good thing, and the sooner the general election came about the better. There was the whole year before us. Let us push on and do the business in a proper manner.

The Premier: The hon. member asked for a pair to go away a month ago.

Mr. HOLMAN: And the Premier would not give it. When the Government side wanted anything the Opposition were courteous enough to give it; yet now the Premier would not allow members to make arrangements for the following day. The sooner the session ended the better, but it was unwise to allow any hon. member to spring on the House such a motion as was put forward. It certainly was not fair. Members should have the opportunity to make their business arrangements before the Premier should ask them to met at the earlier hour, especially after the House was sitting till nearly 3 a.m.

Question put and passed.

House adjourned at 2.15 a.m. (*Wednesday*).

Legislative Council,

Wednesday, 1st February, 1911.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTION — WICKEPIN-MERREDIN RAILWAY.

Hon. C. SOMMERS aked the Colonial Secretary: Seeing that the proposed railway from Wickepin to Merredin is to be a trunk line, will the Government construct it as direct as possible?

The COLONIAL SECRETARY replied: Instructions have been issued to the surveyors that the line in question shall be straightened as far as possible in accordance with the statement of the Hon. Minister for Works on the 18th January. (See *Hansard*, page 3009.)

BILL—PERTH MUNICIPAL ROADS DEDICATION.

Report of Committee adopted; Bill read a third time and transmitted to the Legislative Assembly.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small amendment of the Transfer of Land Act Amendment Act, 1909. It will be remembered that in that measure there was a provision for the registration of conditional purchase titles at the Titles Office, just as in the case of the title of a fee simple. It was thought that it was therein provided that should a mortgage be registered on a conditional purchase, which that amendment of the Act provided for, if it ceased to be a conditional purchase and became a fee simple, that the mortgage would continue. There is some doubt about the matter and the Associated Banks have requested that an amendment to the Act be brought in to make the matter clear. That is merely the object of this small measure. It is just a weakness which exists in the Act, and there is some doubt when a man obtains the fee simple as to whether the mortgage continues. If it did not continue of course it would be a serious matter for those advancing money, such as the banks. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 2—Mortgage of Crown lease to be transferred to Crown grant:

Hon. V. HAMERSLEY: It was supposed that the banks operating within the State had had an opportunity of looking into this clause.

The COLONIAL SECRETARY: The Bill had been prepared at the request of the Associated Banks.

Hon. D. G. GAWLER: The wording of the first two or three lines of the clause was doubtful. The clause read "Where the holder of a Crown lease has executed a mortgage thereof, either before or after the commencement of this Act, and the holder under the provisions of such Crown lease becomes entitled to a Crown grant in fee simple . . . ." It was just a question whether that provided for the case of a transfer in the meantime, before it became a fee simple, and whether it would apply to the holder for the time being. It had occurred to him that the wording was not quite clear. He moved an amendment—

That in line 3 after the word "holder" the word "for the time being" be inserted.

The COLONIAL SECRETARY: There could be no doubt about the clause; it was plain enough. If a person was the holder he must be the holder for the time being.

Hon. D. G. GAWLER: Not necessarily the holder for the time being. The title might have changed in the meantime. The clause only provided in the case of a holder. A case might occur of the lease being transferred in the meantime and then the words he had suggested would have to be inserted to show that it had been transferred.

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

Clause 3—agreed to.

Title—agreed to.

Bill reported with an amendment, and the report adopted.

BILL—ROADS.

Second Reading.

Debate resumed from the previous day.

The PRESIDENT: The question is, that the Bill be now read a second time, to which an amendment has been moved to strike out the word "now" and insert "this day six months."

Hon. E. M. CLARKE (South-West): In moving the adjournment of the debate last night I was actuated by no hostile spirit to the Bill; indeed, I welcome the Bill, but I consider it is our duty to exercise care and discretion, and that we should not allow measures of such importance to go through without consideration. It has been hinted we should permit this Bill to pass as it stands, with a view to amending it later on. I object to such a course. I would allow no enactment to go on the statute-book unless I believed it was in the best interests of the community at large. While I want to see as much business as possible put through this session, at the same time I have made up my mind that each measure shall have my best attention, and I intend to thoroughly digest every clause of the Bill, not with a view to blocking the measure, but to show that we do not pass hasty legislation. At the commencement of each session hon. members have warned the Minister that they are not going to have a big volume of business thrust on them at the tail end of the session. I desire to repeat and emphasise that. Having said this I propose to refer to several clauses of the Bill, which, when in Committee, I shall attempt to amend. Clause 29 enacts that notwithstanding a voter's name is on the roll, if he goes to an election without having paid his rates he shall not vote until those rates are paid.

The Colonial Secretary: The same provision is in the Municipal Act.

Hon. E. M. CLARKE: It is a pettifogging, vindictive, childish thing. I say it is an insult to any ratepayer to be told that notwithstanding his name is on the roll he shall not vote, for the reason that the corporate body, whatever it may be, has been lax in not collecting the rates. I think it will appeal to hon. members that the first duty of a roads

board is to see that the rates are collected. Another clause of which I do not approve is Clause 63.

Hon. E. McLARTY: I rise to a point of order. The question before the House is the amendment moved by Mr. Moss. Is it the right course for the hon. member to address himself to the clauses in the Bill, and discuss the Bill generally?

The PRESIDENT: The hon. member may do that with a view to giving his reasons for supporting or opposing the amendment. When we have such an amendment before the House it is so closely allied to the main question that I never check an hon. member.

Hon. E. M. CLARKE: On that point, there is an amendment with which I have no sympathy. I am speaking of the merits of voting for the amendment as against carrying on the Bill as we find it. I think Clause 63 requires amendment. Most nominations close at noon, a fit and proper time. Under this clause nominations are not to close until 6 o'clock in the evening. I think the electors require to know what they are coming up for, and, in my opinion, in order that the election may be put in line with other elections nominations should close at noon. I would draw attention to Clause 73 also. There has been a practice among roads boards to distribute the ballot papers to whoever has asked for them. That is to say, they are freely handed to candidates and their supporters. Such a course is a bad one. Clause 24 is a very objectionable clause; it provides that where rateable land is divided into lots the board may value such land as a whole, or each lot separately. This would spell ruination. A case was tried in Perth and it was found that the board could not rate the subdivisional lots. I think it would be an exceedingly bad practice to allow them to do so.

The PRESIDENT: It would, perhaps, be better for the hon. member to confine himself mainly to the amendment. As the hon. member is continuing his remarks it is more of a second reading speech on the main question.

Hon. E. M. CLARKE: I am simply pointing out and emphasising the fact that there is every reason for discussing the Bill in all its clauses before we pass the second reading, or before we agree to the amendment. My only object in moving the adjournment of the debate last night was that members might have an opportunity of fully discussing the Bill. I shall have much pleasure in supporting the second reading.

Hon. J. T. GLOWREY (South): This measure has been before two or three Parliaments, and so far as my knowledge goes I think all the country districts are looking for the passing of the Bill. A select committee was appointed to deal with the Bill, and it appears to me a great volume of information was collected. The Bill has had a good deal of consideration. Personally, I do not claim to know very much about it, but I think the House should make some effort to put the Bill through. It has been before us on two different occasions and the debate has been adjourned. If we had gone on with the debate we might have been half-way through the Committee stage by now. We are told the House will probably prorogue at the end of the week. I do not know that that should make any difference to us. We should do our duty in any case. I shall vote against the amendment.

Hon. Sir E. H. WITTENOOM (on amendment): I spoke on the original motion, and I would like to reiterate my remarks to some extent in connection with the amendment. I would ask that hon. members think very carefully indeed before voting for the amendment. No doubt Mr. Moss has good grounds for bringing in the amendment. As I said before, so important a Bill should not have been submitted to us at so late an hour. On the other hand, there are reasons why it might not require quite so close attention as it otherwise would. It has been before select committees and has had a great deal of consideration, while most of its provisions have been introduced by men with a lot of experience on roads boards.

Hon. W. Kingsmill: But would that not apply to the Health Act? There were 78 amendments in this House to that Bill.

Hon. Sir E. H. WITTENOOM: There are many people in the State interested in the Bill who have been waiting for it some time, and, although the measure may contain many defects—I do not suppose any Bill passes without defects—I think it would be wiser and more politic, and certainly in the best interests of the State, to pass it. If there are any glaring faults we can repair them in an amending Bill next session. We know there are a great many people waiting for the Bill, and depending on it. It is a useful Bill, and I urge members before voting to throw it out to give it most favourable consideration, that consideration which is due to it in the interests of those of our constituents in the country who are concerned in it.

