Legislative Assembly,

Thursday, 27th September, 1906.

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

PRAYERS.

FINANCIAL STATEMENT, WHEN.

THE TREASURER (Hon. F. Wilson): As it has been decided that I shall leave for Melbourne on Tuesday next, accompanied by the Leader of the Opposition, to look after the interests of Western Australia at the Conference of Premiers to be held at Melbourne in the following week, I have, with the consent of my colleagues, decided to ask the House to be good enough to meet here on Monday evening next in order that I may deliver the Budget Speech. I hope it will be convenient to members; and if there is no objection, when the House is rising to-night a motion will be moved accordingly that we meet at 7·30 o'clock on Monday evening.

MR. BATH: Why not on Monday afternoon?

THE TREASURER: Monday evening appears to be more convenient to most members.

PAPERS PRESENTED.

By the MINISTER FOR RAILWAYS: Railways Report for the year (statutory report only).

By the MINISTER FOR WORKS: Police launch "Cygnet" Papers, asked for by Mr. Holman. By-laws of Fremantle, Claremont, and Meckering roads boards. Public Works Report for the year.

RAILWAYS REPORT, EXPLANATION.

THE MINISTER FOR RAILWAYS, in presenting the Railways Report for the year ended June, said: This is not the complete report, but is merely a report sent in for the purpose of complying with the Act. The full report for the year is not yet printed. I make this explanation because members may be disappointed at this small report instead of a full report. I can say for the information of members that every effort will be made to place the full report on the table before the House deals with the Estimates.

QUESTION — GOVERNMENT PRINTING OFFICE.

MR. BATH (without notice) asked the Treasurer: 1, Does the Government Printer, under cover of a competitive examination, purpose to secure the work of a number of men without payment? 2, Has this been done with the approval of the Treasurer?

THE TREASURER replied: I am not fully conversant with what has occurred in connection with this matter; therefore I ask that notice of the question be given.

BILL—MUNICIPAL CORPORATIONS.

CONSOLIDATION AND AMENDMENT.

SECOND READING.

THE ATTORNEY GENERAL (Hon. N. Keenan): The subject dealt with in this Bill is so familiar to many members of this House, that I feel sure it will not require many words on my part to recommend to the House the acceptance of the measure. Before attempting to deal with the particular new provisions in the measure, I desire to inform the House that it is my intention when the second reading has been carried, as I hope it will be to-day, to have the Bill committed *pro formâ* in order that a number of amendments suggested by the Municipal Conference that recently sat in Perth, and which are worthy of acceptance, may be included in the Bill. This proceedure is not a common one, but it is one which I am sure on this occasion the House will see is

fully warranted. It is laid down in *May* as a procedure which it is open for the House to adopt, and the object is this. Where we have a Bill in which a number of amendments are made, which are really not vital to the principle of the Bill but are voluminous in character, instead of having the Notice Paper loaded with these amendments and making it difficult for members to follow them, we have the Bill printed afresh without losing the Bill by doing so. The effect of the procedure to which I refer is that the Bill goes into Committee *pro formâ*; the Bill with the alterations which are exceedingly numerous and which relate to a great number of clauses, the alterations sometimes being really only of a trivial character, is handed to the Chairman of Committees, and I then move that the Bill as amended be printed and recommitted at the next sitting of the House. By that means members will have in their possession, when the Bill is under discussion, the measure as it is presented with all the amendments printed in, and it will be easier for them to see the effect of the amendments, to see how far they are useful, to see those to which they will agree, and above all to follow the intentions of the municipal delegates when they framed these amendments at their conference. The Bill as printed is founded on the Victorian Act of 1903, and I would remind the House that the Victorian Act is in itself a consolidating and amending Act. It was an amendment Act particularly of the Victorian Act passed in 1900. So we have to-day not merely the advantage of our own experience, but also the advantage of the experience of a sister State that has arrived at a high degree of perfection in her municipal institutions. The advantage we gain from the municipal conferences that have been held from time to time in the State has undoubtedly been very great, and indeed the genesis of this Bill can well be traced to these conferences, to the work of a preceding Government which brought down a measure that, though it did not pass into law, remained behind for our guidance, and to the Bill which passed through the Upper House in the session of 1904. It is true that the results of the conferences may be somewhat contradictory. On some occasions when they have met they have endors a certain provision which on a subseque occasion they have thought fit to neg tive. In that case we have taken o own course, there being no clear wish the part of the representatives of mu cipal councils in any direction; and have been forced to take what we believ to be the best counsel. It remains f this House to say whether it is so, whether members should follow t change that has taken place in t counsels of the municipal delegates. illustrate to the House the fact th municipal conferences have gone into t Bill most carefully, I draw attenti to the fact that they have ev descended to the detail of inserting comma. That, I believe, was an effe by the Perth Municipal Council, w found that even in the matter of punctu tion it was necessary that the Bill shou receive careful consideration and so amendment at their hands. I do n refer to that in any spirit of casuist nor do I wish to perpetrate the milde kind of joke, but it illustrates the gre interest and care which these delegat have given in perusing and consideri the measure now before the House. order that members may appreciate t number of amendments that have be proposed, I may say that they run in five pages of printed matter. [M TAYLOR: Are you going to put the all in?] Not all; but the number have omitted is very few. I can assu members that these amendments u doubtedly improve the Bill, not so mu from any variation of the principle of t measure, as from making more clear a defined the machinery clauses. T gentlemen who reviewed the measure a those who are going to carry it into effe They point out that numerous claus and more particularly the machine clauses are not perfectly clear and e plicit in their language; and indeed t object of almost all the amendments h been to make the language more clear a explicit. In every case where that h been not only the intent but also t result of their work, I have witho hesitation adopted their suggestion. is more the language of the clause th the clause itself.

MR. TAYLOR: Will you go straig into Committee on the Bill?

THE ATTORNEY GENERAL: With the consent of the House. I desire to draw attention to a few of the clauses with which members may not be familiar and which to a certain extent, so far as legislation is concerned, are novel, though they have been before municipal conferences in this State many times. The first clause to which I wish to refer is Clause 16, which gives power to dissolve municipalities, a power which hitherto we had no provision for, and that power is necessary because in one case in this State a municipality was formed with undue haste, and it became afterwards impossible to carry on as a municipality. An extraordinary difficulty arose because no council was elected. The people in the district after it had became a municipality became rather few in number, and they declined to saddle themselves with the expense. [Interjection.] In the end the municipality was dissolved. It is wise to provide the machinery not only for forming a municipality but for dissolving it. The next matter comes under Clause 25, which provides power for the Governor to make orders without a petition being presented in certain cases. Members I feel sure will recognise that it is wise to take these powers for the particular matters. They are matters concerned with the exercise of the powers of any municipality, or any portion thereof, if in such municipality there is at any time no council, or not sufficient councillors to form a quorum of the council, or altering for the purpose of adjustment the boundaries of conterminous municipal districts or wards or of any conterminous municipal district and road district, or declaring the number of the population of any municipal district. We have also made a new provision for investigating under Clause 32 the *bona fides* of petitions. The Minister is given power to direct an inquiry. That provision is framed largely from the Victorian Act of 1903. It is merely machinery, and is, I submit, simple and effective for the purpose for which it is included. Under Clause 120 we have assimilated the laws in relation to electoral offences committed at municipal elections to those in connection with our parliamentary elections. And again I think that is a wise step, because it is much easier to administer these laws when they are framed on the same lines, rather than having a matter prohibited and an offence in one election whilst in another election it is not prohibited and is not an offence. We wish to train up all those who exercise the franchise, whether in municipal elections or elections for the Houses of Parliament, to a knowledge of what they should do and what they should not do, and it is therefore a clear advantage that both should be similar in their provisions. Under Clause 160 we define what is ordinary business at a meeting of a municipal council. This has also been found necessary. I have no doubt that members having any experience of municipal life will themselves remember how the question has arisen. It has been necessary to define what is ordinary business. The object of defining it is to enable the chairman to conduct the proceedings in proper order.

MR. TAYLOR: It is a difficult task sometimes.

THE ATTORNEY GENERAL: We shall render it easier by this Bill. The chairman is called upon to decide whether some subject-matter submitted to the meeting can properly be discussed or not. We give ample directions in this clause, which we have taken from the Victorian Act, which any chairman wishing to carry on the proceedings in an orderly manner will find no difficulty in following. Under Clause 175 we make a provision which is new in its character in any part of Australia, giving the council power to enter into bond for securing duty on goods in customs warehouses. That is really almost a personal clause, inasmuch as if the House sees fit to pass it, it will enable the Kalgoorlie council to relieve some of its citizens, among whom I happen to be one, of the obligation we were obliged to enter into at the time the customhouse was opened at Kalgoorlie. I do not know that the success of the venture has been such that this clause will ever be operated upon in any other part of Australia, at any rate as regards inland towns; but that is a matter it is not necessary I should here discuss or dilate upon. The power given under this clause cannot be in my opinion one whit too broad, and although it may not be that municipal councils in the future will deem it wise to enter on a venture of the character this clause would

enable them to enter upon, nevertheless it cannot be disputed that there is nothing foolish, nothing unwise in allowing them to exercise their discretion in the matter; and particularly in a State of this size, in which it frequently happens that inland towns have to depend largely for the supply of their merchandise on the goods stored in the town itself. I do not refer to towns having easy means of access, although even in that case it may be desirable, but it is particularly desirable, and will remain so, where means of access are not easy, and where it becomes necessary to a certain extent to accumulate a large store of dutiable goods in the town. Clause 176 regulates the provisions governing by-laws which may be framed by any municipality, and the purposes for which they may be framed. We have added certain subclauses which I do not propose to refer to in detail. They have been added at the request in several instances of the municipal conference in this State, and they deal with such matters as fish markets, bathing, and other things. They enable by-laws to be framed for the better government of business of that character when carried on in municipal boundaries. In Clause 222 we have made provision that strips of land adjoining streets may be included therein. This is a provision which is made at the suggestion of the municipal conferences, and which has no precedent in any other Act in Australia, but I feel sure members will see when they have read it that it is a wise provision to make. It provides that—

> Whenever on a plan for the subdivision of land made before or after the commencement of this Act, the owner of the land shall have set out a street, and reserved a strip of land of not more than five links in width along the side of or across such street, the council may, on dedicating the street to the public use, include such strip of land in such dedication without any liability to compensate the owner thereof, and it shall thereupon become part of the street: Provided that if there are improvements on such strip of land, the council shall pay to the owner the value of such improvements, to be ascertained by agreement or in the manner provided by the Public Works Act 1902.

The next provision is dealing with corner posts, and this is a new one, and has been inserted in our measure in the form in which it is printed at the suggestion of the municipal conferences. There are Clauses 241 and 242, which are also new clauses. They deal with tree-planting and tree reserves, and I do not propose to dilate on them. They are taken from the Victorian Statute, and no doubt they will commend themselves to the House as being proper provisions and proper powers to entrust to a municipal council.

MR. TAYLOR: The member for Perth could give you some valuable information on that point.

THE ATTORNEY GENERAL: These clauses, although the subject is not one I wish to refer to at any length, have no doubt had their origin in the fact that the Perth municipal council found themselves under a legal liability on account of having, without any authority, carried out work of this character. I do not think that any member will dispute that where we have large thoroughfares, such as we have in this State, it is wise to use the middle portion of them for garden purposes and tree planting, or for growing flowers, and it is only natural and proper to give these powers to municipalities. Clause 249 gives a municipal council power to form a street at the boundary of a municipality and outlying district. As the position stands to-day, a street which forms a boundary line is owned by the municipality as far as to the central portion of it. The line of demarkation runs down the very middle of the street, and no doubt members who have had experience of municipal life will recognise the difficulty a municipal council has in dealing with such a street, because the council owns half the street, and the other half belongs to a roads board district, or to an adjoining municipal council. The position has been one of considerable difficulty, because the council, when called upon to keep the street in repair, had only half of it in its charge, and naturally—as I know some councils have done—put that half in good repair and made it as far as the middle of the road. That was used by everybody, and the other half was left in a state of nature, with the result, of course, that the wear and tear of that half was enormous, and use was generally made of it by those who paid no rates to the municipality. The provision made in this Bill enables municipal councils to form streets of that character from side

to side, and at their discretion to carry out the work, and subsequent clauses provide for the system of reimbursement to the council doing the work from either the roads board district or municipality which adjoins. [MR. H. BROWN: Which clause?] In Clause 252. By Clause 253 we give councils the power to unite for the purpose of making and repairing bridges. That is a power which will no doubt be very useful in certain municipal districts, although in a great number of municipalities it will be a dead letter. Under Clause 261 we have incorporated a provision from the Victorian Act of 1903 under which it becomes the duty of the council, except as provided for by this measure, or any other Act of Parliament now or hereafter to be in force, to open and keep open for public use, and free from obstruction, every surveyed and reserved street or way within the municipal district required for public traffic, and proclaimed under this or any other Act. And incidentally I may remind the House that included in the amendments which will be referred to Committee, and will be printed, is one that the council will have power to declare by special notice any thoroughfare of any width to be a street. At present under our existing Act, and under the Bill printed without the amendments, a street is to be of the fixed width of 66ft. or more, but we shall give the power, when the amendment has been adopted, to a council to proclaim any thoroughfare set apart for the use of the public, no matter what its width, to be a street, if in its opinion it is worthy of being so designated, and if that proposal is carried out by special resolution.

