economy could be effected. The incidental vote was rather large for a small department, and the work performed by the department did not justify the expenditure.

THE MINISTER: The Labour Government appointed two additional inspectors.

MR. JOHNSON: When leaving the Mines Department he had pointed out to the present Minister that there was too much extravagance in the department.

THE MINISTER: Mr. Gill was appointed during the term of the Labour Ministry by Mr. Hastie, and Mr. Tickle was an additional inspector appointed by the same Government. These were extra inspectors. If officers were appointed, then provision must be made for their travelling expenses. We had brought down the clerical staff, and were getting rid of Mr. Ramage, who would not be replaced. There had been too much redtapeism in this department in the past.

MR. JOHNSON: It was true that during the term of the Labour Government, when Mr. Hastie was Minister for Mines, the Inspection of Machinery Act was passed, and owing to the passage of that measure representation was made to the Minister that an extra staff was necessary to administer the Act. He (Mr. Johnson) disagreed with it, and the Minister knew that when leaving the department he (Mr. Johnson) had told him that the expenses required reducing considerably.

MR. HORAN: Would the Minister give an assurance that he would take some action to have the North-West territory gazetted a district under the Inspection of Machinery Act?

THE MINISTER: The matter would receive consideration, and if possible he would gazette that country a district under the Inspection of Machinery Act, provided he could throw the responsibility on the owners of the machinery to have it properly tested, for the Government could not afford to send an inspector there.

Other items agreed to, and the vote passed.

This completed the Mines votes.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at two minutes to 5 o'clock Wednesday morning, until 4·30 in the afternoon.

Legislative Council,

Wednesday, 14th November, 1906.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Bylaws of Port Hedland Roads Board, watering-places.

QUESTION—CLERK ASSISTANT'S DUAL DUTIES.

HON. J. M. DREW: I am requested by the select committee appointed to consider the Land Act Amendment Bill to ask the Minister, without notice, whether the Government will make arrangements while the Legislative Council is sitting to relieve the Clerk Assistant of his duties as clerk of the Executive Council. The committee has been somewhat impeded in its work owing to the fact that when the Clerk Assistant's services were required, they were called into requisition by the Executive Council. As is well known, the Clerk Assistant is an expert parliamentary draftsman, and his services are invaluable to a select committee when it is necessary to make amendments to Bills which the committee has under its control. I trust that the Government will take into consideration

the privileges of this House and the special advantages derived by any select committee through the Clerk Assistant's services, and will take some steps to provide a substitute for him as clerk of the Executive Council. I am sure the Colonial Secretary will give a satisfactory reply, and will take some steps to provide a substitute for the Clerk Assistant when his services are required by a select committee.

THE COLONIAL SECRETARY replied: I regret to hear that the select committee has been inconvenienced in any way by the necessary absence of the Clerk Assistant in attending the Executive Council. The dual appointment of Clerk of the Executive Council and Clerk Assistant of the Legislative Council, or Usher of the Black Rod, was made by the Government with a view to economy. It was thought that one officer might fill both positions. However, I do not think there will be any difficulty. If the services of the Clerk Assistant are required by a select committee, I think the Government will be quite willing to appoint someone to act as clerk to the Executive Council. I do not think it will be necessary to do that in the ordinary way, as the Clerk Assistant's duties as clerk to the Executive Council do not interfere with his duties as Clerk Assistant, unless there happens to be a select committee of which he is clerk. I do not desire to interfere with the privileges of this House at all; in fact, it will be my desire to uphold all the privileges of the House; and if it is thought that the privileges of the House are being interfered with in any way by the time of the Clerk Assistant being occupied in attending meetings of the Executive Council, the Government will take into consideration the question of appointing an acting-clerk to the Executive Council for the time being.

BILL—MUNICIPAL CORPORATIONS.

CONSOLIDATION AND AMENDMENT.

IN COMMITTEE.

Resumed from the previous day.

Clause 178—Licenses:

On motions by the COLONIAL SECRETARY, the words "the council may grant licenses" were struck out of line 1 of Subclause 3 as superfluous, and the following subclauses (omissions in printing) were added: (*e.*) For licensing yards and premises for the sale of cattle. (*f.*) For permission to any person to erect weighing machines in markets.

Clause as amended agreed to.

Clauses 179 to 183—agreed to.

Clause 184—Bylaws adopting schedule, how gazetted:

THE COLONIAL SECRETARY moved an amendment—

That the words "headings of the parts and clauses" be struck out, and "numbers or headings of the parts, divisions, or sections" inserted.

The amendment would save a lot of unnecessary printing.

Amendment passed; the clause as amended agreed to.

Clauses 185 to 198—agreed to.

Clause 199—Saving of remedies against nuisances:

THE COLONIAL SECRETARY moved an amendment—

That after "nuisance" the words "under the provisions of any statute or" be inserted.

The amendment was consequential on the passing of the Criminal Code. The wording was the same as in the old Act.

Amendment passed; the clause as amended agreed to.

Clauses 200 to 215—agreed to.

Clause 216—Power to take land compulsorily:

HON. G. RANDELL: The Claremont council asked that this clause should be made more plain. As far as he could gather from reading the Bill nothing had been done in that direction. He did not know in what respects it needed to be made more plain. He just rose to call the attention of Mr. Langsford to it.

HON. C. E. DEMPSTER did not think the Government should be able to take land compulsorily from anybody.

THE COLONIAL SECRETARY: It could be done under the Public Works Act.

HON. C. E. DEMPSTER: Was provision made for compensation?

THE COLONIAL SECRETARY: Yes.

HON. R. F. SHOLL: What was the Public Works Act?

THE COLONIAL SECRETARY: It was an Act almost as big as this. It was

passed in 1902. Although a council might take land compulsorily the conditions under which that could be done were set out in the Act of 1902, one being that 10 per cent. over the market value might be allowed.

HON. R. F. SHOLL: If the Government under the Public Works Act wanted to take land compulsorily they gave notice, he thought, to the owner, and put their own valuation upon it, and if the owner was dissatisfied he went to arbitration.

THE COLONIAL SECRETARY: Yes.

HON. W. PATRICK: This clause was nothing new.

Clause put and passed.

Clauses 217 to 231—agreed to.

Clause 232—New roads, etc.:

HON. R. F. SHOLL: There ought to be some protection. Even the State could not close a road without an Act of Parliament. Under this clause we gave power to a municipality to divert a road or street, which was practically closing it. Provision should be made for paying compensation to owners whose property was depreciated through the diversion of a street.

THE COLONIAL SECRETARY: A council could not divert a street without paying compensation in case of depreciating a person's property. There was no need to fear that at all.

HON. R. F. SHOLL: This gave them power.

THE COLONIAL SECRETARY: It was contained in the old Act.

HON. R. F. SHOLL: That did not make it any better.

THE COLONIAL SECRETARY: The Act had been in force a number of years, and he did not remember ever having heard of a case where hardship had been inflicted under it. If this work was carried out under all the provisions of the Act, they could not divert or close a road without compensating the owner.

