LEGISLATIVE COUNCIL,

Tuesday, 2nd September, 1884.

Honorarium to Chaplain of Legislative Council (Dean Gegg)—Building Bill: in committee—Wines, Beer, and Spirits Sale Act, 1880, Amendment Bill: recommitted—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

HONORARIUM TO CHAPLAIN OF THE COUNCIL (DEAN GEGG).

THE HON. J. G. LEE STEERE moved, "That an humble address be presented "to His Excellency the Governor, pray- "ing that he will be pleased to place on "the Estimates the sum of £50 as a "remuneration to the Rev. Joseph Gegg, "for services rendered in connection with "the Legislative Council." From a conversation he had had with several hon. members, there appeared to be a wish that the Council should make some recognition to the reverend gentleman who for many years had read prayers in the House—something like twelve years now—and they all knew how assiduously he had attended, often at great personal inconvenience to himself. Two years ago the House voted £50 for the Dean, for the same services, but, with that exception, he had received nothing since he commenced to read prayers for them twelve years ago, and he thought hon. members were generally agreed that some further remuneration should be offered him.

MR. VENN regretted he should have to oppose the motion. It was to his great surprise that he had noticed such a motion on the paper, and he believed it would cause equal surprise to other members that such a motion should come off so soon after its being tabled. As already stated, they voted £50 two years ago for Mr. Gegg, and, regard being had to the limited means of the colony, that was considered at the time a pretty fair remuneration for his services up to that date. Now they were asked to vote another £50, which, according to a calculation he had made, would be at the rate of 12s. for each time the Dean had read prayers since the date of the last gratuity. He thought it would be better for the House, rather than to vote these spasmodic gratuities, to place a fixed sum on the Estimates for a chaplain.

THE COLONIAL SECRETARY (Hon. M. Fraser) believed that the general wish of the House, when it voted £50 two years ago, was, if the public funds had warranted it, to have made the gratuity £100. He regretted there should have been any dissent expressed to the motion, which he might say, if adopted, would be provided for on the Estimates.

MR. RANDELL said it was not his intention to oppose the address, though if he were to be guided in the matter by his political sentiments he should object to it; but, having in common with others a high personal regard for Dean Gegg, he felt disinclined to oppose the motion on that ground, and on that ground alone. He thought they might ask themselves whether it was necessary to continue these services, and, if so, whether, as suggested by the hon. member for Wellington, it would not be better to place a sum on the Estimates every year—though he should decidedly object to it himself. He believed the practice in the other colonies was for the Speaker of the House to read prayers, and he thought that was the course we ought to pursue here. He really did not think they had any right to vote anything out of public funds for such a purpose. He would go further than that; the majority, no doubt, of hon. members belonged to the Church of England, but it should not be forgotten that there were others in that House who were members of other denominations having ministers of their own; and it became a question whether the clergy of other denominations than the Church of England should not in their turn officiate. He was sure these ministers would be happy to come and read prayers for that House, as they would be happy to visit our prisons and conduct services there, without expectation of fee or reward. He did not mean for a moment to suggest that the Dean had suggested this address; he believed it was a spontaneous act of good feeling on the part of the hon. member for the Swan. But he did object, as the hon. member for Wellington had stated, that it should have been brought forward somewhat as a surprise. It was another

instance of the inconvenient way in which the new standing order adopted the other day worked.

The motion was then put and passed.

BUILDING BILL.

The House then went into committee for the consideration of the bill to regulate the construction of buildings in Perth and Fremantle, as amended by the select committee to whom the bill had been referred.

Clauses 1 to 13—dealing with hoardings, street obstructions, materials of which roofs and party walls are to be constructed, and prohibiting the use of inflammable materials for building purposes:

Agreed to, *sub silentio*.

