bring in—though the session is now almost at its close—a Bill to promote mining on private property. Hon. members are aware that the subject of mining on private property involves many questions of a highly debatable character; and, while the Government are anxious to promote, by every legitimate means, the development of mining even on private property, they must take care, at the same time, that no injustice is done to those persons who happen to be in possession of auriferous land. Bearing these principles in mind, and knowing that we are treading upon ground on which we should only tread with extreme caution, the Government have thought that it would not be wise to attempt to bring into this House, without mature consideration, a Bill that would be different in principle from, or be more radical in its effect than, those measures that have been hitherto passed in the other colonies on the Eastern side of this continent. Therefore we thought that a Bill which might, with least objection, be submitted to this House, and which I trust will pass in sufficient time to admit of its being sent on for the consideration of the other Chamber, would be one based on the Adelaide Act relating to this subject, which we have used almost exclusively in drafting this measure. This Bill contains practically the whole of the provisions dealing with this subject in South Australia, with the exception, as I will point out hereafter, of two clauses towards the end which deal with the conserving of existing rights, and, in another

case, with the taking away of so-called existing rights. Hon. members will see that land owned by private persons may be acquired for mining under this Bill in any one of three ways. First, it may be acquired by resuming the private land. There is a series of clauses here dealing with the way in which private land may be resumed. It is first done, I might say, in a tentative or quiet way. The land is not absolutely resumed at first, but only provisionally resumed, and then, after the lapse of six months, during which time the prospectors will have found out whether it is worth going on with, an inspector appointed by the Government will report as to suitability of the country, and then the Government may issue a proclamation making the provisional resumption absolute. The land will then become subject to the general goldfields laws. The next way in which land can be taken up is in reference to alluvial. Provision is made so as not to unduly interfere with private rights, and to give the owner of the land a chance of obtaining compensation for the resumption of the land. The owner is given a chance of developing the lead, if he should find it. There is a provisional resumption which becomes absolute at the end of six months. The third method is by compulsory mining lease. The first conditions in respect to the land are not compulsory, but are voluntary, and by that means the Bill gives the owner of land the option of voluntarily treating with the miners. If after the lapse of a certain time the owner will not voluntarily lease to the miner, then the compulsory condition comes into force. While the owner is compensated, facilities are given to him to mine on the property for the benefit of himself.

MR. MORGANS: Suppose the owner wishes to deal with the miners himself?

THE ATTORNEY GENERAL: If so, he can deal with them under the first part of this Bill. This measure is practically aimed at the private lands in the possession of and belonging to the Midland Railway Company. The company have a series of permits, which they obtained without paying anything for them. These are voluntary, and can be revoked by the Government that granted them. Clause 25 gives the Governor power to

revoke these permits, and the permits being revoked, the right of the owner of the lands to mine on the lands is revoked. First the Government cancel the rights of the owner. The Government say, "We are not at all ashamed to do that, because it was a right given to the Midland Railway Company until such time as the right was acted upon." The right lay dormant for years. The company have had a permit to develop this land, but they have not done so, and the Government are justified in taking the permit from the company and giving the right to other people to deal with the land.

MR. MORAN: The company are not the only owners of auriferous land.

THE ATTORNEY GENERAL: This is the reason why the Bill has been brought forward at the close of the session.

MR. ILLINGWORTH: Are there any other people who hold permits?

THE ATTORNEY GENERAL: There may be one or two others. The permits being cancelled, the land is thrown open to the general public to go and mine thereon. There is another clause, the last in the Bill.

MR. MORAN: And the worst.

THE ATTORNEY GENERAL: That may be so, but the hon. member must remember this, that while the Government have sold, and in that case they did sell—

MR. MORAN: Had they the right to sell?

THE ATTORNEY GENERAL: It was a statutory enactment, practically, in its effect, and under it the Government of the day got a large sum of money for it. The land was bought, and we cannot get the land again except under confiscation, and no Parliament in the British dominions would think of that. As I am instructed, the Hampton Plains people purchased the right to mine the precious metals, and paid a sum of money for it.

MR. SIMPSON: They do not pay. They get the gold, and pay nothing.

THE ATTORNEY GENERAL: The rights of that syndicate are saved by Section 28. There is another clause referring to regulations. It is a general power given to the Governor from time to time to repeal and revoke such regulations dealing with lands purchased under the Act for

mining purposes. This is a measure that cannot go very far wrong. A similar Act has been in operation in South Australia for ten years, and there has been no complaint against it.

MR. SIMPSON: They have no gold mines there. That is the trouble.

THE ATTORNEY GENERAL: If hon. members wish to have a brand-new law dealing with mining on private property, they will have to wait for six months. It is for these reasons that I submit the Bill for the consideration of the House. I beg to move the second reading.