HON. R. F. SHOLL: Oh, yes; under this Bill they could.

HON. G. RANDELL: Provision was made in the Act before the last. From time to time it was absolutely necessary for the council to take this power relating to the maintenance and management of streets and so on. He thought they could not under this clause close a street permanently, but only for the time being, during the execution of repairs or something of that kind.

HON. R. F. SHOLL: That was an aspect of the question which he had not looked at.

Clause put and passed.

Clauses 233, 234—agreed to.

Clause 235—Municipalities relieved from certain actions:

HON. R. F. SHOLL: The clause was badly worded and not clear.

THE COLONIAL SECRETARY: The clause was copied from the parent Act, but would be recommitted.

Clause passed.

Clauses 236 to 240—agreed to.

Clause 241—Power to make watercourses, etc.:

HON. G. RANDELL moved an amendment—

That the words "for the drainage of any public place" be inserted after "may," in line 1.

Such power was never intended to permit of draining water from one man's land through the land of another. The amendment would preserve the rights of property-owners.

Amendment passed; the clause as amended agreed to.

Clauses 242, 3—agreed to.

Clause 244—Power to make tree reserves:

HON. W. T. LOTON: A similar clause, governing the width of a street containing a tree reserve, was discussed last session. He moved an amendment—

That the word "both," in line 6 of Subclause 1, be struck out, and "each" be inserted in lieu.

Whatever width was fixed should be so many feet on each side of the reserve. Later he would move that the width be 50 feet instead of 46. St. George's Terrace was one and a-half chains wide, yet a tree reserve therein was so dangerous that it had to be removed. The amendment would not interfere with streets about two chains wide.

Amendment passed.

HON. W. T. LOTON farther moved—

That the words "forty-six" be struck out and "fifty" be inserted in lieu.

A street containing a tree reserve should be more than one and a-half chains wide. In a hot climate we should provide extra space in streets, rather than restrict the space available.

THE COLONIAL SECRETARY: Probably the clause was provided to suit chain-and-a-half streets. A row of trees might be planted in the seven-feet strip which the clause would allow for a reserve in such a street.

HON. R. D. McKENZIE: Many new goldfields streets were exactly one and a-half chains wide, and a row of trees down the centre was desirable.

THE COLONIAL SECRETARY: The amendment would debar the council from planting anything in such a street. Better alter the amendment to 48 feet, which would leave room for a row of trees but not for a garden.

HON. J. W. HACKETT: Clause 243 gave the precise power asked for by the Minister. Trees could be planted down the centre, on the footpath, or anywhere else, if the thoroughfare were not obstructed. The amendment sought would protect the Perth Council from liability for serious accidents in its streets. There had been such accidents in consequence of the centre of St. George's Terrace being taken up by a double row of small boulders enclosing a reserve. Though the council repudiated all liability, heavy damages were recovered by the injured men, who narrowly escaped death. The measurement would not be taken from the butts of the trees, but from the space available for traffic.

HON. R. F. SHOLL: The trees would have to be clear of the traffic, in the same manner as those along the footpaths now had to be clear of traffic. The clause clearly intended to take a piece of land in the centre of the road.

Amendment put and passed.

HON. W. T. LOTON moved a farther amendment—

That in line 8, the word "ten" be struck out, and "five" inserted in lieu.

A distance of 10 chains was far too long.

Amendment passed; the clause as amended agreed to.

Clauses 245, 6, 7—agreed to.

Clause 248—The council may paint or fix names of streets on houses:

HON. G. RANDELL moved an amendment—

That all the words after "council," in line 1, be struck out, and the following inserted in lieu:—"Shall at all intersections of streets within the municipal district cause the names of such streets to be legibly indicated, and for that purpose may affix any board or plate, either in wood, iron, or other material, upon any part of any building, fence, or wall, or otherwise, such notice as may be necessary for such purpose and conducive to the public convenience."

It was highly desirable that a council should be compelled to affix the names of streets at intersections. This would be a great public convenience.

Amendment passed; the clause as amended agreed to.

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

THE COLONIAL SECRETARY moved an amendment that the following be added as a subclause:—

The council may from time to time authorise any person 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, or a door thereof, or upon any fence or gate.

This would give the council power to alter the numbering of houses in a street if necessary.

Amendment passed; the clause as amended agreed to.

Clauses 250 to 272—agreed to.

Clause 273—Trees obstructing or injuring roads:

THE COLONIAL SECRETARY moved an amendment—

That in line 2 of Subclause 2, the word "personally" be struck out.

The clause provided for the serving of notices on owners when trees might obstruct streets. This was in the present Act, which provided that a notice should be served personally on the owner, but really there was no need to serve personally.

Amendment passed; the clause as amended agreed to.

Clauses 274 to 277—agreed to.

Clause 278—Footways may be flagged, kerbed, and paved at expense of owner:

HON. G. RANDELL moved an amendment—

That "one-half" be struck out and the following inserted after "exceeding" in line 8: "nine feet in width one-half, over nine feet one-third."

It seemed unfair that the owner of property abutting on a footway 15 feet wide—in some cases they were 16 feet—should have to pay half the cost of making the footpath, whilst the man who owned property abutting on a footway eight feet wide--and there were many about eight or nine feet—would only pay one-half. His amendment would equalise the matter.

HON. M. L. MOSS: Why should they not be paid for out of the rates?

HON. G. RANDELL quite agreed with that, but was not prepared to move an amendment to that effect.

HON. R. F. SHOLL: The whole clause should be struck out.

HON. W. T. LOTON: The council should have power.

HON. R. F. SHOLL: The cost should come out of the rates.

HON. J. W. HACKETT: The council would not be able to make all these footpaths out of the rates.

HON. R. F. SHOLL: Some ratepayers were paying more than others for exactly the same class of work, though he did not think that position was intentionally brought about.

HON. W. T. LOTON: Some years ago he had flagstones put down which he paid for himself; but the council robbed him of them and carted them away.

HON. M. L. MOSS: Tar-paving or asphalting generally took place in such parts of a municipality as had all their roads and streets made probably years ago. These tenements generally paid the greatest amount of rates. We must not shut our eyes to the heavy burdens proposed to be placed on these city properties. Those who paid these heavy rates had a right to expect that when the council thought it necessary to make a footpath the cost should be paid out of the rates.

THE COLONIAL SECRETARY: Although the owners of the properties referred to paid heavy rates, they certainly benefited by the outside streets being made use of to bring business into the busy part; so they got an indirect gain. Mr. Randell's proviso was a wise one, and we might well let it stand at that. If councils would have to pay for asphalting footpaths out of their revenue he was afraid there would be very few asphalted or paved footpaths constructed, because the funds would not allow it. The towns were all growing, and the outside work was very heavy. He thought the only chance people had of getting paved and decent footpaths in the centre of the town was by compelling the owner to pay half the cost up to nine feet and a third over that width. After all, such paths improved the property. Formerly paths were gravelled, but better paths were wanted. It was not unfair to give the council power to ask people to pay the amount set forth in the Bill.

