The people are leaving the State by every ship, and emigration is reducing the country to a simple sheep-walk, where no man can live who is not a sort of primitive shepherd. That is the sort of policy of this Government. Against that policy I intend to fight. I want to see a Government that will gain its revenue by increasing employment and setting life flowing throughout the State, and not a Government that locks up its money-chest and sits upon it, when the money should be used for advancing the industries of the land, and should be set flowing for the benefit of the State.

On motion by MR. EWING, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·20 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 30th October, 1906.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1. Fifth Annual Report of the Caves Board for the year ended 30th June, 1906. 2. Report and Returns in accordance with Clauses 54 and 83 of "The Government Railways Act, 1904," quarter ended 30th September, 1906. 3. By-laws of the Municipalities of Perth and Victoria Park.

BILL—BOAT LICENSING ACT AMENDMENT.

SECOND READING MOVED.

THE COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a short Bill to amend the Boat Licensing Act of 1878, which is out of date, and as at present constituted is not workable. The amending measure is brought in principally to give boat licensing boards proper powers to make regulations for requiring that boats shall not carry more than a limited number of passengers, and shall also have life-saving appliances. A little while ago two steamers, I think the "Duchess" and "Dunskey," collided in Melville Water. The "Duchess" was supposed by regulation to have on board a life-belt for every person on board; but when the accident happened there were really no life-belts at all on board. It was found afterwards that they had been taken off the boat and left in a shed. The secretary of the boat-licensing board was directed to prosecute the owners of the "Duchess" for this apparent breach of the regulations; but the board were advised that they really had no power, and were not at all likely to succeed. The results of that accident between the "Dunskey" and "Duchess" might have been far more serious that they were; for the accident happened in the dark, and there were about two hundred women and children on the boat. If the collision had been a little more severe, one boat would have gone down, and the probability is that the great majority of people on board would have been drowned. This Bill gives boards better powers to make regulations as to the number of passengers licensed to be carried on that kind of steamer, and compels such boats to carry one life-saving belt for each passenger. Last week there was a capsize in the river, and five persons unfortunately lost their lives. If this measure had been in force, and that boat, which was a licensed boat, had been compelled to carry a certain number of life-saving appliances, and had been limited to carrying a certain number of passengers, probably those people might have been saved, and it is pretty certain that some of them could have been saved by this means. Clause 2 of the Bill

amends Section 3 of the principal Act, and provides for bringing under the Act motor and other launches not contemplated when the principal Act was passed. The term "engine-driver" is omitted, as this interpretation is not now necessary owing to the Inspection of Machinery Act of 1904.

HON. T. F. O. BRIMAGE: Will drivers of motor launches have to hold a certificate?

THE COLONIAL SECRETARY: No. I am saying that the word "engine-driver" is omitted because it is covered by the Inspection of Machinery Act. Clause 3 amends Section 6 of the principal Act. This not only compels all steamers plying for hire to be licensed, but also steamers that are held for hire. Under the present Act only steamers plying up and down the river and carrying passengers need to be licensed; yet a person may hold a steamer for hire, that is to say he may let it out at certain times if anyone wishes to hire it. Under the present Act such steamer need not be licensed. This clause amends Section 6 of the Act to get over that difficulty. Clause 4 amends Section 7 of the principal Act. Section 7 of the principal Act does not give power to revoke licenses when granted, and it is sometimes necessary to revoke a license if a man proves himself to be incompetent or misbehaves himself. Clause 5 repeals Sections 13 and 14 of the principal Act. They are the sections which relate to boats carrying life-saving appliances. It is found that these sections do not go nearly far enough, and in the way they are drafted in the present Act they do not cover the ground at all. Clause 8 of this Bill gives power to make regulations covering all the powers which were contained in Sections 13 and 14 of the principal Act, and others.

HON. J. W. WRIGHT: Does the number of persons which a boat can be licensed to carry come under the regulations?