MR. MORAN (East Coolgardie): Personally, I do not intend to debate the Bill this session. It is a graceful act on the part of the Government to bring forward this measure: it fills a vacancy for the time being, and opens up the whole of the colony to gold mining. There are people in the colony who have said they can find rich mines a long way this side of Southern Cross: they will now have an opportunity of proving that these mines exist. All over Australia people have cried out for a Bill to enable mining to be carried out on private property, but after all not a great deal of gold has been found on private property in Australia. But if there is a fence round an orchard, the apples are sweet. Now the fence is to be taken down, it will enable people to prove that the apples are sweet. As far as the Hampton Plains property is concerned, I am sorry that the point has been raised now. The syndicate have put up a great deal of capital to work the Hampton Plains, and any legislation in regard to this property in the future must be entered into on the basis of fair and square arbitration. In earlier days I have spoken hotly about the company, but then they did not allow prospecting on their land; now they do. It is a great question as to how far there has been any interference with the royal prerogative. It is expected that large quantities of gold will be found on the Hampton Plains. No gold has yet been found there. Throughout Australia the gold has shunned private property. I am glad to see that this Bill has been brought forward. The Attorney General has adopted the best of the Australian Acts for mining on private property. If the House desires to make the Bill more perfect, there will be time in the future.

THE PREMIER (Right Hon. Sir J. Forrest): Hon. members have known that I have always been strongly in favour of guarding the rights of private property. I have always said, what a man has lawfully obtained, no man has a right to take from him; and if the State requires it, there is only one honest way of obtaining it, and that is to buy it. In giving my support to the Bill, I am not departing from that principle, for this reason. The gold of the colony, whether on private lands or on Crown lands, belongs to the State. In all the deeds of grant that have been issued in this colony, the gold and silver and precious metals are reserved to the Crown. A provision is made in every deed of grant that the Crown has the right to enter on the land to search for, dig, and carry away any of the precious metals found there; therefore, in supporting this Bill for mining on private property, the Government are doing no injustice to anyone. We are desirous of providing machinery for obtaining what belongs to the State—the royal metals. No one has any right to them: they belong to the Crown. It is specially provided in all deeds of grant that the Crown has a right, by its agents or servants, to dig for the royal metals and to take them away. The only difficulty has been in carrying out that provision. The difficulty is how is the Crown to enter on land which has been alienated, and fenced in and cultivated, to search for metals without doing an injury to the owner of the land? The object of this Bill is to provide the machinery for doing this; at the same time to protect the owner. Everyone will admit that for a number of miners armed with miners' rights to go on to the property of any person and commence to dig for gold, would do a great injustice. I am not prepared to say that this Bill is altogether perfect in every respect, but we must deal with the cases which exist of lands which have been alienated from the Crown almost before we ever came to this territory. Large areas have been alienated by the Crown; thousands, tens of thousands, hundreds of thousands, and even millions of acres of land, and these lands are not fenced in and are not in the occupation of any one. For the Crown to enter on lands in the natural condition of waste lands, and exercise their right to dig and

search for and carry away minerals, is different from entering a cultivated field, orchard or garden. The Crown has the same right in both cases, but in practice there is a great difference. I would not at all mind passing a law giving a great many privileges to persons to go on to lands unoccupied and unutilised. That would be doing an injustice to no person. On the other hand, I should try to safeguard very closely the interests of those who have fenced in and improved their land and occupy it. Although this Bill is, perhaps, the best we can obtain at the present time we know that if any amendments are made it must go—yet I think it could be very much improved and liberalised too.

MR. MORAN: Later on.

THE PREMIER: The powers of the Crown might be exercised in a very wholesale way on lands which are not improved and used; but on lands which are utilised and occupied, the powers of the Crown ought to be exercised with very great caution and discretion. No doubt this Bill is safeguarded, and may be more applicable to cases where land is improved and occupied. Unless we are prepared to make a start on a safe basis, at this late period of the session I do not see what can be done. If we pass the Bill in its present form, we can see what we can do with it next session, when I hope the Government will be prepared with a measure much more liberal in its application to lands unoccupied and unutilised, and for all practical purposes waste lands. In such cases, no compensation should be given, as no injury is done by the exercise of the Crown's rights.