HON. E. M. CLARKE: If people in the centre of the city of Perth only paid the same rates as people farther out, the proposal would be right enough; but when people in the centre paid enough rates within two years to make and maintain the whole of the streets in front of their premises, it was a little bit too strong. In Bunbury whilst he was mayor it was suggested that if a man was a favourite with the council he would get a nice footpath made, but if not a favourite and he kicked up a bit of a row he would have to pay. Footpaths were not for the sole benefit of the persons living in the premises abutting on them.

HON. W. MALEY: In William Street in Perth there was a widow who paid £8 a week in rates, this amounting to over £400 in the year, which would be enough to make the street every year. He himself had paid a large proportion of rates for property. Some footpaths were made and others were neglected. In Hay Street one side was paved and the other side was merely gravelled. The owner of a block could not have a footpath constructed as cheaply as the council could do it. The object of having municipal government was to economise and to make footpaths and roads in a reasonable manner, continuously, effectively, and economically.

HON. W. PATRICK: If the clause were struck out the inevitable result would be there would be no footpaths made. Footpaths were more permanent than ratepayers. A man must realise that if a footpath was made it improved

his property to a much larger extent than the tax he was called upon to pay. No doubt some persons in Perth paid large sums in the way of rates, but if the rates were fairly apportioned, the more rates a person paid the greater was his capacity to pay in proportion.

HON. R. F. SHOLL: Rates were paid so that the councils could construct footpaths and roads, and loans were raised for the same purpose. It was therefore reasonable that asphalting should be paid out of the rates, and unfair that the ratepayers should be compelled to pay half the cost. Perth had plenty of money, because large sums were spent on functions that should be spent on footpaths. He opposed the clause.

HON. R. D. McKENZIE: While it was true that the greater the revenue a municipality received the more extravagant it got, it must be remembered there were other municipalities in the country besides Perth. If the clause were struck out it would interfere with the goldfields municipalities. At all events there would be few footpaths made in the business portions of goldfields towns.

Clause as amended agreed to.

Clause 279--Streets to be aligned and width of footpaths determined:

HON. G. RANDELL moved an amendment—

That the words "and levels" be inserted after "width," and that the following be added to the clause: "provided that the council shall, on request of any owner or his agent, furnish a plan of such levels and alignments."

Councils in the past had hesitated to give levels to persons about to build, and when persons built, the levels of the footpaths were afterwards altered. It should be compulsory that the council should supply the levels when asked for them.

THE COLONIAL SECRETARY: There was no objection to the amendment. Cases had occurred where owners had waited two years without being supplied with the levels they asked for.

Amendment passed; the clause as amended agreed to.

Clause 280—Footways in streets of same width and level:

HON. G. RANDELL: This clause empowered a council to remove or reduce any paving, steps, unevenness of surface, or whatever obstructed, rendered uneven, or contracted footpaths. This was in the old Act and had apparently been inserted because owing to an alteration of levels in William Street, Perth, an owner was compelled to put two steps in front of his house on the footpath, and persons proceeding along the street at night stumbled against those steps.

HON. C. E. DEMPSTER: The question of levels might well be considered by the Committee. In Northam the footpaths were raised considerably above the level of the gardens in front of houses. This depreciated the value of land.

THE COLONIAL SECRETARY: The council having once given the levels, if they raised or lowered the footway and damaged the property they had to pay compensation to the owners.

HON. G. RANDELL: The clause was intended to protect the citizens and council from the acts of private owners.

Clause put and passed.

Clauses 281, 2—agreed to.

Clause 283 — Council may require owners and occupiers to make and repair crossing:

HON. J. W. LANGSFORD understood that the Bill would be recommitted, and Mr. Sommers (who had given notice of an amendment) would probably be able to move his amendment then.

Clause put and passed.

Clauses 284, 5—agreed to.

Clause 286--Plans of buildings to be approved by council:

HON. M. L. MOSS: The last line contained the words "any street of less than 25 feet in width." According to the interpretation clause of this Bill a street was 66 feet wide. A roadway less than 25 feet wide ought to be called a way.

THE COLONIAL SECRETARY: There was another clause which gave power to proclaim a street less than 66 feet a street within the meaning of the Act.

HON. M. L. MOSS was satisfied with the explanation.

Clause put and passed.

Clauses 287 to 293—agreed to.

Clause 294—Material for roofs:

THE COLONIAL SECRETARY moved an amendment—

That the words "after the passing of this Act" be struck out.

Clauses 295 to 326 he thought were exactly as in the Building Act. It would not be correct to keep in the Bill the words proposed to be struck out.

Amendment passed; the clause as amended agreed to.

Clause 295—agreed to.

Clause 296—Party-walls to be of brick or of stone:

HON. G. RANDELL: This clause contained the words "built after the tenth day of September one thousand eight hundred and eighty four." It struck him that these words should not be there. Many houses in the larger towns as well as the smaller ones were built of other materials than brick or stone. There were houses, probably a terrace, built of wood, and the party walls could not be carried through the roof. He knew the provision was not enforced in every case. The object of the provision was to prevent the spread of fire.

HON. J. W. WRIGHT: The words "concrete or non-inflammable material" should be added. Materials besides bricks and stone were used for party-walls. In fact in America they were built with iron, and that was coming greatly into use throughout England.

HON. J. W. HACKETT: The words "or other material approved of by the council," which appeared in Clause 294, might be added to this clause.

HON. J. W. WRIGHT: As to carrying party-walls through the roofs, that was done away with where they were of iron. In many cases where party-walls were carried through there was difficulty in keeping them watertight. There were cheap jerry-built places where one would find a party-wall consisted of only a piece of hoop-iron and brickwork, and the brickwork inside to all intents and purposes instead of being a 9-inch wall was only a 4½-inch one.

HON. W. PATRICK: This clause appeared to have been drawn up especially for Perth, Kalgoorlie, and Geraldton; some of the old and settled towns. On some of the goldfields there was no such thing as a brick or stone party-wall. Take a place like Nannine or Meekatharra.

HON. M. L. MOSS: This provision would only apply to the places mentioned in the 15th schedule.

HON. W. PATRICK: Did it apply to the goldfields?

HON. M. L. MOSS: It applied to Cue.

HON. W. PATRICK had no objection to the application of the clause to Perth.

HON. G. RANDELL moved an amendment—

That the words "built after the tenth day of September, one thousand eight hundred and eighty four" be struck out.

THE COLONIAL SECRETARY did not think there was any necessity to strike out the words. The clause was copied from the present Building Act. If the words were struck out the clause would only apply from the enactment of this Bill.

HON. G. RANDELL: If the words were struck out, it would leave the law as at present.

HON. M. L. MOSS: The date was inserted to preserve the continuity of legislation from the time the Building Act came into force. As this Bill was only a consolidating measure, if we eliminated the date we could not penalise a person who built a partition wall of other material than brick or stone. The amendment should not be pressed.

