the service that some officers received commissions on such purchases.

MR. MORAN: The local manufacturer should be encouraged.

MR. JOHNSON: Bar the man who employed Chinamen.

MR. MORAN: That should not be done by the Government without legislative authority. In competing for Government work the local manufacturer should have not only a fair chance but an advantage. A short time ago local tenders for safes and fittings for the Land Titles Office were rejected, though the work could have been well done here. The ironwork for the new Houses should if possible be made locally.

MR. JACOBY: Though every inducement should be given the local manufacturer, shoddy articles should not be accepted from him, as in the past.

MR. JOHNSON: Tenders should be called for supply of this furniture. There was some danger in the public tender system owing to the fact that the employer of Chinese labour could underbid the employer of white labour. It was difficult to find in Perth any furniture manufacturer employing white labour exclusively.

THE MINISTER FOR WORKS: In regard to furniture requirements as in regard to all other requirements, the Government believed in the system of open tender. The utmost publicity would be given to the requirements of the State, and local enterprise would be encouraged as much as possible.

Item—Grants in aid (in accordance with regulations) for construction of and additions to mechanics' institutes, miners' institutes, and agricultural halls, £2,500:

MR. WALLACE: The Minister would do well to distribute the amount of this item with a greater degree of caution than had been exercised in the past. The regulations provided that the amount should be distributed on a subsidy basis.

MR. EWING: If people by their own exertions found money for free library purposes, would they receive a £ for £ subsidy? In his district, £80 had been raised and devoted to the purchase of books.

THE COLONIAL SECRETARY: This item referred to construction of halls.

Vote (reduced to £273,986) put and passed.

This completed the votes for the Works Department.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 19 minutes past 11 o'clock, until the next day.

Legislative Assembly,

Friday, 12th December, 1902.

THE DEPUTY SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

LEAVE OF ABSENCE.

On motion by the PREMIER, leave of absence for one fortnight granted to the Hon. the Speaker, on the ground of illness.

COOLGARDIE GOLDFIELDS WATER SUPPLY BILL.

Message from the Administrator received and read, recommending appropriation for the purpose of the Bill.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the MINISTER FOR WORKS in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—The Board:

MR. HOPKINS: Under this clause the board was to comprise the Minister for Works as chairman, and two other members. The appointment to the chairmanship of a gentleman who would necessarily reside at a distance of 400 miles from the central office of the board and from the main scene of operations was altogether out of the question. No board which met in Perth was likely to answer goldfields requirements. One was at a loss to know what functions the chairman could exercise if the board met in Kalgoorlie, seeing that two formed a quorum. There was, in fact, no reason why one commissioner could not manage the scheme as easily as, if not more easily than, one commissioner managed the railway system. No doubt the commissioner would require the assistance of a hydraulic engineer with a competent staff, at any rate while the work of reticulation was proceeding. With a view to securing control by one man, he moved that all the words after "appoint," line 1, be struck out.

THE MINISTER FOR WORKS hoped the Committee would allow the clause to stand, since it had not been inserted without a vast deal of consideration. Members might take it for granted that the Government would not propose to make the Minister for Works chairman of the board unless strong reason existed, in their opinion, for taking such a course. No Minister need be anxious for the appointment if it were not necessary in the best interests of the work, and also in those of the State. The undertaking was too vast to pass out of the hands of the Government. For some time to come, at all events, it would be absolutely necessary that the head of the Works Department should be in close touch with the scheme, not only to apply a checking hand, but, if necessary, to urge the work forward. The people's requirements could be met equally whether the board sat in Perth or Kalgoorlie.

MR. MORAN: On the second reading he had stated that this clause met with his approval, for the reason that the scheme was not yet anything like completed.

MR. HOPKINS: The Minister was given full powers under the last clause of the Bill.

MR. MORAN: Yes. Personally he would have been quite content if the Government had brought down a Bill of one clause, vesting the control of the scheme in the Minister for Works. The board was not likely to be constituted before Parliament met next year. Meantime the Minister might devote his attention to effecting improvements in the Helena weir, to the work of reticulation, to the supply of water from the scheme to the railways, and generally for the sale of water. Next year, or the year after, when the scheme was finally completed, we might discuss the advisability of placing it under the control of an independent board.

MR. JOHNSON: The time would come when the board as proposed in the Bill would not be satisfactory, but the scheme was not yet completed, and it was absolutely necessary that the Minister should have control of the scheme until it was completed. The clause should stand as printed, and when the scheme was completed let the composition of the board be altered.

MR. HOPKINS: By Clause 122 it was laid down that the Minister should exercise all the powers of the board pending appointment. He accepted that clause, and he believed the member for West Perth and the member for Kalgoorlie accepted it also.

MR. MORAN: Yes.

MR. HOPKINS: If the clause under consideration was passed as printed, the Minister would lose control because two members of the board formed a quorum. The Minister for Works had pointed out that it mattered very little where the board met, whether in Perth or on the fields.

THE MINISTER FOR WORKS: So long as it met the requirements of the people.

MR. HOPKINS: Speaking with some experience of Government departments, if the board met in Perth it would probably serve the requirements of the departments, but it would not meet the requirements of the people on the goldfields. The person in charge of the scheme should be a smart up-to-date business man, who should exercise the executive power and also exercise a personal supervision over the scheme and staff. It was said that an engineer would be appointed on the board. Amongst

professional men not one in a hundred had any idea of commercial enterprise. For that reason he hoped there would not be an engineer controlling the scheme, but that there would be a commissioner.

THE PREMIER said he disagreed entirely with the member for Boulder. We were dealing with an engineering work which had cost the country a large amount of money. There might or might not be engineering difficulties, but it was an engineering work. The person who should largely control this work should be a fully qualified engineer. It was not altogether a question of distributing water in Kalgoorlie or Boulder. Here was a great public work, and it was suggested to hand it over to one man whose sole qualification was that he had business capacity.

MR. HOPKINS: Similar to the railways.

THE PREMIER: It was obvious to every member except one that there was a great difference between a waterworks board and the railways. With the railways we were dealing with a specific class of business, and it required a business man to run the railways. Still he believed in connection with the railways the proposal of the Government was the wisest, to have three commissioners; but the House thought differently. To say that the control of this scheme from the weir upwards should be in the hands of one business man was certainly not right. We should not allow a business man to be at the head, and have the power of appointing his engineer. If there was to be an engineer who was responsible directly to the Government——

MR. HOPKINS: Responsible to the commissioner, and the commissioner responsible to the Government.

THE PREMIER: If the engineer was to be responsible to the commissioner he objected, for the engineer should not be subordinate to a business man. In connection with a great scheme like this one, the Minister ought to be a member of the board. There ought to be some method by which Parliament could be kept in touch with the operations of the board. It would be a lamentable state of affairs because the members of the board happened to live in one place that they should consider all their duties consisted in looking after that one place. It should not be forgotten that this was a great national work, to be used for the benefit of the whole State; that part of the State between Mundaring weir and the goldfields principally. When dealing with a great work like this, we should be wrong in handing it over to an entirely independent board for some years to come, until we saw how it was working and whether it was working satisfactorily, and the extent to which the Government had to come to its aid. The member for West Perth on the second reading of the Bill pointed out the full limit of the scheme had not been reached, that when water was delivered in Kalgoorlie and Boulder that was not the end: the scheme had to go farther. It was said the scheme was still growing. Why crystallise the scheme now by handing it over to an independent board? It would be a risk and a step which we should not take. We should be wise in limiting the number of our paid commissioners. It was an engineering work, and he agreed with those who thought there should be an engineer on the board to look after the engineering part of the work and extensions, while there should be a business man to look after the business. Beyond those two there should be no one else for the practical working of the scheme. As we could not have a board of two men there must be a third, who should be the Minister for Works. When we considered the great interest the Government had in the scheme, it was essential that the third member should be the Minister for Works, so as to be in close touch and see that the requirements of the people and the wishes and demands of the House were carried out.

MR. HASTIE: The practical working of the scheme was, he admitted, an important thing. If the Minister was on the goldfields and in close touch with the two other members of the board, members would agree that the Minister was the best man; but we wished to know exactly what position and power the Minister would have as a member of the board. If the Minister was to be one of the three members, in the event of a number of meetings being held very often the Minister would be outvoted. The object of the Minister for Works would be to appoint the two best possible men—an engineer and also a business

man. If we got those men they would insist as far as possible on things being done as they wished. There would be a danger of the Minister for Works being outvoted, and then the Minister would be in a very unsatisfactory position. He (Mr. Hastie) anticipated there would be very few meetings at which the Minister would be present. It would only be in special cases here and there that the Minister would think of trying to alter their decision. He believed the best thing to do would be to give in some portion of this Bill power to the Minister for Works, not exactly to over-rule but at any rate not to accept the decision of that board on important matters. He would not like to see him in such a position that he could be over-ruled by two local men.

MR. BATH: It was desirable that when the board was constituted the Minister should be a member of it, and he was opposed to taking matters of this kind away from the control of the Minister even when the scheme was completed. It was also absolutely essential that an engineer should be on the board. He was much afraid that the life of the pipes would not be as long as some people imagined. We knew that whilst the pipes were lying along the track many of them rusted. It was necessary to have a gang working the rust off and repainting with patent anti-rust paint. The ground contained a large amount of salt. He saw no difficulty on the question of meeting either at Kalgoorlie or Perth. The board would have to control the scheme from the dam to the goldfields, and it might be as necessary for them to meet down here as on the goldfields. As to the appointment of one commissioner, he should always oppose such a thing. He thought the experience of the Railway Department had not demonstrated the advisability of having only one commissioner.

MR. HOPKINS: Where? In Western Australia?

MR. BATH: In Western Australia, and also in the other States.

Amendment negatived and the clause passed.

Clauses 4, 5—agreed to.

Clause 6—Term of office:

MR. HOPKINS: Mr. George held office for five years, with a renewal for five more. Had the Minister any reason for reducing the term in this case?

THE MINISTER FOR WORKS: There was no special reason for inserting a term of three years except that such term was thought sufficient. There was power to reappoint the members for a like term of three years. Three years was quite sufficient to give anyone a fixed engagement for.

MR. BATH: Twelve months would be ample time for the first term. After it was seen how each member of the board acted it might be advisable to fix the term at three years.

THE PREMIER: The difficulty was that persons had very great hesitation in accepting these appointments. A man would not be inclined to leave a business he had now to take up a position which might expire in twelve months.

MR. BATH: If a man had confidence in himself, he would have no hesitation.

THE PREMIER: That he did not agree with. People had reluctance in giving up a fair wage or salary to get a certainty of securing a good salary for 12 months and the chance of losing it again at the end of 12 months, and not picking up their own business again. He recognised the difficulty referred to by the member for Hannans (Mr. Bath). In connection with waterworks, if there were two members of the board they might very soon make themselves popular in connection with the distribution of water and the reduction of rates. We had to take a risk whichever way it was.

Clause passed.

Clause 7—Chairman:

MR. HOPKINS: Assuming the board were appointed to-morrow, had the Minister any idea of how frequently the board would meet, and if so whether he could attend.

MEMBER: Fortnightly.

THE PREMIER: The board could not meet fortnightly, surely.

MR. HOPKINS said he was inclined to think they would.

THE MINISTER FOR WORKS: If the board were appointed, their meetings would not be oftener than once a month. Perhaps occasionally they would be oftener, but he should think that on an average once a month would be quite sufficient. Whilst Parliament was sitting it would be impossible for the Minister

for Works to attend frequent meetings of the board, but he saw no reason why the Minister, if interested in the scheme, should not be able to attend during recess, even if the meetings were held on the fields.

Clause passed.

Clause 8—Remuneration of members:

MR. HOPKINS: Each member of the board had equal voting power. There were three members. The Minister for his services, the whole of which were not devoted to the board, would draw as the servant of the State a thousand a year. One member would get £750 and another £1,250 He moved as an amendment that the word "each" be inserted in line 2, so that "each" member should receive a salary not exceeding £1,000 per annum, and this should be "inclusive of all allowances in each case." He thought that the man who received £750 in all probability would be better, in the interests of the Government, than the one who got £1,250.

THE MINISTER FOR WORKS: Although each member of the board might do equally hard work, and the work be equally valuable in one respect, yet there was always the difficulty that when we determined one member of the board should be an engineer, we must be aware that engineers of repute and with qualifications sufficient to enable them to be placed in charge of large works such as this usually received a liberal remuneration for their services. It would be very difficult, perhaps impossible, to obtain the services of an engineer sufficiently qualified and experienced to have charge of these works at a less salary than £1,250 a year. We had an engineer-in-chief who now received a salary of £1,200 a year, and he had no hesitation in saying he was still underpaid. It was absolutely necessary that the engineer appointed for this scheme should be a thoroughly qualified hydraulic engineer, of good repute and great experience. It would be impossible to obtain such a man for a less salary than that set down here. There were plenty of men with good business experience, tact, and energy who would accept an appointment at £750, and would do their work well. He admitted it was not a large salary, but he thought it sufficient. The object of the Government had been to provide, not an extravagant salary, but such a sum as would enable them to secure the services of men qualified to do the work.

