the general advancement of the State. We regret very much that the State has lost another of its pioneers. On behalf of the members on this side of the House I desire, with great regret, to second the motion.

The MINISTER FOR LANDS (Hon. J. Mitchell): I, too, would like to say a word in respect to this motion. I agree with the remarks made by the Premier. Probably I knew the late Hon. George Throssell more intimately than anyone else in the House, and for the last 20 years I have been closely associated with him in Northam. Northam, it might be said, largely owes its existence to Mr. Throssell. He did very much to develop the town in which he lived, and he did much as a private citizen to help forward the district at large. There are many people who will long remember him as the man who gave them their start in life. It has been truly said by Emerson—

> If a man write a better book, preach a better sermon, or make a better basket than his neighbour, though he build his house in the wood, the world will make a beaten path to his door.

I think I may say that Mr. Throssell's relatives will have the satisfaction of knowing that a well-beaten path was made to his door.

Question passed; members standing.

The PREMIER: With the object of giving members an opportunity of paying the last sad tribute of respect to our departed Parliamentary colleague, I beg to move—

That the House at its rising adjourn to Thursday next at 4.30 p.m.

A special train will leave Perth at 10.30 o'clock to-morrow morning to allow hon. members an opportunity of attending the funeral. It will return from Northam at six o'clock in the evening, arriving at nine o'clock.

Mr. SCADDAN: I second the motion.

Question passed.

House adjourned at 4.40 p.m.

Legislative Assembly.

Thursday, 1st September, 1910.

	PAGE
Address-in-Reply, presentation	550
Privilege: Summonses served on Members, Report of Committee	550
Papers presented	552
Questions: Perth Tramway Trouble	552
Secondary School Scholarships, Regulations	553
Railway Second-class Passenger Receipts	553
Meter Rents, Metropolitan Districts	553
Fishing Licenses	553
Personal Explanation	552
Leave of Absence	554
Bills: General Loan and Inscribed Stock, 2R.	554
Agricultural Bank Act Amendment, 2R.	556
Roads, 2R.	560
Licensing, Com.	570

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

ADDRESS-IN-REPLY—PRESENTATION.

Mr. SPEAKER reported that he had received the following reply from His Excellency the Governor:

Mr. Speaker and Gentlemen of the Legislative Assembly.—

I thank you for your Address-in-Reply to the Speech with which I opened Parliament, and for your assurance of continued loyalty and devotion to the Person and Throne of our Most Gracious Sovereign King George the Fifth.

I am confident that the careful consideration you will give to all matters that may be submitted to you will result in the permanent advancement and prosperity of Western Australia.

G. Strickland.
Governor.

26th August, 1910.

PRIVILEGE — SUMMONSES SERVED ON MEMBERS.

Report of Committee.

Mr. SPEAKER: As chairman I present the report of the Standing Orders Committee on the breach of privilege committed by the service of summonses on members of Parliament within the precincts of the House. It is as follows:—

The committee after examining and taking the evidence of the constables

concerned in the service of the summonses on Mr. Troy and Mr. O'Loghlen have the honour to report that the service of such summonses within the precincts of the House whilst the House was sitting, without leave of the House being first obtained, was a breach of the privileges of the House; but the committee do not recommend the interposition of the House in any proceedings against the constables who made the service, as they are satisfied that no violation of the privileges of the House was intended and that the service was effected by them in ignorance of any such privilege. Signed, T. Quinlan, chairman of the committee.

On motion by Mr. Daglish, report received.

Mr. DAGLISH (Subiaco) moved—.

That the report be adopted.

He said: I believe there has been some misapprehension in the minds, at all events, of a certain portion of the public in regard to the exact nature of the privilege which hon. members of this House claim for themselves. It has been assumed and, of course, wrongfully assumed that the exact privilege was that members of Parliament should be altogether free from the receipt of processes; and in moving about from one place to another I have been surprised to hear that opinion expressed; so that it is, perhaps, worth while to state for the information of the public and for the information of members of the House that the only point on which the question of privilege was raised was in regard to the service within the precincts of Parliament House, of processes which undoubtedly hon. members would be compelled to accept in any other place. The committee before bringing up their report heard all the evidence that was necessary in order to enable them to arrive at a conclusion, and there can be no doubt that the service of the summonses within the precincts of Parliament House was entirely due to want of knowledge on the part of the members of the police force concerned.

Mr. Bolton: And not their superior officers?

Mr. DAGLISH: And to want of knowledge on the part of the officers under whose instructions the service was effected.

Mr. Bolton: The report does not touch them.

Mr. DAGLISH: The report, I think, points out there was ignorance on the part of the constables who effected the service; and if it had been necessary for it to go further, it could have stated that the officer under whose directions the summonses were obtained and served admitted likewise an absolute want of knowledge in regard to Parliamentary privilege. The committee were unanimous in their decision that no wilful breach of privilege had taken place, and that the mere fact that attention had been drawn to the matter would prevent any similar want of knowledge resulting in a similar breach of privilege in the future. I do not know that it is necessary to say more than that the committee made a most thorough investigation of the case; but I may be allowed to add on behalf of hon. members, and for the expression of my own opinion, that the hon. members who received these processes were most anxious that the claim of privilege should not be put forth as affecting them or as coming from them. Both declined to make any claim for consideration on the grounds of the breach of privilege which had occurred. It is only fair to point that out on behalf of those two hon. members, and to say, of course, that the committee dealt with the question entirely apart from the wishes or feelings of the hon. members who were primarily affected. They were not a factor at all in the discussion of the question so far as the committee were concerned. I think the whole circumstances of the case will be fully met, in view of the fact that the error arose from want of knowledge, by adopting the report of the committee.

Mr. TROY (Mt. Magnet): I rise to second the adoption of the report. What the member for Subiaco has said in regard to the member for Forrest and myself declining to shelter ourselves behind

any privilege is quite correct, but it was explained to us that the position of members had to be considered, and so far as we were concerned, we allowed the matter to go at that. While I agree with the report, and second its adoption, I think it might have gone a little further; because while the police who served the summonses were not responsible, as they merely carried out their instructions and had no knowledge of the conditions which surround hon. members of the House, yet the Commissioner of Police who is responsible for the summonses, since the instructions came personally from him and not through the usual channel, should have known better. I hope the House will instil into the Commissioner the necessity for making himself conversant with his business, and I hope this report will somewhat enlighten the ignorance under which he labours.

The PREMIER (Sir Newton J. Moore): Members are indebted to the committee for the investigations they have made in connection with this matter, and I feel sure the result of the report they have brought in will be that it is not likely there will be a repetition of such a thing in the future.

Question put and passed.

PAPERS PRESENTED.

By the Attorney General: Return showing premium on ingoing and annual rent of various hotels. (Ordered on motion by Mr. Murphy).

By the Minister for Lands: 1, Accounts and By-laws under "The Cemeteries Act, 1897." 2, Regulations under "The Land Act, 1898." 3, Regulations under "The Agricultural Lands Purchase Act." 4, Timber Tramway Permits granted under "The Land Act." 5, Lithos. showing certain areas resumed from pastoral leases in the South-West Division.

By the Minister for Works: 1, By-laws of the Kimberley Roads Board. 2, Amendment of Schedule "A" of by-laws passed by the Perth Roads Board.

QUESTION—PERTH TRAMWAY TROUBLE.

Mr. UNDERWOOD (without notice) asked the Premier: Are the Perth Tramway Company paying for the services of special police protection at the power house, car barn, and on the trams; if so, what amounts have been paid, and what amounts have accrued to date?

The PREMIER replied: I do not think the hon. member can expect me to answer a question of that kind without notice. I believe that notice has been already given of a similar question and the answer will be given next Tuesday.

Mr. Underwood: What about the first portion, you might answer that.

The PREMIER: I have no information enabling me to answer that question now.

PERSONAL EXPLANATION.

Mr. Troy and the Pearling Industry—Opposition Whip.

Mr. TROY (Mt. Magnet): May I notify you, Mr. Speaker, that for the future, during the session, I intend to occupy this (a different) seat in this House. The reason which prompts me to take this step need not be recounted here, for that would serve no useful purpose; but I may say I feel that, in order to occupy the seat I lately held as Whip of the Opposition party, I would require to possess all the virtues which only the saints possess. I fear I cannot live up to the expectations of the Speaker in that respect. The personal explanation I wish to make is in regard to statements I made during the debate on the Address-in-Reply. When referring to the pearling industry I made certain statements regarding the revenue received from that industry and the number and character of the persons employed therein. I find that my statements have been repeated in the Federal Parliament by Mr. Bamford, and I note by the Press that the statements have been denied. A few days ago by the courtesy, I presume, of the editor of the paper at Broome, a copy of that newspaper was forwarded to me. In that paper an emphatic denial was given to

my statements. Leaving out the vituperative remarks, what the paper said was that the statements I made in regard to the industry were not true. I want to say now that the statement I made to this House was upon data I had secured by motion carried in this Chamber authorising the Minister to give me all particulars in regard to the revenue derived from the pearling business in the North-West for the ten years ending 1908, and particulars of the persons employed. All the facts I gave with regard to the industry were those presented by officials and laid on the Table by the Minister. That report stated that the revenue received for the ten years was, I think, £6,688, and that during that period the value of the pearls and shell was £1,783,-551. The number of persons employed in the industry in the North-West was set down at 131 whites and 2,105 Asiatics. I have no reason to believe that the figures which were presented by the officials and laid on the Table were incorrect.

Mr. UNDERWOOD (Pilbara): I should like to say, in personal explanation, that while the member for Mount Magnet states he has left this, the Opposition Whip's, seat because he is not possessed of all the virtues, I, believing I am possessed of the virtues he lacks, have taken the seat.

QUESTION—SECONDARY SCHOOL SCHOLARSHIPS, REGULATIONS.

Mr. FOULKES asked the Minister for Education: 1, For what reason were the regulations dated February 11, 1910, concerning the examinations for Secondary School scholarships altered by subsequent regulations? 2, Will the Minister cause inquiries to be made as to what inconvenience has been caused to various students and candidates for such scholarships by reason of the alterations of the regulations concerning such examinations? 3, Can the correspondence between Mr. Thompson and the Education Department concerning the alteration of the regulations be laid on the Table of the House?

The MINISTER FOR EDUCATION replied: 1, The regulations for 1911 were gazetted for public notice in February, 1910. By an error the date at which the alterations would come into force was omitted. The head masters of all the secondary schools were aware of the date, which had been arranged with them, as well as with Adelaide University. As soon as the omission was discovered, it was rectified. 2, I am willing to cause inquiries to be made as suggested. 3, Yes.

QUESTION — RAILWAY SECOND-CLASS PASSENGER RECEIPTS.

Mr. BATH asked the Minister for Railways: What percentage of the passenger receipts on the Government Railways of Western Australia was contributed by second-class passengers during the last financial year?

The MINISTER FOR RAILWAYS replied: The percentage of the passenger receipts contributed by second-class passengers during the last financial year was 64.95.

QUESTION—METER RENTS, METROPOLITAN DISTRICTS.

Mr. GILL asked the Minister for Works: Is it true that the Waterworks Department have reverted to the old system of charging meter rents in metropolitan districts? If so on what grounds?

The MINISTER FOR WORKS replied: 1 and 2. No; meter rents are now only charged on other than private residences, in accordance with the provisions of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909.

QUESTION — FISHING LICENSES.

Mr. PRICE asked the Premier: Is it the intention of the Government to amend Section 13 of the Fisheries Act, 1905, so as to allow bona fide settlers to catch fish for domestic purposes without payment of a license fee?

The PREMIER replied: A license can be obtained under the present law

for 10s. per annum, enabling fish to be caught with nets for domestic purposes, no license being required for the boat used. The Government would be prepared to consider an amendment of the Act, providing for a purely nominal fee, if the present one is shown to be a hardship, in the event of an amending Bill coming before Parliament.

LEAVE OF ABSENCE.

On motion by Mr. Gordon, leave of absence for one fortnight was granted to Mr. Hardwick (East Perth) on the ground of urgent private business.

BILL—GENERAL LOAN AND INSCRIBED STOCK.

Second Reading.

