the necessary application within the time, to make it in their own interest. This is a necessary amendment of a defect in the existing Act.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Money paid into Court may be paid in one sum, without regard to its division into shares; if not accepted, defendant entitled to verdict on the issue:

THE PREMIER: Was it intended by the Bill that while only six months should be allowed to an executor, other persons were to be allowed to bring an action at any time without limit?

THE ATTORNEY GENERAL: The statute, known as Lord Campbell's Act, would come in, limiting the period to six months to other persons.

THE PREMIER: It seemed unreasonable to restrict the executor to six months, and allow other people an unlimited time in which to bring an action.

MR. ILLINGWORTH: This Bill has been carefully considered in the Legislative Council, and was introduced by a legal member (Mr. Moss).

THE ATTORNEY GENERAL suggested that the preamble ought to be put in the margin to the first clause; also the reference to the English Act should be put in correct form. In regard to Clause 2, now under discussion, the marginal note needed correction; as after the word 'it" should be inserted the words "sufficient and," to read "if sufficient and not accepted, defendant entitled to verdict on the issue." He offered these suggestions as to marginal notes.

Clause put and passed.

Clause 3—agreed to.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 9·35, until the next day.

Legislative Council,

Thursday, 18th October, 1900.

Papers presented — Question: Government Schools, Female Teachers — Question: Municipal Institutions Bill, Cost of Printing—Question: Canning Jarrah Mills, Water Pollution—Municipal Institutions Bill, in Committee, Clause 300 to end, reported—Distillation Bill, in Committee, reported—Registration of Births, etc., Bill, Assembly's Amendment—Public Service Bill, Assembly's Amendments, progress—Land Act Amendment Bill, second reading—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Government Railways, Annual Report of General Manager.

QUESTION—GOVERNMENT SCHOOLS, FEMALE TEACHERS.

HON. G. BELLINGHAM asked the Colonial Secretary: 1, How many Government Schools throughout the colony are in charge of female teachers. 2, How many female teachers in the Government Schools are married women. 3, Is the employment of married women in Government Schools in accordance with the Regulations. 4, Are any wives of school teachers employed in Government Schools; if so, how many. 5, Have women so employed passed all necessary examinations.

THE COLONIAL SECRETARY replied:—1, Seventy-nine, of which 48 are Provisional Schools. 2, Eight head teachers and 16 assistants; one monitor and 31 sewing mistresses, four of whom are also monitors. 3, Yes; regulations 69 and 76. 4, Four assistants on supply; one monitor on supply; 27 sewing mistresses, four of whom act also as monitors; one head teacher, just married, and holding school temporarily. 5, Yes.

QUESTION—MUNICIPAL INSTITUTIONS BILL, COST OF PRINTING.

HON. M. L. MOSS asked the Colonial Secretary: 1, Has a record been kept of the cost of the printing and reprinting of the Municipal Institutions Bill introduced into Parliament in 1899 and 1900, including in such cost the printing of all amendments made by select committees

and members of Parliament. 2, If so, what has been the cost?

THE COLONIAL SECRETARY replied:—1, The Bill was commenced in April, 1899. No detailed account has been kept of the actual cost of printing at various times, but it may be approximately estimated at £150, including the last printing as altered in Select Committee. 2, No record of cost of action in the Houses has been kept.

QUESTION—CANNING JARRAH MILLS, WATER POLLUTION.

HON. J. T. GLOWREY (for Hon. J. M. Speed) asked the Colonial Secretary, Whether the Government, in waiving the right of forfeiting the timber concession of the Canning Jarrah Timber Company, took into consideration the pollution which has been caused to the metropolitan water supply, and the pollution which may occur in the future through the mills of the said company having been erected on the catchment area of the said water supply.

THE COLONIAL SECRETARY replied:—The Government had in mind the complaints which have been made from time to time as to the danger of pollution of the catchment area. The Metropolitan Waterworks Board has been constituted a health board for the district, and are taking active steps to prevent contamination.

MUNICIPAL INSTITUTIONS BILL.

IN COMMITTEE.

Resumed from previous day.

Clause 300—agreed to.

Clause 301—Power of council to provide markets:

HON. R. S. HAYNES: The Select Committee had inserted an amendment providing that before a council could lease markets, it must get the consent of the Governor. This was a purely formal matter.

Clause put and passed.

Clauses 302 to 322, inclusive—agreed to.

Clause 323—Income of municipality, how made up:

HON. R. S. HAYNES: The Select Committee had struck out the words "any subsidy granted by Parliament to or for the use of the council." The ordinary income of a municipality was made up from certain profits and the rates, and it was deemed advisable that the subsidy from the Government, which was fluctuating and could not be relied on, should not form part of the ordinary income. The words which had been struck out would have altered the principle acted on in the past, and the Select Committee felt no provision should be introduced which would have the effect of altering the security on which money had been lent to municipalities.

Clause put and passed.

Clause 324—agreed to.

Clause 325—What shall be rateable property:

HON. R. S. HAYNES: The words "any public body created by statute" had been inserted, with water works boards and other bodies in view, because these, being practically Government departments, should be exempted from rates.

Clause put and passed.

Clause 326—Council to prepare annual estimate:

HON. R. S. HAYNES: In this clause the Select Committee had provided that the estimate must be signed by the mayor, as under the old Act.

Clause put and passed.

Clause 327—agreed to.

Clause 328—Mode of making valuation:

HON. R. S. HAYNES: Sub-clause (*g*) stood the same as in the present Act, but there was a subsequent amendment on which the Select Committee were not unanimous. Amongst other members of the committee the Colonial Secretary opposed this amendment, and he (Mr. Haynes) had drafted the clause to meet as far as possible the views of both sides. Hon. members would understand no recommendation was made by the Select Committee as to adopting the amendment or rejecting it. The amendment, after Sub-clause (*g*), read as follows:—

Any Council may, with the consent of the Governor, value land solely in accordance with sub-section (*d*), and in that case shall not change such principle of valuation until the expiration of three years from the adoption thereof.

Sub-clause (*d*) read:—

The capital value of ratable land shall be taken to be the probable and reasonable price at which such land in fee simple, exclusive of

improvements, might be expected to sell at the time when valued.

That was the principle of frontage rating, and rating by area exclusive of improvements; and this was a novel clause, to the principle of which he was not at all wedded. It gave the Council the right, instead of rating people as now on the annual return, to charge on the superficial area.

Hon. C. SOMMERS: The clause ought to receive the support of hon. members, because the effect of the present system was that the more a man improved his property, the more rates he had to pay. That principle was wrong, because every encouragement should be given to people to improve their properties, and those who allowed their land to remain unimproved simply with a view of getting the unearned increment, should be penalised in some way.

Hon. A. P. MATHESON: In a building with a lot of tenants, the usual practice, on the goldfields at any rate, was to send a separate rate-note for each tenant; but if he understood the clause aright, it meant there would be one rate on the block of land.

Hon. R. S. HAYNES explained that a block of land, in St. George's Terrace for instance, was now rated on its capital value at 4 per cent., while adjoining land, whereon there were buildings, was rated on the annual value; but under the Bill it was proposed to give the council the right to charge in respect of superficial area, without regard to improvements, so that a person getting no rent from land would pay exactly the same rates as a man who possessed land on which there were buildings. In Moir's buildings, for example, there were twenty or thirty people all rated for rooms, and under the clause these people would be relieved.

The COLONIAL SECRETARY: This clause might suit some municipalities, but inasmuch as the Bill dealt with the whole of the municipalities in the colony, it would be injudicious to adopt the principle in this clause, which would act most injuriously to the finances of municipalities, and operate most inequitably on owners of land. There was something to be said on the other side, and that had been said for the last forty years, namely that it was unfair to tax a man who improved his land. At the same time, the man who was able to pay must be taxed, and this clause would result in taxing the poor man very much more than the man with large capital.

Hon. J. M. SPEED: The clause had been approved by every Municipal Conference practically unanimously. Very few poor men held land unimproved, for it was usually the rich man who waited for other people to build and then reaped the benefit. This clause was an attempt to get the unearned increment, and to prevent men from obtaining money from property on which they had spent comparatively nothing. The object was a proper one, and well worth the consideration of hon. members, especially as the clause was safeguarded in that it could not be put into operation without the consent of the Governor.