MR. VOSPER (North-East Coolgardie): In expressing my intention of supporting the Bill, I have to add my congratulations to those of the hon. member for East Coolgardie (Mr. Moran) on a measure of this kind being brought in, even thus late in the day. This Bill will have the effect of throwing open a larger area of land than even the Government contemplate. Within a comparatively short distance of Perth there is an area of 50 acres, which contains two reefs already seen by six or seven persons prominent in the mining world, and one reef has been proved payable beyond any possibility of a doubt. The only thing that prevents that land

being worked is the extortionate terms demanded by the owner. That land is lying idle in the state described by the Premier; and it would be vastly to the benefit of the colony if such land could be opened up. I do not wish to approach the Bill in a carping spirit, but I would urge on the attention of the Attorney General the fact that there does not seem to be any provision made for the rights of prospectors, although prospecting must precede mining. Unless some provision is made for prospectors this Bill must, to a very great extent, remain a dead letter. So far as I understand the Bill, it is impossible for a man to enter or prospect on private land without being liable to prosecution as a trespasser. That would be a serious drawback to the measure, and a suggestion might possibly help through the difficulty. I do not think it would be right to allow a horde of persons with miners rights to rush a man's land and spoil it entirely, and that man unable to collect any compensation. But a man holding a miner's right might go to the nearest magistrate, and declare his intention of going prospecting on a particular piece of land. The prospector might also lodge with the magistrate a sum of £20 or £50, or what might be deemed a proper compensation for the disturbance he might create on the land. If, in the opinion of the magistrate, a disturbance had been created on the land, the owner might be compensated out of the money deposited; if no disturbance had taken place, then the £20 or £50 could be handed back to the prospector. It would be possible in this way to safeguard the owner from any possible damage, and at the same time throw the land open to prospecting. I notice that in the Bill there appears to be no reference to mining for coal, copper, tin, silver, and the like. The rights of the Crown to gold and silver have been settled, and the Bill simply provides a means of carrying the law into effect. As regards copper, silver, tin, and coal, it would be just as well if the Attorney General would enlighten us as to the scope of the Bill.

THE ATTORNEY GENERAL: The Bill only includes precious metals.

MR. VOSPER: I would suggest to the Attorney General the advisableness of considering the suggestion I have thrown out. It might be possible to in-

corporate amendments to allow prospecting to be carried on without injury to the owner. That is the meaning of the whole Bill, which, if adopted in its present form, might have the effect of making the law a dead letter.

MR. QUINLAN (Toodyay): I have much pleasure in supporting the motion for the second reading of this Bill. Although I do not pose as a mining member, I am glad to be able to inform the House that an important discovery has been made in the district I represent—a discovery which can only be turned to good account by means of a measure such as that now before the House. A similar law has been in operation in other places for some years, and, seeing the importance of the Bill, I am very anxious to see it pass into law this session. We cannot deny that at the present time the colony is in a very depressed condition; and, if the information I have be what I believe it to be, the Bill will cause a revolution in the state of affairs in Western Australia. In the last week I have heard from a gentleman, whom I believe, that there has been another find of the precious metal not many miles from Perth, and only this Bill is required to develop that find. As one who has a considerable amount of property, I may have looked at this Bill from a somewhat too narrow point of view; but I must say that it seems all that could be desired, and even more so, from an owner's point of view. The Bill is somewhat conservative; but if, as I hope, it becomes law this session, I venture to predict a change in the welfare of the country.

MR. ILLINGWORTH (Central Murchison): So far back as July 31st, 1894, when I first had an opportunity of speaking in this House, I said in the debate on the Address-in-Reply—"Another important and serious question to which no reference is made in the Governor's Speech is the question of mining on private property." I then dealt at some length with the question, and closed my remarks by saying: "The sooner the Government take in hand the introduction of a mining on private property Bill, the better it will be for themselves and for the country as a whole." Although these were my utterances in 1894, and although I have frequently urged on the Government the necessity for

such a measure, we are here faced by the fact that within two nights of the close of the session, an important Bill of this character is introduced. It is impossible for the House to discuss this question in the time that remains; and yet the situation is such, that it would be better to pass an imperfect Bill rather than put no Bill on the statute book at all. I know the difficulties involved in such a measure as well perhaps as most hon. members. It would be far better for Parliament to meet after Christmas rather than hurry legislation as we have been doing for some considerable time now. A Bill of this importance would warrant the House spending a month in its consideration. Measures of this kind have occupied as long as 20 years in other colonies before the final passing; and to expect that, under the present circumstances, a satisfactory Bill could be passed, would be expecting too much. The House is in the position of having to accept the present Bill or nothing; and it is an unfair position to be placed in. It is a position unfair to myself. I accept the inevitable, and I am so convinced that a mining on private property Bill ought to be placed on the statute book of this colony, that I am prepared to support the Government in carrying the measure with all its imperfections, without attempting to discuss it at this late stage. I throw all responsibility on the Government, who for three years have steadily neglected a question which I urged upon them in 1894, and who have brought in this measure at the close of this session simply because there are certain personal considerations which have forced it upon them. They ought to deal with such a question in calmer moments, when there are no personal interests at stake. A great deal hinges on the principle. Next session we may perhaps be able to amend the Bill, and put it in a form which will be more satisfactory. I shall support the second reading.

