ADJOURNMENT.

The House adjourned at 9·45 o'clock, until the next day.

Legislative Council,

Thursday, 8th November, 1906.

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

PRAYERS.

BILL—BOAT LICENSING ACT AMENDMENT.

Read a third time, and transmitted to the Legislative Assembly.

BILL—PERTH TOWN HALL (SITE).

THE SUGGESTED AMENDMENT.

The Legislative Assembly having returned the Bill with the amendment suggested by the Council, and not concurring in it, the matter was now farther considered in Committee.

Clause 4—Amendment requested by the Legislative Council, namely: Strike out the words "or any other land approved by a referendum of the ratepayers of the Municipality of Perth," in lines three and four.

THE COLONIAL SECRETARY moved that the Council's amendment be not insisted on. Clause 4 of the Bill, when the measure first came from the Assembly, provided that the Perth municipal council might take a referendum as to whether the Perth ratepayers approved of the terms arranged between the municipal council and the Government, by which the present site of the town hall and the police court buildings were to be exchanged for the Government block in Irwin Street and £22,000; or, or as an alternative, whether the ratepayers approved of some other site for a town hall. This House suggested to the Assembly that Clause 4 should be amended so that the Perth ratepayers might be able to say whether they approved of the bagain or not. If this House did not insist on its suggested amendment, it would be possible for the municipal council to take a referendum of ratepayers on the wider question as to exchanging the present town hall site and police buildings for some other block in the city. Any other exchange than that contained in the Bill would have to receive the approval of the Government and be included in a special measure authorising it, because the town hall site was originally granted only for the purposes of a town hall; therefore before it could be sold for other purposes, it would be necessary to obtain the approval of the Government and there would have to be an Act of Parliament passed.

HON. W. MALEY resented the publication of any reference to this House having acted under the direction of the City Council. It was stated in a newspaper that this Chamber had made the amendment practically in obedience to the request of the City Council. He denied the imputation. He as a member was not influenced in that direction, nor had he heard any such suggestion coming from the City Council. Whether the idea that we had obeyed the City Council did influence another place in disagreeing to the suggested amendment, he did not know. As to the question before the Committee, no fresh grounds had been put forward to warrant this House in altering its decision, and until some satisfactory explanation was given as to the statement in regard to this Chamber, he would not agree to the motion.

HON. G. RANDELL hoped the Committee would not agree to the motion. The amendment was made on the proposal of the Colonial Secretary, and members understood he had the Government at his back. Some remarks appeared in a newspaper as emanating from the

Premier, to the effect that the City Council did not seem to know their own mind. There was a general concensus of opinion that it was desirable to confine the issued to one block of land, and it seemed most desirable to confine the measure to the one site. To have more than one site would prejudicially affect the referendum, for it would confuse the issue by having three or four sites, and we could not expect a satisfactory result from such a referendum. One site might secure a larger number of votes than another, but it was not likely to have a majority of votes. We should adhere to the amendment as suggested. If it had been made on the motion of a private member, he might not have cared so much; but when we were asked to do this by the representative of the Government, and the amendment having commended itself to the judgment of members, we should insist on the amendment.

HON. J. W. HACKETT: Although not in the Chamber when the vote was taken on the suggested amendment, if he had been he would have voted contrary to Mr. Randell, and in accordance with this new proposal of the Government, for the reason that the object of the Bill was to ascertain what was the wish of the ratepayers of Perth; whether they were prepared to have the town hall site moved, and what site the general body of opinion favoured. If we left one site in, human nature being what it was we might practically assert there would be no majority in favour of that site. If one site was put before the citizens, everyone who favoured other sites would vote against the specified site. We wanted to find out what each ratepayer's individual choice was, and presuming each ratepayer could not get the choice he desired, what other site he favoured. The vote should be taken by a preferential ballot, ratepayers indicating their choice to numbers 1, 2, or 3 sites. The site the ratepayer thought best should be voted first, the next site second, and the third site last; in that way we should find what was the feeling of the ratepayers; but to have a single site placed before the ratepayers was tantamount to expecting that the site would not be accepted. The Irwin Street site might not obtain a majority of No. 1 votes, but it might receive a majority of No. 2 votes and be accepted. As far as the strictures passed on the City Council were concerned, it seemed the council were doing their duty in following as far as they could the behests of their constituents, and if they were not clear on the matter at first we could hardly blame them for altering their decision. He was practically assured that if the Bill were passed without an alternative site, nothing would be done. There would be a majority against the Irwin Street site, and the whole thing would fall to the ground. We did not wish that to be the case. The town hall was an unsightly building, and although in a sense the site was all that might be desired, we wanted quite double the area for the municipal buildings in the near future. Therefore on the ground that this was the best way of ascertaining the views of the ratepayers he would vote in favour of the motion.

