

in this Bill providing that power should be given in the direction I have indicated; and I hope the abuse of the past will not exist in the future. As to the definition of a noxious weed, it is apparent that the whole success of the Bill practically depends upon the advisory board attached to the Department of Agriculture. I cannot believe that the advisory board, as it is composed of practical men, would dream of gazetting certain poison plants in certain districts as noxious weeds, because in some parts of this country there is land so thickly infested with poison that the only way of dealing with it is, not to attempt to clear it in parts where practically the whole vegetation is poison, but to fence it against stock so that stock cannot reach the poison. The land is of such a nature that it cannot be dealt with in any way, because, even if cleared of poison, it would be of very little good for any purpose. These matters no doubt will be discussed in Committee, and I do not see why we should not proceed to pass the second reading, believing that the measure constitutes an improvement on legislation in force at present.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned, at 25 minutes past 10 o'clock, until the next afternoon.

Legislative Assembly,

Thursday, 10th November, 1904.

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

PRAYERS.

QUESTION—RAILWAY ENGINE SPARKS, COLLIE COAL.

MR. R. G. BURGESS asked the Minister for Railways:—1, Does the Government buy Collie coal for use in the locomotives on the Great Southern and Eastern Railways at the present time? 2, If so, when does the Government intend to give instructions to stop the use of same on the said lines, running through the farming and grazing districts?

THE MINISTER FOR RAILWAYS replied: 1, Eastern Railway: Yes. Great Southern Railway: Spencer's Brook to Wagin, 20 per cent., Newcastle, 80 per cent. Collie; from Wagin to Albany, all Newcastle. Every care is taken to avoid sparks and fires. The Department is, however, hampered by "The Bush Fires Act." 2, The use of Collie coal needs no comment from the Department, and is *sub judice* at the present moment.

QUESTION—RAILWAY INSPECTORS, HOW APPOINTED.

MESSRS. GATHERER AND GREGG.

MR. A. J. WILSON asked the Minister for Railways: 1, Had Messrs. Gatherer and Gregg any previous service in the Railway Department of this State before being appointed inspectors in the department? 2, If vacancies existed, were there no competent officers already in the department who could have been appointed? 3, If so, why they were not given preference?

THE MINISTER FOR RAILWAYS replied: 1, Mr. Gatherer is a railway

inspector of over 20 years' experience in Victoria and West Australia. Mr. Gregg is a maintenance inspector and engineer of many years' experience in the Eastern States. The appointments were necessary in the opinion of the Commissioner, and made by him under powers conferred by the Act. 2 and 3. There were no suitable officers in the service to whom the appointments would have been promotion.

ASSENT TO NEW STANDING ORDERS.

THE SPEAKER announced that he had received the assent of the Governor to two new Standing Orders recently passed, numbered 414 and 76A.

FACTORIES ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman): In moving the second reading of this Bill, I may say it is rendered necessary by an unsuitable proviso which was inadvertently inserted in Subsection 6 of Section 27 of the principal Act. This section provides that—

The inspector may, subject to the approval of the Minister, from time to time by requisition to the occupier determine, as to the factory or any workroom therein, what space of cubic or superficial feet shall be reserved for the use of each person working therein, and the occupier shall cause the same to be reserved accordingly, and such space shall not be less than that prescribed from time to time by regulations.

To this was added—

Provided, however, that such reserved space shall not exceed that in force for schools under the Education Act.

In framing the necessary regulations we found that this proviso rendered the section impracticable, as the space in force for schools under the Education Act is 154 cubic feet. This is totally insufficient for any factory operatives. In similar Acts in the other States, also New Zealand and England, provision is made for prescribing by regulation the space to be allowed to each worker. The section in our Act was taken from that of New Zealand, and the unsuitableness of this proviso escaped attention when the Bill was before Parliament. In England 400 cubic feet is allowed for each employee; so members will recog-

nise that if our Act is not amended it will be impossible to apply to factories the section in question. It was not till we framed regulations that we found a mistake had been made. In the English Act no provision is made for allowing a certain space to each worker; but until 1902, 250 feet was prescribed by regulation, and in 1902 the space was increased to 400 feet, which was something like the space we intended to prescribe by our regulation. The New Zealand Act makes no provision for the space to be allowed, but the regulations prescribe 400 feet; and so with the regulations of Victoria, New South Wales, and Queensland. When we consider that these countries are not so hot as this, we shall naturally conclude that a greater space is required here than there. Unless this Bill is passed it will be practically impossible to provide for the health and comfort of factory operatives, such a minimum as 154 feet being utterly inadequate. School children, as members will recognise, need much less space than factory workers. I do not know that I need go into details. On comparing the parent Act with the Bill, members will perceive that the Bill must be passed so as to provide by regulation a sufficient air space for each operative. It will readily be admitted that in cabinet-making and upholstering factories much greater air space is needed than in certain others. I have the regulations under Factories Acts of the Australian States and New Zealand, and also those dealing with factories in England; and the recognised air space for factories in those regulations is almost without exception a minimum of 400 feet. Members will recognise that we should have power to make the minimum air space as low or as high as any of those places.

MR. GREGORY: In any Acts do they provide a maximum?

THE MINISTER: No; the inspector is given power to take action when he thinks it absolutely necessary air space should be increased. No inspector appointed under the Act would harass owners in any way. He could protect workers' interests without doing so. I hope this amendment will be passed, so that we can proceed with the framing of regulations, and get this useful Act into

working order at once. I move that the Bill be read a second time.

MR. C. H. RASON (Guildford): It is absolutely necessary that farther time should be given to the second reading of this Bill. Those members who were in the House during the last session of the last Parliament will remember that the members of the Government were anxious to pass a Factories Bill, and I believe I was among them a staunch supporter of the Bill. I have a vivid recollection of the words it is proposed to strike out being inserted by another place as some sort of a safeguard to a factory owner. It was thought then, and in my opinion rightly, that people should have some idea of how far the Government of the day could go in this direction of regulating the quantity of air space to be provided; and it was thought that the insertion of the words it is now proposed to strike out would give owners of factories some sense of security. At that time it was held the space provided by the school regulations of Western Australia was absolutely the most liberal in the world; and the information supplied by the Minister in charge of this Bill I at once admit comes to me as a surprise. I was under the impression that 132 cubic feet of air space was provided under the school regulations. It seems to me from what the Minister says that it is even more. I believe he says it is 154 feet. I am not in a position to dispute, nor do I wish to dispute the statement made by the Minister; but it seems to me that, if there are regulations existing elsewhere providing that each hand engaged in a factory shall be allowed 400 cubic feet of air space, it is extremely liberal. In coal mines I think we provide 40 cubic feet of travelling air; and that is recognised as a very liberal allowance. I am perfectly convinced that what I am saying is absolutely correct, that only a year ago it was urged that the provision made for our schools was the most liberal provision made in the world, that 132 cubic feet of air space per child was a more liberal allowance than was made anywhere. If, as the Minister says, 400 cubic feet is provided elsewhere, of course it is a strong argument in the Minister's favour; but I should like to see it demonstrated that in Western Australia 400 cubic feet of air space per hand employed in a

factory is absolutely necessary for good health. I should like to see the statement supported by medical opinion; and I should like to say that this question is provided for in the Health Bill now before the House. Clause 126 of the Health Bill provides in Subclause 6 that where any factory, workroom, laundry, shop, or other business place is so overcrowded as to be injurious to health of persons employed therein, or is not sufficiently ventilated, etc., it may be deemed to be a nuisance. All sorts of provisions are made in the Health Bill by which the chief medical officer of health, or whoever is administering the Health Act, can at once step in if the conditions of a factory are not satisfactory from a health point of view.

MR. KEYSER: It is not yet the law.

MR. RASON: I am assuming that it will become law. I submit that, although it might be advisable to a certain extent to leave entirely to regulations to be fixed by the Government the matter of the amount of air space to be provided, the factory owner after all ought to be protected to the extent that he should have some idea of what would be the utmost limit that anyone could go to. We might under any form of Government have a faddist in this direction who might insist on regulations providing for even 600 cubic feet of air space for hands employed in factories, and we could hardly expect that people would embark in industries or start factories in Western Australia with such a possibility as that hanging over their heads. Whatever may be the limit that is desirable, I shall join with members in fixing any limit that is considered proper.

THE MINISTER FOR LABOUR: Not less than is considered sufficient in England.

MR. RASON: Not less than a limit which is considered healthful and proper. We should fix some maximum, so that a person embarking in business operations in this State would know exactly what would be the utmost he would be called upon to provide for.

MR. KEYSER: Would you fix a minimum, too?

MR. RASON: We should fix a maximum a shade over what is recognised as an essential quantity. I hope further consideration will be given to this measure. I should not like myself to move

the adjournment of the debate; but I hope, as there are so many issues at stake, that the Minister will not press the second reading to-day, and that he will place those regulations to which he has referred at the disposal of hon. members so that they may consult them and see exactly what are the conditions existing elsewhere.

On motion by MR. GREGORY, debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

SECOND READING (MOVED).