MR. JOHNSON supported the amendment. Engineering difficulties were now practically at an end. The difficulty was to make the scheme commercially successful. The business man appointed should have a good salary; but the engineer was required for maintenance and extensions only.

THE PREMIER: Members must recollect the importance of the scheme. Although it was said the engineering difficulties were over, there must be an expert engineer constantly in charge. In the absence of such supervision, a collapse in the long line of jointed pipes would be disastrous. Supervision was equally necessary for the weir and the catchment area. Though the officer might have little actual work to do, he was paid not for muscle but for brains. The salary proposed was fair, and no lay member drawing £750 a year would feel himself underpaid in comparison with his professional colleague.

MR. HOPKINS: It would be hard to find a mine accountant on the Eastern Goldfields who did not draw from £500 to £750 a year. The Engineer-in-Chief received £1,200 a year; yet the man to be imported to take charge of a scheme already finished, and whose duties would be connected with repairs, breakdowns, future extensions and reticulations, was to be paid £50 a year more than the Engineer-in-Chief. The member for Mt. Burges said that was ridiculous. It certainly was not logical; nor was £750 a proper salary for the man who would control the business portion of the undertaking.

MR. MORAN: The member for Boulder had the best of the argument. Probably this engineer would not control a large expenditure, and the percentage of his salary to the outlay would be tremendous. For several years there would be no necessity to import a man to take charge of the work. In connection with the Works Department the Government were creating an enormous number of well-paid positions; and that at a time when the loan policy was tapering off. The officer might seldom be called on to exercise professional

knowledge, and the Engineer-in-Chief and his officers could efficiently supervise the scheme without our appointing a special engineer till the board was appointed a few years hence; and even then the board might be unnecessary. The wisdom of fixing the salaries in the Bill was doubtful; for a good engineer might possibly be procurable for half the salary. Let the Government take the onus of appointing the man and fixing the salay. Not till the scheme was on a commercial basis would a first-class man be needed; and he would have to do his duty impartially and fearlessly.

MR. HASTIE hoped the Minister was not possessed of the idea that none but a good business man was needed. An engineer was equally necessary, the work of extension and reticulation being more intreate and difficult than the preliminary construction.

MR. HOPKINS: We could get a man at 9s. a day to carry out all the reticulation.

MR. HASTIE: Once the scheme was utilised, the goldfields people would mainly depend on it for their supply, as condensers and dams would practically cease to exist. Whatever appointments were made, a thoroughly reliable engineer was essential.

THE MINISTER FOR WORKS: Before long it would be absolutely necessary to have an engineer whose sole duty would be to look after the scheme. The work was not complete. The engineer would have arduous duties and great anxieties. For months past he (the Minister) had received messages day and night in connection with the undertaking, and there had been a great strain on the Engineer-in-Chief also. This appointment would not be made till absolutely necessary; but when made, if justice were to be done to the work, the engineer must be a man of exceptional qualifications. It was no use wasting three millions to save £200 or £300 a year. The engineer must be a man who would do justice to the scheme, and in whom the public had entire confidence.

Amendment put and negatived.

MR. HOPKINS moved that the words "inclusive of all allowances in each case" be added to the clause. It was not desirable to see the Estimates come down next year loaded with house allowance, water allowance, forage allowance, and other allowances. Let these officers pay the whole of their expenses.

THE PREMIER: The words proposed would have no legal meaning, and might prevent payment of travelling expenses and the officers' living expenses when travelling. Both officers must travel, and should have reasonable expenses, though it was undoubtedly desirable to check the growth of allowances.

MR. HOPKINS withdrew the amendment.

Amendment by leave withdrawn.

Clause passed.

Clause 9—Quorum:

MR. HOPKINS: Was it not desirable to provide that the board must hold its meetings at a certain place, which place ought to be where the work of the board mainly lay—on the goldfields?

THE MINISTER FOR WORKS: Compulsion in this matter was undesirable. While most of the board's meetings would no doubt be held on the goldfields, matters of importance might arise while Parliament was in session, and in such circumstances the Minister could not attend the meeting unless it were held in Perth.

Clause passed.

Clauses 10 to 13, inclusive—agreed to.

Clause 14—Tenure of office:

MR. JOHNSON: Did not Subclause (*e*) in effect empower a member of the board to absent himself without leave for a period of 14 days?

THE PREMIER: This clause had been inserted merely out of abundant caution, and not owing to any belief that the men to be appointed to the board would be likely to absent themselves in such a fashion as to merit dismissal. The clause merely put it on record that members of the board must not trifle with their duties by taking a holiday whenever they felt disposed.

Clause passed.

Clauses 15, 16, 17—agreed to.

Clause 18—Appointments of officers and servants:

MR. HOPKINS: If the Minister undertook the administration of the scheme for a time, would he require this power of appointment?

THE MINISTER FOR WORKS: Yes. The Minister had all the powers of the board until such time as the board was constituted.

Clause passed.

Clause 19—agreed to.

Clause 20—Water area:

MR. HOPKINS: Would it not be well to insert after "may," line 1, such words as "on application by the local governing body"?

THE PREMIER: That would not do. The suggestion had a wider scope than the hon. member intended.

MR. HOPKINS: There was power of discrimination. Did it not seem right that the local governing body should make formal application to have mains laid down?

THE PREMIER: Certainly not. The circumstances attendant on this work differed from the circumstances of the old country where overlapping authorities were met with. At Home, a gas company might have certain powers, and a water company might have certain powers; but the previous consent of the local authorities was necessary to their operations. The Coolgardie Water Scheme, however, was a State work, and Parliament had determined to appoint a board for the purpose of reticulating water. Was it advisable to place on the very threshold an obstacle which might thwart the usefulness of the work? Under the suggestion, a local body might refuse its consent, and thereupon a water area could not be declared, the work thus being blocked at the very start. He believed that what the hon. member had in mind was that local authorities should not be disregarded. The amendment, however, went too far, committing as it did the entire success of the scheme to the hands of local bodies.

Clause passed.

Clause 21—agreed to.

Clause 22—Board may construct works:

MR. MORAN: Did the Government mean to retain power over the proposed works of the board?

THE PREMIER: Yes. The power applied to questions of cost, and to cases of conflict.

MR. MORAN: This clause had his entire approval, as he considered that the Government should retain control of the work.

Clause passed.

Clauses 23 to 26, inclusive—agreed to.

Clause 27—Water rates:

MR. HASTIE: This clause provided that the board "may" make and levy rates. Thus water might be supplied and no rate charged for it, since the board was given power of exemption. If rates were to be collected at all, they ought to be collected from everyone. The exercise of the power of discrimination was sure to create a sense of grievance.

THE PREMIER: This question did not arise under Clause 27.

MR. HASTIE: True; but another clause, which depended on Clause 27, raised the question. Should not the word "may" be struck out and "shall" substituted?

THE MINISTER FOR WORKS: That question really arose on the next clause.

Clause passed.

Clause 28—Supply of water by measure:

MR. HASTIE: This clause presupposed that the board might supply water and not charge rates.

THE PREMIER: Inside the area.

MR. HASTIE: Yes. If the power was to be applied only to certain properties inside the area, on which properties rates could not be fairly levied, he could understand the insertion of this provision. He believed the object of the clause was to allow big consumers of water to be exempted from payment of rates.

THE MINISTER FOR WORKS: The endeavour had been to make this measure as simple and as workable as possible, and to provide for all contingencies which might arise. What was the use of levying a 40s. rate on a consumer paying £400 or perhaps £4,000 for water and afterwards deducting that 40s. rate from the £400 or £4,000 paid?

MR. MORAN: The clause was liable to abuse, inasmuch as the board might neither sell water nor rate.

THE MINISTER FOR WORKS: The board would not exempt unless it had a contract under which the consumer would be supplied by measure with a minimum quantity of water far beyond the ordinary quantity.

MR. HOPKINS: Then words to that effect ought to be inserted.

THE MINISTER FOR WORKS: That was unnecessary, because it was hoped that at any rate one member of the board would be possessed of primitive business capacity.

MR. HASTIE: Supposing that arrangements were made by which a battery was to be supplied with water, that after a time the battery closed down, getting exemption, say for six or nine months, during which period no water would be required: then, in the case of that property nothing would be paid for water consumed and no rates would be levied. If we could be perfectly sure that in every case of exemption the board would make a contract under which a minimum amount of money would have to be paid, the provision was right enough; but the tendency would be to exempt a number of mining companies from paying anything whatever, especially when they were not working.

THE PREMIER: Hon. members would see that Clause 28 was necessary. Clause 27 gave power to make and levy rates, 27 provided one method by which money and those rates might apply to a district or to a whole water area. Thus, Clause might be raised. So far, the Bill did not give power to sell and supply water by measure. Hon. members agreed, however, that there was a necessity for selling water by measure.

MR. HOPKINS: Yes; at Northam, for example.

THE PREMIER: In such case the board would sell the water instead of imposing a rate. Then, what was the objection to Clause 28? In the case of a large area, obviously it was not right to insist that the board should rate the whole area. It would not be well to make separate districts of Coolgardie, Kalgoorlie, and Boulder for example: rather, one would seek to combine those towns within one district.

MR. HOPKINS: Coolgardie, Boulder, and Hannans would naturally form only one district.

THE PREMIER: In taking a district like that, there might be found a class of property not rated.

MR. HOPKINS: What was a contract worth to supply water to people not rated?

THE PREMIER: If a person was thought to be doubtful he could be rated in advance, but why approach the board with the suspicion that they would make bad agreements? Was it at all likely if the board wished to make arrangement with a large mine that the board would make an agreement that the mine should pay less by agreement than by being rated? This power was given for dealing generally and to sell water by rate or measure. In Perth there was the right to supply by rate and also by measure. The clause was inserted simply to enable the board to sell in some places by measure and in others by rate. Where there was power to sell by rate there must be power given to sell by measure, because in the majority of cases the quantity of water used was in excess of that allowed by the rate. If people were rated in Kalgoorlie, still there would be a power required to sell by measure. If a board thought a particular district could do without a rate, then there need not be one. There was not the least ground for fear that the board would show undue kindness towards the mines. The members for Boulder and Kanowna based their opposition to the clause on the supposition that there might be some individual cases of undue favouritism.

MR. HOPKINS: Kalgoorlie, Boulder, and Hannans would not be proclaimed a water area until the reticulation was completed. When the water was turned on, why did the Government wish to discriminate? Why not rate everybody, for the rates had to be paid in advance? A dozen big mines which were big consumers, but 12 months hence might not be consuming any water, might join together and say "We do not want you to rate us, so we will make a contract with you." If these mines were big consumers, what objection could there be to having them rated? The Bill on the face of it showed distinctly that within the water area one section would be rated and the other would not.

THE PREMIER: The clause was absolutely essential because the board must have the power to sell. What portion of the clause was wrong?

MR. MORAN: The words making and levying the water rate could be left out.

THE PREMIER: That would not remove the objection of the member for Boulder. What was in the hon. member's mind was referred to in Clause 51, which dealt with rating. The clause gave power to sell which the board must have.

MR. HASTIE: It was fully anticipated that the board would have power to sell. It would be far more simple if

everyone could pay a minimum rate, the same as in Perth.

MR. BATH: What about the districts along the pipe track?

MR. HASTIE: They were not inside water areas, and the clause only referred to water districts. He never for a moment suggested that the board would show favouritism towards anybody. One or two mining companies would promise to take 10,000 gallons of water a day and would desire to make arrangements. The board could then exempt those companies from paying rates. The board would put in the pipes and the fittings and all that was required, and in several cases the companies could not carry out their arrangement and the board would have no power to enforce the arrangement. A company could not be asked to put up money because that would mean that only those who had a large amount of money could make arrangements with the board. In the first instance all parties should be rated, that would be the fairest method. If persons took more water than the rate allowed, they could be charged for the additional quantity taken.

MR. JOHNSON: There was no doubt that the whole of the Hannans district would not be reticulated for there were many people who got tired of living on leases and removed to other places. Take the Iron Duke leases, on which there were a number of houses. It would not pay the board to lay on the water to each house. He took it that the board would run the water out to the lease, put up a standpipe, and sell water by measure. Then there would be a line of carts taking the water from the stand pipe to those who wanted it. If the board endeavoured to collect rates from the people the board would have to lay on water to each house.

