# Legislative Council,

*Monday, 3rd December, 1900.*

Question: Railway Refreshment Rooms—Resignation of a Member, Central Province—Privilege: Charge against a Member, withdrawn—Police Act Amendment, withdrawn—Remedies of Creditors Bill, third reading—Health Act Amendment Bill, second reading, in Committee, etc.—Carriage of Mails Bill, second reading, etc.—Land Drainage Bill, in Committee, etc.—Kalgoorlie Roads Board Tramways Bill, second reading, etc.—Hampton Plains Railway Bill, in Committee, lapsed—Goldfields Act Amendment Bill, second reading, etc.—Assembly's Resolution: Imperial Federation—Assembly's Resolution: New Houses of Parliament; Joint Committee appointed—Bank Holidays Further Amendment Bill, first reading—Water Street (North Fremantle) Closure Bill, first reading—Adjournment.

The PRESIDENT took the Chair at 7·30 o'clock, p.m.

PRAYERS.

## QUESTION—RAILWAY REFRESHMENT ROOMS.

HON. T. F. BRIMAGE asked the Colonial Secretary: If the Government will instruct the station-masters of leading stopping stations, such as Northam, Boorabbin, Pinjarra, and Katanning, to ring a five-minutes bell, so as to allow passengers to enjoy their food to within that time of starting the train.

THE COLONIAL SECRETARY replied: Instructions have been given that, in future, passengers are to be informed five minutes in advance of the times that the trains will be starting; but it is considered that the introduction of bells would cause confusion when trains for different directions are standing in the station at the same time.

## RESIGNATION OF A MEMBER, CENTRAL PROVINCE.

THE PRESIDENT read the following letter:—

*The Hon. the President of the Legislative Council, Perth.*

3rd December, 1900.

YOUR HONOUR,

I feel that, in view of the order of the Full Court made on Friday last, I shall be acting in the best interests of the Legislative Council as a body if I at once sever my connection therewith.

I think it advisable to take this step in spite of my strong desire to meet and reply to the motion of the Hon. the Colonial Secretary, tabled for this evening; and in this connection I desire to state most emphatically, lest there should be a false impression regarding the matter, that I have never held any conversation or communication with Mr. W. L. Daniell, or any other person connected directly or indirectly with the Hampton Plains Syndicate, with reference to the passage of the Bill referred to in the motion, nor had my remarks on Thursday night any reference to any person who could have spoken with authority in connection with the same.

Your Honour, I now, in accordance with the provisions of the Constitution Act, 1899, tender and hand you my resignation as a member of the Legislative Council for the Central Province of the colony.

I have the honour to be, Mr. President, yours faithfully,

FRED. WHITCOMBE.

THE COLONIAL SECRETARY (Hon. G. Randell): In view of the resignation handed in by the late member for the Central Province (Mr. Whitcombe), I move that the seat be declared vacant, and that the President do issue a writ of election for the Central Province.

HON. J. M. SPEED (Metropolitan-Suburban): Before that motion is put, I should like to say a few words in regard to this regrettable incident. If it had not been for the fact that outside there is a general impression that Mr. Whitcombe is not singular in his position—it is an unfortunate thing that rumours are current—I should have been one of those who would have sooner seen a motion to expel the hon. member than accept his resignation; but when we find rumours are current to the effect that members bring into Parliament private Bills, and are paid to conduct these Bills through Parliament—a usage that has been carried on not only here but in other Parliaments in Australasia—it is time we as members of Parliament objected firmly to this practice, and more especially now. Whatever excuses members had in the past, now payment of members has become law there is not the slightest reason why any member should bring a Bill into Parliament and accept a fee—call it a retainer or whatever you please; and I am of opinion that if a member brings forward such a Bill and is paid by fee or honorarium (it may be in some cases that the fee or honorarium is doubled in the event of the Bill successfully passing through Parliament), it appears to me any member who is guilty of any such conduct can be no better than Mr. Whitcombe has practically admitted himself to be by his resignation to-night. It seems to me that if we are going to have Parliament pure in this country, we

must do our best to see that members of Parliament do carry out their work in a pure and upright spirit, so far as this colony is concerned. Mr. Glowrey, by his conduct and his action, deserves the thanks of the colony for the way in which he has spoken on this matter. I understand that Mr. Glowrey warned Mr. Whitcombe before he came into this Chamber that his vote would be challenged; and under these circumstances, although it is said that Mr. Glowrey has disclosed confidential remarks and would be out of court, if Mr. Glowrey does nothing whatever in his parliamentary career from now till the day he resigns, then he has done a good work in bringing the matter forward. As far as I am concerned, whatever matter affects the credit of myself and the Parliament to which I have the honour to belong, or the country I represent, so long as I am in a position, nothing that anyone can say to me will in my mind be deemed confidential, because the man who listens to such a statement, in many instances, if he does not report it to the House, is in exactly the same position as the member who makes that statement to him. With these few remarks I support the motion, and for the reasons which I have given only.

Question put and passed.

## PRIVILEGE—CHARGE AGAINST A MEMBER.

### NOTICE WITHDRAWN.

THE COLONIAL SECRETARY (Hon. G. Randell): In view of what has transpired, I move that the following motion, of which I gave notice, be discharged from the Notice Paper:—

That the charge made by the Hon. J. T. Glowrey in connection with the votes recorded by the Hon. F. Whitcombe on the second reading of the Hampton Plains Railway Bill (private), together with the reply made by the Hon. F. Whitcombe to such charge, be now taken into consideration.

Question passed, and the notice withdrawn.

## POLICE ACT AMENDMENT.

### NOTICE WITHDRAWN.

HON. C. SOMMERS (North-East) said he had given notice of his intention to move for leave to introduce a Bill intituled "An Act relating to certain offences to be cognisable under the Police Act, 1892"; but as time would not permit of the passing of the measure this session, he desired to withdraw the notice of motion.

Notice of motion withdrawn.