MR. SIMPSON (Geraldton): I am glad that the member for Central Murchison (Mr. Illingworth) has drawn attention to the precarious method of legislation adopted by the Government. Fancy the Government introducing a great measure like this, dealing with large principles, and pushing it through two deliberative assemblies in 36 hours,

without any opportunity being given hon. members of debating the features of the Bill! I do not suppose that any hon. member is opposed to the principle involved, so long as the interests of property are conserved. I have no intention of offering any obstruction to this measure. I leave the responsibility on the shoulders of those who wish to pass it, and who have introduced it at the very end of the session. I cannot sit here and indorse the action of the Government, in attempting to put through a measure dealing with such vast interests in so short a time.

MR. RASON (South Murchison): I intend to support the Bill, in the hope that it may do some good. A Bill of this kind is much desired, and is in fact absolutely necessary. Although, so far as I am able to judge, the Bill does not go far enough, I hope it will yet do some good so far as it goes. It is impossible to debate a Bill or make any amendments in it at this stage of the session, and therefore those who wish to see such a measure pass can only support it in the hope that it may do good. The value of the Bill would be greatly increased if its operations were made to apply beyond the precious metals. Many hon. members are aware that there are other metals and other minerals than those named existing on private lands, especially in that very wide tract of country to which the Attorney General referred, which prospectors and miners will be unable to work so long as the provisions of the Bill only apply to precious metals. I can see no reason why all metals should not be included. I would suggest to the Attorney General that he should make the provisions of the Bill apply to all metals and minerals.

MR. KENNY (North Murchison): I rise to strongly support the second reading. I hail it as a step in the right direction; another step in the advancement of our colony. I am quite prepared to admit that it is rather late in the session, but better late than never. I look more upon the intention with which this Bill has been introduced than upon the fact that it is introduced; and I am sure that the sincere and honest way in which the Attorney General has taken this measure up will meet with the approval of every miner in Western Aus-

tralia. In regard to the Midland Railway, I am fully aware that not only gold exists there, but large deposits of coal, copper, asbestos, and mica; all of which might be worked to advantage. No doubt the Attorney General will see his way clear to include them in the Bill, if not this session, at any rate next. Before sitting down I would like to thank the Attorney General, on behalf of the miners of North Murchison, for the introduction of this measure.

MR. GREGORY (North Coolgardie): I think great credit is due to the Attorney General for the manner in which he has brought this Bill before the House. I would like to urge upon him also the suggestion made by the member for North-East Coolgardie (Mr. Vosper), that some means should be taken to prevent the prospector rushing about on private lands.

A MEMBER: That can be dealt with by the regulations.

MR. GREGORY: In that case I am satisfied.

MR. MORGANS (Coolgardie): I do not think it is necessary for any hon. member to do more than thank the Attorney General for having introduced this very important measure, for which he will doubtless receive the thanks of the whole community, not only of those living on the goldfields, but also of those living on the coast. We all believe that gold exists down on the coast. Most of what I have seen there has come from private property, so that this measure will be the means of enabling miners so disposed to find out whether gold exists or not on private property. I also desire to tender my warmest thanks to the Attorney General, both on behalf of my constituents and myself, for having introduced the measure. One or two points have been raised during this discussion, to which I would like to refer. The Hampton Plains Company have been spoken of. It was clearly stated by the Attorney General that the company had acquired certain rights from the Government for which they had paid. In that case, the company have a perfect right to the royal metals, as they are called, that is to the gold and silver which they have found upon their property. [A MEMBER: Subject to the royalty.] Of course. I know, as a matter of fact, that the royalty on every ounce of gold

which the Hampton Plains or any of their subsidiary companies have taken from their properties has been paid to the Government. But the company have been absolutely unable to control the prospectors on their area, and, though they have sought the advice and assistance of the Government for the purpose of collecting royalties from prospectors, it has been found impossible to collect them. If the Government cannot collect the royalties from the prospectors, the company can hardly be blamed for not having done so. Therefore, I hope that this House, when considering the case of the Hampton Plains Company—for which I am not a special advocate, not being connected with them directly or indirectly—will remember that they have done everything in their power to comply with their obligations in regard to the payment of royalties. There is one other point to which I desire to call attention. Under the old Act of Elizabeth, all the royal metals were placed under the care of the Crown, which was made owners of them. But I believe—at least so far as my memory serves me—not only gold and silver were included in the royal metals, but tin. I do not think that copper or lead were, but tin certainly was, and therefore I think that, when this measure is gone into, the Government should direct some attention to the limitation intended to be placed on this measure so far as mining is concerned, whether it is to include gold and silver, tin and other metals, or whether it is merely to include gold and silver. I quite agree with the remarks of the member for North-East Coolgardie (Mr. Vosper) that some provision must be made to enable a prospector to take advantage of this Bill. Unless that is done, it will be absolutely impossible to expect that many veins of gold and silver will be found on these areas, because without searching for it a vein cannot be found. Therefore the position of the prospector must in some way or other be protected, and he must have facilities given him to enable him to proceed on private property. That can be done under the regulations, but at the same time I think, in view of the rights that surface owners have, the Government should be very careful in guarding the interests of the prospector, and take care that he is

