necessity for postponing the measure for so long as three weeks. If some postponement is desired, I shall not object to a postponement for one week, which will give ample time for the hon. member and others to make themselves acquainted with the provisions of the Bill.

HON. F. M. STONE: Is the Minister in order in discussing a motion for adjournment of the debate?

THE ACTING PRESIDENT: There should be no discussion on a motion for adjournment of the debate.

Motion passed, and the debate adjourned for three weeks.

ADJOURNMENT.

The House adjourned at 7·45 o'clock, until the next day.

Legislative Assembly,

Wednesday, 12th October, 1904.

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Museum and Art Gallery Committee's report for 1903-1904; 2, Importation of Cattle across the South Australian border, papers moved for by Mr. Henshaw; 3, Townsite at Collie-Cardiff, papers moved for by Mr. Henshaw.

QUESTION—TELEGRAPH CABLE AT COTTESLOE BEACH.

MR. NEEDHAM asked the Premier: 1, What form of tenure has the Eastern Extension Telegraph Company on lands held by them at Cottesloe Beach? 2, What conditions are attached to the granting of same? 3, Have those conditions been forfeited?

THE PREMIER replied: 1, A 99-years lease from the 1st January, 1900, at a peppercorn rent. 2, That the lessee shall at all times during the said term use the lands for the purpose of laying and working the new cable or other lines for the efficient maintenance of telegraph service between Europe and Australasia, and in the event of the land becoming disused for said purpose, the land to be surrendered to the Crown.

QUESTION—MINING REGULATIONS, GAZETTING.

MR. GORDON asked the Minister for Mines: When does the Government intend gazetting regulations in connection with the Mining Act which came into operation on the 1st March last?

THE PREMIER (for the Minister for Mines) replied: The Mining Regulations will be gazetted as soon as they have been revised by the Crown Law Department. The Crown Solicitor is fully engaged in legislative work, but has promised to give the Mining Regulations early attention.

BILLS (2), THIRD READING.

MINES REGULATION ACT AMENDMENT, transmitted to the Legislative Council.

INSPECTION OF MACHINERY, transmitted to the Legislative Council.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2).

IN COMMITTEE.

Resumed from the previous day.

New Clause (previously moved)—Members of Parliament not to appear as advocates in Arbitration Court:

THE MINISTER FOR WORKS (Hon. W. D. Johnson): Perhaps the member for Boulder would withdraw the proposed new clause, pending the introduction of a comprehensive measure dealing with various amendments to the Conciliation and Arbitration Act.

Mr. HOPKINS: If the new clause were withdrawn, would the Labour party undertake not to introduce any amendment until a comprehensive measure was brought forward by the Government?

The MINISTER: Yes; the party would not introduce any amendments. If the new clause were not withdrawn, the Government would have to oppose it; but if it were withdrawn, the Government intended to give that and other matters consideration later in the session.

Mr. HOPKINS would fall in with the wish of the Government and withdraw the new clause.

The CHAIRMAN: It would be necessary for the member for Forrest to withdraw his amendment first.

Mr. A. J. WILSON: It would have been well if this amendment (to prohibit also law clerks) and other important matters could have engaged the attention of the Committee; but he did not wish to delay the Bill, and would withdraw his amendment.

Amendment and new clause withdrawn.

Preamble, Title—agreed to.

Bill reported with amendments.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 6th October; Mr. Bath in the Chair, Hon. W. C. Angwin (honorary Minister) in charge of the Bill.

Clause 12—Repeal of Section 106 (voting in absence):

[Mr. N. J. Moore had moved to insert a new clause in lieu, permitting absent voter if more than 10 miles distant to record vote before election day. Discussion resumed.]

The PREMIER: When the Committee left the Bill last, it was understood that if it were desired to make provision for absent voters, the clause could be struck out at this stage; also he had said that if this course met the wishes of the Committee, he would have a new clause framed and introduced to deal with the question somewhat on the lines proposed by the member for Bunbury (Mr. Moore), and likewise a special provision in regard to voting on propositions to borrow money. He was anxious to find out the will of the Committee.

Mr. N. J. MOORE: It would probably meet the wishes of the Committee if the suggestion of the Premier were adopted; to strike out this clause, and frame one giving effect to the amendment which he (Mr. Moore) had suggested, with a proviso that the votes should not be recorded until after the day of nomination. He also thought if the suggestion of the member for Guildford were included, giving absentee property owners an opportunity of voting on a loan proposal, that would meet the wish of all concerned.

Mr. C. H. RASON: Although appreciating the desire of the Premier to meet the wish of the Committee, the proposed amendment by the member for Bunbury seemed to go a little too far. It provided that only *bona fide* residents in the municipality should be entitled to vote in absence. He believed the Committee desired that every person entitled to vote should have an opportunity of doing so. In the majority of cases, regarding household property the tenants had a vote if there were tenants, but in the absence of a tenant the owner of the property had a vote, and rightly so. There were many untenanted houses in Western Australia. He knew that in the town of Fremantle, for instance, there were many houses without tenants. We made a provision that a voter must be resident in the State, but now we sought to say he must be a resident in the exact locality where the property was situated. Why should that be? It was admitted to be wrong in regard to voting on a loan proposal. Why should an owner of property in Guildford be debarred from voting because he lived at Midland Junction? It was hoped the Premier would take the matter into consideration in framing the new clause.

Mr. C. C. KEYSER: The restriction proposed was reasonable. Without it an agent taking a very active interest in his candidate would ascertain from the rate-book where various owners resided, and would correspond with them and get their votes, which might alter the whole aspect of an election, the scale being turned by the votes of absentees who had no idea of the conditions existing, and of the capabilities of the candidates. If the member for Guildford had had experience at all in municipal matters, he would vote in favour of the proposal.

HON. W. C. ANGWIN: The existing Act provided that occupiers should be enrolled in preference to owners; hence no hardship was entailed on the owner.

MR. RASON: If the owner paid his rates before the 1st September, what would happen if there were no occupier?

HON. W. C. ANGWIN: The owner's name would go on the roll; but that would happen "once in a blue moon."

MR. HOPKINS: How often was the ratepayers' roll checked?

HON. W. C. ANGWIN: Once a year; but even so, after the 1st of September it would be impossible to put the owner's name on the roll.

MR. N. J. MOORE: All experienced councillors recognised that absentee voting was a great nuisance. Absentees voted for the first candidate who solicited a vote, irrespective of his ability. A *bona fide* resident of the municipality should be able to record his vote before the returning officer, after the day of nomination.

MR. H. BROWN had intended to oppose all proxy voting; but the one-man-one-vote proposal of the Government must be qualified. Some Perth ratepayers were in much greater need of proxy votes than even permanent absentees. Early in each November some of the largest ratepayers in the city took a trip to the East, and were thus disfranchised because non-resident in the municipality. They deserved a preference over the absentee who might not visit Perth more than once in ten years.

Clause as printed negatived formally (with a view to inserting new clause later).

Clause 13—Election of auditors:

MR. RASON: Some provision should be made for a Government audit of municipal accounts. By the principal Act, the Government might appoint an inspector; but this provision was of doubtful efficacy. The auditor should be required to have some qualification. One knew of several who could hardly add six figures together. To protect the ratepayers, the election of such men should be made impossible.

MR. N. J. MOORE: An improvement would be effected by the provision that an auditor need not be a ratepayer. The clause provided that if the two auditors were elected by an equality of votes or without a poll, the one to go out of office on the 30th November in the year following the election should be decided by lot. He moved:

That the words "before the returning officer" be added to the clause.

THE PREMIER agreed with many of the remarks of the member for Guildford (Mr. Rason); but before the duty of auditing municipal books could be imposed on the Audit Department the staff must be strengthened; and so far there had not been time to attend to this. The Bill provided a more effective audit than the Act, as anyone, whether a ratepayer or not, could be elected auditor. Much of the past trouble resulted from a restricted choice. The clause would also prevent two altogether inexperienced persons from simultaneously auditing the accounts; for the retirement of one auditor at a time would ensure that the auditor remaining in office had some experience. We might reasonably expect that the clause would secure greater efficiency.

MR. H. BROWN: The accounts of all the municipalities between Fremantle and Midland Junction should if possible be audited by a qualified member of some institute. Many auditors were now chosen on account of their popularity, irrespective of their qualifications.

Amendment passed, and the clause as amended agreed to.

Clause 14—agreed to.

Clause 15—Amendment of Section 167; brothels, furnaces, hoardings:

MR. A. J. WILSON moved an amendment:

That the words "or used" be inserted after "occupied," in line 2 of Subclause 1.

Premises might be used temporarily as brothels, and they should be brought under the clause.

MR. KEYSER opposed the amendment. The rooms of a hotel might be used temporarily without the knowledge of the proprietor, and the latter would be responsible.

Amendment put and negatived.

MR. RASON: By this clause there was danger of an innocent person being made to suffer. The clause made it immaterial whether the premises were occupied by one person or more than one; but it had been previously held that

premises must be occupied by more than one person to be constituted a brothel. If one person should constitute a brothel an unscrupulous member of the police force might accuse an innocent woman of being a prostitute and of keeping a brothel; a conviction might follow, and the owner of the property would suffer as well as the tenant.

