

the country, in which a quarter of a million of revenue which was necessary for the Government of the country was involved. He exulted in what was done, instead of rather endeavouring to avert the great mischief which would be occasioned if the Bill were lost.

Mr. PIDDINGTON: I beg to correct the honorable gentlemen. I never cheered the result, nor did any member who voted with the "noes"—not that I should have been ashamed of it if I did.

Mr. SAMUEL: I do not suppose that the honorable member would have been ashamed of it; but most undoubtedly within my hearing he made remarks which amounted to exultation, and I am much mistaken if the honorable member did not cheer.

Mr. PIDDINGTON: I deny it.

Mr. SAMUEL: I understand my honorable friend intends now to lend us all the help in his power to pass the Bill with the view to its becoming law, and I shall be grateful for his help in that regard. I will not weary honorable members by detaining them any longer, but I make this appeal to them. This is a measure which has become necessary for providing revenue for the Government of the country; it is a measure which, I contend—no matter what opinions other honorable members may have—it is the special province of the other branch of the Legislature to deal with. Whatever honorable members' opinions may be, I ask them now, patriotically, to throw aside any considerations other than those which appertain to the interests of the country, and to allow this Bill to become law without any amendment or alteration whatever.

Mr. DOCKER: May I be allowed to say a few words in explanation. The honorable the Postmaster General, I understand, denies that the Government has said, if there were any doubts as to whether the Bill was retrospective, they would bring in a Bill to remove those doubts.

Mr. SAMUEL: What I deny is that the Bill had any retrospective character.

Mr. DOCKER: The honorable member is, reported in *Parliamentary Debates* as follows:—

Mr. Samuel did not wish to discuss the power of the Council in regard to the alteration of the duty. The whole matter rested on the manner in which the Assembly would receive it. The

[*Mr. Samuel.*

Treasurer was anxious that the Bill should not be jeopardised, and a promise had been made of consultation with the Crown Law officers as to the effect of clauses 14 and 28, and a promise had even been made to bring in, if necessary, a short declaratory Act to the effect that those clauses should not have a retrospective effect.

He appealed to honorable members not to press the amendment, but to allow the Bill to pass. If the law officers of the Government considered that there was any doubt, the Government would bring in a Bill to declare that the measure should not have a retrospective effect. What more could they do? What more could be expected of them? He was sure that the refusal of an offer of this kind was more likely to meet with the disapproval of the other House than even the entire rejection of the Bill.

Sir JOHN ROBERTSON: This is not an explanation. It is a reply to the speech of the Postmaster General.

Question put, and agreed to.

#### TRAMWAYS EXTENSION BILL.

Bill received from the Assembly, and read the first time.

House adjourned at 28 minutes before 11 o'clock p.m.

### Legislative Assembly.

*Thursday, 18 March, 1880.*

Maitland Cattle-driving Act Amendment Bill—Joadja Creek Railway Bill—Consolidated Revenue Fund Bill (No. 4)—Special Adjournment—Tramways Extension Bill—Mr. Holt's application to Reclaim land at Pyrmont—Metropolitan Water and Sewerage Bill (Second Reading).

Mr. SPEAKER took the chair at half-past 4 o'clock p.m.

#### MAITLAND CATTLE-DRIVING ACT AMENDMENT BILL.

Governor's assent to this Bill reported.

#### JOADJA CREEK RAILWAY BILL.

Governor's assent to this Bill reported.

#### CONSOLIDATED REVENUE FUND BILL (No. 4).

Bill returned from Legislative Council without amendment.

#### SPECIAL ADJOURNMENT.

Motion (by Sir HENRY PARKES) made, and agreed to,—

That this House, at its rising on Thursday, the 25th March, do adjourn until Wednesday, the 31st March.

# TRAMWAYS EXTENSION BILL.

Bill read the third time, and transmitted to the Council.

## MR. HOLT'S APPLICATION TO RECLAIM LAND AT PYRMONT.

Motion (by Mr. FARNELL) made, and agreed to,—

(1.) That there be laid upon the table of this House copies of all papers, documents, minutes, and all other correspondence, relative to an application made by Mr. Thomas Holt, under the 9th section of the Crown Lands Alienation Act of 1861, for the reclamation and purchase of certain land at Pyrmont.

(2.) In view of the motion of the honorable member, Captain Onslow (on the Business Paper for the 6th April next), it is important and necessary that copies of the papers aforesaid should be laid upon the table as early as possible, in order that they may be printed for the information of honorable members of this House.

## METROPOLITAN WATER AND SEWERAGE BILL.

### SECOND READING.

Sir HENRY PARKES: I beg to move that this Bill be now read a second time. The question has been frequently before Parliament, and I shall detain the House only a very few minutes in dealing with the Bill on its second reading. The Bill is divided into seven parts; part I—dealing with introductory provisions, constitution, and powers of the board; part II—provisions for dealing with water supply; part III—provisions for dealing with sewerage works; part IV—general provisions as to the acquisition and occupation of land; part V—the application of the Act to certain boroughs and municipal districts; part VI—provisions for contingent transfer of water and sewerage works; part VII—miscellaneous provisions as to legal procedure. I may say at the outset that I do not intend to raise, indeed I shall studiously steer clear of, the debatable questions which have turned up within the last few weeks as to the best mode of carrying out our sewerage works. This Bill does not necessarily commit the House to any particular plan, and therefore I think it is unnecessary for me to enter into any discussion of that kind, beyond saying this much: that every care will be taken to sift the different proposals which may be submitted, and to test allegations put forth as facts, before the public and the country is committed to any definite proposal. I may say that the Govern-

