ADJOURNMENT.

The House adjourned at eleven minutes past 9 o'clock, until the next Tuesday.

# Legislative Assembly,

*Thursday, 18th October, 1906.*



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

PRAYERS.

QUESTION—STEEL RAILS PURCHASE.

MR. H. BROWN asked the Minister for Railways: 1, The name of the purchaser of the £5,196 worth of steel rails taken up between Roelands and Bunbury? 2, The price per ton?

THE MINISTER FOR RAILWAYS replied: 1, The material in question was sold to various purchasers, as detailed in the *Government Gazette* on various dates. 2, The total quantity sold was 699 tons of rails at an average price of about £7 per ton, and 42 tons of fastenings at varying prices. The total price realised was £5,190.

QUESTION—FREMANTLE RAILWAY BRIDGE, ALTERATIONS.

MR. H. BROWN asked the Minister for Railways: When is it the intention of the Government to put in hand the contemplated alterations to the old Fremantle Railway Bridge, to facilitate river traffic?

THE MINISTER FOR RAILWAYS replied: No decision has yet been come to as to whether the whole or any portion of the cost of this work should be defrayed by the Government.

QUESTION—KATANNING-KOJONUP RAILWAY REPORT.

MR. H. BROWN asked the Minister for Works: Do you intend to place on the table of the House the report of Mr. Jeffray, of the Public Works Department, on the Katanning-Kojonup Railway? If so, when?

THE MINISTER FOR WORKS replied: There is no officer named Jeffray in the Public Works Department, and I have no knowledge of any report by a Mr. Jeffray.

QUESTION—TICK-INFECTED CATTLE.

MR. WALKER asked the Premier: In view of the statement of the Minister recently that "no beast suffering from tick fever was allowed to leave the quarantine ground, but was there destroyed," etc., are you aware that early in September (or thereabouts) a number of tick-fever-stricken cattle were landed at a goldfields railway station, three of the beasts being in a dying state, and they were condemned immediately upon being killed?

THE PREMIER replied: Yes; 51 bullocks were trucked to Kalgoorlie on August 29th; three developed tick fever, and the carcases were condemned after slaughter. All the cattle were apparently healthy when leaving the quarantine grounds, the disease, which takes a certain time to develop, manifesting itself during transit.

PRIVILEGE—OFFENSIVE REMARKS BY A MEMBER.

THE ALL-NIGHT SITTING.

MR. A. A. HORAN (Yilgarn): As a matter of privilege, I desire to draw attention to a report that appears in both of the daily newspapers this morning regarding something that is alleged to have transpired here on the occasion of

the all-night sitting of the Assembly, in the morning hours, and I do so indeed with the greatest regret, more especially in view of the fact that the honour of this Parliament is to some extent impugned, as well as the honour of an individual member in it. I defend myself against a charge, and I will ask the House to express an opinion upon it before I have finished with it. Before I read the reports in the newspapers I did not know such remarks had emanated from the honourable member. I am afraid that, with all due respect to this House, I shall be obliged to drop the term "honourable" and simply use the words "the member for Mount Margaret." Notwithstanding the fact that I had been in the House continuously throughout the night and had submitted, as most members had to submit, to some of the most blithering, idiotic statements ever made by any man in a Parliament, or any community of this State, at an early hour in the morning I came in to support the hon. member, and what transpired is reported thus in the Press:—

> Mr. Taylor again protested against the action of members of the Ministerial side of the House, who, he said, had been absent from the Chamber all night, and who came refreshed early in the morning and made insinuations across the Chamber, treating important questions with levity. One had only to look at the member for Yilgarn to see where he had been all night.
>
> Mr. Horan: I've been here all night.
>
> Mr. Taylor: He has drowned his mental faculties with beer.
>
> The Chairman: Order! Order!
>
> Mr. Taylor: I am not going to stand the idiotic grin of a man primed with liquor.

That is the portion that concerns me. It is a matter of extreme regret to me to bring this House into the lowered respect it was brought into the other night; but I am afraid that in justice to myself I shall be compelled to take the course I do now. In justice to the House and to the finer instincts of humanity, the instincts of a gentleman which are so altogether foreign to the member for Mount Margaret apparently, I have to mention this matter here. Everybody is aware that the hon. member knows nothing about politics. His knowledge of politics is on a parallel with his knowledge of the instincts which should prevail between the different sections of this House and the different members in it.

THE DEPUTY SPEAKER: The hon. member must not reflect upon any member of the House.

MR. HORAN: Certainly not. I desire to state that the *Morning Herald* reports that members exclaimed "Oh! oh!" evidently in utter disgust at the hon. member's absurd remarks because, as members apparently at the time were aware, they were totally unjustifiable. It is a personal reflection, but if we are to go into personalities as the hon. member is prone to do, though I have never yet descended to like statements when dealing with the administration of business, he may be excused. On the other hand I may be excused for resenting the remarks of the hon. member, and I will have to again drop the word "honourable" because his actions in this case seem to me to indicate a total absence of truth; and all I ask the hon. members of this Chamber to do is to say whether he is justified in his reckless remark. I met him in the Reading Room this afternoon, and drew his attention to the statements that appeared in the *Morning Herald* and *West Australian*. Certainly I had never heard the remarks uttered. When I was present there was a good deal of cross-firing in the early hours of the morning. I never heard those remarks, otherwise I would not have allowed them to pass without immediately calling for their withdrawal. I drew his attention to them to-day, and his reply was that he did not know what he said and what he did not say; everybody was getting at him. He asked for an authoritative report. I do not know anything about an authoritative report. *Hansard* has not yet been issued.

MR. TAYLOR: I do not know whether the hon. member is fair in making me say things I did not say. I did not say the words the hon. member has accused me of saying in the Reading Room this afternoon.

MR. HORAN: I asked him whether he proposed to take any action, taking the statement in the newspaper as correct. He said "You can take whatever course you think fit."

MR. TAYLOR: That is true; it is the only part.

MR. HORAN: The hon. member in making that remark should have a good

deal of consideration extended to him. Heaven knows how much consideration was extended to him when he occupied a high position in this State, but apparently that came to a limit somewhere, and he was eventually thrown overboard. But there was a time, too, when in all probability this House would have been prepared to listen to the hon. member when making a political speech. But I say his remark was beyond the limits of the operations of this House, and I question whether the Speaker or Chairman in charge of the Committee had a right to allow such a remark to be made without my knowledge. The hon. member and myself changed places in a division shortly afterwards and exchanged jokes.

THE DEPUTY SPEAKER: In defence of the hon. member who was in the Chair, I will say that he did not allow the words to pass, but called the hon. member to order at once.

MR. HORAN: With great respect to yourself, I think it was another Chairman who was in the Chair at the time.

THE DEPUTY SPEAKER: Yes. I am speaking in defence of the hon. member in the Chair at the time.

MR. HORAN: I think that according to the newspaper the hon. member for Mount Margaret was called to order, and order was obtained, but I object to the hon. member making these reflections, and above all on a member on his own side. It is a matter of the dignity of this Parliament, and we all stand on one pedestal in that respect. It may be a pedestal, or it may not be, but at the same time we stand shoulder to shoulder to protect the rights and dignities of Parliament. I contend that the hon. member was characteristic that night. In the old ancient days if it had been anywhere else than in Parliament the hon. member's attitude would have resulted possibly in his being arrested by the police on the grounds of insanity. Perhaps he would have taken advantage of the privilege of Parliament, but that would have been the only excuse. He is clever and happy in flinging around insinuations. It was the first thing to meet my eye this morning that this transpired the other night. For all I know it has been telegraphed throughout the whole of the Australian States, causing injury to the person concerned, and that is one of the reasons why the member for Mount Margaret, who has no consideration for others, surely in the future should not expect consideration from other people. That is one of the reasons why I thought if he had any spark of humanity, any gentlemanly instinct in his composition, he would at least have taken opportunity to-night to express to the House regret for what he had stated. Hon. members know that his interjections and remarks were perfectly untrue, and whilst I am not a teetotaller, and I do not mind who knows it, I am not like certain people, including the hon. member himself. I have not this record, anyhow, of being carried home hopelessly intoxicated even as early as four o'clock in the afternoon from Parliament House. I have not that record which the member for Mount Margaret has. And I think that members will agree with me that whilst a little pleasantry may be indulged in now and again, the hon. member goes quite beyond the steps of gentlemanly conduct and ordinary bounds of etiquette in connection with the relationship between one section and the other.

THE DEPUTY SPEAKER: I must suggest to the hon. member not to make farther charges against another member whilst defending himself.

MR. HORAN: I bow to your ruling, but I would appeal to hon. members at this stage, and I have not done yet. I have several shots in my locker for the hon. member. I do not care when or how they are delivered.

THE DEPUTY SPEAKER: The hon. member must not threaten another member in debate.

MR. HORAN: Very well, sir. I have opportunities of making known to the world many things about the hon. member that would bring discredit upon that gentleman; but I refrain from using them. I think that, happily for me anyhow, I stand on a higher pedestal so far as propriety and honour are concerned. But I am compelled to say that, so far as myself and the member for Mount Margaret are concerned, I shall be obliged to refrain from even speaking to him in the Corridor, or speaking to him in the House.

THE DEPUTY SPEAKER: The hon. member is again threatening the hon. member. He must not do so.

MR. HORAN: I certainly shall not even be found in this House when the hon. member is speaking. The hon. member complained the other night that members were absent. No wonder. Unless at the eleventh hour——

THE DEPUTY SPEAKER: The hon. member is again about to threaten.

MR. HORAN: I do not know the threat, but if the member for Mount Margaret is not now prepared to withdraw the statement he has made, I have yet a farther method of dealing with him. I hope I am not threatening. I wish him at any rate to express his regret, because we have been old friends, we have battled together; it seems to come as a most unkindly action on his part, because when at the last labour selection for Mount Margaret the hon. member was defeated, I offered, if my electors desired it, to withdraw from my position so that my electorate might be in his hands. Therefore I think this comes with very ill-taste from the hon. member to myself, who above all things, notwithstanding all the accusations that have been made against me, cannot be accused of an ungenerous action to another man. It comes with bad taste from an hon. member who has characterised himself in this Chamber by slinging accusations and charges about in all directions, which do not, as everybody knows, have the slightest impression on members in the House or on the people in the street. If I picked up the statements made in the street about the hon. member, I could make this Chamber fairly bristle, but I would not do that. I think the hon. member will agree with me now, because we are not exactly at daggers drawn yet—I think the hon. member will agree to an apology for the statement he has made, knowing that it was utterly unjustifiable. I move—

That the hon. member for Mount Margaret be called upon to withdraw and apologise.

THE DEPUTY SPEAKER: Is there any seconder?

MR. A. C. GULL: I second the motion.

MR. G. TAYLOR (Mt. Margaret): I presume there is a motion before the House calling on me to apologise for using words alleged to have been spoken in this Chamber during the debate about 6 o'clock on Wednesday morning. Is that the motion?

THE DEPUTY SPEAKER: That is the question. The hon. member can scarcely speak on it to-day. The House must decide whether the motion be made or not.

MR. WALKER: I do not think the matter should go without debate.

THE DEPUTY SPEAKER: The debate comes after.

MR. WALKER: No. The question is that the hon. member be called upon to withdraw and apologise. It is an open question whether he should be called upon, so it is a debatable question. The hon. member was called to order on the night in question, and furthermore, after two or three days have elapsed it would be a bad precedent to set to call on him again to withdraw.

THE DEPUTY SPEAKER: The ordinary custom is for the hon. member to explain his position and to give an opportunity to the other hon. member interested to reply, and then the House deals with the question; but notice will have to be given of a direct motion if the explanation offered is not satisfactory.

MR. A. J. WILSON: Are we to understand that the hon. member is in order in moving without notice?

THE DEPUTY SPEAKER: I did not take it as that. I take it as a request; but if objection is taken, notice must be given. If the member for Mount Margaret chooses to offer an explanation, the House will be willing to accept it, I am sure; but I cannot allow the matter to be debated without notice.

MR. G. TAYLOR: I take it that I am allowed to make an explanation. I hope I will be able to do so without following the example set by the mover. While I am not, in the opinion of the member for Yilgarn, in any way dignified, and while all the dignity is on his side, and while privilege has carried him to make charges upon myself, which I allowed him to do, I am not going to follow the precedent he has set. All I am going to say is that on the morning spoken of by the hon. member, in reply to an interjection from the hon. member, I retorted in language reported in the Press or thereabouts. I do not know whether I said fewer or

more words, but I am not going to deny or withdraw one of the words, because they were used at a time in the morning when I had stood in my place in this House for hours defending a principle which I believed to be in keeping with the policy I have held for years, and because in the heat of the debate, and under the conditions which existed at the time, I found no other words to express my opinion than those I used. So far as my dignity is concerned in this Chamber or out of it, I will leave that matter to the House, to the country, or to other States where I have been; but if I have abused any of the forms or privileges of Parliament, and if I were called upon to withdraw under the forms and procedure of the House, I would do so. However, if I made use of the words, which I have not denied, and if the Press gallery could hear them and yet the hon. member could not, I only ask the House to consider in what frame of mind and in what condition the hon. member for Yilgarn was at the time.