## REMEDIES OF CREDITORS AMENDMENT BILL.

Read a third time, and *passed*.

## HEALTH ACT AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: It is not necessary for me to speak at any length in submitting the Bill, which is only a short one, though it contains several provisions of considerable importance to the health of the country. By the adoption of stringent measures some little while ago, we were fortunate enough to prevent the spread of that terrible disease, bubonic plague; and I am glad to say the organisation of the Central Board of Health is now in excellent order, and the board will probably continue to increase in efficiency and value. We have provided—and I do not think hon. members will say the expense ought not to have been incurred—a complete sanatorium where cases of infectious diseases can be placed, and which I think will compare very favourably, if my information be correct, with similar institutions in the eastern colonies. Should it unfortunately occur that an epidemic of an infectious nature break out in the colony, there is now ample provision to meet necessities to a very considerable extent. Now that the mail steamers and other vessels are arriving in large numbers at Fremantle and Perth, and are lying alongside the wharf, it is eminently necessary there should be proper quarantine accommodation; and such accommodation is now more accessible than when the establishment was situated on an island, with which communication might be interrupted for several days at a time owing to bad weather; indeed, the present station at Woodman's Point is accessible at all times by either water or land.

Clause 2 provides that notice is to be given by masters of ships lying in the harbour, when any eruptive disease occurs on board their ships; and this is a necessary provision, as at any time an outbreak may occur and probably not be known to the officers of the ship before the vessel reaches the harbour. Clause 3 is intended, in case of dispute, to validate the appointment of the Central Board and its actions; and the clauses following are the result of recommendations from municipalities, especially the municipality of Kalgoorlie. It was represented to me, when I was on a visit there some time ago, that it was desirable to try the experiment of merging into one health board such neighbouring public bodies as the Kalgoorlie municipality, the Coolgardie municipality, and the Kalgoorlie Roads Board. I took the matter into consideration and consulted with the principal medical officer, and also the law officers of the Crown, with the result that the clauses now appear in the Bill; and if the provisions as now drawn do not exactly meet the wishes of the goldfields people, they go a long way towards that object. I found it would be almost impossible to introduce into an amending Health Bill a provision that the members of the Health Board, when that body was constituted, should be elected. The members, however, are elected, because they must be selected by the different bodies or boards; and if any member vacate his seat on the local body, he must also vacate his seat on the Health Board; and, therefore an opportunity is given to the district in its entirety to elect members, though not directly. I believe the clauses will give satisfaction, but if it be found desirable to extend the principle of election, that can easily be done. At the same time this is a very excellent experiment to make, and I feel confident it will work out satisfactorily to everyone concerned. This proposal has been compared to the London County Council, or the Metropolitan Board of Works in Victoria, both of which are amalgamated with different municipalities, and deal with matters outside the powers of an individual municipality. These provisions, I hope, will commend themselves to hon. members, and I would like to see the experiment tried, because I believe it would be a success and to the good of the community. Clause 11 provides that the Central Board may make—

> (*a.*) Model by-laws for the guidance of local boards in the execution of this Act; and (*b.*) all such by-laws for any portion of the colony as a local board might make, if such portion were within the district of a local board.

That is, where there is no local board the Central Board may make by-laws for the districts. The clause goes on:

> Every local board—(*a.*) may, and so far as expressly directed by the Central Board shall, adopt the model by-laws prepared by the Central Board; and (*b.*) may make, in addition, all such by-laws not repugnant thereto as it may deem necessary or convenient for properly carrying into effect the provisions of this Act within the district of the local board.

That is a clause taken from the South Australian Health Act of 1898; and it is very desirable a comprehensive system of by-laws should be made by some authority conversant with the matter, as such by-laws will be of great assistance to local boards formed from time to time. The Central Board will only exercise the power in important cases, and not very often; but there are some things it is eminently desirable local boards should be compelled to do, and which it is found they are somewhat reticent in doing now. Another clause provides that if the local board has not been able to strike a rate at any time, the Governor may extend the period; and that is a very useful provision which we find in the Roads Act, and in the absence of which several difficulties have cropped up in reference to different health boards in outlying districts. They have been new to the business, and have had secretaries not well acquainted with the law on the subject. The length of the Health Act has to a very large extent prevented secretaries from becoming acquainted with its provisions, and having allowed the time for making a rate to elapse, they have not power to come to the Government to assist them in the matter. This will enable them to do so. I do not know that there are very many other important clauses in the Bill. Some amendments are necessary in consequence of oversight when the Act was passing through this House. I think the Bill as a whole is calculated to be of great assistance, and some of the clauses are indeed absolutely necessary for the proper working of the Health Act now

in existence, the measure giving a little extended power to health boards, both central and local. I move the second reading of the Bill.

HON. A. P. MATHESON (North-East): This Bill, as the Colonial Secretary has pointed out, is chiefly intended to correct the mistakes which occurred when the original Act of 1898 was passed through the House, and anybody casting an eye through the Act can see a number of mistakes that arose in the original drafting. However, there was one clause in this Bill when it was introduced in the Lower House, the Legislative Assembly, which has since been struck out, and I am particularly anxious to call the attention of members of this House to that clause, in order that it may be reinserted. The Clause was No. 18, and it amended Section 176 of the original Act, which provided for imposing a penalty upon any person spilling or otherwise putting down or depositing nightsoil or offensive matter into or upon a road, street, tramway, channel, or tunnel. Not very long ago, during last session, it came to the notice of the Central Board of Health that a man who removed sanitary pans was in the habit of spilling urine in the street gullies, which was a most offensive practice, and detrimental to the health of Perth. The matter was taken into court, and I have a short cutting showing what took place:—