The PREMIER (Sir Newton J. Moore), in moving the second reading said: As members will perceive from the title, this is a Bill to consolidate and amend the law relating to loans authorised to be raised by the Government of Western Australia and the creation and issue of inscribed stock and debentures. It has this virtue that it is a consolidating measure and will have the effect of repealing no fewer than eight Acts of Parliament, the substitution being the measure now before the House. If in nothing else it has a virtue in that respect. The repealed Acts extend from the General Loan and Inscribed Stock Act, 1884, to the Local Inscribed Stock Amendment Act, 1904. Clause 2 makes provision that such repeals shall not affect the previous operation of any Act so repealed or anything done or suffered thereunder, or any right, privilege, obligation, or liability acquired, accrued, or incurred under any Act so repealed. Also, that such repeal shall not affect the provisions of any Act so repealed regulating the contribution to the sinking fund for the redemption of any existing loan. Clause 3 provides the necessary safeguards to protect any obligations which might have been entered into under the previous Act. The principal Act is the General Loan and Inscribed Stock Act, 1884. This measure is 24 years old and in several of its provisions it is quite unsuited to present-day needs. The original Act was amended in 1891, after the introduction of Responsible Government, when it became absolutely necessary to re-mould certain of the provisions, especially those dealing with the financial agency of the colony in London. Under that Act the Agent General was appointed as agent for the purpose of the principal Act and the Government were empowered under conditions to appoint a bank to act on their behalf for the transaction of duties connected with the issuing and registering of inscribed stock and generally to manage the loan affairs of the colony in London, which under the old regime, prior to 1890, had been carried out by the Crown Agents of the colony. As members are doubtless aware this business is being carried out at present by the London County and Westminster Bank, under an agreement terminable on the 1st July, 1914, on 12 month's notice on either side. Developments have arisen in recent years which render certain modifications necessary in the provisions of the principal Act and of the amending Act. For instance, as hon. members are aware we have been selling for some years what we call local inscribed stock. This stock, like Treasury Bills, while not raised under the authority of a Loan Act cannot be issued unless it has a Loan Act at the back of it, that is, an authorisation by Parliament to raise a certain sum for carrying on certain prescribed public works. There was, for instance, the Loan Act of 1900, which authorised the raising of a loan of £790,000. This loan has never been placed on the market, but, under the Local Inscribed Stock Act, 1897, stock has been sold in Australia equal to the amount of £790,000, and the issue has been earmarked to the authority which was given by Parliament under the Loan Act of 1900. Similarly of the £2,467,000 authorised by the Loan Act of 1906, only £2,000,000 has been floated under that Act, and the balance has been raised as local stock and Treasury Bills. The sinking fund of this loan commences to accrue in February next, and our financial advisers in London hold

that under the provisions of the Act the sinking fund of the whole loan commences to accrue from the date of the first issue of the stock. I do not think that this House desires that we should run two sinking funds for the redemption of the one loan, namely, that of one per cent. required by Section 4 of the Loan Act of 1906, and the 1½ per cent. required by Section 8 as amended in 1898, of the Local Inscribed Stock Act, 1897, nor am I prepared to create what would be virtually a sinking fund for the redemption of Treasury Bills. In this consolidating Bill, therefore, Clause 10, Subclause 2, Parliament is asked to authorise separate treatment in this respect of the general and local stocks. This provides—

> If a loan is raised by two or more instalments, the contributions to the sinking fund shall commence to accrue on the total nominal amount of the loan, four years after the issue of the first instalment of the Inscribed Stock or Debentures, except in the case of a loan raised partly in London and partly in Australia, in which case the first contribution on account of the redemption of that portion raised in Australia shall commence to accrue four years after the date of the first issue made on account of such portion.

Hon. members will thus realise, as I have already explained, that in that case the sinking fund will commence to accrue on the London and Australian investments four years after their respective dates of issue. I might raise half a million of an authorised loan of 2½ million, and under this Bill we should not pay sinking fund contribution on the whole lot as from the first issue. With regard to our sinking funds, I am convinced of the desirableness of the House affirming that in the investment of these funds due consideration should be given to the exigencies of the loan policy of the State. I have no desire to interfere with the exercise of reasonable discretion on the part of the trustees of the sinking fund, one of whom is the Agent General for the time being, and the other is usually the chairman of directors—in this case, I believe—of the London County and Westminster Bank, Lord Goschen, whose functions, as a rule, are exercised by the manager of that institution for the time being. I am sure the trustees themselves will welcome an expression of opinion by the House on an important matter of this kind. Of course, it is intended that, as heretofore, and to use the terminology employed in our loan prospectuses, these sinking fund contributions and their produce should be invested so as to accumulate at compound interest towards the final extinction of the debt, and each loan's shall accumulate for the redemption of that loan; but from time to time it may be found necessary to invest the contribution of a loan in later-dated stocks than the loan itself. In order to do this I have prepared a clause which I submit as Clause 14, Subclause 2 of which provides—

> The Governor (a) may require the sinking fund of any Inscribed Stock or Debentures (not being domiciled with the Crown Agents) to be invested in Western Australian Inscribed Stock or Debentures redeemable at a later date than such first-mentioned Inscribed Stock or Debentures.

It is necessary that the trustees should be in a position to know that it is not essential that a sinking fund accruing under any particular loan shall be invested in the particular stock of that loan, but that the investments should be guided by the exigencies of the public interest. That is to say, that if, instead of investing it in the particular loan which it is the sinking fund of, it is thought necessary prior to the flotation of a loan to invest a sinking fund, liberty shall be given to the trustees to invest it in later-dated stock in order, to use an expression sometimes heard on the money market, to nurse the stock so as to enable a better price to be secured for the stock floated at that time.

Mr. Bath: Does that mean that if a loan has just been floated that the trustees can invest the sinking fund in the purchase of that particular stock you are issuing?

The PREMIER: It means that the trustees are empowered to invest the funds in Western Australian stock. On two or three occasions, I believe, that course has been departed from. Once last year certain of the trust funds were invested in another colonial loan. This is not the policy of the Government, which is of opinion that it is better in the interests of the State that that money shall be invested in Western Australian securities. A considerable amount of discretion will be left to the trustees.

Mr. Jacoby: They are not bound to do so.

The PREMIER: They have discretionary powers. They maintain that instead of investing in Western Australian stock they can invest in British Consols.

Mr. Bath: Subclause 2 will not give them any discretion. It says, "The Governor may require——"

The PREMIER: The subclause reads—

> The Governor may require the sinking fund of any Inscribed Stock or Debentures (not being domiciled in the Crown Agents) to be invested in Western Australian Inscribed Stock or Debentures redeemable at a later date than such first-mentioned Inscribed Stock or Debentures.

However, the wording might be altered to some extent. The idea is to let them know that the House is prepared to give them every freedom to invest in later-date W.A. stock if they think it better for market purposes. There is another question which has arisen from a query put forward by the Auditor General, and it is well, therefore, that we should make the position clear with regard to it. It is covered by the new Clauses 6 and 7, and an amendment in Clause 8 providing for the express legalisation of past treasury practice in the matter of charging loan flotation expenses inclusive of accrued interest, to Loan Account. Clause 6 reads—

> All charges and expenses lawfully incurred in or about the raising or flotation of any loan, except charges and expenses of administration, and all interest payable for any period prior to the date of issue, except in respect of any instalment of the price of the stock actually paid, shall be payable out of the proceeds of such loan.

Clause 7 provides—

> If any loan shall be issued at a premium, the amount received over and above the amount authorised shall, after payment of the charges and expenses properly chargeable against the loan, be paid into the General Loan Fund.

There have been but few premiums. The loans raised under the authority of the Acts of 1893 and 1894 were issued at premiums totalling some £22,000, and then were credited to loan account. We propose in the case of a premium that it shall be credited as heretofore to the General Loan Fund, and in the other case the expenses shall be debited to the General Loan Fund. The Auditor General has urged that they should be charged to the current revenue. It has been the practice to debit flotation expenses to the particular loan, but the question has been raised, and I think it advisable when dealing with it, that provision should be made for debiting the expenses, and in the case of a premium, crediting the premium to the loan affected. I do not know that I need say anything further. When the Bill is under discussion in Committee I will be prepared to supply any information that it is within my power to give. I beg to move—

That the Bill be now read a second time.

On motion by Mr. Scaddan, debate adjourned.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Second Reading.

The MINISTER FOR LANDS (Hon. J. Mitchell) in moving the second reading said: This is a Bill of practically one clause, which has for its object the raising of the capital of the Agricultural Bank from 2 millions to 2½ millions. I

need hardly state that the agricultural development which has taken place in this State is due almost entirely to the operations of the bank. If it had not been for the assistance given by the bank we should not to-day have that rush for agricultural lands which has set in. This institution has been in existence for a number of years, but it is only during the past five years that its provisions have been actively availed of. I may explain to the House that in 1906 we had under crop 364,000 acres, and under fallow 102,000 acres, a total of 467,000 acres. Last year we had under crop and fallow 1,006,000 acres. The estimate for 1911 is that there will be under crop 900,000 acres, and fallow 300,000 acres, making a toal of 1,200,000 acres, an increase of over 700,000 acres between 1906 and the present time, due almost entirely to the work of the bank. This fact alone justifies me in asking the House to increase the capital of the bank to the very respectable amount of 2½ million pounds. Not only have we this acreage under crop, but it is estimated that the harvest this year will exceed eight million bushels; probably we shall harvest over £1,250,000 worth of grain. It is a good thing to remember that for the first time in the history of the State we are going to pay our interest bill in golden grain. It is perfectly true that we have been able to meet our interest bill with our exports, which exceed our imports, but it has been largely an export of gold. The future will not provide an export of gold alone, but we shall export agricultural produce, wheat, fruit, and beef.

Mr. George: What about butter?

The MINISTER FOR LANDS: Well, I believe we shall also export butter in due course. However, in regard to fruit, we have under crop an acreage exceeding 18,000 acres, and the member for Swan estimates that we shall export this year 20,000 cases of fruit. Sheep, too, have increased from 3,300,000 in 1906 to 5,500,000 to-day. This increase has been largely due to the fact that the bank has enabled landholders to improve their holdings to such an extent that, in turn, they have been able to increase their stock. The land has been improved by the help of the Agricultural Bank, which has advanced against clearing, fencing, ringbarking, and water conservation, with the result that the flocks have increased in numbers. At the present time the capital of the Agricultural Bank is £2,000,000. We have authorised loans to the amount of £1,758,685. Last year's authorisations amounted to £392,650. We have advanced an amount of £1,259,550 15s. 11d. and we have had repaid to us £323,099 16s. 6d. Of this amount £151,819 was repaid during the past year. These repayments are due to the fact that the other financial institutions now realise the value of our securities, and have taken them over to that extent. We paid away during last year £254,875, so, deducting from that the amount repaid, you will see that during the past year we did a considerable amount of work. The amount outstanding is £936,450. The bank has at its disposal £241,342. I say "at its disposal" because, of course, it is liable to be called upon to pay the difference between the amount of loans authorised and the amount actually advanced, or £500,000. During the existence of the bank a profit of £31,000 has been made, of which £6,748 was made last year. The losses written off amount to only £7 10s., and the managing trustee says that this is sufficient to cover all possible loss. During the bank's existence we have assisted over 7,000 farmers, and to-day 6,000 have their names on our books. I mention this because it is important the House should know what the operations of this bank have meant to Western Australia. During the past year we have advanced on the clearing of 111,000 acres of land. Until now, the experience has been that the bank made advances sufficient to cover the cost of clearing one-half the area prepared for the plough in Western Australia. I do not think we shall ever be in that position again, because money from private sources and private banks is now much cheaper than it has hitherto been, with the result that we have not been called upon to pay this year as much as we expected, the reason for this being largely because the private

banks are more than willing to do this work for us, and take over our securities. They have advanced very freely to settlers all over the State. As a matter of fact there is hardly a centre of any importance, however recently established, which has not in its township branches of one or two of our private banks. The result must be that during the coming year an enormous area of land will be prepared for the plough not only by the assistance of the Agricultural Bank, but very largely by the assistance of these private institutions. It is perfectly true that the private banks are not nearly so useful to the settler in his early stages as is the Agricultural Bank, because, naturally, they desire to have a security for their advances. In the case of the Agricultural Bank, a man may pay his £12 10s., being one half-year's rent on 1,000 acres, and immediately go to the bank for an advance. This, of course, enables him to prepare his farm for the crop; and when he has so prepared it he too often goes to the other banks for a larger advance than the Agricultural Bank is prepared to make. As members know, our advances are made by progress payments; so really the settler secures a contract on his own land to the extent of £400 full value for work done. In addition to that he may have a further £250 with which to carry on the work of clearing, fencing, ringbarking, and water conservation on a 50 per cent. basis, or may have £100 of that £650 for the purchase of stock; and he may have a further £100 for the purchase of agricultural machinery made in Western Australia. So far, this last-named provision has not been availed of to any extent, for the authorisations to-day total only £1,200. This is largely due to the fact that there is not much machinery made in Western Australia, while the imported machinery is more popular. It will not always be so, because in due course our manufacturers will come into line with the manufacturers of the Eastern States, and then our machinery will not require to be imported.