MR. H. BROWN: It is a dangerous innovation.

THE ATTORNEY GENERAL: The reason for it is this. We have even now on the Notice Paper, members may notice, a municipal institutions amendment Bill, the only object of which is to declare a certain thoroughfare less than 66ft. in width to be a street, in order that the various by-laws relating to streets, such as provisions relating to sale by hawkers and various other things, should apply to such thoroughfares. I think it is most undesirable that we should have session after session a Bill brought down for a special purpose of this character. It is better to give power to the council to deal with such a matter, if they desire. No member would suggest for one moment that the House should accept a Bill unless it was first of all adopted and approved of by the municipal council in whose locality the street affected was situated. Therefore we are simply working always on the lines that this Bill will render unnecessary, because it will give the power to those on whose fiat alone this House would ever consent to act. In Part XIV. we have incorporated in this Bill the Building Acts with certain additions taken from the London Building Act of 1894. These provisions are not for the first time adopted in Australia by our Bill, because they have been adopted in Queensland. In Committee, when we are taking each clause *seriatim*, members will see that these provisions are wise and salutary ones. They particularly relate to dangerous and dilapidated structures, and give the councils more power to deal with such structures within the boundaries of their municipalities. In Clause 335 we give power to municipalities to expend money on libraries, recreation grounds and other public reserves. Hitherto it has been necessary if any moneys were expended by municipalities on public libraries, museums, or reading rooms, that they should be voted out of what is known as the "three per cents.," but it frequently happens that, though the "three per cents." are sometimes looked upon as capable of standing any strain, the sum under that heading is not sufficiently large to meet this specific expenditure; and it cannot be questioned that it is a legitimate form of expenditure from the money raised by rating the citizens. This provision is therefore included in the Bill, and though I cannot quote any precedent from any other State, I think members will recognise that we have the right to set up a precedent in that regard. In Clause 365 we provide for alternative forms of valuation of ratable property, either on annual value or on the capital unimproved value. Many amendments have been suggested to this clause by the last municipal conference, and it would therefore be useless for me to dwell at length on the clause as printed in the Bill, inasmuch as I intend to ask the House to print the Bill with those amend-

ments which I propose to ask the House to accept. It would be impossible, I am told, in some municipalities to raise sufficient revenue if they proceeded alone on the basis of the capital unimproved value. One such municipality is York, where the municipal area is limited, and where the principal revenue is derived from the rating of a few hotels, and where the adoption of rating on the unimproved value would consequently diminish very seriously the revenue the council now receives. It is asserted, and I believe with a great deal of force and truth, that it would be more than they could do to carry on if we were to adopt, without any possible alternative, a rate on the basis of the capital unimproved value. So, necessarily the Bill gives a selection between rating on the annual value and rating on the capital unimproved value; but we have in the amendments which will be printed with the Bill a provision which makes it necessary in any event, whether the municipality adopts the annual value or not, to at any rate make an estimate on the capital unimproved value; and that duty is not merely for the purpose of comparing the system of rating on annual value with the possible rate that would be derived from the capital unimproved value, but because for the purpose of another Bill we hope to be assisted by local authorities in arriving at local values. In Clause 368 special provision is made for the valuation of tramways. These provisions are already on the statute-book in Queensland, but they become particularly applicable here; because in Perth, Kalgoorlie, and Boulder, tramways have been constructed and special arrangements made with those who laid down the tramways under which, instead of contributing to the rates on any basis of the value of their tracks, or the ground occupied by their tracks, or the barns where they store their cars, they pay so much on the gross receipts by way of subsidy to the municipalities. Provision is made to prevent disputes arising from an arrangement of that character, because it may be that municipalities which now only possess a certain number of miles of track may expand and include some farther miles which may be substracted from other local authorities who have hitherto enjoyed the percentage in the proportion that thei mileage bears to the whole. We provid machinery for adjustment of the possibl revenue between the parties interested Clause 380 deals more particularly wit the authority of the council to strik rates, and it proceeds on the lines I hav indicated; they can strike a rate eithe on the basis of the annual value or o the capital unimproved value. There i first of all to be a general rate whic is provided for in that clause, and i is provided that in any one year n general rate shall exceeed 1s. 6d. i the £ upon the annual value o ratable land where the system of valuatio on annual value is adopted, or where th system of valuation on the capital un improved value is adopted in muni cipalities not within proclaimed goldfield 4d. in the pound on the capital unim proved value of ratable land, and i municipalities within proclaimed gold fields 9d. in the pound on the capita unimproved value of ratable land. Man amendments have been suggested to tha clause by the municipal conference, an they render any discussion by me of th clause hopelessly meagre. It would b necessary to refer to the amendment before I could explain to the Hous satisfactorily what is the final form i which we intend to present the clause t the House. The last clause to which refer hon. members is Clause 514, undc which, in the sad event of there bein disputes between adjoining municipalitie the Minister is given power to decide th disputes. It will be seen that th decision of the Minister with regard to dispute will be final and may be made rule of the Supreme Court. I think on the whole better that we shoul provide means for the decision of dispute which may possibly arise, though I hop they will not, rather than that we shoul leave it open to the arbitration an determination of a law court. The right of the parties will not be affected by th clause, because in any event if th matter were such that only a court of la could determine it, even if the Ministe dared to determine it, it would not b possible that his decision would bind th council; but if it is, as it most frequentl will be, not a matter of law and possibl a small detail, it is wise that we shoul include power of this character in order t

provide easier and more effective means of determining these trivial disputes. This provision is taken from the Victorian Act, and I understood it has been found in experience to be most effective in that State. It may be observed that the clauses I have dealt with are few and far between, and that in a measure of this size it should have been more proper on my part to have addressed to the House remarks at a greater length; but I have refrained from doing so if for no other reason than that there are 16 or 17 members in this House all of whom have had experience of municipal life, and all of whom have taken part in municipal government, and many of whom have been present on several occasions at conferences of municipal bodies. Therefore I am, so to speak, walking upon a beaten track, and discussing a subject with which members are possibly more familiar than myself; and that is ample excuse for the shortness of my remarks.

MR. BATH: Have you made provision for the amalgamation of municipalities?

THE ATTORNEY GENERAL: Yes; it will be found in Part III., Division 3. The Leader of the Opposition will understand that I have not by any means attempted to exhaust the powers and provisions contained in this Bill, for the reasons I have just indicated. I feel sure that nothing farther will be expected from me on this occasion, because I would be merely occupying the time of the House and would not be adding to the knowledge of hon. members. Therefore I venture, with the few remarks I have offered, to ask for the acceptance of this measure.

MR. H. BROWN (Perth): I intend to say but a few words on this Bill. I know it is badly wanted by the State, and my suggestion would be that the amendments referred to by the Attorney General should be placed before a select committee which could then go through them and see which should be inserted in the Bill, and the committee could go through the Bill generally and report to the House. I am sure it would be a much quicker method, and that the Bill would get a far better treatment than it will in open Chamber. I regret to find on this occasion that the police court fines have been left out of this Bill again. It will be within the memory of members that two years ago, when Mr. Daglish was Premier, he left them out of the Bill brought down, and that the House afterwards agreed that councils should have half the fines. I know that at that time the present Premier was a great advocate of the inclusion of police court fines in the Municipal Institutions Act Amendment Bill, and I hope that he will see his way clear on this occasion to allow police court fines to be inserted in this Bill. These are the remarks the hon. member made three years ago when Mr. Angwin introduced the amending Bill:—

> With reference to the clause that provides for doing away with police court fines, I do not know why the provision in the Act has been struck out. It has been contained in the Municipal Act since the first law was passed in this State. I can hardly understand the position of the Premier in regard to this. I could imagine him as mayor of Subiaco being strongly opposed to this clause and in favour of its being struck out, while like the Poo-Bah in the "Mikado," as Treasurer of the State he would warmly support it. In Committee I hope the Treasurer will think of some compromise being effected. The municipal councils might divide the fine with the Government. I think that a reasonable compromise.

Three years ago that was the opinion of Mr. Moore as member for Bunbury, and I trust he has not changed that opinion.

MR. TAYLOR: He has a more matured opinion now.

MR. H. BROWN: With the reduction of subsidies, the omission of special grants, and the police court fines taken away from corporations, they will have a very bad time indeed. With all these reductions I am certain, unless the rating powers are increased beyond 1s. 6d. in the pound for general rate, a number of municipalities will be in bankruptcy before long. It will be impossible, with the proposed reduction of subsidies, to raise sufficient revenue under the 1s. 6d. general rate.

MR. TAYLOR: What is the justification for the fines going to the corporations?

MR. H. BROWN: They provide the crimes. I say seriously I am certain with the proposed reduction of subsidies the corporations will not be able to exist on the 1s. 6d. rate. Too great power is given to corporations in regard to the

width of streets. In the majority of cases, land is cut up into such small areas that from a health point of view it should be suppressed. If this provision is made, people will still cut up land with small streets intervening, and after a few years the owners will come to the local corporations and ask them to take over these streets, knowing that in the majority of cases the land has been cut up in defiance of the councils. I would like to see a provision in the Bill that is in force in Cape Colony: that every house should have a certain area of land around it. At present there are restrictions in the Roads Board Act for cutting up a block of land, but there are no restrictions as to how many houses shall be placed on that block. The provision has worked well in Cape Colony, and if we are to consider the health of the people there should be plenty of space around houses.

MR. BATH: What is your opinion on the proposed municipal franchise?

MR. H. BROWN: I am quite satisfied with it. Another matter with which I am pleased is in reference to the planting of plots in the middle of the streets. The large streets in Kalgoorlie could be made beauty spots, without cost to the ratepayers. I also think that 7½ per cent. is quite high enough for rating. The Bill allows a corporation to go as high as 10 per cent. on the unimproved value of land. The clause with reference to the 4 per cent. on improved land should be amplified. We find in Perth holders of very valuable blocks of land placing small shanties on that land, buildings which are not commensurate with the value of the land. Buildings have been erected in Perth at a cost of £10 on land which is worth £10,000, and by the erection of these shanties, the land is rated 4 per cent. when it should be rated 7½ per cent. In Committee some provision should be inserted to put an end to that state of affairs. In conclusion, I say again that I would like to see the Bill referred to a select committee, in order to get it through this session; otherwise it will receive the same fate that the Municipal Bill received two or three years ago. After spending some weeks of labour over it, the Bill went to the Upper House, and that was the last we heard of it. If the Bill were referred to a select committee, it would be got through the House in a few days.

MR. T. H. BATH (Brown Hill): Before the second reading is carried, I would like to say I recognise the necessity for some amendment of the Bill. Unlike a number of members who are at present members of the Chamber, I have not had experience of municipal affairs, because the only time I tried to get into a municipal council I was defeated by a few votes; thus my ambition was nipped in that direction, and so I am not prepared to speak or to urge matters in regard to the measure with the same authority as those who have had experience might urge on behalf of their views. I think the Attorney General might have made a new departure when consolidating or amending the municipal legislation of the State. I believe the time has arrived in Western Australia when we could embark on a more comprehensive system of local government than we enjoy at the present time. I think we could vest in local governing bodies more power than is given under the municipal and roads board legislation. I believe it would result in better local government and in a better class of members of municipalities or other local governing bodies. But it would also result in good to the State, because it would do away with the system that obtains in Western Australia as well as elsewhere, where members are more dependent on the manner in which they conform to the wishes of their constituents in securing grants for roads and so forth, than attending to the legislative work of the State. I believe in districts like Perth, with compact populations, and in Kalgoorlie and other centres where population is centred within comparatively small areas, we could do away with a large number of individual municipal councils and roads boards, and embark on something similar to the county council system existing in the old country, and vest in them greater powers than is proposed under the Bill. The Attorney General, in the Bill he has submitted, has specified the undertakings in which municipal councils can embark; and after all, they are not extensive. It extends the control to buildings,

controlling markets, to maintaining bath and wash houses and libraries and reading rooms. I think, for instance, that a municipal council should be vested with the power of running a tramway service if it thought desirable.