MR. MORAN: What had been mentioned by the member for Kalgoorlie would cause trouble in the administration of the scheme—people congregating on the leases around the poppet heads and cyanide tanks. That had been the cause of the insanitary state in the past, and it caused the present disgraceful state of affairs. It would not do to put taps all over the leases to every man's shanty. There was only one proper way out of the difficulty. The Government would have to be gentle yet forceful with the people, and inform them that they would have to live on the residence areas that were provided for them, and where there was the convenience of the water and the tramways. In the meantime the Government should be given every possible power to meet contingencies until the scheme was a going concern. Everybody was entitled to pay a general rate, and it would be no imposition to-morrow if a poll-tax was decided on, because the scheme had been carried out for the benefit of the people. If a man lived in a tent or in a house he was drinking and using water. If, when the scheme was fixed up, instances of bad management came before members the Government who made a mess of things would have to be shifted or the board got rid of. If the Minister was going to sell to the big mining companies from the well at Kalgoorlie, there must be a pipe laid to the leases.

MR. HOPKINS: It was desirable that he should put his position in regard to the mining companies clearly before members. He had been the representative of a place in the past which had had to pay heavy rates, and outside the boundaries were the rich mining companies, whose heavy jinkers and wagons cut up the roads, while the companies did not pay anything for the upkeep of the roads. A majority of the people lived on leases to dodge all the responsibilities of municipal government; at the same time they enjoyed the benefits. He was not against the mining companies; in fact, it was in his province to do all he could to help the mining industry; but it was not his duty to help the mining industry at the expense of another section of the community.

Clause passed.

Clauses 29 to 37, inclusive—agreed to.

Clause 38—The board may supply water by contract:

MR. HOPKINS moved that paragraph (*b.*) be struck out. He was inclined to think that if a rate was going to be struck it was only fair to strike it against each and everybody, and if it happened that there was a large consumer, and he was rated at from £7 to £10, and his consumption was £100 worth, he would have £90 excess to pay.

THE MINISTER FOR WORKS: It was to be hoped the member for Boulder (Mr. Hopkins) would not press this amendment. Surely the Committee could

realise it might be desirable for the board to enter into a contract with a company or other association for the sale of water by measure. The exemption from rating could not apply if the area was within a municipality or townsite.

MR. HOPKINS: They were all outside.

THE MINISTER FOR WORKS: What would be gained by rating a large purchaser when the total would come to a very great deal more than his rating? The board might be relied upon to rate those who were not taking more water than would come to the amount of the rate.

MR. MORAN: It was not desirable to make more than an annual contract.

THE MINISTER FOR WORKS: No. He took it the board would not do that in any case. Supposing a company wanted to enter into a contract for a supply of 10,000 gallons a day, and afterwards might not take the water, the board on entering into a contract of that kind would see that they had a substantial payment in advance.

MR. BATH said he wished to refer to paragraph (*a*). He thought it was altogether undesirable that there should be any power to allow a purchaser to supply water. If this water was to be supplied to consumers, the Government should undertake the work, and not allow it to be done by any subcontractor. He presumed this was inserted in the interests of some mining companies who might take a large quantity of water, and then desire to supply it to those on the leases. It was a dangerous clause.

THE MINISTER FOR WORKS: This was one of the most important clauses in the Bill, if the scheme was to be a financial success. If the clause were struck out, the Government would have no power to enter into a contract with mining companies, or association of mining companies, to take large quantities of water by measure. The member for Hannans (Mr. Bath) anticipated some trouble or injustice might arise by a mining company or association taking water and then retailing it to people on its leases. Should that trouble arise it was fully provided for in a subsequent clause, which stipulated that anyone purchasing water from the board should not re-sell that water except with the approval of the board in writing, and at a price to be fixed by the board. We should not seek to obviate the power of people to supply water. It might easily be in the power of a mining company to supply its own workers on its leases with water, far more easily than the board itself could. Surely the Committee did not want to prevent a mining company from having power to supply water on any terms at all to people living on its leases.

MR. HOPKINS: The whole matter was this. It was allowing certain persons within the water area to become middlemen when there was no necessity for it. He thought we could do what was required to the satisfaction of everybody if we struck out the word "within" and inserted "without"; and also struck out the words "municipality and townsite." He had no objection to giving this power to, say, someone at Northam, or elsewhere along the pipe line.

THE PREMIER: Would the objection be met by striking out "or other persons"?

MR. HOPKINS: What was the difference between an occupier of land and other persons?

THE PREMIER: An obvious difference.

MR. JOHNSON: In this clause he could see some difficulty, but he thought it was overcome by Clause 52 or Clause 51. If the water was extended to Bulong it must reach a half-way place, Ballagundi, and a contract must be entered into with somebody to take the water and then sell it to residents in the district. He wanted to safeguard Hannans belt. We must make those people pay the rates, and we did not want the Government to grant companies on Hannans belt the right to sell water to those on the leases. People would live on the leases until more areas were thrown open. It would be impossible to lay the water on to everybody. Water supplied to residents on the leases should be supplied by the board and not by the mining companies.

THE PREMIER: Where mining companies had all the appliances for distributing the water—and in fact it might be that the pipes in connection with their own supply would partly do this—should we insist that the board also should go to the expense of putting down pipes and supplying those persons squatting on the

leases? Should not matters like that be left to the board? He thought the clause very important and very useful. It was open to abuse, but so was every power. Public opinion was sufficiently strong on Hannans belt to give ample expression to any abuse in connection with a matter like this.

MR. HOPKINS: Would it not meet the case to say that the board might authorise a purchaser to supply water to any occupiers of land or other persons "without" any district at a price to be approved by the board?

MR. HASTIE: If contracts were only to be of short duration, say 12 months, he did not think any great trouble would occur; but if contracts were to last two or three years, it was a serious matter.

MR. MORAN: The matter was viewed by him from the financial side of the scheme. The mining companies supplied their hundreds of men with water in water bags. The people would go and get the water from the mining companies. If the mining companies were allowed to supply their hundreds of employees, these employees would take just what they wanted. They would not utilise the water to make it pay unless they had a tap handy, or something of that sort. The whole of the mining belt would be outside the townsite areas to start with. The townsite or municipality would not include the big sources of consumption on the mines. If there were 400 men working on mines who would take four gallons a day, there was no object on the part of the mines to give them more than that, and the men would not take more. Those men were excluded from rating. They were living on leases along the camp, and in all these cases the opportunity of striking a rate per head of population would be lost, or perhaps the opportunity of running the board's pipe line to those men's places and making them pay would be lost. The men could be followed anywhere and made to pay, but if a contract of this kind were made, the chances were that the men would go on consuming a few gallons of water a day and the scheme would not be a financial success.

MR. HOPKINS: They would consume two gallons per head.

MR. MORAN: Two gallons per head. The trouble was one which must be guarded against very carefully. He did not think that these contracts should be made with the big Kalgoorlie mines in any case. If there were a contract at Golden Ridge where 20 or 30 men were employed, and they wanted a pipe line, it might be advantageous to make some arrangement. The Bill should be sufficiently comprehensive to make it possible for the board to guard against such a contingency. Give the board ample power, and trust to them and the Minister.

[At 4·15, business suspended for 15 minutes.]

THE MINISTER FOR WORKS: Some of the arguments used had considerable force; but these carefully-considered clauses could not be altered without seriously minimising the board's powers, on which the success of the scheme entirely depended. Between the commencement of reticulation and the next meeting of Parliament, the operation of the clause could be watched; and if it were found to work injustice, a remedy could be applied.

Amendment negatived, and the clause passed.

Clauses 39 to 51, inclusive—agreed to.

Clause 52—Valuation:

THE MINISTER FOR WORKS: Subclause *(c.)* provided for an annual value, being an amount not exceeding £5 per centum on the capital value of the land in fee simple. The Roads Board Bill of this session had been considered by a select committee, which reported that the amount should be £7 10s.; but another place had altered the amount to £5. Hence the sum was fixed in this Bill. He intended to ask the House to insist that the amount should be £7 10s. in the Roads Bill; and to secure uniformity, he moved that the words "five pounds," in line 11 of the clause, be struck out, "and seven pounds ten shillings" inserted in lieu.

MR. HOPKINS supported the amendment. Probably the board would take its valuation from the books of the local authorities, and as the municipal and roads board's valuation would be fixed at £7 10s., much clerical work would be saved by the amendment.

Amendment passed, and the clause as amended agreed to.

Clause 53—Rating of persons residing on mining leases:

MR. HOPKINS: This question was surrounded by legal and other difficulties which had been a source of contention for five years. The worst feature was that a person in the habit of taking home a supply of water from a mine was apt to continue the practice, and would hardly use more than 1,000 gallons a year. Such person was not rated; and his total contribution to the scheme would be 6s. per annum; while a man living on the other side of an imaginary boundary, in a municipality, would pay £3, though using no larger quantity. This calculation was made on a 2s. rate, assuming the rental value of the house was 15s. per week. Could not a proviso be inserted to prevent persons living on leases from ultimately claiming the land by virtue of their being rated? If rated they would acquire some sort of claim. In Victoria, any person who for a certain time occupied a block on a gold-mining lease might for a certain price acquire a title; and the same right might be claimed in this State. Here the amendment would be an innovation; but several Victorian gold mines were situated within municipalities. At Clunes, Victoria, the mine workings were underneath the town; so at Ballarat and Bendigo; hence the miners who lived on the surface by virtue of their miners' rights had a right to acquire the fee-simple.

MR. MORAN: To give men the right to live on leases would hamper crushing and other mining operations.

MR. HOPKINS: Yes. The position of the Golden Mile was peculiar; for the ores were more difficult to treat, more room was needed for machinery, and the mines were richer than those elsewhere. Hence many of the companies could not spare the surface, and it would be a boon to them to regain much of the land now occupied by their employees, whom they did not care to remove. From his experience in Boulder he knew the municipal ratepayers were heartily sick of submitting to rates not imposed on the bulk of the people of the district, who lived on leases.

MR. MORAN: Would it not be well to make the leaseholder responsible right from the jump in respect of every person living with the leaseholder's consent on the lease? The area to which this discussion referred represented 50 per cent. of the whole water scheme. Month by month it was becoming more difficult, legally and morally, to deal with residents on leases. A model municipality was to be seen on one side of the street and a disgracefully insanitary state of things on the other side. The matter meant so much to the success of the Coolgardie Water Scheme that the Minister might consider whether it would not be best to strike a rate on every tenement.

THE MINISTER FOR WORKS: This clause had been inserted with the express object of compelling the individual known as "squatter on a lease" to pay rates. The clause undoubtedly made the leaseholder responsible to a certain extent. In his opinion — which opinion the Attorney General would probably indorse —the words "any person living on a lease with the consent of the leaseholder" would cover the case of a miner working on the lease on which he lived, and in that case the leaseholder would be responsible for payment of rates if the occupier did not pay. Undoubtedly, if a miner resided on the lease with the consent of the leaseholder, and farther worked on the mine, that miner was on the lease in connection with the purposes for which the lease was granted.

MR. HASTIE: No.

MR. MORAN: The trouble was that the miners moved about from one mine to another. The same men were not always working on the same mine.

THE MINISTER FOR WORKS: In the first place, there was the right to rate the individual living on a lease with or without the consent of the leaseholder. The Government had the right to lay pipes anywhere through any gold-mining lease. Then there was power to rate any occupier of a lease, whether his occupancy was with the consent of the leaseholder or not. Thereupon the question arose, could the occupier be made to pay? First of all, the Government had a remedy against the individual; and there was as good a chance of making the squatter on a lease pay as of making anyone else pay. Finally, and over and above that right, the leaseholder was responsible if the squatter who failed to pay was on the lease with the leaseholder's consent. The desire was that these squatters should be users

of the Coolgardie Water Scheme in the fullest sense of the term.

MR. BATH: If the suggestion of the member for West Perth (Mr. Moran) were adopted, and the leaseholder made responsible for payment of rates due by individual occupiers, naturally the leaseholder would remove those individual occupiers if they failed to pay the rates. [MR. HOPKINS: Would not that be perfectly fair?] The member for Boulder (Mr. Hopkins) had referred to the injustice done to goldfields municipalities by the fact that people residing immediately outside those municipalities were not rated; but those controlling the municipality spent the money raised in rates within the municipal bounds for the benefit of the people rated. There was not so much difficulty in connection with residents on leases as the member for West Perth would have us believe. The problem of settling these people on residence areas was being solved. Applications for farther residence areas were now before the Government, and additional areas, it was understood, would be proclaimed so soon as regulations had been framed. No difficulty need be anticipated in the collection of rates from settlers on leases, many of whom had occupied their holdings, and would continue to occupy them for a considerable time. Moreover, residents on leases had as great a desire for cleanliness as had the residents of municipalities.

MR. MORAN: But they had not the same facilities for cleanliness.

MR. HOPKINS: Exactly; and that was the trouble.

MR. BATH: Facilities would be granted.

MR. MORAN: Would the hon. member have the Government go to the expense of reticulating every little camp?

MR. BATH: Water might be supplied from standpipes.

MR. MORAN: From standpipes placed on the leases?

MR. BATH: Yes.

MR. MORAN: Then the squatters would never be got off the leases.