A prosecution was instituted by the police, acting under the advice of the Central Board of Health, against the driver of a sanitary cart named Francis Evans, for having discharged certain offensive matter into a street drain in St. George's terrace, contrary to the provisions of the Health Act. Mr. J. A. Northmore (of Messrs. Moorhead and Northmore, the city solicitors), appeared to oppose the prosecution. The circumstances, as deposed to by Police-constable Walker, were that during the early hours of the morning he came upon the defendant emptying the liquid contents of one of the municipal council's sanitary tank carts into the sewer immediately opposite to the residence of the principal medical officer, Dr. Lovegrove (now in England). The matter emitted a most offensive odour, and the defendant stated that it was urine. Even an hour later the stench was noticeable. That portion of the liquid matter which did not remain in the sewer would run into and pollute the Swan river. Mr. Roe said it seemed to him to be a most objectionable practice. Mr. Northmore pointed out that the practice was adopted all over the town, and that it was not an offence under the Health Act, which only prescribed that solid matter must not be deposited in such a manner. It may be very unsavoury, but the waste water from all the houses in the vicinity was disposed of in a similar manner, and they were looking only to the deep drainage scheme to alleviate the present state of affairs. The bench, while disapproving of the system of disposing of offensive matter, inasmuch as both the atmosphere of the city and the river were polluted, had no alternative on the wording of the Act but to dismiss the case.

The Central Board of Health have done their best in this matter, and under their advice the Bill now before us was prepared, and to meet this difficulty there was a clause inserted which stood as Clause 18, providing that urine and other offensive liquid matter should be added to the section in question—Section 176—and certainly every member of this House who resides in Perth must thoroughly appreciate the offensive condition into which the river is now rapidly growing, owing to the practice of the Municipal Council——

HON. J. M. SPEED: And the Government.

HON. A P. MATHESON: And the Government—through the laxity of the Government there are deposits of urine and offensive matter into channels, because that is really what it amounts to. All this urine, all this offensive matter, is deposited in a place where there is absolutely no current, and it remains there festering in the sun. There is a sewer discharging—I do not know the name of the streets—but there is a series of sewer heads the whole way from the block known as the Christian Brothers' School right away to the Brewery, and I submit it is a scandal such a thing should be allowed to continue. Perth relies entirely on its river for its attraction. The day you destroy the attractiveness of the river you make Perth absolutely an uninhabitable place—a place like most of Western Australia, where no Christian would care to stop if he possibly could help it.

HON. R. G. BURGES: Oh!

HON. A. P. MATHESON: It is a fact. Except in Perth there are sand and filth, and here in Perth there is a good deal.

HON. R. G. BURGES: Withdraw!

HON. A. P. MATHESON: You have in Perth an absolutely exceptional site

with a most perfect river available for recreation, and the result of this action of the Municipal Council is that the river is rapidly becoming a festering sewer. Except during the winter there is no current. Although people are pleased to talk of it as a tidal river, it is not a tidal river: there is no rise and fall.

HON. R. S. HAYNES: Oh, yes.

HON. A. P. MATHESON: No rise except in winter.

HON. R. S. HAYNES: Nonsense!

HON. A. P. MATHESON: I speak from experience: I say there is a rise of about three inches. If the hon. member chooses to take notice of tests from posts put up at "the Narrows" he will see that there is a rise and fall of three inches, and very often the river remains stationary for several days. The hon. member can verify that by referring to the records. It is in the summer, when the current is absolutely absent, that the place becomes a cesspool. People bathe in those baths, and they bathe in filth. They had much better not bathe in the river at all under existing circumstances. I hope the House will insist on the re-insertion of Clause 18, which was expressly provided by the Central Board of Health to remedy this abuse. I know the hon. member (Mr. Speed) will get up and say the Municipal Council have no alternative. The Municipal Council have an alternative.

HON. J. M. SPEED: Can you point one out?

HON. A. P. MATHESON: Yes.

HON. J. M. SPEED: Do it.

HON. A. P. MATHESON: The Municipal Council can bring matters to such a state that the Government will have to act to carry out a proper drainage system, but in the meantime the position is simply absurd. I speak from experience. The Health Act which we are amending provides in one section—I forget the particular section—that no person shall drain offensive matter into the river. What happens? The Municipal Council lay down a sewer in the main street, and serve every resident in the main street with a notice to connect his drain with this sewer, which drains into the Swan, and so they absolutely compel a householder to break the law. I speak advisedly on this subject, because the Local Board of Health gave me notice to connect my drains. I intended to connect my drains, because it would be a convenience, but I resented the tone in which the order was given, and I challenged them to make me connect. I said "I am perfectly willing, but I want a letter of indemnity for breaking a section of the Health Act." Did I get it? No. They could not give it. They let the matter drop. The matter dropped from that day to this, simply because they were attempting to make me do a thing which was forbidden by the Act. That is the absurdity of the position. The amendment I propose deals with the discharge by the Municipal Council of offensive liquid matter into the drains. I want the House to understand this: in dealing with these matters we talk as if Perth were the only town in Western Australia; but it is not.

HON. J. M. SPEED: Is it not?

HON. A. P. MATHESON: By no means. If the hon. member travelled, he would know it. Many of the towns have dry rivers (at least they are called rivers in this country), and unless an amendment is inserted, it will be open to any of these municipal councils to drain their sewers into these dry streams, and I can leave to anybody's imagination what the condition of things will be in a tropical country under such circumstances.

HON. R. S. HAYNES: Deal with the matter when we get into Committee. I have an amendment.

