Assembly has adopted this course, the Legislative Council will proceed to read the Bill a third time and pass it."

now considered.

In Committee.

Mr. Holman in the Chair.

The ATTORNEY GENERAL: I may inform the Committee that all the amendments made necessary by the understandings arrived at by the managers of both Houses have been made by the Parliamentary Draftsman and have been inserted in the Bill, and the Bill reprinted as so amended has been considered by the Legislative Council and is returned to us with these amendments, not only those referred to in the report, but the consequential amendments. I have pleasure in moving—

That the amendments requested by the Legislative Council as shown in the print of the Bill transmitted with Message No. 44, which expresses the understandings come to by the managers at the conference, be made.

Question passed.

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

BILL — FREMANTLE HARBOUR TRUST AMENDMENT.

Message received from the Legislative Council insisting on amendments.

House adjourned at 11.49 p.m.

Legislative Council,

Wednesday, 11th December, 1912.

The PRESIDENT took the Chair at 3·0 p.m., and read prayers.

QUESTION—SAVINGS BANK, STATE AND COMMONWEALTH.

Hon. M. L. MOSS: I do not want to unduly hamper the Colonial Secretary, but I would like to ask him whether there is the slightest chance of getting an answer to the questions I asked last session and on several occasions this session with reference to the Savings Bank deposits.

The COLONIAL SECRETARY: I am inclined to think there is, but I do not wish to say anything further just now.

Hon. M. L. MOSS: I hope you will see how long suffering I have been.

The COLONIAL SECRETARY: I hope the hon. member will repeat his question before the end of the week.

STANDING ORDERS SUSPENSION.

Close of Session.

The COLONIAL SECRETARY moved—

That the Standing Orders relating to public Bills and the consideration of Messages from the Legislative Assembly be suspended during the remainder of the Session so far as is necessary to enable Bills to pass through all their stages in one sitting and Messages to be taken into immediate consideration.

It is the intention of the Government to endeavour to close the session some time this week and one of the essential is that the business of both Houses should be expedited in every possible way.

Question passed.

BILLS (3)—THIRD READING.

1, Kalgoorlie and Boulder Racing Clubs Act Amendment.

2, Victoria Park Tramways Act Amendment.

3, Agricultural Bank Act Amendment.

Passed.

BILL—WORKERS' COMPENSATION.

Recommittal.

On motion by Hon. J. E. DODD (Honorary Minister) Bill recommitted for the further consideration of Clauses 4, 9, 13, and 14.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 4—Interpretation:

On motion by Hon. J. E. DODD the first definition "Certifying medical practitioner" was struck out and the clause as further amended was agreed to.

Clause 9—Principal and contractor and sub-contractor deemed employers:

The CHAIRMAN: An amendment had been made to this clause by adding the following words:—"but the immediate employer shall be temporarily liable and failing his or their liability to satisfy compensation due, the principal shall become liable for the unsatisfied balance."

Hon. J. E. DODD moved an amendment—

That the following words be deleted:—"but the immediate employer shall be temporarily liable and failing his or their liability to satisfy compensation due, the principal shall become liable for the unsatisfied balance."

The attention of hon. members should be directed to the fact that since that amendment was carried there had been two other amendments inserted at the instance of the House. One was to the effect that the contractor should be liable in all matters relating to threshing, ploughing, reaping, etcetera. Another amendment was also moved by Mr. Piesse to the effect that where fencing and clearing and other matters relating to agriculture were concerned only the contractor should be liable. In regard to the first amendment the contractor only would be liable in reference to threshing, ploughing, etcetera, and that was in most of the Workers' Compensation Acts. The latter amendment relating to fencing, etcetera, was not so included, but the words he (the Honorary Minister) moved to strike out were not in any Workers' Compensation Act in existence, and he felt sure that the House would not insist upon them being retained when it was realised that the other two amendments had been carried. It was unfair to the worker that he should first of all apply to the immediate employer and failing satisfaction from him he should apply to the contractor and then failing again he should go to the principal. The employee could be put to such expense that it would be almost impossible for him to get compensation.

Hon. M. L. MOSS: The amendment proposed to be struck out was a very good one. Mr. Dodd had said that the worker would have to refer to a number of different persons to obtain his compensation; but surely it would be seen that the giving to the worker power to resort to three different persons to get his compensation put the worker in a position of remarkable favour. With the exception of that giving the right to resort to the owner and the occupier and the mortgagee of land to collect rates, he did not know of any legislation that enabled a man to go to three different persons to recover. It was perfectly fair that the worker should resort to his immediate employer first, and it was highly advantageous to the worker that if he did not succeed he should be allowed to go against the contractor, and, finally, against the principal. The man who directly employed the workmen should

be sued against first, and, following on him, the contractor and the principal.

Hon. D. G. GAWLER: Subclause 6 of Clause 9, provided that the principal's right of indemnity should include a right against the other contractor liable under the section; so the unfortunate principal was only allowed to go against the person between him and the contractor, whereas the worker was to be allowed to go against all of them. The amendment proposed to be struck out did not put the worker in any worse position than that in which the clause put the principal. As for the suggestion that the principal might put up a man of straw, that was hardly likely to occur, for the principal knew that if the man of straw did not pay, then he himself would have to do so. The worker was not under the control of the principal, and it was because of this that hon. members had voted for the amendment. Possibly, as the Honorary Minister had said, the provision was not in any other Act, but that was no reason why it should not be inserted here.

Hon. J. E. DODD: No opposition had been expected to the motion. He failed to see why the Committee should place itself in so unjust a position as to desire to retain the position. What a weapon it would be giving to those outside to use against the Council, seeing that the other two amendments referred to had been adopted. The provision was harsh and unjust, and it was remarkable that it should find any supporters. It made the sub-contractor primarily responsible.

Hon. D. G. Gawler: But not solely responsible.

Hon. J. E. DODD: It afforded a tempting opportunity for the principal to put up a man of straw.

Hon. J. F. Cullen: That would only delay the proceedings a stage.

Hon. J. E. DODD: But a most expensive stage. The worker would probably have to sue three different persons when, as a matter of fact, the real obligation lay with the principal all the time. In New Zealand, the contractor, the sub-contractor, and the principal were all equally liable, and so, too, in all other Workers' Compensation Acts.

Hon. A. G. JENKINS: On the last occasion when this provision was under consideration he had given his vote against the Government. Shortly afterwards, on reviewing the matter, he had told the Minister that if the provision were recommitted he would vote against it, for the reason that the Minister's arguments appeared to him to be sounder than those in favour of the amendment.

Hon. J. F. CULLEN: There was nothing serious in the provision from the Minister's point of view, while from the point of view of the hon. member who had originally moved to insert the provision, there was a matter of principle involved. The sub-contractor was the employer, with all the powers of an employer. How, then, could we make the principal primarily responsible? The sub-contractor might be hundreds of miles away from the principal, and the principal could have no control whatever over the men and machinery. The provision entailed no serious hardship on the worker, because the worker would still have his remedy against the principal.

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

Ayes	10
Noes	13
Majority against ..	3

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. D. Connolly	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. J. Cornell (*Teller*).

NOES.

Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. W. Patrick
Hon. D. G. Gawler	Hon. C. A. Piesse
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. E. M. Clarke
Hon. E. McLarty	(*Teller*).

Amendment thus negatived.

Clause put and passed.

Clause 13—Act to apply as to accidents to person employed on "Western Australian ships":

Hon. Sir E. H. WITTENOOM moved an amendment—

That in line 3 of paragraph (b) of Subclause 2 the following words be struck out, "or is in the possession of any such body corporate by virtue of a charter."

The clause was intended to bring the owner of a ship under the measure in the same way as any other employer. Would the Minister explain whether, if a ship went down within the three miles limit and everyone was drowned, the owner would have to pay £400 compensation for each worker on board?

Hon. J. E. Dodd: Yes.

Hon. Sir E. H. WITTENOOM: The Committee had already decided that the immediate employer should be first responsible, but in this case, a third party, who had no control over the men who were working, was made responsible.

Hon. J. Cornell: Do Millar's company charter boats?

Hon. Sir E. H. WITTENOOM: Millar's Company chartered boats, as also did people who shipped wheat and wool. If a person chartered a ship at Geraldton or Bunbury, how could he be responsible for any accident that happened in loading that ship? The owners of the ship, and those who loaded it should be responsible. The charterer should have no responsibility in that respect. Tributers had been struck out of the definition of worker because the mine owner had no control of them, and in other parts of the Bill it was recognised that the person immediately employing the workman was the one to be held responsible. The principal under Clause 9 certainly had some control over the workmen but not so the charterer of a ship.

Hon. J. E. DODD: There was no analogy between a contractor and a body corporate who might charter a vessel. A man who chartered a boat was almost in precisely the same position as the owner of the boat. A better argument could be put up for striking the Clause out altogether.

Hon. M. L. Moss: That is what I want.

Hon. J. E. DODD: And there was no argument in favour of doing that. This provision was in the South Australian Act, and had been passed in the Bill now before the Victorian Legislature. A similar section was in force in New Zealand, and one very much the same was in operation in the United Kingdom.

Hon. J. CORNELL: A chartered vessel was very rarely trading exclusively in West Australian waters. Almost invariably chartered vessels traded between the States or with other countries.

Hon. R. J. Lynn: I have had a French chartered steamer trading exclusively on this coast.

Hon. J. CORNELL: The ships that traded between Australia and other countries came under the Commonwealth legislation, and their owners were obliged to pay compensation under the Federal Seaman's Act. Even if this amendment was carried the charterer would still be responsible under the Commonwealth Act, because 90 per cent. of the vessels under charter did not trade exclusively in Western Australian waters.

Hon. M. L. Moss: Then the Bill will not apply to them.

Hon. J. CORNELL: The only effect of striking out the clause would be that a vessel under charter and trading exclusively in West Australian waters would be able to avoid paying compensation, because the High Court had ruled that the Commonwealth Parliament could not legislate exclusively for one State.

Hon. M. L. Moss: A very good thing too.

Hon. J. CORNELL: It was a very bad thing, and before this Parliament re-assembled the Commonwealth would have power to do that.

Hon. M. L. Moss: You will lose your job then.

Hon. J. CORNELL: As a member of the Labour Party he was pledged to lose his job whenever the opportunity offered. Was it not reasonable that this Parliament should extend to seamen trading exclusively on this coast the same protection as was given to other workers?

Hon. Sir E. H. Wittenoom: The question is whether the owners of the ship or the charterer shall be responsible for accidents.

Hon. J. CORNELL: Was the hon. member prepared to so safeguard the clause that the foreign owner could be made responsible?

Hon. Sir E. H. Wittenoom: Certainly.

Hon. D. G. Gawler: He is the man who engaged the seaman.

Hon. J. CORNELL: If people chartered boats they should take up the reasonable obligation of risk. If a provision was made that the company or persons who owned the boat should alone be responsible for accidents and not the charterer, there would be a corresponding increase in the price of charters. A charterer would have to pay the increased cost to the firm from whom he chartered the boat.

Hon. D. G. GAWLER: Very often persons chartered the space in vessels and not the crews of those vessels. In such cases the charterers had no control over the crews, and the seamen knew nothing about the charterers, yet under this clause the charterers would be liable for compensation.

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

Ayes	.. .. ..	11
Noes	.. .. ..	14
Majority against	..	3

AYES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. F. Cullen (*Teller*).
Hon. W. Patrick	

NOES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. H. P. Colebatch	Hon. A. G. Jenkins
Hon. J. D. Connolly	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. E. McLarty
Hon. F. Davis	Hon. M. L. Moss
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. A. Sanderson (*Teller*).

Amendment thus negatived.