MR. BATH: If residence areas were thrown open close to the mines they would be availed of, since miners naturally desired to live close to their work. The most insanitary spots on leases could be paralleled in municipalities. The clause, as it stood, met all the necessities of the case. Certainly, the leaseholder ought not to be made responsible for payment of rates by the individual occupier, since sufficient power was given to collect from the latter. There was no reason to believe that the process of squatting on a lease created any legal title.

MR. THOMAS: From the interpretation given by the Minister for Works of the words "in connection with the purposes for which the lease was granted" the plain inference was that a miner residing on a lease was to be considered as employed in connection with the lease.

THE MINISTER FOR WORKS: The clause contained also the words "with the consent of the leaseholder."

MR. THOMAS: The words which he had quoted ought to be struck out, since they would give rise to difficulty. No trouble had so far arisen in connection with residence on lease. Miners naturally wished to reside as near to their work as possible, and with very few exceptions mining companies had not objected to squatting, it being understood that the leaseholder reserved the power to shift camps if the ground they occupied was required for mining purposes. Certain Labour members had advocated that the squatters should be removed from the leases —[MR. HASTIE; Who advocated that?] —and settled on residence areas, such as Trafalgar and the area behind Lake View, thus forcing them to reside in the townships. It would be better if some arrangement could be come to so that the people could live in the townships which had been laid out. If the clause was passed as printed, the effect would be that every mineowner, to protect himself under the Bill, would give notice to every person on the leases to quit. He did not want to see that, because, as a general rule, there had been no serious friction between the mine managers and the miners on the leases. It was for that reason he would like some farther information from the Attorney General as to what the legal aspect would be. If a man went on paying rates, and was allowed to retain peaceful possession of the land, and the mineowner did not turn him off, would that give the miner a legal right to the land on which he was living?

THE PREMIER: Every member of the Committee apparently agreed with paragraph 1. We desired to provide what was to happen where the proprietors were rated and the rates not paid. The first paragraph of the clause provided for the rating, but owing to the fact that the leaseholders had no right to sublet or use their surface for residential purposes, the second paragraph provided what was to happen if the rates were not paid by the individual and fell into arrear. In ordinary cases the arrears were charged on the land, but in this case a different method was provided in different circumstances. It was provided where the person did not reside on the lease with the consent of the leaseholder, by subclauses (*a.*) and (*b.*), that there was no charge on the lease; so that if a person was in occupation of portion of the gold-mining lease with the consent of the leaseholder, then it was a charge on the lease; so also if he was there with the consent of the leaseholder and not in connection with the purposes for which the lease was granted. With these two exceptions it was not a charge on the lease. In a pure case of squatting without the consent of the leaseholder the rates were not charged on the land.

MR. MORAN: The leaseholder would not admit in nine cases out of 10 that the people were there with his consent.

THE PREMIER: The clause was not open to that construction, because the men would be there and the mineowner would be consenting to their being there. When one read the second paragraph with the first paragraph the word "consent" pointed to an active consent, not mere acquiescence. If the paragraph was read as mere acquiescence then it would cover the whole clause, because all were there with the leaseholder's acquiescence and knowledge. The only question that arose was whether it was desirable to strike the clause out and rely on the ordinary agreement. If that was done it threw on the leaseholder the obligation of the rates in arrears.

MR. MORAN: That was what should be done. He did not see that anyone should escape paying water rates.

THE PREMIER: If a person was there in occupation and was supplied with a tap and made himself comfortable with a garden, then that gave him a stronger position and it would be more difficult to remove him.

MR. HASTIE: All the moral rights in the world would not prevent the right of the leaseholder to shift the men if he desired to do so. The ground was let for mining purposes only. There was a proviso in the lease that the surface of the ground might be occupied by people working on the mine, but that question need not be discussed at all, because a man might be working at one mine one week and another mine the next week. The more we looked into the case the more difficulty there seemed of bringing it to an exact basis. Most of the difficulties one heard of connected with the municipalities in the Hannans district were imaginary and scarcely at any time did anyone hear of the difficulties except they were brought up by those connected with the municipalities, the object being to get all the people to live in the municipalities. People living outside municipalities, as a rule, were just as good as those living inside. The people inside paid rates because they were compelled to do so, but those outside had not been asked to pay rates, but if they were asked to pay he supposed they would act in the same way as those who did pay. The clause to some extent enabled the board to levy rates on leases, but immediately after that power was given, in reference to nine-tenths of the people, it was taken away.

THE PREMIER: What did the hon. member suggest?

MR. HASTIE: The striking out of the second paragraph and subclauses (*a*) and (*b*). If a man lived on a lease and got the benefit of water, he should pay his fair share. If a man who lived in a municipality would not pay his rates his house could be sold, and if a man had a house on a lease, that man's house should be sold also if he did not pay rates. It was said that a man had no title to a house that was on a lease; but supposing a man built a house on a lease and did not get the written consent of the owner but received the acquiescence of the leaseholder, and if another person bought that house he only bought the rights the original owner of the house had, and the house was as valuable to the purchaser as to the original owner. If people were supplied with water, let them bear their

fair share, whether they had a good title to the land on which they lived or not. The Minister should hesitate before he made the leaseholder responsible for the rates of people living on the land, because the leaseholder did not own the surface of the land, except for mining purposes. If a company took up a large area, that company was not able to mine all that area at the time. The company would mine only a portion. The unfortunate thing was that a company only looked for gold on a small area, but the company had other leases close to the mine on which people could be allowed to live. As a general rule, a man had either to live on one of the leases or make up his mind to walk three or four miles to his work. Most of the residence areas in Kalgoorlie and Boulder were about two miles from the place where the men worked. He was sure that was not above the average, and people hesitated very strongly to travel all that distance. He did not think there would be any difficulty if the board supplied with water where it thought fit those people on leases. But if they did, let every man, whether he lived on a lease or in the town, pay his fair share. He moved that all the words after "same," in line 4, be struck out.

MR. THOMAS: At the present time men living on the leases at Kalgoorlie had a legal right to remain there, inasmuch as the law would not help to shift them. A few cases had arisen where the lessees had urgently wanted the ground upon which the building was situated. They had given the men notice, but they had refused to shift, and the lessees had asked the police to remove them, but they refused to do so.

MR. HOPKINS: The lessees had done it themselves in several instances.

MR. THOMAS: It was a fact that there were several cases in Kalgoorlie where the lessees had wanted to shift men. There was one case where a bit of land was urgently needed for something in connection with the mine. The lessees asked this particular person to shift. He understood that Warden Finnerty then refused to give the order, and the police refused to do anything to carry out the law in existence unless they had the written order from the warden. The lessees had then to dump tailings on the top of those men to get them to shift. In another case, one day the manager went down and found bricks.

MR. HOPKINS: Was the hon. member in order in discussing these evictions in connection with this clause?

MR. THOMAS: It was a good opportunity for the Premier to give us the legal position. In another case bricks were put upon the lease. The manager said, "You cannot build here." This man was a contractor, and he said the contract had been let for the erection of a stone building, and the manager could not shift him. The police would not take action. The manager removed the bricks off the lease. They were brought down a second time, and he shifted them off a second time, and that put an end to it. One did not want to see these men turned off the leases.

THE PREMIER: In his opinion, the lessee would have a legal right to bring an action against a person to eject him. He would have the same right as anyone else who had a property that was trespassed upon. In such a case it would not be for the police to interfere. In the second case, where a man deliberately went and dumped down bricks on the property of a leaseholder, freeholder, or anyone else, where there was no possible justification, the police ought to be there to check it.

MR. THOMAS: They would not do so in that case. If we had a few instances like that, the mineowners would, he thought, to protect themselves order every man off the lease, and that was what one wanted to prevent.

THE PREMIER: The Minister was willing to have the words after "same" struck out.

Amendment passed.

MR. HASTIE: One did not see any clause giving power to tax people living on Crown lands. On the goldfields a very large number of good houses were built on Crown lands, where people had practically no title, and where, as far as his reading of the Bill went, the board would not have the power of rating. Although this was the case on the Boulder belt to some extent, it existed to a greater degree in other places. He expected that the water would be taken to Bulong and as far as Menzies, and it would go through Ballagundi. It would also go to Paddington, Broad Arrow, and

other places. They would like to have water laid on. He would suggest that, as the board would have power to tax people who lived on leases, they should also consider those people who lived on Crown lands.

THE PREMIER: It would, he thought, be wise not to make a provision like that at the present time, because in the area likely to be served that did not come prominently to the front. When extensions took place the point might be dealt with, but he did not think there would be any difficulty. In cases like those referred to, it might be decided to make a charge of so much a house, or something like that, and the board would not go in for an elaborate system of rating.

MR. MORAN: Hundreds of erections on Crown lands, as good as structures in Kalgoorlie, had been seen by him.

MR. HASTIE: It was provided that people who lived on leases might be rated, but those leases were often changing hands. Every now and then we read that a lease was forfeited. The moment the lease was forfeited it ceased to be a lease, and the warden or Mines Department was very slow to give that lease over to anyone else, unless there was a probability of its being worked as a gold-mining lease and showing some prospects. A lot of cases like that occurred in the Hannans district very recently. In 19 cases out of 20 the leases on which people lived were leases which were not worked.

THE PREMIER: In the case of a lease being forfeited, and no one taking it up again, there should be provision to use some portion or the whole of it for occupation purposes.

MR. JOHNSON: Instances were known by him in which leases had been forfeited. There was a number of residents on the leases, and yet the Minister for Lands refused to cut up these leases. Would these people be exempt from payment of rates? There were a number of people in the Hannans belt living on practically Crown lands.

MR. HOPKINS: A geological survey of the belt had been made, and there was a desire to keep areas believed to be gold-bearing.

MR. MORAN: At the Hannans Proprietary and along there the local bodies, particularly the roads board, in union with the Chamber of Mines, thought it would be unwise to alienate any of the surface. It was right along the track of the main reef. There might be deep level mining at a depth of 2,000 feet. We must insist that on mining belts there should be sufficient surface kept for mining purposes. It was necessary that the Minister should have power to rate on Crown lands. He had seen a lease idle for months, and there had been a sudden rush of 20 applicants because a discovery had been made on the line of lode, and it had become possible for the same chute to run into this country. At any time he expected to see a big rush at Kalgoorlie, and hoped the Government would be loath to give away the surface for any consideration. Some people thought the principal object of such centres was the carrying on of hotels and other businesses. Those were not industries. The only object was mining.

MR. JOHNSON: Could not the words "or Crown lands" be added after "mineral lease"?

THE PREMIER said he would prefer to look into the matter.

Clause as amended agreed to.

Clauses 54 to 57, inclusive—agreed to.

Clause 58—Land subject to water rate:

MR. HOPKINS: Rates might be levied on any lands situate within one hundred yards of any water main or water-pipe from which the board was prepared to supply water. If the board could not connect an applicant might he not still be rated?

THE PREMIER: No. If the board were unable to connect, they would not be "prepared to supply water," and could not charge the rate.

Clause passed.

Clauses 59 to 82, inclusive—agreed to.

Clause 83—Premises may be sold for arrears of rates, etc., remaining unpaid for eighteen months:

MR. FOULKES: The time was too long. Three months should suffice. He moved that the word "eighteen" be struck out.

THE MINISTER FOR WORKS: A three months' provision might work hardship. He would accept a reduction to twelve months.

MR. JOHNSON supported the amendment. It was undesirable to let rates run on, for people would always take the grace allowed, and many could not pay at the end of the period. A man would be better able to pay at the end of one month than at the end of twelve.

MR. FOULKES: Hardship would be inflicted on subsequent occupiers who did not know that rates were in arrear.

THE PREMIER: Not unless the new man bought the house; and before purchasing he should search.

MR. HOPKINS: The municipal period was 18 months. By Clause 75 the board could recover by distress rates not paid within 14 days. Surely that was sufficient. Goldfields residents were in the habit of taking frequent holidays in the East. By the amendment a man who went away for six months might on his return find his property had been sold for a paltry water rate. The twelve months provision he would consent to.

Amendment (that the word "eighteen" be struck out) passed.

MR. FOULKES moved that "three" be inserted in lieu.

Amendment negatived.

MR. HOPKINS moved that "twelve" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 84—agreed to.

Clause 85—Power to borrow money:

MR. MORAN hoped the clause would for some years be a dead letter. Presumably the Works Department would complete the work out of loan, and at a future time the scheme might be capitalised.

THE MINISTER FOR WORKS: It was well to have the power.

Clause passed.

Clauses 86, 87, 88—agreed to.

Clause 89—Payment of interest:

MR. HOPKINS moved that the words "shall not exceed four pounds per centum per annum on the amount thereof, and," in lines 1 and 2, be struck out. Better sell the stock at par, and let the public know the actual cost of the loan.

MR. MORAN: It would not be advisable to allow the board to pay any interest it chose. True, money could not be borrowed freely for goldfields purposes at four per cent. It was quite possible that too high a rate might be paid. However, the clause would in any case be a dead letter for several years.