HON. W. PATRICK: The names of many small goldfields towns appeared in the 15th Schedule, and great hardship would be inflicted if the householders were compelled to erect brick or stone party-walls in temporary dwellings.

HON. J. W. LANGSFORD: "Party walls" did not seem to apply to any house built before the 10th September, 1884; and Subclause 2 indicated that any house built since that date without a party wall must have a party wall built subsequently, in case of any substantial alteration.

HON. M. L. MOSS: The Building Act of 1884 was assented to on the 10th September of that year, Section 12 being similar to Clause 296 of the Bill, providing that all partitions separating houses or other buildings should be of brick, stone, etcetera. The date was inserted to prevent people who had broken the

Building Act of 1884 from escaping the penalties provided by the Bill.

HON. G. RANDELL, though not agreeing with the last speaker, withdrew the amendment.

Amendment by leave withdrawn.

HON. J. W. WRIGHT moved an amendment—

That the words "or of," in Subclause 1, be struck out, and "concrete or other material approved of by the council" be inserted after the word "stone."

THE COLONIAL SECRETARY: This would give the council a free hand. How could we define concrete? "Noninflammable material" would be preferable.

HON. J. W. WRIGHT: Wooden and iron party-walls were necessary in many goldfields towns built since 1884. Without the amendment people could be compelled to build those walls of brick or stone.

HON. W. PATRICK: Many of the towns mentioned in the 15th Schedule did not exist in 1884, and their residents would suffer gross injustice if Mr. Wright's amendment were not passed.

THE COLONIAL SECRETARY: The clause applied only to party-walls between two houses.

HON. W. PATRICK: Hundreds of goldfields houses were constructed with iron party-walls, and we had no business to penalise people who had built houses approved by the council for the time being.

HON. M. L. MOSS would modify his view of the clause. While the Building Act was in force since 1884, the 15th Schedule showed that a great number of the municipalities now included in this Bill were not brought under the operation of that Act till they had been for many years in existence. In rapidly constructed goldfields towns many party-walls must be of iron. Better add a proviso that the clause should not apply to any building erected before the Building Act of 1884 was applied to the municipalities mentioned in the 15th Schedule.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

HON. S. J. HAYNES: Would it not be better to say "noninflammable material"?

Amendment put and passed.

HON. W. PATRICK moved an amendment—

That the following be added to Subclause 1:—This clause shall not apply to any building erected before the passing of this Act.

THE COLONIAL SECRETARY: According to the amendment if a building erected of wood was taken down it could be rebuilt of the same material. He promised to have the clause recommitted for amendment if necessity arose.

HON. W. PATRICK: If the Colonial Secretary would recommit the clause and insert an amendment to provide for the cases he mentioned, he would withdraw the amendment. If the Bill applied to buildings erected previously to the passing of the Act, then all business portions of goldfields towns would have to be rebuilt.

THE COLONIAL SECRETARY would have the clause looked into, and if after an explanation had been given to the member he was not satisfied, the clause should be recommitted for farther consideration.

Amendment by leave withdrawn.

THE COLONIAL SECRETARY moved an amendment—

That in Subclause 3, line two, the words "next preceding section" be struck out, and "two last preceding sections" inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clause 297—Obligation of adjoining owners to under-pin buildings:

HON. J. W. WRIGHT moved an amendment—

That in line three of Subclause 1 the word "fifteen" be struck out, and "twelve" inserted in lieu.

In many instances the basement was only 11 feet below the ground. The ground floor was kept up, but once the building was taken down into virgin sand eight or nine feet, all that was required was depth enough for the basement floor.

THE COLONIAL SECRETARY: Fifteen feet was too deep, but to be on the safe side he suggested 13 feet.

HON. J. W. WRIGHT: There was no building in Perth where the basement was more than nine feet in the clear.

THE COLONIAL SECRETARY: There was a basement in King Street 14 feet.

HON. J. W. WRIGHT: It seemed that 12 feet was ample.

THE COLONIAL SECRETARY: It would be better to make the limit 13 feet. He agreed with the mover that 15 feet was too much, but 12 feet would be hardly sufficient in some cases. The suggestion to make the limit of depth 15 feet was made by the Chamber of Commerce in consequence of requests made from Perth and Fremantle.

HON. J. W. WRIGHT: In Fremantle you could not go down four feet for a basement.

Amendment (12 feet) put and passed.

THE COLONIAL SECRETARY moved an amendment in Subclause 1, altering the word "boundaries" to the singular number. Agreed to.

HON. J. W. WRIGHT moved an amendment in Subclause 2—

That after the word "allotment" there be added the words "at the time of erection."

THE COLONIAL SECRETARY: The amendment would have no effect, as the subclause was dealing with the boundary of the allotment.

Amendment put and negatived.

On motion by the COLONIAL SECRETARY, the subclause was verbally amended to make the meaning clearer. Also after "footpath" the words "at the boundary of allotment" were inserted. Also the wording altered to "owner of such building." The clause thus provided that the measurement should be taken at the boundary.

Clause as amended agreed to.

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

Consequential amendment made.

HON. T. F. O. BRIMAGE: Some amendment should be made to the clause in regard to goldfields centres where there were many wood, iron, and canvas structures.

HON. R. D. McKENZIE: If it was desired to put up a building on the goldfields of material other than was specified a permit could be obtained.

THE COLONIAL SECRETARY: The Fifteenth Schedule specified those municipalities which already came under the Building Act. Councils had discretionary power to give a permit to erect a building of any other material than brick and stone.

HON. J. W. LANGSFORD: Seeing that we made so much of our timber resources it would not do to unduly restrict the use of timber. This clause restricted the building of wooden houses unless a license was obtained. It was possible that the renewal of a license might be refused. The Building Act did not apply to the whole of Clarement.

HON. M. L. MOSS: Clause 285 provided that the provisions of the Building Act might extend to any portion or to the whole of a municipality.

THE COLONIAL SECRETARY: Councils generally agreed to certain portions of a district coming under the provisions of the Building Act, and that in certain parts of a town no permits should be given for building with materials other than brick or stone. Plans had first to be approved by councils. Councils could grant permits to build with wood. They would not refuse them except to safeguard adjoining property.

HON. W. PATRICK: If these provisions were enforced, any officious town clerk could turn a town upside down. Wood was the material used for building many of the large American cities, and it was largely employed in Australian towns. He had heard that Midland Junction had not advanced because the council insisted that all houses should be built of brick stone. In a country like this, with such magnificent jarrah forests, it was folly to insist that every tin-pot municipality should be compelled to apply a law which was only applicable to large cities.

Amendment (the COLONIAL SECRETARY'S) put and passed.

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

That in line 2 the word 'wood" be struck out.