HON. R. F. SHOLL entirely disagreed with the opinion expressed by Dr. Hackett, and hoped the House would insist on its amendment. The object of not having more than one site was to prevent a site being selected which would not obtain the approval of the majority of the ratepayers owing to splits in the voting. The present site was quite good enough, and the municipality ought not to part with it. If we allowed a lot of sites to be put forward it was almost certain we should find the town hall stuck away down in Wellington Square or somewhere at the back of Perth. [HON. J. W. HACKETT: Oh no.] If there were a clear-cut issue as between the present site and the Irwin Street site no doubt the whole of the ratepayers would have to vote whether they were in favour of one site or the other. He would be unable to support the motion.

HON. J. W. LANGSFORD: When the matter first came before the public it was restricted to one site, the Irwin Street site, and the fact that the Irwin Street site was mentioned in a Bill which might become an Act seemed to give it a start over any other site. If we were to have a referendum on a number of sites, which we ought to have, all ought to start fairly and without any particular site having the patronage of a Bill or Act. If the preferential vote as suggested by Dr. Hackett was to be adopted, that was all

right, but the Bill went on to say that the referendum should be taken on the mayor's roll. There was nothing about any preferential scheme of voting being adopted. If the hon. member would introduce something of that kind and mention other sites available which could go into this measure, probably he (Mr. Langsford) would be found supporting it; but until that was done he was inclined to maintain the position we took up on a previous occasion.

THE COLONIAL SECRETARY did not quite follow Mr. Maley in his reference to the City Council influencing this House. The position briefly was this. This Bill was brought in partly at the request of the City Council. Then later on it was thought by the City Council that it would be better to confine the referendum to one particular site, and at their request those words were struck out. When the Bill went back to another place the Assembly did not agree to the suggested amendment because (to quote the reason given) "the largest possible choice should be offered to the citizens of Perth when selecting a site for a proposed town hall." Mr. Langsford now said it would be unfair to have a vote on other sites because the Irwin Street site had the patronage of this Bill. But Irwin Street need not have been mentioned in the Bill, had the Bill been only for the purpose of a referendum of the ratepayers. The Bill was introduced more particularly for empowering the Governor to transfer the Irwin Street site to the City Council, together with £22,000. The words "or any other land approved by a referendum of the ratepayers of the municipality of Perth" would cover other sites; so he did not see where the Irwin Street site would get the start of any other site. He had moved the suggested amendment at the request of the mayor and councillors; but the Legislative Assembly thought it better that there should be a wide choice, and he himself was inclined to think it would be better to let the referendum be taken on a number of sites, if so desired.

HON. S. J. HAYNES: The proposal of the Government was to pay £22,000 and to hand over the Irwin Street site. If any other site was to be dealt with, he did not see how it could come under the Bill. Supposing they offered a site worth double the Irwin Street site, were they still going to give £22,000 in addition to the site? The amendment should be insisted on.

Question put and negatived, the Council thus insisting on its suggested amendment.

Resolution reported, and the report adopted.

Reasons for insisting on the suggested amendment were drawn up and adopted, and a message accordingly returned to the Assembly.

BILL—MUNICIPAL CORPORATIONS.

IN COMMITTEE.

Resumed from the previous sitting.

Clause 11—Power of Governor to constitute Municipalities:

HON. W. MALEY had moved an amendment that the words "Seven hundred and fifty," in line 4 of Subclause 1, be struck out, and "five hundred" be inserted in lieu.

THE COLONIAL SECRETARY: The hon. member should advance reasons for the amendment.

HON. W. MALEY: Under the principal Act a town must have a minimum income of £300 before it could be proclaimed a municipality. Now it was proposed to increase the amount to £750, but no valid reason was advanced by the Minister for the increase.

THE COLONIAL SECRETARY: The reasons were given on the second reading.

HON. W. MALEY: The Minister had shown that no request would be entertained by the Government for the formation of a municipality with an area of less than ten square miles, which was about the size of Perth; but in country districts an income of £750 could not be obtained from such an area. In order to prevent centralisation as far as possible, it would be wise to give to all rising centres local governing powers somewhat similar to what were given in the metropolis. So far as could be seen, the municipalities formed in the State had worked satisfactorily. Any turmoil created had apparently been created by the Government itself. This Bill was to allay the irritation caused by the actions of Governments. People were perfectly satisfied with the old Act. The Government were

justified in refusing grants to municipalities, but they were not justified in refusing to any centre the right of local government. By all means we should encourage the formation of municipalities in towns; but many towns were limited in area and could only raise a certain rate. There was certainly no excuse for this sudden jump from £300 to £750. Of course, he recognised that £300 on a shilling rate was equal to £450 on a rate of 1s. 6d.; but there was still a considerable difference between £450 and £750, and we should not force the citizens of towns anxious to become municipalities to pay high rates in order to secure the local governing powers they desired. The necessity for the amendment was so apparent that he had not thought it needful to occupy the time of the House in advancing reasons.