HON. J. M. SPEED (Metropolitan-Suburban): I did not intend to speak on this Bill. I think the amendments are necessary, and I agree with Mr. Matheson in his statement with respect to the pollution of the Swan. I have always been opposed to this surface drainage as used in Perth. Deep drainage is really the object. All the time I was in the City Council I opposed the system complained of, but I could not find any means of getting rid of it. The only people who could come to our assistance were the Government, but the Government never did come to our assistance, although they knew the dangers and difficulties we were in. They themselves are equally to blame with the City Council. The Government discharge into the Swan the matter from this Chamber, the Legislative Assembly Chamber, and the Public Offices. There

is no doubt about that, and if such a clause as that suggested were inserted, the Government would be the first proceeded against to cease doing this sort of thing. If a commission were appointed —and it would be a good thing for the Government to appoint a commission— and a satisfactory report were given even of the Leurnier system, or some other system, there is no reason why a system should not be introduced at once, because the sooner it is introduced the less expensive it will be, and the better for the health of the city. There is no reason why the matter should not be gone into. From the reports I have read (and I have given much consideration to the matter), I am quite certain that system could be applied here with every satisfaction at about one-third of the cost of the ordinary deep-drainage scheme. I trust the Government before next session will take some steps in that direction. But the unfortunate part is that if all these present drains were stopped the citizens of Perth would be in a far worse position than at present. It would be actually impossible to carry out the clause Mr. Matheson suggests, because the evil has gone too far. That is the position the city is in, and it is useless to pass the clause so far as Perth is concerned, although it may be a good thing for the rest of the colony. I should have no objection as far as the rest of the colony is concerned, but I say the clause would be a dead-letter in Perth, because it would be impossible to carry that out.

HON. A. P. MATHESON: Get a conviction, and then the Government would act.

HON. J. M. SPEED: Get a conviction against them: put them in Fremantle Gaol?

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 22, inclusive—agreed to.

New Clause:

HON. A. P. MATHESON moved that the following clause be added to the Bill—

Section 176 of the principal Act is hereby amended by adding after "nightsoil," in line 3, the words "urine or offensive liquid matter."

At the present moment it was absolutely prohibitory to put nightsoil down these drains, so that it was not logical for any member to say it was impossible to prevent depositing urine in the street gullies. If it was possible to prevent depositions of solid matter, it was equally possible to prevent the deposition of urine and offensive liquid matter. The operation under the Act was supposed to be this. First the local board were supposed to act to prevent a nuisance, and if they did not act, the Central Board of Health had power to intervene and compel them to act. At the present moment neither board could prevent a deposition of urine or offensive liquid matter into the city drains. If it was objectionable to deposit urine, it was equally objectionable to deposit solid matter. When this Bill was introduced into the Assembly a clause was provided to rectify this error, and a gentleman who actually had the temerity to stand for Mayor of Perth, but who, fortunately, was not successful, moved to strike out this clause, which was inserted for the well-being of the citizens. The new clause which he (Mr. Matheson) moved was advisedly brought forward by the Central Board of Health.

HON. A. JAMESON: Although in sympathy with Mr. Matheson as to the advisability of not admitting offensive matter into the drains, the clause was a dangerous one to pass at the present time because we depended in Perth on the dry-earth system, and it would be some considerable time before that system could be altered. If householders were compelled to conserve liquid matter, during the coming summer there would be a great increase of sickness. There ought to have been a commission held long ago to report upon a system of drainage for Perth. If this clause were adopted, the increase of conveyances required to remove the offensive matter would be so great that inconvenience would be caused. Until we had a thoroughly sound system of drainage, probably the safest system was to run this matter into the surface drains. Undoubtedly, at an early date there would have to be filters at the mouth of the drains.

HON. A. P. MATHESON: The engineer to the Perth Council decided that he could do nothing with filters.

HON. A. JAMESON: Filters were used in large cities such as Manchester and Bradford. The fall was sufficient in

Perth to enable filters to be placed at the outlet of the drains.

HON. A. P. MATHESON: The question was investigated by the sanitary experts of the Perth Council, who reported that it was absolutely impossible to adopt any efficacious system of filtration. If the present system was continued, the river would become impossible to use.

SIR GEORGE SHENTON: Mr. Matheson took an extreme view of the case in stating that the contamination of the river would go on from year to year until it became a poison bed. The hon. member seemed to overlook the fact that every year a freshet came down the river and the offensive matter was washed out. He agreed with the remarks of Dr. Jameson, that until there was a proper system of drainage in Perth it was far healthier to run the urine into the river, and that system would have to continue until Parliament voted the necessary funds to have a proper system of deep drainage.

THE COLONIAL SECRETARY: Of the two evils we should select the lesser, and that was to make use of the drains the Perth Council had at large expense constructed in Perth. Numbers of citizens had spent large sums of money in connecting houses with the present drains. The practice prevailed some years ago of throwing all slops into the back-yards, which rendered the city unhealthy, but that state of things had been got rid of. Although we had not the deep drainage or filter beds or any modern appliances, the drainage of the city of Perth should have a trial. He was of the same opinion as Sir George Shenton, that the flow of water in the Swan was so great that no contamination could take place. The fall in the lowest part of Perth was 25 feet, and from St. George's Terrace to the river it was 40 feet or 50 feet. From that part of the city near the railway station to Claisebrook there was a fall of about 25 feet.

HON. J. M. SPEED: Nothing like that.

THE COLONIAL SECRETARY: There were very heavy falls in places, and from the locality of the railway station, which was about the lowest part of Perth, there was a fall of about 25 feet.

HON. A. JAMESON: It was stated to be 27 feet.

THE COLONIAL SECRETARY: Under the circumstances he hoped the hon. member would assist the Perth Council, and allow the Bill to pass as it was. It was undesirable to pollute the river, but probably there was some little sentiment about that. So long as the solid matter was not allowed to go into the river, no great harm could be done to the health of the city. In a year or two if trouble arose, Parliament no doubt would assist in the matter, and pass some such clause as that which the hon. member now proposed, and which was originally inserted in the Bill by the Central Board of Health as being a very desirable amendment.

HON. A. P. MATHESON: An essential amendment.

