

closed up to now, no injustice can be done by declaring that such closure shall be deemed lawful. 37. The words "request and" have been added to the proposed amendment of the Legislative Council for the purpose of insuring that no alteration shall be undertaken at the cost of the Minister, except where considered necessary by the Minister. 40. That where such a fence as is alluded to is maintained at the cost of the Government, the fact of such maintenance should be taken into consideration in assessing compensation for damage or severance. 41. The amendment sought by the Council might prevent the erection of temporary structures absolutely necessary to carrying out certain works.

Reasons adopted and a message accordingly returned to the Council.

ADJOURNMENT.

The House adjourned at 1-50 o'clock, a.m. (Wednesday), until the afternoon at 3 o'clock.

Legislative Council,

Wednesday, 17th December, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Western Australian Government Railways, alteration to Classification and Rate Book. 2, The Agricultural Lands Pur-

chase Act, 1896, Regulations in connection with Land Purchase Board. 3, The Land Act, 1898, Regulations restricting cutting of timber at Feysville and Burbanks. 4, The Roads Act, 1888, Colliery Road Board: amendment of By-law No. 15. 5, By-laws of the Broome Road Board. 6, The Cemeteries Act, 1897, By-laws of the Preston Public Cemetery.

Ordered: To lie on the table.

MOTION—MEDICAL AID, SOUTHERN DISTRICTS.

HON. C. A. PIESSE (South-East): I move that the House at its rising do adjourn until Tuesday next, and I make this motion for the purpose of drawing attention to a very important matter—the lack of medical aid along the Great Southern Railway. I hope the House will bear with me in bringing forward a question of such very serious moment, one affecting the very lives of the people. Only to-day another child died, the fourth within a few weeks, owing to the lack of medical aid. The liability to such misfortune exists from end to end of the Great Southern Railway, with the exception of Katanning, where a doctor is stationed. I say at once that that gentleman is a really good practitioner; but nevertheless he is quite unable to cope with medical requirements along the whole length of the railway. The Premier has been approached more than once in connection with this matter, with the result that last week he refused point blank to reopen negotiations. The hon. gentleman has passed the matter by as of no importance whatever. The settlers along the great Southern Railway have at the present time only one medical man between Albany and York—the doctor at Katanning, to whom I have previously referred. Thus it appears that over a distance of close on 270 miles only one medical man is to be found. Better provision, I maintain, is urgently necessary. Formerly, when the number of settlers along the railway was comparatively small, a doctor was stationed at Narrogin, and another at Beverley. The population between Beverley and Albany, omitting the residents in either town, amounts to between 7,000 and 8,000. The latest

estimate places the number at 9,000, but to be within the bounds of safety I put it down at 7,000. These people are not like the goldfields residents, who can combine to obtain medical aid. The settlers are so scattered that the formation of societies employing medical men is altogether out of the question. The great majority of the people I refer to have purchased from the Government, at a price of 10s. per acre, land which cost the State only 2s. per acre. From that point of view alone, these settlers have a strong claim for consideration: the State makes a good profit out of them. They are in no sense a burden, but help to advance the State and to return a handsome profit to the Treasury. I repeat, the lands purchased by these settlers at 10s. have cost the Government only 2s. per acre. No end of expense is incurred by the Government in sending experts to the Eastern States for the purpose of obtaining a knowledge of parasites so as to check disease in fruit, yet the Government leave the people helpless to fight disease, and they are of more importance than all the fruit in the world. This, I think, is a deplorable state of affairs. I would like to say before I sit down that something must be done. The Government must encourage the stationing of two or three medical officers along that great area, and by such means enable these people to feel a little secure. At the present time the expense is very great. A doctor goes 30 or 60 odd miles, and he charges in proportion to the time taken up. I have known the expense to be sometimes seven guineas and never less than five guineas. It is unfair to ask these people to bear a burden like this; people who are developing the country and who are going to be a source of revenue. I regard it as the bounden duty of the Government to see that their reasonable wants are provided for. The Government are spending over £8,000 on the Caves and £212,000 on the construction of works, and, after all, what I urge would involve but a small cost to the State. Before I sit down I would like to say there is a feeling abroad that the Medical Board as at present constituted are a standing block in the way of any new man coming to this State for the purpose of his profession. I cannot vouch for the truth of this statement,

but it is generally considered to be true. If such is the case, I trust the Government will see they are not a stumbling block in the way of any young man or any new man who chooses to settle down on his own account in any district. I have said sufficient to show that people have been treated in a shameful manner, and I believe the House will agree with me that something should be done to give them the medical aid they so sadly need.

HON. W. MALEY (South-East): I think Mr. Piesse deserves great credit for bringing this matter forward at this stage. It is about the last chance he will have this session to bring the matter before the House prominently, and I think he has taken a very wise course in moving the adjournment of the House to call special attention to the very urgent need for a medical officer on the Great Southern Railway. I cannot understand why the Government should have allowed the medical officer to be removed from Wagin and not have appointed another. I cannot understand why there should be no doctor in these districts on the Great Southern Railway which have hitherto enjoyed medical aid, and where the population is increasing and the demand is greater than ever it was. It is a scandal to the Government of this country, and instead of being an incentive to people to go and settle it will be a strong bar in the way of settlement on the Great Southern Railway if the Government do not at once appoint a medical officer. It will be some months after the prorogation, I presume next week, before we have a chance of debating these matters, and representing to the Government that it is a most unwise thing, considering the probability of people coming to this State to settle, the area of land we have at our disposal, and the wealth these people are bringing to the country directly and indirectly, to do anything to stop what is going on in the way of settlement. That is what the Government are doing, whether they are aware of it or not. If they are not aware of it, we must educate them, we must give them the information in this House. Members for agricultural provinces must do their share, and I am glad the esteemed hon. member here is leading the way. Persons engaged in agriculture

are subject to dangers with regard to machinery. Accidents frequently happen with chaff cutters, reapers and binders, well sinking, draining; and altogether in the agricultural industry there is as great liability to accident as there is in any other walk of life, not excluding the great mining industry. I am sorry that the Minister, he being so qualified, has to be asked to move in this matter, but he thoroughly understands what is wanted, and I think he knows that district very well. On the occasion of the Narrogin Show Mr. Piesse had great trouble, an accident happening to his son, who fell from a horse, and Mr. Piesse had to take him 30 miles and wait nearly the whole day until a doctor arrived. The hearts of the people bled for him and his child. It is not every person who can afford to drive 30 miles to get a doctor, and I think where a district is so scattered medical aid should be employed and paid for by the Crown. Taking a length of 200 miles, there should be a doctor every 30 miles. There is a hardship on a settler who has to drive in perhaps 30 miles before he reaches, not the doctor but a railway station, and then he has to travel 30 miles, or perhaps 100, before he can get medical aid.

THE MINISTER FOR LANDS (Hon. A. Jameson): I have every sympathy with the hon. member who has brought forward this motion, in so far as I fully recognise the great need for medical aid in the Southern Districts. This is a matter with which I am very conversant, and I have frequently been in the district referred to. I have urged that a medical man should, if possible, be sent down to Wagin, and also that we should have a medical man withdrawn from the Williams River and stationed at Narrogin, which would perhaps be more central. Certain difficulties have arisen in the way. I am always met by this, that the medical grant at the present time is a larger grant than is known in any other part of the British dominions per head of the population. Of course, it is a very large grant at the present time for so small a population, and it is not for me to contend against that argument. At the same time I very fully recognise that we are getting settlement in this country, and we must have medical aid in those parts and the districts where settlement

has taken place. If the hon. member will withdraw the motion, I shall again bring the matter before my colleagues as strongly as I possibly can to have medical men introduced into these districts. I fully recognise the great necessity for it. I should like at the same time to say I do not think the members of the Medical Board in this State are in any way preventing the registration of medical men. The medical profession now requires a long course of study, lasting five or six years; so that young medical men coming out to these districts expect somewhat larger remuneration than was formerly paid. Thus we have great difficulty in getting good men to settle down in these somewhat sparsely-populated districts. Of course the hon. member can easily see there must be difficulties, otherwise it would have been done some time ago; but I can assure the hon. member I shall use every endeavour to have the difficulties overcome, and will bring the matter before my colleagues as soon as possible, if the mover will kindly withdraw the motion.

HON. C. A. PIESSE: I have pleasure in withdrawing the motion.

Motion by leave withdrawn.

* FREMANTLE WATER SUPPLY.

EXPLANATION.

HON. M. L. MOSS (Minister): I would like to take the opportunity to make a personal explanation. The hon. the Minister for Works (Hon. C. H. Rason) spoke to me with reference to a statement I was supposed to have made in the form of an interjection, during a speech by the Hon. Mr. Brimage in moving the adoption of the report of the select committee on the Metropolitan Waterworks Board. I am reported to have said that the low cost of water from the bores at Fremantle in comparison with the charge by the Metropolitan Waterworks Board was due to the fact that prison labour was used.

HON. T. F. O. BRIMAGE: That was what you said.

HON. M. L. MOSS: The Minister for Works says there is no prison labour employed at all in any shape or form, either directly or indirectly, in the manner indicated.

FACTORIES AND SHOPS BILL.

TO REINSTATE AND REDUCE.

HON. J. W. HACKETT (South-West): I desire to ask the Minister for Lands (Hon. A. Jameson) whether steps will be taken by the Government to reinstate the clauses in the Factories and Shops Bill dealing with shops, and particularly the operation of early closing in regard to small shops.

THE MINISTER FOR LANDS (Hon. A. Jameson): I have some diffidence in bringing forward this matter, as members will remember perhaps that one of the strongest supporters of the amendments in the Shops Bill of last year was myself. I tried all I could to get the support of members to the very amendments which exist in the Bill to-day. I do not know that the minds of members have changed to the extent of supporting those amendments at the present time; therefore, unless I had some assurance from a considerable number of members that there would be some hope of the Bill being supported, I should not be at all prepared to bring in the second part again. I understand that the ruling of the President will be that we may bring in this; that it would not be contrary to our constitutional practice or Standing Orders.