Hon. M. L. MOSS: If we had not defeated the last amendment a company like the Adelaide Company could charter a boat for two years, put its own crew on the boat and escape the obligation of paying compensation; but there was considerable objection to the whole clause and the clause should be struck out. In the second paragraph of the Letters Patent constituting the office of the Governor of the State of Western Australia, dated 29th October, 1900, were set forth the boundaries of the State of Western Australia, and a map of Western Australia marked with the boundaries appearing in the Letters Patent would show that in some parts the boundaries of Western Australia ran out two or three hundred miles into the ocean to enclose a number of islands. According to the clause before the Committee the Bill was to apply in respect of an accident happening to a worker employed in a Western Australian ship, if the accident happened within the State or within the jurisdiction of the State. There was to be no liability unless the accident occurred within the territorial waters of Western Australia; but our territorial waters extended two or three hundred miles from the coast and, as it was impossible to get insurance outside the three-mile limit, the effect of the clause would be that the State would be liable to £40,000 if anything should happen to the crew of the State steamship "Western Australia."

Hon. J. Cornell: How do they effect insurance in Great Britain?

Hon. M. L. MOSS: Because in Great Britain there were no insurance rings, whereas in Western Australia shipowners were in the merciless hands of the insurance companies, and no one knew what the rates would be under this Bill. In the case of a schooner employing eight persons there would be a liability for £3,200 in compensation in the case of total loss though the boat itself would only be valued at £1,200. At present it cost 10 per cent to cover that boat, and to get insurance for the crew would be another ten or twelve per cent. The effect of the clause would be to

render impossible the carrying on of the coastal trade so far as Western Australian boats were concerned. It would only mean throwing the trade into the hands of Victorian or South Australian shipowners, who would not be liable because they would not be registered in Western Australia and would not be bodies incorporated under the laws of Western Australia. Thus a great wrong would be done to the shipping people of Western Australia whom we should place on a better footing rather than take the trade from them and give it to people outside the State. This clause would operate to the advantage of the shipowner outside and to the disadvantage of the shipowner inside the State.

Hon. J. F. Cullen: What do you propose?

Hon. M. L. MOSS: Under the Workers' Compensation Act, 1902, men engaged in the operations of loading and discharging cargo received compensation if they were injured. People working on ships ought to be put into that position and that position only. The burden the clause proposed to be put on Western Australia shipping was not a fair one.

Hon. J. E. DODD: The best advice that could be obtained in the State showed that our territorial waters only extended to the three-mile limit and that the jurisdiction of the State in this respect was only in relation to the three-mile limit. He was also advised that an accident happening outside these waters would not come under the purview of this measure.

Hon. M. L. MOSS: Then it should be made plain that the liability should not exceed the three-mile limit. He would agree to this. Recently there was a Customs Department prosecution against a Dutch boat operating near some islands 150 miles out in the ocean, and the Customs Department persuaded the magistrate at Broome to hold that this boat was operating within the territorial limits of Australia.

Hon. J. E. DODD: The suggestion of the hon. member could not be accepted. There was no justice in restricting the liability to the three-mile limit. There should be no limit. If a workman was injured it was immaterial whether it was on the desert ocean or on the desert land. Wherever he might be, as long as he was working for an employer he should receive compensation as he would in every other calling. The hon. member had not made out any case.

Hon. J. F. Cullen: You cannot insure him, that is the trouble.

Hon. J. E. DODD: The seamen's compensation tariff was entirely different from that under the Act. He was told that for coastal steamers the tariff was four per cent. The companies themselves said that it was preposterous that these amounts should be charged. He was told that it was absolute robbery and extortion and no doubt something would be done by the Government to try and break the monopoly.

Hon. M. L. Moss: Tell us what the Government are going to do.

Hon. J. E. DODD: Give the Government a chance. No doubt the Government would bring in all the socialistic schemes the House would require. As to compensation under the Bill he was told by those doing the insurance business that the rate was 2½ per cent. on wages. That was while the vessel was in port. If the Bill passed, the amount would be increased, but certainly not doubled. The rate was nothing like that quoted by Mr. Lynn, and the rates quoted by Mr. Moss were far and away ahead of what were the true facts of the case.

Hon. M. L. Moss: I got them from a reputable underwriter.

Hon. J. E. DODD: Apart from that the very fact that every employer had to insure his workmen under the Bill, as he was liable to compensation, we should not restrict anyone at all. Shipping companies were not so badly off that they should be exempted from paying insurance rates. Those in the primary industries, like mining and agriculture, should be exempted if any persons were exempted. Shipping companies had a chance of passing this charge on and they would do so. The

Victorian Legislature had recently passed, or was about to pass, this provision, while South Australia had already done so.

Hon. M. L. Moss: Their boundaries do not go out into the ocean.

Hon. J. E. DODD: This was already the law in New Zealand, and no doubt when the matter came before the Queensland Parliament it would pass there, likewise in New South Wales.

Hon. R. J. LYNN: Mr. Dodd had mentioned the rate of 50s. per cent. while a boat remained in port, but anyone acquainted with the shipping industry knew that although 50s. per cent. was charged while the boat was in port, a vessel was at sea seven days for every day that it was in port. No doubt six per cent. would be required to cover the risk. Take a steamer or vessel trading on the coast as compared with other industries in the State. In other industries, one shift was working at a time, but the vessel leaving Fremantle had to take three shifts to operate the ship, and if a disaster occurred to the ship, the owner would be liable for compensation for the whole of the men, and it had been known for a ship to go down with all hands, on this coast. He (Mr. Lynn) was a member of the Underwriter's Association of the State, and he could state that the underwriters had never considered what the rate would be to compensate them for this class of risk. The margin that would be allowed for the risk would be of such a nature as to give the insurance companies a reasonable surplus in connection with the risk, and a reasonable surplus where the rate to-day was 50s. whilst a vessel was in port would be a considerable increase on that amount. The Minister had mentioned mining accidents, and had compared them with shipping accidents. In the aggregate there might be more mining accidents, but that was not so in the individual instance. In one fell swoop through some peril of the sea or the King's enemies the three shifts on board a steamer might go down whereas there had never been a great mining accident in this State; the greatest number of lives lost in any one mining accident being five.

Hon. J. E. Dodd: Take twelve months.

Hon. R. J. LYNN: While willing to admit that there were more mining accidents in the aggregate, one had to take individual cases. The mining industry was so much larger than the shipping industry.

Hon. J. Cornell: The mining industry larger than the shipping industry?

Hon. R. J. LYNN: Yes; in this State. There were not 200 men employed on the coastal shipping trade of the State.

Hon. J. CORNELL: The hon. member had not brought forward a complete illustration to show why the clause should be struck out. The argument was that the insurance would be so great that it would crush the shipping industry, but the Minister had pointed out that the Bill would only apply to territorial waters. Section 4 of the Commonwealth Seamen's Compensation Act said—

> (1) Subject to subsection (2) of this section, this Act shall apply to the employment of seamen on any of the following ships:—(a) ships in the service of the Commonwealth, other than the Naval or Military Service. (b) Ships trading with Australia, or engaging in any occupation in Australian waters, and being in the territorial waters of any territory which is part of the Commonwealth; and (c) ships engaged in trade and commerce with other countries or among the States. (2.) In the case of ships not registered in Australia, this Act shall, as regards paragraphs (b) and (c) of Subsection (1) of this section, only apply in relation to seamen shipped under articles of agreement entered into in Australia, and then only while the ships are subject to the law of the Commonwealth.

How many ships were registered in Australia? The whole of the inter-State steamers engaged in the trade around the coast were registered in Australia, and as such they had to effect an insurance policy to cover their

seamen. If the Commonwealth Seamen's Compensation Act only applied to territorial waters the whole of the ships registered in Australia had to insure their seamen. There were scores of shipowners who had to pay the premium. The hon. member had referred to the dangerous coast of Western Australia but it was as free from accident as any other coast in the world. The New Zealand coast was considered one of the roughest in the world and the Dominion Act contained a similar provision. The same benefits should be extended to seamen trading in this State.

Hon. J. W. KIRWAN: The proposal to strike out the clause was extremely drastic. The effect would be that those employed on Western Australian ships would be placed outside the provisions of the Bill. When other industries were included in the scope of the measure, there was no reason why one of the most dangerous employments should be excluded. Insurance rates would probably be high, but not a word had been uttered by Mr. Lynn or Mr. Moss regarding the men whose families would be left without bread-winners in the case of accidents. High insurance rates represented an insignificant loss compared with the loss of a bread-winner. Nothing had been advanced in justification of the action of those members in endeavouring to remove from the measure men employed in shipping on the Western Australian coast.

Hon. R. J. LYNN: If Mr. Kirwan was consistent he would also make shipowner's responsible for insuring the passengers. A man who followed this calling did eight hours a day and was off for 16 hours. Therefore, after a man had finished his day's work, the shipowner was still liable for him.

Hon. J. W. Kirwan: Compare the wages in the mining industry with those in the shipping industry.

Hon. R. J. LYNN: The wages in the shipping industry exceeded those paid in the mining industry. Anything from £8 to £48 a month was paid, exclusive of the ordinary average overtime. On the inter-State boats, the average was £12 a month and keep. Firemen received £11 a month.

Hon. J. W. Kirwan: Does that include officers?

Hon. R. J. LYNN: No, seamen and firemen; the amount included overtime which they earned every trip.

Hon. J. E. Dodd: It would be better to pay them £351 a year and then you would not be liable.

Hon. R. J. LYNN: The Government would have such an experience of steamboats that in the course of a year or two their worry would be a matter not of £350 or £351 but of thousands. It was unreasonable to tax the coastal community by asking them to provide this insurance.

Hon. J. CORNELL: The hon. member asserted that the average wage paid on the inter-state boats was £12 a month.

Hon. R. J. Lynn: That is for firemen and sailors.

Hon. J. CORNELL: The award given by the Federal Court 12 months ago, fixing rates for five years, did not bear out the hon. member's assertion.

Hon. R. J. Lynn: It has gone up 10s. since then. Look at the overtime rates as well as the ordinary rates.

Hon. J. CORNELL: In making a comparison of miners versus seamen's wages the question of overtime did not enter into the question.

Clause put and a division taken with the following result:—

Ayes	14
Noes	8
Majority for ..	6

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. H. P. Colebatch	Hon. B. C. O'Brien
Hon. J Cornell	Hon. W. Patrick
Hon. J. E. Dodd	Hon. C. A. Piesse
Hon. J. M. Drew	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. F. Davis
Hon. Sir J. W. Hackett	(*Teller*).
Hon. A. G. Jenkins	

Noes.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. E. McLarty
Hon. R. J. Lynn	(*Teller*).
Hon. C. McKenzie	

Clause thus passed.

Clause 14—Appointment and remuneration of medical referees and practitioners:

On motion by Hon. J. E. DODD the clause was consequentially amended by striking out of lines 2 and 3 the words "and certifying medical practitioners" and the clause as further amended was agreed to.

Bill again reported with further amendments.

Further Recommittal.

On motion by Hon. M. L. MOSS Bill again recommitted for the purpose of further considering Clause 13.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd in charge of the Bill.

Clause 13—Act to apply as to accidents to persons employed on Western Australian ships:

Hon. M. L. MOSS moved a further amendment—

That after "within" in line 4 the words "this State or within the jurisdiction of this State" be struck out and "three miles from high water mark" be inserted.

Mr. Dodd had stated that he had obtained the best legal opinion, and that he had been informed that the proviso meant that the accident should happen within territorial limits of the State which the hon. gentleman said extended three miles outward from high water mark. The object of the amendment was to make the position perfectly plain by using the words "three miles from high water mark." The boundaries of the State extended a long way beyond the three mile limit.

Hon. J. E. DODD: There was no reason why we should seek to restrict it to the three mile limit. If an accident happened outside the three mile limit it would not come within the purview of the Bill, and if an accident did happen outside that limit it would be just as much an accident as if it happened within. Why should we go outside what had been accomplished in other places so as to impose more restrictions on the workers? The Liberal Government in Victoria had passed a clause which was precisely similar to this, and South Australia and New Zealand had a similar provision embodied in their measures and it would be admitted that the case of New Zealand was much worse than the case of Western Australia.