Hon. C. SOMMERS suggested that instead of three years, as recommended by the Select Committee, the clause ought to provide two years, seeing that the former period was too long and one year too short before the change in the method of valuation could be made.

Hon. J. W. HACKETT: It had been a matter of astonishment to him that this clause had been so often recommended by Municipal Conferences, and that it had found a place in the Bill. When the measure was considered by the Government, the clause was thought undesirable, and was omitted, and the objections to it were innumerable. One of these objections he would like to hear Mr. Speed address himself to, namely, where had this method been tried before?

Hon. J. M. Speed: In Brisbane, Queensland, with very satisfactory results.

Hon. J. W. HACKETT: With very unsatisfactory results, according to latest accounts, and in Brisbane the principle was applied in a very different form from that proposed here, if one could judge from the discussions in the Municipal Conference. It used to be said that only one small village in America had tried this plan, and had to give it up; and since then, an experiment of a similar, though not very similar, kind had been tried in Brisbane, with doubtful reports as to its success. When carefully looked into, it would be seen that several things could happen under the operation of this clause, and hon. members ought to be very careful before they proceeded to countenance such

a plan. To begin with, the revenue of the municipality would be reduced to so small a figure that it would be impossible to carry on.

HON. C. SOMMERS: Why?

HON. J. M. SPEED: In that case, the municipality would not seek to exercise the power.

HON. J. W. HACKETT: It was perfectly absurd to suppose the land holders of the colony were going to return members to the various municipal councils, and suffer those councils to double or treble the rates, which would have to be done if all the ratable value of buildings on the land were sweated away. If Mr. Speed would only take a pencil and devote a few hours to the question, in order to find out exactly what would be the difference in the rates returned in Perth and Fremantle, this proposal would be sent to the limbo of forgotten novelties from which it would never emerge again. If the clause were adopted, the agitation would be so severe that all candidates for election, including Mr. Speed, would have to pledge themselves to the hilt to see that it was not carried into operation. Large grants in the city of Perth were sometimes divided into three, with rights-of-way leading into what might be called a centre block distinct from the two frontages, and it would be found almost impossible to apportion the ratable value. Some of the most valuable blocks had no frontages.

HON. G. BELLINGHAM: It was not a question of frontages, but of area.

HON. R. S. HAYNES: So much a square foot.

HON. J. W. HACKETT: That was it, and the only way in which the municipalities had pretended the proposal could be carried into effect, was by treating this as a frontage question. The argument that the present system told against the man who desired to improve his property, was quite illusionary. If it paid a man to improve his property he would do so, and if it paid him to hold his hand he would adopt that course. In the meantime he would pay all the rates he ought to, and goodness knew they were heavy enough. Probably the *West Australian* office was the pioneer of large buildings in Perth, and he (Mr. Hackett) was enormously heavily rated, but he did not complain of it. He erected that building because he believed it was a profitable speculation. It had turned out to be so, and he was perfectly prepared to pay his share of the rates on that profitable speculation, which included very much more than the amount he would pay if he were rated under the Land Act. The trend of modern legislation was altogether against the idea of this clause, the view held being that the capitalist should pay his fair share. He (Mr. Hackett) supposed he might be ranked among that class to some slight extent, and he had never objected to pay his fair share.

HON. J. M. DREW: Why did not the hon. member go into the municipal council?

HON. J. W. HACKETT said he had not time. He worked from 11 o'clock in the morning till 3 o'clock the next morning, and he could find no further time for municipal politics. The man who had money to improve his property was the man who could better afford to pay rates than the poor man who held a block, perhaps for some years, until he could raise a little money.

HON. R. S. HAYNES: People made sub-tenants pay.

HON. J. W. HACKETT: People would not be men of business if they did not take such a course. If a man possessed a piece of land and intended to make it more profitable, he should pay his additional share of the rates. The main objection to this clause was that, if adopted, it would leave our councils bankrupt. We knew that our City Council could not pay its way at the present moment; and but for the Government subsidy, Perth would become a decaying city. If we were to reduce the amount the Council received, the pressure of landowners would make it inevitable that we should bring the rating of the mere land down to a low figure. If we got rid of any more of our city revenue, Perth would not be a fit place to live in. As a very large ratepayer, he had said to the collector of rates that he did not object to almost any rates he was called upon to pay, provided those rates were correctly, economically, and beneficially expended in making the city a better place to live in, and making property more valuable. He got his reward in more ways than one. This clause was altogether prema-

ture. It was an untried novelty, for nothing like it had been tried on any large scale, or for any length of time, and it would open the door to serious litigation and quarrelling, which would result in our returning to the old system as soon as we found we could not pay our way.

Hon. R. S. HAYNES: The Council raised in Perth 1s. 6d. in the £, and if we were to take off the improvements in this city and raise the rates on the capital value of the land, not one-tenth of the money would be returnable.

A Member: The rates could be raised.

Hon. R. S. HAYNES: No. Land at the present time was taxed up to its uttermost. If we were going to bring the vast improvements down to the same rate as ratable land, we should have nothing but the 3 per cents.

Hon. J. W. Hackett: It would take off a million of the capital value.

The COLONIAL SECRETARY moved that the last four lines of the clause be struck out.

Hon. J. M. SPEED: Apparently the man going to be affected by this clause was the capitalist. One could quite understand the position taken up by Mr. Hackett, which was not, perhaps, on account of his own individual ownership of property, but on account of the fact that this proposal was only an intimation of what we were going to have afterwards in this colony—a tax on unimproved land values, a tax on land held by capitalists in this colony and improved by the people living in the colony. One could quite understand from the policy adopted by the paper edited by Mr. Hackett, that the hon. member would be opposed to any innovation of this sort. He was quite satisfied that would be one of the forms of taxation not only proposed but carried into effect in this colony.

Hon. J. W. Hackett: What tax?

Hon. J. M. SPEED: A tax on unimproved land values. He did not say it was the single tax, but it was a tax that would apply to both city and country. As to municipalities, mayors and councillors, if they wished to be re-elected, were pretty careful to see that the expenditure was within the income. He thought that all through the colony, whether the municipalities had a Government subsidy or not, the councils applied the money judiciously, and very seldom was there a case in which there was an overdraft at the end of the year. Men who were on these municipal bodies were quite as good financiers as the Government of the colony in regard to their local matters. As to Perth being a decaying city, it must be remembered that when the estimates were made up at the beginning of every year, the council took into account the fact that they had a large subsidy from the Government. If they had not such a subsidy, they would curtail their expenses; and doubtless there would be less improvements in the city than at present. The clause was doubly guarded. First of all, the council had the right to say whether they would undertake the rating in the way proposed; and next they must satisfy the Governor-in-Council that they were able to undertake the work if they adopted that system. If it were asked that there should be no other valuation than that mentioned in the clause, there might be some objection.

Hon. F. WHITCOMBE: Anyone would think this Bill was for the benefit of Perth, and that it was to apply to Perth only.

Hon. J. W. Hackett: Perth was a concrete case.

Hon. F. WHITCOMBE: What did not suit Perth might not have the same effect in other municipalities. Councils need not act under the sub-clause unless they chose, and a council would have to be backed up with pretty strong representations before the Governor-in-Council would consent to the alteration. The Governor-in-Council would require to be satisfied that the ratepayers desired the change in the method of rating. He (Mr. Whitcombe) did not see why the clause should not remain, to allow the country municipalities who desired to avail themselves of this principle of rating to do so. Surely the whole colony was not to be governed by the wishes of Perth.

Hon. J. W. Hackett: The country party would suffer most.

Hon. F. WHITCOMBE: The majority of those who attended the Municipal Conferences were from country municipalities,

and they wished the clause to be inserted. The clause was not compulsory.