Mr. N. J. MOORE: The amendment was brought up at the instance of the councillors of Kalgoorlie, where it was almost impossible to secure convictions against these premises. It was felt this provision would meet the difficulty.

The PREMIER: The same trouble occurred in Perth and other places. No greater danger could be apprehended in the case of a place occupied by one person than in the case of a place occupied by two persons. Magistrates were always careful to see that ample evidence was available before they arrived at a conviction, and under any law a person might be wrongfully accused out of malice or spite. When the original Municipal Institutions Act was passed the impression was that the wording of Subsection 24 of Section 167 would cover all this class of houses; but afterwards it was found to be inoperative in regard to establishments kept by individual women. In goldfields towns specially, large numbers of these places were kept by foreign women, who were actually outside the reach of the law at present. The sole object of the amendment was to enable these houses to be brought within the purview of the law; and it was desirable to do this if it could be done without inflicting any harm on anyone. The member for Guildford pointed out a possible danger, but did not give sufficient evidence of the extent of the danger to justify us in retaining the present evil.

Clause put and passed.

Clause 16—Amendment of Section 169:

Mr. H. BROWN moved an amendment, that the words "for the erection, use, and control of hoardings" be added as a sublause.

Hon. W. C. ANGWIN: The amendment was unnecessary, as the object ought to be obtained was already provided for in the Tenth Schedule.

Amendment withdrawn, and the clause agreed to.

Clause 17—Amendment of Section 221:

Mr. N. J. MOORE moved an amendment, that the following be added to the clause:—

> Provided also that the council may approve of any plan of subdivision on which is shown a passage, to which the public have not free access, of a lesser width than 16½ feet, provided such passage shall not exceed 165 feet in length.

This would enable the Titles Office to have a record of such a passage way. At the present time a municipal council could not pass a plan of a subdivision showing a right-of-way with a less width than 16½ feet; but there was nothing to prevent persons desiring a narrower right-of-way giving a long lease. It would be absurd to have a right-of-way of 16½ feet frontage to a main street for a back entrance to two or three houses. The amendment would meet the wishes of the Titles Department; and it was at the request of Mr. Saw, the official in charge of the plans in that department, that he moved in the matter.

The PREMIER: The amendment did not relate to Section 221 of the principal Act. The clause itself related to the laying out of public streets, and Section 221 of the principal Act only provided for the dedication of streets. The amendment proposed was altogether foreign to this section, and had nothing whatever to do with the dedication of public streets. The object of the clause was to provide that where a street was of less width than 66 feet, and had been laid out and dedicated before the original Act was passed, any extension of the street could be made if the owner of the land in line with the street chose to hand it over for increasing the length of the street. In other words, it enabled the council to take over the extension of a street of the same width as the street itself if it was not 66 feet wide. The hon. member's amendment dealt with another section of the original Act. He suggested that the member should withdraw the amendment.

Mr. N. J. MOORE: Did the Premier suggest that the proposal should be brought forward as a new clause? The amendment was moved in the interests of the Titles Department. He would withdraw his amendment and give notice of an amendment to Section 354 of the principal Act.

Amendment withdrawn, and the clause passed.

Clauses, 17, 18, 19—agreed to.

Clause 20—Repeal of s-s. (7) of sec. 322:

MR. H. BROWN moved an amendment:

That the words "Subsection 7 of Section 322 is hereby amended by striking out the word "all" and inserting "half of the" in lieu.

This would enable half the fines to be paid to the municipality of Perth.

THE PREMIER: The hon. member's purpose would be served better by leaving the word "all" in, and inserting "half of" before the word "all"; but the amendment could not be accepted. Some time ago, when the Roads Act was passed a similar provision to that in this Bill was added, and the roads boards now did not participate in the fines. Municipalities had no special claims. They had enjoyed this revenue in the past, but they should look at the matter as an advantage they had been enjoying without any specific claim having existed. He was anxious to see municipalities receive every possible assistance from the State, but it would be better for Parliament to give assistance in the shape of a direct vote. No municipality in Western Australia could complain of illiberal treatment in the past. In the last Parliament the subsidy to municipalities was considerably increased, except as regards the municipality of Perth, and Perth was so wealthy that we would be doing it a considerable injustice if it was proposed to increase the subsidy. Any fines that were obtained as a result of municipal prosecutions should go to municipalities, but he could not recognise any inherent right in municipalities to participate in fines as the result of cases brought into the court by the police officers, under the Police Act. Therefore he asked the Committee not to accept the amendment.

MR. F. F. WILSON: Offences committed in suburban municipalities were brought before the court in Perth, and the fines inflicted went to the municipality of Perth. That was an injustice.

MR. J. C. G. FOULKES: Members should consider that the municipality of Perth had derived this revenue for 35 or 40 years, and during that time a large number of loans has been floated, relying, no doubt, on a continuance of this particular income. There was a good deal in what the Premier had said as to giving a fixed sum to municipalities. Some notice, say a year or two, should be given to municipalities that this custom would come to an end. It was not a fair way to treat a individual or a municipality to come suddenly down and say, "You are to lose that particular source of revenue." Ample notice should be given to all individuals and municipalities that they were to lose their income by the action of the Government. In the case of an individual having his income suddenly cut off compensation was given; therefore notice should be given to municipalities that the practice would continue for two or three years and then stop, for the Government did not wish to do an injustice. The Premier had stated that the municipality of Perth had received generous treatment in the past as to grants, but the Government of Western Australia had received a *quid pro quo* for the grants made, in the shape of being free from all local taxation. Other private individuals owning property in Perth had to pay rates, but the Government did not. The Government property in the city of Perth was rapidly increasing in extent, apart from the value. The Government were buying fresh properties every day, and for that reason the Government were actually encroaching more on the generosity of the ratepayers of Perth, who had to contribute more or less to the maintenance of roads, lighting and other necessary facilities that surrounded the Government buildings.

MR. H. BROWN: If Perth property held by the Government were rated, the sum would almost equal the subsidy given. That argument went to show that instead of the subsidy being reduced it should be increased, because no town in the State was so handicapped as Perth where the cream practically of the rating was monopolised by the Government. Repeated resumptions were going on in the city, and the revenue of the city was being reduced year by year by those resumptions.

HON. C. W. ANGWIN: Apparently members overlooked the fact that the Perth municipality did not pay anything towards the upkeep of the various police

courts. If a case brought into court proved a failure, the Government had to pay the witnesses, but if any fine was imposed, the Perth City Council took that fine. The Perth City Council had the cream and the Government took the bitters. He was surprised to hear the member for Claremont say Perth had raised a certain portion of its loans partly on the security of money likely to be derived from fines in the police court. A section in the Municipal Act stipulated that a certain rate should be struck for sinking fund to provide for repayment of loans. Some municipalities in the past had not carried that section into effect. As to the police fines, it was only fair that the department which paid the expense of the police court should also receive fines imposed. If it was fair for roads boards to be deprived of the fines, it was equally fair for municipalities to be deprived of them.

Mr. KEYSER: If the subsidy to Perth was not sufficient, let the Perth City Council advocate an increase. His experience had been that when municipalities received half of the fines imposed in the police court, or the whole of them, there was a disposition on the part of the municipal officers not to take any proceedings at all. The result was that unless the police moved, glaring breaches of the law existed. He would support the proposal in the Bill, to make municipal officers do their duty.

Mr. C. H. RASON: One would like the Premier or Minister in charge of the Bill to give an idea of the practice elsewhere regarding police court fines. For many years it had been the custom here to remit those fines to the municipalities. Speaking from memory he believed that the same practice existed in some of the boroughs in England.

The Premier: They had their police forces in boroughs in England.

Mr. RASON: But in some places they had not. Would the Premier or Minister in charge of the Bill tell us the practice in the other States in this regard. It seemed rather hard to at one swoop remove these payments altogether from the municipal authorities, and the suggested compromise should commend itself to the Premier. Instead of sweeping away all the fines and penalties, let it be decided that half of them should go to the municipalities.

The PREMIER: The original law was that municipalities should get half these fines, but through some oversight provision was made that they should get the whole. For years this provision was not known, and municipalities continued to claim half the fines and received them. Latterly, however, in some instances they found they could demand all the fines, and in some instances some of the municipalities had demanded all the fines for a few months past. Others up to the present day had demanded only half the fines; and they had only received half. In one or two instances where the municipalities had demanded all the fines and insisted on obtaining them, they had received them. The principle of the amendment was not in the shape of a compromise. It was a compromise as between the existing law and the amending Bill, but not as between the practice which existed until very lately and the amending Bill. It was a proposal to retain the practice as it had been in the past.

Mr. Rason: If the Government insisted on the Bill, might there not be claims relating to the past seven years?

The PREMIER: There was not, he thought, any danger of that. As to England, any borough of any size had its own police and taxed its ratepayers for their maintenance. It was natural, therefore, that any fines resulting from the police should go into the municipal coffers. Probably that was the origin of the provision we were now dealing with. He thought the Committee quite able to see the difference between that and the condition of affairs existing here, where the Government provided the police staff and also the court-houses, and, as pointed out by the member for East Fremantle, the Government bore the cost of any unsuccessful proceedings. If municipalities got any share of the fine, they ought likewise to pay a share of the cost of obtaining that fine. This proviso was not one affecting Perth only; it was not aimed in any way at Perth. Perth was merely one municipality out of many. The same provision applied to all other municipalities, and all other municipalities were entitled to and were receiving as they put forward their claims the

same consideration as the city of Perth. The city of Perth received a larger sum merely through the fact that its population was greater than that of other municipalities. The principle embodied in the amending Bill was fair to the municipalities, and should therefore be adopted.

