

means can the ratepayers as a whole form any opinion. I hope members will give the Bill every consideration, and I may state that the measure is not introduced as a Government Bill. Almost every clause has been considered for years by various conferences, which have been attended by representatives from almost every part of the State. I certainly think members will do justice to those gentlemen who spend so much time in dealing with municipal matters and come such long distances to place their views before one another, and if possible ascertain what is best for the working of the municipalities throughout the whole State, and who have framed such a Bill as that laid before the House to-night. There are one or two provisions which the Municipal Conference has not dealt with, and which I personally think are improvements. I hope members will think them so. It has been suggested that the measure was considered by only one conference attended by representatives of various municipalities, who sat together for two days and framed a Bill containing a large number of clauses which have not had due consideration. I assert, however, that many of these clauses have been under consideration by various Municipal Conferences since 1897, and though, as I stated at the commencement, the Bill for consolidating the Act of 1900 included many valuable provisions, it did not receive that consideration which was expected, and the Act was not so perfect as we hope this Bill will make it. I hope I have not wearied the House in dealing with the measure, but I ask members to pass the second reading, and if there is anything that does not meet with their satisfaction we can consider it in Committee.

On motion by Mr. N. J. MOORE, debate adjourned.

ADJOURNMENT.

The House adjourned at 10-36 o'clock, until the next afternoon.

Legislative Council,

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

PRAYERS.

PAPERS PRESENTED.

THE MINISTER FOR LANDS laid on the table—Goldfields Water Supply Administration (a.) Statements of accounts and payments for half-year ending 30th June, 1904; (b.) Supplementary by-laws for general purposes.

QUESTION—RAILWAYS, FLOWER TRAINS.

HON. J. W. LANGSFORD asked: Will the Railway Department institute the running of flower excursion trains on Wednesdays or Saturdays, or both days, and provide an opportunity of visiting the flower districts to those who cannot go on Sundays?

THE MINISTER FOR LANDS replied: The best possible will be done with the rolling stock at the command of the Department, but the Commissioner cannot at present say what he can do.

QUESTION—PARLIAMENT HOUSE DRAIN.

HON. G. BELLINGHAM asked: 1, Has the attention of the Government been called to a nuisance caused by an open drain running from Parliament House to Hay Street? 2, Do they intend to abate the nuisance?

THE MINISTER FOR LANDS replied: 1 and 2, Pending completion of the septic tank filter beds, now being constructed, there was a temporary overflow of the effluent into Hay Street. This was at once rectified, and there will not be a recurrence of any objectionable discharge.

BILLS, FIRST READING.

ABORIGINES PROTECTION (No. 2), introduced by the Minister for Lands.

NOXIOUS WEEDS ACT AMENDMENT, introduced by the Minister for Lands.

DAY DAWN MUNICIPAL RATES
VALIDATION BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: I wish to point out that the passing of this measure is a matter of extreme urgency. An unfortunate error occurred some years ago, through neglect in not gazetting a proclamation of the extension of the municipality by including a certain area of land. Since then the municipal council has levied and collected rates within the extended area, and in fact it has gone so far as to sue certain owners of land in the extended area and obtained judgment for rates due, and in some cases the council has issued execution to compel the payment of the rates. It is now discovered that the levying of rates and the subsequent proceedings for recovery in the extended area have been *ultra vires*. Proceedings have already been taken by at least one of the persons rated for the recovery of amounts already alleged to have been wrongly paid. Those persons who have been illegally rated have enjoyed the benefits of rate-payers within the municipality, also the benefits of money spent in the municipal area as well as money spent outside the legal area in the extended portion. Roads have been constructed and other works carried on outside the legal area. There has also been an election, and holders of allotments in the extension area outside the original municipal area have exercised their right in voting, and certain of them have been elected as rate-payers to sit on the council. It is necessary to pass the Bill to save the municipality from large litigation; and outside of the litigants concerned there is a strong feeling at Day Dawn that this measure should be passed. I therefore move the second reading.

HON. W. KINGSMILL (Metropolitan-Suburban): It appears to me there is some uncertainty as to where the fault should be placed which led to the illegal levying of rates. From the remarks

made by the Minister, one might suppose that the fault should be placed at the door of the previous Government. I do not think that is the case. From my recollection of the papers which came before me in my capacity as Colonial Secretary, I fancy the fault lay at the door of the municipal council of Day Dawn. It is not my intention to oppose the passing of this measure, because I recognise it is only fair that the measure should be passed. From what I remember, the circumstances were that a certain portion of land outside the then municipal area of Day Dawn was practically annexed by the municipal council without attending to the formality of asking the consent of the Government Department, as is usual in these cases; and it was only when the council wished to annex another portion of land near that which had been previously annexed that they discovered the mistake which had been made. I would like the Minister to make it clear that it was not through the fault of the late Government that this mistake occurred in failing to gazette a proclamation, as the hon. gentleman has put it. The Government at the time of the extension was under the leadership of Sir John Forrest, some four years ago. While I do not oppose the measure, I would like to have that point made clear by the Minister in charge of the Bill.

THE MINISTER FOR LANDS (in explanation): I intended no reflection whatever on a previous Government. I think the fault was that there was neglect in not gazetting the proclamation.

HON. W. KINGSMILL: I do not think the municipal council applied for it.

THE MINISTER: That is what the council has stated. I have not had an opportunity to go through all the papers.