HON. M. L. MOSS: Evidently the object of the amendment was to bring prominently under notice the inexpediency of applying the building clauses to all municipalities mentioned in the schedule. Something must have escaped the notice

of the Parliamentary Draftsman; because in Clause 285 it was provided that Part XIV. should apply to the municipal districts to which, at the commencement of this Act, the provisions of the Building Act of 1884 applied; such districts being enumerated in the Fifteenth Schedule. Then the clause went on to say that the Governor could, by notice in the *Government Gazette*, apply all or any of the provisions of this part of the measure to the district of any other municipality constituted, or to any portion thereof. The trouble was, that in the Fifteenth Schedule the whole of the districts where the Act already applied had been included, and not portions of them. The Parliamentary Draftsman could not have had his attention drawn to Section 3 of the Building Act Amendment Act, 1895, which enabled the Governor, by notice in the *Government Gazette*, to apply the Building Act to a part of a municipality only. If we allowed Clause 285 to remain as passed we would apply the Act to the whole of every municipality scheduled, and not to any part thereof. Clause 285 should be modified to make the Building Act apply to municipalities to no greater extent than it was applied by Order in Council. When the Act of 1884 was passed it was only intended to apply to Perth and Fremantle, and such other places as might be declared; but in 1895 it was provided that the Act could apply partially to a municipality, whereas this Bill would now make it apply wholly to the municipalities contained in the Fifteenth Schedule. We should postpone the rest of the building clauses so that the Minister might consult with the Parliamentary Draftsman on the point.

THE COLONIAL SECRETARY: It would not be necessary to postpone these clauses. He would consult the Parliamentary Draftsman to see where an amendment would be necessary to Clause 285, and it could be done on recommittal. The clause might be amended so that the Act might apply to parts of municipalities which were already under the Building Act. The Act being optional, it might be applied to any municipality on application; but when applied, the municipal council had power to grant licenses exempting certain buildings.

HON. T. F. O. BRIMAGE: The Building Act had proved a great hardship on the goldfields, even in a town like Kalgoorlie. One person owning a house on a quarter-acre block desired to erect an office adjoining on another quarter-acre, the material to be wood and iron, but he was prevented from putting up a building with such material because of the Building Act. If the municipal council were to extend the municipal area, then many buildings existing on such area would have to be pulled down because contrary to the Building Act.

THE COLONIAL SECRETARY: The hon. member was mistaken with regard to Kalgoorlie, for the Building Act applied to the whole of that municipality, and had done during half a dozen years at least.

HON. T. F. O. BRIMAGE: Then the clause should be altered so as to allow of any building being erected of inflammable material provided a certain area was left between it and any adjoining building. To pass the clause as it stood would operate detrimentally on the goldfields.

THE COLONIAL SECRETARY: The clause will not work any hardship in Kalgoorlie, because the Building Act was already in operation there, as he had stated, and the council had power to grant licenses for exemption from its provisions. The council in Kalgoorlie had granted such exemptions for years past; and even in the case of a large hotel near the centre of the town which was partly burned down, the owner was allowed to re-erect it in wood, by license from the council, notwithstanding that the Building Act applied to all parts of the municipality. The best way to protect the smaller municipalities would be to strike out some of those already included in the Fifteenth Schedule.

HON. W. PATRICK: So far as future buildings were concerned, it might be no hardship to pass legislation of this kind; but it should not apply to buildings erected under conditions existing previous to the passing of the Bill. In goldfields towns with which he was acquainted such pro-

visions as these would operate very unjustly, and we should remember that this country being practically in the pioneer stage at present, such legislation should not be applied to all towns alike.

HON. R. LAURIE: Some members seemed to be not in favour of municipal government, judging by their speeches. In all the towns that had come under the Building Act there were still buildings erected in wood under license from the council, and in no case that he knew of had the owner of such a building been called on to pull it down. He remembered the case of the hotel referred to in Kalgoorlie, which after the fire was allowed to be re-erected in wood by license from the council; and that showed how such legislation operated in practice, the council having a discretion. This clause was only the same as in the existing Building Act. A council should have the power to say whether a wooden building might be stuck up between two large buildings of permanent material.

Amendment by leave withdrawn.

HON. J. W. WRIGHT moved an amendment—

That in line 4 of the clause the word "ceiling" be struck out.

He did not know of any ceiling in Perth that was not constructed of inflammable material. A lath and plaster ceiling would be inflammable, and an iron embossed ceiling would not be a complete protection against fire.

THE COLONIAL SECRETARY hoped the amendment would not be pressed as the same argument would apply to the roof or the wall of any ordinary building, some portion of which might be inflammable.

Amendment passed, the word struck out.

HON. J. W. WRIGHT moved an amendment—

That all the words after "material," in line 6 of Subclause 1, be struck out.

Amendment negatived; the clause as amended agreed to.

Clause 299—No building to project on any footway:

THE COLONIAL SECRETARY moved an amendment—

That the words "to be hereafter erected," in line 1, be struck out, and "erected after the commencement of the Building Act, 1884," be inserted in lieu.

This would leave the law as it stood to-day.

HON. M. L. MOSS: And would practically admit Mr. Patrick's contention.

HON. W. PATRICK: The amendment would conflict with the promise made by the Minister as to Clause 296. The law had been amended. All these building clauses should be postponed for farther consideration.

Amendment passed; the first paragraph amended consequentially.

HON. J. W. WRIGHT: Did the word "posts" in the last paragraph apply to wooden posts?

THE COLONIAL SECRETARY: The council could allow wooden posts if thought fit.

Clause as amended agreed to.

Clause 300—(Justices may, after notice, cause encroachment to be removed), amended consequentially.

Clauses 301, 302.—agreed to.

Clause 303—Survey to be made of dangerous structures:

HON. M. L. MOSS: This was evidently a copy of Imperial legislation. The council, on the report of their own surveyor, might cause a building to be taken down. Had the owner or mortgagee a right of appeal?

THE COLONIAL SECRETARY: Apparently not, though he ought to have. The point would be noted and a clause drafted to provide for an appeal to another engineer.

HON. M. L. MOSS: No; it must be an appeal to no lower tribunal than one presided over by a resident magistrate. A law applicable in London might be out of place in Cue or Geraldton. Petty spite was frequently imported into the proceedings of councils. A hotelkeeper, being a councillor, might procure the pulling-down of a rival hotel.

THE COLONIAL SECRETARY would have a clause drafted as suggested.

HON. M. L. MOSS: Then all clauses to 312, being from the same source, ought to be postponed.

On motion by the COLONIAL SECRETARY, clauses 303 to 312 postponed.

Clause 313—Means of ingress to and egress from public buildings:

HON. J. W. WRIGHT: The Central Board of Health dealt with this matter.

THE COLONIAL SECRETARY moved an amendment—

That the clause be struck out.

He would move later on to reinsert Subclause 6 as a new clause to stand as Clause 286.

Clause put and negatived.

Clause 314.—Minister for Works to certify that public buildings are fit for public use:

HON. J. W. WRIGHT: The Minister did not certify now. This came within the purview of the health authorities.

