

## Legislative Council,

Tuesday, 16th August, 1898.

Papers presented—Question: Boulder Railway, Delivery of Machinery—Question: Kalgoorlie Mail Delivery—Question: Roebourne-Cossack Road—Early Closing Bill, third reading—Local Courts Evidence Bill, third reading—Rivers Pollution Bill, in Committee, clauses 2 to 7—Bankruptcy Act Amendment Bill, referred to Select Committee—Adjournment.

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

PRAYERS.

## PAPERS PRESENTED.

By the COLONIAL SECRETARY: By-laws of the municipalities of Geraldton and Perth; report of the Commissioner of Police for the year ending 30th June, 1898; report of the Commandant of the Local Forces, for the year ending 30th June, 1898; report of the Education Department, for 1897.

Ordered to lie on the table.

## QUESTION: BOULDER RAILWAY, DELIVERY OF MACHINERY.

HON. H. G. PARSONS asked the Colonial Secretary, whether the Railway Department does not intend to make possible the delivery of machinery at the Boulder, or whether it is intended that all mining machinery is to be consigned to Kalgoorlie.

THE COLONIAL SECRETARY (Hon. G. Randell) replied as follows:—It is possible, at the present time, to deliver machinery at the Boulder, and it is not intended that all mining machinery should be consigned to Kalgoorlie railway station. If at any time additional crane-power is required for special purposes, arrangements can be made to send the 10-ton crane from Kalgoorlie.

## QUESTION: KALGOORLIE MAIL DELIVERY.

HON. H. G. PARSONS asked the Colonial Secretary, whether in view of the fact that the daily mails from Perth are delivered in Kalgoorlie at a later hour

than the outgoing mails are collected, the Government will provide for the sorting of the letters in the train.

THE COLONIAL SECRETARY (Hon. G. Randell) replied, as follows:—This is not practicable under existing circumstances, as the Postal Department has neither room nor the necessary facilities on the train for sorting, having only the brake compartment of a saloon carriage at its disposal for the conveyance of the mails, and this is scarcely sufficient for their stowage alone. For the mails to be sorted in transit it would be necessary for at least two officers of the Kalgoorlie office (who would have to be replaced there) to travel constantly between Kalgoorlie and Perth. As, however, the mails are already sorted and ready for delivery within 1½ hours after arrival of the train at Kalgoorlie, there does not appear to be sufficient reason for the additional expense—over £700 a year—to say nothing of the building of a new postal van by the Railway Department.

## QUESTION: ROEBOURNE-COSSACK ROAD.

HON. D. MCKAY asked the Colonial Secretary:—1, Whether the Government has commenced to repair the Roebourne-Cossack Road across the marsh, rendered dangerous to man and beast by the last destructive willy-willy. 2, If not, does the Government intend to begin the work at once, it being very urgent.

THE COLONIAL SECRETARY (Hon. G. Randell) replied that on the 9th August instructions were telegraphed to the local officer to arrange for all necessary work to commence forthwith.

## EARLY CLOSING BILL.

Read a third time, on the motion of Hon. A. B. KIDSON, and transmitted to the Legislative Assembly.

## LOCAL COURTS EVIDENCE BILL.

Read a third time, on the motion of Hon. A. B. KIDSON, and transmitted to the Legislative Assembly.

## RIVERS POLLUTION BILL.

## IN COMMITTEE.

Consideration in Committee resumed. Clauses 2 to 4, inclusive—agreed to.

Clause 5—Prohibition of drainage into streams from mines:

HON. A. P. MATHESON: A slight danger arose from the provision in this clause that water from a mine, in the same condition as it was raised, should be allowed to flow into a stream. Water coming from lead or copper mines was pernicious to animal life in the condition in which it came from the mines.

HON. J. W. HACKETT: That was one of the points he mentioned on the second reading. This Bill he would like to see become law, but he did not like this provision.

HON. F. M. STONE: The clause was a little ambiguous, although he had taken it from the English Act, which provided that in the case of any pernicious water being taken from a mine and polluting a river, the owner of the mine would be liable to be prosecuted. He moved, as an amendment, that in line 5 the words "other than water in the same condition as that in which it has been drained, is raised from such mine" be struck out.

Amendment put and passed, and the clause, as amended, agreed to.

Clause 6—agreed to.