THE ATTORNEY GENERAL: Without any farther authority from Parliament, simply under this Bill?

MR. BATH: Most decidedly I say so, if we do, as a preliminary vest in them those powers which are given to the county councils in the old country. In the case of London, Glasgow, Liverpool, and Manchester it is not essentially necessary to go to Parliament and secure the passage of a Bill to secure these undertakings. The have the right under the local governing measure.

THE ATTORNEY GENERAL: I think the member is wrong. They have the right if they get the sanction of Parliament.

MR. BATH: I do not think that is so. As far as this Bill is concerned we should not attempt to specify in the few clauses contained therein the undertakings in which councils may embark. Take the case of the Perth city council. A special Bill had to be passed in the House to allow the city council, not to undertake the work of quarrying stone, but to supply stone which had been quarried to other municipal councils. That was practically a legitimate thing for the council to do, having opened up a quarry and having a surplus of stone above what was required for local use, to supply it to other municipal councils. They could do it with advantage, not only to themselves but to the surrounding municipal councils; yet a special Bill had to be submitted to Parliament for it. There may be other undertakings which may not have occurred to the Attorney General, and which, in the future, a municipal council may see fit to undertake; and if not inserted in the measure, they will have to come to Parliament and secure the passage of a Bill to undertake these works. I am strongly in favour of giving additional powers to municipalities; and on a democratic franchise it would be an advantage to the State to hand over to the local governing bodies something in the shape of a county council system, and the power of rating on the unimproved value of land. The greatest complaint I have found in farming districts is not so much against the principle of being taxed on the unimproved value of land; but under the Roads Act they have to raise a tax on the unimproved value for local purposes, and superimposed on that we shall have a tax for State purposes. I believe it would be better to vest in the local bodies power to raise taxes for local governing purposes and grant to them certain territorial revenues raised in those districts, and we would do away with the necessity for municipal and other local governing bodies continually going to Ministers and worrying members to get grants for their roads and other public purposes. It would lead to greater independence of character and deeper interest on the part of residents in the localities and in the return of men to sit on the local governing bodies, and it would result in men of a better calibre being returned to look after their interests. I may say so far as this measure is concerned, although it has been on the file for a considerable time, we have had so many other important measures to deal with that I have not had an opportunity of giving it that attention which a Bill of this nature warrants; but I hope that in Committee the Attorney General will give every opportunity for the fullest discussion and perusal of the Bill, so that a better law may result from the deliberations of the House.

Question put and passed.

Bill read a second time.

IN COMMITTEE PRO FORMA.

On motion by the ATTORNEY GENERAL, the House went into Committee for the purpose of adopting formally certain amendments prior to discussion, and for having them printed in the body of the Bill.

Bill reported formally with amendments; the report adopted.

THE ATTORNEY GENERAL moved that the Bill be printed with amendments.

MR. H. BROWN (Perth): This would be a great waste of time. There were scores of these small amendments. If they were considered, probably half of them would be found unnecessary. Far

better submit the Bill to a select committee consisting of members from both sides of the House.

Question put and passed.

BILL—AGRICULTURAL BANK.

CONSOLIDATION AND AMENDMENT.

SECOND READING.

THE HONORARY MINISTER (Hon. J. Mitchell): I rise with considerable pleasure to move this amending and consolidating Bill. As members know, the Agricultural Bank has been in existence some 12 years, and during all that time it has worked most satisfactorily. Some members now in the House will remember that the discussion when the original Bill was introduced in 1894 was of a most interesting character; and I am sure it must have afforded members who took part in that discussion great pleasure to watch the progress which the bank has made, and to know that the bank has thoroughly succeeded. The original Bill was introduced entirely as an experiment. It was the first Bill of its kind in any Australian Parliament. Each of the States has since followed our example; to-day we have in each State an Agricultural Bank, and each bank is doing excellent work. During the 12 years for which the bank has been in operation here it has been, as members know, very well conducted by its present manager, Mr. Paterson; and much of its success is doubtless due to him. The Government propose to alter the Act because we feel that it does not go quite far enough. When the Bill was introduced in 1894 the Colony imported something like £300,000 worth of foodstuffs. That was then thought a very good reason why the Government should provide certain funds with which to improve and develop the lands of the country. The £300,000 worth of imports represented about £4 for every person in the Colony. To-day, unfortunately, our production is not so great in proportion to population as in 1894. We import something like 1½ millions worth of foodstuffs, representing about £6 per head of population. I am sure members will agree that this state of affairs is most unsatisfactory. It is absolutely wrong that we should be importing any food at all. There is really no reason for it. We have the land, and I believe we have the people. It is necessary that the people should have the money; and that is why I ask the House to amend the Act. Since its inception the bank has advanced £394,000. With that sum 212,000 acres have been cleared, and 186,000 acres ringbarked. When I say the total area of cleared land in the State is 778,000 acres, it will be seen that the bank has done a very great work. Each £100 advanced 12 years ago to the agriculturist has multiplied many times, and each time the profit made on the investment has been put into the clearing of land; so we can, I think, reasonably claim that one-half the area of cleared land in this State to-day is the result of the fact that in 1894 the bank was established. In addition to advances totalling £394,000 the bank has loans authorised to the extent of £147,000. This money, I may explain, is available to the would-be borrowers, and the work in respect of which it will be lent is now in progress. When the work is done the whole authorisation to date will be absorbed. I should like to say in this connection that the authorisation of £600,000 can never be reached; because we know that the capital of the bank can be invested only once, and the repayments will have to be deducted from the total amount. These repayments amount to £70,000, which with the authorisation of £540,000 somewhat exceeds the authorisation to date. Even if we were not amending the Act, it would be necessary to ask the House for additional funds. I should like to say, too, that the management of the bank has been so eminently satisfactory that the institution has given less trouble to the Government than any other department. It has been run absolutely without trouble to any Government. The manager, Mr. Paterson, is an exceedingly capable man, and has worked the bank most economically. Notwithstanding the very small margin of profit, some one per cent. that he is allowed to make, he has managed during the past year to show a clear profit of £3,754. I say a clear profit, because I am sure members will agree that no risk whatever has been taken. The money advanced by Mr. Paterson has been almost exclusively

advanced to improve holdings. The margin has not only been the difference between the borrowers' expenditure and the amount advanced, but the bank has had the land also as security. I have already said that the money advanced 12 months ago has reproduced itself many times; and I am entitled to speak with some authority on this matter, because in my own district, when the Government of the day established this bank, I took fine care that every man I could persuade to borrow did borrow, with the result that Northam to-day produces about one-third of the total quantity of hay grown in the State, and I think something like one-fourth of the total quantity of wheat. Most of the money borrowed there has already been returned to the bank. I can speak with some authority of the work done by the bank, because there is evidence of it in my own district to-day. Not only was the ground cleared by means of the advances; but year by year the resulting profits were put into the holdings, and to-day many men who went on to the land almost without a penny, and many who had no money at all, are very well off indeed. Some of them are drawing incomes which they could not have anticipated when they started. It is the intention of the Government, and I believe the people of the State demand, that we shall pursue a vigorous land settlement policy. We have decided on building agricultural railways, and I hope that we shall during this session pass several Bills which will result in some hundreds of miles of additional agricultural railway construction. It would be quite useless to build those railways if we were not prepared to do our part, to some extent at least, in finding the money necessary to enable settlers to bring into use the land along the lines. It has been repeatedly said that much of the land adjacent to existing railways is not in use; and I am in a position to say that this is largely because the small holders —and after all the small holder is in this respect as great a culprit as the large holder—have not been able to secure the necessary funds. Members will see when I come to the clause dealing with the question, that we propose to be sufficiently liberal to enable the man who is desirous of settling to get upon the land. As members know it has been found necessary to amend the Act from time to time, and the Bill now before us consolidates the several Acts relating to the bank. More than two-thirds of the sections of the parent Act are re-enacted by the Bill. This is only to be expected, seeing that the Act has in the past been so successful. I may refer to some of the new features in the Bill. First, we propose to appoint a board of trustees consisting of three, who will be responsible for the conduct of the bank's business. This ought to result in business being promptly done, and done in a business-like way. As we know at present the manager has to obtain the consent of the Government before he can make any advance at all. This causes delay to the man in need of the money, and that delay is often very vexatious. The trustees will be three. The manager of the bank, Mr. Paterson, will be the managing trustee if this Bill becomes law, and he will be assisted by two other trustees, both of whom will, I hope, be practical men understanding the work it is proposed to do on the land. I hope that when they are selected we will be able to obtain the services of suitable men knowing the State from end to end, and understanding the conditions that will apply to each application as it comes along. We propose to increase the capital of the bank from £600,000 to £1,000,000. This means an increase of £400,000; but I hope this will have to be increased in the near future. It is perfectly safe to do so, because the money cannot be raised except through the Treasurer. We propose to advance only to the extent of £500. This is somewhat less than was authorised under the old Act, under which we are able to advance to the extent of £1,000. We propose to lend £300 on the full value of the improvements to be done; that is to say, we propose to make it possible for a man going on the land to earn at least a living. I consider that £300 will be a living for the first three years of a man's existence on the land.

MR. HORAN: What! A hundred pounds a year?

THE HONORARY MINISTER: I say that this £300 will enable a man to live on the land for the first three years, but the work will, of course, require to be done in the most economical manner. There will be no risk in this business,

because the land will be there as security, and the work will be done in the most economical manner possible.

MR. BATH: Supposing the man does not do it. There will be no security.

THE HONORARY MINISTER: If the man does not do the work it is very certain he will not get the money. If a man wishes to clear his land, meaning an outlay of £2 as against £1 if he had ringbarked it first, he would get the advance at the lower rate. We propose that the improvements to be done for this £300 will consist largely of ringbarking, fencing, water conservation and clearing. The expenditure of this money in the wheat districts of this State will enable a man to make an income that will keep him very comfortably. It will also enable a man in the coastal districts and in the wet districts of this State, where intense culture is necessary, to ringbark, fence, and clear sufficient of his land to enable him to make a living. In addition to this £300 we propose to make a farther advance of £200 at the rate of 50 per cent.; that is to say that when a man gets the extra £200 he will be required to do £400 worth of improvements. That I am sure will be regarded as reasonable, because the man has a fair start and is on the high road to prosperity, as I hope he will be after he has spent the £300, and he will be able to put some of his own money into farther work on the farm. The improvements will be restricted entirely to ringbarking, clearing, fencing, water conservation and for the purpose of buying breeding stock to the extent of £100. We also propose to allow a man to pay off the liability existing on his holding where the amount is covered by the improvements such as I have mentioned, that is to say clearing or ringbarking, and in that case we propose to advance him on the basis of 75 per cent. up to £300, and an additional £200 on the basis of 50 per cent. We are not advancing to this man to such an extent as to the man who has to make the improvements, because it is more difficult to get a correct valuation of the work that has been done than work that has to be done. Another important feature of the Bill will operate favourably to the man with small means. If members turn to the third schedule they will see that we provide for equal payments for a term of 25 years. The term of the mortgage will be 30 years, but for the first five years, during the time the work is being done and when the progress payments are being drawn by him, and before the amount of the loan has been wholly spent, we simply ask for interest at the rate of five per cent., and at the end of five years and for the next 25 years we propose to ask the borrower to repay 17s. 6d. per half year for every £25 of his loan. At present at the end of five years the borrower is asked to return each half-year £4 10s. for every £100 of his loan, whereas by this Bill it will be £3 10s. for the half-year. It may not seem much, but when it comes to paying interest and sinking fund on £500, I think the reduction will operate very favourably to the person borrowing. I hope members will give this Bill favourable consideration. It seems to me absolutely necessary at this stage of our history that we should endeavour at least to feed the people of our own State, and we are importing foodstuff to-day to the extent of £6 per head of our population as against £4 twelve years ago. It is not because the land has not been improved that we are not feeding our people to-day. The fact is that we have produced the lower-priced stuff, wheat, and imported the higher-priced stuff, such as butter, milk, eggs, and things of that sort. However it does not matter what we import. When we are aware that we can produce every bit of the stuff in this State, and when we know that the land of this State is quite equal to producing all that we require and quite equal to the land that produces it elsewhere, members will agree that there is no reason at all why the present state of affairs should be, and it should be the duty of the Government to endeavour to alter it. I would like to say in conclusion that the Bill has received much consideration at my hands and at the hands of the officers of the Agricultural Bank. We believe that we are asking the House to pass a measure which will make for incalculable good. We believe that it will encourage land settlement in a great degree. We know we have hundreds of men in the State who, if they could go on the land with any certainty of success,

would be perfectly willing to do so. We know that on the goldfields we have numbers of young men, the sons of farmers in the Eastern States, who would make capital settlers, and I look to these men to take advantage of this measure. We have of course in all of our agricultural districts many farm-hands who would make excellent farmers, but whose means are too small—[MR. BATH: They are likely to be too small at the wages they get]—to enable them to launch out for themselves. If this Bill becomes law those people, and I hope a great many others in this State and in the Eastern States, will take advantage of it, and in a little time our food production will be considerably increased. I have nothing more to say in connection with the Bill, except to express the hope that it will receive very earnest consideration at the hands of members, and that I hope if members have any amendments to make they will place them on the Notice Paper in order that I may deal with them the better.

