

## Legislative Council,

Wednesday, 13th December, 1905.

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

### PRAYERS.

### PAPERS.

THE PRESIDENT informed members that copies of the Annual Estimates of Receipts and Expenditure for the year 1905-6 had been received, and were now available to members of this Chamber.

### BILL—BANKING COMPANIES ACT AMENDMENT.

Introduced by the COLONIAL SECRETARY, and read a first time.

### RETURN—HOMESTEAD FARMS, Etc.

HON. C. A. PIESSE (South-East) moved—

That a return be laid on the table of the House, showing—1, The acreage of land given away as homestead farms since the Acts permitting same came into force. 2, The estimated cost to the State of surveying same. 3, Amount due to the State by holders of agricultural lands under the conditional clauses of the present and previous Land Acts. 4, Amount due to the State by conditional purchase holders of town and suburban lands.

As this return would involve a certain amount of clerical work, he would explain why he wished for the information. 1, As to acreage of land given away as homestead farms, it was about time that Parliament reconsidered this question, in regard to the area and the revenue received for surveys. Without wishing to stop the giving away of homestead farms, the question should be reconsidered. 2, As to the estimated cost of surveying same, this information would be useful to members, particularly when the Land Bill came before them for consideration in a few days. 3, As to the amount due to the State by holders of conditional purchases, this information

should be made public. There had been a tendency to say that so much land had been alienated or was in process of alienation under present and previous Acts; but no one had stated definitely that so many acres were actually alienated, and no one had shown that a sum of one and a-half to two millions was due to the State from the holders of these conditional purchase lands—a magnificent asset that should not be lost sight of. 4, As to the amount due to the State by conditional holders of town and suburban lands, the same remarks would apply. He hoped members would agree that the information sought was reasonable, and he hoped the information would not be long in preparation.

THE COLONIAL SECRETARY had no objection to the motion.

Question put and passed.

### BILLS (2)—THIRD READING.

(1) Fisheries Act Amendment, (2) Life Assurance Companies Act Amendment, read a third time and transmitted to the Legislative Assembly.

### BILL—MUNICIPAL INSTITUTIONS ACT AMENDMENT.

#### RECOMMITTAL.

On motion by the COLONIAL SECRETARY, Bill recommitted for amendments.

Clause 3—Fish hawkers' licenses for several districts:

THE COLONIAL SECRETARY moved that the following paragraph be added:—

In every prosecution for the breach of any such by-law, an averment in the complaint that the sale of fish was wholesale shall be deemed to be proved in the absence of proof to the contrary.

This amendment would throw on the offender the burden of proving that the sale of fish was not wholesale, and would remove ambiguity in regard to any decision as to the sale of fish being wholesale or otherwise.

Question passed, the paragraph added.

New Clause—Power to sell land for arrears of rates:

HON. R. F. SHOLL moved that the following be added as a clause:—

Section 358 of the principal Act is amended by striking out the words "eighteen months," in the third line of the said section, and inserting the words "three years" in lieu

thereof, and by striking out the words "or of a newspaper," in line seven of the said section, and inserting the words "and in a newspaper" in lieu thereof.

The period of 18 months provided in the clause was too short, and he thought three years would be a reasonable time after which land for which arrears of rates had accumulated might be sold or advertised in the *Government Gazette*. He had no sympathy with ratepayers who failed to pay their rates when due; but the object of the amendment was to prevent hardship in the case of accidental omission to pay rates owing on the land, through the owner not residing in the State or not being aware of the amount of rates actually due. He was not wedded to the period of three years for this purpose, but desired a reasonably long time.

HON. C. E. DEMPSTER: Many instances had occurred to his knowledge in which owners of land had been in danger of losing their land through the nonpayment of rates, even when the amount accumulated was a mere trifle.