Mr. Heitmann: Dirt, absolute dirt!

The DEPUTY SPEAKER: The hon. member must not repeat the charge.

Mr. TAYLOR: I am not repeating the charge. I am only saying, according to his own showing, that the hon. member comes forward thirty odd hours afterwards ——

The DEPUTY SPEAKER: The member for Yilgarn might not have been present.

Mr. TAYLOR: The hon. member was present; he said he was present all night. The hon. member said: "It was news to me when I read it in the Press of to-day. I will leave it to the House to decide. I never heard it." I think the member for Subiaco was in the Chair at the time and called "Order," and order was restored. Had the member for Yilgarn taken any farther exception to my remarks at that time, no matter how excited I may have been and no matter how devoid of honour I may be, had he called for a withdrawal I would there and then have withdrawn, as any other member in the heat of excitement and in the cut and thrust of debate would have done. [The Premier: One-sided debate.] I do not know whether it is in accordance with the forms of the House, but only in accordance with the forms of the House will I withdraw. I recognise it is rather late in the day for an hon. member to be called upon to withdraw something that took place at such an early hour of the morning, after being in heated debate for something like 13 or 14 hours. I have no other remark to offer, except that, so far as the friendship of the member for Yilgarn and myself is concerned, it has always been of the most cordial character; but after the charges the hon. member has levelled at me to-day on a point of privilege, it is rather late to ask a man like myself at the eleventh hour to withdraw and apologise. I am not built that way. What I said then I would say again in similar circumstances, and I will leave the matter in the hands of the House. I cannot help remarking that, if my memory serves me well, the hon. member who seconded the motion was not in the Chamber at that stage.

Mr. Gull: What has that to do with it?

Mr. TAYLOR: It only shows the feeling of hon. members who were present, that there was such a delay for a seconder. I have nothing more to say, except that I cannot help remarking on the dignified, honourable, and gentlemanly manner in which the motion was moved.

The DEPUTY SPEAKER: No farther debate can take place. If the hon. member does not choose to express his acceptance, farther notice must be given.

The PREMIER (Hon. N. J. Moore): I take it the hon. member has now stated that, should it be the desire of the House that he should withdraw, he is prepared to do so. As one who was present during the whole of the debate on that evening in which the member for Mt. Margaret took such a prominent part, and as one who regrets that in the heat of debate members are possibly drawn into using expressions which in other circumstances would not be used; if the hon. member recognises that much, it will not be asking too much of him—and in this I think I am voicing the wishes of every member of the House—that he should withdraw the expression.

The DEPUTY SPEAKER: I understood the hon. member withdrew the words complained of.

MR. H. DAGLISH (Subiaco): As the member who was presiding at the time, and the member for Yilgarn having referred to me in this matter, I desire to point out that if I had heard while in the Chair words as reported in the Press, I should certainly at once have objected to them and required their withdrawal. [MEMBER: Did you hear them?] I did not hear them. At that time there was a considerable cross-fire of interjection going on; and just previously—so far as the newspaper report shows this event to have occurred—a reference was made to the fact that the member for Perth (Mr. Brown) had also made a certain reflection on another member who was speaking. When that point arose, I pointed out to the Committee that I had not heard the remark by the member for Perth. It is impossible, when there is this cross-fire, for a Chairman to hear everything that is said by every member who happens to be speaking. I desire again to say that if I had heard the remarks that are attributed to the hon. member, I should certainly have required a withdrawal. And if I may be permitted to go a little farther, I should like to say that every hon. member who has taken an active part in an all-night sitting has, at one stage or another of that sitting, used words that he has afterwards regretted; and there is no loss of dignity on the part of any member in admitting that the heat of debate had perhaps carried him farther than he would go under other conditions, had carried him to a point which he would certainly not have touched had he been more cool and more calm. I hope the member for Mt. Margaret will absolutely withdraw any reflection that may have been cast on the member for Yilgarn. I may go this one point farther, and say that I saw nothing in the proceeding of the Committee—and I was presiding for the greater part of the night—that could reflect in the slightest degree on any member of this House.

MR. DEPUTY SPEAKER: I cannot allow any farther discussion on this question; but if the member for Yilgarn chooses to accept the withdrawal which has been tendered, the matter may be closed.

MR. HORAN: In view of the fact that the hon. member has decided to withdraw if the House so desires, and while I regret he did not do so before, I am prepared to accept that; but I think that any member who uses words such as he did should be called upon to apologise for them.

[Interjection by MR. HOLMAN.]

THE DEPUTY SPEAKER: Order!

## FEDERAL UNION, REFERENDUM BILL.

### AS TO NOTICE OF INTENTION.

MR. F. C. MONGER having given notice to move for leave to introduce a Referendum Bill—

THE PREMIER (Hon. N. J. Moore) said: In view of the fact that the motion intended to be moved by the hon. member involves questions of great importance from a constitutional point of view, and inasmuch as one of the provisions of such a Bill is that certain money shall be provided from the Consolidated Revenue, necessitating a message from the Governor, also in view of the fact that the proposed Bill raises the question whether a referendum shall or shall not be submitted to the people as to whether they are prepared to disagree with the Imperial Act that is now in force, and these being matters which require farther consideration, the hon. member has agreed to the postponement of the motion I therefore move "That the motion be postponed."

Question passed; the motion for leave postponed.

## PAPERS PRESENTED.

By THE PREMIER: Report of Surveyor General for 1905; Report of Government Astronomer for 1905; Papers showing number of Leases held in various parts of the State, moved for by Mr. Bath.

By the MINISTER FOR WORKS: By-laws of Woodanilling Roads Board; Report of the Metropolitan Waterworks Board for 1905.

## BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

### POWER TO BORROW, DOCK, ETC.

### SECOND READING MOVED.

THE MINISTER FOR WORKS (Hon. J. Price): In asking this House to

pass the second reading of the Bill, I shall endeavour to place before members such information as I have been able to secure on this question, and which I venture to think will be sufficient to justify the Government in bringing this measure down. In the course of my investigations I have had to go through vast figures and many facts, from which it has been difficult to select those which would prove interesting and instructive to members who desire to arrive at a correct conclusion upon this question. This Bill originated some months before the present Government came into power. It was felt by those who were interested in this matter and who knew the disabilities under which the Fremantle Harbour Trust were labouring, and are still labouring, that it was desirable some improvement should be made in the legislation which brought the Trust into existence. The members representing districts surrounding the town I represent entered into communication and consultation with the late Premier (Mr. Rason) and gave him our views; and on the 24th April last we furnished him with a draft scheme somewhat similar in nature to the Bill now before the House. Members of all shades of political opinion took part in these conferences, and arrived at the same conclusion in respect of this matter. When I say that the member for North Fremantle and the Fremantle members in the Upper House, who are deeply interested parties, arrived at the same conclusions as myself, one may fairly claim that there is nothing of a party question about this measure. The old Act was defective in many particulars, and I shall endeavour to give the House an idea of those difficulties and disabilities under which consignees laboured, and under which they would still be labouring were the Act carried out in its entirety. I may point out that in regard to the question of handling cargo there is no liability under the present Act placed on the Harbour Trust in respect of cargo from the time it leaves the ship's slings until it reaches the consignees' vehicles. This was found to be an especial and very great disability, so far as the consignees were concerned. The Fremantle Harbour Trust Act has been regarded generally in the nature of an experiment; under it, the board was purely and simply an administrative body, being only the collectors of dues. Under that Act, it actually had not power to engage a man to wheel a barrow-load of cargo from the ship's slings to the sheds, or to give receipts to ships for cargo received. When the Trust took over the control of the harbour, a ship might come into the port of Fremantle with a bill of lading which strictly limited its liability in respect of cargo to the time it left the ship's slings. That cargo was handed to the consignees through stevedores employed by the shipping companies; but neither the stevedores nor the shipping companies accepted any responsibility in so far as the cargo was concerned during the landing. This led to no end of trouble and difficulty between the merchants and the shipowners; and after the question had been thoroughly threshed out, both parties approached the Harbour Trust and asked them to take over this responsibility. As a matter of fact, the Act confers upon the Trust, no power to take such responsibility upon its shoulders. However, it was felt that in the interests of all concerned this should be done; and the Government, recognising the situation, concurred in the irregularity. The present position is: If the Government repudiated this arrangement, the liability for any damage which might happen to cargo between the ship's slings and the vehicles would fall on the members of the Trust, either individually or severally as the consignee elected. I think members will admit that this state of affairs was most unsatisfactory, and the present Bill will provide a remedy. The irregular arrangement which now exists is giving the utmost satisfaction; so it appears to me there is every justification for legally empowering the Trust to undertake this responsibility, though Parliament must bear in mind that if this is done a more up-to-date system of handling cargo at this stage will obtain under the Fremantle Harbour Trust than under any other harbour-controlling body in Australia. Another defect, or what I think is a defect, in the present Act is that it gives the Harbour Trust no power to construct works. This is a common provision in other parts of the world, and one which I venture to think we might

with advantage adopt at Fremantle. There are minor matters, each of which may by itself be of small importance, but which taken together involve serious disabilities affecting the convenience of those whose business leads them to take advantage of the shipping facilities existing at Fremantle. I refer to such matters as the control of carriers and the handling of cargo. The existing Act does not contemplate that such work will be undertaken by the Trust. When I ask that certain alterations shall be made in the Act, it behoves me, if I can, to show that in its administration the Trust is worthy of having these farther powers conferred upon it; and when I have finished my statement I think I shall have convinced every member of the House, if he needs convincing, that the arrangements in connection with the harbour have been the most businesslike and effective possible, and furthermore that the institution of the harbour has been and will be of great and lasting benefit to the whole State. Prior to the establishment of the Trust the bulk of the cargo went into the railway sheds or yards, and involved for handling goods an extra expenditure of 2s. 9d. per ton on all goods distributed in the country; that is, comparing the present rates with the rates in vogue prior to the institution of the Harbour Trust. Last year some 130,000 tons of goods of that class was dealt with. Owing to the arrangements initiated by the Trust for loading directly into trucks from the ship's side all inland cargo, a saving to the consumers in the the State of £18,600 per year has resulted from this improvement alone. In addition to the monetary saving, a saving of some 24 to 48 hours in the despatch of goods has been effected; so if we estimate the saving resulting from this improved method of handling cargo at some £20,000 a year, the amount will not be by any means excessive, but probably rather under than over the mark. And when I ask for an alteration of the present Act so as to give increased powers to the Harbour Trust, I think country members will take note of this fact, because this one improvement has saved to the consumers of goods, outside the metropolitan area, some £20,000 per year, and that should go far, in the eyes of those residing in country districts, to justify the existence of the Trust. The position of Captain Laurie as chairman of this body has frequently been commented on, and I think I should be falling short of my duty, and should ignore the knowledge I possess of this matter, did I not mention to the House that some of the improved methods of handling cargo adopted by Captain Laurie and his colleagues on the Harbour Trust, and the reduction in the amount of handling, have done much to decrease the volume of business which he as a stevedore previously transacted at the port. And when we remember that some of these methods are in advance of anything else that exists in Australia, we must admit that in his control of this great national undertaking Captain Laurie has always kept his own ends and his own advancement in the background, and that even if improvements appeared to affect the interests of the stevedore, he never hesitated in doing his best to have them effected, so long as he was satisfied that the general public would benefit by their adoption. I venture to say that Captain Laurie's record as chairman of the Trust will bear investigation, and that if the public only knew the amount that is being saved by his energy, his knowledge, and his enterprise they would be doubly grateful to him for the result. Every ship that comes into the port brings with it small consignments of goods belonging to different people, but stowed together and discharged together. If the Acting Leader of the Opposition and I happened to be two of the consignees, quite possibly our respective consignments, if not very large, might come out of the ship's hold in a most happy state of confusion. In the past this was a source of great expense to consignees. The goods were carted away to the sheds or railway "farms" as the case might be; but at the present moment they are sorted in the sheds and despatched immediately, with a saving to the owners of a sum of 1s. 3d. per ton, which results in a farther saving to the general public of £2,000 a year on the cargo that is handled. All these statements I am making can be proved by any gentleman who cares to put himself under my conduct for a day, to investigate matters at Fremantle. He may farther satisfy himself by documentary evidence

