journment for a fortnight. There are large gatherings in one or two parts of the State that take place only once a year —I allude to Carnarvon particularly— and a fortnight's adjournment would give an opportunity to some members to visit their constituents. If it would not inconvenience the business a fortnight's adjournment would be of advantage to them.

The COLONIAL SECRETARY : I am willing to make it a fortnight if it is the will of the House.

Motion by leave withdrawn.

The COLONIAL SECRETARY moved—

That the House at its rising adjourn until Tuesday, the 22nd November.

Question passed.

House adjourned at 5.28 p.m.

Legislative Assembly,

Tuesday, 8th November, 1910.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—DAIRYING LAND.

Mr. HEITMANN asked the Minister for Lands: What is the estimated acreage of Crown lands in the State suitable for dairying purposes?

The MINISTER FOR LANDS replied: Probably 6,000,000 acres of Crown lands, having a rainfall of 20 inches and over.

QUESTION — WATER SUPPLY, HOFFMAN'S MILL.

Mr. O'LOGHLEN asked the Premier: 1, Is he aware that the water supply at Hoffman's Mill is unfit for human consumption? 2, Did the inspector for the Central Board of Health make certain recommendations *re* the said supply? 3, Were these recommendations carried out? 4, If not, why not? 5, Will the inspector's report be made available?

The PREMIER replied: 1, No. The main supply is wholesome. The last inspection showed that the supply was free from any contamination. 2, Yes; that the main supply be extended to that portion of the settlement now supplied by the creek. 3, The recommendations were transmitted to the company (Millars'), who have communicated with the mill manager. A further inspection will be made as soon as an inspector is available. 4, Answered by No. 3. 5, Yes.

QUESTION — PINJARRA-MARRADONG RAILWAY EXTENSION.

Mr. O'LOGHLEN asked the Premier: 1, It is the intention of the Government to immediately bring down a Bill for the extension of the Pinjarra-Marradong Railway? 2, Seeing that the co-operative society will during the next three months supply over 10,000 tons of freight, will the Government immediately build another three miles of line? 3, Failing prompt action by the Government will they arrange with the co-operative society to build this extension and so give facilities to many hundreds of residents?

The PREMIER replied: 1, The Government propose to introduce a Bill for the extension of the Pinjarra-Marrinup Railway towards Marradong as soon as the business before Parliament will permit, and if passed the construction of the line will be proceeded with without delay. 2 and 3. Answered by No. 1.

QUESTION—AUSTRALIAN NAVY AT FREMANTLE.

Mr. McDOWALL asked the Premier: 1, Is the Government aware that the first vessels of the Australian Navy are due on or about November 18th? 2, Is the Government aware that the route of vessels has been altered at the express request of the Australian Natives' Association and other public bodies in Western Australia in order that this State might have the honour of first welcoming them to the Commonwealth? 3, What steps does the Government propose to take to fittingly mark the occasion?

The PREMIER replied: 1, The Government has received no official intimation of the visit of the torpedo destroyers to Fremantle, but I understand that my predecessor had some conversation with Captain Creswell, and also communicated with the Prime Minster with reference to the vessels calling at Bunbury, and was advised that they would leave Broome on or about the 15th inst., subsequently calling at that port. 2, No. 3, On receipt of an intimation from the Commonwealth Government as to the date of arrival and other particulars the Government will consider what action shall be taken.

QUESTION — BULLFINCH RUSH. POLICE PROTECTION.

Mr. TROY (for Mr. Horan) asked the Premier: 1, During the recent rush to Southern Cross, when was an application made for extra police protection for that town, and by whom? 2, Was action taken and when? 3, Why was the number asked for not supplied? 4, Is it considered tenable that the Commissioner of Police in Perth is a better judge than an officer located on the spot? 5, Does the Hon. the Premier, on behalf of the Colonial Secretary, seriously believe that three men on foot can adequately control an overcrowded town, as well as twenty-five miles on either side; if not, why was the request for two mounted men either disregarded or delayed? 6, Is he aware that several prospectors have been lost in the bush, and that the request for a black-tracker at Bullfinch is a matter of urgency? 7, Is it a recognised custom for the Commissioner of Police to consider himself oblivious to newspaper intelligence and await the report of his local officer, who happened to be absent, before taking action to strengthen the police force? 8, In the event of the Commissioner of Police disagreeing with his own subordinates' recommendation—(a) Will the hon. Premier indicate to his Ministers that in the public interest they should over-ride the recommendation of their departmental heads when the exigencies of the case demanded? (b) If Ministers are to be subservient to their departmental heads is it intended to revert to the practice before Responsible Government and give seats on the floor of the House to permanent heads of departments, and thus relieve Ministers of their, apparently, only nominal responsibility?

The PREMIER replied: 1, 22nd October. Application from Mr. Horan, M.L.A., for two men. 2 and 3, Yes. One constable was sent to Southern Cross on 28th October. It was not considered necessary to transfer another constable at the time. 4, The Commissioner of Police uses his own judgment, after receipt of reports from his officers. The first application for additional police was received from the district officer on November 4th 5, One sergeant and three constables, including one mounted constable, are considered amply sufficient for duty at Southern Cross for the present. No request for two mounted constables was ever made. In addition, a mounted constable and black tracker were sent to the Bullfinch centre on the 5th November. 6, No. No request for a black tracker at Bullfinch was made prior to 4th November. 7, No. 8, The inference is unwarranted.

QUESTION — SWEATING, MR. BRENNAN'S STATEMENT.

Mr. TROY asked the Premier: 1, Has the attention of the Premier been drawn to the statement made by Mr. J. Brennan and published in the *Daily News* of the 26th October:—"I do not believe in sweating, and I do say this, that in this fair

city of Perth there is going on a deplorable amount of sweating." 2, What action does the Government intend to take to punish those responsible and eradicate the evil complained of by Mr. Brennan?

The PREMIER replied: 1, No; but Mr. Brennan is being communicated with on the subject in order that inquiries may be instituted. 2, Answered by No. 1.

QUESTION—AGENT GENERAL.

Mr. SCADDAN (without notice) asked the Premier: 1, Is there any truth in the rumour that Mr. Hare has resigned from the position of Acting Agent General and that Mr. Cyril Jackson has been appointed in his stead? 2, If so, what is the length of the term of the new appointment? 3, Have the Government yet considered the advisability of appointing another Agent General?

The PREMIER replied: A few days ago I received a cablegram from the Acting Agent General, Mr. Hare, who asked to be relieved of his position owing to ill health. Mr. Hare is suffering from nervous prostration and insomnia. The Government have communicated with Mr. Cyril Jackson and, in consequence, have appointed him as Acting Agent General —in a temporary capacity of course. It is understood the term will be until the permanent appointement is made, perhaps three or four months hence. Mr. Hare also asked in a subsequent cablegram to be allowed sick leave and long service leave. That is now being arranged. With regard to the permanent appointment, the Government have decided to offer the post of Agent General to Sir Newton Moore on his return, if his health permits him to accept the position.

PUBLIC SERVICE AND DEFENCE FORCES.

Papers not supplied.

Mr. TROY: Two weeks ago I moved for all papers in connection with the dismissal of Warder Wise from the Prison Department. Although I have made a search, so far as I can see the resolution of the House has not been complied with. Surely these papers are procurable. The least the House can expect is that a motion carried will be given effect to.

The PREMIER: I will see that you get them to-morrow.

LAND TRANSACTIONS, DALWALLINU.

Papers not complete.

Mr. TROY: Some three weeks ago there were placed on the table, in accordance with a request, papers in connection with Mr. Neilson's application for land and the subsequent forfeiture, together with Mr. Myer's application for land and other applications The papers asked for were those which it was represented the Press had been given access to. So far as I have gone into the papers, particularly as to the Nielson papers, there is not contained on the file all the papers that should be there. I would ask the Minister to have the lost papers found and inserted. There is a correction made between pages 20 and 30 of the file, and my subsequent research leads me to believe that the correction made by the department was made on a later date, and the papers which should have been on the file have been taken from it. There is notice given on the file that certain papers were sent to Cabinet or to the Crown Law Department, and these papers are not included. There is also a letter which I have in my possession from the Lands Department which has a very distinct bearing on the charges I have made. This is not on the file, and I want the Minister to provide the papers, otherwise I shall have something to say on the matter when the Estimates of his department are before the House.

SELECT COMMITTEE'S REPORT—EXTENSION OF TIME.

Roads Bill.

Mr. BROWN (Perth): I move—

That the time for bringing up the report of the select committee appointed to inquire into the Roads Bill be extended for one week.

We are waiting for information from the

goldfields to enable us to furnish our report.

Mr. UNDERWOOD (Pilbara): I would like to move an amendment to strike out the word "week" and insert "year." There is nothing like giving plenty of time, and, from my experience of the members for Perth and East Fremantle, they will want fully that time for bringing up the report. I am sure the Bill was referred to a select committee merely for the purpose of preventing its passing in this House, and, to obviate the necessity for coming frequently and asking for an extension of time, I wish to give plenty of extension now, and I hope the House will give plenty of time for this purpose.

Mr. Murphy: Make it three years.

Mr. UNDERWOOD: Well, I am thinking that probaly these members will not be in the next Parliament. The member for Fremantle may not.

Mr. SPEAKER: I cannot put the amendment; I shall put the question, that the time for bringing up the report be extended for one week.

Mr. SCADDAN (Ivanhoe): I would again ask the member for Perth whether he will state to the House what work the committee have done since the last occasion when he asked for a fortnight's extension.

Mr. BROWN (in reply): No committee has worked more assiduously than this Committee has done. We have sat day after day from 2 o'clock in the afternoon until half-past four o'clock. We have completed the taking of evidence, but the Public Works Department have asked the committee to defer reporting until they have had an opportunity of communicating with the Kalgoorlie Roads Board and the Kalgoorlie Municipal Council as to the question of rating. When the replies are received we shall frame our report.

Question put and passed.

LEAVE OF ABSENCE.

On motions by Mr. GORDON, leave of absence for one fortnight was granted to the member for Wellington (Mr. Hayward) and to the member for Bunbury (Sir N. J. Moore), in both cases on the ground of illness.

PAPERS PRESENTED.

By the Premier: 1, Report of the Inspector General of the Insane for 1909. 2, By-laws of the Municipal Council of Menzies. 3, By-laws of the Municipal Council of South Perth.

By the Minister for Lands: 1, Report of the Under Secretary for Lands for 1909-10.

By the Minister for Works: 1, Additional By-laws passed by the Serpentine Roads Board. 2, By-laws passed by the West Arthur Roads Board.

BILL — PERTH MUNICIPAL GAS AND ELECTRIC LIGHTING.

In Committee.

Mr. Taylor in the Chair; the Minister for Works in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Powers of Council on purchase of undertaking:

The MINISTER FOR WORKS desired to move an amendment in his capacity as the representative of Subiaco, and not in his capacity as the Minister for Works, or as the member in charge of the Bill. The amendment was—

That in line 17 after "shall" the words "subject as hereinafter provided" be inserted.