Hon. J. F. CULLEN: The Minister seemed to be most illogical. He said definitely that the Bill only covered three miles, and that that was the best legal interpretation he could get. Mr. Moss declared that we should take the three miles limit. The Minister meant the Bill to cover three miles, and Mr. Moss urged that we should take it at that and be content, but the Minister replied, "Oh no, I would like to take my chance of getting more." That was not legislation. In all probability this would mean an utterly crushing premium of perhaps £25 per man, and as Mr. Lynn had pointed out it would be necessary to cover three sets of men for the one ship. That was to say, for the work of one man there would have to be paid for the risk of three men.

Hon. M. L. MOSS: The Minister was something more than illogical; he was not candid. He declared that he had the best legal opinion, and yet he wanted to carry the Bill much further than the three mile limit. It should be pointed out once more that we were imposing a burden on the Western Australian owner of shipping and those who had their head offices in Western Australia. This burden would not be put upon those who were living in Victoria, and who might choose to send their ships round here.

Hon. J. W. KIRWAN: What was meant by the words in the clause "provided that it happens within this State or within the jurisdiction of this State"? Presumably "within the State" meant within the three miles limit, and "within the jurisdiction of the State" would apply to vessels registered in Western Australia. A British ship remained under British law, no matter in what part of the world she might be, and it was to be assumed that a ship registered in Western Australia would remain under the jurisdiction of this State even though she was outside the three-mile limit. If compensation was to be allowed for

ccidents within the three-mile limit, surely it was only reasonable that it should be allowed also for accidents outside that limit. It would be illogical to restrict the operation of the clause to the three-mile limit and, moreover, it would result in endless litigation on the question of whether or not the accident had happened within the limit of the three miles.

Hon. E. M. CLARKE: Suppose a ship owned outside the State should arrive at Bunbury and be there chartered by a West Australian firm; where would the charterer's responsibility cease? Would it end at the three-mile limit or would it continue beyond? It was ridiculous to compare the position of a seaman who worked eight hours a day with that of a rural worker also working eight hours a day. Clearly the employer should not be held responsible for the worker except during actual working hours. A worker after his day's work was completed might go off fishing or shooting, and meet with an accident, in which case it would be utterly unreasonable to expect the employer to pay compensation.

Hon. J. E. DODD: As already explained, the advice received was that the liability would apply only when the accident happened within the three-mile limit. Still, he failed to see why the Committee should specifically place that restriction upon it.

Hon. E. M. Clarke: Where would you have the responsibility cease?

Hon. J. E. DODD: Unfortunately he could not say. One of the chief arguments used against the Pearling Bill had been that it would be impossible to know where the pearl was recovered from, that was to say, whether it was just within or just without territorial waters. Here the same difficulty would obtain if the responsibility was limited to the three miles. How would it be possible to know whether the accident happened just within or just without the three-mile limit? The amendment was designed in the interests of the shipowners and regardless of the worker. Mr. Clarke had instituted an ingenious comparison in support of the contention that the employer should not be liable, except during the period of actual work. But suppose a man was carting wheat over a journey in which, say, a couple of days would be occupied; obviously that man's responsibility to his employer would not cease at any time during the 24 hours, and therefore the employers' liability should be subject to the same continuity. Many other illustrations could be submitted showing that the seamen were not the only workers whose responsibility to their enployers did not cease at any time in the 24 hours. If the amendment were passed the shipowners would take good care to see that the insurance charges were passed on. If the clause were passed without amendment it would be in line with all the other Workers' Compensation Acts in existence.

Hon. J. CORNELL: It was to be hoped the Committee would agree to the clause as it stood.

Hon. J. F. Cullen: It will not if you speak for long.

Hon. J. CORNELL: The amendment would have the effect of hobbling the Bill altogether. The New Zealand Act bore out the contention raised by the Honorary Minister. It was specifically provided in that Act that an accident could happen in New Zealand or elsewhere. In the Bill before the Committee this was left for the courts of law to decide.

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

Ayes	..	..	8
Noes	..	..	11
Majority against		..	3

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. McKenzie (*Teller.*)

NOES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. A. G. Jenkins (*Teller*).
Hon. D. G. Gawler	

Amendment thus negatived.

Bill again reported without further amendment.

BILL—STATE HOTELS (No. 2.)

Report Stage.

Debate resumed from the previous day on the motion for the consideration of the report of the Committee.

Hon. E. M. CLARKE: I moved the adjournment of the debate in order to get certain information. I am now quite satisfied, and do not wish to delay the Bill further.

Question put and passed; report of Committee adopted.

The COLONIAL SECRETARY moved—

That the Bill be now read a third time.

The PRESIDENT: The Chairman has not certified.

Hon. W. KINGSMILL: If it is required that I should certify to these Bills, special steps must be taken to have a fair print available for me to certify to. I do not intend to certify to any Bill on the off-chance of its being right. In any case this is a money Bill and a Message must go to another place before the Bill is read a third time.

Message returned to the Assembly with a request that the Council's amendments be made.

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 24.

Hon. H. P. COLEBATCH moved an amendment—

That the following words be added after the word "years" at the end of the clause—"Provided that new rolls for the Legislative Council shall be compiled not more than three months before each ordinary election for the Legislative Council."

The COLONIAL SECRETARY: As a result of an interview with the acting Chief Electoral Officer he found that the view expressed by him on the previous day was perfectly correct, namely that there was no necessity for an amendment, because Section 24 of the Electoral Act, 1907, had been in no way altered by subsequent legislation, and that section said—"The roll shall be printed and issued under the hand of the Chief Electoral Officer whenever he thinks fit."

Hon. J. D. Connolly: That is not an amalgamation.

The COLONIAL SECRETARY: The Chief Electoral Officer was of opinion that the section meant an amalgamation, and that if this Bill became law he could publish new rolls in an amalgamated form to-morrow, if he thought fit to do so. However, there was no objection to the proviso; in fact he thought there should be some provision of that kind, but the Chief Electoral Officer considered it quite unnecessary.

Hon. H. P. COLEBATCH: One was not prepared to leave this matter entirely to the discretion of the Chief Electoral Officer. Personally he had a strong grievance on account of the manner in which the rolls of the Legislative Council had been compiled. He held, although the Crown Law authorities differed from him, that it had been the duty of the Chief Electoral Officer right through to place on the rolls every person who was shown by a municipal or roads board list to be entitled to enrolment. The Committee should insist on the compilation of new rolls before each election.

Hon. F. DAVIS: It would be better if the amendment was made to read "not less than three months" He had a vivid recollection of waiting at the electoral office for some weeks for rolls to be issued prior to an election. The trouble was that the rolls had been delayed too long in compilation. If the rolls were prepared not less than three months before, there would be ample time for them to be issued.

Hon. J. F. Cullen: A lot of people would be left off the roll.

Hon. F. DAVIS: That was not likely to be the case. If the date was altered from March, as at present, to the end of December, those who were thinking of getting on the roll would be just as willing to claim enrolment in December as they would in March. Usually the rolls were issued not more than a fortnight before the election, but to be of any use they should be in the hands of those who wished to use them at least three monthe before an election; otherwise everything was rushed at the last moment and the persons taking part in the election were not able to give sufficient consideration to the roll.

Hon. J. D. CONNOLLY: Section 24 of the Electoral Act merely said that the rolls should be printed and issued under the hand of the Chief Electoral Officer whenever he thought fit, whilst Section 28 said that whenever the Minister so directed the rolls and the supplementary rolls should be printed in an amalgamated form; that was the only reference in the Act to amalgamation. What he objected to was the numerous rolls that were in existence, and certainly Section 24 did not cover the question of amalgamation. It was fixed in the Constitution Act that the writs for the Legislative Council elections should be issued not later than the 10th of April; therefore it was known almost to within a week when the Council elections would take place. It was very necessary that three months before the election proper rolls should be available. If provision was made that they should be issued "not less than three months" before, they might be issued twelve months ahead, and if we provided for their issue "not more than three months" before the election, they might be issued on the day before. He would suggest that the amendment should read that the new rolls should be issued during the month of February in each year when an ordinary election for the Legislative Council took place. The elections invariably took place during the first three weeks in May, and if the rolls were issued during the month of February they would be available about three months in advance.

Amendment by leave withdrawn.

Hon. H. P. COLEBATCH moved an amendment—

That the following be inserted after "years" in the last line of the clause:— "Provided that rolls in an amalgamated form for the Legislative Council shall be printed and issued during the month of February in each year in which an ordinary election for the Legislative Council is to be held."

Amendment passed; the clause as amended agreed to.

Clause 3—agreed to.

Title—agreed to.

Bill reported with an amendment, and the report adopted.

BILL—INDUSTRIAL ARBITRATION.

Assembly's Message—Conference agreement.

Message received from the Legislative Assembly notifying that the Assembly had agreed to make the amendments requested by the Legislative Council in accordance with the requests contained in the Bill transmitted in Message 44 from the Legislative Council, also returning the Bill so amended.

The COLONIAL SECRETARY: I move—

That the third reading be made an Order of the Day for the next sitting of the House.

Hon. M. L. MOSS: I hope that copies of the reprinted Bill will be circulated at once, so that members can see that no mistakes have been made in putting into the Bill the understandings arrived at by the managers and assented to by this Chamber. It is too much to expect us to examine the whole of this Bill if it is only presented to-morrow. It is a very important measure and we should not be expected to consider it while the House is sitting. I shall not have time to do that when other business is proceeding. Can the Minister tell us whether copies of the Bill are available this afternoon?

The PRESIDENT: There are copies available which will be distributed to hon. members.

Question put and passed.

BILL—DISTRICT FIRE BRIGADES ACT AMENDMENT (No. 2).

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This is a short measure which is introduced for the purpose of extending the borrowing powers of the Fire Brigades Board. At the time of the passing of the existing Act in 1909 two brigades only—one in Perth and one in Fremantle— were working under fire brigade legislation, and the Fire Brigade Board up to that time had borrowed £17,000, which was spent in the erection of fire stations, £12,000 in Perth and £5,000 in Fremantle. The Act of 1909 limited the borrowing powers to the board to a further £5,000, which sum has now been raised and consequently the limit of £22,000 has been reached. There are 49 brigades now working under the Act as against two brigades three years ago, and further money is required for the erection of fire stations, quarters, etcetera. It is really capital expenditure fairly chargeable to loan account. The amount expended annually by the board in rent for buildings is £700, so that the necessity for borrowing to put up residences and stations will be fully recognised by hon. members. The only alternative to borrowing is that a larger sum shall be raised annually by way of taxation.

The PRESIDENT: We have had one District Fire Brigades Act Amendment Bill before the House already.

The COLONIAL SECRETARY: This is quite a different Bill. It extends the power to borrow money.

The PRESIDENT: There is a custom not to introduce two Bill on the same subject in the same session.

The COLONIAL SECRETARY: The subjects are not identical. The first Bill was for the purpose of validating certain rates which had been illegally struck. This Bill is to extend the borrowing powers of the board.

The PRESIDENT: I am satisfied. The hon. member may proceed.