that many of these methods are far in advance of anything existing in any other Australian harbour; in fact, only recently the Melbourne Harbour Trust had shall I say an emissary here watching the doings of the Fremantle Harbour Trust, and many of its methods are now being advocated in Melbourne, while others have actually been adopted there. If, leaving out of sight the mere management of the Trust, we consider the broader question whether the construction of the harbour as a whole has or has not been of benefit to the State, I think we shall see that the State has received every advantage from that great work. Prior to the construction of the harbour, which cost, as we are all probably aware, a sum of £1,400,000, all oversea freight as distinct from inter-State cargo was lightered from Gage Roads at a cost of some 6s. per ton. A very moderate estimate of this cargo handled before the harbour was constructed is some 216,000 tons per year; so it is easily seen that the construction of the harbour has resulted in a saving to the consumers of some £64,950 per annum previously paid away, or for the eight years since the harbour was opened till the 30th June 1906 a gross saving has been made on this account of probably between £500,000 and £550,000. The present saving from the improved methods of handling cargo initiated by the Trust, and from oversea vessels being able to run alongside a deepwater quay and discharge their cargo, amounts in all to some £85,000 a year—a very large saving; and it must be admitted in the light of these facts that the State has had full value, "full measure, pressed down and running over," from the initiation and construction of the Fremantle Harbour. It is sometimes usual to look on this as a purely local concern, something by which none but the residents of Fremantle benefit; and those who desire an extension of this great national work are frequently, and I venture to say are unfairly, looked upon as men who advocate that extension from purely parochial motives. But members will surely agree that the extension is justified if these facts—and I know them to be facts—can be corroborated, if this House can be convinced that a saving of £85,000 per year is being made by the whole of the country through the construction of the Fremantle Harbour and the up-to-date methods of the Trust; and that farther facilities for the port will result, not perhaps in a very great saving, but certainly in an increased saving to the community. I have taken out one item which will, I think, at once bring home to the public the great advantage which the State has derived from this work, and which corroborates some general remarks I have made, and that is a statement as to the wharfage tolls, handling charges, and harbour improvement rates existing at Fremantle, Melbourne, and Sydney. Taking the wharfage tolls first: I find that in Fremantle they range from 2s. to 2s. 3d. per ton of cargo handled; in Melbourne they are from 1s. to 5s., the average about 3s.; in Sydney the amount is 2s. 6d. The handling charges are—Fremantle, 9d. for goods simply stacked, and 1s. 6d. for goods which are not only stacked but are handed from the stack to the consignee; in Melbourne, the charge for stacking is 8d., also in Sydney it is 8d., as against 9d. in Fremantle. The harbour improvement rate is *nil* at Fremantle; at Melbourne, no harbour improvement rate exists; but at Sydney, the harbour improvement rate was instituted in 1904 at 10d. per ton. Another very important improvement in connection with the Fremantle harbour was made when the member for Mt. Margaret was Colonial Secretary and Minister controlling the Trust, that was the alteration in the rate of shipping dues. Previous to that date dues were charged on the registered tonnage of any vessel coming to the port, without reference to the amount of cargo worked. Thus, the Archibald-Currie line, which at that time was endeavouring to open up a trade between Indian ports and Fremantle in such articles as bonedust, corn sacks, wool packs, and so on, goods used largely by producers in this State, paid as much to land 50, 60, or 100 tons of cargo as would a large tramp-steamer coming to Fremantle with four, five, or six thousand tons of cargo. Our continuance of that system would simply have caused the Archibald-Currie Company to abandon the port, and these items the direct importation of which is of such great advantage to producers in this country, instead of coming here direct, would have

been shipped to Adelaide or Melbourne and sent back here by intercolonial steamers.

MR. WALKER: Is there not a good deal of that now?

THE MINISTER: Not with the Archibald-Currie Company's steamers, which now run direct to Fremantle at fairly regular intervals. Many of those steamers paid more in port dues than they received in freight for the goods handled. This position was represented to the member for Mount Margaret when Colonial Secretary; and the alteration in the method of charge which he introduced was subjected to considerable criticism by the mail steamer companies, which many years ago had a fixed charge made for their calling at the port of Albany, and had the same charge continued when they came to Fremantle; and despite the many improvements, the greater facilities, and the increased business which they received on changing their port of call to Fremantle, they desired the continuation of the same fixed charge. However, I like to give credit, even if to a political opponent, where credit is due; and there is no doubt that it was largely owing to the strong stand taken by the member for Mount Margaret on this question that we have the present scale of charges in operation.

MR. TROY: Why did you not say that at the last election?

THE MINISTER: I did say it.

MR. TROY: Then how was it the Labour Government were incapable?

THE MINISTER: At the last election I had other matters in regard to which I could effectively criticise the Government of which he was a member; but I did say it privately on many occasions. Of course it was not my policy to publicly trumpet his good deeds.

MR. BOLTON: And thereby hangs a tale.

THE MINISTER: At that time I heard that I had many virtues myself. However, this rearrangement of the rates, despite the outcry of certain companies, only increased the charges payable by mail steamers by about £10 per steamer per trip; and for that small addition to the charges previously ruling they obtain extra harbour facilities and increased business in passengers and freights. An interesting comparison would, I think, be that afforded by what a small steamer like the Cufic would pay for calling at Fremantle and landing a small amount or even a full complement of cargo, and what she would pay in another port. She came to Fremantle some little time back and landed 681 tons of cargo, and by the present arrangement under which the dues are based on the amount of cargo actually landed she paid £56 17s. 3d. Had she landed the whole of her cargo here, the charges approximately would have been about £150. Had she gone to Melbourne and landed whatever she could carry, the charges for shipping dues would have been approximately £202; while at Sydney the charges would have been pretty close to the charges at Fremantle, and this despite the fact that Sydney is a natural harbour whereas Fremantle is an artificial harbour, constructed, as members know, at great cost to the community. This Bill gives the Governor-in-Council power to vest the whole of the property of the Trust, amounting in value to some £1,400,000, in commissioners, this amount to be a first charge on the harbour; and these commissioners are to be under obligation to pay to the Government 3½ per cent. interest and 1 per cent. sinking fund on this amount. Clause 4 also gives to the commissioners, with the consent of the Governor-in-Council, power to borrow money for the construction of works. The net amount paid to the consolidated revenue by the Trust for the year ended 30th June, 1906, was £53,885, or nearly 4 per cent. on the capital involved. The new Bill also puts the commissioners, in so far as the lighting of the harbour is concerned, on much the same footing as a town council. The alteration in this respect is due to the fact that some unfortunate individual fell on or tripped over one of the rails on the wharf, within a few feet of one of the arc lights, and he successfully recovered large compensation from the Trust. This Bill will absolve the Trust—rightly, I think members will agree—from such liability. If a person trips over a kerbstone in the street and suffers some injury, the municipal council is not responsible; therefore it is unfair to saddle upon the Harbour Trust a greater liability in this respect than exists in the case of a municipality. There is not the slightest doubt—and I

want members to be clear on this point—that if the Bill passes in its present form the Trust will immediately take into consideration the question of constructing a dock. I wish fully and frankly to put that position before members. I see my friend opposite (Mr. Walker) smiles at that—I do not know why. As I have previously explained, this method of dealing with this matter in April last received the personal approval of the late Premier (Mr. Rason). Our port can never be considered as of the first-class until such a work has been established. The port of Fremantle deals with tonnage amounting to one and a half millions per annum. In the United Kingdom, for every 180,000 tons of shipping using a port there is a dock; on the European Continent, for every 300,000 tons of shipping there is a dock; and yet at Fremantle with one and a half million tons of shipping using the port, we have not even facilities for ordinary repairs. In England, at Grimsby for instance, which is in no sense a port of the first-class, being used for small vessels, and the annual tonnage almost the same as at Fremantle, there are three docks, and in consequence of those facilities the amount of repairs done is fairly large. At Wellington (N.Z.), with about half the tonnage of Fremantle, the harbour trust are now committed to the construction of a dock. At Durban (South Africa), with 50 per cent. more tonnage than Fremantle, a floating dock was established some years since, and that has been such an unqualified success that just recently it was determined to initiate the construction of a graving dock at that port.

Mr. Bolton: That seems to show a want of success.

The MINISTER: It is not a want of success. This is a matter on which the hon. member, as a Fremantle member, should be posted, and if he would only make inquiries he would find that the floating dock at Durban has been almost fully occupied since its construction, and that from the amount of shipping which needs docking accommodation the authorities at Durban have come to the conclusion that there is plenty of work for both docks.

Mr. Bolton: I thought you were advocating a floating dock for Fremantle.

The MINISTER: The hon. member surely does not want to draw a red-herring across the track. I am not advocating one class of dock or another at present.

Mr. Bolton: But I am.

The MINISTER: I am not at the present moment. I, like the hon. member, have arrived at the conclusion that it is desirable this question should be left to the Harbour Trust; and I will not permit the hon. member, even by suggestion, to imply that at present I am advocating a floating dock. I am simply pointing out to hon. members that the floating dock established at Durban has been so full of business that the port authorities have found it necessary to provide a second dock, and that second dock, they have determined, shall be a graving dock. At Fremantle we are two thousand miles from the nearest dock, while New Zealand, with only a little over a thousand miles of coast line, has four graving docks at different ports. There is no doubt that the increased facilities given to shippers and consignees at Fremantle, and the increased accommodation provided by the construction of the harbour works, have resulted since the harbour was opened in a very considerable decrease in cost of freights, and also a decrease in cost of insurance; and I submit with every confidence that if this farther work were undertaken, thus making the port in every sense a first-class port it could have no other possible result than a farther decrease in the shipping rates and in the insurance rates to this port. That decrease means a benefit to every individual in this State whose goods enter the State through the port of Fremantle. Then there have been many instances where when once a dock has been established the Admiralty has taken advantage of the fact to use the port for the purpose of docking men-of-war.

Mr. Walker: I am not denying it, but I think it very unlikely they would send a fleet out here.

The MINISTER: I do not suggest that a fleet is likely to come here, but I do suggest that just as certain war vessels dock in the Calliope dock in New Zealand, if a dock were established here there is every likelihood that certain war vessels would dock in Fremantle. At all

events there would be a greater possibility of more vessels of that class coming here. Only those living in a seaport know the advantage of war vessels coming to the State, and what an immense amount of money is spent in the locality at every visit. We know that expenditure in this State, no matter what part of the State it takes place in, confers some benefit on every section of the community. If we take what has happened only since this House has been in session in connection with shipping in docks in this part of the world, it will be remembered that the vessel in which Mr. Rason, the present Agent General, left Albany, the "Afric," met with some mishap. The examination by the diver at Albany disclosed the fact that she had been pretty seriously damaged. She had to go to a docking port, and had there been one in Fremantle that vessel would, it is well known in shipping circles, have proceeded straight to Fremantle. Last Sunday evening I was in company with two steamship captains, who knew exactly the amount of damage which happened to that vessel, and I asked them what they estimated would have been spent in the port had there been a dock in Fremantle, and had she been taken there. They informed me that some £14,000 would have been spent as the result of docking that vessel in Fremantle. Since the House has been in session the steamship "Paroo," in going from Robb's Jetty, I think it was, grounded and was seriously damaged, and it was with the utmost difficulty it was discovered what was the matter with her. Had a dock been handy there is not the slightest doubt the "Paroo" would have immediately been taken there to discover the amount of damage. There are many vessels whose boilers suffer some damage, and they make for Sydney. It would be a great advantage to those vessels if they could go north so that they could get into latitudes where the weather would not be so severe, and there is no doubt that many cripples would make for Fremantle under those conditions. Since I have been residing in the district of Fremantle I have seen many vessels there that badly needed a dock. It is not so very long since two big steamers were in the port at one time, and at the same time the "Paroo" needed docking. Temporary repairs were patched up under great difficulties, but it is a constant occurrence at Fremantle for vessels to have temporary repairs owing to the fact that there are no facilities for docking accommodation. All this has an effect on freights, and it also affects insurance. Then there is another class of vessel which simply never visits the port of Fremantle. I refer to those ships which are near the time for overhauling for Lloyd's classification in some foreign port. It is utterly impossible for those vessels to come in ballast to Fremantle for a cargo of timber, because the next port they make for must be a port where docking accommodation exists, so that to that extent the number of vessels able to visit Fremantle is limited. Very often a reasonable and desirable charter could be obtained from this class of shipping if docking accommodation existed in the main port of this State. I think there is not the slightest doubt that if a dock were constructed we might expect certain regular users of such convenience. For instance, up till quite recently—I want to be frank with the House—I was under the impression that whatever advocates for the dock might say there was no possibility of Singapore boats using the dock at Fremantle; but careful investigation has led me to the absolute conclusion that the vessels trading to Singapore would not dock at Singapore if a dock were in existence at Fremantle but would dock at Fremantle. I find that the cost of docking vessels at Singapore amounts to from £100 to £120 per vessel. The dock companies supply the labour, while the ship-owners supply all the paint, and so on, required in docking operations. I succeeded in getting an individual, who is well acquainted with shipping matters and with the labour market in Singapore, and also with the labour market in Fremantle, to estimate for me what the cost of labour at Fremantle would be to attend to a vessel of the same character as the Singapore boats in dock. I find that the cost of the labour would be some £50 for a vessel which in Singapore cost £120 to dock, thus leaving in Fremantle a sum of £70 for the use of the dock. Then we have this most important fact. A ship will often pay more for certain

requirements in a port where she has plenty of time than she will pay in a port where her time is limited. I understand that Singapore boats stay at Singapore as a rule some three or four days, whereas in Fremantle as a general rule the time is nearer a fortnight, and that port, I am told by those connected with those ships, would be far more convenient for undertaking their docking, for that reason alone. Up to the present the port has been wonderfully free from accident, but I am told by shipping men—I do not give this as my own opinion in this particular matter, but as the candid conviction of individuals who, by reason of their occupation in life, are well qualified to express an opinion on this particular subject—that in all ports there is always the possibility of a large vessel, such as a P. & O. or Orient vessel, when swinging off, having a hawser snapped at an unfortunate moment, and the vessel grounding in some shallow part of the harbour, and receiving serious damage. That possibility exists in almost every port except such ports as Sydney. I ask the House to contemplate what a difficult position any mail shipping companies trading to Fremantle would be in if any accident of that description happened to one of the large mail steamers. The vessel would practically be helpless. It would involve an enormous cost to tow her from Fremantle to a docking port. To the vessel I last came in from England an accident happened when we were in the Gulf of Lyons; one of those events most common in seafaring life. We put into the port of Genoa and went into dock, and in 36 hours came out with the ship fully repaired. I ask members to remember that the port of Fremantle is close to some of the most stormy seas in the world, and within 2,000 miles of Fremantle no convenience offers itself for repairs of that description which happen to such vessels as I have just referred to. This is no new question. I do not claim that if a dock were constructed at Fremantle the receipts from the dock itself would cover the financial charges, but I think I have indicated to this House with a fair amount of clearness that there would be certain indirect gains attached to the construction of such a work, which with the earnings of the dock itself would amply compensate and amply justify its construction. And I think, in relation to an actual work of this magnitude, with all due respect to the opinion of some of my friends opposite——

Mr. Scaddan: It is not national. That is why I object to your method of dealing with it.