ment are now taking steps to test some of the schemes which have been submitted in opposition to Mr. Clark's project. This Bill, in reality, only creates the necessary machinery for carrying out any work which may be properly authorised. That machinery will consist of a board, not nominated absolutely by the Government, but partly nominated by the Governor in Council and partly elected by the municipal authorities in the county of Cumberland. It is proposed that the board shall consist of seven commissioners, three of whom shall be appointed by the Governor in Council, two of them to be elected by the municipal authorities of Sydney, and two to be elected by the collective municipal authorities of the different boroughs in the county of Cumberland outside the city of Sydney. This board will be entrusted with the execution of all plans both for the supply of water and for the construction of proper sewerage works which may be duly authorised. The Bill will provide for handing over such of these works as may be thought proper to the municipal bodies outside the city of Sydney, on certain conditions of the expenditure being repaid over a long period of years and with certain authorities on the part of the Government to enforce these provisions. The other provisions of the Bill are very similar to those which have been embodied in two other Bills which have been submitted to Parliament.

Question put, and resolved in the affirmative.

Bill read the second time.

In Committee,—

Clauses 1 to 8, inclusive, agreed to.

Clause 9 (Remuneration of members of board).

Mr. GREENWOOD pointed out that the clause contained an important principle affecting the Constitution Act. Members of Parliament might be appointed members of the board, and then it was proposed to repeal portions of the Constitution Act, so that those members might retain their seats in the House. He was not prepared to support the clause until he heard some reasons advanced in favour of it.

Clause postponed.

Clauses 10, 11, and 12 agreed to.

Clause 13 (First and subsequent elections) postponed.

Clauses 14 to 33, inclusive, agreed to.

Clause 34 (Board may make by-laws).

Mr. WEBB thought that the distance of tenements liable to be rated for water supply ought to include those at a greater distance than 20 yards from the main as was proposed. The distance ought to include those within 50 yards at least.

Mr. MACINTOSH said that the mains would be laid in the middle of the streets, and there were blocks of land which ran back 200 feet from the street. If houses were built on the back parts of these allotments, they would be beyond 50 yards from the main, and the occupiers would thus escape the payment of the water rate.

Sir HENRY PARKES would agree to increase the distance to 60 yards.

Clause so amended.

Sir HENRY PARKES moved,—

That the following proviso be added to subsection 16 :—“Provided that no sewerage rate shall exceed £5 per centum on the assessed annual value of the premises drained.”

Mr. J. DAVIES suggested that the words “of the premises drained” should be omitted. Under the present Sewerage Act, properties within a certain distance of the drain or sewer were liable to be rated. If the words, “of the premises drained,” were retained, the object of the Bill would not be carried out, because a large number of people in order to evade the rate would not connect their premises with the main sewer.

Sir HENRY PARKES consented to the omission of the words.

Proviso so amended.

Clause, otherwise verbally amended, agreed to.

Clauses 35 to 39, inclusive, agreed to.

Clause 40 (Authority to board to construct waterworks).

Captain ONSLOW said he desired to call the attention of the Government to a conversation he had had with an engineer of repute, who had suggested certain modifications of the Commissioner's scheme to Mr. John Younng and Mr. Trevor Jones, who he believed approved of them. It was well known that the scheme which it was proposed to adopt was to construct a reservoir at Prospect, and a smaller one about 2 miles from Campbelltown, which he believed was chiefly intended for the purpose of irrigation; but Mr. Trevor Jones had visited the locality and was of opinion

that it would be far better to have the chief reservoir there, inasmuch as the whole of Sydney could then be supplied by a gravitation scheme—even the North Shore. The bottom of this reservoir would be higher than the top of the Prospect reservoir, and if pipes were laid direct to Sydney a considerable distance would be saved. He had the opinion of an engineer that this scheme could be carried out for about £200,000 less than the high pressure scheme. Another advantage was, that the possibility of accident would be avoided. He had no doubt the Prospect reservoir would be built as firmly as human skill and ingenuity could do it; and, although it seemed ludicrous to anticipate an earthquake, still if, by that or any other catastrophe the Prospect reservoir were to be broken, the damage would be dreadful as compared with that which might ensue from an accident to a reservoir at Narellan, because the valley of the Nepean would absorb the whole of the water. The engineer to whom he referred had made a partial survey, and he claimed the following advantages for a reservoir near Campbelltown :—

1. That water could be supplied to the highest part of Sydney by gravitation without any pumping.

2. That a dam of the same height as that proposed at Prospect (87 feet) would impound 10,000 million gallons of water, being nearly 3,000 million in excess of the storage capacity at Prospect available for supply.

3. That in case of any break in the dam the water would escape into the Nepean River, through a broad valley, without much injury to life and property.

4. That water could be applied much more extensively for irrigating the Nepean valley.

5. That the line of conduit to Sydney would be much shorter, and not so complex, and even if piping were laid the whole distance the scheme would be the more economical, the Prospect scheme being estimated to cost £1,086,768 for a supply of 12,000,000 gallons, whereas the same quantity, at the following estimate, could be supplied to Crown-street, Paddington, and Waverley reservoirs, collectively, for the sum of £850,000.