The COLONIAL SECRETARY: The only alternative to borrowing is to raise a considerably larger amount than hitherto by way of taxation. The expenditure on new stations, it is anticipated, and of new buildings will require to be at the rate of £3,000 annually for the next three years if the brigades are to be maintained at a proper state of efficiency. If it were feasible to raise this large extra amount every year it would be unfair to call on the contributors to the board's funds to such a large extent. Including the 1912 contribution, the local authorities during the past three years have contributed, in round figures, £30,000 towards the funds of the Fire Brigades Board. The local authorities, it must be remembered, are compelled to raise their quota from their general revenue, for Parliament has only this session refused to grant them extended powers of taxation. It was provided for in the Bill which was before the House some few weeks ago and under these circumstances I think that hon. members will admit it would be manifestly unfair to shoulder the various local authorities throughout the State with all the heavy expenses to provide the station buildings which are rendered necessary through the various operations of the board. There is a safeguard in the Bill that the consent of the Governor-in-Council must be obtained to the flotation of a loan by the Fire Brigades Board. The board contends that under the present system a considerable sum estimated for 1910–11, at approximately £9,000, was charged to revenue which might be legitimately charged to loan. The Bill provides for merely a brief amendment by omitting the words, "not exceeding £5,000" and thus giving the Fire Brigades Board the power to borrow, always with the consent of course, as I have already said, of the Governor-in-Council. I move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East): I should like the Minister to tell the House whether this amendment will give the board unlimited borrowing powers.

The Colonial Secretary: Yes; subject to the consent of the Governor-in-Council.

Hon. J. F. CULLEN: That is no limit. There is a statutory limitation in the Act. Why was it placed there? Why did not the Act leave it to the Governor-in-Council? He can fix a limit. The Board finds the limit too stringent, but is it wise to remove that limit. I should not think so. Who is to say? Will the board be able to borrow as much as they like subject to the approval of the Governor-in-Council?

The Colonial Secretary: That is so.

Hon. J. F. CULLEN: Then what is the sense of Parliament enforcing a limit at all to any of these boards. I am sure Parliament ought to provide a reasonable limit. It limits the Agricultural Bank, it limits pretty well every authority, and I do not think this board should be left with unlimited borrowing powers. I think the further consideration of the Bill, or at any rate, the Committee stage might go over until to-morrow. That would be sufficient to allow the matter to be looked into.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1 —Short title:

The COLONIAL SECRETARY: There were two safeguards in this Bill. In the first place there was the lender. He would consider if the security was good enough, and in the second place there was the Governor-in-Council. It would be unwise to limit the board. It was not possible to say what amount of money would be required. Therefore, he did not know what limit to fix. There would be a comprehensive amendment of the Act brought down next year.

Clause put and passed.

Clause 2—Amendment of Section 45:

Hon. J. F. CULLEN: It was not safe to leave to any board unlimited borrowing powers, and as to the safeguard of the lender, he would know very little about it. The restraint of the Governor-in-Council was proper, but why should a limit be fixed for any one board, if not for all these boards. The Minister was breaking new ground. However, he did not suppose any great harm would take place between now and next year when a comprehensive Bill would be brought forward.

Hon. C. SOMMERS: No harm could be done by this provision as an amending measure was to be brought down next year. But the board should be limited in its borrowing powers. The Government themselves were limited. They had to come to Parliament every time they wanted money, and yet this unlimited power was given to the Fire Brigades Board. There were representatives of the insurance companies, the municipal councils, and the Government on the board, which was some safeguard, but the procedure was wrong. It was a dangerous principle.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time and *passed*.

BILL—GOVERNMENT TRAMWAYS (No. 2).

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew): I beg to move—

That the Bill be now read a second time.

I made a second reading speech explaining the provisions of the Bill when a similar Bill was previously before the House. Subsequently the measure was ruled out of order on account of the insertion of a clause amending an Act foreign to the Title of the Bill.

On motion by Hon. W. Kingsmill, debate adjourned.

BILL—WATER SUPPLY, SEWERAGE, AND DRAINAGE.

Second Reading.

Order of the Day read for the resumption of the adjourned debate from the previous day.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Department:

Hon. J. D. CONNOLLY: Was it intended to form one department and include the goldfields, agricultural, and metroplitan water supplies and the metropolitan sewerage system? If so, how would it be run? Would there be a board as provided under the Goldfields Water Supply?

The COLONIAL SECRETARY: It was intended to create a department, in fact a department had been created with an under secretary to control all the supplies of the State.

Hon. J. D. CONNOLLY: That was a bad system. The metropolitan water supply and sewerage should be controlled by a board. The people in the metropolitan area were paying dearly for the sewerage of Perth simply because it was controlled by a department. The head of the department was the Minister for Works and he was dependent for his position on the votes of his employees. Plumbers in the metropolitan area were bleeding the public unmercifully and they were doing it because they were controlled by a Minister and not by a board. In the Chief Engineer and the Sewerage Engineer the Government had two very capable men and he did not wish to cast any reflection on them. It was the administration of which he complained. He had had experience in the shape of work done on his own premises and he felt the result of that experience in his pocket. There was a septic tank on his premises and instead of the work costing him £30 or £40 it would have cost him nearer £100 if he had not had experience of this work, and in all honesty the job should not have cost £10. If a pipe layer came along and it was necessary to lift a board or pull a nail, he would not do it but refused on the ground that it was carpenter's work. If it took an hour to send and get a carpenter the pipe layer would not do it. That great principle in the platform of the Labour party was being rigidly adhered to, namely that each man should do only his own work. He had counted seven supervisors on the work on his premises when only two men and a boy were actually engaged on the job. Plumbers and fitters had been engaged on the premises of a neighbour for 13 weeks and the drain was no greater than the length of the Council Chambers.

Hon. W. Patrick: A scandalous state of affairs.

Hon. J. D. CONNOLLY: It was. He mentioned this because of the injustice and robbery to which the poor unfortunate people of Perth were being subjected. The foreman had nominally the right to discharge a man. One of the workmen was spoken to regarding his work and was told that he would have to do better. Later that man came on the job drunk and was sacked. The man went to his union and the Trades Hall officials wrote to the department and the foreman had to put in three written reports explaining why he had dismissed the man. He then had to show the work that the plumber had spoiled. When we knew that men engaged on these works had the opportunity of following these practices, what earthly control could the foreman have over them? The system was good, but unfortunately it was under political control. Members of the Plumbers' union could go to the Minister and lay a complaint and the foreman would be carpeted. What chances then would there be of controlling men engaged on the work? He (Mr. Connolly) would give 25 per cent. for the privilege of carrying out this work, and he had no hesitation in saying that in a year or two he would be independent. He referred to this matter to emphasise the absurdity of having political control as it was going on in the metropolitan area to-day. If this kind of thing went on the people of the metropolitan area would have to pay very dearly for it. The charges were very exorbitant and he knew of one house in Adelaide-terrace where the proprietor was charged £250 for the connection with the septic system.

Hon. A. G. Jenkins: I know of one house there which cost £750 and I know of four cottages which cost £178 to connect.

Hon. J. D. CONNOLLY: It was time the attention of Parliament was drawn to this scandalous state of affairs. These men were controlled by a political head and unfortunately the Minister was allowing political influence to be brought to bear.

The Colonial Secretary: I do not think you have any right to make such a statement.

Hon. J. D. CONNOLLY: The statement was perfectly true, and it was true that the foreman had to go down and make a report in order to get rid of an incompetent plumber, and as he had already stated, he knew of one instance where it had been necessary for the foreman to send in three written reports in connection with the dismissal of one man. Was not that political influence? It would be idle to move an amendment because it would not alter the existing state of affairs which the department had created. This department ought to be under the control of an independent board as was the case in Melbourne, and that board would have nothing to fear.

Hon. J. E. Dodd (Honorary Minister): Why do you not move in that direction?

Hon. J. D. CONNOLLY: It was too big a principle for a private member to move. He objected to the Bill, more especially as it was brought down so late in the session.

Hon. C. SOMMERS: There were many complaints in the metropolitan area about the enormous charges which were imposed for connecting the houses with the sewers. It seemed as if we were in the hands of a plumbers' ring, because if an attempt was made to do the work outside, that would be found impossible inasmuch as practically all the plumbers were being employed by the department. It was to be hoped that the criticism offered by Mr. Connolly would have some effect and that some action might be taken because he did not hesitate to say that the property owners in the metropolitan area were being robbed. In the interests of health all the houses had to be connected, but there should be a desire on the part of the department to see that reasonable charges were made.

Hon. E. McLARTY: The way this work was being done was in keeping with most of the work which was carried out by Government employees. This was too serious a matter to pass over lightly and if the sewerage was going to be done in the manner that hon. members had given instances of, it would simply mean ruin to the property owners. He had a little property and he expected to be called upon to carry out the sewerage connections, but he looked forward with apprehension to the cost that would be incurred. It was intolerable that property owners should be subjected to this enormous expense. These men dragged into weeks a work that ought to be done in as many days. The leader of the House should note what had been said by Mr. Connolly, who was a practical man and who understood his business.

The COLONIAL SECRETARY: At that moment he was not in a position to supply any information in connection with the administration of the Water Supply and Sewerage Department; he was under the impression that the department was being very well administered, and consequently the criticism of hon. members came as a surprise to him. What surprised him also was the fact that the suggestions Mr. Connolly had made were not put into effect while his Government were in office.

Hon. J. D. Connolly: We did introduce a Bill and provided for a board.

The COLONIAL SECRETARY: The former Government introduced a Bill but made no provision for the permanent appointment of a Board.

Hon. J. D. Connolly: That provision was made but it was struck out in the Assembly.

The COLONIAL SECRETARY: Under the Goldfields Water Supply Act a board would remain to administer that department. The Water Boards Act contained a provision that the water supplies should be controlled by the Minister alone or a board, and the same policy was being

followed under the Bill before members.

Hon. J. D. Connolly: There is no provision in this Bill for a Board except for the Goldfields Water Supply.

The COLONIAL SECRETARY: There was ample machinery in the Bill to enable the Government to appoint a board to control any undertaking.

Hon. J. F. CULLEN: The Minister might have gone further and said that the Government would put down a firm foot on this matter as employers of labour. Did the Colonial Secretary see the report of the deputation of plumbers which waited on the Minister for Works the other day? The engineers had refused certain men as being outrageously unfit to keep on the work, and the union protested. The ground taken by the union was "If I recommend a man there should be no further question." The Minister said that the work was held up for lack of capable men, and a representative of the union said "Don't you send for them, I will send for them, and when I bring them will that be enough?" "No," said the Minister, "they will have to satisfy the engineers in charge." For their own sake it was hoped that Ministers would set themselves against a development of that kind. This kind of thing had a particular name amongst unions, it was known as sympathetic treatment.

Hon. J. D. CONNOLLY: The Minister might report progress at this stage in order to make inquiries about the desirableness of placing this Department under an independent board.

Sitting suspended from 6.15 to 7.30 p.m.

Clauses 2 to 8—agreed to.

Clause 9—Receipts and expenditure:

Hon. J. D. CONNOLLY: Under the existing Act, any profit over and above revenue was spent in the extension of the scheme; but it would be seen that, under the Bill, the department was to be treated as a revenue-earning department Did the Government intend to make a profit out of the water? It would be a new principle altogether to make a revenue out of a water and sewerage department. In the past any surplus revenue derived had been spent on the scheme, and during the regime of the Moore and Wilson Governments, when revenue was good rates were reduced from time to time. It was wrong to attempt to make of it a revenue-producing department.

The COLONIAL SECRETARY: The clause would have quite the reverse effect. In the past the funds had been manipulated in such a way that it was difficult to discover whether or not any profit had accrued. Under the Bill, all the expenditure required must be taken direct from the Treasury, and all moneys received paid into the Treasury, in order that Parliament would have complete control of the expenditure. Other provisions in the Bill made it necessary to submit to Parliament a balance sheet and a profit and loss account. The object was to give Parliament complete control. All receipts would go into Consolidated Revenue, and any money required must be drawn from the Treasury.

Hon. J. D. CONNOLLY: But in the event of the revenue exceeding the expenditure, what would be done with the surplus? Was it to be appropriated to ordinary revenue, or would it be earmarked for the water and sewerage scheme?