THE MINISTER FOR MINES AND JUSTICE (Hon. R. Hastie), in moving the second reading, said: Members will have noticed that yesterday there was laid on the table a Bill for an Act to amend the Legal Practitioners Act of 1893; and it will have been noticed by those members who have perused this measure that it is a very short one, and that its provisions are confined to allowing managing clerks in lawyers' offices possessing a certain amount of experience to become legal practitioners, provided they are duly qualified and can pass the final examination prescribed by the rules. I understood that in another part of this measure, or if omitted it will have to be inserted in Committee, there was a provision that these applicants must pass an examination to be approved by the Judges of the Supreme Court. My intention in introducing this Bill under the heading of "An Act to amend the Legal Practitioners Act" was to allow the House to consider how far we should go in the direction of liberalising the rules for admission of legal practitioners. My opinion is that we should not open our gates to anyone unless it can be shown he has a certain amount of experience, and that he has that intelligence required by the Act of New Zealand. That is a debatable point which I should be glad if members of the House would express their opinion upon. If any member can suggest a means by which we can extend the provisions of the Bill so as to admit those who have not had 10 years' experience in a lawyer's office, but who are qualified and have had a certain amount of experience, then we may be able to open our gates to them. But I would

point out, after inquiring into the practice of the different countries and States, that I have been unable to find any country or State, except the colony of New Zealand, where no experience is really required. After seriously considering the matter, I propose that in this Bill we should follow the example set in England, and also in New South Wales. The rules that apply there are that people who have been in important positions in lawyers' offices can, by passing an examination and showing their competency, be admitted as barristers and also as solicitors. All members will agree with me that it is unfair that the legal profession should be so restricted as at present. The rule in this country now is that unless a young man has money, or unless his parents have a considerable amount of money—I think about £100 or £200—and unless the parents are able to keep their son for at least five years, during which time he earns nothing, then the legal profession is not open to him. In one direction it certainly is open. If a young man can earn a fair amount of money, not only to supply his immediate wants but also to keep him in a lawyer's office for a number of years where he is not in a position to earn money, by passing an examination he can be admitted. But obviously that is not sufficient. Very few of us in this State have been born with any surplus cash. Most of us in our young days found—

MR. A. J. WILSON: All are born without cash.

THE MINISTER: And most of us keep in that position for a considerable time. We rarely find that a young man can earn enough in his young days to keep him for a length of time to serve articles. As a result, we find a number of young men who take an interest in law, and like to be engaged in legal business, invariably go into a solicitor's office. They learn all the business really required of a solicitor, and in a short time the greater portion of the business in a solicitor's office is transacted by them, so that they are held responsible by their principals for the transaction of that business. It is the experience of every one of us that in all the principal offices in Perth, if not nearly all of the legal offices of any account in the city—

MR. BURGESS: Where did you get your information?

THE MINISTER: I hope the hon. member will interject in a louder voice. Last night and to-night he interjected very often, no doubt very interesting things, but I could not understand him.

MR. BURGESS: I asked the Minister where he obtained his advice from—the clerks?

THE MINISTER: No; but I know if I were to go to a lawyer's office with business, that business would be attended to by confidential clerks, who would go into the whole of the details and put the chief points before their principals, and in many cases these confidential clerks advise their principals, having already gone into the details. These managing clerks are, in the opinion of lawyers and of experienced clients, men with a large amount of experience, and far more competent to become barristers and solicitors than a young man who has served a few years under articles in a solicitor's office.

MR. BURGESS: And passed examinations?

THE MINISTER: In both cases there are examinations.

MR. BURGESS: In this Bill?

THE MINISTER: Yes; in this measure an examination is provided for. If the member will look at page 2 he will find there that managing clerks are required to pass the final examination prescribed by the rules. I hope members will freely discuss the measure. I hope, in addition, they will indicate the direction in which they would like to see the Bill improved, that is if they do not agree with me and say that this measure is not susceptible to any particular improvement, and that we may get the measure as soon as possible into Committee. When that is done, members with responsible amendments will have an opportunity of placing their amendments on the Notice Paper, so that the House can freely discuss the measure in all its phases. I may mention that over two years ago we had a discussion on this question, when a similar measure to the one now introduced was brought forward by Mr. Purkiss, the then member for Perth; and at that time almost every member of the House strongly commended it, and the one criticism apparent was that the Bill did not go far enough. Finally, the then

Premier and Attorney General (Mr. Walter James) said, after criticising the measure—I recollect his words—he was in favour of the New Zealand Act, and that the New Zealand Act could be introduced with such limitations as would ensure that only experienced men should become solicitors. On the understanding that a Bill of that nature would be brought forward, so that Parliament would have an opportunity of discussing all that could be said on both sides of the question, the Bill was withdrawn, and unfortunately nothing has been done in the direction proposed since.

MR. C. H. RASON: I do not think it was withdrawn.

MR. GREGORY: It was slaughtered with the innocents.

THE MINISTER: It was not proceeded with during that period of the year. I have no doubt this measure will be opposed by a large number of members of the legal profession.

MR. BURGESS: They are not here.

THE MINISTER: The hon. member says they are not here; but lawyers have a wonderful influence, even if they are not present themselves, and I have no doubt before the measure is finally disposed of in the House many members will be considerably influenced by expressions from outside.

MR. BURGESS: Is the hon. member in order in making that statement?

THE SPEAKER: The hon. member is out of order in making the statement.

THE MINISTER: I will withdraw the statement. I only made it because I candidly say that if experts in any branch will discuss a question with me and show me that I have been wrongly advocating something, I admit that such experts would influence me. It is only because I thought the same thing might occur with other members of the House that I made the remark. I do not think it is necessary to go into the matter fully. I was only going to say that members of the legal profession, like members of every other profession or trade, do not wish to open the doors of that trade to more people than they can help.

MR. A. J. WILSON: Mention some of the others.

THE MINISTER: Naturally legal people will be inclined to oppose this measure. I have to say this, that I know

personally at least ten or twelve legal gentlemen in Perth who are strongly in favour of the measure, and there are one or two legal gentlemen in another place who will strongly support this measure. Therefore it cannot be looked upon as a Bill altogether of a revolutionary character. That being so, I hope members will take a moderate view of things when discussing the measure, and that it will pass the House in such shape that it will very soon become law, and farther that people who have spent a fair amount of time studying law in lawyers' offices, people who ought to be the most competent legal advisers we could get, will after showing their competency have an opportunity of enjoying the privileges appertaining to the legal profession. I have only to repeat that I hope the House, after general discussion, will pass the second reading of the measure, and that members will put on the Notice Paper any important amendments they wish to introduce, so that we can soon agree as to the wording of the different clauses of the Bill, and frame them in such way that the measure will become law before Parliament prorogues.

On motion by Mr. RASON, debate adjourned.

**PRIVILEGE—WITNESS DRAYTON,
MOTION FOR IMPRISONMENT.**

THE PREMIER (Hon. H. Daglish) :
On the question of privilege, which has already come before this House on a previous occasion, I rise for the purpose of moving the following motion relating to the case of John Drayton, who was recently adjudged guilty of contempt and fined in the sum of £50. The motion is—

That John Drayton, who on the 3rd day of November instant was adjudged guilty of contempt of this House by the commission of an offence against "The Parliamentary Privileges Act 1891" (54 Vict., No. 4), to wit in refusing to be examined before the select committee on the Empress of Coolgardie Gold-mining Lease, and fined in the sum of £50, and who has not paid such fine, be imprisoned in the custody of the sergeant-at-arms, in the gaol at Fremantle, until such fine shall have been paid or until the end of the now existing session, whichever event shall first happen; and that the Speaker do issue his warrant under his hand for the apprehension and imprisonment of the said John Drayton accordingly; and that the fees to be paid by the said

John Drayton shall be £15 for his arrest and commitment and £2 2s. for each day's detention, including sustenance.

In submitting this motion, I wish to state that under the Standing Orders the House has certain powers in regard to the punishment of any person who is guilty of contempt under one of its orders. But outside those orders we have the Privileges Act, which was passed subsequently to the passing of our Standing Orders. The Standing Orders were adopted on the 5th February, 1891, and on the 26th February, 1891, the Privileges Act was passed. There has been a degree of doubt in the minds of some persons as to the powers of any committee appointed by this House to examine witnesses under oath. This doubt has arisen owing to the existence of Standing Order No. 403, providing that witnesses cannot be examined on oath unless in cases where it is provided by law. But the Privileges Act confers on this House and on any of its committees all the privileges and powers exercised by the House of Commons and by any of its committees. Some considerable period ago—I think about 1874—a doubt arose in Great Britain as to the powers of the House of Commons and its committees in regard to this very question of examining witnesses on oath, and in order to settle that beyond all doubt a measure was passed empowering any committee of the House of Commons to administer the oath. That power having been expressly conferred on the committees of the House of Commons, and our Privileges Act conferring on this House and its committees any specific privileges or powers enjoyed by the House of Commons or any of its committees, it naturally follows that our committees enjoy this special privilege conferred by the House of Commons on its committees, to examine witnesses and administer the oath. Therefore, in regard to the question of the powers of our committees, there can be no reasonable doubt. In connection with this case there was first of all a specific refusal to be examined either on oath or on affirmation. This was followed up, subsequent to the infliction of a fine, by a specific refusal to pay the fine; a refusal couched, it is true, on the ground of a lack of means to

do so, but at the same time a distinct refusal to pay the fine. Under some conditions it may be urged that, in spite of the powers of this House to require any person fined to pay the fine immediately, there may be justification for giving the person so punished some degree of notice before proceeding to exact imprisonment; but where there has been a specific refusal, especially as it was stated definitely in this House what the powers of the House were in the matter, I think any ground for suggesting that notice should be given has vanished, and we are justified in assuming that if notice were given the result would be the same as it is to-day. I may say, too, that assuming no notice was to be given, any person who has been fined has the right at any moment to pay the fine, has the right subsequent to the issue of a warrant to pay the fine, has the right on the execution of the warrant to pay the fine, and thereby escape or avoid imprisonment. This power likewise remains with the person who is being punished right through the imprisonment. At any moment the imprisonment can be terminated by the party imprisoned paying the fine and thereby satisfying the demands of this House. I have therefore no hesitation in submitting that this motion should be carried, and that it should have immediate effect. There has been a common idea abroad that this House, in punishing persons for contempt by imprisonment, had the power to do so only by imprisonment within the precincts of this House. Here again we have definite and distinct power given to us by the Privileges Act, which I have already quoted. It provides:—

The Sheriff and his officers, and all constables and other persons, are hereby required to assist in the apprehension and detention of any person in pursuance of the verbal order as aforesaid of the President or Speaker, as the case may be, and also to be aiding and assisting in the execution of any such warrant as aforesaid. And where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol, the keeper thereof is hereby required to receive such person into his custody in the said gaol, and there to imprison him according to the tenor of the warrant.

