"not exceeding Twenty pounds, "and such costs of the prose- "cution, or either of them, as the "Court may think reasonable; "or

"(2.) The Court may convict the "offender and discharge him "conditionally on his entering "into a recognizance with or "without sureties, and during "such period as the Court may "direct, to appear and receive "judgment when called upon, "and, in the meantime, to keep "the peace and be of good "behaviour, and either without "payment of damages and costs "as aforesaid, or subject to the "payment of such damages and "costs, or either of them, as the "Court may think reasonable."

Hon. members will agree, I think, that these are useful powers to give to the Courts. We know that in some cases young boys are brought up charged with some offence which they have been led into committing by the influence of bad companions, and at present the Court has no power to deal with them. I formally move the second reading of the bill.

Question—put and passed.

ADJOURNMENT.

The Council, at 4·30 p.m., adjourned until Tuesday, January 12th, at 3 o'clock.

Legislative Assembly,

Friday, 8th January, 1892.

Importation of Chinese per "Australind"—Completion of Finnerty Street, Fremantle—Municipal Institutions Act, 1876, Amendment Bill; further considered in committee—Third Judge of the Supreme Court Bill: in committee—Goldfields Act, 1886, Amendment Bill—Supreme Court Act Amendment Bill: first reading—Affirmation Bill: first reading—Return of Moneys paid to Sir John Coode re Fremantle Harbor Works—Adjournment.

THE SPEAKER took the chair at 2·30 p.m.

PRAYERS.

IMPORTATION OF CHINESE PER "AUSTRALIND."

MR. QUINLAN: I beg to ask the Premier the question standing in my name,—what number of Chinese were shipped on the s.s. "Australind" on her last trip to Western Australia under the Imported Labor Registry Act, and the number consigned to the specified ports or towns in the colony from that shipment, with their destinations?

THE PREMIER (Hon. Sir J. Forrest): The number of Chinese shipped by the "Australind" was 17. Of this number, 2 were for the Blackwood, 6 for York, 1 for Fremantle, 3 for Albany, 2 for Sharks Bay, and 3 for Ashburton.

COMPLETION BY GOVERNMENT OF FINNERTY STREET, FREMANTLE.

MR. PEARSE, in accordance with notice, asked the Premier, Whether it was his intention to carry out an agreement made by the late Government and the Fremantle Municipal Council, whereby certain lands were transferred to the Government on the condition that they completed Finnerty Street.

THE PREMIER (Hon. Sir J. Forrest) said the present Government hoped to fulfil the promise of the late Government, and would do so as soon as possible.

MUNICIPAL INSTITUTIONS ACT, 1876, AMENDMENT BILL.

This bill was further considered in committee.

Clause 3—"Property exempt from rates": (*Vide* p. 181 *ante* for amendments moved by the Attorney General.)

MR. DE HAMEL said that in looking at this clause as suggested to be amended by the Attorney General it appeared to him that the wording of it was a little bit involved and obscure. It started with two negatives: "It shall not be lawful to levy any rate whatever on any "lands or buildings belonging to the "Crown and not used or occupied for "purposes other than public purposes." It seemed to him there was a double negative there, and, as two negatives made an affirmative, he thought the wording should be altered, and he had given notice of an amendment to that effect, which now appeared on the Notice Paper. The same objection, in his opinion, was apparent in the next sub-section (*b*). There, again, by the use of two negatives, they were taxing property which it was their expressed intention to exempt. He also proposed to amend the wording of this sub-section, for the same reason. He had no wish to press these amendments; he had placed them on the Notice Paper for the purpose of affording the committee an opportunity for discussing the matter. The object in view was to exempt Crown lands used or occupied for public purposes, and lands of public bodies used for the purposes of those bodies; but the clause as now worded appeared to him to mean the reverse of that by the introduction of a double negative. The Attorney General told them the other day that the clause would not apply to Crown lands which were vacant and not dealt with in any way; he said these lands would be exempt from taxation. But it seemed to him (Mr. De Hamel) that the clause as worded would apply to such lands. Then, again, with regard to lands held by religious bodies: if these lands were held absolutely free, so that the religious body they belonged to could raise money on them, say by way of mortgage, he saw no reason why they should be exempted; but, if they had not the deeds of the land handed over to them by the Government, he thought the land ought not to be taxed. This was the case now with some Roman Catholic property at Albany, and he believed also with some Church property. They had not the deeds.

