One could not compare a place having a railway with one like Wiluna so far back.

Progress reported.

House adjourned at 11.27 p.m.

Legislative Council,

Thursday, 2nd December, 1909.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILLS (2)—THIRD READING.

1, Registration of Deeds, etc., transmitted to the Legislative Assembly.

2, North Perth Tramways Act Amendment, *passed*.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Recommittal.

On motion by the Colonial Secretary, Bill recommitted for amendment.

New Clause:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 16:—Section 133 of the Principal Act is amended by adding a paragraph as follows:—"Every such writ shall cease to bind charge or effect any bond lease or mortgage or charge specified as aforesaid unless a transfer upon a sale under such writ shall be left for entry upon the register within three months from the day which the copy shall be served.

The amendment was moved for the reasons explained by Mr. Moss at the previous sitting. The Crown Law authorities had agreed that the amendment was necessary and important.

Hon. M. L. MOSS: It would be well to make the period four months. Three months was the period in Victoria, but Victoria had a very circumscribed area. In the case of a judgment affecting the far North of this State the period of three months would not be long enough.

The Colonial Secretary: There would be no objection to make the period four months instead of three months.

New clause put and passed.

Bill again reported with further amendments.

BILL—ELECTORAL ACT AMENDMENT.

Recommittal.

On motion by the Colonial Secretary Bill recommitted for amendment.

Clause 25—Amendment of Section 204.

The COLONIAL SECRETARY: When the Bill was previously before the Committee Subclause 2 of Clause 25 which provided that only justices and postmasters could witness claims, was struck out. Since then the Chief Electoral Officer had drawn attention to the fact that the subclause was of the utmost importance in order that there should be pure rolls and that there might be some check on witnesses. It was proposed therefore to ask the Committee to reinsert the clause with the exception of the penalty which it was originally provided should be £50. The intention was that this should be reduced to £5. It was desired to bring our laws info line with those of the Commonwealth.

Hon. G. Randell: That penalty is more reasonable.

The COLONIAL SECRETARY moved an amendment—

That the following stand as Subclause 2:—"Any person who witnesses the signature of a claimant without being personally acquainted with the facts, or

satisfying himself by inquiry from the claimant or otherwise that the statements contained in the claim are true, is guilty of an offence and liable to a penalty not exceeding five pounds."

Hon. J. F. CULLEN: The Minister had informed the Committee that the clause was designed to bring our laws into line with those of the Commonwealth. The statement, however, was not correct; that was to say, that there was no penalty whatever provided in the Commonwealth law.

The Colonial Secretary: I did not say that this would make it word for word with the Commonwealth law.

Hon. J. F. CULLEN: If it was desired to get into line with the Commonwealth the safeguards which were adopted by the Commonwealth should be introduced here, and they should be sufficient for us. The penal clause would lead to a wholesale refusal on the part of the witnesses to act. Many people who might be asked to witness a claim might not be aware of this clause, and in such cases, of course, it would not affect them.

Hon. J. W. Langsford: It is printed on the claim.

Hon. J. F. CULLEN: The majority who knew of the penalty would not witness signatures to claims. Therefore, we would limit instead of broaden the number of witnesses. There was no need for the penalty. The witness was simply a witness to the signature, and was not responsible for what the voter put in the claim. If a man put in a bogus claim and was prosecuted, he could not turn round and say he did not sign it. The witness nailed the claimant to the fact that he had signed the form, and that was the only purpose the witness was for.

Hon. S. J. HAYNES: The penalty was previously too drastic, but he now felt inclined to support the amendment, because if it were true that roll stuffing went on wholesale something was necessary to prevent it. The amendment would put the witness to the signature to the little trouble of making reasonable inquiries from the claimant, and a witness who took a false claim deserved to be punished.

Hon. J. F. Cullen: How is the witness to know?

Hon. S. J. HAYNES: The witness could not absolutely know. If a man came to him (Mr. Haynes) with a form to witness, and if he did not know the man, he would not witness it, but there were few persons possessing the qualifications for a vote who could not get someone to vouch for their qualifications.

Amendment put and passed.

Bill again reported with a further amendment.

BILL—LEGITIMATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small Bill but a very important one, inasmuch as it makes a very important alteration to the existing law. Briefly the object of the Bill is to enable illegitimate children born before the marriage of parents to be made legitimate on the marriage of the parents by registration at the instance of the father. The law is based on the French civil code, and it is in force in all the other States in the Commonwealth, and in New Zealand. The following Acts provide for the matter in the Commonwealth and New Zealand:—Victoria, 3 Ed. VII., No. 838; New Zealand, 58 Vic., No. 28; Queensland, 63 Vic., No. 11.; New South Wales, 2 Edw. VII., No. 23; South Australia, 61-62 Vic., No. 703; and Tasmania, which was the last State to pass the measure, No. 3 of 1905. The Bill is drafted on the model of the New South Wales Act except in one respect, namely, that in New South Wales as in the other States, with the exception of Tasmania, it is essential at the time of a child's birth that no lawful impediment existed to the marriage of the parents. It is recognised in New South Wales and elsewhere that this exception can hardly be justified, and in the Tasmanian Act the proviso to this effect has been omitted. It is also left out in the Bill before us—that is to say, the proviso that if at the time of the birth of the child a legal impediment existed to the

marriage of the parents, the children could not become legitimised afterwards; for instance, if one of the parents was married the child could not become legitimised afterwards.

Hon. J. W. Hackett: But the parents may have been under age and could not get the consent of their parents.

