

any improvements which may have been in good faith effected by the lessee or grantee from the Crown." He did this in pursuance of a recommendation from the recent conference of surveyors held in Melbourne, at which this colony was represented.

Amendment—put and passed.

Clause, as amended, agreed to.

The remaining clauses and schedules were agreed to, without comment.

Preamble and title:

Agreed to.

Bill reported.

ADJOURNMENT.

The House adjourned at ten minutes to 10 o'clock p.m.

Legislative Council, Friday, 16th December, 1892.

Public Health Act, 1886, Further Amendment Bill: second reading—Police Act, 1892, Amendment Bill: second reading—Federal Council Referring Bill: second reading—Perth Protestant Orphanage Land Sales Bill: first reading—Perth Railway Crossing Improvement Bill: first reading—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 2:30 o'clock p.m.

PRAYERS.

PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This Bill, sir, was brought in, in the Legislative Assembly, by the Chairman of the Perth Local Board of Health, a body which is formed of members of the City Council. I may say, sir, that the chairman of that Board has had considerable experience on the subject, and he has devoted much time and ability to the furtherance of the cause of health in the city and the sanitary condition thereof, and he has come to the con-

clusion, and apparently the members of the Board have joined with him, that it is absolutely necessary that local Boards should have further powers to enable them to cope with certain matters they have to deal with. It is provided by this Bill that a catchment basin shall mean the whole area whose surface waters flow into the reservoirs of a municipal supply. The object of this is to enable the Board of Health to be absolutely sure that the water supply is pure. We know that Perth is supplied with water from a large reservoir in the hills and that the water which flows into it is caught over a considerable area of ground, but at present there are no sufficient means of ensuring that that area shall be kept free from pollution, and this Bill proposes to supply these means. This Bill also proposes to give additional powers to the Board for "Requiring all existing cesspools to be cleansed and filled up to the satisfaction of the Inspector within a calendar month of notice to that effect being given by the inspector to the owner or occupier; requiring for each closet the supply of a sufficient number of receptacles for excrementitious matter, and to determine the size, shape, style, and materials to be used in the construction of such receptacles, and especially that they be interchangeable with others in the same district; determining the mode and frequency of removal of such receptacles, and the disposal of the contents; fixing the charge which may be made for removing each receptacle and replacing it by a clean one, and for any other sanitary service; determining how house slops, soapsuds, and kitchen and bath waters shall be treated and disposed of (whether by drains, by absolute removal at specified times, or by filtering in approved tanks, and for the proper removal of the retained matter and disposal of the filtrate, and for renewing the filtered beds); determining to whom and on what conditions licenses to remove nightsoil shall be issued; imposing penalties on licensees for breach of conditions; defining an area within which swine may not be kept, and determining the conditions under which swine may be kept in any part of the Local Board's District; specifying the time which may elapse between the

"giving of a notice and the doing of a thing required by an Inspector."

Then by clause 4.—"Whenever the insanitary condition of any premises outside an area defined by by-laws is such as to require the application of any by-law in force in the Local Board's District, it shall be lawful for any Board of Health, by resolution to that effect, to make an order in writing, or partly in writing and partly in print, upon the owner or occupier of such premises, prescribing what by-laws shall be applicable thereto; whereupon the by-laws so expressed shall have force of law in respect to such premises. The Local Board of Health shall be judge of the necessity for applying such by-laws to such premises." Clause 5 gives the Board power to license certain persons to remove nightsoil; clause 7 provides for exclusive licenses, and clause 8 makes all owners of houses liable to pay the charges for the removal of refuse, &c., if the occupier is unable to do so. I understand one of the reasons which induced the insertion of this clause was this: In Perth the licensee finds great difficulty in obtaining payment from some persons of the poorer class, and in some cases it has been impossible to get any payment. The licensee has consequently refused to remove the nightsoil, and the question arises: is the Local Board to pay or allow the refuse to remain to the prejudice of the health of the citizens, or is the owner of the property to pay? At first sight it may appear rather hard that the owner should be called upon, but it must be borne in mind that he can always look after his interests. When he lets his house to one of the poorer class, he can charge the payment he will have to make to the licensee on his rent, and can thus protect himself. And besides this it is not without precedent, for we know that, as far as the rates are concerned, owners often pay them and charge them as part of the rent, and no doubt if this clause becomes law, this is the course that will be adopted by owners in future. Then, in clause 9 there is a provision for the double pan system. I believe it is recognised by persons who are authorities on these matters that in order to carry out the dry earth system properly, it is absolutely necessary that there should be a double system of pails or pans, so that while one

is in use the other can be taken away airtight and closed. By this means no odour will be diffused through the air when the pans are carried away; while, at present, through only having one pan, it is obvious that they cannot be emptied without being carried into the street, and causing a very offensive odour. I feel sure, from my knowledge of the hon. gentleman who introduced this Bill in another place, that what he proposes is simply with a view to ensuring, as far as possible, the health of the inhabitants of Perth, and of removing the insanitary conditions that prevail. I trust hon. members will give this Bill, which passed without a division in the Lower House, their serious consideration, and if some of the provisions appear to them harsh, it will be competent to remedy them in committee without throwing the Bill out. I move the second reading.