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

Ayes	...	...	17
Noes	...	...	13
Majority for	...	...	4

Ayes.	Noes.
Mr. Brown	Mr. Angwin
Mr. Butcher	Mr. Bolton
Mr. Carson	Mr. Daglish
Mr. Diamond	Mr. Hastie
Mr. Foulkes	Mr. Heitmann
Mr. Gregory	Mr. Holman
Mr. Henshaw	Mr. Johnson
Mr. Hopkins	Mr. Keyser
Mr. Horan	Mr. Needham
Mr. Layman	Mr. Nelson
Mr. McLarty	Mr. Scaddan
Mr. N. J. Moore	Mr. A. J. Wilson
Mr. Moran	Mr. Gill (*Teller*).
Mr. Nanson	
Mr. Rason	
Mr. F. E. Wilson	
Mr. Gordon (*Teller*).	

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

Clause 21—Amendment of Sec. 323; council authorised to strike rates:

MR. HOPKINS: Considerable information was wanting on this point of rating, and the Premier should consent to postpone the clause. If the information required were not in the possession of the Government it would be better to defer the clause until Tuesday, and in the meantime the Minister in charge of the Bill might get the information so that members could deal with the clause without difficulty at a later sitting. Alternative forms of rating were provided in the clause; but there was no justification for it. In the absence of full information as to how a tax of 4d. in the pound on unimproved land values would work out, the Government said they would not make this form of tax mandatory, and that, in case an unimproved land value tax did not meet with the requirements of a municipality, it should be left open to the municipality to tax on annual values; but if it was a good thing to tax the unimproved value of land in one municipality, was it not good for other municipalities? It was this information the Government should supply. Perth land was commonly worth fifteen years' purchase; on the goldfields, land was commonly sold at from one to thre years' purchase. Assuming a rate of 2d in the pound was sufficient for Pert with a fifteen-years purchase, on th goldfields with a three-years purchase would require 10d. in the pound to giv the same results. A leading hotel i Boulder rated at 1s. 6d. in the poun paid annually £68 in rates. On a tax 4d. in the pound on the unimprove value of the land, the hotel woul annually pay £17 10s. There would b a loss of £50 10s. on the rating of tha one hotel. A shop in the same city, l at £4 a week, paid £11 on a 1s. 6d. rat At 4d. in the pound it would only pa £9 per annum. There would be a loss £2 on that property. On a vacant bloc similar in size to those mentioned as in proved, £6 10s. was now paid annuall On an unimproved rate of 4d. in the poun the owner would pay £14 per annu In that instance there would be a prof of £7 10s., as against a loss of £52 10 on the other two blocks, or a total loss £45 on three properties. The Goverr ment should have a rate of 4d. in th pound applied to the unimproved valu of land in every municipality in th State. We probably would need to grad the various municipalities. Perth woul object to a power to rate at 9d. in th pound.

MR. H. BROWN: Certainly a ra of 2d. would do for Perth.

MR. HOPKINS: More particularl in goldfields towns where land value were small there must be some alteration so that we required to know how t grade municipalities in the application this particular theory of unimprove land values taxation. We should hav this information before dealing with th clause.

MR. H. BROWN: We should, possible, defer the questions of rating an voting until Tuesday. Members coul in the meantime, through some figure he had prepared, ascertain how the ratin would apply in Perth; and they coul apply the same formula to the munic palities they represented. Perth woul fight against increasing the rate on unim proved values beyond 2d. in the pound At present £27,000 was raised on th general rate, and a rate of one and eleven sixteenths of a penny on unimprove values would give the same return.

Mr. Hopkins: The town clerks of municipalities should be telegraphed to and asked to apply 4d. in the pound.

Mr. NELSON: It would be as well to communicate with Queensland.

Hon. W. C. Angwin: That was already done.

Mr. NELSON: The rate in Queensland was uniform, and in that State there were mining towns where the conditions were substantially the same as in Western Australia. It was important to have fuller information, and the Premier should agree to postpone the clause.

The PREMIER: Members would be accorded the fullest opportunity of discussion and inquiry in regard to this matter. Where the circumstances of municipalities differed widely, members who represented the municipalities should be fully acquainted with the requisite information, and should be able to impart it to the Committee and to the Government. In framing this optional power, the Government were guided to a large extent by the fact that there were certain municipalities which might not be able to at once effectively apply the system of unimproved rating, such as scattered districts with a very sparse population and with comparatively little improvements carried out.

Mr. Hopkins: There were few municipalities of that class.

The PREMIER: Half-a-dozen such municipalities must be considered. Queensland found a rate of 3d. in the pound adequate for all municipalities.

Mr. Hopkins: So would 3d. applied here if the municipalities had started on it.

The PREMIER: The fact was, adequate ground existed for taking 3d. as an approximate sum; but to allow a margin, the Government had increased it by 33 per cent. and made it 4d. in the pound. The option was given not so much because of difficulties, but because it was recognised that ratepayers ought to have the right to determine how they should be rated. They were really given local option in the matter. When the principle of rating on unimproved values was introduced into the Roads Bill, the member for Boulder (Mr. Hopkins) pointed out that there would be danger of the Bill being lost in another place if option were granted. Similarly there was a certain degree of danger if this measure were sent up to another place without an option. He (the Premier) was quite willing to postpone the clause, and to make any inquiries that members suggested to supply them with all information they might require in order to thoroughly discuss the matter. He was anxious to see that ratepayers were protected, and to see, at the same time, that councils had adequate taxing powers. There would be divergencies. A rate that would suit Perth, with its high state of improvements, would not suit a municipality not so thickly populated nor so favourably situated. There must be a certain amount of elasticity; and if it were necessary to provide for one rate affecting goldfields districts and another rate affecting districts outside the goldfields, we might readily agree to adopt the different rates. Again, if it were necessary to provide a grade dealing with each municipality according to its position and circumstances, as the member for Boulder suggested, we might go even that far. Full power should be given to municipalities and full protection to ratepayers. The clause could be postponed. He could not agree to the suggestion made by the Mayor of Perth (Mr. H. Brown), that this clause and the clauses relating to voting should be postponed until the next Tuesday. There was not the same justification for postponing the clause relating to voting. There was no difficulty in regard to dealing with that at present; and in agreeing to postpone the other clauses, this would allow time for farther information to be obtained. He could not fix a date, but if he had the information on the next day he would lay it before the Committee on that day.

Mr. HOPKINS: The Boulder Council, he was informed, had expressed an opinion that nothing less than 1s. in the £ would meet their case. Still, this information was not official, and he would not take responsibility in regard to it.

Clause postponed.

Clauses 22, 23, 24—postponed.

Clause 25—Valuation of Tramways:

Mr. A. J. WILSON: Referring to the proviso, no special consideration should be given to a tramway company which ran cars in competition with the public railways.

THE PREMIER: The only condition was that if a council wished to waive its right in the matter, it could do so. A council might wish, for example, to induce a tramway company to run more frequent cars at a low fare, and might say to the company that if it would do this the council would not insist on the right to charge 3 per cent. on the gross earnings. The clause fully protected the right of a council to rate a tramway company.

Clause put and passed.

Clause 26—Valuation of gas mains and electric light:

MR. H. BROWN suggested that the clause be postponed, as he had not had an opportunity of consulting the Minister in charge of the Bill; but the figures were exorbitant, and needed fuller inquiry.

Clause postponed.

Clauses 27, 28, 29—postponed.

Clause 30—Amendment of Sec. 375 (poll on proposal to borrow):

MR. RASON asked for explanation of the clause, which involved a very striking alteration of principle. In the principal Act, any twenty ratepayers could, by signing a paper, demand a poll to be taken when a council proposed to raise a loan. This clause would transfer that power from ratepayers generally to owners of land; and as the clause gave to none but owners the power to vote or to demand a meeting of ratepayers on a loan question, this method would be a great change. By the Act, any 20 ratepayers could apply that check; by this clause, 20 owners were needed, thus making its application difficult. If an owner let his property on a five-years lease, the lessee became the owner for the purposes of the clause.

MR. N. J. MOORE: Then the Titles Office must be searched to make up a list of owners.

MR. RASON: True; for the apparent "owner" was not necessarily the real owner. This seemed an insuperable difficulty. Even if it were not, had not the Government clearly stated that the right of the property-owner was strictly safeguarded as regarded loan proposals, and that he and not the tenant should have the vote? The clause entirely abrogated that right. Were not some of the most valuable properties in every municipality leased for a term of years? Only the comparatively insignificant properties were not leased; yet the lesse would be deprived of any right to vot on a loan proposal. Even if workabl the clause would not be equitable. Surel the owner had a right to veto a loa Why should a five-years leaseholder b preferred to the owner? How, if th clause passed, could a roll be made u showing owners entitled to vote an lessees entitled to vote as owners? Ho could one make a list of leaseholders i Perth? To ascertain the registered pro prietors would be easy; but a multiplicit of rolls would be needed for owner lessors, leaseholders, tenants, mortgagor and mortgagees.