THE COLONIAL SECRETARY: The Central Board of Health were not so strong on the matter as the hon. member seemed to think. That body wished to have the Bill with the other amendments. He would like to see the measure go through, because it would get on with the business of the country; but of course that was not a sufficient reason.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 5 |
| Noes | ... | ... | 11 |
| Majority against | | ... | 6 |

| AYES. | NOES. |
|---|---|
| Hon. T. F. Brimage | Hon. R. G. Burges |
| Hon. J. T. Glowrey | Hon. C. E. Dempster |
| Hon. R. S. Haynes | Hon. J. W. Hackett |
| Hon. A. P. Matheson | Hon. A. Jameson |
| Hon. C. Sommers (*Teller*). | Hon. W. Maley |
| | Hon. D. McKay |
| | Hon. G. Randell |
| | Hon. J. E. Richardson |
| | Hon. Sir George Shenton |
| | Hon. J. M. Speed |
| | Hon. G. Bellingham (*Teller*). |

Clause thus negatived.

New Clause:

HON. R. S. HAYNES moved that the following be inserted as a new clause:

Section 179 of the principal Act is hereby amended by striking out the words "owner or," in line one of the first paragraph thereof, and all the words after the word "occupier," in the said line, to the word "of," in line two of the said paragraph.

In 1898 a Bill was passed through the House and Section 179 was agreed to. That section said:

Notwithstanding the last preceding section a local board may provide for the proper disposal of nightsoil or other refuse whether

within the district or not, by making an annual charge, payable in advance, for the removal of the nightsoil or other refuse in respect of each and every place from whence the receptacles for nightsoil have to be removed.

Such charge shall be levied on the owner or occupier, as the local board may decide, of every tenement in which the nightsoil pans or other receptacles are in use, and may be recovered by the local board in the same way as a municipal rate, or in case the receptacles for nightsoil are in an adjoining area as aforesaid, by summons before two justices.

That was given as a copy of Section 259 of the Victorian Health Act of 1890, and as such it was passed. On turning to the Victorian Act it was found to be nothing of the kind. Section 259 of the Victortan Act said:

Such charge shall be levied on the occupier of such tenement in which the nightsoil pans are in use, and may be recovered by the council in the same way as rates are recoverable under the Local Government Act, 1890.

The Perth City Council conceived a bright idea of levying a rate of £1 10s. on every house in Perth, and they decided the owner should pay that charge, thus liberating the tenants from any liability. Before the Act was passed, many owners had leased properties to people, and it was found that the owners of perhaps 15 or 20 houses were billed for £40 or £50, which they very properly refused to pay, and the council settled the matter with owners by accepting 5s. or 6s. in the pound. In Perth there were something like 400 or 500 four-roomed houses, and 6s. per house was a fair price for the removal of the nightsoil; but there were houses of 100 rooms and more, and the owners of those houses would only have to pay £1 10s.

THE COLONIAL SECRETARY: The Perth Council were not charging £1 10s. now.

HON. R. S. HAYNES: When the council found what had been done, they rescinded the resolution that the rate should be levied.

THE COLONIAL SECRETARY: Was it not so much per annum for each pan?

HON. R. S. HAYNES: For each pan per year, £1 10s. The legislation was passed through the House under a false pretence: it was understood to be a copy of a section of the Victorian Health Act, when it was nothing of the kind.

HON. C. SOMMERS: In the event of the Perth Council being unable to recover from the occupier, would they be able to recover from the owner?

THE COLONIAL SECRETARY: No.

HON. C. SOMMERS: It would not be right for municipalities to lose any of their rates, and they should be able to recover from the owner. It was the duty of the council to collect from the occupier: the owner of the property was enabled to increase the rental to cover those charges. If the occupier failed to pay the rates, the council should be able to come on the owner.

THE COLONIAL SECRETARY said he was not prepared to go as far as hon. members proposed, because a system had now been established which it would be unwise to disturb. The owner was now made responsible, and the procedure could not be reversed; in fact, Parliament had refused to take this step. His own grievance was that the landlord was made responsible, while, at the same time, although he might have £10,000 worth of property in a ward, he was not allowed a vote in that ward unless he resided there. One only instanced that to show the principle was admitted in the new as well as the old Municipal Act; and if the amendment were carried, the municipalities would lose a great deal of revenue, and in the end would have to levy a heavy rate for the necessary work.

HON. R. S. HAYNES: The council had power to levy a rate and enter into a contract for cleansing the city and removing the nightsoil, and it was not sought to take away that power at all. The council could make a contract and levy a rate sufficient to pay for the service, and that was an equitable provision, the rates being proportionate; but to levy a fixed sum of 30s. or £5 on the owner of every house would be an injustice, because if the amount were not paid by the tenant, the charge remained on the land and the owner was liable. The provision as it stood took away the liability of the occupier and placed it entirely on the owner. He pressed the amendment because to allow the clause to remain would be an injustice, and, in any case, the law was passed under a misapprehension.

HON. A. P. MATHESON sympathised with Mr. R. S. Haynes, but inequalities always existed, and the position in regard to the water rates was exactly the same.

A tenant could, for instance, start an ærated water manufactory and after using thousands of gallons of water, leave the landlord to pay.

HON. R. S. HAYNES: But such a tenant could be followed.

HON. A. P. MATHESON: Supposing such a tenant had no assets?

HON. R. S. HAYNES: But under the clause, a tenant could not be followed.

New clause put and negatived.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

THIRD READING.

Bill read a third time, and *passed.*

## CARRIAGE OF MAILS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a short Bill providing that owners of private railways shall be compelled to carry Her Majesty's mails; and there is no need for me to labour the question, because it is a self-evident proposition that such owners should be compelled to do as the Bill provides. Some little difficulty has arisen, especially in regard to one company, and this difficulty might have caused considerable trouble but for certain circumstances. It is found desirable, now that private railways are extending, such as timber railways, and also in view of the private ownership of the Midland Railway, that the Postmaster General should not be at the mercy of the proprietors of such undertakings, for whom there is ample protection, seeing that in cases of dispute they may go to arbitration.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and *passed.*

## LAND DRAINAGE BILL.

IN COMMITTEE, ETC.

Clauses 1 to 15, inclusive—agreed to.

Clause 16—Colonial Treasurer may expend £30,000:

HON. R. G. BURGES moved that the word "thirty" be struck out with a view of inserting "ten."

