

**SIR E. H. WITTENOOM** (in reply): I desire to say one word more in reply to the Minister. The companies concerned are entirely in accord with the Truck Act, and in future there will not be the slightest trouble or fear of its being broken. Whatever inconvenience it may be to the men or to the owners, there will be no more breaking of that Act. But the companies come here to Parliament for relief from a situation from which they cannot get out. They have tried every reasonable and fair avenue to help themselves. They have done everything they possibly can. They have consulted legal men and have been to courts, and no relief can be afforded them from these unjust claims. That is the reason why it is proposed to make the Bill retrospective. If the Bill is not made retrospective, it will be of no use at all. It will not affect the future, because there will be no future cases.

**HON. G. BELLINGHAM:** You have had a severe lesson.

**SIR E. H. WITTENOOM:** We have had a severe lesson, as you say. It is to get out of a difficult position that the companies come to the right place—the place where every financial company or other person trading in this community should come for relief; that is, the Parliament of this country. They come here and place the question before you, for your consideration, for your assistance to get them out of a position which it is utterly impossible for them to get out of under any other circumstances. I have endeavoured to plainly show that there has been no injustice whatever done by the companies. Whatever has been broken in connection with the Act has been the pure letter and not the spirit. Therefore, under these circumstances, I hope the Minister will see his way to support the Bill right through, and that members will give it support, so that there may be the relief sought.

**HON. E. M. CLARKE:** Can I move an adjournment of the debate, at this stage?

**SEVERAL MEMBERS:** No.

**THE PRESIDENT:** The motion has not been seconded.

Question (second reading) put and 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 a quarter-past 6 o'clock, until the next Tuesday.

### Legislative Assembly,

Tuesday, 8th November, 1904.

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

#### PRAYERS.

#### QUESTION—PUBLIC SERVANT'S DISMISSAL, G. F. FRASER.

**MR. HORAN**, without notice, asked the Premier: 1, In view of the verdict of the jury in the case of George Frederick Fraser, of Coolgardie, does the Premier intend to reinstate Fraser? 2, If not, why? 3, Is it intended to make any reparation to Fraser?

**THE PREMIER** replied: 1, No. 2, Because the circumstances do not justify reinstatement. 3, No. I may add that if an application for inquiry is made by Fraser, the application will receive consideration.

### QUESTION—PRISONER BEHAN, INQUIRY.

MR. NEEDHAM asked the Minister for Justice (without notice): What steps are being taken in the case of John Behan, who is undergoing a sentence of five years' imprisonment with hard labour in Fremantle gaol?

THE MINISTER FOR JUSTICE replied: A full inquiry will be made into the matter by the Acting Chief Justice, or by another member of the judicial bench, in a few days.

### PRIVILEGE—WITNESS DRAYTON.

#### LETTER IN EXPLANATION OF HIS REFUSAL TO GIVE EVIDENCE.

THE SPEAKER: I have received the following letter:—

The Speaker and hon. gentlemen of the Legislative Assembly of Western Australia.

Your Honour and Sirs,—I have been officially advised of the imposition of a fine of £50 upon me for an alleged contempt of your hon. House. I regret that Parliament regards as contempt what was intended as a respectful intimation that, being absolutely without first-hand information on the matter being inquired into, I declined to be sworn to tell the whole truth upon a subject upon which I knew nothing whatever of my own knowledge.

I regret also to be obliged to inform your hon. House that, being without means, owing to circumstances over which I have no control, I am not able to comply with your demand for immediate payment.

I have, etc.,

JOHN DRAYTON.

THE PREMIER: I move that this matter be considered to-morrow.

THE SPEAKER: On a question of privilege, the hon. member need not give notice. The matter need not be dealt with at the present moment.

### URGENCY MOTION—SUNDAY BANDS ON GOLDFIELDS.

#### TO PERMIT A COLLECTION.

MR. J. M. HOPKINS (Boulder): By permission of the House, I wish to bring under notice a matter of urgency, and to terminate my remarks by moving the adjournment of the House. The people on the Eastern Goldfields, unlike the people in Perth and suburbs, have not the same comfort of pleasant home surroundings as that enjoyed in the city and suburbs or the metropolitan area. For example, the people living in the metropolitan radius have the privilege of

spending Sunday on the river in a trip to Rottnest or Fremantle or up the Canning River, or in other directions. The Perth Zoo is open, and there are always cheap river trips. In fact there are various ways in which the people living in Perth can spend their Sundays and also their Sunday evenings. A large number of people on the Eastern Goldfields, more particularly in Kalgoorlie and Boulder, live under canvas and have little opportunity for recreation; but owing to the demand created by the desire of the people, the Boulder City Band was established. It has made a reputation which is well known throughout the Commonwealth to-day. It has secured distinction at big competitions in Ballarat. The band that tied with the Boulder City Band previously at Ballarat was the A.W.A. Band, also of Boulder, which band has just recently come out on top in the competitions at Ballarat. I understand, according to Press reports, that the Colonial Secretary has decided that bands cannot make collections at the entrance gates of the Recreation Reserve for band concerts that are held on Sunday nights. In reality this is the only recreation open on the Sabbath evening to the mass of the people living in Kalgoorlie and Boulder; and it does not in any way interfere with the church services, inasmuch as many people go to church first and attend the band performances afterwards. It may happen that an amendment of the existing law is necessary in order that this privilege may not be taken away from the people. It is manifest that no band can be brought to the state of efficiency which these hands enjoy to-day unless it is allowed to charge or make a collection. At present there is no obligation to pay inasmuch as any person wishing to enter and not choosing to contribute is not compelled to do so. Anyone can walk in without making any contribution. Is it an unreasonable thing in the case of a community living under such unfavourable circumstances as these people do in the summer period, that these enjoyable evenings should be in any way discounted or affected by the Colonial Secretary's office declining to allow the bands to make some charge for admission. I call the attention of the Colonial Secretary to some very cogent criticisms which appeared

in this morning's issue of the *Morning Herald*. The article is headed: "Meeting at Boulder—Mr. Taylor's Action Condemned—Plain Speaking." My object in bringing this matter forward is not to make any attack on the Colonial Secretary, but to have the grievance of the people on the goldfields rectified. The Colonial Secretary is in a position to rectify the grievance if he deems it expedient to do so. Goldfields residents would be sorry to learn that the band performances which have become a recognised institution in Kalgoorlie and Boulder are to be terminated, or that their influence for good is to be jeopardised, by restrictions being placed upon them.

MR. A. J. WILSON: Has the Colonial Secretary prohibited the bands from playing?

MR. HOPKINS: I understand he has not; but he has prohibited them from taking up a collection at the gate. That is the point to which exception is taken. I want to know if it is not possible to overcome the difficulty by an amendment of the existing Act. If it be necessary to make an amendment of the Act, by all means let the Government bring down a measure to do so; but I think those people who have any knowledge of goldfields life or circumstances will agree with me that it is very undesirable to have restrictions placed upon those concerts which have been a feature of the goldfields life in the past. If no collections are made there will be no funds; and without funds we should not have the Boulder City Band, or the A.W.A. Band which is in Ballarat to-day. They are both important features in the goldfields life; and I sincerely hope the Colonial Secretary will see the advisability of doing all he can to meet the wishes of the residents at Kalgoorlie and Boulder by leaving these entertainments open to them in the future as they have been in the past. I move the adjournment of the House.

MR. H. GREGORY: I second the motion.

MR. W. NELSON (Hannans): I do not desire to say much on this subject; but I certainly endorse the observations of the member for Boulder. I have attended a great many of these concerts, and I can testify to the fact that they are well conducted, and that an exceedingly

large number of respectable people attend them. The taste for music is cultivated, and the proficiency of the bands has increased wonderfully under the system. Taking into consideration the utter absence of normal conditions on these fields, it would be a serious infringement of the reasonable liberties of the people if they were not permitted to enjoy, in the future as they have been in the past, the right of holding these band concerts on Sunday evenings. There appears to be some difficulty in the matter; a difficulty which I think should be surmounted. I would be utterly lacking in my duty as the representative of the district if I did not call the attention of the House to the fact that the people regard, and I believe justly regard, the recent action taken as an infringement of their liberty.

THE COLONIAL SECRETARY (Hon. G. Taylor): I am pleased the member for Boulder has moved the adjournment of the House on this matter. Members will remember that permission was granted by myself for the holding of concerts in Perth and Fremantle, also on the goldfields. Also I gave permission for two plays to be staged.

MR. A. J. WILSON: Sacred plays?

THE COLONIAL SECRETARY: Having lived on the goldfields for something like seven or eight years before I came to Parliament and mixing with the people, I thought I had an idea of what would suit them on Sundays in the way of recreation. I realised, as the member for Boulder pointed out, that the people on the goldfields have not the places for recreation that the people on the coast have; for that reason I was perhaps more liberal in granting licenses for plays to be held on Sundays upon the goldfields; but there was a great outcry immediately following the granting of licenses, not alone by the Press and from the pulpit, but followed in the House by members asking questions why I had granted permission. It is well within the recollection of the House that the member for Boulder asked questions relative to these Sunday entertainments.

MR. HOPKINS: Many people object to entertainments, but do not object to the band playing.

THE COLONIAL SECRETARY: I watched the trend of the argument raised

against Sunday entertainments, and underlying the whole of the argument to my mind was the one idea that Sunday entertainments should not be held for purposes of profit, by making a charge at the door. That was the only objection in most cases. I found that even the mayor of Kalgoorlie, Mr. Keenan, raised the point in the municipal council, and stated that Sunday entertainments should not be allowed—he said something to that effect. I also find that Mr. Keenan, if he is faithfully reported in the metropolitan Press, says that he will fight this matter in the court with the greatest vigour he possesses. I find that even the member for Boulder, although he questioned at one time Sunday entertainments, seems to think that the people on the goldfields should have now what I gave them and what I thought they were entitled to—Sunday entertainments of a character that were not demoralising.

MR. HOPKINS: They do not ask for entertainments in the mechanics' institutes.

THE COLONIAL SECRETARY: Applications were made from nearly all over the State for Sunday entertainments, and concerts were being held at Perth and Fremantle; and at North Fremantle or East Fremantle the people were so incensed against Sunday concerts being held that they objected to the letting of the hall—the member for North Fremantle will correct me if I am wrong; and as there was only one hall in the municipality and the people would not let it on hire for Sunday entertainments, consequently the play could not take place. In the face of these facts I thought it necessary that Sunday entertainments should be stopped when the underlying ground was the charge for admission. I have received several letters written by members of Parliament, and as members know several letters appeared in the Press, also numerous criticisms have appeared on this matter, and I have taken the action which I thought was necessary to meet the views of the majority of the people. These are not my views. It would be wise if we adopted generally the course which was intended by the Act—that permission for concerts and entertainments should be granted on Sunday only for charitable purposes, or else only for amusement and allow people to pay

if they desired, or to go in free. That was the attitude I took up. I think there was some force in the argument that it was unfair for me as Colonial Secretary to grant licenses for people to stage plays on Sunday evenings; working people for seven days a week.

MR. A. J. WILSON: But it was granted to some and refused to others.

THE COLONIAL SECRETARY: As the Act stands it is sacred plays; but who is to judge? It is only a matter of degree as to how sacred they are. I may think they are sacred plays, others may think they are not. [MR. RASON: Hear hear.] That is the position. In most places the desire of those asking permission to stage plays on Sunday is to make money. It is no good beating about the bush. The member for Boulder said if the band authorities were not allowed to charge they would not be able to keep up the band.