Mr. Heitmann: You are not helping them much.

The MINISTER FOR LANDS: Yes, we are; we are doing all we can. Here, again, the private banks have done the work we proposed to do when this provision became law. They have taken over a very large number of our accounts, and nearly always they have taken over people who desired a larger advance with which to purchase more machinery. It is probably due to this fact that the provision has not been more largely availed of. I believe it is a good provision, and that it will yet do much to encourage the manufacture of agricultural implements in Western Australia. A great many of our settlers came from the East, and naturally they are somewhat prejudiced in favour of machinery made over there. It is to be found on every farm in the State, and, when a beginner asks a farmer of more experience to advise him in regard to machinery, the advice he gets is to invest in the machinery of Eastern manufacture. However, as I say, this prejudice will in course of time break down, and then it will be found that this provision will do much to encourage and build up local manufactories.

Mr. Heitmann: Why do you not make the machinery at Midland Junction?

Mr. George: They have enough to do there without making agricultural machinery.

The MINISTER FOR LANDS: The question of State manufacture of agricultural machinery is a very large one, and can scarcely be debated at this juncture. I would again point out to the House that we have assisted 7,000 farmers, and to-day the total amount owing by our clients to the State is less than £1,000,000. No matter what the limit may be, it can never be reached, because the repayments are always going on, and, under the Act, we are not allowed to lend the money more than once. So, when the authorisation is once paid, that amount of capital is written up against the limit the bank has. It is because the authorisation has so nearly reached the £2,000,000 limit to-day that I am asking for a further increase of capital. The State has not

lost a single penny by this institution since it was established by the late Hon. George Throssell 14 years ago. Indeed the reverse is the case, since we have a reserve of £30,000. The bank is perfectly protected under this system, and the money lent to the Agricultural Bank by the Savings Bank is very well invested. Indeed, I know no better risk, because we lend money only on improvements, and the money we lend is spent almost altogether in labour. So, not only do the people have a perfect security for their money, but work is provided by the capital, and that is as it should be.

Mr. Jacoby: Can the Savings Bank supply you with sufficient?

The MINISTER FOR LANDS: We have ample money just now, and, moreover, we have power to borrow outside. I would like to make this point, that, notwithstanding the enormous amount of money loaned by the bank, and the great amount of good which the bank has done, the profits earned over the 14 years of the bank's existence have only been depleted to the extent of the £7 10s. written off as a bad debt.

Mr. Jacoby: What do you do with the profits?

The MINISTER FOR LANDS: They go into the redemption account. The money has been loaned to the farmers, who have been charged merely with costs to the bank plus working expenses; for the Government are desirous of doing everything possible for the producer. The country has not been called upon to provide a single penny from revenue for this institution. Not a penny of cost has the country been put to in connection with it, and there have been no losses. When we remember the enormous indirect, if not really direct, advantages the State has gained by the loaning of this great sum of money, we must realise there is no end to what we can do in this way. The State gets all the benefit of the expenditure, but the State is not called upon to pay a single penny by way of interest or sinking fund. One very pleasing feature during the present year has been the increase in the value of our securities. Without a doubt they have become enhanced in value to a great extent. Land which was worth 10s. an acre three or four years ago is now being readily taken up at three times that amount, and there is no difficulty whatever in disposing of a security if it happens to fall into the hands of the bank. In fact, our security was never better than it is to-day. The work of the bank has been safeguarded not only so far as the security is concerned, but in other directions. We have safeguarded the operations of the bank by continuous inspection of property, the improvements are kept up-to-date, and generally the work is in the most satisfactory condition possible. I would like before sitting down to say a word or two with regard to the work of the trustees, more particularly with regard to the work of Mr. Paterson, the managing trustee; because, after all, the success of the institution is almost entirely due to the splendid work put in by the managing trustee.

Mr. Hudson: But he does not get much time at the bank now.

The MINISTER FOR LANDS: It is perfectly true, as the hon. member suggests, that Mr. Paterson is often away from the bank; but he attends almost all the meetings of the trustees; and the work of supervision generally is done by him, apart from which in his travels through the country he has an opportunity of inspecting many of the securities. It is true, as the hon. member says, that his work on the advisory board, and in other directions, takes him away a good deal from the institution; but, after all, is it not a fact that he cannot go into any district without doing something also for the Agricultural Bank?

Mr. Hudson: I am not disparaging his work; I am only suggesting there is a possibility of his doing too much outside work.

The MINISTER FOR LANDS: Men of Mr. Paterson's stamp are very rare in a State like this, and the Government have been compelled to call upon him to undertake many duties apart from his work as

managing trustee. Nevertheless, I believe he has ample time at the bank for the work of supervision, and he is very well supported by the assistant manager, Mr. McLarty, and, of course, also by the other trustees.

Mr. George: And by his Minister, of course.

The MINISTER FOR LANDS: I leave that to the hon. member to suggest. The Minister has very little to do with the institution; it is entirely managed by the trustees. It would certainly be a good thing for Ministers if their departments could be as easily run as the bank, that is, speaking from a Minister's point of view. The success of the bank is largely due to the efforts of Mr. Paterson, and I think it is right this should be acknowledged here. When Sir John Forrest appointed Mr. Paterson trustee he made a very wise choice, though, I believe, Mr. Paterson was a member of Parliament at the time; and for the past 14 years Mr. Paterson has worked consistently with results gratifying not only to the Government but also, I am sure, to the people of the State. The bank is now doing splendid work, and I had no hesitation in determining to ask the House to increase the capital by £500,000. Practically every year since I have been in Parliament I have presented some amendment to the Agricultural Bank Act, and I hope so long as I am here I shall year by year ask Parliament to further increase the capital. I would like in my time to see the capital increased to four million pounds, and when the capital of the bank has reached that sum agriculture will be very thoroughly established in Western Australia. I submit this Bill with every confidence. I am sure every member of the House, no matter where he sits, will endorse the idea that the bank is doing good work and that that good work can only be done by increasing the bank's capital. I move—

That the Bill be now read a second time.

On motion by Mr. Scaddan, debate adjourned.

BILL—ROADS.

Second Reading.

The MINISTER FOR WORKS (Hon. Frank Wilson) in moving the second reading said: This is a measure which has been for some considerable time a matter of urgency to the different roads boards throughout the State. It has had varied attention by different local governing bodies who have met in conference on more than one occasion to debate the different powers which were to be conferred upon them under this measure, and also to debate the additional rating and borrowing powers the measure gives them. If there is any credit due to anyone in connection with the drafting of the measure, I wish to say at once it is entirely due to my late colleague, the late member for Fremantle, the Hon. J. Price, who took a very lively interest indeed in all roads board work, and who for many months devoted a considerable amount of time in the drafting of this measure, attending conferences, and attending meetings of the various local authorities, discussing with them the weak points in the present law, and how best they could be overcome and amended in this consolidating Bill. The officials of the roads boards branch of the Public Works Department are very largely indebted to the secretaries of the different roads boards, and more especially are they indebted to the member for Perth, who is secretary to the Perth roads board, and who gave them on many occasions very much assistance. I want to say at once that this question is——

Mr. Scaddan: What about the secretary to the Kalgoorlie roads board?

The MINISTER FOR WORKS: Yes; he gave some assistance, too.

Mr. Scaddan: You did not mention the fact.

The MINISTER FOR WORKS: I mentioned the secretaries of the various roads boards; I could not give special mention to all of them; but I gave special mention to one who had, with the officers of the department, devoted a considerable amount of time in connection with this matter.

Mr. Scaddan: I doubt if he has given as much attention to it as Mr. Richardson.

The MINISTER FOR WORKS: That is, of course, a matter of opinion. I give Mr. Richardson every credit also. The first consolidating measure in connection with roads boards was passed some 22 years ago, in the year 1888, but as previous measures had only been in connection with district roads, therefore we may say at once that this measure was practically the commencement of this form of control in Western Australia. But even under that consolidating measure the roads boards were practically advisory boards and they were formed mainly, almost solely I may say, for the purpose of expending the moneys which the Government from time to time with the sanction of Parliament allotted for the purpose of the construction of roads, and pretty well roads only. Rating was optional, and naturally, being optional, it amounted to very little. Indeed the revenue raised under that measure was practically nil. I may remind hon. members that great credit is due to the late member for Katanning, the Hon. F. H. Piesse, who, when he was Minister for Works, took the first stand to alter this state of affairs. About 1896 he created what is now the roads boards branch of the Public Works Department to foster local government, and he brought pressure to bear upon the different boards in consequence of which some of them at any rate availed themselves of the powers conferred upon them to raise revenue by way of rating. And so we see the local governing system steadily grew from that time; and it is still growing. The result, of course, has not been all that one could desire, and the Act I have referred to as being the first consolidating measure was recognised, and has been recognised, until a fresh Act was passed in 1902, as being very faulty. Rating was not compulsory, and the maximum rate was 1s. in the pound on the net annual value, but there was no provision made in it to arrive at the net annual value, and the only appeal to rectify the valuation of the board was to the local court, and from the local court to the Supreme Court and further still if necessary, a process which was very difficult and very costly indeed. This went on until 1902, the Minister I have referred to, the late member for Katanning, in the meantime doing his best to get roads boards to levy rates and to collect revenue for the purpose of undertaking works and maintaining roads. In 1902 the present Act was passed; that is to say, it is the measure which, with some amendments, is now in force. Under it rating was made compulsory, and the maximum rate was increased from 1s. on the annual value to 1s. 6d. The roads boards themselves were constituted the courts of appeal with the local court as the final court of appeal, and many other difficulties were of course remedied, but still the boards' powers were restricted to roads, drains, and wharves, and it is not to be wondered at, with the experience of the first legislation, and the restrictive powers even in the 1902 Act, that we had numbers of roads boards with a strong habit of coming to the Government for any requirements, even if it were only for a £10 vote for the erection of a pound.

Mr. Taylor: They were pretty lucky during the last year or two to get any votes.

The MINISTER FOR WORKS: That is so; but prior to that a lot of money was spent from Consolidated Revenue, which ought to have been raised by the boards themselves. The passing of the Act of 1902 was practically the beginning of progressive local government by these boards, and when I point out that the whole of the roads boards throughout the State only collected £9,434 from rates in 1902, whereas they collected last year, in 1909, the sum of £40,308, and in addition to that sums from cart, carriage, dog, and other licenses which brought the total to over £50,000, hon. members can see that very strenuous endeavours had been made by the roads boards to meet their own requirements and to carry out the duties for which they were elected. The Government grant from Consolidated Revenue Fund amounted in 1902 to £67,590 and in 1909 to £50,090. It will be obvious that dur-

ing the past eight years not only has the revenue raised by the boards themselves been very largely increased, but the additional powers and duties placed on them have also been considerable. Much of the work the boards themselves have had to carry out under the 1902 Act, such as the control of electric lighting, the Width of Tyres Act, the Dog Act, hospitals, district fire brigades, and many other matters have had to be undertaken by the officials of the board without any direct revenue being received from the administration of those Acts.

Mr. Hudson: It means a considerable expenditure in connection with fire brigades.

The MINISTER FOR WORKS: And the same with some of the other Acts that have to be administered. They also have to look after parks and reserves, drainage, cattle trespass, and so on, and, as I say, there has been from these works no direct revenue obtainable. The work of the boards has been very largely increased, while the revenue has increased five-fold compared with what it was eight years ago. It is owing to these facts that considerable credit is due to the boards. I, with others, have perhaps been in the habit of somewhat belittling the work they have carried out; we have thought it was parochial, and possibly that there was more self-interest in the duties performed than in those of municipal councillors or perhaps members of Parliament. In reviewing the work of the boards while gathering the information necessary for me to bring forward this measure, I have learnt to appreciate their work very highly. It has been performed in arduous circumstances, and more particularly has the work been carried out well in the outback districts, on the fields, in the back agricultural districts and in the North-West, where there are very extensive districts to administer. Notwithstanding the fact that some of these boards have not raised the revenue they should have done, still in the aggregate the work has been well and faithfully performed.