The Minister: With all due respect to the opinion of some of my friends on the other side, I think in regard to a work of this magnitude it is far more desirable that its consideration, its preparation, and its carrying out should be in the hands of a number of business men who by reason of their knowledge of shipping matters are specially qualified to deal with this question. What has been the result of leaving it to Parliament for the last 10 years? Opinions have constantly been changing on the subject. Sir John Forrest in 1896, although only 680,000 tons of shipping used the port of Fremantle, determined to construct a dock at the port, and in the Loan Bill of about that date provision was made for a sum of £142,000 for this purpose. On the 10th October, 1900, the following resolution was carried in this House:—

> That in the opinion of this House it is to the best interests of the Colony that the construction of a dry dock at Fremantle should be taken in hand as soon as possible.

On the 3rd July, 1901, in answer to a question whether it was the intention of the Government to commence a dry dock at an early date at Fremantle, and if not would private enterprise be permitted to undertake the work, the Minister replied—

> The bulk of the funds originally voted for this purpose having been reappropriated, the Government intend to reinstate it in the next Loan Bill.

In 1903 the question of a public dock first began to receive consideration. I think my friend the member for Subiaco (Mr. Daglish), when he was Premier of this State, included in his policy the building of a floating dock at Fremantle. It is not my intention to debate the relative merits of these two types of dock. I want to say, with every respect to this House and with every respect to any Ministry which now or in future may be in power in this House, that they are scarcely qualified in this particular matter to decide between the relative merits of these types of dock. At all events, in the

past, although different Ministries have had similar material available to them, they have succeeded in arriving at different conclusions.

MR. WALKER: So may different experts.

THE MINISTER: So may different experts, by all means. But I venture to think that if the hon. member were suffering from some malady which looked like having an unhappy and unfortunate result to him, he would rather have a remedy prescribed by half-a-dozen doctors, men intimately acquainted with what they were doing, than a remedy prescribed by half-a-dozen men taken indiscriminately from this House. And what applies in that case applies in this matter, which is a special and technical subject. I venture to assert—and I think the men who know anything about the question will agree with me—that the past work of the Trust and the enormous saving they have been enabled to make for the State, justify the country in putting the control of these great works in their hands.

MR. DAGLISH: But they are not a committee of experts.

THE MINISTER: They are men intimately connected with shipping I take it that the first question they would consider would be, is a dock justified?

MR. WALKER: Which the Government should decide; not the Trust.

THE MINISTER: With all due respect to the hon. member, Parliament has said time after time that the dock is justified; and in order that the matter should receive the fullest investigation, it would not do any harm if we also submitted the question to men who can most accurately judge the effect such a work would have on freights and insurance. In this Bill the Government of the day retain control. They will be able to veto any particular action of the Trust so far as the dock is concerned.

MR. DAGLISH: I understood that your argument just now was that the Government were not so competent; therefore the Government should not have the right of veto.

THE MINISTER: I did not say the Government were not competent. What I said was that the Trust are more competent in this connection.

MR. DAGLISH: Then the Government should not have the right of veto.

The MINISTER: Unfortunately, the individual who finds the cash always has the right of veto. There are men who might be in themselves unable to settle any question with any degree of certainty or without being able to bring any common-sense to bear on it; but being in possession of the money bags, they can veto individuals whom for the time being they may employ who are more qualified to deal with the matters. That is the case with the Government. We call to our aid expert advice, that of the Trust, and I think the past work of the Trust amply justifies the increased powers we propose to give them.

MR. WALKER: Should not the Government do it?

THE MINISTER: The Government can do all things, but there is a limit to what a Minister can do. From my experience of office I have come to the conclusion that the amount of detail work—and the members for Mount Margaret and Subiaco will agree with me in that respect—the Minister is called upon to undertake very seriously debars him from giving that close consideration to matters of great importance he would very much desire to do; and there is frequently a possibility—I do not say it always occurs or often occurs—when a matter of vital importance to the State may not receive that consideration which it deserves because of these matters of detail with which all Ministers have to deal.

MR. DAGLISH: Would it not be better to relieve the Ministers of these details?

THE MINISTER: I agree with that thoroughly, and if the hon. member can bring forward a proposal whereby Ministers can be relieved of this mass of detail that presses so heavily upon them, I will be with him; but unfortunately there are certain small matters for which the Minister himself is held responsible; and although they may only involve the expenditure of £1 or £5 or £10 or £100 as the case may be, no matter what the amount may be the responsibility rests on the Minister and the Minister must make himself fully acquainted with the items.

MR. HEITMANN: Then appoint Under Ministers.

THE MINISTER: I do not propose to discuss this question of Ministerial responsibility. I was told by the member for Mount Margaret the other day that it was the general rule in this House to leave the Minister introducing a Bill on the second reading as much as possible without interjection. [MR. TAYLOR: That is so.] I am a young member, but I venture to say that it is hardly generous for a member with the experience of the member for Subiaco to fire off these interjections at me, and so for the moment take me off the thread of my remarks. He will have an opportunity to level his criticisms at my remarks at the proper time, and I believe I will have the right to reply, and I venture to say without hesitation that I shall be able to explain any objections he is able to offer to this Bill, and that I shall be able to offer to the House a most satisfactory solution of them. Without going any farther into this matter I am satisfied that in the interests of the country a dock is desirable. I have indicated to those who have listened to me the great reductions in freights and insurance that have already taken place, and I have shown that such a work as this may reasonably be expected to lead to a farther reduction in these two items. I have also shown that there is certain work which undoubtedly would come to the Trust from the construction of a dock. I have also shown that in minor matters there are many points on which the Trust urgently need relief, where certain powers which shall I say they have usurped, but which, even if they did, were for the benefit of the community generally, need the endorsement which this Bill gives. I trust that members will recognise it is quite possible that by a rearrangement of some of the port charges, which will in no way prejudice our own manufacturers or producers, we can more than finance the charges on the loan for the dock

MR. WALKER: That shows that the Trust should not have charge of those arrangements.

THE MINISTER: The hon. member should know that the charges of the Fremantle Harbour Trust are like any other charges, subject to the approval of the Government of the day.

MR. SCADDAN: Is there not a constitutional aspect of that question from a Commonwealth standpoint?

MR. WALKER: Yes, the Interstate Commission.

THE MINISTER: I do not know that the hon. member is such a constitutional authority that his remarks should have exceeding weight on this question. I have it on good authority that it is quite possible that certain charges which would not in any way prejudice—though possibly we are referring to different matters——

MR. WALKER: I say that the Federal Constitution expressly states that we cannot differentiate between our own trade and the trade of the other States.

THE MINISTER: My remarks contain no suggestion of differentiation.

MR. SCADDAN: You used the words "our own manufacturers."

THE MINISTER: I intended to say and I think I did say "and producers," my meaning being that there are certain lines on which we could make a charge which would not act in any way heavily on our own producers and manufacturers, but which would thereby cover any charges in connection with the dock. I would not discriminate between oversea and inter-State shipping in this particular manner. Let it act on all cargo indiscriminately, wherever it comes from. At any rate I have done my best to put before the House a clear statement of the state of affairs so far as this Bill is concerned. There is no figure I have quoted, or definite statement I have expressed, that cannot be fully substantiated. I have shown that in the past consumers have benefited by the construction of the Fremantle harbour. I believe that this benefit may be increased by increasing the powers of the Trust. I am certain that if this Bill is carried, the State generally will benefit by its adoption, and I venture to think that the period of uncertainty in the town I represent will be ended, and that we may look for an increase all round in our material prosperity by reason of the passing of this Bill.

On motion by MR. WALKER, debate adjourned.

BILL—MUNICIPAL CORPORATIONS.

IN COMMITTEE.

Resumed from the 16th October; Mr. DAGLISH in the Chair, the ATTORNEY GENERAL in charge of the Bill.

Clauses 180 to 205, agreed to.

Clause 206—Power to sell:

MR. WALKER asked for explanation. This of course would not affect any estate vested in a municipality for a specific purpose.

THE ATTORNEY GENERAL: The inclusion of the word "trust" in the clause would prevent a municipality from dealing with land granted for a specific purpose, as for recreation or for general municipal purposes; but in respect of land granted in trust for no specified purpose, or an estate acquired by municipal purchase, the council would have a right under the clause to deal with such land as it thought fit, subject to the approval of the Governor-in-Council.

MR. TAYLOR: Could a council, under the clause, sell endowment lands, if it had not been set out in the vesting order that they were granted for a specific purpose?

THE ATTORNEY GENERAL: If the land were granted simply as an endowment and not for any specific purpose, the council, with the approval of the Governor-in-Council, would have power to sell. The clause was identical with the present law.

Clause put and passed.

Clauses 207 to 242—agreed to.

Clause 243—Power to plant trees and erect tree-guards:

MR. TAYLOR: Would the clause give power to a council to plant trees in streets, similar to those which had to be removed lately in Perth?

THE ATTORNEY GENERAL: Yes; but if the thoroughfare was unduly obstructed, the council could be prevented from doing so. Many thoroughfares were of considerably greater width than was requisite for traffic—such as Wilson Street in Kalgoorlie, or at the intersection of Hannan Street, and in such cases the council would be empowered under the clause to plant trees. Presumably the object which prompted the municipalities to make this suggestion was to lessen the width of street to be maintained for traffic.

MR. H. BROWN: The matter was dealt with in the next clause, which provided that there must be 40ft. clear passage.

On motion by Mr. BOLTON, the words "or electric-light" were inserted in Subclause 3 to provide for electric-light poles.

Clause as amended agreed to.

Clauses 244 to 246—agreed to.

Clause 247—Temporary stands:

MR. BOLTON moved an amendment that the following be added to the clause: "by advertisement in a newspaper circulating in the district."

THE ATTORNEY GENERAL: The amendment would have been better if moved to the preceding clause.

Amendment withdrawn; the clause passed.

Clause 247—agreed to.

Clause 248—Council may paint or affix names of streets on houses, etc.:

Mr. TAYLOR: The clause apparently left it to the wisdom of a council to exercise its power under the clause wisely in putting the name of a street on a house the owner of which might object. While it was, doubtless, necessary that the names of streets should be affixed at the intersections, as evidence of the objection by some owners the names of many of the streets in Perth were affixed, not to the corner house, but the fence.

The ATTORNEY-GENERAL: The clause was merely an expansion of Section 244 of the Act of 1900, and was designed to meet such cases as had been cited by the hon. member. Under the existing law, the affixing of a street name to a fence could not be legally insisted on, as the Act only provided for its being affixed to a house; hence the expansion of the clause.

Clause put and passed.

At 6·30, the DEPUTY CHAIRMAN left the Chair.

At 7·30, Chair resumed.

Clause 249—Council may assign a number to each house:

MR. H. BROWN moved that the first paragraph be struck out, and the following inserted in lieu—

(*a*) Cause a number to be assigned to each house in any or every street or way within the municipality, and from time to time alter any number so assigned.

(*b*) From time to time authorise any person or persons to enter upon any house or premises to which a number has been assigned, for the purpose of removing any number already thereon, and of fixing or painting the number so assigned upon the wall, a door thereof, or upon the fence or gate appurtenant thereto.

THE ATTORNEY GENERAL opposed the amendment, which would make the council carry out the duty which the clause as drafted imposed on the householder, who must within 14 days after notice from the council affix a number to his house, and on failing to comply was guilty of an offence. The amendment was unnecessary, as there was a penalty for non-compliance. The conference did not recommend the amendment.

MR. H. BROWN: The amendment would save many vexatious prosecutions; for the council might affix the number, the charge for which would be part of the rate, thus saving irritation.

Amendment negatived; the clause passed.

Clauses 250 to 267—agreed to.

Clause 268—Council may compel owner to clear and fence land:

MR. BOLTON moved an amendment—

That the word "reserve" be inserted after "street."

An owner with land adjoining a Commonwealth reserve at Fremantle had refused to fence, and this led to some difficulty.