THE PREMIER: The clause simpl gave to persons having a substantiall permanent interest in a municipalit power to vote at polls, by defining a "owner" those who had substantial lease of which the unexpired term was a fair pro portion of the time during which a sinkin fund would be accumulated. This pro posal was submitted in the interest o property-owners. The majority of assess ments were on properties either not leased or leased for comparatively short terms or let on monthly or on weekly tenancies A person with a fairly long interest wa surely entitled to vote on a loan proposa One could understand the precedin speaker's objection if the Governmen proposed to change the system from on in which none but owners were allowe to vote on loan proposals to one in whic persons other than owners could vot But whatever protection the clause gav to property-owners was an innovation The owner would have a much mor powerful voice in determining the loa policy than he could have under th existing Act. Now any owner whos property was leased or occupied by eve a weekly tenant had no vote on either loan proposal or in the ordinary govern ment of the municipality. Only th owners who occupied their properties, o whose properties were unoccupied, coul vote; so the clause gave the owner a fa greater voting power as to municipa loans than he now possessed, while man lessees would be allowed to vote prac tically as owners. The clause was a ste in advance of the existing law. As t a roll of voters, surely the difficultie were more imaginary than real. By th following clause the town clerk mus

repare a roll of owners and of lessees hose leases had five years to run. A oll of owners practically existed now, nd the town clerk could ascertain lessees' ames through the rate collector; or if ecessary, the onus of registering themelves at the municipal office as persons ntitled to vote on a loan proposal should e thrown on the lessees. The names of ll owners in fee simple were now entered n a column of the rate book. In egard to any difficulty there might be n the collection of the names of leaseolders who had five years of a lease nexpired, that might be overcome by hrowing the onus on the owner to egister the date when the lease expired, f he desired to vote on any loan proosal. The clause embodied a proposal hat would enormously increase the oting power of owners in regard to oans, and give them an important check n the obligations that councillors might hink fit to enter into.

Mr. A. J. Wilson: Was it justified y past experience?

The Premier: It was, and it was ustified by justice also. If we had a oll compiled of persons who had a direct nterest in the matter, there would be a nore effective poll than existed in the ast. The principle embodied in the lause was one that should commend tself to the Committee.

Mr. E. Needham was not in favour f the proposal. He did not see why atepayers should be debarred from aving a voice in a proposed loan. It ppeared to be a backward step. If in he past not sufficient interest had been hown on loan proposals, that did not rove the principle was bad. He would ather see the original Act in force than ote for the amendment.

Mr. H. Brown: It would be found s we proceeded that what was practicble for small municipalities would not atisfy Perth or Fremantle. A space of 1 days was too short a time for the city f Perth in which to compile a roll. The lefinition of "owner" was not a "registered owner" at all. It might be found n regard to several properties in Perth hat the registered owner and legal owner vere two different persons. It was usual or people to buy property on terms, and he deeds would be lodged in the bank in scrow until the completion of the purchase. Even in the case of the registered owner, a bar would not come in with reference to loans. Before compiling the roll, it would be necessary to ascertain all the details of the city property before there could be a complete roll. This could be done in a short time in some municipalities, but not in Perth, and the cost would reach some £200 or £300, for at present the compilation and printing of the rolls cost £200.

Mr. Moran: Did the hon. member believe in the principle?

Mr. H. Brown: Yes; if it could be carried out.

Mr. Rason: The tenant and lessee had an ordinary vote as occupiers which was exercised at elections of mayor and councillors, who were entrusted with the expenditure of the ordinary rates. Therefore the ordinary expenditure of a council was completely under the control of the occupier. In regard to loan proposals, the obligation was entered into by municipalities and the burden was thrown on the property which was always liable, not the occupier. In cases of that kind, it was right that the owner of the property should have a voice in regard to loan proposals. Had the clause stopped with the ownership of ratable land situated within municipalities, that would have been right, but the Bill went on to say that for the purpose of this and the following three clauses, an owner should be one who had a five-years lease. That was a farce; it was giving to the occupier a vote twice over.

Mr. C. J. Moran: The Premier was desirous of giving protection to those who owned property, carrying out the universal law that there should be representation where there was taxation. Would the Premier consider the extension of that five-years term? Supposing there was a question of borrowing £250,000 for Perth, for drainage and sewerage. At various points along the route where the work would be carried out, a large sum would have to be spent during the progress of the work, and a shopkeeper would vote to borrow the money knowing that a large sum would be expended in his locality while the work was in progress. Whatever little taxation he would have to pay, during the five years, would be infinitesimal compared with the benefits he would

receive. The proposal of the Government was a distinct effort to safeguard what they considered the rights of those who had a permanent obligation, and in this respect had a conservative tendency, perhaps a righteous one, which showed that in the minds of the Ministry there was a proper discrimination of obligation apart from the annual rate. With long-dated obligations it was well that the bulk of the votes should be in the hands of those who owned property. He asked the Government to discuss the matter, if they wished to institute the principle, whether five years should not be eliminated and ten years inserted in lieu.

MR. KEYSER: Apparently a man who had an interest in a piece of property was entitled to vote, and the man who had a lease on it for five years was also entitled to vote.

MR. RASON: That would make confusions worse confounded.

MR. KEYSER: If half-a-dozen people had an interest in one particular piece of land, they were apparently entitled to vote. As to land being the security for a loan, he ventured to think the people were the security. Unless houses were occupied the loan would not be raised. Denmark mills had just been closed down and there were 200 houses unoccupied. Could a loan be raised on those houses? It would be absolutely impossible. Occupiers ought to have an equal voting power with the owners. Supposing an extra loan rate were struck, the lessees had to pay it and not the owners. Was he correct in stating that both the lessees and the owner had a vote for a particular property in regard to a loan proposal?

THE PREMIER: The clause did not include any proposal that the lessee should have a vote as well as the owner. A person who had a lease for an unexpired term of five years would come under the definition here given of "owner" for the purposes of this loan, and he only would have the vote. But the clause provided for the person who had an equitable estate in ratable land, and that phrase covered the person who was purchasing by periodical payments, but who had not yet acquired the title. That person was the owner in equity and would be entitled to registration on the municipal roll for the purposes of this clause. As soon as any individual owner sold, although he only received part o his purchase money in cash for the tim being he parted with his equitable title t the property, notwithstanding that h remained the registered owner; and th person purchasing at once acquired, b virtue of his preliminary payment, the righ to vote. As to the term, he did not obje to increasing it from five years to seven, bu a term of ten years would be too great.

MR. A. J. DIAMOND: Sooner o later if disaster happened to a town th burden would fall on the shoulders o the owner and not the leaseholder or th occupier. The owner should be protected and he alone should have the right t vote for the raising of the loan, with th exception that the right should b extended to the leaseholder who held lease for an unexpired term of not les than ten years. He did not think ther was any idea of confiscation, but if w took away the rights of a man wh owned the land, we should to a certai extent confiscate the value of his property

HON. W. C. ANGWIN: In a ver large number of instances those who ha an equitable estate were really owners, fo they held a greater interest in the variou properties than the registered owners. I many instances these properties were pai for on the instalment principle.

MR. RASON: Supposing the peopl only paid one instalment?

HON. W. C. ANGWIN: If a perso only paid one instalment, he would no have so large an interest as if he ha paid five or six, but he had such a interest in the property as to be virtuall the owner. It was provided in the claus that persons who paid this rate for period of years should have the oppor tunity of saying whether a loan shoul be raised or not. Instances had occurre where loans had been raised and a ver small number had taken any interest i the raising of the loan, for very fe attended the poll; and he thought it wa principally owing to the fact that th persons really affected had no power t decide one way or the other whether th loan should be raised. This claus gave these people the right to decid If the latter portion of the claus were struck out as suggested, onl registered owners could vote in regar to loans. Those who had an equitabl estate and had paid perhaps the greates

portion of the purchase money on their various properties had a greater interest in those properties than the registered owners, and they would be debarred from exercising their right to vote. These were the people who would be liable for the rates. He hoped the Committee would agree to the clause, and adopt the suggestion that the term regarding an unexpired lease should be seven years instead of five.

Mr. RASON: One could hardly follow the logic of the last argument, which, as he understood it, was that a man who purchased a piece of land on the instalment system would, when he had paid nine instalments out of ten, take the greatest interest in the land, and he ought to have the vote; but directly he had paid the tenth instalment and become the owner he would be the last man in the world to take any interest in the property.

Hon. W. C. ANGWIN: The hon. member was straining the point. If the suggestion of the member for Guildford were carried out, a man who might have paid nine parts out of ten of the value of his land would be debarred from exercising a vote.

Mr. N. J. MOORE: The Government had limited the recognition of the right of the owner by this interpretation clause. Its omission would give more security to the owners, as the interpretation of the word "owner" in the old Act was sufficient. Tenants were relied on in many municipalities to pay rates, but the owners had eventually to pay. Again, in some cases where the value of land in municipalities had decreased, the loan rates were increased. In future three rolls would be required—an occupiers' roll, an owners' roll, and a roll of owners as defined by the clause. Considerable trouble would be caused in ascertaining what term of a lease had expired, and altogether it was hardly necessary to introduce this interpretation clause.