Clause 14—"No building to be hereafter erected shall encroach or project on or over any public street, nor shall any building which may now so encroach or project be rebuilt, either wholly or in part, except according to a plan, to be approved by the surveyor, whereby such building shall be placed clear of and without the distance defined for the breadth of such public street; but nothing herein contained shall prevent any person, with the consent of the surveyor, from placing an awning or verandah in front of his building, according to plans to be settled and approved by the Council, provided that such awning or verandah be eight feet, at the least, in height above the footway in front of such building, and that the posts for the support thereof be placed close to the kerbstone or outer edge of such footway as the Council shall direct:"

MR. S. H. PARKER moved, as an amendment, that the following words be added to the clause:—"Provided also that nothing herein contained shall prevent any person, with the consent in writing of the Council (after plans have been submitted to and approved by the Council), from placing in front of his house a balcony, with a framework constructed of iron, and securely fixed with iron brackets or other supports, to the satisfaction of the surveyor; provided that such balcony be eight feet at the least in height above the footway in front of such building, and that the posts for the support thereof be placed close to the kerbstone or outer edge of such footway as the Council shall direct." The hon. member said that the bill, as originally introduced by the Government, and before it was referred to a select committee, permitted the erection of balconies, under certain conditions, but a majority of the select committee had struck them out, the only members of the select committee in favor of them being the Attorney General and Mr. Marmion. For his own part, he thought this was a matter that might well be left in the hands of the municipal authorities. From a legal point of view, there was just as much to be said against verandahs as against balconies.

MR. MARMION said one of the main reasons which had prompted him to support the original clause was, that, in entrusting municipal bodies with the power to decide whether balconies should be allowed or not within the towns under their jurisdiction, the House would be simply acting upon a principle which it had recognised and approved years ago—the right of local self-government in these matters.

THE HON. J. G. LEE STEERE opposed the amendment. He maintained they had no right to empower any local body to permit individual citizens to encroach upon the public streets. Moreover, it might lead to anomalies and injustice. The majority of the members of a town council who were in office this year might be in favor of balconies, and the majority of the council in office next year might be opposed to balconies, and the result would be this: a resident who applied this year for permission to erect a balcony in front of his house would be allowed to do so, but his next door neighbor who might want to build a balcony next year, when the anti-balconists were in the majority, would not be permitted to do so. People would thus be at the caprice of these town councils, who, judging from the newspaper reports, did not seem to know their own minds on the subject. He thought it would be a relief to these bodies themselves if the law decided for them that balconies should not be permitted under any circumstances to encroach upon the public streets.

MR. SHENTON was opposed to balconies, for several reasons. In the first

place they were simply erected for the convenience of the inmates of the house on which they abutted, and might be used by them for almost any purpose—a ball room, or dining room, or bath room; and they destroyed the privacy of neighbors. Generally, when these balconies were built by landlords they took good care to raise the rent of the house, for the increased accommodation provided for the tenant,—accommodation provided over the public footpath, for which the landlord paid nothing. If these balconies were allowed at all, there ought to be a charge levied upon them, payable to the municipality. The City Council, for years past, had refused point blank to allow any citizen to erect a balcony abutting on the public street, and, some years ago, when his hon. friend Mr. Glyde was chairman, they actually made Bishop Griver pull down a balcony which he had put up, at the episcopal residence.

MR. MARMION said if landlords raised the rent of a house in consequence of having erected a balcony to it, the Municipality must benefit by it as well as the landlord, seeing that the rates were assessed upon the rental value of property.

MR. BROWN would be glad to see balconies legalised, as he looked upon them as structures of public utility as well as a private convenience, affording, as they did, shade and shelter to street pedestrians.

MR. GLYDE said he also was inclined to favor balconies. When he was chairman of the City Council, at the time referred to by the hon. member for Toodyay, and the Council caused a balcony to be pulled down, that was a different style of balcony to the kind of structure now proposed to legalise; it was supported by stone pilasters, resting on the footway, and not by slender iron columns as now proposed. He thought all the arguments in favor of verandahs applied with equal force to balconies, so long as they were constructed on approved plans.

MR. RANDELL doubted very much whether the House had any legal right to empower any local body to alienate a portion of the public streets for the purposes of a balcony, or even a verandah. For his own part, he should be inclined to limit this permission to awnings, which were removable when not actually required. He did not remember to have met with any instance in his travels outside this colony where balconies projecting over the public streets were permitted. He believed that, in course of time, these balconies would become a public nuisance, and he did not think they could be defended for one moment upon architectural grounds. They were not likely to become general, like verandahs, and he submitted that unless they formed a continuous line they were bound to become a nuisance and sources of great annoyance, especially to adjoining neighbors. If they were going to be legalised at all, he thought it would be far better to make it compulsory upon Municipal Councils to sanction their erection, rather than leave it to the caprice or prejudices which different Councils might entertain on the subject.