THE ATTORNEY GENERAL: While private owners of adjoining lands were compelled to share the cost of a dividing fence, the amendment would practically place on private owners the duty of fencing Crown reserves adjoining their lands. The Crown was not obliged to fence. If such reserve were bounded by the private lands of three owners, and by a road, three sides of the reserve might be compulsorily fenced without cost to the Crown. Notice should be given of amendments of this nature, which needed careful examination. And least of all did he feel competent to do so where any advice given to the Committee would be taken as legal advice. He did not desire to postpone the clause, but if the hon. member would leave the matter open, he (the Attorney General) would undertake to recommit the Bill if on consideration of the point raised it were advisable to do so.

Amendment withdrawn; the clause passed.

Clauses 269 to 282—agreed to.

Clause 283—Council may require owners or occupiers to make or repair crossings:

MR. H. BROWN: This amendment had not been suggested by the Municipal Conference. The clause was apparently an amplification of the present powers of councils in this matter, but the Perth council had been legally advised that the power proposed in the clause was insufficient. He moved that the clause be struck out, with a view to inserting his amendments on the Notice Paper.

THE DEPUTY CHAIRMAN: The procedure was for the hon. member to vote against the clause, and later he could move for insertion of the new clause he desired. The amendment was out of order.

THE ATTORNEY GENERAL would like some reason more specific than a bald statement that the solicitor to the Perth council had advised that the clause as printed was defective. If it could be shown that defects existed in the clause, it would be his duty to see they were removed; but some genuine reason for objection should be adduced before it was proposed to strike out the clause.

Clause put and passed.

Clause 284—Precautions to be taken as to works in progress:

On motion by MR. BOLTON, the words "or removes," in Subclause 3, were inserted to meet the case of a warning light being removed without authority.

Clause as amended agreed to.

Clause 285—Application of this Part (building regulations):

MR. JOHNSON: Had the Municipal Conference agreed to the addition of the building regulations to the Bill? These regulations were not now included in the

Act. Was this departure an attempt at the unification of building regulations throughout the municipalities? If so, it was undesirable

THE ATTORNEY GENERAL: The Bill as placed before the conference contained all the sections now before the House, and in addition a copy of the Bill as drafted was sent to every municipality; therefore, in view of the voluminous amendments which had been made by the conference, one could only assume that in respect to this clause the conference approved of it.

Clause passed.

Clause 286—Plans of buildings to be approved by Council:

MR. H. BROWN: This was another clause not recommended by the conference. He moved an amendment, which should commend itself at least to members of the Opposition, that the following subclause be added:—

> No person shall erect or cause to be erected for human habitation, or allow or suffer to be used for human habitation, any building fronting or abutting on any street of less than 25ft. in width.

This provision appeared in the Act of 1900, but was deleted from the Act of 1903. It was not advisable to permit the erection of habitations fronting on narrow rights-of-way.

THE ATTORNEY GENERAL: If the amendment was to be adopted, it should be added at the end of the next clause.

MR. TROY supported the amendment. A few evenings ago he drew attention to the disgraceful and unhealty conditions under which persons in congested areas were compelled to live, and that evil would become accentuated as population increased. There was ample room for cities and towns to expand, and people should not be compelled to live in unhealthy conditions.

MR. BOLTON: The member for Mt. Magnet obviously misinterpreted the amendment, which did not aim at limiting the area on which a habitation might be erected, but sought only to prevent the erection of buildings abutting on streets of less than a specified width. He opposed the amendment for the reason that in the past it had been allowable to open narrow thoroughfares, with the result that frequently the assistance of Parliament had to be sought to legalise the spending of municipal funds on such streets. Under the amendment, an injustice might be worked to the holder of a block sufficient in area for a dwelling, but on which he would be debarred from building because it happened to front a street of less width than 25ft.

MR. BREBBER: The amendment should be supported. There ought to be a space of not less than 25 feet. Owing to the way in which blocks had been cut up and buildings erected, some places were unsightly and dangerous to health.

THE ATTORNEY GENERAL: The object of obtaining more space for building would not be achieved by the amendment proposed, but if achieved it would be because the person who had to dispose of the land would allow a larger space than any by-law would compel him to allow.

MR. H. BROWN: This amendment was moved solely with the object of preventing the building of dens on five or ten feet which could be erected under the existing law, and simply to give an open space in front of a dwelling.

MR. TROY had understood at first that the member for Perth was moving to provide larger blocks on which to erect houses. The Bill provided that no yard should be less than 20 feet. That was not nearly big enough for a yard.

MR. H. BROWN: As the amendment did not meet with the favour of the Attorney General, he would withdraw it.

Leave to withdraw refused, Mr. JOHNSON objecting.

MR. JOHNSON: The amendment of the member for Perth had his approval, and it did not follow that because the Attorney General disapproved of it the amendment was not a good one. He had strong reasons for supporting it, for we saw not only in Perth but in other portions of the State small dwellings abutting on mere rights-of-way.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 20 |
| Noes | ... | ... | 13 |
| Majority for | ... | ... | 7 |

| Ayes. | Noes. |
|---|---|
| Mr. Barnett | Mr. Bolton |
| Mr. Brebber | Mr. Collier |
| Mr. Brown | Mr. Davies |
| Mr. Butcher | Mr. Gordon |
| Mr. Cowcher | Mr. Gregory |
| Mr. Eddy | Mr. Hudson |
| Mr. Ewing | Mr. Keenan |
| Mr. Gull | Mr. Mitchell |
| Mr. Heitmann | Mr. N. J. Moore |
| Mr. Hicks | Mr. Price |
| Mr. Holman | Mr. Underwood |
| Mr. Horan | Mr. Walker |
| Mr. Illingworth | Mr. A. J. Wilson (*Teller*). |
| Mr. Johnson | |
| Mr. Male | |
| Mr. S. F. Moore | |
| Mr. Taylor | |
| Mr. Troy | |
| Mr. Veryard | |
| Mr. Hardwick (*Teller*). | |

Amendment thus passed; the clause as amended agreed to.

Clauses 289 to 293—agreed to.

Clause 294—Materials for roofs:

Mr. MALE: The materials that could be used for roofing specified in the clause were limited. As the clause stood it would be impossible to use ruberoid or other material commonly used in the North, and if a new roofing material were invented a special Act would have to be passed to enable it to be used. He moved an amendment—

That the words "or other material approved by the council" be added.

The ATTORNEY GENERAL: The wording of the clause was identical with Section 11 of the Building Act, and he was not aware that any difficulty was experienced in consequence of that provision; but under the circumstances the amendment might be passed, though the hon. member should rather ask the Committee to insert the particular material. Councils were being continually appealed to to allow the use of such and such material, and if we specified the materials in the clause a council would have no opportunity of showing weakness in the matter.

Mr. TAYLOR: In these days of invention it was not right to specify what materials must be used. A roofing material might be invented that might be better than any existing roofing material. He was astonished that the Attorney General saw a possibility of weakness on the part of any council. The hon. member had different ideas the other night.

Mr. BREBBER: We should insert the words "or other non-inflammable materials." It would not be wise to tie the hands of the council to any particular material. If the material to be used would not be dangerous by reason of fire to a man's neighbour, it should be used.

Mr. JOHNSON: Clause 285 provided that the Governor could suspend the whole or any portion of the measure, so that it was at the discretion of the municipality whether they adopted this clause.

The ATTORNEY GENERAL: The Governor had the right to exercise the power of suspending the Bill or part of it. If a town was situated under such conditions that it was thought the Building Act should not apply, the Governor could remove the operation of this part of the Act from the municipality. It would be open to that municipality to ask the Governor to declare that only a portion of the municipality should be subject to the provisions contained in this part of the Act we were incorporating. The Building Act was now administered by the councils, but it was better to have it included in this Bill. We could not go far wrong in accepting the amendment. Councillors would not allow a man to use material that would be dangerous to his neighbours.

Amendment passed; the clause as amended agreed to.

Clauses 295 to 297 agreed to.

Clause 298—Buildings, partitions, ceilings, and verandahs of inflammable materials prohibited:

Mr. JOHNSON: This section should not apply in some goldfields towns, for instance the new town at Black Range, if it were converted into a municipality. But if the Governor had power to suspend the operation of this section in any municipality, or in a portion of a municipality, there would be no harm in passing the clause.

The ATTORNEY GENERAL: Apart from the power vested in the Governor-in-Council to exempt, the council under Subclause 4 had power to grant licenses for any term up to three years, exempting any portion of a municipality from the operation of the clause. That was a useful provision, which would meet such cases as that cited at Black Range.

Mr. TROY: The clause went too far. It should not be within the power of municipalities to prevent any section of

the people from erecting habitations of wood, if brick houses were not within their means. In certain municipalities, particularly on the goldfields, stone for building purposes was not always available.

THE ATTORNEY GENERAL: In the first instance municipalities would apply to have only the business centre brought under the operation of the Bill. His reason for desiring to retain the clause was that in many towns which had sprung into existence, miserable shanties erected in the early days remained in position for years. In Kalgoorlie, some buildings survived from the earliest days of the town, and the council had no power to order their removal, although the flimsy material used in the construction constituted a menace to more modern buildings.

MR. TAYLOR: Care should be used as to the application of the clause in newly-created municipalities. Harm would not be done so long as the councils wisely exercised the power to suspend the operation of the clause in portions of a municipality.

THE ATTORNEY GENERAL: The clause would not apply to existing buildings, only to future buildings.

MR. TAYLOR: Apparently then the clause was inserted only for the municipality represented by the Attorney General. In parts of Menzies, Kookynie, Morgans, and other outback towns, buildings within the municipal area would not comply with the requirements of the Bill. Decisions of municipal councils in the past had been arbitrary, and since there was no guarantee that they would not be so in the future, provision should be made whereby people in such municipalities should be permitted to erect buildings suited to their requirements and within their means. Guildford and Midland Junction suffered from the application of this principle under the Building Act; and in his own district there were municipalities in which, if the council acted in an arbitrary manner, a workman would not, under this clause, be able to erect a home suitable for his family.

MR. BUTCHER: Unless the clause were altered, a hardship would be imposed on people of the poorer class who desired to live in towns. Guildford and Midland Junction had exercised their rights under the Building Act greatly to the detriment of settlement in that part of the country, as hundreds of poor men had been driven miles away from Midland Junction, where they were daily employed, because it was not within their power financially to erect buildings which would be acceptable to the municipal council. He moved an amendment—

That the word "wood" be struck out.

MR. BREBBER protested against the amendment. There was a tendency to build with the cheapest materials; and the local authority should have power to see that such buildings were not erected in positions dangerous to other buildings. Unsightly buildings also should be preventable. If the amendment passed, anyone could erect a wooden building in the principal street of Perth. The council must have a discretionary power.

MR. TAYLOR: The last speaker's argument was sound with respect to the business part of large towns; but if in an outlying suburb a man had under the license provided in Subclause 4 erected a wooden building, the council might when his license expired compel him to pull it down; and he might not be able to build in accordance with the Act, and would thus be crushed out. Dangerously inflammable or unsightly buildings should be prohibited in the busy centres of a town; but the clause should not apply to residential areas. It was unfair for the Attorney General to say he (Mr. Taylor) had no high opinion of councillors. Nevertheless, councillors were as likely to err as mayors.

MR. HARDWICK supported the clause as printed, he having had large experience of inflammable buildings in Coolgardie, where in a principal street 30 business places were destroyed by fire at one time, and about 20 at another, many thousands of pounds being lost. Municipal councils, being the elect of the ratepayers, should have this discretion. How unfair would it be if on a vacant block, even in a small municipality, a man were to put up a wooden building beside one that had cost thousands.

THE ATTORNEY GENERAL: As the whole of the Building Act of 1894 was repealed by the Bill, the amendment

would allow anyone to erect wooden buildings in any part of a municipality. That would be intolerable. The mover complained that at Midland Junction the Building Act rendered certain buildings impossible in a certain quarter; but that Act did not provide for exemptions. Subclause 4 of the Bill would give the council discretionary power; and surely councils would not be so blind to their own interests as to block settlement. The council could exempt certain lands in any area to which the clause was applied. In what better authority could the power to exempt be vested?

Mr. TROY: Whilst the people of a municipality might look after their own interests, the council represented residents and property-holders, who, disregarding the material of which their own houses were constructed, would do their best to have new houses built of the most expensive materials. People whose houses were of wood desired future houses to be of brick or stone. In out-back municipalities the hardship would be greater; for bricks were often unprocurable and stone dear, and as a consequence unless a person was financial, he could not build a house for himself. Many out-back municipalities had been stagnant for years but were now going ahead and people were building.

Mr. H. BROWN: Subclause 4 of Clause 285 removed the objections raised. The Governor might, in his discretion, suspend the operation of any provision in this portion of the Bill. Certain portions of the municipality were adapted for wooden structures and in such licenses were very rarely refused. If a municipality started with hessian structures, the majority of the councillors would be far more lenient in granting permission for the erection of other structures. Far-back places required protection from hessian structures being put up alongside a better class of building. When we were making a law for the whole of the State we could not differentiate. He was certain the power would not be abused by the councillors, for if so the ratepayers would not re-elect them.

Mr. WALKER: The hon. member had spoken from the standpoint of Perth.

The Minister for Mines: This clause was required more for the goldfields than Perth.