Estimate of conduit, inclusive of tunnels, etc., to reservoir site .....	£130,000
Dam, tunnel, and land purchase, etc. ....	220,000
Pipe 36" to Sydney .....	500,000
	£850,000

A larger quantity of land—the whole valley of the Nepean, in fact, as far as Penrith, could be brought under irrigation at comparatively small expense, if this reservoir

were adopted in preference to that at Prospect. A great length of pipe would be required if the Prospect reservoir were to be used to any considerable extent for irrigation purposes. He desired the Government to have a careful survey made, in order that we might see what the cost of the work would be. He was informed that the Prospect reservoir would give the water a fall of 6 inches to the mile. Mr. Grundy, writing to the President of the Sydney Water Commission, said—

We have the scientific result of analytical examination, from renowned English chemists, which declares that to keep such an aqueduct as is proposed free from the growth of vegetable matter and also of animalculæ, a gradient of not less than 3 feet per mile is desirable.

He remembered that one of the great objections of the honorable member for Canterbury\* (Mr. Lucas) to one of the schemes which were formerly proposed, lay in the insufficient gradient. Other persons might object that if we had this large reservoir at Narellan, the pressure would be too great, but Mr. Grundy, in his report upon the Upper Nepean scheme, said—

It has been suggested that the pressure would be inconvenient or excessive, but it is a fact that a large proportion of the mains for the London and other water-works are under a pressure of much more than 200 feet.

Now, for the purpose of extinguishing fires, if for no other purpose, it was desirable that we should have a higher pressure than 20 feet. He hoped the Government would consult with Mr. Moriarty, the Engineer of Harbours and Rivers, and Mr. Trevor Jones, and ascertain for themselves the advantages of the scheme he had suggested. He understood very little of the matter himself; but he had been given to understand that Mr. John Young was also favourable to the proposal. The dam at Prospect would take several years to construct, whereas this scheme by which Sydney could be supplied by gravitation must necessarily be completed much sooner. He was aware that engineers had a strong objection to the use of iron pipes; but improvements in their manufacture were taking place every year, and for several years Paris had been conveying the whole of its sewage through wrought-iron pipes. They were also used in America, and their weight was five

times as light as that of the cast-iron pipes. Upon the whole he thought it would be better to have iron pipes than an open cutting. He trusted the Government would consider the suggestion, and obtain a report from competent engineers as to its adaptability.

Mr. COMBES thought we had already had sufficient delay in this matter. It was now seven or eight years since the subject was first brought forward.

Mr. MACINTOSH: Eleven years.

Mr. COMBES had very carefully examined the scheme recommended by the Commission, and felt persuaded that any engineer who looked into it would decide in favour of adopting it. We already had an opinion to this effect by a high-class civil engineer—with special experience in hydraulics—in the person of Mr. Clark. The scheme brought forward by the gentlemen whose names had been mentioned this afternoon could not be compared with it. Having wasted so much time, why should we submit to further delay? He believed the surveys had been made.

Captain ONSLOW: They are still going on.

Mr. COMBES: Not as to this high pressure scheme.

Sir HENRY PARKES: We cannot go on making surveys for ever.

Mr. COMBES wished to point out that there was no reason in any objections which might be raised as to the use of iron pipes. They were used in Paris when he was a boy. The wrought-iron pipes were coated with bituminous matter in the inside, and the bituminous matter was mixed with gravel on the outside. These pipes were used because the price of iron in Paris was at the time very high. The Bessemer steel pipe might perhaps be used instead of wrought-iron. Nothing could do more good to Sydney than the completion of this work. An eminent hydraulic engineer from England had reported in favour of the scheme recommended by the Commission. The honorable member for Camden (Captain Onslow) in speaking of the economy of the gravitation scheme forgot to take into consideration, in connection with the high pressure scheme, the fact that the larger pressure upon the pipes would necessitate increased provision for the wear and tear of taps, valves, and minor appurtenances of that kind.

Mr. MACINTOSH said there was nothing mysterious about a wrought-iron pipe. It would not conduct water better than a cast-iron pipe, but its great advantage was that it might be laid in places—ravines for instance—where a cast-iron pipe could not be laid. Although we had some experience as to the effect of oxidisation upon cast-iron pipes, we had not sufficient experience as to its effect upon wrought-iron piping. Our experience, however, as to cast-iron pipes even was not complete; in certain soils the cast-iron went into a state of plumbago, and could be cut with a penknife. With regard to the suggested reservoir near Campbelltown, no land could be found there so suitable for the purpose as the land available at Prospect. In fact, no better site than the Prospect site could be found in the county of Cumberland. At Bull's Hill there was a better head of water and a higher elevation; but the site would not be equal to the requirements of the metropolitan district. There could be no doubt, however, that in a short time Bull's Hill might be used as a secondary means of supply. It must be borne in mind that the gradient was a matter of supreme importance; and the most able men who sat upon the Water Commission had decided that no place at a reasonable distance from the metropolis was equal in this respect to Prospect. There was a natural valley, with plenty of material at hand for the construction of the reservoir. Taking a great deal of interest in the matter he had gone over the whole of the ground examined by the various engineers, and he had come to the conclusion that the Water Commission recommended the best course under the circumstances. Mr. Clark's report, recommending the same scheme, was so simple that a child could read and understand it; it fully discussed the merits and demerits of the various schemes which had been investigated, and it must carry conviction to every thoughtful reader. This report by Mr. Clark was made after an examination of every possible site from Port Hacking to Grose River; and for his own part he could come to no other conclusion than that the engineers who recommended other sites must have given them only a cursory examination in a favourable season. The facts certainly did not warrant

them in condemning the opinions of such men as Mr. Moriarty, Mr. Bennett, Mr. Adams, Professor Smith, and Mr. Grundy.

Captain ONSLOW: Professor Smith was willing to chance the George's Riverscheme.