The COLONIAL SECRETARY: The whole of the revenue would go into the Treasury, and so Parliament would know exactly how the accounts stood, and what money was being made by the department. Until the expiration of twelve months or so it would be impossible to know whether or not a profit would be made, but in the event of a profit being made, if the Government improperly used that profit, it would be a matter for Parliamentary criticism.

Clause put and passed.

Clause 10—Any work may be declared a separate undertaking:

Hon. J. D. CONNOLLY: What was the meaning of the clause? Did it apply to country water supplies, whether agricultural or mining?

THE COLONIAL SECRETARY: The object was that separate accounts should be kept in order to show whether the separate undertakings were being carried on at a profit.

Clause put and passed.

Clauses 11 to 20—agreed to.

New clause—Duration of Act:

Hon. J. D. CONNOLLY moved—

That the following be added to stand as Clause 21:—This Act shall continue in force only until the 30th November, 1913.

It was a small Bill dealing with very important principles. The strong criticism he had earlier indulged in against the administration of the works being carried on in the metropolitan area might lead hon. members to think that, in his opinion, the Bill should be rejected altogether. But no good purpose would be served by this rejection. The Bill was only legalising what had been done, namely, the amalgamation of the water supplies of the State, together with the sewerage of the metropolitan area, into one department. The advisability of this amalgamation was questionable, inasmuch as there was no connection whatever between the metropolitan water and sewerage scheme and, say, the goldfields water scheme, the mines water supply, and the agricultural water supplies. The metropolitan water and sewerage scheme was a distinct thing by itself. It was in the interests of the people in the metropolitan area that they should have some control over this scheme by way of a board independent of political control, as had been instituted in Melbourne. He had no fault to find with the engineers connected with the system. The system was a good one: possibly there was not a better in the world. But its administration under the Minister was impossible. The new clause was moved in order that the Government might formulate some such scheme during the next twelve months, when Parliament would have another opportunity of reviewing the Bill.

The COLONIAL SECRETARY: The hon. member's attitude was totally inconsistent with his past actions. In 1909 the hon. member had introduced a Bill placing the control of the Metropolitan Water Supply and Sewerage Department under the Minister.

Hon. J. D. CONNOLLY: On a point of explanation it was necessary to state that the Minister was misrepresenting him. The Bill of 1909 had been introduced in the Assembly with provision for a board. The Bill was defeated by one vote, late in the session, and it had to be hurriedly recast in order to prevent the scheme being stuck up. It was fully intended to reintroduce at a more convenient opportunity the provisions for the appointment of a board.

The COLONIAL SECRETARY: The House records distinctly showed that the hon. member as representing the previous Government introduced a Bill placing the metropolitan water supply and sewerage under the control of the Minister. Under those circumstances it was surprising to hear him advocate that they should be under the control of a board. The hon. member had not furnished one argument in justification of his desire that the Bill should operate only for a year. The department would only get going by the time when a Bill would have to be submitted to Parliament to re-enact this legislation. That was ridiculous. If the Bill was unjustified surely members could come to a conclusion straight away. There was very little in the Bill except what was in existing legislation. The hon. member objected to all the different water supplies going into one department, and insinuated that it would be difficult to discover how they were paying. One explanation which he had given ought to have been sufficient. There was provision for separate undertakings. Each branch would be regarded as a separate undertaking, and would have to produce a balance sheet and show a profit and loss account. There would be no fear that one would be kept going at the expense of another. Instead of allowing the Minister to utilise the funds in connection with the whole of the schemes, he had to pay his revenue into the Treasury, and if he wanted more funds he would have to draw the money out and it would be debited against the department which enjoyed the benefit of it.

New clause put and a division taken with the following result:—

Ayes	14
Noes	10
Majority for	4

Ayes.	
Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. McKenzie
Hon. R. D. McKenzie	(*Teller.*)
Hon. E. McLarty	

Noes.	
Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. J. F. Cullen	Hon. C. Sommers
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	(*Teller.*)
Hon. J. M. Drew	

New clause thus passed.

Schedule:

Hon. C. SOMMERS: The Minister might give an assurance that the services of the officers connected with the metropolitan department would be recognised and that they would be placed on the same basis as the officers connected with the goldfields scheme.

The COLONIAL SECRETARY: No assurance could be given except that the officers would be treated with every possible fairness.

Schedule put and passed.

Title—agreed to.

Bill reported with an amendment, the report adopted, and a Message forwarded to the Assembly with a request that the Council's amendment be made.

RIGHTS IN WATER AND IRRIGATION BILL SELECT COMMITTEE.

Consideration of Report.

Hon. H. P. COLEBATCH (East): In moving the adpotion of this report I do not intend to detain the House at very great length. I regret that the report has only just been placed before members who may not have had an opportunity of reading it, and I still more regret that it is not accompanied by the evidence. However, I propose to move the adoption of the report and then it will be in the hands of the House to deal with as members may see fit. The committee had very little time considering the great importance of this measure, and the vast issues involved in which to get through their work. The members of the committee certainly made the best use of the time at their disposal and devoted several hours on three days in every week from the time the Bill was referred to them until their report was compiled. At the end they hastened matters and sat on days when otherwise they might have been free from Parliamentary duties in order to give the Bill a chance of being passed if so desired. I draw the attention of the House to the fact that in adopting this report it is not intended that the House should adopt the whole of the recommendations of the committee. The last paragraph, No. 8, states—

> Your committee recommends a number of minor amendments in the Bill, which will be found on the attached Schedule, and which it is suggested may be conveniently considered when the measure is being dealt with in Committee.

Amongst the minor amendments there are many regarding which there might be some slight difference of opinion and there are some on which possibly the committee would not insist. Some of the minor amendments illustrate the fact that this Bill was probably drafted somewhat hurriedly, and this cannot be wondered at when we remember that up to the present time we have had 62 Bills presented this session. A Bill of this nature would require the services of a competent draftsman for several weeks, and in addition to being a competent draftsman he should have practical knowledge of the subject. It is not for me to say whether the draftsman had these opportunities and that time, but the Bill itself bears evidence of somewhat hurried drafting, and undoubtedly from the time it was presented to the House to the present day there was not sufficient time to give it the consideration it deserves even if we had been in a position to devote the whole of each sitting day to it. These minor amendments show evidence of somewhat hurried drafting in regard to the indiscriminate use of the word "owner" in some places and "occupier" in others. I do not think that could have been intended because at the time the Bill was introduced

it was the intention of the Government to seriously limit the number of owners of land and make most of the people in the future merely occupiers as leaseholders from the State, and I am sure it was never intended that they should be denied certain privileges in this Bill apparently given only to owners. The main recommendations are these, that Part III. defining the rights in natural waters should be made to apply only to irrigation districts and not to the State as a whole. That is the first recommendation and the second recommendation is that these irrigation districts should be established not in the manner suggested by the Bill at the will of the Governor-in-Council, but that they should be established in the manner provided by the New South Wales Act. The Governor-in-Council issues a proclamation announcing his intention to establish these districts and on a majority of two-thirds of the land owners owning two-thirds of the land in the district described petitioning in favour of it being declared an irrigation district, then it is so declared. Personally, I think this a very reasonable provision. I do not know that there is any special reason why we should have local option in regard to whisky and refuse local option in regard to water. It might not be to the advantage of the land owners to be in an irrigation district. They have to study the matter out and see whether in view of the taxation it will pay them or not, and the committee is of opinion that it is better that this matter should be decided by the owners rather than these irrigation schemes and this taxation should be forced upon them against their will. I would like to refer to another question, a similar matter to which was brought forward earlier in the afternoon. The Bill provides that commissioners may be appointed to advise the Minister. It also provides that boards may be appointed to carry on the administration of the different portions of this Bill, but this is merely permissive, and there is really nothing in the measure to prevent the Minister being and continuing the sole authority for its administration. We are told that under the Goldfields Water Supply Act there is a provision for the appointment of a board, but we know there never has been a board appointed. We know that the Minister himself carries on the administration at his own sweet will and in many respects in open conflict with the wishes of a great number of the people concerned. So it is with the Fire Brigades Act; there is provision there for district boards to be appointed, but notwithstanding that the country districts have been clamouring for what they consider a measure of justice, in regard to administration, these boards have never been appointed. Therefore, as this Bill stands, there is reason to suppose that it is quite possible it would remain indefinitely under the control of the Minister. Personally I think that would be an unsatisfactory state of affairs. In regard to the suggestion that the part of the Bill defining riparian rights should apply only to irrigation districts, I think, with the exception of the departmental witnesses, the Committee in making that recommendation were guided by the unanimous opinion of all the witnesses examined. I think I am correct in making that statement and so far as the departmental witnesses were concerned, some of them, particularly Mr. Connor, who is an enthusiastic advocate of the Bill generally, saw no objection to that feature of our report. The objection raised by the owners of land—who would otherwise come under the operation of certain clauses of this Bill—against the Bill being extended to the whole State, were many and various. In the first place, it was said that the water in the streams in which they were interested was of no use for irrigation and, therefore, there was no particular object to be served by bringing them under the Bill. Part 3 of the Bill vests not only the right to the water, but also the beds and banks of streams and watercourses, in the Crown, and we had one case quoted to us in a district remote from any likely to be brought under any irrigation scheme, in which a person who owned the land on both sides of the stream, right through the summer, cultivated the bed and the banks of the stream. The water is unsuitable for irrigation; he cannot use it for fruit

trees, but it is suitable for growing paspalum, couch grass, and such like, which flourish well with a good deal of salt. If this Bill were passed he would be in the position of a trespasser on Crown lands directly he started to cultivate the bed and banks of that stream, although they are his. It has been suggested that of course the Government would not interfere, but we find that land owners are not inclined to take up that position. I do not know that they distrust the Government, but the land being theirs they are inclined to say it shall vest back in the Crown and it shall be an act of grace on the part of the Crown in not disturbing them. We found amongst most of the witnesses the notion—it may be old-fashioned but still a majority of the committee gave it sympathetic consideration—that the things they paid for belonged to them, and they were much disinclined to give them up. Another thing we discovered was that the people who, by their own industry, had practically created water supplies of their own —and again it may be an old fashioned idea—had a prejudice against handing over these supplies to the Crown. Take the case of one of the witnesses, who took up about 120 acres of land. There was a watercourse running through it and though the water ran in winter there was no water in the summer. About 100 acres of this land was practically useless for any purpose, being mostly stony ground, but he went to the trouble of ringing the whole of that 100 acres, with the result that the stream which previously ran only in the winter became permanent and now runs all the year round. This man has put a dam across it and has 4in. piping down to the orchard, and through the summer irrigates an orchard of 18 acres. The orchard has been going on for 10 years and it is, without exception, the best kept orchard I have seen in Western Australia. To strictly interpret this Bill the owner of that orchard would have to shift the dam because the stream does not belong to him. He would be a trespasser on Crown property by making use of that water and he would have to remove it because it prevents the flow of water to the people below him. If he had not rung the timber there would have been no water for anyone, and if the Bill came into operation it would be competent for the owner to let the scrub grow on the land again and the water would disappear. If he was compelled to stop watering his orchard which had been established for 10 years, the trees would soon die. It is said the Government would not think of interfering in a case like that, but the owner does not want to be there by the grace of the Government. It is his water, he created it by his own efforts and he built the dam and put in pipes and spent a lot of money. He thinks it is all his and he does not look very kindly upon the Bill which proposes to take all this away from him, and merely give him an assurance that no sane Government would interfere. The committee can see no reason why the Government should desire to have this control in irrigation districts. There is another clause in this report dealing with artesian waters, and in regard to that the committee had a good deal of conflicting evidence. I think the authorities on both sides agree that no harm can come from the recommendation which the Committee has made; that is, that instead of vesting the artesian waters in the Crown the existing artesian wells should be left alone, but that the owners should not be allowed to alter these artesian wells in any way, not to deepen nor extend them without a license, and that no persons should be allowed to sink fresh wells without a license, and that every owner should be compelled to furnish such reports and details as the Government may demand. The Committee think it proper that the Government should be given these powers. Powers to close down the wells and to check the flow should not be given because, so far as the committee were able to discover, there is a great conflict of opinion amongst experts as to whether the closing down of artesian waters is practicable or advisable. We had numerous instances in which the closing down of bores in order to save waste resulted in the breaking of the casing and losing the flow altogether. For that rea-