not allowed to get himself into difficulties with the owners of the land. I think his position must be thoroughly well considered, and the Government should see in what way they can give a prospector the liberty to prospect, without at the same time running any risk of committing himself with the owner of the land. With regard to the other metals, I may say that in England tin was, by an Act of Parliament, declared a royal metal, and had to receive the royal stamp before it could be sold; but still, at the same time, it is not considered one, and, personally, I doubt whether it would be to the advantage of this country to place all these metals under the same category as gold and silver. However, that is a matter which this House will decide at a later date. With regard to the general aspect of this question, I am assured that the Government would do well to follow the good example set by the Governments of Central America and Mexico—in fact by those of the whole American continent—by finally giving the prospector the right to go anywhere. In those countries the prospector has a right to enter upon any lands, whether cultivated or not; and there are very few exceptions recorded of lands upon which he cannot enter. One is within a given distance of a church, another of a powder magazine, and the other of the residence of the President of the Republic. Those restrictions are not great; and, although every provision must be made to protect the surface owner, it must never be forgotten by the Government, in view of the importance of the gold-mining industry, that the prospector must also be protected even more effectually than the land owner.

THE ATTORNEY GENERAL (in reply): It must be gratifying to the Government that this Bill has met with the hearty approbation of the majority of the members of this House. I would point out, though, to some hon. members who, while they hail the appearance of this Bill, remark that it is a great pity—nay, it is more than a pity, it is, so to speak, a national annoyance that this Bill has been delayed so long and brought in just at the end of the session—that, since this session began, there have been Bills without number on the Notice Paper which had to be gone through; and I do think, and say it with confidence, that a

great deal of time that ought to have been devoted to Bills of a practical character has been devoted rather to discussing abstract rights and questions of the party policy of the Government. If these measures and if that time had been saved, I do not hesitate to say that this Bill would have been brought in long before this; and I will not permit hon. members, while hailing this measure as a good one, to deal out left-handed such observations against the Government of which I am a member. The Government are doing their best, as far as I can see, for the welfare of the country; and if this measure has not been brought in before, it is not the fault of the Government.

MR. GREGORY: It was never thought of until a fortnight ago.

THE ATTORNEY GENERAL: It may be said that it was never thought of until a fortnight ago; but my friend will no doubt remember that he and others have heard of great gold discoveries within a fortnight ago, and that is the reason why I stepped out of my way to introduce this measure; and yet I have had it thrown in my face that I have brought it in too late. What can we do with hon. members who tell us one thing outside and contradict themselves in the House?

MR. GREGORY: I gave you credit: I said so.

THE ATTORNEY GENERAL: With reference to the observations of the member for Coolgardie (Mr. Morgans), there was a difficulty in the way of including any other metals than the precious metals; and that is that the precious metals, without any reservation, do not go with the land. The other metals do, and therein is the difference. The baser metals, except in the case of Crown grants, where they have been carefully reserved, pass with the land. I do not hesitate to say that the time has come when even other metals that lie dormant in the ground, although they have passed with the land, should be brought under the operation of such a Bill as this, if the owner of the land has not seen fit to develop them. Reasonable compensation should be given him, and other people should develop them. There is no doubt whatever that this is the proper principle, and it is well founded. At the same time,

this measure is the first instalment; and it is based on the latest of all the Acts on mining on private property in the other colonies, this South Australian measure having copied and preserved the best parts of the other Acts of New South Wales, Victoria, and Queensland, and rejected a great number of the provisions of those Acts which were found to be objectionable, and which retarded and defeated the very object for which the Bills were brought in. I trust, therefore, that hon. members will see that we are not doing this work in a half-hearted manner. This is brought in in a *bonâ fide* way by the Government, as a substantial measure to be passed by the House; and I trust, if this measure leaves the Chamber this evening, that it will also receive the approbation which it ought to receive from the Legislative Council.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 25, inclusive—agreed to.

Clause 26—Regulations:

MR. MORAN, referring to regulations covering the rights of prospectors in the New South Wales Act, said the nearest warden or a magistrate had power to to issue permits to prospectors to go on private lands: and, without such a provision in this Bill, it would be practically inoperative. Under such permits, prospectors could go on private lands tentatively, to see whether it was worth while to carry on mining.