Mr. MACINTOSH said that to the best of his belief Professor Smith had not a very fixed opinion upon the point; and, moreover, he believed that he was appointed upon the Commission chiefly on account of his valuable chemical knowledge, and with a view to a reliable analysis of the water. From the Pheasant's Nest, 430 feet above high-water mark, the water would proceed 7 miles through a tunnel before reaching the open land at Appin. At Crown-street the reservoir was 145 feet above the sea-level; at Paddington, 220 feet; at Waverley, 300 feet; and at Petersham, the most valuable reservoir we could have for the supply of the metropolis, the height would be 170 feet. Petersham was the highest point to which the water would flow by gravitation. He was aware that smaller reservoirs were to be had at greater heights, but not of sufficient capacity to be useful. The water could not be run up to Paddington if the scheme suggested by the honorable member for Camden were adopted.

Captain ONSLOW: Yes.

Mr. MACINTOSH: I differ from the honorable member. It must be remembered that the men who had recommended the adoption of the Prospect scheme had high reputations at stake. The opinions of these gentlemen were much to be preferred to that of an engineer with no experience besides that which he had gained from a walk over the ground on one or two occasions. There must be finality in the matter, and he could not see that any advantage would be gained from reopening the question, as the honorable member for Camden (Captain Onslow) had suggested.

Mr. J. DAVIES said he was surprised to hear that the statement of the honorable member for Camden (Captain Onslow), as to the advantages of the scheme he advocated, was upon the authority of the City Engineer. It was the duty of that officer, if he had any report to make on the subject at all, to make it to the City Council. He was paid £1,000 a year, and any information he had procured as to the city water supply, he should have

furnished to the municipal authorities. He could assure the Committee that no report such as that indicated by the honorable member for Camden (Captain Onslow) had been made to the Council, and if the City Engineer had information of such an important character as he seemed to have communicated to the honorable member for Camden, he should have communicated it to the Council. Parliament had already affirmed that the water supply should be obtained from the source recommended by the commission, and approved by Mr. Clarke. Last session, he believed Parliament authorised a loan for the purpose of carrying out the very work under discussion, and consequently gave its approval to the proposal which had been made. That proposal emanated from a body of professional men competent to give an opinion, and was made after a great deal of research and evidence. It was now too late to talk of altering the arrangements. It might certainly be a matter of opinion as to whether the water should be conducted in a closed conduit or an open cutting. For his own part, he thought the water would be purer, and in every respect more fitted for domestic purposes, if conducted in an open cutting. It was well known, too, that wrought-iron were better than cast-iron pipes; they would stand a much higher pressure, and if we were going to have water conducted to Sydney from different parts of the higher levels by a system of pumping, it was necessary that the pipes should be of such a strength and capacity as would stand the pressure.

Captain ONSLOW was only interested in the adoption of the best scheme; but in comparing the two schemes he hoped honorable members would take into consideration the difference in the cost of conducting the water 26 and 60 miles. He was glad to see the honorable member for Canterbury (Mr. Lucas) present, because he would like to have the opinion of that honorable member as to whether the fall per mile from Prospect was sufficient to ensure a good supply. No portion of the line he proposed between Campbelltown and the south of Sydney was more than 10 miles from the railway, the use of which would considerably diminish the cost of carting the pipes.

Mr. LUCAS: Mr. Bennett proposed to bring the water all the way from the Grose in iron pipes.

Captain ONSLOW: Improvements were being made in the manufacture of iron every year. If we could carry water 12 miles in wrought or cast iron pipes, why could we not carry it 26? As the crow flies, the reservoir he suggested near Campbelltown was only 26 miles from Sydney.

Mr. LUCAS said that the scheme of water supply had gone so far that it was useless to oppose it. He, however, had not altered his opinion, for he still thought it was the greatest mistake we could commit. He did not entertain so high an opinion of Mr. Moriarty in regard to his professional status as he did as to his accomplishments as a gentleman, but Mr. Moriarty and Mr. Bennett were men of far greater ability as engineers than Mr. Clark, who felt their superiority so much that he dare not find fault with any of their plans, lest they should show the deficiencies of the man who cost the colony £6,000. Mr. Bennett had proposed to bring the water into Sydney for a distance of 50 miles by means of cast-iron pipes; and if that could be done it could certainly be done from Bull's Hill. When Dr. Smith, who was a member of the commission, was absent from the colony, he wrote a letter to the *Herald* describing what he saw in California, where water was conveyed in wrought-iron pipes at one-tenth the cost at which we proposed to bring the water into Sydney, and he was very much astonished that the Government had not sought further information on the subject. He found he was backed up in his opinion by a professional gentleman who had lately come to live amongst us, that we ought not to take the water round by Prospect. The water would be taken across the railway, 3 miles above Campbelltown, at an elevation of 392 feet above high-water level, and he thought the proper plan would be to follow the railway embankments and cuttings to Sydney, and so obtain a purely gravitation scheme which would deliver water to the highest part of Paddington. Mr. Clark said that there were plenty of places above the Pheasant's Nest where we could impound any quantity of water. The impounding of water was the only difficulty with the commis-

sion, and to find an available place for that purpose they took their course 13 miles round to Prospect; and so they lost the elevation which they had gone 62 miles to gain, and they delivered the water in Sydney at an elevation of only 140 feet above high-water mark. It was also a part of their plan to remove the engines from Botany to Crown-street, whence they would have to pump four millions of gallons per diem to the higher levels. The enormous dam at Prospect was the greatest mistake which could ever be proposed. This dam would be 80 feet high, and would extend along the side of a hill for a distance of a mile and a half. As surely as that dam was built, so surely would it burst, and one-half of the people living in Parramatta be drowned. His whole life had been passed in dealing with works of this character. He showed Mr. Clark a dam which was constructed sixty years ago, and Mr. Clark was astonished that it had stood so long. That dam, however, was only 24 feet high, and had since burst. Imagine the enormous pressure of water a mile and a half long against a dam 80 feet high. He could not understand how a man of Mr. Clark's prestige who, after acknowledging that there were plenty of places above the Pheasant's Nest where reservoirs could be made, was still prepared to go 13 miles out of the way, when, by so doing, he reduced the elevation from 433 feet to 140 feet, and to recommend a dam at Prospect such as that which he had described. The money spent in the employment of Mr. Clark had been wasted.