HON. E. M. CLARKE: The minimum of £750 was too high. He knew of a locality which desired to be created a municipality, but was debarred because of the £300 minimum.

HON. R. F. SHOLL: Then they should not ask to be formed into a municipality.

HON. E. M. CLARKE: The people in that locality were anxious to improve their property; they were not satisfied with the control of the roads board in whose district they were situated.

HON. R. F. SHOLL: The Government were making a move in the right direction. This should have been done years ago. He believed the object sought in people in small centres wishing to create municipalities was to obtain subsidies from the Government. At present he knew of twopenny-halfpenny sandpatches that had been created municipalities and had the high-sounding dignitaries of mayor and councillors, but had hardly any streets and collected hardly any rates. It seemed farcical. The Government should go farther and wipe out some of these municipalities. This clause should be made retrospective. It should be insisted on that all municipalities should have a minimum revenue of £750. Cottesloe was an instance of a district that was not formed into a municipality. There there were splendid streets, valuable building sites, and magnificent houses, and the people were not anxious to become a municipality because they got on very well with a road board. Cottesloe could be formed into a municipality, but they were satisfied to go on as they were. There was a strong desire, however, where a few houses were put up outside an existing municipality, to be formed into a new municipality in order to get the Government subsidy. He was pleased that the Government now realised that the time had come when no town should be created a municipality unless it could show that it could raise £750 by a rate.

THE COLONIAL SECRETARY: Mr. Maley could not have realised that the minimum of £300 was based on a shilling rate, while the minimum of £750 was based on a rate of 1s. 6d.

HON. W. MALEY: Yes; he had endeavoured to explain that.

THE COLONIAL SECRETARY: Then it was strange the hon. member should term it a sudden jump. Practically the rise, based on a shilling rate, was from £300 to £500. The town that could not raise £500 on a shilling rate was not worthy of being a municipality; practically the whole of the income would be swallowed up in salaries. This was a move in the right direction, and if it was desired to amend the clause by increasing the minimum to £1,000 he would feel inclined to accept the suggestion; but we should not consent to any reduction.

HON. W. MALEY: This Bill was to deal with all classes of municipalities, in all parts of this great State, with very divergent interests, and none identical. Mr. Sholl had referred to Cottesloe, but Cottesloe came cap-in-hand to the Government on every possible occasion for special grants. The only road in Cottesloe that was of really great public benefit was the main road; but for the construction and maintenance of that road Cottesloe had received great assistance from the Government. If the Government would treat the municipalities in whose interests he was arguing in the same way as Cottesloe had been treated, these smaller municipalities would be able to show Cottesloe an example. Justice should be done to the producers. They should be allowed all the pleasures that municipalities could give, but no difficulties should be placed in their way, nor should they be thwarted. If the Government were called on for big demands, let the Government lock up the

Treasury; but treat municipalities in a deserving manner, though not in a lavish way.

HON. V. HAMERSLEY: This looked an innocent clause, and did not necessarily mean that a municipality should raise £750, but that it should be capable of yielding an annual rate equal to £750. It was material therefore what the municipality was raising. He suggested that Mr. Maley withdraw his amendment.

HON. C. E. DEMPSTER: Small towns should not be allowed to become municipalities until they were able to raise sufficient money to do the work required. Many municipalities would raise only sufficient to pay their officers' salaries, and little or nothing would be done in the localities.

Amendment negatived; the clause passed.

Clauses 12, 13, 14—agreed to.

Clause 15—Effect of union on council:

HON. G. RANDELL: It seemed strange that the mayor of a municipality joining another municipality, if there was a smaller number of ratepayers in that municipality, should go out, but that the councillors should remain in. It was in the air that North Perth and Leederville had opened negotiations with the city of Perth, with a view of amalgamating. Leederville had 12 councillors, and North Perth nine; there would be 21 councillors, which would mean 21 members against 15 in the city council.

THE COLONIAL SECRETARY: They only held office until the next annual election.

HON. G. RANDELL: Difficulties would arise if action were taken under the clause.

HON. W. T. LOTON: The proviso would get over the difficulty pointed out by Mr. Randell. Take the instance of North Perth and Leederville joining Perth and bringing in one mayor and 20 councillors, if the Governor made the order that the mayors and councillors should retire, that would mean the mayors and councillors of North Perth and Leederville.