HON. J. W. HACKETT: Why? Had the hon. member any reason for the amendment.

HON. R. G. BURGES: The sum of £10,000 was sufficient to experiment with.

Amendment put and negatived, and the clause passed.

Clauses 17 to 39, inclusive—agreed to.

Schedule, preamble, and title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time, and *passed.*

## KALGOORLIE ROADS BOARD TRAMWAYS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This Bill up to Clause 6 is exactly in accordance with a measure already passed. Clause 7 enables the Boulder Municipality at any time to come in and join in the construction of tramways through the town, the matter being left quite optional to the municipality. I do not think I need say more than that this Bill will be of great advantage to the inhabitants of the goldfields. It has been urged the measure will cause serious loss to the Railway Department, but the Government having considered the case very carefully, feel they have no right to interfere in a case of this description, to prevent the construction of tramways for the convenience of the public at large.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and *passed.*

## HAMPTON PLAINS RAILWAY BILL (PRIVATE).

IN COMMITTEE.

Clause 1: Interpretation:

HON J. M. SPEED moved that progress be reported.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 9 |
| Noes | ... | ... | 5 |
| Majority for | | ... | 4 |

| AYES. | NOES. |
|---|---|
| Hon. G. Bellingham | Hon. R. S. Haynes |
| Hon. T. F. Brimage | Hon. D. McKay |
| Hon. R. G. Burges | Hon. J. E. Richardson |
| Hon. J. T. Glowrey | Hon. F. M. Stone |
| Hon. J. W. Hackett | Hon. A. Jameson |
| Hon. W. Maley | *(Teller).* |
| Hon. C. Sommers | |
| Hon. J. M. Speed | |
| Hon. C. E. Dempster | |
| *(Teller).* | |

Motion thus passed.

Progress reported.

HON. R. S. HAYNES (in charge of the Bill): As it was so late in the session, he did not ask for leave to sit again.

Bill thus lapsed.

## GOLDFIELDS ACT AMENDMENT BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a Bill which I believe has been asked for by a number of persons who wish to have an opportunity afforded them of carrying on cultivation upon the goldfields. It is considered that there are lands in various parts of the goldfields which are capable of cultivation—especially if the rainfall were better, or people could get water by artificial means—and the Government have felt it desirable to encourage this wish, and to provide machinery for enabling persons to get upon the land. The Bill is to form part of, and to be incorporated with, the Goldfields Act of 1895, and is to be administered by the Minister of Mines. Up to and including Clause 24, its provisions deal exclusively with the powers granted thereunder, for granting areas of land for agricultural purposes in goldfields, but these provisions shall only apply (*vide* Clause 24) to such goldfields or portions thereof as the Governor may from time to time direct. Under the provisions of the Bill, any miner resident on a goldfield, being not less than 18 years of age, may apply for a miner's homestead lease of any Crown land the area of which shall not exceed 500 acres on the same goldfield, if beyond two miles of the boundary of a townsite; and, within two miles of the boundary of any townsite, he shall not take up more than 20 acres. So not more than 500 acres can be granted.

HON. J. E. RICHARDSON: What do you want 500 acres for?

THE COLONIAL SECRETARY: It is just possible that someone may want to take up the larger area for agricultural purposes, of one kind or another, or for vegetable purposes. As hon. members are aware, there is any amount of land in the vicinity of the goldfields which is now utterly waste and unoccupied, and any measure that will encourage and establish settlement will be of advantage to the country generally.

HON. D. McKAY: That applies to the North, does it not?

THE COLONIAL SECRETARY: It applies to any of the goldfields, I believe, except East Coolgardie and North-East Coolgardie. That exception was placed in the Bill at the instance of the hon. member for North-East Coolgardie (Mr. Vosper), and it was done because the mines are so numerous it was thought possible that land might be taken and mining prohibited. I believe myself that it is an unnecessary precaution.

HON. J. E. RICHARDSON: Why should not the North-West be exempted as well?

THE COLONIAL SECRETARY: I am unable to say why the North-West should not be exempted. I believe, however, the member is quite satisfied in his own mind there will be no application from the North-West. Sub-clause 2 of Clause 4, which the hon. member is referring to, says, "Nothing in this section shall apply to the goldfields of East Coolgardie and North-East Coolgardie for at least twelve months after the passing of this Act;" so hon. members will see those goldfields are not prohibited altogether. I believe that the hon. member who moved the insertion of this provision was afraid the alluvial miners' rights would be interfered with, and it was thought that in those parts there was alluvial gold all about the district, and therefore difficulties might arise. That was the only reason for the insertion of this provision. The application for a lease is to be made to the warden; the ground is to be pegged out in the ordinary way that gold-mining leases are