MR. SCADDAN: Personally they make no profit out of it.

THE COLONIAL SECRETARY: I think the course which I have taken was the wisest to adopt. If people desire to give Sunday entertainments they can do so. I have only adopted this plan to suit the wishes of the many. I think the majority should be considered. Those who raised their voices against Sunday entertainments raised them loudly—they may have been only a small minority; while those in favour of Sunday entertainments, during the controversy which appeared in the Press and from the pulpit were silent on the matter.

MR. SCADDAN: There was no objection to band concerts on a Sunday.

THE COLONIAL SECRETARY: I made no distinction between band concerts and other entertainments. I issued instructions that no licenses were to be granted except for entertainments for charitable purposes where money was collected at the door. Concerts can be held if no charge is made. This is a matter for the House to consider; and I would like members to express their opinions on this occasion as to whether they think it in the best interests of the State that Sunday entertainments should be allowed so long as they are orderly, and whether people should be allowed to make money by that means. I have no feeling in the matter myself so far as

Sunday entertainments go. Members know full well that this stand is not taken by my own feelings; I want the House to understand that thoroughly. I thought I did what was best in the interests of the people of the State in the matter of stopping Sunday entertainments by which people were making money.

MR. SCADDAN: They were not making money.

THE COLONIAL SECRETARY: I did not single out any city band or any other band; but I issued instructions that no Sunday entertainments were to be allowed where a charge was made, unless the entertainment was for charitable purposes.

MR. F. F. WILSON: Did many ask for permission?

THE COLONIAL SECRETARY: Numbers asked, and since the instructions were issued applications have been received; within the last few weeks one or two applications were received, and one application came in to-day. If it is the wish that the Kalgoorlie band and the Boulder band shall have special privileges over the other bands of the State or over other bands.—

MR. HOPKINS: You do not control the bands of other States.

THE COLONIAL SECRETARY: In any parts of this State—if there is any privilege to be made, it is a matter for debate, I think; but I do not see any harm in Sunday entertainments in the way of band concerts.

MR. GREGORY: Do your restrictions apply when a collection is made?

THE COLONIAL SECRETARY: Only when they make compulsory collection, where people have to pay at the doors, going in. If they do not pay, I suppose they will not be let in.

MR. HOPKINS: Yes; they are admitted all the same.

THE COLONIAL SECRETARY: They say these bands make a certain charge.

MR. HOPKINS: No; they do not.

MEMBER: They make a silver coin collection.

THE COLONIAL SECRETARY: If they make a silver coin collection, that is the same as churches do. The hon. member pointed out that if no charge were

allowed to be made they would not be able to keep up their band. I took it that a charge was made at the gate in the ordinary way. [MEMBERS: Collection.] I just issued instructions broadly, that unless it was for charitable purposes a specific charge could not be made. If the Boulder Band or any other band had a silver coin collection, permission would be granted without any difficulty. But other institutions make a charge of a shilling at the door, and say: "If you do not pay, you cannot go in." I am told by the member for Boulder and other members that it is not so with reference to the bands on the goldfields.

MR. HOPKINS: They advertise a silver coin collection, and say: "If you do not choose to pay, you may walk in all the same."

THE COLONIAL SECRETARY: I am very sorry at the position taken up by men to-day in Kalgoorlie who opposed Sunday entertainments where charges were made. I remember the article referred to by the member for Boulder. It points out that this band is a local band, that it is owned by the city people in trust, and they are quite in order in making a charge. I think that will be found in the latter portion. I am speaking from memory. That being so, I thought they had made a charge in the ordinary way. I desire to point out that I would be only too pleased if I thought it met with the wishes of the majority of the people of this State to allow every recreation to be in order on Sunday evening.

MR. HOPKINS: The only point now is the question of the band. What do you think about that?

MR. MORAN: Administer the law.

MR. T. H. BATH (Brown Hill): In regard to this question of Sunday entertainments it must be recognised that the Minister for the time being in charge of the administration of that department must to a large extent exercise his own discretion as to these matters; but I think if he were to consult the wishes of the goldfields communities, he would find it would be a very insignificant minority indeed that would object to the entertainments provided by the bands on the goldfields. In the first place I think

these bands, even if they do not recognise it themselves or do not pose in that capacity, have been public benefactors to the goldfields, in that they have not only provided a reasonable, rational, and elevating entertainment on Sunday evenings, but have certainly raised the musical tastes of that community to a very high degree. For the most part these bands are composed of men working on the mines or in other occupations in the towns. They are working men pure and simple, and have only their own wages to depend upon; so that it would be utterly impossible for them to meet the many necessary expenses entailed by membership in a band in order to keep the band going; and it has become recognised that if these bands are to benefit, if they are to maintain the present standard of efficiency which they have reached, they must recoup themselves from entertainments, and I think that none, and least of all the clerical association—that is the association referred to on the goldfields—which has been associated to a great extent with the opposition to other entertainments, would in any way attempt to prevent the bands from making that charge for their entertainments. My experience of these bands has been that the entertainments have been held mainly in public recreation reserves, and if a person going in is not willing to pay, he is not prevented from attending free of charge. But so much are the benefits of the bands recognised that I suppose it would be on very rare occasions that anyone would attempt to go to these concerts without contributing in some degree to the upkeep of the bands. The great objection in the past has been to anything in the form of Sunday entertainments run on commercial lines. I do not care whether we call the "Sign of the Cross" a sacred or secular play, I say that entertainment was run for commercial purposes, to make money out of the community without much regard to the moral uplifting or otherwise of the community on the goldfields; and very naturally a large portion of the community take exception to that form of entertainment; but if we were to consult precisely the same people in regard to band performances I believe we should have unhesitating approval with regard to those entertainments. I have a clipping which says the

Rev. J. A. Fordyce made a short reference to Mr. Taylor's action. It proceeds:—

He asked his congregation to bear in mind that the Clerical Association had had no hand whatever in the matter, and so far as he was aware the action taken by the Government did not meet with their approval. The band concerts after church were a source of pleasure to thousands, and so far as he (Mr. Fordyce) was aware, the benefits they conferred alike on the bands and on the people had never been abused. He could not see how they could possibly exert a harmful influence while conducted as they had been in the past. The music was of a high class and ennobling nature, and he felt that it had a beneficial effect on the large crowds who attended week after week. The concerts were the principal source of recreation for hundreds of men who worked hard day after day and week after week, and furnished the one popular mental relaxation in their lives. Bands which gave such high-class concerts as the Boulder Band did deserve public support and patronage. Had the wishes of the public been consulted, it might safely be assumed that the action taken by the Colonial Secretary would never have even been seriously contemplated.

In regard to this matter I say that while discretion is needed in the administration of the Act, I do not think that the population on the goldfields would ever demand that these entertainments should be discontinued. I believe there would probably be a big difference of opinion in regard to the particular entertainment which the Colonial Secretary permitted on a previous occasion, and to which reference was made in questions asked by the member for Boulder (Mr. Hopkins). I believe that in instances such as that the majority of the people would very naturally object to Sunday entertainments on a commercial basis; but I emphatically say here that I do not think there are any members of the bands which hold these Sunday entertainments who obtain any advantage from the charge made at the gate or the silver coin collection. I believe the funds are devoted to music and the provision of new instruments, and in the past what has remained over has been placed to their credit for the purpose of sending the bands periodically to take part in the big contests which occur in the Eastern States. Other than that I do not think the members of the bands secure any advantage whatever beyond perhaps temporary assistance during the time new members joining the band may be searching for employment. I believe the bands have been brought to

such efficiency that the great bulk of the people on the goldfields, whether church people or not, secure considerable educational advantages by the fact that these entertainments are held on Sunday evening.

MR. C. H. RASON (Guildford): I agree with the member for Brown Hill (Mr. Bath) that this is a case where the Minister administering the Act should exercise his discretion. I do not think that the Minister in this case has exercised that discretion we could hope for, but rather do I gather from his remarks to-day that his action in regard to these bands has been dictated, it seems to me, by very much like retaliation.

THE COLONIAL SECRETARY: No.

MR. RASON: That is the impression I gathered—it may be wrong—that it arose in consequence of remarks made here as to the Minister permitting so-called sacred plays, "The Sign of the Cross" and "The Eternal City," to be produced for a charge. But surely the Minister can recognise there is a distinction between plays of that kind where a charge is made for admittance, where a theatrical company benefits by the performance, and band concerts given on a recreation ground. I should like to call his attention to the fact that if he looks at the papers on the coast he will find advertisements any day in the week during summer of trips down the river, a band provided, refreshments on board. Surely if the coast people are to enjoy the privileges of a band and refreshments, he may allow the people on the goldfields at all events to listen to a band.

MR. A. J. WILSON: Mrs. Tracey makes a collection.

MR. RASON: I am told in regard to one of these bands that the only guarantee given is that the band has a sum of five guineas a week subscribed by some of the tradespeople. The whole of that sum goes to the payment of a bandmaster; so that for the purchase of music and new instruments the band is wholly dependent on collections.

THE COLONIAL SECRETARY: I thought it was a charge.

MR. RASON: I am not responsible for what the Minister thought. I am only urging upon him that he should have inquired what were the facts. He should not jump at conclusions, but in an im-

portant matter of this kind he should have made an inquiry rather than deal with his own thoughts, because his thoughts in some respects are apt to lead him astray. His thoughts as to the sacred nature or otherwise of a certain play are open to argument, and so may his action be in this case. However, the fact remains, I believe, that one of the most important of these bands is solely dependent upon money the people subscribe, taken up by collections, for the purchase of new music and new musical instruments. Wholly apart from Sabbath observance, who is there who would object to bands playing on Sunday evening? I think it goes without saying that no one would object. Then it is a matter of the collection.

THE COLONIAL SECRETARY: That is right.

MR. RASON: The Colonial Secretary being naturally a very high-minded man may object to collections, and others too, but we are told that however much they may object to a collection they can get in without paying. So there is not so much in that argument either. However, there is a collection taken up, and a silver coin will gain admittance to the recreation ground.

THE COLONIAL SECRETARY: They asked permission to play at the Car Barn. I think they charge there.

MR. RASON: Be that as it may, do not let us strain at a gnat and swallow a whole band. No one has attempted to prove that a charge is made. All we know is that a collection is taken up. Surely no one will object to that. The Colonial Secretary seems to think that because objection was made in this House to licensing the performance of "The Sign of the Cross" and "The Eternal City," which were purely commercial enterprises, the House objects to bands playing upon the goldfields on Sunday evenings. If we do object to that, surely we must object to bands playing on the coast. I have in mind bands which play on Sundays in my district and in Perth also, and take up a collection.

THE COLONIAL SECRETARY: For charitable purposes.

MR. RASON: Well, it is charitable to provide good music for people on the goldfields. I can hardly compare a

lady to a band; but I have in my mind a lady who delivers lectures every Sunday in different parts of this city. She takes up a collection. Will the Minister prohibit her? I fancy not. [MEMBER: He is not game.] I should be sorry to say he is not game. I submit this is a case in which the Minister should exercise his discretion. These bands are doing good work; and after all, if the goldfields people are not listening to the bands, what are they doing? Certainly nothing better.