Hon. J. F. CULLEN (on amendment): I hope Mr. Moss will withdraw the amendment. It will be most regrettable if by any chance, through absence of members, the amendment should be voted on in our House. Such an amendment to read a Bill this day six months is generally regarded outside the House by nine-tenths of the people, and I think properly so, as a contemptuous amendment, meaning that the Bill is not fit to be read at all. Of course Mr. Moss does not mean that, but the great majority of the people would think he did; and if by any accident we should carry an amendment of that sort regarding an important Bill, on whose main provisions we are entirely unanimous, it would be most regrettable. Furthermore, it is most regrettable it should have to be proposed at all. I recognise the hon. member was right to protest, and the whole House has protested at the late introduction of this Bill. That protest is right. Having made that protest, I am sure the hon. member will not let it go to the vote. If he does, I trust members, whatever they might mean to do with regard to the Bill, will refuse the amendment. Why should we not go on with the Bill while time permits? If time does not permit for full consideration of the measure, then the Bill will go to next session; but if time does permit, so much the better. I hope the amendment will be withdrawn.

The COLONIAL SECRETARY (on amendment): I trust the good sense of the House will not accept the amendment, because as I explained in introducing the Bill, though the measure may have come down somewhat late in the session, still there is ample time for consideration. We have had the Bill before the House now without even passing the second reading for four sittings, so up to date it certainly has not been hurried; and, although it may be a large Bill, it does not introduce any new principles. The principle of a local governing measure has been in force since the foundation of the colony, and the Bill follows generally on the lines of local governing measures. It can only be in detail that hon. members will find fault with it.

Hon. W. Kingsmill: Have you got your amendments ready?

The COLONIAL SECRETARY: No; I do not intend to move any amendment. I am aware that there are a number of amendments needed, and I have already said there are a number consequential on the report of a select committee of another place, but I do not intend to move these, as I have given a promise that the Bill will be brought up again next session. In order to better ensure that, I am quite willing to leave any small amendments I desire until next session.

Hon. M. L. Moss: Will you give an undertaking that the Parliamentary Draftsman has seen that Bill since it left the select committee of another place?

The COLONIAL SECRETARY: Yes.

Hon. M. L. Moss: And that he approves of the Bill?

The COLONIAL SECRETARY: He says there are a lot of small amendments, but we may get on very well until next session seeing that we are going to amend the Bill then.

Hon. M. L. Moss: Have you the Parliamentary Draftsman's report in writing? Of course I accept your word unreservedly.

The COLONIAL SECRETARY: I do not intend to get it in writing. If the hon. member does not accept my word, I do not intend to get anything in writing.

Hon. M. L. Moss: I say it with no offence.

The COLONIAL SECRETARY: It was rather an impertinent statement, to say the least of it. I have explained the consideration the Bill has received from different bodies of men who ought to know, and do know, a Roads Bill. It was considered by conferences of roads boards, and later on by a select committee, and then again by a further committee. It does not introduce any new principles, and it is only in detail there can be room for discussion. If the amendment is carried, as Mr. Cullen says, it simply says that the Bill is not fit to be considered at all. We are not at the end of the session. Let us make an attempt, as Mr. Kirwan suggests, to go through the Bill as far as we can, and then if we find we cannot get through before the end of the session there is an end of it. The hon. member was rather inconsistent, because he says he would support the amendment, but the Bill should be dropped if there is no time for consideration.

Hon. J. W. Kirwan: I suggested the Bill should be withdrawn. If it is not withdrawn I accept the amendment.

The COLONIAL SECRETARY: We cannot say at this stage that there is any justification for carrying the amendment, because there is plenty of time to consider the Bill, although there is no need for the minute consideration the Bill would otherwise get, for the reasons I have mentioned. However, if members desire it, I will agree to an amendment being inserted that the Bill shall only remain in force for the next two years, so that it will be quite certain it will come up again for revision. That will get over the argument of Mr. Moss when he interjected that one House might not amend the Bill. He is perfectly correct. An individual House gives up certain of its powers; but, according to every member who has had anything to do with roads boards, the Bill is a pressing necessity in the country; and that being so, we should make an attempt to pass it, and even go farther and pass it though there may be some minor defects in it. In order to help members, I am quite willing to accept an amendment that the Bill will only remain in force until the end of 1912.

Hon. T. F. O. BRIMAGE (North-East): I intend to vote for the amendment. I think we should have reasonable time for considering a measure of this kind, though I am getting used to the manner in which the Council is treated at the close of each session, the Government bringing down various Bills served up like pills and forcing us to take them whether we like them or not. I am glad to see the stand being made to reject some of these measures sent down at the eleventh hour. The Roads Bill is a very important measure, and it is one of those on which, when it is going through, I would like to correspond with roads board secretaries to see whether it is suitable or unsuitable for the various districts I represent. There is absolutely no reason for the Colonial Secretary trying to force this measure through the House in the short time at his disposal. No doubt he thinks we should pass it without much consideration; and I have been spoken to by members of another place urging that the Bill be passed; but, if we do this, it will be one of the weapons that will be used against this Chamber for its abolition. It would be wrong on our part to pass the measure *in globo* at the instigation of the Colonial Secretary in the manner in which it has been brought before us.

Hon. J. W. LANGSFORD moved—

That the debate be adjourned.

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

Ayes	9
Noes	13
Majority against ..	4

AYES.

Hon. T. F. O. Brimage	Hon. S. Stubbs
Hon. J. M. Drew	Hon. T. H. Wilding
Hon. J. W. Kirwan	Sir E. H. Wittenoom
Hon. R. Laurie	Hon. J. W. Langsford (*Teller*).
Hon. M. L. Moss	

NOES.

Hon. E. M. Clarke	Hon. W. Marwick
Hon. J. D. Connolly	Hon. C. McKenzie
Hon. J. F. Cullen	Hon. R. D. McKenzie
Hon. D. G. Gawler	Hon. E. McLarty
Hon. J. T. Glowrey	Hon. B. C. O'Brien
Hon. V. Hamersley	Hon. W. Patrick
Hon. W. Kingsmill	(*Teller*).

Motion thus negatived.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): I regret members have not seen their way to adjourn the discussion on this Bill, because there were several important matters that I desired to look into. I make it a practice, when such measures are before us, to send a copy of the Bill to a friend of mine who is engaged in road board matters, and to roads board secretaries, to see whether the Bills are quite what they ought to be, and to any suggestion they make to me I give my most earnest consideration. On this ocasion I have not had the opportunity of doing that. There are several clauses in the Bill which will require serious consideration in this House, and I think amendment as well. While not agreeing with the amendment moved by Mr. Moss, I hope we shall take the opportunity of going through the clauses in a calm and dignified manner, and that not until we have properly finished our business shall the session end.

Hon. J. F. Cullen: There are a number of other matters to be dealt with yet.

Hon. J. W. LANGSFORD: It rests entirely with us whether Bills are to pass, or whether some other body shall take the responsibility of withdrawing the Bills. I think it is the duty of this House to deal with this measure. I regret that the leader of the House did not see his way to agree to the adjournment of the debate until to-morrow. Perhaps when we get into Committee he will agree to report progress so that we may get that information which we so much desire.

Hon. B. C. O'BRIEN (Central): I did not intend to speak on the matter, but there has been such a lot said that I cannot refrain from adding a few words. It is my intention to support the second reading of the Bill; at the same time I cannot help entering my protest, in common with other members, against bringing forward in the dying hours of the session measures of such importance. In this case, however, we have something to guide us, by reason of the fact that the Bill has been well thrashed out by the various conferences of the road boards of the State, and the measure has also been dealt with by a select committee, and if we accept the information we have gleaned from those bodies I do not think we can go very far wrong. Then, again, with the assurance given by the leader of the House that the Bill will come up again for revision next year, we are perfectly safe in passing the measure now. The unfortunate part of it, however, is that there are so many clauses which will have to be rushed through in a comparatively short period. There is no doubt about the fact that there is a clamour from all parts of the State for this measure. It is necessary for the proper government of the road boards of the State, and it is my intention to support the second reading.

Hon. W. MARWICK (East): I intend to oppose the amendment. I might say that the road boards throughout the State are most desirous that this Bill should be passed. It is not a Bill that has been hastily put through the Legislature. This Bill has been in course of compilation for the last few years and road boards have sat in conference and dealt with it exhaustively.

Hon. M. L. Moss: Why do you not get the road boards to enact it for you.

Hon. W. MARWICK: The conferences have practically compiled this Bill with the officer in charge of the administration of the road boards, and I hope that we shall give it the due consideration it deserves, and that it will eventually become law. I am sorry that the Government did not introduce two roads board measures. It is necessary that we should have a Bill to control roads boards in the rural districts, and another for the mining and the bigger towns. The system of rating is very different in all the districts, and if for that reason only I would like to see this Bill go through. I have been a member of a roads board for eight or nine years, and I represent a good many of these institutions, and I

have heard no complaint from any of them against the Bill.

Hon. T. H. WILDING (East): I am sorry I cannot support the amendment moved by Mr. Moss, which I think goes too far.

Hon. W. Kingsmill: Well, make it one month.

Hon. T. H. WILDING: I feel we have a principle at stake. We have the assurance of the Minister that this Bill is not what it ought to be; that being so, I think the Minister should request the draftsman to go through it again and insert the amendments which it is considered are necessary. If we think that the time is too short there is no reason why we should not go on for another week, so as to put the measure through.