THE COLONIAL SECRETARY: Yes. Clause 6 amends Section 19 of the principal Act, under which every offence was an indictable offence, and had to be sent for trial to the Supreme Court. We deem it well that a breach of this Act or of the regulations should be dealt with summarily, and not be made an indictable offence and sent to a higher court. Members will notice that the penalties are the same, namely imprisonment up to six months or a fine not exceeding £20. The only difference is that instead of such breaches being indictable offences they can be dealt with summarily. Clause 8, as I have already mentioned, fully sets out what powers the licensing boards have of making regulations, and I think the ground is covered very effectively. There is this point I would like to mention to the House which has occurred to me. It is not made clear in this Bill, and if the House desires it, it may be well perhaps to add it. It would certainly be a new departure. It is this. The Bill provides, as I have already mentioned, that every boat whether plying for hire or held for hire shall be licensed, but it does not provide that a privately-owned boat shall be licensed. As I say, it would be an entirely new departure to put that in the Bill. In the case of a boat privately owned there need be no fee, or only a nominal one payable by the owner, but there seems to be a great desire not to allow a boat privately owned to be without restriction in regard to the number of passengers it shall carry. The owner of the boat may be very careful, but he may loan it to some other person who may have it over-crowded or put a greater number of passengers in it than would be safe, and there may be great loss of life.

HON. J. W. WRIGHT: They are licensed nowhere else.

THE COLONIAL SECRETARY: I am aware that it would be a new departure. I simply mention to the House that it would be a good provision to make in the Bill because there is danger, though not so much as in the case of boats that are hired, in allowing a privately owned boat to carry as many passengers as the owner thinks fit. I think that a smaller license fee should be charged to the owner of a private boat. It would be necessary to have a survey made before the license was issued.

HON. W. KINGSMILL: Accidents nearly always occur with hired boats.

THE COLONIAL SECRETARY: Yes; but it is well for us to consider the amendment I suggest. If it is necessary we can have it inserted in the Bill. I

move that the Bill be now read a second time.

On motion by the HON. T. F. O. BRIMAGE, debate adjourned.

BILL—MUNICIPAL CORPORATIONS.

SECOND READING.

Resumed from the 25th October.

HON. G. RANDELL (Metropolitan): I have compared the Bill with the Act of 1900 and with previous Acts so far as I possibly could, and I can congratulate the draftsman of the Bill upon the better arrangement that has taken place, and on the much superior phraseology of the clauses. I believe that in every case any particular subject matter is dealt with in successive clauses, and not in different parts of the measures as is the case with previous Acts. In the existing legislation we find separate subjects together, and it is necessary to hunt over the Act for clauses on the same subject; but in this Bill the different subjects are placed in the Bill in co-ordination, one with another. While I say this with regard to the carefulness and study given to the Bill, I must say that I am rather pleased, having had much to do with the previous Municipal Acts, to find that there are no serious or drastic alterations to the existing law. There are some rearrangements and alterations in the clauses which do not affect any principle. Some of these are very trifling, and I do not think they need be particularly noticed. I notice, however, that there are some omissions from the Act of 1905 or perhaps previous Acts, and possibly they may be supplemented at a later period in Committee. Altogether I think the Bill must certainly meet nearly all the requirements of such a Bill as this. It seems almost a pity, I was going to say, that the new Municipal Bill should have so many clauses; but I am not prepared to suggest that many of these clauses should be eliminated. The subject of elections is a very large one, and occupies a good many pages in the Bill, but I do not see my way clear to suggest that they should be altered. Everything that possibly may occur has been provided for, and every effort has been made to preserve the purity of elections for municipal councils. I am glad to say no attempt is made to alter the election of mayor. I have held strong opinions for many years, and I see no reason to alter the present system, that the mayor of the municipality should be elected by the whole of the ratepayers. I am glad to see that principle is not departed from. When we get a court of aldermen and a common council, perhaps it may be time to consider that part of the question; but at present I think it is in the best interests of municipalities generally that they should have the selection of persons outside the council, men of business, men of tact, and men with personality and so on, which perhaps we may not be able to find within the fifteen or whatever number may be constituting the council. I do not think it worth while detaining the House discussing the general principles of the Bill, because the general principles of the former municipal Acts are not departed from in any striking particular. The Colonial Secretary said in introducing the Bill that he did not think it worth while detaining the House trying to explain the principles of a Bill which were pretty well-known to most members of the House, and I shall certainly follow his practice in that respect. The advisability or otherwise of accepting some small amendments may strike members when we are in Committee. The first clause I wish to deal with is Clause 444. Members will see that I have gone pretty well into the Bill before touching on anything. This clause deals with the sinking fund and its investment. I can hardly understand why the investment which now obtains in the Municipal Act should be struck out. I think it is highly desirable that the council should have their hands free as to how they invest their money. I can understand the Government having an object in this particular. They want to secure the money for inscribed stock and for their own purposes, that is money invested in sinking fund for the liquidation of debts in the future; but mortgages on freehold property have been struck out, and I do not think this is desirable. I shall probably move to reinstate the words of the section in the old Act. I think it is desirable that the councils should have the opportunity of investing money in freehold in the city. At any rate I do not