The COLONIAL SECRETARY: Quite so. If one of the parents was under age at the time of the birth of the child, that would be a legal impediment, and consequently the child could not become legitimised afterwards. However, in this Bill it is not proposed to put in that restriction. I do not think we would be justified in putting that penalty on those children any more than on other illegitimate children. There is also in some of the other States a time limit for registration. In New South Wales, Tasmania, Queensland, and New Zealand there is no limit after the date of the marriage of the parents; but in Victoria the child must be registered within six months after the marriage of the parents, and in South Australia within 30 days unless the parents had married before the passing of the Act when twelve months are allowed. It is difficult to say why there is a limit, and in the Bill before us there is none, because if a limit is placed then a good many parents might not know of the existence of the Act until the time limit has passed, and would therefore be debarred from availing themselves of the provision of an Act of this kind. Since the passing of the Act in Victoria in 1903 there have been 413 registrations under the Act till 1907; in South Australia there have been 80 registrations from 1898 to the present time; in Queensland there have been 800 registrations since 1899; and in New South Wales there have been 1,210 between 1902 and last year. Clause 4 protects the issue of a legitimate child who may have died before the marriage of his or her parents. Clause 5 provides that the rights to property acquired before the passing of the Act shall not be affected by this measure. Clause 6 provides the procedure by which registration is effected. Briefly the object of the Bill is to enable illegitimate children born before the marriage of their parents to be made legitimate by the marriage of their parents and by their registration at the instance of the father. In the Tasmanian Act, registration can take place at the instance of the mother or either parent. I do not think it is altogether desirable that the mother should effect the registration; I think it is better to confine it to the father. I move—

That the Bill be now read a second time.

Hon. S. J. HAYNES (South-East): I have much pleasure in supporting the Bill. I think is will be a considerable boon, and a great blessing to some who are suffering under the encumbrance of illegitimacy. I know of one case which is a particularly hard one and which this Bill will in future prevent. A child was born before the marriage was registered. There were other children born subsequent to the marriage, but when the parent died the eldest boy, being illegitimate, was deprived of his reasonable share in the estate. I think the Bill will take a blot from the children who, so far as they are concerned, are innocent. If the parents afterwards marry, I do not think the innocent should suffer from the carelessness, unreasonableness, or improper actions of the parents formerly. I have much pleasure in supporting the Bill.

Hon. J. F. CULLEN (South-East): While the Government should be commended for introducing this humanitarian measure, unless some strong reason is given for limiting the power of legitimation to the father, I think the House should very carefully consider the matter. There are cases where the father will marry under very strong pressure, amounting almost to compulsion; but where he will go no further, where he will not care a straw about the children. Is there any strong reason why the power should not be conferred on the mother; that is to say, on either parent? Unless the Minister knows of any strong reason why either parent should not have the power given by the Bill I certainly think the House should look very carefully into it. I know

of cases where the father has gone the length of marriage under strong compulsion, and then has absolutely deserted the person he has married, and while in such a mood he would not care a straw about the children. Why should not the mother as well as the father have the power of legitimation.

Question put and passed.

Bill read a second time.

In Committee.

Clauses 1 to 5—agreed to.

Clause 6—Registrar to register such child:

Hon. J. F. CULLEN moved an amendment—

That in line 3 after the word "child" the following be inserted:—"or woman who claims to be the mother of an illegitimate child whose father she has married since the birth of such child."

The COLONIAL SECRETARY: It was to be hoped the hon. member would not press the amendment. The Bill was drafted on the lines of Acts in force in the other States, and in no case except in Tasmania was there such a provision as that which the hon. member wished to insert. If a woman got married having five or six illegitimate children it was not right to give her the power to register the children as those of her husband, for they might not be his children at all. It would be a very dangerous provision. This was a humane measure and gave an opportunity of putting illegitimate children in their right place, still, the amendment went too far.

Hon. V. HAMERSLEY: With the amendment he would be inclined to oppose the Bill. A similar measure to this had been before the Victorian Legislature quite recently and was thrown out, and that Bill did not go so far as this Bill would with the amendment.

Hon. J. F. CULLEN: Recognising the Minister in charge of the Bill had a great deal of responsibility, and that his advice on the question was of weight, he would not like to jeopardise the Bill, and with the consent of the Committee would withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 7—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—DISTRICT FIRE BRIGADES.

Report of Committee adopted.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

In Committee.

Resumed from the previous day.

Clause 74—Valuation:

Hon. M. L. MOSS: This was an exceedingly important clause, and one in which there was a serious departure from the valuation set down in the Municipal Act. There was an attempt in the Bill to apply the rating on the capital unimproved value of land, a proposal which had always been rejected by the Council. The first subclause enabled the Minister to accept the current valuation of the local authority. That was free from objection. For the purpose of water and sewerage rates the Government might well be satisfied to rest at that. Whatever valuation the local authority made the Government should be satisfied with. The Government had always adopted the local authorities valuations up to the present, but there was an alternative method in the Bill. He had a very serious objection to the next subclause, which provided an alternative for the Minister, by which the annual value would be the yearly rent at which the property might reasonably be expected to let, free from rates and taxes, and deducting the probable annual average cost of insurance and other expenses. The method of valuation, as laid down in the existing Municipal Act, was on a different basis altogether. There the annual value was declared to be the full fair average amount of rent at which the house might let, less deduction of 20 per cent. for repairs, insurance, and other outgoings. If the clause were passed the difficulty would be set up that there would be one method of valuation

for municipal purposes and another method altogether for rating of water and sewerage in the same locality. It would lead to dire confusion. Still a further alternative was provided in Subclause 3, where it was set out that the annual value might be an amount not exceeding £7 10s. per cent. on the capital value of the land in fee simple. He could conceive of nothing more confusing to the public than this clause threatened to be. The ratepayer would have to be assessed at one amount for municipal purposes and quite another for water and sewerage. There was no reason why the municipal values should not be accepted. If it were desired to provide an alternative method that alternative method should be based precisely on the lines laid down for municipal purposes. In order that the Government might have opportunity for putting the caluse into line with the corresponding section of the Municipal Act, he moved—

That the clause be postponed.