THE PRESIDENT: *May* lays it down very distinctly:—

The proceedings of a committee on a Bill may be brought abruptly to a close, by an order "That the chairman do now leave the chair," or by a proof that a quorum is not present (see p. 223); in which case the chairman, being without instructions from the committee, makes no report to the House. A Bill disposed of in this manner disappears from the Order Book, though it can be revived by an order of the House (see p. 250). When a committee on a Bill is revived, its proceedings are resumed at the point at which they were interrupted—having been valid and duly recorded in the minutes, until the chairman was directed to leave the chair.

THE MINISTER FOR LANDS: Therefore there would be no difficulty as far as constitutional practice is concerned, but undoubtedly if the Bill were brought in again I must be of opinion that the House would not be hasty in throwing out the whole measure and dealing only with that part which referred to shops. It seems to me almost a reflection on hon. members, but if I receive any assurance whatever that it is the desire of the House to reconsider the

measure I shall be the first to reintroduce the Bill. I do not think, however, that without some assurance of the kind I should be justified in again bringing the Bill before the House.

HON. J. W. HACKETT: On the point of order—because this is really more a point of order than anything else—am I to understand that the course would be this, that the Bill would be reinstated at the point at which the Chairman was asked to leave the Chair, and that if the House still maintains its attitude of opposition to the factory part of the Bill, the clauses constituting that part would be struck out, and so much of the shops clauses as in the opinion of the House is wise would be passed?

THE PRESIDENT: I take it that it would be competent for the Minister to adopt that course. The House, by the divisions which have taken place, has shown that it is opposed to the factory portion of the Bill; but it is competent for the Minister to reintroduce the early-closing part of the Bill.

HON. J. W. HACKETT: Would it be in order for me to give notice that the Bill be reinstated?

THE PRESIDENT: Only the Minister in charge of the measure can do that.

HON. J. W. HACKETT: I thought possibly that some expression of opinion might be given by the Minister as to this.

THE PRESIDENT: The Minister must give notice of motion to reintroduce the Bill. Every member must have notice of such an important motion, for it would be wrong to spring a matter of that kind on the House. Moreover *May* distinctly says that a Bill can be reintroduced only on due notice given. The Minister may give notice to-day for such a motion to be made to-morrow.

THE MINISTER FOR LANDS: There is not time.

HON. J. W. HACKETT: At all events, an attempt might be made. I trust the Minister will see his way to give notice of motion. I understand that if the motion be passed, we may at once proceed with the measure.

THE PRESIDENT: Yes.

THE MINISTER FOR LANDS: By leave, I now give notice that I shall move to-morrow that the Factories and Shops Bill be restored to the Notice Paper.

STANDING ORDERS SUSPENSION.

On the motion by Hon M. L. Moss. Standing Orders suspended to allow of messages from the Assembly relative to the Dividend Duties Bill and the Public Works Bill being considered to-day.

QUESTION—LAND SURVEYS, ARREARS.

HON. C. A. PIESSE asked the Minister for Lands: 1, If the Government is aware that surveys in connection with land settlement are considerably in arrears, and that settlers are much inconvenienced through this vexatious delay. 2, If it is intended to put extra surveyors on to meet the difficulty.

THE MINISTER FOR LANDS replied: 1, The arrears are not excessive, save in cases of isolated selections, and efforts are being made to lessen any inconvenience experienced. 2; Extra surveyors have recently been given employment, and others will be employed if circumstances warrant it.

MOTION—POISON LEASE, EXCHANGE FOR FREEHOLD.

OCCIDENTAL SYNDICATE.

HON C. A. PIESSE moved :—

1, That in the opinion of this House the recent granting in fee simple (by way of exchange) of 111,262 acres of land in the Williams District to the Occidental Syndicate, Limited, of London, is in direct opposition to the spirit of the Land Act, and detrimental to the best interests of this State. 2, That this House farther considers that transactions in land, involving the alienation of large areas, should first receive the sanction of Parliament. He said: I trust hon. members will pardon me if I take up a little time over this matter, which is of great and pressing importance to the State. Hon. members will observe that the motion affirms that the Occidental Syndicate, Limited, of London, has recently been granted the fee simple, by way of exchange, of 111,262 acres of land in the Williams District. The land exchanged, I may observe, was situated in the Mundaring Catchment area, and was held under poison lease. I desire to call attention to the conditions under which the land exchanged was originally acquired. It was taken up under an old regulation at the time when no Land Act was in existence. Regulations were framed by the Governor-in-Council. The particular

regulation I refer to permitted the taking up of large areas of poison lands. Shortly after the gazetting of that regulation, the Land Corporation of Western Australia, Limited, took up poison land to the extent of 1,110,000 acres, I believe—at all events, an enormous area. The conditions under which the corporation held the land were that a rental of £1 per thousand acres should be paid for a period of 21 years, and that the improvements to be effected must be of such a nature that the Government of the day should be satisfied that the land could safely carry stock for three years in succession. Those conditions, hon. members will note, were to be complied with before a title could be granted. It is a matter of common knowledge that the corporation in no way attempted to make improvements. On the other hand, we find that its members went on the London market to dispose of the land. I have been threatened with legal proceedings in connection with this very matter for asserting that the statement of the conditions under which the land was disposed of was misleading and calculated to do great injury not only to this State but to purchasers. So successful was the corporation that within six months of acquiring the land it disposed of a sufficient area to pay a 43 per cent. dividend on its capital. I must give members an idea of the kind of people we are dealing with. About eight years ago, soon after I entered Parliament I thought it my duty to draw the attention of the Government of the day to the manner in which this company was acting with the land, and I showed that it was disposing of land under conditions I had no hesitation in calling misleading. The Government of the day, after debate, promised that it should be shown no mercy. Instead of this, we find that the company, although warned of the danger it was running through nonimprovement, did not in any way improve the land. I notice that recently the Hon. W. Maley asked certain questions with reference to the particular land held by the Land Corporation of W.A., and he was informed by the Minister that the land had been transferred to John Paddon on the 25th day of May, 1901, and retransferred on the same day to the Occidental Syndicate of London. I desire at this point to draw

the attention of members to the fact that although the land was only transferred on the 25th May, 1901, we find in the correspondence now on the table of the House that one Reuben Bayley, under date of 1st May, had written on behalf of the Occidental Syndicate asking that certain land be transferred to them in fee simple for the land they held in the Mundaring area. I particularly wish to impress upon members the fact that this letter is dated 24 days before the actual transfer of the land to either John Paddon or the Occidental Syndicate. The letter from Reuben Bayley stated among other things that the acreage which they required to exchange was 138,391 acres for an equal area in fee simple elsewhere. He even went so far as to suggest an alteration of Section 5 of the Lands Act to meet the case. The then Minister for Lands, Hon. C. Sommers, brought the matter before this House, and we were blindly led into the passing of the amendment as required by Reuben Bayley. We find that on May 1st the Under Secretary instructed the Chief Inspector of Lands to prepare plans and report upon the matter. On the 24th May we find the Chief Inspector of Lands calling for particulars, and recommending in his report that 26,280 acres of land be given in exchange for the 131,400 acres that the syndicate desired to surrender. The Chief Inspector pointed out that they had only two years and a half to do the improvements in, and they could not be done in the time to make the land fit to carry sheep. Under date 29th May, 1901, the matter was for the first time placed before the Minister. The Under Secretary ignored the suggestions of the Chief Inspector of Lands, and suggested that half an acre be given in fee simple for every acre surrendered. The Company's agent, Nicholson, who had been appointed by Reuben Bayley, threatened withdrawal of the offer and proposed that fresh arrangements be made whereby the surrender of 272,500 acres held under poison lease at Mundaring by the company should be given in exchange for 272,500 acres held elsewhere. At this period we find a letter from the late Engineer-in-Chief, Mr. C. Y. O'Connor, asking for information on various matters connected with the land, and wanting to

know what the area of the other land was that the company sought to get the freehold of without fulfilment of the obligations. Why I would draw attention to this letter is that we find even men outside the Lands Department drawing attention to the need of the fulfilment of the conditions of improvement. Under date 17th July of the same year a minute paper was prepared for the Executive Council signed by the Minister for Lands, Hon. C. Sommers, recommending an exchange of 83,000 acres in fee simple for 168,391 acres surrendered. There is no correspondence to show why this area was limited in both instances. The clerk of the Executive Council attached a minute stating that this paper was withheld pending parliamentary approval being obtained of the alteration in the Land Act. At a later date, the 20th February, 1901, Nicholson, the agent for the company, again wrote stating that the arrangement with the Government was as follows :—"The lessees to throw up the whole 120,000 acres in the catchment area, receiving in return the freehold of 92,000 acres elsewhere." There is no correspondence to show how these figures were arrived at, however. I would like to draw the attention of members to the fact that on this point we find Mr. A. E. Morgans, M.L.A., who was then Premier and Acting Minister for Lands, approving of certain fines being waived in connection with this land, and also we find another minute prepared for the Cabinet under this Ministry approving of the exchange, which was unsigned. I draw attention to this especially to show that this matter had passed through the hands of three different Governments. On the 24th April, 1902, a fresh claim was put in by Nicholson, asking for 22,935 acres of land extra in exchange for 18,712 acres held under poison lease by Mr. D. Morton Tweedie, situated in the catchment area; also making a claim on Mrs. M. J. Paterson's behalf for 6,883 acres in fee simple for lands held by that lady under poison lease inside the catchment area. We find finally a Cabinet minute prepared on the 5th July, 1902, and duly approved of granting the Occidental Company 111,262 acres. I may mention for the information of members that I was successful in preventing the repayment to this company of £116 10s. as a

rebate on rents—the Under Secretary for Lands recommended the repayment—thereby saving so much to the revenue. I find the correspondence in connection with this matter ended on the date when my questions with reference to this matter were answered, namely on the 10th December last. A letter from the Premier under that date drew attention to the fact that nothing was said with reference to improvements. I think the whole matter discloses a regrettable state of affairs. The Government ought to have taken advantage of Section 9 of the Lands Act and settled the matter on the conditions stated therein. I ask the House to support me with the object of preventing farther transactions of this kind. The point I want to emphasise is that the conditions must be the same. I call attention to the necessity for so amending the Land Act as to deprive the Minister of power to grant any transfer which does not provide that improvements shall be performed within a reasonable time. The Land Corporation of Western Australia had done nothing with its lands for 14 or 15 years, when the Occidental Syndicate appeared on the scene with a request for an extension. In such circumstances, if improvements are not performed within a reasonable time—which time should be fixed by Act of Parliament—the second holder is always in a position to urge, “I have shown my *bona fides*; I intend to make improvements, and therefore I ought to be granted an extension of time.” No title whatever should be granted until improvements have been effected. I trust we have heard the last of transactions of this kind. The Government, in my opinion, have shown great weakness right through the piece. I trust the House will support both paragraphs of my motion.