HON. M. L. MOSS: The arguments of Mr. Hackett were, in his opinion, exceedingly fallacious, as would be seen by looking at the last part of this clause, and also Sub-clause *d*. The last part of the clause said: "Any council may, with the consent of the Governor, value land solely in accordance with Sub-section (*d*), and in that case shall not change such principle of valuation until the expiration of three years from the adoption thereof." Sub-clause *d* said: "The capital value of ratable land shall be taken to be the probable and reasonable price at which such land in fee simple, exclusive of improvements, might be expected to sell at the time when valued." He did not see that any difficulty could possibly arise in the case put by Mr. Hackett with regard to intervening blocks of land which abutted on two streets, because what would have to be done in a case of that kind would be to make the valuation of a piece of land where it abutted on the road or roadway, and to get the fair value exclusive of improvements. There was very little in the argument adduced by Mr. Hackett and Mr. Haynes, that by taking the improvement from the land the value would be reduced, and therefore the amount of revenue the municipalities were likely to derive would be reduced. The system of rating on annual value could not be changed to the system of rating on capital value excluding improvements, without the consent of the Governor-in-Council, and before the Governor-in-Council would consent to an alteration of the system of rating in municipalities, he would want to be satisfied that the income derived under the new system would be at any rate equivalent to that derived from the present method, namely rating on annual value.

HON. J. W. HACKETT: Would the Governor dare to interfere?

HON. M. L. MOSS said he thought so. He thought the meaning of the clause was that before the Governor would be advised by the Executive to consent to an alteration of the method of raising revenue in a municipality, the Government would want to be satisfied that the municipality would carry on its work and be in a solvent condition. If the clause did not mean that, the Committee had better devise words which would throw upon the Cabinet the power of saying whether or not such alteration should take place. This question should be considered not altogether from the standpoint of how it was going to affect the city of Perth or the town of Fremantle, but also from the point of view of how it was going to affect municipalities with very large areas of unimproved property. We knew there were speculators holding land with the idea of benefiting from the enhanced value which that land would derive from improvements effected by Government money being spent, and the rates spent in that locality. The opinion throughout the colony was immeasurably in favour of the alternative proposal contained in these last four lines. He was quite satisfied with regard to all the new municipalities that the preponderance of opinion was in favour of it, and that one would hardly find any advocates amongst them for the present system.

HON. R. S. HAYNES: Absurd.

HON. M. L. MOSS: The hon. member was entitled to his opinion, but he believed what he said to be the fact. The present system of raising money was inequitable in the extreme. What did it mean? As soon as a man put capital on the land and improved the land, he was further victimised and had to pay the higher rate which prevailed.

HON. R. S. HAYNES: One was able to pay it too. The owner got it from his tenant.

HON. M. L. MOSS: By the present system we were penalising a man who was enterprising enough to improve his property. That was not only his opinion, but the opinion of a very large section of the people of this country. If any alteration in the method of valuation had the dreadful result predicted, the Governor in Council could very rightly exercise the power given, and say that the clause should not be carried into effect.

HON. R. S. HAYNES: How would the hon. member propose revenue should be raised?

HON. J. M. SPEED: That was for the municipality to consider.

HON. M. L. MOSS: Before such a drastic change was consented to by the municipality, the matter would be care-

fully gone into in order that a good case might be placed before the Governor. The suggestion by Mr. Sommers that the term should be reduced to two years was perhaps not a good one, but the principle contained in the four lines, which it was proposed to strike out, was good and ought to receive support.

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

Ayes	...	...	10
Noes	...	...	7
Majority for	...	...	3

Ayes.	Noes.
Hon. J. M. Drew	Hon. G. Bellingham
Hon. J. W. Hackett	Hon. A. B. Kidson
Hon. R. S. Haynes	Hon. A. P. Matheson
Hon. S. J. Haynes	Hon. M. L. Moss
Hon. W. Maley	Hon. C. Sommers
Hon. D. McKay	Hon. J. M. Speed
Hon. G. Randell	Hon. F. Whitcombe (*Teller*).
Hon. J. E. Richardson	
Hon. Sir George Shenton	
Hon. A. Jameson (*Teller*)	

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

Clauses 329 to 337, inclusive—agreed to.

Clause 338—Manner of making rate:

Hon. R. S. HAYNES: The Select Committee had amended this clause, thinking it better to adopt the practice which obtained in all large cities, of making rates payable in moieties on the 1st January and the 1st July respectively. This was a matter generally dealt with by by-law, but some municipalities forgot to pass these by-laws and, therefore, this provision had been inserted.

Clause put and passed.

Clauses 339 to 344, inclusive—agreed to.

Clause 345—Notice of appeal to be given:

Hon. R. S. HAYNES: The Select Committee had inserted a provision that notice of appeal should be given in ten days instead of thirty days, as originally provided.

Clause put and passed.

Clause 346—Entry of appeal, 59 Vict., No. 10, s. 167:

Hon. R. S. HAYNES: The Select Committee amended the Bill by providing that the sum to be deposited on appeal should be reduced from two guineas to one guinea, and the words "whether the appeal be to the Local Court direct, or after previous appeal to the Council," were struck out.

Clause put and passed.

Clauses 347 to 351, inclusive—agreed to.

Clause 352—Distress may be issued:

Hon. M. L. MOSS: A mayor was placed in a very awkward position in having to sign these warrants for distress, and he suggested that an amendment be made providing that the warrant might be signed by a resident magistrate, on a declaration made by the town clerk that the rates were due.

Hon. A. B. Kidson: Let the town clerk sign them.

Hon. M. L. MOSS: That might be done; and personally, in his mayoral capacity, he endeavoured to shirk the responsibility of signing these distress warrants.

Hon. R. S. HAYNES: The clause had been the law for the last thirty years in this colony, and was the law all over Australia, and it was just as well that this large and terrible power of issuing distress warrants for rates should not be resorted to, when there was another method of suing the defaulters in Court. The issue of these warrants should only be used as a last resource, and he would be sorry to leave the power to the sweet will of a town clerk. The landlord of a house had to sign distress warrants, and the mayor, who occupied a responsible position, ought not to shirk the duty.

Hon. C. SOMMERS: This was a most unfortunate duty to place on a mayor, and was shirked by most gentlemen who occupied that position. That being so, some other means ought to be provided, such as authorising the town clerk by resolution to issue these warrants.

Hon. R. S. Haynes: Then the warrants would never be issued at all.

Hon. C. SOMMERS: All that would be wanted would be the decision of the majority of the council; and he trusted members would look at it in the light that the council decided and not the mayor.

Sir GEORGE SHENTON: This was one of the cases in which, if a man accepted the high position of mayor of a city, he should also accept the responsibilities. When a man accepted office as mayor, there were certain duties entrusted to him, and, whether those duties were pleasant or unpleasant, he should carry them out. A gentleman who accepted such a position

should accept all the responsibilities appertaining to that important office.

HON. W. MALEY: For many years he had had experience with regard to rates in Perth. A mistake sometimes occurred, and a town clerk might, through an error, go before a magistrate and get a distress warrant issued, without there really being solid grounds. If the mayor had to sign the warrant, there would be a second person responsible, who would know the position and understand the situation. The mayor would realise the gravity of the circumstances, whereas the stipendiary magistrate would simply accept the statement of the town clerk, whether right or wrong, and often very serious injustice would be done to very worthy people. He would support the clause as it stood.

Clause put and passed.

Clauses 353 and 354—agreed to.

Clause 355—Notice of subdivision or transfer of ratable land to be given:

HON. R. S. HAYNES: The Select Committee had inserted the words, "Every allotment of a subdivision of any land within a municipality shall front on a street not less than sixty-six feet in width, and shall not abut on any way of a lesser width than sixteen and a half feet; provided, however, such street and way shall have been set out after the passing of this Act." Further down the Committee suggested that the Council might refuse to pass any plan showing a blind street or way. That referred to subdivision made after the passing of this Act.

HON. M. L. MOSS: Would it not be better to say provided that the plan had been deposited at the Titles Office?

HON. R. S. HAYNES: There might be cases in which the land was under the Transfer of Lands Act, and the Bill provided that "No plan of subdivision of any land within the limits of a municipality shall be received, registered, or deposited in any office of Titles, or any other public office for the registration and depositing of such plans, whether constituted under the Transfer of Land Act, 1893, or otherwise, unless such plan shall have been first approved of by the council." After the passing of this Act one could not lodge the plan in the Titles Office unless it had been approved of by the council.