son, and also for the reason that the putting down of these wells should not be discouraged, the committee thought that the operation of the Bill should be limited in the manner I have suggested. Generally speaking, the position is that the committee realise the importance of doing everything that can be done in order to facilitate the operations of those drainage schemes the Government have in hand or in contemplation, and if during the present session a Bill of that nature can be passed no one would be more pleased than the members of this committee. But the committee cannot see their way to vest the rights of running water throughout the State in the Crown, nor to vest in the Crown the beds and banks of all streams, nor to give the Minister or board the power sought in regard to artesian wells. The different amendments can be referred to when the Bill is in Committee, and I again point out that the adoption of this report means merely the adopting of those two principles, firstly that the part of the Bill defining riparian rights shall apply only to irrigation districts, and secondly, the irrigation districts shall not be proclaimed at the will of the Governor-in-Council and that the proclamation of an irrigation district shall be published in the *Government Gazette*, and that two-thirds of the owners owning two-thirds of the land shall petition to have it declared an irrigation district. These provisions are contained in the New South Wales Act. So far as that Act is concerned, it is intended only to apply to small irrigation schemes and in regard to larger propositions the New South Wales Government passed a special measure dealing with each separate irrigation work. I see no objection to the same thing being done in this State, but I repeat that I have the strongest possible objection to giving the wide, the practically unlimited power contained in the Bill. I would like to mention that the report is a unanimous one with the exception of the dissent by Mr. Davis. I do not intend to criticise his dissent at all except to say that I have no doubt it represents his opinion on the question. I cannot say that it follows the weight of evidence given before the Committee. I beg to move—

That the report be adopted.

Hon. F. DAVIS (Metropolitan-Suburban): Before the question is put to the vote I would like, as a member of the select committee, to say that I differ from the rest of the members in the conclusions arrived at. It will be noticed in the report issued that in the third clause it sets out that all the witnesses examined highly commend the proposal of the Government to establish the irrigation schemes, but that almost without exception the non-departmental witnesses view with alarm the provisions of Part 3. Reading the report it would seem that the views of the non-departmental witnesses were of more value than those of the departmental witnesses.

Hon. D. G. Gawler: They are the owners of the land.

Hon. F. DAVIS: The witnesses who gave evidence were practical men so far as working orchards or farms were concerned, but they certainly did not know the provisions of the Bill, because when they came before the committee they admitted in some cases that they had not read the Bill and in other cases that they did not thoroughly understand its provisions. It was very evident that the departmental witnesses who gave evidence understood the provisions of the Bill. They knew what effect it would have and were able to give an intelligent and practical presentation of the case. To my mind it is not fair or right to pit the evidence of the non-departmental witnesses against that of the departmental witnesses, and consider that their evidence is of greater value than that of the experts.

Hon. Sir E. H. Wittenoom: The departmental men are not affected pecuniarily but the others are.

Hon. F. DAVIS: That may be so, but it does not alter the fact that they understand the Bill better than the men who gave evidence and who were not departmental witnesses. When the witnesses were before the committee their impressions were in many cases corrected. Mr. Gawler in one or two cases pointed out

that the impressions of the witnesses in regard to the Bill were incorrect.

Hon. D. G. Gawler: Still they disagreed with it.

Hon. F. DAVIS: In most cases they agreed with the principle of the Bill but some points they took exception to. I do not think that even on the evidence taken by the committee we would be justified in agreeing entirely to the proposals of the committee. It seems to me that the Bill seeks to make clear statutory rights that have been for a long time known but have not been definitely stated. One witness said that his idea was that he had a right to build a dam and withhold water from those situated below his property. He had some idea, although it was a wrong one, that a man who had land through which a stream ran had certain rights; and that would be the position of the majority of witnesses. They felt that they had some particular rights in regard to water, but they were not at all clear as to what the rights were. That fact, in my opinion, depreciated in value a good deal of their evidence in regard to the effects which the Bill was likely to have. That is the reason why I think the Bill should apply to the whole of the State at once. If it was applied to certain districts only, the very thing that is feared by some of those who are opposed to the Bill would take place, but if the measure is passed as printed everyone who has any interest in running waters will know that the Bill is in operation and will be prepared for any emergency. On the other hand, if the Bill applies only to districts which are proclaimed, the people not in those districts in the first place will work on and do things, believing that they will not come under the operation of the Act, and when in course of time they are brought under its operation there will be a good deal more friction and heart-burning than if the whole of the State was brought under the operation of the Bill at once. For that reason I hold it is not in the best interest of the State that recommendation No. 1 should not be given effect to. As I pointed out in my minority report, it would have the effect also that there would be two sets of laws dealing with the one subject in existence at the same time. That is not desirable, and it would only create confusion in the minds of those who are dealing with this question. It is far better to have the thing definitely defined so that all the people will know how they are affected by the provisions of this measure. It is possible that there may be anomalies created under the Act, as for instance in the case of the gentleman who by ringbarking a certain area had caused a permanent stream to run through his property, but there has never been an Act passed which has not created apparent hardship on some in order to give justice to others. If that were not so there would not be any need to pass any legislation whatever; everything would right itself.

The Colonial Secretary: We would not interfere with that man's stream.

Hon. F. DAVIS: There is a bare possibility, but I hardly think any sane man would dream of interfering with what a man has by his own labours created. There can be no one injured in connection with that particular stream. The water which has been brought to the surface through this one man's efforts flows through his property into another stream, and therefore his interests in the stream are not likely to be affected. Under every proposed statute there will be some cases of anomaly, but if we were to study such cases rather than justice to the people no Act would ever be passed in this or any other State. We should look at the principal idea contained in the Bill, and if that is in the best interests of the people we should give effect to it. For that reason I dissent from the recommendations of the committee.

Hon. C. SOMMERS (Metropolitan): I think the Government are to be commended for bringing in this Bill. I said before the Bill went into Committee that I doubted whether it was thoroughly understood by the general public, and much good has been done by sending it to a select committee. I remember saying also that I did not believe the committee would be able to do justice to the investigation and bring up a report that

we could deal with this session, and, without any disrespect to the committee, I do think that more good would result by allowing the Bill to lapse now than by attempting to pass it in an incomplete form. I am not in any way hostile to the spirit of the Bill. We have had evidence that a great deal of good can be done by encouraging irrigation in the South-West, but in my opinion to make the Bill apply to the whole of the State would be a very great mistake. If the Bill was delayed till next session the departmental officers would not be very greatly hampered. We know that funds will not be too plentiful, and that we must count the cost. A great deal of work can be done by taking levels and observations, and seeing that the delay will be only for six or eight months, no harm could be done by shelving the Bill for this session. It is the duty of the House when considering a big measure by which vested rights are likely to be harmed to bring about a delay which will give those interested the opportunity of knowing how their rights will be affected. The House should see that legislation is not hurried to too great an extent. What opportunity has the ordinary member of the public of following the legislation for this session? We have had over sixty Bills this session, some of them I admit are only formal, but how can the average settler be expected to follow these measures so as to be able to take a sane interest in the various debates? It is not possible. Every member of the Chamber is taxed to his utmost to get even a very imperfect idea of what is intended, and how can we expect people in out-of-the-way places to know the purport of all these measures? As I said before, I am satisfied that irrigation will do a great deal indeed for this State. I feel sure that the recommendation to form irrigation districts will be found to be the best policy, and I do think that if people are to be taxed for these irrigation services they should have some say as to whether irrigation districts are to be started. I say that in this matter we should go slow. We know that irrigation is needed, and at Harvey, for instance, where we know there is a good stream, we might easily make a trial, and if it is a success we could go on. We could call that Division No. 1, and then afterwards declare a second, third, fourth, and so on, giving settlers an opportunity each time of voting on the matter. I think the Government would be well advised on the evidence they have got, and which we have not had the opportunity of fairly considering, to delay the Bill till next session.

The PRESIDENT : The question is the adoption of the select committee's report. The hon. member seems to me to be making a second reading speech, and he has already made that on the 12th November.

Hon. C. SOMMERS: Well, I will make my further remarks brief. In regard to the report, if we were to accept it as a whole it would mean that we should pass the Bill as a whole. I for one have every confidence in the members of the committee, but they have not had time to travel to the extent that they should have done, and would have liked to have done, to gain the fullest information possible on this Bill, and seeing that no harm will be done by delay, I think we might let the Bill lapse for this session. I know there is plenty of work for the officers connected with this irrigation scheme to do in the interval, and I think that next session the Bill could be introduced in such form that we could readily accept it. For those reasons I cannot see my way to vote for the adoption of the report.

Hon. E. McLARTY (South-West): I will support the adoption of the report. I cannot agree with Mr. Sommers that this matter should be delayed. It is of far too great importance to the State for any time to be lost. We have had a select committee to report on the Bill, the members of the committee have collected a good deal of information, and I see no reason why we should not deal with the matter straight away. I admit there are objections to the Bill as it has been brought down, but those can be easily remedied, and no doubt many of the suggestions in the report of the committee could be adopted. I certainly oppose leaving the Bill over until next

session, because I know there are people who are anxiously waiting to see the measure put into operation. I have great pleasure in supporting the adoption of the report.

Hon. D. G. GAWLER (Metropolitan-Suburban): There are only two points I wish to make. One is in connection with the provision in the Bill in regard to "lake, lagoon, or swamp." The committee took the view that the words "lake, lagoon or swamp" refer to still waters as opposed to running waters, and there is a vast difference at common law between the two. As one can quite understand in connection with flowing water the rights of parties are restricted, because naturally the people below the owner of land along the stream are entitled to the use of the water as much as he is, but in the case of still waters the case is very different; they include a lake, lagoon or swamp, and as a rule do not connect with any other person's property. Undoubtedly the common law on this point is that the man who buys a piece of land buys the still water on that land. We find that none of the other Acts comprise still waters. In the Queensland Act still waters are only comprised when they are not wholly in one owner's land. In New South Wales the provision is the same, and in Victoria still water is the water flowing into and out of a piece of land, which practically means a flowing stream; but our definition of "lake, lagoon or swamp" is "water flowing into or out of," which obviously includes still waters. Having regard to common law rights, the committee were of opinion that it was a great hardship to take the water on a man's land if that water could not be used for irrigation purposes. My second point is in regard to the minority report. Mr. Davis objects to the report of the committee because he thinks that if it was adopted it would cause two laws, dealing with the one subject, to be in operation in the State at the same time, namely the common law rights and the rights under this Bill. This Bill is supposed to declare what common law rights are, and, therefore, the rights remaining would be practically the same as the common law rights to-day. The only difference is that under the Bill the Government take control of the whole of the water in the State, including artesian waters, and prevent a man making use of the water at all. Under the common law rights that man is in the position that he can make use of the water if he likes until someone below objects. Witness after witness brought forward illustrations of making use of this water in instances in which no one else was injured, and that is one of the principal points in the evidence that struck the Committee. I say there is no hardship in allowing the common law rights to exist side by side with this Bill applying to irrigation areas. I want also to emphasise the remark Mr. Colebatch made as to the water created by the owner. Time after time the exertions of men have increased the water in streams. It impressed the committee that the man who bought land and paid for it regardful of the water that was there paid for something of great value which was to be taken away from him by the Bill, and afterwards increased the value by ringbarking and causing water to flow that was not there before. Also, in regard to artesian water, it was told us not only by the pastoralists but also by experts that in the majority of cases the artesian water is not suitable for irrigation.