Amendment passed, and the words struck out.

Clause as amended agreed to.

Clauses 90, 91, 92—agreed to.

Clause 93—Appropriation for sinking fund:

MR. MORAN: Would this clause make any particular rate for sinking fund compulsory?

THE MINISTER FOR WORKS: No.

MR. MORAN: The wiser course was to leave the matter open.

Clause passed.

Clause 94 — Investment of sinking fund:

MR. HOPKINS: This clause should prohibit the investment of the sinking fund in the stocks of this State.

MR. MORAN: That would be a tiptop advertisement for our stocks.

MR. HOPKINS: We might arrange for reciprocity with the Commonwealth in this matter.

MR. MORAN: There was no Commonwealth stock.

MR. HOPKINS: There would be in time.

THE PREMIER: How could we on the face of the statute say that the sinking fund should not be invested in the stocks of this State?

MR. HOPKINS: Possibly it would not be wise to include such a provision in the Bill, but the point was a questionable one in Western Australian finance, and it might well be debated next session.

THE PREMIER: The bulk of this State's sinking fund was invested in the stocks of other States.

MR. HOPKINS: The principle was good, and should be encouraged.

Clause passed.

Clauses 95 to 104, inclusive—agreed to.

Clause 105—Power to make by-laws:

THE MINISTER FOR WORKS moved that the following be added to Subclause 10: "And prohibiting the sale by any person to whom water is supplied by the board, of water so supplied, except with the authority in writing of the board."

Amendment passed and the words inserted.

Clause as amended agreed to.

Clauses 106 to 122, inclusive—agreed to.

New Clause:

THE MINISTER FOR WORKS moved that the following be added as Clause 119:—

In any proceeding in any Local Court or Court of Petty Sessions, or before any Justice, the secretary or any other officer of the board appointed by the chairman in writing under his hand may represent the board in all respects as if he were the party concerned.

This clause was purely formal, but very necessary.

Question passed, and the clause added to the Bill.

New Clause:

THE MINISTER FOR WORKS moved that the following be added as Clause 122:—

All lands and works vested in or under the management and control of the board shall be exempt from any rate, tax, or imposition which any local authority might, but for this section, levy and impose.

Under this clause the lands and works of the board would be treated as those of a Government institution.

Question passed, and the clause added to the Bill.

Schedules (9), Preamble, Title—agreed to.

Bill reported with amendments.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Annual report, Acclimatisation and Zoological Committee.

COLLIE TO COLLIE-BOULDER RAILWAY BILL.

IN COMMITTEE.

Progress reported (without entering into discussion), and leave given to sit again.

CITY OF PERTH TRAMWAYS ACT AMENDMENT BILL.

MOUNT BAY ROAD SECTION.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair: the MINISTER FOR WORKS in charge.

Clause 1—agreed to.

Clause 2—Confirmation of farther provisional order:

MR. HOPKINS: There was not the slightest doubt the Perth Tramway Co. had been most fortunate in securing the running rights over the city of Perth, which evidently carried with it the right to extend the lines into every suburb; probably it was the most valuable right in Australia. Parliament made the Government the common carriers of the country, and the same Parliament was now going to retire from that position and hand to the Perth Tramway Co. the right to extend their tramway lines into every suburb to compete, as in time they would do, with the State railways, as had been the case in Kalgoorlie and Boulder, thus throwing an obligation on the taxpayer. Was the Committee going to pass this kind of Bill without enforcing any farther obligation on the tramway company except that imposed casually on them by the local roads boards and the Perth council? This was a matter of such grave importance and of far-reaching issues that certainly there should be more than passing attention given to these Bills. We should appoint a committee to inquire into this extension, and such select committee might go into the matter and report next Wednesday.

THE MINISTER FOR WORKS: There was a great deal no doubt in what the member for Boulder stated. This was not a Government measure, but it was the duty of the Minister for Works for the time being to take charge of these Bills. This measure gave no farther power to the Tramway Company other than the power that they already possessed. This was no farther extension. Under the provision of the original Act the Tramway Company need not construct the Mount Bay Road extension, that was as far as Point Louis, for another two years, but in consideration of the Tramway Company agreeing to construct the line at once the Perth City Council and the Tramway Company had entered into an agreement which provided that a portion of the road from the junction of Barrack street and the Esplanade be macadamised instead of wood blocked, and that the company connect the line with the William Street and the Barrack Street lines so as to make two lines to feed the Mount's Bay Road. And the company were to put down an extra length of wood blocking outside the half mile radius in Wellington Street west, on the west side of Melbourne road. This was the agreement

entered into by the Perth council, and greatly to the advantage of the Perth City Council, and it gave to the Tramway Company no power other than what they possessed. The Tramway Company had power to construct the line to Point Louis and they need not do it for two years, but in consideration of the work being done now certain alterations had been made. All the Committee was asked to do was to agree to some slight alteration in the details of the first provisional order under which the Tramway Company had power to construct the line. The alteration asked for by the Perth Council was to their own advantage. As the tramway terminated at Point Louis, almost opposite the tea gardens, it was thought possible to go a little bit farther and ask the Tramway Company if they would provide a shelter-house at Point Louis, so that people coming from King's Park and waiting for a tram would not have to wait out in the glaring sun or in the rain, as the case might be. He had received a reply that the company were willing to erect a suitable shelter-house at Point Louis, opposite the Narrows, according to plans desired and approved by the King's Park Board.

MR. MORAN: Was the Bill sufficiently broad enough to ask what was being done to carry the line over the Narrows?

THE MINISTER FOR WORKS: It was not proposed in the immediate present to carry the line any farther, but the Government had been approached to know what they would do in the shape of a ferry service at the Narrows, and that matter had received very careful consideration. Plans and estimates had been got out for a ferry service, and it was a question if the tramline was continued to South Perth whether the Government should provide a ferry service or whether they should subsidise some company or individual who would provide that service.

Clause passed.

Clause 3—agreed to.

Clause 4—Saving rights under agreement between Mayor, etc., of Perth and promoter:

MR. HOPKINS: When the Osborne Park tramway scheme was passed on behalf of the Perth Tramway Company, provision was made by the Bill that they should carry produce from Wanneroo to North Perth. No provision was made for the produce to come from North Perth into the city of Perth, which showed that some supervision should be given to these agreements. That might act detrimentally to the producers at Wanneroo. He asked if this matter had been under notice so that in future some little concession might be given to the Tramway Company to carry the produce into Perth?

THE MINISTER FOR WORKS: The position had hardly been correctly stated by the hon. member. No concession to the Tramway Company was required to induce them to carry produce over their lines: they were anxious to do it. The trouble was that the consent of the various local bodies had to be obtained through whose boundaries the tram lines passed. First of all there was the municipality of Leederville, then North Perth, and then the city of Perth. The tramway company was anxious to provide the facilities. The consent of the authorities he had mentioned had been asked, but the replies were not forthcoming; therefore it would be impossible to insert any clause in the Bill to give effect to the desire. Next session, if the local authorities agreed, power could be given to the tramway company to carry the produce over the line. Precaution would have to be taken by the Government to fix the rate at which produce should be carried and to see that the tramway company had not power to charge an exorbitant rate.

Clause passed.

Clause 5—agreed to.

Schedule:

THE MINISTER FOR WORKS moved that the following words be struck out:—"So much of the route of the said Wellington street line of tramways as lies between the intersection of William street and Wellington street and," and the following words inserted in lieu, "the route of the said Wellington street line of tramways westerly as far as."

Amendment passed.

THE MINISTER FOR WORKS further moved that after the word "the," in line 4 of paragraph 6, the words "mayor and councillors of the city of Perth, hereinafter referred to as the" be inserted.

Amendment passed.

On motion by the MINISTER FOR WORKS, the following were added to the Schedule as paragraphs 8 and 10:—

8. The promoter shall submit, for the inspection and approval of the Commissioner of Railways and of the engineer of the local authority, plans, specifications, and drawings of the lines and extensions mentioned in the schedule hereto and in the Second Schedule to the said Act 63 Vict., No. 42, and before commencing the construction thereof shall in each case obtain the written approval of the said Commissioner and engineer of such plans, specifications, and drawings. All work in and about the laying down, constructing, and completing of the said lines and extensions shall be carried out and finished to the entire satisfaction of the local authority and its engineer.

10. The provisions of the said Provisional Orders of the 16th day of December, 1897, and of the 2nd day of November, 1899, save as the same are hereby modified, shall apply to the lines and extensions mentioned in the schedule hereto, and in the Second Schedule to the Act 63 Victoria.

Schedule as amended agreed to.

Preamble, Title—agreed to.

Bill reported with amendments.

DROVING BILL.

COUNCIL'S AMENDMENT.

The Council having amended the Bill, the Assembly having also made a farther amendment, and the Council having disagreed thereto, the same was now farther considered in Committee:—

No. 1—Clause 3, strike out the definition of "travelling stock," and insert "Any stock taken or driven, or about to be taken or driven, to any place more than forty miles from the run upon which such stock were depastured previous to starting." [Assembly had struck out "forty" and inserted "twenty"]:

MR. BUTCHER: Members would see that the message conveyed the fact that the Legislative Council insisted upon the amendment they originally made in this clause. That was an alteration of the definition of the words "travelling stock." It was a regrettable fact that so much energy and time should have been displayed in working up a useful measure of this description, and that later on we found the Bill had become absolutely mutilated beyond recognition by antiquated and reckless members. However, he supposed that half a loaf was better than no bread, and he asked the Committee to agree to the amendment. He thought really the object had not been attained by this alteration in the original definition, because it appeared to him that travelling stock under this definition were travelling stock whether they were travelled 40 miles by rail, by steamer, or road. However, he moved that the Council's amendment be agreed to.

MR. MORAN: The amendment by the Council was going too far. When one considered the thousands of heads of cattle in the Kimberley district that should be removed and put on board ship it appeared to be rather absurd to put a limit of this kind. He would rather give discretion to the local authorities in these small tin-pot, cattle-raising districts in consideration of which evidently this amendment was made.

Question passed, and the Council's amendment (forty miles) agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Legislative Council.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

THE PREMIER in charge; MR. ILLINGWORTH in the Chair.

Clauses 1 to 3, inclusive—agreed to.

THE PREMIER moved that all the words after "section," in line 1, be struck out, and the following inserted in lieu:—"167 of the principal Act is amended by inserting at the end of Subsection 35 the following:—'Requiring the owner of every carriage, cart, or other vehicle standing or plying for hire, or used for the purposes of trade, to keep conspicuously affixed to the carriage, cart, or other vehicle a tablet to be issued by the Council at a charge not exceeding One shilling, and such tablet may be required to be given up annually in exchange for another to be issued free of charge.'" Members would no doubt remember he pointed out it was the desire of the parliamentary draftsman to make it clear that the local authority had control of the license.

Amendment passed, and the clause as amended agreed to.

Clause 5—Amendment of Section 366:

MR. MORAN moved that No. 17 be struck out. He did not think it desirable to give a municipality power to run an hotel.

THE PREMIER: They must have a poll of the ratepayers.

MR. MORAN: We ought to discuss the matter farther.

THE PREMIER: In introducing the Bill, he explained that the object of it was to enable the ratepayers of Kalgoorlie, if they so desired, to borrow money for the purpose of a theatre. Before that power could be exercised, a poll of the ratepayers would have to be taken.

MR. MORAN: Why should they have that power more than any other body?

THE PREMIER: The power would apply to any municipality.

MR. MORAN: That was what he objected to.

THE PREMIER: When one bore in mind that the power could not be made operative until the matter was placed before the ratepayers, it was seen that it was a question almost of local option. The greatest objection that might be used was the fact that it would allow a municipality to carry on licensed premises.

MR. DAGLISH said he did not see any objection to allowing a municipality to construct a theatre, but he did not know whether a license was necessary.

THE PREMIER: A theatre could not be run without an hotel.

MR. MORAN: Yes.

THE PREMIER: It would not pay expenses.

MR. DAGLISH said he did not think that because a theatre was required in a place, therefore an extra drinking-place was necessarily needed. He could understand a theatre license being granted if the license were used only whilst the theatre was open; but licenses were issued in connection with theatres, and they were open to compete with the ordinary hotels. He did not think it a reasonable thing that these hotels, trading from morning till night for six days a week, should be provided because a theatre license was necessary.

Amendment by leave withdrawn.

MR. MORAN moved that all the words after "theatre," in line 1 of No. 17, be struck out.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. HASTIE hoped the amendment would not be carried, as it would prevent the establishment of a theatre at Kalgoolie, for which the people had long waited in vain. Was there not a better prospect of an hotel being well conducted by a municipality than by a person whose sole desire was to make money? Any municipality should be empowered to build and carry on a hotel and to transfer the license. The municipality must approach the licensing bench like any other applicant, and the bench would lay down the conditions as to the building required.