THE PREMIER (Hon. Sir J. Forrest): Oh, yes, they have.

MR. DE HAMEL: Not the Roman Catholics.

THE PREMIER (Hon. Sir J. Forrest): They all have deeds.

MR. DE HAMEL said he understood such was not the case. If the Government gave over the deeds to these religious bodies, so that they could raise money on the property if they liked, he would not object to these lands being taxed; but unless they had the property absolutely free he thought it should be exempt from rates. He thought the amendments which he proposed would make this clearer than the amendments of the Attorney General. But this was merely a matter of detail. All he wished was that the matter should be argued as regards these glebe lands.

THE ATTORNEY GENERAL (Hon. S. Burt) said it would be seen that the amendments which he moved the other day, when progress was reported, left paragraph (*a*) intact, and he failed to see that there was any double negative about it. It said what they all meant, that it shall not be lawful to levy any rate on any lands belonging to the Crown not used for purposes other than public purposes. In other words, Crown lands used for public purposes, and for public purposes only, would be exempt; whereas the amendment suggested by the hon. member would tax any Crown lands that were vacant, or not used at all. That was not the intention of the Government. What they proposed was that if these lands were used for public purposes they should be exempt from rates, but if they were used for private purposes, or other purposes than public purposes, they should be taxed. The hon. member proposed to tax them if they were not used at all. Up to the present no Crown lands were taxed at all, but the Government now proposed to tax such lands and buildings if they were used for any purpose other than a public purpose. With regard to the next paragraph (*b*), he proposed to exempt lands and buildings belonging to any public body created by statute, when not used or occupied for purposes other than the purposes of such public body. Take the governors of the High School, for instance—that was a body created by statute; or a Public Health Board, which was another body created by statute. The governors of