Mr. MACINTOSH: It has settled the question.

Mr. LUCAS: It has not settled the question in the minds of many thoughtful men. He believed the citizens of Sydney would yet curse the day which saw the commission appointed, that they brought out Mr. Clark, or that ever it was proposed to bring the water into Sydney by the scheme which they had recommended. Water could be delivered from another place in four years less time, and at one-tenth the cost of the scheme to be adopted. The honorable member for East Sydney (Mr. J. Davies) spoke about bringing the water into Sydney by open cuttings; but the honorable member's remarks showed that the honorable member knew little or

[*Mr. Lucas.*

nothing about the subject. In this country darkness and coolness were conditions favourable to the supply of pure water; but in open cuttings the water was exposed to contamination from animal and vegetable deposits, which, acted upon by the direct rays of the sun, would produce the most injurious effects. Mr. Clark himself admitted this in regard to one scheme, and yet, with strange inconsistency, ignored it in regard to another. The Bill before the Committee would be necessary, whatever scheme was adopted; but when the money came to be voted for any particular scheme, he should be in a better position to discuss the matter than he was at present, for he had not the slightest idea the question would come on this evening. Mr. Moriarty estimated the cost of his scheme to supply Sydney with water at £790,000, but that gentleman omitted to make any allowance for the interest of the money during the period in which these works were in course of construction, which he estimated at about ten years. His estimate of the cost was £1,900,000, or, with interest, £2,600,000; and Mr. Bell, the late City Engineer, had placed the cost as high as £4,000,000. He believed that the tenders which had already been accepted would considerably increase the cost as estimated by Mr. Moriarty. Mr. Clark's estimate was £1,100,000, but he had no doubt that was below the mark. He wondered that tenders had not been called for the Prospect dam, and when they were he was sure it would be found that Mr. Moriarty's estimate of 1s. per cubic yard would certainly be doubled. The Government ought to insist that tenders should be called for this portion of the work; and the tenders ought to be placed on the table of the House to enable honorable members to say whether the work should or should not be proceeded with. Although he had done all he could to oppose this scheme, he had no interest in the subject other than that of any other owner of property in Sydney. It would not interfere with any property he possessed to the extent of 1s. further than that, whereas he now paid 5s. per room for the water supplied to his houses, his examination of the cost of the scheme proposed showed that the cost would be increased to at least 12s. 6d. or 15s. per room; while, if his own estimates were verified, the cost

would be something like 25s. per room ; and if Mr. Bell's estimate were the correct one, the rate would not be less than 35s. The increased rate might be tolerable as far as dwelling-houses were concerned, but it would be utterly ruinous to manufacturers. The Sugar Company, for example, had had to pay £600 a year for water, while, under the new system, they might have to pay £1,800, or even, under one calculation, as much as £3,600. The cost of the water used by the Mint would not be less than £3,000 or £4,000 a year. The result of this would be that manufacturers would be driven out to the rivers on the north or the south of Sydney, the men would follow the machinery, and the trading importance of the city would be correspondingly diminished. One or other of these alternatives were before us—either this scheme of water supply would be the absolute ruin of Sydney, or the people would rise up against the enormous burden thrown upon them and shift it upon the public Treasury.

Mr. WEBB objected that the honorable member's observations were not relevant to the clause, which only provided for investing commissioners with power to enter certain lands and to do certain things in the construction of the necessary works. There was no reference to the question of cost.

Mr. LUCAS would not continue the discussion.

Captain ONSLOW said he had not spoken on the subject before, and the matter seemed to him to be of such primary importance, that he should have considered that he had not been doing his duty if he had not spoken. It was proposed to construct two reservoirs, and a gentleman connected with the survey had told him that one reservoir would be sufficient for a high pressure water supply for Sydney.

Mr. WEBB asked whether the honorable member was in order in discussing any schemes on the question before the chair.

The CHAIRMAN said that the clause under discussion was one which gave authority to the board to construct water-works, and it was competent for the honorable member to advocate any particular scheme.

Mr. HUNGERFORD said all he had heard had convinced him thoroughly of the wisdom and propriety of the Government securing a much larger amount of information on the subject, and of obtaining opinions from the highest authorities on the various schemes proposed. The work was one which would take years in execution, and Sydney would not suffer in the least through a delay. A scheme ought to be adopted which would not endanger life and property through the bursting of dams.

Mr. FARNELL thought the discussion unnecessary. The Bill simply provided for the constitution of a board which was to devise a scheme, but before they could enter upon its execution it had to be approved of by Parliament.

Sir HENRY PARKES failed to see the relevancy of the discussion. In moving the second reading, he distinctly stated that the various schemes spoken of would be inquired into, and that the greatest precaution would be taken before the country was committed to the large expenditure which any water-works scheme which might be adopted would involve. He did not see what more he could say. There was no clause in the Bill which committed the House to any scheme, but it must be borne in mind that our Loan Act committed us to Mr. Clark's scheme, and before that could be departed from we should have to modify our legislation.