**THE COLONIAL SECRETARY** (in explanation): The applications made are for permission to give concerts and to make a charge. I naturally thought the charge was to be made in the ordinary way, at the gate. If a band wishes to give a concert and to take up a collection, so far as I know permission is not needed.

**MR. GREGORY:** Yes.

**THE COLONIAL SECRETARY:** The law is to be found in Section 9 of the Police Act.

**MR. J. SCADDAN** (Ivanhoe): I wish merely to indorse the remarks of the other goldfields members who have spoken. Apparently the Colonial Secretary thinks that theatrical entertainments and concerts held in public halls are on a par with open-air band concerts. I know personally that no member of the band receives any remuneration for playing on Sunday nights, or anything from the collection taken up. Though a collection is taken at the gates, many persons are admitted without paying; proving conclusively that a charge is not made, but merely a silver coin collection as advertised. In Perth daily papers on Saturdays one will find a page nearly full of advertisements of entertainments where charges are made. On any Sunday one may see half-a-dozen boats plying on the Swan to different pleasure resorts. Surely no one thinks there is any harm in that. The bands on these boats are not English, but German.

**THE COLONIAL SECRETARY:** The Act does not prevent their playing.

**MR. SCADDAN:** If not, I do not think it should be enforced to prevent the goldfields bands from playing.

**MR. MORAN:** The Act must be observed.

**MR. SCADDAN:** The hon. member has made that interjection more than

once. If it be logical, then I say many other Acts should be enforced with equal rigour. Take, for instance, the liquor laws. On the goldfields one can enter a front bar and have a drink on Sunday on a week day. True, as a member says there is no drunkenness. The goldfields people are not given to drunkenness. Bands, at least, might be exempt from the provisions of the Act. They are a source of enjoyment to the goldfields people. I believe they are held in high esteem by the whole population of Western Australia, for their achievements at the contests in the Eastern States. They cannot possibly carry on without collections. Business people come to their assistance by paying the bandmasters, and I should like members to understand that the only really professional member of each band is the bandmaster, and he is not paid from the collections. All other members of the band are honorary. In most instances their instruments are provided for them. They are all working men; and I contend that on Sunday nights they may well be allowed to make a charge if necessary. A large sum is needed to take the bands to the Eastern States for the contests, and I believe some agreement has been arrived at that only one band shall go at a time, so as to lessen the expense to the public. For some considerable time there have been no complaints against the concerts, though at one time the pulpits, as mentioned by the Colonial Secretary, did raise some protest; but after a conference the church authorities decided to withdraw any objection to the band concerts if the bands would arrange these so as not to clash with divine services. Consequently the bands arranged to start playing at 8-15, and the churches withdrew all objections, and even from the pulpits asked the public to attend those band concerts. The only objection on the part of churches is to Sunday football and cricket; but to these games I do not think the general goldfields population object. There can be no comparison between a band and a theatrical or a concert company. The employees of such companies are compelled to play and are paid for playing, while the profits are retained by the promoters. The balance-sheets of the bands are issued every half-year, and

efy anyone to point out where one enny has been received by any person xcept those people employed for gate-eeeping and one or two minor purposes. To member of the band receives one enny from the Sunday evening collections. These are made to assist the band y providing music and instruments. I andidly admit that the wording of the xisting Act is clear enough; but some rovision should be made to meet the oldfields people. We have not the possibilities of recreation enjoyed by the eople of the coast. We have not a lwan River at our doors. The bands we ave cause to be proud of, and the Colonial Secretary may well exempt them rom the operation of the Act.

MR. H. GREGORY (Menzies): There s not the slightest doubt that if the ands wish to take up collections they must get permits from the Colonial ecretary. The section is very clear, and eads:—

Any person who, except by statutory authority or with the license in writing of the Colonial Secretary, keeps, opens, or uses any remises for public entertainments or amusements on any Sunday or during any part of any Sunday, and to which persons are admitted by ayment of money or by tickets sold for noney, or in which or in respect of which a harge is made for seats, or a collection of noney is made (etcetera).

If any collection is made at the gate, a permit must be obtained from the Colonial Secretary; and it appears that the Minister has issued instructions for the purpose of enforcing the Act, and has, I understand, refused to grant the permit ought by a band. Most of us, I think, lid object to permits being granted for entertainments of a commercial nature.

MR. MORAN: There are some churches which one cannot enter on a Sunday ight without paying a silver coin. Surely they ought to be prohibited, or ought to get permission.

MEMBER: Has the hon. member been here?

MR. MORAN: I have been there once or twice.

MR. GREGORY: I did not know the hon. member was aware of that fact. This is simply a matter of administration; and I feel sure that when the Minister becomes thoroughly conversant with the circumstances, he will see his way to use discretion. Apparently he

has given general instructions as to all Sunday entertainments, possibly without the consideration the matter requires. I hope he will give farther consideration to the band applications, with a view to granting them; because to my own personal knowledge and that of most members here, the bands are of great advantage to the goldfields people.

MR. C. J. MORAN (West Perth): I think I may say a word on behalf of the Colonial Secretary. It was not to be expected that the Opposition would lose a chance of this sort, to begin with.

MR. HOPKINS: Surely there is no party feeling about this point?

MR. MORAN: It appears to me that such feeling is not entirely absent. I did not notice any friendliness, or any desire to make the Colonial Secretary appear in a favourable light, on the part of the leader of the Opposition or of the member for Boulder.

MR. HOPKINS: I did not try to make him appear unfavourably.

MR. MORAN: We find that permission was refused for these concerts, because there is a pecuniary gain. I have no objection whatever to such concerts. I think they are a most magnificent feature of goldfields life. In British communities the existence of a kind of censor of the morals of the people has always led to trouble. It leads to trouble in the old country, where we have exhibitions of one-half of the nation holding one play sacred and the other half holding it profane. "The Sign of the Cross" has been held by very eminent divines of all denominations to be a sacred play. Notwithstanding that, I think it a profane play; and I should certainly not go to it with a view to extracting from it anything elevating. The Colonial Secretary has a certain responsibility cast on him. Nobody supposes that he is anxious to deal a blow at the amusements of the goldfields people. I give him credit for more sense. But he heard an outcry from people who know how to make their voices heard—perhaps, as a member interjects, a noisy minority. He was attacked for giving permission for what he believed to be a sacred play, though he is backed up by the opinions of some of the most eminent divines in the world. In the case now before us, I think he went a little to the other extreme in refusing permission

to the bands. I think the difficulty can for the time being be overcome if the Minister will allow the bands to perform. In reference to Sunday concerts and Sunday plays, it is a moot problem whether the continental or the British Sunday is the better for a tropical country. But I feel satisfied that the Colonial Secretary, having heard the unanimous opinion of goldfields members, will be pleased to revoke the order cancelling permission for band concerts, and will allow such concerts to be given. Nobody suggests that anyone will get a profit out of them. The members of the bands are amateurs in the strictest sense. They love music for music's sake. The concerts have a far more elevating influence than the chin music of some of those who have a special prerogative to lay down the law of God.

**THE COLONIAL SECRETARY** (in explanation): I should like to point out, after hearing the opinion of the House, that if the object of the mover is that goldfields bands should be licensed to play and take up collections on Sundays, there is no objection on my part; but if a charge is to be made at the gate in a manner similar to the charges made at other places of amusement, it will be difficult to make special provision for bands and to prohibit other concerts and theatrical entertainments. There was no desire on my part to prevent the bands from playing or from taking up collections. The application was for permission to make a charge; and I naturally thought that meant an ordinary charge at the gate. I hope the member for Boulder will be satisfied with my explanation, and with my statement that I had no desire to jeopardise the Sunday evening amusements of people on the goldfields. I hope the hon. member will consent to withdraw the motion, and rely on what I have said. If it is only his desire that bands shall be allowed to play on Sunday evenings and take up a collection, there will be no difficulty, and the license will in such cases be issued in the ordinary way when application is received.

**MR. HOPKINS** (in reply as mover): I shall be pleased to ask permission to withdraw the motion. I should like to say, however, that in moving it I did so without consulting any member in the House other than the Speaker. No

member on the Opposition side, and certainly no member on the front bench was aware that I contemplated moving until I did so this afternoon. In reply to the Colonial Secretary, I want to say clearly and distinctly, that there is a great difference between allowing a visiting theatrical company to give a music concert or play a piece like "The Eternity City," or any other play, on Sunday evening, making a charge at the door, compared with the playing of a local band on Sunday evening and taking up a collection.

**THE COLONIAL SECRETARY**: It should be remembered there are 50 or 60 people taking part in sacred concerts on Sunday evening.

**MR. HOPKINS**: I take no exception to the playing of instrumental music on Sundays; but I say there is a great distinction between instrumental music performed by local bands, and a performance by a theatrical company, irrespective of what their concerts may be. I hope the Colonial Secretary will make an exception in the case of instrumental performance by local bands on Sunday, and will permit them to make the usual collection at the door. I do not think this House or any other section of the State would approve of theatrical companies performing on a Sunday.

Motion by leave withdrawn.

#### PERSONAL EXPLANATION—LAND SETTLEMENT AT HAMEL.

**MR. J. M. HOPKINS** (Boulder): An attack was made upon the late administration of the Lands Department by the member for Northam (Mr. Watts) on the occasion of the last sitting of this House. Since then I have received a letter signed by one of the contractors at Hamel, and written on behalf of several settlers there; and, with permission, I desire to read the letter to the House, in order that the information it contains may be at the disposal of members.

**THE SPEAKER**: Is this a personal explanation?

**MR. HOPKINS**: I would like to read it as a personal explanation.

**MR. MORAN**: It is a very wide description of a "personal explanation" and a member might get in anything under it.

MR. HOPKINS: The letter says:—

Hamel, Nov. 4.

Dear Mr. Hopkins,—I have been asked by Messrs. Farmer, Merritt, H. Skilling, Hallam, Hopkins, and S. Skilling to congratulate you on having carried your motion *re* Hamel Settlement. Members of Parliament and the public will see when the report is published that the men you settled here have been given a chance of a lifetime. I notice that you are coming in for a bit of criticism, but it apparently is from two or three who have not seen the place and have been listening to the three or four agitators who are causing the trouble and making the name of the settlement noxious. I am game to bet that if you sent a man along from door to door and let him ask every settler if he were satisfied with his land and the treatment he had received, all with the exception of about four, would answer "yes." I think you have done just the right thing in having these inquiries made; you will come out on top with flying colours and crops up to the present are looking tiptop. We have 2½ acres of potatoes which could not look better, one acre of peas 3ft. high, about an acre of wheat, and about two acres of pumpkins, melons, artichokes, and tomatoes, and half an acre of fruit trees, and by the look of the stuff at the present time I will get a decent cheque off the land this season. There are about nine other "triers" who have from one to two acres of potatoes in. Ask Mr. Scaddan what he thinks of some of the agitators. He was up with the Hon. W. D. Johnson. They should both have had their measure in a very short time. The Agricultural Department are ploughing from one to two acres for each of the men, and finding seed and manure for some. Skilling and son and myself are the only ones who have not availed ourselves of the offer of assistance. I am "on my own," sink or swim. This is a question I would like to see asked: Did every settler accept the offer of assistance? We would be very pleased to see you on the settlement if you could make it convenient to come down. I am doing all my own ploughing now. . . . The settlers have a lot to be thankful to Mr. Berthoid for, as during the last six months the agricultural horse, dray, and harness have been at their disposal for cartage to and from the station at all times, and still there are growlers.