HON. W. MALEY (South-East): The mover has put this matter so ably and clearly, and has dealt with it so fully that little remains for me to say. This afternoon I looked through the papers which were laid on the table of the House recently. I thought that I knew a good deal about the inner workings of the Lands Department, and that I was sufficiently well informed to affirm that the department is run on lines which are highly improper; but I can now say positively that the evidence contained in

these papers justifies this House in at once appointing a select committee or a royal commission to inquire into the working of the department. Mr. Piesse has referred to the methods adopted by a former Minister for Lands in securing the adoption of certain amendments in an Act of Parliament which it was his duty as a Minister of the Crown to hold inviolate for the protection of the public estate. It appears that those amendments were made for the express purpose of giving the people mentioned in this motion the concession referred to. I shall quote from the papers one or two extracts which speak for themselves. On the 29th July, Mr. Sommers minutes the Under Secretary for Lands—

Can you let me have all the proposed amendments early, so that I can introduce the Bill in the Council on the 7th August?

This refers to the year 1901. Then we find Mr. Nicholson at the door of the Minister's office on the 30th August with a well-timed letter, requesting a definite reply, three days after the date when the Minister was to have introduced certain amendments. On the 19th August of last year, between the date of Mr. Sommers's minute and of Mr. Nicholson's calling at the office, the Under Secretary for Lands writes to the Under Secretary for Works—

A Bill has been prepared, and I hope will become law at an early date.

In passing, I may observe that I do not know whether it is the duty of an Under Secretary to express a hope that a certain Bill will become law, and whether it is his duty to press matters forward unduly in the interests of certain people endeavouring to exploit—no other word can be used—this country in the interests of capitalists abroad. One of the names mentioned is that of a well-known Adelaide land agent, who will profit by the transaction; the other is understood to be interested in company promotion in England. On the 5th September, 1901, there appears a typewritten letter from the Under Secretary for Lands granting the area applied for, but that letter was not sent, because the Bill had not gone through. Just about that time I gave notice of certain questions with regard to these particular areas. I cannot fix the date when notice was given, but the questions were answered on the 1st

October, 1901. On the 10th September, Mr. Nicholson called at the Minister's office, but the Minister then dropped the thing like a hot potato.

HON. J. W. HACKETT: Who was the Minister?

HON. W. MALEY: Mr. Sommers. There is a minute on the docket stating that Mr. Sommers could do nothing for Mr. Nicholson, and had declined an interview of even five minutes. Nothing more is done until February, when the syndicate, apparently believing that it had a friend at court, thought that some means might be devised for working the thing, and therefore made another effort. Negotiations were renewed on the 20th February, 1902, with the assistance of the department. I think members will agree with me that the department has been very easily operated upon. On the 2nd July, 1902, we have a letter from the Under Secretary for Lands, in which he says that—

The present owners of the leases in question are, in other parts, vigorously carrying on the work of eradicating the poison, and otherwise complying with the conditions which will entitle them to the Crown grants, and therefore there is no reason to suppose that they cannot or will not do the same on these leases in the area.

We had it stated in October that no improvements had been done. How can poison be eradicated or anything done between October and July, unless it is done by bush fires? And I think members who know anything about poison lands would not allow for a moment that the absence of poison after a bush fire would be any security for putting sheep on that property after the first rain.

[MEMBER: They might put pigs on.] Pigs may thrive on poison land, but they are the only animals, I think, that do. I do not wish to blame anyone particularly, but I blame the department. Notwithstanding what has been done in this House, and the regulations and the contracts that were entered into, the present Minister or the present Government, with their eyes open, have done this thing, and they have done it to the injury and detriment of this country; and if they stay in power for another five years, in my opinion they will not recover the damage they have done in this particular way by granting this land without improvements.

HON. C. E. DEMPSTER (South): I support the motion before the House. In my opinion it is a most unsatisfactory and humiliating state of affairs to think the Government of the day should have absolutely given away such property to the extent of 111,262 acres for nothing at all. I contend there is no possibility of the company which held that poison lease being able to complete all the conditions in force. They were not only to have the whole of the poison eradicated from that land within three years of the granting of the lease, but they were to put stock upon the land, and the land was to be fenced. I think the lease had only 2½ years to run before it expired, therefore it was utterly impossible for that company to complete the provisions required under the regulations, so it had no claim whatever, and the Government could have resumed the land if they had required it without giving any concession at all. For them to act in the way they have done discloses, I think, a very wrong state of affairs, and if a Ministry can deal in this way with the property of the State without bringing it before Parliament, I think Parliament may as well be dismissed altogether, because it is perfectly useless. This is an enormous extent of land, being almost a principality, and it has been given away for nothing whatever. They had no right to it whatever. The company could not have acquired a single acre of land unless they completed the conditions under the regulations, yet we find the Minister of the day—I am glad those in power now had nothing to do with it—was so regardless of the interests of the State as to give that quantity of land away for nothing. This is a matter which I am sure ought to be brought before the country to prevent anything of the kind occurring again.

HON. R. G. BURGESS (East): I agree with the steps the Hon. Mr. Piesse is taking in regard to this matter, and with the remarks that have fallen from other members. This must show a bad state of affairs in the working of the Lands Department. I have read up all the papers. They are not quite fresh in my memory just now, but so far as I can see the department have taken no trouble at all to get a report upon the land. In fact, throughout the whole correspon-

dence there is only a report from the Chief Inspector, and that is only a very short report. It seems that previous to and since, in the correspondence that has been going on there have been no reliable reports made by the department at all, either coming to the notice of the Under Secretary or the late Minister or the present Minister for Lands. It has been mooted outside that some of the forest inspectors and others made reports. It seems a most extraordinary thing for the Government to give away this enormous quantity of land without getting any report or finding out whether these men were doing any good or carrying out their engagements to the country at all. Not only that, but we find that anyone else who takes up land in this State has inspectors running after him every day. Unless land applied for is all poison land, one does not get a lease of it. Some of these outside syndicates—we do not know why—come forward, and just because this land has been included in the catchment area of the Coolgardie Water Scheme—and there could have been no immediate hurry—these men, we find from the correspondence laid on the table, have taken up this matter and urged it on. We must blame the Ministers over this department for it wholly and solely, because they are responsible. If they have not reports in the department, surely the thing could have been laid aside for a day or two or a week or two. The position of the catchment area could be reached from Perth in an hour or two, and surely they could have had time to send one of their inspectors to report; but we have had no such reports. As I have said before, there is only one report all through the correspondence laid on the table of this House with reference to the matter, and it is as short as it can be. I do not know that I need take up the time of the House. I am not prepared to go into this the same as Mr. Piesse or Dr. Jameson. I think it is for this House to take the matter up and show that it is a stimulus for an amendment of the Land Act. Last year this House protested against the Government having power to give long leases. We sent the matter to the other House, which sent it back, but we did not give in. I am very glad we did not. It shows the necessity

of not allowing too much power to inexperienced people getting into office to give away enormous tracts of country in a good climate where there is large settlement going on. There is more settlement going on in the southern districts than in any other place in the country. The land there is not only suitable for agricultural and pastoral purposes, but particularly for mixed farming. Men can be certain of growing their crops when they get the poison out of the ground, and they can keep stock and also have payable orchards. This very block of country would really mean the establishment of two or three towns in a very few years. We cannot afford to give away our good land in this portion of the country in the southern parts where there is a splendid climate. We cannot afford to give away blocks like this; in fact we cannot afford to give away any blocks. We have an immense area, but a large portion of it is not going to carry a dense population. After we get a certain distance north and a certain distance east, where there is a small rainfall, we are not going to get a large population to settle on the land. No one can live upon that, and people come to this rich country on the Great Southern Railway, east and west, where there is a good climate and rainfall. What has occurred shows the necessity of Parliament insisting, on behalf of the people, on the principle embodied in this part of the motion, "That this House therefore considers that transactions in land involving alienation of large areas should first receive the sanction of Parliament." Parliament should be consulted at any rate, so that we should have some correspondence laid upon the table, and the sense of Parliament should be obtained before final arrangements are completed. The same thing has cropped up in connection with several other matters not alluded to in this debate. I fully approve of Mr. Piesse's action in the matter. In the performance of our duty to the people, we are bound to see that large transactions in land receive the prior approval of Parliament.

THE MINISTER FOR LANDS (Hon. A. Jameson): I desire to put the position as it appears to me before the House in a few words. Mr. Piesse has already pointed out that this matter cropped up

before I took office. At the same time, I must take a certain degree of responsibility to myself in the matter, since I observe that a Cabinet minute in connection with it was signed by myself as lately as July, 1902. That minute had reference to the granting of the fee simple of 111,262 acres of poison lease held by the company in exchange for 166,894 acres held under lease by the same company. The whole question really resolves itself into this: was the action of the Government taken in the public interest, or was it not? Under Section 5 of the Land Act, the Governor may grant any Crown land in exchange for any land alienated in fee simple, if it shall appear to him that to do so is in the public interest.

HON. R. G. BURGESS: This was not fee simple land.