think their hands should be tied in this respect. I would like to know why an alteration has been made. In Clause 461 I find that the word "Minister" is substituted for "mayor." This comes apparently from the Victorian Act. It is provided that if upon examination by an auditor it is found that books or accounts are incomplete, etc., the auditor shall report the same to the Minister; and if the Minister is satisfied that neglect has taken place without reasonable excuse he shall have power to order a fine. In the present Act a report is made to the mayor, and why "Minister" should be substituted in this instance I can hardly see.

THE COLONIAL SECRETARY: It makes the auditor more independent.

HON. G. RANDELL: It is an unnecessary interference with the functions of a council. I draw the Minister's attention to this so that he may be prepared to advance a reason why "Minister" should be substituted for "mayor." Subclause 2 of Clause 464 in new. It provides that a statement shall also be prepared and presented to the ratepayers at the annual meeting setting forth detailed particulars of all moneys due to the council and of all current liabilities of the council unpaid, whether under contract or otherwise. I think that is a useful provision to insert. It has been asked for either through the Press or in some other way, because it seems familiar to me; it has been requested that such a provision should be embodied in any amendment of the Act, and I am in accord with the principle embodied in the clause. There is an alteration in Clause 467. Auditors are to be elected every two years. That is also a useful innovation. We will always have in office one auditor accustomed to the work of auditing the accounts. There are one or two little amendments there which require a little explanation. In Clause 480, "fourteen days" has been substituted for "thirty days" as in the present Act. The special auditor shall, not less than 14 days from the date of his appointment, proceed to hold a special audit. This is a clause which may perhaps be useful. I do not know why 14 days should not be perhaps better in some respects than the 30 days mentioned in the present Act. In Clause 486 a deposit of £10 has to be made to the Minister, to be forfeited to the council if an appeal is dismissed, or returned to the appellant if the appeal is allowed. It seems to me to be too large a sum to ask from any person who is appealing against a notice of subdivision or transfer of rateable land. I think £5 would meet the circumstances of the case. I do not believe in having these heavy deposits, because they tend to prevent a person who feels he is unjustly used from appealing. He is perhaps intimidated by the amount of the deposit, or he may not be able to put up the deposit without inconvenience to himself. In Subclause 2 of this Clause 486, I shall move in Committee to alter "ten and a-half feet" to "ten feet." I think 10 feet is quite wide enough for a private right of way. I quite agree that the right of way, where it becomes public property, should be not less than 16 feet 6 inches wide, that is a quarter of a chain; but there is no necessity for a private right of way being more than 10 feet wide. I do not know why the council has any right to interfere except for health purposes, and to see that the streets are kept clean and are not a source of mischief to the surrounding neighbourhood. In Clause 500 I see there is a new departure, but it is only a trifling matter recognising the payment of a fee of 2s. for a certificate. I do not see why the principle should be admitted that a fee should be paid for a certificate when people are compelled to take out those certificates. In the old Act a small portion of the interpretation clause is fixed—this is a question more for legal members of the House and for the Government than for me to point out—but in the present Bill these have been omitted. It may be as necessary to embody the interpretations in this Bill. Such provisions are generally placed in a Bill of this description. Clause 224 is rather important, inasmuch as the question is raised which was debated in the House some time ago in reference to the celebrated tree reserves in the streets of the city. It is not quite clear what is intended; whether they are to be 46 feet in all places with the footpaths on each side, or whether there is to be 46 feet on each side of the tree reserves. Say the footpaths were 15 feet wide, as in St. George's

Terrace, 40 feet on each side of them would leave 24 feet for the tree reserves. I know that is objectionable to all members of the House. The clause seems to require some explanation.

HON. J. W. HACKETT: Amendment.

HON. G. RANDELL: Yes. I do not think the House would allow tree reserves in important streets like St George's Terrace. On the goldfields, where the streets are wider, there is ample room, and it would be an improvement to the goldfields town to have tree reserves.

HON. R. F. SHOLL: I think St. George's Terrace is 102 feet wide.