[During the reading of the above letter several interruptions occurred, with the following remarks.]

MR. MORAN: At this point I enter a vigorous protest against the abuse of a privilege of this House. It is scandalous that, under cover of a personal explanation, matters should be brought in reflecting on the actions of other members of the House.

THE SPEAKER: What is your point of order?

MR. MORAN: That the hon. member should not have permission to drag in matters which are not in the nature of a personal explanation, and are really reflecting on other members of this House.

THE SPEAKER: The hon. member (Mr. Hopkins) has already spoken in the debate that is referred to, and he would not have an opportunity of speaking again in that debate—[MR. MORAN: The debate is not finished]—although the debate is still in progress, unless he were allowed to make a personal explanation. The hon. member has already spoken, and having been attacked, I readily gave him permission that he might bring up any matter if it were a personal explanation, in order that he might clear away any imputation made against him.

[Reading of letter continued.]

MR. MORAN: I rise again to a point of order. The motion of which the hon. member gave notice has been adopted by this House, and it is not open to him now to make a personal explanation in regard to a matter that has been disposed of, the Hamel Settlement.

THE SPEAKER: The debate has been adjourned on the motion of the Premier.

MR. MORAN: That is touching the Nangeenan Settlement—an entirely different matter from that dealt with in the motion moved by the hon. member.

THE SPEAKER: A member may at any time make a personal explanation. This is a little out of the ordinary latitude allowed in such cases; but I have ruled that it does come within the bounds of an explanation.

[Reading of letter continued, and concluded.]

MR. HOPKINS: I apologise to the House for having, as it were, insisted on the reading of that letter. I will now place it at the disposal of the member for West Perth or any member of the House. I was not desirous of taking up the time of the House on this occasion; but when statements were made by the member for West Perth which this letter shows not to be correct, it is not to be wondered at that he felt warm at my reading it.

MR. MORAN: Who signed the letter? Is it signed at all? It is anonymous.

MR. HOPKINS: The letter is open to the inspection of those members who

choose to take the opportunity of inspecting it.

MR. MORAN: Is the letter before the House? Have members an opportunity of perusing it?

THE SPEAKER: It is a matter in the discretion of members.

#### PRIVILEGE—NEW STANDING ORDER.

##### POWER TO FINE FOR CONTEMPT, AT DISCRETION.

THE PREMIER (Hon. H. Daglish) moved that the Standing Rules and Orders be amended by inserting after Order 76 the following:—

76A.—Any person declared guilty of contempt consisting of an offence defined by Section 8 of "An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia respectively," may, on the resolution of the Assembly, be fined in a penalty of such amount as the Assembly may, in its discretion, think fit; and in the event of any such fine not being immediately paid, the offender may be imprisoned in the custody of the Sergeant-at-Arms, in such place within the State as the Assembly may direct, until such fine shall have been paid, or until the end of the then existing session, or any portion thereof.

The object of the amendment of the Standing Orders is simply to define the powers of this House under the Privileges Act. The present Standing Orders empower the House to fine for contempt up to the amount of £50. The Standing Orders make no special provision in regard to the Privileges Act; and it has seemed to me that the fine for contempt might well be in some cases larger than £50, to meet the object of the Privileges Act. I therefore beg to move the adoption of this new Standing Order, and I may say the wording of it is an accordance with the wording of Section 8 of the Privileges Act.

MR. C. H. RASON (Guildford): I second the motion, and I may remark that the Premier has omitted to give the House the assurance, which I am sure he will give, that the new Standing Order is not intended to have any retrospective effect; that it deals only with the future, and has no reference to any person or persons whose conduct has lately come under review of the House. I agree that circumstances may arise in the future rendering it desirable that the

House itself should be able to determine what is the amount of fine or the degree of punishment to be inflicted on a person guilty of contempt of the House, and I believe I am correct in assuring the House that this new Standing Order is merely in regard to future conduct, and is not intended to be retrospective in its action.

MR. J. M. HOPKINS (Boulder): I am not exactly clear on the assurance I have from the Premier. Am I to understand that the Privileges Act permits only of the person who was dealt with recently being imprisoned within the precincts of this House? And if the new Standing Order is adopted—seeing that the discussion in regard to the person having failed to pay the amount of fine has not been dealt with to-day but will be dealt with to-morrow—is the motion made in order that the House may have greater powers to deal with that case, than if it were dealt with to-day?

THE PREMIER: I wish to make clear to the hon. member that what is proposed in the new Standing Order has no bearing whatever on any case that has occurred in the past, and that it has no bearing on any case that is pending. There were the slightest fear in the minds of members that the new Standing Order might be applied in that way, I should be willing to adjourn the discussion so that no such fear might be in the minds of members. I think that, with the assurance, members will be prepared to take my statement that this new Standing Order has no bearing whatever on any past or pending case. The provisions of the Standing Orders are quite ample to deal with any existing case.

MR. HOPKINS: Then it is not being put through to meet an existing case?

THE PREMIER: No; but the existing case has drawn attention to the desirability of endeavouring to deal with any future cases that may arise. The existing case drew attention to the matter; otherwise this proposal might not have been found necessary.

MR. J. M. HOPKINS (Boulder): I have no desire to offer any hostility to the proposed new Standing Order, but I suggest another aspect of the case. At the present time feeling exists in the minds of some members in regard to

case recently dealt with by the House, and which will come up again for discussion to-morrow. That being so, will it not be well if the new Standing Order be dealt with at a later period, when the minds of members are free from any prejudice that may exist at the present time. Perhaps I am asking too much, but we should approach a question of this kind and deal with it apart from personal feeling. I am not too sure that in dealing with the question to-day we should be dealing with it apart from personal influence or prejudice that may or may not exist. In illustrating this question, I may say a goldfields paper has drawn attention to a telegram supposed to be sent by the member for Yilgarn. Knowing that member so well as I do, I believe that if he did send a telegram such as is alleged to have been sent, probably it was done more from want of thought than from any desire to "work it square" on any person. It is published in a goldfields paper:—

The attention of Parliament is called in this matter to certain telegrams sent by the chairman of the Empress of Coolgardie Commission to people on this field that he had succeeded in getting a fine of £100 imposed. These telegrams may be ordinary intelligence conveyed to friends, but Parliament and Mr. Horan cannot be surprised if they are taken as evidence of direct personal malice. The public understood that Parliament ordered these matters, not any individual member.

My reason for mentioning this is to enable the member, if he so desires, to correct the statement made in this newspaper.

THE PREMIER: What newspaper?

MR. HOPKINS: The *Boulder Evening Star*. If that newspaper has been guilty of contempt, it is proper for the House to deal with it in the same manner as we dealt with another newspaper. [Interjection.] The hon. member has no need to interject, or by interjection to infer that I have any interest in the newspaper in question. I have not any interest, I never had any, nor is it likely that I shall ever have. [MEMBER: Or influence?] Or influence in the slightest. When I saw the paragraph I felt it did emphasise that aspect of the question. If the amendment to the Standing Orders is not needed to deal with an existing case it is not a matter of urgency, and it is one that may stand over till some subsequent period.

If it is postponed for a fortnight or a month or indeed for a week, I shall think the House has done the proper thing in granting the postponement in view of the circumstances which have eventuated during the last few days, and the abnormal efforts made to preserve the dignity of the Chamber.

MR. A. A. HORAN (Yilgarn): The hon. member having brought my name into the matter, I have pleasure in making a reply. I did not see the *Evening Star*, neither did I read the goldfields Sunday newspaper; but it is perfectly true I sent a telegram to the goldfields, but by that time the whole matter had become fairly well known, and as I have many friends on the goldfields who no doubt were anxious to know what action had been taken by the House, as soon as action was taken I sent a wire or two. I forget the exact wording of them, but the matter was public property by that time. I would have had pleasure in sending a wire to the party interested, for I have no animus against that party, and I would, if I could afford it, pay the fine inflicted on the editor of the *Sun*. There is no personal animosity between that gentleman and myself. That newspaper abuses me from time to time, but I have not the slightest idea of any animosity existing between us. I hope the member for Boulder will agree with me on that score.

MR. HOPKINS: I accept the explanation.

MR. HORAN: When I sent the wire, the matter had been dealt with and it was public property. What I did I was at liberty to do.

Question put and passed.

## BILLS, THIRD READING.

FREMANTLE MUNICIPAL LOANS VALIDATION BILL, read a third time, on motion by Mr. E. Needham, and passed.

PUBLIC SERVICE BILL, read a third time, on motion by the Premier, and transmitted to the Legislative Council.

## MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

### IN COMMITTEE.

Resumed from the 19th October; Mr. BATH in the Chair, the Hon. W. C. ANGWIN (honorary Minister) in charge of the Bill.

Postponed Clause 21—Amendment of Section 323 (Rating system and amount):

MR. C. H. LAYMAN moved an amendment:

That paragraph (a) be struck out.

THE PREMIER: An amendment had already been proposed to strike out paragraph (a), and after discussion the amendment was lost; consequently the Committee had now reached paragraph (b). There was certain information in regard to the clause which he (the Premier) intended to place before the Committee.

THE CHAIRMAN: The member for Nelson could not move the amendment, for at the last sitting of the Committee when this Bill was discussed, an amendment to strike out paragraph (a) was defeated.

THE PREMIER: As to Subclause (b), much information had been sought from municipalities, and as much as possible obtained, concerning the rate on the unimproved capital value necessary to raise the same municipal revenue as was now obtained from the 1s. 6d. rate on the annual value based on improvements. The following was a list of municipalities which held that 4d. in the pound capital value was enough or more than enough to bring in the same revenue in their cases as the present maximum rate of 1s. 6d. on improvements:—Claremont replied that 4d. would bring in 15 per cent. more than 1s. 6d.; Leederville and North Perth, that 2½d. would equal 1s. 6d.; South Perth, 1½d.; Subiaco, 3d.; Victoria Park had not replied; East Fremantle, 3d.; Fremantle, 2½d.; Perth, 1½d.; Albany, that 4d. was equal to more than 1s. 6d.; Day Dawn, that 4d. was equal to 1s. 6d.; Bunbury, 3d. equal to 1s. 6d.; Mount Magnet, 4d. 15 per cent. more than 1s. 6d.; Busselton, Esperance, and Beverley, 4d. equal to 1s. 6d.; and York, that 3d. was the equivalent. All these municipalities would be served by a maximum of 4d. The following municipalities required a higher maximum to enable them to obtain from rating on the capital unimproved value the same revenue as they now obtained from rating on improvements:—Geraldton, 4½d.; Norseman and Coolgardie, 6d.; Mount Morgans, 6½d.; Roebourne, 7d.; Menzies, 8d.; North

Fremantle, 9d. The North Fremantle municipal officers appeared to have made an error. Every other suburban municipality agreed that a lower rate would serve. Probably the North Fremantle town clerk understood the question to be, how much would be required when rating unimproved lands, instead of rating the capital unimproved value of the lands; hence his reply was misleading. In no other way could the discrepancy between North and East Fremantle—9d. and 3d. respectively—be accounted for. The replies were obviously contradictory in view of the relative sizes of the towns; and the North Fremantle statement was absurdly wrong. Boulder replied that a rate of 9d. would be required; Leonora and Southern Cross, 1s.; and Cossack 2s. 3d. on the capital unimproved value, to bring in a revenue equivalent to that obtained by 1s. 6d. on the annual improved value. Several municipalities had not replied—amongst others Broad Arrow, Cue, and Kalgoorlie. Northam and Malcolm were contented with the remark that they favoured the optional system—the system embodied in the Bill; while Roebourne stated that it favoured the present system. This information was given the Committee with a view to induce discussion, especially from goldfields representatives. The Government fixed 4d. as the basis, and hoped 4d. would be sufficient for all municipalities; but the evidence undoubtedly showed a very disproportionate relation between the capital value and the annual value on the goldfields as compared with the corresponding relation in the coastal districts; therefore 4d. would be quite insufficient for some goldfields municipalities. Possibly the Committee might by some proviso differentiate between coastal and agricultural councils on the one hand and goldfields councils on the other, so as to meet the requirements of both classes of council without giving either power to levy more rating than was needed for proper municipal purposes. He had refrained from tabling an amendment; for he felt that the views of the various councils had better be first discussed and amplified in Committee.