HON. M. L. MOSS: That was where the serious difficulty of the thing was.

HON. R. S. HAYNES: This was a copy of the present Act. A person could at any time before the passing of this Act file his plan in the Titles Office, and there would be an end of it. He might do it now, but there must be some point at which we must put our foot down, and we said "the passing of this Act." He thought that was fair.

HON. A. P. MATHESON: As a person who had had some experience of cutting up lands, he did not think this clause would do as it stood at present. Subclause 2 implied, he gathered, that there must be a way of not less than 16½ feet.

HON. G. BELLINGHAM: If there was a right-of-way.

HON. A. P. MATHESON: In that case his objection ceased. Still there were many instances of town blocks with two frontages, in regard to which it would be impossible to have a way 16½ feet abutting. Then, again, under Sub-clause 5 a municipal council might refuse to pass any plan showing a blind street or way. That affected the case of a block with two frontages on main streets. It was necessary to have a blind street or way to allow the men to get to the back of the premises, and to permit of coal, fuel, water, and other things coming in. In such a case a blind street or way would be absolutely essential. Supposing there were a block of land, a portion of which faced Hay street, and the other portion St. George's Terrace, one part being owned by one person and the other by another. Each party would need a blind way.

HON. M. L. MOSS: This provision was not mandatory, but only discretionary.

HON. A. P. MATHESON: Still, it was a very great power to leave in the hands of a municipal council. The clause said "and may refuse to pass any plans showing a blind street or way."

HON. R. S. HAYNES: That meant a *cul de sac.*

HON. A. P. MATHESON: All these little places were *culs de sac.* Suppose there were a block of land facing St. George's Terrace on the one side and Hay street on the other, and each person wanted to have a way in to his premises at the back, there must be a *cul de sac.*

Hon. R. S. Haynes: That was not a street: it was not dedicated to the public. The clause had reference to streets dedicated to the public.

Hon. A. P. MATHESON said that in the case of some land belonging to him which had been subdivided, he had to show on the plan a lane at the back whereby each person could get access to the block, and that lane became a blind street. In a case of that kind the municipal council might under this provision refuse to accept such plan. In his opinion it was not fair to give the council that option.

Hon. R. S. Haynes: One must give a municipal council credit for some brains.

Hon. A. P. MATHESON said he did not. Members complained every day of what was done by the Perth City council and other town councils.

Hon. J. M. SPEED: The hon. member (Mr. Matheson) was himself in a council once, and he did not improve it much.

Hon. A. P. MATHESON moved that the words "and may refuse to pass any plans showing a blind street or way," in lines 7 and 8 of Sub-clause 5, be struck out. The words were not necessary, and they might prove a very great hardship.

Hon. J. W. HACKETT: There was a difficulty in this matter, and he rather agreed with Mr. Matheson.

Hon. R. S. Haynes: For the first time.

Hon. J. W. HACKETT: No. The cases were rather occasional; but even Homer nodded, and the hon. member nodded occasionally, and sometimes quite reasonably. Suppose there were two blocks of land, one belonging to Mr. Haynes and one to himself, and Mr. Haynes cut up his block, whilst he (Mr. Hackett) did not adopt the same course. If Mr. Haynes provided a right-of-way there must be a blind alley, because the right-of-way terminated at his (Mr. Hackett's) land, and he refused to give a right-of-way, not having cut up his land. In a case of that kind there would be no provision for continuing the right-of-way, and therefore that right-of-way must terminate in a *cul de sac*. In his opinion the municipal council had sufficient powers under other clauses.

Hon. R. S. HAYNES: There was not much force in the objection. If the blind alley were a private way, the council would have nothing to do with it. It was only a question of subdivision. Supposing a plan were deposited showing a carriage way, this being what was called a blind alley, the council would have the power to say that, under the circumstances, they would consent to it, but if a way were to be thrown open, and it was stated that buildings would be erected facing it, the council should have the power to refuse to pass the plan if that way would be a *cul de sac*.

Hon. A. B. KIDSON: This was too large a power to give to a council, because persons should be at liberty to deal with their private property as they pleased, provided they did not interfere with the public or with the principle of the Bill. The clause, with the words left out, were quite sufficient to protect the public, because the council might impose conditions as to the granting of the approval.

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

Clauses 356 to 361, inclusive—agreed to.

Clause 362—Overdraft:

Hon. M. L. MOSS: This clause was practically the same as the section in the existing Act, but he objected to the words in line 3 "for the purpose of commencing, carrying on, or completing works," because thereby the onus was thrown on tho lending bank of seeing that the money was applied to the purposes set forth. This opinion had been expressed by two leading counsel in the colony, and it was a responsibility which it was hardly fair to throw on banking institutions.

Hon. R. S. HAYNES could not consent to these words being struck out, but undertook to add a proviso relieving the bank from the necessity of seeing that money lent was applied to the purposes for which it was borrowed.

Hon. C. SOMMERS moved that in line six the words "one-fourth" be struck out, and "one-half" inserted in lieu. It was desirable the municipality should have power to borrow to the extent of one-half of the income of the year last preceding.

Hon. R. S. HAYNES had no strong feeling on the point, but hon. members ought to understand the effect of the amendment. It was now proposed that a municipality should

have power to borrow one-half the amount of the income expected to be received; but the Government subsidy was uncertain, and could be stopped any year, and a municipality might thus borrow more than it would be able to repay, seeing that the Government subsidy amounted to a third of the income.

HON. C. SOMMERS: The proportion might be made one-third.

THE COLONIAL SECRETARY: One-fourth of the income was quite sufficient for any council to borrow.

HON. J. M. SPEED: This amendment was not asked for by the coastal towns, but by goldfields municipalities, who complained about their expenditure being curtailed, and the difficulty of getting in the rates.

HON. C. SOMMERS asked leave to withdraw his amendment.

Amendment by leave withdrawn.

HON. C. SOMMERS moved that in line 6 the words "one-fourth" be struck out, and "one-third" inserted in lieu thereof.

HON. A. P. MATHESON asked whether the word "income" was defined in the same way as "income" under Clause 323. Did the word cover the Government subsidy?

HON. R. S. HAYNES: No, it did not; and he would later move that the word "ordinary" be inserted before "income."

HON. C. SOMMERS: In that case the proportion which a municipality might borrow ought certainly to be one-half of the income.

THE COLONIAL SECRETARY: One-fourth was quite sufficient in any case.

Amendment put and passed.

HON. R. S. HAYNES moved that in line 6 the word "ordinary" be inserted after "income."

HON. C. SOMMERS opposed the amendment because it placed the municipalities in a worse position than they were before the amendment was passed allowing them to borrow one-third of their income instead of one-fourth. Why should there be any objection to a council whose estimated revenue was £9,000, borrowing £3,000? A similar course was taken by the Government, and what was desired was power to borrow one-third of the income, inclusive of the Government subsidy.

HON. R. S. HAYNES: It would be preferable to allow councils to borrow half of the ordinary income rather than a third of the full income, because the ordinary income was known, whereas the Government subsidy fluctuated.

THE COLONIAL SECRETARY: This permission to borrow from banks was quite a modern innovation which had acted very injuriously on municipalities, because it encouraged thriftlessness, and a disregard of the duty which devolved on councils of seeing the rates were collected. It also had the effect of penalising the man who paid his rates at the beginning of the year, because he had to pay interest on the overdraft at the bank; and it was highly injudicious to permit councillors to deal with the business of municipalities in this slipshod way. Of course, bankers would be careful in lending to municipalities; but he could not see that the clause would be any advantage, except in the case of newly-formed and small municipalities, and the risk should not be run of allowing councillors to ruin municipalities merely for the sake of the few small bodies. That was how it operated: councils were remiss, and almost (he was going to say) criminally remiss in gathering in the rates. That was a great injustice to those who paid rates in a proper manner. Councils allowed people to go on to the end of the year; obtaining money from a bank in the meantime, and thus making those who paid their rates promptly pay interest on the overdraft at the bank.

Amendment put and passed.

HON. M. L. MOSS moved that the following proviso be added to the clause:—

> Provided that the bank making such advances shall not be concerned to inquire whether the same shall have been obtained for the purposes set forth in this section, nor be required to see to the application of such advances.