Hon. Sir E. H. Wittenoom: It is only suitable in one bore at Derby.

Hon. D. G. GAWLER: And that bore is a Government bore which will not be affected by the Bill. In this case the committee came to the conclusion that it would not harm the operations of the Bill to exclude artesian waters from the scope of the measure.

The PRESIDENT: The custom is to consider a report of a select committee on a Bill in a Committee of the whole House. We are really now making second reading speeches on the report of the committee and we shall then go into Committee of the whole House, where I maintain all these questions can be properly dealt with. However, it is simply a matter of procedure.

Hon. J. F. CULLEN (South-East): In rising to speak I am not canvassing

the President's statement, but the report is a general statement of the case and I assume that the first question for the House is whether the report as a general statement commends itself to the House. If it does, then I assume the House will go into Committee and deal with it in detail. I would suggest that if the Colonial Secretary is prepared on behalf of the Government to accept the report in general terms, then the Bill may profitably be proceeded with in Committee, but if the Colonial Secretary is not prepared to accept the general statement of the case, then Mr. Sommer's advice is sound, that the Government should let this Bill go by the board for the present session and bring in a more matured measure next session. With regard to the objection put forward by Mr. Davis and which of course represents the attitude of the Government——

Hon. F. Davis: Not necessarily.

Hon. J. F. CULLEN: I am not saying that Mr. Davis took it from the Government, but it is the attitude of the Government.

The Colonial Secretary: That is a very unfair reflection on a member of the select committee.

Hon. J. F. CULLEN: I am not speaking in that sense at all. I say it is natural that the Government should stand by their Bill, and that Mr. Davis is standing by the Government. I want to point out to Mr. Davis and those who sympathise with him, that the recommendation of the committee to limit the present operations to irrigation districts will not for a moment affect any Crown rights to running waters in any part of the State. That matter can be taken up and dealt with later on.

Hon. F. Davis: Why take two bites at a cherry?

Hon. J. F. CULLEN: Because it is always the wisest course in a growing community never to bite off more than one can chew. The best course is to adopt the report, and if the Colonial Secretary is favourable let the House go into Committee and embody the recommendations of the select committee in the Bill.

Hon. Sir E. H. Wittenoom: We will have to recast the Bill.

Hon. J. F. CULLEN: The committee have done admirable work. They have accomplished a marvellous amount of work in the time at their disposal.

Question put and passed, the report adopted.

BILL—RIGHTS IN WATER AND IRRIGATION.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

On motion by Hon. H. P. COLEBATCH, the definition of "lake, lagoon, swamp or marsh" was amended in line 2 by striking out the word "or" and inserting "and" in lieu.

Hon. H. P. COLEBATCH moved a further amendment—

That in line 3 of the definition of "lake, lagoon, swamp or marsh" the words "in a natural channel" be inserted after "intermittently."

The object of the amendment was to exclude a large amount of swamp land covering thousands of acres used in the summer for potato growing, and in winter covered with water. Otherwise these large areas would pass into the possession of the Crown without compensation.

Amendment passed.

Hon. H. P. COLEBATCH moved a further amendment—

That the definition of "swamp lands" be struck out.

It was an oversight that this definition appeared in the Bill at all.

Amendment passed.

Hon. V. HAMERSLEY: Would the definition of "water course" cover underground or artesian streams?

The COLONIAL SECRETARY: No. The definition simply dealt with ordinary rivers, streams, and creeks.

Hon. Sir E. H. WITTENOOM: The leader of the House should accept the suggestion of Mr. Sommers and withdraw the Bill for the present, and bring it forward next session. In the mean-

time the people could get some idea of the nature of the measure. To attempt to amend it at this stage of the session was absurd.

Clause as amended agreed to.

Clause 3—agreed to.

Clause 4—Natural waters vest in the Crown :

On motion by Hon. H. P. COLEBATCH clause amended by striking out "artesian well" in line three of Subclause one, and by inserting "or occupier" after "owner' in lines three of Subclause 2 and 3.

Clause as amended agreed to.

Clause 5—The alveus of water courses and lakes not alienated :

Hon. H. P. COLEBATCH moved—

That Subclause 3 be struck out.

Hon. F. DAVIS : The striking out of the subclause would do away with the principle of the Bill, namely, that water should be vested in the Crown. If the subclause was struck out some waters would not be vested in the Crown.

The COLONIAL SECRETARY : The subclause was just as necessary as was Subclause 2. Without the subclause proposed to be struck out it would be virtually impossible to satisfactorily administer the measure.

Hon. V. HAMERSLEY : The amendment was deserving of support. The whole of the clause was nothing short of confiscation of rights already secured under the Constitution Act.

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

Ayes	18
Noes	6
Majority for	12

AYES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. W. Patrick
Hon. J. D. Gawler	Hon. C. A. Piesse
Hon. Sir J. W. Hackett	Hon. A. Sanderson
Hon. V. Hamersley	Hon. C. Sommers
Hon. R. J. Lynn	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. Sir E. H. Wittenoom
Hon. R. D. McKenzie	Hon. J. D. Connolly (*Teller.*)

NOES.

Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. E. G. Ardagh (*Teller*).

Amendment thus passed, the clause as amended agreed to.

Clauses 6, 7—agreed to.

Clause 8—Presumption of grant by length of use annulled :

Hon. V. HAMERSLEY : Would the power contained in this clause be exercised without compensation ? It was simply taking away the undoubted rights of the people. It might be described as wholesale confiscation of rights which had been recognised for centuries past, and for which people had paid enormous sums of money. It was altogether wrong that these people should be deprived of their rights.

Hon. C. A. PIESSE : A new clause to be inserted later on would fully safeguard the rights referred to by the hon. member.

The COLONIAL SECRETARY : Under the clause any legal rights would be duly recognised, but the mere presumption of grant by length of use would be annulled. The owner must have legal rights.

Clause put and passed.

Clause 9—Water courses or race on alienated land not to be obstructed :

Hon. H. P. COLEBATCH moved an amendment—

That the following proviso be added: —"Provided that nothing in this section shall prejudice the right of the owner of any dam existing prior to the passing of this Act to the continued use of such dam."

This would not give any right which did not exist at the present time. If a man was acting beyond his common law rights his neighbours below him on the stream would be still be able to recover from him, but his right to the use of the dam existing prior to the passing of the Act would be preserved.

The COLONIAL SECRETARY : The amendment did not appear to harmonise with the clause, and he did not think it conveyed what the hon. member be-

lieved it did. The clause was necessary to prevent obstruction of watercourses and he could not see how the proviso applied.

Hon. A. SANDERSON: Mr. Colebatch had shown that with regard to the orchard of Mr. Loaring no water was flowing in summer.

The Colonial Secretary: The Bill would not affect him because it would be regarded as a spring.

Hon. A. SANDERSON: If that was the case a watercourse was a spring. Surely it was not reasonable to rush the measure through. If it was rushed through harm would be done and people would be frightened. He had had letters of inquiry from dozens of settlers in the hills and they were thoroughly frightened. Members had not had an opportunity to read the evidence. He would vote every time to block the Bill because it was an intensely important measure. If it was delayed for twelve months no injury would be done.

Hon. C. SOMMERS moved—

That progress be reported.

The CHAIRMAN: To what date?

Hon. C. SOMMERS: Next year.

The CHAIRMAN: I cannot accept that, the hon. member must mention a day.

Hon. C. SOMMERS: This day week.

Motion put and a division taken with the following result:—

Ayes	.. .. ..	5
Noes	.. .. ..	20
Majority against	..	15

AYES.

Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. C. Sommers (*Teller*).
Hon. A. Sanderson	

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. E. M. Clarke	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. F. Cullen	Hon. W. Patrick
Hon. F. Davis	Hon. C. A. Piesse
Hon. J. E. Dodd	Hon. T. H. Wilding
Hon. J. M. Drew	Hon. M. L. Moss (*Teller*).
Hon. D. G. Gawler	
Hon. Sir J. W. Hackett	

Motion thus negatived.

Hon. H. P. COLEBATCH: Although he had voted against reporting progress there was one clause in the committee's report to which he wished to direct attention, particularly in view of the remarks of the Minister. The marginal note of the clause stated "Watercourse or race on alienated land not to be obstructed." He was not sure whether the proviso was necessary in that part of the Bill or not. Paragraph 6 of the report stated that if the two main recommendations were adopted a number of consequential amendments would need to be drafted. He did not know whether it was contemplated that he, as chairman of the select committee, should draft the whole of the amendments. He thought that when the two main amendments were carried, the Parliamentary Draftsman would draft the necessary consequential amendments.

Hon. D. G. GAWLER: The discussion showed the necessity for adopting the recommendations of the committee. There was an objection to the subclause because he could not altogether understand the purport of it and he would not be surprised if the Solicitor General could not explain the exact purport of it. The marginal note was misleading. It was intended to apply to special cases where the watercourse was on land alienated from the Crown. The subclause was likely to destroy the effect of Subclause 2 of Clause 4 in relation to diminishing the supply. This all went to show the necessity for allowing the Solicitor General to consider these amendments. The Acts which had been considered were so piecemeal that it was impossible in the time at the disposal of the Committee to frame the amendments properly.

Hon. A. SANDERSON: The amendment would have his support. He was surprised after the speeches of Mr. Colebatch and Mr. Gawler that they did not support the motion for reporting progress.

Hon. H. P. Colebatch: Progress for a week to deliberately kill the Bill?

Hon. A. SANDERSON: Exactly. He did not wish to beat about the bush. The Bill should be properly considered. He

would support Mr. Colebatch in the hope that the amendments would kill the Bill.

The CHAIRMAN: While not wishing to limit the debate he must ask members to confine attention to the amendment under discussion.

Hon. F. DAVIS: If the proviso was carried it would practically give to anyone who had constructed a dam a perpetual right to the use of the water in the dam to the detriment of those who might be justified in claiming a share of the water. That would be nullifying the principle of the Bill. For that reason the amendment should not be carried.

Hon. H. P. COLEBATCH: The Minister only read Subclause 1. What he (Mr. Colebatch) had particularly in mind in moving the proviso was Subclause 2, which made it an offence for any person to obstruct a watercourse.

Hon. C. A. PIESSE: Two cases occurred to his mind where people had spent thousands of pounds, and the Midland Co. had done the same thing in constructing dams. These dams were constructed over watercourses that would otherwise have been of no use. If we passed the clause without the proviso we should be doing those people untold injury.

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

Clauses 10 to 13—agreed to.

Clause 14—Ordinary riparian right defined:

Hon. H. P. COLEBATCH moved an amendment—

That in line 11 "three" be struck out and "five" inserted in lieu.

The recommendation of the select committee was that seven should be inserted, but in one of the Irrigation Acts of the Eastern States the area was three acres and in two other States it was five acres; it was thought better to make it five acres in the Bill.

The COLONIAL SECRETARY: This would simply mean that we would be giving a statutory monopoly to those already using water from the watercourses. The Bill proposed that water should be given sufficient to irrigate three acres; five acres would be too much.

Hon. F. DAVIS: It was possible that there might not be sufficient water to guarantee that each one should have sufficient for domestic purposes.

Hon. J. F. Cullen: They do not guarantee it in any case.

Hon. F. DAVIS: If water for three acres were allowed it would be possible for the department by means of dams and reservoirs to guarantee three acres and supply the surplus quantity proportionately to those who need it. The acreage in the Bill should therefore be adhered to. There was an idea prevalent amongst witnesses that the water for three acres was for commercial purposes. It would be seen that what was proposed in the clause was merely for domestic purposes. Water for three acres of vegetable garden, for instance, should satisfy the ordinary householder; if more were allowed, difficulties would be created in carrying out the Act.