THE MINISTER FOR LANDS: That section was amended in 1901. The amendment, which was made during Mr. Sommers's term of office, enabled this exchange to be carried out. Undoubtedly, the exchange is perfectly regular under the Act. The consideration now arises, shall we take from the Government this power and re-vest it in Parliament? After all, the first question raised by the motion is purely one of law, one to be dealt with by the Crown Law Department rather than by the Lands Department. I know that our late Premier gave anxious consideration to the matter, and spent some considerable time over it. The decision was not arrived at hastily. Mr. Leake went thoroughly into the question before any action was taken. Messrs. Stone & Burt addressed the following letter to the Director of Public Works:—

Our clients, the Occidental Syndicate, Limited, notice that you have published certain by-laws under the Coolgardie Goldfields Water Supply Construction Act, 1898, which purport to affect the property of the syndicate held under poison lease in the area to which the by-laws apply. You cannot but be aware that the enforcement of the by-laws would really amount to the dispossession of our clients. We are instructed therefore to protest against these by-laws and any interference whatever with our client company's rights. If the syndicate were to observe the by-laws we do not know what possible use they could make of their property. The intention is, shortly, to depasture the same with stock of all sorts, including possibly sheep, cattle, and pigs, and they will certainly re-

quire the use of the water flowing in the natural channels on the property, and to dig wells, etc. It seems to us that this is another attempt to set up a dual ownership. The Crown having already granted to the syndicate, or their predecessors in title, certain rights to those lands, the owners are apparently now to be ignored and the property virtually resumed without compensation for other purposes. This our clients intend to contest in every possible way.

HON. J. W. HACKETT: A very good lawyer's letter!

HON. C. A. PIESSE: What is the date of the letter?

THE MINISTER FOR LANDS: The 21st May, 1901.

HON. C. A. PIESSE: I wish to draw the attention of members to the fact that the date is three days before the fee simple was granted.

THE MINISTER FOR LANDS: The matter was most carefully considered by the Crown Law authorities; and although members are blaming the Lands Department severely, the fact remains that the matter in large measure passed out of the hands of that department. The question for decision was whether in the public interest the case should be fought or an exchange should be made, which exchange I claim appears in many respects to be most reasonable. No doubt it would have been better not to grant so large an area of land. Still, there is the position: these people gave up 166,894 acres, and the Government gave in return 111,262 acres, which latter area was held by the company under lease.

HON. J. W. HACKETT: What exactly were the rights the syndicate had?

THE MINISTER FOR LANDS: This is an old concession, and I do not know exactly what the rights were. The matter had really gone on for so long a period prior to the formation of the first Leake Government that I cannot give information as to the rights.

HON. J. W. HACKETT: Those rights are the hinge of the question.

THE MINISTER FOR LANDS: The hinge of the question is really the opinion of the Attorney General. In connection with an abstruse legal question such as this, neither this House nor any other House can possibly decide on the merits of the case. The matter must be referred to some legal authority, and there can be no question that the

Attorney General of the day is the best authority on such a matter. From my own action in this matter it will be seen that such was the view I took. It may be said that I shelved the matter; but it was not a question for me to decide—being one of law, it was referred by me to the Attorney General. Someone must decide these difficult and abstruse questions of law: certainly, they cannot be decided by the House. Members as a whole can decide only as to policy. These people held rights over the catchment area of the Coolgardie Water Scheme. They might have polluted the supply and so have rendered the reservoir useless. In that event the Government would have been compelled to resume the land at considerable expense, or else enter on a lawsuit.

HON. J. W. HACKETT: The whole question turns on the syndicate's rights. You do not answer the question what those rights were.

THE MINISTER FOR LANDS: In my humble opinion, it is not the business of the House to consider what the syndicate's rights were. The question is one of law, to be decided by the Attorney General. I do not know how a House can go into details of rights involving complex questions of law. If that course were adopted, the work of the House would never be done; and surely sessions are long enough already.

HON. J. W. HACKETT: Are we not entitled to a statement of the syndicate's rights?

THE MINISTER FOR LANDS: Such a statement ought to have been demanded by motion, so that it might be drawn up by a legal authority. To ask a Minister for Lands to make a statement of legal rights, particularly from a large file of papers such as this, is utterly monstrous.

HON. J. W. HACKETT: The whole argument is based on the syndicate's rights, and you should have come prepared to state those rights.

THE MINISTER FOR LANDS: The question of those rights has been before the Attorney General, and the only question now before the House is whether we shall form our own opinion or accept that of the Attorney General on a question of law. Are the members of such a House as this to form an opinion of their own on a legal technicality, or shall they

accept the opinion of the Attorney General? It has not been maintained for a single moment that the exchange was not legal under the Act. I do not claim to be thoroughly well up in the papers, because it is six months since I have gone through them; but I recollect that a very careful perusal of them led me to exactly the same opinion as Mr. Sommers and the Attorney General arrived at. Indeed, other members of the first Leake Government and members of Mr. Morgans's Government came to the same conclusion. I may add that I was led to my conclusion by an examination perhaps more careful than Mr. Piesse has been able to make. The object of the exchange was most desirable, and the exchange was not hurriedly effected. It is quite correct that the demand was a hurried one, but I recollect that when I was an honorary Minister in the first Leake Government the question came before Cabinet, and that the then Premier said the matter must stand over, as he had not made up his mind what course to pursue. The late Mr. Leake was in constant conference with Messrs. Stone and Burt, the syndicate's solicitors, and the matter was carefully gone into. At last it was decided in the interests of the State to do what has been done. The question now is whether the right which has been exercised in this case shall be taken from the Government and again vested in Parliament. The latter decision will involve certain amendments of the law. I understand the desire of the mover is that farther transactions affecting alienation of large areas shall receive the prior sanction of Parliament. Of course it is difficult to know precisely what is meant by "large areas," and the meaning of that expression will have to be defined so as to indicate up to what point the Government may effect exchanges in the public interests and at what point such matters must come before Parliament. I may remark that the syndicate has obtained its 111,000 odd acres, and that the Chief Inspector of Lands informs me that the syndicate is now engaged in improving an area of 56,000 acres. A guarantee of *bona fides* in this matter is found in the circumstance that the syndicate has already so dealt with other lands that it has been able to obtain Crown grants. There

should be some guarantee that people are going to use land properly, and that the land should not merely be allowed to lie unused. I hope members will hardly support the motion of the hon. member. It seems to me that it is still desirable in the interests of the State that the Government should have power to decide questions such as this.

HON. J. W. HACKETT (South-West): I wish to make this one remark. The whole matter seems to me a question of what rights the original applicants had over this land. My hon. friend Mr. Piesse has given excellent reasons for believing they had no rights whatever; that any rights they might have obtained in the first instance did not mature, but on the contrary had been forfeited, and that they had no more right to the land than Dr. Jameson or myself. The Minister for Lands argues that this House is not to be a judge of law. We do not want to be a judge of law, but we want one shred of evidence on which Mr. Leake based the opinion, or a statement by Mr. Leake in reference to it. We would have been satisfied with that. The whole argument of the hon. gentleman was that if we did not accede to the application of the Occidental Syndicate we should be interfering with rights. The answer given to the question on December 3rd contained the following:—

Before the exchange was effected certain by-laws affecting the catchment area were gazetted which rendered it practically impossible for the poison lessees within the area to carry out the conditions of their leases without infringing the by-laws. The enforcement of these by-laws would have given the syndicate a cause of action against the Government.

He made a statement there he ought not to have made unless he had evidence of its accuracy or otherwise. If it is true, the hon. gentleman knows why he made it; if untrue, the hon. gentleman ought to explain and apologise to the House.

THE MINISTER FOR LANDS (in explanation): It is an extraordinary thing to be asked to apologise in this matter. This is the opinion of the Attorney General. Members can understand that in a vast business such as the Lands, it is utterly impossible for the Minister to know all the rights, titles, and holdings of all these little people throughout the State; especially an old title.

This is an old title. These matters must be decided by the legal department, and when such question arises it goes over to the Crown Law Department for them to decide. To ask me upon what they decide is too absurd. If anybody wants to know how the previous Attorney General came to his opinion, I shall be able to get the papers. I do not suppose any Minister carries these matters in his head. It does not appear in these files. I cannot find it. This is a somewhat old title, which has to be dealt with very carefully. I think the hon. member asks me too much. I will be very glad to apologise to this House if I misrepresented anything to it; but I do not think that any apology is due for anything I have said this afternoon.

HON. J. W. HACKETT: I think the hon. gentleman has trespassed a little on the license usually given to a member to explain.

THE MINISTER FOR LANDS: I did not speak more than two minutes.

HON. J. W. HACKETT: The hon. member has said nothing but what he said before. What I desire to point out is this there were either rights belonging to this syndicate or there were no rights. The Minister for Lands has insisted that there were rights. We ask him what those rights are, and he tells us it is a question for the Attorney General and not for him. I beg to point out that first of all a question was asked in this House in which the Minister for Lands is representative of the Government; therefore on that ground alone we were entitled to information. Secondly, the whole point turns upon that question. If the hon. member had come down here prepared to give a satisfactory explanation and to reply to Mr. Piesse's motion, he should have furnished information on what is the cardinal and crucial point of the whole question. The matter did not occur in the Law Department, but in the department over which the hon. gentleman himself presides, and with which he ought in any case to be familiar, and with which he ought to be doubly familiar on points he comes to the House to explain. A more serious case of either rank jobbery or absolute indifference on the part of the Crown Lands Department has never come before me, I think, during my long residence in this country.

I must say that the whole matter is in a most unsatisfactory condition, and unless something very different from the reply the hon. member has given to us is furnished to both Houses of Parliament—for I trust it will not be left to this House alone to advocate the rights of the country—unless some very different reply is given to the country, we shall all, when the session breaks up, leave our seats with the belief that there is no department in the State that is in need of such a thorough purging as the Lands Department.

HON. C. A. PIESSE (in reply): There is one point which arises. Large areas of land held by the syndicate were as long ago as 1900 absolutely forfeited through nonpayment of rent.

POINT OF PROCEDURE.

Suggestion having been made that the motion should be divided, the Hon. M. L. Moss rose to a point of order, and urged that the motion was a comprehensive one which should be put as a whole.

HON. J. W. HACKETT wished the motion to be divided.

HON. A. G. JENKINS moved, and the Hon. W. T. LOTON seconded, that the motion be divided.

THE PRESIDENT: The Council could order a complicated question to be divided.

HON. M. L. MOSS: The motion had been discussed as one comprehensive motion.

THE PRESIDENT: On this question it was for the House to decide. It had been moved and seconded that the question be divided.