The COLONIAL SECRETARY: The motion for postponment was altogether premature, because it was not at all certain whether or not the Committee were in favour of the clause. If the Committee showed by their voting that they objected to the cause as it stood, it would be time enough to postpone the clause. The hon. member wished to postpone the clause in order that it might be amended on lines which he had suggested; there was nothing to show that the Committee desired to have it so amended.

Motion put and passed; clause postponed.

Clause 75—Assessment on unimproved values:

Hon. M. L. MOSS: The Committee had sternly set its face against this principle in the past. If the clause were allowed fo pass there would be nothing to prevent the Minister embarking upon a system of rating on unimproved values. In the Interpretation clause, "district," in relation to local authorities, meant a municipal district or a roads district. In order to make it clear that in this clause it should not apply to a municipal district he moved—

That after the word "district" in line 1 the following be inserted:—"and also being a district under the Roads Act, 1902."

A member had just drawn his attention to the fact that a water district might be part municipal and part roads board district. That being so it seemed that there was no alternative to voting against the whole clause. However, he would let his amendment stand.

The COLONIAL SECRETARY: The amendment would be quite unworkable, because water and sewerage districts would embrace both roads districts and municipal districts. It was not the intention of the Minister to depart from whichever system had been adopted by the local authorities; that was to say, if it were in a municipal district the Minister would adopt the annual value assessment, whereas if it was in a roads district he would adopt the unimproved value assessment. He would be willing to accept a proviso making this binding upon the Minister.

Hon. M. L. MOSS: If one of these districts happened to be partly in a municipal district and partly in a roads district, and in those two districts there were different ratings, the Minister would have to adopt the alternative method and would make his valuation on one basis alone. It was going to be the most clumsy thing imaginable.

The COLONIAL SECRETARY: If the hon. member would withdraw his amendment he (the Minister) would move his suggested proviso.

Hon. M. L. MOSS: There was no objection to withdrawing the amendment temporarily.

Amendment by leave withdrawn.

The COLONIAL SECRETARY moved an amendment—

That the following proviso be added at the end of Subclause 1:—"provided that this system shall not be used in the district of any local authority which is at the time levying rates on the estimated annual value of the land."

Hon. J. F. CULLEN : The amendment met the case. There was a difference between levying for taxation and levying for services rendered. For purely revenue purposes he believed in the unimproved value, but for services rendered that might be the most inequitable basis. To simplify the working of the measure it was essential that the administrator should be able to take the local authorities rate book and use it.

Hon. M. L. MOSS : The clause as amended was very much better than before amendment.

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

Clauses 76 to 84—agreed to.

Clause 85—Grounds of appeal against assessment :

Hon. J. F. CULLEN : The principle in the clause was not a sound one, and it was doubtful whether it was necessary. A ratepayer might think it not worth his while to appeal against the local rate, whereas he would like to have the opportunity of appealing against the board rate.

The Colonial Secretary: This rate would be smaller than the local rate.

Hon. J. F. CULLEN : It would not be smaller than the combined water, sewerage and stormwater rates.

The COLONIAL SECRETRAY : When the local rate was struck and notice of valuation was given the ratepayer had the right to object to the local authority. It would be adding an unnecessary expense to give a further right. If the ratepayers accepted the rate of the local authorities as the true valuation, they should not be allowed to appeal afterwards. The same provision was included in connection with land taxation.

Hon. V. HAMERSLEY : The local authority might make a somewhat high valuation as they would be giving more services to the ratepayer. In such circumstances the ratepayer would not appeal, but in connection with the water and sewerage rate it might be the ratepayer would receive no services whatever, and therefore, would naturally object to the high rate.

Hon. R. W. PENNEFATHER : No tangible objection could be taken to the clause. If the party did not appeal against the municipal valuation it must be presumed that he was satisfied.

Hon. V. HAMERSLEY : It might be that a local authority would say that as three or four roads ran through a man's property he should be more highly rated in consequence, but the same property would not require water, and would receive no benefit from drainage ; therefore, the owners should be given an opportunity to appeal against the high valuation. in that respect.

Clause put and passed.

Clauses 86 to 93—agreed to.

Clause 94—Amount of rate :

Hon. A. G. JENKINS : It was provided under the Clause that the sewerage and stormwater rates together should not exceed 1s. 6d. That referred to districts which were both sewerage and stormwater areas, but would it be possible that in a district which was only a sewerage areas the full amount of 1s. 6d. should be charged ? That would not be fair.

The COLONIAL SECRETARY : The provision was inserted to make sure that the joint rate should not be more than 1s. 6d. Almost invariably where there was a sewerage area there would be a stormwater area. It was provided that only those who received the benefit should pay the sewerage rate. and those persons not in the stormwater area would not pay the rate. It was merely provided that the two rates together should not exceed 1s. 6d

Hon. A. G. Jenkins : Would the ratepayer have to pay 1s. 6d. whether he was in a stormwater area or not ?

The COLONIAL SECRETARY : Only the sewerage rate would be paid.

Clause put and passed.

Clauses 95 to 97—agreed to.

Clause 98 : Rates, when payable :

Hon. J. W. LANGSFORD moved an amendment—

That in line 1 after the word "payable" there be inserted the words "half-yearly."

If that course were followed it would bring the clause into line with the municipal rates. It would be a great advantage if the rates had to be paid half-yearly instead of yearly. Certainly the

cost of collection would be increased, but the advantage to the ratepayers would more than outweigh that.

The COLONIAL SECRETARY: At the present time the water rate was paid yearly, and it was proposed to adopt the same course with regard to the sewerage and stormwater rates. A rate was struck sufficient to cover interest and sinking fund and administration, therefore, the greater the cost of administration, the more would be the rate. The adoption of the amendment would increase the cost of administration considerably, and it was calculated by the officers of the department that to collect half-yearly instead of yearly would increase that cost by 50 per cent. While it might prove of benefit to some to pay half-yearly, it should be remembered that the cost would be increased and someone would have to pay for that increased cost. It would not be the department. To carry the amendment would mean an increase in the cost of administration and consequently, increased rates.