HON. G. RANDELL: There is a difference between the east and the west end. Clause 243 deals with the names of streets. I should like to make that provision compulsory on all municipal councils, especially where those municipalities are developed, as in the case of Perth and Fremantle. I should like to make it compulsory for municipalities to in some way or other make known the names of the ways and the streets at all intersections. It is impossible for strangers now to find their way about unless they meet some friend to tell them the name of the street they are in. It is my desire that this provision shall be compulsory. I know that municipalities are allowed to fix the names of the streets on the houses and the fences; but where this is not possible they should put up posts to affix the names to. There is a small matter in Clause 296 to which I wish to refer. It states:—

> After the tenth day of September, one thousand eight hundred and eighty-four——

I wondered if I had misunderstood it:—

> all partitions between separate houses or other buildings whether such houses or other buildings which belong to one or more owners built after the tenth day of September, one thousand eight hundred and eighty-four, shall be of brick or stone, and shall be carried up above the roof of such houses or buildings to such a height and in such a manner as shall be directed by any by-laws.

That seems to have been taken word for word from the Building Act, and relates to the past. I want to know if we are to legislate in this direction for the future, though I do not think it is a matter of great importance.

HON. R. F. SHOLL: The clause is retrospective.

HON. G. RANDELL: I am not sure about it. I draw the attention of members to it, so that it may not be lost sight of when we are dealing with the Bill in Committee. I have looked over the clause several times, but I have not been able to satisfy myself on the point. I thought I should draw the attention of the Colonial Secretary to the wording of the clause. Clause 298 deals with buildings, and says:—

> No building shall, after the passing of this Act, be erected within any municipal district the external walls of which building shall be wholly or in part of wood.

That provision does not exist under the Act, and it may work a great hardship in small growing townships. I think the words should be eliminated. Then there are the words "inflammable material." They are quite right. Clause 326 deals with Government buildings. I cannot quite see the force of the provisions which are made here:—

> That all houses and buildings the property of or occupied by or under the control or management of His Majesty's Government or any department thereof shall be exempt from the operations of this portion of this Act.

That is in existence at the present moment, but it does not seem to be equitable. It permits the Government to have dangerous buildings in places, perhaps owing to the remissness of some Government, and the municipality has no power over them whatever. I think the matter should engage the attention of members when we come to it, and we should see whether we cannot eliminate, alter, or amend the clause. In Clause 344, "Minister" is again introduced. In some places it is desirable to have "Minister" inserted for particular purposes. In Clause 366 there is considerable alteration in regard to exemptions. I draw members' attention to it and I hope they will take notice of it. Considerable alterations are made in reference to exemptions in the clause. They are more or less important, but one requires to be quite sure about the meaning implied; whether the clause alters the present law or not.

THE COLONIAL SECRETARY: Subclause 6 is new.

HON. G. RANDELL: Yes. The exemptions are considerably altered.

Hon. J. W. Hackett: It is a new clause altogether.

The Colonial Secretary: No. The first three subclauses are the same as at present.

Hon. J. W. Hackett: The Colonial Secretary must be mistaken.

Hon. G. Randell: Clause 324 is in the present Act. Members can compare it. Subclause 2 is left out, though I believe provision is made for that matter in another clause. In Subclauses 3 and 4, the word "exclusively" is used instead of "only."

The Colonial Secretary: It says in the old Act "exclusively."

Hon. G. Randell: That clause should engage the attention of members when we reach it. Clause 368 contains a new subclause which says, "land for the purpose of such valuation or any reclaimed land." I believe the councils have been taxing reclaimed land, and I believe up to the present they have power to do so. It is as well that there should be a definition. The other day the Colonial Secretary used the term with reference to the taxation proposals; he called it rackrent. The member used the term in the wrong connection at the time. I understand that rackrent is where the tenant has to some extent improved the property of the owner, and when the time comes for fixing the rent, an increased rent is placed on him for the improvements which he has made on the property. That is what I thought was the meaning of the word "rackrenting." This really is rackrenting in this clause. For instance, it is known in Perth that land has been reclaimed from the river by persons who are using it, and in some cases they have been rackrented, as I call it. I think they should pay something, but I think they should not be penalised to the extent it is proposed. I take it there is no chance of amending that clause. Where the reclamation is for the benefit of the country as a whole, persons should be dealt with in a liberal spirit. By Subclause (*c*) the annual value of ratable land improved or occupied may exceed but shall in no case be deemed to be less than four pounds per centum. I think that is a most objectionable provision, with which I take it this House will deal drastically. Municipal councillors always exhibit an earnest desire to raise the rates, especially new councillors, who always endeavour to distinguish themselves in that manner; and if we leave it to their sweet will to impose so high a rate as this clause will permit, we shall be much more heavily rated than we are. After a long discussion the four pounds per centum upon the capital value of the land in fee simple was agreed to be quite adequate for all purposes of the municipality; and any alteration has since been resisted. Then "The annual value of ratable land which is unimproved and unoccupied shall be taken to be not less than seven pounds ten shillings per centum and not more than fifteen pounds per centum on the capital value."

