

thinks the measure is one that requires further and more careful consideration, I do not want to stand on any rights and claim that the second reading should be proceeded with now.

Mr. Walker: You are aware that in the case against the Fremantle Council the Crown pleaded that no Message had been presented. That was in a case for the recovery of certain fines.

The Attorney General: In that case there was an appropriation, and a Message was necessary.

Mr. Walker: If the Crown take advantage of a thing of that sort what will a private subject do?

The Attorney General: In the Fremantle case it was contended on the part of the Crown that there had been an appropriation from revenue; that being so, there should have been a Message from the Governor. Here there is no such thing at all. Members, however, are now mixing up different matters. I wish to meet the wishes of members, but unless they see fit to object, I will take the Bill through the second reading to-night.

Resumed.

Mr. DRAPER moved—

That the debate be now adjourned.

Mr. SPEAKER: I understand that the Attorney General wishes to reply.

Mr. Walker: Not to the second reading debate?

The Attorney General: There has been no debate to reply to. I hope the member for West Perth (Mr. Draper) will not press his amendment, for the second reading might well be taken through to-night.

Mr. Scaddan: On a point of Order. Has not the member for West Perth already moved the adjournment of the debate?

Mr. SPEAKER: I asked the Attorney General if he had replied, or if he desired to.

The Attorney General: Surely I can ask the member for West Perth to withdraw his motion.

Mr. SPEAKER: Has the Attorney General replied?

The Attorney General: No.

Mr. SPEAKER: The motion of the member for West Perth is therefore in order. Does the hon. member desire to withdraw?

Mr. Walker: He cannot withdraw without the consent of the House, and I object.

Motion put and passed; the debate adjourned.

House adjourned at 10.59 p.m.

Legislative Council,

Tuesday, 1st December, 1908.

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

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT reported that the Address-in-Reply to the Governor's opening Speech had been presented to His Excellency, who had returned the following answer in writing:—

“Mr. President and Honourable Gentlemen of the Legislative Council: I thank you for your Address in reply to the Speech with which I opened Parliament, and for your expression of loyalty to His Most Gracious Majesty the King.

Fred. G. D. Bedford, Governor.
Government House, Perth,
1st December, 1908.”

PAPERS PRESENTED.

By the President : Public Accounts with Auditor General's report to 30th June, 1908.

*By the Colonial Secretary :—*1, By-laws of Fremantle Local Board of Health. 2, By-Laws of Municipality of Claremont. 3, Roads Act, 1902. By-Laws of Tableland Roads Board. 4, Map of proposed Railway—Bridgetown to Wilgarrup. 5, Map of proposed Railway—Nannine to Meekatharra. 6, Map of proposed Railway—Upper Chapman Valley.

QUESTION—MANUFACTURES,
BONUS SYSTEM.

Hon. G. THROSSELL asked the Colonial Secretary,—Have any steps been taken by the Government to secure the permission of the Federal Government for the adoption of a bonus system for the encouragement of manufactures and new industries in this State?

The COLONIAL SECRETARY replied: No; the matter is now being considered.

QUESTION—ABATTOIRS, KALGOORLIE.

Hon. J. KIRWAN asked the Colonial Secretary: 1, Who is responsible for the extraordinarily slow progress made with the completion of the State abattoirs for Kalgoorlie and Boulder, and what is the reason for the delay? 2, When is the work likely to be finished and the abattoirs made available for the purposes for which they were intended?

The COLONIAL SECRETARY replied: 1 and 2, Delay had been occasioned in consequence of the necessity of obtaining the machinery required from American manufacturers. Negotiations for the supply of this machinery were considerably delayed owing to the refusal in the first instance of the manufacturers to supply machinery in accordance with the Western Australian Machinery Act, and secondly, owing to all estimates supplied having been withdrawn in consequence of an alteration in the Federal tariff. The matter has now been finally

adjusted, and delivery of the machinery will be made in the early part of the new year. As soon as the machinery arrives it will be immediately erected.

BILL—CONSTITUTION ACT
AMENDMENT.

Introduced by *Hon. M. L. Moss* and read a first time.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a very small Bill and I do not know that it is necessary for me to say much, as I have, on a previous occasion, explained its provisions to the House. Time did not permit on that occasion to finally pass the Bill into law. The Bill consists of three clauses.

Point of Order.

Hon. R. F. Sholl : I would like to have your ruling, Mr. President, as to whether this Bill is not essentially a money Bill. It is a Bill to indemnify certain roads boards who have levied a tax, which they were not entitled to levy; therefore, I contend, it is essentially a money Bill, and I would like your ruling with regard to the constitutional aspect of the question, whether it should have been introduced in this House or in another place.