HON. R. S. HAYNES: There was no objection to that.

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

Clauses 363 and 364—agreed to.

Clause 365—Amount to be borrowed:

HON. R. S. HAYNES: The clause had been amended, the committee having inserted "two years" instead of "one year." The clause now said: "The amount of money so borrowed at any

time for works or undertakings shall not exceed ten times the average ordinary income of the municipality for two years terminating with the yearly balancing of accounts," etcetera. The term used to be three years, but the committee came to a compromise and suggested two.

Clause put and passed.

Clause 367—Permanent works and undertakings:

Hon. R. S. HAYNES: The clause was almost the same as the provision in the present Act, except that under Sub-clause 15 a council was empowered to purchase land or buildings with money borrowed. And there was a proviso "that in respect of the matters contained in Sub-sections 5 and 6 the consent of the Governor shall be first had and obtained." These things ran into an immense amount of money. At present a council could meet and pass a resolution, and put the seal on it, and the council would be bound by it. The committee thought that something was required to stop that.

Clause put and passed.

Clauses 367 to 386, inclusive—agreed to.

Clause 387—Application of sinking fund to meet debentures:

Hon. R. S. HAYNES: The only amendment recommended was that the money should be paid into a bank to the account of such person or persons as the Colonial Treasurer and the council might determine.

Clause agreed to.

Clauses 388 to 405, inclusive—agreed to.

Clause 406—Power of council as to expending its income:

Hon. C. SOMMERS: This clause provided that the council in any year might expend out of the ordinary income of a municipality any sum not exceeding 3 per cent. of such ordinary income. In the past it had been the custom of the councils to grant 3 per cent. of the income. That was inclusive of the Government subsidy. He would like an expression of opinion from the House as to whether they would consent in the interests of small municipalities to the percentage being increased. His idea was that a municipality having an income of £2,000 a year might be allowed to expend any sum not exceeding 5 per cent. It did not necessarily follow that the Council would grant an expenditure of 5 per cent. Perhaps in a small place where the income was not very great, power might be given to expend 5 per cent. on the first £2,000, and afterwards 3 per cent. He would like the opinion of the Council, and then at a later stage he could submit an amendment in proper form.

The COLONIAL SECRETARY: Three per cent. had been the amount for a very long time, and it was not advisable to alter it for the sake of a few municipalities. At any moment the Government subsidy might be dropped, and in his opinion the Government of this colony would not continue for many years to contribute a large grant to the municipalities. Three per cent. was enough to spend in this direction. The claims for entertainments and things of that sort in small municipalities were not large. To spend the money of the ratepayers on the whisky bottle and other things of the kind was certainly an improper expenditure of public funds. He would sooner see a provision made in the Bill for payment to the mayor of a yearly income for entertainment, rather than see these 3 per cents. increased. These 3 per cents. were liable to a very great deal of abuse, and the consequences which sometimes followed from the spending of them had been severely animadverted upon in the newspapers. He advised members to leave the clause as it stood. To use money in the way he referred to was to take it away from the legitimate purposes for which taxes were levied.

Hon. C. SOMMERS said he only wanted an expression of opinion.

Clause put and passed.

Clauses 407 to 412, inclusive—agreed to.

Clause 413—Conditions under which actions for negligence, etc., may be brought:

Hon. R. S. HAYNES: The proposal of the Select Committee was that the words "and that the action be begun within six months thereafter" be inserted. It was felt that if people intended to bring actions, they should give a month's notice, and the action should be begun within six months thereafter.

HON. M. L. MOSS: One month's notice in writing had to be given, and the action was to be taken within six months thereafter, but it appeared there was no limit of time within which people must give the month's notice.

HON. R. S. HAYNES: In a previous part of the clause it was stated that the notice should be given within ten days after the occurrence of the accident.

HON. M. L. MOSS: That was an unreasonably short time.

HON. R. S. HAYNES: Or sufficient reason must be shown why one did not give notice within ten days.

HON. M. L. MOSS: People should be speedy in taking these steps, but ten days was rather too short a time. He would move that "thirty" be substituted for "ten," in Sub-clause 1, line 6.

HON. R. S. HAYNES: Thirty days would be too long. Let it be twenty.

HON. M. L. MOSS moved that "twenty-one" be substituted for "ten."

HON. R. S. HAYNES said he had no objection.

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

Clauses 414 to 421, inclusive—agreed to.

Clause 422—Notices of demands, how served on owners:

HON. R. S. HAYNES: The only alteration was a provision that the notice should be put up in a conspicuous place.

Clause agreed to.

Clauses 423 to 432, inclusive—agreed to.

Clause 433 Penalty for offences:

HON. R. S. HAYNES: The only amendment was a provision as to how penalties should be enforced.

Clause put and passed.

Clauses 434 to 438, inclusive—agreed to.

Clause 439—Proof in legal proceedings:

HON. R. S. HAYNES: The committee had inserted the words "until evidence is given to the contrary." The previous omission of those words was apparently an oversight.

Clause put and passed.

Clauses 440 to 442, inclusive—agreed to.

Clause 443—Appeal:

HON. R. S. HAYNES: The law at present was that no person could appeal, unless the penalty exceeded £5; and inasmuch as there was the right of appeal, it was thought desirable to bring this Bill in a line with other legislation.

Clause put and passed.

Clauses 444 to 446, inclusive—agreed to.

Schedules 1 to 20, inclusive—agreed to.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

DISTILLATION BILL.

IN COMMITTEE.

Clauses 1 to 37, inclusive—agreed to.

Clause 38—Certain licenses to become void in certain cases:

HON. A. P. MATHESON: This seemed rather a stringent clause, because it was unfair that a man who had an interest or share in a distillery should not be allowed to hold a license. He did not quite see the object of the provision, but he took it to be to prevent a man who had a still on his premises from holding a license.

HON. R. S. HAYNES: The clause was absolutely essential, because a person who had the right to distil spirits should not be a vendor of those spirits in small quantities. If a person had a private still he must keep the spirits on his premises, and it was necessary there should be some precautions. The clause only aimed at those persons licensed to use a still, and another reason for its insertion was that there should be no opportunity for selling raw spirits. Whisky was bad enough in Perth already.

HON. A. P. MATHESON: But the clause would prevent any man who was a shareholder in a distillery from holding a license, the words being "any interest or share."

HON. R. S. HAYNES: "Share"; the word is not "shareholder."

Clause put and passed.

Clauses 39 to 83, inclusive—agreed to.

New Clause:

HON. R. S. HAYNES moved that the following be added to the Bill:

Any person aggrieved by any order or conviction of a justice under this Act, may appeal against such order or conviction, under the provisions of the Police Act, 1892, with respect to appeals.

Clause put and passed.

Schedules 1 to 14, inclusive—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

At 6·30, the PRESIDENT left the Chair.

At 7·45, Chair resumed.

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES AMENDMENT BILL.

ASSEMBLY'S AMENDMENT.

Schedule of one amendment received from the Legislative Assembly, considered.

IN COMMITTEE.

Amendment—Clause 4, strike out last paragraph, and insert the following in lieu thereof:—"The District Registrar shall file the statements so sent in to him in their order, and shall mark each statement with a number corresponding with the number of the entry in the register, and shall insert the name of the informant in the proper column":

THE COLONIAL SECRETARY moved that the amendment be agreed to. It did not alter the law on the question. It was merely a change of a form, the same object being attained.

Question put and passed, and the amendment agreed to.

Bill further reported, and the report adopted.

PUBLIC SERVICE BILL.

ASSEMBLY'S AMENDMENTS.

The Council having made five amendments in the Bill, and the Legislative Assembly having assented to Nos. 1, 3, 4, and 5, and disagreed to No. 2, the Assembly's reasons for disagreeing to amendment No. 2 were considered.

IN COMMITTEE.