Then there are farther powers in regard to the execution of the warrant, as to what may be done in the way of breaking

open doors and other proceedings that are sometimes incidental to the execution of a warrant. I want to let the House know clearly that there is no question whatever of its power to imprison, and to imprison in a gaol. There are many persons to whom imprisonment within the precincts of this House would be hardly any punishment at all. It might be regarded as a pleasant holiday resort, and the imprisonment would confer a certain degree of notoriety or give a certain advertisement, without any counterbalancing disadvantages. I do not know of any part of this House, either, that would lend itself to such purposes; but in any case I think that while there may be justification for the imprisonment of a member guilty of contempt of a comparatively trivial nature within the precincts of this House, there would be no justification whatever for imposing this purely nominal punishment on anyone guilty of a flagrant contempt such as that which has led to the submission of this motion to the House. I therefore trust the House will unanimously accept the motion and carry it this afternoon, so that effect may be given to it without farther delay. I submit the motion to the consideration of the House.

MR. C. H. RASON (Guildford): I rise to second the motion moved by the Premier. I submit that although I second the motion, I am placed in a somewhat awkward position. Did I not agree with the motion introduced by the Premier, it might be thought that I myself, and perhaps some others sitting on this side of the House, were not equally anxious with him to uphold the dignity and maintain the powers and privileges of this House. I can assure the Premier, if he needs the assurance, that I and those who sit with me are just as anxious to uphold those powers and privileges on every possible occasion; but I differ from him as to the procedure proposed to be adopted in this instance, to the extent that I think notice should be given to Mr. Drayton, just in the same way as notice is given to any other debtor before proceedings are taken. It is all very well to speak of the powers of this House. I should, I hope, always seek to maintain them; but power means, after all, power to do wrong as well as to

do right. If power is limited to doing that which is right, it ceases to be power at all. True power such as this House has, I believe, is power to do that which is right or that which is wrong; to do that which to it seems best. Undoubtedly we can imprison the man Drayton without farther notice, but I submit that is a proceeding which would not be adopted in the majority of cases, and that we should be losing nothing of our power, sacrificing nothing of our dignity, if we told him that unless the fine inflicted by this House were paid by a certain day—be the notice long or short as you like—the House would proceed to farther measures. I question very much whether our previous action has been taken seriously. I am not offering any excuse for Drayton, and I have no sympathy with him, but there may be some excuse if he thinks we are not serious in this matter. Let him first be assured that the House is perfectly serious and that the excuse that he is not in a position to pay the fine goes for nothing; that the House insists that he shall either pay the fine or take imprisonment instead. Let notice be given. Notice is given in all other cases, I believe, where it is a matter of debt, and after all that is what it amounts to now, that Drayton, for his conduct, has been fined and owes the House a certain amount of money by way of reparation.

DR. ELLIS: Notice is never given in a case of contempt.

MR. RASON: Let us take the procedure in the Local Court. A man is summoned for debt. A verdict is given against him. Then procedure is taken on a judgment summons, and then he has to show cause why he should not be imprisoned. I do not want anything of that sort here. I do not want it to be said of us that having power we have exercised it harshly. I want this House to be truly dignified and to show to this man, no matter who he may be, that we are not going to be trifled with, but that we give him, bad as he may or may not be, ample warning of what we intend to do. I entirely agree with the Premier that if Drayton is to be imprisoned, it should not be within the precincts of this House. It seems to me that such a procedure would offer very little pain, would offer very little idea of punishment to one who had

not had experience of the House. For the maintenance charge of two guineas a day I imagine Drayton would have first-class accommodation in every way. He would have all the privileges of the House without any of its drawbacks. He would be attended by a most courteous Sergeant-at-Arms, who would see that he lacked for nothing. He would get a certain amount of exercise. He would have access to different parts of the House. These would be his privileges—[Interjection]—and there would be no punishment, inasmuch as he would not have to listen to perfectly inane interjections made by the hon member. I think that in this case we shall be taking a more dignified course, after all, if we give notice to Drayton of the course we intend to pursue. Still, I second the Premier's motion.

MR. T. H. BATH (Brown Hill): In spite of the explanation of the Premier, some doubt exists in my mind as to the proper procedure to be adopted in this instance. We must remember that on the previous occasion, while the action taken was to some extent taken under the Privileges Act, the punishment was inflicted under Standing Order 76; and the punishment having been inflicted under that Standing Order, I should say that the alternative procedure should likewise be taken under the same Order, which provides that any member or other person declared guilty of contempt may, on the resolution of the Assembly, be fined in a penalty not exceeding £50, and in default of immediate payment be committed by warrant under the hand of the Speaker, for a period not exceeding 14 days, to the custody of the Sergeant-at-Arms, and shall be detained in custody for the period directed unless sooner discharged by order of the Assembly, or the fine be sooner paid. It is true the Privileges Act was passed on the 5th of February and these Standing Orders were assented to on the 21st February, 1891; but the point I wish to raise is that the punishment having been inflicted under this Standing Order, I think it is a moot point whether the alternative punishment for nonpayment of the fine should not be inflicted under the same Standing Order; and it is a question, even if the Privileges Act was passed after the Standing Order, whether the existence of the

Standing Order side by side with the Act means that the sections in the Privileges Act override the Standing Order. I should like to have the matter cleared up before we pass this motion.

THE PREMIER (in explanation): If the House will allow me, it may be as well to give particulars of the questions I asked and the answers I received on the legal aspect of this matter. I will read question and answer consecutively. This morning I wrote as follows to the Crown Solicitor, and received the following answers:—

Re John Drayton, who has been adjudged guilty of contempt of the Legislative Assembly by the commission of offence against the Parliamentary Privileges Act 1891, and has been fined the sum of £50 but has not paid such fine, I shall be glad to be advised what powers the Assembly possesses in regard to the imprisonment of such defaulter.

1. Can Drayton be imprisoned in the Fremantle Gaol, or in any other place where prisoners are kept, or must he be confined within the precincts of the House?—Answer: John Drayton may be imprisoned in such place within the State as the House may direct, and therefore in the gaol at Fremantle. (54 Vict., No. 4, Sec. 8.)

2. Can the imprisonment be made for an indefinite period, or is it limited by the operations of the Standing Orders to 14 days?—Answer: He may be imprisoned until the fine shall have been paid, or until the end of the existing session or any part thereof. (*Ibid.*)

3. Can the House decree the fees which he shall pay for arrest and commitment?—Answer: Under Standing Order 78 the House can fix the fees to be paid by him for arrest and commitment.

4. Can he be charged a fixed fee per diem during the term for which he is detained?—Answer: He is liable to two guineas a day for detention, including sustenance.

5. If the fine and costs of commitment and detention are at any time paid, does the imprisonment of Drayton automatically cease?—Answer: On the fine and fees being paid, the imprisonment will cease.

If I may be allowed, I will point out that the provision of the Privileges Act is that any person guilty of contempt may be fined under the Standing Orders; and the section of the Act that relates to this subject limits the operation of the Standing Orders to the imposition of a fine. The wording of that section is:—

Each House of the said Parliament is hereby empowered to punish in a summary manner, as for contempt, by fine, according to Standing Orders of either House.

It proceeds—

And in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer, in such place within the Colony as the House may direct until such fine shall have been paid.

I therefore think that in Section 8 of the Privileges Act members will find a justification for the proposed procedure.

DR. ELLIS (Coolgardie): I do not think the member for Guildford (Mr. Rason) can have considered the provisions of the Privileges Act, which are clear and definite. Under that Act we have no right to give notice: we are bound to act immediately. The Act provides that if the fine is not immediately paid, it is necessary to imprison; so I do not know why the hon. member contends that notice should be given. Even now we have strained the law by not proceeding; and in my opinion it is necessary to proceed at once. As to the 14 days' imprisonment mentioned by the member for Brown Hill (Mr. Bath), as Mr. Drayton will be charged £15 for arrest and £2 2s. a day for sustenance, at the end of 14 days he will owe some £43 in addition to the fine; and if the £43 is not paid at the end of the 14 days he must, according to the Standing Order, remain in custody till the end of the session. So I do not see how any course other than that suggested by the Premier can be adopted.