Captain ONSLOW said he was not present when the Premier moved the second reading of the Bill. Had he heard the Premier's explanations there would have been no occasion for the remarks which he had made.

Clause agreed to.

Clauses 41 to 78, inclusive, agreed to.

Clause 79 (Penalty for bathing in waters of the board).

Mr. MACINTOSH thought that the penalty of £5 was too small. It should be increased to £20.

Sir HENRY PARKES considered that a penalty of £5 would be a very severe punishment to that class of persons who would be guilty of the offence which would seldom be committed, except through extreme ignorance.

Clause agreed to.

Clauses 80 to 137, inclusive, agreed to



Clause 138 (Provision to take effect if transfer of works to board shall not be carried out).

Mr. J. DAVIES asked whether it was intended that all the works and the reserves for water supply and sewerage purposes should be taken away from the City Council without giving them compensation. These properties were vested in the Corporation, and from the water-works they derived the most profitable portion of their income.

Sir HENRY PARKES said that in the Sydney Corporation Act it was expressly provided that on the works being taken over compensation should be paid to them.

Clause agreed to.

Remaining clauses and schedules agreed to.

Postponed clause 9. The president of the board shall during his tenure of office be entitled to be paid such salary as the Governor may determine and as may be voted by Parliament. And every other member of the board shall be entitled to receive as remuneration for his services a sum not exceeding pounds per annum to be paid to him in the form of a fee for each meeting of the board at which he shall have been present up to the time of the termination thereof and of such amount as the Governor may appoint and the office of an elected member of the board shall not for the purposes of the eighteenth section of the Act contained in schedule (1) to the Imperial Act eighteenth and nineteenth Vic. cap. fifty-four and commonly cited as the Constitution Act be deemed to be an office of profit under the Crown.

Sir HENRY PARKES moved,—

That the blank, line 7, be filled with the words "one hundred and fifty."

Amendment agreed to.

On the question "that the clause, as amended, be agreed to,"—

Mr. BURNS said that he felt a strong objection to the repeal by this clause of the provision of the Constitution Act, under which a member of Parliament who took an office of profit under the Crown had to vacate his seat. He would not trust the present or any other Government with the power to select members of the House for seats on the board. He thought there would be no difficulty in getting gentlemen who were not members of Parliament to act as members of the board. A board having such large powers should be free from the influences and control of members of the House.

Mr. COHEN thought the principle contained in the clause was objectionable.

He could understand the clause being inserted in the Bill, if it were shown to be impossible or improbable that the services of competent members for the board could be obtained outside Parliament. The Committee ought not to pass the clause which contained the germs of possible corruption, unless that could be shown. The President of the board, who was to be appointed by the Governor,—which meant the Executive Council,—might be a member of Parliament, and he would be entitled to such salary as the Governor might determine or as might be voted by Parliament. This was a most dangerous provision.

Mr. GARRETT: He will not be exempted from the provisions of the Constitution Act.

Mr. COHEN: Under the 8th clause, any member of the board might be appointed President. Another point which suggested itself to his mind, was whether by local legislation, we could alter our Constitution Act—which was an Act of the Imperial Legislature. He submitted that under the Constitution Act, there was no power given to the local legislature to pass such an amending clause. The House, and rightly so, had always looked with jealousy on any legislation which might possibly lead to corruption, and had also set their face sternly against any exercise of patronage by the Government which bore on the face of it the slightest shadow or appearance of corruption. The rights of individual members could only be maintained in their integrity by this course. In the interests of good government, and the purity of Parliament, therefore, the House would do well to set their face against any such clause as that under consideration, which contained the germs of possible corruption. If the Government could show that outside Parliament they were unable to secure competent gentlemen to sit upon the board, there might be justification for this species of legislation. But, in the absence of proof of the stern necessity for the position taken up by the Government, he hoped the House would give expression to its opinion in such a way as to indicate that persons outside Parliament who could not be brought under the influence of the Government in any way whatever, should compose this board. He was not charging the present, any more

than any past Government, with making corrupt appointments; all he wished to avoid was the danger of wrong appointments being made. Let honorable members consider the comparatively recent case of the appointment of two commissioners to the Board of Customs. Whilst there was practically no limitation placed upon the Government's choice of gentlemen to fill these positions, two members of the adjoining Chamber were appointed. They were unquestionably highly qualified gentlemen, in whose integrity and discernment the country had the greatest confidence. Yet the House expressed an opinion which induced the resignation of those gentlemen, and for the simple reason that it was not considered right that the Government should confer its patronage upon any member of the Legislature, however independent his position, or however high his character as a representative might be. The House, too, had also expressed itself so strongly in reference to the appointment of the honorable member for Camden (Mr. Garrett) to the City of Sydney Improvement Board, actuated by the same desire to maintain the purity of Parliament as had influenced it before, that the honorable member conceived it to be his duty to resign that position. The clause clearly paved the way for the exercise of the same kind of patronage, and the Committee therefore would only be consistent if they amended it in such a way as to remove that objection.