Mr. Heitmann: Is not the administrative cost very high?

The MINISTER FOR WORKS: I do not think so, for the average is 17.6 per cent., which compares well with the administrative cost of similar institutions elsewhere. It cannot be looked upon as excessive. I admit that in certain cases the costs are very high indeed and that boards have neglected their duties to a very great extent, not only in the way of raising revenue and rating, but also in extravagant and expensive administration; but in the whole system throughout the State, consisting of 104 roads boards, the average is only a little over 17 per cent., which cannot be called high.

Mr. Taylor: The cost has been very much less during the past two years.

The MINISTER FOR WORKS: Just about the same.

Mr. Heitmann: It is about 9 per cent. in Victoria.

The MINISTER FOR WORKS: The conditions are very different there, and one cannot possibly compare a closely and largely populated country with an enormous country like Western Australia which is so sparsely populated.

Mr. Heitmann: Take the parallel cases and see.

Mr. Jacoby: They are not parallel.

The MINISTER FOR WORKS: Let us take into consideration the time members of those outback boards have to spend in attending to their duties and the enormous distances they have to travel to be present at meetings; sometimes they have to go a hundred miles.

Mr. Butcher: I have known them travel two hundred miles.

The MINISTER FOR WORKS: Considering the great sacrifices these men have to make of valuable time in attending to board matters, and the personal supervision which I know of my own knowledge is given by individual members over the work being carried on, they perform their duties very well in the aggregate. There have been about three amending Acts passed since 1902 and it has been recognised on all sides that the time has arrived to consolidate those measures and to give increased powers to the boards in connection with the carrying

out of their work. It is also proposed to give them increased powers of taxation, increased powers for borrowing, and in other ways to facilitate the important work they have to carry out. The experience of the last eight years has enabled us, I think, and has enabled the roads boards themselves, to make suggestions. These suggestions have been embodied in this Bill, which I venture to say, when amended, as doubtless it will be in Committee, and passed, will be found a very workable measure and will do much for the prosperity of the country. It has been suggested that we should adopt the system in vogue in the Eastern States.

Mr. Heitmann: A good deal of improvement could be brought about by the amalgamation of boards.

The MINISTER FOR WORKS: Power is provided for that.

Mr. Heitmann: Why not enforce it?

The MINISTER FOR WORKS: How can anything be done yet, considering that I am just introducing the Bill? If the hon. member will wait a week or two, when I hope the Bill will become law, we shall be able to exercise the powers provided therein so as to improve matters considerably in the way he indicates. This Bill embraces, I believe, all the best features of the local governing measures of the Eastern States. All the Acts in force have been taken into consideration, at any rate those sections applicable to the circumstances of our State. So far as I can judge, every bit as much power is provided under this measure as is provided under the Acts in force in those States which adopt the shire council principle of local government. That shire council principle is, I think, more adapted to countries with a large population and a closer population than to one like Western Australia.

Mr. Hudson: The principle was in force there when there was a very small population.

Mr. Heitmann: The shire councils are in places where the population is scattered.

The MINISTER FOR WORKS: The principle applies in New South Wales and Queensland. In the latter place it applies throughout the State. There the municipal councils and shire councils are all under one local governing Act of which I have the details here. Under it the powers are pretty well the same as are provided in this Bill. For instance, the shires are constituted by the Governor-in-Council just as we constitute roads boards, and similar powers are given by their legislation in delimiting areas as we provide by this Bill. They make rating powers compulsory and provide for a minimum rate to be insisted upon. I propose to make a minimum rate here, making it compulsory on the board to levy up to a certain minimum and not to exceed a certain maximum.

Mr. Hudson: That is a novelty here.

The MINISTER FOR WORKS: It is a new provision here, but not so far as the Eastern States are concerned.

Mr. Heitmann: Do you give the Government power to force small bodies to amalgamate?

The MINISTER FOR WORKS: Yes, we have that power now.

Mr. Angwin: I hope you will not enforce it.

The MINISTER FOR WORKS: In Queensland power is given to lease or sell land on which there are arrears of rates. There is provided in this measure the same power as in the Municipalities Act for the Boards to be able to recover arrears of rates. That has been found a crying want, more especially in roads boards around the metropolitan area.

Mr. Hudson: Will that be made retrospective?

The MINISTER FOR WORKS: No. I propose briefly to touch upon the main additional powers that have been provided in this Bill, so that members will see what benefits will be derived from the passing of the measure, and realise how the powers of the local authorities are being extended, and how necessary it is to have the benefits that will be derived. For instance, we first provide under "election" for the general adoption of the procedure provided by the Municipalities

Act. We have fixed a deposit to be paid with a nomination—true not so large as is required by persons standing for the positions of municipal councillors under the Municipalities Act where the deposit is £5—whereby each candidate will have to deposit the sum of £2. This will be forfeited if a candidate does not receive one-fifth of the votes of the successful candidate. The percentage is the same as in connection with municipal and parliamentary elections. We have also extended the facilities for polling. Under this Bill a polling booth will be necessary in each ward so that the electors will not be required to travel very long distances, as they have to do now. In the past they had to go to the head office and only one booth was provided. The roads board offices, although they may be outside of the district, are to be regarded as being within the district for the purposes of the measure. Great inconvenience has been experienced on the fields owing to there being no provision of this nature. The matter was brought under my personal notice at Kalgoorlie. The same remark applies to Perth and other towns where the head office is in the town just outside the district. The new provision will be found a convenient one in connection with the holding of elections and the transaction of business. Then there is provision made so that when the chairman of a board goes up for re-election a temporary chairman can sign rate notices, sign cheques and possess all the powers of the chairman until such time as the permanent chairman, who is up for election, is either re-elected or rejected.

Mr. Butcher: That is the chairman appointed by the board?

The MINISTER FOR WORKS: Yes. Power, which was badly needed, is given to the board to grant retiring allowances in the case of the death or resignation of an official. That power is given under the Municipalities Act. Up to the present time the boards have had no power, if an official, who had been faithful and had given good service to the board unfortunately died or had to resign from ill-health, to use the funds of the board for the purpose of giving him a bonus or retiring allowance, or, in case of death, giving some recognition to his widow and family.

Mr. Bolton: It is somewhat dangerous.

The MINISTER FOR WORKS: Hon. members, of course, will discuss that in Committee, and I shall be glad to have their experience and views as to how the danger, if there is a danger, may be overcome. I certainly think the principle is a right and just one, and I do not see why they should not have the same power as a municipal council. With regard to the voters, we have under the existing Act, the anomalous position by which both the owner and the occupier exercise a vote for the same property. This is an unfair position because an owner may get his one, two, three or four votes, as the owner of the property, and the tenant comes along and he gets the same number of votes for being the occupier, whereas if the owner of the property is also the occupier he can exercise only the one lot of votes. We propose to do away with that, and provide that there shall be cast votes only by the one person, and the occupier will take the preference as is the case under the Municipalities Act. We have recognised in municipal matters for many years past that the tenant, although he may not be paying rates directly in hard cash, really pays them through rent, which is collected by the owner, and it has been provided that he shall be the person who is to exercise the vote. In the Bill before the House it is proposed to extend the principle in connection with roads board elections. Many very necessary powers are to be given under the measure. From time to time the necessity has been pointed out for extending the control beyond the boundaries of a roads board district for giving powers in connection with the construction and running of tramways, for the clearing of roads and reserves of poisonous plants, also of subsidising ferries. In connection with the last named a case in point may be cited, namely, the ferry which crosses the Swan river to Melville Park, where the roads board have wanted to subsidise the service and have not been

able to do so. There are also provisions for subsidising or maintaining hospitals and subsidising medical officers. In addition there have been powers provided in connection with the prevention of fires similar to those contained in the Municipalities Act. These will deal with water supplies, fire plugs, alarms, and all other contrivances necessary for the prevention of fires, and boards will be able to expend money for such purposes, and will be able either to support the fire brigade under the Fire Brigades Act, or subsidise a fire brigade in an adjoining district. Powers to make by-laws are set forth fully in this measure. A new departure has been followed, and that is that the Governor-in-Council may make general by-laws applicable to all roads boards in the State.

Mr. Butcher: But they will be able to make by-laws to suit their own conditions.

The MINISTER FOR WORKS: Yes, they may do that. The general by-laws will apply to all roads boards. A great want which has been felt, and which will be remedied by this Bill is in connection with the building regulations. These have been incorporated in the schedule of the Bill, and they may be extended to any district or portion thereof by the Governor-in-Council, thus bringing small townships now springing into existence largely throughout the agricultural districts, and, of course townships which are of more importance and already in existence, under the regulations. There is also power given so that the boards may be able to compromise, or submit to arbitration any claims or actions they may have instituted against them instead of being forced to resort to the costly process of law. A new matter is the question of valuation. It is provided that either the annual or the unimproved value may be adopted, but that is the same as under the existing Act. Power, however, is given to differentiate in any special area or townsite. For instance, they may adopt the annual value for their taxation in the township and within the district, and for the remainder of the district they may adopt the unimproved system. Provision is also made for differential rates.

Mr. Jacoby: Is that system in operation anywhere else?

The MINISTER FOR WORKS: I do not know whether it is in operation in any other part of Australia. However, it is a necessary power to give unless we are going to create every township a municipality, and that is not advisable. Our experience is that municipalities in small places are too expensive.

Mr. Scaddan: Look at the large number of local bodies there are around the city. The member for Guildford represents six local bodies.

Mr. Jacoby: I have seven in my electorate.

Mr. Scaddan: The electorate of the member for Guildford is not as extensive as yours.

The MINISTER FOR WORKS: All the alterations to which I have referred have been fully thrashed out and have been asked for by the people who have been working and controlling roads board administration. The boards may levy a different rate in the townsite, but if they do that the special sum which has been raised—the sum in excess of the general rate has to be expended in the area from which it has been levied. For instance, if a roads board had a special area declared, an area which required special development and expenditure, the Governor-in-Council would declare it a special area, and if there was a township in that roads board district which required special expenditure on streets, footpaths, lighting, and so forth a special rate would be struck. A rate of 1½d. or 2d. on the unimproved value may be struck throughout the district, but in a special area they may come to the conclusion that the annual value should be adopted, and if they strike a 9d. rate on the annual value it would all go into the general expenditure of the district. In addition they might say that they want more money in that township, and they strike another 9d. rate. All that money would have to be expended within the township on works for the development of that town.

Mr. Jacoby: I suppose the maximum is fixed.

The MINISTER FOR WORKS: Yes. There are many townships that are in a roads board district, and under roads board management, and have been for many years. I know of a number of instances, namely, at Katanning, Bridgetown, Lawlers, Moora, Donnybrook, Broomehill, Sandstone, Goomalling, Pinjarra, Northampton, and scores of others. All these have been in existence for a considerable time, and the residents themselves admit that they have paid only small rates, which have not been commensurate with the advantages received. There are places which have been declared municipalities before they were prepared to work economically, and the necessity has arisen in these cases to merge them into roads boards districts. We have had to merge quite a good number of them into roads boards districts, notably Cossack, Roebourne, Paddington, Broad Arrow, Bulong, and Gingin. These are all places where the population has decreased, and they have of their own accord requested to be brought back under the control of the roads board district. With regard to finance, it is necessary that these authorities should have extended power to raise the necessary revenue with which to carry on operations, and I propose to raise the maximum rate on the annual value from 1s. 6d. to 2s. in the pound, and I propose that the maximum rate on the unimproved value shall be increased from 2½d. to 3d. As I have said, rating is compulsory, and it is proposed that the minimum rate that any board shall collect will be 9d. on the annual value and 1d. when struck on the unimproved value. It is quite obvious that districts have been kept back in the past through a reasonable rate not having been struck, and the work of the department has been fairly heavy during the past few years in urging the local authorities to exercise the powers that they have even under the existing legislation; that is, to rate themselves in order that they may contribute properly to the revenue of the different boards. I may mention one district which struck a rate of three-eighths of a penny, another a halfpenny rate on the unimproved value, and another fourpence on the annual value, with which to carry on their duties, absurdly low amounts, which would not even pay for secretarial duties.

Mr. O'Loghlen: Instead of having higher rates we could do with fewer roads boards.

The MINISTER FOR WORKS: It would be difficult to reduce the number and work economically. I am bound to confess that it would increase the cost of administration rather than decrease it.

(Sitting suspended from 6.15 to 7.30 p.m.)