THE HON. J. A. WRIGHT: I quite agree that any Bill which has to do with the public health is one that is most essential for us to adopt, but the thing is for us to prevent legislation going too far, or allow Boards of Health in any locality to become an autocracy, or unbearable. It appears to me that the clauses of this Bill must have been thoroughly thought out before they were inserted, but still they seem to be unworkable—totally unworkable. In the first place that part of clause 2 which relates to catchment areas is altogether unworkable. The land in this colony is mostly very flat. We have no large mountain streams flowing down at all times, and consequently we are not able to collect the waters in a small area, and thus, in many instances it would mean that Local Boards of Health would have absolute control over an area of 400 or 500 square miles of country. Such a power as this could never be vested in a Local Board, and therefore this clause will have to be materially altered in the committee of this House. Again, by section 3, sub-section 5, the Board is given power to determine how house slops shall be disposed of, and this is another sample of the autocracy aimed at. We might have a Local Board with all sorts of fads and ideas. It might order that bath water should be taken round in a pail to water the garden belonging to the chairman. Again, sub-section 9 gives the

board power to specify the time which may elapse between the giving of a notice and the doing of a thing required by an inspector. It might be five minutes, or it might not be any time at all. To assent to this Bill as it stands, and to give such arbitrary powers to those boards, is to my mind the greatest nonsense that could be passed by this Council.

THE HON. J. W. HACKETT: My hon. friend has spoken strongly, but I cannot say that he has spoken too strongly, for even stronger language might well be applied to some of the clauses. I desire to unite with my hon. friend opposite (the Colonial Secretary) in passing my tribute of praise on the hon. member of another place, who is so largely responsible for this Bill, and who has so closely identified himself with the sanitary improvement of the district of Perth. At the same time I take it that it is a primary objection against dealing with a matter of this kind that it has been left to a private member to do what in the highest and fullest sense of the word is the work of the Government. I am astonished that the Government has permitted a private member to tinker with this question of public health. Last session a similar course was adopted, and now it occurs again, while the Government sit by feeling relieved of all responsibility in regard to the working of a Bill which I do think is one of the worst it has ever been proposed to place on the Statute Book. I know that the hon. member of another place who introduced this Bill is chairman of the Perth Local Board of Health; but this Bill does not deal with Perth alone—it deals with the whole colony—and it is an extraordinary step for the Government to remit such a question to a private member and relieve themselves of all responsibility. Let us look at some of the details. The objection which my hon. friend Mr. Wright has made to the definition as to the catchment basins certainly requires some further explanation before we can pass it. It may take in the greater part of the Darling Ranges as far as Perth is concerned, and in flatter districts it may take in a radius of country to the extent of hundreds of miles, and in which persons, without any intimation being given to them of the serious responsibilities they will incur under this

Bill, will be subjected to all kinds of pains and penalties. My hon. friend Mr. Wright has special reason to complain. We know that these clauses about the catchment basin are introduced specially to meet the case of Perth, which has some trouble with the Canning timber mills, and it is evidently desired to hide the importance of the question by this general Bill. Let me go a step further. Clause 3 declares that in addition to the powers conferred by the principal Act it shall be lawful for any Local Board of Health to make by-laws in the prescribed manner for any or all of the following purposes, and to define from time to time what part or parts of or house or buildings in the Local Board's district the said by-laws, or any part of them, shall apply; and then it says what the purposes are. I hope hon. members have read these nine sub-sections carefully. Generally, when it is sought to impose taxation there are a large number of preliminaries to be gone through, and yet the highest taxes that could be imposed are but the smallest fraction to what can be done under this Bill. Some of the sub-sections are excellent enough, and might well form part of any Health Act; but before they are passed they should, to my mind, receive the fullest attention from the two competent lawyers who form part of the Government—the Attorney General and the Colonial Secretary—and they should come to this House with the *imprimatur* of the Government attached. The fifth sub-section says that the Local Board (and there is no appeal of any kind provided) shall determine how house slops, soapsuds, and kitchen and bath waters shall be treated, and this at the expense of the unfortunate citizen, or, failing him, the unhappy landlord. The Board is to say whether these slops shall be disposed of by drains, or filtered in approved tanks. I must say I never heard of anything like this before. It may cost hundreds of pounds to do what the Board may order. To carry away soapsuds and bath water in the very cheapest way would cost in carting 10s. a day, or £150 a year. Taking the number of houses in Perth at 2,000, this would soon amount to half a million of money, and we are told that a deep drainage system can be carried out for £50,000. Then, again, what is to prevent the