HON. J. W. LANGSFORD: In allowing the mayoral office to go to the municipality with the larger population, we departed from the principle in the Bill. The mayor was elected according to the unimproved value or the rateable value. It was possible with two municipalities joining that one might have a large population, but the other might have a higher rateable value, an improved value, and according to the tenor of the Bill the mayor of that municipality should be mayor of the amalgamated municipality. The clauses seemed to have been rather clumsily drawn.

HON. W. T. LOTON: Although there was a provision that the Government might order the mayor and councillors of the municipality joining to go out of office on a day appointed, there was no provision as to what the number of new councillors should be.

THE COLONIAL SECRETARY: That would be governed by the rateable value.

HON. J. W. HACKETT: What would become of the surplus mayor?

THE COLONIAL SECRETARY: He would become a private citizen. The clause was all right as printed. It provided that the mayor of the smaller municipality in point of population should go out of office and that the mayor of the larger municipality should be the mayor of the combined municipality until the next election. In the instance given of Leederville and Perth, if we made it a rule that the councillors of the greater municipality should be the councillors of the united municipality, in that case an injustice was done to the smaller municipality. It would be hard to lay down on what basis the councillors from the combined municipality should be elected to give them fair representation. There was fair representation if all the councillors were allowed to sit, but it would not be for many months, only until the annual election took place. Presumably if there were a particular case where the council was too big or unwieldy, or some other reason existed, the Governor would exercise the powers given in the last part of the clause by dissolving the municipality and having a fresh election. The clause appeared a little faulty, but he did not think it would be possible to draw a clause providing for all cases.

HON. G. RANDELL: Perhaps some things in the Act from which the pro-

vision was taken, and which would make this workable, had been omitted.

THE COLONIAL SECRETARY: It was taken from the Victorian Act.

HON. G. RANDELL: The provision would not be workable as it stood. At Leederville, which he presumed would be divided into four wards, they would get 12 councillors, and North Perth, which had three wards, would get nine councillors, these two figures together making a total of 21 councillors, which they would have if they joined the Perth municipality. He did not see any arrangement by which the number of members of the Perth City Council could be increased to counterbalance the introduction of a new and large outside element into the council.

THE COLONIAL SECRETARY: That would be a case in which the Governor could exercise his power.

HON. G. RANDELL did not think that the Governor could exercise his power in a case of that kind. The Governor had the power to sanction the creation of new wards. Presumably that would be the *modus operandi*. Supposing the two municipalities referred to became connected with the Perth municipality, there would probably be a redivision; the area would be redivided into wards, and a fair proportion given to the city of Perth. Clause 10 said that a municipality which had over 5,000 inhabitants was to have a certain number of councillors, but it did not go on to say that a municipality with 10,000 should have a larger number, and one with 20,000 a still greater number. He believed the clause was unworkable. He did not think any difficulty would arise, because under the circumstances no effort would be made to join municipalities; but farther consideration of the Bill was required in respect to representation.

Clause put and passed.

Clause 16—agreed to.

Clause 17—Powers in event of severance:

HON. F. CONNOR: Would Subclause 3 disfranchise a certain number of people who now had a right to vote?

HON. G. RANDELL: This was a case relating to the severance of portion of a municipal district.

HON. F. CONNOR: It seemed that people would be disfranchised.

THE COLONIAL SECRETARY: They would have representation elsewhere.

HON. J. W. LANGSFORD: The number of councillors would be reduced in proportion to the reduction in the number of wards.

Clause put and passed.

Clause 18—agreed to.

Clause 19—How annexation of new wards affects the council:

HON. G. RANDELL: If members would look at the clause they would see how peculiarly it was worded. It seemed from the construction of the sentence that if there were three wards and three councillors for each ward, those wards would be entitled to elect nine councillors. If the Colonial Secretary did not see his way to amend the clause now, the hon. gentleman might refer to it later on.

THE COLONIAL SECRETARY would make a note and have the clause reconsidered.

Clause put and passed.

Clauses 20 to 37—agreed to.

Clause 38—Oath of allegiance and declaration to be made and subscribed:

HON. G. RANDELL did not notice that there was any place mentioned for the purpose referred to.

THE COLONIAL SECRELARY would make a note of it.

Clause put and passed.

Clauses 39 to 45—agreed to.

Clause 46—Power to resign—passed after some remarks.

Clause 47—Qualification of electors:

THE COLONIAL SECRETARY moved an amendment—

That after the word "district" in paragraph (*b*) the following be inserted: "in respect of which all rates made for the current financial year, including health rates, are paid not later than the first day of October next following."

Under the clause as it stood a ratepayer, whether he had paid his rates or not, had his name still on the roll, but he could not vote unless his rates were paid before a certain date. It did not seem a

good provision that the name of a ratepayer should be on the roll, and that when he went to vote the returning officer should say to him, "You cannot vote, because you have not paid your rates."