On motion by MR. BATH, debate adjourned.

BILL—PERTH TOWN HALL.

CHANGE OF SITE.

SECOND READING.

Resumed from the 13th September.

MR. H. DAGLISH (Subiaco): I have no desire to offer any objection to the present Bill. The only debatable question seems to me to consist in the amount of consideration which has been paid to the Perth Council in connection with this exchange of property; but it may fairly be pointed out that the Rason Government a few months ago was guilty of a distinct breach of the promise given in the first instance by Mr. James when he was Premier, and which the Government of which I was a member acted on, that is in not refusing to transfer the land on which the old police court stood to the City Council without first consulting Parliament. For years there has been an agitation on behalf of the City Council to secure this land, but definite promise was given to this House that the land and buildings would not be handed over without Parliament being consulted. However in defiance of that promise the Rason Government handed over this property, without giving Parliament a chance of uttering a word on the subject; and a miserable quibble was raised immediately afterwards that the papers had been on the table of the House for a certain length of time. Every member knows that the mere laying of papers on the table does not constitute a consultation of this House. Members may disagree entirely with the transactions which are defined in the files before the House; but unless the initiative is taken by some individual, and even then only in the event of time being available for discussion, this House has not the opportunity of considering the matter. In this case we had every right to assume, when a promise was made to consult Parliament, that Parliament would be consulted in the only known method, namely by the Government of the day formulating a distinct motion, and giving members an opportunity of discussing a definite proposal. That opportunity has been denied to this House. Although transfer has not been made, property has been handed over representing, according to the Government valuation, £22,300, without Parliament having an opportunity of expressing an opinion one way or the other with regard to the matter. The contention may fairly be raised that in regard to Crown lands, especially Crown lands of such value as to comprise also public buildings, Parliament has as much right to govern the appropriation of those lands as to govern the appropriation of their equivalent in cash. In other words, the public lands should not be dealt with at the will of any Government without the authority of a vote in Parliament; and I contend that in this particular case, where there was a strong diversity of opinion in regard to the course the Government should have pursued, it was primarily their duty to first of all consult Parliament, even if no promise had been made, and certainly not to hand over a property worth £22,300 without any more authority than the will of the Cabinet of the day.

THE ATTORNEY GENERAL: Which parcel are you referring to?

MR. DAGLISH: The part on which the old City Court stands. The Attorney

General is now, I am afraid, going into a quibble. It is proposed in the terms of this Act to buy back or make an exchange of certain land in Irwin Street for two parcels of land in Barrack Street and Hay Street. In regard to the first parcel, on which the present town hall stands, that is described as "land comprised in certificate of title registered in the Land Titles Office, vol. 273, fol. 160." I take it that is the land on which the present town hall stands. It is described as "all that piece or parcel of land situate in the City of Perth, containing 1r. 1·4p., and marked and distinguished in the maps and books of the department of Lands and Surveys as Perth Town Lot B 17."

THE ATTORNEY GENERAL: Now read Clause 2.

MR. DAGLISH: Clause 2 distinguishes between the transactions as regards these two separate parcels. In regard to Part 1, it is proposed to repurchase the fee simple. In regard to Part 2, it is proposed to repurchase the estate, right, title, and interest of the corporation. The corporation had no estate, right, title, or interest in that land until a few months ago.

THE MINISTER FOR MINES: Oh, no.

MR. DAGLISH: Not until a few months ago, when the Rason Government created that right, title, and interest.

THE MINISTER FOR MINES: Oh, no.

THE ATTORNEY GENERAL: In what way?

MR. BATH: By making a promise.

MR. DAGLISH: The James Government gave a promise not to convey this land, not to give the City Council any right over it until Parliament had been consulted. Parliament has never been consulted on the matter at all. I am talking of the land on which the old City Court stands. Parliament has never been consulted. This right, title, and estate or whatever it is should not have been acquired by the City Council until Parliament had been consulted and had given authority to the Government to create that estate in this particular parcel of land. But the Rason Government distinctly committed itself a few months ago, as the file shows, and promised that the land should be available. The understanding was that until the City Council let the contract for the building of a new town hall, the actual conveyance was not to be made. I cannot do better than read the last minute dealing with the subject. This is the minute by the then Premier, Mr. Rason, for his successor apparently:—

> The only definite promise given to the Perth Council was that the title to the police court block (already prepared) would be handed to them as soon as the conditions specified as shown on file had been complied with.

There is another condition which had been waived, and that is the consultation of Parliament. That is the point I am raising, that the Rason Government waived that promise of the former Premier, Mr. James, to consult Parliament.

THE ATTORNEY GENERAL: What did it do?

MR. DAGLISH: It agreed to lodge the title in escrow, with a view to its conveyance to the City Council as soon as the contract was let for the new town hall. I do not understand whether the Attorney General is now arguing that this is not the case, and that the Rason Government had made no such promise.

THE ATTORNEY GENERAL: I am not arguing that at all. I say this measure only covers the purchase of the town hall site. We took the other because we were not going to have any outstanding promise.

MR. DAGLISH: Then what is the object in introducing the second part?

THE ATTORNEY GENERAL: We did not want to have any outstanding promises that might be brought up against us afterwards.

MR. DAGLISH: There was no promise outstanding.

THE ATTORNEY GENERAL (in explanation): I believe what the hon. member says is quite true, that there was some understanding entered into in Mr. James's time that if they built a town hall on a certain site of land, they were to obtain the land on which the old police court stood. There it remained, subject to conditions as to the building being commenced in a certain time. It is proposed by the City Council to sell the land on which the town hall now stands. That would put out of all possibility their building a town hall there, and it

would immediately block all past arrangements. As an extra precaution, I insisted that any promise of any character which might possibly convey any right on their part to the land on which the old police court stood should be brought into this deal, and that although the purchase price was based on the valuation of the town hall site, we should have in this measure a provision to prevent any future trouble by any right, title, or interest whatever being admitted in consequence of this promise as to the land on which the old police court stood.

MR. BATH: The consideration given practically embraced the value for the police court property. They are paying for it.

THE ATTORNEY GENERAL: I cannot farther interrupt. The hon. member surely will not argue that the corner site on which the town hall stands is not worth the money mentioned in the Bill.

MR. DAGLISH: I would like to read the report of Mr. Rason's reply to the deputation that waited on him on the 17th November last. The heading in the *West Australian* is, "The Town Hall—Site for new Building—Application to the Premier." The report says:—

> The Premier, in reply, said that this matter of a new town hall site seemed to have got somewhat mixed up lately. The deputation would perhaps remember that, as Minister for Works in the James Government, he had something to do with the decision that the old court site should be handed over to the City Council immediately the council was prepared to let a contract for the new building. The promise was distinctly made, and the papers were laid on the table of the House for several months. He did not see, therefore, that it was necessary to submit the proposal to Parliament again. No one had offered objection to the proposition, and he took it that Parliament had agreed that the city should be given a proper site for a new town hall. It remained for the City Council to say when the new structure should be built by inviting tenders for it. He might be wrong, but he had not noticed any anxiety on the part of the council lately to call for those tenders. When that had been done, and the Government had approved of designs for a building that would meet the council's requirements, and be in keeping with the general progress of the city, he was sure the Government would place no obstacle in the way, and would carry out the promise made with regard to the old police court site. As a matter of fact, the title of the site suggested was lying in the safe of the Public Works Department, awaiting the completion by the council of its share of the bargain.

It has never been conveyed, as far as I can gather from the papers. The title itself was in the Public Works Department, in order that as soon as the city authorities were ready to have plans prepared and call for tenders, the transfer might at once be effected. But I take it that no transfer has been effected, and no conveyance made. My complaint is that in that report the then Premier distinctly alleges or implies that Parliament had been consulted because the papers had been lying on the table. We are getting into a very slipshod style of doing business if we are going to regard members as having expressed an opinion in relation to any proposal, because papers have been laid on the table and no one takes the responsibility of moving a definite motion. It was at my instance that this promise was first given to consult Parliament before anything definite was done, and my understanding of that promise when Mr. James gave it was that he would fulfil it by bringing forward a definite proposition and asking the assent of Parliament to that proposition. There are other members here who joined with me in urging that Parliament should have a chance of saying something on this subject, and I think that they as well as myself fully expected the Government of the day would consult Parliament. When this question came before my Ministry, on an application similar to that made to Mr. Rason, I at once intimated, as the file will show, that I was not prepared to discuss the question one way or the other until Parliament had been consulted; but I was prepared had I remained in office to consult Parliament either by definitely proposing to make this transfer or by definitely objecting to make it, and my view afterwards was that the land referred to was too suitable for Government purposes to be handed over to the Perth City Council, and that we had at the present time insufficient office space available. We have the bulk of our Government offices in that one block between Cathedral Avenue, Barrack Street, and the Terrace, and we should in the interests of departmental administration as far as possible concentrate Govern-

ment business in that particular corner, which is most suitable from its connection with the tramway and railway systems of the metropolis—that quarter should be used for Government purposes. I of course held the opinion, and still hold it, that the City Council would not be doing the best thing for its ratepayers by getting a town hall built there, even if the council had been fortunate enough to get the site from the Government; and I believe that now the City Council has come to the conclusion that the site is far from being the best one available. With regard to the proposed transfer, holding the views I do as to the desirability of utilising that area for Government purposes, I desire to do all I can to facilitate a transfer, and am therefore prepared to favour a Bill making the change which is embodied in this measure. At the same time, I question very much whether the land proposed to be handed over in exchange for the old site is a suitable one for a town hall, because of its geographical position and because of the nature of the street on which the new hall will face if erected there. In regard to its geographical position, I think that any change in site should come westward instead of going eastward. Perhaps the member for Perth may not altogether agree with me in this opinion; but I think a more suitable site, by contour and geographical situation, can be found by coming farther west than is proposed under the Bill.

THE MINISTER FOR MINES: Why not leave the question of site to the local authority?

MR. DAGLISH: This Bill does not propose to do that: it is a definite measure. I should like to see its scope enlarged by giving the local ratepayers the opportunity of taking a referendum in regard to the Bill; I should like to see some extension of its scope for enabling the ratepayers to vote for or against an alternative scheme, an alternative exchange. While I recognise that in any alternative exchange suggested on which a referendum might be taken, it would be impossible to fix the consideration to be given in addition to the proposed transfer of land, that could be amicably arranged between the municipal authority and the Government. However, the Bill is one I have no intention of opposing. I have drawn attention to what I think was a breach of faith with Parliament in the matter of the exchange; and I may say this materially affects the consideration that is to be paid to the City Council. For instance, we have to give, so far as the valuation submitted in this file shows, about £11,000 more than the value of the present town hall site. A little while ago the Attorney General, in an interjection, said that surely the town hall site itself was worth the consideration offered in this Bill, that is £22,000 plus the value of the land in Irwin Street.