Hon. W. PATRICK (Central): I cannot support the amendment. I think we ought to allow the second reading to pass, allow the Bill to go into Committee, and then proceed as far as we can, especially after the promise which has been made by the leader of the House that he is prepared to receive an amendment to the effect that the Bill may be put into operation for a specified time only, I think he said until December, 1912.

The Colonial Secretary: It does not come into force until 1st July next.

Hon. W. PATRICK: That will alter the condition of things very much. There is no reason why we should not allow the Bill to go into Committee, and there is no reason why we should not sit all night to deal with it. I certainly think it would be an ungracious action to throw out an important measure of this kind. I have gone carefully through it, and although there are a great number of clauses, they are to a very large extent machinery clauses. The Bill contains some very important amendments to the present Act, and some great improvements on it as well. I shall oppose the amendment.

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

Ayes	..	..	7
Noes	..	..	14
Majority against		..	7

AYES.

Hon. J. M. Drew	Hon. M. L. Moss
Hon. W. Kingsmill	Hon. S. Stubbs
Hon. J. W. Kirwan	Hon T. F. O. Brimage (*Teller*).
Hon. R. Laurie	

NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. J. F. Cullen	Hon. W. Patrick
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. J. T. Glowrey	Sir E. H. Wittenoom
Hon. W. Marwick	Hon. J. W. Langsford (*Teller*).
Hon. C. McKenzie	
Hon. R. D. McKenzie	

Amendment thus negatived.

Question (second reading) put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair.

Clause 1—agreed to.

Clause 2—Commencement:

On motion by COLONIAL SECRETARY, consideration of clause postponed.

Clauses 3 to 17—agreed to.

Clause 18—Qualification of members:

Hon. J. W. LANGSFORD moved an amendment—

That Subclause 3 be struck out.

The subclause seemed to introduce a new principle. It provided that where the owner was not resident, his manager or overseer should be eligible to a seat on the board. That would mean that the manager would simply be the mouthpiece of the owner, and would vote as directed by him.

The COLONIAL SECRETARY: The same provision was contained in Section 16 of the present Act, the only difference being that this clause made it clearer that either the owner or the manager should be eligible to sit.

Hon. Sir E. H. WITTENOOM: All the responsibility and risk was taken by the owner, and if he chose to have himself represented by his manager or overseer, that was his look-out.

Hon. E. McLARTY: The point was that the manager could not act unless he was put on the board by the ratepayers, and if the ratepayers thought the manager was a suitable man to elect they would vote for him. There was often a difficulty in some districts in getting

suitable men to sit on the board, and the manager of a property might be a very desirable man to have on the board. The subclause was a very necessary one.

Hon. J. F. CULLEN: The subclause meant nothing at all, for notwithstanding its provisions a man was not eligible unless he was either the occupier or the owner. Therefore it was immaterial whether the subclause was inserted or not.

Amendment put and negatived.

Clause put and passed.

Clause 19—Disqualifications:

Hon. J. M. DREW moved an amendment—

That paragraph (a) of the proviso be struck out.

He knew of instances where people obtained seats on the board for the express purpose of selling goods to that board, or obtaining work from the board. In some cases members of a board had obtained contracts, and although under this clause they could not enter into written contracts with the board, they could accept day work and get themselves and their teams employment so long as there was no contract in writing.

The COLONIAL SECRETARY: It was of course undesirable to allow members of the board to be financially interested in the work of the board, and in the ordinary course it was not necessary that any such provision as this paragraph (a) should be made, but the paragraph had been inserted to meet the case of small roads board districts, such as there were in the North-West, where perhaps there was only one storekeeper, and he was a member of the board.

Hon. J. F. Cullen: But the provision applies all round.

The COLONIAL SECRETARY: That was so, but in the past it had been a hardship upon a board that they could not buy small articles from the only local storekeeper because he happened to be a member of the board. There was a safeguard against abuse in the fact that no member could enter into a written contract with the board, and therefore his business transactions with the board would be only on a small scale.

Amendment put and negatived.

Clause put and passed.

Clauses 20 to 28—agreed to.

Clause 29—Electors:

Hon. E. M. CLARKE moved an amendment—

That Subclause 4 be struck out.

The COLONIAL SECRETARY: This provision was not new.

Hon. J. F. Cullen: But the select committee have struck it out.

The COLONIAL SECRETARY: But the provision was still in the Bill.

Hon. J. F. Cullen: By mistake. Their report distinctly stated that it should be taken out.

The COLONIAL SECRETARY: Amendments had been made on the select committee's report, and it did not follow that a select committee's recommendation should be adopted. This provision was already contained in the Municipal Corporations Act, and in the Roads Act of 1902. He believed that what the select committee desired to have struck out was the latter portion of the section in the Roads Act.

Hon. J. F. Cullen: Read the sixth paragraph of the select committee's report.

The COLONIAL SECRETARY: The Municipal Institutions Act contained a similar provision.

Hon. J. F. CULLEN: The select committee recommended that this subclause be struck out. There was a very important principle involved. The right to vote was given to the occupant if he liked to exercise it. The franchise of the Legislative Council was partly checked by the roads boards and municipal lists; it was a fair and reasonable provision that the occupant should have the vote whether the rates were paid or not.

Hon. T. F. O. BRIMAGE: It had long been felt that it was a great injustice to deprive a person of a vote because the rates had not been paid up to a certain date; elections had been won and lost on this ground. The rates could be sued for, or the land could be sold for the amount of the rates.

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

Clause 30 to 62—agreed to.

Hon. J. W. Kirwan: Put the clauses through *in globo*.

The CHAIRMAN: It was necessary under the Standing Orders to put the clauses one by one.

Clause 63—Nominations of candidates, how made:

Hon. W. PATRICK: Clause 63 provided that the nomination paper should be signed by the person named therein as a candidate or by his agent, and Clause 64 provided that the returning officer should, at a certain time, read the names of the candidates nominated together with the names of the nominators. No mention was made of the nomination papers being signed by the nominators. The evident intention of the Bill was that the paper should be signed by the nominators.

The Colonial Secretary: Evidently the word nominator meant candidate.

Hon. W. PATRICK: It was the custom in the Eastern States for two ratepayers to sign a nomination paper along with the candidates.

The COLONIAL SECRETARY: Probably the omission which the member referred to was got over in the schedule. If the clause was postponed he would look into the matter.

On motion by the COLONIAL SECRETARY, further consideration of the clause postponed.

Clauses 64 to 66—agreed to.

Clause 67—Polling, ballot papers:

Hon. W. PATRICK: This clause provided that each ballot paper should have a number printed on the back and counterfoil. There was a similar provision in the last Electoral Bill when it came before members, and it was excised because it was contended that so long as there was a number on the back of the ballot paper the secrecy of the ballot was done away with. He moved an amendment—

That in lines 3 and 4 the words "shall have a number printed on the back and shall have attached the counterfoil with the same number printed on the face and" be struck out.

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

Clause 68—agreed to.

Clause 69—Scrutineers:

Hon. E. M. CLARKE: There should be a clause clearly defining what were the privileges of scrutineers, for, as a rule, scrutineers demanded all kinds of privileges, which was not right. Scrutineers frequently demanded to know how an absentee voter voted.

The COLONIAL SECRETARY: It would be found that under the regulation clauses beginning at Clause 179 ample provision was made for defining the powers of scrutineers.

Hon. E. M. CLARKE: It was obvious that all the by-laws governing an election should be included in the Bill. We had no by-laws or regulations defining the privileges of scrutineers. Would not the Minister promise to see that such a clause was inserted?

The COLONIAL SECRETARY: It was not necessary to insert such a clause in the Bill. What might suit one district in regard to regulations might not suit another. However, he would draw the attention of the Minister administering the Act to the request, and ask him to see that proper regulations were framed.

Clause put and passed.

Clauses 70 to 72—agreed to.

Clause 73—Ballot papers to be given to persons applying:

Hon. J. W. LANGSFORD: Apparently there was not among the schedules any form of ballot paper such as was generally found included in a Bill of this sort. What was the intention in regard to the form of ballot paper?

The COLONIAL SECRETARY: The intention was to fix it by regulation. The same provision was made in the Electoral Act Amendment Act, and also in the Commonwealth Act.

Clause put and passed.

Clauses 74 to 78—agreed to.

Clause 79—Voting in absence:

Hon. J. W. LANGSFORD: The prescribed manner of treating the envelopes as provided in Subclause 5 was very cumbersome and involved extra work for the returning officer. Could not the clause be recast in such a manner as to simplify handling of the envelopes?

The COLONIAL SECRETARY: The clause had been taken partly from the Municipal Institutions Act. After all, it only meant throwing a little more work on the returning officer, while it safeguarded the election.

Hon. C. SOMMERS moved an amendment—

That paragraph (a) of Subclause 1 be struck out.

This provision and that in paragraph (c) were shockingly abused at elections. It had been freely stated that votes were obtained from persons who were not absent on polling day.