MR. H. E. BOLTON: The Premier was not alone in thinking there had been some error in the North Fremantle figures. Certain councillors of that municipality

agreed that the town clerk had made some error. Nevertheless, the Premier's proposal to distinguish between goldfields and coastal municipalities could not be commended. He (Mr. Bolton) did not admit that 4d. would be sufficient for North Fremantle, nor would he admit this till the town clerk's figures were disproved. Rather increase the maximum; for the maximum rate need not necessarily be struck.

**THE MINISTER FOR WORKS** (Hon. W. D. Johnson): It was regrettable that the Kalgoorlie town clerk did not reply to the Premier's question, for we could then have had a comparison between the Boulder and the Kalgoorlie estimates of the maximum rate needed under the new system. Apparently the Boulder town clerk's estimate was too high. How was the amount of 9d. arrived at? Would the member for Boulder explain?

**MR. J. M. HOPKINS**: This had been explained by him on the second reading, and subsequently in Committee; and it was after some conversation with him that the Premier sent the telegrams which resulted in estimates from the different municipalities. Goldfields property was worth two or three years' purchase; property in St. George's Terrace perhaps 20 years' purchase. The unimproved capital value of the former was comparatively small, and that of the latter large. In changing the method of rating we must allow for that. Were we to fix for unimproved value rating a maximum which would suit none but two or three towns in the metropolitan area? If the unimproved value rate were introduced, it must be on a basis which would enable every municipality to take advantage of it if desired; and by the Bill, if it were imposed, it must remain in force for three years. The Boulder municipality said 9d. on unimproved value rating was equivalent to a 1s. 6d. rate on the annual value; Perth said 2d. was equivalent to 1s. 6d. Hence, if the rate for Boulder must be  $4\frac{1}{2}$  times higher than that for Perth, at a rate of 4d. Boulder, instead of getting a revenue of £20,000 a year would get only £10,000. Could Boulder afford to sacrifice that revenue? An amendment to the clause was difficult to draft in Committee. Perhaps the Crown Law Department could assist.

If municipalities outside the metropolitan area were given power to tax up to 9d. in the pound, it would probably meet the case. He did not know whether there were towns outside the metropolitan area where 9d. would be excessive.

**MR. LYNCH**: Was there any danger in unlimited power?

**MR. HOPKINS**: It would be unwise to give unlimited power. If we gave the power to rate to 1s. in the pound we would give the city of Perth six times its present rating power. In the case of a new municipality, inexperienced and enthusiastic councillors might be inclined to impose a tax that would be a serious setback to the municipality.

**MR. H. BROWN**: The metropolis did not want unlimited power to rate; and a provision to that effect would not have the slightest chance of passing the Upper House. Perth did not want the power to rate up to a 9d. maximum. He agreed with the Premier that we should be anxious to bring in a Bill which would be acceptable to the Upper House. Two years ago the utterances of the Premier—who was then a private member—were inconsistent with his present attitude on this question of the rating of unimproved land values. The Premier should stick to the principle of unimproved land value taxation, and to that only.

**THE PREMIER**: The suggestion of the member for Boulder was worthy of consideration, that we should have a specific rate for Perth, and a slightly higher rate for the suburban municipalities and other municipalities that could meet their requirements at that slightly higher rate. A rate of 4d. in the pound was ample for Albany, Day Dawn, Bunbury, Mt. Magnet, Busselton, Esperance, Beverley, and York; and there would not be any advantage in giving these municipalities power to rate up to 9d. because it happened that some of the goldfields municipalities required a rate of 9d.

**MR. HOPKINS**: We could prepare a schedule.

**THE PREMIER**: The only two places outside the goldfields that a rate of 4d. would not meet were Geraldton and Roebourne. In the case of Roebourne the councillors preferred the present system; so it was no use worrying about them.

Geraldton only required a rate of  $4\frac{1}{2}$ d., and it might be found possible, on a revision, that it could manage on 4d. Norseman, Coolgardie, Mt. Morgans, Menzies, and Boulder required from 6d. to 1s. Leonora and Southern Cross required a rate of 1s.

MR. HOPKINS: We could provide 2d. for the city, 4d. for the other municipalities mentioned, and 9d. for municipalities on any proclaimed goldfield.

THE PREMIER: That might be sufficient. Southern Cross and Leonora might be able to work down to 9d. Much misconception arose in regard to the operation of this clause; and in a hastily prepared approximate valuation, it was quite possible that some error was made which, when corrected, would materially modify the terms. The member for Boulder would not be prepared to exempt Cossack and give them power to rate to 2s. 3d.

MR. HOPKINS: Cossack could be exempted altogether.

THE PREMIER: Briefly, the proposal was that Perth should be rated at 2d., other municipalities at 4d., and the goldfields municipalities at 9d.

MR. LYNCH: Why not up to a 1s?

THE PREMIER: There was a disadvantage in providing a higher rate than was necessary. One could not appreciate the reasons that made it necessary for Leonora and Southern Cross to rate much higher than other goldfields towns.

DR. ELLIS: This could be better arranged in a schedule at the end of the Bill. These municipalities did not know what they were talking about. Anything over a 9d. rate would be exceptionally foolish, and would only be adopted by those who did not quite understand land taxation in its application. A rate of 9d. should be the outside limit. Probably no goldfields town would want more than 6d., which was a high tax on unimproved land values. If the rate were fixed above 1s., municipalities would prefer to rate on the present system.

MR. LYNCH did not understand the computations made by several municipalities. Norseman, Mt. Morgans, Southern Cross, and Leonora were townships that were fashioned in the same way; and it was inexplicable that Leonora wanted to rate at 1s. while Norseman only wanted to rate at 6d. It

would be advisable to let the rating power go up to 1s., which would cover every municipality except Cossack. Then Leonora and Southern Cross would be able to apply the principle of taxation on unimproved land values. Municipalities would not abuse the powers given by the Bill. If a municipality imposed a high rate, it was something which was sadly needed in municipal life. The tendency was to burden municipalities as lightly as possible, so that if we found a local governing body anxious to load itself up with taxation, the Government should not stand in the way. We should take the municipalities at their own word and give 1s. as the maximum rating power.

MR. HOPKINS: The people of Perth would take strong exception to a rate of 1s., which would be precisely six times the present rate that equalled 2d. in the pound. Perth did not want to impose a rate of 9d. in the pound on the capital value, which was what the proposal of the member for Leonora amounted to. The people of Perth would strongly resent it, and the other House would strongly resent it. In many instances it would lead to confiscation of property. We might get over the difficulty by adding a schedule to the Bill giving to each municipality power to rate on unimproved values according to its own estimate. Cossack could be left out, because the local authorities there could not possibly have understood the operation of the clause. It would certainly be disadvantageous to people living in Perth if we contemplated giving them power to rate up to six times the present rate. On the other hand, goldfields municipalities would have a serious set-back if we limited their powers of taxation to 4d. Later on we would have to deal with another aspect of the question. A municipality prepared to rate at 2d. could hardly expect to receive the same amount of subsidy as a municipality that was prepared to rate at 1s. This aspect of the case would have to be ultimately dealt with. It came back to this, that the amount of subsidy paid by the Government was always understood to be paid on the *pro rata* basis. [MEMBER: No more would be raised in proportion.] What condition could we take into consideration in dealing with freehold or leasehold estate other than that of capital value?

He would suggest that the Premier report progress on this clause, and the Crown Law Department might be able to draft a clause. He as a goldfields representative would, if given an invitation to do so, be very pleased to meet some other members and privately talk over the operation of the clause as drafted by the officers of the Crown Law Department, if that would be agreeable to the Premier.

**THE PREMIER :** This Bill would have to be recommitted. The clause might now be passed *pro forma*, and he would bring up an amendment on recommitment. That would enable us to go through the remaining clauses of the Bill, and subject to recommitment the matter would be disposed of, and we could deal with this amendment as well as others at a subsequent stage.

Clause passed as printed.

Postponed Clause 23—Amendment of Section 326. Annual valuation of ratable property :

**THE PREMIER :** As the whole question regarding the dual system of valuation had been settled, the reason for the postponement of this clause had passed away.

Clause passed.

Postponed Clause 24—Amendment of Section 327 ; mode of making valuation :

**MR. QUINLAN** moved an amendment :

That the words "not less than," in paragraph (f) in Subclause 1, be struck out.

The object in moving this amendment was to make the matter definite. As long as he could recollect it had been the system in the Perth municipality to adopt the  $7\frac{1}{2}$  per cent. valuation upon unimproved land. The amount had certainly never been under  $7\frac{1}{2}$  per cent., and so far as the new departure in the Bill was concerned—the proposal to extend it to 10 per cent.—he understood there were two cases where that was in force at the present time, and in his opinion the authorities had no right to enforce it, for the reason that it was contrary to the present law. He was offering that as a layman's opinion, but ventured to say it was a correct one. He believed in those two instances the authorities were illegally striking a rate up to 10 per cent. That had never been required in Perth, nor had he heard an agitation for it anywhere else. In his opinion the  $7\frac{1}{2}$  per cent. basis would be a better one. That

was a considerable tax to pay on unimproved land.

**MR. H. BROWN** supported the amendment. In his opinion a  $7\frac{1}{2}$  per cent. rating now on unimproved value of land would be quite as much, probably more, than would be raised if we struck a rate on the capital unimproved land values. Even now in Leederville persons were absolutely selling their land to pay rates. Acting as trustee for an estate there he found that even with  $7\frac{1}{2}$  per cent. the amount was more than one could possibly pay. At the present time Subiaco, North Perth, and Leederville were rating their vacant lands at 10 per cent., which they had no right to do. A case only recently was fought in the Local Court, and it was held that  $7\frac{1}{2}$  per cent. was the maximum, whereas those municipalities treated it practically as the minimum.