The President : I would draw the hon. member's attention to the fact that under exactly similar circumstances and on an objection raised by the hon. member, I ruled as appears on page 24 of the Votes and Proceedings, 1906, as follows:—

“The hon. R. F. Sholl rose to a point of order, and requested a ruling from the President as to whether the Bill should be introduced into the Legislative Council. in view of the provisions of Clause 3, ‘Power to levy.’

The President ruled as follows:—I consider that the Bill can be properly introduced into the Council. it

being in accordance with the general practice of the Council. Standing Order No. 309 of the Legislative Assembly gives cases in which the Assembly will not insist on its privileges. Among these are:—(1) Where payments are imposed in respect of benefit taken or service rendered under the Act. (2) Where moneys are not made payable into the Treasury or in aid of the Public Revenue. In the Bill under consideration, the imposition of a health rate is for a public service rendered under the Act, and is not paid into the Public Revenue of this State."

Hon. R. F. Sholl: That Bill can hardly be said to be on all-fours with this. This Bill is to indemnify certain boards for levying a rate which they had no power to levy.

The Colonial Secretary: It is exactly the same. The clause in question is exactly the same as the clause in the Bill to which the hon. member took exception before.

The President: I have given my ruling.

Hon. G. Randell: The ruling must be challenged in writing.

Debate resumed.

The COLONIAL SECRETARY: The Bill is familiar to the House because it was introduced on a former occasion. Notwithstanding what the hon. member says, Clause 2 is exactly similar to the clause on which the President gave his ruling in the previous instance. This short Bill is brought in for the purpose of enabling certain roads boards to do more economical work in their capacity as local boards of health. Every municipal council, by virtue of being a municipal council, becomes a local board of health. There are numerous local boards of health outside municipal councils, but these generally consist of members of roads boards, but sometimes the area of the roads boards is so great that we have in one area several local boards of health, which are appointed by the Governor-in-Council. It sometimes happens that the boundaries of a local board of health and the boundaries

of a roads board are similar, in which case we always as far as possible appoint the members of the roads board members of the local board of health, because the arrangement is more economical, the roads board secretary acting as secretary to the local board of health, exactly as the town clerk of a municipality is always secretary to the local board of health for the district covered by the particular municipality. Another reason why members of roads boards are appointed members of local boards of health is that in this way members of local boards of health are elected, having been elected to the roads boards. However, a difficulty has cropped up, because the financial year of roads boards begins with our financial year, namely, the 1st July; while the financial year of municipalities begins with the 1st November, whereas the Health Act of 1898 provides that the time for striking the health rate shall be the time provided in the Municipal Corporations Act. So it has come about that where a roads board is a local board of health the necessity is imposed on the members of the board for striking a rate twice in the same year. They strike the roads board rate as from the 1st July, but when the 1st November arrives they have to do the work all over again and strike a separate rate and issue distinct notices for the health rate. In the case of a municipality one notice only is issued; the health rate and the general rate are set out on the one piece of paper. We propose in this Bill, where it will permit of its being done, that where the boundaries of a health board are similar to the boundaries of a roads board, the members of the board shall have power to strike the health rate simultaneously with the time fixed for the striking of a rate under the Roads Board Act of 1902. This amendment was first brought in two years ago. It was also embodied in the consolidating Health Bill introduced to this House the session before last and passed through all its stages here. Unfortunately time did not permit of its final passage through all its stages in the other House, so that the Bill did not become an Act.

But some roads boards, anticipating the passing of the Bill and in order to save a certain amount of expense, levied their health rates at the same time that they levied the roads board rates, namely, the 1st July. It will be noticed that this Bill provides for validating these rates that have been wrongly assessed. There are several health boards who have amounts outstanding; and the rate-payers having found out that the rate is not strictly legal, the boards cannot enforce the payment of the rates, though they are rightly owing by the rate-payers.

Hon. R. F. Sholl : How can they be rightly owing if there is no legal power to collect them?

The COLONIAL SECRETARY : There is a difference between justly and legally. These rates are justly owing if they are not legally owing. There are several roads boards interested in this.

Bill Irregular—Withdrawn.

The President : I have just discovered that the Bill under consideration has 4 clauses, while the Bill that was introduced had only two clauses. I think the Bill must be withdrawn, and the new Bill containing the four clauses introduced, because the Bill the Minister is moving is not the Bill that was read a first time.

The Colonial Secretary : I learn now that a draft copy of the Bill was wrongly distributed. The Bill was not properly distributed until just now, though it is the same Bill with two small clauses added.

The President : The Bill under consideration is not the Bill that was read a first time. This is a Bill of four clauses and must be introduced as from the beginning. The Colonial Secretary's course is to ask leave to withdraw the Bill.

The Colonial Secretary : I move —

That leave be given to withdraw the Bill.

Motion passed, Bill withdrawn.