the Fremantle School, he believed, were also created by statute, though he was not sure about that. But the High School was, and the governing body held some property belonging to the school. What was proposed was that this property should not be taxed so long as it was used or occupied for the purposes of the school. If the governors were to discontinue the school, and use it, say for a boarding house, the property would be liable to be taxed at once; but so long as it was used for the purposes for which it was created, it would be exempt from taxation. That was not altering the law; it was the law as it now stood. With regard to the next sub-section, paragraph (*c*), that clause was equally clear and precise. It exempted lands and buildings belonging to any religious body and used or occupied as a parsonage, or a place of residence of a minister. If a minister rented a private house he would have to pay rates, like anybody else; but so long as he occupied land or premises belonging to the denomination he would be exempt from taxation. There was nothing obscure or ambiguous about that. Then as to paragraph (*d*); that paragraph exempted the property of any religious body when used or occupied as a convent, nunnery, or monastery. These lands were not now taxed, and it was not proposed to alter the law. The next paragraph, sub-section (*e*), exempted lands and buildings belonging to any religious body and used exclusively as a place of public worship or Sunday school; and in the next paragraph, sub-section (*f*), they exempted property "used exclusively as a hospital, benevolent asylum, or orphanage, public school, private school, public library, public museum, or mechanics' institute." It would be observed that this paragraph included private schools. With that exception the clause was simply a re-enactment of the present law. It was for the committee to say whether it would agree to exempt buildings used exclusively as private schools. If a man kept a private school in his dwelling house, he would not be exempt; but if a denomination built a private school and used it exclusively as a school it was now proposed to exempt that property from taxation, on the ground that it was desirable in these days to encourage education; and, if this clause passed, those who went to the expense of providing private schools to be used exclusively as such would not be rated. At the present moment, he did not think there was any place used exclusively as a private school—the Grammar School at Fremantle might be one, but he did not know of such a place in Perth. It was for the Committee to say whether this exemption should be made. With regard to the next sub-section, paragraph (*g*), which exempted lands and buildings used or occupied exclusively for charitable purposes, that was the present law. He did not know that there were any such buildings used exclusively for such purposes now; but, in the event of the Society for the Propagation of the Gospel, or the Charity Organisation Society, or any society of that kind, establishing an office here, and using it exclusively for charitable purposes, that property would be exempt. That was the present law. All such buildings were exempt under our present Municipal Act. Sub-section 2 provided that no rates shall be levied on "any lands permanently appropriated and used for purposes of public recreation or military training,"—a drill ground, for instance. Sub-section 3 exempted "any lands or buildings hereinbefore mentioned, not used or occupied otherwise than for one or more of the aforesaid purposes." That was to say if they had a Sunday-school building exempt under one clause as being used exclusively as such on a Sunday, but let during the week for one or more of the purposes already mentioned and exempted—say as a denominational private school—it would be exempted under this sub-section. In the same way a private school used as such during the week, and as a Sunday school on Sunday—which could not be said to be "exclusively" used either as a private school or a Sunday school—would be exempt under this clause. He hoped he had made it clear to the Committee what was meant. Take a convent, again. If used exclusively as a convent, it would be exempted under paragraph (*d*); but if not used exclusively as a convent, but also as a private school (the latter being exempted under paragraph *f*), the property would come under the operation of this third sub-section as a building used for "one or more" of the purposes specified. Then

again take the case of Sunday school-rooms or mechanics' institutes, which were occasionally used for tea-meetings, temperance meetings, bazaars, and other charitable purposes. These buildings, when so used, would be exempted under this sub-section. They were already exempted when used "exclusively" as Sunday schools or mechanics' institutes, and inasmuch as buildings occupied exclusively for "charitable purposes" were also exempted, this sub-section would exempt them when used for any of these purposes, but not when used for other purposes than those already exempted. He hoped he had made himself understood. He proposed to add a proviso at the end of the clause to make the matter more clear. He admitted that this clause did appear a little involved and required some attention; it was a clause that had given him infinite trouble, but he thought that in the way it was now worded it would be intelligible. They simply sought to prevent religious and other bodies exempted under the Act from taking undue advantage of their exemption, and putting up erections on their property in the shape of shops and other buildings from which they drew rents, but which had no immediate connection with the purposes for which the land was granted. That had been the object in view in framing this clause. They did not wish to exempt anybody else, or to impose rates upon anybody else other than the law now provided. At the same time, if religious bodies chose to use the lands granted to them for religious purposes for shops and business purposes, they should be required to pay rates in respect of such premises. He did not think the clause effected any other alteration whatever.

MR. CANNING, referring to sub-section 2—"Lands used for purposes of public recreation"—asked whether it would be held that this would exempt from rates a piece of land conveyed to trustees as a cricket ground, for instance, or for recreation generally—ground which the trustees had improved and charged for admission to, and which might be regarded in the light of *quasi* private property.

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause had special reference to cricket and kindred associations, who had been granted land for purposes of public recreation. In his opinion, this clause expressly exempted such lands from taxation. If those who held the land in trust for purposes of public recreation chose to charge an entrance fee, that would in no way take it out of the category of lands used for public recreation purposes. It had been said by some, he had heard, that the City Council had no power to charge a fee for admission to the Recreation Ground at the waterside. He could only express his opinion that such a contention was simply absurd. Who ever heard of a recreation ground to which the public were not admitted by payment of a fee? How on earth were they going to improve such grounds and provide facilities for recreation unless they charged a fee? The mere fact of the trustees charging for admission in no way altered the character of the ground as a public recreation ground; and, in his opinion, the trustees in whom the ground was vested would be exempted under sub-section 2. Of course if a question of this kind came before the Court it could only be settled by an authoritative interpretation by the proper tribunal; no language which they employed would supply everything that would meet every possible case and remove all doubt from everybody's mind. But he must say that, in his opinion, a ground being public ground was not created a private ground simply because the trustees chose to charge a fee for admission.