**THE PREMIER :** This amendment was proposed in consequence of the strong recommendation of the municipal conference that the power to increase the annual value on unimproved land should be given. The present provision in the Act was rather indefinite. A subsection of the present Act stated that the annual value of ratable land which was unimproved and unoccupied should be taken to be not less than £7 10s. per centum on the capital value. It had been held that those words in the section of the present Act carried with them a limitation, and made a maximum as well as a minimum. He believed that had been upheld by the court in some instances. The case had been tested both in regard to municipalities and roads boards. A number of municipalities had taken 10 per cent. of the capital value as a fair estimate of the annual value of unimproved land. In doing so, they undoubtedly fulfilled the letter of the law providing the annual value should not be less than £7 10s. of the capital value. He was not in a position to give a legal opinion upon their action, but there was considerable doubt, at all events, as to the legality of that reading of the clause. He was not aware whether it was the Local Court only which gave the decision or whether the matter had gone to a higher tribunal. The Local Court's decision was not necessarily the last word that could be said on any legal point. At the same time, it justified

him in saying there was considerable doubt as to the powers of municipal councils in valuing unimproved land. The municipal conference arrived at a decision that the annual value on ratable land unimproved and unoccupied should be taken to be not less than £7 10s. per centum or more than £15 per centum on the capital value. When framing this Bill the Government did not feel justified in adopting the recommendation of the municipal conference, because it seemed to them that the municipal conference had made far too high a maximum; but they thought it reasonable that municipalities inclined to value unimproved lands and fix the value at 10 per cent. of the capital value should have the power to do so. That might be regarded perhaps as more than a fair rental in Perth, because in the city, where there were smaller fluctuations, properties did not return the same value as in outside places. In places where the improvements were few and the area of unimproved land was very great, there was considerable difficulty on the part of struggling municipalities in securing enough revenue to meet the reasonable requirements of the district. He trusted the amendment of the member for Toodyay would not be accepted.

DR. ELLIS: The attitude the Premier took on this matter was the most advisable one. He did not see why this House should do anything to block the effect of public opinion expressed. If the amount was really too high, if it would really create an injustice, there was little doubt that public opinion would be sufficiently strong to prevent advantage being taken of it. But when we found there were several municipalities that held with it, and that there was no reactionary feeling on the point, the House could fairly take it that it was advisable to fall into line with those municipalities as far as possible. He could quite understand that people representing capital in the form of unimproved lands of large value or great extent would naturally do their best—and rightly so from their point of view—to limit the operation of such taxation, because they would feel it would seriously interfere with holding these lands for speculative purposes. But one of the principal ideas running through the

Bill was to do away with the holding of land for speculative purposes, because of course a local resident would naturally come under effective local influence, but the absentee owner came under no local influence, and he would naturally try to reduce the rating for his benefit as an absentee owner. It should be an object of Parliament to discourage the holding of unimproved land for speculative purposes in municipalities.

MR. QUINLAN: In moving the amendment, he was prompted by a desire to give fair consideration to ratepayers generally, because whatever might be the basis of valuation, it would affect also the rate leviable for water supply, as in the case of Perth. To adopt a system of 10 per cent. on the valuation would mean confiscation, because while he agreed that a municipality should not be retarded in its progress by the holding of large areas of unimproved land, yet some of those areas might be unbuilt on because the owners had not been able to raise funds for building, and  $7\frac{1}{2}$  per cent. would be a sufficient amount on the valuation. He understood that only two or three municipalities in the State had adopted 10 per cent., the others adhering to  $7\frac{1}{2}$  per cent., which they found sufficient. He believed those two or three municipalities were acting contrary to the law. As to allowing a discretionary power up to a maximum of 15 per cent., as recommended by one municipal conference, he did not think there was more wisdom in a municipal conference than in this Assembly, and he held that  $7\frac{1}{2}$  per cent. would be a sufficiently heavy rate, seeing that it would apply not only to ordinary municipal rates but to the water rate also.

HON. W. C. ANGWIN: As to the basis of valuation applying also to a water rate, the hon. member should be aware that the water rate was based on an Act of Parliament dealing with waterworks only. The system of 10 per cent. provided in the Bill would apply only to the general purposes of a municipality, and not to a water rate. As to some municipalities not having adopted 10 per cent. in the past, that was because they were uncertain whether the law gave power to levy up to 10 per cent. He had been advised by one lawyer that it would be legal, and had been advised by two other lawyers that it would not be legal to rate

up to 10 per cent. There should be not only the minimum but the maximum amount stated in the clause.

**THE PREMIER:** The effect of adopting the clause as in the Bill would mean that for every £100 of value at 10 per cent. a ratepayer would be required to pay 15s. for the year on a value of £100; whereas if the system of rating on the unimproved capital value were adopted and a twopenny rate were levied, every ratepayer would be required to pay 16s. 8d. per £100 worth of property on that basis. Therefore hon. members would see that this 10 per cent. would be a lower charge than even a twopenny rate on the capital value of property; and this fact justified him in asking members to accept the clause as it stood.

Amendment (to strike out words) put, and a division taken with the following result:—

Ayes	...	...	...	17
Noes	...	...	...	23

Majority against ... 6

**AYES.**  
Mr. Brown  
Mr. Burges  
Mr. Butcher  
Mr. Cowcher  
Mr. Diamond  
Mr. Gregory  
Mr. Hardwick  
Mr. Harper  
Mr. Hayward  
Mr. Hicks  
Mr. McLarty  
Mr. S. F. Moore  
Mr. Nanson  
Mr. Quinlan  
Mr. Rason  
Mr. Frank Wilson  
Mr. Gordon (Teller).

**NOES.**  
Mr. Angwin  
Mr. Bolton  
Mr. Carson  
Mr. Daglish  
Mr. Ellis  
Mr. Hastie  
Mr. Heitmann  
Mr. Henshaw  
Mr. Holman  
Mr. Horan  
Mr. Johnson  
Mr. Keyser  
Mr. Layman  
Mr. Lynch  
Mr. Needham  
Mr. Scaddan  
Mr. Taylor  
Mr. Thomas  
Mr. Troy  
Mr. Watts  
Mr. A. J. Wilson  
Mr. F. F. Wilson  
Mr. Gill (Teller).

Amendment thus negatived.

**MR. H. BROWN** moved an amendment:

That the words "capital unimproved" be inserted before "value," in lines 5 and 6.

The Premier would see that this was necessary to make the Bill workable, because if the rating were on the unimproved land value there was no provision to ascertain the value of one particular office or room in a large building or group of offices, so as to have its proper proportion allocated in respect of the value of the land on which the building stood. The words he proposed to insert would enable the valuer to assess the

number of votes, if more than one were allowed, to be exercised by each particular occupier of a large building, and by this means a particular portion of the total value of the land could be allotted to each portion or room of the large building.

**THE PREMIER:** As far as his judgment went, the amendment would improve and make more definite the wording of the clause. Therefore he accepted it.

Amendment put and passed.

Consequential amendment made in the sixth line of the subclause.

**MR. H. BROWN** moved an amendment:

That in line 7 of paragraph (d) of Subclause 2 the words "annual rental" be inserted before "value."

Amendment passed.

Consequential amendment made in line 9.

**MR. R. G. BURGESS:** The provision in paragraph (e) of Subclause 2 would act unfairly to people who paid taxes on lands in the suburbs. It would be better to amend the clause so that a fixed sum could be charged. Even a fourpenny rate would be unjust, for blocks must be valued at £30 although only worth £5 in some cases. Owners would be forced to pay £1 a year, and in several cases 30s.

**THE PREMIER:** The proviso limiting the value of any separate assessment at not less than £30 was a repetition of that contained in the existing Act. It might be desirable to differentiate between the annual value of land where a municipality rated on the annual value, and the capital value in cases where a municipality worked on the unimproved value. There was something in the contention that if the unimproved value were adopted the capital value should be fixed at a lower amount than £30. Recognising the force of the argument as to rating on the unimproved value, the Committee might agree to reduce the amount to say, £15, which would make the lowest amount collectable 5s. instead of 10s.

**MR. R. G. BURGESS** moved an amendment:

That in line 2 of paragraph (c) of Subclause 2 the word "thirty" be struck out and "fifteen" inserted in lieu.

**DR. ELLIS:** If there were a shilling rate on the capital value it would amount to 15s. a year, which was a little heavy

for a railway allotment in a growing township. If the unimproved rate were twopence or fourpence it was not much in a town, but in out-back places where there was a possibility of raising a rate of one shilling the tax would be heavy. It would be best to fix so many pounds to the penny or twopence in the schedule, then there would be something like equity.

Amendment passed, and the clause as amended agreed to.

Postponed Clause 26—Valuation of gas mains and electric lighting :

MR. H. BROWN moved an amendment :—

That in line 1 of Subclause 1 the words "company or corporation other than a local authority" be inserted after "person."

Amendment passed.

MR. H. BROWN farther moved that Subclauses (2) to (6) be struck out, and the following inserted in lieu :—

(2.) In the month of November in every year every such person, company, or corporation shall deliver to the Council a return showing the gross receipts of such person, company, or corporation from the sale of gas and electricity within the municipality during the year ending the thirty-first day of October next preceding, verified by statutory declaration.

(3.) Every such person, company, or corporation shall keep proper books of account which shall disclose the said receipts, and such books shall be open to the inspection of any officers appointed by the Council.

(4.) In full satisfaction and discharge of all rates payable in respect of such pipes and electric lines, and of all lands, buildings, and works used by such person, company, or corporation exclusively in connection with the manufacture and supply of gas or electricity, or gas and electricity within the municipality, a payment of one per centum of such net receipts shall be made by such person, company, or corporation to the Council for the year ending the thirty-first day of October next following the return, by equal half-yearly payments, on the first day of January and the first day of July in such year.

(5.) All moneys payable under this section shall be recoverable in like manner as rates are recoverable under this Act.

This amendment affected the whole of the municipalities in the State where there were private companies. For a long time past litigation had been pending with the Gas Company of Perth, and no reliable system could be agreed upon. The Perth Gas Company were now prepared to accept the amendment. He

(Mr. Brown) had gone into the details with reference to lighting in various parts of England and found that the rate was from one penny three farthings to a half-penny per thousand feet of gas. If the amendment were passed and one per cent. on the net receipts was charged, the income to the city of Perth from this source would be £430, whereas in the past the Perth municipality had been collecting between £200 and £300. The Gas Company were perfectly agreeable to the new proposal. During the past few years the Gas Company had, to the benefit of street lighting, extended their mains over 15 miles, and if it were proposed to tax the company as provided in the Bill probably the extensions would not have been made, for every mile of mains laid down would increase the rating, therefore we should be penalising the company for doing the city of Perth a good turn.

THE PREMIER: The clause sought to secure from any person or company enjoying the privilege of performing a public service in a municipality a reasonable contribution to the municipal revenue. Tramway companies were now charged a percentage; and an extension of the principle to lighting companies seemed unobjectionable. But whether 1 per cent. on net receipts would be adequate in all municipalities where lighting operations might be undertaken was doubtful. Fix a minimum of 1 per cent. and a maximum of 3.

MR. H. BROWN: The amendment would benefit the Perth Council and the Perth Gas Company. The percentage would be on the net receipts and not on the profits. This would bring the city, instead of the £200 or £300 a year now received, a revenue of about £416.

DR. ELLIS: The difference between net and gross receipts was serious. Charging on the net receipts would give an opportunity for evading taxation.

THE PREMIER: The member for Perth said the revenue raised would be adequate for that city; but Perth was not the only large municipality where a lighting company was working.

MR. H. BROWN: The amendment would affect Perth and Fremantle only.

THE PREMIER accepted the amendment on condition that any alteration

found necessary in the clause should be made on recommitment.