Hon. E. M. CLARKE: By agreeing to the amendment we would disfranchise the whole of the travelling public. Because some abused this provision were we to say that all who used it were to be disfranchised?

Hon. S. STUBBS: So scandalously had the system of voting in absence been abused during recent years that it was time we prevented a continuance of the practice. At a recent election 300 persons had voted in absence, and he was confident that not more than one-half of those persons had any right whatever to vote in this manner. Their votes had been obtained by canvassing. The system had been grossly abused all over Western Australia.

The COLONIAL SECRETARY: It was to be hoped the hon. member would not press his amendment. While it might be said an amount of abuse had been indulged in, yet it was not so much in connection with roads boards elections as at municipal elections; because at roads boards elections there was nothing like the number of absent voters that obtained at municipal elections. It would scarcely be just to disfranchise all the people who voted under the paragraph. It was to be remembered, also, that penalties in connection with this provision were much wider than those provided in the Municipal Institutions Act.

Amendment put and negatived.

Hon. J. M. DREW moved a further amendment—

That after "counterfoil" in line 3 of Subclause 2 the words "numbered alike" be struck out.

This was to abolish the necessity for numbering ballot papers in connection with postal votes. The Electoral Act had abolished the numbering of ballot papers and no confusion arose.

Amendment passed.

On motion by Hon. J. M. DREW, Subclause 2 was also amended in line 6 by striking out the words "bearing the same number as the counterfoil."

Hon. J. W. LANGSFORD: This Bill perpetuated the system of having two counterfoils. What were postal vote officers to do with the counterfoils they retained? Many tore them up. Was it proposed that they should be retained in case of an appeal?

The COLONIAL SECRETARY: It was proposed to issue the papers in book form so that the counterfoils would remain in the books. This matter would be dealt with by regulation.

Clause as amended put and passed.

Clauses 80 to 106—agreed to.

Clause 107—Electoral offences, attempts:

Hon. E. M. CLARKE: This clause was rather vague. How were we to know when a person attempted an electoral offence?

The COLONIAL SECRETARY: It was the same provision as was contained in the Municipal Act. If a man attempted to give a bribe he would be liable.

Clause passed.

Clauses 108 to 143—agreed to.

Clause 144—Powers of board:

Hon. E. M. CLARKE: Under Subclause 5 the board would have power to send an abnormal quantity of water over a person's land. Country members should look into this matter and see if it could not be amended merely to safeguard the boards themselves, because legal opinion showed the boards were liable to pay heavy damages.

Clause put and passed.

Sitting suspended from 4.15 to 4.30 p.m.

Clauses 144 to 159—agreed to.

Clause 160—No road of less width than 66 feet to be laid out:

Hon. E. McLARTY moved an amendment—

That in line 5 the words "sixty-six" be struck out and "thirty-three" be inserted in lieu.

A width of 66 feet was quite unnecessary. There were hundreds of instances where it was necessary for a man to gain access to his property through another man's land, and it was absurd to take away 66 feet of good land when the space that would be actually used would be about 10 feet for a cart track.

The Colonial Secretary: The Minister has power to vary the width.

Hon. E. McLARTY: That was cumbersome, and in most cases the board were the best judges. To instance his objection he would mention that the agricultural society at Pinjarra purchased a block of land to which there was no access over the railway. In order to assist the society he had offered that in the event of them being unable to get a railway crossing he would give access to the block through his land. The surveyor came along and surveyed a road of 66 feet through his (Hon. E. McLarty's) property. Surely it was an injustice to cut off 66 feet of property in order to provide a road, used, perhaps, once a year, to give access to the show grounds. In most instances a width of 66 feet would be required, but the board should have discretionary power to reduce the width in special circumstances.

The COLONIAL SECRETARY: The provision was not at all unreasonable. It would be admitted that generally speaking a road ought to be 66 feet in width, especially when there was a great variety of traffic, and it was necessary for the road to be used at times for travelling stock. The same provision was in the Municipal Act, and surely if that width was necessary for a street it was necessary for a road. In any case the Minister had power to give permission for a narrow road to be made in certain circumstances.

Hon. E. M. CLARKE: In an approach to a show ground especially, a wide road was necessary, because show stock were always inclined to be fractious.

Hon. E. McLARTY: The amendment simply meant that the roads board should be allowed to judge whether a road should be half a chain or one chain. There were exceptianal cases where a width of 66 feet was not at all necessary, and whilst the right of the Minister to give permission for a narrow road was some relaxation of the provision, he thought that the roads board would be a better judge than the Minister.

Amendment put and negatived.

Clause put and passed.

Clauses 161 to 166—agreed to.

Clause 167—Board may take material for road making:

Hon. C. A. PIESSE moved an amendment—

That in Subclause 2 the words "immediately make good such fence or" be struck out.

How could a fence be made good immediately it was cut?

The COLONIAL SECRETARY: According to the clause the board would have to make good the fence or erect a swing gate at the opening.

Hon. C. A. PIESSE: The owner of the land might not want a gate there for all time, and provision should be made for the board making good the fence as soon as all the material the board required had been obtained.

The Colonial Secretary: A padlock could be put on the gate.

Hon. S. STUBBS: Roads boards when repairing roads frequently destroyed good fences, and once a good fence was broken it took a good deal of time to put in order again. A fence should be repaired immediately rather than a gate erected. If a gate was locked the lock could be broken and stock could be mixed. The fence should be made good and left in as near its original condition as possible.

Hon. T. H. WILDING: It was not desirable to have these gates left in a fence, for it gave people an opportunity of getting into a man's paddocks. People, if they could get the opportunity, would go into a paddock and take sheep away.

Hon. E. McLARTY: A similar provision to this existed in the present Act. He thought the board was responsible, for no one could cut a man's fence. He always thought this was a temporary expedient, and that when the contractor had obtained all the material necessary the

fence had to be placed in the condition in which it was found.

Hon. J. M. DREW: The clause gave the board power to place a gate in the fence for all time. When all the material that was required for the time being had been obtained the fence should be placed in good condition and no gates should be allowed.

Amendment put and passed.

Hon. C. A. PIESSE moved a further amendment—

That at the end of Subclause 2 the words "the board shall, when such gate is no longer required by the board, immediately remove same and make good such fence" be added.

Amendment passed; the clause as amended agreed to.

Clause 168—Board may close road permanently:

Hon. C. A. PIESSE: No provision was made for payment for improvements when a new road was made through a man's property. The board might take improved land away and give in return uncleared land. He moved an amendment—

That in line four of Subclause 6 between "road" and "as" the words "plus payment by the board for existing improvements" be inserted.

The COLONIAL SECRETARY: Clause 164 protected the owner. There was no necessity for the amendment, because its object was already achieved by Clause 164, providing for assessors. The land would have to be assessed and its value paid for.

Hon. Sir E. H. WITTENOOM: The language of Subclause 6 was an insistence that it must be an equivalent exchange. This left no opening for further demand; there could be no appeal from it.

Hon. J. F. CULLEN: The subclause had been very loosely drawn. The best way out of the difficulty would be to provide that the road should be taken in exchange subject to assessment as provided under Clause 164.

The COLONIAL SECRETARY: If hon. members would turn to the interpretation clause they would see that Clause 164 fully applied. Any improvements taken over would have to be paid for.

Hon. C. A. PIESSE: The amendment suggested by Mr. Cullen would perahps be the better one. In order that it might be moved he would withdraw his amendment.

Amendment by leave withdrawn.

Hon. J. F. CULLEN moved a further amendment—

That in line 4 of Subclause 6 the words "as and for an equivalent" be struck out and "in" inserted in lieu.

Subsequently he would move to add certain words to the end of the clause.

Amendment passed.

Hon. J. F. CULLEN moved a further amendment—

That at the end of the clause the words "subject to assessment of values as provided for in Section 164" be added.

Amendment passed; clause as amended agreed to.

Clauses 169 to 174—agreed to.

Clause 175—Board may require land abutting on main roads to be fenced.

Hon. C. A. PIESSE moved an amendment—

That in line 5 of Subclause 1 the words "sheep-proof" be inserted before "fences."

Endless trouble was caused through the owners of land having only two or three wires in their fences.

Hon. E. McLARTY: The amendment was deserving of support. People driving sheep were put to considerable trouble through the fences along the main roads not being sheep-proof.

Amendment put and passed; clause as amended agreed to.

Clause 176—agreed to.

Clause 177—Boards may establish pounds:

Hon. E. McLARTY: The clause constituted a great improvement on the existing law and would meet with approval in all parts of the State. However, he did not approve of the phrase "any cattle driven." It should be "any cattle

strayed" or "any cattle found." He moved an amendment—

That in line 1 of Subclause 3 the word "driven" be struck out and "found" inserted in lieu.

Amendment passed.

Hon. J. M. DREW: The amendment did not improve the subclause. Its effect now was that cattle being found on a reserve without the consent of he road board would be liable to be impounded.

Clause, as amended, put and passed.