Hon. J. W. LANGSFORD: It might be taken for granted that the maximum rate would be struck straight away.

The Colonial Secretary: It will not.

Hon. J. W. LANGSFORD: It was most likely that 1s. 6d. rate for sewerage and stormwater would be struck, but how the collection of that half-yearly rate would increase the work of the department by 50 per cent. it was difficult to understand.

Hon. M. L. MOSS: It would be of great assistance to many people to pay rates half-yearly instead of in one amount. Would the Minister inform the Committee what under the Bill was the maximum amount the Government were entitled to obtain? It seemed that they could strike a rate of 1s. for water, and 1s. 6d. for sewerage and stormwater, making a total of 2s. 6d. in the pound, which was one-eighth the rental value of the property.

The COLONIAL SECRETARY: It had to be remembered that the water rate was already in existence, and there was no increase in that. It was proposed to strike a rate of 1s. 6d. for sewerage and stormwater and that would be the maximum, but it should be remembered at the same time that the ratepayers would be relieved of the sanitary rate which they had to pay at the present time. It was not anticipated, however that the rate required for stormwater and sewerage at the beginning would be more than 1s. 1d. If the Committee, however, carried the amendment, it would certainly assist to increase the rate. At Fremantle the rate was 6d., and it would certainly be more if the Committee added to the cost of administration. At Claremeont it was 9d., and if the payments were made half-yearly the cost there too, would be increased by 50 per cent.

Hon. M. L. Moss: Nothing of the kind.

Hon. G. RANDELL: There was a good deal to be said on both sides. Mr. Langsford did not indicate that he desired that the amount under a certain sum should be paid annually. Therefore, a rate of £1, or even a smaller amount, would have to be collected half-yearly. That would increase very much the cost of collecting, and that would be undesirable. He could not support the amendment as it was, but if the hon. member proposed to limit the amount which might be paid half-yearly, it would prove of considerable convenience to a large number of owners of land. In connection with the present collection of the water rate in Perth it was seldom that the notices of assessment reached one until about February; then for a good part of the year the ratepayers were not pressed for payment. In many cases that he was aware of the matter was allowed to run on to the end of the year, which was not a fair thing to those who paid promptly. Altogether it might be wise to leave the clause as it was, in which case no great hardship would be worked. There was no desire to increase the cost of administration because it would react on the owners of the property.

Hon. V. HAMERSLEY: These payments should be made as easy as possible for the people who had to pay the rates.

Hon. S. STUBBS: The amendment would receive his support because it was fair and just. When people were called upon as at present to pay such heavy rates and taxes, and especially in dull

and depressed times, they should be given a chance to pay in two moieties.

Hon. R. W. PENNEFATHER: The hon. member who moved the amendment might accept the suggestion made by Mr. Randell, that the payment of these rates in two moieties should apply to sums over a certain amount. Even though the half-yearly payments resulted in an increase in the cost of administration, that would be more than counterbalanced by the advantages the people would receive.

Hon. M. L. MOSS: There was a 3s. rate for municipal purposes, and there would be a 2s. 6d. rate for stormwater and sewerage, a total of 5s. 6d.

The Colonial Secretary: Where do you get the 3s. from?

Hon. M. L. MOSS: At Fremantle the general rate was 1s. 6d., and the balance was made up by the health and loan rate. The rating would amount to about one-third of the annual value of the property and this had to be paid down in advance before the landlord got a fraction of rent. There was no allowance made for empty houses, so that on the actual working, after paying insurance, depreciation, repairs, and cost of collection, a good deal more than one-third of the rent had to be paid away, and in advance. This furnished a strong argument for passing the amendment.

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

Ayes	10
Noes	4
Majority for	6

AYES.

Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. J. W. Hackett	Hon. S. Stubbs
Hon. V. Hamersley	Hon. G. Throssell
Hon. M. L. Moss	Hon. T. H. Wildish
Hon. R. W. Pennefather	Hon. J. W. Langsford (*Teller*).

NOES.

Hon. J. D. Connolly	Hon. G. Randell
Hon. A. G. Jenkins	Hon. S. J. Haynes (*Teller*).

Amendment thus passed.

The COLONIAL SECRETARY moved

That the clause as amended be postponed

Hon. J. W. LANGSFORD: The Minister should give some reason for asking for the postponement.

The COLONIAL SECRETARY: No explanation was needed. A serious alteration was made to the clause. It would be absurd for a small rate of, say, 10s. to be collected in half-yearly payments. The clause might have to be re-cast; it might prove unworkable as now amended.

Hon. J. W. LANGSFORD: Would it not be better to recommit if necessary? If the clause were postponed members might not be in the Chamber when it came up again for consideration.

Hon. G. RANDELL: It was usual when the Minister asked for the postponement of a clause, to consent as an act of courtesy. The Minister might desire to reconsider the clause and deal with it at leisure.

Motion passed, clause as amended postponed.

Clause 99—agreed to.

Clause 100—Payment by measure when land rated:

Hon. G. RANDELL: What would be charged in the by-laws for excess water?

The COLONIAL SECRETARY: With a greater consumption it was possible the price would be decreased. It had already been decreased by 6d. in the past four years.

Hon. M. L. MOSS: Would all private consumers be charged the one rate in the one district?

The Colonial Secretary: Yes.

Hon. G. RANDELL: There would be a large use of the water for sewerage, and the owner would be entirely at the mercy of the tenant. Misuse of the water would probably be much in evidence, because there was a disposition on the part of many people to put as much as they could on the owners. Members in another place need not have gone to all the trouble to provide that the owner should pay for the water, because in any case the payment would fall back on the owner.