Sir HENRY PARKES said he certainly was surprised at the course of argument pursued by the honorable and learned member, and for the simple reason that he was a member learned in the law. What proposal was there in the Bill at all analogous to the cases to which the honorable member had directed attention? There was no analogy. What the Committee was asked to do was to enact that certain things should be done. There was no attempt on the part of the Executive to make appointments. But the honorable member went further and argued that the appointments would be—he believed the honorable member said—of a corrupt character. But no appointments were contemplated, and any appointments by the Government under the Bill would be subject to the provision of the Constitution Act, as would all others. All that

was proposed in the Bill was to give a larger scope for the exercise of the power of the electors in regard to the elected members of the commission. The commissioners appointed by the Governor-in-Council would be appointed as all other public servants were appointed. What the House was asked to do was to throw open the election of the four elected commissioners to all persons without any disqualification—whether they were members of Parliament or not, and he ventured to say that there was no danger to the independence of Parliament in such an enactment as that. The members of the Metropolitan Board of Works were permitted to sit in the House of Commons; and the provisions under consideration were copied from another Act. No power whatever was given to the Executive to appoint, in any manner, other than was constitutionally open to them; there was no attempt to throw exemptions around persons who might be appointed; but this proposal was submitted—and he believed it to be a fair, open, and valuable proposal—that the election of the elected members of the Board of Water Supply and Sewerage Works should be open to all persons, so that they might select the fittest—and perhaps the fittest might be members of Parliament. He could conceive that in such an important body as this, some members—say some of the elected members—should sit in Parliament.

Mr COHEN: I have no objection to that, so far as elected members are concerned.

Mr. GARRETT: It does not apply to others.

Sir HENRY PARKES: It was not likely that the Government would violate a principle so rigidly preserved as was the principle to which the honorable member had referred. The Bill only asked the House to consider whether it might not be desirable for the persons who elected the representative members of the board to have the largest possible field for their choice. The most competent persons to sit upon the board might be members of the House, and it would be a great misfortune if the country were deprived of the services of these men through some prudish notions regarding an infringement of the Constitution.

Mr. GARRETT said it seemed to him that ever since the honorable member for West Maitland had proposed his motion with reference to the position of a certain member of this House upon the City of Sydney Improvement Board, he conceived himself justified in suspecting every proposal as being one liable to be, or capable of being, turned into an engine for the corruption of the House by the Government. The honorable member had made it pretty clear this evening that he had allowed his zeal to run away with his discretion in the matter. As he himself read the clause under consideration, it only gave effect to other portions of the Bill. It should be read, for instance, in connection with the 16th clause, which said—

Every person shall be eligible for election as a member of the board.

(1.) As a city member—if at the time of the holding of any election he shall possess the qualification and not be within any disqualification respectively prescribed and imposed by law in respect of elections to the office of alderman of the Municipal Council of the city of Sydney.

(2.) As a suburban member—if at the time of the holding of any election for the said municipalities he shall possess in and for any one or more of such municipalities the qualification and not be within any disqualification respectively prescribed and imposed in respect of the office of alderman by the Municipalities Act of 1867 or any Act amending the same.

If an elected member happened to be a member of the House why should he not be allowed to take his seat upon the board? If he possessed all the other necessary qualifications why should he be disqualified because he happened to be a member of the House? We had had members of the Transit Commission members of this House, and it had not transpired that it interfered with the due discharge of their duties, or that it made them worse members of the Transit Commission. Mr. Merriman and Mr. Tunks were two instances. Mr. Tunks was an elected member of the Commission; and Mr. Merriman sat in virtue of his official position of Mayor of Sydney. The only way in which corruption could take place was in the Government appointing members of the House to these commissions; and this danger was met by the Constitution Act. If any member of the House were to take an office of profit under the Crown from the Government, his seat would become

vacant; but that rule would not apply where an independent body elected to a commission gentlemen who happened to be members of the House. All that was intended by saying that the elected members of the board should not be subject to the disqualifications of the Constitution Act was to give full play and effect to the other provisions contained in the Bill to which honorable members had not objected. The honorable member was wrong in his constitutional law. It was incorrect to say that our Constitution Act was passed by the Imperial Parliament. What they did was to pass an enactment empowering the Queen to assent to it. The honorable member was also wrong in his facts bearing upon this law. The honorable member said we had not power to alter the Act. Not only had we the power to alter it without reference to the Imperial Parliament, but we had done it.

Mr. COHEN: When?

Mr. WISDOM: We increased the number of members, and we abolished State aid to religion.

Sir HENRY PARKES: And we have repealed six or eight clauses.

Mr. GARRETT: We have also altered the term of the duration of this House. That was enough, he took it, to dispose of the honorable member's law. It was perfectly true, as remarked by the Premier, that several members of the Metropolitan Board of Works were members of the House of Commons; and their services upon the board were found to be of great utility. If Parliament were to be the embodiment of public intelligence, he did not see why men likely to be possessed of all the information requisite for dealing with the sanitary matters in respect of which we were legislating, should be excluded. The honorable member for West Maitland was pushing his idea of purity to an absurd length in seeking to amend this clause.

Mr. WISDOM said he also thought his honorable and learned friend, in addressing the House upon the Constitution Act as affecting this Bill, was under some misapprehension. As he understood the honorable member's argument, it was that we had no power to pass the clause, because it would have the effect of repealing certain portions of the Constitution Act. But the Imperial

Act itself, in the 4th section, gave the power to repeal and alter the Act, subject to the conditions imposed therein, and the alteration of its provisions in certain particulars. One of the provisions referred to restricted us in any alteration to a majority of two-thirds; but that provision had been repealed, and it was thus open to us to alter the Act by a simple majority. To show that we had made alterations he need only refer to clause 10, providing for the number of members of the Assembly; clause 11, as to the qualification of electors; clause 12, as to when joint owners and occupiers should be entitled to be registered as voters and to vote; clause 13, as to the division of the colony into electoral districts, and the number of members to be returned; clause 14, as to electoral lists; clause 16, as to the qualification of members of the Assembly had also been repealed; also clause 21, as to the duration of the Assembly; and clause 27, as to the election to take place in vacancies. Honorable members would therefore see that it was clearly in the power of the House to alter the law.