HON. M. L. MOSS (West): I think the Minister would do well to get some advice as to whether Clause 1 of the Bill will really achieve the object he has in view. It appears from the speech he has made that various persons have started litigation against the council in respect to actions wrongly brought against individuals for the recovery of rates, and in consequence of executions levied for compelling payment. It seems to me that Clause 1 does not go far enough, and that there should be a provision whereby any

action that has been commenced by persons taking advantage of the slip that has been made should be stopped. If the House would make the measure retrospective to the extent of stopping actions now pending against the council, I think that would be better. After reading the clause again, it strikes me that, as was done in the case of a measure brought before the House some years ago when a penalty was sought to be imposed on Mr. Traylen, then a member of the Legislative Assembly, for having voted on some matter in which he was personally interested, this Bill should provide that any litigation which has been commenced shall be stayed and not farther continued. I think the Minister would do well to consult the Parliamentary Draftsman.

HON. W. PATRICK (Central): I do not know that anyone in this House or in the country will blame a previous Government for the trouble that has arisen in connection with this matter. I think the real trouble lies in the present condition of the law in regard to the extension of mining townships. The custom hitherto has been, in order to prevent anyone seizing upon land adjoining a township, for the Government to extend the townsite to protect the farther expansion of the town; and from time to time the Government have been in the habit of surveying portion of that extended site outside of what has hitherto been the municipal boundary; and from time to time they have sold the land so surveyed. The result has been that, unless a person is an expert, he may not really know the extent of some of these growing towns, especially towns like Day Dawn. This town has grown from a mere village. When the last census was taken there were 353 people, men, women and children, there, whereas at the present time there is a population of over 2,000; so that members can understand the great advancement made in the condition of Day Dawn during the period. I do not know whether the allotments on which the rates have been disputed had any existence during the Forrest Government. I think it is only a matter of recent occurrence. Possibly the Minister for Lands can correct me in this matter.

HON. W. KINGSMILL: Rates have been collected on them for years.

HON. W. PATRICK: The fact that some of the councillors have been paying rates and voting in reference to some of these allotments outside the municipal boundary proves, I should think to the satisfaction of anyone, that they were under the impression that the allotments formed part of the municipality.

HON. W. KINGSMILL: It also proves that they were careless.

HON. W. PATRICK: Certainly, but in a rapidly growing town people are apt to forget how recently the place was small and insignificant. I have pleasure in supporting the Bill, and I should like to see it carried through all stages this afternoon. I am not a lawyer, but I imagine these clauses cover everything.

HON. M. L. MOSS: I, as a lawyer, am quite satisfied.

HON. G. RANDELL (Metropolitan): The Minister must accept the responsibility of the clauses covering the purposes intended. He may elect to refer the matter to a select committee, or may seek to pass the measure this afternoon. It must rest entirely with the Minister as he is advised by members of the legal profession attached to the Government. I think there is a good deal in what the Hon. M. L. Moss has said; but at the same time I feel it is desirable that the Bill should be passed for the protection of the Day Dawn Municipal Council. I shall be prepared to give the Bill my support to that extent. At the same time I do not take any responsibility, and neither will any member of the House, seeing that the Government of the day have provided for all the contingencies that are involved in the circumstances of the Day Dawn council.

THE MINISTER FOR LANDS (in reply): On behalf of the Government, I am quite willing to take all responsibility in connection with this matter. Our legal advisers advise us that the Bill will give all the protection necessary for the Day Dawn municipality. It is provided in the Bill that "all actions and proceedings taken by the said council for the recovery of such rates shall be deemed to have been lawfully taken; and the said rates may be recovered by the said council as if, to all intents and purposes, the boundaries of the said municipality had been originally consti-

tuted as defined by the said proclamation." I shall be quite satisfied with that.

Question put and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Standing Orders suspended.

Bill read a third time, and *passed*.

INDUSTRIAL STATISTICS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew): This Bill simply cancels one of the provisions of our present Act. By Clause 2 of the present measure it is proposed to strike out certain words in the Industrial Statistics Act of 1897, which measure enacts that the Registrar General shall get statistics from all industries, including the mining industry, and among the information sought for is the number of persons employed in connection with this industry. The present Bill asks that this be struck out because there is no necessity for it whatever. The Mining Act declares that the same statistics must be provided for the Mines Department, and at the present time mine managers have to send these statistics both to the Mines Department and to the Registrar General. The Bill provides that the Registrar General shall get these statistics from the Mines Department; and this will save a lot of trouble to the mine-owners and leaseholders, and will prevent unnecessary duplication of work. I beg to move that the Bill be read a second time.

Question passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at three minutes to 5 o'clock, until the 4th October.

Legislative Assembly,

Wednesday, 21st September, 1904.

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

PRAYERS.

QUESTION—LEGAL PRACTITIONERS, ADMISSION.

MR. BATH, for **MR. A. J. Wilson**, asked the Minister for Justice: Do the Government intend to liberalise the Legal Practitioners Act, so as to remove the barriers which prevent poor but competent men from gaining admission to practise at the Bar?

THE PREMIER replied: A measure dealing with this subject is at present in the hands of the draftsman.

QUESTION—PERTH MUNICIPAL LOAN (£40,000).

MR. WALLACE NELSON asked the Treasurer: 1. Has the Municipality of Perth refunded the loan of £40,000 received from the Government some years ago? 2. If not, why not?

THE TREASURER replied: 1. No. 2. As it was to be treated as a portion of the total capital sum to be devoted to Perth sewerage, and provided from loan funds.

PAPERS PRESENTED.

By the **COLONIAL SECRETARY**: 1, East Fremantle Municipality, Building By-laws; 2, Fremantle Harbour Trust, additions and amendments to Regulations.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

SECOND READING.

Debate resumed from the previous day; the **MINISTER FOR RAILWAYS AND LABOUR** (Hon. J. B. Holman) in charge of the Bill.