THE COLONIAL SECRETARY: The Minister for Works had to pass public buildings as well as the health authorities.

HON. M. L. MOSS: This provision was contained in Sections 23 and 24 of the Building Act of 1884, in which the Director of Public Works was mentioned. In those days the Director of Public Works, while a Minister under the Government, was more a permanent head of the department. This was not a responsibility that should be cast on a Minister at all. The Central Board of Health under the Act of 1898 had all these powers conferred on it. He suggested that the attention of the Parliamentary Draftsman should be called to this and the following three clauses.

THE COLONIAL SECRETARY: The attention of the Parliamentary Draftsman had been called to this provision; but it was considered necessary that buildings should be supervised by the public works officers.

HON. J. W. WRIGHT: The works officers had not inspected any public building for the last eight or nine years; the work had been carried out by the Central Board of Health.

HON. M. L. MOSS: This provision was contained in Sections 153 and 154 of the Public Health Act of 1898.

Clause put and passed.

Clauses 315 to 318—agreed to.

Clause 319—(Compensation to be ascertained by arbitration) was amended by striking out the word "alone" in line 3, and inserting "as" in lieu.

Clause as amended agreed to.

Clause 320—agreed to.

Clause 321—(A building may be entered and inspected) was amended in line 1 by striking out the word "council" and inserting the word "surveyor" in lieu; also in line 2 by striking out the words "may or" and inserting "either of" in lieu.

Clause as amended agreed to.

Clause 322.—Safety of platforms, etc., entered or used on public occasions:

HON. J. W. WRIGHT: Here again was dual control. The local authorities, the Central Board of Health, and the Public Works Department had control of this matter. People would not know where they were. Under this clause a fine of £50 was imposed for a breach of the provision, and under the Central Board of Health the fine was £100.

THE COLONIAL SECRETARY: This provision was taken from the Imperial Act. It was well that this clause should be in a Municipal Bill because buildings were constantly being erected, and the Central Board of Health only sat in Perth while the measure applied to the whole of the State.

HON. J. W. WRIGHT: The Central Board of Health had control over the whole country, and the inspectors of the board travelled all over the State.

Clause put and passed.

Clause 323—Appeal:

HON. M. L. MOSS: It would be well to call the attention of the Parliamentary Draftsman to this provision for repeal, and ask whether in view of the interpretation clause he considered this provision sufficient for securing the right of the mortgagee. To enable this to be done he moved that the clause be postponed. Then as to the Supreme Court being a suitable tribunal for appeal, that court would be inconvenient for people away from Fremantle and Perth, and therefore for the greater part of the State. The Local Court should be the tribunal to

which appeal could be made on building questions.

Motion passed, the clause postponed.

Clauses 324, 5—agreed to.

Clause 326—Act not to apply to Government buildings:

HON. J. W. WRIGHT: This clause exempted the Government from the provisions as to not building in wood. Why should the Government be exempt, and other persons have these provisions enforced against them? He moved an amendment that the word "not" be inserted so as to make the Government liable, that the Government buildings "shall not be exempt." The Commissioner of Railways was putting up wooden buildings at the end of Wellington Street, in the heart of the city, and yet he was to be exempt under this clause.

HON. M. L. MOSS: How about Parliament House, the temporary portions of it?

HON. W. PATRICK could not understand the object of the clause. The Public Works Department was erecting wooden buildings all over the State to a larger extent than any other persons. On the South-Western Railway for instance, three out of four stations were built of jarrah. If it was wrong for individuals to build in wood, why not apply that to the Government?

HON. M. L. MOSS: Even if the clause were struck out, the Government would not be bound by the provisions of the statute, because the Crown was never bound by a statute unless specially named in it. How could any penalty be enforced against the Government in such cases?

HON. J. W. WRIGHT: The municipal council would have power to pull down Government buildings erected in wood, the same as they could pull down wooden buildings erected by private owners.

THE COLONIAL SECRETARY hoped the amendment would be withdrawn. It was reasonable to assume that the Government would not go in for jerry buildings. As to signal boxes on railways, a local authority might interfere seriously with the working of the railways.

Clause put and passed.

Clauses 327 to 333—agreed to.

Clause 334 — Council may provide baths, etc.:

HON. G. RANDELL: Why was the word "Minister" introduced in the clause? It was not in the existing Act, and it was a new feature for which no reason appeared.

THE COLONIAL SECRETARY did not know why it was put in, but there doubtless was some reason why public baths and washhouses should be approved by the Minister in certain cases as an additional safeguard for the public.

HON. G. RANDELL moved an amendment that the word "Minister" be struck out with a view to inserting "council." The provision as it stood was unnecessary and somewhat of an insult.

HON. J. W. WRIGHT: The oversight of such structures would belong also to the Central Board of Health; so they would be controlled by three separate authorities.

Amendment passed, the word "Minister" struck out and "council" inserted.

THE COLONIAL SECRETARY, on looking farther into the clause, saw a reason why these buildings should be subject to the approval of the Minister, as the clause provided that such buildings might be erected not only in a municipality, but within a reasonable distance therefrom.

HON. G. RANDELL: It would be necessary to recommit the clause.

Clause as amended put and passed.

Clauses 335 to 364—agreed to.

Clause 365—Revenue of municipalities, how made up:

THE COLONIAL SECRETARY moved an amendment—

That in Subclause 1, paragraph (*k*), the word "municipality" be struck out and "municipal district" inserted in lieu.

HON. M. L. MOSS: This subclause required remodelling to make it perfectly clear. These fines and penalties were to go to the municipality where they were recovered. If an offence were committed at Leederville the penalty was recovered in Perth, a different municipal district. That was not fair. The money should go to the municipal district where the offence occurred. He was not satisfied with all that was done in the past in connection with these fines. They were not distributed according to the Act, but he

was not permitted to say all that he could in regard to what had been done in this matter. The subclause should be reconsidered to provide that the penalty should go to the municipality where the offence was committed. The clause should be recommitted.

THE COLONIAL SECRETARY: The subclause was added in another place.

HON. M. L. MOSS: It was in the present Act.

THE COLONIAL SECRETARY: There was no reason why a municipality should get these fines.

HON. M. L. MOSS: They had always done so in the State.

THE COLONIAL SECRETARY: The point would be considered, and the clause could be redrafted if necessary.

Amendment passed; the clause as amended agreed to.

Clause 366—What shall be rateable property:

THE COLONIAL SECRETARY moved an amendment—

That in Subclause 3 all the words after "museum or" in line 4 be struck out.

It was considered that the clause as printed was rather contradictory. The words to be omitted were "mechanics' institute, or as an agricultural or horticultural show ground, or acclimatisation or zoological gardens, or for public recreation." Provision would be made for these elsewhere.

Amendment passed.

HON. J. W. HACKETT moved an amendment—

That the words "public art gallery, or" be inserted in lieu.

Amendment passed.

HON. J. W. HACKETT: The words "mechanics' institute" should have been retained in the subclause.