Question put and passed.

LOCAL COURTS BILL.

IN COMMITTEE.

Resumed from the previous day; MR. BATH in the Chair, the MINISTER FOR JUSTICE (Hon. R. Hastie) in charge of the Bill.

Clauses 131 to 134—agreed to.

Clause 135—How execution may be levied at a distance:

THE MINISTER FOR JUSTICE: Provision was here made for certain warrants from one Local Court district to another. He moved an amendment:—

That the word "bailiff," in line 15, be struck out, and "clerk" be inserted in lieu; and that the words "from which it," in line 19, be struck out, and "to which the warrant was sent, who shall transmit such moneys to the clerk of the court from which the warrant," be inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 136 to 159—agreed to.

Clause 160—Fees and fines to be paid to the Consolidated Revenue Fund:

THE MINISTER: The select committee had suggested an amendment to the preceding clause dealing with fees, but he did not intend to move in the matter. The committee thought that we should prescribe the court fees in a schedule, and adopt the fees in force at present; but as these fees were much higher than those fixed in other places he (the Minister) thought that we should fix the fees by regulation. It was therefore not thought advisable to adopt the suggestion of the select committee and amend the preceding clause.

Clause passed.

Clauses 161, 162—agreed to.

Schedule—agreed to.

New Clause—Extended jurisdiction:

The MINISTER moved that the following be added as Clause 35:—

The Governor may, by proclamation, constitute any Local Court a court of extended jurisdiction, and while such proclamation continues in force the jurisdiction of such court in all personal actions shall extend to any claim or demand not exceeding two hundred and fifty pounds. Any proclamation under this section may be revoked by the Governor at such time as he may think fit.

It was thought by the select committee that this would be the best way to settle the question of extended jurisdiction. It was thought in the first place that we might give the extended jurisdiction to the magistrate and not to the district; but it was found that regulations could not be framed to apply to the individual, and it was recognised that, if a court were endowed with extended jurisdiction, it would only be because a magistrate of ability was appointed to that court, while it was farther recognised that extended cases brought forward in courts of ordinary jurisdiction could be adjourned to be heard by magistrates with extended jurisdiction. The difficulty was that in the thickly populated centres where people had the advantage of being able to go to the Supreme Court we had the best magistrates, while magistrates in the outside districts were not of the same calibre. The committee therefore thought it was best to extend the system of Circuit Courts, and that there should also be certain fixed courts where the magistrate was considered sufficiently experienced at

which there should be extended jurisdiction.

MR. BURGESS: Surely magistrates could be appointed to go to certain districts and have jurisdiction up to £500? The committee should have made a recommendation in this direction, for it was a matter concerning the country people. Would special magistrates be appointed for the purpose of this clause?

THE MINISTER: It was not proposed to appoint special magistrates. We had various magistrates to whom we would readily entrust increased jurisdiction; but there were other magistrates to whom we would not be inclined to give extended jurisdiction. It was not proposed to appoint special magistrates to travel from place to place, but to have Circuit Courts in various centres throughout the State. With quarterly Circuit Courts magistrates would rarely be asked to sit upon cases involving over £100, and in such cases the Supreme Court procedure would be just as simple as the Local Court procedure.

MR. BURGESS: Then the extended jurisdiction would mostly come under the Circuit Courts. The Bill provided that magistrates could be transferred from one court to another to hear cases; therefore why should the jurisdiction not be extended to £500, especially where there were Circuit Courts? In the North and in other districts of the country the cost of bringing witnesses to the places of trial was enormous. He moved an amendment:

That in the proposed new clause the words "two hundred and fifty" be struck out, and "five hundred" inserted in lieu.

THE MINISTER: The Committee should seriously consider this proposal. In New Zealand, Victoria, New South Wales and elsewhere there were what was known as County Court Judges, men of experience who had jurisdiction up to £500 in some cases; but the new clause had nothing to do with Circuit Courts. If members were prepared to vote a large sum of money to make arrangements for the retirement of the present magistrates and the appointment of lawyers as District Court Judges, then he (the Minister) would have no objection to the jurisdiction being extended to £1,000. He was not prepared to adopt

this innovation of increasing the jurisdiction to £500, especially as we had no legally trained men as magistrates. It would mean that the number of appeals would be enormously increased. When introducing the Bill he was inclined to agree to an increase in the jurisdiction to £500, but he found that only on the goldfields, rarely elsewhere, did anyone bring a case before a Local Court where over £80 was involved. In York or Northam if a person brought a case involving an amount of £60 that case was taken to the Supreme Court, because it was too important to entrust to magistrates.

MR. BURGESS: Because the costs might amount to over £100, and then a verdict might not be obtained.

THE MINISTER: The resident magistrate at Bunbury said that rarely did litigants bring cases involving over £60 before the Local Court, and that was the rule in the South-Western District. On the goldfields, at Kalgoorlie and elsewhere, people brought forward actions up to £100; but now that the Circuit Court was held regularly at Kalgoorlie, people did not bring forward cases in the Local Court for sums exceeding £80: they preferred to take those cases before a Judge of the Supreme Court, and the same thing would obtain throughout the State. There were some places in the State where Circuit Courts could not be held at frequent intervals, and in some of these places there were reliable magistrates. In such cases it was proposed to extend the jurisdiction of the magistrates to £250. We were going farther than almost any other country in the world, except South Australia, in this direction. The clause would be very rarely availed of, and if "five hundred" were inserted it would never be brought into requisition. In the majority of instances a case involving £200 was taken to the Supreme Court.

MR. KEYSER: The amendment should be withdrawn, for the new clause was a liberal one. Rarely were complaints involving an amount of £100 brought before Local Courts. The select committee had advised that the jurisdiction be extended to £250, which was liberal. When there were large amounts involved, litigants preferred to go to the Supreme Court. The fact that Circuit Courts were to be extended was another argument in favour

of the jurisdiction of magistrates being limited to £250. It would be well if the Minister removed, even by pensioning, numbers of the magistrates who ought not to be retained on the bench.

DR. ELLIS: The question of raising the jurisdiction to £250 was seriously considered by the select committee, and although he was originally in favour of a limit of £500, when he understood that the Government were prepared to extend the system of Circuit Courts, the necessity for the £500 jurisdiction immediately disappeared. Only in South Australia did the limit of £500 exist; and the magistrates having jurisdiction for this amount had held their positions for some considerable time. In Western Australia it would be much more advantageous to have Circuit Courts than magistrates dealing with cases up to £500. It was surprising to hear that the member for York obtained his information on this point from lawyers, for only a short while ago he brought the Minister for Justice to book for saying that members would be influenced by lawyers outside. One must likewise compliment the member for Albany on the singular change of view which had taken place since yesterday. The hon. member had stated that many magistrates were unfitted to sit on the bench, and he hoped to see them removed. That being so, the hon. member now wished to allow these persons to appoint substitutes. [MR. KEYSER: Yes.] One was glad to think that with a little more time the hon. member might come to the views of the Minister and the committee. He (Dr. Ellis) was strongly in favour of having the fullest possible extension of the Circuit Courts where it could be done and be remunerative to the State by diminishing the expenses of litigation, and he could not see why there should be any objection to limiting the increase in the Bill to £250.

MR. CONNOR: It was desirable to have districts fixed, and he would like to see Hall's Creek, Wyndham, Derby, and Broome specified. At one time there was a resident magistrate at Wyndham who was about 80 years of age and deaf. He was a nice old gentleman, but such a man as that should not be a magistrate. He (Mr. Connor) wished the Minister to fix definitely that in all Local Courts

north of Broome cases up to £250 could be tried without any special magistrate having to go there. The resident magistrate should have power to try cases to that amount.

Amendment by leave withdrawn.

THE MINISTER: Where it was necessary and advisable, magistrates would get extended jurisdiction. It would be unwise to single out in this Bill any particular place, for if we did so all members in the House would ask for the courts in their districts to have extended jurisdiction, otherwise the people in those districts would be entitled to complain. He felt that an ordinary magistrate who could be got to go to Broome and other places would not be good enough, and a Judge of the Supreme Court should go there; but it would not do to provide that to such places a Judge of the Supreme Court should go every three months. There were places in which it would be sufficient if a Judge of the Supreme Court went every six or nine months, as there were very few cases. If a Circuit Court Judge travelled as occasion demanded, the people would have nothing to complain about as to getting their cases properly tried.

MR. CONNOR: The Minister seemed to think there were no litigants in that part of the country; but they fixed up all the disputes among themselves. They did that because they could not afford to come down here at a cost of time and money. Suppose there were a dispute involving £150, that would mean three months' travelling, taking a journey from Hall's Creek down here and back again, and what a dislocation that would be in any man's business!

THE MINISTER: If the people in the district referred to could assure us they had a fair number of cases, a Circuit Judge would be sent up, but one would not like a Circuit Court Judge to go all that distance and then find just a number of dummy cases.

MR. CONNOR: Before this Bill was introduced, magistrates in that part of the country had jurisdiction up to £100, but according to the Minister a case involving that amount could not in future be tried without a Judge being sent up. What one wanted was that the amount up to which magistrates there could

adjudicate should be increased from £100 up to £250.