The MINISTER FOR WORKS: As I said, in regard to rating, districts have been kept back through striking a rate altogether too low. Under the Bill the minimum rate to be struck shall be ninepence on the annual value, or one penny on the unimproved value. Last year some boards levied less than ninepence on the annual value, while, with regard to the unimproved value basis, although 27 boards levied a rate of over one penny, 18 were satisfied with a rate of less than one penny. It naturally followed that roads which had been constructed from Consolidated Revenue Fund and Loan Fund were not properly maintained. I would point out that in respect to the interest and sinking fund to be provided on the loans, the amount is limited by the amount which the roads board can borrow. Provision is made that the roads board can borrow up to ten times the ordinary revenue collected from general rates, taking the average of the two preceding years. The sinking funds on such loans must not be less than 2 per cent. Another feature of this measure is the power of appeal against under-valuation. Power is provided for any ten ratepayers to appeal against the under-valuation of any property, or to point out any omission or incorrect entry in the assessments. At the present time, of course, power to appeal against excessive valuations is given to the owners of the property only, but there are no means of appealing against an under-valuation. Many instances of such under-valuations of property have occurred in the past.

Mr. O'Loghlen: Of over valuations also.

The MINISTER FOR WORKS: You have the remedy so far as over valuations are concerned, but there has beeen no remedy in regard to under-valuations. In respect to the collection of rates it has been deemed advisable to give roads boards all the powers enjoyed by municipalities to enforce recovery of rates that are past due, that is, by the power to lease property, or to sell it after a given number of years. The board may lease a property after three years of arrears of rates, or they may let it, and after five years they may sell the property, as is provided in the Municipalities Act. And, may I say, I am afraid I gave a wrong answer to the member for Dundas when he interjected about the Bill being retrospective. I think he referred to the power to sell or lease for arrears of rates that have accrued. To that extent the Bill may be deemed retrospective. Arrears of rates that have already accrued before the passing of the Bill, or if they are partly in arrears at the passing of the Bill, can be recovered under these powers. When they have been in arrears three years the properties can be let or leased, and after five years they can be sold. To show that this is a necessary power—and more especially does it affect the metropolitan roads boards—I may say I find from some figures I have had taken out that the average amount of rates collected by those ten metropolitan roads boards is 59.02 per cent.; so that there is outstanding slightly over 40 per cent. of the rates of those ten metropolitan roads boards, showing how necessary it is that these powers of collection should be extended to those boards. It is worthy of note that the system of taxing on improved values—which was inserted by a private member, the member for Swan, I think, in the 1902 Act—has been largely availed of. Of 104 boards 52 have adopted this basis of calculation. There is another matter which I think I may mention in passing; that is in regard to the voter. We have made provision that the voter may claim his right to vote, even up to polling day, if he has paid his rates. On the rolls that are to be provided, the names of those who have not paid their rates will be specially marked, and if the rates are not paid on or before polling day the voter's right to vote is lost. But, if on going to the poll he is reminded that his rates have not been paid he can, if he chooses, go away and pay them, and on his return show his receipt, when the mark will be removed from his name and he will be permitted to vote. I think that will be very beneficial indeed, because it will not only serve to prevent disfranchisement, but will be the means of bringing in considerable revenue.

Mr. Underwood: It may have been through poverty that he did not pay his rates.

The MINISTER FOR WORKS: Exactly, and this provision gives him up to the last hour in which to pay.

Mr. Underwood: But, he has to pay in any case. The board can recover.

The MINISTER FOR WORKS: Of course, but under the present Act it is provided that if he does not pay his rates he shall not vote. Under the Bill we are extending to him all possible grace by allowing him to pay his rates on polling day and still claim his vote. The allocation of the number of votes that any elector can claim from properties that are rated on the unimproved valuation basis has been liberalised. Under the old Act it was provided that where a man occupied or owned a property of an unimproved value not exceeding £200 he had one vote. In this measure the property value has been reduced to £150. Under the old Act it was provided that for property over £200 in unimproved value and not exceeding £500 the voter should have two votes. In this Bill it is provided that he shall have two votes for property of an unimproved value of £150 and not exceeding £300. In the old Act the voter had three votes for property of an unimproved value of £500 and not exceeding £1,000, whereas under the Bill he will have three votes for property of a value of £300 and not exceeding £600. In the old Act if the value of the property exceeded £1,000 it represented four votes. We proposed to

reduce this value to £600. The votes on the annual value can remain as at present. The power to borrow for works has been largely extended. The old Act, as I mentioned, gives power to borrow for the construction of new roads. This has been extended on the lines of the Municipalities Act in order that many works may be carried out by these local authorities. The provision of the Municipalities Act as to the raising of loans has been adopted in this measure, and I may say that the Savings Bank funds can be invested in the purchase of debentures of a local authority. That is to say, when a roads board issue their debentures the trustee of the Savings Bank, who is the Treasurer, has power to invest the funds of the Savings Bank in those debentures. So, I apprehend there will be very little difficulty in the local authorities floating their loans with the assistance of the Treasurer for the time being. The provision in the Municipalities Act with regard to Boards being required to unite in maintaining roads on a common boundary has also been adopted. When a road runs longitudinally on the boundary between two districts, the two boards must unite to maintain that road, and they can be compelled to do so. The adjoining districts can also unite in repairing and maintaining bridges or ferry services, or the lighting of those bridges and the cost of such work, the maintenance of those bridges or services, or the construction of the bridges, can be properly allocated by the Minister. Instances in point are the bridges at Fremantle and the bridge at Perth between Victoria Park and the City. Both of the local authorities in the latter case having objected to providing the maintenance for this bridge. A further provision is made that the Minister may allocate to the surrounding districts a fair proportion of the maintenance and upkeep of such works. It has been argued, and, I think, with some effect, that it is not only the districts on which the bridges abut that derive the benefit, but the immediately adjoining districts also derive benefit and ought to bear some fair proportion of the cost of construction and maintenance.

Mr Bolton: I think the Government should maintain them.

The MINISTER FOR WORKS: That is an opinion which the hon. member will be able to ventilate fully, as to whether the Government should construct and maintain all bridges and main roads, or otherwise. I must confess my feeling is that the municipalities ought to maintain all roads and bridges. If the State constructs new roads and erects new bridges, I think the local authorities should maintain them, except in very extreme cases, such as outlying districts, which we cannot expect to raise sufficient money for replacing, say, a bridge which is worn out after 30 or 40 years, and where the district has not sufficient ratable value to raise the sum required for such a work. But except in these cases the cost of the maintenance of these roads and bridges ought to be placed on the local authorities. There is one other matter deserving very close attention in this measure. In Clause 247 there is a new provision that where property has been unoccupied for three months or upwards it can be registered and exempted from rates until it is again occupied. I believe, in fact I know, it is the practice in the old country. I do not know whether it is in the other States, but it is the practice in the old country that where no revenue is being derived from any property the owner is relieved to some extent from the payment of rates for the time being for that property. Of course, this refers to property which has been improved. Clause 197 exempts conditional purchase land from rates for three years from the commencement of the lease of such land. This is to assist the early settlers on Crown lands who are considered not to use the roads to a very great extent, and is to enable them to get into full operation to make their land reproductive and to have something to cart over the roads before they are loaded with the charge of contributing to the rates.

Mr. Underwood: Is there any provision for one block of land in two districts?

The MINISTER FOR WORKS: Yes; it is provided in the measure how the rates shall be collected. We have a provision making it mandatory that if for two years the general rates collected by any roads board is less than £150, the district is to be abolished and merged into some other district or districts as the case may be. There is, of course, power for the Governor to exempt under special conditions any district from rating. Another provision which I may briefly mention is one that has been found very necessary. The Governor-in-Council may appoint a commissioner to exercise all functions of a roads board. In some instances it has been found that a board could not get a sufficient number of members elected to form a quorum; in other cases it has been found necessary to abolish the roads board; then the duty devolves upon the Minister for Works, who administers the Act, to take charge and administer the roads boards so abolished. I have a case in point at the present time. Wyndham is under my control. Hon. members will see at once it is very awkward. I have appointed the resident magistrate at Wyndham to control the roads board affairs, but he, of necessity, has to refer to Perth on many matters to get permission to act. This clause will obviate that necessity. A commissioner will be appointed who will have all the powers of a roads board for the time being until the new board is elected. He can be paid such remuneration from the funds of the board as is deemed desirable and equitable.

Mr. O'Loghlen: Who decides the amount?

The MINISTER FOR WORKS: The Governor-in-Council, on the advice, of course, of the Minister and the officers. This pretty well embraces the whole of the important new matters that are comprised in this measure. There are many minor new provisions which are, perhaps, of not sufficient importance for me to draw attention to at this stage, but which can be considered in Committee. I may say in conclusion that the diverse requirements of roads boards and of the various portions of the State have been as far as practicable fully considered. The Bill has been drafted with the view to its ultimate inclusion and incorporation later on in a general local governing measure, if it is thought desirable to pass such an Act. It is also drafted, to a very large extent, on the recommendations of the different roads boards from time to time expressed in the conferences which have sat to consider the different clauses, not taking into consideration, I may say at once, the individual requirements of individual boards, which, of course, are very forcibly put forward by their different representatives, but as far as possible taking into consideration the requirements of this form of local government throughout the State. I hope to have the assistance of all members, more especially that of members who are conversant with the management of roads boards. Many members of the House have had lengthy experience, for years some of them, as chairmen and as members of roads boards throughout Western Australia. I hope we shall have their assistance to make this measure as workable and as useful a measure as is possible. The member for Perth has intimated to me that he would like to move for the consideration of the measure by a select committee. As far as I am concerned I am quite willing to adopt this course. I think it is essentially a measure which could be thrashed out by a select committee, and if only those members who have had experience with roads boards management can be put on that select committee. I am quite sure their labours will be of benefit to the House in ultimately adopting the different clauses of the Bill. The Bill is urgently required, and the sooner we pass it and make it the law of the land the better it will be, not only for the roads boards, but also for the Government, and I hope with the powers conferred in this measure we shall have fewer deputations waiting on the Minister for the small grants I made reference to at the outset of my remarks. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Underwood, debate adjourned.

BILL—LICENSING.

In Committee.

Mr. Daglish in the Chair, the Attorney General in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Interpretation:

Mr. BATH: What was the meaning of "Date of license"? The Bill said it meant "the time when the license took effect." That seemed rather vague. Did it mean, "when the license was granted" or "when the license was actually utilised by the licensee"?

The ATTORNEY GENERAL: It was explained in Clause 43 that the license began on the 1st January and ended on the 31st December of the year.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Licensing districts:

Mr. FOULKES: The subclause provided that the Governor might by proclamation amalgamate two or more electoral districts into one licensing district or divide any electoral district into two or more licensing districts. What were the Minister's ideas as to the necessity for a provision of that nature seeing that most of the licensing districts now embraced a very large area? If these districts were to be increased in size they would be so unwieldy as to be difficult to work.

The ATTORNEY GENERAL: The subclause was necessary in order to allow of amalgamation in the case of town electoral districts. In the case of Perth for example, it might be convenient, instead of having the electoral district of Perth constituting one licensing district, West Perth another, and East Perth a third, to combine Perth proper into one licensing district. The divisions of the electoral districts in the case of the larger towns were frequently streets and one might in consequence have, by a local option vote, a public-house abolished on one side of the street and on the other side one might be allowed to continue to exist. In the case of towns like Perth and Fremantle it would be wise in some cases to amalgamate two or more electoral districts. There was no intention to amalgamate country districts. Indeed paragraph (b) was expressly inserted in order to get over the difficulty referred to by the hon. member when he mentioned the unwieldy size of some of the country districts for licensing purposes.

Mr. Hudson: Dundas for instance.

The ATTORNEY GENERAL: Yes. When moving the second reading mention had been made of the Kimberley district, which was an enormous territory, and where it would be convenient to have one licensing bench in West Kimberley and another in East Kimberley.

Mr. FOULKES: There was not much necessity for the amalgamation of districts as it would be much better for a large electoral district to stand by itself. If amalgamated they would make an area of country so large that it would be difficult for the people in some portions of it to have their views, as to the necessity of certain public-houses being done away with or established, carried out.

Mr. Underwood: The provision would only apply to the towns.

The Attorney General: That was the object of the clause.

Clause put and passed.

Clause 8—Licensing courts:

Mr. BATH moved an amendment—

That in line 2 of Subclause 2 the words "appointed from time to time by the Governor" be struck out and "elected as hereinafter provided" inserted in lieu.