Mr. FRANK WILSON: The Government made a commendable attempt to give owners of property a greater say in the raising of loans; but the question naturally arose as to whether occupiers or leaseholders had not a right to the same say in the borrowing powers of municipalities. It was the ratable value of the land in a municipality that was mortgaged on the raising of a loan; and a leaseholder ought to have some say; but the term of years mentioned in the definition clause should be extended. Should the clause be omitted, it would be necessary to define "owner."

Mr. Rason: No; "owner" was defined in the old Act.

Mr. FRANK WILSON: It was the man who occupied the property for seven or ten years who really paid the rates.

Mr. Moran: The liability was ultimately on the owner.

Mr. FRANK WILSON: We could give both the owner and the leaseholder a vote on the raising of loans.

Mr. MORAN moved an amendment:

That the word "five," in line 8, be struck out, and "seven" inserted in lieu.

Mr. A. J. WILSON: In view of the expressions from all sides, the member for West Perth ought to have gone farther and insisted that the owner should be the owner *per se*, and the only person entitled to record a vote in these circumstances. It seemed to be the outcome of the arguments and reasoning of most members speaking on this question, that the only person entitled to any consideration in regard to the administration of local government was the owner of property; but before any retrogressive departure of this nature was embarked upon, we were entitled to have very good reasons and sound logic from the experience of the operation of the clause in the old Act in regard to raising municipal loans in the past. He had yet to learn there had been any serious outcry on the part of owners for this particular protection, and had yet to be convinced that the exercise of this privilege by ratepayers had been abused. Until a democratic proposition of this nature had been proved conclusively to have been abused in its operation, the Committee were not justified, at least the party on the Government side of the House, in making a retrogressive step in this direction. Much was said about the obligation on owners to contribute rates. That might be so; but the people who had the pleasure and privilege of paying the rates were, after all, the occupiers renting or leasing various establishments. Of course, it had been surmised that in the event of an unfortunate calamity the onus would fall on the owner; but whether that might be

so or not, we were entitled to take into consideration the experience of the various municipalities in the State and other portions of the world as to whether the exercise of this particular function of voting on the raising of loans by ratepayers, irrespective of their being owners or occupiers in the past, had proved conclusively whether occupying ratepayers had exercised the discretion wisely or not. Occupiers had a special interest in the raising of loans, because they were the people called upon to pay the interest and sinking fund. Such an interest would rather place a check upon unrestricted or unwise borrowing. On the other hand, there was a special incentive on the part of owners to incur liability in the matter of loans, because the expenditure of public money would have a tendency to enhance the value of their property. Their natural interest was not to see that the interests of the municipality were safeguarded, or that there was a limitation to the rating of the people, but simply to look after themselves at the expense of the people living in the municipality.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. A. J. WILSON: The proviso in Clause 13 presumed to alter the existing section in the parent Act, and to restrict the right of ratepayers to have a voice in the raising of loans. With the extension and liberalisation of democratic local government there had been inspired a greater confidence within the municipalities, which was due in a great degree to placing in the hands of a larger percentage of the people in a given area the power to administer the affairs of their own local government. If we made a retrograde step in the direction referred to, it would have a tendency to weaken the confidence of the people in a given area, which would have a disastrous effect on local affairs. The powers of local administration should be considerably extended, and many of the functions at present exercised by Parliament should be transferred to the local bodies. If the rights of property were so very sacred that they must be protected in the way suggested in our local administration, the logical conclusion was that we should give exactly the same rights in the higher government of the State; and to be entirely consistent we should restrict the right to vote for representatives of the Upper House to the owners of property. That would certainly be a retrograde step, but not more retrograde than the proposition to place entirely in the hands of the owners the right to deal with an important matter of this nature as suggested by this clause. We had yet to be convinced that the provision which already obtained had been found wanting, and until then there could be no justification for any departure from that provision.

MR. DIAMOND: The man who eventually had to pay the piper should be protected. If an occupier in times of stress took his departure from a municipality, there was no farther claim on him, and when the money had to be paid the charge fell upon the ratable property.

MR. A. J. WILSON: Would not the same apply to the State as a whole?

MR. DIAMOND: There was no analogy between the State as a whole and a municipality. A municipality was an organisation within the State. It was an organisation of individuals for their mutual protection and for the government of the municipality generally. A municipality was practically a friendly society. There was no attempt to take away the rights of the ordinary voter regarding the government of a municipality, but what was proposed was simply to allow the man who would eventually have to pay the piper to have the sole right to vote whether the money should be borrowed or not. North Fremantle was virtually ruined for a long time by the quarry. The quarrymen had left, and there was no farther responsibility on them. We could attack the owner of property, but could not attack a man who had done his work in a town, was sick of the town, and had left it. Why should we admit such a man to the same right as that enjoyed by the man who really had to pay the piper? He yielded to no man in his democracy and advocacy of adult suffrage, but there was no analogy between the two cases referred to. In State politics, property was protected by the Upper House; but even if an Upper House were not justifiable, the obligation to protect the property of municipal ratepayers would not be annulled.

MR. NELSON The last speaker had not shown any fundamental difference

between State and municipal taxation. He said the municipality was an organisation within the State, and that municipal property should therefore have special recognition. But the State itself was an organisation within the Commonwealth, and the Commonwealth an organisation within the Empire. If his argument justified a property tax in the municipality, such a tax was justified in the State and throughout the Commonwealth. The hon. member's position might be sound, but it was supported by bad arguments. It was surprising that the Government should defer to the reactionary conservatives in Opposition, and that so many members on opposite sides of the House should be united on this question of protecting property. If the property-owners of a municipality should be alone consulted as to raising money, they alone should be consulted in its expenditure, and they alone should have a right to decide on the persons administering the expenditure. The logical consequence of the argument was, not a property vote with regard only to the raising of a loan, but to the election of councillors; and we should absolutely abandon the healthy principle of democratic government which experience had proved successful wherever applied. Berlin was universally recognised as one of the best-conducted municipalities in the world. A standard work on social reform said of Berlin that while throughout the German Empire universal manhood suffrage prevailed, in city governments the suffrage was slightly restricted; that every honest inhabitant of 24 years and upward obtained the electoral franchise after a year's residence, and paid a class tax on an income of 120 dollars. These restrictions made the qualified municipal voters of Berlin about 13 per cent. less than State voters generally; proving that in Berlin, where there was an almost universal suffrage, the raising of money was in the hands of the people. Yet the Berlin municipality was so admirably conducted that it had won a reputation throughout the world. In 1833 the municipal franchise of Glasgow was assimilated to the parliamentary franchise, and the Act of 1868 made it still wider. In other words, Glasgow had practically a household or a ratepayer's franchise. The similar franchise now obtaining in this State was being attacked by the Bill, and a more restricted franchise substituted; though the experience of Glasgow showed that good government could go side by side with a wide franchise. Surely we ought to pay some attention to the experiment made in Glasgow, before retrograding almost to the conservatism of the dark ages. Students of local government knew the fearful conditions existing for years in the city of London when it was governed by a comparatively few persons of great wealth but with little public spirit, whose utter neglect of public business was notorious. The Local Government Act of 1894 entirely altered the system; and an authority stated that previously it was almost impossible for an ordinary citizen, especially an ordinary workman, to exercise any effective control over London's local administration; that the city fathers practically elected themselves in so-called parish meetings; but that the Act mentioned altered the whole position, and practically placed city affairs in the hands of the people of London, male and female alike, with the result that the city administration, previously a by-word throughout the world, became an example to all advanced communities. If there were some means of getting from the wealthy classes part of that betterment which the expenditure of public money produced, there might be some reason for making an invidious distinction between owners and occupiers; but no provision for that was made in the Bill. On the second reading he tried to show that the principle of the franchise was bound up with the principle of taxation; that the Government ought to make the unimproved land value the one basis of municipal taxation. Do that, and we had a clear case for establishing a purely democratic franchise. He admitted that, as long as particular burdens were placed on property, property was justified in asking for special privileges. The Bill lent some kind of justification possibly to the proposal before the House; but he would still ask the Government to have the courage to grapple manfully with this great question. In Queensland for 15 years the principle of unimproved land value taxation had been in operation.

Mr. Moran: Queensland was very conservative.

MR. NELSON: True. For some time Queensland was under a cloud, but when this Act was passed Queensland took a place among the democratic communities of Australia, and Sir S. Griffith was in power. He (Mr. Nelson) had never heard of a man in Queensland, conservative, radical, or labourite, complain of the successful operation of that exceedingly admirable tax. He hoped we should ultimately accept the principle and derive all our municipal revenues from unimproved land values, and that we should be logically consistent and carry out the inevitable corollary by placing the voting power in the hands of the whole of the people. Much as he admired the Government, he was afraid they had made too great a concession to the evil spirits on the other side of the House in this matter; and while he was prepared now and then, because he recognised the difficulties, to stand still with the Government, he declined to go back.