Mr. WALKER: That was not so Take Broad Arrow or Paddington; if the councillors held the same views as the member for Perth, it would be destructive to the people who owned property there. In some places men could not live in close proximity to their work were it not for the position taken up by members of the municipal councils. He admitted the serious difficulty of making a hard and fast law for all municipalities. There were places where it would be a farce to have regulations of that kind. On some goldfields, purely in their experimental stages, one did not know when the place would be abandoned. He had in his mind's eye the old townsite of Kurnalpi.

The Attorney General: That was never a municipality.

Mr. WALKER: No. It was a magnificent place at one time, so far as goldfields towns went. There were public buildings there, he was going to say, almost fit for Perth, at any rate as fine as the Public Works Office below Parliament House; yet these buildings were now standing useless. The amendment of the member for Gascoyne was a wise one.

The Attorney General: It would allow a wooden structure to be erected in the middle of Hay Street.

Mr. WALKER: That was the difficulty of making Perth the standard. He knew the danger of allowing wooden or hessian structures to be built in the middle of Perth or Kalgoorlie; but there should be special legislation for the larger municipalities. The conditions in the metropolis would not apply to mining townships. He did not see how we could exactly make the distinction.

Mr. JOHNSON: Subclause 4 of Clause 285 provided for this. That clause stated that the Governor might in his discretion suspend the operation of any or all of the provisions of this part of the Bill, so that it was not necessary for municipalities to adopt the whole of these provisions; they might adopt portion of them, or refuse to adopt any of them. Take the municipalities of Midland Junction and Guildford. It was true at one time they had stringent by-laws regulating the class of buildings to be erected, which compelled the workers to leave those municipalities and go to such

places as Maylands, where they could build houses of wood. These municipalities, when too late, saw they were driving residents from the municipality, and amended their regulations, and to-day in a certain portion of Midland Junction men could build of wood. The same thing applied to Guildford. The law should provide that a council could use its discretion. This provision did not work a hardship in the places where there was a little common sense among the councillors. The first duty of a municipality was to obtain population, and the only way to get residents was to give every facility to build. It would be dangerous to pass the amendment, because it would be possible for anyone to put up a wooden building in Hay Street. The clause farther on stated that buildings could not be erected of material of an inflammable nature. It would be left to the discretion of the municipality to decide if wood was inflammable, and we knew it was.

MR. WALKER was not convinced by the speech of the member for Guildford. One would imagine, according to that member, the business of the Executive was, where, when, how, and under what circumstances they were to do this kind of thing. The Governor would never move in the matter. In the case of Guildford and Midland Junction, who would have to move the Governor-in-Council?

THE ATTORNEY GENERAL: Any person.

MR. WALKER: What was everybody's business was nobody's. The council would be the parties to move the Governor-in-Council.

THE ATTORNEY GENERAL: The member for the district should move the Governor-in-Council, if the council neglected their duty.

MR. WALKER: Had they done that? There were districts in which settlement had not gone ahead as the conditions would warrant. The suspension would depend on the initiative. The grievance must be severe before people would complain to the municipal council, and still more severe before they would move their Parliamentary representative to approach the Governor-in-Council. How many members had received such requests?

THE ATTORNEY GENERAL: How often had the necessity arisen?

MR. WALKER: Very often. Perth citizens were now suffering injustice from the Tramway Company, but without attempting to get redress. People in out-back municipalities might be ruined by the clause if one or two councillors with a view to obtain property cheaply condemned poor men's houses. Complaints were rife that condemnations of Perth properties had not always been fair, but that extreme partiality was shown, some disgraceful buildings being allowed to stand, and others fit to exist condemned.

MR. BUTCHER: All the arguments against the amendment were based on experience of St. George's Terrace, Perth, and Hannan Street, Kalgoorlie. Could anyone imagine a poor man acquiring land in either street and wishing to erect there a wooden house? Confine the Building Act restrictions to Perth and Kalgoorlie, without interfering with other municipalities, many of which would suffer severely under the clause. Outside settlement should be unrestricted. He would withdraw the amendment if the Attorney General suggested an alternative, say by scheduling the municipalities to which the building regulations should apply. The Minister did not know the conditions under which people lived in outlying portions of the State.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 12 |
| Noes | ... | ... | 20 |
| Majority against | | ... | 8 |

| AYES. | NOES. |
|---|---|
| Mr. Butcher | Mr. Barnett |
| Mr. Cowcher | Mr. Bolton |
| Mr. Gull | Mr. Brebber |
| Mr. Horan | Mr. Brown |
| Mr. Hudson | Mr. Collier |
| Mr. S. F. Moore | Mr. Davies |
| Mr. Taylor | Mr. Ewing |
| Mr. Troy | Mr. Gordon |
| Mr. Underwood | Mr. Gregory |
| Mr. Walker | Mr. Hicks |
| Mr. Ware | Mr. Johnson |
| Mr. Heitmann (*Teller*). | Mr. Keenan |
| | Mr. McLarty |
| | Mr. Male |
| | Mr. Mitchell |
| | Mr. N. J. Moore |
| | Mr. Price |
| | Mr. Veryard |
| | Mr. A. J. Wilson |
| | Mr. Hardwick (*Teller*). |

Amendment thus negatived; the clause passed.

Clauses 259 to 336—agreed to.

Clause 337—Power to expend money on libraries, recreation grounds, etc.:

Mr. TROY: Was it provided in the Bill that a council could charge an entrance fee to a recreation ground where sports were being held?

The ATTORNEY GENERAL: That power was given under the existing Act. Land was given to municipalities for recreation, and general power was given to see that the land was used for the purpose for which it was originally vested. The council could conduct the ground itself, or could form an association or subcommittee for the purpose of controlling the ground That did not affect this clause. The clause provided that instead of money for improving a recreation ground, libraries, or museums coming out of the three per cents., in future money could be devoted for the purpose out of the ordinary income of the municipality. In many cases the three per cents. were not sufficiently large to provide the money required for these purposes.

Mr. Troy: Was power given to charge a fee to enter these recreation reserves?

The ATTORNEY GENERAL: Fees were charged to-day. The power was given under the existing Act.

Mr. H. BROWN: That power was given in Clause 176, Subclause 29, paragraph (*l*).

Mr. WALKER: Was this to be a means of annihilating Government grants?

The ATTORNEY GENERAL: This had nothing to do with Government grants. In the past, Government grants were the only means the municipalities had of doing these things.

Mr. WALKER: The Government were going to make municipalities meet all their own requirements, down to education, down to museums. Kalgoorlie had received £1,200 from the last Government for the library in that city, but small outlying townships could get no assistance.

The CHAIRMAN (Mr. Daglish): The hon. member was wandering from the clause.

The Attorney General: The Kalgoorlie council had subscribed money for the library.

Mr. WALKER: The Kalgoorlie council could afford to do so, but now every little municipality was to be compelled to build its own library, furnish it, and maintain it. This was an attempt to relieve the Government of their obligations.

The Attorney General: At whose request?

Mr. WALKER: The hon. member must have had a finger in the pie, having got £1,200 for Kalgoorlie.

The CHAIRMAN: Government grants must not be discussed under this clause.

Mr. WALKER: But we were altering the system of subsidising libraries. The Government were going to withdraw their grants, and to compel the municipalities to maintain the libraries.

Mr. Hudson: Perhaps the Attorney General would give assurance that there was no ulterior object in passing this clause.

Mr. WALKER: One would be pleased to learn that the Government were not going to cut off their usual grants to institutes and libraries.

The CHAIRMAN: There was nothing in the clause dealing with Government grants, and no member must deal with that question under this clause unless an amendment were moved to make the question of Government grants relevant.

Mr. WALKER: We should have information as to why this provision was required. It replaced the old system of providing money for maintaining libraries. The Committee should be informed as to this change of policy on the part of the Government. Would the Government still come to the assistance of these small institutions? We were now forcing municipalities to maintain these institutions solely out of revenue, or was the old system to remain in vogue in spite of the passing of the Bill?

The ATTORNEY GENERAL: If the member had read the clause more carefully possibly he would have been more temperate in his criticism. The clause did not impose on municipalities the duty of appropriating a single penny for these institutions.

Mr. Walker did not say it did.

The ATTORNEY GENERAL: This clause was originally brought forward at

the Bunbury conference a number of years ago.

THE PREMIER: The Labour Government included the provision in their Bill two years ago.

THE ATTORNEY GENERAL: The suggestion was a very old one, having been made before the Labour Government came into existence, and it was to make an alteration in the Municipal Act where it was thought fit to spend some portion of the income in support of recreation grounds, libraries, and museums.

MR. WALKER: Would the Government promise that they would give grants to libraries up country?

THE ATTORNEY GENERAL: Not being the Treasurer he could not make that promise, but the inclusion of the clause had nothing to do with the grants made heretofore and those which would be made in the future.

THE PREMIER: In 1904 the Labour Government introduced a clause dealing with this matter, providing that it should be lawful for a council from time to time to appropriate out of the ordinary revenue of the municipality such sums as the council might think proper, to provide, maintain, or improve museums and libraries and reading rooms. Previously municipalities had to contribute from their three per cent. fund to the upkeep of libraries; consequently the upkeep to a large extent was neglected and the municipalities had to depend on the miserable grant made by the Government in those days.

MR. WALKER: It was under the Labour Government that the question arose as to the cessation of grants to municipalities. The member for Guildford was particularly strong on a policy to compel municipalities to be more self-supporting and less dependent on the Government, for he had in view the cessation of Government grants. Therefore this clause following in the wake of certain announcements that the Government intended to curtail, if not abolish, Government grants, he wanted an assurance that the Government were not carrying out the policy inaugurated in that direction by the Daglish Government. If the Premier had gone a step farther and told him that, notwithstanding this, the Government intended to be just as generous in the matter of the education of the people by grants to libraries as before, that would settle the matter, and he would vote for the clause. He had no objection to municipalities having the power, but he did not want to make it an excuse for the taxation of municipalities for this special purpose.

MR. DAGLISH: The effect of the clause was to meet a long-felt want that had been expressed repeatedly by municipal conferences. An expression of this request for amendment was made by the people in various municipalities, who desired to provide small beauty spots within their municipalities, and the ratepayers in many instances were willing to contribute money through the ordinary rates for the purpose. They were willing that the rates should be spent in beautifying spots in the various municipalities, and the councils in some cases had actually expended money illegally at their own personal risk in this direction. They had done the ratepayers a great service in so doing. The same circumstances applied in regard to libraries. The Government had never proposed to establish and maintain entirely libraries in any part of the State, but had given votes in aid. He would not have spoken only for the question put by the member for Kanowna in regard to the policy initiated by the Labour Government, as the member implied that the object in the 1904 Act of the insertion of the clause was to make municipalities more self-supporting. That was not so. The then Government did nothing towards withdrawing support from libraries, but refused to spoon-feed them by providing grants for the purposes that the rates plus the Government subsidy and a liberal one which it was not then proposed to reduce was meant to meet. There was no connection between that part of the Government policy and the corresponding clause under discussion.

MR. WALKER: The hon. member said that his Government initiated the policy of not spoon-feeding municipalities. That they were liberal in grants, he admitted, and put the present miserable Government in the shade in regard to grants. There had been this spoon-feeding he admitted, and this was valuable spoon-feeding for outback libraries

especially. The Bill simply granted permission to use certain municipal funds. But a provision of this kind might be an excuse for what had been called spoon-feeding. As soon as this clause was passed and a member asked for assistance to libraries the Government might say, "The Act provides for helping yourselves," and that a municipality could take money out of the rates. That was why he had taken up this position. Was there any likelihood of grants for such purposes ceasing, for if there was he would not vote for this power being given to municipalities? Was it part of the Government policy to stop or limit or decrease these grants to libraries and mechanics' institutes?

THE PREMIER: On the Estimates there was a reduction, that being in relation to the public library of Perth, the sum for which had been reduced from £4,000 to £3,000. On mechanics' institutes, working men's societies, and art societies £1,960 was expended last year, and £2,000 appeared on the Estimates this year.

MR. TROY: Would ratepayers have power, by way of referendum or by voting on the occasion of the mayor's election, to authorise the borrowing of money to be spent on the purchase of land, in order to have a park and erect a building in it, and make charges for entry in regard to sports or other amusements. He would like the ratepayers to have power to authorise the council to borrow for such purpose.

THE ATTORNEY GENERAL: In Paragraph (*l*) of Subclause 26, Clause 176, power was given to municipalities to prescribe fees to be charged for admission to any park lands and public reserves. Under the definition of park lands and reserves would come recreation grounds. The question was whether a municipality could ask for loan moneys for the purpose of purchasing reserves. That was a contingency not likely to arise. He had no knowledge, and he did not expect to have any, of a municipality which had not been able to obtain from the Government sufficient land to form a recreation reserve.

MR. TAYLOR: Maylands had no recreation ground.

MR. TROY: And Subiaco very little.

MR. WALKER: In Subiaco people were, he believed, buying land now.

THE ATTORNEY GENERAL: If a municipality was situated in such a position that the Government were not able to grant any land for recreation purposes, there was nothing to prevent a municipality from raising money on the authority of the ratepayers, for the purpose of purchasing.

MR. H. BROWN: In Perth land was bought and paid for out of general revenue. There must be power for any corporation to raise money by a loan or to make payment out of revenue.