Clause put and passed.

Clauses 101 and 102—agreed to.

Clause 103—Who is liable for rates:

Hon. G. RANDELL: The word "also" in Subclause 2 was superfluous.

Clause passed.

Clauses 104 to 105—agreed to.

(Sitting suspended from 6.15 to 7.30 p.m.)

Clauses 106 to 125—agreed to.

Clause 126—Transfer of Works from Metropolitan Board of Water Supply and Sewerage:

Hon. G. RANDELL: The discretion would presumably be exercised by the Minister in the allocation on a population basis. Would the Minister have power to allot the expenses and liabilities on another basis, for he could understand circumstances in which the provision would be unjust? The principle, generally speaking, might be all right, but in a particular case it might be all wrong. Had the clause been thoroughly considered, and was it the best principle that could be adopted in allocating the expenses?

The COLONIAL SECRETARY: Both systems had been worked out and it was found that they were about equal. In the Fremantle district there was a population of 23,000, the capital value was £1,833,000, and the population bore a ratio of 29 per cent. to the people, and the capital value 23 per cent. In the Claremont district there was a population of 8,200 the capital value was £835,000; the population bore the ratio to the total of 11 per cent.; and the capital value was the same. In the Perth district the population was 46,700, the capital value £5,135,000, and the population bore a proportion to the total of 60 per cent.; while the capital value bore a proportion of 66 per cent. It was not likely that any injustice would be worked.

Clause passed.

Caluse 127—agreed to.

Clause 128—Power to borrow money:

Hon. J. F. CULLEN: On the second reading he asked the Minister to agree to some limitation. He assumed the Minister was not prepared to do so, therefore, he moved an amendment—

That the following words be added to Subclause (c) providing that any loan exceeding 20,000 shall be subject to Parliamentary sanction.

The Minister had unlimited powers of borrowing not simply to carry out works provided for already, but for any extension however large, and to borrow hundreds of thousands of pounds for the redemption of present loans, that was to say the Minister would have absolute power. He understood the Minister to say that in the ordinary course all loans would come before Parliament, but he did not think that would be the case because under the Bill the Minister became a body corporate, and as a body corporate he would not submit his expenditure to Parliament. He would have absolute power under the clause, with the consent of the Governor, to raise any loan at any time he thought fit. It would not be right for Parliament to confer any such power on a Minister.

The COLONIAL SECRETARY: The amendment was not necessary. There was no danger in giving the Minister power to borrow. The power to borrow would be mostly to consolidate existing loans. It was proposed in the ordinary way that money wanted for works should be obtained by Parliamentary approval, and it was not likely the Minister would borrow money as a body corporate. The money would be obtained from loan funds raised by the Government. Therefore, the loan would have to be passed by Parliament and its purpose clearly stated. In any case, the amendment would not account for much, because under it the Minister could go out and borrow up to £20,000 as often as he liked without coming to Parliament. The amendment might easily prove a hindrance to the Minister. It should be remembered that any loan would require the approval of Cabinet and of the Governor-in-Council.

Hon. M. L. MOSS: The principle contained in the clause was entirely wrong. Parliament controlled the borrowing of money by the Government in respect to public works, and there was no reason why it should not do so in respect to these particular works. It was quite true that the approval of Cabinet would have to be obtained, but it was not likely that Cabinet would oppose the Minister in the matter. Even supposing the greatest amount of supervision was exercised by other men.

bers of the Cabinet, it would not give nearly the same amount of security as the necessity for securing the approval of Parliament. Certainly, there had to be borrowing powers in the Bill, but there ought to be some limit set as to those powers. Therefore, the amendment would not be of much avail, because the Minister could borrow £20,000 every day in the week.

Hon. G. Randell: He had better not try.

Hon. A. G. JENKINS: There was no occasion to fear the clause. The works would have to be carried out, and the Minister could not be always coming to Parliament for authority to borrow the necessary money.

Hon. J. F. CULLEN: The Minister's explanation would apply just as forcibly to the sums placed on the Loan Estimates from year to year. If the Committee had such unbounded confidence in the Minister why have Lona Estimates submitted to Parliament; why not leave them to the Minister? It was an entirely new departure for Parliament to hand over such powers to any body corporate.

The COLONIAL SECRETARY: Lenders would not lend their money without security, and so the Minister would find himself limited by the amount of the rate. As a rule the money required would only be for small extensions, but if there was to be any big work carried out it would be taken from the Loan Fund in the ordinary way.

Hon. J. F. CULLEN: It was proposed to give the Minister power in his capacity as a body corporate to borrow sufficient even for so great a work as another Mundaring water scheme.

The Colonial Secretary: What security could he give?

Hon. J. F. CULLEN: The Committee had nothing to do with that. If the Minister would add a proviso rendering it necessary that the amount required should be placed on the Loan Estimates it would be sufficient.

The COLONIAL SECRETARY: Precisely the same provision was to be found in the Waterworks Act of 1904—the Act governing the water supply of the State. As for the suggestion that the Minister might construct another Mundaring scheme, it was to be remembered that money could not be borrowed without security, and the Minister would not have security for anything like a large amount.

Amendment put and negatived.

Clause put and passed.

Clauses 129 to 139—agreed to.

Clause 140—Application of assets by receiver:

Hon. G. RANDELL: The purpose of the clause was not quite clear. Was the receiver to hold these moneys after discharging certain duties for the Minister?

The COLONIAL SECRETARY: After the discharge of certain duties the receiver would hold the money for the Minister.

Clause put and passed.

Clauses 141 to 145—agreed to.

Clause 146—Minister may make by-laws:

Hon. G. RANDELL: With regard to the by-laws relating to bores, it would be most unfair if the clause were made to apply to bores already in existence. Several persons, and he would quote the case of Mr. C. Harper, had put bores down at their own expense and for their own supply, and it was not right that they should be interfered with, and be prevented from using the water. If that were the intention of the clause it was making a most drastic provision, and one for which there was no justification.