THE MINISTER: In remote places where we had a competent magistrate we could fairly trust such magistrate with jurisdiction up to £250. He did not know the calibre of the magistrates in the hon. member's district, but that district would not be treated differently from any other, except in this respect, that it was farther away than other districts, and therefore would get the benefit of the doubt.

MR. CONNOR: Would the Minister allow the clause to be recommitted, to permit of amendment?

THE MINISTER: Undoubtedly, as the hon. member would need three or four days, perhaps three weeks, to draft an amendment. The clause provided that any proclamation under it might be revoked by the Governor. This would need considerable amendment to meet the hon. member's views.

Question passed, and the new clause added.

New Clause—Debtors Act:

THE MINISTER: Clauses 31 to 34, already passed, provided for execution against the person, the provisions being almost identical with but more modern than the provisions of the Debtors Act 1871. So that the Act might not clash with the Bill, he moved that the following be inserted as Clause 135:—

The provisions of "The Debtors Act 1871" shall not apply to any judgment or order of a Local Court.

All the powers needed by a magistrate were already provided in the Bill.

Question passed, and the new clause inserted.

Preamble, Title—agreed to.

Bill reported with amendments.

THE MINISTER moved:—

That the consideration of the report be made an order for Tuesday next.

He appealed to members to put on the Notice Paper any amendments or new clauses which they wished to move on recommitment.

MR. BURGESS: Must notice be given of such amendments?

THE SPEAKER: Not necessarily; but it had always been the custom that members should, out of courtesy, put their amendments on the Notice Paper, to give opportunity for full consideration.

THE MINISTER: On recommittal, certain members wished to discuss some important matters of principle; and on his objecting to discuss them last night, it was arranged that notice of them should be given in time for the recommittal.

Question put and passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

RECOMMITTAL.

On motion by the **PREMIER**, Bill re-committed for consideration of Clauses 17, 18, 22, 25, 30, the Schedule, and for adding new clauses.

MR. BATH in the chair; **HON. W. C. ANGWIN** (honorary Minister) in charge of the Bill.

Clause 17—Amendment of Section 323 (bread):

THE PREMIER moved an amendment that the following be added:

And all fines incurred under the Bread Act 1903, and recovered on the information of an inspector appointed by the council.

The Bread Act imposed on councils the duty of enforcing its provisions; and the addendum would make it clear that when a municipality succeeded in a prosecution, it should be entitled to receive the fine.

Amendment passed, and the clause as amended agreed to.

Clause 21—Amendment of Section 323 (Council authorised to strike rates):

THE PREMIER moved an amendment that Subclause (b) be struck out, and the following inserted in lieu:—

Where the system of valuation on the capital unimproved value is adopted—(i.), In the city of Perth, twopence in the pound on the capital value of ratable land; (ii.), In municipalities not within proclaimed goldfields, fourpence in the pound on the capital value of ratable land; and (iii.), In municipalities within proclaimed goldfields, ninepence in the pound on the capital value of ratable land.

When the question of providing the amount of rate on unimproved land values was discussed, it was arranged to have a schedule drawn up specifying each municipality with the rate to which it was entitled; but as the operation of the clause would be destroyed so far as any new municipality was concerned, the simpler course was to provide for the object sought to be obtained within the

scope of an amendment to the subclause. There were one or two instances of municipalities outside goldfields where it was said that a higher rate than 4d. in the pound was requisite; but these instances were so few that there was reason to assume errors had been made in calculations. In the majority of cases in municipalities in the suburbs, farming districts, and ports, a rate of 4d. was found to be sufficient. It was alleged that a rate of 7d. would be required for Roebourne; but as the Roebourne council announced a preference for the present system, it was not necessary to make special provision to enable that council to do what it announced it had no intention of doing. Geraldton asked for a rate of 4½d.; but as the Geraldton council did not now rate up to the present maximum of 1s. 6d., a rate of 4d. would enable them to derive the same revenue as was now derived. In the circumstances there was no need to create a certain degree of confusion in the subclause to meet these exceptions. There was no information from some municipalities; but as the preponderance of evidence favoured a rate of 4d. outside goldfields, it was fair to assume that those places which supplied no information would be satisfied with a 4d. rate. It might be argued that, had these places not been satisfied, they would have made representations to have some provision adopted to suit their circumstances. The rate of 9d. did not go as high as some goldfields municipalities suggested; but it seemed a very substantial impost.

MR. BURGESS: It would be 11s. 3d. on every poor man's block.

THE PREMIER: The hon. member was evidently working on the £15 minimum value. A rate of 9d. would be the maximum; but a number of goldfields municipalities suggested that they did not require so high a rate; and it was to be assumed that a 9d. rate would not be imposed, and that municipalities would not be anxious to impose a higher rate to have money to splash about. The proposal of a 9d. rate was in accordance with the suggestion of the Committee. The strongest reason for introducing a subclause, instead of providing a schedule was that it would avoid the necessity of amending the schedule on the creation of a new municipality.

MR. BURGESS: Those goldfields members who represented small holders should look after the interests of their constituents, who might have had to pay a rate of £1 per annum each year had he (Mr. Burgess) not called attention to the danger on a previous occasion; but they sat dumb while this unjust tax was being imposed upon the poor man. It showed that the people who supported this unimproved land value tax did not understand it. The man in the country town who had a hotel on his block of land derived benefit from it; but the man holding the vacant adjoining block could get no benefit, for to build upon it would be useless, and he would have to pay an unjust tax of 11s. 3d. Such a tax would never have been proposed in Parliament previously, and it was surprising that goldfields members did not resent it. The tax would be unjust in towns where vacant blocks could not be put to any use, and we would only rob the owners of these blocks. It was different in the country where land could be improved.

MR. LYNCH: The tendency was for local authorities to reduce taxation as much as possible, and fixing the rate at 9d. would not effect that tendency in the future. Concerning the sympathy expressed by the member for York (Mr. Burgess) for the poor man, one grew suspicious of a person who said he lost sleep in caring for the other man's welfare. The poor man was anxious to initiate this new and equitable system of taxation, and was willing to pay 11s. 3d. each year in order to see how it worked.

MR. GREGORY: No great harm would result from the passing of the clause. Municipalities would have power to rate according to the old system, or according to the new system, and the ratepayers who elected the councillors would have full responsibility in the matter. More information should have been obtained by the Government before such a scheme as this was introduced, for members were mostly in the dark as to how it would affect the people. Certainly, there was a tabulated return as to what most municipalities thought of the system; but it was perfectly well known that many of the town clerks did not thoroughly understand the system. In a question of this sort it would have been wiser for the Government to have obtained,

by a person specially deputed to do the work, the fullest information as to how the system would affect municipalities. The member for Leonora (Mr. Lynch) seemed to think the member for York (Mr. Burgess) a wolf in sheep's clothing, but various members who thought the Government should do work by day labour gave contracts themselves whenever they had any work to be done.

MR. F. F. WILSON: Did the hon. member know any of those members?

MR. GREGORY: Yes. Though always believing in taxing unimproved land values, as information came before him he steadily gathered the impression that the system would mean taxing the poorer class of people to a greater extent than the richer class.

MR. KEYSER: That would be the effect.

MR. GREGORY was afraid it would be the effect. On going through the city of Perth one saw large blocks of land with wretched hovels on them, or perhaps no buildings, and the owners were reaping the unearned increment. Upon the small holding the unimproved tax would fall heavily, while upon those who held large areas the tax would fall lighter. He was prepared to trust to the good judgment of the municipalities to go fully into the question before adopting the unimproved principle. If members had been educated up to the principle they would have known better how to deal with the question. He did not wish to blame the Government, for they were new to office; but when we were asked to depart from a system which had been in force for years, more information should have been placed before members. As the Bill allowed municipalities to adopt whichever system they liked a great deal of harm would not result.

MR. H. CARSON: Geraldton would come within the 4d. rate, and the town clerk had informed the Premier that a 4½d. rate would be necessary to produce an amount equal to the present 1s. 6d. rate, but Geraldton was not likely to adopt this system of taxation. Geraldton did not rate up to 1s. 6d.; therefore the 4d. rate would cover the amount the municipality was receiving at present.

MR. WATTS: Was it possible if rates were unpaid on unimproved land for the land to be sold and a title given if the defaulter refused to hand over the title?

He could see a great deal of difficulty for municipalities in raising sufficient funds under the unimproved system; but it would place a wholesome check on people of small means purchasing blocks of land for speculative purposes.

MR. H. BROWN supported the clause as it stood. With all the democracy on the Government benches, not one member connected with a municipality would take advantage of the system of rating on unimproved land values. North Perth and Subiaco, by rating on the unimproved land values, would lose a great deal of revenue. There would be thousands of pounds outstanding against absentee owners which the municipality could not collect. For years to come the subsidy would be going down every year owing to the less amount collected for rates. He challenged those Labour members connected with municipalities who made the unimproved land value system such a great plank in their platform, to adopt the system of taxing on unimproved values.

MR. BOLTON: It was to be hoped that the Premier would make it possible for North Fremantle to accept the challenge of the member for Perth. It was intended by the North Fremantle municipality to adopt the unimproved land tax if a sufficient amount were allowed; 4d. was not sufficient.

THE PREMIER: There must always be a degree of uncertainty as to the operation of any provisions newly introduced in any State. The member for Menzies alleged that not sufficient information was forthcoming, and told the Committee that the Government should have taken the trouble to send round special officers to make inquiries in the different municipalities. There were 44 municipalities in the State, covering an area from Esperance in the South-East to Roebourne in the North-West.