This was a similar amendment to the one he had moved when the Bill was under discussion the previous session and the adoption of which evidently led to the Bill being given a very subordinate position on the Notice Paper from that date. The amendment was in thorough keeping with the spirit of the measure. The main reason advanced for the legislation was to introduce the principle of local option so far as the licensing of places for the sale of spirituous liquor was concerned. If we were going to introduce a principle to provide for the electors having a say,

through the referendum, in the granting of licenses, how much more essential was it that in connection with the constitution of licensing courts, which would be largely concerned in the administration of the measure, we should also have the same principle, namely, that the verdict of the people should be maintained. The present system of nominated licensing benches was entirely unsatisfactory. It had been condemned by experience in this State, not only by actual instances which had been brought under the notice of the responsible Minister but also by what was open to the observation of any individual at any hour of the day. All who had had experience in the metropolitan area and in places like Kalgoorlie, Boulder, Cue, and Northam, would agree that the class of license granted at times in those places was a standing indictment against the existing system of licensing benches. It would have to be a very bad system which could not substitute something superior to that. The provision for the election of the licensing benches was in entire accord with the principles of the Bill.

The ATTORNEY GENERAL: It was to be hoped the Committee would give some consideration to the amendment before deciding to vote in favour of it. The main reason advanced by the hon. member for the substitution of the elective system for the nominative system was that the nominative boards existing at the present time had been condemned by experience. That was of course largely a matter of opinion. While not wishing to take an extreme view, and while being ready to admit that in some cases possibly the boards did not exercise the wisest possible selection, still, in the great majority of cases, the nominated boards had fulfilled their functions admirably. Even although an elective board were substituted what guarantee would there be that it would in every case be a perfect one? Granted in some localities, if there were a very strong and intelligent interest taken in the question of licenses and in favour of the adoption of the principle of an elective licensing court, there might be an admirable bench obtained, possibly better even than under the nominative system, but we had to look at Western Australia as a whole. We could not take out isolated districts but we must consider how the principle of election would work in the various districts of the State. In this House we frequently took for granted that there was a great interest manifested by the public in all public questions. We assumed that not only on the licensing question, but also on all political matters, the public were keen politicians and followed the course of public events closely and were only too anxious to take part in them. That was a theory in political circles, but if we asked ourselves what were the actual facts there was not one of us who had not, when engaged in political work outside the Chamber, found how difficult it was to stimulate political interest even in questions vastly more important, and appealing vastly more to the imagination of the public, than that of the election of licensing benches. Although the lack of interest in political questions was not so noticeable perhaps in the country, yet in Perth and Fremantle, and possibly in the Eastern Goldfields, it was a matter of the utmost difficulty to get people to be present at election meetings or to take a very strong interest even in parliamentary elections. One might easily have too many elections in a community. The public were not asking for them and we found, as in the case of the recent Federal elections, that when such elections were followed very shortly afterwards by the State Parliament elections, the interest of the public had almost entirely evaporated. The principal danger in regard to elective licensing boards was that in a large number of districts, more particularly perhaps in the country, the great bulk of the electors did not care twopence who were appointed to the boards, and if there were any strong temperance feeling in the particular districts the publicans would run their own nominees for the boards, who would be elected in due course.

Mr. Bolton: That was provided against in the Bill.

The ATTORNEY GENERAL: There was provision against those persons engaged or interested in the sale of liquor being elected to the boards but there was no chance of providing against some one who was a *persona grata* to the publicans being elected. It was impossible to prevent publicans securing an election by that means. Members knew that the publican was a force to be reckoned with in political matters and very decidedly to be reckoned with in many of the licensing districts of the State. A person who might be popular and who might know a large number of people would be anxious to get his nominee returned, and he would have in most cases a better chance than those few people who might be interested in temperance in those districts where there was no effective temperance organisation in existence. In a few selected localities, such as Perth, Fremantle, and the suburbs, it might be possible to work up a strong public agitation, and run a candidate in the temperance interests, who, however anxious he might be to do his duty, would nevertheless, be a partisan. There was always the danger that the great mass of the people, who did not take a strong interest in the question, would refrain from troubling themselves about the election, and it would be determined by a minority of the electors, and a minority holding extreme views either one way or the other. There was the further consideration, that in some country districts, more particularly in the remote North, it would be a difficult matter to secure candidates if the elective principle had to be depended upon. There were many gentlemen, while willing to accept office of some honour, but certainly of no profit, an office of public duty in which they were liable to be severely criticised, would accept such an office if nominated by the Crown, but who would persistently refuse to come forward as candidates and submit themselves for election, and possibly a contested election. Taking all these reasons into consideration he hoped hon. members would not make the sweeping change suggested by the member for Brown Hill.

Mr. BOLTON: The Attorney General claimed that because an elective board was being advocated instead of a nominative one, it would not be any more perfect. Surely that was not an argument against an elective board. The very principle of the Bill was that the voice of the people should be heard by means of the local option poll, and that the people should practically rule. If the people were content to vote in connection with local option, and abide by the result so, also, would they be content to elect the court, and abide by the result of the election. The election would be no different from electing a representative to the House. It was not expected that the court, even if it was elected, would be perfect and would satisfy everybody. All the electors in the Greenough were not satisfied with their member, any more than all the electors of North Fremantle were satisfied with their representative.

Mr. Scaddan: There are exceptions.

Mr. BOLTON: Perhaps the hon. member who represented Ivanhoe satisfied all his electors. If so he was in a very happy position. The Attorney General said that it would be wrong to have a member elected who in any way was interested, not necessarily financially, in a brewery or hotel, or licensed premises, but one who was, as he might be termed, a friend of the publican; that was the objection the hon. member raised. The election might bring about the return of a friend of the publican, but there was also great danger in a nominative as in an elective board, and even more so. How were the Government going to provide against the appointment of a friend of the publican? If the principle of the people to rule was adopted in the measure they should be allowed to rule right through. Why give the people a voice in one matter and then hand over their destinies to a nominated board? The proposal of the member for Brown Hill was not a drastic one; it was in conformity with the principles of the measure right through. The Attorney General said that there might be another difficulty in that he would not be able to get candidates to come for-

ward. What was provided under the Municipalities Act or the Roads Board Act? The Governor-in-Council had power to appoint when no nominations were received, and that principle could knew from experience that various licensing courts. The proposal of the hon. member was carried by a majority vote last session and it was hoped that it would again be carried. Then, in the event of no nominations being received the Government could provide for the filling of the vacancy. Nominations, however, would come forward, and those who might be elected would be able to deal with what might be handed over to them after the taking of a local option poll.

Mr. FOULKES: His inclination was to support the amendment, because he knew from experience that various licensing magistrates, although they tried to act in good faith had not given satisfaction to the majority of the people in the district. The clause, in his opinion, was not a very important one, and although it was his intention to vote for the amendment there were many other clauses of greater importance in the measure which would receive his closer attention. Later on, however, if the Bill were recommitted he might be tempted to alter his opinion with regard to the proposal of the member for Brown Hill. He agreed with a great deal of what the Attorney General had said regarding the difficulty of getting people to take part in elections. It was well that the Attorney General had called attention to that fact, because he would be reminded later on when he made provision for having the local option poll taken that it was not to be taken on the day of a general election. The Attorney General contended that it was difficult to get the people to attend an election of such a character, and he would be reminded of that argument later on when it would be suggested that the poll should take place on the day of a general election. He could not agree with the Attorney General who referred to the small minority of people who took an interest in licensing matters. That was not the case. During the last few years a great majority had taken an interest in licensing reform. Their patience was now exhausted, and they had made up their minds to insist that reforms should take place as soon as possible. It was to be hoped that members would vote in favour of the amendment.

Mr. GEORGE: If the amendment were agreed to would it prevent him from moving an amendment to cross out a few words in an earlier part of the clause?

The CHAIRMAN: It would be impossible for the hon. member to move his amendment then.

Mr. Bath: With the permission of the Committee he would withdraw the amendment he had moved if the member for Murray desired to move one before it.

Amendment, by leave, withdrawn.

Mr. GEORGE moved an amendment—

That in line 1 of Subclause 2 the word "three" be struck out and "five" inserted in lieu.

Members would notice that in Clause 17 it was provided that any two members of the licensing court would form a quorum. With such an important subject, especially when it was a matter upon which the people felt so strongly, the question of dealing with the licenses should not be left to two persons to determine. It was also provided in Clause 12 that any member of a licensing court who absented himself from any two consecutive quarterly sittings should be deemed to have vacated his office. If there was a board of three only it might so happen that frequently only two magistrates would be present to deal with important questions. The number should therefore, be increased from three to five.

The ATTORNEY GENERAL: While in the larger districts such as Perth and Fremantle it might be possible to meet the wishes of the member for Murray, in the country districts it would be manifestly difficult to find five persons who would be ready and who might be qualified to sit on a licensing bench. At the present time in the Broome licensing district the Government were having some difficulty with regard to the appointment of three persons, and if the number were increased to five that difficulty would be accentuated. The Committee might pay

considerable attention to the fact that a licensing bench under the Bill would not have anything like the extensive powers that it had under the existing licensing laws. For instance, it would be impossible for the licensing court to grant any new licenses until a resolution had been carried in the licensing district in favour of increased licenses; and in other directions the powers of the court would be considerably circumscribed. The adoption of the local option principle would give to the nominated court very clear indications of the wishes of the people. He submitted, therefore, that even if there were good reasons under the present law for enlarging the bench, with the more clearly defined limits of powers of the licensing court under the Bill there would scarcely be any strong reasons for increasing the number of members to five, whilst in some instances the increase would be attended by manifest inconveniences.

Mr. Osborn: Are the members of these courts to be paid?

The ATTORNEY GENERAL: No; there is no provision for paying.

Mr. BOLTON: It was to be hoped the number would not be increased. A board of five members would be unwieldy, and in the case of elective boards it would be easier to find three candidates than five. Not that he held there would be any difficulty even in finding the five; yet he thought a board of three, with two to form a quorum, would be sufficient. Quite recently they had had a court of two fining a member of Parliament £50. Surely that court was of greater importance than would be these licensing boards.

Mr. ANGWIN: The amendment was a good one. There would be grave danger in a court or board consisting of three members with two forming the quorum. He remembered an instance of an application before the licensing bench for a wine license. The inspector of police requested that the applicant should be put in the box, whereupon the counsel for the applicant entered into an argument with the resident magistrate: and while the attention of the resident magistrate was thus diverted the other two members of the bench put their heads together behind the magistrate's back and granted the license. Such a thing could not take place in a court of five members. As for the quorum, it was his experience that in such courts all the members made a practice of being present. Of course if the court were nominative there would be a probability of vacancies on the bench. In his opinion a court of five would be an improvement on one of three, and would, moreover, offer a better safeguard to the public.

Mr. KEENAN: In the belief that there would be a difficulty in securing five men suitable for the office, he intended to vote against the amendment. He would support an amendment to have two members of a court of three elected while the third would be the resident magistrate of the district. Such constitution would enable the Government of the day to keep in close touch with these courts, and at the same time it would enable the court to adequately represent the opinions of the electors of the district.

Mr. PRICE: If the court consisted of five members, it could be made thoroughly representative, and we would always be assured that it was doing the best in the interests of the people it represented. He was supporting the amendment believing the court would be an elected body. While pleased with the suggestion of the member for Kalgoorlie, he held that the court should consist of five members, one of whom should be the resident magistrate, while two should be elected by the people. If, on the other hand, the court consisted of three members only, of which one was a magistrate and the others nominees, it would be found that with a bare quorum present the magistrate's decision would always hold. It seemed to him unwise that any one man should have power to finally decide such questions as would come before these courts, even though that man were a magistrate. He would prefer that the board should consist of five members with three to form a quorum.

Mr. WALKER: There could be no doubt that two men were more readily corruptible than three: three more read-

ily corruptible than five, and so on. When the area of corruption was spread its possibility was diminished. It was the experience of the world that where only a few people held great powers in their hands, they were more likely to be "got at" than would be the case when there was a larger number to be influenced or intimidated. He saw no objection to a court of five members, nor did he think there would be any difficulty in getting five candidates for the position. The licensing district would comprise a whole electorate, and surely there was no electorate in the State which could not find five men of probity capable of fulfilling the functions of licensing magistrates. Apparently the only solid objection the Attorney General had to the amendment was the alleged difficulty of finding five men. He could quite understand that the Government might experience difficulty in discovering five suitable nominees; but where the responsibility was with the electors that difficulty vanished. He was confident that the electors could be relied upon to make a wise choice of the members of these boards. He would support the amendment.