If the amendment was agreed to he would move a subsequent amendment to add a proviso as follows:—"Provided that the council shall not carry on or extend the said works within the district of the municipality of Subiaco except for the supply of gas, for purposes other than lighting, without the consent of the said municipality." When the original Perth Gas Bill became an Act, it was provided therein that the Gas Company should have the right to extend their lines or mains to any distance within five miles of the Perth post office. At that time there were no municipalities anywhere near Perth, nor was there any very great likelihood as far as appearances went in 1886 that municipalities would spring up. Since that time, as members were aware, a number

of municipalities had come into existence in and around Perth, and, in the particular case of Subiaco, there had been established there at the cost of the ratepayers of that district a municipal lighting plant which was supplying that municipality with light. This plant had been in existence for about six or seven years. Prior to that no extension of the mains or wires of the Perth Gas Company had been made to Subiaco. Since that time the extension of the gas main had been made, but merely for heating purposes—to supply heat for cooking purposes. No attempt had been made on the part of the Gas Company to secure an extension of their wires for the purpose of supplying electric light there. It might therefore be admitted that obviously the extension in that direction would not prove remunerative to the shareholders, or the extension would have been made. It might be asked why the ratepayers of the City, if they took over the powers of the Gas Company, should not enjoy the privileges of that company. To that he replied that at the time the original Perth Gas Company's Act was passed there was no Subiaco municipality, and there was therefore necessarily no municipal electric lighting plant within five miles of the Perth post office. If the Perth council acquired these works and extended lines for lighting purposes to Subiaco, then it would mean the public property of the ratepayers of Perth would be competing with the public property of the ratepayers of Subiaco.

Mr. Johnson: That applies to-day.

The MINISTER FOR WORKS: There was no competition to-day.

Mr. Johnson: They get power, do they not?

The MINISTER FOR WORKS: Perhaps the member would allow him to state his case. At present there was no competition between the Gas Company and the municipal lighting plant. If the amendment were carried it would prevent that competition, but it would not prevent a friendly arangement being made between the two municipalities similar to that made between the Subiaco council and the Perth Gas Company for the supply of current to the Subiaco council at a time when it was more profitable to the Subiaco council to acquire their current by purchase than it would be to run their own plant. This competition would be bad for the ratepayers of Subiaco and Perth alike, because there was not enough business in the Subiaco municipality to keep two establishments going to pay for a double wiring, and of course the competition could only come about as a consequence of double wiring being made, therefore it would be a disadvantage to the ratepayers of Perth to have the council embarking on this competition, and at the same time when a plant had been constructed by the municipality of Subiaco at a cost of from £12,000 to £15,000. Likewise it would become not only unprofitable, but a means of loss instead of a means of profit.

Mr. Walker: What will happen when a Greater Perth scheme comes?

The MINISTER FOR WORKS: The whole question could then be settled by the municipalities between themselves. He could see no insuperable difficulties as far as gas lighting was concerned if there was a Greater Perth scheme. He had no doubt that within the next few years some scheme of amalgamation between the small municipalities would come about. In the meantime he wanted to see the rights of the ratepayers of the district he represented protected from any aggression from the ratepayers of any other part of the metropolitan area. The amendment was moved, not to protect the ratepayers from dangerous or destructive competition or from any private concession, but with the object of protecting the rights of the ratepayers of one particular district against any possible aggression on the part of the ratepayers of another district.

Mr. JOHNSON: The amendment ought to be rejected for the reason that it would reduce the asset which the Perth city council proposed to acquire. The avowed object of the Bill as expressed in the Title was to vest in the city of Perth the rights, powers, privileges, and authority of the company; yet in the face of that Title the Minister for Works desired

to reduce those rights and privileges when acquired by the city council. The company had privileges over a radius of five miles from the Perth town hall, and consequently had an absolute right to go into Subiaco. For some reason or other the company had not exercised that right, but had permitted the municipality of Subiaco to light its own district. He understood that as a matter of fact the company did take certain light and power into the municipality to-day.

The Minister for Works: No, that is not right.

Mr. JOHNSON: However, the point was that the company had the right to go there, and that being so, if Parliament gave the municipality of Perth the right to acquire the company's privileges it should be a full and absolute right. The Minister had said the object of the amendment was to prevent undue competition. In other words, the Minister was afraid the ratepayers of Perth would not be of the same disposition as that shown by the private company, and that the Perth city council would endeavour to enter into competition with the Subiaco municipal council. However that might be, Parliament had no right to reduce the asset proposed to be purchased by the Perth city council.

Mr. DRAPER: It seemed the Minister for Works was not fully acquainted with all that had taken place between the Perth city council, the Gas Company, and the Minister's predecessor in office. Clause 3 was one about which there had been a considerable amount of difficulty in protecting the rights both of the Perth city council and of the Gas Company, and it was to be hoped that the Committee would not alter the clause. To pass the amendment would be to do a distinct injustice to the city of Perth. It mattered little whether there was any municipality within five miles of the Perth town hall when the Perth Gas Company's Act was passed. The question was as to the position when, in June two years ago, the Perth city council had given notice to the Gas Company of intention to purchase. There could be no doubt that under Section 50 of the Gas Company's Act the Perth city council had the right to purchase all the plant and to acquire all the privileges of the company, these privileges extending over an area of five miles from the Perth town hall. Nor was there any doubt that the fact that these extended over five miles from the Perth town hall had been a considerable factor in inducing the members of the Perth city council to give notice to the company of the council's intention to purchase the plant and privileges. If after that notice was given we were by legislative enactment to take away those privileges which the city council had the right to acquire, then we would be doing considerable injustice to the city of Perth. He hoped the Committee would refuse to pass the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 4 and 5—agreed to.

Clause 6—Notice to be advertised before borrowing:

Mr. BROWN moved an amendment—

That the following be added to stand as a new clause:—"That Sections 436 to 439 of the Municipal Institutions Act, 1906, be applied to all loans so raised in the same manner as they apply to loans raised under that Act.

It was generally recognised that the rating must come from the land and therefore that the land owners were affected by all rates. That principle had been emphasised by the Labour party when in power. Under the existing law when a loan was required to be raised the town clerk had to make a roll of the property owners in the district for which the loan was required and those property owners voted on the question; but under the Bill it was proposed that on the question of loan only those desiring to vote against it should vote, while all the other ratepayers remaining away from the poll were deemed to be in favour of the raising of the loan. Surely if in respect to a small loan it was necessary that the property owners should have a vote it was equally necessary in respect to a loan of perhaps half a million of money. Again, the Minister for Works had emphasised the fact that the Gas Company was a paying concern; but it was to be remembered that a

paying concern of to-day might be a losing proposition to-morrow.

The CHAIRMAN: The amendment being to insert new clauses it could not be taken at this stage, but would have to be postponed until after all other clauses had been dealt with.

Mr. BROWN: If the amendment were taken at this stage and were agreed to, the next succeeding clauses would have to be struck out, while if it were defeated and thus disposed of, the clauses referred to could stand.

The CHAIRMAN: The new clause could not be accepted at this stage, but at the end of the Bill. If the new clauses were carried, then the Committee could deal with Clause 6 subsequently.

Mr. MURPHY: Was the member for Perth in order, for unless we struck out the clause in the Bill dealing with the power of those who should vote, there would be no sense in moving a new clause later?

The CHAIRMAN: It was within the limits of the Committee to debate Clause 6 and to strike it out if members thought fit.

The MINISTER FOR WORKS: There was no reason whatever for the member for Perth opposing Clause 6; it would meet the views he had expressed. There was no harm in providing that notice should be given in the *Government Gazette* and the newspapers before borrowing, therefore the member need take no trouble to defeat the clause.

Clause put and passed.

Clauses 7, 8—agreed to.

Clause 9—Votes of ratepayers, how taken:

Mr. MURPHY moved an amendment—

That in line 4 of Subclause 1 the words "or occupiers" be struck out.

If we were making an innovation as to municipal borrowing we ought to do so in regard to all municipal borrowing, and not in regard to one particular matter. Until the Municipalities Act was altered in this direction we should not pass such a provision in the Bill.

Mr. ANGWIN: One was surprised at the argument of the member for Fremantle. Although the member wanted occupiers to vote he would strike them out of the clause, and simply because the provision was not contained in the Municipalities Act. The occupiers would be the largest customers from the gas works, and they should have the right to vote as well as others.

Mr. BROWN: At present it would be possible for a person to own one-half of Perth and have no vote for a mayor or councillor. The member said the occupiers would be the greatest consumers of the light, and they naturally would send those to represent them who would advocate cheap lighting. But what might be a paying proposition to-day, might be a losing one to-morrow, and if it was a losing one the cost would fall on the owners of the property.

The MINISTER FOR WORKS: There was no possibility of the gas works being worked at a loss, unless from extremely bad management, and he could not imagine bad management occurring. He had faith in the municipality of Perth, and believed it would grow, and it would be nothing short of gross and culpable, and he might almost say criminal mismanagement, to make a loss out of the company's business. He was speaking with a close acquaintance of the valuation put on this property by both sides, and the highest valuation was a sum about £238,000, apart from the goodwill. That was far in excess of the next highest valuation, and he could not imagine what the assessment would be if the purchase of the goodwill were authorised. At the same time it seemed probable, seeing that two legal decisions had been given on the subject that no goodwill would be considered; if so the total cost would be nearly £200,000. The object of originally providing power for owners only to exercise the vote in the municipal law was to prevent those who had to bear the burden of the taxation paying interest and sinking fund on this loss, and to say whether it was wise to enter on the responsibility. In this case, if the business was to be run at a profit there could be no financial responsibility. So long as our population

remained fairly normal it was the occupier who would pay the rates, not the owner. It was only in times when there was no demand for properties, and when there was a number of properties empty, and the occupier had a wide choice, it was only in those years that the owner was called on to pay the rates.

Mr. Brown: Why exempt unoccupied property in the Roads Bill then?

The MINISTER FOR WORKS: There was no comparison between a small roads board district and a permanent municipal corporation, especially the principal municipal corporation in the State.

Mr. George: How do you make out that the occupier pays the rates?

The MINISTER FOR WORKS: In his rent. He was speaking what he thought no member would seriously deny; unless in serious times of depression, the occupier must pay the rate. In deciding to buy, a person was governed by the returns from a property and he charged the property with the rates; he would deduct the rates before he determined what return he was to get on his property, and rightly so, too.

Mr. Davies: You have to take what you can get.

The MINISTER FOR WORKS: The hon. member was arguing from a short period of depression, but it was not a fair argument.

Mr. Davies: A period of five years.

The MINISTER FOR WORKS: Five years was nothing in the history either of a State or a city. However, the point was that the borrowing of money did not entail a liability on the property owners of Perth. He (the Minister) had argued from facts, but against his facts and figures some hon. members had been pitting mere figments of the imagination. Their only arguments were those their fears supplied. Nor did he think that even those fears were very genuine. No hon. member conscientiously feared that the business it was proposed to give authority to the city council to acquire was likely within their lifetime to become a losing concern. He could not understand the argument of the member for Fremantle who, apparently, held that the clause was good, but that because the corresponding clause in the Municipal Act was bad we ought to make this one bad also. He hoped the amendment would not be accepted.

Mr. HARPER: The amendment was a good one and deserved support. It would be unfair to disfranchise the property owners on an important loan like this, while giving the vote to the occupier. It was a mistake to think it was invariably the occupier who paid the rates. The Minister for Works was ready to guarantee that this business would continue to be a good proposition, but as a matter of fact the Minister for Works had no data for his contention. The most learned counsel in Australia had declared that the purchase of the works would be at what the works were worth to the owner. The question of goodwill had not been raised, but only that of the commercial value. If £400,000 had to be paid for goodwill it would represent an annual charge of £16,000 which the city council would have to meet in excess of the charges now being met by the company. That £16,000 would leave very little margin of profit. Everybody knew that the municipalisation of works represented a sacrifice of economy as compared with private undertakings. In London and elsewhere the people were getting tired of municipal lighting and desired a change. He would strongly oppose the measure, believing as he did that we were fairly well off in regard to the price of lighting under the present system.