The Colonial Secretary : May I move that so much of the Standing Orders be suspended so as to allow me to introduce this Bill without notice and take it

through all stages to the second reading?

The President : With the consent of the House.

The Colonial Secretary : I move—

That so much of the Standing Orders be suspended as to allow this Bill to be introduced without notice and taken through all its stages to the second reading.

Hon. R. F. Sholl : That is a most extraordinary proposal to make.

The President : If one member objects it is sufficient.

Hon. R. F. Sholl : I object. Fancy bringing down a Bill and then adding to it.

The President : This is not a matter for debate. If the hon. member says "No," it is sufficient.

Motion lapses.

The Colonial Secretary : I move—

That leave be given to introduce this Bill.

Hon. R. F. Sholl : I object to leave being given. I think it is a very bad principle for the Government to bring down a Bill and have it read a first time, and then to add certain clauses to it, and start with the second reading. If that principle is adopted the Government may bring down a Bill, add fifty clauses to it, and then move that the Standing Orders be suspended and take it through all its stages.

Hon. W. Kingsmill : The Minister should give notice.

Motion withdrawn.

The Colonial Secretary : I give notice that at the next sitting I will move for leave to introduce this Bill. I may be allowed to make an explanation. Mr. Sholl asserted that the Government had introduced one Bill and moved another. A Bill is not usually circulated until the second reading stage, and I was not aware that any Bill had been circulated; but it is not an entirely new Bill; it is practically the same Bill with two small clauses added. I was not aware that any Bills had been circulated until to-day.

**BILL—PERMANENT RESERVE
(SUBIACO) REDEDICATION.**

Second reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: Hon. members know that there is a Permanent Reserves Act, and that once a reserve has been put under that Act as a class A reserve, its purpose cannot be changed unless a small enabling Bill is passed. This is a small Bill to change the purpose of a certain reserve at Subiaco. Those acquainted with the suburb know that there is a garden at the corner of Bagot and Rokeby Roads controlled by the municipal council, but it is a small area of irregular shape, and it is desired to enlarge it by including a certain portion of an adjoining reserve which is mostly used for school purposes. I have a copy of the plan if hon. members wish to inspect it. A small portion of a large reserve now used for school purposes is to be added to the reserve known as the Subiaco Gardens.

Hon. R. F. Sholl: What is the area?

The COLONIAL SECRETARY: About one rood.

Question put and passed.

Bill read a second time.

BILLS (3)—FIRST READING.

1, Supply; 2, Midland Junction Boundaries; 3, Early Closing Act Amendment; received from the Legislative Assembly.

BILL—YORK RESERVE.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a very small Bill indeed: it simply consists of one clause apart from the title. It deals with a certain town lot in York, No. 211, which is at present held by the municipality of York, and it "may be used and enjoyed by the inhabitants of such town for public recreation purposes solely." The council of York point out that they have sufficient recreation grounds and this land is not required for that purpose; but they do not wish to dispose of it but

wish to use it for other purposes. They have been advised by the Crown Law Department that it would be better to have a Bill passed enabling them to do this. Though it is still to be used for municipal purposes it is not to be used strictly for the purpose for which it was granted years ago. The municipality consider they have sufficient recreation grounds without this lot, and they want some place on which to erect sale yards, and this block is suitable for the purpose; that is the reason members are asked to pass this Bill, so that the municipality can use this for the purpose of sale yards.

Hon. J. W. Hackett: What other recreation grounds are there?

The COLONIAL SECRETARY: I could not give you the entire area, but the people of York are quite satisfied that they have sufficient recreation grounds without this one. I have a lithograph of the town of York here so that members can see the different reserves marked upon it, also this particular town lot, which it is proposed to convert for sale yard purposes. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—Change of part of reserve York town lot 211:

Hon. J. W. HACKETT: What other recreation grounds were there in York?

The COLONIAL SECRETARY: Within a very few chains there were park lands containing at least 20 to 25 acres, and within four or five chains there were other reserves, besides there were several lots for recreation purposes in the town. Quite a number, consisting of about 30 ordinary town lots, were marked "reserves" on the plan. A meeting of the ratepayers of York was held and passed a resolution agreeing to the change of this reserve.

Hon. W. MALEY: What was the value of the block of land? Meetings could be held and resolutions carried, people voting for the resolution knowing little of

the value of the land, and indifferent as to the result. Meetings were sometimes largely attended and at other times very few people were present.

The COLONIAL SECRETARY: It was not a question so much of what the value of the land to the State was, for the State had parted with the land many years ago, having given it to the council of York for municipal purposes. The municipality owned the block to-day, therefore it did not matter to the State really what it was worth. The Bill only changed the purpose.