The Colonial Secretary: We limit them there.

Hon. G. Randell: Limit them by fifteen per cent? How long would it take any person owning the land to repurchase it at that rate? Has the Minister calculated?

The Colonial Secretary: We do not compel the council to rate at the maximum.

Hon. G. Randell: I find councillors generally take full advantage of their powers; and it is highly necessary that the Legislature should place a limit on those powers. The maximum of £7 10s. has prevailed for some considerable time. The court has ruled that this sum is the maximum, not the minimum; and I presume that will be the interpretation placed upon this clause. Then we know where we are, and I think £7 10s. quite high enough for all practical purposes. High rates must tend to the injury of a municipality. It is highly advisable to keep the rates as low as is consistent with improvements which may be effected in the general interests of the town.

Hon. M. L. Moss: "Seven and a-half per cent. and not exceeding fifteen" is a contradiction.

The Colonial Secretary: I have made a note to strike out fifteen.

Hon. G. Randell: I think it must represent a slip of the pen.

The Colonial Secretary: Yes.

Hon. G. Randell: It seems to me exceedingly unreasonable, and not in

accordance with the traditions of Parliament.

HON. M. L. MOSS: The wording is neither grammatical nor sensible.

HON. G. RANDELL: I do not know that I need deal with the capital unimproved value. This House has resisted that system of rating, and I hope in the present case we shall resist it again. I think we should be satisfied with rating upon the capital value and the rental value of the property, and not embark on this somewhat hazardous and indistinct system of valuation, which may be suited to some places; for instance, to the circumstances of the goldfields. Whether it is, I am not prepared to say, for I do not know; but I am certain it is not suited to coastal towns, especially to places like Perth, and I may say to Fremantle and other towns. If the intention is to compel people to build on their allotments, we can easily see that the compulsory improvement of every allotment will lead to very disastrous results in respect of rents, and in many other respects. Clause 382 will need some consequential amendments if the amendments I have suggested be passed; and I think in Clause 324, which permits the council to borrow from the banks for pressing works, pending the collection of rates, the amount to be borrowed should be fixed at one-third of the ordinary income instead of one-half as proposed. A one-third limit will be quite wide enough to allow councils to borrow from banks for such purposes, and will meet all the requirements under that head. If the unimproved value rating provisions are cut out, some consequential amendments will be needed in Clause 441. I think I have now dealt with the more important clauses. I reiterate that the Bill as a whole is an excellent measure, exceedingly well arranged, though I am inclined to think—I do not know whether Mr. Moss will agree with me—that the Bill would be in a more handy form had it been printed in different parts, so as to avoid the need of referring to so many sections in the original Act and to others in the Building Act. However, that is a mere matter of convenience, and I must say that the interpretation clause at the beginning, and the preliminary index of the parts and provisions of the Bill, will be exceedingly helpful, especially to those not legally trained who may wish to refer to the measure. I shall support the second reading.

HON. W. MALEY (South-East): I do not propose to deal with more than the first portion of the Bill. I notice, however, that a departure is made in the provision for forming new municipalities. By the existing Act of 1900 the Governor may, subject to the provisions of the Act, from time to time by proclamation declare any town or locality a municipality. But according to this Bill the Governor may by Order-in-Council constitute any portion of Western Australia a municipality. There is here a great difference. "Any portion of Western Australia" may include the whole of the lands outside the city of Perth. The portion may be of any area. It may include a number of towns which by a majority vote may be formed into a municipality, thus depriving struggling towns of the very foundation of their existence, depriving them of the influence they now possess in roads-board districts. The wording is so complete a departure from the wording of the existing Act that it is positively startling; and I think the effect on certain country localities will be very serious. I consider it unwise to go one step farther, as is proposed, by increasing the amount of rates needed to qualify for a municipality from £300 to £750. I say it would scarcely be fair to pass this provision; because municipalities are already established, and recently established, which have proved a qualification of only £300 per annum. I know it has been suggested that the town of Katanning, on the Great Southern Railway, should be made a municipality, and many obstacles have been put in the way of that project. The town of Narrogin has recently been made a municipality on the same basis. From Katanning a petition and a counter-petition have been received by the Government, the majority of the residents favouring the formation of the municipality. I do not know what reply the Government intend to make; but there has been no public inquiry held, nothing done to satisfy the majority of the land-owners and property-holders in Katanning, so far as I am aware; and I think there is here something radically