citizen from being ordered to take his soapsuds ten miles out? Further penalties may be imposed without any limit. There is no Act on our statute book which imposes a penalty, and which does not also fix a limit; and besides this, in the present instance there is no appeal given. These are all very serious matters when we come to consider that the whole of what are called the catchment basins may mean half the settled districts of the colony. Take Carnarvon: I suppose the whole of the Gascoyne district would come under the control of the Local Board of that place. At Derby, all the settlers on the Fortescue River would come in and be subject to this Bill, and so on in regard to other towns. And again, the Boards are given powers outside their own boundaries. Then the 8th clause is another experiment; but we should require to know, before passing it, why the whole course of British legislation should be set aside, and the landlord be held liable for the laches of the tenant. Again, there is no appeal allowed, and it is left absolutely to the Local Board to say whether they will inflict a penalty or not. I have no objection to go into committee, but I hope when we do get there we shall carefully overhaul this Bill.

THE HON. G. W. LEAKE: I look on this Bill as a very admirable measure, but, as it has been presented, it is a mere sketch. A great many of the objections raised by the Hon. Mr. Hackett can be better discussed in committee. With regard to sub-section 5, as to the disposal of soapsuds and bath-water, the expense in the first instance must surely be borne by the Local Board, but this is a matter that can be better dealt with in committee, or even in a select committee. The Bill is altogether too important to be thrown out, and therefore I shall vote for the second reading.

THE HON. E. T. HOOLEY: I think it will be better to pass the second reading, but I may mention that in committee I shall take exception to clause 8. If we accept the clause as it stands, I am sure that many poor families will be rendered homeless, for if the landlord is to have the responsibility of paying for the removal of refuse, he will think twice before he lets his premises to a doubtful tenant.

Question—That the Bill be now read a second time—put and passed.

POLICE ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This Bill was originally introduced by a private member of the Legislative Assembly, the object of it being to repeal Section 93 of the Police Act of 1892. When in committee a number of other clauses were added, which hon. members will see provide for various offences not already legislated against in the original Act. The Chinese game of fan-tan is made an unlawful game, and it is provided that no house is to be kept for the purpose of the owner or occupier betting with other persons. Betting-houses are made gaming-houses, and a penalty is provided on persons receiving money on the condition of paying money on the event of any bet. There is an exemption in the case of stakes due to the owner of a horse winning a race. Clause 15 makes it an offence to take or use horses or cattle for the purpose of working them or secreting them. Thus, while the Bill repeals Section 93 of the principal Act, and which some hon. members may consider to be doubtful legislation, it imposes penalties for other offences which are not included in the Act. The whole of them, however, are provisions which prevail either in Victoria or other of the neighboring colonies. There is nothing new in the Bill, although it is new as far as this colony is concerned. I move that the Bill be now read a second time.

THE HON. G. W. LEAKE: I shall vote against this Bill, because it is a singular attempt to make people good by Act of Parliament.

THE HON. J. A. WRIGHT: It is just the reverse. It is to allow them to go wrong.

THE HON. G. W. LEAKE: A great deal has been said about gambling and gaming. The man who gambles and games is a fool, and a fool is just the last man in the world one would like to see with a lot of money in his pockets. If he gambles and loses, his money goes to someone else who may do some good with it. The "Jubilee Juggins" threw half a million of money away, but how much worse was he off for it? He was a fool. With regard to the Chinese game of fan-tan, I do not see why we should oppress the Chinese in this way. If we choose to meet at any place, the Young Men's

Christian Association for example, and play a game of three-card loo or a little poker, we may do so; but if the unfortunate Chinese has a party of heathens, and they have a carouse and a gamble at fan-tan, then the place becomes a gambling den. I consider there is something very detestable in endeavoring to foist a batch of spurious morals on the people, especially when it has not been shown that there is any necessity for it. With regard to clause 15, surely this is hardly a matter that needs special legislation, and I say, whatever we do, do not let us make ourselves ridiculous.

THE HON. J. A. WRIGHT: It appears to me that the sole reason for the introduction of this Bill is the outcome of a little mild gambling in the shape of a sweep at a certain race meeting. I see no harm in a few ladies and gentlemen getting up a couple of shillings sweep in order to add a certain amount of zest to what, without it, is a very tame sport. And because this happened this Bill is brought in, and, whilst this particular offence is done away with, a number of others are added. We have the Chinese game of fan-tan made an unlawful game. I do not know the game, but I have no doubt that Chinese play it in the same way that others more civilised play three-card loo, banker, or écarté. Then clause 15 is introduced into this Gambling Bill. May I ask whether this refers to a game of chance or of skill?