Mr. McDOWALL: The amendment should be opposed. It had been said that the occupier did not always pay the rates. To suppose that the occupier did not pay the rates on every possible occasion was to suppose that the owners of property were philanthropists. In his experience, which was a pretty wide one, the occupiers were invariably compelled to pay the rates. That being so it was only fair that the occupiers should have the right to vote. The clause did not debar a property

owner from voting, because it allowed him the right to vote at such times as his property was without a tenant, when he could be himself enrolled in respect to it.

Mr. BROWN: The Minister for Works was altogether inconsistent, because he held that while certain provisions of the Municipal Institutions Act should not be permitted to apply in the Bill certain other provisions of that Act should be accepted as part of this measure.

Mr. DRAPER: Would the Minister for Works tell the Committee who would get the vote in the event of the occupier being a different person from the owner?

The MINISTER FOR WORKS: According to his reading of the clause they would both get it.

Mr. DRAPER: The rate book of the city council provided for the names of the owner and the occupier, but he was under the impression that it was the occupier who got the vote. There was nothing in the Municipal Institutions Act different from the Bill in this respect, and therefore he was of opinion that under the Bill the owner would be disfranchised.

The MINISTER FOR WORKS: That was not so. The names of owner and occupier alike were required to be inserted in the rate book, but the hon. member was confusing the rate book with the roll of the ratepayers. The clause provided for the preparation of a special roll, whereas if only the occupiers were to be voters there would be no necessity for a special roll. The special roll would disfranchise neither the owner nor the occupiers.

Mr. DRAPER: The qualification for being on the roll was either owner or occupier, and not both. If it was the intention that both should be on the roll there should be some amendment made to the clause.

Mr. MURPHY: The Municipalities Act hitherto governed all municipal borrowing. It was claimed, and with fairness, that Fremantle was far ahead of any other town with regard to the various things they carried out by municipalisation, and in every case in which the municipality had had to borrow money the occupiers of each house had been asked to say yea or nay. In one instance the municipality got the vote of the property owners against it; that was when an attempt was made to municipalise the sanitary service, and without egotism he could say that if he (Mr. Murphy) had not seen a way out of the difficulty by which an overdraft was raised, that service would still have been in the hands of private contractors. The objection he had to a particular favour being given to the city of Perth was that if we wanted to confer the right upon occupiers to say yea or nay with regard to municipal borrowing we should amend the Municipalities Act. We should not bring in a special Act with regard to Perth, an Act which would not be fair to any other town, and say that on this occasion the occupiers should have a vote and on no other occasion. The concession should not be granted in connection with the Bill before the Committee while the restriction remained in the principal Act.

Mr. GEORGE: Would the Minister inform the Committee who was going to get the vote? It was difficult to see who was going to get it.

Mr. Scaddan: The owner and the occupier. It says all names in the rate book.

Mr. BROWN: This democratic measure was first of all drawn up by the late mayor of Perth, Mr. Molloy, and at the present time it was fathered by Mr. Vincent and his council. He (Mr. Brown) would like to test the feeling of those gentlemen as to whether they would be prepared to go before the ratepayers on the principle of one man one vote. Let the Government bring in a Bill providing that the mayor should be elected on the one man one vote principle. If that were done it was positive that neither Mr. Vincent nor Mr. Molloy would agree to it.

The MINISTER FOR WORKS: In reply to the members for Murray and West Perth it might be pointed out that the 17th Schedule of the Municipalities Act provided the form of ratebook. In that form the names of the occupiers and the names of the owners had to be stated The particular clause in the Bill before

the Committee provided that from the rate book the names of both the owner and the occupier should be taken and included in the special roll, and both owner and occupier should have one vote. There was no doubt with regard to the meaning of the words of the clause.

Mr. George; There might be an owner of, say, a dozen properties, would that owner have a vote for each property, or would he have only one vote?

The MINISTER FOR WORKS: If there was only one owner and one occupier the two would have equal value. No one owner would be worth a dozen occupiers; one owner would be a fraction of 12 occupiers.

Mr. ANGWIN: This clause was not similar to that in the Municipalities Act. The Municipalities Act provided that the occupier should have preference over the owner. It might be advisable to include that.

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

Ayes	10
Noes	29
Majority against ..	19

AYES.

Mr. Brown	Mr. Gregory
Mr. Cowcher	Mr. Harper
Mr. Davies	Mr. Osborn
Mr. Draper	Mr. Murphy
Mr. Foulkes	*(Teller).*
Mr. Gordon	

NOES.

Mr. Angwin	Mr. S. F. Moore
Mr. Bath	Mr. Nanson
Mr. Bolton	Mr. O'Loghlen
Mr. Carson	Mr. Plesse
Mr. Daglish	Mr. Price
Mr. George	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Hardwick	Mr. Troy
Mr. Holman	Mr. Underwood
Mr. Jacoby	Mr. Walker
Mr. Johnson	Mr. Ware
Mr. Male	Mr. A. A. Wilson
Mr. McDowall	Mr. F. Wilson
Mr. Mitchell	Mr. Layman
Mr. Monger	*(Teller).*

Amendment thus negatived.

Mr. JOHNSON moved a further amendment—

That the words "voting papers in the First Schedule hereto shall be used, and the voter shall record his vote by signing his name thereon; and" in Subclause 2 be struck out.

The object of the amendment was to do away with the proposal that voters must sign their names on ballot papers. This was a violation of the secrecy of the ballot and was objectionable.

The MINISTER FOR WORKS: The poll would be different to an ordinary ballot. It would simply be a poll to forbid, and the mere fact that a ratepayer walked into the polling place to vote would be an indication that the ratepayer was voting against the raising of the loan. Again, the mere fact that the roll would be marked to obliterate the ratepayer's name would be an indication that the ratepayer was voting against the loan. So there was not the same reason in this case for maintaining secrecy as there would be in an ordinary poll under the Municipalities Act where the majority, one way or the other, carried or defeated a loan. One could not say that in this case the signing of the ratepayer's name on the ballot paper would do much harm; but if the Committee desired it, it might be well to strike out the words "by signing his name thereon," and inserting in lieu "according to the directions in such schedule."

Mr. JOHNSON asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR WORKS moved a further amendment—

That the words "by signing his name thereon" be struck out and "according to the direction in such schedule" inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 10 to 19—agreed to.

First Schedule:

Mr. JOHNSON: Did the Minister for Works propose to amend this schedule? It certainly needed amending.

The MINISTER FOR WORKS: Seeing the poll was solely a poll to forbid a loan, if a man numbered a piece of paper and put it in the ballot box it would be sufficient indication of his having voted. It was difficult to amend the schedule. It was first necessary to strike out the words

at the beginning "I forbid," and also to strike out the words at the end "(Signed) A.B."

Mr. ANGWIN: The schedule could well remain as printed. It would prevent any possibility of mistake on the part of the voter.

The MINISTER FOR WORKS: It would be easy to draft a voting paper with "yes" or "no" on it, but it would be absurd to draft it "yes" or "no" when all who voted must vote "no." As printed the schedule was better, but it could be amended to make it absolutely clear. He moved an amendment—

That the words "I forbid" be struck out.

Mr. Walker: There is no need to alter it.

Amendment put and negatived.

Mr. JOHNSON: If the schedule remained as printed it contradicted a clause already amended and passed.

Mr. Walker: Not necessarily. The clause was amended to make the voter vote as directed by the schedule.

Mr. JOHNSON: If we passed the schedule we compelled voters to sign their names. That was objectionable.

Schedule put and passed.

Second Schedule—agreed to.

Title—agreed to.

Bill reported with an amendment.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—FREMANTLE FREEMASONS' LODGE No. 2 DISPOSITION.

Read a third time, on motion by Mr. Angwin, and transmitted to the Legislative Council.

BILL—LICENSING.

Third Reading.

The ATTORNEY GENERAL (Hon. J. L. Nanson): I move—

That the Bill be now read a third time.

Mr. WALKER (Kanowna): Considering the character of the Bill as it now exists, in my opinion it is one that should not pass. With the possibility of the local option principle being deferred for more than ten years, at any rate for fully ten years, and with the other defects it is no local option Bill at all, therefore I am going to vote against the third reading in the hope that the measure will be defeated so as to enable the Government next session to bring down a pure local option Bill giving the people a fair chance of exercising their judgment and discretion on the licensing question. By my vote I intend to protest against the measure in its present form.

Mr. GILL (Balkatta): I am going to take the same stand as the member for Kanowna and vote against the third reading. My reasons are that it is not in any sense of the term a local option Bill. It postpones the application of the most important portion of the Bill for ten years, and when the ten years have expired we have the three-fifths majority clause that nullifies the whole principle.

Mr. JACOBY (Swan): I intend to vote against the third reading because, although I was in accord with the measure as introduced by the Government, such radical alterations have been made during its passage through the House, alterations which I entirely disagree with, that I consider it my duty to vote against the Bill. It appears that right throughout the consideration of the Bill a majority of members have devoted their consideration too much to the comparatively small abuses that individuals in the community are subjected to in the use of alcohol so that there is a tremendous restriction of the liberty of the rest of the community. If we were to take count of the number of people who abuse the use of liquor we should find that it is a very small percentage. In considering this Bill members have thought entirely of the small percentage of the people of the community who abuse the use of liquor with the result that we have restricted the freedom of the rest of the community. I ask as one of the rest of the community why we are restricted in a thousand ways in which this legislation restricts us. Because one of my neighbours is not able to behave himself and probably takes too much liquor, we are going far beyond all that is reasonable in

some proposals in the Bill. Partly from the result that the total abstainers look to that part of the Bill and partly because those deeply interested in the brewery trade took up a certain attitude, because of these two interests, 90 per cent. of the people are to be restricted in the liberties which they have a right to enjoy. Under the circumstances I intend to vote against the Bill. The measure as introduced was fair and reasonable and an extremely clever compromise on the liquor question and I was prepared to support that Bill, but as I find it now I cannot support it. I object strongly to the introduction of the principle of elective benches that have judicial functions to perform. We shall have the brewing interests, with their great wealth, capturing the benches or we shall have the temperance fanatics capturing the benches, so that the result must be a one-sided decision.

Mr. Angwin: There must be a majority.