THE ATTORNEY GENERAL: The hon. member's suggestion would be mentioned to the Minister who would have charge of the Bill in another place, and it could be dealt with there.

Put and passed.

Clauses 27 and 28—agreed to.

Schedules 1 to 5, inclusive—agreed to.

Bill reported without amendment, and report adopted.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

AGRICULTURAL LANDS PURCHASE ACT AMENDMENT BILL.

SECOND READING, ETC.

THE COMMISSIONER OF CROWN LANDS (Hon. G. Throssell), in moving

the second reading, said: This Bill is brought forward to amend the Agricultural Lands Purchase Act. It has been found necessary from the fact that for the first time under the Act the Government have purchased two estates, one in the York and the other in the Newcastle districts, and it is found that while Section 10 of the principal Act gives power to the Governor to set aside land for townsites and suburban lots, it is silent as to the mode of dealing with the land so set aside. Clause 2 of the Bill gives power to the Minister, with the approval of the Governor, to dispose of this land in a similar manner to that which now obtains under the land laws of the colony. Clause 3 authorises the Minister, with the approval of the Governor, to dispose of any unsold agricultural land by public auction, after due publicity. This is thought advisable, seeing that it may happen that after lands have been selected by ordinary applications, the less desirable lots may remain on hand, and it is most necessary that such land be sold as soon as possible. The Minister will have power to offer the unsold lots for public auction. Power is also given to the Minister to withdraw any advertised land from sale. According to Section 12 of the original Act, if there is more than one applicant for a conditional purchase of the same portion of land, the Governor shall appoint such persons as he may think fit to select the person to whom the land shall be sold. By the Bill, the word "shall" is altered to read "may," so that the Governor may appoint such persons as he may think fit to select the person to whom the land shall be sold. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and transmitted to the Legislative Council.

STEAM BOILERS BILL.

SECOND READING, ETC.

MR. JAMES (East Perth), in moving the second reading, said: This Bill has come from the Legislative Council, where it was in charge of the Hon. G. Randell, who was for many years a member of this

House. A Bill of this nature which commends itself to the Hon. G. Randell must be regarded in the interests of those it is desired to protect, and we may be quite certain there are no provisions in the Bill which will work any injustice or hardship. Any person who is the owner of a boiler has to take certain precautions to ensure the safety of those working at the boiler. That is the principle of the Bill. There are various clauses, but I do not think it is necessary for me at this stage to refer to them in detail. I ask the House to pass the measure. I may repeat that, coming as the Bill does from a late member of this House, who is so well known and respected, I am quite sure hon. members will have no hesitation in passing the second reading.

Question put and passed.

Bill read a second time.

Passed through committee without debate or amendment.

Read a third time, and *passed*.

METROPOLITAN WATERWORKS ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE PREMIER (Right Hon. Sir J. Forrest), in moving the second reading, said: The object of this Bill is to give the Metropolitan Waterworks Board more power than they have at the present time. The powers the board already have are, no doubt, considerable, but there are others which they regard as necessary, and which are not provided in the present constitution. This Bill has been carefully prepared, and has been submitted to me by the board. Hon. members will notice that power is given to the board to cut off the supply of water on any premises, whether rated or not, or supplied by meter or not, if the owner or occupier refuse or object to attach a meter to such premises after a demand by the board to do so, or who refuses to pay moneys due, etc. There is also a provision in the Bill that the liability of the owner shall be unaffected by the cutting off of the water. By Clause 5 the owner or occupier is liable for arrears due by the previous owner or occupier. The board must be paid for the water it supplies and must take ordinary precaution in that respect. There is nothing very extraordinary in the Bill. It merely provides

for a lot of small things which, under ordinary circumstances, might have been done by regulation. The board have, no doubt, felt themselves in a difficulty, and have asked the Government to provide legislation. There is a provision in Clause 9 that any alteration in the rate books has to be notified to the board by the town clerk. That is a necessary provision; and there is a provision also that the board may strike a rate. That power does not go so far as some hon. members might think, seeing that it is governed by the principal Act, which provides that the rate shall not be more than one shilling in the pound in any one year on the annual value of any property. Section 46 of the Act gives the board power to strike a rate, instead of being dependent on the municipal council; but that provision is subject to the condition that the rate shall not exceed a shilling in the pound. There is a provision making it clear that the catchment area shall be under the management of the board, which is to be the local authority under the Public Health Act, as if it were a municipality. These provisions are important, although nothing out of the way or very new; and I do not think any one can take any great exception to the measure.