**MR. H. BROWN:** The amendment would be a windfall to Fremantle, which now received nothing from the Gas Company.

**DR. ELLIS:** The Committee should pause to ascertain how this would affect the Coolgardie Electric Lighting Company.

**MR. F. F. WILSON:** Caution was needed. Here was a chance of the citizens of Perth getting a fair deal from the gas monopoly under which they had sweated so long. If it was fair to charge the Perth Tramway Company 3 per cent. on their gross receipts, it was fair to charge the Gas Company similarly. It should return to the municipality something for the privileges enjoyed for years.

**MR. H. BROWN:** It was very well to talk about a sweating monopoly; but the tramway company's agreement provided that 3 per cent. of the gross receipts should be given the Perth Council. In the Perth Gas Company's Act was no mention of any percentage. The higher the company was rated the more must be paid for gas. The gas company was prepared to forego its monopoly and to sell its plant to the city. Half the residents of the city, and evidently the preceding speaker, knew nothing of the agreement between the council and the company. The company had power to light the city of Perth for all time, within five miles of the town hall. Only in 1906 could the council take over the concession. The position of the smaller municipalities and suburbs of Perth would probably be worse under the Perth City Council's gas works than under the present company.

Amendment put and passed.

**MR. H. BROWN** farther moved:

That the word "tramway" be inserted before "telegraph," in the last line.

This was necessary lest municipalities might attempt to rate a tramway line already provided for.

Amendment passed, and the clause as amended agreed to.

At 6.30, the **CHAIRMAN** left the Chair.

At 7.30, Chair resumed.

Postponed Clause 29—Amendment of Section 345; Appeal against rating:

**THE PREMIER:** This was a slight amendment to the existing law. At present when a person wished to appeal

against the rate fixed on his property, he first appealed to the council which sat as a revision court; and if dissatisfied with the council's decision, he could appeal to the Local Court. He must enter the appeal for hearing within 10 days, and pay the sum of one guinea to meet costs. The decision of the Local Court was final. This Bill amplified the provisions in regard to appeals, providing that the municipality as well as the clerk of the Local Court should have 10 days' notice before the case came on, and providing that the decision of the Local Court should be final unless the assessment exceeded £100 on the annual value, or £500 on the capital unimproved value, in which case an appeal might be made to the Supreme Court. Advantage was thus given to the person with large interests, and the clause rather improved the position of ratepayers dissatisfied with the decisions of councils. The clause should commend itself to the Committee. It was based on representations made by the municipal conference.

**MR. LYNCH:** What would happen in the event of Circuit Courts being established?

**THE PREMIER:** Supreme Court Judges went on Circuit. In the event of the establishment of District Courts, the appeal would lie to the Supreme Court.

Clause put and passed.

Schedule of amendments to be made in the principal Act (postponed paragraphs):—

Paragraphs 10, 11, and 15—Amendments of Sections 57, 62, and 84:

**THE PREMIER:** These were consequential amendments on Clause 7, which dealt with the question of one ratepayer one vote. As this clause was struck out of the Bill these paragraphs must consequentially be struck out.

Paragraph 12—Amendment of Section 65: Struck out accordingly.

**THE PREMIER:** This was an alteration from the fifth schedule to the third schedule, which gave particulars of the information to be kept in regard to the voters in a municipality in compiling the voters' list.

Agreed to.

Paragraph 17—Section 100 (amendment):

**THE PREMIER:** Section 100 provided for the record of an election being

taken by the returning officer, commencing at 11 o'clock in the morning and closing at seven o'clock in the afternoon. It was proposed to amend that section by striking out "11 o'clock" and inserting "nine o'clock," so that the poll could start at nine o'clock. The remaining portion of the section referred to the number of votes a person could exercise. He moved an amendment:

That all the words after "thereof" be struck out.

Amendment passed, and the paragraph as amended agreed to.

Paragraph 18—Section 101 (amendment):

The PREMIER moved an amendment

That the paragraph be struck out.

Question passed, and the paragraph struck out.

Paragraph 19—Section 102 (amendment):

THE PREMIER moved an amendment

That all the words down to "and" in line 3 be struck out.

Struck out, and the paragraph as amended passed.

Paragraph 20—Section 107:

Struck out consequentially.

Paragraph 36—Section 379 (amendment):

THE PREMIER: The proposal was to provide the rating on the unimproved capital value in regard to loan rates. The proposal to insert "or 4d. in the pound on the unimproved capital value" might be adopted; and when the Committee had passed the schedule in regard to the unimproved value, the paragraph could be recommitted and the wording be altered to give effect to the schedule. Where money had been borrowed by a municipality and any money remained unpaid, the council could strike such special rate, not exceeding 1s. 6d. on the annual value or 4d. in the pound on the unimproved capital value on all ratable land, as the council deemed necessary. Then it was proposed to insert the words "having regard to the profits, if any, of the undertaking." The effect would be to enable any municipality that was conducting what might be called a business, and when striking a loan rate in regard to the money borrowed for the undertaking, to take into consideration what profits were

earned or likely to be earned during the year for which the rate was being struck; and if it were found that the profits were sufficient to pay interest and sinking fund, then it would not be necessary to strike a loan rate. On the other hand, if it were found that there would be 50 per cent. of the amount required to pay interest and sinking fund, the council could strike 50 per cent. off the rate that would be necessary. It was to be hoped the Committee would adopt this paragraph, because it was unreasonable to ask ratepayers of a municipality which happened to have in successful operation any municipal undertaking making profits, to put their hands in their pockets and make a second provision for payment of the sinking fund and interest. There were many instances of municipalities throughout the State having profitable undertakings in existence, which were providing the full amount of interest and sinking fund, and in these cases it would not be necessary to strike a rate for the sinking fund and interest. If this section of the Municipalities Act remained unaltered it would be necessary for a municipality that had an undertaking of this description actually paying its own way to tax ratepayers to the same extent as if the amount of money had been spent entirely on unproductive works—for instance on roads, where there was no profit. The Committee might take into consideration the desirability of meeting such cases. No member would wish to discuss the first proposal in regard to rating on unimproved values: we had already adopted that. Therefore the first amendment was consequential. If there was to be any discussion it would be on the second amendment in the paragraph.

MR. C. H. RASON: It was not proposed to strike out the latter portion of the amendment, "having regard to the profits, if any, of the undertaking," but he looked at it with some suspicion. People were not so apt to rush into borrowing money for municipal purposes when they knew that the borrowing would be followed by the striking of a rate. It would be an easy matter for a mayor of a municipality gifted with eloquence to demonstrate to the ratepayers that he wished to raise a loan for

some highly productive work, and therefore there would be no increased rating. Ratepayers under these circumstances would cheerfully assent to the proposition.

MR. KEYSER: They must take that risk.

MR. RASON: There was no compulsion about it.

THE PREMIER: A municipality could not have regard to the profits of an undertaking if there were no profits.

MR. RASON: Instances could be given of people having regard to profits before being earned. There was danger in the amendment; it was a new departure. He did not say that we should always stick to the old beaten path, but some examples should be given. He did not know of similar legislation anywhere else. We had laid it down as a hard and fast rule that a sinking fund must be provided for all loans, both Government and municipal. In the past, all borrowing in municipalities meant increased rates, and that had been the safeguard. According to the amendment, by no means would it follow that there would be an increased rate, and it was easily possible for anyone to demonstrate to ratepayers that the borrowing would not increase the rates. A councillor had only to demonstrate that money would be spent on reproductive works, that it would earn profits sufficient to pay interest and sinking fund. But under this amendment for "having regard to the profits," people would not be so likely to object as under other circumstances. The amendment was not so simple as it might appear on the face. It would go a long way to shake confidence in municipal loans, and would also go a long way to allay the suspicion which people naturally would have under existing circumstances in regard to municipalities going into borrowing.

MR. KEYSER: The hon. member had not quite followed the Premier's statement. Supposing a municipality wanted to raise a loan of £10,000 to carry out a water scheme. It must provide a loan rate to pay interest and sinking fund on the amount borrowed; but in the event of the scheme paying handsomely, there should be no need for a loan rate when the amount required for paying interest and sinking fund was amply provided out

of the profits. It was only after a municipality had demonstrated that the work for which the loan was floated would pay, and that there would be profits from it, that the municipality could be absolved from the need of striking a rate to pay interest and sinking fund on that loan.

HON. W. C. ANGWIN: There was no need for municipalities to fear about investors not taking up their loans, if the proposed words were added to the Bill; for in the recent case of a municipal loan for tramways at Fremantle, £80,000 was required and £300,000 was offered. If a municipal undertaking was yielding a profit, it should not be necessary for that municipality to levy a loan rate for paying interest and sinking fund. If there was no profit on the work, the council must necessarily strike a rate to provide interest and sinking fund on the amount of the loan, for it was incumbent on the municipality to do so.

DR. ELLIS: There was some point in what the member for Guildford had said; but we ought clearly to understand what was meant by "profit" on a municipal undertaking. If a municipality had realised a profit on the current year, it should not be necessary for that municipality to levy a special loan rate for the next year to cover that which was already provided out of profits. But there was this danger, that if a municipality omitted to strike a loan rate at the beginning of the year, and worked on an estimated profit which was not actually realised during the year, then would come the necessity for making up the deficiency. A municipality should not assume profits before they were made, and that was the point he wished to impress on the Committee.

THE PREMIER would be sorry to introduce any proposition that would have the effect of trifling with the principle of a municipal sinking fund in regard to all loans effected by a municipality. He recognised fully the importance of safeguarding the interests of ratepayers, as well as the interests of moneylenders, by insisting rigidly that municipalities should establish and maintain a sinking fund in regard to all loans. Members would find, on looking into the Bill, that the Government were providing machinery for assuring that a sinking fund should be established in all cases of loan; be-

cause in another clause provision was made limiting the powers of municipalities in regard to the investment of sinking fund, to the effect that unless the fund were applied to the purchase of municipal debentures issued in connection with the particular loan to which the sinking fund related, the money must be invested in Government securities of this State, in the name of the Colonial Treasurer and the municipality. The consequence of this was that where a municipality raised a loan, the Treasurer could see that the municipality was making provision to keep up the sinking fund to its proper standard. This provision therefore would give to the Government a control over the investment of municipal sinking funds, which control did not exist at present. As a concrete instance, take the municipality of Subiaco, which recently raised a loan of about £7,000 for establishing an electric light plant. That plant was established, and within the last few months it was found to be making a profit sufficient to pay interest and sinking fund, with a little to spare. Under the present municipal law the position was that this municipality, having borrowed £7,000 and established a sinking fund of  $3\frac{1}{2}$  per cent. and having to pay interest at  $4\frac{1}{2}$  per cent., the present Act would require it likewise to strike a rate sufficient to bring in 8 per cent. on that loan of £7,000, and the ratepayers must pay the money required, amounting in this case to £560, although the municipality was already providing that money out of the profits of the undertaking. A municipality ought not, therefore, to be required to provide the sinking fund twice over, as they must do under the existing Act.

MR. RASON: Why not reduce the charges?