Mr. JACOBY: If you have a majority in favour of the liquor interests you must have a majority of the bench elected who must always be in the majority. If the temperance fanatics or the total abstaining fanatics capture the vote at the election they will have the majority and we shall have a bench entirely on the other side. That bench has judicial functions to perform and I am against introducing the elective principle into judicial matters in this State. Those who have studied the elective principle throughout the globe know that it has led to the utmost scandal and abuse. But I have other grounds for objecting to this Bill. I want to know why the individual who prefers to purchase a small quantity of liquor which he might wish to use for his household purposes, must be compelled to go to the hotelkeeper for his liquor; why should those who have for years dealt with their grocers for the purchase of their supplies be forced to go to the hotel? I object to the abolition of the gallon license. I believe some members were induced to vote for the abolition of this license because in some cases those who held such licenses have broken the law. Cases of that sort might be cited, they can be cited about almost any law, and are we to abolish every law because in a few instances some of the people break the law? We have the proper officers to deal with the people who break the law and why should a majority of the people be put into fetters because a few of the people break the laws. Then I come to the question of the bona fide traveller. In my district we offer particular facilities for the holiday maker, in the Darling Ranges. There are half a dozen hotels in that district which serve an excellent and useful purpose to the people who wish to get away to spend the week end in that district or who wish to spend the Sunday itself in the bracing atmosphere of the hills, more than a thousand feet above the sea level. Some six hotels of this district rely entirely on the holiday trade and are enabled to be kept because of that trade. They are great conveniences indeed to the people who go into the country on a Sunday, and why should the people who wish to go into the country on a Sunday and get what refreshments they want be restricted from doing so? I wish to be particularly open with the House. We have the case of the Mundaring Weir Hotel, which is owned by my brother, and members may place what worth they like on my words bearing in mind that fact. There is a hotel maintained solely for the convenience of the people who utilise the excursion trains on the Sunday and who go to that resort, and it is only possible for such a place to be maintained by the conveniences afforded to the holiday makers. Then we have the two hotels at Armadale whose main trade is to depend on those who wish to spend a day in the country on a Sunday. The same thing applies to Kelmscott. I feel in duty bound, in the interests of those I represent and in the interests of the majority of the people who do not abuse the use of alcohol, to vote against the third reading. The drinking of alcohol is no crime, yet we make it absolutely a crime in this Bill. Because three per cent. of the community are unable to control themselves in the use of it, if we legislate in this direction, why not make it a criminal offence for people to abuse the ordinary kinds of food

and restrict the whole community. We could go on *ad infinitum* until we had the whole of the community in gaol. The Bill as originally introduced should have been accepted loyally by the liquor interests and those who have a genuine desire to see a step towards reform. It could I think be described as a genuine local option Bill and I was quite prepared to support such a Bill. The Bill is now full of restrictions from end to end, and in the cause of the liberty of the individual I shall record my vote against the third reading.

Mr. BATH (Brown Hill): Although I agree with some of the previous speakers that the Bill cannot in any sense be characterised as a full measure of local option, and although I admit there is a number of restrictions on the right of exercising the referendum, I cannot support those members in opposing the third reading of the Bill. I attach a good deal of importance to the introduction of this principle and I believe if we are going to have an effective application of the principle of the referendum to these and to other matters we must be prepared at the outset to accept an imperfect measure in order to educate the people to the use of it. Apart from that there are also other principles in the Bill which I regard as a step in the right direction and which I desire to see enacted at the earliest possible moment. And this influences me in voting for the third reading of the measure. imperfect as it undoubtedly is. I cannot, however, follow the member for Swan in the objection which he has lodged, because the hon. member, judging by the reasons advanced, should have opposed the Bill on its first reading. If his views are sincere he is opposed to licensing legislation altogether, in fact the hon. member since he has been in Parliament has been most inconsistent because he has assisted in the enactment of many laws which have restricted the liberty of the individual. Every law is in effect a restriction on the liberty of the individual and the question of the advisability or otherwise of it is determined by the good accomplished. Every member of the civilised community who submits to the law submits to restraint in order to prevent evil to other individuals; it is a step in the right direction, therefore he is ready to submit to it. But the member for Swan would oppose sanitation laws. Probably he is quite ready, amongst other members of the community, to observe decent methods of sanitation on his premises without the compulsion of the law. But those laws have to be enacted because others do not attend to those sanitary precautions, and their neglect involves danger to those members of the community who are more careful; and so in the interests of the whole community sanitation laws are passed. It is precisely the same with licensing laws, and if, by the exercise of restraint on their part they can bring about an improvement in the general conditions, it is a duty incumbent upon individuals to exercise that restraint. It is the exercise of that restraint which is the whole foundation of civilisation as we know it to-day. Hon. members have complained of defects in the Bill; but I do not know of any measure ever passed which has not had defects on the face of it when first enacted. The existence of those defects, as evidenced, perhaps, more plainly in administration, should induce us, not to defeat the measure because of those defects, but rather to concentrate our energies later on in an effort to remove them. That is the light in which I regard this measure. I think we should accept it as an imperfect instalment of reform and renew our energies in the fight at some future date for improvements which will make it a more effective measure, and more in keeping with our views on this important question.

Mr. UNDERWOOD (Pilbara): I intend to support the third reading for reasons somewhat similar to those advanced by the member for Brown Hill. I would like to point out one or two things in regard to the discussion which has already taken place. The member for Swan, like many other members, imagines there are only two classes of people concerned in this measure, namely brewers and publicans and those in their pay, and, on the other hand, teetotallers. It is a foolish

and altogether unjust assumption. There is a very large number of people in Western Australia who have nothing to do with either of those classes, and I claim to be one of them. The member for Brown Hill was somewhat unfortunate in the figure he took to show that we should put restrictions on the consumption of liquor. He pointed out that because we have sanitary regulations we should also have regulations prohibiting the consumption of liquor. I would like to remind the House that the necessity for enforcing sanitary regulations is that the man who does not comply with them endangers the health of those who do. But the man who drinks whisky does not endanger the lives of those who do not drink whisky.

Mr. Walker: Ask his wife.

Mr. UNDERWOOD: My principal reason for speaking is to make something in the nature of an explanation. Many people have asked me why I voted with the Government on all divisions on this Bill after it passed through Committee. I did so because in this Bill we have embodied the principle I most desire to see, the principle which will give us a chance of State control. My opinion is that the solution of the liquor difficulty is in State control. I have got that. That is an essential so far as I am concerned, and I claim it is an essential in the plank of the Labour party in connection with this Bill. Undoubtedly we would like to have a free and democratic local option, to have a poll which would be carried by a majority. We would also like to have a Bill which would not compel a certain percentage of the voters to be in favour of a resolution before it can be carried; but they are minor points. With me the essential question is State control. With that in the Bill it is my duty to assist the Government to carry the Bill, and so long as that clause is retained in it I intend to support the Government, and do my best to put the Bill on the statute-book.

Mr. JOHNSON (Guildford): I rise to oppose the third reading. I do so largely for the reasons advanced by those hon. members who are supporting it. In the first place the member for Brown Hill tells us he is supporting the Bill because it represents the introduction of a principle. I am opposing the Bill because it does not represent the introduction of a principle such as I want introduced. I know nothing that will endanger a principle more than introducing it in an imperfect shape. We have an illustration in connection with our land tax. Why is the land tax so unpopular? Because of the imperfect nature of the Bill imposing the tax. So it is with all these measures. If you promise the people local option you require to give them local option. Nothing will make local option more unpopular than a limited local option such as we have provided for in the Bill. Those gentlemen who pledged themselves to local option, if they are consistent, will be compelled at the next general elections to admit that the Bill is not the Local Option Bill they promised their electors at the last election; and if they do not change their views on the question they will have to promise to amend the measure should it pass. They will then be in this position: that they have supported a Bill to-day in regard to which in 12 months' time they will be advocating amendments. It might be that there would be some justification for those hon. gentlemen supporting the Bill if it were a measure that would come into operation before we again have to appeal to the people. But the Bill is of no value, so far as the people are concerned, until the next general election; and seeing that the election is so close at hand, I maintain it is the duty of those hon. members who have pledged themselves to local option full and complete to oppose the third reading, and thus enable the people once more to have a say on this important question. One of the main objections I have to the Bill is the proposal to prevent the result of a local option poll coming into force until after 10 years have passed.

Mr. Angwin: Is that the reason you advocated a 15 years' time limit at Kalgoorlie?

Mr. JOHNSON: I did nothing of the sort so far as my memory serves me. It is true a Bill was introduced by the Gov-

ernment of which I was a member providing for a 10 years' limit, but that Bill was introduced some five or six years ago. Are we always to go on advocating that in 10 years' time this local option shall be brought about? If this Bill is defeated the hon. gentleman can again approach the people he went to three years ago and say, "I will support local option and give it to you in 10 years' time." When this question first came within the scope of practical politics one was, perhaps, justified in urging that the operation of the Bill should take effect on a given date. But we have to remember that local option has been included in the policy both of the Government and of the Opposition since 1901; and now, when we have reached the position of passing the second reading and the Committee stages, we find that during the Committee stage an amendment was introduced—not by the Government—to extend the term for another 10 years. I say it is unfair to the people who have been promised local option since 1901. Those in the trade must have anticipated the passage of this measure and made arrangements for the altered conditions they knew were coming. Those interested in the trade, and those for whom the 10 years' limit was introduced knew perfectly well that they were only entitled to 10 years' notification. They have had that notification since 1901. For that reason I am opposed to this continual procrastination, and to the saying, election after election, "I will give it to you, but it will be in 10 years' time." Consequently, while I might not have opposed the third reading had an amendment for six years been included, I will oppose it as it is, because I hold that 10 years is too long, and is decidedly unfair to the people of the State. Then there are other defects in the Bill. There is that defect of a three-fifths vote. If the people of the State are to be trusted the majority should rule. If you cannot trust the majority you have no right to submit the question at all to the people. Being an advocate of majority rule in all cases, and of the right of the people to vote I shall oppose the third reading because of the introduction of that provision for a number over and above the actual majority. The member for Swan opposes those very provisions of the Bill which to my mind constitute the only feature rendering it worthy of support. For instance, there is the elective system. That is one of the main principles that would get my support. Again, the hon. member opposes the Bill because of the striking out of the bona fide traveller clause. If there is one provision of the existing Licensing Act opposed both by the licensee and the general public it is that bona fide traveller section. No section of the community want it. The member for Swan apparently opposes the third reading, not because the people are in favour of that clause, but because it affects one or two hotels in his own electorate. If there is any time when that hon. gentleman ought to rise above parochialism it is on the question of an important principle like this. But in every case we find that hon. gentleman waxing eloquent when the question affects his own electorate. To my mind this particular question should be considered from the State point of view alone. There is one other point I would like to touch upon. The member for Brown Hill says there was never anything enacted without defects. To a certain extent that is true. We often find out the defects after the measure has been in operation for some time, but I do not know of any other member who, while aware of defects in a Bill, yet support it—especially when those defects interfere with the principle of the Bill. If it were a defect in connection with the machinery side of the measure alone one could understand it; but this defect is an interference with the general principle. It limits local option, interferes with the right of majority rule and, consequently, it should not commend itself to those hon. gentlemen who have been strong in their advocacy of local option full and complete ever since 1901.

Mr. ANGWIN (East Fremantle): It is my intention to support the third reading of the Bill, because I realise that after all it is better than none. While there are many defects in the Bill I think it represents a great improvement on the

existing licensing law. I am pleased that the member for Guildford has changed his opinions. No doubt that will account for his criticism, more particularly in regard to myself in respect to the 10 years' time compensation clause. I want to say that though the Government of which he was a member introduced, at the request of the temperance bodies and church associations, a Licensing Bill adopting the 10 years' principle, since that time the member for Guildford has advocated a time limit of 15 years. That was, I believe, at Kalgoorlie. I am pleased to see he has mended his ways. I want to point out the principal reason for my speaking. A deputation waited on the Premier and the Attorney General within the last day or two; that deputation desired that some alterations should be made in the Bill, or, alternatively, that it should be withdrawn. I have been informed that the Minister—I cannot say which one, but I understood it was the Premier—made a statement to the effect that the amendment was moved by one who represented in the House the West Australian Alliance. I do not want to cast any slur on that body, but I want to say publicly I do not represent the West Australian Alliance, and I do not think there is any member here who could represent that body, unless it be the member for Claremont. I maintain that with the elective licensing courts, with the removal of the bona fide traveller clause, with the closing of hotels strictly on Sundays, with the right of taking a vote of the people in regard to increased licenses, with the additional safeguards for seeing that hotels are conducted properly, and the severe penalties in regard to adulteration—I maintain that with these several improvements the Bill represents a great advance on the existing law. For that reason, in my opinion, everyone who desires to bring about a reform in our licensing laws should support the Bill.