Clause 7—Definitions:

HON. F. M. STONE moved, as an amendment, that after the word "watercourse," in the definition of "stream," the following be added: "but shall not include that portion of the River Swan between the North Fremantle bridge and the sea."

HON. F. WHITCOMBE: The word "watercourse" should be struck out of the definition, as the Bill was intended to refer only to running streams, whereas in this colony any piece of water, which was not a running stream, might be called a watercourse. He was speaking of so-called rivers and watercourses in the inland and mining districts.

HON. F. M. STONE: A new clause might be added, and he would propose it later, for excluding mining districts from the operation of the measure. It would be just as well, therefore, to leave the word "watercourse" in the definition. In the districts which he proposed to bring under the operation of the Bill, watercourses, though dry in summer, might, in the winter, flow into rivers, streams, or lakes.

HON. A. P. MATHESON: The amendment appeared to be intended to meet the views of the Fremantle people, who might be supposed to be the best judges of their own interests; but one of the first places where a measure of the kind would be needed to keep the water clear would be in that very estuary of the Swan at Fremantle. The water there was likely to become much more polluted than in any other part of the river, when once the Harbour Works began to be used extensively by shipping. Anyone who had been to Malta, in the Mediterranean, must have seen how offensive a harbour could become when it was contaminated by sewage and there was very little tide.

HON. A. B. KINSON: There was a very strong tide at Fremantle.

HON. A. P. MATHESON: Under the amendment the municipality would be allowed to discharge their sewage into the river. The objection raised as to the restrictions the Bill would place on shipping could be well understood, but surely common sense ought to be exercised when dealing with a measure of this sort.

HON. J. W. HACKETT said he did not understand the amendment. If polluting stuff was allowed to flow into the river at Fremantle, there was no doubt the tide would carry some of that stuff perhaps miles away above the Fremantle Bridge. The amendment was contradictory of the object of the Bill. He could not understand why most drastic provisions should be applied to Perth and not extended to Fremantle. The Bill provided that not even watercourses which were dry for eleven months in the year should receive anything except pure water, under a penalty of £50; but Fremantle was to be entirely relieved, although at Fremantle was the most likely part of the river to become polluted. Ships were birds of passage, and the House was now legislating, not for the health of the people on ships, but for the health of the people who resided on the two banks of the river. The amendment would work injuriously and harshly, and undo most of the advantages contemplated in the Bill. He welcomed the measure as an excellent one, but, when members looked at the immense vista opened up by its interpretation, it was hopeless to expect the Bill to receive any attention in

another place. A similar Bill failed on this point before, as this Bill would fail.

HON. W. T. LOTON said he supported to a certain extent the views expressed by Mr. Hackett. The Bill was too sweeping in its character, proposing as it did to range over too large an extent of country. It would be better if Mr. Stone would confine the measure, in the first instance, to some point upon the Swan, say about Guildford, and to another point at Fremantle. There would be nothing but innumerable difficulties if the Bill were extended now to the country districts. If the banks of the streams in the country were all inhabited, it would be a different matter altogether; but it was legislating too far to prevent men from watering a flock of sheep or a herd of cattle under the present circumstances.

HON. A. B. KIDSON said he failed to understand the position taken up by Mr. Hackett. When the Bill was last under discussion, the hon. member suggested it was necessary to protect the shipping in the harbour at Fremantle from the provisions of the Bill, and now he expressed surprise when a provision was proposed to carry out that very object.

HON. J. W. HACKETT explained that on that occasion he was pointing out the difficulties of the Bill, and one of the difficulties was that special legislation would be required for shipping—that the Bill could not be enforced in the case of the shipping at Fremantle.

HON. A. B. KIDSON said he must confess he did not follow the position taken up by Mr. Hackett. He was inclined to agree, however, with Mr. Loton, in the contention that the Bill was too sweeping in its effects.