THE COLONIAL SECRETARY: Yes; they would be reinserted on recommittal. He moved an amendment—

That in Subclause 4 the word "or" after "used" be struck out, and the words "or held" be inserted after "occupied."

The subclause would then read "Land used, occupied, or held exclusively for charitable purposes." A charitable institution might not be using the land but might be holding it while collecting funds in order to build upon it. That land should not be rated.

Amendment passed.

THE COLONIAL SECRETARY moved an amendment—

That in Subclause 5 the word "exclusively" be struck out.

In some cases land was held for a cemetery, but some portion of it might be used for grazing, or there might be a caretaker's house on it, and the council might contend that it should be rated. By omitting the word "exclusively" the subclause would read "Land used as a cemetery." That would make it clear that the land should not be rated.

HON. G. RANDELL: We might also insert in this subclause the words "or held."

THE COLONIAL SECRETARY: Land would not be held in a municipality for a cemetery and not used.

HON. G. RANDELL: There was land in Perth granted years ago for a cemetery and not used.

Amendment passed.

THE COLONIAL SECRETARY moved that the following be added as Subclause 5:—

Land vested in any board under the Parks and Reserves Act 1895, or in trustees for agricultural or horticultural show purposes, or zoological or acclimatisation gardens or purposes, or for public resort and recreation.

This was to make it clear that parks, reserves, zoological gardens, and show grounds would be exempt from rating.

Amendment put and passed.

Paragraph (*a*) of the proviso, also Subclause (*b*), amended consequentially.

Clause as amended put and passed.

Clause 367—Annual value of rateable property:

HON. M. L. MOSS would propose an amendment that would have the effect of making material alteration in several succeeding clauses. He moved an amendment that the following words be inserted at the beginning of the clause:—

Upon each of the following general systems of valuation, namely—

HON. G. RANDELL: That would have the same effect as an amendment he had on the Notice Paper.

HON. M. L. MOSS had not intended to anticipate the hon. member's amendment. The object of this amendment was to

keep the system of rating exactly as at present by not permitting the alternative rating on the capital unimproved value. He did not know what other members might think, but he had his own feeling with regard to the prospect of a 6d. rate on the unimproved value for another purpose outside of municipal requirements.

THE COLONIAL SECRETARY: That amount of rate could be reduced.

HON. M. L. MOSS did not propose discussing the question at this stage, but was prepared to take a vote on his amendment, and would follow up the amendment with another.

THE COLONIAL SECRETARY: If the mover intended to take from the municipal council the right to rate on the unimproved value if the council so desired, this clause should be allowed to stand, and the amendment could be moved on a later clause. It would be convenient for the purposes of a land tax if municipal councils could take the unimproved value of land within the municipality and record it in their books as a valuation, so that the Government might make use of the valuation for the purpose of the general tax on unimproved values of land. This clause did not give power to councils to rate on the unimproved value, but merely provided that they should state the unimproved value of the land.

HON. M. L. MOSS: It was the same thing. Why did the Minister want to mix up the general land tax with the question of rating for municipal purposes?

THE COLONIAL SECRETARY: It would be no expense to the council to record in their books the unimproved value of each portion of land, and this would save expense to the country.

HON. M. L. MOSS could not see why we should mix up with a land tax for general purposes of the State a valuation made for municipal purposes. That would be making the municipal councils pay for this additional valuation.

THE COLONIAL SECRETARY: Municipal councils received a good subsidy for it.

HON. M. L. MOSS: In the Machinery Bill for the taxation of unimproved land values throughout the country we had provided a mass of machinery to enable the Government to make valuations on that basis, and no good object would be gained by keeping this provision in the clause.

THE COLONIAL SECRETARY: Seeing that municipal councils received a subsidy equal to about half their revenue from rates it was not unreasonable to expect the councils to make this valuation on the unimproved value of properties.

HON. R. F. SHOLL: The huge buildings belonging to the Government were not rated. He was opposed to a tax on the capital unimproved value, the result being unascertainable, while the old system had worked well.

HON. M. L. MOSS: Perhaps we might safely pass the clause. By the next clause municipalities must ascertain the capital value. He withdrew his amendment.

Amendment by leave withdrawn; the clause passed.

Clause 368—Mode of making valuations:

HON. G. RANDELL moved an amendment—

That the words "may exceed but" in line 2, paragraph (*c*) of Subclause 1, be struck out.

These were added in another place, and made the annual value estimate indefinite.

HON. M. L. MOSS: Some magistrates presiding in local courts misconstrued the corresponding section in the existing Act, and the words were inserted to allow the magistrate to increase the annual value to four per cent. on the capital value; but the words were unnecessary.

Amendment put and passed.

HON. M. L. MOSS moved an amendment—

That the words "not more than fifteen pounds per centum," in lines 3 and 4 of Subclause (*f*), be struck out.

The reason for the preceding amendment applied to this.

Amendment passed.

HON. M. L. MOSS moved an amendment—

That Subclause 2 be struck out.

This was the subclause providing for rating on the capital unimproved value.

THE COLONIAL SECRETARY: The clause gave the option of rating on the annual value or the unimproved value; and if the rate were struck on the unimproved value, the system must remain unaltered for a certain number of years.

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

Clause 369—agreed to.

Clause 370—Valuation of Tramways:

HON. M. L. MOSS: In drafting this clause, was attention paid to the fact that the Fremantle tramways were a municipal concern managed by a corporate body? Part of the lines was in East Fremantle and part in Fremantle, and it was not desirable that each municipality should have power to levy rates on the portion of the line and other assets within its boundaries, for one-seventh of the property was in East Fremantle and six-sevenths in Fremantle. The tramlines and accessories should be exempted from rating.

THE COLONIAL SECRETARY: The objection would be noted, but surely the councils would not rate their own trams.

HON. M. L. MOSS: That was not unlikely. All the power-houses and car barns were in Fremantle; the rateable value would exceed six-sevenths of the whole value of the property; and East Fremantle might have to pay to Fremantle an excessive rate.

Clause put and passed.

Clause 371—Valuation of gas mains and electric lines:

HON. J. W. WRIGHT: Some time ago it was agreed that one per cent. of the gross receipts was a reasonable annual payment to make to the council in lieu of rates; but the clause would impose thirty shillings. He moved an amendment—

That the words "ten shillings" in line 6 of Subclause 4 be struck out.

Amendment negatived; the clause passed.

Clauses 372 to 375—agreed to.

Clause 376—Manner of making-up rate book:

HON. M. L. MOSS: This and many succeeding clauses should be amended consequentially on the striking out of unimproved value rating.

THE COLONIAL SECRETARY: That would be done.

On motion by the COLONIAL SECRETARY, progress reported and leave given to sit again.

BILL—LAND TAX ASSESSMENT.

THE AMENDMENTS—A CONFERENCE.