MR. MORAN: No; the bench were bound by the Act.

MR. HASTIE: All regulations as to building were not in the Act; the bench had discretionary powers. The hon. member thought that speculation in hotel property ought to be left to a few wealthy people; but the Committee would not be persuaded that the hotel would be worse conducted by a municipality than by a private speculator whose object was purely selfish.

MR. MORAN: It was not the duty of a municipality to find beer for its ratepayers.

MR. HASTIE: Why should it not if it chose? In Scandinavia and Denmark were municipal hotels, and he was informed that experiment had been successfully tried at three places in Scotland. The clause was not mandatory, but enabled any municipality which built a theatre to get a license for the sale of liquor.

MR. MORAN: Municipal ownership of an hotel was not State ownership. The hotel proposed to be opened by the Government would be conducted under the supervision of Government officers. Here it was proposed to delegate the right of the State to a comparatively insignificant governing body, for compared with the Legislature a municipality was insignificant. Such an hotel was not so likely to be properly conducted as one kept by a private person under well-defined regulations. In the Kalgoorlie-owned hotel every councillor would consider it his duty to hang round to see that flies were not on the glasses. At election times the councillors would spend a few shillings in entertaining the voters; and if money ran short the score would be "strapped up," involving a considerable consumption of leather. The muni-

cipality must delegate its powers to somebody.

MR. HASTIE: So must the State.

MR. MORAN: No. The State had direct control over the person running the hotel. Here the municipality would intervene between the State and the hotel manager. Under the existing law the municipality could build a theatre and let it on lease, the lessee taking out a publican's license. He (Mr. Moran) was not an admirer of this form of municipal socialism. He had no great confidence in the State-owned "pub." and less in one run by a municipality; nor should this innovation be granted for the sake of one council which could secure a theatre and a hotel without the clause. The bench would consider the case on its merits, just the same as if the applicant were a private person. If the Kalgoorlie municipality desired merely to erect a theatre, well and good; though as a Kalgoorlie property-owner he would object.

MR. JOHNSON hoped the Committee would pass the clause as printed. A theatre was badly needed at Kalgoorlie, and hitherto all private efforts to establish one had failed. The municipality had the necessary land, and it was believed that the ratepayers would consent to the erection of a municipal theatre. Permission to erect a theatre without permission to conduct an hotel in connection with it would be useless, since the former would not pay without the latter. A referendum would have to be taken before any action could be entered on.

MR. MORAN: There was no objection to the clause in so far as it would allow the municipality to take the opinion of the ratepayers on the theatre question. An hotel could be included in the plans, and if these were approved it might be leased to a private individual: that course involved no necessity for amendment of the law.

MR. JOHNSON: One fully recognised that the hotel might be leased by the municipality to a private individual, but in such circumstances the municipality would not have an equally effective control. Kalgoorlie wanted good liquor —much better liquor than had been supplied by privately-owned hotels so far—and, therefore, Kalgoorlie wanted a municipal hotel.

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

Ayes	...	...	11
Noes	...	...	9
Majority for	...	...	2

AYES.	NOES.
Mr. Butcher	Mr. Diamond
Mr. Daglish	Mr. Gregory
Mr. Gordon	Mr. Hastie
Mr. Hayward	Mr. Holman
Mr. Hicks	Mr. James
Mr. Kingsmill	Mr. Johnson
Mr. McWilliams	Mr. Purkiss
Mr. Monger	Mr. Reid
Mr. Moran	Mr. Eason (*Teller*).
Mr. Wallace	
Mr. Higham (*Teller*).	

Amendment thus passed, and the words struck out.

Clause as amended agreed to.

Clause 6—agreed to.

New Clause:

THE PREMIER moved that the following be added to the Bill:—

Amendment of Section 169.—Section 169 of the principal Act is amended by inserting after Subsection (*s*) the following:—(*t*) For the use of any carriage or cart by-standing or plying for hire, the owner not being licensed within the municipality under the Cart and Carriage Licensing Act, 1876.

This new clause was consequential on a previous amendment. It added to the list of purposes for which licenses might be issued.

Question passed, and the clause added to the Bill.

New Clause:

THE PREMIER: The qualifying section, No. 47, of the principal Act contained the following:—

No female or minister of religion, and no uncertificated or undischarged bankrupt, and no person attainted of treason or convicted of a felony or perjury or any infamous crime, shall be qualified.

The disqualification extended too far. The mere fact of a person having been convicted years ago should not necessarily be a bar. He moved that the following be added to the Bill:—

Section 41 of the principal Act is amended by inserting the words "and under sentence or subject to be sentenced for" after the words "convicted of" in line 3. This amendment shall be deemed to have been made immediately after the passing of the principal Act.

Question passed, and the clause added to the Bill.

New Clause:

MR. HIGHAM moved that the following be added to the Bill:—

Section 167 is amended by adding the following paragraph to Subsection 42:—Prohibiting or regulating the driving of heavy vehicles or the carriage of heavy goods along, through, or over any specified street or streets of a municipality.

The new clause was intended for the benefit of municipalities whose streets were narrow. The portion of High street, Fremantle, set apart for vehicular traffic was only 29 feet 6 inches in width, for example. Under the clause, certain streets might be closed against very heavy or very bulky traffic, which would be diverted to other routes. It was not reasonable that Oregon piles 60 feet in length, for instance, should be conveyed through main thoroughfares. The Fremantle Municipal Council, which was now engaged in framing new by-laws, desired this power.

MR. MORAN: While not opposing the clause, he desired to point out the danger of legislating to interfere with the King's highway at the request of small local governing bodies. Warehouses might be most injuriously affected.

MR. HIGHAM: Cases of hardship would be provided for in the regulations.

MR. MORAN: One could only hope that the Government had fully considered the amendment and that the hon. member's (Mr. Higham's) was the unanimous voice of Fremantle.

MR. HASTIE: The operation of this new clause would not be restricted to Fremantle, but would extend over the whole State. Nearly half of our municipalities had been created within the last 10 or 12 years, and their principal streets in the main formed part of the regular highways. Those streets, moreover, had been largely constructed at the expense, not of the municipalities, but of the State. Now we were asked to let municipalities block highways at will. The clause might not work great hardship in such centres as Perth or Fremantle, but its effect would be serious in small country towns. The power was far too great to be safely intrusted to municipalities.

MR. HIGHAM: The regulation passed by the municipal council would have to be approved by the Governor-in-Council. The power was necessary in Fremantle because balks 60, 70, and 80 feet long, of oregon timber were carted along the streets of Fremantle, which were only 29 feet 6 inches wide.

MR. MORAN: Make the clause apply to Fremantle.

MR. HIGHAM: Each municipality could deal with its own case and frame a regulation.

THE PREMIER: Section 167 provided for the making of by-laws, and the proposal of the member for Fremantle was to add another purpose for which by-laws could be made. The municipal council would be able to prohibit the driving of heavy vehicles along any street, and the streets along which these vehicles would have to go would be specified. There were circumstances in which certain traffic should be regulated. Heavy traffic caused a difficulty in some streets, whereas no trouble would be caused in other streets.

MR. GORDON: There was very little danger in the clause. By-laws would have to be passed by the Governor-in-Council. There were by-laws already as to the rules of the road, and this clause would not give much farther power. Heavy traffic passing along narrow streets was dangerous to light vehicles.

MR. WALLACE: This power should be given to municipalities. One had only to observe the drays carting timber from the William street jetty to the timber yards in East Perth to understand the danger. There should be a means of preventing the carting of coal and manure along the chief streets of the city. In the old country regulations were adopted preventing certain traffic going along certain streets. He was in favour of reserving to the ordinary traffic the main thoroughfares.

MR. HASTIE: No one doubted the advisability of giving Fremantle this power, but the clause would apply to the whole State. In towns where the population was concentrated the power given by the clause was desirable, but in country municipalities this clause might work a hardship. The proposal should be confined to Perth and Fremantle and not to the country.

MR. HIGHAM: The fears of hon. members were groundless. Section 167

provided 50 different purposes for which by-laws could be made.

MR. MORAN: All on municipal matters.

MR. HIGHAM: No local body was likely to adopt any arbitrary rule. The regulations would be for the benefit of the community. Country municipalities need not adopt any by-law touching upon the matter.

MR. MORAN: It was distinctly unfair in Bills dealing with small amendments of big Acts to bring up important amendments at the last moment. It would be remembered that there was a noise created over the closing of a certain street in Perth, and the Bill was withdrawn subsequently. It would be far better if the hon. member brought this matter up next session by a small Bill applying to the traffic of Perth and Fremantle only. What might happen under a clause like this? In country districts municipal councils might prevent the carting of wheat to market through their towns. Western Australia was full of small municipalities which were surrounded by large areas, and wood and stone and other material was carted along the streets. If this clause was passed, power could be given to prevent the carting of material through the municipalities.

MR. WALLACE: It was optional.

MR. MORAN: It was his desire to prevent the option being given.

MR. GORDON: Stock were prohibited from travelling through the streets at certain times. Under the clause, if a municipal body passed a by-law which was not suitable to a town, the members of the municipal council would soon lose their seats and the by-law could easily be cancelled.

Question passed, and the clause added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

PUBLIC WORKS BILL.

COUNCIL'S AMENDMENTS.

Schedule of 43 amendments made by the Legislative Council now considered in Committee.

No. 1, Clause 2, definition of "Crown land"—Add the words "or land reserved under 'The Permanent Reserves Act, 1899.'"

THE MINISTER FOR WORKS: The object of the amendment was apparent on the face of it, that land reserved under the Permanent Reserves Act, 1899, should not be deemed waste lands of the Crown. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 2, Clause 2, definition of "Resident Magistrate"—Add the words "and police magistrate":

THE MINISTER FOR WORKS moved that the amendment be agreed to. After all, the amendment was somewhat unnecessary, because wherever the words "resident magistrate" were used in the Bill "police magistrate" were also used. Still, another place considered it necessary, and he moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 3, Clause 8, lines 4 and 5—Strike out the words "and no such works shall be undertaken unless Parliament appropriates money for the execution thereof":

THE MINISTER FOR WORKS: Perhaps the words proposed to be struck out would, if retained, make the clause a little too rigid. The member for West Perth (Mr. Moran) drew attention to this, and suggested that it would be better to have those words struck out. The Government quite agreed with him. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 4, Clause 13—Strike out Subclause (4), and insert the following in lieu thereof:—"(4.) In exercise of the powers conferred by this section as little damage as possible shall be done, and compensation shall be made to the owner or occupier of land for water impounded, diverted, or taken thereon or therefrom, and for damage done or occasioned by the exercise of such powers. (5.) Such compensation shall be ascertained and settled in the manner provided by any agreement made by the Minister, or in the manner provided by Part III. of this Act":

THE MINISTER FOR WORKS: It was never anticipated that any of these powers could be exercised without compensation for serious damage done. There-

fore, he moved that the amendment be agreed to.

MR. MORAN: It would not be hard to pick out which Chamber of the Legislature this amendment came from. It made the provision twice as strong.

Question passed, and the amendment agreed to.

No. 5, Clause 17—After the word "*Gazette*" insert the words "and in a newspaper circulating in the district wherein the land is situate":

THE MINISTER FOR WORKS: After all, it was, he thought, only reasonable that people residing in the district where the Government resumed land should have more notice of that resumption than probably they would have by merely an insertion in the *Government Gazette*. He was afraid that not many people took the *Gazette*, and of those who took it, few read it. He moved that the amendment be agreed to.

MR. HASTIE: Would it not be better to say that it should be published in a local newspaper? If we said "paper circulating in the district," it meant that all these advertisements would be obtained by a metropolitan newspaper.

THE MINISTER FOR WORKS: A difficulty might arise as to what would be considered a local newspaper. He thought that a newspaper circulating in the district where the land was situated would cover the necessity of the case, and whoever controlled this measure would certainly see that it was interpreted to mean a local newspaper as far as possible.

MR. MORAN: In no case would it be allowable to advertise in two newspapers, would it?

THE MINISTER FOR WORKS: It would be allowable; but not necessary.

MR. DAGLISH: A more effective plan of giving notice would be to post a registered letter.

THE PREMIER: There might be absentees.

MR. DAGLISH: Absentees did not see papers circulating in the district. This clause would, it seemed to him, mean additional expense to the State, without advantage to the holder of land resumed by the Crown. It would really mean that there would be no notice to him in a very large number of cases.

MR. HAYWARD called attention to the word "may."

MR. MORAN: It would be done every time.

Question passed, and the amendment not agreed to.