HON. J. W. HACKETT: Would there be a second roll?

THE COLONIAL SECRETARY: No.

HON. J. W. HACKETT: Then we should be going against the Electoral Act.

THE COLONIAL SECRETARY: No. He knew the municipal rolls were used for compiling parliamentary rolls. He thought that Section 34 of the Act provided for what was referred to, and that persons who had not paid their rates would still have the right to vote at parliamentary elections.

HON. J. W. HACKETT: Did the electoral officer receive these lists regularly?

THE COLONIAL SECRETARY: The Colonial Secretary did not control the electoral office. Apparently the lists were not regularly received.

HON. R. F. SHOLL protested that after the Bill had passed in another Chamber and been read a second time here, a long list of amendments, covering nearly two and a-half pages of the Notice Paper, were tabled by the Government who framed the measure. We should drop the Bill and let the Government bring in another, or send it back to the Assembly for consideration. As to this first amendment, the roll had to be made up to the 1st September, and if rates were not paid by the 1st October the voter was struck off. But if tenants agreed to pay the rates and the landlord paid the rates on those dwellings, he would be struck off if the tenants defaulted.

THE COLONIAL SECRETARY: No. Each property was dealt with separately.

HON. W. T. LOTON: Better move that the owner as well as the occupier have a vote.

HON. R. F. SHOLL would do that later.

HON. J. W. LANGSFORD: The amendment was insufficient. Under the Bill everyone could be enrolled whether or not rates were paid. By the amendment all could vote who had paid rates for the current year, even if previous years' rates were outstanding. He moved an amendment on the amendment—

That the words "made for the current financial year" be struck out.

THE COLONIAL SECRETARY: It was unlikely that the owner would pay the current year's rates without paying the arrears. Would any council accept such payment as for the current year? If we passed Mr. Langsford's amendment, the incoming tenant might pay his own rates and be disfranchised because the former tenant had left some rates unpaid.

HON. R. F. SHOLL: Why should there be any arrears? The council's duty was to see that rates were paid. The property was responsible for the rates, and if the old tenant did not pay the succeeding tenant or the owner was liable. But the owner would have to pay rates due to date in order to let the premises. If rates were over a twelvemonth in arrear, surely the council would not accept a sum as payment of rates for the current year, leaving arrears outstanding.

HON. E. M. CLARKE: Having been eighteen years councillor and seven years mayor, he knew the clause was admirable as it stood. It was the duty of the council to see that every ratepayer had a vote and paid his rates. Many names were struck off the rolls out of childish spite. The willing man paid his rates promptly, without discount; and the council which had not the moral courage to enforce payment worked on such rates, the only penalty for nonpayment being the omission of names from the roll. The omissions were not always consistent. A regular ratepayer for years found himself suddenly struck off for not having paid the second moiety. All these tiddliwinking amendments should be struck out, and the clause left as printed. Men who lacked the courage to enforce the payment of rates had no right to sit as councillors.

HON. J. W. HACKETT: Were the amendments of the Municipal Association adopted *pro formâ* in another place, or were they considered?

THE COLONIAL SECRETARY: They were considered, and all were not adopted. The Bill was introduced in the Assembly early in the session so that it could be printed and available for the municipal conference. After considering

the Bill the conference suggested a number of amendments, and immediately after the second reading was passed in the Assembly the Bill was committed *pro formâ*, and such of the amendments suggested by the conference as the Government considered should be inserted in the Bill were inserted, and the Bill reprinted and reconsidered on recommittal in the Assembly. The amendments now on the Notice Paper were only consequential on amendments effected to the Bill in another place. There were no great alterations. Certain new clauses were proposed which he would explain later on.

HON. R. F. SHOLL: The amendment suggested by the Minister should be rejected. It should be left to the municipalities to do their duty and collect the rates. To refuse a defaulting ratepayer the right to vote was a rather wishy-washy kind of treatment.

HON. W. T. LOTON: In a small municipal district where everybody was pretty well-off, like that referred to by Mr. Clarke, there was no difficulty in collecting the rates; but in Perth and Fremantle there was difficulty in getting in the rates. It was by such a provision as was now suggested in the amendment that rates were got in at all reasonably.

HON. R. F. SHOLL: We should provide that if the rates were not paid within a certain time the council must sue for them.

HON. C. SOMMERS: It was well known that the fact that if rates were not paid the vote was lost had a good effect in getting in the rates. He supported the amendment.

THE COLONIAL SECRETARY: It would be necessary when dealing with Clause 81 to strike out Subclause 4, providing that the list of ratepayers entitled to vote should be made up in full. It should be confined only to those who had paid their rates.