MR. BATH: That is said to be worth £20,000.

MR. DAGLISH: The Irwin Street land is valued at £20,000; the present town hall site is valued at £31,200; therefore the consideration on these valuations would be £11,200. I understand the member for Perth complains that the valuation of the Irwin Street site is too high. But seeing that this valuation and the town hall site valuation were both made by the same valuer, perhaps it is fair to assume that both are too high.

THE MINISTER FOR MINES: Did not the City Council want £75,000 for its site, some years ago?

MR. DAGLISH: The council originally wanted the Irwin Street site and £40,000. While I was in office, the then mayor (the present member for Perth) and I had a chat, and we mutually agreed that it would be better for the Government to purchase the present town hall site and let the City Council erect a hall elsewhere, than it would be for the City Council to obtain the extended area embraced in the then police court buildings. It was then arranged between us that an offer should be submitted by the City Council for the sale of the town hall site. As a result of that arrangement, and of communications which subsequently passed between the Premier's Office and the City Council, the present site was placed under offer of sale to the Government for the sum of £67,200. The Government had a valuation made by Mr. Stronach, the lands resumption officer, and he valued the same site at £31,200, and that valuation I believe still holds good so far as the Government is concerned. Of course it was impossible for the Government then to offer

the sum of £67,000; and although I suggested my willingness to recommend Parliament to grant £31,000, the City Council did not seem inclined to accept that offer. As to these valuations, had the present Bill been one to hand over say £11,000 or £12,000 to the City Council, it would have been a perfectly fair offer; and I recognise the fact that the Rason Government did, by its action, create for the City Council a right to obtain the old police court building and site in Barrack Street as an addition to the town hall site.

THE MINISTER FOR MINES: That was definitely given by the James Government years ago.

MR. DAGLISH: The Minister is wrong on that point. I went very carefully into it while in office, and I was waited on by the mayor and council in regard to it; I have also refreshed my memory by reference to the file within the last few days; and I say there was nothing farther than a definite promise by Mr. James, subject to Parliament being consulted.

MR. BREBBER: Subject to the City Council building a town hall of a certain value on the enlarged site. There was no reference to Parliament being consulted.

THE ATTORNEY GENERAL: What is in that letter from Mr. James, dated 1st July, 1903?

MR. DAGLISH: If the Attorney General is trying to imply that there was a promise in that letter, I say the only promise in it was to negotiate, and of course that does not commit the negotiator to anything. The letter from Mr. James stated that the subject of a recent interview had been considered by the Government, which was prepared to negotiate on the following basis, and then the basis of negotiation was set forth in the letter. That was a promise to negotiate—nothing more; and the conditions on which the Government were willing to negotiate were laid down in the letter. Then came a letter from the mayor stating that the council had resolved to accept the Government's offer; that letter being signed by the then mayor, the member for Perth. I do not know whether the promise to consult Parliament was previous or subsequent to that letter. I cannot at the moment see in the file before me the reference in it that I want; but that it is in existence is shown by the fact that Mr. Rason referred to it.

THE MINISTER FOR MINES: See the Cabinet minute in that file referred to by Mr. James.

MR. DAGLISH: There are several Cabinet minutes in the file, and it is difficult for me to pick out the point I want at the moment. However, if a promise was made wrongfully, whether made then by Mr. James or by any succeeding Ministry, the Government of the day would not be justified in fulfilling it. The promise made was that Parliament should be consulted; and that promise was broken when this distinct agreement to transfer was made a few months ago. Had there been any binding agreement while Mr. James was in office, the Government of which I was a member would have been bound to carry it out; but the whole question was fully discussed by the City Council as a council and by the council with the Government while I was in office, and there was no allegation against us of having refrained from doing what we were morally bound to do if that promise had been made. Right through, these negotiations have been conducted in a very slipshod fashion, and they have eventuated in the present Bill. With an enlargement of the scope of the Bill, I am very strongly disposed to support it. I do not commit myself altogether to the amount of consideration fixed in the Bill: that is a matter we will have an opportunity of dealing with in Committee. I shall much rejoice if arrangements are made by the present Government to acquire the old town hall site, so that the existing needs of the Government departments may be provided for, and that the future demands for space (which must arise and are arising quickly from year to year) may also be met, instead of having our Government offices and departments scattered all over Perth, causing an enormous amount of inconvenience, increasing the expense, and resulting in great loss in the matter of supervision and control. I beg to support the second reading of the Bill.

At 6·30, the SPEAKER left the Chair.
At 7.30, Chair resumed.

MR. H. BROWN (Perth): I intend to say only a few words in support of the Bill. It would have saved the time of the House if a referendum of the people of Perth had been taken first, and then the Government could come to Parliament for its ratification. I am certain this discussion will be an absolute waste of time, because the people of Perth will not agree, although I think the Government is making a very good bargain. It does not matter what has gone by, for at the present time the council are in possession of the town hall site and also the police court site. We find that instructions were given, and the title is complete. Assuming that were not so, and we were only going on the assurance of the Premier, as shown by the files to give the City of Perth that site, it is a good bargain to the council, but to the disadvantage of the ratepayers. We have a corner block which the Government values itself at £31,000, and it will save giving away another block adjoining, which is worth £25,000, bringing the total up to £56,000. As against that the Government is giving to the Perth Council a site which is not worth more than £15,000, and the Government is also giving £22,000 in cash, making a total of £37,000. The Government is saving an amount of about £19,000. I think, therefore, the Government is making, in the circumstances, a very good bargain indeed. Reference has been made to the Premier submitting this matter to Parliament. During the negotiations with Mr. Rason, the late Premier told us distinctly that he thought the sanction of Parliament would have to be obtained before the council got a title. But on a perusal of the papers he found that during the time of the James *régime* these papers had been laid upon the table, and had remained there nearly the whole of the session. Under these circumstances the Government were empowered to issue a title. The member for Subiaco referred to the promise made that the matter should come before Parliament. I think he is under an erroneous impression. We find that a question was asked in 1903 in another place by Mr. Jenkins whether it was the intention of the Government to obtain the ratification of the promise to give the police court land to the Perth Council, and the Colonial Secretary in reply said that the matter was under consideration. If there had been a promise by Mr. Rason at that time that the matter would come before Parliament, that would have been stated to Mr. Jenkins in reply to the question. There is no doubt in my mind all the negotiations were conducted quite openly, and there is a distinct promise as far back as 1903 that the Perth Council should have that particular title. That has been ratified, and I ask the House to support the second reading of the Bill and give to the residents of Perth an opportunity of saying whether they will accept the offer of the Government or not.

THE ATTORNEY GENERAL (Hon. N. Keenan): The last speaker has assured the House that the price named in the Bill as the price for the exchange of the blocks is not nearly the value of the land that is to be handed over by the municipality if the referendum is adopted by the ratepayers. In regard to the value of the land, I do not pretend to have any right to speak with authority. On the one hand, we are told that this price is somewhat high, and on the other hand we are told by many voices, and loud voices, that the price is far too low. What I want to clear up is this. After the arrangement that, subject to the passing of the Bill by Parliament and the ratification of the agreement by the ratepayers of Perth, the municipal council should enter into an agreement for the sale of the fee simple of the land now occupied by the town hall to the Government, it appeared on examination of the file that an agreement, although not reduced to legal form, had been entered nto as far back as July, 1903, and that an offer had been then made by the Premier to the Perth Council of the land occupied by the old police court, which offer was only conditional on the erection of a town hall at a cost then fixed in the letter to be the sum of £30,000. That offer was accepted, and there could be no question, whatever subsequent transactions took place, that there was in July, 1903, an offer to transfer to the Perth Council the land occupied by the old police court in consideration of the council erecting on that land, and on the

land on which the town hall at present stands, a new town hall building at a cost of £30,000. The position is that in the Bill we preserve the safeguards and rights of the Crown in regard to that promise and acceptance. And therefore Clause 2 of the Bill reads that the corporation of Perth surrenders and conveys to the Crown the fee simple of the land occupied by the present town hall site, and all the right, title, and interest of the land formerly occupied by the police court. It is beyond dispute there was some right, title, and interest in consequence of the terms in the letter written and the acceptance of these terms, and farther on in the file members will find Mr. James extended the term during which they were to be allowed to erect the town hall. It is true when the Daglish Government were in power, Mr. Daglish, in regard to negotiations he had with the Perth Council, stipulated that anything arranged should be subject to the approval of Parliament.

MR. DAGLISH: I only repeated the stipulation previously made.

THE ATTORNEY GENERAL: The file does not disclose anything of that nature until Mr. Daglish himself entered into negotiations. Inasmuch as documents of that kind were the only documents we had to go on when this Bill was being drafted, I insisted that we should prevent farther trouble arising by including in the same clause any right, title, and interest the Perth Council may have in the land occupied by the old police court building. That is the history of the phraseology used in Clause 2 of the Bill. The member for West Perth puts this proposition to me: supposing that the council having referred the matter to the ratepayers of Perth does not obtain the consent necessary and provided for in the Bill, what is the position? The position would be that they would have actually the rights, whatever they are, given them in 1903 by the Government and subsequently confirmed by Mr. James in different letters on the file. Those rights have never been cancelled, and although they existed on conditions that have never been carried out, if these conditions were carried out there is no doubt any future Government would have to respect them. It may be they were far too generous in 1903 in entering into that promise, but I am not prepared to discuss that. I am not prepared to offer any criticism on the conduct of Mr. James and his Government in 1903 in making these promises. They made the promises, beyond doubt, and having made them, these become binding on their successors; and no member of the House would propose that any Government should repudiate any arrangement or proposal entered into, whatever the merits might be at the time they were entered into. It may have been more advisable to consider it farther before making the arrangement. It may be that Mr. James entered into this matter too hastily and without proper consideration of the circumstances of the case and without properly conserving the interests of the State.

MR. TAYLOR: Mr. James promised me repeatedly that he would not agree without Parliament having been consulted.

THE ATTORNEY GENERAL: I understand from what the member for Mount Margaret and the member for Subiaco say that there have been some verbal undertakings which do not appear on the file.

MR. DAGLISH: Undertakings to this House.

THE ATTORNEY GENERAL: May I be allowed to point out, assuming—and I only use the word "assuming" because it is not on the file—assuming that all the hon. member (Mr. Daglish) says is absolutely correct there is no title at all conveyed, nor has there been any title conveyed to the Perth Council in regard to the land formerly occupied by the police court by any deed, nor is the same conveyed by the Bill; the Perth Council are in the same position, so far as the legal title is concerned, as they were in 1903. They are no more forward than they were when the offer was made in 1903 by Mr. James. The clause does not say they have any title: it simply says all the right, title, and interest.

Mr. DAGLISH: Why include that, if the City Council have no title?

THE ATTORNEY GENERAL: I hope I have made it clear that inasmuch as the letter of which the member interjecting has read a portion was written, and inasmuch as an acceptance of that letter was on the file, it was only common prudence to guard against any future

claim by including in this arrangement any right, title, or interest the council might have. We do not increase that title or interest. Whatever it amounts to, if anything, is exactly what was originally conveyed in the letter written in July 1903. I repeat that I am not prepared to say anything about the land value. We hear from the member for Perth that the price named is far too low; but as the member for Mt. Leonora (Mr. Lynch) replies, the mayor of Perth considers the price generous. My view is, I presume that the Minister for Lands (Hon. N. J. Moore), who is not here to-night but who has negotiated this arrangement, has taken every care to ascertain the true value, and that the price which he considers fair, and which is set out in the Bill, is probably between the two extremes of what one party would ask and what the other would give. It is beyond all question desirable, if it can be arranged on any equitable basis, that the Crown should obtain possession of this land. No argument, to my mind, is needed to show that it would be a great advantage to the departments of this State if they were all concentrated on one block in the city. At present, it is true, as the member for Subiaco says, that in different parts of the city far distant from one another are to be found the different offices of the State Departments. This must involve not only a loss of time but much trouble and annoyance in the departmental management; and if by obtaining space immediately adjoining the existing Government offices the departments can be brought more or less on one block, no one can deny that the change will lead to greater efficiency and to considerable saving in administration. Assuming that the price is fair, I think this proposal should receive the support of the House.