No. 6, Clause 18—After the word "*Gazette*" insert the words "and in a newspaper circulating in the district in which the land is situate":

THE MINISTER FOR WORKS moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 7, Clause 19—After the word "*Gazette*" insert the words "and newspaper as aforesaid":

THE MINISTER FOR WORKS formally moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 8, Clause 20—Insert the following words at the beginning of the clause, "Subject to the provisions of the Permanent Reserves Act, 1899":

THE MINISTER FOR WORKS: The Committee had already agreed to a similar amendment in Clause 2. He moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 9, Clause 20—Strike out the words "whether made under the authority of any statute or otherwise":

THE MINISTER FOR WORKS moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 10, Clause 23, sub-clause (1), line 3, and sub-clause (2), line 2—Strike out the word "within," and insert the words "at the expiration of" in lieu thereof:

THE MINISTER FOR WORKS: The Committee would see that the Bill as printed provided that where land was not taken under the operation of the Transfer of Land Act, a copy of the notice and description of the plan had to be sent to the Registrar within 90 days of the publication of the notice. "Within ninety days" was somewhat wide, and "at the expiration of ninety days" was certainly better. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 11, Clause 32—Add the following words at the end of the clause: "but no

lease shall be granted by a local authority for a term exceeding three years without the consent in writing of the Minister":

THE MINISTER FOR WORKS: This clause provided that where land was taken or acquired under this measure for a public work, and was not required for immediate use for public work, the Minister or local authority might let the same. The amendment was that no lease should be granted by the local authority for a term exceeding three years, without the consent in writing of the Minister. It was as well that there should be some limit to the time for which the local authority could lease such land. Without this provision, the local authority might let the land on lease for 21 years, and when the public work became necessary we should find that we could not proceed with it, because under the power of this clause the local authority had chosen to let land under a very long lease. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 12, Clause 34, Subclause 4, line 2—Strike out the words "or a public reserve," and insert "lawfully":

THE MINISTER FOR WORKS moved that the amendment be agreed to. The majority of these amendments had been made by the Government to remedy defects noticed in the Bill.

Question passed, and the amendment agreed to.

No. 13, Clause 36, line 5—After the word "*Gazette*" insert "and in a newspaper circulating in the district in which the land is situate":

THE MINISTER FOR WORKS moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to

No. 14, Clause 62, Subclause 1—Strike out all the words after "assessors" to the end of the subclause, and insert the following: "(2.) *a.* The president, if a Judge of the Supreme Court, may, if he think fit, state a case for the decision of the full Court thereon. *b.* When the president is a resident or police magistrate, he may, if he think fit, and shall if required by the claimant or respondent, state a case for the decision of a Judge of the Supreme Court thereon":

THE MINISTER FOR WORKS moved that the amendment be agreed to. It undoubtedly expressed the intention of the original clause.

MR. MORAN: The clause provided that a case should be stated at the request of either party. By the amendment the Judge had an option.

THE PREMIER: The object was to prevent too much litigation.

Question passed, and the amendment agreed to.

No. 15, Clause 63—Strike out Subclause (*c.*):

THE MINISTER FOR WORKS: Subclause (*c.*) was the betterment provision, enabling the Court to take into account by way of deduction from the compensation any increase in the value of the owner's adjoining land likely to be caused by the execution of the proposed public work. He would not ask the Committee to agree to this amendment, and moved that it be not agreed to. Surely it was fair that when a man's land was improved in value by a public work the value of the improvement should be considered when assessing the damage caused to that man by taking part of his land.

MR. BUTCHER: That depended on how much land he retained.

THE MINISTER FOR WORKS: Undoubtedly. If the Government left him very little, there would be very little deduction from the compensation.

MR. MORAN: Though he had fought this subclause bitterly, because it was an incomplete instalment of the betterment principle, inasmuch as it took into consideration only the lands immediately adjoining the public work instead of the whole district; nevertheless, the betterment principle being a well-known form of taxation, another place had no right to interfere with the subclause, and he would support the motion that the amendment be not agreed to.

THE PREMIER: The fact that there was one clause of this kind in the Bill did not make it a measure imposing taxation. Therefore the hon. member's contention was unsound.

MR. MORAN: Then another place was entitled to strike out any kind of taxation?

THE PREMIER: What could the Upper House do?

MR. MORAN: Make suggestions.

Question passed, and the amendment not agreed to.

No. 16, Clause 64, page 21, line 1—Strike out "damage" and insert "compensation":

THE MINISTER FOR WORKS: The amendment was immaterial. He moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 17, Clause 68—Strike out subclause (1), and insert the following in lieu thereof: "(1.) The costs of the inquiry as between party and party shall be taxed by the taxing officer of the Supreme Court, and the amount thereof shall be included in the award, and the Court shall direct to whom such costs shall be paid":

THE MINISTER FOR WORKS: Clause 68 provided that the court should fix the costs of the inquiry as between party and party, include the sum in its award, and direct by whom the costs should be paid. The amendment provided that the costs should be taxed by the taxing master of the Supreme Court and the amount included in the award. Surely if a court were fit to give an award it could determine the costs. By the amendment, before the award could be given the matter would have to be referred to the taxing master to fix the costs. Why this unnecessary delay? He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 18, Clause 80—After the word "may," in line 1, insert "with the consent of the claimant":

THE MINISTER FOR WORKS: What was sought to be done could not be done without the consent of the claimant, which was implied; but the amendment could do no harm; and he moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 19, Clause 82, Subclause (2.)—Strike out the word "reasonable," in line 1, and insert the words "forty-eight hours":

THE MINISTER FOR WORKS: The clause as drafted read that when practicable, reasonable notice should be given to the owner or occupier of the intention to enter on the land. Coming from such a source the amendment was surprising. However, as another place thought 48 hours a reasonable notice to give a landed proprietor, he did not object; and he moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 20, Clause 83, lines 5 and 6—Strike out the words "to imprisonment with or without hard labour for any term not exceeding two years," and insert "for the first offence to a penalty not exceeding twenty pounds, and for any subsequent offence to a penalty not exceeding one hundred pounds":

THE MINISTER FOR WORKS: The clause provided that whoever did certain things should be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding two years. To make it compulsory for the Court to commit to prison anyone who had destroyed or altered the position of a survey peg was somewhat severe. The penalty proposed by the Council was reasonable.

Amendment agreed to.

No. 21, Clause 86, Subclause (3)—Add the words "and thereupon such road or part thereof shall cease to be a Government Road":

THE MINISTER FOR WORKS: This amendment, which had been inserted at the wish of the Government, improved the clause.

Amendment agreed to.

No. 22, Clause 91, Subclause (2), line 1—After the word "*Gazette*" insert the words "and in some newspaper circulating in the district":

THE MINISTER FOR WORKS: This was the familiar amendment requiring advertisement in some local newspaper. He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 23, Clause 93—Strike out the whole:

THE MINISTER FOR WORKS: The clause struck out by the Council provided a method of stopping or diverting roads. The object of the clause was to render unnecessary the introduction of an annual Act for the closure of roads and streets. After consideration he thought it was perhaps better that the

usual Roads and Streets Closure Bill should be introduced every session than that summary power to close should be given.

Amendment agreed to.

No. 24, Clause 94—Strike out the whole:

THE MINISTER FOR WORKS: This was a consequential amendment.

Amendment agreed to.

No. 25, Clause 96—Strike out the whole:

THE MINISTER FOR WORKS: The clause provided that the owner of land abutting on a river might be required to clear the river of obstructions. It was hard to call on an owner to remove obstructions which he had not placed in the river and for which he could not be held responsible.

MR. DAGLISH: What would be the position if the clause were struck out? The owner of land running to the foreshore of a river might prevent other residents from getting at obstructions for the purpose of removing them. The obligation to keep the waterway clear should accompany the possession of river frontages, which he might observe in passing ought never to have become private property. He opposed the amendment.

MR. HASTIE: Was there anything to prevent the owner of land running to the waterside from stopping navigation by felling trees into the river? If not, what control had the State over its rivers?

THE MINISTER FOR WORKS: The clause as printed provided that where there happened to be any earth, stone, driftwood, tree, shrub, or bush impeding the flow of water in a stream or river, the owner or occupier of abutting land might be called upon to remove such obstruction within 14 days, with heavy penalties in default. Now, why should an owner or occupier of land abutting on a stream be called on to remove obstacles for which he was not answerable? The Government would always have power to remove such obstacles, and, farther, power to punish anyone guilty of placing obstacles in the waterway. It was only fair that the clause should come out.

Amendment agreed to.

No. 26, Clause 97—Strike out the whole:

THE MINISTER FOR WORKS: Clause 97 provided that the Government might direct the banks of rivers to be protected, or might alter a river or dam up waters. There was a proviso that if damage was done to any individual, compensation must follow in due course. The striking out of the clause meant that the Government would have no power to direct that banks of rivers should be protected or that the course of a river should be altered, or that waters should be dammed; and such power was absolutely necessary. He therefore moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 27, Clause 99—Strike out the whole:

THE MINISTER FOR WORKS: Clause 99 provided that the bed of every river and stream up to high-water mark, or in the case of non-tidal rivers up to ordinary winter high-water mark, should vest in the Crown. Where the land abutted on a river, or the bed of a river was unalienated, the power was not necessary, and therefore it could apply only to land and river beds which had been alienated and had become private property. Whether, from our point of view, foreshores and river beds had become private property rightly or wrongly, was beside the question: we had no right to attempt to confiscate private property. He moved that the amendment be agreed to.

MR. DAGLISH: Why had the clause been inserted at all?

Question passed, and the amendment agreed to.

POINT OF ORDER.

MR. HASTIE: This was too important a matter to be passed by so hurriedly.

THE CHAIRMAN: The amendment had been agreed to.

MR. HASTIE said he had been on his feet to speak before the Chairman put the question.

THE CHAIRMAN: The question had been fully put, and the hon. member was out of order.

MR. HASTIE: The clause affected the foreshore of the river Swan, and the reason why the Upper House had thrown out the clause was——

MR. MORAN rose to a point of order. Just by way of direction for the future, he wished to know whether the hon. member could discuss an amendment after it had been agreed to?

THE CHAIRMAN: The hon. member (Mr. Hastie) was not in order in speaking to the question after it had been fully put.

MR. HASTIE: Would the Chairman kindly state when members would have an opportunity of speaking to the question?

THE CHAIRMAN said he could only express regret that he had not seen the hon. member.

MR. HASTIE said he had addressed the Chair the moment he had an opportunity of doing so.

THE CHAIRMAN: The Standing Orders distinctly laid down that after a question had been put and the result declared, discussion could not be reopened.

DEBATE.

No. 28, Clause 100, lines 2 and 3—Strike out the words "under this or any special Act":

THE MINISTER FOR WORKS: This amendment was quite immaterial, and did not affect the sense of the clause.

Amendment agreed to.

No. 29, Clause 101, add the following two subclauses: "(2.) Before the second reading of the Special Act in the Legislative Council and Legislative Assembly respectively the Minister shall cause a map, to be referred to in the Special Act, showing the course to be taken by, and the middle line of the railway, to be laid upon the table of the House. (3.) On the passing of the Act the map, signed for the purpose of identification by the Clerk of the Parliaments, shall be deposited by him in the office of the Master of the Supreme Court, and shall be open to public inspection at any reasonable hour free of charge, and shall be admitted in all Courts for all purposes as evidence of the line authorised by the special Act":

THE MINISTER FOR WORKS: Clause 101 dealt with the construction of railways, providing that such work could be undertaken only by special Act, and limiting the scope of deviation. The subclauses proposed were valuable, and afforded a good deal of protection. Under them members of both Houses would have the fullest possible information concerning any railway which might be proposed.

MR. MORAN: Who was the Clerk of Parliaments?

THE MINISTER FOR WORKS: The amendment might well be accepted if one knew exactly who the Clerk of the Parliaments was.

MR. MORAN: The Clerk of Parliaments was the Clerk of another place. A Public Works Bill could emanate only from this House, and therefore maps should be identified by our Clerk.

THE CHAIRMAN: Standing Order No. 10 provided that the Clerk of the Legislative Council should be Clerk of the Parliaments.

THE MINISTER FOR WORKS: As Public Works Bills must originate in this House, the identifying signature should be that of our clerk; and therefore he moved, as an amendment on the amendment, that in Subclause 3, line 2, "Parliaments" be struck out, and "Legislative Assembly" inserted in lieu.

MR. WALLACE: Would not this amendment interfere with the usual procedure, for it said, "and shall be admitted in all courts for all purposes as evidence of the line authorised by the special Act"?

THE MINISTER FOR WORKS: It appeared that the "Clerk of the Parliaments" was the usual term used. Any Act had to be certified by the Clerk of the Parliaments. He would withdraw the amendment.

Amendment withdrawn.

THE MINISTER FOR WORKS moved that the Council's amendment be agreed to.

Question passed and the amendment agreed to.