HON. E. M. CLARKE: If persons could find the money to pay rates in order to get their names on the roll, they would find the money to pay the rates if they knew that the council would stand no nonsense. With regard to the municipality which Mr. Loton described as consisting of people well-off financially, it was a fact that on one occasion there was £700 owing for rates. The money would be got in if the councils insisted on getting payment.

HON. J. W. LANGSFORD: The present Act provided that all the rates should be paid before names could go on the roll. Therefore the amendment he had suggested might be adopted.

Amendment on the amendment put and negatived.

Amendment (Colonial Secretary's) put, and a division taken with the following result:—

Ayes	...	...	12
Noes	...	...	4
Majority for	...	...	8

AYES.	NOES.
Hon. H. Briggs	Hon. E. M. Clarke
Hon. J. D. Connolly	Hon. R. F. Sholl
Hon. C. E. Dempster	Hon. J. W. Wright
Hon. J. W. Hackett	Hon. F. Connor (*Teller*).
Hon. V. Hamersley	
Hon. S. J. Haynes	
Hon. W. T. Loton	
Hon. R. D. McKenzie	
Hon. C. A. Piesse	
Hon. G. Randell	
Hon. C. Sommers	
Hon. J. W. Langsford (*Teller*).	

Amendment thus passed.

HON. R. F. SHOLL moved an amendment—

That the word "not" be struck out of the paragraph, "Provided that the owner and occupier shall not be separately registered as electors in respect of the same rateable land."

If the amendment were carried it would be necessary to strike out the following paragraph. It was inconsistent to provide in one clause that joint owners could be separately registered for one property, and to provide in this clause that the tenant and owner could not be separately registered for votes. If a man improved his land and let a tenement to a tenant, both the owner and the tenant should be entitled to vote in respect to that property. It was often unjust to give the tenant the vote, because before the election came on the tenant might have removed to another property. Who was responsible for the rates? Both the owner and tenant were liable, but if the council sued they sued the owner. If there happened to be arrears of rates owing by an outgoing tenant the incoming tenant was liable, but of course the liability ultimately fell upon the owner.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

THE COLONIAL SECRETARY had some sympathy with the object of the amendment, namely that the owner as well as the tenant should have a vote; but it would be a great mistake to interfere with the Bill in this way, and he did not know that the hon. member would achieve his object by striking out the word "not." It had been provided throughout the Bill that this system should prevail, and it would be better to have the necessary amendment properly drafted. If the hon. member would do that, these clauses could be recommitted, so that it should be seen first whether the Committee was agreeable to alter the principle of the Bill and insert the principle advocated by the hon. member.

HON R. F. SHOLL: This was the only place in the Bill in which it appeared as far as he could see. Could the Colonial Secretary tell us where else it appeared?

THE COLONIAL SECRETARY: No.

HON. J. W. LANGSFORD: If the word "not" were struck out it would alter the whole principle of municipal government. He did not know of any Municipal Act which provided for a new vote in connection with the ordinary voting for mayor and councillors. It proceeded on the assumption that a yearly rate was struck on the premises, and the tenant was liable to pay the rate.

HON. R. F. SHOLL: It was not so.

HON. J. W. LANGSFORD: The tenant was liable for the rate. At all events that was the principle.

HON. G. RANDELL: Liable in the first instance.

HON. J. W. LANGSFORD: Yes. That was the principle upon which we had gone up to the present, that the tenant was liable for the rates; and if the rates were unpaid the tenant's effects, his furniture etcetera, might be distrained on. This Bill would give the owner a vote in regard to any loan proposals: that was an improvement. Previously tenants had the vote, but this Bill took it from them and gave it to the owner. He knew something about the municipal law of some of the other States, but he did not know of a single State where the dual vote was given in regard to voting for the mayor and councillors. The amendment had some elements to commend it to the Committee, but farther consideration was needed before he would be prepared to cast his vote with the hon. member in that respect.

HON. G. RANDELL: It was not correct to say there were no dual votes under our municipal government. If one held a block of land in the west ward and lived in the south, and that land was unoccupied, he could claim a vote.

THE COLONIAL SECRETARY: That would not be two votes for the same block.

HON. J. W. LANGSFORD had meant two votes for the same block.

HON. R. F. SHOLL: Let the hon. member look at Clause 48.

HON. G. RANDELL: Whilst in sympathy with the amendment he did not see how it was possible to carry it into effect. He had endeavoured to find a way to fix up a clause to carry out what was wished. It would be wrong for the owner of a block of ten houses to have a vote for each of them.

HON. R. F. SHOLL: He would have a vote for the property, not for the houses.