The COLONIAL SECRETARY: The clause simply gave power to control the use of artesian bores. It was a very necessary power because a great deal of the water supply of the metropolitan area to-day was obtained, and would be for sometime, from artesian bores; therefore it would be a most serious thing to interfere with them. It was not likely that any existing bores would be interfered with, but the clause referred to bores that might be put down in the future, and which would be liable to interfere with the bores from which the water supply for the metropolitan area was being obtained. At present water was being obtained from a bore at Leederville.

Hon. J. W. Hackett: More shame to you.

The COLONIAL SECRETARY: That was the best water in the metropolitan area, better even than that obtained from the Victoria reservoir. The analytical tests showed that it was even as good as rain water. The water from the Causeway bore and elsewhere was not so good. It would be impossible to construct a reservoir of the size necessary for the metropolitan area in twelve months, so that for some time the bores must be utilised.

Hon. R. W. PENNEFATHER: Great inconvenience might be caused by interference with the artesian bores already in existence. The Minister said the clause was aimed more at the bores to be put down hereafter, and so long as that was so none would complain. It would be very hard to interfere with bores now in existence. He moved an amendment—

That in line 2 of Subclause 3 the words "before or" be struck out.

This would insure that the clause would only apply to bores put down after the Act came into force.

The COLONIAL SECRETARY: The only power sought was to prevent the holders of existing artesian bores from increasing the depth of the bores. The Minister would not exercise the powers to injure anyone who owned bores at the present time, but it was desired that persons should be prevented from interfering with the water supply for the metropolitan area, which was now, to a great extent, being obtained from artesian supplies.

Amendment put and a division called for.

On motion by the Colonial Secretary call for division withdrawn.

Amendment put and passed.

Hon. G. RANDELL: In Subclauses 20 and 26 the language appeared rather involved.

The COLONIAL SECRETARY: Attention would be paid to that and if the language were involved it would be set right.

Clause as amended passed.

Clauses 147 to 161—agreed to.

Clause 162—Actions against the Minister or officers:

Hon. M. L. MOSS moved an amendment—

That in line 3 of Subclause 1 the word "six" be struck out and "twelve" inserted in lieu.

The clause provided that all actions to be brought against the Minister or officers for anything done, or purporting to have been done, under the Act, should be commenced within six months after the Act complained of was committed. The period was altogether too short. The same provision appeared in the Harbour Trust and Railway Acts, and it had been productive of a good deal of inconvenience, while it had been the means of many people losing their rights. In the Crown Suits Act the Government were more reasonable; there the period was twelve months.

The COLONIAL SECRETARY: The word "six" was only inserted so that actions might be brought within a reasonable time. There was no objection to extending the period to twelve months.

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

Clauses 163 to 166—agreed to.

Postponed Clause 9—Appointment of officers and servants:

Hon. S. STUBBS moved an amendment—

That the following words be added to the clause:—"Provided that any officer or servant so appointed who, at the time of the passing of this Act, was in the service of the Metropolitan Waterworks Board as constituted under the Metropolitan Waterworks Act, 1896, or of the Metropolitan Board of Water Supply and Sewerage as constituted under the Metropolitan Water and Sewerage Act, 1904, shall be deemed to have been an officer within the meaning of the Public Service Act, 1904, as from the date of his appointment by either of such boards."

To all intents and purposes the Metropolitan Waterworks Board had been a Government Department for the last 14 years, and the officers of the department had been drawn from the various departments of the State.

There was nothing in the Bill to protect any one of these officers who had rendered faithful and continuous service for a period between 10 and 14 years; and it was only desired to see a clause inserted in the Bill which would give them the privileges that every hon. member would believe he had a claim to if he had been employed by the Waterworks Board. If the amendment was not agreeable to the Colonial Secretary, there would be no objection to withdrawing it in favour of any other which might be substituted, provided, of course, it protected the men who had been continuously in the service of the board for many years, and who through the passing of the Bill might be deprived of their positions or rights.

The COLONIAL SECRETARY: The amendment could not be accepted. An assurance han been given on behalf of the Minister for Works that immediately the department was taken over all the arrcued right of the officers of the department would be preserved.

Hon. S. Stubbs: They have none.

The COLONIAL SECRETARY: Then why give them something which they did not possess?

Hon. M. L. Moss: They should have the same privileges as other public servants.

The COLONIAL SECRETARY: That was not the argument. In the first place the amendment would make the matter retrospective and the officers of the board would be given the benefit of the Act over a period of ten years before the Act was passed. Such a thing was not given to the public servants. The Public Service Act of 1904 only covered certain divisions of the service. It referred only to permanent men and those who were employed at a yearly salary. A great many of the men engaged in the service of the Waterworks Board were wages men, and the Public Service Act did not apply to those. The amendment would be altogether foreign to the Bill. Did the hon. member think it would be a business proposition for the Minister to take over these officers with a condition such as that proposed attached? It would mean that the wages men would get 7½ months long service leave. The Minister, then, of course, would say these men were too expensive, and he could not take them over. The hon. member ought to be satisfied with the assurance which was given by the Minister for Works with regard to these employees that the privileges which had accrued to them would be preserved. Since 1901 the privileges to which these officers were entitled had been preserved. They had received annual leave to the extent of two weeks, and it was provided that this leave might accumulate up to four years. Prior to that time no definite system seemed to have been adopted, each case having been treated on its merits. The following statement would be made on behalf of the Minister for Works:—

> "It is proposed by the Minister for Works that all privileges accruing to these officers shall be preserved, and to this end it will be arranged before the disposition of the staff is made, for the Public Service Commissioner to make full inquiry into the facts. It is extremely necessary that this should be done on account of the fact that there are no written regulations concerning the matter and it would be necessary for the Commissioner to reduce the privileges which have accrued through precedent to absolutely definite form on the standard as far as possible of the Public Service Act. The staff will be classified by the Public Service Commissioner and the privileges as ascertained by him will be recorded to the credit of each officer when he is reappointed."