HON. M. L. MOSS: It would be competent for him to dispute that ruling. It was only necessary to divide a motion of this kind for the purpose of having it properly discussed. He could not see that it was competent to divide a motion when the discussion had been upon the whole of it and the mover had replied. It would be evident the reason Dr. Hackett wanted the motion divided was that the second paragraph of the motion urged that Parliament should be asked to concur in a resolution that these matters should be referred to Parliament: the Land Act said something different, namely that they were to be settled by the Governor. He presumed that Dr. Hackett wanted to vote for one part and

against the other. The debate had been taken upon the whole motion as a comprehensive matter.

HON. J. W. HACKETT: It was a matter for the House.

THE PRESIDENT: It was a matter for the House. The House was master of its own proceedings. The House, if it liked, could suspend the Standing Orders. It had adopted that course this evening in order to deal with certain questions.

Resolved—That the parts be put separately.

Part 1—passed.

Part 2—passed.

At 6:27, the PRESIDENT left the Chair.

At 7:30, Chair resumed.

FISHERIES ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson): In moving the second reading of this Bill, I have simply to point out that it proposes an amendment of the Fisheries Act, 1899, in so far as regards the interpretation of the term "Western Australian waters." The interpretation given by the existing Act reads:—

"Western Australian waters," not exempted by proclamation from the operation of this Act, and includes every brook, creek, river, or stream of water, lake, or lagoon, whether salt or fresh, and every estuary and arm of the sea, and the sea to three miles from high-water mark.

The question has arisen whether that definition applies to lands other than Crown lands. In order that the matter may be made perfectly clear, the following definition of "Western Australian waters" is proposed:—

The words "Western Australian waters" include every tidal river, and every estuary or arm of the sea, and the sea to three miles from high-water mark, and the waters of every river, stream, brook, creek, lake, or lagoon which at any time of the year have access to the sea, and notwithstanding that the land covered by the water is private land alienated by the Crown; but any waters may be exempted, by proclamation, from the operation of this Act.

The object of the amendment is simply to provide that all waters connected with the sea, all waters into which fish can pass from the sea, shall be regarded as Western Australian waters under the

Fisheries Act. The definition does not include waters which are land-locked, and into which fish cannot pass from the sea. If such waters are private waters, it would be considered that the fish belonged to the owner of the land, and that he might do as he thought fit with them. The amendment makes it perfectly clear that the definition shall refer only to waters which are tidal, and which may, therefore, be furnished with fish from the sea. It is thought reasonable that fish in all such waters shall belong to the people, and shall not be claimed by private individuals who may happen to own land adjacent to a river or even the bed of the river over which the fish pass. It seems to me that the difficulty is entirely overcome in this way, and I hope members will see their way to support the second reading.

HON. R. G. BURGESS (East): Before this Bill is passed I have to offer a few remarks. From the Minister's explanation one would suppose that the measure affected only tidal rivers; but it goes much farther, and applies to every river and stream running into the sea. Measures of this kind ought not to be passed without due consideration of their effect. Most rivers of this State run into the sea. Many of them flow only after heavy rains, consisting during the greater part of the year only of chains of pools—the Avon is an instance. The bed of the river is to be taken entirely out of the control of the owner. I do not see that any other construction can be placed on the Bill, notwithstanding the Minister's statement. Clause 2 is explicit enough. Any river and the bed of any river are included under the definition; and the public can claim the right to go all over the beds of rivers, no matter where the water may run. I ask the Minister to give a more reasonable explanation than he has so far tendered, and not attempt to pass this Bill practically without saying a word about it.

HON. E. M. CLARKE (South-West): I hail with delight the introduction of this Bill. I was born in this State, and have lived in it all my life; and, unfortunately, I was born with that abominable propensity to kill or catch. I realise painfully that fish and game which existed years ago are now almost a matter of ancient history. It is quite clear that

unless some measures are taken to preserve fish and game they will very soon disappear altogether. I am not speaking without my book. The estuary at Bunbury, which used to be frequented by great quantities of fish, out of which in former days the fish could be yanked with almost anything—one could catch fish of all sorts, sizes, and conditions—is becoming depleted. At the present time all measures for preservation of fish are absolutely a dead letter. In two cases convictions have been secured within the last few months; but it is only natural to suppose that those two cases indicate that poaching has been carried on in many other instances. If some just measure can be devised whereby fish may be preserved, whereby they may be allowed time to breed, I shall give it my hearty support. So far as Mr. Burgess is concerned, there may be something—

HON. R. G. BURGESS: I am not concerned in the matter at all, except for the public.

HON. E. M. CLARKE: I admire the hon. member's abundant caution, being cautious myself. The argument used by the hon. member has something in it. The Bill, however, does not contemplate the resumption of land, or anything of the kind. It simply amounts to this, that in respect of water flowing over private lands the Crown claims the right to say that no fish shall be killed at certain seasons of the year. Such I take to be the intention of the measure. I do not think that the clause will bear the construction placed on it by Mr. Burgess. I take it that in respect of any creek or any lake connected with a stream which flows directly into the sea, and by means of which, therefore, the fish following the flow of water can reach private land, the Government wish to be in a position to declare that, although the water overflows my field, neither I or anyone else shall destroy the fish. This is the reasonable construction of Clause 2. The Bill has my hearty support.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of 63 Vict., No. 47, Sec. 2:

HON. R. G. BURGESS asked for an answer to the points raised in his speech. Evidently the public would obtain rights over all river-beds.

HON. M. L. MOSS: The Bill did not confer any such rights.

HON. R. G. BURGESS: The Bill would give the public a right to such lands as were in the winter covered with water. On these, strange cattle might trespass, and if bogged or drowned in the river the riparian owner would be put to expense in removing the carcasses.

THE MINISTER FOR LANDS: This was a definition of "West Australian waters"—streams, lakes, lagoons, etc. If there was any water included which the hon. member thought was not a West Australian water, his objection would be considered.

HON. R. G. BURGESS: The definition would give the public rights over all waters that had access to the sea. Instead of proclaiming the waters to which the Act should apply, it was actually proposed to make it apply throughout the State and to exempt limited areas by proclamation, contrary to the practice in all other Acts.

THE MINISTER FOR LANDS: The amendment was much less stringent than the present definition of "West Australian water," which included every brook, creek, river, stream, lake, or lagoon, salt or fresh, and every arm of the sea, and the sea to within three miles of high water mark. The new definition would apply only to waters which had access to the sea.

HON. R. G. BURGESS: That covered much.

HON. M. L. MOSS: The hon. member need have no fear that the Bill would interfere with any rights of property. The object was that proclamations issued under the Fisheries Act should extend not only to water not abutting on private lands but to all waters which had access to the sea, so that for the benefit of the public the wholesale destruction of fish might be prevented.

HON. E. M. CLARKE: Apparently the clause would give the Crown absolute power to prevent fishing in the waters mentioned; but it would not give a private person the right to enter another man's paddock in order to kill fish. The Government might proclaim that at certain

times fish might be killed; but a land-owner had the right to prevent a stranger entering on his property to kill them.

Clause passed.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Standing Orders suspended.

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

COOLGARDIE GOLDFIELDS WATER SUPPLY BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson) in moving the second reading said: I think it is unnecessary for me to point out the simple objects of the Bill, seeing that everyone in this State is aware of the existence of the Coolgardie Water Scheme. The Coolgardie Water Scheme is now approaching completion, and, as we know, before long it will be an accomplished fact. But now comes the difficulty in regard to its administration. To make it a commercial success we shall have to earn a sum of £300,000 a year in order to cover the current cost of the scheme, and I understand this will require some 2½ million gallons per day to be used at a cost of 6s. 6d. per thousand gallons. I merely bring forward these figures to show how immense the responsibility must be to carry on such a scheme as this. The administration will be extremely difficult, and it will require able men devoting a great deal of attention to this object. Upon the administration everything depends as to whether the scheme is to be a success or not, and it is in introducing this Bill to-day we propose to find means for a sound and efficient administration of this great scheme. Members will find that Clause 3 in Part II., "administration," provides that "the Governor may appoint two persons who, with the Minister for Works for the time being, shall constitute a board by the name of the Goldfields Water Supply Board, for carrying this Act into execution." This is perhaps the most important clause of the Bill, as it is the whole basis upon which the administration has to be carried on. We should have a board of three persons including the Minister for Works,

who by a farther clause will be chairman of this board. Clause 7 provides that the Minister for Works shall be chairman of the board. The term of office will be three years. As to remuneration to members of the board, the engineer may receive a salary not exceeding £1,250 a year, and the other appointed member a salary not exceeding £750 a year. Members will find that under Clause 14 there is provision regarding tenure of office, the clause providing that the Governor may suspend an appointed member from his office. Of course it is very important that there should be such a clause, for, as I pointed out, the carrying on of this work will be one of very great responsibility. We want a stringent clause such as this, even to removal from office, should it be necessary to remove any member from the board. Clause 15 provides that "a member of the board suspended shall be restored to office if both Houses of Parliament within thirty days from the time when such statement has been laid before Parliament, declare by resolution that the said member ought to be restored to office." This is a right thoroughly well guarded, and I think there need be no fear in that direction. The Governor may under Clause 20, in Part III., by Order in Council "constitute and define the boundaries of a water area for the purpose of this Act," and from time to time he may alter the boundaries of the water area and divide the water area into districts and define the boundaries of districts. This of course is a very necessary provision. Under Clause 27 "the board may make and levy water rates in the manner hereinafter provided; and such rates may be made and levied in the water area generally or in any district thereof." Under Clause 28 the board may also, instead of making and levying a water rate, in any case sell and supply water by measure, the quantity consumed being ascertained by meter fixed on the land of the consumer or by any other prescribed means. Then of course the board will have ample power in regard to the rating, which I think members will admit is a very necessary provision indeed. Members will see that under Clause 38 the board may supply water by contract at prices approved by the board. Under Clause 39 the board may also

supply local authorities. Part V. deals with the protection of works and fittings and the prevention of waste. The whole of that part contains clauses which are purely machinery provisions for the carrying out of administration. Part VI. deals with water rates. Members will see the method adopted under Clause 52 for the valuation of land. The valuation of mines is an important provision. The clause says: "In estimating the annual or capital value of mines, no regard shall be had to the minerals therein or the mining machinery, whether fixed to the soil or not, or to buildings used exclusively for the housing of such machinery. The valuation shall be made on the assumption (if necessary to be made) that the subletting of the land is authorised by law." I think we have thoroughly gone into that rating question in a previous Bill. Members will see that under Clause 69 "a water rate shall not in any one year exceed two shillings in the pound on the annual rateable value of the land rated. But the board may make and levy a minimum rate of the prescribed amount upon any land the annual rate of which would not exceed one pound." The clauses in Part VII. deal with the payment of rates and for water supplied, and they are purely machinery clauses. Borrowing powers are dealt with in Part VIII. The important clause with regard to borrowing powers provides that the board may, with the approval of the Governor, borrow money for the construction of works for the distribution and supply of water within the water area and for any other purposes approved by the Governor. Clause 86 says that such money may be raised by the issue of debentures. This of course is giving the board very important powers. In carrying out such an important work as the work of administration of such a vast undertaking, very liberal powers must be granted to this board. We must have confidence in the board, and if members think the board has too great a power, they may remember that at all events a member of the Government will be the chairman of the board and will be responsible for looking after the interests of the country. I need not take up farther time in speaking on the Bill. Part X. contains machinery clauses for carrying out the administration of this

great work. I am sure the Bill will receive the very general support of every member of the House. I have much pleasure in moving the second reading.