wrong. I think we must be careful before we give to Katanning the power to form a municipality of that area, producing £750 a year in rates, taking in perhaps some miles of country, and killing for ever several little towns which are springing up in the neighbourhood, each with its tiny agricultural hall. I hope the House will make full inquiries; and if this distinction is to be made, the House should know why.

Hon. G. Randell: I understand that the total rates equal £500 annually. The rate has been raised to 1s. 6d.

Hon. W. Maley: I am comparing the words in the Bill with those of the existing Act. By Clause 27 any person who has signed a petition made by writing under his hand may withdraw his name from the petition within one month after it has been advertised. I think this is offering an inducement to people to retract; and it will have quite an immoral effect upon petitioners. No encouragement should be given to people to make up their minds to-day to sign a petition to the Governor, and to decide a month later to withdraw from that petition. I do not believe that a request for such a provision has been made in this State except with regard to the municipality of Katanning. I believe in that instance persons did sign the petition and then signed the counter-petition. As it was not open for them under the existing Act to withdraw from the petition, they signed the counter-petition also.

The Colonial Secretary: You do not flatter yourself that this clause was inserted because of any request from Katanning?

Hon. W. Maley: I am only taking things as I see them. The hon. member may lay the flattering unction to his soul that I do not proceed on those lines. I know the feeling in the Katanning district, and I know that the majority of property-holders in Katanning are much dissatisfied with what is going on. I am not flattering myself. I am only telling this House certain facts. I am drawing attention to the printed matter in the Bill; and I do not think anything there is flattering either to the Minister or to me. If there is anything flattering, it certainly does not flatter the Government who allowed in certain circumstances certain provisions to appear in this Bill. In Clause 32 provision is made that the Minister may direct an inquiry to be held, and that the powers exercised by justices in judicial proceedings may be exercised in such inquiries. There is no suggestion here of what the Katanning people have been asking the Minister for, that is a public inquiry. The people who advocated the formation of a municipality at Katanning asked for nothing but a public inquiry, but there is nothing regarding that in this clause. If the Minister had brought that into the Bill, it would have reflected credit on the Government. In my opinion there should be no hole-and-corner business, even in the constitution of a municipality. It is well known that there is a good deal of engineering by big property-holders in connection with municipalities; and no possibility should be given to any persons to engineer anything, whether it is through this House by an Act of Parliament or through the Minister by means of petitions and counter-petitions. I do not intend to debate the Bill. These are things to which I wish to draw attention, and I could not allow the second reading to pass without making these remarks.

Hon. J. W. Langsford (Metropolitan-Suburban): There are one or two clauses to which I would like to draw the attention of the House. The Minister in moving the second reading said that many members of the House had had municipal experience. That is true. We have gentlemen here who have been mayors of Perth and Kalgoorlie down to the present mayor of the maiden municipality, Wagin. The Honorary Minister is mayor of Wagin, and I am sure the experience he has already gained in that position will help the House in considering this measure. I shall not refer to those clauses which have already been spoken to by previous speakers. Clause 15 seems to me to have been clumsily drawn. It provides for the union of municipalities. It says what is to become of the mayors and councillors, but says nothing about the auditors. This position may easily arise: If North Perth and Leederville agree to unite, the mayor of the more populous locality becomes the mayor of the united municipality with 21 councillors. At the first annual election the number of councillors

is reduced to 12 under the terms of the Bill, but I do not know what is to become of the extra mayor or of the four auditors; nothing is said in this clause about them. I think an amendment of some kind is necessary. Clause 25 if passed in its present form will I am sure cause a great amount of inconvenience and annoyance. It provides for the preparation of the electoral roll. In the past it has always been necessary that before one can get on the electoral roll his rates must be paid; but under the system of compiling the electoral roll provided in this clause, that requisite is altogether omitted, and every ratepayer, whether the owner or occupier, can get on the electoral roll, though it does not say that he shall vote. I contend that the electoral roll when issued by the council and signed by the mayor should contain only the names of those who can vote. That is not provided for.