THE COLONIAL SECRETARY had no objection to the amendment, so long as the member moving did so with the knowledge that the question of adequate notice was already dealt with in Clause 9 of the Bill, and that clause would minimise to a great extent the objection which had been urged. If the hon. member still thought that three years should be the term, after all the conditions provided for in the clause previously added to the Bill had been fulfilled, and that it would not act to the detriment of municipalities that would be kept out of the rates for such a long time, he (the Colonial Secretary) was satisfied to accept the amendment.

HON. J. W. LANGSFORD: We should also look at this matter from the standpoint of the municipalities. It would keep them out of their rates for three years, and probably four years by the time all the conditions were carried out; and no provision was made for interest. The hon. member should reduce the period to two years.

HON. R. F. SHOLL: Municipalities had the remedy of suing for the non-payment of rates in the meantime. The landowner might be worth suing. How-

ever, there was no great objection to limiting the period to two years.

Clause amended by consent to "two years."

HON. R. F. SHOLL: With regard to advertising, it should be made compulsory that all advertisements of sales of lands sold for non-payment of rates should be inserted in a newspaper circulating in the municipality. People would be more likely to see such advertisements.

HON. F. M. STONE: This meant added expense where there might only be a few shillings due for rates. It must also be borne in mind that the agent for the absentee would receive rate notices.

HON. R. F. SHOLL: An advertisement in a newspaper would probably bring a better price for the land.

Clause as amended passed, and added to the Bill.

New Clause—Notice of sale:

HON. J. M. DREW moved that the following be added as a clause:—

Section 338 of the principal Act is amended by striking out the word "two" in line 14, and inserting in lieu the word "three."

The owner might be absent from the State; so the fullest notice of sale should be given. The clause provided for the period being three months instead of two months.

HON. W. T. LOTON: There was no need to give more than two months' notice, because municipalities sent out rate notices every six months. We should not prolong the period, and so hold out a premium to people not to pay rates. It seemed that the House was acting on behalf of absentee owners.

THE COLONIAL SECRETARY: The amendment was more reasonable than that moved by Mr. Sholl, but he objected to the procedure adopted. The Bill had been recommitted for the purpose of making certain amendments on the Notice Paper. He appealed to the fairness of hon. members that when they wished to make amendments on recommittal they should put them on the Notice Paper. Mr. Drew was not a great offender in this respect, but other members had notified that they desired to make amendments, and in order that one might consult the legal advisers of the Government, members should give due

notice of any amendments they desired to move.

HON. J. M. DREW agreed with the Minister, but he had not given notice of this amendment because he could not discover yesterday a copy of the Municipal Act. He had informed the Colonial Secretary of his intention to move the amendment, and the Minister had not objected. It was far more essential that this amendment should be carried than the amendment just adopted. A municipal council was under no obligation to communicate directly with the owner until it was decided to sell the land, but a new clause in this Bill now cast the obligation on municipalities to communicate with the owners by registered letters. The owners might be absent from the State, and there might be no possibility of receiving payment within the short period of two months. We should extend the period to three months.

HON. C. E. DEMPSTER supported the proposal to give farther protection to owners so as to prevent their losing their land for a few shillings due for rates, and because circumstances might render it impossible for the owners to pay the rates in time.

Question passed, clause added to the Bill.

New Clause—Power to vote municipal funds for museums, etc.:

HON. C. SOMMERS moved that the following be added as a clause:—

The council shall have power to vote out of the ordinary income of the municipality to museums or miners' institutes established within such municipality such sum or sums of money as it may deem fit.

The reason for moving was that grants in aid of these purposes were made out of the three per cents. if made at all, and no matter how desirable it might be to aid such institutions more liberally, the councils had no power to vote money for this purpose out of ordinary revenue. This was especially hard on outlying districts, where such institutions were much appreciated.

THE COLONIAL SECRETARY had no fault to find with the amendment, except that it was sprung on the Committee without notice. On its merits he was inclined to welcome the amendment, because once this power was given to municipal councils, the liability of the

Government to contribute to mechanics' or miners' institutes would become unnecessary.

THE CHAIRMAN: There was a question whether the Legislative Council was competent to deal with a proposal for voting money out of the ordinary income of municipalities in aid of mechanics' or miners' institutes.