MR. GREGORY: That would not be necessary.

THE PREMIER: Would information that did not cover the requirements of all municipalities be reckoned sufficient for the purpose of the Committee? The Government brought down absolutely sufficient information for the purpose of the Committee. We were guided by the experience of two other States. There was the State of Queensland, which had

enforced this principle in all instances, and a rate of 3d. was found to be sufficient. There was the example of New Zealand, where the principle was optional, and where year by year municipalities adopted the new system of rating, while older ones steadily kept on. Rarely did a municipality, having once adopted the principle of rating on the unimproved values, drop from it and change to the old method. In these circumstances, coupled with the fact that every municipal conference that had sat for the past few years in Western Australia, representing the views of all municipalities, throughout the State, had almost unanimously on each occasion carried a motion applying for power to rate on the unimproved values, every member had ample information to come to a decision on the subject. What would have been the cost of sending persons round to make special inquiries? The member for Menzies stated that we could not rely too fully on the information supplied by municipal officers. They were surely the only persons from whom inquiries could be made. If we had been making inquiries outside of those officials, it would have been necessary to appoint competent officers—a difficult matter in the first instance—who would have had to visit each municipality and make independent values of the ratable property in each municipality. There was no record in municipal books that would give the information.

MR. H. BROWN: There was the capital value.

THE PREMIER was speaking of the unimproved capital value.

MR. H. BROWN: Of vacant land.

THE PREMIER: Provision was made in the schedule of the Act for particulars to be entered in the rate book of the capital value of lands; but almost invariably, and he was speaking from a knowledge of the working of municipalities, the capital value was made to include the capital value of improvements as well as the unimproved value of land; therefore it would be necessary for officers to make independent values. As a matter of fact the unimproved capital value in those municipalities where the principle was adopted, and where the Act was properly in force, was made with a great degree of care. The member for

Perth apparently found out what he (the Premier) had alluded to. Provision was made for a column for entering the unimproved capital value; but it was not acted upon by the great bulk of the municipalities.

MR. H. BROWN: In Perth it was.

THE PREMIER was aware of that. He was not speaking of Perth, but of municipalities generally. The member for Perth was probably as well aware as he (the Premier) was that the majority of municipalities did not act on that provision, and did not enter in the rate book the information they were supposed to obtain. If this schedule had been properly obeyed, the information would have been available in all municipal books; but he did not see how, without expending a great deal of money and taking up a great deal of time, it would have been practicable to send round officers to the municipalities to seek the information the member for Menzies suggested—[MR. GREGORY: That was not asked for by him]—and he did not think the information would have been worth the trouble and expense of obtaining it. He was glad to find the member for York was at last a representative of the goldfields. The hon. member used to be a very bitter opponent of the goldfields' aspirations. [MR. GREGORY did not think so.] To-day the hon. member spoke of the want of consideration shown to the poor ratepayer; but when the voting clauses were dealt with, he was one of the strongest opponents to giving the poor ratepayer that adequate representation which the Government considered him entitled to. It was gratifying to find the hon. member had since been converted.

MR. BURGESS: The Premier should explain how he had been converted. He (Mr. Burgess) stated distinctly this evening that he was not converted with regard to town lands. He would go to the goldfields and expose the Premier. This was one of the most unjust provisions ever introduced into the Parliament of Western Australia.

THE PREMIER: The member for Northam asked for information with regard to the powers of municipalities to sell land. These powers had been successfully questioned in the Supreme Court, but the Government intended to

introduce a Bill one day next week to make the law clear on the point. The member for Perth was answered by the same means in regard to applying this rating to unimproved values in suburban districts. The measure gave power to sell land on which rates remained unpaid for eighteen months; and supposing the clause could be made effective, as he thought it could, there would be no difficulty after the first eighteen months.

MR. GREGORY: The Premier was hardly fair in his reference to criticism that was not intended to be captious. We should have understood more about the matter. The Premier, who had been mixed up with various municipalities and thoroughly understood the question, had asked at first that there should be a rate of 4d. in the pound; and now, because a little light was thrown on the matter, this alteration was proposed. The Premier knew how absurd it would have been to send officers to Esperance, Wyndham, and some other outside places for gathering information. All we wanted was some advice from a Government actuary, who would be able to let us know how this proposal would operate in the future.

THE PREMIER: A Government actuary could not do so.

MR. GREGORY: We could have had more information. However, municipalities would have a choice: they could rate under the old system or under the new.

Amendment (to strike out words) put and passed.

MR. F. F. WILSON moved an amendment in the subclause proposed to be substituted:

That the word "fourpence" be omitted and "sixpence" inserted.

There might come a time when the value of land would be considerably reduced, and he did not think there would be any harm in allowing a margin on which to rate. He did not think there was any fear of the municipalities going to the full extent of their rating powers, if they did not desire so much. Municipalities would not rush into this thing with their eyes shut. The system could not be adopted before eight or nine months had passed, and prior to the expiration of such term careful inquiries would be made to see how the thing would work out.

MR. H. BROWN: The member for North Perth had said fourpence in the pound would not be enough because property would decrease in value, and he gave that as a reason for increasing the power to rate up to sixpence.

MR. F. F. WILSON: What he had stated was that there might come a time when the value of land would decrease, and it was his object to give municipalities a good margin to work on.

THE CHAIRMAN: In discussion in Committee, members had ample opportunity of speaking, because they were not restricted to speaking once; so there was no necessity for one member to interrupt another to personally explain.

MR. GREGORY: Too much publicity could not be given to the statement by the member for North Perth. That only showed the hon. member's foresight as to what the future of Western Australia was going to be under the domination of trades-hall management. We heard him say it was absolutely necessary there should be the power to charge more than fourpence in the pound on unimproved capital value; that the amount should be raised to sixpence because there was no doubt of the values of land being considerably reduced in the future.

MR. BOLTON: The member for North Perth said no such thing.

MR. GREGORY: Why should the value of land be considerably reduced in the future? Was it because we were going to have such troublesome times before us? The Premier ought to deal with the statement made by the hon. member, that the councils were not going to adopt this policy without making careful inquiries. He hoped the Committee would agree to the amendment.

THE PREMIER: was not prepared to accept the amendment. The member for North Perth had been most unfairly treated by the member for Menzies. One had never known of a more unjustifiable attack by an old member of this House on a young member than that just heard. The words of the member for North Perth were undoubtedly distorted by the member for Menzies.

MR. GREGORY: The Premier should withdraw that statement. It was absolutely untrue.

THE CHAIRMAN: The member for Menzies, in face of the explanation by

the member for North Perth that he made a certain statement, persisted in attributing to him certain words the hon. member denied using.

THE PREMIER: The member for North Perth made the simple statement that he thought the amount of rate should be increased because the values of land might go down. The hon. member said nothing more than that. The member for Menzies, on the other hand, accused the member for North Perth of alleging that values of land would go down, and he implied that certain causes would operate to make them go down. He (the Premier) was thoroughly justified therefore in accusing the member for Menzies of distorting those words. The member for Menzies might not have done so intentionally.

MR. GREGORY: The words were taken down by him at the time.

THE PREMIER: Then there was no excuse for the hon. member, because he must have known what the words were; and if he took down the words he quoted, he took down words the member for North Perth did not use. Surely the older members of the House ought to be fair, and more than fair, they ought to be indulgent towards new members in their first session. He (the Premier) regretted that the member for North Perth had been so unfairly treated on this occasion.

MR. GREGORY: The words used by the member for North Perth were taken down by him. The words were that "the value of lands would be considerably reduced in the near future."

MR. F. F. WILSON denied using the words.

THE CHAIRMAN: It was not necessary for the hon. member to deny it again; and the member for Menzies must not persist in saying the member for North Perth had made the statement.

MR. GREGORY: The member for North Perth had denied the statement made by the member for Perth. The remarks he (Mr. Gregory) made were entirely different. If the hon. member said he did not use those words, one must accept the statement, and he was prepared to do that.

MR. SCADDAN: The member for North Perth denied the assertion made by the

member for Perth, before the member for Menzies made his assertion.

Amendment (sixpence) put and negatived.

Question (to insert new subclause, fourpence) put and passed.

Clause as amended agreed to.

At 6-33, the CHAIRMAN left the Chair. At 7-30, Chair resumed.

Clause 22 — Amendment of Section 350:

THE PREMIER: The new clause had been moved too late to be embodied in the schedule.

THE CHAIRMAN: Better negative the clause, and move for its insertion in the schedule afterwards.

Clause put and negatived.

Clause 25—Valuation of gas mains and electric lines:

THE PREMIER: The clause provided that gas and electric lighting corporations should pay to the local councils 1 per cent. of the net receipts.

MR. BURGESS: Was the Premier in order in moving an amendment without notice?

THE CHAIRMAN: No. The Standing Order provided that, without notice previously given, no amendment should be made in, and no new clause added to, any Bill recommitted on the third reading.

THE PREMIER: Notice was given informally when the clause was under discussion on Tuesday night. It was purely by a clerical error that the amendment did not appear on the Notice Paper. However, let the clause be postponed.

THE CHAIRMAN wished to make a correction. He had been under the impression that the Bill was recommitted on third reading, whereas it was recommitted on motion for the adoption of the report. Hence, the Premier having moved its recommittal for amendment of this and other clauses, the amendment was quite in order.