THE COLONIAL SECRETARY: I am going to move an amendment.

HON. J. W. LANGSFORD: I am glad to hear that, because the roll that goes out to the public should be the one on which the election takes place. The roll can be compiled right up to the 20th October, when the revision court completes its labours, but no mention is made of the rates having to be paid. Later on there is a clause in the Bill providing that no one shall vote unless his rates have been paid; but the roll has been issued, it has been sold, the election has been fought on it, and then we are met with a position that one cannot vote unless his rates have been paid. It is a proper position that the rates should be paid, but the rolls should not be made up in this way.

HON. J. W. HACKETT: You mean that if they have not paid the rates they should not be on the roll.

HON. J. W. LANGSFORD: They should not be on the roll, or there should be some provision for striking off, before an election comes on, the names of those who have not paid their rates. But there is no provision for that here. The roll leaves the revision court with the signature of the mayor, but that is no use if it is not to be the roll that the returning officer has on the day of the election. There are certain questions which the returning officer can ask, but the question "Have you paid your rates?" is not amongst them, and of course we cannot expect a returning officer to investigate the council's receipts or anything of that kind when the election is proceeding: he must have a list clearly and plainly before him. When we get into Committee I hope that the Minister will provide that the roll that is issued shall be the roll of those entitled to vote. I think the provision in Clause 167, whereby it is provided that a mayor shall be *ex officio* a member of all committees but not necessarily chairman, is wise. I do not think it is intended that a gentleman who occupies the position of mayor should be expected to put in so many afternoons and evenings attending so many committee meetings as chairman. I think the provision that enables a councillor to act as chairman will lead that chairman to take a bigger interest perhaps in the committee than a mayor possibly could.

HON. J. W. HACKETT: Should not the mayor have the right of choice?

HON. J. W. LANGSFORD: I do not know how we could put it in the Bill in that way. Clause 286 provides that plans of buildings shall be submitted to the council before a building can be erected. There should be some means whereby these examinations should be final in themselves. When a man builds now, he has to submit his plans to the council first of all; the council put their stamp of approval on it; then it goes to the Central Board of Health, and for some days or a shorter term the plans are investigated and the central board put on their stamp of approval.

HON. J. W. WRIGHT: That only applies to public buildings.

HON. J. W. LANGSFORD: True. Later on, when the building is almost complete, the Fire Brigade Superintendent comes along and desires farther alterations; and this Bill, under the impression that all these are not sufficient, provides in Clause 313 that the Minister shall be a fourth party who may be consulted or who may interfere in connection with our public buildings. I think it should be our aim to have one board looking after all these interests, instead of having four separate bodies to whom one must submit plans and wait days and weeks possibly before getting the required sanction.

Hon. W. T. Loton: There should be finality before starting.

Hon. J. W. LANGSFORD: Exactly; that is a happy phrase; but under the Bill we will possibly have four boards to submit plans to. I think alteration is required there.

Hon. G. Randell: The building is often finished before one has the license to build.

Hon. J. W. LANGSFORD: I think from a bookkeeping point of view and from a point of view of saving to the council, Clause 402 ought not to be found in this Bill. This clause authorises the council to give a discount for rates paid within 30 days. There are penalties attached to the non-payment of rates, and I hardly think that we should give any discount. I know that it will be a great inconvenience to the town clerk or bookkepeers if the provision is used extensively. It means another discount column in the cash book, and no one ever heard of that in this State, at any rate, in regard to a municipality.

Hon. G. Randell: It comes from Queensland.

Hon. J. W. LANGSFORD: I hope the clause will be struck out when we come to it in Committee.

Hon. G. Randell: No, no. It is a very good clause.