HON. J. D. CONNOLLY (North-East): I only wish to make a few remarks on this Bill. As the Minister just now remarked, it is almost entirely a machinery Bill, and of course we know it is absolutely necessary that this measure should be brought in for the due carrying out of this scheme. But there is one thing I think is to be greatly regretted, and it is this. We have just been told by the Minister it is anticipated they will supply two and a half million gallons a day at 6s. 6d. a thousand gallons in order to bring in a revenue of £300,000 per annum. Seeing that the water will be in Kalgoorlie on the 26th January next—that is the day of the official opening—I think it is to be greatly regretted the Government did not see fit to bring in the Bill at the very beginning of this session. It was, I say, the duty of the Government to bring in this Bill if not last year certainly at the beginning of this session, and to have had Kalgoorlie, Boulder, and other towns reticulated directly the water got there, so that they might have derived revenue immediately the water reached those places. The Government seem to think very little of the revenue after all, when they throw it away like this. I contend, and I think most members will agree with me, that it will take at least six months to carry out this reticulation. During that six months you will not supply $2\frac{1}{2}$ million gallons a day; you will not supply a third of it. You will certainly supply some mines, big consumers who will probably carry out their own reticulation and take water from a standpipe. But what does that mean? That if it takes six months, as I think it will, the Government will have thrown away £100,000. I bring this matter under the notice of the House because the amount of money spent for the use of the goldfields has been talked about in the country. I point this out to show we are not treated fairly and the scheme is not given a fair chance, through £100,000 being thrown away. It cannot be said for a moment that they have not had time to bring in a Bill. I think this makes the fiftieth or sixtieth Bill; yet they have not brought in a Bill of this

kind, which involves so much revenue, until the end of the session, whereas by bringing it in at the beginning of the session they could have obtained, I maintain, at least £100,000. The Bill generally I approve of. I think the board are given rather too big powers under this measure. I refer more particularly to Clause 69. Under this clause the board have power to strike a rate of 2s., and here under the metropolitan board you have a rate of only 1s. You double it there. I maintain that rate is altogether too high. At the present time the people of Kalgoorlie, and I think the Boulder—I am subject to correction here—have gone in for a good deal of work—municipal electric lighting, municipal baths, and a municipal market. The rating is very high. The general rate, loan rate, and health rate amount to about 2s. 4d. or 2s. 6d., and on top of that you rate them another 2s., which makes a total of 4s. 6d. I maintain that is altogether too high, and when in Committee I shall move that the rate be reduced. I would point out the board have not only power to charge up to 2s. but they have very extensive borrowing powers, and I maintain that the rate of 2s. is altogether too high. I support the second reading of the Bill.

HON. G. RANDELL (Metropolitan): I rise principally to express gratification at the manner in which this Bill has been drafted. The draftsman and the Government have been subjected occasionally to remarks—especially from this (Opposition) side of the House, I think—in reference to the careless drafting of some Bills that have been introduced. I have never seen a better specimen of drafting than in this Bill, which is clear, concise, and easily understood in all its parts. I am pleased to see most of these clauses are short—a very excellent feature, I think, where it is possible to introduce them into legislation. I think it is only right that, feeling as I do on the subject, I should express myself in this way as regards the drafting of this Bill—a very important Bill, and one that is, of course, to carry out the administration of the goldfields water supply. I have nothing to say to what the hon. member has just mentioned in regard to the large amount that might have been saved by more prompt action

on the part of the Government. Of course I am not quite competent to speak on that part of it, but with very few exceptions I am in entire accord with the Bill. Without detaining the House at all I may indicate that I think Clause 13 requires a little explanation as to the appointment of a member of the board as acting chairman; and I should like Clause 17 to be amended by the addition of a proviso at the end of it, for interim reports to be supplied as often as the Governor may call for them. I think the principle I advocate will commend itself to the House. I refer to the clause which provides for an annual report as in the case of the harbour. I consider that the undertaking being new and of great importance, the Government should have information as early and as often as possible. No undue hardship will be inflicted on members of the board in respect of furnishing information, since the matter will be in the hands of the Governor-in-Council. The board might furnish a report, say, one in three months, or twice a year.

HON. J. W. HACKETT: Look at Clause 104.

HON. G. RANDELL: Clause 104 refers only to the publication of accounts twice a year; reports, I take it, will embrace much larger matters than the accounts. At any rate, those who framed the Bill did not consider that the requirements of Clause 17 would be met by the provisions of Clause 104, and with all due deference to my friend Dr. Hackett, I do not think so either. However, that is only a minor matter. I am not in accord with Clause 124, to which I shall draw attention in Committee. Very great powers are conferred on the Minister by that clause. With these few exceptions I am entirely in favour of the Bill, and I believe that it will achieve the objects it is aimed at.

HON. T. F. O. BRIMAGE (South): I have much pleasure in supporting the Bill before the House, and regret only that it has not been received earlier. I am glad to observe that it is the intention of the Government to appoint an engineer to the chairmanship of the board.

HON. G. RANDELL: The Minister of Works will be chairman, not the engineer.

HON. T. F. O. BRIMAGE: At all events, the right-hand man in connection with the scheme will be an engineer, and that is a good provision. The salary, £1,250 per annum, however, seems to me altogether too high. [MEMBERS: Too low.] The large water works in the Eastern States do not pay anything like such salaries. The Beetaloo Waterworks in South Australia—

HON. G. RANDELL: Are those pumping works?

HON. T. F. O. BRIMAGE: No; reticulation. Still, there is nothing out of the way in the Coolgardie Water Scheme. Moreover, the Engineer-in-Chief is available, and may be asked by the Minister to overlook the work. I consider the salary altogether too high. Indeed, we are spending too much money on the civil servants. I observed in an evening newspaper an absolutely astounding comparison relative to the cost of our railways—

THE PRESIDENT: We are not discussing the railways.

HON. T. F. O. BRIMAGE: I am well aware of that, sir.

THE PRESIDENT: The hon. member must speak to the subject, the Coolgardie Water Scheme.

HON. T. F. O. BRIMAGE: I am speaking of the wages paid to civil servants.

THE PRESIDENT: The hon. member must keep to the water scheme.

HON. T. F. O. BRIMAGE: I am referring to the salaries of civil servants—

THE PRESIDENT: The salaries of civil servants have nothing to do with this Bill. The hon. member must keep to the water scheme.

HON. T. F. O. BRIMAGE: I fail to see why we should pay so high a salary to the engineer. The highest salary paid in the Eastern States does not, I think, exceed £1,000 a year, and that is paid to the engineer for the Sydney Waterworks, who has the sole control and management. The reticulation of the Sydney Waterworks, I understand, is carried over a distance of quite 300 miles. My point is that in the Eastern States good men are employed on equally large works at no such exorbitant salary as proposed by this Bill.

THE MINISTER FOR LANDS: The clause says "not exceeding."

HON. T. F. O. BRIMAGE: I do not see the necessity for the clause at all. In common with Western Australians generally, I am pleased to think that we are now on the eve of deriving revenue from the water scheme, which has certainly been a great burden on the State. I trust that the time is not far distant when the progress of the mining industry will be such as to repay the people for the scheme they have so boldly undertaken.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 12, inclusive—agreed to.

Clause 13—Acting chairman:

HON. G. RANDELL: Did this mean that the board would consist of only two members, the engineer and another; or was it intended to appoint a third member temporarily?

THE MINISTER FOR LANDS: A member of the board would be appointed acting chairman. The matter had been fully considered.

Clause passed.

Clauses 14 to 68, inclusive—agreed to.

HON. J. D. CONNOLLY moved that it be a request to the Assembly that the words "two shillings," in line 1, be struck out and "one shilling" inserted in lieu. The rate should not exceed 1s. in the £. The board had large borrowing powers. In the Metropolitan Waterworks Act the rate was only 1s., and in the Municipal Act 1s. 6d. Two shillings in the £ on the annual value was too high. The Kalgoorlie municipality had spent £14,000 or £15,000 on electric lighting plant, £5,000 or £6,000 on a municipal market, and a large sum on baths—about £25,000 altogether, for which money had been borrowed at short dates; and the loan rate was heavy owing to the big sinking funds. The general rate was nearly up to the limit; the gross rates were 2s. 10d.; and another rate of 2s. would raise the amount to 4s. 10d., too heavy a tax on the people. Reducing the rate would not make the water cheaper, as 6s. 6d. a thousand must be paid for all excess. Moreover, it was too much to ask the owner of vacant lots to pay 2s. on the annual value.

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

Ayes...	...	...	6
Noes...	...	...	13

Majority against ... 7

Ayes.	Noes.
Hon. G. Bellingham	Hon. R. G. Burges
Hon. J. D. Connolly	Hon. E. M. Clarke
Hon. J. T. Glowrey	Hon. C. E. Dempster
Hon. A. G. Jenkins	Hon. J. W. Hackett
Hon. B. C. O'Brien	Hon. A. Jameson
Hon. C. Sommers (Teller).	Hon. R. Laurie
	Hon. W. T. Lorton
	Hon. E. McLarty
	Hon. M. L. Moss
	Hon. G. Randell
	Hon. J. E. Richardson
	Hon. J. A. Thomson
	Hon. W. Maley (Teller.)