THE PRESIDENT: I have received the following message from the Legislative Assembly:—

Message No. 28.—With reference to Message No. 25 of the Legislative Council, the Legislative Assembly acquaints the Legislative Council that it has considered the said message and desires that a free conference may be granted on the subject of the amendments requested by the Legislative Council in the Land Tax Assessment Bill. In the event of such conference being agreed to, the Legislative Assembly will be represented at the conference by five members.

THE COLONIAL SECRETARY: I move "That the consideration of Message No. 28 from the Legislative Assembly, in committee, be made an Order of the Day for the next sitting of the House."

HON. W. KINGSMILL: I hope I may be excused for taking a somewhat unusual course in debating this motion. I do so because, as the measure will be considered in Committee, I alone of all members will not have an opportunity of expressing an opinion on the course which will be adopted.

HON. J. W. HACKETT: You will have it on the motion to go into Committee.

THE COLONIAL SECRETARY: Is the hon. member in order in discussing this motion?

THE PRESIDENT: The hon. member is in order in discussing any motion before the Chair.

HON. W. KINGSMILL: I shall postpone my remarks if the Leader of the House will move that the President leave the Chair so that the Bill may be considered in Committee.

HON. J. W. HACKETT: A motion will be necessary to move that the President leave the Chair.

THE PRESIDENT: The consideration of this message from the Legislative Assembly will take place in Committee. When the message was sent from this Chamber, the Committee had leave to

sit again on receipt of a message from the Legislative Assembly. The message has now been received from the Legislative Assembly, and the Committee will have power to deal with it, if this motion be agreed to, at the next sitting of the House.

HON. M. L. MOSS: Then we go into Committee without a substantive motion.

THE PRESIDENT: Yes.

HON. W. KINGSMILL: Then I shall speak now. I do not intend to make many remarks. I shall at this stage express my disapproval of what I consider the unconstitutional method followed in reference to this Bill. We are asked in the message, another place having considered our message, to grant a conference. I venture to say that the statement made that our message has been considered is not altogether accurate, because the message cannot be said to have been considered when the amendments sent down by this Chamber to another place have not been voted upon nor indeed debated. In the second place I venture to say that at this stage of the proceedings this Chamber would not be justified in granting the conference which another place asks. I think most members will agree that the essential idea underlying the word "conference," as applied between two Houses, is that of a last resort; and in the few instances that can be cited where conferences have been arranged, here and elsewhere, it has only been in the nature of a last resort that the procedure was adopted. Now we are asked, before any disagreement has arisen between the two Houses, to have a conference. I may ask the Leader of the House, and he will answer me in the negative: Can we take this message asking for a conference as an indication that another place (the Legislative Assembly) has disagreed to our amendments? Am I right in that contention or wrong? Am I to understand that the Legislative Assembly has disagreed to the Amendments of the Legislative Council on the Land Tax Assessment Bill?

THE COLONIAL SECRETARY: I am not the Leader of the Legislative Assembly.

HON. W. KINGSMILL: I ask the hon. member as Leader of this House and as a member of the Cabinet. I think I can answer for him that these amendments so far have not been disagreed to. Touching for a moment on the opinion I expressed just now that this stage is not altogether the stage at which a conference should be asked for, nor indeed is the matter to be considered a fit subject for a conference, I would like, in the absence of any indication in our own Standing Orders as to the occasions on which a conference may be held, to ask members to accept what is said by the universal authority on parliamentary procedure in the absence of any Standing Orders of our own, that is May's *Parliamentary Practice*. On page 412 of May, in a paragraph dealing with subjects for a conference, the following words occur:—

> Either House may demand a conference on matters which by the usage of Parliament——

I would like to lay stress on that expression—

> are allowed to be proper occasions for such a proceeding, as for example (1) To communicate resolutions or addresses to which the concurrence of the other House is desired——

I venture to say that no member by any stretch of imagination can say that the present subject comes under the description which is given by May as example:—

> (2) Concerning the privileges of Parliament.

This does not seem to apply.

> (3) In relation to the course of proceeding in Parliament.

This also is inapplicable.

> (4) To require or communicate statement of facts upon which Bills have been passed by the other House.

This does not apply either. The last reason, to use an Irishism, is the only one which does apply and yet does not apply. It says:—

> (5) To offer reasons for disagreeing to or insisting on amendments made by one House to Bills passed by the other.

I do not think anyone will claim that there is any disagreement or that any amendment is being insisted on. Of the five examples given, not one applies to the present incident. That being so, as far as the advice given by the eminent authority is concerned there is no occasion for a conference at the present stage. May goes on to say—

> On all these and similar matters it is regular to demand a conference.

This is not a similar case.

But as the object of communications of this nature is to maintain a good understanding between the Houses, it is not proper to use them—

I would draw member's attention to the succeeding words—

for interfering with and anticipating the proceedings of one another before a fit time. Thus while a Bill or other matter is pending in the other House, it is irregular to demand a conference concerning it. In demanding a conference, the purpose for which it is desired should be explained, lest it should be on a subject not fitting for a conference. The causes of demanding a conference need not, however, be stated with minute distinctness.

I may say the message from the Assembly eminently fails in this condition, because it is not stated with minute distinctness.

It is sufficient to specify that they were upon matters of high importance—

and so on. To say conferences were formerly demanded and used in lieu of messages is not quite correct. Since a resolution was agreed to by the British Parliament in 1851, there is only this one incident where a conference was agreed on and a message would have been inadmissible. In case this is used as a precedent, I may say it was a Bill called the Oaths Bill, of 1858, and I would point out in that case matters had proceeded a stage farther than they have in our case. An amendment had been made by the House of Lords in a Bill passed by the House of Commons, was disagreed to by the Commons, and a conference was requested. I would like members to understand that I am not for a moment opposed to the idea of a conference, and I think a conference might be held as a matter of last resort. But I venture to maintain that there is nothing before the House on which we are to confer. There is nothing of a difference, so far. If a conference is asked for at a later stage of the proceedings, when it is a case of either conferring or losing the Bill, most certainly I promise the Leader of the House I shall be found voting to grant that conference; but to adopt so unconstitutional a method as is proposed to be adopted now is wrong and derogatory to the dignity of the House, which every member wishes to maintain. I am against the motion of the Leader of the House.

THE PRESIDENT: I would like to inform members that in my opinion the motion is in perfect order. According to our Standing Orders—

Communications shall be made on message, by conference, or by select committees conferring with each other.

Then the member has said that the reasons for the conference shall be stated in particular terms; but our Standing Orders say that it shall be stated in general terms the object for which the conference is desired. Here in general terms is the object, "The subject of the amendments suggested by the Legislative Council." The only other condition is the number of managers proposed to serve thereon. The number of managers here stated is five. I rule the motion in order.

HON. W. KINGSMILL: I did not raise a point of order. I simply referred to the stage at which the matter was brought forward.

THE PRESIDENT: I shall put the motion, "That Message 28 be considered in Committee at the next sitting of the House."

Question passed.

ADJOURNMENT.

The House adjourned at sixteen minutes past 10 o'clock, until the next day.