Clauses 178 to 191—agreed to.

Clause 192—Ordinary revenue:

Hon. J. W. LANGSFORD: Was there provision in regard to making grants to hospitals for infectious cases?

The COLONIAL SECRETARY: That was in Clause 144, Subclause 14. It was intended to recommit that clause because it was wrongly worded.

Hon. J. W. Langsford: Then there would be opportunity to strike it out.

Clause put and passed.

Clause 193—agreed to.

Clause 194—What shall be the rateable property:

Hon. W. PATRICK moved an amendment—

That in line 2 of Subclause 3 the words "public school, private school, being the property of a religious body" be inserted after "orphanage."

This was to bring the subclause into line with the Municipalities Act which provided this exemption.

Hon. E. M. CLARKE: There was no objection so long as the proviso was retained that the land should be used exclusively for the purpose indicated.

Hon. J. F. CULLEN: There was no need to insert the words "public school," because they were already covered by Subclause 1, and it was wrong to repeat words in Statutes.

Hon. W. PATRICK: The words "public purpose," in Subclause 1 would not necessarily cover public schools. There would be no harm in repeating the word "public."

Hon. J. F. CULLEN: It would have been better if the Municipalities Act had been followed right through this clause.

The COLONIAL SECRETARY: The amendment now brought the subclause into line with the provision in the Municipal Corporations Act.

Hon. D. G. GAWLER: It was necessary to have the words "public school," because they were not covered by the wording of Subclause 1.

Amendment put and passed.

Hon. W. MARWICK moved a further amendment—

That in Subclause 8, in the last line, the words "three years" be struck out and "six months" inserted in lieu.

The effect would be to alter the exemption on conditional purchase land to six months instead of three years. The new settlers required roads, and to get roads they must have votes. If we exempted them for three years, they could not return members to represent them on the roads boards.

Hon. C. A. PIESSE: It was surprising that the hon. member should attempt to move such an amendment, especially when it took years of struggle to bring about the inclusion of the provision. What the hon. member desired to do might apply to his own province, but it would not apply generally throughout the State. The amendment was entirely uncalled for and it was certain that no such request had ever been made by any settler who had just gone on the land. If he had his way he would extend the period to five years instead of reducing it to six months.

Hon. J. F. CULLEN: The hon. member should allow the matter to stand over for more careful consideration before the end of 1912. The provision contained in the clause was very wise. When the matter came up again the question should be considered that taxation should be on the basis of a man's interest in his holding.

Hon. W. PATRICK: The provision in the clause was an excellent one. The custom for roads boards where new lands were opened up was to apply to the Crown for extra grants so that new roads might be made and it was quite right in such cases that the Government should provide the initial expenses. Like Mr. Piesse, if he had his way he would increase the period to five years.

Hon. W. MARWICK: The amendment which he had moved would be in

the interests of the men who were going out into the back country. The majority desired that they should be rated immediately they took possession of the land.

Hon. J. F. Cullen: None that I know of.

Hon. W. MARWICK: The only object he had in view was to give a man a voice in the control of road board affairs. At a conference which was held the amendment which he had moved was accepted by a large majority. If they were to be three years on the land before they could get representation or have any voice in the government of the district, these people claimed that they would not be able to bring about the construction of roads. Of course, if the Government agreed to construct the roads it would be a different matter.

Hon. C. A. PIESSE: It might be possible to have a clause inserted whereby if it could be proved that these people were occupying their lands they should have all the rights and privileges enjoyed by the older settlers.

Hon. V. HAMERSLEY: For years past it had been a serious matter to the old-established boards who recognised that the new settlers must have roads. A great many of the old roads had got into a bad state of repair because of the fact that all the funds had been utilised in maintenance or in the construction of roads for new settlers. The new settlers came along and claimed the rights and privileges of the older settlers. If these men had a voice in the election of road boards it was only right that they should bear their proportion of whatever was due for the construction and maintenance of roads.

The COLONIAL SECRETARY: The measure would not come into force until the 1st July next, and the desire of Mr. Marwick could be met if the period were made two years. That would afford the new settler all the protection necessary.

Hon. J. F. Cullen: That has been the law for years.

The COLONIAL SECRETARY: They were chargeable to-day from the date they took up the conditional purchase.

Hon. C. A. PIESSE: Why should not a subclause be inserted allowing them to enjoy the privileges without paying rates?

The Colonial Secretary: We would need a special roll showing ratepayers and non-ratepayers.

Hon. C. A. PIESSE: The Government had given these people relief but had disfranchised them in doing so.

Amendment (to strike out "three years") put and passed.

Amendment (to insert "six months") put and negatived.

On motion by Hon. W. PATRICK, the words "two years" were inserted in lieu of "three years" struck out.

Clause as amended agreed to.

Clause 195—agreed to.

Clause 196—Mode of making valuation, Capital unimproved value:

Hon. D. G. GAWLER: Paragraph (a) said in effect that the unimproved value of land meant the value at which the land might be expected to sell at the time of valuation, and it was obvious that the clause must be taken to mean a cash sale. In the existing Act the provision was for either a cash sale or a sale on terms. In some districts it would be difficult to arrive at the cash value of land, and the value on terms might be more easily obtained.

Clause put and passed.

Clause 197—Annual value:

On motion by the Hon. C. A. PIESSE, clause amended by striking out of line three of paragraph (c) the words "seven pounds ten shillings" and inserting "five pounds" in lieu.

Clause, as amended, agreed to.

Clause 198—Valuation of pastoral leases:

Hon. J. F. CULLEN: When the Bill was recommitted he would move an amendment to this clause because it was a preposterous thing to treat a pastoral lessee, whether a lease holder or a conditional purchase holder, as an owner.

Hon. W. Patrick: The conditional purchase leaseholder is an owner.

Hon. J. F. CULLEN: That was not so. His taxable interest was merely his interest in the property. There was no difficulty about laying down a definite and scientific system of valuation, but the

valuations in the Bill seemed to be on rule-of-thumb lines.

Hon. E. M. CLARKE: There was a lot in what the preceding speaker had said. Millions of acres of pastoral country were let at the nominal sum of five shillings per acre. The leaseholders of such land were paying for their land only the interest on a ridiculously low sum. The pastoral leases were only theirs during the time of their tenure, but the land was valued so ridiculously low that in order that the local authority should get something out of it, it was right that the pastoral lessee should be rated on a different scale from those who held conditional purchase lands.

Clause put and passed.

Clauses 199 to 203—agreed to.

Clause 204—Valuation of subdivided lots:

Hon. E. M. CLARKE: In this clause the board had the option of rating a number of lots separately, and he had objected to that, but on looking into the clause more closely he saw that there was a proviso that the total valuation of the lots separately should not exceed the valuation of the lots taken as a whole. Therefore his objection to the clause was removed.

Clause put and passed.

Clause 205.—Rating of persons residing on mining leases:

Hon. D. G. GAWLER: This clause provided that any person in the occupation of a mining tenement should be deemed an occupier and should be liable to be rated in respect of such occupation. There was evidently a mistake here because the owner of the land and not the occupier was rated, and it would be impossible to collect rates from the occupier.

The Colonial Secretary: The same provision is in the present Act.

Hon. D. G. GAWLER: In the present Act the owner and occupier were both liable, but in this measure only the owner was liable, and there was, therefore, no necessity for saying in this clause that the occupier should be liable to be rated.

The COLONIAL SECRETARY: On the Kalgoorlie field a great many people besides the owners resided on mining leases. The employees on mines frequently lived on the leases, and the clause provided that they should pay rates. Clause 230 was inserted so that there should be someone to levy upon if the squatters on the leases did not pay the rates. The owners of the leases were liable because these men could not get on the leases without the consent of the employer or the Mines Department.

Hon. D. G. Gawler: It was impossible to see how rates could be recovered from these persons.

Hon. W. PATRICK: Possibly Mr. Gawler was not aware that outside of municipalities on the goldfields there were many places where people squatted on mining leases. These persons were illegally on these leases, but no one objected to their presence; unless they could be rated they escaped taxation altogether. The object of the clause was that they should pay something towards maintaining public order and decency.

Hon. D. G. GAWLER: No fault was found with the policy of the clause, but the way it was framed; he did not think these persons could be made to pay.

The COLONIAL SECRETARY moved an amendment—

That in line 3 the words "deemed an occupier and be" be struck out.

Hon. D. G. Gawler: That would not meet the case.

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

Clauses 206 to 215—agreed to.

Clause 216—Board authorised to strike rates:

Hon. V. HAMERSLEY moved an amendment—

That in paragraph (a) of Subclause 2 the words "one penny" be struck out and "three-farthings" inserted in lieu.

The minimum was too high.

The COLONIAL SECRETARY: The roads boards had agreed in conference that the minimum should be one penny on the unimproved value, and ninepence on the annual value.

Hon. C. A. PIESSE: The unimproved value was much lower than it would be in a few years time. There was a tendency to raise the values. He supported the minimum being three-farthings.