HON. F. M. STONE: When the Bill was introduced, the objection raised by Mr. Hackett was that the measure would inflict a hardship on Fremantle, because the shipping would be prevented from putting refuse into the harbour, and it was with a view of meeting that objection that the present amendment was moved. But while he (Mr. Stone) would like to see the Bill apply from one end of the river to the other, he was quite in the hands of the Committee in this matter. The bill had been a considerable time before the House, and no amendment had been placed on the Notice Paper to enable hon.

members to get over this difficulty. He (Mr. Stone) had seen the objection, and the clause as it now stood was the best way out of the difficulty. If we confined this Bill entirely to the River Swan, then there was the Canning River to be considered; and if we took in the Canning and the Swan Rivers, where would we stop? Should we go as far as the Guildford Bridge? Should we take in the Helena, because if the Helena were contaminated, the Swan would be contaminated? Then there was Helen's Brook. If that became contaminated, the River Swan would become contaminated, and the farmers up that way did not want the river contaminated. Mr. Loton wanted the Bill only to refer to the Swan and its tributaries, but the Swan went a long way up, and it might be polluted by saw-mills. When we looked into this matter, so many difficulties presented themselves that it would be better to leave the clause as it stood. There were a number of dry watercourses—dry in summer, but wet for six months of the year—and these should be prevented from being contaminated.

HON. J. W. HACKETT: And not the mouth of the Swan?

HON. F. M. STONE: As far as the mouth of the Swan was concerned, in order to meet the views of Mr. Hackett and the members who were interested in Fremantle, he (Mr. Stone) had altered the Bill. His whole object was to prevent the River Swan from being contaminated. He might have been selfish and said he did not care a straw about any other place; but when he looked around him he saw there were many other places which had a right to come under the provisions of such a Bill as this. Take Bunbury, for instance, there was the Collie River, and saw-mills were erected along its banks. There was a society in this colony trying to acclimatise fish in the different rivers, and these rivers should not be polluted. Take the River Blackwood; we did not want to see that polluted. We should try and stop all rivers from being polluted, and this could be done by a simple procedure under the Bill. There was a means for preventing the pollution of rivers now, but it was a long and tedious way to get at the remedy. The Swan and the Canning Rivers must be included, because

there were farmers all along the banks of these two streams, and some day a weir would be placed across the River Swan, and the water be used for farming purposes. The only way he saw at the present time was to take in the South-Western district, which would include all the rivers in the settled districts of the colony, and would exclude all the mining districts.

HON. A. B. KIDSON: In connection with the shipping at Fremantle, it would be absolutely impossible in one fell swoop to restrict the shipping from allowing their refuse-water to run into the river, because the construction of ships would prevent any other course being observed by shipping to get rid of their refuse. It would be too much to ask each ship to alter the construction of its closets.

HON. F. WHITCOMBE: We were asked to legislate for the benefit of the people of Western Australia, and not for the benefit of the shipping at Fremantle. There was no reason why we should consider the shipping at all. It mattered very little to us whether the shipping were put to inconvenience or not. If we thought that we should protect the River Swan, those who came into the river must conform to the laws of the colony. The Bill should be supported as it stood, and its operations should extend right to the mouth of the Swan, and to every river in the South-West division of the colony.

HON. J. W. HACKETT: If for the sake of the shipping the mouth of the Swan River was to be excluded from the operations of this Bill, we would have to go a step further. It was implied that no shipping came higher than the North Fremantle Bridge, but it was almost certain that before long ships would go higher up the river than that, and the whole difficulty would have to be faced again. At the present time there were a large number of steamers and boats on the river, provided with closet accommodation. There were comfortable boats running to Melville Park provided with this accommodation.

HON. A. P. MATHESON: Were the closets ever used? The doors were locked.

HON. J. W. HACKETT: The hon. member provoked the retort that if the closets were not used, then the steamers were not

used. What did the men working on the boats do?

HON. A. P. MATHESON: They went ashore. The trip to Melville Park took only half an hour.

HON. J. W. HACKETT: There were numbers of boats plying between Perth and Fremantle, and there were men employed on these boats, and there were boats running up the Canning.

THE COLONIAL SECRETARY: To afford members an opportunity of conferring on the point which had been raised, he would move that progress be reported.

Motion put and passed, and progress reported, leave being given to sit again.

#### BANKRUPTCY ACT AMENDMENT BILL.

REFERRED TO SELECT COMMITTEE.

On the motion of the Hon. A. B. KIDSON, the Bill was referred to a Select Committee, consisting of Messrs. Crowder, Haynes, Loton, Whitcombe, and the mover; to report on the 23rd August.

#### ADJOURNMENT.

The House adjourned at 5.20 p.m. until the next day.