Clause put and passed.

Clauses 338 to 348—agreed to.

Clause 349—Council may erect weighbridges, etcetera:

MR. HAYWARD: Subclause 2 said "ten clear days' notice of such erection shall have been given." Did the provision that the weight of such vehicle should be painted on some conspicuous part apply to every vehicle which went into a municipality?

THE ATTORNEY GENERAL: The obligation would not arise in the case of vehicles which were merely used for private purposes.

MR. HAYWARD: It did not say so.

MR. TAYLOR: Yes.

THE ATTORNEY GENERAL: This referred to vehicles carrying certain goods and carrying for hire. The weighbridge would show the total weight, and by subtracting one from the other, the weight of the things was arrived at. That was a great public convenience. Such a provision existed in every portion of the British dominions.

MR. HUDSON: The words "for hire" would hardly meet the case. If those words were inserted, the provision would include farmers' wagons bringing in produce. This was a re-enactment.

THE PREMIER: It was word for word with the Act in existence at present.

Clause put and passed.

Clauses 350 to 364—agreed to.

Clause 365—Revenue of municipality, how made up:

MR. H. BROWN: There was an omission from this clause, and he would move an amendment to meet the case.

About two years ago the Daglish Government brought down a municipal Bill, and being, like the present Government, in search of every means of revenue, left out this little clause. As the present Government proposed cutting down municipal subsidies they should not do away with the old custom of the allowance of the police fines. To-night another place had thrown out all exemptions from the land tax; hence the State revenue would be largely increased. Two years ago, on the second reading of the Daglish Government's Municipalities Bill, the present Premier (Hon. N. J. Moore) protested against depriving municipalities of police court fines, as that provision had always been in the municipal law of the country; and in Committee he (Mr. Brown) moved that the sub-clause be re-inserted, and he was supported by one or two members now in the Ministry. The State had not in two years retrograded so as to necessitate robbing municipalities of this source of income. He moved that the following be inserted as Subclause (*k*)—

All fines and penalties incurred and recovered under the provisions of the Police Act, 1892, within a municipality, excepting so much as is payable to any informer.

THE ATTORNEY GENERAL opposed the amendment. If a gentleman got drunk at Leederville and were fined in Perth, the latter place would benefit, and *vice versa*. Perth, where the central police court was situate, had a great advantage, outlying districts contributing largely to its municipal revenue. Should the Crown Law Department be subsidised for bringing offenders to justice, or should the subsidy be given to the municipality, which merely looked on? The total fines inflicted were merely nominal compared with the cost of administration, which should not be made to appear unduly high.

MR. TROY would have supported the clause had not municipal subsidies been reduced. Municipalities should not be farther pauperised. These fines represented a fair revenue, not to Perth only but to every other municipality, and the deprivation would place all municipalities in difficulties.

MR. H. BROWN: The Minister for Mines, who had just returned to the Chamber, voted in favour of a similar amendment two years ago.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 19 |
| Noes | ... | ... | 11 |
| Majority for | ... | ... | 8 |

| AYES. | NOES. |
|---|---|
| Mr. Barnett | Mr. Bolton |
| Mr. Brebber | Mr. Collier |
| Mr. Brown | Mr. Daglish |
| Mr. Cowcher | Mr. Gregory |
| Mr. Davies | Mr. Holman |
| Mr. Eddy | Mr. Keenan |
| Mr. Gordon | Mr. Mitchell |
| Mr. Hayward | Mr. Taylor |
| Mr. Heitmann | Mr. Underwood |
| Mr. Horan | Mr. A. J. Wilson |
| Mr. Hudson | Mr. Price (*Teller*). |
| Mr. Johnson | |
| Mr. McLarty | |
| Mr. Male | |
| Mr. S. F. Moore | |
| Mr. Troy | |
| Mr. Walker | |
| Mr. Ware | |
| Mr. Hardwick (*Teller*). | |

Amendment thus passed; the clause as amended agreed to.

Clauses 366, 367—agreed to.

Clause 368—Mode of making valuation:

MR. H. BROWN moved an amendment that after "centum" in Subclause 1, paragraph (*f*), line 3, the following words be struck out:—

And not more than fifteen pounds per centum on the capital value.

This would provide that the annual value of ratable land which was unimproved and unoccupied should be taken to be not less than £7 10s. per centum. This was the existing law, and it had worked well in municipalities where workmen were making homes, and where there were many vacant blocks. At present there were sanitary fees and water fees charged on these small allotments, and on top of these there would be a land tax, so that if the annual value of this land could be taken as being up to £15 per centum, as provided in the clause, it would work harshly on the holders of these vacant blocks.

THE ATTORNEY GENERAL: If the amendment were passed there would be no maximum.

MR. H. BROWN: Mr. Cowan, the magistrate of the Perth Local Court, had ruled that the 7½ per cent. was the maximum.

THE ATTORNEY GENERAL: We could not believe that if the clause provided that the annual value should be "not less than £7 10s. per centum" it meant "not more than £7 10s. per centum." If the hon. member desired to limit the maximum, the clause did so. The maximum fixed in the clause might be too high, but that was the limit fixed by the municipal conference, it being the impression that in small municipalities by having much less than 15 per cent. it would be difficult to collect the rate. The legal decision quoted by the hon. member was rather peculiar. The hon. member must have been misled. The hon. member should not include in his amendment the words "on the capital value" because striking out those words would make the clause have no meaning at all.

MR. H. BROWN: The present Act stated that the annual value of ratable land unimproved and unoccupied should be taken at not less than £7 10s. per centum on the capital value. The reading of that section of the Act by Mr. Cowan, the Local Court Magistrate, was that £7 10s. was the maximum that could be charged. He would suggest, to make the clause clearer, that the word "less" be struck out. He would withdraw his amendment.

Amendment by leave withdrawn.

MR. BROWN moved an amendment—

That in line two of paragraph (*f*) of Subclause (1) the words "not less" be struck out.

THE ATTORNEY GENERAL: Where it was stated in any section that not less than something should be the rate, where no maximum was stated, that was not to be the maximum or minimum but the fixed rate. The amendment would be dangerous. It would be a grave discouragement of the principle of taxation of unimproved values, inasmuch as if the Bill before another place became law it would cause the land to be taxed higher. We ought to do nothing to discourage municipalities in carrying on their rating on the principle enunciated in the Bill.

MR. H. BROWN: Perhaps it would be well to make the clause read, "That the annual value of ratable land which is unimproved and unoccupied should be £7 10s. per centum on the capital value."

MR. BOLTON: It was all very well to give a wide margin between 7½ per cent. and 15 per cent., but he wished to see the taxation reduced on account of the proposals in the Land Tax Assessment Bill. He favoured the amendment rather than the clause as printed.

MR. DAGLISH: The clause agreed to by the Assembly two years ago was a fair proposition, that a minimum of £7 10s. per cent. and a maximum of £10 per cent. be adopted. If there was a maximum of £7 10s., the owner of unimproved land in many cases did not contribute what he ought to the municipality. The fact that a man contributed as a general taxpayer did not in any way reduce what should be his fair quota of contribution under the Bill. Members should not consider other forms of taxation in any way whatever, for all ratepayers were contributors to the general revenue. A number of holders of unimproved land were persons who did not contribute as taxpayers to the revenue of the community. He was speaking of men having a large quantity of unoccupied land in Western Australia but living outside the State. A large proportion of land in some municipalities was held by persons living in other States. We could not relieve a man of his municipal liabilities because it was possible Parliament might impose a certain general tax on the whole of the community. The question was whether 7½ to 10 per cent. was a fair basis to calculate the liability on. From the knowledge of the prices paid in a large number of instances for the use of unimproved land he considered 10 per cent. a very moderate estimate of the annual value. So no hardship would be imposed by giving municipalities the power to estimate the annual value as low as 7½ per cent., if they pleased, or as high as 10 per cent. if 10 per cent. seemed fairer, and if the property-holder thought 7½ per cent. a proper rate he would be able to make his view felt by the municipality to which he contributed. If the power of decision rested with the municipal council, the ratepayer himself would actually settle the whole question, and he could settle it better than this House could by fixing an arbitrary limit. The question seemed to be whether a range from 7½ to 15 per cent. was too high. There was some argument in favour of reducing the range, but the Committee

would do wrong if they limited the actual maximum to 7½ per cent.

THE ATTORNEY GENERAL: If the Committee desired to reduce the amount from £15 to £10 per centum as a maximum, he would be prepared to fall in with their view. The Bill as originally brought in only provided for a range of from 7½ per cent. to 10 per cent. The increase was made in consequence of the recommendation by the conference. The conference recommended £25, but the Government only inserted £15, because there had been a previous recommendation on other occasions to make the sum £15, and the Government thought the increase to £15 most justifiable. He would bow to the wishes of the Committee without desiring to press the proposal as printed. If the amendment of the member for Perth were adopted, it would fix a hard and fast 7½ per cent. Allowing a possible range of from 7½ to 10 per cent. was infinitely preferable.

Amendment negatived; the clause passed.

Clauses 369 to 381—agreed to.

Clause 382—Council authorised to strike rates:

MR. COLLIER: Did the Attorney General think that 1s. 6d. in the pound on the annual value of ratable land was sufficient? Some municipalities might desire to strike a higher rate, and if so we should not prevent them. Was it not necessary to increase the amount to 2s.?

THE ATTORNEY GENERAL: The conference considered that provision for 1s. 6d. in the pound would be sufficient. The only provision for an increase was in the case of unimproved value.

Clause passed.

[MR. DAGLISH took the Chair.]

Clauses 383 to 402—agreed to.

Clause 403—How rates may be recovered:

MR. HUDSON moved an amendment—

That the words "either by complaint or action or by distress and sale as hereinafter mentioned" be struck out, and the words "by action in any court of competent jurisdiction" inserted in lieu.

The effect would be really to strike out the power of distress and sale without action, and if the amendment were adopted there would be consequential amendments consisting of the striking out of Clauses 404 and 405. The power proposed in this clause was far too great to put into the hands of the mayor of a municipality. He should not be allowed the right without a hearing in court of an action to send a bailiff in to seize the property of any tenant for rates. Hardship might ensue in cases where a tenant had recently gone into occupation of premises on which rates had not been paid. The owner might have escaped payment for some time, and it might suddenly have dawned on the municipality that the rates should be paid. Notice might have been given for the recovery of the rates, but the tenant in occupation at the time the distress warrant was issued might not have been the occupier when the notice was received. There were other instances where difficulties might occur. An occupier might have difficulty in raising the money to be paid for rates on the spur of the moment or within the five days that would be allowed. If the amendment passed, a municipality would have no difficulty in suing the occupier; but he could defend the case and take advantage of the clause just passed, of which advantage he would be deprived if distress could be levied at the sweet will of the mayor. There was no reason why distress without notice should be levied on a new tenant for rates due by a prior tenant. A new tenant might pay two months' rent in advance, and yet find himself unable to pay rates 12 months in arrear, of which he was ignorant when he took the premises. Apparently the city of Melbourne was the only other place in which distress could be levied before suit.

THE ATTORNEY GENERAL: The amendment sought to deprive municipalities of the power they had always enjoyed to recover rates by distress and sale. As to sale, subsequent clauses imposed many serious restrictions. The collection of municipal rates was always difficult, and only by levying or threatening to levy distress could a due proportion be recovered. Though rates were made a prior charge against a property, the landlord could at any time distrain for rent. We

should make the law self-contradictory if we deprived the municipality of a right allowed to the landlord.

Mr. Walker: The law ought not to allow distraint of any kind.

The ATTORNEY GENERAL: The hon. member would advocate the abolition of almost all law.

Mr. Walker: That was simply impertinence.

The CHAIRMAN (Mr. Daglish): Members should not argue on this personal issue.

The ATTORNEY GENERAL: Certain ratepayers made every endeavour to pay; others made every endeavour to evade payment. Before this power of distress could be made use of there must be 30 days' notice, and it was the practice of municipalities to serve not only the notice required by the Act, but farther notices to draw attention to the fact that the rates were outstanding. In addition to that, even when distress was actually levied, the goods and chattels must be held for five days before being sold for the purpose of paying the debt due on the rates. If this power was taken away from municipalities it would deal a far more serious blow at their revenues than anything else that could be done by the Committee.

Mr. Hudson: There was no desire to take away all rights of recovery.

The ATTORNEY GENERAL: The hon. member must know that the process of recovery through a court must be a slow and unsatisfactory one. If a man was in occupation of premises and did not know that there were arrears of rates due on the premises, though that man would have to pay those arrears, he still had the right of recovering the arrears from the previous occupier. It must not be forgotten that when a man entered into occupation of premises, he had the opportunity of making inquiries at the municipal office as to whether the payments for rates were up to date. Even if the previous occupier, who had failed to maintain payment of his rates, had left the State to reside in another State, there was now under the Commonwealth an easy method of serving process on him. If the previous occupier was found to be without means, the fault lay with the present occupier for not having made inquiries on entering the premises. If the present occupier had purchased from the previous occupier he should have made inquiries at the municipal office and deducted from the purchase price the amount to cover any rates that were in arrears. We should not take away from municipalities rights that every landlord enjoyed.