Hon. R. F. SHOLL: The people of York might approve of the change of the purpose of this reserve, but Bills of this character should not be brought down without notice, for the change in the purpose of the reserve might affect some individual owner. If sale yards were erected on this reserve they might become a nuisance to residents near by. Notice of the change of the purpose of a reserve should be given to adjoining owners of property so that they would have an opportunity of protesting against the Bill if they thought fit.

Hon. C. A. PIESSE: Members should be careful in dealing with reserves, for persons buying land fronting a reserve would pay a higher price for the land than for land which had not a reserve in front of it. Bills of this character should be introduced in another place, because district members were more in touch with towns-people than were members representing provinces.

Hon. V. HAMERSLEY: A portion of this reserve had been used for many years past as a football field, but now there was a better football field in York. The municipality leased a portion of the reserve in question to a private company to erect sale yards thereon, and at the end of a certain term the sale yards were to revert to the municipality. That term must have elapsed. Successful sales had been held at these yards for years past, and he supposed it was on discovering that the block of land on which these sale yards had been erected had been granted to the municipality for recreation purposes that the Bill had now been brought forward, the land having been

leased illegally. The land could not be put to better purpose than for a sale yard. It had been used for that purpose for five or six years past.

The COLONIAL SECRETARY: This Bill passed through the Legislative Assembly last session with the approval of the member for the district, therefore, Mr. Sholl was not correct in stating that the measure had been brought on without notice. Notice of the introduction of this Bill was given almost a fortnight ago, and the Bill had been on the Notice Paper for quite a fortnight, so that there was nothing to complain of in that direction. As Mr. Hamersley had pointed out, this reserve had been used for the purpose for which it was now desired to use it for years past.

Hon. W. MALEY: There could be seen no objection to the land being devoted to the proposed purpose at the request of a public meeting and of the member representing the district. Still, there could be no doubt there was but meagre information before the House with regard to the purposes for which the land had been used and indeed for the purpose for which it was intended. The House was fully justified in having spent so much time in trying to discover exactly the value of the property being dealt with.

Progress reported.

BILL—EMPLOYMENT BROKERS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: It will not be necessary to detain the House at any length, because, although at first glance it may seem a somewhat big measure, such is not really the case. We have had an Employment Brokers Act on the statute book ever since 1897, and this present Bill is really a re-enactment of the existing Act with the addition of Clauses 15, 16, 17, and 27. This Bill is to regulate the management of employment brokers' offices or, in other words, labour registry offices. Up to a certain point the existing Act has been a good one, but it has been found deficient to the extent that it provides no power for the Governor-in-Council to

make regulations for the purpose of controlling the charges made to employees. Certain abuses have sprung up in certain registry offices, which we have been unable to redress on account of having no control. Otherwise all the sections of the present Act are good, and have served their purpose very well. In Clause 15 it is provided that a list of charges be posted up in the registry office. Clause 16 provides a penalty for charging fees other than in accordance with scale. Clause 17 provides that a contract for fees other than those in the scale shall be void. So it will be seen that they cannot make contracts outside the Bill or the regulations. But the most important clause is Clause 27, and hon. members will see—

Hon. J. W. Hackett : Are these fees the same as before?

The COLONIAL SECRETARY: Yes; everything is the same, with the exception of these Clauses 15, 16, 17, and 27 which are new. The others are word for word identical with those in the existing Act with perhaps one small exception in Clause 3, giving a definition of a servant seeking employment. Clause 27 is, as I say, the most important, and really is the reason for the whole Bill. It provides that the Governor may make regulations for carrying into effect the provisions of this Bill, and for prescribing a scale of payment or remuneration chargeable by and payable to employment brokers by employers and servants, or either of them, in respect of the hiring of servants either generally or in respect to any particular class of engagement, or to the sex of the persons engaged or to be engaged. At the present time there is no provision made as to what a broker may charge an employee, and therefore the Governor-in-Council cannot regulate the charges. In consequence there have been cases in which extortion has been used by some of the brokers, while on the other hand others have acted very fairly. This clause also gives the Governor-in-Council further power to make regulations providing that part of the charge shall be borne by the employer. The last part of the clause provides that the regulations

shall be published in the *Government Gazette* and laid on the table of the House. It is very necessary that we should have an addition to the present Act in the direction I have indicated.

Hon. W. Kingsmill : Do you think you will get it through both Houses this session?

The COLONIAL SECRETARY: Yes; there is nothing to get through. It might have been brought in by way of a small amending Bill simply giving the power to make regulations under the Act of 1897. However it was thought better to have one complete Act, instead of an Act and a small amending measure. It is a Bill I know something of because it comes under my department, and I know that this regulation is badly wanted. I trust the House will see fit to pass the Bill in its present form. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

House adjourned at 5.22 p.m.

Legislative Assembly,

Tuesday, 1st December, 1908.

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The SPEAKER took the Chair at 4.37 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier : 1, By-laws of the Fremantle Local Board of Health. 2,