

will be better to do away with no-liability companies altogether, and revert to the old limited system under which joint stock enterprises have thriven in this as well as other parts of the world. I will not delay the House any longer, as we shall be able to discuss the matter further when in committee, but I do hope there will be time given for consideration. This Bill is one of the greatest importance. I have already taken some pains with it, and if the Hon. the Colonial Secretary will give time, I will take more. There are many verbal alterations required in this Bill, before it leaves this House, to be so perfected as to be a credit to hon. members.

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

#### ADJOURNMENT.

The Council, at 4 p.m., adjourned until Friday, 25th November, at 3 o'clock p.m.

## Legislative Assembly,

Tuesday, 22nd November, 1892.

Public Health Act Further Amendment Bill: in committee; progress reported—Adjournment.

THE SPEAKER took the chair at 2.30 p.m.

#### PRAYERS.

#### PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

The House went into committee on this Bill.

Clause 1—Short title:

Agreed to.

Clause 2—Construction of terms:

MR. DEHAMEL, in accordance with notice, moved to add, after sub-clause (d), the following words: "(e) A piggery shall

mean any place or places where any person or persons shall keep more than three pigs, whether for the purpose of trade or otherwise." In the principal Act (the hon. member said), section 55, the word "piggeries" was used, and, in the construction of that word—at all events, down South—a great deal of trouble had arisen, there being no definition in the Act of the meaning assigned to the word, and the members of the Local Board of Health in Albany suggested that if this amendment were added to the Bill it would make this question as to what constitutes a piggery, within the meaning of the Act, clear and certain. If they looked at a dictionary, any dictionary, they would find that the word "piggery" was defined as a place where pigs are kept.

THE ATTORNEY GENERAL (Hon. S. Burt): Does that include swine?

MR. DEHAMEL: I cannot say.

MR. R. F. SHOLL did not know why the hon. member should have fixed upon three pigs as being the minimum number necessary to constitute a piggery. He thought that, at any rate in the more central parts of a town, one pig was nuisance enough to the immediate neighborhood. It would be better, in his opinion, to leave it to the Local Boards to decide where a pigstye proved a nuisance, whether there were three pigs in it or not. For his own part he objected to pigs being allowed to be kept at all in the more populous part of a town, and he thought it should be left to the Local Boards of Health to define the area within which any pigs should be kept at all. He did not see why it should be necessary for a person to keep more than three pigs before the Board could compel him to have a license. Two, or even one, might prove a decided nuisance in some parts of a town. It appeared to him that if this amendment were carried, anybody could keep three pigs in any part of the town, but that if they had more than three the place would have to be licensed as a piggery.

MR. DEHAMEL called the hon. member's attention to the next section of the Bill, which gave the Local Boards of Health power to define an area within which swine should not be kept, and also to determine the conditions under which they might be kept in any part of a

town. The hon. member's argument, therefore, fell to the ground. The object of the amendment was simply to define the meaning of the word "piggery" in the principal Act, and he did not much care what the definition was, so long as it was understood.

Amendment—put and passed.

Clause, as amended, agreed to.

Clause 3: Additional powers conferred on Local Boards to make by-laws for certain purposes.

MR. TRAYLEN said that in this clause he had been desired to strike out the words "or extended application," as they were now unnecessary; the reason being that full provision had been made in the next succeeding clause for attaining the object in view.

Amendment—put and passed.

MR. TRAYLEN also moved that after the words "house slops," in sub-section 5, the word "soapsuds" be inserted. (Laughter). Hon. members might laugh, but the necessity for this amendment could be found without going farther than St. George's Terrace, where the soapsuds from one lady's wash-house could be seen running down the retaining wall, right into the street. It was also the practice of the good ladies at the Canning Timber Mill to run their soapsuds into the water which the citizens of Perth were expected to drink. Therefore, he did not think this was quite such a laughing matter as some hon. members seemed to imagine. It was very desirable that the Boards of Health should have power to deal with these matters.

MR. MOLLOY thought the Boards already had ample power to deal with the matters dealt with in this sub-section. He did not think the House should be asked to legislate to deal with every particular nuisance created by every individual tenant. He thought the provisions of this clause were much too arbitrary, that the Boards of Health were already empowered to do all that was necessary, and that this clause would not have the effect which the hon. member contemplated.