THE PREMIER: The hon. member was under some misapprehension in regard to the object of this clause. The present system of representation of ratepayers was the one the Bill recognised, and any amendment would likewise have to recognise that principle. Therefore, in dealing with the clauses, we must consider whether they held the scales fairly between the two classes of ratepayers, occupiers and owners. Occupiers would have a voice in regard to loan expenditure. Before a loan could be embarked upon, the council had to draw up a schedule of works; and any ratepayer desiring to prevent the borrowing of money had the right to present to the council a request for a poll, and on that poll the ratepayers voted. Owners had practically no voice in drawing up the schedule, unless they lived on their own allotments or had unoccupied land; and at present they had no right to vote on the loan poll, though their property was affected to a material extent. It was reasonable they should have some voice at some stage of the procedure in regard to entering upon loan obligations, and it was now proposed that owners only should have the power to forbid the raising of a loan.

MR. DIAMOND: Parliament could refuse consent to a loan.

THE PREMIER: Parliament had nothing whatever to do with the matter. Parliament laid down the rule that municipalities could borrow up to a certain extent in proportion to the annual value. An occupier could leave a municipality, and the person ultimately called upon to bear the burden of the loan would be the owner, who had no voice in the initial steps towards raising it, and who at present had no vote at the poll to forbid its being raised. It was desired to give owners that chance. The member for Albany instanced Denmark. If Denmark had been a municipality and had incurred a loan, who would be responsible for the redemption of the loan—the people who had left, or the persons who owned Denmark? We could not impose the responsibility on persons who might shift from one municipality to another. The principle of equal representation for all classes of ratepayers was recognised, but while occupiers had a perfect right to be represented in the discussions that took place in the council, at the same time owners had a right to be consulted; and this clause was framed with the object of consulting them.

MR. H. BROWN: The member for Hannans must have been misinformed, or else Queensland had fallen away from grace since his absence from that State. An article written by the town clerk of Adelaide showed that in Brisbane the capital value of land was assessed, and the owner or occupier had from one to three votes according to occupation.

MR. FOULKES: The member for Hannans quoted the municipality of Berlin from an Encyclopædia of Social Reform; but the hon. member had omitted to continue his extract regarding Berlin. In Berlin, according to this encyclopædia, the voters were divided into three classes—the system that prevailed throughout Prussia—and these classes were divided according to the amount of taxes they paid. The heaviest-taxed ratepayers were in the first class, and they paid one-third of the entire levy. In the next class came those who paid the next third, while the third class comprised those who paid the last third. Each class chose one-third of the assembly men to be voted for at an election. The result was that the heaviest taxpayers were entitled to elect one-third of the

municipal body in Berlin, the next group the next portion, and the next group, paying the smallest amount of taxes, was also entitled to elect a third of the assembly. Even in Berlin, which was held up by the member for Hannans as being a pattern of municipal government, they adopted the system which the Premier wished us to adopt here.

Mr. KEYSER would sooner see every clause of the Bill wrecked than the innovation adopted. The system did not exist in Berlin; the principle there was the same as we at present enjoyed. A ratepayer had as many as four votes at a mayoral election, but in no instance was an occupier debarred from having a vote for mayor or auditors. We had no right to debar a tenant from having a vote on loan questions, as it would tend to induce men not to take any interest whatever in municipal matters. We should have persons occupying the positions of mayor and councillors not having a vote on loan proposals because they were not owners of property. The trend of opinion in the Commonwealth was in the direction of the municipalisation of tramways, lighting, and water schemes, but the majority of property owners were against the municipalisation of any schemes. If a vote were taken to-night as to the municipalisation of any scheme the property owners would be ranged on one side and the non-property owners on the other. If a question cropped up as to the municipalisation of tramways, only property owners would have a vote, and the wish of the great majority of the inhabitants would be nullified. In Sydney both the owner and the occupier had votes on loan questions. The same principle existed in Brisbane, and for 30 years in this State every occupier and every owner had a voice in the raising of all loans; yet no municipality had been wrecked. There had not been a demand from one municipality for an alteration in the present system of voting. The Government should have brought forward some argument to show there was a demand on the part of the municipalities in this direction; but not one municipality had been quoted as being dissatisfied with the existing state of affairs. Only one-third of the people in Perth had property, therefore they could nullify the wish of two-thirds of the people. In Albany only two-tenths of the people owned property; all the rest being tenants. Eight-tenths of the population would be dominated by the two-tenth property owners, who were too timid to allow loans to be raised, although the works to be carried out might be in the interests of the town.

Mr. NELSON: Lest the Committee might have have misunderstood the purport of the quotation of the member for Claremont, he desired to make an explanation. The article from which he (Mr. Nelson) quoted was entitled "Berlin, a Study of Municipal Government in Germany, by Mr. Sylvester Baxter." The article was an exceedingly long one, and the quotation made by the member for Claremont was absolutely accurate; but as he (Mr. Nelson) could not read the whole of the article, he gave one paragraph which summed up the nature of the franchise, and the words were quoted from the same writer as the member for Claremont quoted from. The franchise of Germany, both in the State and municipalities, was exceedingly complex; they had not the simplified system that existed in America. The sum and substance of what he quoted was that while in the German Empire universal manhood suffrage prevailed, in municipal government the suffrage was slightly restricted.

Amendment put and passed.

Clause as amended put, and a division taken with the following result:—

Ayes	...	...	26
Noes	...	...	6
Majority for ...		...	20

Ayes.	Noes.
Mr. Angwin	Mr. Bolton
Mr. Brown	Mr. Keyser
Mr. Butcher	Mr. Needham
Mr. Connor	Mr. A. J. Wilson
Mr. Daglish	Mr. F. F. Wilson
Mr. Diamond	Mr. Nelson (*Teller*).
Mr. Foulkes	
Mr. Gill	
Mr. Hastie	
Mr. Heitmann	
Mr. Hicks	
Mr. Holman	
Mr. Hopkins	
Mr. Horan	
Mr. Johnson	
Mr. Layman	
Mr. Lynch	
Mr. McLarty	
Mr. N. J. Moore	
Mr. S. F. Moore	
Mr. Moran	
Mr. Rason	
Mr. Scaddan	
Mr. Carson	
Mr. Frank Wilson	
Mr. Gordon (*Teller*).	

Clause as amended thus passed.

Clause 31—agreed to.

Clause 32—Power to expend money on libraries, recreation grounds, etc.:

MR. KEYSER desired to move an amendment empowering municipalities to spend money in advertising their towns as health resorts. In Albany the advertising rested on a few who were charitably inclined. There was a great disadvantage in having no funds on which to draw for advertising a town.

THE PREMIER: It would be very unwise to give this power, considering that we already had adequate provision in regard to the 3 per cent. fund. This clause provided that money might be spent on certain purposes which were of material advantage to the whole of the ratepayers—the establishment and maintenance of museums, libraries, reading rooms, and recreation grounds. At present such expenditure had to come out of the 3 per cent. fund. Albany had been exceedingly well advertised. Once a place like that became known, the best advertisement it could get was the good word of the people who visited it. This matter of advertising ought to rest more on the shoulders of the business people of the place, who as a rule got a very good revenue through people visiting the town. There were only one or two places in the State which would receive advantage by such a proposal as that made.

MR. KEYSER was satisfied.

Clause put and passed.

Clauses 33, 34, 35—agreed to.

Schedule of Amendments to be made in the principal Act (41 paragraphs):

MR. RASON: In the ordinary course no doubt the whole of a schedule would be put and passed; but this schedule of 41 paragraphs contained some of the most important amendments in the Bill. He had tried to impress upon members in the second-reading debate that it was of vital necessity they should place the utmost importance on the amendments contained in the schedule, and he said the procedure was most unusual. The Premier said that so far from this being a novel procedure, the Government were following the example set by him (Mr. Rason) when introducing the Roads Act. That admirable criticism amused the Premier's friends and followers considerably, and had it been correct he (Mr. Rason) would have felt exceedingly small; but he had here the only two Roads Acts which he introduced. One was in 1902. The schedule to that Act read "Repeal of Acts—The Roads Act, 1888, the whole. The Roads Act 1888 Amendment Act 1889, the whole. The Roads Act 1888 Amendment Act 1894, the whole." That was the whole of the schedule. The other Act was the 1904 Act, and there was no schedule to that at all; so might he in turn ask the Premier to read up his *Hansard* before he made criticisms which he would find afterwards were wholly unfounded and incorrect? Having drawn the attention of his friend the Premier to that misstatement, the hon. gentleman would, he was sure, do him the justice to at once withdraw and express regret for having made use of the remarks he did in referring to him, remarks which were wholly unjustifiable.

THE PREMIER: If he had unintentionally done the hon. member any injustice, he cheerfully withdrew and regretted the fact that he did so. In regard to the schedule, he had intended to suggest, had the member for Guildford not risen, that it might be taken paragraph by paragraph, as they each respectively contained an improvement of some section of the existing Act. He would be glad if the fullest opportunity of criticism were afforded.

Paragraph 1—Section 12 (amendment):

MR. RASON suggested that it would facilitate matters considerably if the Minister in charge would explain briefly the effect of the amendments contained in the schedule.

THE PREMIER: The only effect of this first paragraph was to slightly improve the wording of the section itself. There was no vital difference.

Agreed to.

Paragraph 2—Section 22 (amendment):

THE PREMIER: This simply provided for dividing any municipality into wards. The words "or redivided" were struck out and "into wards" inserted in lieu.

Agreed to.

Paragraph 3—Section 26 (amendment):

THE PREMIER: The first portion provided that before signing petitions for the division of any municipalities persons

must have paid their rates. The next portion was consequential on the clause so lengthily debated with regard to the taking of polls for loan purposes. The third portion provided that a petition for the division or redivision of a municipality must be signed by one-third of the persons on the municipal roll.