MR. T. H. BATH (Brown Hill): I take it that the submission of this Bill to the House is practically carrying out the proposal for the submission to the House of the question whether the old police court site shall or shall not be handed over.

MR. DAGLISH: No; not at all.

MR. BATH: It is difficult to understand why the question is submitted in the form of a Bill, if not for securing the approval of the House. The Attorney General has directed attention to Clause 2 of the Bill, which provides that the consideration to be given is for the fee simple of the land described in Part I., and all the estate, right, title, and interest of the corporation in and to the land described in Part II.; and he declares that the value which is being received for this consideration is very great, and that the land is worth the sum the House is asked to authorise by this Bill. The Premier, when he introduced this Bill, submitted that the town hall site was valued at £31,200, that the valuation of the old police court was £22,300, making a total of £53,500. The Irwin Street block is valued at £20,000, showing a difference between the two of £33,500. Now the consideration which we are asked to give, in addition to the block which we are exchanging for the town hall site and the right, title, and interest in the other, is £22,000; so that really the amount the House is asked to vote for the right, title, and interest in the police court site is £11,500. That is, the House is asked to pay £11,500 in consideration of some alleged agreement by the Government to hand over the police court site to the City Council. In view of the fact that a promise was made to submit this matter to Parliament before the negotiations were finally completed, I say that any failure to submit the agreement to Parliament vitiates any agreement entered into. If it is urged that the mere placing of papers on the table of the House is a submission to Parliament, then perhaps the City Council have some justification for their claim. But I am not prepared to admit that the mere placing of papers on the table means a ratification by Parliament. That is absolutely absurd. There is a number of papers placed on the table, and I care not how industrious a member may be, it is absolutely impossible for him to make himself acquainted with all those papers and the details therein contained. On a question like this, involving so many thousands of pounds, if there was an agreement that the approval of Parliament should be given, then the question should have been submitted to Parliament in proper form, in a motion by the Leader of the House, and not by the

subterfuge of placing the papers on the table. For these reasons I will vote against the second reading of the Bill; because I do not think we are justified in practically making a present of £11,500 in exchange for an alleged right, title, and interest to the police court block, which I do not think the City Council are entitled to have or receive any consideration for.

Mr. J. BREBBER (North Perth): I think there is a slight misunderstanding regarding the position which the City Council take up. I do not think the council wish to enter on this matter as a purely business transaction, to see whether they or Parliament can get the best of the bargain. The council, in 1896, were asked by the then Premier whether they were prepared to take a sum of £40,000 with the site the Government are now offering, which offer was at that time equal in value to £57,000, for the present town hall site and the Irwin Street site. The council recognise that the James Government dealt very fairly with them; and recognising the difficulty the council had to erect on the present site a town hall of a size sufficient to meet the requirements of Perth, Mr. James gave the council a definite promise of the old police court site, on condition that they built a town hall there to the value of £30,000. The council at that time were quite prepared to accept the offer, because they thought at the first glance that there would be sufficient ground for a town hall suitable to the requirements of Perth. But the question was submitted to a committee of the council, of which committee I was a member. The committee found that the land, including the site of the present town hall and the site offered by the Government, was not sufficient in area for a suitable town hall. The committee waited upon a recent Government and made several suggestions, one of them being that the Government should give the council the site of the Savings Bank, and that the committee would recommend the council to offer a fair and reasonable price for that site; or, failing that, the Government should allow us to build a savings bank for them, and extend our town hall over that savings bank; or again, we asked that, seeing we could not build on the present site, the Government should pay us for our town hall and give us another site. The result is the offer contained in this Bill, an offer for our town hall site; and mark you, it includes the town hall site only, because the council recognised that the police court site was of no use to them, because they got it only on condition that they built a town hall upon it; and as they cannot build a town hall on it they have endeavoured to deal as fairly as possible with the Government, giving them back the police court site at the most reasonable figure the council could entertain. From the Government the council received an offer of £22,000 and the new town hall site. That was an offer of £39,000, valuing the Irwin Street site at £17,000. We had an offer, or practically an offer, of £57,000 for our present town hall site alone in 1896; so if we look at the question from both sides, the Government cannot reasonably suppose that the city is regarding the transaction as a mere matter of business. The object of the council is to get a town hall site on some block of land of sufficient size for a town hall that will be a credit to the city and the State. The council wish to make every allowance to Parliament, to give Parliament every consideration. The council recognise, as well as members in this House, that the present town hall site is to the Government one of the most valuable in Perth; and the council are willing to meet the Government. Hence the council expect the Government to meet them in a reasonable manner. There is in the Bill one clause which I think the Minister must carefully consider; the clause providing that if the city accepts the Bill it binds the council to build a town hall on the Irwin Street site. I trust that when the Bill is in Committee an amendment will be made so as to allow an option to the citizens of choosing the site for their own town hall; and I trust that the Government and the House will see their way to meet the council by arranging so that the council can sell the town hall site and the Irwin Street site, and then look for a town hall site for themselves.

THE ATTORNEY GENERAL (in explanation): I find in the file a direction in Mr. James's handwriting that the

papers are to be placed on the table, and that "If no resolution is passed to the contrary, the matter can be settled." So that the hon. member (Mr. Daglish) was correct in what he said.

MR. DAGLISH: That was consequent on Mr. James having made a promise beforehand to consult Parliament.

MR. TAYLOR: I move the adjournment of the debate.

Motion—put and negatived.

MR. J. VERYARD (Balkatta): I wish to offer my congratulations to the Government on their success in the transaction with the City Council. Many citizens of Perth would be only too pleased to make a similar bargain in the purchase of land. The member for North Perth has stated that this would not be considered a business proposition, but I think we shall find by the referendum that the ratepayers consider it a bad proposition, and from that point of view will throw it out. I am somewhat surprised at the valuation made by the Government valuator of these sites. We find that the Barrack Street frontage is 73 feet, and it is valued at £305 10s. per foot, and the town hall site has a frontage of 130 feet to Hay Street and is valued at £240 a foot. I think any business person in the city of Perth will know that the Hay Street frontage is worth considerably more than the Barrack Street frontage in that neighbourhood. My idea is that the Hay Street frontage on that corner is worth £400 a foot, and I do not think I am far out. Many people in Perth would like to acquire a portion of the town hall site at that price. I do not think there is any particular need to worry about the financial aspect of the question, because the Bill provides for a referendum to the people. I regret the referendum was not taken prior to the Bill being brought before the House, because my impression is as soon as the Bill is passed it will become a dead letter, for the ratepayers will not sanction the bargain that their representatives have made with the Government. I shall not oppose the Bill, as a referendum is provided for.

MR. F. ILLINGWORTH (West Perth): I hope a clause as suggested by the member for North Perth will be inserted during the Committee stage of the Bill. I do not think the people of Perth will approve of the building of a town hall on the Irwin Street site. Still I think they may approve of the exchange of the land and the money as suggested by the Bill, and that they should have a free hand to select a site for the erection of a town hall. In the hope that this amendment will be made in Committee I shall support the Bill; but I hope the people of Perth will be given a free hand as to the choice of a site for the town hall. To the Hay Street frontage there is only a depth of 76 feet. That being the case the land in Hay Street cannot be valued at as great a price as that in Barrack Street, which I think is worth £400 a foot. I still think the bargain is a fair one on both sides. I think that block of land ought to be Government property, and available for the erection of Government offices. Consequently I think it is desirable that the exchange should be made in the interests of the Government, and I think it ought to be made in the interests of the Perth Council, because it is pretty well certain no town hall of the kind required for Perth could be built on the land. Therefore the citizens should be free to build a town hall on any site they may choose, and not be bound to build it on the Irwin Street site. I believe if the people knew they had a free hand to dispose of the Irwin Street site if they so desired, and could use the proceeds of both properties in the purchase of another site, the referendum might be accepted; but if they are bound to the Irwin Street site I believe the people of Perth will reject the proposal. Therefore I hope in Committee a change will be made in the clause, and with that exception I shall support the Bill.

On motion by MR. TAYLOR, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

COUNCIL'S MESSAGE.

The Council having insisted on one amendment, the reasons for the same were now considered in Committee.

THE ATTORNEY GENERAL: The reasons submitted by the Council were, that the Council was of opinion that the amendment was not foreign to the title of the Bill, and was therefore a relevant amendment. It would be remembered that when the Bill was before the House, a provision was made for the admission after 10 years' service of a clerk who during five years should have been in the position of a managing clerk, and after obtaining a certificate from the Barristers' Board as to fitness, which referred only to character, and after passing the final examinations prescribed by the rules, any such person should be entitled as qualified to be admitted as a practitioner of the courts of Western Australia. When the Bill went to the Council, they thought it wise to prescribe two examinations for managing clerks. The Council considered the provisions made by the Assembly too lax, and they took up the position that law examinations alone should qualify any person who had acted for 10 years as a clerk, five years having been served in the responsible position of managing clerk. At the same time an amendment was inserted which allowed a man who had obtained a LL.B. degree—which after all had little or nothing to do with the law he was called on to exercise in his profession, but dealt far more with abstract questions of law, which had no use in daily life—without any examination at all should be entitled to be admitted and become a member of the legal profession. When the Bill came back with that amendment, he (Attorney General) felt bound to differ from it. Now the Bill came back insisting on the amendment. He was not prepared to accept the clause, and he was not prepared to admit that if a man held the degree of LL.B. that should entitle him to admission to the legal profession. We would be doing great damage to the standing of the profession and to the public to allow those not properly trained in the laws of the State to practise in the courts and carry on legal business. He was not prepared to have the Bill mutilated; it would be better to have a Bill properly drafted and brought forward next session; therefore he moved "That the Order of the Day be discharged from the Notice Paper."

THE CHAIRMAN: The hon. member should move the Chairman out of the Chair.

THE ATTORNEY GENERAL moved—

That the Chairman do leave the Chair.

MR. HUDSON: One could not understand the attitude of the Attorney General in regard to the measure. The Bill as introduced set out a new qualification for a member of the legal profession. The Attorney General said that the amendment of the Council was foreign to the intention of the Bill. He (Mr. Hudson) failed to see where there was any difference at all. The point we had to consider was not whether this was foreign to the measure brought in, because it was not foreign to a Legal Practitioners Amendment Bill. The Bill brought down by the Attorney General dealt with the admission of barristers and solicitors, and more particularly the admission of gentlemen who had not had the opportunity of serving articles. In the original measure the Attorney General would permit gentlemen being admitted who had not gone through the ordinary course of serving five years' articles, if instead they did ten years' service in a solicitor's office, five as managing clerk. The association between that term of ten years and the amendment as sought was so great that the two things were almost similar. Service in the office of a solicitor involved practical experience.

QUESTION OF PROCEDURE.

The CHAIRMAN: The hon. member could not discuss the main question. There were only two possible questions; one being that the Committee agree to the Council's amendment, and the other that the Chairman do leave the Chair. The Minister having been allowed some liberty, the same must be allowed to the member for Dundas; but the main question could not be discussed now.

Mr. BATH: If the motion by the Attorney General were carried, the Bill would be destroyed, and the conveniences sought to be granted to certain managing clerks would be denied them for this session at least. Could not that aspect of the question be dealt with?

The CHAIRMAN: The motion before the Committee was that he should leave the Chair, and the Standing Orders were very definite that it must not be discussed.

MR. DAGLISH: According to Standing Orders there were three methods of dealing with this amendment, one being to agree to it, the second to disagree to it, and the third to move that the Bill be laid aside. Either to move that the Bill be laid aside or that the Chairman leave the Chair would seem discourteous to another place, and it would likewise prevent members on this (Opposition) side from having an opportunity of casting a vote which would determine the issue.

THE ATTORNEY GENERAL: There was no desire on his part to handicap discussion in any way. He was only too willing to fall in with what was the right and proper method of procedure.

THE CHAIRMAN: The position was irregular altogether. If the Minister had intended to discharge the Bill, he should have moved accordingly when the Speaker was in the Chair. Members should not discuss the main question unless the present motion was withdrawn.

THE ATTORNEY GENERAL: What motion could be substituted?

THE CHAIRMAN: Disagreement.

MR. HUDSON: Could one move that the amendment be disagreed to?

THE CHAIRMAN: Not on the question before the Committee.

THE ATTORNEY GENERAL: If he withdrew the motion now moved, and substituted one that the Council's amendment be disagreed to, what would be the effect, as we had already disagreed to that identical amendment?