Hon. J. F. CULLEN: What he was troubled about was the maximum not the minimum. In the maximum of threepence and 2s. evidently provision had been made for town sites, and it was not to be assumed that in roads board areas the maximum tax of threepence or 2s. would be levied.

Amendment negatived.

Hon. C. A. PIESSE moved an amendment—

That in paragraph (b) of Subclause 2 the word "ninepence" be struck out and "sixpence" inserted in lieu.

The COLONIAL SECRETARY: The Committee having agreed that one penny should be the minimum in regard to unimproved values, ninepence should be decided as the minimum on the annual value, as they were equivalent.

Hon. V. HAMERSLEY: There were so many taxes that people were now called on to pay. There was the Government land tax, the Federal land tax, the roads board tax, and other taxes, that it was not a question of a sixpenny or a ninepenny tax, but of 3s. 6d. to 4s. It was time serious consideration was given to reducing the taxes.

Amendment put and negatived.

Clause put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 217—Loan rates:

Hon. C. A. PIESSE: Under this clause the position of the occupiers of land would be almost unbearable. Would the rates to be levied under this clause be in addition to the taxatioin already agreed to?

The COLONIAL SECRETARY: There would be an additional rate if the Board went in for a loan. The same provision existed in the Roads Board Act to-day; that was to say, the boards had power to borrow. The clause merely improved the condition under which authority could be obtained to raise a loan, thus bringing the Bill into line with the Municipal Institutions Act in this respect.

Hon. C. A. PIESSE: But could the boards exceed the maximum of 3d. in the pound on the unimproved value or 2s. in the pound on the annual value?

The COLONIAL SECRETARY: This loan rate would be in addition to the ordinary rates. The limit of the loan rate was, he thought, fixed at 1s. At any rate, the boards could only borrow up to a percentage of their values.

Hon. T. H. WILDING: We were giving the boards too much power in regard to rating. We should set a strict maximum limit to the amount of rating.

Hon. J. F. CULLEN: The boards could only borrow if they were so authorised by the ratepayers at a poll.

Clause put and passed.

Clause 218—agreed to.

Clause 219—Rates to be made for the financial year:

Hon. C. A. PIESSE moved an amendment—

That the words "by Section 216 of this Act" be added to the end of the clause.

This would serve to put a limit on the total rating. The maximum would then be 3d. in the pound on the unimproved value, or 2s. in the pound on the annual value, as the case might be.

The COLONIAL SECRETARY: Clause 216 provided for a maximum and minimum general rate. That could not be used for loan purposes. Other provisions in the Bill gave the boards power to borrow under certain conditions. Clause 258 provided the maximum of their borrowing. If a loan were raised a loan rate would have to be levied to pay interest and sinking fund on the amount borrowed. Thus the borrowing power of the boards was already strictly defined

Hon. J. F. CULLEN: There was a good deal to be said for the amendment when we remembered that we had the fire brigades, the health board, and the possibility of loan rates for water, all outside the provisions of this clause. The maximum of 3d. on the unimproved value or 2s. on the annual value should be ample for a roads board to spend, whether by way of ordinary expenses or by way of loan. The question to be

decided was as to whether 3d. in the pound on the unimproved value, or 2s. in the pound on the annual value, constituted an ample maximum for a roads board. In his opinion it did. We should not tax the people off the land.

Hon. C. A. PIESSE: There was still another reason why we should restrict the maximum rates to be levied. It would be very dangerous to allow a district to borrow up to 10 times the annual revenue, though it would not be so bad if the rating was on the portion of the district concerned.

Hon. W. MARWICK: The roads boards' powers were already sufficient. It was very dangerous to give roads boards power to borrow up to ten times their revenue, especially where boundaries were altered, and new settlers were saddled with a rate for expenditure incurred before they arrived in the district.

The COLONIAL SECRETARY: The amendment would not have the effect desired. The loan rate was only to be levied on the particular portion of the district where the money was spent. If we gave power to roads boards to raise money we must give them power to raise a rate to pay interest and sinking fund.

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

Ayes	..	..	6
Noes	..	..	9
Majority against		..	3

AYES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. W. Marwick	(*Teller*).
Hon. E. McLarty	

NOES.

Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. W. Patrick
Hon. J. W. Langsford	Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. M. Drew
Hon. R. D. McKenzie	(*Teller*)

Amendment thus negatived.

Clause put and passed.

Clauses 220 to 229—agreed to.

Clause 230—Who is liable for rates:

Hon. J. W. LANGSFORD: The charge of 8 per cent. interest on arrears of rates was too high. In the interests of the struggling settler he moved an amendment—

That the word "eight" be struck out and "five" inserted in lieu.

Hon. C. McKENZIE: Eight per cent. was certainly too severe on a man who might not be able to pay all his rates at once. He supported the amendment.

The COLONIAL SECRETARY: There was no objection to the interest being reduced, but in most cases 5 per cent. would hardly pay the cost of bookkeeping.

Hon. E. M. CLARKE: The clause was inserted to penalise the man not responsible for the arrears of rates. Roads boards, owing to their laxity, allowed arrears to accumulate and then freezed on to the owners when the money should have been collected from the tenants.

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

Clause 231—agreed to.

Clause 232—Apportionment of rates on change of ownership:

On motion by Hon. J. W. LANGSFORD the clause was amended by striking out in line three of Subclause 3 "eight" before "per cent" and inserting "five" in lieu; and as amended was agreed to.

Clause 233—agreed to.

Clause 234—How rates may be recovered:

On motion by Hon. J. W. LANGSFORD the clause was amended by striking out "eight" before "per cent" and inserting "five" in lieu; and as amended was agreed to.

Clauses 235 to 237—agreed to.

Clause 238—Defence in special cases:

Hon. W. PATRICK: This appeared to be a new clause and there was no marginal note to show where it came from. In every case where a ratepayer could prove that he did not receive notice of assessment, the case ought to fail. The provision contained in the clause was not in the existing Act and the clause should not be allowed to pass.

Clause put and negatived.

Clauses 239 to 257—agreed to.

Clause 258—Amount to be borrowed:

The COLONIAL SECRETARY: On looking at the Municipalities Act he found that the provision in the Bill, namely, that the roads board would be able to borrow ten times the amount of the ordinary average annual revenue was exactly similar to that contained in the Municipalities Act.

Hon. C. A. PIESSE moved an amendment—

That in line 3 the word "ten" be struck out and "five" inserted in lieu.

The Colonial Secretary: Make it seven.

Hon. C. A. PIESSE: These boards should not be allowed to borrow to such an excess.

The COLONIAL SECRETARY: The provision was in the existing Act, but it had never been availed of because the machinery was too cumbersome.

Hon. J. F. CULLEN: It was doubtful whether "five" was sufficient; it might cramp a board in carrying out important work.

Hon. C. A. PIESSE: There would be no objection to altering the amendment to provide that it should be seven.

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

Clauses 259 to 291—agreed to.

Clause 292 — Officers to deliver accounts:

Hon. J. W. LANGSFORD: Was there anything in the Bill providing that officers having charge of the funds of the board should give a proper guarantee?

The Colonial Secretary: There was such a provision in one of the earlier clauses of the Bill.

Clause passed.

Clauses 293 to 295—agreed to.

Clause 296—Election of auditor by ratepayers:

Hon. J. F. CULLEN: Did the date of this election coincide with the election of members? If not it would be absurd to have two election days in the year. It would be better to provide that it should take place on the day of the annual election of members.

The COLONIAL SECRETARY: The clause dealing with election of members was not a hard and fast one. Elections were sometimes held in March and sometimes in April.

Hon. J. F. CULLEN moved an amendment—

That in line 4 the words "fourth Thursday in March" be struck out and "second Wednesday in April" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 297 to 300—agreed to.

Clause 301 — Annual Balance and Audit:

Hon. J. W. LANGSFORD moved an amendment—

That in line 2 the words "on a date to be fixed by the Minister" be struck out.

These words seemed to be quite unnecessary. Why should the secretary of a board wait till a date was given to him by the Minister before balancing his accounts?

The COLONIAL SECRETARY: One auditor was a Government officer and the other was elected, and as the Government auditor could not be everywhere at once, power was given to the Minister to fix a date convenient to him.

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

Ayes	6
Noes	12
Majority against ..	6

AYES.

Hon. J. F. Cullen	Hon. C. Sommers
Hon. J. W. Langsford	Hon. T. H Wilding
Hon. W. Marwick	*(Teller).*
Hon. C. McKenzie	

NOES.

Hon. T. F. O. Brimage	Hon. E. McLarty
Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. T. Glowrey	Hon. C. A. Piesse
Hon. J. W. Hackett	Hon. J. M. Drew
Hon. A. G. Jenkins	*(Teller).*
Hon. R. Laurie	

Amendment thus negatived.

Hon. J. W. LANGSFORD moved a further amendment—

That Subclause 2 be struck out.

The subclause provided that the time at which the audit should take place should be posted at the office of the board on the seven days preceding the audit. It seemed a remarkable provision, that in-

stead of the auditor making surprise visits, the ratepayers should be advised when the audit was to take place.