SEVERAL MEMBERS: The money would come out of municipal rates.

HON. W. PATRICK: If it was the intention of the Government to introduce a consolidating Municipal Bill next session, there should be no need to load the present short Bill with so many amendments.

THE COLONIAL SECRETARY: It was the intention of the Government to introduce such a measure, and he agreed that this Bill was becoming rather overloaded with amendments, and every amendment added in this way increased the risk of the Bill failing to pass at the end of the session. He had no fault to find with the amendments made so far.

HON. C. SOMMERS agreed that notice of amendment should be given when practicable, but in this case the advice from the Eastern Goldfields which induced him to move this amendment reached Perth only to-day, and there was not time to give notice of his intention.

HON. R. F. SHOLL was inclined to disagree with the amendment. It would be better for municipal councils, particularly that of Perth, to spend their rates in improving the streets rather than spend it on objects of this kind.

HON. J. M. DREW: This appeared to be a small amendment, but it would have a drastic effect on the Municipal Act. More time was needed to consider it.

HON. F. M. STONE cited a municipality not far from Perth in which a library was started, of which only a few ratepayers in the municipality were able to take advantage. And next the council wanted to purchase a billiard table. The ratepayers would not get the benefit of such expenditure as was proposed in this amendment, but the benefit would go only to a few, while the legitimate purposes for which rates were contributed would be provided for inadequately. As there was to be a consolidating measure next year, this amendment should be postponed.

HON. E. M. CLARKE: The tendency in a municipal body was for some members to run on one string and some on another, and municipal councillors were too much inclined to listen to the man in the street. Money was spent regardless of the convenience of the ratepayers, for such purposes as providing comforts and conveniences for visitors who never paid rates.

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

Ayes	...	...	...	7
Noes	...	...	...	14

Majority against ... 7

AYES.	NOES.
Hon. T. F. O. Brimage	Hon. E. M. Clarke
Hon. J. D. Connolly	Hon. J. M. Drew
Hon. J. W. Hackett	Hon. V. Humersley
Hon. W. Kingsmill	Hon. J. W. Langsford
Hon. R. Laurie	Hon. W. T. Loton
Hon. C. Sommers	Hon. W. Muley
Hon. R. D. McKenzie	Hon. W. Oats
(Teller).	Hon. W. Patrick
	Hon. G. Randell
	Hon. Sir George Shenton
	Hon. R. F. Sholl
	Hon. P. M. Stone
	Hon. Sir E. Wittenoom
	Hon. C. E. Dempster
	(Teller).

Question thus negatived.

New Clause:

HON. T. F. O. BRIMAGE moved that Section 75 of the principal Act be amended—

By striking out the word "third" and inserting "fourth" in lieu.

This amendment would make the annual elections only one week later, and thus give more time for preparing the statement of accounts and the auditors' report.

THE COLONIAL SECRETARY: Before accepting this amendment, it was desirable to have information as to whether municipal bodies in the State wished for this change.

HON. C. SOMMERS: Several cases were known to members in which the councils had not the balance-sheets ready on the third Wednesday in the month; so that by putting the date a week later, they would be more likely to have them completed. The same difficulty was experienced on the Eastern Goldfields.

HON. G. RANDELL deprecated such an important change without notice. Members could hardly follow the new clause as read. That difficulties had arisen he would admit; but better let the

law remain unaltered till a consolidating Bill was brought in. No harm could result from waiting; for such Bill would probably be passed before the next annual municipal elections.

HON. J. W. LANGSFORD: The need for a change was emphasised at the last municipal elections, when the third Wednesday in the month fell on the 15th—an event which, he believed, happened only once in 50 years.

HON. T. F. O. BRIMAGE would not press for a division, as the Minister stated that the consolidating Bill would be brought in early next year, possibly in time for the next elections. He withdrew the amendment.

Amendment by leave withdrawn.

Bill reported with farther amendments, and the report adopted.