Agreed to.

Paragraph 4—Section 28 (amendment):

THE PREMIER: This enabled persons to petition for the annexation to a municipality of a portion to be severed from another municipality or from a roads district.

Agreed to.

Paragraph 5—Section 29 (amendment):

THE PREMIER: This provided that where a petition or counter-petition was presented to the Governor, the petitioners should cause a copy to be served within 14 days after presentation on the council of the municipality or on the roads board affected. This would prevent petitioning by individual ratepayers, or by a section, without the knowledge of the local bodies concerned.

MR. N. J. MOORE: The amendment was necessary to give every one interested an opportunity of knowing the contents of the petition. Under the existing Act, the petition was forwarded direct to the Governor.

Agreed to.

Paragraph 6—Section 45 (amendment):

THE PREMIER: The section provided that any member absent from more than four ordinary meetings vacated his seat as councillor or mayor. The intention undoubtedly was that these meetings should be consecutive; but this was not expressed, and any councillor absent from any four ordinary meetings in his three years' term of office would, if the Act were literally interpreted, vacate his seat. The words "consecutive ordinary meeting" were to be inserted, and the number of meetings was reduced from four to three.

Agreed to.

Paragraph 7—Section 46 (amendment):

THE PREMIER: The section provided that every person who acted as mayor, councillor, or auditor being incapacitated, or before he had subscribed the declaration, should, save in the case of incapacity proceeding from unsoundness of mind, be guilty of an offence, and should be liable for every time he sat to a penalty of £50, recoverable by any person, with full costs, before any two justices; and that in every such action the person sued must prove himself qualified, the complainant not being obliged to prove anything save the fact that the defendant had sat as a councillor, etcetera. The penalty seemed unduly heavy for each sitting, especially as it was sometimes doubtful whether a councillor or a mayor was qualified; yet the magistrates were given no option. Moreover, by the section the informer was entitled to the whole of the penalty imposed. The amendment proposed that the amount should go to the municipality.

MR. H. BROWN favoured the retention of the section, and would like to hear the views of the honorary Minister (Hon. W. C. Angwin). Ministers had talked of the low tone of municipal life. In the past, councillors had risked these penalties; and Labour members taking municipal office should accept the same risk. The penalty was high; but under the new Justices Act any statutory penalty could be reduced at the discretion of the magistrate.

MR. RASON: Had any case of hardship arisen under the section? The penalty seemed a wise precaution, as municipal life could not be too strictly guarded. Had any innocent man been made to suffer?

THE PREMIER: Section 432 of the Act provided a penalty of £20 for every person guilty of an offence for which no specific penalty was elsewhere imposed. Recently a case of hardship came under his notice, in which a councillor, after sitting for about five years, sold certain property and purchased other property which was alleged to be an insufficient qualification for a councillor. He was proceeded against by some person having no apparent interest in the district, who sued in respect of five or six meetings, and who would have been entitled, if successful, to about £250 or £300. The case was tried in the Local Court, Perth, about four or five weeks ago, and resulted in a verdict for the defendant. If the complainant had succeeded, the defendant

would have suffered great hardship; for he was fully convinced that he had a right to sit, and was not alleged to have acted prejudicially to the ratepayers. The principle of allowing an informer to obtain the penalty was bad. A penalty of £20 was sufficient. No one would wilfully sit in a council unless entitled to sit; and if one sat in error, we should act wrongly in providing a heavy penalty.

MR. N. J. MOORE: The Premier's objection might be met by inserting "not exceeding" before "fifty pounds," in line 6 of the section. To strike out all the words now proposed to be deleted would abolish the important provision that all acts and proceedings of any persons disqualified should, notwithstanding such disqualification, be valid.

MR. H. BROWN: The Premier's explanation was sufficient. The Minister for Justice, now absent, might be able to tell us how the Justices Act would affect the penalty. Apparently that Act gave the magistrates power to reduce the amount.

THE PREMIER: The penalties under most Acts could be reduced by the Governor-in-Council; but any penalty payable to the person who took proceedings could not be so dealt with. To give the person taking proceedings the amount of the penalty was the most objectionable part of the section. In addition, the onus of proof lay on the councillor proceeded against, and there was no substantial reason why this should be done. The final paragraph of the section, validating any action of a councillor, should be retained. He accordingly moved that the paragraph be amended to read thus:

All the words after the word "Act," in line 5, to "Act" in line 13, are struck out.

Paragraph as amended agreed to.

Paragraph 8—Section 53 (amendment):

MR. H. BROWN moved an amendment to add certain words for including a "joint-stock company," a "firm," or a "corporation." In the majority of municipalities persons trading as corporations and joint-stock companies would not be "firms;" but by the amendment as printed a "firm" would be excluded.

MR. RASON: Why was the word "firm" struck out? In the old Act the words used were "corporation or firm." Many owners of property in Western Australia were firms, and not joint-stock companies.

THE PREMIER: The amendment was made at the request of the municipal conference held at North Fremantle. Provision was already made for the voting of any person who was one of a firm, and it was a question whether any specific clause was necessary to enable the member of a firm to vote. Only one name could appear as the occupier of the premises, and that person's name would necessarily be enrolled for the vote. There was no strong objection to the amendment of the member for Perth.

Amendment (Mr. Brown's) passed, and the paragraph as amended agreed to.

Paragraph 9—Section 54 (amendment):

THE PREMIER: This paragraph would limit the operation of the clause to voting only, and would provide that where more persons than one were jointly rated for land, one might be registered for the vote.

Agreed to.

Paragraphs 10, 11, 12 (amendments of Sections 57, 62, 65)—postponed.

Paragraph 13—Section 75 (amendment):

THE PREMIER: This simply provided that the annual municipal elections should take place on the fourth Wednesday in November instead of the third Wednesday. This was done at the request of the Municipal Conference, because the third Wednesday came too close to the end of the municipal year.

Agreed to.

Paragraph 14—Section 78 (amendment):

THE PREMIER: This provided that in the event of there not being more than one candidate nominated for an extraordinary vacancy, such candidate be declared elected.

Agreed to.

[HON. M. H. JACOBY took the Chair.]

Paragraph 15 (amendment of Section 84)—postponed.

Paragraph 16—Section 87 (amendment):

THE PREMIER: This provided that when a returning-officer through some cause or other was not appointed, the Governor had the power to appoint a returning-officer.

Agreed to.

Paragraphs 17, 18, 19, 20 (amendments of Sections 100, 101, 102, 107)—postponed.

Paragraph 21—Section 117 (amendment):

The PREMIER: This amendment related to the return of deposits. There was some discussion in regard to this question at an earlier stage of the Bill, when he moved that the words "or who has retired as herein provided" be struck out, and that the words "or to the legal personal representatives of any candidate who may have died after nomination and before polling day" be added, the object being to prevent the return of the deposit to any person who had retired. When a candidate died, the deposit might be returned to his representatives.

Mr. RASON: This amendment was to give effect to the suggestion made by the Committee that a candidate should be able to withdraw within 48 hours after nomination, but that he should not have the nomination money returned to him. The amendment provided that the deposit should be forfeited, but there was no provision as to withdrawal.

The Premier: The clause preventing withdrawal had been struck out.

Mr. RASON: We were now inserting that the deposit should be forfeited, but we were not reinserting the power. He understood that a clause would be inserted making it possible for a candidate to withdraw within 48 hours after nomination, but his deposit in that case should be forfeited. The amendment arranged for the forfeiture of the deposit, but not for the withdrawal of the nomination.

The PREMIER: It was proposed originally to strike out the proviso to Section 91 of the Act, which enabled any candidate to retire. The clause of the Bill was struck out; consequently the proviso to Section 91 remained, and the candidate might retire. The amendment provided for the retention of the deposit.

Agreed to.

Paragraph 22—Section 134 (consequential)—agreed to.

Paragraph 23—Section 150 (amendment):

The PREMIER: This amendment provided that it should not be necessary to have a two-thirds majority in order to rescind a motion unless the motion was rescinded during the same municipal year. If a motion were rescinded during the municipal year, a two-thirds majority was necessary.

Agreed to.

Paragraph 24—Section 156 (amendment):

The PREMIER: The present provision in regard to Section 156 was that a mayor should be *ex officio* chairman of all committees of a council, and that only in his absence should the council appoint one of its members chairman. The amendment proposed to give to each committee power to appoint its own chairman, and stipulated that the mayor should be a member of each committee by virtue of his office, and have the right to attend all committees and take part in the business when convenient to him.

Agreed to.

Paragraph 25—Section 160 (amendment):

The PREMIER: This gave the same power to the council in regard to the temporary appointment of an auditor as already existed in regard to the temporary appointment of a council clerk or town clerk. It was liable to become necessary in cases of sudden emergency, such as leaving the district or the death of an auditor immediately after the close of a municipal year.

Agreed to.

Paragraph 26—Section 167 (amendment):

Mr. N. J. MOORE, in the absence of Mr. H. Brown, moved an amendment:

That after the word "line" insert "*3 the words* 'traction engines, trailer wagons' *are inserted after the word* 'motor-cars;' *and in line 4 the words* 'and to regulate and control their use in public streets' *are inserted after the word* 'vehicles.'"