Mr. GEORGE: It was possible that the suggestion thrown out by the member for Kalgoorlie, namely that the resident magistrate should be chairman of the court while the other members were elected, would find favour with him (Mr. George) if the board consisted of five members. Clause 18 provided that every application made to the board shall be decided by a majority, and if only two members of the court were present the proceedings shall be adjourned until such time as three members could attend. With a court of five members, even if nominated, and certainly if elected, there was bound to be a better representation of both sides of the question than there would be with only three members. And so strong, probably, would the feeling be on both sides that there would be at least a full quorum present, in which case no one could grumble at the attention given. As to the difficulty of getting five men elected, as raised by the Attorney General, there was no difficulty in getting men to sit on roads boards; and as this was a more important matter we would not only get the five men to take the position, but they would do their duty.

Mr. COLLIER: It might be possible to get five men in populated centres, but it would be almost impossible in many electorates to get five men qualified to sit on a board of this kind. There was difficulty now even with the roads boards. It was hard to understand the member for Murray claiming that with a board of three there was every chance of only two members being present, whereas with a board of five the whole five would be present. The hon. member claimed there was danger in having a small number. If so, why have only three trustees for the Agricultural Bank; why allow one justice of the peace to deprive a man of his liberty? The same argument could even be applied to the Supreme Court Judges.

Amendment put and negatived.

Mr. BATH moved a further amendment—

That in Subclause 2 the words "appointed from time to time by the Governor" be struck out, and "elected as hereinafter provided" inserted in lieu.

Although the Attorney General indulged in a great deal of language, the hon. member practically, in opposing the amendment, came out by the door through which he entered. It was difficult to gather the hon. member's real objection to the elective principle, or what solid grounds he had for opposing the amendment. One would naturally expect some solid arguments for a departure from what was the general principle of the Bill The hon. member contended that representatives of extreme views would be elected, but in Parliamentary elections persons holding extreme views on sectarian questions tried to exercise influence, and the great body of opinion among the people was not favourable to that kind of thing. It rarely happened that extreme sectarians exercised sufficient influence to return extremists or those not likely to give reasonable judgment in matters coming before them. On the whole the great body of electors was eminently fair, and by the elective prin-

ciple we would secure men who were fair-minded.

Mr. Jacoby: Would you elect resident magistrates?

Mr. BATH: In view of what might be termed the prejudices and out-of-date views so often held by those charged with the kind of duties the hon. member referred to, it might be preferable to have election there also. Another argument of the Attorney General was that the choice would be limited in some districts, such as the North-West, but the choice would be equally limited with nominated courts.

The Attorney General: Not equally so, because a man would accept office sometimes when nominated but would refuse to go up for election.

Mr. BATH: That was not a sound argument. Where there was opportunity for election it excited even greater interest in public affairs than where positions were nominated. The amendment was in keeping with the spirit of the Bill. If adopted we could have no worse administration than under the existing system, and would possibly have better.

Mr. DRAPER: The objection raised to this amendment last session still held good. The amendment did not distinguish between the electors and the bench—between the principle of local option exercised by the electors of any district which was to guide the judicial court as to the principle upon which the court should give decisions. The Bill made the licensing bench a court of record with considerable powers, powers similar to those of an ordinary court of law: and if the electors of any particular district were to elect the members of the licensing bench, the analogy would be the same if a certain class of litigants were to elect the Judge who was to decide their cases that were to come before him.

Mr. Scaddan: They would get justice then: they do not get it now.

Mr. DRAPER: The functions of any judicial bench were to protect the parties coming before it from unjust prejudices, or from what might be termed the popular view, and to decide in favour of litigants in accordance with well-established principles of law and equity, which well-established principles were not to be created by the moment, nor the subject of momentary passion. The Bill left certain questions to the electors of every district, as to whether the number of licenses existing in the district should continue, as to whether the licensing court should decrease the number of licenses, or as to whether any new licenses should be granted in the district. Those were proper questions and there might be others which members would suggest should be left to the electors of any particular district. The electors might decide in favour of one of those questions and then it would be for the licensing benches to see that it was carried into effect. The member for Brown Hill went further, however, for he wanted to have Judges appointed to the bench who would not only carry out the decisions arrived at by the electors, which they were bound to enforce in any event, but who would also be prejudiced in favour of the resolutions passed and would be inclined to listen to nothing which might be in any way contrary to the spirit of those resolutions or contrary to the views of the extreme party in the electorate. When there was a licensing bench exercising the functions of a court of record, exercising judicial functions, it would be dangerous in the extreme to allow them to be purely elective.

Mr. TAYLOR: The amendment was the same as that introduced last session. It had met with his approval then and would receive his support now. He had expected to hear reasonable arguments from the Attorney General in support of the clause as it stood. The Minister had argued that there were only two sections of the community to be considered—the temperance people and those connected with the liquor traffic. Take the number of extreme people on the temperance side in the State and the number connected with liquor traffic, and they would provide but a small percentage of the community. When a question of this nature as to the representation on the licensing benches was left to the electors as a whole neither party would be able to influence

the electors to a very large extent—that was if the people of the district took any interest in the question as regards that particular area. The Attorney General said it would be difficult to galvanise any interest into the election of the benches, and pointed out that it was difficult at times to work up much interest even in connection with parliamentary elections. There was no proof that the people would not display deeper concern as to how the liquor traffic should be conducted, for in the past they had little or no choice. In fact, their only power had been to put certain questions to candidates for parliamentary honours as to the line of action they would take with reference to liquor reform. Probably every member had been circularised by both the Alliance and the Licensed Victuallers' Association. Notwithstanding the opinion of the Attorney General, he believed the people would take a great interest in the question and particularly so because they would know they would have the opportunity of saying how many licenses there should be in their district. It was idle for the Attorney General to say that unless there was a strong temperance section in an electorate, or a strong body interested in the liquor traffic, there would be no feeling displayed, that the people would be lethargic as to what was done. There were sufficient level-headed and right-thinking people, apart from the extreme sections, to guide the conduct of liquor reform if they had the opportunity. It was always well to allow the people to decide, and every opportunity should be given them to say how the liquor traffic should be conducted. They would have the right to decide just as they thought best, whether it be in favour of more or fewer licenses. They should have the power to elect the benches, for if so they would know exactly how their wishes would be carried out. The Attorney General argued that there would be a scarcity of people to fill the positions and added that there would be a difficulty in getting people to stand the test of an election although they would be quite ready to accept nomination. The man who would accept a nomination from the Government but was frightened to stand the ordeal of an election by the people was not the proper man to have power and authority on a board of any description. These positions were accepted by men nominated by the Government in anticipation of future payment. That was said as an interjection, and a very pertinent interjection, by the member for Ivanhoe. That this difficulty was not experienced was shown by the fact that there was no dearth of candidates for the position of justices of the peace in the Attorney General's district; in fact, some ten justices had been apointed for the Greenough district during the past twelve months.

The CHAIRMAN: That hardly applied to the clause.

Mr. TAYLOR: No difficulty would be experienced in getting men to stand for election for the licensing benches. In the sparsely populated parts of the State where there were seven or nine men on the roads boards, there was no difficulty in getting candidates, and one generally found in the small towns that when an election was being held for the roads board more enthusiasm was shown than when a member stood for the whole electorate. It was found that some of the most exciting elections were those held in connection with the office of mayor on the goldfields. The same thing would obtain in connection with the election of members of licensing benches. The knowledge that they would be elected by the people to carry out the wishes of the people would be an incentive to men to seek positions on the benches. If candidates failed to come forward the Government would have the right to nominate men, but there was no argument in any democratic country against election. When he was speaking on the second reading of the measure there was an interjection from the member for Fremantle asking whether the Supreme Court Judges should also be elected. There was no analogy between the two cases.

Mr. Jacoby: The principle was the same.

Mr. TAYLOR: The hon. member was devoid of knowledge of principle. All the principle he had carried had never made him round-shouldered. Members of the licensing benches would be directed and guided by the wishes of the majority of the electors. The people would have certain questions put to them and it was only natural to expect that those people would like to have the right to elect men to the benches who would carry out their views. The majority would have the power to say what number of hotels should be licensed in their district and they should also have the right to say who should represent them on the licensing benches. Unless the Attorney General advanced sounder arguments in favour of the clause as it stood he would not by his arguments convert a majority of members to his way of thinking. He might convert them by some other means, but the statements he had made in favour of the clause would not hold water.

Mr. MURPHY: It might have been expected that the member for Brown Hill who moved the amendment, would have given more weighty reasons in support of it. The member for North Fremantle stated that he would support the elective system because he believed that the people should rule, and exactly the same opinion had been given by the member for Mount Margaret. The latter had referred to an interjection made by him (Mr. Murphy) and said that it was not pertinent. The interjection was a pertinent one, and how any member could, for one moment, distinguish any difference between the right to elect the members of a licensing bench and justices of the peace, resident magistrates, and Judges of the Supreme Court, he, for one, probably through ignorance, failed to conceive. If the people had the right to elect members of the licensing bench the principle should hold good with regard to the administration of all Acts of Parliament.

Members: No.

Mr. MURPHY: Why not? The people through their representatives had said what laws they should live under and they had expressed their wishes by the Acts passed by Parliament. If that was so the people should have the equal right to claim who should administer those Acts. If the principle was good in the slightest degree it must be good in the greater. The member for Brown Hill denied what was said by way of interjection by the member for Swan with regard to what took place in America. He was quite correct in saying that it was not exactly on a direct vote, but it was sufficiently direct to prove to any unbiassed member of the House what a terrible amount of corruption crept into the administration of justice when the elective principle was applied to any degree.

Mr. Bath: The corruption in America is in the Supreme Court, which is not elective.

Mr. MURPHY: The hon. member had read very little of the judicial history of the United States, when he remarked that the corruption was in the Supreme Court. If there was one bench which the United States had reason to be proud of it was the Supreme Court bench of that country.

Mr. Bath: I do not agree with you.

Mr. MURPHY: Although a test vote on this particular principle was taken last session he was entirely opposed to it, either in connection with the administration of a Licensing Act or any other Act and he intended to vote against the amendment. The hon. member did not directly say so, but he incidentally made some reference to something that had taken place under the nominee system, and that the only person who had ever been disqualified from having a seat on the bench was one who was directly engaged in the liquor traffic. It was, however, due to the fact that there were so many teetotallers on the bench that there had been so much injustice done. The only person who could be disqualified from having a seat on the bench was the one who had a direct interest.

Mr. Collier: There is a difference between holding a financial interest and holding opinions on the question.

Mr. MURPHY: Knowing well that the difference in the personnel of the Committee since it met last session would

not make much difference in the vote he would content himself by stating that when the matter went to a division he would cast his vote against the amendment.

Mr. KEENAN: It was his intention to support the amendment, but when the proper time arrived he would move to insert words other than those indicated by the member for Brown Hill. It was alleged by the Attorney General that there would be a great danger of want of interest in the election of the three persons who would constitute this board, and it had also been pointed out that at present there was a difficulty in obtaining persons who were prepared to sit on the court. When the proper time arrived it was his intention to take steps which would certainly remove the possibility of want of interest in the election, and which would endow the court with far greater powers than the present Bill conferred upon it. He would merely indicate that those powers would in each district, according to the vote of the electors of the district, allow houses to remain open for certain hours on Sunday, and permit houses during the 24 hours to be open at times suitable for requirements. In fact, instead of being as that court would be for the next ten years a mere dead and alive body, and more dead than alive, it would be a board which would have some active work to do. There would be as much interest shown in the election of members of the board as was to be found to-day in any election in connection with our governing bodies. A further argument the Attorney General used was that it was possible that the publicans by combination would secure the election of their nominee. It seemed, from what one heard, that there was a strong party in the State in favour of temperance. That party would surely protect the interests of those who favoured temperance. If it were possible to imagine that the public were going to have easy means of placing their nominees on the bench we should expect to find all those in favour of temperance would be opposed to the elective principle; and on the other hand, those who were more or less apologists of the licensed victualfers would support the principle, but we found exactly the opposite. We found that those who favoured temperance views, favoured also the elective board, and he was glad to learn that the publicans had nothing to fear because the Attorney General had given an assurance that the publicans would be able to control the voting. Another argument which was a specious argument, and if properly examined would be found to be entirely inappropriate was the argument of the member for West Perth, that if we adopted the principle of elective licensing courts we should carry it to its logical conclusion and elect our Judges, because he asserted the duties discharged by the judicial bench and those of the licensing court would be of the same kind. That was absolutely incorrect. The Judges were placed on the bench to carry out the laws without any discretion on their part. One heard Judges frequently point out that if their own opinions were to weigh they would take the opposite course. They simply interpreted the law which had been made by Parliament. If the case were a criminal one, and, in the opinion of the Judge, should never have been an offence he had no discretion in the matter. The law of the land was invoked and he had no option but to direct the jury to convict, and his only discretion arose as to the measure of punishment. In the Bill before the Committee, Clause 45, Subclause 2 might be described as the most important provision of the whole measure, the question of granting or refusing licences. It provided—

> Notwithstanding that a resolution is carried that the number of licenses in a district may be increased, every application for a license made pursuant to such resolution shall be granted or refused in the absolute discretion of the court.