The amendment was then put, and upon a division there appeared—

Ayes	10
Noes	7
Majority for ...	3

AYES.	NOES.
Hon. A. P. Hensman	Mr. Davis
Hon. J. Forrest	Mr. Loton
Mr. Mason	Mr. S. S. Parker
Mr. Brown	Mr. Shenton
Mr. Glyde	Hon. J. G. Lee Steere
Mr. Higham	Mr. Venn
Sir L. S. Leake, Kt.	Mr. Randell (*Teller.*)
Mr. Marmion	
Mr. McRae	
Mr. S. H. Parker (*Teller.*)	

The clause, as amended, was then put and passed.

Clauses 15, 16, and 17:

Agreed to, without comment.

Clause 18—Houses to have sewers and drains:

MR. S. H. PARKER said it would be absolutely impossible for any person to have such drains as this clause contemplated, as there were no public sewers into which these drains might empty themselves. No doubt, if there were some means provided for compelling the municipal bodies to construct sewers for carrying away the drainage from private houses, such a provision as that contained in this clause would be very desirable, and contribute very materially to the sanitary improvement of the town. But what was the use of compelling householders to have drains leading from

their houses into the streets, unless the municipal authorities provided sewers to carry away the drainage? The clause must remain inoperative until that was done.

MR. SHENTON said the object of the bill was to make provision in view of the adoption hereafter of a system of public sewers. A similar clause already existed in the Municipalities Act.

The clause was then agreed to.

Clauses 19, 20, and 21:

Agreed to, *sub silentio*.

Clause 22—"Every public building "which shall be built in any municipality, after this Act shall come into "operation, shall be constructed with "doors opening outwards from the said "building, and so that there may be "rapid and easy exit from such building "in the event of fire, panic, or any other "similar cause:"

MR. S. H. PARKER observed that the clause only applied to buildings that may be built after the Act came into operation. There were several public buildings in Perth and Fremantle now, the doors of which did not open outwards, and, if a panic occurred when any of these buildings were crowded, the result would be disastrous. It would not be a matter of great expense to have the doors of these buildings altered, so as to open outwards, so as to comply with the requirements of this clause.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the matter referred to had not escaped attention, and if the hon. member would look at the 24th clause he would find that if the Director of Public Works should be of opinion that any public building, whether built before or after the coming into operation of this Act, was improperly constructed so as not to afford rapid and easy exit, the Director of Works was authorised to prohibit such building from being used until it was made fit for public use.

The clause was then put and passed.

Clauses 23 to 38:

Agreed to, without discussion.

Clause 39.—Chimneys of manufactories, mills, etc., to be constructed and used so as not to be a nuisance:

MR. MARMION said the clause appeared to him rather vaguely worded. Who was to be the judge of whether a chimney shaft was a public nuisance?

THE ATTORNEY GENERAL (Hon. A. P. Hensman) imagined that the neighbors would be the best judges as to whether a chimney was a nuisance, and, if they felt themselves aggrieved, they would probably lay their grievance before the town council, who were empowered to make by-laws and regulations dealing with this and other nuisances.

The clause was then agreed to.

The remaining clauses of the bill elicited no discussion.

Title and preamble agreed to.

Bill reported.

WINES, BEER, AND SPIRITS SALE ACT, 1880, AMENDMENT BILL.

The order of the day for the third reading of this bill being read,

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the order be discharged and the bill recommitted, with the view of introducing some verbal amendments.

Motion agreed to.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved several verbal amendments, all of which were agreed to, *sub silentio*.

Bill, as amended, reported.

The House adjourned at half-past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 3rd September, 1884.

Police Benefit Fund Ordinance Amendment Bill: first reading—Governor's Salary Bill: first reading—Presbyterian Church Bill: Refund of Fee paid for introduction of—Estimates, 1885: further considered in committee—Cattle Trespass Act, 1882, Amendment Bill: third reading—Wines, Beer, and Spirits Sale Act, 1880, Amendment Bill: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.