THE CHAIRMAN: The Attorney General could ask for a conference.

THE ATTORNEY GENERAL: That he did not propose to ask for. A motion for disagreement having on a former occasion been carried, could he move that again?

THE CHAIRMAN: No.

THE ATTORNEY GENERAL: Was it open to him to ask the Chairman to report to the Speaker, and when the Speaker was in the Chair move that the order be discharged?

THE CHAIRMAN: The hon. member could move to report progress.

Motion, by leave, withdrawn.

MR. BATH: Under Standing Order 315 the Attorney General could move that the amendment be disagreed to, and if that motion were carried it would practically drop the Bill.

THE CHAIRMAN: The matter had got past that stage.

MR. BATH: It had been done once, and it could be done a second time. We had done that scores of times.

THE CHAIRMAN: There were only two means possible of dealing with the Bill, one being to agree with the Council's amendment and the other to throw the Bill aside; and that had to be done by moving the Chairman out of the Chair, or it would have been better to move when the Speaker was in the Chair.

MR. BATH: A Bill was laid aside by passing a motion of disagreement a second time.

THE CHAIRMAN: There was now no motion before the Committee. If the member for Dundas desired to discuss the question, and the Committee were agreeable, he could move that the amendment be no longer disagreed to.

MR. HUDSON: The Bill was in the hands of the Attorney General, and he (Mr. Hudson) would not like to move that the amendment be agreed to. It would be better for the Attorney General to move that it be disagreed to, and let him (Mr. Hudson) oppose it.

DEBATE.

THE ATTORNEY GENERAL moved that the amendment made by the Legislative Council be not agreed to.

THE CHAIRMAN: We were out of order altogether; but to meet the wishes of the Committee that the matter might be discussed, he would accept the motion.

MR. HUDSON: As to the educational qualification, that having served ten years in a solicitor's office, five as managing clerk, an applicant who also held the degree of bachelor of laws should be entitled to be admitted a practitioner, the Attorney General had pulled up a member on the Opposition side by saying there was no such degree as L.B. or B.L. Last week one who had been called the leading barrister of Western Australia had on his brass plate these particular letters which the Attorney General said

were not permissible. However, the qualification referred to was that of a bachelor of laws, and to have obtained that degree was a sufficient educational test, having regard to the practical qualification for the admission of barristers in this State.

THE ATTORNEY GENERAL: Then why have law examinations for managing clerks?

MR. HUDSON: There must be examinations to obtain the degree of bachelor of laws. A solicitor or a barrister from England coming here would be admitted without examination. In the case of a managing clerk seeking admission under this Bill, examinations must have been necessary before he could have obtained the degree of bachelor of laws from some university recognised by the Barristers' Board. The amendment made by the Council should be accepted, because the effect of refusing it would probably be to throw out the Bill, and so all the time spent on it would have been wasted, and the hopes of those expecting to be admitted under the Bill would be again disappointed.

THE ATTORNEY GENERAL: The examinations which managing clerks would have to pass under the Bill as it left this House were exactly in those laws in regard to which they would be called on to practise in our courts. The amendment made by the Council, to allow a LL.B. to be admitted without examination in law simply because he had obtained that degree and had had five years' experience as managing clerk, would be no guarantee of his knowledge of those laws in which he would have to practise when admitted; for he might have obtained the LL.B. degree 20 years ago, and it would practically be of no value as a test of professional knowledge in modern law. While prepared to go a long way in accepting amendments rather than lose this Bill—and the loss of it would affect him more than any other member, because of the labour he had given in piloting its passage—even at the risk of that loss he was not prepared to admit to the profession men who had not passed examinations in modern law so as to qualify them to do the legal business of the country. He was emphatically of opinion that it would be a most dangerous thing to accept the Council's amendment, as it would lower the legal profession and endanger the interests of the public who confided business to members of the profession.

MR. BATH: The studies which a person had to pursue for obtaining the degree of bachelor of laws were the same as a lawyer practising in Western Australia would have to pursue before he could become a good lawyer. They were suitable as a general foundation of studies which were gone through in a university course for entitling a candidate to the degree of bachelor of laws. The amendment made by the Legislative Council seemed to fit the case; because a candidate who had been managing clerk for five years must first have obtained a degree of bachelor of laws before he could be admitted under the Bill to practise in this State, and must obtain the certificate of the Barristers' Board that he was a fit and proper person to be admitted a practitioner. In view of the fact that three Parliaments had been called on to consider a Bill for admitting managing clerks to practise in this State, it would be a great disappointment if the Bill were now lost, and those persons hoping to obtain admission under it had to undergo farther disappointment.

MR. FOULKES: The Leader of the Opposition seemed to think that because a man held a LL.B. degree he had a practical knowledge of law. That was not so, for the LL.B. degree a man was examined in Roman law, historical law, and constitutional law, which were of little use for the everyday practitioner. If a man who had obtained a LL.B. degree 20 years ago could go into a lawyer's office and work for 10 years, and while in that office manage the conveyancing branch or common law branch, he would have very little general knowledge of the laws of this country. The final examination was a severe test, and dealt with all subjects likely to be the work of a practising solicitor. If a man had held a LL.B. degree and had acted as a managing clerk for 10 years, why should he be afraid of the Barristers' Board examination?

MR. HUDSON: The member for Claremont, in stating that managing clerks who held the LL.B. degree were afraid to pass an examination, was drawing an unfair conclusion. A man could

not obtain a LL.B. degree without having gone through a severe course of training. We admitted practitioners from England, Scotland, and Ireland, who had no knowledge of Western Australian or Australian law, and yet we refused to admit a clerk holding a LL.B. degree obtained at a university in Victoria, New South Wales, or Queensland, and who had also served 10 years in an office in Western Australia. The Committee should accept the amendment.

MR. TAYLOR: On two or three occasions he had endeavoured to help the passage of a Bill of this character in the interest of managing clerks. A man to be admitted a practitioner should know most about the modern statute law of the land. The Council's request was unfair. Though legal members differed about qualifications for a LL.B. degree, it appeared that the honour could be obtained after a month or six weeks' study. Ten years' service in a lawyer's office should not qualify the graduate without a practical examination. The degree meant that he had studied Roman and other ancient law, valueless for practical purposes; whereas the managing clerks proposed to be admitted after ten years' service had to pass two stiff and practical law examinations.

MR. TROY: Any person might by hard study take a LL.B. degree without being fitted for any learned profession, and ten years' service in a practitioner's office was no undoubted qualification. A solicitor's son having the degree might serve ten years in his father's office, doing no practical work, and might then be foisted on the public as a practitioner. Though too many restrictions were imposed on entry to the profession, the entrants should be qualified. As the clause would admit undesirable persons, he would support the Attorney General.

MR. HUDSON: Surely the degree of LL.B. involved a knowledge of modern as well as ancient law. In Australia the most eminent men in the profession, such as the late Chief Justice Higginbotham and the present Chief Justice Madden in Victoria, were admitted on this qualification and without farther examination. The examination for the degree was more severe than for the admission of an articled clerk here. True the latter must serve articles, and in lieu of that the LL.B. must serve ten years in a lawyer's office. The Barristers' Board would never admit one who had obtained the degree at a university whose examinations were insufficient.

THE ATTORNEY GENERAL appealed to the good sense of the Committee. A LL.B. degree undoubtedly meant something, but was no guarantee of that knowledge of law and of practice now required of a candidate. The examinations which must now be passed were entirely concerned with the work which the candidate would subsequently do in the profession. If this provision were made, it would be open for a solicitor who had a son he knew would never pass an examination in this State to send him to a university and to scrape through a degree, and then to come back here and pass himself off on the public without having any qualification for the work he proposed to discharge. The Council had said that managing clerks should pass two law examinations to be entitled to be admitted. But they said to the man who had obtained, some time during his life, a LL.B. degree, that he was not called on to pass any examination at all. The position was wholly *incongruous*.

MR. TROY: If we refused to accept the amendment of another place, would the Bill be dropped?

THE ATTORNEY GENERAL: The motion before the Chair was that we refuse to accept the amendment. It remained for the other House to give way, or take whatever step it thought necessary.

THE CHAIRMAN: The Bill would be lost if the motion were carried.

THE ATTORNEY GENERAL: Would a message be sent to another place that we still disagreed with the amendment?

THE CHAIRMAN: No.

MR. TROY: In that case it would be necessary for him to reconsider his decision, for he did not wish to see the Bill lost, although he had strong objections to the clause. We might not have an opportunity of discussing a similar measure for some years.

THE ATTORNEY GENERAL: Next session.

MR. TROY: A comprehensive Bill?

THE ATTORNEY GENERAL: A similar measure to this one.

MR. TROY: If the Attorney General would bring in a comprehensive measure next session, he would vote for the motion.

THE ATTORNEY GENERAL: Already too many comprehensive bills were on his hands.

MR. TROY: It would not be wise to lose the Bill, for there were certain provisions contained in it which would be an advantage. He did not wish to see any person obtain a position unless he was qualified for it. But the amendment of the Council would allow an unqualified person to foist himself on the public, still the public were able to judge. However, he could not agree to drop the Bill.

MR. HUDSON: Would the Attorney General give some idea of the position of a holder of a LL.B. degree in England?

THE ATTORNEY GENERAL: The only advantage that a LL.B. degree conferred, as far as it was recognised, was that in the case of articles, on the solicitor side of the profession it reduced the term.

MR. HUDSON: What about barristers?

THE ATTORNEY GENERAL: It had no meaning from a barrister's point of view. It was not looked on with favour or disfavour. We had also to consider the position of the profession, as to the admission in other States or in other parts of the world of members of the legal profession from Western Australia. We would endanger our position in regard to exchange between our State and other States, and places beyond Australia, if we were to admit men to the profession on the terms contained in the amendment. It would be saddling our future with a grave disability.

MR. HUDSON: The Attorney General having got into a tight corner, raised the question of reciprocity. Up till quite recently the most exclusive States were Western Australia and Victoria. Now both these had accepted the position. The argument of the Attorney General would apply equally to the Bill itself as to the amendment.

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

Ayes	... ...	17
Noes	... ...	14
Majority for	... ...	3

AYES.	NOES.
Mr. Brebber	Mr. Bath
Mr. Collier	Mr. Bolton
Mr. Foulkes	Mr. Brown
Mr. Gregory	Mr. Daglish
Mr. Gull	Mr. Heitmann
Mr. Hardwick	Mr. Hicks
Mr. Hayward	Mr. Holman
Mr. Keenan	Mr. Hudson
Mr. McLarty	Mr. Johnson
Mr. Male	Mr. Lynch
Mr. Mitchell	Mr. Scaddan
Mr. Piesse	Mr. Underwood
Mr. Smith	Mr. Ware
Mr. Taylor	Mr. Troy (*Teller*).
Mr. Veryard	
Mr. A. J. Wilson	
Mr. Layman (*Teller*).	

Question thus passed, the Council's amendment not agreed to.

Resolution reported; the report adopted (Bill dropped).

BILL—MINES REGULATION.

IN COMMITTEE.

Resumed from the previous Tuesday; MR. DAGLISH in the Chair, the MINISTER FOR MINES in charge of the Bill.

Clause 33—General Rules:

MR. HOLMAN moved an amendment that the following be inserted as Subclause 34:

Safety of Stopes.—The Manager, or some duly qualified person appointed by him, shall make and keep safe every stope in the mine, and shall keep within easy access to every stope suitable appliances for thoroughly examining and testing the same and every part thereof; and the manager shall be responsible for the safe working of every stope in the mine.

The member for Ivanhoe desired to regulate the height of stopes, so that no stopes should be worked to a greater distance above the filling than 12 feet. It was hard to say exactly what the height of stopes should be. In different reefs different kinds of work were necessary; but all members were agreed that something should be done to compel the manager of mining property to keep the stopes in safe working order. If the amendment were carried, it would throw upon the management the responsibility of seeing that the stopes were made safe, and that they were kept safe. The amendment also provided that there should be within easy access suitable appliances for testing the stopes. It was absolutely impossible for inspectors of mines in Western Australia to visit them to see whether the stopes were safe.

THE MINISTER FOR MINES: A stope might be safe now, and not safe an hour afterwards.

MR. HOLMAN: The proposal made it absolutely necessary to see that practical men were sent into the stopes to ascertain they were safe for men to work in before inexperienced men went below. He believed the Minister wished to render the mines safe as far as he could for men working in them.