THE COLONIAL SECRETARY: It would appear that the Assembly had agreed to the Amendments 1, 3, 4, and 5, and had disagreed to Amendment No. 2. He moved that this Committee do not insist upon the amendment. In doing so he might say the object of inserting the clause was to compel—he thought he might use that word—or at any rate to put pressure on members of the civil service to provide for their families in case of any misfortune happening to themselves. He thought members would agree that this was a very desirable object, although they might, perhaps, disagree with the method in which it was attempted to attain that object. The clause was a very simple one, and seemed to him to accomplish the object very fairly. It was open to the objection that some civil servants might be injuriously affected, but he did not think it was at all open to the interpretation placed upon it by Mr. Stone, who was of opinion that when persons removed from one office to another they would have to undergo a fresh examination and effect a re-insurance, supposing the income were increased. The object of increasing the terms from time to time as the income of the civil servant increased was right and proper. If a civil servant obtained promotion in the service and received a larger salary, he might reasonably be expected to make a little further increase in the provision for the necessities of his family.

HON. R. S. HAYNES: This was an exact copy of the New South Wales Act.

THE COLONIAL SECRETARY: On reconsideration of the clause, members would see it was very desirable that we should have a provision to this effect in the Bill, and the one struck out was certainly far more calculated to accomplish that object than the one moved by Mr. Speed. He did not know that he need say very much more. The subject was debated very considerably at the time by various members, and he was afraid that at that time the feeling of the House was generally against the clause, but perhaps that was due to some little misconception of the meaning and intention of the clause. It was thought great hardship would be inflicted, but in his opinion we might rest assured that such would not be the case. It was desirable to stop appeals to members of the Legislature for assistance in getting an amount of money for the families of civil servants who had died without making provision for them. He knew of many cases in which civil servants who had been in a position to make very fair provision for their families, had not done so, and members were aware that from time to time cases had occurred in which the Legislature had very reluctantly agreed to give some sums of money either in the way of pensions or grants

to widows and children who had been left in indigent circumstances. For these reasons he moved that the House should not insist upon this amendment to strike out Clause 19.

HON. A. JAMESON: It was to be hoped members would remain of the same opinion as previously, and maintain that this clause should be struck out. The matter was very fully discussed, and the amendment was carried upon the voices. The whole House—and it was a very full House—was in support of that clause being struck out, and several very good reasons were pointed out. One was that the clause was opposed to the Truck Act. Moreover, the reasons given for retaining the clause seemed to be very weak indeed. It was said the provision would only apply to future candidates for the public service, and that no hardship would result. Surely that implied that the clause would be a hardship to those who would come into the service in the future. It was said that it was introduced in order to provide for families of civil servants, but what were they going to do with civil servants with no families? Again, was it proposed that there should be insurance according to the number of children a man had? Was there to be an increase of the insurance whenever there was an additional child? It was not laid down whether this was to be an endowment insurance or a life insurance. There was no arrangement as to what the insurance was to be. In another place, a statement was made that there would be a medical examination for candidates in the future, and that it would be no hardship to them to have to insure their lives.

The COLONIAL SECRETARY: There was supposed to be a medical examination at the present time.

HON. A. JAMESON: The examination was of a very indifferent character. There were different degrees of examination. An examination for passing into the civil service was a very different thing from an examination of a commercial nature, when one was testing what a person's life was likely to be. In such a case as that the examination was likely to be one of the most stringent possible, and it became more and more difficult to pass a first-class life insurance examination. Perhaps those who entered the civil service did so because the civil servant's life was a quiet one, and did not require any great exertion, endeavour, or enterprise; and civil servants very often were not in good physical health. Many men at the present time could not pass a first-class life insurance examination.

The COLONIAL SECRETARY: They would not be required to.

HON. A. JAMESON: They could not do it now. It was said that persons in the civil service at present had passed a medical examination, but the examination which admitted them to the service was not one which would admit them to life insurance. The matter having been fully gone into, it would be hardly right to give way. He hoped members would remain firm, and would show that when they had really gone into a matter they meant what they were doing, and were not to be called upon to alter their minds.

HON. R. S. HAYNES: In that case we should have to reject the Bill.

HON. A. JAMESON: We had better do that than give way on a vital point.

HON. S. J. HAYNES: No good reason had been put forward by the Colonial Secretary to cause hon. members to change their opinion. The hardships which might occur, or the wrongs which might be done, by the retention of the clause had been very ably pointed out by Dr. Jameson and others, and if hon. members had to change their minds simply because another place differed from them, they were being treated like children with no ideas of their own. The question had been fully discussed, and he trusted hon. members would not agree to the re-insertion of the clause.

HON. R. S. HAYNES: The issue before the House to-night was totally different to the issue a few evenings ago. The issue then was whether hon. members would consent to the inclusion of the clause in the Bill, and it was decided to strike it out, not so as to wreck the Bill, but with a view of asking the concurrence of the Legislative Assembly. To-night, however, the question was whether the Bill should be thrown out or whether it should be passed with this clause included, because there was no doubt that if the amendment were insisted on, the Bill would be lost, and over a simple clause of this kind.

Hon. M. L. Moss: A very important principle was involved.

Hon. A. Jameson: It was a vital clause.

Hon. R. S. HAYNES: The clause was not vital, because if it worked harshly on present members in the civil service, or on those about to join, it was quite open to the House next session to amend the Bill. This was not a harsh clause, and it was identical with a law which had been in force in New South Wales for several years, without working any hardship. If there were any question as to the rights of the Legislative Council being invaded, he would at once support the attitude taken up by Mr. S. J. Haynes, but some little respect was owing to the opinions of the other House, seeing, moreover, this was the first time that House had disagreed with any amendments made by the Council during the last two sessions. The Colonial Secretary was to be commended for the fair and impartial way in which he had placed the motion before the House.

Hon. W. MALEY said he had spoken to a number of civil servants, and the opinion he had gleaned from them was that this Bill was "something and nothing." The measure was practically useless to those who were at present in the service, and any advantage would be to persons who were likely to enter into the service by competition. No doubt the principle of competition was a good one, but the principle of compulsory insurance did not commend itself to him. He was never insured, and as he regarded insurance as a kind of gamble, it had never commended itself to him as a suitable investment. Only a few days ago a member of the Legislative Council passed an examination for insurance, but subsequently decided not to insure, having come to the conclusion there was "nothing in it." Civil servants who had these views should certainly be allowed freedom to invest their earnings in any way they pleased and it was even more necessary, in the interests of the country, that every civil servant, instead of insuring his life, should expend a sum of £5 in purchasing unalienated land as a provision for old age. Parliament had no right to interfere with the earnings of the people, and he would rather that the Bill were thrown out, than that this clause should be agreed to.

The COLONIAL SECRETARY expressed the hope that hon. members would reconsider the position, and would not, because they had already expressed an opinion, adhere to that opinion if they saw any reason for departing from it. Neither House ever felt in giving way to the other that hon. members were being treated as children, because it was recognised they were reasonable men in both Houses. This was purely a business proposition in the interests of civil servants, the service, and the country, and Dr. Jameson had not put the matter quite clearly. The medical examination at present conducted was quite as strict as an examination for insurance, and the rule of the service was that every person desiring to become a permanent employee must undergo that examination in order to ascertain whether he was fit to carry out his duties. One was surprised to find Mr. Maley enunciating the opinions he had, and which led to the belief that the hon. member had not examined the question very closely. The young man who insured could secure £100 at the age of sixty for a very small premium, and in most societies the return was something like four per cent. for the money, while the life was covered during the whole period. If that was not a good investment it was hard to say what was, and it was the duty of every man to secure a provision of the kind for his family. The clause did not affect present members of the service.

Hon. F. Whitcombe: How about temporary employees?

The COLONIAL SECRETARY: Temporary employees were not affected, but if they sought to be admitted to the permanent staff they must undergo an examination, and admission to the permanent staff would be quite sufficient inducement for them to run the risk. If the examination was against them they would be in no worse position than before, but would simply remain on the temporary staff with the same salary as previously. Looking at the question from a business point of view, in the interests of the civil service and of the State, hon. members might reasonably concede this much to the Legislative Assembly, the members of which seemed to entertain strong opinions after careful consideration. Hon. members, he hoped, would

deal with the question dispassionately, in an unprejudiced way, and would not insist on the amendment.