In other words the passing of a resolution by the electors would be merely an index to the court, for the court would be allowed to exercise discretion as to whether or not they gave effect to such resolution. He hoped the Committee

would agree to the amendment to delete the words, and when the proper time arrived he would move the insertion of further words.

Mr. FOULKES: A good deal of misapprehension had arisen from the fact that the so-called court, which was nothing more than a board, had been regarded as a court. The board's powers would be distinctly limited. If, under a local option poll, it was decided to reduce the number of houses, it would be for the board to say which houses should be abolished; and similarly, if the people decided to increase the licenses, the board would decide to which of the applicants the new licenses would be given. One could not help seeing that these boards would have very little to do. The boards would have no power to inflict punishment for breaches of the law, for offenders would be brought, not before the board but before the police magistrate. If in the Bill the board had been termed a board the arguments used against the amendment would not have been brought forward. In New Zealand the board was called a committee; and that really was what it was, an administrative committee.

Mr. WALKER: It seemed incomprehensible that the Government should be so anxious to return to the system of nominee boards. What was there to be gained by it? The only purpose of a Bill of the kind was to remit to the people matters connected with licensing, to transfer out of the usual routine the management of licensing, to remit entirely to the judgment of the people the question of drinking shops. Were the Government going to give the people the right to vote on the essential question of increase or diminution of licenses, and at the same time have a board of nominees who would stand in the way of the exercise of the will of the people? If the clause were allowed to remain in its present form it would be tantamount to saying to the people, "You can play with the question, but we shall retain the real management, and whatever you may vote, our nominees will approve it or reject it as they think fit." The Bill would be a farce if the nominee principle were allowed to remain in it. It would be no longer local option, but government by the Government of the liquor traffic. He had been surprised at the attitude of the member for West Perth in making a comparison between the members of these boards, whether nominated or elected, and the Judges of the land. The licensing boards would have nothing more to do than to administer; they would have none of the judicial functions that belong to the law courts. Could the hon. member point to one act the members of these licensing boards would have to perform which was analagous to the judicial acts either of magistrates or Judges? These boards would have to perform only what they were directed by the Act to perform; they would have no more to do than administer the Act and comply with it. Their functions would be not nearly so important as those of a town council or even a roads board; yet the roads board and the town council were both elective. If the people could be trusted to send the hon. member to Parliament, why could he not trust them to send members to a licensing court? Could the Government not trust the people to elect officers of so little importance as would be the members of these licensing boards? Kings had been elected in the history of British law before to-day, and sheriffs and judicial officers also had been elected. There was no earthly reason why we should depart from so important and beneficial a principle. Members should not stultify themselves. Members had voted for elective courts last session, and what was there now to induce them to go back on it? Surely there was nothing except the stubbornness of the Government determined to have their own way despite the will of the Committee, which had been declared only last session, when the whole Bill was changed by the consequential amendments due to the assertion of the elective principle by a majority of the members. But now, notwithstanding that the majority had affirmed that principle only last session, the Government said, "We are determined to have our end; we have brought

it in again just as we started, and we are determined to stand by what we said was right."

The Minister for Works: Giving you an opportunity for mending your ways.

Mr. WALKER: Did it not rather show that the Government were not capable of amending their ways in deference to the will of a majority of the Committee? One could easily understand that there would be no deference to the will of the people. The Government were too dogmatic, too self-assertive in their position, and at the same time were utterly disrespectful to the will of the Committee. No arguments whatever had been adduced to justify this change of front.

Mr. Gordon: One by-election served to guide us a little bit.

Mr. WALKER: The Fremantle election had been won in spite of the Government. The member for Fremantle had forced himself upon the Government. The Government had had no choice or selection at the time. And what had there been in that by-election? Merely the same old cry, "The dock, and for God's sake never mind Murphy, but save Moore and his Government."

Mr. Gordon: Would the total abstainer forfeit his opinions for the sake of the dock?

Mr. WALKER: In all circumstances the total abstainer remained in his cool senses, but unfortunately in Fremantle the temperance people were not in the majority, and those who were not drunk with beer were drunk with the greed for the parish pump. There was no test of this principle at the Fremantle by-election. That was beside the question, however. The Government had gone back on what they adopted last session; it was undignified; and hon. members should stand by what was done last session, seeing no new occasion had arisen to deflect people's judgments.

Mr. DRAPER: The members for Kalgoorlie and Kanowna had thrown down a challenge to the argument that there was a strong analogy between a licensing bench and any Judge or officer called upon to exercise judicial functions, and the member for Kalgoorlie unnecessarily informed members that a Judge of the Supreme Court had no discretion as regarded points of law, and would have members believe that the only duty of a Supreme Court Judge was to decide questions of law. As a matter of fact, a Judge had also to decide facts. For every case tried by a jury in the Supreme Court there were nine cases tried by a Judge alone. In this Bill there were many cases where licensing benches would have to decide questions of fact upon the evidence taken before them, and it was of the greatest importance that the bench should come to the performance of their duties with absolutely unbiassed and impartial minds. If they were simply the nominees of a certain section of the electors, whose votes would, to a large extent, be upon their own particular views, they were not likely to come to their duties with minds ready and willing to hear everything for and against the particular cases laid before them. They were not purely administrative bodies as one member contended. According to Clause 52 the licensing benches were to decide questions of renewals of licenses, and also questions of granting licenses. Clause 61 laid down specific objections which could be taken to the granting or renewal of licenses, and nearly all those objections must, to a large extent, depend on the evidence produced to the licensing court. In the circumstances it appeared undoubted that the licensing bench exercised to a large degree the same duties as were performed by other judicial officers, and there was undoubtedly strong analogy between the functions of a licensing bench and those of any other judicial officer.

The ATTORNEY GENERAL: According to the member for Kanowna the Government were averse to trusting the people. But it was not a question of trusting the people, it was rather a question of whether we should force upon the people a duty they had never demanded, and forwhich no large portion of the people had ever made an emphatic request. Since it was announced that the Bill was to be reintroduced in the form in which it was first introduced last session there had been no strong manifesta-

tion of feeling outside the Chamber on the question of elective or nominee boards. In fact, there was no doubt the people did not wish to be called out on every possible occasion to exercise their functions as electors. Whatever argument was used would not influence the vote on this matter, but as an important principle was involved it was advisable there should be a division so that members would have the opportunity of expressing their convictions in the most emphatic manner. But members must not think the Government were bringing forward the measure in the spirit indicated by the member for Kanowna who claimed that the Government were determined to have their way, were too dogmatic, and utterly disrespectful to the will of the Chamber. That was not the spirit in which the Government desired the Bill to go through the Committee stage. The Government were sincerely anxious to get the Bill passed, and the result of the division on this particular question would make no difference so far as they were concerned in the progress of the measure. They would not resent the fact that possibly the division might go against them. There were many controversial matters that must arise in the discussion of the Bill, and members should be in the position to debate them calmly and to use any arguments they thought to the point without supposing that the Government, or the Opposition, viewed a measure of the kind through party spectacles. If in this initial debate a tone was set for all future discussion, we would have a better Bill than if we were to adopt anything of the nature of an acrimonious tone or were to imagine it was the desire of the Government to force their opinions down the throats of hon. members.

Amendment—that the words "appointed from time to time by the Governor" be struck out—put, and a division taken with the following result:—

Ayes	.. ..	23
Noes	.. ..	18
Majority for	..	5

Ayes	
Mr. Angwin	Mr. Keenan
Mr. Bolton	Mr. McDowall
Mr. Collier	Mr. O'Loghlen
Mr. Cowcher	Mr. Price
Mr. Foulkes	Mr. Scaddan
Mr. George	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Gourley	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. Bath
Mr. Johnson	(*Teller*).

Noes	
Mr. Brown	Sir N. J. Moore
Mr. Butcher	Mr. S. F. Moore
Mr. Davies	Mr. Murphy
Mr. Draper	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Jacoby	Mr. Piesse
Mr. Layman	Mr. F. Wilson
Mr. Male	Mr. Gordon
Mr. Mitchell	(*Teller*).
Mr. Monger	

Amendment thus passed.

Mr. KEENAN: Following upon the remarks he had made he desired to move an amendment to that suggested by the member for Brown Hill so as to provide that two of the members of the licensing benches should be elected and that the third member should be the resident magistrate of the district. Would one be in order in proposing that amendment now?

The CHAIRMAN: An amendment of that nature could not be put until after the amendment proposed by the member for Brown Hill had been negatived.

The ATTORNEY GENERAL: It might be convenient, before the matter went to the vote, for him to express the hope that members would take in view the suggestion made by the member for Kalgoorlie. That suggestion represented a compromise and would undoubtedly be a considerable improvement on the proposal that the court should consist wholly of elected members. If the amendment proposed by the member for Brown Hill were negatived it would be possible for the member for Kalgoorlie to bring forward his amendment. It was to be hoped the amendment would be accepted. It would not be wise to go to extremes on the question and it would surely be better that, as the proposal to have an entirely nominative board had been negatived, the middle course urged

by the member for Kalgoorlie should be adopted.

Amendment (Mr. Bath's)—that the words "elected as hereinafter provided" be inserted—put, and a division taken with the following result:—

Ayes	.. ..	19
Noes	.. ..	22
Majority against	..	3

AYES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. O'Loghlen
Mr. Bolton	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Taylor
Mr. Heitmann	Mr. Walker
Mr. Horan	Mr. Ware
Mr. Hudson	Mr. Underwood
Mr. Johnson	(*Teller*).

NOES.

Mr. Brown	Mr. Mitchell
Mr. Butcher	Mr. Monger
Mr. Cowcher	Sir N. J. Moore
Mr. Davies	Mr. S. F. Moore
Mr. Draper	Mr. Murphy
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. Plesse
Mr. Harper	Mr. F. Wilson
Mr. Keenan	Mr. Gordon
Mr. Layman	(*Teller*).
Mr. Male	

Amendment thus negatived.

Mr. KEENAN moved a further amendment—

That the words, "constituted as hereinafter provided, two persons shall be elected as provided in the next subsection and the third shall be a resident magistrate holding office for the time being within the district," be inserted in lieu of the words struck out.

Mr. BOLTON: Did the amendment provide for the election of two members?

Mr. KEENAN: A subclause would be moved subsequently providing for that.

Amendment put and passed.

Mr. KEENAN moved a further amendment—

That the following stand as Subclause 3:—"The members to be elected shall be elected by the electors for the time being on the roll for the Legislative Assembly within the district."

Mr. BATH: The amendment would not cover any amalgamated district as provided in the preceding clause. The amendment on the Notice Paper standing in his (Mr. Bath's) name with the insertion of the one word "elective" would meet the case.

Mr. KEENAN: I will accept the hon. member's suggestion, and withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. KEENAN moved—

That the following stand as Subclause 3:—"The elective members of every Licensing Court shall be elected by the persons whose names appear on the roll for the time being of electors entitled to vote in the district for a member of the Legislative Assembly. Provided that where an electoral district is divided into two or more licensing districts, those persons only whose names appear on such roll as being resident within that part of the electoral district which constitutes the licensing district shall be entitled to vote at the election.

Amendment passed.

Mr. DRAPER: It was provided now that a resident magistrate within a district should be a member of the board. There might be two resident magistrates and who was to decide which of the two was to be the member of the board? To overcome the difficulty he moved a further amendment—

That the following stand as Subclause 4:—The resident magistrate shall be appointed by the Governor.

Amendment passed; the clause as amended agreed to.

Progress reported.

House adjourned at 10.20 p.m.