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

Clause 302—Persons interested may be present:

Hon. W. PATRICK: The object of Subclause 2 of the preceding clause was that persons interested should have the opportunity of attending at the audit to make objections to any items of expenditure. That subclause having been struck out, there was no necessity for this clause, unless the clause was to be a dead letter. No self-respecting auditor would dream of allowing a number of persons to be present while he was making his audit.

The Colonial Secretary: Well strike it out.

Clause put and negatived.

Clauses 303 to 329—agreed to.

Clause 330—Subdivisional plans to be approved by board:

Hon. C. A. PIESSE moved an amendment—

That Subclause 3 be struck out.

This subclause provided that every person submitting a plan of proposed subdivisions should deposit with it the sum of three pounds for each chain of road shown on such plan. That meant a deposit of £240 per mile. Such a provision might be made to apply to the cutting up of suburban land, but in connection with a subdivision of country lands, it was often necessary to subdivide from side to side and put a chain road through a property. Just fancy having to deposit £240 for each mile of road!

The COLONIAL SECRETARY: At first sight the penalty seemed a heavy one, but when a subdivision was made, a heavy burden was cast on a board. The owner received all the benefit from the sale of the land and should contribute something. In Victoria the person who cut up a subdivision had to macadamise the roads. This provision was only intended to apply to building lots.

Hon. C. A. Piesse: Would the Colonial Secretary move an amendment to provide for that?

Hon. J. F. Cullen: Say, within a townsite.

Hon. W. PATRICK: Would the clause apply to country cut up into, say, 15 or 20-acre blocks. It seemed that the idea was to apply it to township blocks only.

On motion by the COLONIAL SECRETARY, further consideration of the clause postponed.

Clause 331—agreed to.

Clause 332—Proof of ownership or occupancy:

Hon. J. F. CULLEN: This Bill was altered by the select committee to leave out occupier, the owner alone being rated. In subclause (a) "or occupier" occurred. This was the first clause in which "occupier" was brought in as ratable. He moved an amendment—

That in line 2 of paragraph (a) of Subclause 1 the words "as owner or occupier" be struck out.

Hon. C. A. PIESSE: In the interpretation clause "ratepayer" meant the owner or occupier of rateable land.

Hon. J. F. CULLEN: In view of that he asked leave to withdraw his amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 333 to 338—agreed to.

New clause:

The COLONIAL SECRETARY moved—

That the following be inserted as a new clause:—"This Act shall continue in force till the 31st day of December, 1912, but no longer."

That was in accordance with the promise he gave on the second reading that he would insert an amendment providing that the Bill should only be in force for two years, in fact, it would only be in force 18 months, because the Bill did not come into operation until the 1st July of this year.

Hon. M. L. MOSS: Assuming that no roads board legislation was enacted then this Bill would cease to have any effect on the date named, was the Minister satisfied, in case a new Roads Act was not put on the statute-book, that the old legislation, which by the Bill was repealed, would be revived?

The COLONIAL SECRETARY: The position was that if nothing happened until December 31st of 1912 there would be no Roads Board Act on the statute-book at all. It would be the duty of the Government to bring in a Bill before that date.

Hon. Sir J. W. HACKETT: You could extend this one for another year.

New clause put and passed.

Postponed Clauses 2 and 63—agreed to.

Postponed Clause 330—Subdivisional plans to be approved by the board:

Hon. J. F. CULLEN: The Minister had undertaken to move an amendment to the clause limiting its operation to town-sites.

The Colonial Secretary: Let it go and I will have it recommitted.

Clause put and passed.

Schedules, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by COLONIAL SECRETARY Bill recommitted for the purpose of reconsidering Clauses 144, 179, and 330.

Clause 144—Powers of Board:

The COLONIAL SECRETARY: Subclause 14 provided for the establishment of hospitals. He moved an amendment—

That Subclause (14) be struck out and the following inserted in lieu:—"Subsidise any district nursing system, or hospital, public or private, for the reception of the sick, established within or without its district, or any duly qualified medical practitioner, but any expenditure under this subsection shall not exceed seven and a half per centum of the ordinary revenue of the board in any financial year."

This would bring the clause into line with that in the Health Bill.

Hon. J. F. CULLEN: It was to be hoped that the Minister would not press this amendment. He (Mr. Cullen) had dozens of important amendments which he had refrained from bringing before the Committee in view of the fact that this was only a temporary measure. The Minister had now thrown down the most debatable point the Committee could approach. If the Minister would not withdraw the amendment it would have to be debated at length.

The Colonial Secretary: You can move an amendment on my amendment.

Hon. J. F. CULLEN: This amendment would mean an innovation in the life of the local authorities of Western Australia. We were asked to open the door to all sorts of abuses. It would be open for little cliques to bring influence upon the members of the roads boards to vote money for private purposes, and the local community would be divided up into bitter hostile camps on the question of some petty expenditure. Any nurse or doctor who came along would be eligible for a subsidy. It was contrary to all principle that public money should be devoted to private purposes.

Hon. C. A. Piesse: They can only go to 7½ per cent.

Hon. J. F. CULLEN: With a big roads board this might represent a large sum. Anyhow, it was a matter of principle and not of amount.

Hon. W. MARWICK: The amendment was deserving of support. The subsidising of nurses or doctors would be welcomed in places where there were no doctors or nurses. Many outlying districts would be only too pleased to contribute. The provision was to assist people in small districts, and many in the East Province asked for it. The little they would contribute would probably help to establish doctors in their midst.

Hon. M. L. MOSS: Having done his best to oppose the similar provision in the Health Bill he must oppose this amendment. It was absolutely against principle to vote public moneys to maintain private hospitals or doctors. It opened the door to far too many abuses. The amendment was certainly foreign to the title of the Bill.

Hon. V. Hamersley: It is quite right it should be in the Bill.

Hon. C. A. PIESSE: It was a matter affecting the lives of the people settled in our country districts. It was very easy for a roads board to raise a little extra taxation to assist in the establishment of medical aid in heir centres. Very often

roads boards were the only public bodies in a district who could initiate the matter.

Hon. M. L. MOSS: The Government and the Central Board of Health should supply the want the hon. member referred to. The trouble was in regard to populous centres, and the clause would open the door to supporting some private doctor. Irresponsible persons would be elected to these boards, who would spend 7½ per cent. of their revenue on illegitimate purposes.

The COLONIAL SECRETARY: According to Mr. Cullen something wonderful was going to happen, but the Committee had already passed the clause in a worse form, and a few days ago it passed a similar provision by a big majority in the Health Bill. The amendment simply provided that a country roads board could subsidise a district nursing system as was done in North Fremantle to-day. There were 100 roads boards with a total revenue of £62,000, an average of about £600 a year. Therefore, the average maximum available under this clause for the purpose outlined would be £45 for each board. Country roads boards were asking for this provision. The roads boards around Narrogin, in Mr. Cullen's province, asked for it.

Hon. J. F. Cullen: I am very doubtful.

The COLONIAL SECRETARY: The application was made to himself. They considered that if they could subsidise a hospital it would save them establishing one. Again, the Kelmscott people considered that if they could subsidise a doctor by spending £50, the doctor would live in their district, and it would save people paying high fees individually. With an average maximum of £45 boards could not go far wrong in subsidising a district nursing system, or in subsidising a bed in a private hospital, which would save them establishing a hospital.

Hon. J. F. CULLEN: The clause as it stood in the Bill was one to which no rational man could object but the amendment was for a private object. The roads boards in the Narrogin district had a hospital.

The Colonial Secretary: And they wish to contribute to it.

Hon. J. F. CULLEN: Decidedly, and there was no objection to that. There was no objection to people raising money to subsidise any institution. The Minister, however, did not see the serious principle involved. Legislators must be very careful how they opened the door to strife and bitterness, and opened the public treasury to private purposes to be scrambled for by cliques and parties. There was never any case where the voluntary support for hospitals, or for any cause of charity, failed in this State.

Hon. C. A. PIESSE: Katanning had always had a doctor while other towns had to struggle without one. The district of Wagin had had to fight its own battle, but Katanning had been very fortunate and had got its hospital in the early days. What applied to that district could not possibly apply to new districts. It was impossible to see the danger that the hon. member predicted; the hon. member had painted a dismal picture which would certainly not be seen here.

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

Ayes	.. .. ..	15
Noes	.. .. ..	8
Majority for	..	7

AYES.

Hon. J. D. Connolly	Hon. E. McLarty
Hon. D. G. Gawler	Hon. B. C. O'Brien
Hon. J. T. Glowrey	Hon. W. Patrick
Sir J. W. Hackett	Hon. C. A. Piesse
Hon. J. W. Kirwan	Hon. T. H. Wilding
Hon. W. Marwick	Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. V. Hamersley (*Teller*).
Hon. R. D. McKenzie	

NOES.