Hon. J. W. Hackett: Could you give instances of the rights and privileges accruing to these officers?

The COLONIAL SECRETARY: A case in point was that of Mr. Whelan who was granted three months long service leave. The privileges of each officer would have to be gone into by the Public Service Commissioner. The men employed by the board were so mixed up that it would be absurd to pass the amendment proposed. It would simply debar the Commissioner from taking over certain officers if the amendment was carried.

Hon. S. STUBBS: The leader of the House was trying to throw dust in the eyes of members.

The CHAIRMAN: The hon. member must withdraw that.

Hon. S. STUBBS withdrew; but claimed he had the right to feel a little sore because he had announced that he was prepared to withdraw his amendment in favour of some provision that would protect these officers if the amendment did not meet with approval, and he had never expressed any desire to bring every servant of the board under the category the leader of the House said he (Mr. Stubbs) desired. It was merely his intention to protect the engineers and leading officers, and had the leader of the House spoken before the House met as he had just spoken the amendment would have been redrafted

The Colonial Secretary: I said the same the other evening.

Hon. C. SOMMERS: Could the Public Service Commissioner go outside the public service and deal with these officers unless it was mentioned in the Bill; was it not necessary to give the power in the Bill?

The Colonial Secretary: The Governor can order the Public Service Commissioner to make an inquiry.

Hon. C. SOMMERS: It would be fair to the officers of the board to allow those who had five or six years' service to have the benefit of the period. We could limit it to five or six years. Why should an officer of the board who had been transferred from the public service to the service of the board have privileges over an officer of the board who had not at any time been in the public service, but who had the same length of service, though not actually in the public service but under what was really a department of the State in another name?

Hon. M. L. MOSS: Where in the Public Service Act could the Government direct the Public Service Commissioner to do what the Minister said?

The COLONIAL SECRETARY: The Governor-in-General could order the Public Service Commissioner to make inquiries into any department. It had been done two or three times recently.

Hon. M. L. MOSS: The amendment certainly went too far, but evidently the feeling of members was that justice demanded that the privileges given to the public service should be given to the officers of the board, and that this should be set out in the Bill. The Government would not make public pledges and not do their best to see them performed, but the present Government might not be in office for all time.

The Colonial Secretary: These officers come over in a few months.

Hon. M. L. MOSS: If it was the bona fide intention of the Government to do it it would be a simple thing to modify the clause and say in plain language what was intended. Certainly there were employees of the board who might not be taken over. He (Mr. Moss) could not move that progress be reported, but if progress could be reported we might put in a clause to carry out the undertaking the Minister had given.

Hon. J. F. CULLEN: The Minister's assurance was so clear and distinct, and met the case so aptly, that we could feel assured that when assurance went on record it was as binding on the Minister as the Bill itself.

Hon. M. L. Moss: What about the next Ministry?

Hon. J. F. CULLEN: It bound the next Ministry also. There was every ground for believing the present Ministry would be able to put this business through. He was satisfied to accept the assurance of the Minister.

Hon. M. L. MOSS: The privileges would not accrue to these people until three or four years elapsed, and another Government might be in office who might hold that this was a bad policy and they were not bound to it. There were numbers of declarations of policy by one Government the next Government would not carry out. It was absurd to say the next Government were going to be bound by anything unless it was in some statute. If binding declarations by Ministers in Parliament were sufficient to serve the purpose of Acts of Parliament why pass laws at all?

Hon. R. W. PENNEFATHER: While having every belief the present Govern-

ment would carry out the assurance made in Parliament, it was well known, to himself particularly, that even an assurance in writing by the leader of the Government was not binding on the Government's successors. With a painful recollection of his own case he thought the proper thing to safeguard the officers was to modify the amendment in the direction that it was the bona fide intention of the Government to have justice done to these men.

Hon. S. STUBBS moved—

That progress be reported.

Motion put and negatived.

The COLONIAL SECRETARY: It would be impossible under the amendment for the Minister to take over the officers. He would simply have to instruct the Public Service Commissioner to appoint them, and the Commissioner would not appoint officers with rights accruing to them when he could get others to enter the service without accruing rights. The Governor-in-Council had full power to order the Public Service Commissioner to make an inquiry. It had been done many times. This was the assurance he had already given:—

"It is proposed by the Minister for Works that all privileges accruing to these officers shall be preserved and to this end it will be arranged before the disposition of the staff is made, for the Public Service Commissioner to make full inquiry into the facts. It is extremely necessary that this should be done on account of the fact that there are no written regulations concerning the matter, and it would be necessary for the Commissioner to reduce the privileges which have accrued through precedent to absolutely definite form on the standard as far as possible of the Public Service Act. The staff will be classified by the Public Service Commissioner and the privileges as ascertained by him will be recorded to the credit of each officer when he is re-appointed."

It was not a future Government at all. Immediately the Bill was proclaimed the Public Service Commissioner would go through the officers and say what privileges they were entitled to. The Bill was not likely to remain in abeyance a day longer than was necessary to frame the regulations.

Hon. A. G. JENKINS: After the strong declaration by the Minister, coupled with the fact that the Bill must be proclaimed before May 1910, he would not support the amendment.

Hon. S. STUBBS: The assurance of the leader of the House no doubt would be carried into force. He had no other object than to see that justice was done to a body of men who were worthy servants. Under the circumstances he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Postponed Clause 36—Supply to rated land:

Hon. M. L. MOSS: At the time this clause was postponed it was suggested that it should be remodelled so that there was an obligation on the part of the department to supply water except when there was a drought, or some other exceptional cause. He would draw the attention of the Minister to the present section in the Waterworks Act of 1889; a provision of that kind, if inserted, would be fairer. There was a provision for rates to be paid in advance, and unless there were inevitable circumstances to prevent the obligation on the part of the Government to supply water being carried out, they should take the burden on their shoulders. If the Minister still desired to have the clause passed in its present form he would not offer further objection.