No. 30, Clause 102, lines 1 and 2—After the word "is" insert the word "authorised," and strike out the words "under the provisions of a special Act":

THE MINISTER FOR WORKS: The amendment made the clause preferable to what it was previously. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 31, Clause 102—Strike out subclause (*a*):

THE MINISTER FOR WORKS: This was a consequential amendment, and he moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 32, Clause 104, subclause (3), line 1—After the word "shall" insert the words "subject to the provisions of Part III.":

THE MINISTER FOR WORKS: The provisions of the clause would be subject to Part III., which dealt with compensation. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 33, Clause 106, page 36, line 30—Strike out "but" and insert "if":

THE MINISTER FOR WORKS: This was evidently a clerical error; he moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 34, Clause 107, line 3—Strike out the word "may," at the beginning of the line, and insert the word "shall" in lieu thereof:

THE MINISTER FOR WORKS: Where the making of a railway had cut off all access to land, it was only reasonable that the Government should be compelled to make such crossing or crossings to give access to the land. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 35, Clause 108—Strike out the whole:

THE MINISTER FOR WORKS: Where a street had been closed in whole or in part and had remained closed up till the present time, it was only right to say that such closing had been lawfully made. He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 36, Clause 109, Subclause (2.)—Add the words, "but in case of decay from any cause other than the default of the local authority, the same shall be repaired or reinstated by the Minister":

THE MINISTER FOR WORKS: This amendment was reasonable. Where there was decay, not from the fault or neglect of any local authority, it was only right that the work having been carried out by the Government in the first place should be renewed by the Government. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 37, Clause 110, line 5—After the word "made," add the words "at the cost of the Minister and":

THE MINISTER FOR WORKS: It was reasonable where the construction of a railway altered any sewer, drain, water pipe, gas pipe, etc., belonging to a private person or a company, the alteration if necessary should be made at the cost of the Government. But there was a danger. If the amendment was agreed to the local body or private person or company might do work that really was not necessary and afterwards ask the Government to pay for it. He moved as an amendment on the amendment that before "cost" the words, "request and" be inserted, so that if the work was considered unnecessary, the Government should not be liable to pay for it, but if it was considered to be absolutely necessary it was only reasonable that the Government should carry out the work.

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

No. 38, Clause 114, line 1—After the word "on," insert the word "private":

THE MINISTER FOR WORKS: If the Minister was of opinion that any tree on private land adjacent to a railway was dangerous, it should be removed by the Crown. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 39, Clause 114, lines 3, 4, and 5—Strike out the words "he may require the owner and occupier of such land to remove such tree, and in default of such removal":

THE MINISTER FOR WORKS: The clause as amended by the Council gave the Minister power to remove, without giving notice to the owner, any tree on private land which was likely, if it fell, to obstruct a railway or endanger travellers thereon. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 40, Clause 116, line 11—After the word "accordingly," strike out all the words to the end of the clause:

THE MINISTER FOR WORKS: The Committee would see that by notice published in the *Government Gazette* the Government might declare that any fences constructed or intended by the Crown for separating the land taken for the use of any railway in such notice mentioned should be maintained or erected and maintained at the cost of the Government during the time such railway might continue to be used. On publication of that notice the Court were to take into account the fact that these fences were going to be maintained for ever by the Crown, when they were awarding compensation for damage to the person whose land was taken. It was, in his opinion, only a fair and reasonable request that the Compensation Court should take into consideration the fact that the Government intended to maintain the fence. The amendment was to strike out the provision. He could not ask the Committee to accept it. He therefore moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 41, Clause 120, line 4—After the word "same" insert the words "except such as relate to public health":

THE MINISTER FOR WORKS: The amendment was to insert the words "except such as relate to public health," so that any building or erection or any Government work would be subject to the Act relating to public health. He could not ask the Committee to accept this amendment as proposed, because it would mean that every little work or building the Government proposed to erect—perhaps some little iron structure somewhere—might be objected to by a local authority on the ground of public health. He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 42, Clause 126, line 1—After the word "who" insert the word "wilfully":

THE MINISTER FOR WORKS: The amendment was to insert the word "wilfully," so that the clause would read "every person who wilfully obstructs or interferes," etc. He moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 43, Clause 128, Subclause 2, line 1—Strike out "Minister" and insert "Governor":

THE MINISTER FOR WORKS: The amendment was immaterial. He moved that it be agreed to.

Question passed, and the amendment agreed to.

Resolutions reported, and the report adopted.

A committee, consisting of Mr. Moran, Mr. Daglish, and the Hon. C. H. Rason, as mover, appointed to draw up reasons for disagreeing to certain of the Council's amendments; the reasons to be submitted at the next sitting of the House.

ROADS BILL.

COUNCIL'S AMENDMENTS.

Schedule of 43 amendments made by the Legislative Council now considered, in Committee.

Nos. 1 to 5, inclusive—agreed to.

No. 6, Clause 46—After the word "completed," in line 2, Subclause (2), insert the words "or if the electoral list be not signed."

THE PREMIER: A case might arise where the electoral writ was not signed in time, and that ought to be provided for. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

Nos. 7 to 10, inclusive—agreed to.

No. 11, Clause 88—Strike out the word "two," in line three, and insert "three" in lieu thereof:

THE PREMIER: This dealt with the question of quorum. It had been provided in the Electoral Bill that the quorum should consist of two. The amendment proposed that it should consist of three. Personally, he thought it was wiser to provide that the quorum should consist of three. He moved accordingly.

Question passed, and the amendment agreed to.

No. 12, Clause 96—Insert at the beginning of the clause the words "Subject to the provisions of the Permanent Reserves Act, 1899":

THE PREMIER: Clause 96 enabled the Government to place certain reserves under the control of the board. This amendment provided that so far as

Government reserves were concerned, they should be subject to the provisions of the Permanent Reserves Act. It made a necessary amendment in that direction, and he moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 13, Clause 99—After the word "or," in line 3, insert the words "an engineer approved of and":

THE PREMIER: The clause said that boards should not expend a sum exceeding £100 in making any bridge or culvert except under the control and the direction of the Minister or officer authorised by the Minister. This amendment provided that it should not be done except under the direction and control of the Minister, or an engineer approved of and an officer appointed by the Minister on that behalf. The effect of that would be that every time we wanted to build a bridge or culvert at a cost exceeding £100 we should have to employ an engineer. That would be a needless expense, and in addition to that we had no definition of what an engineer was. He thought that the clause as drafted was wiser, and that the amendment should not be agreed to. He moved that it be not agreed to.

Question passed, and the amendment not agreed to.

No. 14, Clause 106—After the word "being," in line 1, paragraph (*a*), insert the words "land under cultivation":

THE PREMIER: This was a clause relating to taking materials for road making. The board had power to enter any land within the district not being a garden, yard, vineyard, orchard, plantation, park, recreation ground, or cemetery, and whether fenced or unfenced. By this amendment the Council wanted to exempt land under cultivation. He thought that was reasonable, and he moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 15—Clause 106: Strike out the words "one week's," in line five, Subclause (2), and insert "three days" in lieu:

THE PREMIER: Subclause 2 provided that if there were no opening in the fence the board might, on giving one week's notice, open the fence and enter. The amendment limited the notice to three days. He moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 16—Clause 117: Add the following subclause, to stand as No. (26): "Requiring all licensed vehicles plying for hire, bicycles, tricycles, motor cycles, and motor cars to have their licensed number affixed on some conspicuous part of such vehicle, cycle, or motor car":

THE PREMIER: This was the only effective method of stopping "scorching." He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

Nos. 17, 18—agreed to.

No. 19—Clause 126: Strike out the words "seven pounds ten shillings," in paragraph (*b.*), sub-clause (2.), and insert "five pounds" in lieu thereof.

THE PREMIER: The clause provided that the annual value should, at the option of the board, be the yearly rent, or an amount not exceeding £7 10s. per cent. on the capital value. Therefore unless the improvements on the land created a yearly value equal to £7 10s. per cent., the board could charge that percentage on the capital value. The Council wished to reduce the amount to £5. As the amendment was not supported by any reasons, and as the clause had been fully discussed here, he moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 20—Clause 126: Add the following words after the word "machinery," in proviso (*b.*), Subclause (2.), "but subject thereto the valuation shall be made on the assumption (if necessary to be made) that the sub-letting of the land is authorised by law."

THE PREMIER: The amendment dealt with mines and was needed, because without these words mining companies could object to rating, since by the terms of their leases the land could not be let, and was in legal phrase "struck with sterility." In other words, it was not rateable. To prevent such a contingency he moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 21—Clause 127: Strike out the clause:

THE PREMIER: The clause provided for taxation on the unimproved capital value. This matter had been fully discussed here. He had read the debates in another place, where this suggestion had been treated like many other new suggestions, as being hardly worthy of consideration, because it was new. If that attitude were always to be adopted, no progress in legislation would ever be made. The principle commended itself to him, and would no doubt commend itself to members in another place if they took time to consider it. The House should stand by the clause; and he moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 22—Clause 141: Strike out the word "Parliament," in line seven, and insert the words "both Houses of Parliament in writing":

THE PREMIER: One would think Parliament comprised both Houses. The clause provided that every exemption, and the grounds thereof, should be placed before Parliament. It was difficult to imagine how a Minister could lay before both Houses particulars of the exemption unless he did so in writing; for he had not the right to go to the Upper House. As the Chairman said, the Privilege Act expressly declared that both Houses constituted Parliament. The amendment did no more than tack on words which might be justifiable on the ground of abundant caution; and he moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 23—Clause 142: Strike out the clause.

THE PREMIER: This was struck out because Clause 127 was struck out. He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 24—Clause 145: Strike out the word "fourteen," in line two, Subclause (1), and insert "thirty" in lieu thereof:

THE PREMIER: The clause provided that if a person failed to pay the rate within 14 days after demand in writing, the chairman might issue a distress warrant. The amendment substituted 30 days. He moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 25—agreed to.

No. 26—Clause 152. After the word "months," in line two, insert the words "or longer."

THE PREMIER: We provided that if any rates remained unpaid for 18 months, and no distress could be found, the board might sell. The addition of the words "or longer" did not alter the construction, and was a waste of printing. He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 27—Clause 158. Strike out the word "ten," in lines one and six, and insert "five" in lieu:

THE PREMIER: By Part VII. certain roads board districts mentioned in the schedule, and others to which the Act might hereafter be applied, were granted borrowing powers. The clause limited the amount borrowed to ten times the average amount of general rates; and the amendment substituted five times. That would be an undue interference with the power to borrow, which was given to certain districts only; and he moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 28—agreed to.

No. 29—Clause 167. After the word "from," in line five, insert the words "the decision of":

THE PREMIER: This was another piece of draftsmanship evidently emanating from some private member of the Council. The clause provided that no subdivisional plan should be registered until submitted to and approved by the board, unless the Minister on appeal from the board otherwise directed. It was plain that the appeal was from the decision of the board, but the amendment sought to make that clearer. He moved that it be agreed to.

Question passed, and the amendment agreed to.

No. 30—Clause 173: After the word "if," in line four, insert the words "no auditor is elected or":

THE PREMIER: The clause dealt with vacancies. The amendment made it clear that the Ministerial auditor might

act alone if the other auditor were not elected. He moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

No. 31—agreed to.

No. 32—Clause 187: After the word "fence," in line one, insert the words "erected by the board":

THE PREMIER: This clause provided that any person neglecting to keep in repair a fence or a gate separating his land from a road should be guilty of an offence. The amendment limited the offence to neglecting to keep in repair a fence erected by the board. The reasons for the obligation applied whether the fence was erected by the board or by the individual, the object being to protect the road. He moved that the amendment be not agreed to.

Question passed, and the amendment not agreed to.

No. 33—Clause 188, after the word "gate" insert the words "which has been":

THE PREMIER: The intention apparently was to apply this penalty clause only to gates which had already, in the past, been placed across roads by boards.

Question passed, and the amendment agreed to.

Nos. 34, 35—agreed to.

No. 36—Schedule 14, strike out the words "For man in possession, each day or part of day, five shillings," and insert "For man in possession one shilling an hour for the first three hours, and if longer detained eight shillings a day or part of a day" in lieu thereof:

THE PREMIER: The amount of five shillings was undoubtedly too low: a man's services could not be obtained for it, and thus loss was necessarily occasioned to roads boards. The Council's amendment was reasonable.

Question passed, and the amendment agreed to.

No. 37—Schedule 17, strike out the words "Nelson" and "South Perth," and insert the words "Belmont," "Bunbury Suburban," and "Cannington":

THE PREMIER: Schedule 17 set forth road board districts which were empowered to borrow. By some oversight, Nelson and South Perth had been included: they were now struck out. Belmont, Bunbury Suburban, and Cannington were inserted.

Question passed, and the amendment agreed to.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10 minutes to 10 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 16th December, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Coal Mines Regulations Act, 1902—Amendment of Part I. of the regulations thereunder. 2, Western Australian Government Railways—Alteration to Classification and Rate Book. 3, Report of the Government Astronomer for the year 1901.

Ordered: To lie on the table.

FISHERIES ACT AMENDMENT BILL.

Introduced, by leave without notice, on motion by the MINISTER FOR LANDS, and read a first time.