Hon. T. F. O. Brimage	Hon. M. L. Moss
Hon. E. M. Clarke	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. C. Sommers (*Teller*).
Hon. J. M. Drew	
Hon. R. Laurie	

Amendment thus passed; the clause as amended agreed to.

Clause 179—By-laws:

The COLONIAL SECRETARY moved an amendment—

That the following stand as Subclauses 20 and 21b:—(20.) Requiring the annual registration of camels, and providing for the seizure and sale or destruction of every unregistered camel;

but no person shall be required to register the same camel in more than one district. (21b.) Providing for the issue by the board, on the registration of any animal, of a registration disc inscribed with the name of the district and the registration number, and requiring every person in charge of the animal to keep the disc attached to its neck."

The amendment simply gave power to make by-laws for the registration of camels.

Amendment passed; the clause as amended agreed to.

Clause 332—Subdivisional plans to be approved by board:

The COLONIAL SECRETARY moved an amendment—

That in line 1 of Subclause 3 the words "any such plan to the board" be struck out and "any plan of land within a townsite or suburban area or which shows any allotment of less than one acre in area" be inserted in lieu.

This would then provide for subdivisions in townships only.

The CHAIRMAN: When this clause was postponed an amendment had been moved by Mr. Piesse. That amendment still stands. Does the hon. member propose to withdraw it?

Hon. C. A. Piesse asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. J. F. CULLEN: The Minister's proposal was an improvement, but the clause might be further amended by saying that the sum deposited should not exceed three pounds per chain. The cost of roads might vary enormously, and a board might require three pounds deposit in one case and be satisfied with a deposit of one pound per chain in another case. There could be no hardship in fixing a maximum, and leaving to the discretion of the board what amount of deposit should be required.

Amendment put and passed.

Hon. J. F. CULLEN moved a further amendment—

That in line 2 of Subclause (3) the words "sum of" be struck out and the words "such sum as the board may fix not exceeding three pounds" be inserted in lieu.

The COLONIAL SECRETARY: This amendment was opposed to the hon. member's arguments throughout the evening that boards might have favourites.

Hon. J. F. Cullen: But this is a straight-out business transaction.

The COLONIAL SECRETARY: Three pounds per chain was not going to make any kind of road, especially in a suburban area where the lots were under one acre. At least a macadamised road, and perhaps a footpath, would be required. If the amendment were agreed to the board might charge £3 per chain in the case of one subdivision and only £1 in the case of another. In fairness to the people who were cutting up their land, all should be treated alike and a deposit of £3 per chain fixed.

Hon. V. HAMERSLEY: The amendment was worthy of support because in some instances £1 per chain would be quite sufficient for making unformed roads such as were often made in country suburban areas. It would be a hardship to extract £3 from an owner when the board might decide that £1 would be ample.

Hon. C. A. PIESSE: The Minister should agree to the amendment. In suburban areas attached to new townships the land subdivided might be surrounded by roads not one of which had more than £1 per chain spent on it. Under these circumstances, it would be an unnecessary hardship to require the owner to deposit £3 per chain.

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

Bill again reported with further amendments.

BILL—CRIMINAL CODE ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL—ELECTORAL ACT AMENDMENT.

Returned from the Legislative Assembly with amendments.

BILL — CONSTITUTION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is a small amendment, but a very important one, and a very far-reaching one so far as this House is concerned, to the Constitution Act of 1889. It is not altogether unknown to this House, because it was introduced here in a former session, passed the second reading, but did not obtain the statutory majority, and, therefore, was lost. I do not know that it is necessary for me to speak at any length on the question. I think every member of the House is pretty well acquainted with the provisions and principle contained in the Bill. When this State obtained Responsible Government in 1889 the Legislative Assembly was elected, while this House continued to be a nominee Chamber. The Constitution Act provided that when the State attained a certain population this House should also become an elective Chamber; and when the present Constitution Act as amended was passed, the qualification of electors for this House was fixed as follows:—1. Legal or equitable estate situated in electoral province of the clear annual value of one hundred pounds sterling. 2. Householder within province of clear annual value of twenty-five pounds sterling. 3. Leasehold estate within province of clear annual value of twenty-five pounds sterling. 4. The holder of a lease or license from the Crown within the province at a rental of not less than ten pounds per annum. Or if the name of such person is on the electoral list of any municipality or roads district within the province in respect of property of the annual ratable value of not less than twenty-five pounds per annum. That qualification exists to-day; that is to say the qualification enacted, or given to us in the Constitution Act of 1889. so far as the qualification of electors for this House is concerned, remains unaltered. The Bill before the House is for the alteration of this franchise, namely, to alter the freehold qualification from £100 to £50, and to alter the annual value qualification from £25 to £15. The clause provides for striking out £100 and inserting £50, and for striking out £25 and inserting £15. Whilst we have made no alteration in the qualification of our electors, we find in most of the other States, indeed in all of the other States where Upper House members are elected, the qualification has been lowered, and lowered very considerably. True, in some of the Australian States, two at any rate, New Zealand and Queensland, the Upper Houses are on the nominee system, the others, Tasmania. Victoria, and South Australia together with this State, are elective. In Victoria the qualification has been reduced considerably; it was much higher than the qualification of this State previously, but the qualification now is, (a) A freeholder of land in the province rated at not less than £10. (b) A lessee of an unexpired term originally created for not less than five years, or the occupier of property rated at not less than £10; or a graduate British university, qualified legal and medical practitioners, ministers of religion, certificated schoolmasters, and naval and military officers. That is the qualification to-day in Victoria. In South Australia the qualification is—(a) Occupier of a dwelling-house of £17 rental. (b) Registered proprietor of a Crown lease on which there are improvements to the value of at least £50 above all charges and encumbrances affecting the same. (d) Leasehold estate in possession situate within the State of the clear annual value of £20, the lease having been duly registered and having three years to run at the time of voting, or containing a clause authorising the lessee to become the purchaser. (e) Minister of religion. (f) Head teacher of a school or college residing on premises belonging to the college or school. (g) Postmaster or postmistress residing in building used in connection with post office. (h) Stationmaster residing in premises belonging to Government. (i) Every member of police force in charge of a police station. I think that amendment was made about two or three years ago. The latter conditions are much more liberal than those

in force in this State at the present time. In Tasmania the qualification is—(a) A freehold estate of the annual value of £10. (b) The occupier of property of the annual value of £30. (c) Graduates of British universities, legal and medical practitioners, and naval and military officers. So that the qualification in Victoria and Tasmania is considerably lower than here, and in South Australia it is somewhat lower. Here the qualification for electors for the Council is well known to members. The elector must possess a freehold of the value of £100, which the Bill before us seeks to reduce to £50, and it also seeks to reduce the annual rental value, or annual leasehold to £15. Undoubtedly, since the Constitution Act was enacted the value of a household has decreased very considerably; a tenement for which a person would have had to pay £25 in Perth or on the goldfields some years ago would be obtained for £15 to-day.

Hon. C. Sommers: They are going up.

The COLONIAL SECRETARY: They may be going up this year compared with a few years ago, but I am speaking of some years previously, because this qualification dates back for over 20 years. It is argued by some that every freeholder should have a vote for this House, and I think that is the general trend of thought, of most members, at any rate, for this House, that the qualification should be for the Upper House voter confined to a householder. It would be rather awkward to state in a Bill what the qualification was, because householder would be a very hard term to define. If the qualification is fixed at £15 annual value that will cover every bona fide householder in Western Australia. I am afraid at present that £25 excludes certain bona fide householders. So long as members are satisfied that only householders have a vote for the Upper House they can have no objection to the amendment. If members will look carefully into the matter they will find that by reducing the qualification to £15 it will not bring in any more electors than existed years ago; that is to say, unless a reduction is made to the franchise. In the province I represent there is a considerable number who, if the provision was strictly enforced, would be struck off the roll because the qualifications do not come up to £25, and by decreasing it to £15 I doubt if we shall increase the number of voters any more than if we made the qualification a householder's vote. Hon. members may possibly take the view that by lowering the franchise we are going to abolish the House. I take the opposite view, that by lowering the franchise we shall strengthen the House, we shall make it more popular, we shall get people to take a better interest in it, and everything points to the fact that we shall rather strengthen than weaken this House. I do not think it is necessary for me to say anything further on the Bill as I dealt pretty exhaustively with the subject when introducing the measure last year. An election has taken place in every province in this State since the Bill was before the House previously; all members who have bate at any length. I only wish to say are pledged one way or another on this question. It has been a live question during the past five or six years, therefore members are well acquainted with it. Although this is an important amendment, it is one I do not think necessary to debate at any length. I only wish to say that it requires a statutory majority to pass this Bill. I do not propose to take it to a division to-night; we can have some discussion to-night; any member who is prepared to speak can do so, and then I suggest that the debate be adjourned. Then every member who desires to have an opportunity of attending may do so, so that we may obtain the required majority to pass the second reading. I move—

That the Bill be now read a second time.

On motion by Hon. W. Patrick debate adjourned.

House adjourned at 9.57 p.m.