MR. JAMES (East Perth): This Bill contains provisions, most of which are rendered necessary by the fact that the Bill passed in 1896, when the present board took over the waterworks, was carelessly drafted and did not make provisions which are essential. Under the existing Act, the board have power to cut off the water without giving any notice. The proviso to Clause 3 of the Bill before the House prevents the board from cutting off the water until after seven days' notice has been given of the intention to cut off such supply. The same clause also provides 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 the owner or occupier

—refuses, or neglects, after demand, to pay all moneys due and payable to the board for water supplied to such premises or any owner or occupier thereof, including all arrears (if any) due for water previously supplied to such premises or any part thereof, or any previous owner or occupier thereof or of any part thereof.

Personally, I should like to see the same principle acted upon in connection with all rates. It is extremely difficult for the board to collect rates under meter agreements. When the board send round to collect the water rate six months hence, Smith has gone and Jones, who has used the water during his tenancy, refuses to pay the rate owing by the former tenant. Jones ought to be made to pay. It is only by insisting on arrangements like this that we can ensure the cheap and efficient working of these public bodies. Every penny that these public bodies lose by bad debts is money which the ratepayers have to make up. It is, therefore, to the interest of the whole of the ratepayers that a provision of this character should be inserted in the Bill. I do not see why the ratepayers as a body should object, because it is not unreasonable to ask that an intending tenant before taking a house should ask if the rates are paid.

A MEMBER: Why should Jones pay Smith's water rate?

MR. JAMES: If the board knew when Smith was going to leave the premises, they would have the meter read at once and send him in the account. But Smith probably gives no notice of his departure. The meter is read in January and April, say. Between those two months a change of occupancy occurs of which the board have no notice. The board stand a very serious chance of losing the whole of the rate under a meter agreement. If Smith told the board he was going, it would be all right, but you cannot depend on his doing so. The next occupier says, when the meter is measured and the bill sent in, that he did not use all the water. It might happen that the first occupier had used all the water and the second occupier none. The duty should be cast upon the latter of having the meter registered. The second occupier would ascertain if the water rate had been paid before he would take the house. Clause 12 is an important section, because it provides that no land shall be rated at less than £1 per annum for water rates. I think that is reasonable enough, bearing in mind that when you give a property water you are giving it all you can practically give it. Whether there is a macadamised road or not, if you put water on to the premises

you get the full benefit of the services for which you pay. Clauses 18, 19, and 20 make a desirable alteration, vesting the catchment area for the purposes of the local board of health in the Waterworks Board. I think that is far more desirable than the present method. The City Council will be glad to be relieved from the trouble which is at present cast upon it. I hope the Bill will pass the second reading.

MR. HIGHAM (Fremantle): I cannot agree with the member for East Perth (Mr. James), that the responsibility of paying the back water rate should rest on the incoming tenant. It should rest on the owner. He has the best opportunity of knowing whether the outgoing tenant has paid his rates or not. I object to the responsibility being placed on the incoming tenant either for water rates or any other. With regard to the provision about a catchment area, it should be remembered that many people have taken up land in the catchment area of the Victoria reservoir with the idea of farming it. They took up this land many years ago, and they hold it now in freehold. It is now proposed to apply the provisions of the Public Health Act to that land. The owners will be unable to farm that land to any advantage, as they will be unable to manure any land which is on a slope leading into the water reservoir. I consider it unjust to tell these farmers that they must not use their land, unless some recompense is given them for the disadvantages to which they are to be subjected. I am not going to assert that many of these owners have used this land to much advantage in the past, but they are the owners in fee simple, and if the Bill is passed they will be prevented from doing so in the future.

MR. QUINLAN (Toodyay): There are some clauses in this Bill which I propose to amend. I have placed the Bill before a gentleman who has occupied the position of town clerk for 17 years, and who is thoroughly acquainted with this question, and I shall be acting under his guidance in whatever amendments I may bring forward. Under Clause 5 the board will have the power to make the occupier or owner of any premises, or part of any premises, liable for all arrears of water rates incurred by a previous

occupier, without being compelled to try every means to collect the rates from the previous occupier first. Every means should first be exhausted by the board, before looking to the owner or the occupier for the debts of a previous tenant. People cannot run to the City Council or the Waterworks Office every day to find out, before taking possession of a house, if the previous occupier has paid the water rate. I shall endeavour to get an amendment made in the direction indicated. With regard to Section 10, which provides that after receipt of copy of rate books the board may strike a rate, although we have the assurance of the Premier that the principal Act already provides for a rate not exceeding one shilling, it will be better to include a provision to that effect in the present Bill. Provision is made for a rate to be struck on all property, but it does not say to what extent. At the present time the Waterworks Board are taking money out of the pockets of ratepayers by fraud, if I may use the word, to a certain extent.

THE PREMIER: How is that?