Hon. J. W. LANGSFORD: I am quite in sympathy with Mr. Randell in regard to Clause 424, that is that we should reduce the powers of a possible overdraft to one-third. I think it is too extensive a power to give a municipality power to overdraw its banking account if it can get the banks to accommodate it, to the extent of 50 per cent. Clause 437 provides for the taking of a poll of the owners of property in a municipality in connection with loan proposals; but the request for that poll cannot come necessarily from the owners; it comes from those whose names are on the electoral roll. I say distinctly that a certain number of owners should have power to request that the poll be taken. Supposing the municipal roll comprised all occupiers and no owners, in the circumstances the owners would be debarred from demanding a poll on any loan proposal. If the owners are to vote, then they should have the right to ask for a poll on any loan proposal, and I think we can amend that subclause when we get into Committee. The town clerk can compile a special roll of owners, but no schedule is for owners. We have schedules for everything except for the owners of property who can vote in connection with loan proposals. There are some other small alterations I shall deal with when we get into Committee. I am sure the municipalities will be glad to have this Bill. It sets at rest for many years, I hope, the necessity for any fresh legislation in connection with our municipal government.

Question put and passed.

Bill read a second time.

BILL—AGRICULTURAL BANK.

Received from the Legislative Assembly, and read a first time.

BILL—LAND ACT AMENDMENT.

SECOND READING.

Order read for resuming the debate.

The HONORARY MINISTER (Hon. F. H. Piesse) explained that wrong prints of the Bill had been distributed, namely copies of the Bill as amended in Committee instead of copies as prepared for third reading, the latter containing three clauses (26, 48, and 52) which did not appear in the former. Before the debate was proceeded with, proper copies would be distributed.

Hon. J. W. LANGSFORD understood that members not now present wished to have the measure farther discussed. He moved that the debate be adjourned till Tuesday next.

Motion passed, the debate adjourned.

ADJOURNMENT.

The COLONIAL SECRETARY moved that the House at its rising do adjourn till 4·30 o'clock on Thursday next.

Hon. T. F. O. BRIMAGE: Could we not adjourn till Tuesday next? This was the second time members had worked for about an hour-and-a-half at a sitting.

The PRESIDENT: The hon. member could not speak on a motion for adjournment.

HON. T. F. O. BRIMAGE moved an amendment—

That the House adjourn till Tuesday next.

THE COLONIAL SECRETARY: The Municipal Corporations Bill had to be dealt with, and it was a big one. If it would meet the wish of members, he would alter the motion to read that the House at its rising do adjourn till 4·30 on Tuesday next.

Amendment withdrawn; the motion as altered put and passed.

The House adjourned accordingly at eight minutes to 6 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 30th October, 1906.

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

PRAYERS.

ELECTION VOIDED, GERALDTON.

MR. SPEAKER: I have received a communication with respect to the Geraldton seat. I will simply read the latter portion, which is as follows:—"I do hereby declare the said election null and void." Then there is an order as to costs.

THE PREMIER: I move—

That the seat be declared vacant.

MR. W. D. JOHNSON (Guildford): Before the motion is put, I would like to briefly draw attention to the peculiar circumstances surrounding this case, and the fact of the member occupying his seat from the time the petition was first heard until the decision was given. It is true the Premier did draw attention to the point previous to the member taking his seat; and the member also drew attention to the fact, and said he did not desire to do anything illegal, but said that owing to the utterances of the Premier and the desire of his constituents in Geraldton he thought he would take his seat, and he accordingly did so. At that time an attempt was made to have a discussion on the question, but you, Mr. Speaker, ruled it out of order because there had only been personal explanations on the part of the Premier and of the member. One can imagine under circumstances of this description a Government could use a position similar to the one under review to their own betterment and advantage. Let us imagine that this seat would constitute a majority on the Government side. The decision of the Chief Justice on the election petition should be dealt with, and the member whose seat was in dispute should not take his seat; for it could be urged by the Government that he should take his seat, and the Government could use that vote to pass measures and possibly to improve their position. Although it does not apply in this case, such circumstances might arise which would allow the Government to use a position of this sort with undue advantage to themselves; consequently I am justified in drawing attention to this matter. Let us look for a moment at the facts that led up to the petition.

MR. SPEAKER: I would like to draw the member's attention to the fact that this matter cannot be debated, except the discussion is made relevant to the case. The question before the House is that the seat be declared vacant. The member cannot make any remarks except on the question before the House.

MR. JOHNSON: I have considered that matter, but I thought that on the question that the seat be declared vacant it would be distinctly relevant to discuss the matter.

MR. SPEAKER: I hold a different view. Beyond the mere fact of the question being before the House, the discussion can have no effect even if the member opposes it, for it is provided that when