MR. R. F. SHOLL did not know whether the Boards were armed with sufficient powers or not, but it was a fact known to those who walked about the streets of Perth that soapsuds and the refuse liquids of wash-houses were to be

seen running across the footpaths. He had seen this himself, and if the Board of Health had sufficient power to deal with the matter at present, all he could say was that their Inspector neglected his duties.

MR. TRAYLEN said if the Health Boards were already armed with sufficient power to deal with these matters, it would have been unnecessary for him to have brought forward this Bill. He was convinced in his own mind that the Boards had not sufficient power to deal with these nuisances, and he thought members might give him credit for knowing something about these matters, seeing that complaints in this direction were frequently urged upon him as chairman of the Perth Local Board, and also upon the Inspector of Nuisances, who found himself powerless to deal with some of these complaints. He trusted that members would accept his assurance that there are many nuisances besides soapsuds and other refuse matters from houses, which the Boards are unable to remedy, for the want of statutory powers. Surely it would be better to have too much statutory power to deal with these nuisances than too little.

MR. SIMPSON said he could not speak of his own knowledge of the soapsuds nuisance, but he had observed in Perth another nuisance which he thought ought to receive the attention of the Local Board. He referred to the stable water, which he had seen running through a part of the city where some of our most palatial business premises were found,—St. George's Terrace.

Amendment—put and passed.

MR. TRAYLEN, without comment, moved to insert the words "disposal of the" between the words "and" and "filtrate," in the same sub-clause.

Amendment—put and passed.

MR. TRAYLEN moved the following new sub-section: "(9). Specifying the "period of time which may elapse between "the giving of a notice and the doing of "a thing required to be done by an Inspector." Members would notice that powers were given to the Local Boards to issue instructions for the abatement or removal of nuisances, but there was nothing, so far, provided to indicate within what period of time these instructions were to be carried out by the offending

occupier, after receiving a notice. At present a man might allow a month or six weeks to elapse before taking any steps to comply with the notice, and, if remonstrated with by the Inspector, he might turn round and say, "Where is your authority to compel me to move more quickly?" That was the reason he asked the committee to agree to this new sub-section.

Agreed to.

Clause 3, as amended, put and passed.

Clause 4.—"Local Boards may make orders prescribing what by-laws shall apply to premises; outside areas already defined."

Put and passed.

Clause 5—"No person shall remove nightsoil or any receptacle containing nightsoil from any closet or cesspool in any Local Board's district unless he shall have first obtained a license to do so from the Local Board."

MR. MOLLOY said this was provided for already in another Act, and he did not see any necessity for any further legislation in the same direction. There were other clauses of the Bill that had been passed, which, in his opinion, were altogether unnecessary, and thoroughly inconsistent with the principal Act, which was only amended last session, and under which the powers of the Local Boards of Health were transferred to the Municipal Councils. These powers, in the case of Perth, had been delegated by the City Council to a committee, who were given arbitrary powers to act without any reference whatever to the Council.

MR. TRAYLEN said he would be glad if the hon. member would show him where any provision had been made in the principal Act for issuing licenses for the removal of nightsoil. He ventured to say that the hon. member could not find such a provision. It was because there were already in existence, in the by-laws of the Perth Municipality, certain regulations with regard to the issue of these licenses, and which he thought were there without sufficient statutory authority, that he desired to remove all doubt on that point. He had gone very carefully into this matter, and he believed this Bill did not provide for anything that was already provided for.

MR. SOLOMON thought with the hon. member for Perth (Mr. Molloy) that

this matter of licensing nightmen was already provided for. He knew that new by-laws were promulgated some time ago, giving power to the local authorities to issue these licenses.

MR. TRAYLEN would be glad if the hon. member would point out where this power was provided for, in the principal Act?

MR. MOLLOY said it was provided for in clause 3 of the Municipalities Act (44th Victoria, No. 11), which said: "The Council of any Municipality shall have power to license nightmen and scavengers for the removal of the contents of any drain, water-closet, earth-closet, cesspool, &c."