HON. A. P. MATHESON said he quite agreed with what had fallen from Dr. Jameson. This matter was considered very carefully, and we ought to insist upon the amendment. He had objections to the clause for several reasons. As he had explained, he considered it a very ill-conceived clause. The provision dealing with the increase of insurance from time to time was almost impracticable, and the clause was in his opinion an immoral one. He was strongly opposed to making a man effect an insurance on his life in this manner. The Government ought to make this insurance in bulk for all the employees. The clause was more particularly immoral when one bore in mind that it was going to affect only the new additions to the civil service. Nobody had suggested that the civil servants were going to have their salaries increased, so they were going to be put to an absolutely pecuniary disadvantage compared with other members of the civil service of the same class. It was a harsh thing to suggest that we should throw out a Bill of this nature in an extremely empty House. There were very few members present, and we ought not to deal with a question which had previously been thoroughly thrashed out, without there being a large number of members present. He therefore moved that progress be reported, with a view to having the matter further discussed when more members were present.

Motion put and passed.

Progress reported, and leave given to sit again.

LAND ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: The Bill is not a lengthy one, and I will be as brief as I possibly can. I believe the measure is of some importance, and that it liberalises the land laws of the colony to a very considerable extent, or at least in some important particulars. The experience of the Lands Department has led that department to believe that amendments of the Land Act passed in 1898 are necessary or desirable. Clause 2, which amends Section 17 of the principal Act, is of some importance. It gives the department power in dealing with applications for land to appoint a board, and that is a very excellent provision. It appears that at the present moment if two applications reach the office at one time, the question of who shall obtain the land is decided by lot, which is provided for in Section 18, I think, of the Land Act of 1898. It is now proposed that "the Minister may, in lieu thereof, in his discretion appoint such persons as he may think fit to hold an inquiry and select the person to whom the land shall be granted." All the words after *Government Gazette*, in Section 17 of the principal Act, are struck out. That section says: "All applications for land under this Act shall be made on the prescribed forms, and shall take priority according to the order of their being lodged, with the prescribed deposit, at the Lands and Surveys Office, Perth, or at such other places and offices as the Governor shall notify in the *Government Gazette*." Clause 2 of this Bill provides that applications may be sent by post, and it makes the alterations to which I have referred. Not only can the question as to who shall have the land be determined by lot, but if the circumstances warrant it, the Minister can appoint a board to go into the matter and decide the case. As many as 20 applications have been made for one block, and it is very desirable that we should be able to give the warden or board power to find out who is the most desirable applicant, and to make recommendations accordingly. Clause 4 amends the Act inasmuch as it extends the operation of the Act to grazing leases granted under Part VI., and homestead leases granted under the Homesteads Act of 1893. Clause 5 amends Section 69 of the principal Act by adding after the word "Crown" the words "and such lessee is eligible to select or hold land as a grazing lease." Members will see that is a protection given by the new clause. Section 69 of the principal Act reads thus:—

> If any land applied for as a grazing lease is in the occupation of a pastoral lessee of the Crown, the Minister shall, before approving such application, give such pastoral lessee, by written notice, the first opportunity of taking a grazing lease under the provisions of this part of this Act: Provided that no longer

period than three months from the service of such notice, if within the South-West Division, or twelve months if within any other division, shall be allowed such pastoral lessee in which to make his application.

In Clause 6 another amendment is made in consequence of the great difference between the quality of the land in different parts. It appears that many of these leases are granted to persons in poor country, sandy soil, etc., and so on, and it has been found highly desirable that they shall not be loaded with the same heavy conditions as prevail on better land, and better timbered country; therefore it is proposed to bring them more on an equality. It is provided that they shall not be compelled to spend so much per acre, but that they must spend so much money, and if "the Minister is satisfied that a sum equal to thirty shillings an acre of one-fourth of the acreage of the holding has been expended in clearing and cropping within five years from the date of the occupation certificate, and a further sum of thirty shillings an acre of one-fourth of the said acreage has been likewise expended within seven years from the same date, and that, from the nature or situation of the land, or the composition of the soil, or because of the heavy nature of the clearing, its further cultivation would be out of proportion to the probable returns, or otherwise impracticable, the Governor may discharge the lessee from obligation to make further improvements." "Governor" is here substituted for "Minister." The recommendation of the Minister would have to be submitted to the Executive Council before being approved of, and is a certain guarantee of impartial treatment. I think members will see that this is a very important departure from the Act, as it at present exists, and in my opinion it is likely to be beneficial to a number of persons. With regard to conditional purchase lands, in the past men have taken up land on the sea coast and other places, consisting of sand and scrub, and of no use to agriculture, but fair feeding land, and there has been a desire to give relief to these selectors, as I have already mentioned. It is said that the books of the Land Office show that some have been paying regularly for such land until the price they have paid exceeds in some cases £1 per acre. Provision is made whereby we shall be able to give relief in cases where men have paid 15s. per acre, and have satisfied the Lands Department that no improvements remain to be made. Some relief is also given with regard to second and third-class land granted for grazing purposes or selected. The Bill provides not that the Minister shall have power to decide, but that he shall have power to recommend the Governor. It is also, I believe, found that the clearing of land in the Eastern districts (we will say for instance) and in the South-West varies very considerably. Perhaps in the Eastern districts it may cost from £3 to £4, whilst in the South-Western districts, where the land is much more heavily timbered, the cost may reach as high as £20. Therefore hon. members will see it is very desirable to place these leaseholders upon a more equal footing. By Clause 7, Section 134 of the principal Act is amended by striking out the word "registered" This refers to notices which have to be sent through the post, and provides that it will be no longer necessary for them to be registered. That is a small matter, perhaps, but it is one very difficult of accomplishment by persons in some parts of the country, a post-office not being easily accessible to some of the selectors or farmers in the more remote parts of the country. By Clause 8, Section 146 of the principal Act is struck out, and another inserted in lieu thereof. Section 146 of the principal Act contains the following:—

On the expiration by effluxion of time of any pastoral lease not open to renewal on the same or any other conditions to the same lessee, or upon any pastoral lessee being deprived by the Minister, acting under this Act, of the use of any land held under a pastoral lease, and comprised within an agricultural area or reserve, the pastoral lessee shall, subject to the provisions of this Act, receive from the Minister the fair value of all improvements as aforesaid then on or appertaining to the land of which the lessee has been deprived.

I draw attention to the word "appertaining," because that is an important word struck out. The new clause confines the amount of payment to the fair value of such land, the word "appertaining" being left out. The new part of the clause is: "or which being outside such land and comprised in such pastoral lease have

become lessened in value by reason of such deprivation." Then the word "appertaining" is again struck out. I think myself it will be found that this is an important alteration, and one likely to operate beneficially. It has been inserted in this Bill in consequence of a decision lately given in the Supreme Court of the colony. That decision has altered the practice hitherto followed by the Lands Department, and therefore this alteration of the law is necessary, more especially, I think, in the protection of the selector. The Bill provides that "the amount of compensation to be paid to a lessee by the Minister or a succeeding lessee for improvements shall, in all cases, be determined, as far as may be, in the manner prescribed in Section 148 of this Act, as if the Minister or a succeeding lessee were a selector." Clause 9 provides for the striking out of Section 148 of the principal Act, and it contains the following:

> The holder of a pastoral lease shall be entitled to claim from any person who, under this Act, selects the whole or any portion of such pastoral lease the fair value of any lawful improvements then existing upon the land applied for, or which being outside such land but comprised in such pastoral lease have become valueless or lessened in value by reason of the pastoral lessee being deprived of the land selected.

The words "comprised in such pastoral lease" are new; and the word in the old section (sought to be repealed) is "appertaining." That is a vague term, and, since the decision to which I have referred, it has been found desirable to exclude it. The Bill provides for the appointment of arbitrators, and very much follows the section in the original Act. The latter part of the sub-clause is new, and reads as follows:—

> Provided that if the land is not surveyed at the time it is selected, the said sixty days shall commence to run from the date on which the lessee is informed that the land has been surveyed.

Then it provides, as, I think, in a section of the Act, that if the parties do not select arbitrators, the claim for compensation shall be considered as waived. The part of the Bill which refers to land on the goldfields is important, inasmuch as it is intended to frame regulations which will prevent any abuse of the privilege of surveying and providing residence areas. When we remember that these areas are surveyed as quarter-acre blocks, it will be seen that if the fee simple were allowed at once, the door would be open to all sorts of trading, and the persons who originally took up the blocks would very often be found not to be the proprietors. In fact, it would open the door to dealing with the blocks in a way which is undesirable, and contrary to the spirit and intention of the Act, unless the provision be hedged round with strong regulations.