MR. BURGESS: The objection was not taken to oppose the Premier, but to get an idea of the rules of the House.

THE PREMIER: Subclause 2 provided that each lighting company should deliver to the council an annual return

showing the net receipts. He moved an amendment:

That the word "net," in line 3 of the subclause, be struck out, and "gross" be inserted in lieu.

Subsequently he would move amendments in Subclause 4, to give a council power to impose a rate not exceeding $1\frac{1}{2}$ per cent. of the gross receipts of a lighting company. The amendment would meet the needs of Coolgardie and Fremantle by providing for rating the gross receipts, and would meet the needs of Fremantle especially by giving power to rate up to $1\frac{1}{2}$ per cent. The Fremantle council now received a sum equal to $1\frac{1}{2}$ per cent. of the gross receipts or $2\frac{1}{2}$ per cent. of the net receipts of its gas company; so to pass the clause as it stood would deprive Fremantle of certain revenue. The amendment was needed also to prevent the Perth council from being compelled to impose a heavier tax than it wished on the gas company. The words "not more than" before the percentage would enable any municipality to deal with the local lighting company as appeared to the municipality just and proper.

MR. RASON: Though the giving of some discretion to the municipality took the sting out of the amendment, this was a sweeping alteration to make without notice. Surely the Premier had accepted the suggestion that 1 per cent. of the net receipts should be inserted.

THE PREMIER: Yes; subject to consideration.

MR. RASON: It was a far cry from 1 per cent. of the net receipts to $1\frac{1}{2}$ per cent. of the gross receipts. True, the council need not rate up to $1\frac{1}{2}$ per cent. unless it chose; but the Committee would be wise to give time to consider carefully how this would affect other municipalities besides Perth, Fremantle, and Coolgardie. It was rather hasty to make such a sweeping alteration after five minutes' consideration.

THE PREMIER: The hon. member's presentation of the case was not altogether accurate. He (the Premier) had not accepted the amendment of the member for Perth, but had said he would offer no objection to it, on the understanding that he would have the right to object to it if, on reconsideration, he thought it desirable to have the clause

altered. As a matter of fact, the alteration to one per cent. of the net receipts was sprung on the House by the member for Perth, whose amendment had originally applied to gross receipts and not net receipts, and had without notice been altered to apply to net receipts. He (the Premier) conditionally accepted the amendment to facilitate business. No objection would be raised to postponing the clause, because he was anxious to give matters the fullest consideration.

THE CHAIRMAN: The clause could not be postponed. Progress could be reported, or the clause could be passed as printed and reconsidered on recommittal.

THE PREMIER: The amendment could be passed, and the clause recommitted if necessary.

MR. RASON: The Premier showed how necessary it was to have time to consider this matter. Having sought for time to consider the previous amendment, the Premier now asked us to accept without consideration something that had been suggested to him on consideration.

DR. ELLIS: It was only on the distinct statement of the Premier that the clause would be recommitted that the discussion on the amendment of the member for Perth was previously stopped. It was pointed out that the alteration from "gross" to "net" receipts would enable companies to get out of paying rates to municipalities. The Premier was now only bringing the proposal back to its original form.

MR. RASON: With 50 per cent. addition.

DR. ELLIS: The original proposal of the member for Perth was for 3 per cent.

MR. RASON: The assurance of the Premier that the clause could be recommitted if necessary was satisfactory.

Amendment put and passed.

On motion by the **PREMIER**, paragraph (4) amended by inserting the words "not more than" after "of," also the words "pound ten shillings" after "one;" also in line 6 by striking out the word "net" and inserting "gross" in lieu.

Clause as amended agreed to.

Clause 31—Amendment of Section 376 (vote of owners, how taken):

THE PREMIER moved an amendment to add four subclauses, providing for

a system of voting by post in regard to loan proposals. He said that to prevent any trafficking in voting papers it was proposed that the voter who was absent should apply by letter to the returning officer; the returning officer, after being satisfied by a reference to the roll that the person writing was entitled to the voting paper, would post the voting paper to the ratepayer. The paper was marked in a suitable manner and dealt with.

MR. GREGORY: The envelope should be marked "voting paper."

THE PREMIER: There was no objection to anything that would make the intention clearer.

On motion by **MR. GREGORY**, the Premier's amendment was farther amended by inserting words to provide that the envelope enclosing a voting paper should be marked "voting paper."

MR. RASON: The provision for postal voting applied only in regard to a loan; but he believed the Premier had a subsequent amendment to provide for postal voting at ordinary elections.

THE PREMIER: Yes.

Amendment as amended agreed to, and the clause passed.

Schedule:

THE PREMIER moved an amendment that after Section 266 in the schedule, the following be inserted:—Section 350: The words "amount of," in line 5, are struck out, and the words "such amount" inserted in place thereof.

Amendment passed.

THE PREMIER moved that Schedule XIV. be inserted. (Forms B etc., notice of appeal to council, as on Notice Paper.)

Amendment passed, and the schedule as amended agreed to.

New Clause—Mayor and Councillors by whom elected:

THE PREMIER moved that the following be inserted as Clause 7:—

Section fifty-five of the principal Act is hereby repealed, and the following shall be inserted in place thereof:—

Mayor and councillors, by whom elected.

The mayor and auditors shall be elected by the persons whose names are on the municipal electoral list in force for the time being to the municipality.

The councillors shall be elected by the persons whose names are on the municipal electoral list in force for the time being for the municipality; but when the municipality is divided

into wards, the councillors for each ward shall be elected by the persons whose names are on the electoral list in force for the time being for each ward.

At every election each elector shall have one or two votes proportionate to the annual ratable value or the unimproved capital value (according to the system of valuation adopted by the council) of the land of which, as owner or occupier, he is seised or possessed within the municipality or ward, as the case may be, according to the following scale:—

ANNUAL RATABLE VALUE.	NUMBER OF VOTES.
Not exceeding fifty pounds ...	One
Exceeding fifty pounds ...	Two
UNIMPROVED CAPITAL VALUE.	
Not exceeding five hundred pounds...	One
Exceeding five hundred pounds ...	Two

Provided that no person whose name appears on any such list shall be entitled to vote at any election unless on or before the thirty-first day of October preceding the election all sums due and payable in respect of the said ratable land for any rates and assessments, including health rates, shall have been paid.

It would be remembered that Clause 7 was defeated, and the clause provided for a system of one ratepayer one vote in one ward.

MR. A. J. WILSON: An excellent system.

THE PREMIER: It might have been an excellent system; he was not prepared to say it was not, his sympathies being with the member on that point; but the clause was defeated in a full House. It was necessary to have either the clause in the Bill or some other clause in place of it, because the present position was that the system of voting would be considerably altered by the Bill if it came into operation. The existing Act provided for voting on the basis of annual values; consequently it provided, in case of a mayoral contest, that every person seised of ratable property of the value of £75 and upwards should have four votes. As far as one was able to interpret the law, the effect would be that if a municipality adopted the system of rating on the unimproved values, every person who had unimproved property worth £75 would, at a mayoral election, have four votes. Consequently, in most municipalities there would be very few persons not qualified to cast four votes at a mayoral election. In a lesser degree the same principle would work out as to voting for councillors; for every person having ratable land of the value of £50 or over (speaking from memory) would

be entitled to two votes at an election for councillors.

MR. RASON: Over £50.

THE PREMIER: Supposing the system of rating on the unimproved values was adopted, there would be very few ratepayers in anything like a populous place whose property was not of the ratable value of £50, and nearly every ratepayer would be a dual voter. Members would see that it was necessary to insert some clause in the Bill modifying the Act as it stood, in order to bring it into conformity with the powers to rate on the unimproved capital value.

MR. A. J. WILSON: Did the Premier say the clause was democratic as it stood?

THE PREMIER did not say anything at all, except that the Bill as it stood, with Clause 7 deleted, would be absurd in its operation; and while he was not responsible for the deletion of the clause, he would be responsible if he allowed the Bill to go through in such a state that it would turn a municipal election into an absurdity. He had felt it necessary to introduce a proposal to stand as Clause 7, and in doing so he had recognised candidly that a majority of the House had decided against the clause as originally introduced. It was his duty in a case like this not to attempt to take advantage, possibly, of a catch vote if he might be able to secure one; it would be a wrong thing on his part to attempt to do so, and he was not going to attempt it. He had adopted the proposal placed on the Notice Paper by the member for Toodyay, which seemed to be a reasonable, moderate, and fair amendment of the existing law providing that any person at a mayoral election might have as many votes as four. The proposed amendment provided that any person might have as many as two votes. The present voting power at any election for municipal councillors was the same in the Act as was proposed in the clause he was now moving. There was introduced in this clause a provision for voting if rates were paid on or before the 31st October. He had used the clause precisely as it appeared on the Notice Paper, and he confessed that until he read it over he did not notice the date was the 31st October. Previously the Committee had in the original clause struck out "31st" and inserted the "15th" October.

He had accepted that amendment, and was willing to accept it to-night. Had he noticed the date before the amendment appeared on the Notice Paper, he would have altered it in accordance with the amendment previously carried.