THE HON. J. W. HACKETT: I shall support the second reading of this Bill, on the principle that seems to me to apply to most measures that come from the Legislative Assembly, namely, that there is some good and some bad in it. The gist of this Bill is not exactly to make people good by Act of Parliament, but to withdraw certain open temptations to go wrong, which, as long as they are displayed in an open and ostentatious manner, will no doubt lead to wrong-doing. I shall support the second reading, with a view to making some amendments in committee.

Question—put and passed.

FEDERAL COUNCIL REFERRING BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no doubt that hon.

members are aware that the Act constituting the Federal Council gives to that body power to deal with matters that may be referred to them by any two or more colonies. The present Bill has been passed by the Legislative Assembly with the object of giving the Federal Council power to deal with the questions of the defences at Thursday Island and at Albany, and also as to the trial and punishment in one colony of offenders against the laws of another colony. I was asked the other day whether the Government proposed to bring in any Bill dealing with the discipline and government of the garrison at King George's Sound during this session.

THE HON. J. W. HACKETT: Dealing with the forces of the colony?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am not now quite in a position to answer that question. I may inform hon. members that the position is this: a Bill has been drafted by the Commandant, and it has been sent to the Printer, where it has been for several days. It is a very lengthy Bill, and it has not yet been gone through by the Attorney General. No doubt it will require considerable revision, and hence I am unable to say whether we shall be able to introduce it. Still this Bill will in no way clash with that, because any legislation adopted by the Federal Council will override any legislation of this colony, and certainly it seems to me more desirable that there should be some general legislation than that we should have a law applying to Western Australia alone. Unless we do refer this matter, of course there will hardly be any necessity to send any delegates to the Federal Council. I move the second reading.

THE HON. J. W. HACKETT: This Bill is a much more important one than will strike many persons at first sight. Under the Federal Council Act it is allowable for any two or more colonies to refer any subject to that body, and when that is done any legislation which is passed will override any local Act or Ordinance passed previously. By this Bill two matters are to be referred. The first is the discipline and government of the garrisons to be established at Thursday Island and King George's Sound, and I may say that there is already a reference in force regarding King George's

Sound. Why this Act is introduced then I do not know, unless it is that other places are intended to be included. Perhaps Fremantle may be included. The other matter is the trial and punishment in one colony of offenders against the laws of another colony. This, I think, we are all in favor of; but the question of the discipline of our garrisons is altogether another matter. We are asked to hand the discipline at King George's Sound over to a neighboring colony, which is making, as I have said before, the forts there ex-territorial. At the Federal Council Western Australia will be represented by two votes, and she will be absolutely at the mercy of the sister colonies. Out of the five Australian States, two—New South Wales and South Australia—have declined to be present, and thus Western Australia will be at the mercy of Queensland, Victoria, and Tasmania. It is a matter of notoriety that Sir Samuel Griffith, who rules the delegates to the Council to a great extent, was of opinion that the Bill which this House last session declined to pass was a right and proper one. I ask the House, is it right, is it wise, to give a blank cheque to the Federal Council to fill up as they like, and under which they may make what regulations they choose, leaving Western Australia with no voice whatever in them? The matter is seriously complicated by the fact that we have no Military Act in this colony. All the other colonies have these Acts, but Western Australia is without one. I desire to urge on the Government the necessity of postponing this Bill for a day or two, so that they may see whether they can introduce a measure dealing with our military forces. I would suggest that the Act in force in South Australia would do admirably for this colony, *mutatis mutandis*. I believe there is no hope whatever of closing this session next week, and therefore no harm can accrue from delaying this measure for a few days, until the Government are able to say whether it is possible or not for them to introduce a local Military Discipline Act. I move that the debate be adjourned until Tuesday next.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not see what objection there is to this Bill. Supposing we do introduce a Military Act, it will have

no effect if anything contained in it is contrary to the Act passed by the Federal Council. I think we might pass the second reading, and then postpone the further stages.

Question—That the debate be adjourned—put and passed.

PERTH PROTESTANT ORPHANAGE LAND SALES BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

PERTH RAILWAY CROSSING IMPROVEMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

The Council, at 3.45 o'clock p.m., adjourned until Monday, 19th December, at 8 o'clock p.m.

Legislative Assembly, Friday, 16th December, 1892.

Swan River Harbor Works and Tramway Bill: first reading—Perth Protestant Orphanage Lands Sale (Private) Bill: third reading—Perth Railway Crossing Improvement Bill: third reading—West Australian Trustee, Executor, and Agency Company, Limited (Private) Bill: second reading—Adjournment.

THE SPEAKER took the chair at 2.30 p.m.

PRAYERS.

SWAN RIVER HARBOR WORKS AND TRAMWAY BILL.

Introduced by the DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn), and read a first time.

PERTH PROTESTANT ORPHANAGE LANDS SALE (PRIVATE) BILL.

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