HON. G. RANDELL: But they were all rated as separate tenements, and if the owner could claim one vote he could claim ten. It seemed that the owner of property in another ward should be able to vote, but the difficulty would arise as to where to draw the line. One would be glad if he could draw a clause which would meet with the approval of the Committee, but he was sure he could not do so. It would not in his opinion be possible. By striking out the word "not" we should alter the whole principle of the Bill. Mr. Langsford said the tenant was responsible for the rate. He (Mr. Randell) thought that in some instances the landlord paid the rate, and that in fact it was not safe to allow the tenant to do so. Years ago it was the man who paid the rates who got the vote, whether he was tenant or owner. [HON. J. W. WRIGHT: So it should be.] That law had been altered. It was the right of every man to have a vote where he held property in the State. We had cumulative votes in regard to voting for mayor, which was not quite to his liking, but he did not know how to alter the system. To strike out the word "not" would be to alter the principle which had

prevailed for 10 or 11 years, and he was not prepared to go back so far as that.

HON. R. F. SHOLL: This privilege was not valued by him to a great extent, but he wished to point out the inconsistency. Under a subsequent clause joint owners of unimproved vacant land would have two votes for it, but if they spent £4,000 or £5,000 in erecting buildings on it they would lose those votes and the tenants would have them. If a man was entitled to a vote because he owned vacant land, one did not see why the owner should not retain the vote if he erected buildings on it, and why the tenant should not have a vote too. As far as this Bill was concerned there was nothing to prevent any tenant from leaving a house in a particular locality, and, after the roll was made up, voting in respect of that property. There was no check, and yet that property might be occupied by another tenant who had not had an opportunity of being placed on the roll. The clause did not go far enough. He must join issue with those who said the amendment interfered with the principle of the Bill. It was only a minor detail, the question of voting.

THE COLONIAL SECRETARY: Striking out the word would make the Bill unworkable, unless every clause affected were amended. The Bill was an advance in the direction the hon. member desired. None but owners could vote on a loan proposal, and two owners could vote for a large vacant block. This clause made the tenant responsible for rates, but the amendment would leave him responsible while depriving him of a vote. Let the hon. member draft a clause, and move it on recommittal.

HON. E. M. CLARKE: The amendment was impracticable. Every owner already possessed of four votes could, if the amendment passed, improve additional vacant land and gain four votes for each block so improved. Landlords could thus outvote tenants.

HON. R. F. SHOLL: One would think the previous speaker knew nothing of municipalities. The maximum number of votes was four, if the voter owned half of Perth. Even in wards, the owner was entitled to a vote for the land only. In a terrace of houses each tenant had a vote.

HON. C. SOMMERS: The owner of a property should have a vote in respect of it. The owner had now a vote for each ward in which he held unimproved land; yet if he improved the land he was disfranchised. The Government should draft a clause, before recommittal.

HON. J. W. HACKETT: It would not be agreed to elsewhere.

HON. C. SOMMERS: We need not consider that.

Amendment put and negatived.

HON. J. W. HACKETT: For the proper constitution of the Legislative Council roll, it was essential that a list be preserved by each municipality and sent to the electoral office, of all names of ratepayers, whether or not the rates were paid. He regretted to learn to-night that the law was not strictly obeyed. Would the Government see that the lists were regularly supplied? There was nothing in the Bill to compel the furnishing of any list, save of those entitled to vote.

THE COLONIAL SECRETARY: Nor was there anything in the parent Act; but Section 34 of the Electoral Act provided that the names of all municipal and roads-board ratepayers, whether or not they had paid, should be furnished. The importance of the section was recognised, and it would not be omitted from the new Electoral Bill which the Government hoped to introduce early next session. The section was defective in that an owner who ceased to be a ratepayer was omitted from the list, though he had a right to vote for this House.

HON. R. F. SHOLL: If a ratepayer who had lost his qualification voted notwithstanding, there was nothing in the Bill to penalise him. True a question might be asked him by the returning officer, but everyone could not be questioned.

HON. J. W. LANGSFORD: The clause needed explanation. It dealt with the electoral roll, while Clause 50 mentioned the electoral list. There was no mandate as to whose names should appear on the list. Provision was made for compiling

the electoral roll, but no provision was made for compiling the electoral list. A provision to that effect should be inserted. The list was to be prepared by the 20th September, but the roll was not prepared until after that, and if a person paid all rates to the 1st of October, he was entitled to go on the electoral roll. If members thought the schedule governed those who were to go on the roll, it was all right, but he did not think it was so. The electoral list should be the basis on which the electoral revision court should work, and the result of their work should be the electoral roll.

Clause as amended put and passed.

Clauses 48, 49—agreed to.