#### BILL—ROADS AND STREETS CLOSURE. IN COMMITTEE.

Clause I—Closure of certain roads and streets:

THE COLONIAL SECRETARY: In deference to the widely-expressed wish of the Chamber that the public should be given some compensation for the closure of William Street where it intersected the railway, he moved that the following be added as a proviso:—

Provided that the roadway and footpaths of the bridge crossing the Government railway at William Street, Perth, are hereby dedicated to the public use, and it shall be unlawful for any building to be erected thereon or any part thereof.

HON. W. T. LOTON: The amendment so far as it went, was satisfactory; but he was not sure that it went far enough. We were giving away a portion of a main street in Perth, in exchange for a temporary structure as a roadway. If that structure were dedicated to the public, who was to keep it in repair? Might not the Perth Council be expected to do so? To make the matter clear, he would propose that the following be added:—

Provided farther that the aforesaid bridge, roadway, and footpaths shall be maintained and kept in repair by the Commissioner of Railways.

This was but proper, as William Street was closed in the interests of the State generally, and not in the interests of Perth.

HON. J. D. CONNOLLY: Another phase of the question was that we were closing that part of William Street mentioned in the schedule; and as it was a fair assumption that in ten years we might have an overhead railway, this bridge would then be removed, and if William Street should remain closed there would be no right-of-way across the railway. Better strike out from the schedule the reference to William Street, seeing that it was closed now and was likely to remain closed, and then insert this proviso giving the public a right-of-way over the bridge; so that in the event of an overhead railway, the removal of the bridge would still leave William Street free to the public.

THE COLONIAL SECRETARY: Mr. Loton's amendment had its merits, but it was questionable whether it would be proper in this Bill; and unfortunately, the amendment was special and not general in its application. Probably it should be inserted in the Railways Act, so as to fix definitely who was to keep overhead bridges in repair. The question had been long debated by the Public Works Department, the Railway Department, and the municipalities. Personally he was inclined to agree that the Railway Department should maintain overhead bridges, which were erected so that a railway might cross roads and streets. If the public approved of that proposal, a general clause, throwing the onus upon the railways, should be inserted in the Railways Act. He was not inclined to cavil at the amendment, but thought it was somewhat out of place and did not appear to be of general application. As to the contention of Mr. Connolly, that could not be long entertained. If that portion of William Street were left open, members of the public would casually stroll through and might be cut to pieces. It did not require an Act of Parliament to dedicate any portion of a railway or Government property to the use of the public. That was done by proclamation. The reference which had been made by Mr. Loton to the William Street bridge being a temporary structure was not quite correct. The bridge had not the appearance of being temporary, and it certainly did not cost what he (the Colonial Secretary) called a temporary price. As the Bill

had been received from another place and there would be plenty of time to deal with it, he would like to consider the amendment with the advice of the Crown Solicitor. He moved that progress be reported.

Progress reported, and leave given to sit again.

BILL—METROPOLITAN WATERWORKS ACT AMENDMENT.

IN COMMITTEE.

Clauses 1, 2—agreed to.

Clause 3—Power to enter into agreements for reticulation of estates:

HON. J. W. LANGSFORD: The rule in the past had been that the Waterworks Board laid the pipes up to the boundary of private property. There was no question as to the size of the block of land. The clause seemed to interfere with private enterprise for the board could lay pipes right on to the property and reticulate any vacant blocks of land in Perth.

THE COLONIAL SECRETARY: The object of the clause was to enable owners of land and estates to approach the board or Minister with a view of having the estate reticulated with water pipes; to enable them to put up so much money for the purpose and to arrange terms for the repayment of that money. But in no case would the pipes which had been laid down become the property of the owners of the estate. There was sufficient safeguard in the proviso to the clause. It had been stated that the people on the Mt. Lawley Estate paid for their water by meter and were not rated. That statement was inaccurate. This was stated on the authority of the officials of the Public Works Department.

Clause put and passed.

Clauses 4 to 7—agreed to.

Schedule, Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at nineteen minutes to 6 o'clock, until the next day.