MR. CANNING asked whether the omission of the word "public" would not make the clause clearer, so that it would read "for purposes of recreation," instead of "for purposes of public recreation."

THE ATTORNEY GENERAL (Hon. S. Burt) said it would never do to strike out the word "public." Supposing the hon. member or anybody else had a gymnasium in his back yard for his boys to practise, it might be contended that that was a place used for purposes of recreation, and ought to be exempt from rates. He had a vacant bit of ground himself attached to his house, where he and his boys played football; and if the hon. member's suggestion were adopted, he should at once claim exemption from

taxation on the ground that the land was appropriated and used for purposes of recreation.

MR. A. FORREST said it was well known that different religious denominations from time to time bought up lands in different parts of the colony, and more especially in towns; he should like to ask the Attorney General whether land bought in this way by any religious denomination would be still liable to be rated as it was before, or whether it would be exempted if it became the property of a religious body?

THE ATTORNEY GENERAL (Hon. S. Burt) said that, under this clause, lands held by any religious body unless used or occupied as a place of residence of a minister, or as a convent or nunnery, or as a place of worship, or for some of the purposes specified, would be subject to taxation. If vacant, or unless used or occupied for the purposes mentioned in the clause, it would be chargeable with rates like any other land.

The amendments, including a proviso submitted by the Attorney General, were then agreed to, and the clause as amended put and passed.

Clause 4—Rate book for 1892 may include any property not exempted by this Act:

THE ATTORNEY GENERAL (Hon. S. Burt) moved some verbal amendments, which were agreed to without comment.

Clauses 5 to 12—put and passed.

Preamble and title:

Agreed to.

Bill reported.

THIRD JUDGE OF THE SUPREME COURT BILL.

This bill passed through committee without discussion.

GOLDFIELDS ACT, 1886, AMENDMENT BILL.

This bill was committed, and agreed to *sub silentio*.

SUPREME COURT ACT, 1880, AMENDMENT BILL.

Read a first time.

AFFIRMATIONS BILL.

Read a first time.

FREMANTLE HARBOR WORKS: RETURN OF MONEYS PAID TO SIR JOHN COODE.

MR. HARPER, in accordance with notice, moved, "That a return be laid upon the table of the House showing the total sum of money already paid to Sir John Coode, in respect of his reports and advice upon Harbor Works at Fremantle; and what further sum would be payable to him should each or any of the schemes be carried out under his direction. Also, what expenses have been incurred in referring to Sir John Coode the question of the possibility of opening a passage through Success Bank." He thought that in view of the active steps proposed to be taken shortly for improving the harbor accommodation at Fremantle, it was desirable they should know what expenses had been incurred hitherto in connection with the reports and plans obtained from Sir John Coode. That was his object in moving for this return.

Motion—put and passed.

ADJOURNMENT.

The House adjourned at 3·35 p.m.

Legislative Assembly,

Monday, 11th January, 1892.

Forest Conservation—Fremantle Harbor Works: opening of Challenger Passage—Public Officers Bill: third reading—Third Judge Bill: third reading—Police Bill: first reading—Supreme Court Act Amendment Bill: second reading—Affirmations Bill: second reading—Adjournment.

THE SPEAKER took the chair at 7·30 o'clock.

PRAYERS.

FOREST CONSERVATION.

MR. TRAYLEN, in accordance with notice, moved, "That in the opinion of this House the Government should use efficient measures for conserving the for-