The PREMIER (Hon. Frank Wilson): Surely the hon. member who has just spoken does not believe that any reference was made to him at the deputation of the West Australian Alliance. If any reference was made to any hon. member of this House it was certainly not to the member for East Fremantle. I wish to point out briefly that to my mind it seems rather a foolish attitude on the part of this Chamber to attempt to reject a measure because we cannot get it as perfect as the hon. member for Guildford has pointed out he would like it to be. We have never passed a Bill in this Chamber which has been absolutely perfect, but we attempt to get as near to perfection as possible. In this instance we have certainly amended to a large extent the measure, which has now reached the third reading stage, but I do not think that on that account we would be justified in throwing it aside. It seems to me it would be a waste of good time to do so, and would certainly not be in the interests of the public at large. There was a deputation which waited upon the Attorney General and myself in connection with this measure yesterday, but only two matters were referred to in strong terms, namely, the question of the 10 years' time compensation which the deputation urged should be reduced to six years, and the hours of closing. The deputation made no reference whatever to other matters, although they said there were other defects in the measure which they would like to see remedied. My attitude towards this measure is that it does not matter whether it is six years or eight years, or even 10 years as long as we get a time limit fixed, and if we are to reject the measure tonight because 10 years has been determined on, instead of six years, it means that we will not get another measure through Parliament for perhaps one or two, or even three years. Time is going on, and assuredly, and contrary to what the member for Guildford thinks, will Parliament give reasonable time before they agree to a full measure of local option. It would not be pardonable to reject the measure on this ground alone. If it becomes law this session of Parliament time will be found working on our side. It appeals to me in this way also: If we had a full measure of local option we would not be likely to get a large percentage of houses closed down. Indeed

I think it would be a small percentage if we had a full measure of local option to-day. We must consider the conveniences of the general community, and therefore I am of opinion that there would be a very small reduction of houses at the present time. For the reason also that our population is increasing month by month, and year by year, I am of opinion that at the end of five or even ten years it will be found that we will not want to reduce the number of licenses except in centres like Kanowna where the population has decreased, and where the number of licenses is abnormal. On the other hand, we must not forget that we have immediate local option in respect to new licenses and that will come into force immediately. It would be weakness on our part to refuse that measure of local option because we cannot get a full measure, and because hon. members who have spoken against the third reading think they are entitled to it at once. With regard to the other matters that the member for Swan briefly touched upon, I wish to point out that as far as the Government are concerned, there was no desire to have elective members on the board, neither did the Government wish to abolish gallon licenses, nor that provision dealing with bona fide travellers. These were matters of detail which were left to the discretion of the Committee, and the Committee having decided that they would abolish gallon licenses, and that they would take away from the bona fide traveller his right to demand refreshments, the Government did not think that these matters were sufficient justification for wrecking the measure entirely. I had hoped that some means might be provided to enable such places as the hon. member has referred to, to still cater for the requirements of the public on the Sabbath. I think a compromise might be effected in that direction. With regard to those houses which are essentially summer resorts, or resorts where holiday makers go, especially at week-ends, and which are not in close contact with the city, some means might be devised whereby they might still be permitted to cater for the requirements of the holiday-making public. Be that as it may, I hope that the House will not now decide that because this measure does not meet with the full requirements of individual members that they are going to throw away the labours of the House and defeat the Bill on its third reading. Taking everything into consideration, I think we have a measure which is a consolidating measure, and a distinct advance on previous legislation. It is a step in the right direction, and if we put it on the Statute book we shall soon see whether it is working an undue hardship in the direction indicated, and probably next session hon. members will be prepared to amend it if they find that the convenience of the general public has been unduly interfered with.

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

Ayes	.. .. ..	29
Noes	.. .. ..	8
Majority for	..	21

Ayes.		Noes.	
Mr. Angwin	Mr. Male	Mr. Holman	Mr. Scaddan
Mr. Bath	Mr. McDowall	Mr. Jacoby	Mr. Walker
Mr. Bolton	Mr. Mitchell	Mr. Johnson	Mr. Gill
Mr. Brown	Mr. Murphy	Mr. O'Loghlen	(*Teller*).
Mr. Butcher	Mr. Nanson	Mr. Price	
Mr. Collier	Mr. Osborn		
Mr. Cowcher	Mr. Piesse		
Mr. Daglish	Mr. Swan		
Mr. Davies	Mr. Taylor		
Mr. Draper	Mr. Troy		
Mr. George	Mr. Underwood		
Mr. Gourley	Mr. Ware		
Mr. Gregory	Mr. F. Wilson		
Mr. Keenan	Mr. Gordon		
Mr. Layman	(*Teller*).		

Question thus passed.

Bill read a third time and transmitted to the Legislative Council.

BILL—HEALTH.

In Committee.

Resumed from 3rd November; Mr. Taylor in the Chair, the Minister for Mines in charge of the Bill.

Clause 46—Sanitary rate:

The MINISTER FOR MINES moved an amendment—

That in lines 4 and 5 the words "removal of nightsoil and other refuse" be struck out, and "performance of all or any of the services mentioned in Section 99" be inserted in lieu.

Mr. BATH: If this clause was to be brought into conformity with the system of rating in previous clauses, his (Mr. Bath's) amendment dealing with rating on unimproved values would have to be taken first.

The MINISTER FOR MINES: The other night when dealing with Clause 45 the Committee carried an amendment to the effect that taxation in the future would be on the system of rating on the unimproved values. It showed clearly that a majority of members considered that instead of having taxation on the annual assessment, or on the unimproved value as provided in the measure, that there should be one system only. He desired to appeal to the good sense of the Committee to leave the two Acts which dealt especially with local authorities, namely, the Municipalities Act and the Roads Act, to define the method by which taxation should be raised. The Health Bill in no sense could be looked upon as the measure in which we should enforce conditions which would be contrary to those provided for in either the Municipalities Act or the Roads Act. If the Committee insisted upon the amendment as carried the other night, we would find ourselves in the position that a municipal body must under the Municipalities Act rate under the present system of assessing the annual value while under the Roads Act they had the option of rating under whichever system they desired. Members should reconsider the amendment only so far as the Health Act was concerned. It would mean that the municipal bodies would have to provide two methods of assessment. They were compelled by the Municipalities Act to rate on the annual value and under the Health Act they would be compelled to get out the assessments on a different principle altogether.

Mr. Scaddan: The municipalities have repeatedly asked for an amendment in this direction.

The MINISTER FOR MINES: But it would be wiser to wait until we had an opportunity of amending the Municipalities Act, though at no time should we make it compulsory. As we all believed in local option, we should give the local authorities the option of rating as they desired. However, if we made it compulsory that the health rate should be on unimproved values only we would compel the municipalities to have two systems of rating and two sets of rate notices, thus entailing more expense and more worry which could not be any advantage to the municipalities.

Mr. Swan: Then why did the municipalities ask for it?

The MINISTER FOR MINES: It was time to deal with the principle when we were dealing with the Municipalities Act. The Health Act was subsidiary to the Municipalities Act and the Roads Act. In health matters the system we should follow should be insisted on in the parent measure, the Municipalities Act or the Roads Act. Beyond giving power to the local governing bodies to raise sufficient funds for administration, financial considerations should not interest us much. It was easier to amend the Municipalities Act to deal with the system of financing municipalities, giving them the option of rating on the unimproved or annual values, or, if members so desired it, making it compulsory to rate on unimproved values only; but it should not be done in the Health Act. The clause made the system of rating optional, and we should be content with that. We should leave the two systems in the Bill and take the opportunity in the parent measures of testing whether there should be the option or the one system only. At any rate, members should approve of the principle in the clause, and on recommittal an adjustment could be made. We did not wish to impose greater expense in health matters by making the municipalities

adopt a system of rating contrary to what the Municipalities Act insisted on.

Mr. BATH: It was true that under the Municipal Corporations Act municipalities rated on the annual value, but the municipal conferences had declared repeatedly in favour of rating on the capital unimproved value of land in fee simple, and a large number of roads boards had also adopted the same principle. Where it was adopted the system had been found advantageous, and there was no evidence of a desire on the part of the roads boards to alter their method of rating. The Bill provided for rating for duties other than those included in the Municipal Corporations Act and the Roads Act. Still the duties imposed were very important; and in view of the unmistakable declaration on the part of these local governing bodies in favour of the method of rating imposed by the amendment to Clause 45 already passed, it was highly desirable that when we had before us measures of this kind we should avail ourselves of the opportunity of introducing the reform and give these local governing bodies the opportunity to rate according to the method they desired, and then, later on when opportunity offered, we could amend the Municipal Corporations Act and the Roads Act and bring them into conformity with this system. When the amendment was moved at the previous sitting it had been his intention to strike out the word "health" in the first part of the clause so that the clause would read, "such annual rate upon the capital unimproved value of the land in fee simple as may be required for the purposes of this Act." That would have done away with the necessity for a number of clauses imposing rating for different purposes in the Bill. It would simplify the phrasing of the Bill and give the local authorities the opportunity to strike for health purposes one general rate on the capital unimproved value of the land. However, a mistake was made and the word "health" was not struck out, so that it was now necessary to insert the amendment in Clause 45. In the clauses which provided for rating for the removal of nightsoil, and for other purposes, it would be better and simpler for the local authorities if they had the authority to strike one rate which would be applied to the various purposes under the Bill. It was said it would involve additional labour and cause confusion to local authorities if they were compelled to strike a rate on the annual value for one purpose and on the capital unimproved value for health purposes and the other purposes specified in this Bill; but, as a matter of fact, at the present time for their own purposes the municipalities obtained information as to the capital unimproved value. They were not authorised to strike a rate on it, but they secured the information.

The Minister for Works: No; it is the capital value they get, not the unimproved value.

Mr. BATH: At any rate, it would not involve any additional labour other than having an extra column in the rate book, because the information could be obtained by the valuer at the same time that the annual value was being ascertained. Most of the roads boards already had the information because they rated on the capital unimproved value of the land in fee simple. In these circumstances, recognising the opinion of the local authorities, and knowing it to be in favour of this method of rating, the Committee could introduce the reform in this Bill and later on bring the other local governing measures into conformity, so that the local authorities could do all their work by rating on the basis they generally approved, as was evidenced by the resolutions carried at the various conferences. Would the Minister withdraw his amendment temporarily to permit the testing of the feeling of the Committee by inserting the words, "on the capital unimproved value in fee simple"?

The Minister for Mines: Certainly.

Amendment withdrawn.

Mr. BATH moved an amendment—

That after "rate" in line 3 the words "upon the capital unimproved value in fee simple" be inserted.