THE MINISTER: Rule 9 provided that in relation to every drive and excavation, whether on the surface or underground, in connection with the workings, the mine should be securely protected and made safe for persons employed therein. It did not matter whether it was in a shaft, rise, winze, or any other part of the mine, the manager under this rule was compelled to take every precaution to see that the mine was perfectly safe. It was hardly necessary to insert in the rules that suitable appliances for testing stopes should be provided. In any mine where there were stopes provision must be made for the men to be able to get to them. He could not imagine a mine where they would not have suitable appliances. He hoped the hon. member would not press the first portion of his amendment, because there was no use in having any superfluity in the measure. He did not notice the amendment on the Notice Paper until about half an hour ago. He would look into the question and see whether some new addition might be framed which would comply with the hon. member's request as regarded making it necessary that suitable appliances should be provided. He would like to consult the State Mining Engineer on the point.

MR. TAYLOR: It would be necessary to make an addition to Subclause 9, so as to specifically bring it under the notice, as it were, of the management, that the clause dealt with stopes. We had found from experience in mining that stopes were dangerous. If the mover would let the amendment stand over, there was no objection; but in the measure there should be something dealing specifically with the height to which stopes might be carried. The amendment would pretty well do that.

MR. HOLMAN: The argument of the Minister that Subclause 9 of Clause 33 would cover the amendment was all very well; but it was necessary to have protection for men working in stopes as well as in shafts. Shafts were considered to be the most dangerous places in mines, and stopes were the next. It should be placed in the rules and posted on the mines that managers must use special precautions to protect the lives of miners working in stopes. It would be better to have a superfluity in the Bill rather than have an omission, if by any possible chance this matter was found not to be covered by a preceding subclause. There might be difficulty in sheeting home neglect to the shoulders of the management if a matter came before the court, and there was no provision in the Bill such as was set out in the amendment. The Minister should not oppose the amendment. It was only making the matter doubly certain. The amendment could be accepted, and if the Minister after obtaining farther information found it necessary, the subclause could be dealt with on recommittal.

THE ATTORNEY GENERAL: Exception could not be taken to the amendment except that, as the Minister said, it was absolutely redundant. The hon. member put the responsibility solely on the manager, but in the early part of the amendment provided that the manager, or any duly qualified person appointed by the manager, should have the care of the condition of the stopes. Surely the responsibility could also be placed upon the duly qualified person appointed by the manager, that duly qualified person being the underground manager who had control of affairs underground. The Minister was prepared to provide for the balance of the amendment in a more suitable place in the Bill, and the hon. member should rest satisfied with that.

MR. HOLMAN: The amendment had been submitted to the Parliamentary Draftsman, and the effect of Subclause 9 had been taken into consideration. That subclause dealt merely with shafts and did not cover stopes.

THE MINISTER: On recommittal we could put in the word "stopes." The wording should be made absolutely clear.

MR. HOLMAN: It was impossible for the manager to carry out the work

himself, but he should be prepared to take the full responsibility, and should give full instructions to a properly qualified man, the underground manager, to keep the stopes in a safe condition. If those instructions were not carried out the manager should be responsible. The Minister should allow the amendment to pass.

THE MINISTER: The proper procedure was that if there was any doubt about an amendment the Minister should oppose it until fully satisfied that it should be put in the Bill. Subclause 9 to a great extent covered what the hon. member desired, but it could be made clearer. The hon. member should postpone the consideration of the matter until it could be seen whether it was necessary to make provision for appliances being provided for testing the roofs of stopes.

Amendment by leave withdrawn.

New Subclause—Boxes in rises:

MR. SCADDAN moved that the following be added as a subclause:—

All rises exceeding a height of 20 feet above the recognised back shall be divided into three compartments by means of a securely-constructed box.

The Sanitation Commission in their report made a recommendation that rises should not be put up more than 20 feet without boxes. In view of that it was not necessary to give reasons why it should be compulsory to put up boxes. He was surprised the Minister had overlooked the matter. A considerable number of accidents happened through boxes not being put up in rises.

THE MINISTER: No.

MR. SCADDAN: Instances were given in the appendix to the report of the commission, and the commission were very clear in their recommendations that rises should be boxed in the parts of a mine where miners suffered from bad fumes.

THE MINISTER: That was more from a ventilation standpoint.

MR. SCADDAN: In regard to the ventilation standpoint the Minister would recognise that box rises were essential. It was the unanimous opinion of the workers that the box system of rises should be adopted and the majority of underground managers were of the same opinion. Since the commission sat the Miners' Conference at Boulder had resolved that the box system of rises should be adopted. Generally miners were against rises altogether because they were unhealthy and dangerous.

THE MINISTER: There had been very few accidents in rises other than from bad ventilation.

MR. SCADDAN: Considering the number of men working in rises compared with the number working in other parts of the mine it was not to be wondered at that there were not a great number of accidents in rises, but men had been injured in rises. An instance was brought under his notice. It used to take a man two hours to get from the top of the rise after firing out. If a man got off without an accident it was more by good luck than management. On many occasions men had left their work rather than work in rises. The great objection to rises was that the management got the good men in the rises, and they became broken down in health sooner than otherwise. If the men were shifted about it would not be so bad. When a man was injured in health at the age of 35 he was absolutely unable to follow a calling of an arduous nature. Men's lungs were affected by working in bad air in the rises. It was not too much to ask managers to put up the rises in a proper manner if it was necessary to have rises at all. The commission took a great deal of evidence on this question and unanimously recommended that box rises should be made compulsory.

THE MINISTER: The Committee might consider the question whether this proposal should form part of the regulations or portion of the Bill, and after that discussion had taken place he would report progress. The question of box rises was something new so far as the regulations in Western Australia were concerned, and the reason they were suggested was that it would enable the mines to be better ventilated. He was assured that it had been rare indeed for accidents to take place in rises. That was probably from the length of time which was allowed to elapse after a shot had been fired and until the miners were allowed to go into the rise again. The ventilation in some rises was unsatisfactory. Recently some very good method had been adopted in

the Ivanhoe mine. There was a system of spraying which kept down the dust when boring operations were carried on, and it made the ventilation of the mine better. The new regulations dealing with the ventilation and sanitation of mines made every provision for rises. Amongst the regulations provided by the State Mining Engineer was one dealing with the question of rises. If there was a rise where the underlay was very flat it would not be necessary to have a box rise. Members should remember very often a rise might need to be put up away from the lode entirely. The introduction of the box system would be very expensive. It would be wiser to put these matters into the regulations, so that if it was found they were unworkable or required amendment they could be more easily amended. Although the Governor-in-Council had power to vary the general rules, at the same time no Minister would dare to alter a general rule unless there was some very strong reason for doing so. On one occasion he (the Minister) altered a general rule in reference to allowing men to travel in skips in the underlay to the 1000-ft. level in the Cosmopolitan Mine. These skips had no safety appliances, and the Government had to take the responsibility because the men would not walk up and down in going to and from their work. If the Committee insisted on having box rises put in every part of the mine, and made it part of the general rules, one would be very chary indeed in altering it. He (the Minister) proposed to insert a provision in the regulations, and he had drafted a provision to meet the case. Where a rise was 30 degrees from the vertical and exceeded 50 feet in height, the box system should be adopted and the rise constructed in three compartments, the centre one being filled with rock. All would agree that to put up a box rise in a flat underlay shaft would be foolish.

MR. HEITMANN: Thirty degrees from the vertical would not be a flat underlay shaft.

THE MINISTER: A roof was overhead all the way. There was no objection to reducing the height to 40 feet from the bottom of the level and adopting the box system beyond the 40 feet. The amendment affected ventilation principally. The regulations would be laid on the table before being gazetted, and before recommittal of the Bill. If desired, he would gazette them so that the amendment could be discussed immediately after recommittal. Embody the amendment in the regulations, so as to see how the new rules would work before including them in the Act; for it was intended to make some drastic alterations in the rules for ventilation.

MR. TAYLOR: The House would have an opportunity of discussing what should go in the regulations?

THE MINISTER: Most decidedly.

MR. TAYLOR: If the amendment were in the Bill, could it be altered by Executive authority?

THE MINISTER: Yes; by the Governor

MR. TAYLOR: If so, where the amendment appeared was immaterial.

THE MINISTER: If the mover agreed to put the amendment in the regulations, the discussion could be dropped. If not, the Committee should decide as to where the amendment should appear. The Minister would hesitate to ask the Executive for power to alter an amendment appearing in the general rules enacted by Parliament; though he would have no such hesitancy about altering his own regulation.

MR. SCADDAN: Certain clauses in the Bill gave power to alter and amend the general rules. Clause 4 gave absolute power; and by Clause 34 the Governor might suspend or vary the general rules for any mine. In the case of any mine not ordinarily employing more than four men underground, the inspector might determine which of the rules were practicable; and by Clause 64 the Governor might make regulations for amending or repealing the general rules.

THE MINISTER: The last-mentioned provision would be struck out.

MR. SCADDAN was personally opposed to omitting from the Bill rules so important as this, while including in it matters of small importance. The Minister promised to give the House an opportunity of discussing the regulations but where was the guarantee that he would always be in power? The regulation might be altered by a new Minister. A Victorian Minister attempted to place all the general rules at the back of the Bill, to be altered and varied at his pleasure; but he was unanimously op

osed by the House. As the general iles had to be posted on the mine so iat all could see them, important matters ke this should be included therein, and ot merely published in the *Government 'azette*, where they would be seen by arcely anybody. The Minister's pro- osal was inadequate. A man who fell a istance of 20 feet would probably be ermanently injured, if not killed. Why in that risk? Some of the mines in algoorlie put up box rises for no other irpose than to turn in the footage for evelopment work. That statement, ough made several times previously, id not been contradicted. The material oken in such rises was treated as ore, id no cost charged against it. The en's health and safety were affected for ie purpose of reducing the cost. Let ie amendment provide that in all rises ther than those at an angle of 30 egrees, the box system must be used. he State Mining Engineer was not in greement with the Minister.

THE MINISTER: He was; and said iat the provision should be in the regu- ons rather than in the statute.

MR. SCADDAN: Departmental officers ere too prone to give way to Ministers. i view of the fact that that State Mining ngineer was chairman of the commis- on and signed the report, it was sur- ising that he should now have gone ick on that report. To deal with a atter of this kind by regulation was ot satisfactory.

MR. HOLMAN: The provision should in the Bill itself. At present the de- rability of doing away with rises was ing considered in Bendigo, one of the incipal mining centres of Australia; r it had been demonstrated that work rises was detrimental to the lives and alth of miners.

MR. WALKER: A principle of such tal importance should be included in e Bill, and not be left to the mere dis- etion of a Minister or of inspectors; herwise, where was the necessity for a ll at all? Everything might be left to dealt with by regulation.

Question put, and a division taken th the following result:—

Ayes	... ...	15
Noes	... ...	13
Majority for	... ...	2

AYES.	NOES.
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. Brown
Mr. Collier	Mr. Eddy
Mr. Daglish	Mr. Ewing
Mr. Heitmann	Mr. Gordon
Mr. Holman	Mr. Gregory
Mr. Hudson	Mr. Gull
Mr. Johnson	Mr. Hardwick
Mr. Lynch	Mr. Keenan
Mr. Scaddan	Mr. Male
Mr. Smith	Mr. Mitchell
Mr. Underwood	Mr. Piesse
Mr. Walker	Mr. Layman (*Teller*).
Mr. Ware	
Mr. Troy (*Teller*).	

Amendment thus passed.

THE MINISTER: Presumably the member for Ivanhoe would have no objection to recommittal for discussion of the question whether these boxes were absolutely necessary in the underlay rises. He would see that a clause was placed in the Bill with the object of effecting an amendment.

MR. SCADDAN: We could do it now.

Progress reported, and leave given to sit again.

ADJOURNMENT.

THE MINISTER FOR MINES moved that the House at its rising do adjourn till 7·30 p.m. on the next Monday.

Question passed.

The House adjourned accordingly at 10·42 o'clock, until the next Monday evening.

Legislative Assembly,

Monday, 1st October, 1906.

THE SPEAKER took the Chair at 7·30 o'clock p.m.

PRAYERS.

PAPER PRESENTED.

By the TREASURER: Museum and Art Gallery Annual Report.