Mr. GARRETT: The Constitution Act is an Act of our own Parliament.

Mr. WISDOM: As to the question before the Committee, it would unquestionably be a straining of the Constitution to impose restrictions upon the member to be elected to the board which the honorable member sought to impose. Surely, if the people interested in the carrying out of this matter first elected a member of the Assembly, there could be no objection to the Government afterwards nominating him.

Mr. COHEN: None whatever.

Mr. WISDOM: This was all the Bill proposed. No Government would nominate one of their own appointees as president.

Mr. GARRETT: That is if he were a member of Parliament.

Mr. WISDOM could not see why we should throw more obstacles in the way of competent persons being elected to boards of this kind than at present existed. In so doing we should be only casting unnecessary reflections upon members of the House. He, for one, did not feel inclined to support the honorable member for West Maitland in any amendment of the clause.

Mr. COHEN said he was always ready to confess the fact when he had been convinced by argument. He must say, after listening to the speech of the Colonial Secretary, that he thought the honorable gentleman took the right view of the clause. He admitted at once that the Constitution Act was a sufficient safeguard against any honorable member of the House being appointed to the board by the Government and receiving a salary. With regard to elected members, he had no objection to members of the House receiving salaries for those offices, because they would not obtain them through the patronage of the Government. As to members of the House being members of the Transit Commission, Mr. Tunks was an elected member.

Mr. GARRETT: Hear, hear.

Mr. COHEN: Mr. Merriman was elected an alderman of the city, and was chosen mayor, and in virtue of that position he occupied his seat upon the board. So that both of them were to all intents and purposes elected members.

Mr. GARRETT: This provision only refers to elected members.

Mr. COHEN: As to the Constitution Act he still asserted his opinion, with all deference to the opinion of the honorable member for Camden (Mr. Garrett), that, without power being given to the local Legislature to alter the Constitution Act, the local Legislature would not have the power to do it, and that that opinion was a correct one might be seen from this—that the 4th clause of the Imperial Act adopted the Act as passed in this colony, and conferred upon this Legislature the right to alter in certain particulars. He was not aware of that when he addressed the Committee, but he was impressed with the broad principle that no Colonial Legislature could alter a Constitution Act passed by the Imperial Legislature. So far as he was concerned he would offer no further opposition to the clause.

Mr. WEBB said the 1st section of the 5th clause provided that the President should be one of the official members. That section, he took it, settled the constitutional question, because it was perfectly evident that the President must be one of the official members, and not one of the elected members.

Mr. GREENWOOD said his objections to the clause had been removed. No honorable member could lose his seat in consequence of this proviso, because the three official members were not affected by it, but only the four elected members who were in no sense dependent upon the Government, because the Government had no power to dismiss elected members. They were not responsible to the Government and they were elected for a term of years. They depended for their seats upon the municipalities, and not upon the Government. What the clause proposed was this—that men who were in no way dependent upon the Government should not be deprived of the privilege of taking a seat in this Chamber in consequence of their accepting an appointment upon this board.

Mr. CHARLES thought the principle applied to the board might be extended to the Marine Board; because it was quite possible that a member of the House might be fitted for a position on the board, and that it would be advantageous to the country that he should accept that position.

Mr. R. B. SMITH confessed that he had not read the Bill until he came into the Chamber, and that since he had been in the Chamber he had only had time to refer to some of the clauses; but he noticed that the 5th clause conferred upon the Government the power of appointing the official members. He presumed that these members would be disqualified from occupying a seat in this House, because, under the 9th section, the only members exempted from the provisions of the Constitution Act were the elected members.

Sir HENRY PARKES: The official members will be subject to all the conditions imposed upon other public officers.

Mr. BURNS said his objections to the clause had been removed by the explanation of the Premier.

Clause, as read, agreed to.

Postponed clause 13 (First elections).

Blank filled in by inserting the words "July 1880."

Clause agreed to.

Bill reported with amendments; report adopted.

The House adjourned at 20 minutes after 9 o'clock p.m.

## Legislative Assembly.

*Friday, 19 March, 1880.*

No quorum. House adjourned till Tuesday next.

## Legislative Assembly.

*Tuesday, 23 March, 1880.*

Consolidated Revenue Fund Bill (No. 4)—Criminal Assaults on Females—Encouragement of Native Industries.

Mr. SPEAKER took the chair at half-past 4 o'clock p.m.

### CONSOLIDATED REVENUE FUND BILL (No. 4).

Governor's assent to this Bill reported.

### CRIMINAL ASSAULTS ON FEMALES.

Mr. THOMPSON (for Mr. W. C. BROWNE) asked the Attorney General,—In view of the large increase of criminal assaults on females, and the inadequacy of the punishment provided by statute therefor, is it his intention to bring in an amending Bill during the present session of Parliament?

Mr. WISDOM replied: The matter has been under consideration for some time past, but I have not yet arrived at any determination respecting it.

### ENCOURAGEMENT OF NATIVE INDUSTRIES.

Mr. BUCHANAN rose to move,—

(1.) That, in the opinion of this House, in the imposition of Customs duties care should be taken to levy those duties so as to encourage and promote our native industries.

(2.) That the above resolution be communicated by Address to His Excellency the Governor.

He said that it was no fault of his that the motion was still on the paper. Had the free trade argument of counting out the House, thereby evading discussion, not been resorted to, the question would before now have been settled by division. If the same tactics were resorted to on the present occasion it would be as favourable to him as he could wish, because we should then go to the people with the reproach that the House was