The MINISTER FOR WORKS: In speaking of the inconvenience the carrying of the amendment would entail on

municipal bodies and those road boards at present rating on annual values the Minister for Mines was quite correct. The alternative system of rating on unimproved values or on annual values was allowed under the Roads Act, and in different cases different methods were adopted; and without looking up the old Act, he understood that in 1902 the Municipalities Act gave municipalities similar alternative powers, but he did not know any municipality that had attempted to apply the method of rating on unimproved values. However, the facts must be faced. Under the municipal law all rating was on the annual values. True it was that the capital value, the actual value of the land with improvements as distinguished from the unimproved value of the land, was required to be stated in the municipal books, but the only reason for that was in order to show that the provision of the Municipalities Act was complied with, that the annual value should not be less than 4 per cent. of the capital value of the property assessed. The annual value in most cases was based on the rental value. The amendment carried by the member for Brown Hill would necessitate a double valuation for health purposes, and it would double the work of the valuers, and, no doubt, increase their fees. It would also make it necessary to provide two rate books instead of one, and to send out two notices although they might be sent out on the one form. At present a municipality might charge 6d. sanitary rate, 2d. health rate, 1s. 6d. general rate and, perhaps, 1s. loan rate; but instead of sending out different assessments, merely the total amount was shown on the notice for each ratepayer. This greatly simplified calculations.

Mr. Swan : What about the roads boards rating on unimproved values?

The MINISTER FOR WORKS : It was well to deal with municipalities first. The carrying of the amendment would increase the work of municipal bodies.

Mr. Scaddan: Could not Parliament get over that by amending the Municipalities Act?

The MINISTER FOR WORKS: If the Municipal Act was before the Committee now it would be possible to make the two measures synchronise, but the Municipalities Bill was not before Parliament.

Mr. Bolton: It can be before the end of the session.

The MINISTER FOR WORKS: The question has not been thoroughly discussed in regard to the Health Bill. Members need not jump to any conclusion. He was as strongly anxious as any member to see the principle of unimproved values adopted where it could be fairly adopted, but there was no worse instance to which it could be applied than in health matters in regard to some of our big municipalities. Take two places in Hay-street which, assuming there was no option under the Health Act, would both be taxed amounts somewhat approximating to each other; for instance, the residence of Sir John Forrest on one side of the street and His Majesty's Theatre and Hotel on the other side of the street. The land would not be very widely different in value and there was no marked difference in area, yet who would say there should not be a very wide margin of difference between the contribution under the Health Act in regard to these two areas? Members should look into this matter very closely.

Mr. O'Loghlen: That is a special case you are making out.

The MINISTER FOR WORKS: No. The Committee should not act hastily, and should thoroughly consider the effect of any amendment. A number of instances could be found in different parts of Perth similar to that already quoted, where the application of the rating on unimproved values would operate somewhat unfairly. Probably in the more thickly populated districts the principle would act well. The Bill made provision for the exercise of an option by roads boards and, indeed, provided an option for municipalities as well.

Mr. Swan: But it involves almost double the expense.

The MINISTER FOR WORKS: That was not so under the Bill. The Bill gave the option to the roads board or the municipality of rating on the annual value or the unimproved value.

Mr. Seaddan: Is it good for the roads board to raise its rates on the unimproved value?

The MINISTER FOR WORKS: That was for the roads boards to say. The Bill gave them the option of deciding which was the better. For the reasons he had indicated he thought it would be injudicious for the Committee to make one system imperative. Neither system should be made imperative. In both cases the objection was the same, namely, the keeping of a double set of books.

Mr. ANGWIN: One could not be expected to agree with the Minister that it would entail the necessity of keeping two sets of books or that there would be any great expense in adopting the unimproved value system of rating. As a matter of fact, so far as municipalities were concerned it would only mean adding to the rate book another column showing the unimproved capital values. Again, the system if adopted would afford the Government a check in regard to the collecting of land tax, for they would then have two valuations, one from their own officers and the second from the books of the local authority. He did not think the municipalities had power to rate on the unimproved value. The Act of 1902 made provision for the collecting of the pan rate by monthly or other instalments, but did not provide for the adoption of the unimproved rating system. If we were for ever to have the argument that because the system was not provided for in one measure it should not be inserted in another, we would never succeed in effecting the change.

Mr. BATH: In regard to the illustration quoted by the Minister for Works in which the Minister had introduced Sir John Forrest's property and His Majesty's Theatre, it was to be remembered that the disparity in the value of the buildings and of the service rendered was not to be overcome by the rating on the annual value. If the cost was to be apportioned to the services rendered it would have to be computed and each separate building served with a bill of costs, which, of course, would be impracticable. Therefore we had made a communal service and by the system of taxation we carried out the general plan of looking after the health of the community. One could take, say, a public house, and compare it with a large factory, when it would be found that the carrying out of the health work would mean greater expense in regard to the factory than in regard to the hotel; and, of course, the only satisfactory means of dealing with the problem was the communal system of securing a valuation and fixing a rate. It was generally agreed by the local authorities that the capital unimproved value of the land in fee simple was the preferable system of rating, and he was anxious to see it put into effect whenever and wherever we had the opportunity.

Mr. OSBORN: It was wrong to introduce the hard and fast system of rating on the capital unimproved value. The question of which system of rating to adopt should be left optional with the various bodies. The unimproved capital value system would mean a good deal of expense for some municipalities. On a previous occasion this session the Committee had admitted that the system of unimproved capital value as applied to certain townships would be unworkable and that in such instances the local authority should be allowed to rate on the annual value. It was not necessary to come to Perth to find illustrations of the inequitable working of one hard and fast system. One had only to take the case of a blacksmith working at his forge perhaps on the very next block to that occupied by a fine hotel. Would it be fair to charge that blacksmith the same rate for the services rendered to his premises as was paid by the hotel receiving a service twenty times as great as that rendered to the blacksmith? He believed that in regard to sanitary service the charge should be made as nearly as possible commensurate with the services rendered. He hoped, therefore, the member for Brown Hill would be content to leave the clause as it stood.

Mr. O'Loghlen: Has not the principle been agreed to?

Mr. OSBORN: It had been agreed to in regard to Clause 45 but it was still being discussed.

Mr. KEENAN: Was the discussion in order? On Clause 45 the Committee had resolved that only one form of rating should be authorised under the Bill. Now on Clause 46 the Minister was asking the Committee to reconsider their decision.

The Minister for Mines: Not at all.

Mr. KEENAN: What then was the discussion about? The amendment moved by the member for Brown Hill was merely consequential on the amended Clause 45. After the passing of Clause 45 the Chairman, if he had exercised his rights, could have removed all matter in the succeeding clause which was consequential on the amendment in Clause 45. Possibly it was desirable to leave the rating optional in some cases in order that the amount received might be made commensurate with the services rendered. As shown by the member for Roebourne, in some cases it would be extremely harsh to charge one man what his neighbour was paying. However, all that was for consideration on the recommittal of the Bill. He submitted that the question was not in order at this stage, seeing that the amendment moved by the member for Brown Hill was consequential on the amendment in the preceding clause. What would the result be if on this clause the Committee were to arrive at a decision different from that expressed in Clause 45?

The Minister for Mines: I would recommit Clause 45.

Mr. KEENAN: And the Committee might arrive at still another decision. It went to show the absurdity of the procedure. The Minister should have waited until the Bill had passed through the Committee stage and then recommitted it. At the present time the discussion was out of order.

The MINISTER FOR MINES: It might be pointed out that whereas Clause 45 dealt with the power to levy a general health rate the clause under discussion dealt with the power to levy a sanitary rate; consequently the debate was perfectly in order.

The CHAIRMAN: While the amendment had a consequential semblance about it it was not wholly consequential. For instance, as the Minister had pointed out, Clause 45 dealt with a health rate, while Clause 46 gave power to levy a sanitary rate. Hence the amendment was not wholy consequential and, therefore, he held that the hon. member was in order in moving it and the Committee in order in discussing it.

Mr. ANGWIN: The argument of the member for Roebourne was that special services might be rendered and paid for. Clause 9 provided that a special rate could be charged.

Mr. OSBORN: The contention he was urging was that each person should pay for services rendered. As for getting over the difficulty of exempting unimproved lands entirely, he was not in accord with the member for East Fremantle. In Midland Junction there was a system of rating on unimproved lands under the Health Act, and making them contribute to some extent for keeping in a cleanly state the unimproved lands as well as those that were improved.

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

Ayes	.. .. ..	18
Noes	.. .. ..	21
Majority against	..	3

AYES.	
Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Gourley	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Johnson	Mr. Underwood
Mr. Keenan	(*Teller*).
Mr. McDowall	

NOES.	
Mr. Brown	Mr. Jacoby
Mr. Butcher	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Nanson
Mr. Foulkes	Mr. Osborn
Mr. George	Mr. Piesse
Mr. Gordon	Mr. F. Wilson
Mr. Gregory	Mr. Layman
Mr. Harper	(*Teller*).

Amendment thus negatived.

The MINISTER FOR MINES moved an amendment—

That in line three, the words "proper removal of nightsoil and other refuse"

be struck out, and "performance of all or any of the services mentioned in Section 99" be inserted in lieu.

Amendment passed.

Mr. ANGWIN: Would the Minister give the Committee some information with regard to the proviso? This proviso was that the local authority might direct that the minimum annual amount payable in respect of any one separate tenement should not be less than 10s., and it had been ruled in the courts that that amount became the maximum, and that a higher rate could not be charged. The clause was necessary to give the local authorities the opportunity of striking a sanitary rate instead of a pan rate, or to make persons owning vacant land contribute towards the sanitation of the town when services were being rendered. In some municipalities it was desired that the minimum rate on tenements should be struck. When that was done they had been unable to recover any amount above the 10s. It was a matter of impossibility to strike a higher rate than 10s. In North Fremantle the minimum was 15s., and when they came to recover the rate they found that they could only direct that it should be 10s. If their rates did not realise 15s. they could not collect 15s. The matter was a serious one as far as some local authorities were concerned.

The MINISTER FOR MINES: It was difficult to follow the hon. member. The proviso appeared to be very clear that the minimum amount payable should be not less than 10s. It was hard to understand how it could be held that that amount should be the maximum. Could the member quote a case where a court had held that view? The clause could not be framed in plainer language than that in which it appeared.

Mr. Angwin: You cannot raise it to 15s.

The MINISTER FOR MINES: Why not? Perhaps the hon. member could quote some case in support of his argument, and if he could show that such a case had come under notice the clause would be recommitted for the purpose desired by the hon. member.

Mr. KEENAN: Under certain circumstances, when a rate was 6d. in the pound and it did not realise 10s., then a local authority would be entitled by the provisions of the clause to charge 10s. What the member for East Fremantle meant was that the expense connected with the sanitary business required a higher rate than that; that was to say that on unoccupied land 6d. would not produce more than 10s., and the annual amount that the authorities had the right to charge was the minimum amount of 10s. That was very clear. What the hon. member wished to argue was that it should be made 15s., or some larger sum, because the sanitary services could not be carried out unless a larger sum was made available. That position had arisen in more than one place.

Mr. ANGWIN: Supposing that there was a tenement, which was valued at £15 per annum, and there was a 6d. rate charged, and only 7s. 6d. would be realised for that work, the local authority had power then to charge 10s., but it took from 25s. to 30s. to do the work. What was wanted then was a higher minimum. It was impossible to raise sufficient funds under the clause in a number of districts to enable the authorities to carry out the work.

The MINISTER FOR MINES: The hon. member's objection was to the minimum rate of 10s. That minimum of 10s. ought to be considered a fairly high rate, and the hon. member should be satisfied with it.