HON. R. S. HAYNES: Under the original Act lawful improvements must be certified under the hand of the Minister, and must be sheep-proof. Who is to prove that? Look at the definition of "fence" in the principal Act.

THE COLONIAL SECRETARY: The definition of "fence" reads:

> "Fence" means any substantial fence, not being a brush fence, proved to the satisfaction of the Minister to be sufficient to resist the trespass of great and small stock, including sheep, but not including pigs or goats.

HON. R. S. HAYNES: Which means that for all improvements a certificate under the hand of the Minister must be given; and not one squatter in the colony has that certificate.

THE COLONIAL SECRETARY: A residential area may be transferred to any eligible person, but it cannot be sold or sub-let, and no business can be established on it. These areas are established as residential areas for working men and miners, and it would be evidently unfair to permit the erection, for example, of an hotel or anything of that kind. Under the regulations a person may get an area on lease for twenty-one years, by taking possession and residing thereon. Clause 10 provides that lands for which residence leases are granted shall not be sold or granted in fee simple. At present six months' grace is given to an applicant to enter on a quarter-acre block, and that period is by the Bill reduced to one month, with leave to make representations, should the applicant, from some unfortunate cause, be unable to enter.

HON. J. W. HACKETT: You have not dealt with the Northampton case, which is the principal object of Clause 9. I am referring to the case of Dalgety against Murphy.

THE COLONIAL SECRETARY: I cannot say much about that case, because I have not followed the question very closely.

HON. J. W. HACKETT: I believe the Bill was brought in to deal with that.

THE COLONIAL SECRETARY: I think the Bill was brought in on public grounds.

HON. J. W. HACKETT: I think that was the main reason.

THE COLONIAL SECRETARY: I am confining my attention to the Bill, and not to the motives which led to its introduction.

HON. J. W. HACKETT: The object of the Bill is to deal with that question.

THE COLONIAL SECRETARY: The Bill was brought in because the operation of the Act was not satisfactory.

HON. R. S. HAYNES: As shown in the case of Dalgety *v.* Murphy.

THE COLONIAL SECRETARY: If hon. members are acquainted with that case, they can refer to it when they speak. All I know is that the judgment seems to have been eminently unsatisfactory and disappointing. If a wrong has been created by the principal Act—whether in reference to one particular case or, as I assume, to others—there is no reason why an amending Bill should not be brought in to cure the defect, seeing that a common method adopted in Parliament, when an Act is found to a certain extent defective, is to improve the measure in succeeding sessions.

HON. J. W. HACKETT: Do you know what the point is, Mr. Colonial Secretary?

THE COLONIAL SECRETARY: I am dealing with the clauses of the Bill, and Clause 11 provides:

> No lands of which residential leases are granted under this Section, or of which residential leases have been or may hereafter be granted under regulations in that behalf, shall be sold or granted in fee simple.

The Bill provides for regulations, prescribing the terms and conditions on which such leases may be granted. I leave it to Mr. Hackett to deal with the case to which he has referred, because he seems to be fully acquainted with the action which was brought in the Supreme Court in respect of compensation demanded by leaseholders from selectors, and in which the leaseholders, it appears, obtained judgment in their favour.

HON. J. W. HACKETT: Owing to the efforts of Mr. R. S. Haynes.

HON. R. S. HAYNES: Owing to the Government having forgotten to give notice.

THE COLONIAL SECRETARY: As Mr. Haynes was counsel in the case, I presume he does not quarrel with the decision; but, on the other hand, I take it that if he thinks an injustice has been done to selectors, whom we wish to encourage to settle on the land, he will be the first to approve an alteration of the law. I am not very well acquainted with land questions, and without a great amount of study and care, and without a considerable amount of assistance from the Lands Department—which I have not received—I should be unable to deal with the matter as would a person better acquainted with land transactions; but the Bill seems to be an improvement on the old Act, and I move the second reading.

HON. R. S. HAYNES: The Bill will, no doubt, be fully considered in Committee, and all I now say is that a very material alteration of the law is proposed, and one which requires most careful consideration. The Bill is brought in in consequence of a decision of the Supreme Court.

THE COLONIAL SECRETARY: The Bill is not devoted to that one point, but deals with residence areas on the goldfields and other matters.

HON. J. W. HACKETT: But that decision plays the part of "Hamlet" in the Bill.

HON. R. S. HAYNES: If a squatter has a run it generally consists of two or three pastoral leases, which naturally adjoin. He cannot distribute improvements over every one, so he selects a lease and, for example, sinks a deep well and erects sheds; but some person can come along and select nearly the whole of the two pastoral leases, on which there are not many improvements, and leave him with the third pastoral lease of one thousand acres after taking 6,000 or 7,000 acres. He gets no compensation, simply because he is not in the four corners of the pastoral lease. I am not versed very well in matters of the kind, only knowing the effects, but it seems to work a great hardship on the pastoral lessee, because we must always

remember that, although he may hold three or four leases, they all form one holding, run, or station, and if one portion be taken away, the value of the other portions must be deteriorated. In the matter of a well ten miles away, the judge may say that is a question of degree, and I do not suppose any arbitrator would give a penny compensation for a well under such circumstances; but suppose the well be only a few feet away, on another lease? It is just as well to look these matters fairly in the face, and apparently this Bill has slipped through the other House without attention having been drawn to this point.

THE COLONIAL SECRETARY: No.

HON. R. S. HAYNES: There cannot have been much discussion on the point, because it says here "the value of such improvements shall be ascertained by one competent person" appointed by each side. The improvements may consist of fencing under the original Act, and the improvement only becomes a "fence" when approved by the Minister and a certificate has been given by him; but, as I said before, not one squatter in the colony has that certificate. This certificate must come from the Minister himself, and not from a surveyor or any other person; in fact, it was argued in Court, with some show of force, that it was necessary for the Minister personally to inspect the fence before he could give a certificate. How then can this Bill have received the attention it deserved in another House? If improvements are to be valued, the arbitrators themselves should decide whether it is sheep-proof or stock-proof fence, because they could form a better opinion than the Minister for Lands. There are clauses which require considerable discussion, and, inasmuch as there are not many hon. members representing grazing interests, I hope members generally will give this Bill careful consideration. Inasmuch as it is necessary that there should be some amendment of the definition of "improvement," I think that itself is sufficient to justify the second reading of the Bill. I shall support the second reading, and I entreat hon. members to carfully consider the amendment and see how far they will allow it to be introduced. I myself think there is considerable doubt whether it is a good amendment.

HON. J. E. RICHARDSON (North): I do not intend to oppose the second reading of this Bill, on the assurance of the Colonial Secretary that it will not go into committee to-night. It is a very important Bill, and we want to be able to compare it with the principal Act. There are a lot of clauses struck out from the principal Act. The pastoralists have quite enough difficulties under the principal Act, and we do not know what harm will be done if we strike out some of the provisions.

THE COLONIAL SECRETARY: It will not affect the North-west settlers.

HON. R. S. HAYNES: It affects settlers in my province.

HON. J. E. RICHARDSON: I do not know about that.

HON. J. M. DREW (Central): I support the second reading of the Bill, and in committee I will give my reasons at length for supporting almost every clause. I congratulate the Government on the introduction of the Bill.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 8·48 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday 18th October, 1900.

Perth Electric Tramways Lighting and Power Bill: Letter from Perth Gas Company—Cottesloe, etc., Electric Light and Power Bill (private), Select Committee's Report—Leave of Absence—Roads and Streets Closure Bill, first reading—Truck Act Amendment Bill, third reading—Annual Estimates, Debate on Financial Policy, fourth day (concluded)—Votes passed to page 36, Defences; progress—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PERTH ELECTRIC TRAMWAYS LIGHTING AND POWER BILL.

LETTER FROM PERTH GAS COMPANY.

THE SPEAKER: I would like to draw attention to the fact that I have received