Amendment thus negatived.

HON. J. D. CONNOLLY moved that it be a request to strike out the words "two shillings" and insert "one and sixpence."

THE CHAIRMAN: It had been decided that the words "two shillings" stand part of the Bill.

HON. R. G. BURGESS: Some reasons should be given by Ministers as to the necessity for imposing this high rate. If not, an amendment would be justified on recomittal.

HON. C. E. DEMPSTER: The Bill had been well considered by goldfields members in another place.

HON. A. G. JENKINS: Not this clause.

HON. C. E. DEMPSTER: This rate was a maximum. The price of 6s. 6d. a thousand was far lower than that now being paid for water on the fields. The reticulation would involve the country in immense expenditure. If it could ultimately be shown that the rate was too high, he would support a reduction.

HON. J. D. CONNOLLY: The argument used by the hon. member had not convinced him that this was a just rate. We should recommit the Bill to insert "1s. 6d."

HON. A. G. JENKINS: It was all very well to say that the rating was not to exceed so much, but we knew how often these boards rated up to their full value. The House ought to have some approximate figures before them previous to the clause being finally passed.

THE MINISTER FOR MINES: To his mind this required no figures at all when one saw the enormous cost of the scheme. Supposing we put the cost of

the scheme in Perth at £400,000 at the outside. There was a charge of 1s. in Perth. But this Coolgardie Water Scheme was costing nearly £3,000,000, and we proposed to make the charge not exceeding 2s. The general impression of business men who had spent hours and days in going through this matter was that whatever rate was fixed the scheme was not going to pay for itself. It would still be a drag on the country. It seemed to him it was hardly necessary to bring forward a quantity of figures, which might be fallacious. This was merely giving power to levy a rate not exceeding 2s., which seemed to be reasonable.

HON. J. D. CONNOLLY: The Minister's explanation was that this scheme would cost a lot of money and a high rate must be paid.

HON. M. L. MOSS: It was absolutely impossible to give the House or the country any idea whatever what was going to be raised from a rate of 1s. or 2s. in the £. It rested with the Governor-in-Council from time to time to make an order constituting the boundaries of the water area, and from time to time to alter the boundaries and to divide the water area into districts. There was no doubt that as the reticulation pipes were laid down farther and farther, so the water area would be extended by the Governor-in-Council. It was impossible to say what these water areas would consist of; consequently no person could give us any idea of what districts would be included for the purpose of fixing rateable value, or what particular rate would bring in the money. The object of fixing the rate was that every allotment of land should pay a minimum sum towards the upkeep of these works. Supposing the consumption at 6s. or 6s. 6d. per thousand gallons exceeded the amount of the rate which was the minimum charge, the person against whom the rate was levied would pay nothing more than the value of the water. That was a small matter in comparison with what the people had had to pay for water and were paying now, which Mr. Sommers told him was about 6s. per 100 gallons; so the water scheme would be a great blessing to the people if they got 1,000 gallons for what they paid for 100 gallons now. The country had spent over £3,000,000, and the least the country could expect was that everybody

on these fields should endeavour to some extent to bear a portion of the burden.

HON. J. D. CONNOLLY: The Government had treated the House with great discourtesy in not bringing forward some figures. By sending a man there for one day they could have told within £100 what the rateable value would be. One could have seen the rate-books of the authorities at Kalgoorlie and Coolgardie.

HON. E. McLARTY had very little sympathy with members who were opposing this water supply scheme. He had been a consistent supporter of the scheme since its inception. At the same time he had always held the opinion that the price of the water should never have been fixed lower than 10s. a thousand gallons, and in his opinion the people should hail with the greatest pleasure and satisfaction a permanent supply of good fresh water at that rate. We had just heard they were paying 60s. a thousand.

HON. J. D. CONNOLLY: They were getting water as good as this at 17s. 6d. a thousand.

HON. E. McLARTY: When at Kalgoorlie he had the pleasure of paying 2s. 6d. for a bath.

HON. J. D. CONNOLLY: It was not the price proposed to be charged that was complained of, but the rate.

HON. E. McLARTY: On the goldfields the people had at one time to pay up to £12 a ton for carting, and as soon as a railway was constructed and they were asked to pay 12s. they spoke of the enormous charge. The goldfields should be grateful to the country for such a scheme as this.

HON. G. BELLINGHAM: It was not the price of the water, but the rate.

Clause passed.

Clauses 70 to 88, inclusive—agreed to.

Clause 89—Payment of interest:

HON. A. G. JENKINS: There was no limitation as to the amount of interest. He believed that when the measure was originally introduced there was such a limitation. It was very wise there should be. He was not in favour of leaving to the Board the power to borrow at any rate of interest. In his opinion the rate of interest should not exceed four per cent. That was what it was in the Bill as originally drawn. He moved that

the Assembly be requested to insert after "debenture," in line 1, the words "shall not exceed £4 per centum per annum on the amount thereof, and" be inserted.

HON. W. T. LOTON: The amendment would not have the effect intended, even if agreed to by another place. Large powers, it was said, were given to the board with regard to borrowing; but the board would have great difficulties, in his opinion, in borrowing any money at all. If it did borrow money, it would have a big task to make the business a paying concern. Under Clause 91 all debentures and interest were to be a charge on the works constructed by the board under the authority of this measure and on the revenues of the board. The form of debentures was stated in the ninth schedule, and it appeared that the debentures were chargeable on the property and revenues of the board but were not secured otherwise. People would think twice before lending money to the board. He was surprised that the Government had not made other provisions with regard to borrowing powers.

HON. M. L. MOSS: The board could not be permitted to pledge the main work, since that was pledged for the money already borrowed.

HON. W. T. LOTON: The only works which could be pledged would be such works as reticulation, for example, which had been carried out by means of money borrowed by the board. Farther restriction of the board's borrowing powers would prevent any money being raised at all. He hoped that if the hon. member persevered the Committee would not follow him. The Government would have to come to the aid of the board in respect of reticulation, which work ought to have been undertaken by the Government.

HON. C. SOMMERS quite agreed that the rate of 4 per cent. was altogether too low. With that restriction the board would get no money whatever.

HON. A. G. JENKINS: The object of the amendment was to prevent the board from borrowing at any rate it pleased. Mr. Loton must be well aware that for the credit of the State interest on the board's debentures could not be defaulted.

HON. J. W. HACKETT: The Government had to approve of the rate of interest proposed to be paid.

HON. A. G. JENKINS: If the board said to the Government, "We must have money," then the money would be borrowed. In view of the opposition to his proposal, he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause passed.

Clauses 91 to 95, inclusive—agreed to.

Clause 96—Saving Bank funds may be invested in debentures:

HON. W. T. LOTON: It was hardly desirable that Savings Bank funds, which were trust funds, should be invested in what could be termed only a speculative business transaction. It would not be to the credit of the Government or of the country to lend Savings Bank funds on the security of the board's debentures. He moved that the clause be struck out.

THE MINISTER FOR LANDS: The clause was merely permissive, and permission would not be granted unless the enterprise ceased to be speculative. Indeed, permission might never be granted. Every member of the Government recognised the need for particular care in the investment of trust funds. At the same time, it was a pity to proclaim at the outset that the scheme would never become a security sound enough to warrant the investment of trust funds.

HON. W. T. LOTON: The time when the Government would be approached for a loan was when the board had got into a tight corner.

THE MINISTER FOR LANDS: Then the board would not get a loan.

HON. W. T. LOTON: One was not so sure about that. Having raised the point, he would withdraw the amendment unless there was apparent support for it.

HON. R. G. BURGESS: The investment of Savings Bank funds in debentures of this sort would be improper. There might be a run on our Savings Bank, as had happened in the Eastern States, and the money might be wanted quickly.

Amendment by leave withdrawn.

Clause passed.

Clauses 97 to 123, inclusive—agreed to.

Clause 124—Minister for Works may exercise the powers of the board pending appointment; and outside water area:

HON. G. RANDELL: Was it desirable for the Minister to have the very extensive powers given in the second part of this Clause?

THE MINISTER FOR LANDS: The Minister had the power at the present time.

HON. J. W. HACKETT: Power should be given, otherwise there would be no reticulation.

HON. G. RANDELL: This did not refer to a limited time, but it said that the Minister "may at all times exercise all the powers of a Board."

THE MINISTER FOR LANDS: The powers referred to would operate outside the water area. There must be someone to have power before a water area was declared, and that must be the Minister for Works, the chairman of the Board.

Clause passed.

Schedules (9)—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Standing Orders suspended.

Bill read a third time, and *passed*.

CEMETERIES ACT AMENDMENT BILL.

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

DIVIDEND DUTIES BILL.

COUNCIL'S AMENDMENT.

The Council having suggested two amendments to this Bill, and the Assembly having agreed to amendment No. 1 and disagreed to amendment No. 2, the Assembly's message was now considered in Committee.

No. 2—Add the following new clause:—

32. This Act shall only remain in force until the thirty-first day of December, One thousand nine hundred and four.

HON. M. L. MOSS: The new clause suggested by the Council was one to limit the period of the Bill, and certainly interfered to a very considerable degree with a great proportion of the finances of the country—something like £100,000. He had come here with an amount of constitutional law authorities in order

to put certain statutes before the Committee, but he did not think he would take up the time of the Committee at all. Assuming the Council had the power to make the suggestion, seeing that another place had refused to agree to it he thought it would not be the correct thing on the part of the Legislative Council to insist on an amendment of this kind. After all the Assembly was the place which prescribed how the necessary revenue should be derived for the purpose of carrying on the business of the country, and perhaps it was stretching the point to a very great degree for the Council to put obstacles in the way. He supposed that if there were a great amount of agitation in the country for an alteration of this, if it could be proved later on that better means could be devised for the raising of this £100,000, no doubt this or any succeeding Ministry would give attention to it. He thought the Council might very well under the circumstances agree not to insist on the amendment suggested, and he moved accordingly.