MR. RASON agreed to a certain extent with the Premier, especially in the statement that it was not the Premier's duty to attempt to upset a previous vote of the House. The House in Committee had decided that so far as the election of mayors and councillors was concerned, where the municipality adopted the method of rating on annual values the existing system should remain; therefore all that was necessary in the case of a municipality rating on the unimproved value was to bring in a small amendment, a new clause. Unless something of that sort was done, and he hoped it would be done, the Premier would be seriously departing from the previous decision of the House. The records would show the House had decided that the voting, where the system of annual valuations was adopted, should not be interfered with. This gave to a ratepayer exceeding £75 four votes; but the Premier's new proposal was to substitute two.

THE PREMIER: The member for Guildford was entirely wrong in his opinion as to the conclusion to which the House came. A clause was introduced into the Bill providing for one ratepayer one vote in each ward where a ratepayer had property, and one ratepayer one vote in any mayoral contest.

MR. RASON: That same clause began with an amendment of Section 55, and the Committee decided that Section 55 should not be amended.

THE PREMIER: The clause provided that Section 55 should be amended in one direction, and the Committee indorsed the amendment in that particular direction at one division, and subsequently there were several other amendments. Then the clause—without any particular discussion after the last amendment made, in regard to the date at which rates could be paid—was struck out by a majority in a division.

MR. RASON contended still that his argument was correct. The Government sought to amend Section 55 of the Act, but it was not amended. Now the Premier was seeking to amend it.

THE PREMIER: What the Committee decided was that the clause should not be amended in that way.

DR. ELLIS: What the Premier wanted to do was to reintroduce the clause in the way the Committee desired, that being to have the system of one vote. It would be easy to strike out the word "two," and then we should be in a position to get the one-vote system. There was no question that this was the ideal of a majority of members. The clause was struck out for an entirely different purpose. Members were now willing to let the date of election go if so desired. The people of Coolgardie wanted the principle of one adult one vote.

MR. NEEDHAM had no hesitation in saying that on a previous occasion this very important question was decided by a catch vote. He was glad the Premier had deemed it advisable to again introduce the matter. This question had been before the country long enough, and the country would be satisfied to accept the principle of one ratepayer one vote. The Bill would be nearly worthless without it. He moved an amendment:

That the word "two" be struck out, with a view of inserting "one" in lieu.

THE PREMIER did not intend to deal farther with the clause, and would simply state that he could not accept the amendment.

MR. NELSON: The Premier's decision was utterly inconsistent with the stand he had previously taken on the Bill, if he would not now accept this amendment. The Committee, surely under a misapprehension, struck out the original clause; and if it were now in order to insert the word "one," the Premier had still the opportunity, by supporting the amendment, of incorporating his opinion in the Bill. Conservative members were clinging to property distinctions as a drowning man clung to a straw. As surely as we existed would property distinctions be swept away. What justification was there for a municipal property vote? It was recognised on both sides of the House that the unearned increment was produced by the whole community. Residents of a municipality imparted to the land what value it possessed. Unfortunately a few private monopolists of the land could take to themselves that which all the residents

helped to produce. The objection was not to capital, but to the capitalists who derived revenue from their property because people lived on and around it. If all the people of Perth left Perth to-morrow, Perth land values would utterly vanish. Thus the fact that the people lived and laboured in a town entitled all municipal residents to equal voting power in the election of councillors.

MR. BURGESS: Every ratepayer had a vote.

MR. NELSON: The hon. member recognised the right of the ratepayer to one vote, but claimed that the property-holder should have more than one. If one man had one vote and another had two votes, and the latter voted against the former, the former was practically disfranchised. Property votes were absolutely without justification. Both Commonwealth and State Constitutions recognised the justice of one man one vote.

MR. BURGESS: For Parliaments only.

MR. NELSON: There was no fundamental distinction between the parliamentary and the municipal franchise. The voting power of the State elector, being wrongly exercised, might lead to unwise expenditure; and so with the municipal elector. If the possibility that a poor man lacked an adequate sense of responsibility should deprive him of the municipal franchise, it should deprive him of the State and Commonwealth franchises. There was no justification for giving property a privilege in one case which it was denied in other cases. It was regrettable that the Premier had been so over-generous as to make this concession to the Opposition. The Bill was already seriously mutilated. If it passed in its present form it would confer on property owners a greater power than they ever had before.

THE CHAIRMAN: The hon. member must not deal with that point.

MR. NELSON: Fortunately, a few members of the Labour party would adhere to their principles by voting on the right side. He hoped the Premier would ultimately recognise the wisdom of the amendment, and vote for it.

MR. BOLTON regretted that the Premier, with his customary terseness, refused to entertain the amendment, and with grim determination said he did not intend to deal farther with the new

clause. He (Mr. Bolton) was not too well satisfied with the Premier or the Ministry for allowing the original clause to be struck out without a murmur. That clause embodied a principle for which, almost without exception, Government supporters had voted; but it was lost. This proposal would practically reinstate the clause; yet the Premier said, in three or four words, that he would not accept the amendment. True, one honoured him for declining to take advantage of a catch vote; but surely his treatment of the amendment was rather shabby. Had the amendment come from the other side, probably he would have received it more tactfully. One could not help congratulating the Opposition on their success in getting their suggestions adopted by the Premier.

THE PREMIER: Members who accused him of want of courtesy in dealing with the amendment were rather unfair. When moving the clause on the Notice Paper he fully gave his reasons, and did not think it necessary to discuss the merits or demerits of the amendment as compared with that clause, for obvious reasons which he gave at full length when justifying the original clause. His remarks when moving the clause on the Notice Paper were in themselves an adequate reply to the reasons for the amendment, and the mover of it (Mr. Needham) had surely no cause to complain of the manner in which he (the Premier) declined to accept it. Had he felt disposed to accept the amendment, he should have embodied it in the clause on the Notice Paper. He trusted the amendment would be withdrawn and the clause passed.

MR. TROY supported the amendment, and regretted that the Government could not support it also. The Opposition claimed that plural voting was confirmed by the country; but that was not the case. He was pledged to secure one-man-one-vote.

MR. RASON: At municipal elections?

MR. TROY: It would apply to municipal elections also. The intelligent portion of the community desired one-man-one-vote. He represented a constituency which, though once represented by the leader of the Opposition, would have none of the hon. member a second time. Democratic members could not oppose the amendment. The member for

Perth, who claimed to be the most democratic member in the House, would, if present, vote for the amendment which was desired by a majority of the Labour members and by many members on the Opposition side of the House.

MR. QUINLAN: Though preferring the existing system of voting in municipal elections, he was prepared to accept the proposal of the Premier, which was a compromise between the proposal of the member for Fremantle and that of the member for Perth; and members were justified in accepting the compromise seeing that it emanated from the Municipal Conference, and thus could be accepted as the voice of the State in general. He challenged members who said that they were sent in to vote for one-man-one-vote in municipal matters to point to one instance during the last election where the question was raised. In not one instance was it raised. There was a marked distinction between one-man-one-vote for parliamentary elections and one-man-one-vote for municipal elections. In regard to parliamentary elections the matter was settled, and all bowed to the decision of the past in that respect; but municipal matters were parochial matters. Each municipality controlled its own affairs, and a combination of municipalities submitted this proposal to Parliament. Members could not say that plural voting in municipal matters meant a property vote. Under the present system in Perth no property owner could get more than four votes for mayor or two votes for a councillor because the voting went to the occupier, the principle in this respect being emphasised in this Bill, which farther provided that the larger leaseholder should have two votes. The larger leaseholder was more concerned than the owner, because in nearly every instance it was the leaseholder who by law paid the rates, whether the fact was mentioned in a lease or not. The Government met the House fairly. It had already been decided that the existing system should remain, but the Premier was within his right in introducing this compromise on recommittal. It could only be by a catch vote that the Premier's proposal could be defeated. If the amendment were passed the Bill would be rejected by another place. The Government were to be con-

gratulated in making early and better provision for domestic affairs by introducing this Bill.

MR. HENSHAW: The member for Coolgardie put the question as neatly as it could be put. The House had expressed itself very definitely in regard to one-man-one-vote, though subsequently the clause was thrown out for other reasons which were not given; and he was sorry the Government had now brought this proposal forward. It was not with his consent. He believed in one-man-one vote, and could not see why the property owner should have a number of votes and so neutralise the vote of the man with only one vote. It was the tenant who paid the rates that provided for the construction and upkeep of roads.

MR. RASON: Labour members talked glibly about the principle of one-man-one-vote being in the Bill when it was introduced. That was not the case. The original clause provided a vote for each ward where a ratepayer owned property, and there was no principle of one-man-one-vote in that. Members should be fair. It was idle to talk of getting back to the principle of one-man-one-vote when that principle was never in the Bill. He appreciated the position of the Premier, but had no sympathy with those members sitting on the Government side of the House who so ungenerously attacked the Premier. The principle held out previously was that "he who paid the piper had the right to call the tune." The Committee were told several times that "he who paid the rates had the right to say how the rates should be expended"; and with that principle he entirely agreed. If it were a right principle, the logical conclusion was that he who paid most to the piper had the most right to call the most tunes, and the principle was admitted to a certain extent. It was not right for the member for Hannans to accuse Opposition members of being conservatives or of clinging to the last straw because they tried to maintain the existing principle. The member for Hannans reminded one, with his new-fangled notions which he wished to introduce, of a gentleman who was very fond of practising medicine upon his tenants. One day that gentleman saw a funeral going past, and asked a man whose funeral it was. The man