Mr. HUDSON: There was a considerable difference between landlords distraining for rents and municipalities obtaining arrears of rates under distress. The landlord, as a rule, knew the man to whom he was letting his premises. The cases were not at all similar. The hon. member forgot that the land was primarily liable for the payment of the rates.

The Attorney General: The remedy against the land only lay after the rates were three years unpaid.

Mr. HUDSON: Power was given to sue the owner. With regard to a bailiff holding the goods and chattels for five days, the injury to the innocent person was done when the bailiff went into the house. It was not comforting to householders to know that the bailiff had to wait in their houses five days before selling.

Mr. WALKER: If it was argued that municipalities should have the same power as landlords, then it was argued that landlords had power to do wrong, but municipalities had a greater power to do wrong. In all parts of the world there was a strong agitation to abolish all distraint for rent. Many years ago he introduced a Bill for this purpose in the New South Wales Parliament. The first time he introduced it it met with strong opposition from members of the calibre of the Attorney General. He introduced the Bill into three Parliaments and was successful in ultimately carrying it, showing the growth of opinion in New South Wales on this subject. Great leaders of thought and teachers had held that the landlord should have no more privileges than the ordinary creditor, neither should a municipal council. Why should a municipal council claim to have more rights to the assets than the butcher or baker. Always for the landlord and the municipal council the land was there, but for the butcher and baker there were no securities, yet the Bill made the butcher

and baker who kept the family going, go through the ordinary process of law. The municipal council could in the most summary manner issue a warrant and take not only the land but what was on the land, and all that belonged to the tenant. The principle was wrong that a tenant should have to pay the rates. Here the municipal council was protecting the landlord. What right had a municipality to humble its citizens more than any other creditor? Why should not the municipality be put to the inconvenience of going to the court and suing for the rates? Why should not a municipality take equal chances with the butcher and baker?

THE ATTORNEY GENERAL: Would the member allow Crown debts to have priority?

MR. WALKER: Crown debts should come in on a level, but he was not going to be drawn into an argument on technical law. It was wrong that a municipality should seek to take an advantage over other creditors. He objected to the provision on principle, because he objected to the landlord having an advantage. If extreme steps were to be taken, let them be taken against the landlord, who had the profit, and not the man who was paying rent.

THE ATTORNEY GENERAL: Subclause 3 of Clause 397 provided that except in the case of Crown land, rates paid by the occupier in the absence of any agreement to the contrary should be afterwards recoverable by the occupier from the owner, and any receipt for rates so paid might be tendered and should be accepted by the owner in satisfaction, to the extent of the amount specified in the receipt, of any rent due to the owner. A case in which the tenant paid his rent only once a year would be somewhat exceptional. The picture of the terrible distress an occupier was placed in relied for its effect upon the imagination. [MR. WALKER: No.] The hon. member thought there should be no priority in relation to claims. The reason there was such a thing as priority was that the different creditors had different rights. The State had rights of priority to every person for reasons which were clear. The next to have priority was the municipality, again for reasons that were perfectly clear. These rates were used for the public good. Possibly a person might be put to inconvenience in having to find the rates, but we protected the occupier to the largest possible extent. He would be free from the payment of rent until the rent reached the amount of the rates paid. If we had the power referred to taken away from municipalities we should place them in a position of bankruptcy.

MR. HUDSON: In Melbourne that did not pass.

THE ATTORNEY GENERAL: We had taken the clauses in this Bill not only from our previous legislation, but also from Queensland legislation. If the amendment had been on the Notice Paper and he had thought there was reason to enter into a discussion at great length, he would have brought forward the authorities. If we took this power away from municipalities we should be putting on the back those who desired to evade paying rates, and should not be offering the smallest benefit to the man or woman prepared to pay the amount legally due.

MR. WALKER could prove his case from the Attorney General's argument, which distinguished the pre-eminent right of the Crown from the right of the municipality, the right of the landlord and the rights of ordinary creditors. There was no summary distress for debts due to the Crown. Then why should the second and the third creditors have this specific right? The argument was that because the landlord had power to distrain, that power should vest in the municipality also. If so, the Crown should have the same power; yet the Crown, like private persons, proceeded by ordinary process of law. True, the power had not been frequently used, for the country was prosperous.

THE ATTORNEY GENERAL: In an average year at Kalgoorlie and Boulder, about 300 distress warrants for rates were issued, and many people never paid till they were issued.

MR. WALKER: That was a reflection on the citizens. An ordinary summons would suffice, especially when the municipality had the security of the land—an argument to which the Attorney General had not replied. Why was the tenant distrained upon? The municipality should sue the owner. In other States municipalities recovered through

the court. In a few years this clause would be found a veritable hardship; so this was the time to strike a blow at the old feudal system, when the landlord made the laws and benefited by them. Place all creditors on the same level.

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

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 11 |
| Noes | ... | ... | 17 |
| Majority against | ... | | 6 |

| AYES. | NOES. |
|---|---|
| Mr. Collier | Mr. Barnett |
| Mr. Holman | Mr. Brebber |
| Mr. Horan | Mr. Brown |
| Mr. Hudson | Mr. Cowcher |
| Mr. Illingworth | Mr. Davies |
| Mr. Scaddan | Mr. Ewing |
| Mr. Troy | Mr. Gordon |
| Mr. Underwood | Mr. Gregory |
| Mr. Walker | Mr. Hayward |
| Mr. Ware | Mr. Keenan |
| Mr. Heitmann (*Teller*). | Mr. Male |
| | Mr. Mitchell |
| | Mr. Monger |
| | Mr. N. J. Moore |
| | Mr. Price |
| | Mr. A. J. Wilson |
| | Mr. Hardwick (*Teller*). |

Amendment thus negatived; the clause passed.

Clauses 404, 405—agreed to.

Clause 406—Complaint or action for rates:

MR. HUDSON: Why was the double remedy needed, that of complaint by the town clerk before two justices as well as action at law for the recovery of rates?

THE ATTORNEY GENERAL: Because in this State in many municipalities it would be a matter of a long lapse of time before action could be taken other than before two justices.

MR. HUDSON: There was no special reason for giving this power to proceed by way of complaint before two justices in addition to the levying by distress. We should not allow the municipality to bring the ratepayer before the police court charged with an offence. He moved an amendment—

That in line 3 the words, "either by complaint of the town clerk before any two justices or" be struck out.

THE ATTORNEY GENERAL: This provision existed to meet cases where there was a long interval between the sittings of the local court. We should provide facilities for outback municipalities where we could do so. The argument that it was in any sense an offence would not hold for a minute. We allowed the justices to act for the purpose of recovering debts; but in order that there should be no question about their power, we provided that they could not make an order for imprisonment. There was no imprisonment except in common with all cases of debt under the Debtors Act.

Amendment negatived, the clause passed.

Clauses 407 to 410—agreed to.

Clause 411—Power to lease land on which arrears of rates are due:

MR. BARNETT: moved an amendment—

That in line five the word "two" be struck out, and "three" inserted in lieu.

The clause permitted the leasing of land on which rates were in arrears for two years. The term should be extended to three years.

THE ATTORNEY GENERAL: The period of two years specified was a considerable time to wait before a council can put the clause into operation. In Queensland, a similar provision formed part of the Municipal Act. A man owning a block of land in one of the suburbs might be away for over two years. The term of three years was not unreasonable.

MR. HARDWICK: It had been known for years that on vacant blocks in and around the city the rates had been accumulating. The owners of the blocks were living within the city boundaries, but would not disclose their addresses. The municipality could not find whom to sue or to serve notices on.

Amendment negatived; the clause passed.

Clauses 412 to 415—agreed to.

Clause 416—When land may be sold:

MR. BARNETT moved an amendment—

That in line four the word "three" be struck out, and "five" inserted in lieu.

This clause gave power to sell land at the end of three years. In many cases it would cause hardship and great loss to the owners. If the land was worth anything at all the municipal council were entitled to charge interest on overdue rates, and their only loss would be by extending the term from three years to

five years, which meant that they would have to wait a little longer for their money.

THE ATTORNEY GENERAL: The extension of the term from three years to five was somewhat too long for him to consent to the amendment. If the member suggested four years, as the council had power to lease the land in the interval, he would be prepared to meet the member to that extent. In some settled districts where values were not constant, but where they fluctuated, for the council to wait out for the amount due for rates for five years might possibly jeopardise the recovery of the amount to an extreme degree. If the member would withdraw his amendment and move that the term be four years, he would be prepared to meet him.

MR. BARNETT accepted the compromise.

Amendment by leave withdrawn.

MR. BARNETT then moved that in line four the word "three" be struck out and "four" inserted in lieu.

Amendment passed.

MR. BARNETT also moved that in line six of Subclause 2 after "serve" the following be inserted, "personally or by registered letter."

Amendment passed; the clause as amended agreed to.

Clauses 417 to 420—agreed to.

Clause 421—Duty on clerk to convey:

MR. H. BROWN: Surely a clerk of court should not have the power to convey. At present that power was only given to a Judge of the Supreme Court. It was a most unheard of power to give to the clerk of the Local Court.

THE ATTORNEY GENERAL: If the hon. member had read the preceding clauses he would have seen that they contained provisions whereby the parties having any interest in the land charged with the payment of these rates were fully protected, at any rate to the extent that they must receive notice of the rates due, and they would have every opportunity to pay them. Proceedings having once been taken by way of sale subsequent action would be merely machinery, some person having to sign a transfer.

Clause put and passed.

Clauses 422 to 485—agreed to.

Clause 486—Notice of subdivision o transfer to be given:

MR. HOLMAN: This measure differed only very slightly from the present Act, which had not been sufficiently strong to compel a person to continue any street at present made in a municipality. This Bill if passed would provide that every allotment of a subdivision within a municipality should front on a street not less than 66 feet wide, but it would not provide that a street already made should be continued. In our towns at present we found streets continued a certain distance and then, owing to the fact that men had lots they desired to subdivide, these streets came to dead ends, and other streets were formed. A person who had a lot to subdivide should be compelled to continue the existing street. In regard to all subdivisions of land in municipalities for residential purposes it should be set forth that no lot should have a frontage of less than 40 feet. Special provision could be made for narrower frontages in the business part of the city. Progress should be reported. For lack of information he had been unable to prepare amendments.

THE PREMIER agreed with much said by the preceding speaker as to the need for ensuring that subdivided blocks should be large enough to take dwellings of decent size. Some city blocks were cut up for shop frontages, a 20-ft. frontage being sufficient for a single shop. Subclause 5 provided that with certain exceptions no plan should be received or deposited in any public office unless such plan had been approved in writing by the council; and the council might impose such conditions as were thought fit. As to continuing the alignment of streets, the council might refrain from approving an unsuitable project. If the hon. member would give notice of what was required, the Government would arrange for a clause to be moved in another place.

MR. HOLMAN: Subclause 5 was in the existing Act, and only recently this very difficulty was experienced. There was nothing to prevent a council from failing to compel the lands to be properly subdivided and the alignment of streets preserved. On the Premier's assurance

he would refrain from moving an amendment.

THE PREMIER: Let the hon. member state a case privately.

MR. H. BROWN: The same clauses would be found in the Roads Act. This was one of the necessary clauses in the Bill. The hon. member (Mr. Holman) was advocating the cause of the landowner. The Premier would be wrong in promising to amend this clause.

MR. BREBBER: It was necessary to provide that where lands were subdivided, roads already surveyed should be carried through the new subdivision. In and around Perth private estates were so awkwardly subdivided that occupiers of land in divisions previously made had no access to neighbouring roads. The council should have power to prevent this. The section in the existing Act seemed to give that power, but the court had otherwise decided.

THE PREMIER: Latitude must be given in a matter of this kind. If we insisted on the prolongation of existing streets, there might be a case where the boundary of the lot being subdivided was directly opposite the existing street, so that to prolong the existing street would mean that there would be such a narrow strip between the street thus formed and the boundary of the lot, that it would be absolutely useless. Therefore discrimination must be left to the local body. If the hon. member and the member for Perth would consult him in regard to the difficulties, he would endeavour to meet their wishes.

MR. HOLMAN: Instead of our towns and cities being properly laid out, they were more like Chinese houses. The goldfields towns were better laid out than the cities. The streets in the large coastal towns were a disgrace to the State in regard to the way they were laid out, yet we proposed to continue the system. We should not do so. We should prevent a repetition of the mistakes of the past. The time would come in Perth and Fremantle when it would be necessary to take over many of the streets and re-form them so as to give a better appearance to the towns.

Clause put and passed.

Clauses 487 to end—agreed to.

Schedules (29), Title—agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 12·30 o'clock (midnight), until the next Tuesday.

# Legislative Council,

*Tuesday, 23rd October, 1906.*



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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Report of the Surveyor General for the year 1905. 2, The Explosives Act 1895, Regulations for storage of explosives at Woodman's Point Reserve.

QUESTION—LAND DIVISIONS, HOW ALTERED.

SIR. E. H. WITTENOOM asked the Colonial Secretary (without notice): Will he have some plans or maps exhibited in the Chamber showing the amended boundaries of the different divisions under Clause 26 of the Bill to farther amend the Land Act of 1898?

THE COLONIAL SECRETARY replied: Yes; I will have plans placed in the Chamber showing the amended divisions.