pegged out; the hearing shall take place, and objections may be lodged to the application, which shall be disposed of by the warden in open court, but not before he has either personally inspected the land—hon. members will take notice of this—either personally inspected the land, or has received a report from a mining surveyor or inspector of mines. Thus it will be seen that every endeavour is made in the Bill to prevent any auriferous country from being granted under these clauses. The lease shall be in force then as long as the rent is paid and the prescribed conditions are fulfilled. The annual rent is to be 2s. an acre for 20 years, if the land does not exceed 20 acres, and 6d. an acre if the area exceeds 20 acres. After 20 years have expired, the rent shall be one shilling per annum in respect of the whole lease, if demanded by the Minister. There are other clauses that go on to say that the Minister must be consulted. When the approval of the lease has been published in the *Government Gazette* the applicant may take possession. If not occupied within six months, or unless one-tenth part has been enclosed with a substantial fence, or some other conditions have been carried out as provided by Clause 11, the lease shall be deemed to be abandoned. Within three years the whole shall be fenced, and within five years improvements to the value of 10s. per acre shall be effected. Improvements shall mean such as are laid down by Clause 14. The miner is given full power to go on to these leases under Clause 18, mark off, apply for, and take up in accordance with the provisions of the Goldfields Act, any portion of the homestead lease as a claim or a gold-mining lease or a mineral lease. He has therefore free right to go on, and if a gate should not be left so that easy access could be obtained, he would have perfect right to break into the ground. In the event of the miner pegging out, the homestead lessee may call upon the warden to demand security for damage likely to be done, and if the warden finds that the boundaries of the lease or claim embrace improvements that have been made by the homestead lessee, he may demand security. If damage is then done, it is assessed and paid from the security lodged. If no damage is done, the money lodged as security will be returned. But the Bill provides that no compensation shall be granted for the value of the land or the lessee's interest therein, so that if the ground is used merely as a paddock, the miner can take possession without any compensation whatever. It is believed, though, that with the many safeguards that surround the application, auriferous ground will never be granted under these clauses. These are the principles of the Bill, and engrafted on them are provisions affecting gold buying and selling, about which an article has been published in a paper in the other colonies, called the *Australian Mining Standard*, giving the Minister great commendation for having introduced this clause, which will prevent to a large extent illicit dealing in gold. It will be of great advantage to mine owners, as it will prevent the theft of gold in other forms. Everyone will have to get a license, and that indeed is provided for by the present Act, but the present Act has been to some extent evaded. Under this clause, however, people will not be able to evade it, and the clause is a great safeguard, which I believe is very much approved of by the mine owners and others, and is very necessary under the present state of the law. The object of the amendment of Clause 30 is to require the holder of a residence or business area to register the area as improved, before acquiring a pre-emptive right under that section. The improvements necessary to give this right of pre-emption are of so trivial a kind that it seems it might be easily alleged that a former holder did in fact comply with the regulation as to improvements, although the Lands Department may have dealt with the land as if a pre-emptive right did not exist. This would lead to an action for damages for selling the land without giving the holder the first right of acquiring it at upset price.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Area of land that may be leased:

HON. J. E. RICHARDSON: The North-West goldfields should be exempted as well as the Coolgardie goldfields. All the pastoral country in the North-West was on goldfields areas.

HON. J. W. HACKETT: No.

HON. J. E. RICHARDSON: All the runs were situated on the Pilbarra goldfields as specified now. There was no reason why Coolgardie and North-East Coolgardie only should be exempted. Why did the people on the eastern goldfield want 500 acres?

HON. T. F. BRIMAGE moved that paragraph 2 be struck out. The residents of Coolgardie and North-East Coolgardie were desirous of coming under the Bill, and they failed to see the reason why the two districts were exempted. The people had been clamouring for homestead leases for two or three years now.

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

Clauses 5 to 52, inclusive—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

Read a third time, and returned to the Legislative Assembly with an amendment.

## ASSEMBLY'S RESOLUTION—IMPERIAL FEDERATION.

Message from Legislative Assembly considered, requesting concurrence in resolution that the following Address to Her Majesty be forwarded through His Excellency the Administrator:

*To Her Most Gracious Majesty the Queen.*

MAY IT PLEASE YOUR MAJESTY,—

We, your Majesty's loyal and dutiful subjects, the Members of the and the Legislative Assembly of Western Australia, in Parliament assembled, desire, as one of the last acts of this Legislature prior to the Colony entering the Federal Commonwealth of Australia under the Crown, to assure Your Majesty of our loyalty and devotion to Your Majesty's Throne and Person.

We desire to place on record our high appreciation of the successful efforts recently made by Your Majesty's Government to consolidate and maintain the Empire, which have secured the sympathy and support of the British race throughout the world.

We trust that the establishment of the Commonwealth of Australia will not only promote the advancement and increase the prosperity of the Australian people, but will also strengthen the bonds of affection which bind us to the Throne and to the Motherland.

We fervently pray that the Almighty may preserve Your Majesty for years to come to reign over your loyal and devoted people.

THE COLONIAL SECRETARY (Hon. G. Randell): I am sure no words of mine are needed to induce members to join with the Legislative Assembly in this Address to Her Majesty the Queen. The loyalty of this House has been shown on many occasions, and it would be out of place for me to add to the language employed in the Address, which is of an excellent character. All I have to do, therefore, is to move that in the first line the words "Legislative Council" be inserted, and that the form of the Address be agreed to.

Formal amendment made accordingly.

Question—that the Address be agreed to—put, and passed unanimously.

## ASSEMBLY'S RESOLUTION — NEW HOUSES OF PARLIAMENT.

### JOINT COMMITTEE OF ADVICE.

Message from the Legislative Assembly considered, requesting concurrence in the following resolution:—

That a Joint Committee, consisting of three members of the Legislative Council and three members of the Legislative Assembly, be appointed to advise the Government during the progress of the work connected with the erection of the new Houses of Parliament, and also to advise on any new questions, such as internal arrangements and decorations, from time to time as they may arise; in which resolution the Legislative Assembly desires the concurrence of the Legislative Council. The Legislative Assembly further acquaints the Legislative Council that it has appointed Mr. Speaker, the Premier, and the leader of the Opposition (for the time being), to serve upon the Committee, and requests the Legislative Council to appoint a similar number.

HON. J. W. HACKETT (South-West): The Colonial Secretary has requested me to move this motion, as it is not his wish to sit on the Joint Committee which it is the desire of the Legislative Assembly shall be appointed. Very few words of mine are required to recommend concurrence in the resolution. A few days ago the Legislative Assembly, on its being pointed out that it was a matter of urgent need that the accommodation of the Legislative Assembly should be improved, appointed a select committee to consider whether additions should be made to the building in which the Legislative Assembly meet or whether the site recommended unanimously to both Houses of Parliament by a Joint Select Committee should be decided upon. The last committee recommended that to