Mr. ANGWIN: This rate was for services rendered. In a district where there was a large area of unoccupied land a sixpenny rate would be sufficient, because the rates derived from the unoccupied land would assist in carrying out the work on the occupied land; but in closely populated areas with small tenements there would not be sufficient raised on the sanitary rate to carry out the sanitary work in a proper manner. No doubt there was an alternative system in Clause 92 which gave power to make pan charges, but if there was any necessity at all for a minimum it should be made of some use, and should be raised so that each tene-

ment should pay sufficient for the services rendered to it.

The MINISTER FOR MINES: It was proposed to add to Clause 92 words to make the clause read: "The local authority may in lieu of or in addition to the sanitary rate, charge a pan rate." That would give the boards power to raise more money for services rendered. They would be able to cover the work of street scavenging under the health rate, and to charge a special rate for the removal of nightsoil if there was not sufficient raised because the minimum was too small.

Clause as previously amended put and passed.

Clause 47—Supplementary rates:

Mr. KEENAN: This clause provided that every local authority could, and when required so to do by the Commissioner should, levy supplementary rates. Why should the Commissioner have anything to say in regard to the financing of local debts? It was assumed the local authorities would make proper provision for the payment of the cost of their sanitary services, but it would appear they were to be kept like children in leading strings. It would put them in a position they had every right to resent. To what extent were these rates to be levied? Was there to be any limitation? Was the rate to be what the local authority might deem advisable? It was incapable of defence allowing the supplementary rate to be without any limit.

The MINISTER FOR MINES: The rating was limited in the preceding clauses. Many local authorities did not rate to the full amount allowed by the Act. If the local authority did not rate to the full amount, and an epidemic occurred in the locality, the commissioner would have power to compel the board to rate up to the amount allowed in the Act. It was found necessary to insist on the health bodies rating on the higher basis so as to have the health of the community properly attended to. There was no reason why the power should not be given to the Commissioner.

Clause (consequentially amended) put and passed.

Clause 48—agreed to.

Clause 49—Borrowing powers:

Mr. KEENAN: Why the necessity for the local authority to obtain the recommendation of the Commissioner and the approval of the Governor before it borrowed money? It seemed that we would be putting these local authorities in a position they would not stand. If they found themselves overridden in the exercise of their wisdom by some person, who no doubt would have his own views and not be likely to subordinate them to the views of the boards, the result would be interminable friction. We might have the approval of the Governor-in-Council, but it should not be necessary to have the recommendation of the Commissioner.

Mr. ANGWIN moved an amendment—

That the words "on the recommendation of the Central Board and with the approval of the Governor" be struck out.

In the case of municipalities the consent of the property owners had to be obtained before a loan was raised. The restriction in the clause, however, might apply to boards nominated under Clause 26, because the Government would then have to take the responsibility for the loans, but it should not apply to other local governing bodies.

The MINISTER FOR MINES: If the amendment were withdrawn he would agree to an amendment to strike out the words "on the recommendation of the Central Board."

Mr. ANGWIN: It was necessary to strike out the words "with the approval of the Governor" because a number of property owners might approach Ministers with the view of stopping the granting of the approval of the Governor. A majority in a district might approve of borrowing, but a small number might use their influence with the Executive Council to get the Governor to refuse his approval. He had no objection to withdrawing the amendment.

Amendment by leave withdrawn.

The MINISTER FOR MINES moved an amendment—

That the words "on the recommendation of the Central Board and" be struck out.

Amendment passed.

Mr. ANGWIN: Why did the Minister think it necessary to retain the words "with the approval of the Governor"?

The MINISTER FOR MINES: It was necessary where it was proposed to raise money for sanitary work that the Government officials should make an examination into the proposed expenditure; and for that purpose it was necessary that the approval of the Governor should be obtained. The clause was merely following the principle adopted in Great Britain and in the other States. One could hardly think that where a majority of people in a district approved of a loan the Governor would exercise the power of refusal. Power was required so that the Government could have control to see that money spent on sanitary work was spent in the best interests of the people.

Clause as previously amended put and passed.

Clause 50—Special loan rate:

Mr. KEENAN moved an amendment—

That all the words after "rate" in line 3 be struck out.

If the loan had to be authorised in a restricted manner in which the interests of the ratepayers were fully protected there was no occasion to hamper the local authority in the provision of interest and sinking fund. It might easily be that the prescribed rate of 6d. would not be sufficient. Once the money was borrowed, interest and sinking fund would have to be provided.

The MINISTER FOR MINES: Probably the striking out of the words would not alter it a great deal; still, they served to indicate the extent of the borrowing powers.

Mr. KEENAN: Suppose authority were given by the Governor to raise a loan and the annual rate of 6d. would not produce interest and sinking fund—what would be done? It was absolutely necessary that interest and sinking fund should be met, and if authority was once given to raise the loan there was no room for restriction as to the annual charges.

Mr. WALKER: If the Governor gave approval to a loan the local authority must be allowed to provide interest and sinking fund. All through the Bill the local authorities were to be harassed by the Commissioner. Once the loan had been approved by the Governor the rest should be left to the judgment of the local body.

The MINISTER FOR MINES: The only object in adding the words proposed to be struck out was that they served to set a limit to the amount to be raised. Still, as the extent of the loan was already controlled he did not think any great harm would result from the striking out of the qualifying words.

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

Clause 51—Applicating of rating provisions of local governing Acts:

Mr. KEENAN: One notice for the recovery of health and municipal rates together should be sufficient. Under the clause we were imposing on local governing bodies duties which would require a largely increased staff unless, indeed, we were to provide for the issue of one notice only.

The Minister for Works: They do that now.

Mr. KEENAN: But there was no power provided for the practice. If a local body desired to be perfectly safe in any subsequent proceedings they invariably sent out two notices, which meant a large increase in the work of the staff, to say nothing of the increase in the expense of printing notices. It would be very easy to provide a form with two separate claims, one for health and one for the municipal rates. Provision should also be made for the recovery of municipal and health rates on one form of distraint. He understood there was a desire on the part of certain hon. members to question the issue of distraint notices. In that event it would be in order to further amend the proposed amendment. He moved an amendment—

That after the word "Act," in line 5, the following be added: — "Provided that one notice for health and municipal rates and one distraint for recovery of health and municipal rates shall be sufficient."

This covered both the issue of notices and subsequent proceedings if payment were not made.

Mr. SCADDAN: The member for Kalgoorlie had said he desired to provide for the issue of one notice only in respect to rates recoverable; but the amendment covered the issue of distraint also. He (Mr. Scaddan) was very much opposed to the powers given to local authorities to recover by distraint. The method of recovery might be that provided in the local governing Acts, except where it was provided that recovery might be made by distraint. This latter was a barbarous method of recovering dues, and we should take the earliest opportunity of amending those Acts in which it was provided for. The Municipalities Act provided that the amount of such rates could be recovered from the owner of the land rated, and if the rates had accumulated the council had power even to sell the land in respect of which rates were due. But it was further provided that in certain cases distraint for rates should be against the goods and chattels of the occupier, and we were asked to incorporate that provision in this Bill. It was clear that these occupiers might not be responsible in any way in respect to rates, and because of that we ought to object to such incorporation. He was with the member for Kalgoorlie in giving facilities for sending out notices, but as for the recovery by distress he was entirely opposed to it.

The MINISTER FOR MINES: The provisions of the Bill gave full power for the sending out of these notices for the recovery of rates, as the municipal council and the health board constituted one corporate body. They could be recovered by notices sent out in one form and that being the case the amendment would not be necessary. If he thought it was necessary he would be only too pleased to agree to it.

Mr. KEENAN: The Minister for Mines did not appear to understand the position. That was natural because the Bill went to him from another Minister. If it were a fact that the two bodies were one and the same corporate body exercising two functions it would be a different matter, but that was not a fact. It was obvious that we could lessen the work of the local bodies by the provision that they might include the two notices as one notice. Where we had one body exercising many functions we should include these functions in one general statute. Even if it be entirely unnecessary the inclusion of the words would not do any harm because the Minister wanted to arrive at that intent. It might be excessive caution, but it would be excessive caution in the right direction.

Mr. SCADDAN: Would the hon. member for Kalgoorlie withdraw his amendment in order to allow him (Mr. Scaddan) to submit a prior one?

Mr. Keenan: Certainly.

Amendment by leave withdrawn.

The MINISTER FOR MINES: It was to be hoped that there would not be rules in connection with the administration of the Health Act different from those in connection with the administration of the Roads Act and the Municipalities Act and it was to be hoped that as far as the ordinary procedure was concerned members would not bring forward amendments which would give different procedure under these various measures.

Mr. Scaddan: My amendment will not do that.

The MINISTER FOR MINES: It would alter the procedure from that which applied under the Municipalities Act. All the conditions which applied under the Municipalities Act or the Roads Act would apply in the present case. With regard to the amendment suggested by the member for Kalgoorlie, if what he desired was not clear in the Bill a new clause would be introduced.

Mr. SCADDAN moved an amendment—

That in line 5 after the word "Act" the following words be added:—"excepting the provisions for the recovery of rates by distress."

The desire was to provide that the rates should not be recovered by distress and sale. The person liable was not the occupier but the owner. The local authority was in a better position than the ordinary business man because the owner of the land could not remove his land and the local authority could even sell that land to recover the rates that might be due.

The occupier might not be responsible and yet for the non-payment of rates they could recover by distress. That was a barbarous way of doing things. There was no intention to in any way alter the provisions of the Acts dealing with the powers of local authorities except in connection with levying by distress.

The MINISTER FOR WORKS: It should be pointed out that the Minister for Mines had already indicated that this was really an interference with the power of the health board under the Municipalities Act and it meant precisely what the hon. member expressly desired to avoid, namely, necessity to do double work. It would mean that in lots of cases there would have to be issued two notices, one under the Health Act and another under the Municipalities Act. The hon. member had referred to the undesirability of recovering rates by distraint. All that could be said with regard to the obnoxious sound of that procedure would be admitted but as far as his (the Minister for Works) experience of municipal affairs went, it had proved to be the most inoffensive way of obtaining overdue rates and it had inflicted less hardship with the exercise of discretion and care than the procedure by summonses which very often led to the building up of perhaps some heavy legal charges. The hon. member would not achieve his purpose by moving his amendment. He could not hope to alter the procedure in the Municipalities Act by amending the Health Act. The course of recovering municipal rates by distraint would still remain. The only effect of the amendment would be that the health rates and the other health charges would have to be made separately.

Mr. Walker: That is the speech you made two years ago from another part of the House.

The MINISTER FOR WORKS: I think I voted for distraint at that time.

Mr. Walker: You used the same argument, the same sort of thing.

The MINISTER FOR WORKS: It was a good argument too. The Committee could be assured that he had had experience in these matters and had not met cases of hardship. He admitted that any provision for the recovery of a debt might act harshly if injudiciously, carelessly or wantonly exercised. The hon. member should know that by his amendment he would not prevent distraint for municipal purposes, but he would cause two administrations by the municipal and the roads bodies, he would have one administration and one recovery under the Municipalities or Roads Act and another procedure under the Health Act and the unfortunate victim would be liable to pay twice.

Mr. WALKER: There were bound to be discrepancies if part of the duties of a corporate body were dealt with in one Bill and part in another Bill; but because there was an evil disclosed in one Bill we were not dealing with, it was not an argument for continuing that evil in a new Bill with which we were dealing. Though it was convenient for municipal bodies to have this power of distraint, still it was an evil; and it was because the victims could do nothing that the municipal councils heard nothing and knew nothing of any hardship. Those who had the process inflicted on them knew something of the hardship. By this clause we perpetuated one of the oldest forms of feudalism, and the greater evil was that the wrong person was penalised. There was some reason for distraint when the whole relationship was that of landlord and tenant, but now an outside body dealt with the tenant of another, and the other was the debtor. The tenant fulfilled his obligations to the landlord, but the landlord withheld the money from the municipal council. The sooner we abolished this whip of arrogant capitalism, the sooner we would get the exercise of humanity.