MR. TRAYLEN said these words had certainly been overlooked by him; but that clause did not meet all that was required. Notwithstanding the existence of that provision there was a kind of work still going on which could not be dealt with under the clause referred to. For example, the Perth Local Board had complaints made to them that the occupier of a house in Stirling Street was burying nightsoil in his own back-yard, to the great annoyance of the neighborhood; and the clause in the present Bill was intended to deal with such cases. It was also necessary to be very stringent in this matter with regard to the Water Supply catchment area, at the Canning.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) pointed out that the clause in the existing Act (referred to by Mr. Molloy) only provided that the Municipal Council should have power to license nightmen; it did not go so far as the clause now under consideration, which provided that no person shall remove nightsoil unless he shall have first obtained a license. Under the existing clause, in the Municipalities Act, it appeared to him that any other person could do this, whether licensed or not; all the clause provided being that the Municipal Council had power to grant a license if applied for. It did not prevent a person without a license from removing nightsoil.

MR. SOLOMON said the power to make by-laws dealing with this matter must have been given to the Boards by some Act, or they would not have framed such by-laws as had recently been passed.

MR. TRAYLEN said his contention was that the Boards had assumed that power, without any statutory authority to enforce the by-laws.

MR. R. F. SHOLL thought no harm could arise from having this clause in the present Bill, as well as in the Municipality Act. He thought it was very necessary that all the laws relating to the public health should be consolidated.

MR. QUINLAN said there was clearly a difference of opinion as to the necessity for this clause, even among the members of the Perth Local Board itself, namely, the hon. member for Greenough (Mr. Traylen), the hon. member for Perth (Mr. Molloy), and himself (Mr. Quinlan). Personally, on this point, he agreed with the hon. member for Greenough, the chairman of the Board, inasmuch as he thought he was aiming at giving the Board a power which it did not at present, apparently, possess. At present certain persons in Perth were removing nightsoil, and disposing of it in a place where, if it was not already a nuisance, it would very soon become so. This clause would prevent anyone removing nightsoil unless he was licensed by the Board to do so, and under certain conditions.

MR. SIMPSON said it seemed to him there was such extreme difference of opinion amongst those who had a right to speak with authority on the subject, that it would be better to refer the details of this measure to a select committee. The Bill applied to other Municipalities as well as Perth, and other Municipalities ought to be represented on the select committee.

MR. TRAYLEN submitted that it was too late, and that it would not be in order now to refer the Bill to a select committee, the House having gone into committee of the whole upon it. He moved that progress be reported, and leave given to sit again on Friday.

Agreed to.

MR. SIMPSON asked whether the Chairman had ruled that his motion to refer the Bill to a select committee at this stage was out of order.

THE CHAIRMAN OF COMMITTEES said that no ruling had yet been given on that point.

Progress was then reported, and leave given to sit again another day.

## ADJOURNMENT.

The House adjourned at ten minutes past 3 o'clock p.m.

## Legislative Assembly, Wednesday, 23rd November, 1892.

Raising of third Instalment of Loan—Return showing Number of Government Employés—Renewal of Licenses to Hawkers and Pedlars—Mullewa Railway Station: Cost of Survey and Construction—Newcastle Railway Station—Report of Government Analyst upon Liquors seized by the Police—Approaches to the new Railway Station, Perth—Water Supply, Southern Cross—Return of Causes tried before Stipendiary Magistrates—Land Regulations (Rents) Amendment Bill: third reading—Homesteads Bill: second reading; adjourned debate—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

## PRAYERS.

## RAISING OF THIRD INSTALMENT OF LOAN.

THE PREMIER (Hon. Sir J. Forrest): I have very much pleasure in informing the House that the portion of our loan which was placed on the London market yesterday, through the London and Westminster Bank, has been successfully floated. The amount asked for was £400,000. There were 210 tenders; the total amount tendered for was £791,800; and the average price was £100 5s. I may inform members that the telegram I have received was evidently sent off at once when the result of the tendering was known, and that I expect this evening or to-morrow morning further details, of which I shall be glad to inform the House.

## RETURN SHOWING NUMBER, &c., OF GOVERNMENT EMPLOYEES.

MR. DEHAMEL, in accordance with notice, asked the Colonial Treasurer:—

- i. When the Government would be prepared to furnish the return of the number of Government