The COLONIAL SECRETARY: There was a desire to have the clause passed in its present form. The wording of the clause was, "so far as practicable."

Clause put and passed.

Postponed Clause 46—Supply of water not compulsory:

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

Ayes	13
Noes	3
Majority for	10

Ayes.	
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. G. Randell
Hon. J. W. Hackett	Hon. C. Sommers
Hon. S. J. Haynes	Hon. S. Stubbs
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. J. W. Langsford	Hon. J. T. Glowrey (*Teller*).
Hon. W. Patrick	

Noes.	
Hon. V. Hamersley	Hon. M. L. Moss (*Teller*).
Hon. R. W. Pennefather	

Clause thus passed.

Postponed Clause 74—Valuation:

Hon. M. L. MOSS: Would the Minister undertake to have this clause redrafted on the basis of the provisions in the Municipal Act?

The COLONIAL SECRETARY could not undertake to have the clause recast on the municipal basis for it would be impracticable, because there was rating on the unimproved value and on the annual value, according to the Municipal Act. The clause would have to be redrafted but not on the basis as suggested by the hon. member.

Hon. M. L. MOSS was quite aware it would be impracticable to put this rating on the basis of the Municipal Act as regards the areas in roads board districts, but it would be rather a peculiar state of affairs, for by this Bill, as drafted, a person might be paying on the basis of £50 a year municipal rating, and perhaps on the basis of £60 a year for water and sewerage rating. If the Minister would endeavour to get the rating based on Section 378 of the Municipal Act then there would be no difficulty.

Progress reported.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

In Committee.

Clauses 1, 2, 3—agreed to.

Clause 4—Amendment of No. 15 of 1906, s. 28:

Hon. T. H. WILDING moved an amendment—

That in paragraph (c) after the word "purposes" in line 1, the following be inserted:—"Provided that any stock so purchased is insured against mortality to the satisfaction of the trustees."

Hon. C. A. PIESSE: The amendment would make the clause a dead letter. When it was remembered that the security given was not the security of the stock, but that of the property, it would be seen that the amendment would only serve to hamper transactions. Surely the Committee could trust a man who had pledged his securities to the extent of looking after the stock he had purchased with the money advanced to him.

The COLONIAL SECRETARY: The amendment was unnecessary. It would imply that the insurance was the only condition to be fulfilled. As a matter of fact a proper business agreement had to be drawn up which the buyer would sign, and in which all reasonable risks would be covered.

Hon. G. THROSSELL: If we were not safe in advancing this £100 for the stock unless the stock were insured, we were even more unsafe in dealing with agricultural implements. After all, the security was the land and improvements, not the stock upon it.

Hon. T. H. WILDING: It had occurred to him that possibly men might get stock and run them on poison land and so lose them. With the assurance of the Minister that the State would be protected through the agreement he would withdraw his amendment.

Amendment by leave withdrawn.

Hon. J. F. CULLEN: There was in the clause a provision for the payment of prescribed wages. Was it the intention of the Minister to prescribe the wages of all employees engaged in the manufacture of machinery? Why not provide for standard wages?

The COLONIAL SECRETARY: The wages would be fixed by the Arbitration Court, and the prescribed wages would be the wages so fixed.

Hon. M. L. MOSS: The proviso applied to more than the manufacture of machinery, for it applied to men engaged in ringbarking, clearing, fencing, drainage, or water conservation. Surely these wages should not be prescribed by regulation, but should be left to the Arbitration Court.

Hon. J. F. CULLEN: The Minister should limit the proviso to the manufacture of agricultural machinery and should substitute "standard" for "prescribed." It would save the department an immense amount of trouble.

The COLONIAL SECRETARY: No good would be derived from the proposed substitution of "standard" for "prescribed." The proviso was only intended to apply to men engaged in the manufacture of agricultural machinery. As it did not seem to be quite clear he moved—

That the clause be postponed.

Hon. W. PATRICK: If the word "provided" were to be made to follow on the word "Australia" the meaning of the proviso would be made clear.

The COLONIAL SECRETARY: With the leave of the Committee he would withdraw his motion to postpone the clause and move to report progress.

Motion by leave withdrawn.

Progress reported.

BILL—LANDLORD AND TENANT.

In Committee.

Hon. M. L. Moss in charge of the Bill.

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

House adjourned at 9·18 p.m.

Legislative Assembly,

Thursday, 2nd December, 1909.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

BILL—LOAN, £1,342,000.

Message.

Message from the Governor received and read recommending a Bill authorising the raising of a sum of £1,342,000 by loan for the construction of certain public works and other purposes.

QUESTION—FREMANTLE DOCK, EXPENDITURE.

Mr. SWAN (for Mr. Horan) asked the Minister for Works: 1, What expenditure has been incurred up to date for professional and advisory services in connection with the proposed dock at Fremantle? 2, What amount has been expended in the initiatory work of constructing the dock named? 3, Is the work now being done at Fremantle intended to form portion of the scheme for the dock in question?

The MINISTER FOR WORKS replied: 1, £1,656 19s. 9d. 2, £3,783. 3, Yes.

QUESTION—FACTORY, ALLEGED UNHEALTHY CONDITION.

Mr. HORAN asked the Premier: 1, Has the Colonial Secretary's Department received any complaint regarding the alleged unhealthy condition of certain premises of Foy & Gibson's in Hay-street? 2, What action, if any, has been taken to remedy the conditions complained of?

The PREMIER replied: 1. The only complaint received was made by the hon. member himself. 2, On receipt of the