Clause 50—Electoral lists:

HON. J. W. LANGSFORD: The old Act provided that on or before the 20th September the town clerk should make out a list, to be called the voters' list, of the names of all person entitled to have their names inserted on the ward electoral list. Some provision of that kind should be made in the Bill. He moved—

That the clause be postponed.

THE COLONIAL SECRETARY: There was no necessity to add any words, as the clause seemed clear enough. The fourth schedule set out who was to go on the roll. He had made a note, and if there was an omission in the clause he would have it recommitted.

Motion passed, the clause postponed.

Clause 51—agreed to.

Clause 52—Lists to be published of persons claiming and of persons objected to:

THE COLONIAL SECRETARY moved an amendment—

That in line one the word "mayor" be struck out and "town clerk" inserted.

This was substituting the town clerk for the mayor as the person who should cause the list to be prepared.

Amendment passed; the clause as amended agreed to.

Clauses 53 to 57—agreed to.

Clause 58—(Hearing of claims and objections and corrections of lists) was amended by inserting the following as Subclause (7):—"The court shall expunge from the list the names of all owners and occupiers of rateable land in respect of which the rates made for the current financial year, including health rates, have not been paid on or before the first day of October then instant." Also amended consequentially.

Clause as amended agreed to.

Clauses 59 to 80—agreed to.

Clause 81—Mayor and councillors, by whom elected:

HON. G. RANDELL: The principle of the clause was new, and affected the rating clauses. A great disparity existed between the annual value and the capital unimproved values.

THE COLONIAL SECRETARY agreed that the principle was new. He moved—

That the clause be postponed until after the consideration of postponed Clause 50.

Motion passed, the clause postponed.

Clauses 82 to 90—agreed to.

Clause 91—Proceedings at nomination:

THE COLONIAL SECRETARY moved an amendment——

That the words "extraordinary vacancy shall be deemed to have occurred," in lines 24 and 25, be struck out, and "any vacancy not filled up shall be deemed an extraordinary vacancy," be inserted in lieu.

The Parliamentary Draftsman considered the intention was not very clearly expressed by the clause as printed.

Amendment passed; the clause as amended agreed to.

Clause 99 (Manner of taking poll)—amended consequentially.

Clauses 100 to 105—agreed to.

Clause 106—Voting in absence:

HON. G. RANDELL moved an amendment—

That the words "for leave" in the last line of Subclause 1 be struck out.

An elector should not be required to ask

for leave to vote, seeing he had a right to vote.

Amendment passed; the clause as amended agreed to.

Clause 107—(Ascertainment of the poll) amended consequentially.

Clauses 108 to 114—agreed to.

Clause 115—(Provision on failure to hold election), amended verbally, inserting the words "one hundred and eleven" after "section," in line 1.

Clause 116—Election not to be questioned for defect of title:

HON. G. RANDELL: The clause was not clear. Why provide against defect of title in the person conducting an election, and add the qualification, "if such person shall have acted at such election?"

THE COLONIAL SECRETARY: The words seemed unnecessary, but they were taken from the old Act.

Clause passed.

Clause 117—agreed to.

Clause 118—Application of moneys deposited on nomination:

HON. J. W. LANGSFORD: This clause provided that the returning officer could defray the necessary election expenses out of the forfeited deposits of unsuccessful candidates. The next clause provided that all reasonable expenses incurred by the returning officer could be paid out of the municipal funds. There should not be two methods of paying the election expenses. The forfeited deposits were paid into the municipal funds.

THE COLONIAL SECRETARY: That matter would be considered.

Clause passed.

Clauses 119 to 125—agreed to.

Clause 126—Illegal practices:

THE COLONIAL SECRETARY moved an amendment—

That in paragraph (*a*) the words "and on the face of the notice the name and address of the person authorising the notice" be struck out.

This was to make the law uniform with the Commonwealth electoral law.

HON. J. W. LANGSFORD: It was necessary to retain the provision that election notices should bear the names of the persons authorising them.

THE COLONIAL SECRETARY: The clause would still retain that provision.

Amendment passed; the clause as amended agreed to.

Clauses 127 to 146—agreed to.

Clause 147—Collector of rates to pay over moneys and make returns:

HON. J. W. LANGSFORD moved an amendment—

That in Subclause 3 the words "after deducting the sums paid away by him in giving change but without any other deduction" be struck out.

It should be sufficient to provide that the officer should pay over all moneys received by him.

THE COLONIAL SECRETARY: It was necessary to retain these words, so that by a technical fault, perhaps in changing a bank note, the rate collector would not be prosecuted for misappropriation of money.

HON. G. RANDELL: The words were in the old Act. The amendment was not necessary.

Amendment withdrawn; the clause passed.

Clauses 148 to 166—agreed to.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 8·47 o'clock, until the next Tuesday.