Mr. SCADDAN: Very much the same argument was used by the Minister in charge of the Sewerage Bill, and, again, when a Bill was passed legalising the raising of certain rates by the Kalgoorlie roads board. The argument was that it was convenient to have this form of recovering money. Apparently the Government were only concerned in studying the convenience of the local bodies; but these local bodies should be compelled to fol-

low the same process for recovering debts as other bodies. The system permitted favouritism, and in any case it was an absurdity to allow it to continue. The amendment did not interfere in any way with the legitimate method of recovering rates. It was no use saying that it was necessary to do something to another Act. When we reached that other Act we would be met with the same argument that still another Act needed amending. We should take every opportunity of striking out this barbarous system whenever we met it in any measure.

Mr. ANGWIN: The hon. member did not explain in what other way the local authorities could recover rates promptly. No doubt the system adopted could be used harshly, but he had never known of a case of hardship having taken place. If there could be a method devised by which the process for the immediate recovery of rates could be placed on the landlord, or if there was possibility of levying distress on the landlord——

Mr. Scaddan: You can seize the land.

Mr. ANGWIN: The land must be held for five years before it could be sold. Certainly the landlord in a large number of cases failed to transmit the money he received from the tenant. There was power under the Municipalities Act to lease the land and to charge interest on arrears, and a certain number of years must elapse before recovery could be made by way of sale.

Mr. Scaddan: You can put him in gaol.

Mr. ANGWIN: The local authorities worked only on the money they received. It was to the advantage of the local authorities to take control and management of all sanitary matters, but unless they got the money to carry on the work they could not do it without increasing the rates on those who did pay. Was the hon. member willing to allow actions to be taken to the local court?

Mr. Scaddan: Certainly.

Mr. ANGWIN: Then the local court would order distress.

Mr. Walker: But that distress would be against the landlord.

Mr. ANGWIN: No, it would be against the occupier. It would be exactly the same as in the case of distress issued by the mayor, except that the persons liable to pay would have to pay increased costs. The mayors of municipalities would rather the power was transferred to the courts, and municipal conferences had asked for this. A great point to be considered was that the health rate was struck to a great extent for services rendered, and it was the occupier to whom these services were rendered. As an instance there was the case of trade refuse, yet members would sell the owner's land because the tenant failed to pay for the removal of his trade refuse. It was a complicated matter, and he would like hon. members to suggest some way out of the difficulty. There were hundreds of persons who took but little interest in municipal affairs owing to the fact that they were disfranchised through neglect on the part of their landlords to pay the rates.

Mr. McDOWALL: The member for East Fremantle underrated the powers of the 1906 Act. Under Section 407 of that Act it was provided that the amount of rates which might be levied should be payable in the first instance by the occupier of the land rated; while Subsection 2 provided that all such rates might, at the option of the council, be recovered from the owner of the land. The amendment moved by the leader of the Opposition practically threw it upon the council to make the option against the owner of the property in a case of this kind. In Section 413 of the Act it would be found that the amount payable in respect of any rate should be recoverable by complaint or action, or by distress or sale. It was clear that the council had all actions of any court available to enforce against the landlord, while Subsection 2 of Section 407 of the Act rendered a landlord easily get-at-able. It was to be admitted that landlords were frequently very remiss in paying the rates, and that even when their rent was actually paid up they sometimes neglected to pay the rates, and even went so far as to allow distress warrants to be put in on the occupier.

When a member of the Coolgardie municipal council he had always declined to sign distress warrants, for the reason that he did not hold with that method of recovery. It was, of course, a comfortable and easy way of making people pay, but that did not make it just, and what the Committee were debating now was the injustice of levying on the goods and chattels of an occupier who really was not liable for the payment of the rates. Of course the existing law gave the occupier power to pay the rates and deduct the amount from the rent; but many people were afraid of this method, and the result was that through the neglect of the landlord distress warrants were frequently put in against the tenant. This being so, he would have pleasure in supporting the amendment.

Mr. Angwin: The amendment does not deal with "owner or occupier."

Mr. McDOWALL: The effect of the amendment was to throw the onus on the owner.

Mr. ANGWIN: The amendment would serve to stop distress even against the owner. If the amendment were agreed to, how could the authorities have recourse to distress?

Mr. SCADDAN: It was a pity the member for East Fremantle had not a better knowledge of the Municipalities Act, a section of which provided that the rates should be recoverable by complaint or action, or by distress or sale. Not only was it unjust but it was absurd to talk of distraining the goods and chattels of the occupier when it was the owner who was liable for the rates. The Municipalities Act provided for the municipalities all the powers given to any other creditor to recover what was due to him. What more did the member for East Fremantle want? He (Mr. Scaddan) strongly objected to distraining on the goods and chattels of the occupier.

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

Ayes	16
Noes	19
Majority against ..	3

AYES.

Mr. Angwin	Mr. Price
Mr. Bath	Mr. Scaddan
Mr. Bolton	Mr. Swan
Mr. Collier	Mr. Troy
Mr. Gill	Mr. Walker
Mr. Gourley	Mr. Ware
Mr. Holman	Mr. Underwood
Mr. McDowall	(*Teller*).
Mr. O'Loghlen	

NOES.

Mr. Brown	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. S. F. Moore
Mr. George	Mr. Nanson
Mr. Gordon	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Layman
Mr. Jacoby	(*Teller*).

Amendment thus negatived.

The MINISTER FOR MINES moved a further amendment—

That in line 8 the word "defined" be struck out.

Amendment passed.

The MINISTER FOR MINES moved a further amendment—

That at the end of the clause the word "defined for that purpose by proclamation" be added.

This was merely a redrafting amendment.

Amendment passed.

Mr. ANGWIN: The clause provided that the districts would be defined by proclamation; that would mean that the local authority would have power to make different rates in different parts of the district, and they might include a portion whereby a higher rate could be charged and no benefit would be received from that additional rate. The people residing in that district should have the opportunity of placing their views before someone. The clause did not say who was to define the district but merely said that the district should be defined by proclamation.

The Minister for Mines: That means the Governor-in-Council.

Mr. ANGWIN: Who is to request the Governor-in-Council to define a district?

The Minister for Mines: The local authority. It would not be necessary to make an amendment to the clause.

Mr. ANGWIN: There was no request that an amendment be made.

The MINISTER FOR MINES: Certain rates might be required in connection with a roads board area and they might be required for one portion and not another; then by proclamation it would be possible to have these parts defined to which separate rating clauses would apply.

Clause as previously amended put and passed.

Clauses 52 to 63—agreed to, several being consequentially amended.

Clause 64—Use of sewers by owners beyond district:

Mr. McDOWALL moved an amendment—

That in line 3 after the word "any" the word "covered" be inserted.

At a conference held some time ago it was suggested that provision should be made to have these sewers covered.

The MINISTER FOR MINES: It was to be hoped that the hon. member would not insist upon the amendment. It would not be wise to place the restriction in the clause.

Mr. McDOWALL: It was simply a suggestion, and as far as he could see it was not a matter of material consequence; therefore he would ask leave to withdraw it.

Amendment put and negatived.

Clause put and passed.

Clause 65—Local authority may enforce drainage of undrained houses:

Mr. PRICE: There was a provision in the clause that the occupier of any house might be called upon to drain it, although in a subsequent paragraph it was provided that if the drainage was not carried out the local authority might do the work and recover the expenses from the owner. The occupier should not be called upon to improve premises.

The Minister for Mines: He could leave the house.

Mr. PRICE: It might not be convenient for him to leave.

The Minister for Mines: Read Subclause 3.

Mr. PRICE: The attention of the Committee had already been drawn to the subclause. It provided that a local authority might carry out the work and sue the owner. Why make a provision to compel the occupier to do the work? It was another of those clauses in which an attempt was made to penalise the occupier for the benefit of the owner. He would move an amendment—

That in line 3 the words "or occupier" be struck out.

The MINISTER FOR MINES: It was to be hoped that the Committee would not agree to the amendment. Subclause 3 declared that the expenses might be recovered from the owner. That would facilitate the matter.

Mr. BATH: The clause implied something more than giving notice. It said that the local authority might require the owner or occupier to carry out the work, and as a last resource, the local authority had the right to do the work and recover from the man who ought to do it. This species of confidence trick came off occasionally. The occupier not being well versed in these matters was involved in the expense of the work and was mulcted to the extent of the cost of that work when the owner ought to bear it. The fact that the owner might be away from the State was no reason why he should be able to dodge the expense that he was justly entitled to bear. The Committee should protest against a procedure by which the local authority in this, as in other measures, could unjustly requisition an occupier to do something which he should not be called upon to do. If the owner was liable, as the Minister said, then the local authority should recover from the owner, and the owner should be requisitioned to carry out the work.

Mr. PRICE: To give the clause the meaning placed on it by the Minister it should read, "The local authority may, by written notice delivered at such house, require the owner of such house" to do such a thing.

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

Ayes	17
Noes	18
Majority against ..	1

AYES.

Mr. Angwin	Mr. Price
Mr. Bath	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Troy
Mr. Gourley	Mr. Underwood
Mr. Holman	Mr. Ware
Mr. Jacoby	Mr. A. A. Wilson
Mr. McDowall	Mr. Bolton
Mr. O'Loghlen	(*Teller*).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Daglish	Mr. S. F. Moore
Mr. Davies	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Piesse
Mr. Hardwick	Mr. F. Wilson
Mr. Harper	Mr. Gordon
Mr. Layman	(*Teller*).
Mr. Male	

Amendment thus negatived.
Clause put and passed.
Progress reported.

BILL—GAME ACT AMENDMENT.

Received from the Legislative Council and read a first time.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Returned from the Legislative Council without amendment.

BILL—GENERAL LOAN AND INSCRIBED STOCK.

Returned from the Legislative Council without amendment.

House adjourned at 11.25 p.m.

Legislative Assembly,

Wednesday, 9th November, 1910.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—TRAMWAY COMPANY AND DEMURRAGE.

Mr. SCADDAN (*for Mr. Johnson*) asked the Minister for Railways: 1, What amount of demurrage occurred on coal trucks taken into the tramway company's siding at East Perth during the period from July 21st to September 10th, 1910? 2, What amount was (a) claimed, and (b) paid for by the company? 3, If any sum was written off, why was it done?

The MINISTER FOR RAILWAYS replied: 1, £16 12s. 2, (a) Debit raised, £16 12s. (b) Paid by company, £8 6s. 3, £8 6s. was written off owing to the company being unable to obtain labour to unload the trucks, a custom usually followed by the department under special circumstances.

QUESTION—TRAMWAY ACCIDENTS.

Mr. HEITMANN asked the Premier: 1, Is he aware that until recently accidents did not often occur in the tramways? 2, Is he aware that for the last month or two numerous accidents, some serious, have occurred? 3, Will he cause inquiries to be made into the matter?

The PREMIER replied: 1, No. Accidents are always occurring, sometimes frequently and sometimes infrequently. 2, Inquiries show that the number of accidents during the period referred to is about the average, with, perhaps, the exception of two collisions in Beaufort-