Hon. E. M. CLARKE: At present there were two people using the water on the Collie River, and under the amendment that would mean the irrigation of only ten acres, while in regard to the Preston River, where there were four people using that water, it would mean that it would only be possible to irrigate twenty acres.

Hon. F. Davis: But how many will there be in twenty years time?

Hon. E. M. CLARKE: That was beside the question. The position was with regard to the people already pumping from the streams.

The COLONIAL SECRETARY: Hon. members should be reminded that if the clause was passed every person who owned land, whether irrigating now or not, would come under the Bill.

Hon. H. P. COLEBATCH: These were special rights given to people who held land before the Bill came into operation. Every Irrigation Act in the other States had recognised the special rights. In one case they provided for three acres and in two other States five acres; the Government proposed three acres, but the select committee were more liberal and proposed five acres.

Amendment put and passed.

On motion by Hon. H. P. COLEBATCH, the words "and used in connection with a dwelling," in lines 11 and 12, were struck out.

Clause as amended agreed to.

Clause 15—Certain riparian owners may apply for special licenses to divert and use water:

Hon. H. P. COLEBATCH: There was one feature the select committee thought objectionable and that was in line 6 of the clause referring to the period of two years prior to the commencement of the Act. A man might just have completed his irrigation scheme and it was thought he should have this special privilege. In Victoria these rights were given to people who had been irrigating for twenty years. He moved an amendment—

That in line 6 the words "from a date not less than two years" be struck out.

Amendment passed.

On motion by Hon. H. P. COLEBATCH clause consequentially amended by striking out of line 10 the word "three" and substituting "five;" also by striking out of lines 11 and 12 the words "used in connection with a dwelling."

Clause as amended agreed to.

Clause 16—agreed to.

Clauses 17—Conditions for the exercise of certain rights to take and use water:

On motions by Hon. H. P. COLEBATCH clause amended by inserting in line 21 "three" in lieu of "two"; also by inserting in line 23 "five" in lieu of "three"; also by striking out the words at the end of the clause "and used in connection with a dwelling," and the clause as amended was agreed to.

Clauses 18 to 24—agreed to.

Clause 25—negatived.

Clause 26—agreed to.

Clause 27—Constitution of irrigation districts:

Hon. H. P. COLEBATCH: A new clause was proposed in the report of the select committee and it would be necessary to strike this clause out.

The CHAIRMAN: The hon. member could vote against the clause and later move to insert the new clause in its place.

The COLONIAL SECRETARY: The projected new clause should not meet with the approval of the Committee. The clause which the select committee proposed set out that the Governor might by Order in Council notify proposals for dams, locks, weirs, channels or drainage works to be constructed by the Minister, together with an estimate of their cost. The Order in Council should declare an irrigation district in which a water or drainage charge might be levied, and if within a period of three months after the issue of such order a petition in favour of the proposal was presented to the Minister signed by persons who constituted a two-thirds majority of the total number of those occupying land within the district, and who occupied an area exceeding two-thirds of the total area within the district the Minister might proceed with the proposal. That seemed a very far-reaching provision. The Government might have spent a large sum of money in an irrirgation scheme, and would then have to go cap in hand to the people in the district, and ask them if they were in favour of it, and then there must be in favour a majority of two-thirds of the people occupying land and occupying two-thirds of the total area of the district.

Hon. H. P. COLEBATCH: The clause was an exact copy of the section in the New South Wales Act. Two-thirds was not a very large majority, because if there were not two-thirds of the people in favour of the scheme it was not likely to be much of a success. The people in the district would have to provide interest on the money expended and they should have some say in the matter.

Clause put and a division taken with the following result:—

Ayes	..	..	6
Noes	..	..	18
Majority against		..	12

AYES.

Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	Hon. R. G. Ardagh
Hon. J. E. Dodd	(*Teller*).
Hon. J. M. Drew	

Noes.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. Sir J. W. Hackett	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. F. Cullen
Hon. R. D. McKenzie	(*Teller*)
Hon. E. McLarty	

Clause thus negatived.

Clause 28—Governor may by order alter boundaries of districts:

Hon. H. P. COLEBATCH moved an amendment—

That at the end of paragraph (e) the following words be added:—"subject nevertheless to the provisions of Subsection 3 of Section 27 of this Act."

Paragraph (e) gave power to the Governor to "extend any district by the addition thereto of any land that had not theretofore formed part of a district." The amendment was moved in the anticipation that the new Clause 27 proposed by the committee would be accepted, in which case the provisions of Subclause 3 of that proposed new clause, in regard to the majority petition, would apply to the area proposed to be included within the boundaries of an irrigation district.

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

Clauses 29 to 36—agreed to.

Clause 37—Principles in awarding compensation:

Clause consequentially amended by striking out "three acres" and inserting "five acres" in lieu and as amended was agreed to.

Clauses 38 to 75—agreed to.

New clause:

Hon. H. P. COLEBATCH moved—

That the following be added to stand as Clause 4:—"Nothing in this part of the Act shall have application except in irrigation districts proclaimed under Part IV."

The Colonial Secretary: I simply formally oppose this.

New clause put and passed.

New clause:

Hon. H. P. COLEBATCH moved—

That the following be added to stand as Clause 27:—"1, The Governor may, by Order in Council, notify proposals for dams, locks, weirs, channels, or drainage works to be constructed by the Minister, together with an estimate of the cost of the same. 2, The Order in Council shall describe the land which, in the opinion of the Minister, should be included in any water or drainage district to be constituted in respect of the said work. 3, The Order in Council shall declare the land to be an irrigation district in which water or drainage charges may be levied. If within a period of three months after the issue of any such Order in Council, a petition in favour of such proposal is presented to the Minister signed by persons—(a) who constitute a two-thirds majority of the total number of those occupying land within the district; and (b) who occupy an area exceeding two-thirds of the total area within the district, the Minister may proceed to carry out the proposal provided that any such work shall be subject to the provisions of "The Public Works Act, 1902." 4, On the work being completed the Minister may direct the Board to assess in each and every case the water and drainage charges to be paid, which charges shall not exceed the yearly value to each occupier of the direct benefit accruing to his land from the work, provided that the total of such charges shall not exceed six pounds per centum of the cost of the construction of such work. 5, Every contribution so assessed shall be payable at the times and in the manner prescribed. 6, On the petition of persons liable in the aggregate to pay one quarter of the total amount of the charges or at the request of the Minister the Board shall make a fresh assessment of the charges to be paid."

New clause put and passed.

New clause—Saving of Rights:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 76:—"Nothing in this Act shall take away or prejudicially affect any rights in water lawfully acquired

or enjoyed before or after the commencement of this Act for the purposes of supplying water to or in connection with any railway."

This new clause was moved to suit the conditions obtaining in connection with the Midland Railway Company, who had acquired rights in running water for the purpose of supplying railway tanks. It was proper that these rights should be respected and not interfered with, or it would have a disastrous effect on the carrying on of their undertaking.

New clause put and passed.

Title—agreed to.

Bill reported with amendments, the report adopted, and a Message returned to the Assembly with a request that the Council's amendments be made.

BILL—ROADS ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: In introducing this Bill it is not necessary to point out that the existing Act expires on the 31st of this month. In those circumstances it is essential to re-enact the measure this session, but at the same time opportunity has been taken to make some amendments that are very much required. It was intended to include in the Bill all the amendments recommended by the Roads Board Association as well as other amendments, but it has been decided to bring down a comprehensive measure next session dealing with local government, and in that Bill all the other essential amendments will be included. The rapid progress of the road districts throughout the State will be recognised when I say that during the last financial year seven new districts were created, no fewer than 50 alterations were made to existing districts, and there were 13 other alterations by way of division of districts into wards. The increase in the local revenue collected by roads boards during the period was £15,448; the total revenue was £88,193 3s. 6d. as against £27,744 8s. 7d. during the preceding year. The cost of administration of the whole of the road districts showed a decrease of .09½ per cent., indicating that more money is being expended on the roads and less on administration. The Government auditors also report an improvement all round in that direction. Particular stress is laid on this as, when dealing with another matter recently before the House, I remember some of the utterances tended to indicate that members were of opinion that the Government did not adequately appreciate the efforts of the various local authorities. I would impress upon members that this is not so, and that the Government have every appreciation for the way in which the various local authorities, especially the roads boards, conduct the duties imposed upon them by statute. The principal amendments in the Bill are an alteration of the basis of rating of timber lease lands, provision for more effectively dealing with the collection and apportionment of rates on the formation of new boards, the repeal of sections compelling owners of subdivisions to pay £3 per chain, and substituting less exacting conditions in connection with the subdivision of private estates. For instance, when a private owner subdivides an estate into lots of less than half an acre each, power is given to the roads board, in its discretion to charge a nominal fee from 6d. up to but not exceeding 10s. per chain for roads rendered necessary by reason of that subdivision. This principle was in part carried last year when an amendment proposed to make the charge of £3 applicable only to such lots as exceeded one acre each.

Hon. J. F. Cullen: That was not carried in this House.

The COLONIAL SECRETARY: The method of dealing with subdivisions is also improved by making it obligatory on owners to submit plans, and prohibiting sales until the approval of the local authority of the plan of subdivision has been received. That should remove the evident impression amongst some members that the Government are not in sympathy with the extension of powers of the various roads boards. Considerable attention has of late been given to

what I may term the anti-slum question. In a country of large spaces such as this is it is reasonable that every precaution against slums should be taken by the Government in the interests both of health and administration. Power to deal with this question is by the Bill conferred on the roads boards, and members will notice that an alteration is made to the schedule, is it reasonable that every precaution regarding tenements are brought under the control of the local authorities. Evidence as to the necessity for a provision of this character is afforded as close to the capital as the roads board district of Bayswater, where there is a short street known as Rhode-avenue. This thoroughfare, which is just a little north of the station, leads to nowhere, and the blocks on it are very small, having a frontage of something like 16 feet. On these, what I may term pocket-handkerchief, blocks tenements have been erected. Though this might be permissible in a business thoroughfare, if it was necessary to erect small shops, I think few will refuse to admit that it is deplorable in a country like this that dwelling houses for families should be erected under such conditions. Provision is also made whereby roads boards may maintain libraries and agricultural halls. Some members may be surprised at the inclusion of this provision, but it has been rendered necessary consequent on the merging of many of the smaller municipalities into roads districts. Those smaller municipalities had town halls, agricultural halls and libraries, but there is no provision in the existing Act to enable money to be spent in that direction. Examples are afforded in Broad Arrow, Menzies, Kookynie, Goongarrie, Burbanks, Derby, Capel, Serpentine and other centres, and these show in a volume evidence of the necessity of providing an amendment to meet the case. These are the principal amendments. The remainder are of a minor character, such as the correcting of clerical or drafting errors, which have been disclosed in the actual working of the existing Act. In more than one instance these errors have been revealed through cases entering the Supreme Court. I beg to move—

That the Bill be now read a second time.

Hon. C. SOMMERS (Metropolitan): I am glad the Bill has been brought in. I hope that when we get into Committee the Minister will see fit to accept an amendment to Clause 29. Subclause 2 of that clause provides that every allotment of a subdivision shall front on a road and, if less than half an acre in area, shall abut on a thoroughfare or way, which shall be of not less than 10 feet in width. Those who have had experience in the subdivision of land agree that these rights-of-way are very unnecessary.

The Colonial Secretary: We will accept that amendment.

Hon. C. A. PIESSE (South-East): While very ready to support the second reading of the Bill, I trust that the Committee stage will be left until to-morrow.

The Colonial Secretary: It will certainly not be gone on with to-night.

Question put and passed.

Bill read a second time.

House adjourned at 10.8 p.m.

Legislative Assembly.

Wednesday, 11th December, 1912.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

QUESTION—RAILWAY EXCURSION FARES, GREAT SOUTHERN.

Mr. GREEN (for Mr. E. B. Johnston) asked the Minister for Railways:—1,