Amendment passed.

The PREMIER: The amendment embodied in the paragraph as printed was purely formal.

Paragraph as amended agreed to.

Paragraph 27—Section 169 (amendment):

Mr. N. J. MOORE, in the absence of Mr. H. Brown, moved an amendment to strike out the paragraph and insert the following in lieu:—

Section 169.—Subsection (*f.*) is struck out and the following inserted in place thereof:—(*f.*) For the driving and keeping of passenger vehicles or acting as conductor thereof, for

the driving and keeping of traction engines, trailer wagons, tram cars, motor cars, and bicycles, and for the driving and keeping of wagons, drays, carts, motor wagons, and other vehicles for the carriage of goods and merchandise.

It included a few vehicles not mentioned in the principal Act.

THE PREMIER: There was no vital difference between the paragraph as printed and the amendment now proposed, the only addition being the words "traction engines, trailer wagons, tram cars." With regard to tram cars, authority had already been given in another enactment for the licensing of them. He had no objection to the insertion of the words.

MR. RASON: They made it clearer.

Amendment (Mr. Moore's) agreed to.

Paragraph 28—Section 223 (amendment):

THE PREMIER: The only amendment in this was in relation to any surveyed street or way not less than 25 feet in width which had been in unrestricted public use for at lease twelve months. The amendment proposed that the words "immediately preceding" be inserted after "twelve months." This was in regard to the power of municipalities to take over streets less than 66 feet in width.

Agreed to.

Paragraph 29—Section 261 (amendment):

THE PREMIER: This amendment was really for the protection of councillors and ratepayers in regard to the fencing of land. Before a council could proceed to fence land belonging to a private owner, or clear it, it would be necessary to lodge a caveat in order to protect the council against having repeatedly to serve notice, and having their proceedings nullified by continual changes.

MR. N. J. MOORE: This was a necessary procedure.

Agreed to.

Paragraph 30—Section 266 (amendment):

THE PREMIER: This section related to the laying out of new streets. It was proposed to insert the words "and lodge a plan therewith," so as to make it clearly the duty of a person laying out a street to likewise send a plan.

Agreed to.

Paragraph 31—Section 353 (amendment):

THE PREMIER: The amendment wi to strike out the last few words of th section, "at the time of the strikin thereof," and to insert in lieu "who such proceedings to levy or recover we taken." At present it was necessary th a person summoned for rates should ha been the owner or occupier of the proper at the time the rates were struck. I many cases it was impossible to ascerta within any reasonable period who w the owner of unoccupied land, and might be years before the ownership w ascertained. The owner could not located, owing to insufficient addresses the Titles Office, and the present own might be an entirely different perso from the one who was owner when th rates were struck. In order to preve difficulty in recovering the rates th amendment was proposed. He thoug it very reasonable.

Agreed to.

[MR. BATH took the Chair.]

Paragraph 32—Section 354 (amendment):

MR. N. J. MOORE: Presumably th amendment simply meant that a block land could abut on a right-of-way 12½ fe instead of 16½ feet, as laid down in t present Act. That was very necessar It was not always necessary to have right-of-way of 16½ feet.

THE PREMIER: Whilst in theory 16½ feet right-of-way was very good, practice it was liable sometimes to becon a considerable nuisance, especially wh population thickened. There was a dang that all sorts of refuse might exist rights-of-way. A right-of-way of 1 feet would prove ample for all requir ments where population was thickenin affording as it did ample room for couple of vehicles to pass each other.

Agreed to.

Paragraph 33—Section 358 (amendment):

THE PREMIER: The only amendme was a technical one. It was to strike o the word "remains" and insert "is" lieu. The sense would still remain th same. It was in regard to selling lan for unpaid rates. As far as his experien went the section was generally inoperati and he believed there were very serio

difficulties in the way of enforcing it. The alteration was made at the suggestion of the legal advisers.

Agreed to.

Paragraph 34—Section 377 (amendment):

THE PREMIER: The amendment was purely formal, striking out "the persons voting," and inserting "the votes polled."

Agreed to.

Paragraph 35—Section 378—agreed to.

Paragraph 36—Section 379—postponed.

Paragraph 37—Section 382 (amendment):

THE PREMIER: The section provided that all sinking funds must be invested in the purchase of debentures, or invested by the Colonial Treasurer in inscribed stock or other securities of the State, in the joint names of the Colonial Treasurer and the municipality. Such funds might now be invested in consols, or in Government stock of this or any other Australasian State, or in first mortgage of freehold land, in the names of the Treasurer and the municipality. It seemed desirable to restrict some of these channels of investment. Probably none of the funds had been devoted to purchasing consols or the stock of other states; and to invest them in mortgage securities seemed dangerous, in view of fluctuations in value. Moreover, interested persons might secure loans on mortgage of their own lands. As the state assisted municipalities, these should assist the State by investing in State securities.

MR. RASON indorsed the Premier's remarks. Anyone lending money to the state had some regard to the extent of municipal borrowing; hence the State had the right to insure the investment of municipal sinking funds in some stock under the eye of the Treasurer.

MR. A. J. WILSON: Better report progress, in view of the interest taken in the Bill by absent members.

MR. N. J. MOORE: Finish the remaining paragraphs. The more important amendments had been postponed.

Agreed to.

Paragraph 38—Section 384—agreed to.

Paragraph 39—Section 403 (amendment):

MR. H. BROWN: This was important. The section entailed heavy work on officials preparing statements of assets and liabilities. The assets comprised land given by the Government; and the liabilities, apart from loans, ought to be *nil*. Perth could show a considerable credit balance if the town hall and reserves were included as assets; but these would be hard to value, and the values would be fictitious and perhaps inflated. The officials should not have to furnish an unnecessary and unreliable balance-sheet.

MR. N. J. MOORE disagreed with the preceding speaker. Some municipalities had important assets; for they owned their own waterworks and electric lighting schemes, which earned fair interest on capital. The balance-sheets should show assets and liabilities as well as receipts and expenditure.

HON. W. C. ANGWIN: The amendment was necessary. Some of the smaller municipalities occasionally showed a handsome balance in the bank; and in the first week of the new year it was found that a comparatively large sum must be paid to contractors; so that the actual balance was a debit.

MR. H. BROWN: Where were the auditors?

HON. W. C. ANGWIN: The auditors had to certify to receipts and expenditure only; not to liabilities.

MR. H. BROWN: There were the contracts.

HON. W. C. ANGWIN: The council were not liable in respect of a contract until the surveyor reported that it had been carried out. The amount of outstanding loans also should be clearly stated in the accounts. True, time would be wasted by including parks, roads, water-carts, etc., as assets; but there should be a complete revenue account, showing whether such undertakings as electric lighting plants were profitable. The last Parliament took care that such municipal undertakings in Fremantle should issue proper balance-sheets every year. There was no provision in the existing Act for showing whether the money had been properly expended from general revenue, and where the money was to come from to meet liabilities.

MR. N. J. MOORE: The word "assets" should be defined.

THE PREMIER: A note would be made of the point raised.

Paragraph passed.

Paragraph 40—Section 422 (amendment):

MR. H. BROWN: Another amendment (in his name) to the previous proposal had been overlooked.

THE CHAIRMAN: It was impossible to go back. The hon. member would have a farther opportunity of dealing with the proposal on recommittal. A new clause could be moved later on.

MR. RASON: It was the duty of the Government to keep a quorum in the House. If someone had called attention to the state of the House during the evening, the Government would not have had a quorum present. Members who accused the Opposition of obstruction should bear this in mind.

Paragraph agreed to.

Paragraph 41 — Eighth Schedule (amendment to strike out):

On motion by the Premier, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9 minutes past 10 o'clock, until the next afternoon.

Legislative Council,

Thursday, 13th October, 1904.

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

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Retu under Section 60 of the Life Assura Companies Act 1889.

PAPERS ORDERED.

ALBANY-DENMARK RAILWAY, PURCHA

HON. W. MALEY (South-Ea moved:

That there be laid on the table all papers connection with negotiations made betwe the Government and Millar Brothers for t purchase of the Albany-Denmark Railway.

The object in moving was that a pub meeting was arranged to be held Albany, and it was desirable that me bers for the province and district shou be in possession of all information whi the Minister was in a position to pla before them. Not wishing to cau inconvenience, it might be sufficient if t papers were made available to membe for inspection.

THE MINISTER FOR LANDS (H J. M. Drew): The Government had objection to lay the papers on the tab except that the papers were in the P mier's office and were being considered connection with certain negotiations. it would be inconvenient to lay the pap on the table of the House to rem here for a period, he moved an amen ment that "the Premier be requested submit to the inspection of any mem the papers" relating to the subject.

Amendment passed, and the motion amended agreed to.

BILL, THIRD READING.

Friendly Societies Act Amendment *re* a third time, and returned to the Leg lative Council with two amendments.

NOXIOUS WEEDS BILL.

IN COMMITTEE.

Resumed from the previous day.

Clause 8—Penalty for neglect to cle after notice:

Amendment had been moved at t last sitting to enable justices to exte the time allowed for clearing land, being satisfied that reasonable effort h been and was being used.

HON. G. RANDELL asked leave withdraw his amendment, and to mo