HON. A. G. JENKINS: To some extent he agreed with the hon. member that perhaps constitutional precedent might to some extent be against this Council's insisting on an amendment of this sort; but to carry that argument to a logical conclusion it naturally would follow that any tax, no matter how unjust, could not be amended by suggestion from the Council. The hon. gentleman said that anything that limited taxation in any way was beyond the powers of this House.

HON. M. L. MOSS said he did not say that.

HON. A. G. JENKINS: The hon. gentleman said that if there was a great outcry against this Bill doubtless it would be repealed. We knew there had been one continuous outcry against the Bill, against the way in which the duties under the Act had been levied, and even so lately as yesterday we saw a cable from a very large and influential body of mining companies protesting against the present Bill.

HON. J. W. HACKETT: Who spent in London all the money they drew from this State.

HON. A. G. JENKINS: Where they were entitled to spend £20 or £30 they spent so many thousands in developmen

of properties which otherwise would not have had one shilling spent upon them.

HON. G. RANDALL: They were exhausting the resources of the country at the same time.

HON. A. G. JENKINS: In some cases they were trying to develop them, but this House was endeavouring to hamper them as much as it could by legislation. As a compromise the House agreed to this suggestion, and we ought to take the stand that this House having once decided the question it should stick to its resolution. Last time it was said that the Bill should be limited to three years. If the House had the power to do that then, why should it not do so now?

HON. M. L. MOSS: The Assembly did not disagree then.

HON. A. G. JENKINS: The Assembly recognised the right of the Council then, and why should they dispute it now? This Bill was still a tax on profits. The House ought to insist on the amendment so that this legislation should have another trial for us to see whether it worked out any better in the future.

HON. T. F. O. BRIMAGE hoped the Council would support the suggestion of Mr. Jenkins. The period had arrived when time limits should be encouraged in legislation. In most legislation now Bills were limited to a time. Tramway concessions, for instance, loan money and various other things were limited to a certain period; and with regard to taxation we should limit the period to one, two, or three years, or perhaps five. In this case he thought two years would be quite long enough for the experiment, more particularly as we had two or three legal opinions which did not seem to agree as to whether the mines were to be taxed upon profits or dividends. If we found the tax was only a dividend tax, what would be easier than to reintroduce the measure and again pass it? At the present time the mining industry was taxed to its utmost limit. If we found the tax was only a tax on dividends, he would vote for that, for he thought it only fair there should be a tax on dividends.

HON. R. LAURIE: The reason why he had voted in favour of the clause was, as he had indicated, that he did not favour the measure. Having listened with

pleasure to what had fallen from Dr. Hackett, he thought he would have been better advised if he had not voted in favour of the limitation. If one had done wrong, one should not persist in that wrong. In nearly every instance he had given his vote in favour of insistence on amendments made by this place, but on this occasion he would vote the opposite way.

HON. W. MALEY said he would not climb down. The Government had said they required revenue, and that therefore this taxation was reimposed. Of course, we had every confidence in the present Ministry, which we had been led to believe would alter the complexion of the country entirely and convert it into a perfect Arcadia, where taxes would be unknown. As the House had allowed the Government to impose taxation not universally regarded as just, it was only fair that we should be permitted to limit the period of experiment to two years. Let us stand to our guns.

HON. M. L. MOSS: No member of the Government had stated that this Bill was in the nature of an experiment. Companies drawing millions of money out of the country ought not to be relieved from paying their fair share towards the public expenditure. He hoped the hon. member's (Mr. Maley's) constituents would pay due attention to the speech just delivered. The hon. member desired to relieve wealthy companies of taxation and put heavier burdens on the people he represented. The Bill was of importance, involving as it did £100,000 of revenue, which the country could ill afford to lose. Members would be sadly wanting in their duty if they did not insist on wealthy companies paying moderate taxation so long as their dividends enabled them to do so.

HON. W. MALEY: In reply to the attack of the Minister, he desired to state that he represented a constituency which was perfectly loyal to him, and which would support him in doing his duty whether that course was for their particular benefit or for the general benefit of the State. He preferred sitting as a member representing the South-East province to holding the seat of the Minister, seeing the stigma which attached to the present Government.

HON. M. L. MOSS: One could tolerate that sort of thing: it did not hurt.

HON. J. W. HACKETT: On many grounds, which need not be enumerated at length, he would certainly vote in favour of the motion that the amendment be not insisted on. Hon. members sufficiently knew his attitude with regard to the rights and powers of this House. He was entirely opposed to coming into collision with another place on this matter, for we could not take a worse fighting ground. He was not prepared to let the House lose its advantageous position over a fight, success in which meant that those well able to bear taxation would be relieved of it, while those less able to bear taxation would have heavier burdens imposed on them. He himself would be called on to pay, and of that he did not complain; but he would complain if he were placed on a less advantageous footing than profit-holders and dividend-drawers spending every penny of their money abroad, taking every aid of government, schools, hospitals, gaols, waterworks, and not paying one farthing to the upkeep of the country or the maintenance of civilisation except what might be dragged from them by a measure such as this. If we could tax some of the money taken out of this country, we should be able to lighten the burdens of our people appreciably. The tax was righteous and just, and it would have his support.

HON. A. G. JENKINS: In voting for the retention of this clause, members would not be voting against the Bill, for there was good reason to believe that the clause would be accepted and that the duty would be collected during the next two years. The Bill was really a tax on profits, though put forward as a tax on dividends. The object of the limitation clause was to afford an opportunity of observing the Treasurer's administration of the measure. If that administration was fair, one would be glad at the end of the two-years term to vote for the re-enactment of the measure, with certain amendments.

HON. J. T. GLOWREY: Mr. Jenkins's suggestion was thoroughly reasonable, and he sincerely trusted the House would adhere to it. Mr. Moss's contention that on constitutional grounds we ought not

to interfere with the Bill carried no weight whatever.

HON. M. L. MOSS: Nothing of the kind had been said by him.

HON. J. T. GLOWREY: At any rate we were perfectly within our rights. The original Act had encountered strong opposition in this Chamber, and during the last two or three years in the country. At the end of the two-years terms a Bill more equitable and more just might be introduced. A general election would take place in the meantime, and one might fairly hope that the next Parliament would be more in touch with the requirements of the State. Indeed, one might hope for a Parliament which had the interests of the country more at heart.

HON. G. RANDELL: Was the hon. member in order?

THE CHAIRMAN: The hon. member (Mr. Glowrey) must not reflect on another place.

HON. J. T. GLOWREY: Having made the statement, he was quite satisfied. The duty of the Government, before imposing taxation of this kind, was to go to the country for a direction. After all, less than 20 Western Australian gold mines were paying dividends. No one desired that those particular mines should evade payment of dividend duty, but what would happen when they were worked out if mines now struggling for existence were discouraged?

HON. G. RANDELL: Such mines were not taxed.

HON. J. T. GLOWREY: Undoubtedly they would be taxed under the Bill. He hoped the House would stand to its guns. The attitude of the Government on this Bill had been most extraordinary right through, and certainly did not reflect credit on Ministers.

HON. C. E. DEMPSTER: As a believer in conciliation and compromise he held that the amendment ought not to be insisted on. To enter into a conflict with another place was most undesirable, unless for the honour of the House such a course was necessary.

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

Ages	...	...	...	12
Noes	...	...	...	7
Majority for				5

AYES.
 Hon. R. G. Burges
 Hon. E. M. Clarke
 Hon. C. E. Dempster
 Hon. J. W. Hackett
 Hon. A. Jameson
 Hon. W. T. Loton
 Hon. M. L. Moss
 Hon. B. C. O'Brien
 Hon. C. A. Piessé
 Hon. G. Randell
 Hon. J. E. Richardson
 Hon. R. Laurie *Teller*.

NOES.
 Hon. T. F. O. Brimage
 Hon. J. D. Connolly
 Hon. J. T. Glowrey
 Hon. A. G. Jenkins
 Hon. W. Mauley
 Hon. C. Sommers
 Hon. G. Bellingham
(Teller).

Question thus passed, and the amendment not insisted on.

Preamble, Title—agreed to.

Resolutions reported, and the report adopted.

ADJOURNMENT.

The House adjourned at 9:50 o'clock, until the next day.

Legislative Assembly,

Wednesday, 17th December, 1902.

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THE DEPUTY SPEAKER took the Chair at 3 o'clock, p.m.

PRAYERS.

QUESTION—LANDS NEAR RAILWAYS, COMPULSORY IMPROVEMENTS.

HON. G. THROSSELL asked the Premier: 1, Whether during the ap-

proaching recess he will consider the advisableness of introducing a Bill providing for the compulsory improvements of large unimproved landed estates suitable for agricultural settlement existing within 20 miles of a public railway, to the same extent as now obtains in our existing land laws for Government selectors. 2, Whether he will also consider whether such measure should or should not include the large estates held by absentee companies and corporations.

THE PREMIER replied: The matter will be looked into.

QUESTION—WATER SUPPLY, MURCHISON GOLDFIELDS.

MR. HOLMAN asked the Minister for Works: 1, Whether, in view of the difficulty in obtaining a wholesome supply of water on the Murchison, an officer will be sent up to report as to the best means of securing a permanent supply. 2, Whether the Minister will use every possible means to make provisions for and push on a work or scheme whereby a permanent and wholesome supply of water will be secured for the Murchison goldfields.

THE MINISTER FOR WORKS replied: 1, An officer is stationed at Day Dawn, whose work it is to supervise the construction and maintenance of the water supply works on the Murchison, East Murchison, and Yalgoo Goldfields. The water on these goldfields is obtained mostly from wells, and is fairly plentiful and fresh in quality; so much so that there does not seem to be any necessity for a comprehensive water supply scheme. 2, Provision has been made for an expenditure during the present financial year of a sum of £3,000 on the water supply of the Murchison district, and, in addition to this, there will probably be large expenditure in connection with water supplies for mining purposes, improvement of stock routes, and general maintenance of existing water-supply works.

QUESTION—RAILWAY AXLE-BOXES.

MR. HOLMAN asked the Minister for Railways: 1, What are the patented names of the axle-boxes in use on the Government railway lines. 2, Whether the patent axle-boxes (a large percentage