MR. QUINLAN: Two-thirds of the year the second and third floors are without water, the ground floor being the only one supplied, but rates are charged on the occupants of all of them. For an hour or so in the day when water is not being generally consumed, water would be supplied, but not during the remainder of the day. I pay as much as anybody in the city for rates, and I am prepared to substantiate what I say. I am endeavouring to protect the people's rights. An amendment might also be made in Clause 13, which provides that the board may strike a rate after laying down or extending a main pipe. I cannot delay the House now by going into details. Under Clause 16 the board ask to be enabled to claim payment of any rate "without any notice that the notices required have been given or complied with, "or without evidence that any default has "been made." This would be unjust on the part of the board, and I propose to strike out the words "without evidence," so that the board will have to give evidence to prove their claims. With respect to Clause 20, the City Council are at present the local board of health. They have control of the catchment area, and, so far as I can judge,

there is no provision cancelling that power. They are the only body who, at the present time, have any power to protect the health of the consumers; and it strikes me that it is necessary to make the cancellation in that direction. We are the consumers, and those who are likely to suffer, and every precaution should be taken to insure the purity of the water supply. I hope this matter will receive from hon. members the earnest consideration which it deserves.

MR. LEAKE (Albany): There is no more vicious principle in legislation than that which recognises the power to compel one man to pay the debts of another; and that is what Section 5 provides.

THE DIRECTOR OF PUBLIC WORKS: You do so every day in your life.

MR. LEAKE: But that is by reason of this same vicious principle which has crept into the Municipalities Act. That is what the hon. gentleman is thinking of. That is the principle we voted against years ago, when it was provided that the incoming tenant should be liable for the city rates which had been left unpaid by the last tenant; and here we are trying to perpetuate this vicious principle in this Waterworks Bill. I sincerely trust that hon. members will not listen for a moment to the suggestion that clause 5 of this Bill be passed as drawn. I am totally opposed to it. Hon. members perhaps know perfectly well that I and others would be glad to see this principle of distress for rent abolished altogether. We are making an innocent person pay for the debts of another, and there is positively no suggestion in the Bill as to what limitation shall be put upon his liability. In this Bill, the incoming tenant is liable for six years' rates at least. Take, for instance, the artisan class. This clause will not hurt men like ourselves, who go about with full knowledge of our local laws and institutions; but every labourer and every artisan does not understand the intricacies of the municipal or the water-rating laws, and those unfortunate people will be hit much harder than others. To them an expenditure of £3 or £4 means far more than £30 or £40 to many members, particularly to those members who propose these provisions. Take the case of a man who pays 10s. a week for a house: he accepts

the statement of the house agent. Perhaps he will say to the agent: "Are all the water rates paid?" The agent will say: "Yes, certainly." Well, what is the unfortunate person to do? He accepts that statement and in he goes. Next week he is in with his household furniture and so forth; then down comes a justice's warrant, and he is sold up perhaps for arrears of rates amounting to £20 or £30—a liability for which he has received no particle of benefit. I am astonished that gentlemen who profess democratic ideas should make such a proposal; and, in order that the House may have time to consider this question, I move that this debate be adjourned.

Motion put and passed, and the debate adjourned.

ADJOURNMENT.

The House adjourned at 11.5 p.m. until the next day.

Legislative Council,

Wednesday, 22nd December, 1897.

Papers Presented—Question: Conduct of a Mine Inspector—Question: Advance of Money to Perth City Council—Cemeteries Bill: third reading—Streets and Roads Closure Bill: third reading—Kalgoorlie-Guamballa Lake and Boulder Townsite Loop Railway Bill: second and third readings—Bunbury Racecourse Railway Bill: second and third readings—Lady Broome Annuity Bill: second and third readings—Sharks Bay Pearlshell Fishery Act Amendment Bill: second and third readings—Public Health Act Amendment Bill: Discharge of Order—Industrial Statistics Bill: Assembly's Message *re* Council's Amendments; divisions (3)—Imported Labour Registry Bill: Assembly's Message *re* Council's Amendments—City of Perth Tramways Bill: first reading—Agricultural Lands Purchase Act Amendment Bill: first reading—Fremantle-Owen's Anchorage Railway Bill: first reading—Mining on Private Property Bill: first, second, and third readings—City of Perth Tramways Bill: second and third readings—Fremantle-Owen's Anchorage Railway Bill: second and third readings—Agricultural Lands Purchase Act Amendment Bill: second and third readings—Appropriation Bill: first, second, and third readings—Sale of Liquors Act Amendment Bill: Assembly's Message *re* Council's Amendments—Circuit Courts Bill: Assembly's Message *re* Council's Amendments—Employment Brokers Bill: Assembly's Message *re* Council's Amendments—Railways Act, 1878, Amendment Bill: first, second, and third readings—Adjournment.

THE PRESIDENT took the Chair at 4.30 o'clock p.m.

PRAYERS.