make any alterations to the present Assembly building would involve a very large sum of money—£14,000; that an equally large sum would be required to make suitable alterations in the old Barracks; and lastly, the only course the committee were driven to recommend, the commencement of Houses of Parliament on the unsurpassed site which was approved and reserved by unanimous votes of both Houses some short time back. It is hoped a beginning will be made at once, and the idea is that the two Chambers and the absolutely necessary offices may be provided there for the sum of £25,000. The Assembly now desire the concurrence of this House in the resolution, and the appointment of three members of this House to sit with three members of the Assembly during the recess in order to push forward the arrangements made, to permit of Parliament assembling during the session of 1902 in the new building. It is a matter which mainly concerns the accommodation of another place. Fortunately we are well suited here, but our abundance makes the needs of another place only the more apparent. It is also an important point that the two Houses should meet under the same roof. If we are to avoid difficulties in the future, and frictions of the kind which I need not dwell upon, members should be brought into frequent intercourse hour by hour as well as day by day with members of another place. The erection of new Parliament Houses is particularly suitable just now. We are parting with autonomous government, and it is a particularly felicitous idea to mark the wonderful progress which we have made in the last ten years by erecting a permanent and suitable building. I have pleasure in commending the motion to members, and I move that three members of this House be appointed to act with three members of the Legislative Assembly, as the resolution sets forth.

THE COLONIAL SECRETARY (Hon. G. Randell): It is only due to myself that I should say a few words on this question, and I do so mainly to suggest that the members of the committee should not allow themselves to be carried away with any question of this sort. I see a sum of £100,000 is mentioned as the cost of the new Parliament Houses. In our present circumstances I think it is a most unjustifiable expenditure of public money. I see no necessity for Houses of such dimensions to be erected for the Parliament of this country, and I do hope the members of the select committee will devote their attention carefully to the economical side of the arrangement. I should be sorry to indicate any amount which should be set apart for the purpose, because I could not do so; but at the present stage, at any rate, I do think it would be wasting money to spend a large amount on Parliament Houses when so much is required in this colony for important works such as communication, roads and bridges, railways, and, as Dr. Jameson told us the other night, for some very necessary institutions; so that I hope the committee will not allow themselves to be dominated by the Public Works Department of this colony. I know architects desire above all to have splendid buildings, and they do not value money very much. I have a very strong opinion that the number of members for both Houses of Parliament of this colony is too great. I only regret the additions which were made to both Houses on a very recent occasion, and I say this in consequence of Western Australia now having joined the Federal Commonwealth. I am expecting early in the near future that, unless the population of the colony increases at a very rapid rate, hon. members will have the same ideas as I have myself, that we should have a smaller number of members for both Houses of Parliament. I would not entertain the idea of one House, because I think a second House is absolutely necessary for the control of legislation; and I think the Legislative Council of this colony has yet to make its mark on legislation which is introduced from time to time in the interests of the colony at large. I hope I may be pardoned by Mr. Hackett for saying these few words, but I thought it desirable to give the main reason why I did not wish to serve on the select committee.

Question put and passed.

A ballot having been taken, the members elected in addition to the mover (Hon. J. W. Hackett) were Sir George Shenton and Hon. A. P. Matheson.

### BANK HOLIDAYS FURTHER AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

### WATER STREET (NORTH FREMANTLE) CLOSURE BILL.

Received from the Legislative Assembly, and, on motion by the COLONIAL SECRETARY, read a first time.

### ADJOURNMENT.

THE COLONIAL SECRETARY, in moving the adjournment of the House, said he understood several members were desirous of now leaving, but he hoped they would endeavour to make a House to-morrow at half-past four o'clock.

HON. J. W. HACKETT: Had the Colonial Secretary any idea when the prorogation would take place?

THE COLONIAL SECRETARY: Not the slightest.

The House adjourned at 9·50 o'clock until the next day.

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# Legislative Assembly,

*Monday, 3rd December, 1900.*

Petition: Empire Patriotic League—Question: Loan Flotation, particulars—Mundaring Dam, alleged Defective Cement — Bank Holidays Further Amendment Bill, all stages—Public Service Bill, Administrator's Suggestion of Amendment—Water Street (North Fremantle) Closure Bill, all stages—Military Contingents, W.A., thanks to soldiers, sympathy to sufferers, National Anthem sung—Industrial Conciliation Bill, Council's Amendments—Remedies of Creditors Amendment Bill, Council's Amendments—Goldfields Act Amendment Bill, Council's Amendment—Perth Public Hospital, Select Committee's Report, adoption moved—Adjournment.

THE SPEAKER took the Chair at 7·30 o'clock, p.m.

PRAYERS.

### PETITION—EMPIRE PATRIOTIC LEAGUE.

MR. WILSON presented a petition, bearing six signatures of members of the Empire Patriotic League (W.A.), praying that the question of sending a military contingent of volunteers to take part in the inauguration of the Australian Commonwealth, the recognition of the service of Mr. F. Lyon Weiss in writing a patriotic poem, and other matters mentioned, be considered by the Legislative Assembly.

Petition received and read.

### QUESTION—LOAN FLOTATION, PARTICULARS.

MR. ILLINGWORTH, without notice and by leave, asked the Premier: Can the right hon. gentleman now give the House accurate information concerning the flotation of the loan of £880,000; and inform the House as to who was responsible for the misleading information given to the House by the Premier on Thursday last?

THE PREMIER replied: The hon. member should give notice of a question of that character, and especially if he is going to insult me by saying I gave misleading information to the House. When the hon. member asks a question, he need not state that incorrect information has been given by me. No incorrect information was given by me. I gave the information after due deliberation, and with some knowledge of the facts.

MR. ILLINGWORTH: You said the whole of the loan was floated.

THE PREMIER: The loan was by subscription; therefore the tenders were all at par, and no premium was possible. As far as has been ascertained, the applications amounted to about £1,400,000, though the exact amount and the details have not yet been received. Considering that £3,000,000 of Imperial 3 per cent. Exchequer bills realised only £98, as stated in this morning's cablegrams, the price obtained for the Western Australian loan is, I think, fairly satisfactory. I had been informed for some time that the large amount required by the Imperial Government would adversely affect the price of colonial stocks. The credit of the colony in London is good, and there is every reason why it should be good, seeing that we