THE PREMIER: To reduce the charges would be a great advantage to the consumer in a municipality, but a disadvantage to the ordinary ratepayer who was not a consumer. As a matter of fact, this municipality had set the example to Perth of reducing the price of the electric light to consumers; so he thought there was not much justification for suggesting that the light was being sold in Subiaco at too high a rate as compared with other places. Any municipality undertaking a

work like that, and having got sufficient funds out of profits from the undertaking, it did seem hard that the law should require the council to provide the same amount of money over again by means of a loan rate, when it was not really necessary. If the money required was not obtained out of the particular undertaking, and if, for instance, loan money was spent on roads that were not reproductive, or spent on any work that did not bring in a direct return, it was essential that the sinking fund and interest should be provided by a special loan rate. There was adequate machinery in the Bill to compel municipalities to establish and maintain a sinking fund for each and every loan, and the lender had adequate protection. Therefore with this amendment of the clause the ratepayers, the municipality, and the lender would alike be adequately protected, while the ratepayers in a number of cases would be let off an unnecessary charge by not being compelled to levy an unnecessary rate for the loan.

DR. ELLIS: At what period of the municipal year was an account made up, so as to justify the municipality in not levying a rate for a loan? He understood that a rate had to be struck in December, to be collected in the following year; therefore, would a municipality estimate profits in advance, by assuming that certain profits would be made in the following year, or was it going to use a profit made on the year last past?

THE PREMIER: The proposal was that a council must have regard to the profits of the undertaking, and this necessarily implied that a profit had been made. Municipalities were bound always to work on estimates in regard to any loan rate they might strike, and the estimate might prove to be wrong because of circumstances that were not foreseen. If the loan rate were struck on a certain basis, and if property in that municipality deteriorated in value, that loan rate would not realise the amount estimated. He had known instances where a loan rate had been collected to the extent of not more than two-thirds of the estimated amount in the particular year; so that the other portion had to be carried over to the next year, and one year must be balanced with another. A deficiency in one year would have to be made up for the time being by a transfer

from general revenue, and subsequently that would be made good by a larger amount of loan rate being levied in the succeeding year; any discrepancy in the estimate thus being made good, according to circumstances.

Amendment put and passed.

Paragraph 41—Amendment, to strike out Schedule VIII.

THE PREMIER: This was a proposal to strike out the forms adopted for absent voting. If the proposed new clause on the Notice Paper were passed, it would provide for voting by persons at a distance; and another clause to be moved on recomittal would provide for voting by absent owners on loan proposals. For these, special voting papers would be provided; but if the first-mentioned new clause were passed, providing for voting before the day of election, then the ballot paper and not a special voting paper would be used for such purpose.

Amendment passed, and the schedule struck out.

New Clause—Rating of persons residing on mining leases:

THE PREMIER: The object of the new clause tabled by the member for Bunbury (Mr. N. J. Moore) would be achieved by the new clause of which he (the Premier) had given notice; but he intended to allow this notice to lapse for to-night and to move it on recomittal. Clause 12, which would repeal the present system, had been struck out of the Bill; hence it was useless to move the new clause. He had given notice for the reinstatement of Clause 12 on recomittal, and now moved that the following be inserted as Clause 25:—

Any person in occupation of any portion of the surface of a mining lease shall be deemed an occupier, and be liable to be rated in respect of such occupation, notwithstanding any want of title to occupy the same.

This would enable persons in mining municipalities to be rated, though they were not living on freehold land. The Roads Act contained a similar provision.

MR. H. GREGORY: Presumably the Premier knew that the Mines Department always endeavoured to keep mining leases outside of municipalities.

THE PREMIER: To leases outside of municipalities the new clause could not apply.

MR. P. J. LYNCH: The Premier should not lose sight of the need for rating people in occupation of water rights and similar holdings in goldfields centres. One firm had worked a profitable brewery in the heart of Malcolm, and had for some years entirely escaped rating, thus unfairly competing with holders of town lots.

MR. J. SCADDAN: How could the Premier apply the unimproved value system to leases, and how could rates be recovered from persons residing thereon? Twenty or 30 camps might have no value at all. Such people would not have a title because they were rated. They were practically outside the municipality. Many leases within municipalities were not used for mining. People were residing on them and building substantial houses in anticipation of the land being thrown open for settlement. There were many such around Boulder.

THE PREMIER: By the new clause any person living on ratable land within a municipality would, whether on freehold or leasehold, be subject to rating. All such land possessed some value to those living on it, else they would not live there.

MR. SCADDAN: But squatters on leases might pay rates one week and be forcibly removed next week.

MR. GREGORY: The new clause was bad in principle; for it would recognise the squatters on gold-mining leases who lived there without the permission of the Minister for Mines.

THE PREMIER: The rating would not give them a title to reside there.

MR. GREGORY: Better enforce the Goldfields Act, and not allow squatting. If the ground were needed for residential purposes, resume the land and let residents get proper titles. If, as one member (Mr. Lynch) stated, a person conducted a business on a water right within a township, that right was liable to forfeiture. One man carrying on business in such circumstances just outside Leonora was rightly prevented from competing with ratepayers. The new clause needed farther consideration, and might make it difficult to remove squatters from leases. Not much revenue could be raised by it; for it would not apply to a large proportion of the leases which had been kept outside municipal

boundaries. The map of the Boulder municipality showed that nearly all the gold-mining leases were outside. This applied largely to Kalgoorlie and other goldfields towns; hence the revenue derived under the clause would be small.

**THE MINISTER FOR MINES (Hon. R. Hastie):** As usual when discussing similar proposals, members anticipated imaginary difficulties. A few years ago similar objections were made to similar clauses in the Goldfields Water Supply Bill and the Roads Bill. These clauses passed, and none of the troubles anticipated had since resulted. The object of the Government was to act fairly towards municipal and non-municipal residents; and without the clause the former would be unfairly treated. Objectors considered only such places as Kalgoorlie and Boulder, where residents on mining leases and on water rights were few. In most of the other parts of the goldfields it was the custom to extend municipal boundaries in every direction. If people living on ground suitable for mining were not to be taxed, it meant that the ground must lie idle, or that a large number of people living in the town and making use of all its advantages would escape taxation. If a man benefited by a municipality, he should be called upon to pay a fair rate, and for that reason, of course, should be entitled to a vote. No objection would be brought forward to the clause, and the Bill would not give a man a title to ground that might be wanted for mining purposes.

**MR. SCADDAN:** Did the council make roads for these people?

**THE MINISTER:** Not right up to their houses, but very close to them. True, the Mines Department strongly objected to any ground on which there was a probability of mining taking place being included in a municipality; but we could not say, at first, what ground would be required for mining. At Kalgoorlie at present there was ground on which thousands of people lived for the last six or seven years; and that area, to the surface, was about the most valuable in Western Australia. It was probable that other parts in goldfields towns would be found to be equally valuable. If land which was settled on became the subject of an application for a mining lease, the lessee invariably got

the right to mine it below a depth of 40 feet. It might be advisable to enable people to live on ground even if it was mined right up to the surface; but if they lived within a municipality it was fair that they should be called upon to pay a fair amount of taxation. Even if a man was taxed and it was afterwards shown that the ground was required for the purposes of gold-mining and the man was called upon to get off, there was no hardship, because the man pitched his camp on the clear understanding that he would have to pay rates and might have to shift at any time.

**MR. SCADDAN:** Not on the clear understanding that rates were to be paid.

**THE MINISTER:** The matter of paying rates did not come into the question. The man understood he would have to shift. Our object should be that every man residing in a municipality should be called upon to pay a share of taxation.

**DR. ELLIS** sympathised with the Premier's object in trying to bring residents of municipalities under taxation. The clause was a good one, but he (Dr. Ellis) could not see how it was going to act when taxation was imposed on unimproved value. We could not put an unimproved value on ground which the Crown had not parted with. It would not come under the £15 allowance for the smallest ratable value, because the land was occupied. We could not value land which the Crown still owned unless we valued it on the annual rental. We could estimate the annual value of leased ground, but in the cases mentioned by the member for Ivanhoe the persons were squatting. It was not a question of the value of the land to the squatter. Under the present system of rating we took the value of the building.

**THE PREMIER:** No; rates were fixed on the rental value of the land.

**DR. ELLIS:** That was wrong. Rates were fixed on the rental value of the squatter's camp. In the system adopted for the Upper House elections, it was the value of the camp and not the value of the land that was taken—this being an absolute principle in land value taxation. For this reason objections would be raised to the clause. The principle would act under one system of taxing, but not under the other.

MR. NELSON: The member for Ivanhoe, judging by his vigorous protest against the clause, must have a large number of squatters in his electorate. There was also a large number of squatters in the Hannans electorate, and he (Mr. Nelson) seconded the vigorous protest of the member for Ivanhoe. There would be no difficulty in applying land value taxation to these squatters. The value of the holding, whether it be on Crown land or on private property, was determined by the value that other people paid for like holdings in like positions. He objected to the proposed clause because it would be unfair to call upon the squatters to pay a proportionate share of taxation when they did not get a proportionate share of the expenditure. It would be unfair to compel men living where there were no roads or drainage to pay the same proportion of taxation as other persons who enjoyed all those advantages. A man might pay his taxes to-day and be expelled from his holding on the day following. The Premier ought to take this matter into serious consideration. Large numbers were squatting on ground and did not enjoy the comforts which people living in the ordinary way within municipalities enjoyed. It would not be fair to place additional burdens on the shoulders of squatters.

THE MINISTER FOR MINES: There were no squatters in Kanowna, so that he (the Minister) could speak from an unprejudiced point of view. If there were no improvements in the immediate locality where the squatter was living, obviously there would not be so much taxation on him. The members for Ivanhoe and Hannans wanted some of their constituents exempted from taxation, but we must be fair to the municipality and see that every man in a municipality should be called upon to pay a fair proportion of taxation. The fact that a man might be compelled to move to-morrow would be taken into consideration in assessing what he had to pay. There would be no difficulty in fixing the rental value, because there would be a minimum in each municipality, and squatters would be charged the minimum.

MR. GREGORY: It was interesting to see legislation brought forward in this manner. The clause appeared to have been ill-digested. Members claimed that

their constituents would be liable to taxation; but no elector in Brown Hill or Ivanhoe would be affected in the slightest degree by the clause, because the municipalities did not extend beyond the Boulder and Kalgoorlie electorates. It was the practice in the Mines Department, when a new township was declared, to see that only that portion was declared which would not include gold-mining leases; therefore as gold-mining leases were excised from the control of municipalities, they would not come under this clause. Any lease taken up after a municipality had been declared, and being within a municipality, would be subject to this provision. If the Government had given more consideration to this clause they would have used the words "any mining tenement," so that the provision would have applied to any holding under the Gold Mining Act. The principal objection he had to the provision was that there were in a sense two titles to one piece of land. A squatter on a lease would be liable to be rated, but the man never knew for a moment when he would be turned off the ground. When dealing with the Health Bill a provision should be inserted making any occupier liable to taxation; but the provision meant so little to a municipality, and very little good would be done, that it might be omitted here. If the provision were insisted upon he would divide the Committee upon it.

MR. TROY failed to see why people resident on mining leases should be taxed although within the boundaries of a municipality, for such persons received no advantage from being within the boundaries of the municipality. Inside the boundaries of the municipality of Cue were many small holdings, but the holders received no benefit. It was absurd to tax these people, and he would vote against the amendment.

THE PREMIER: This clause was introduced at the request of the Boulder municipality, and the wording of it was precisely the same as the wording of the section in the Goldfields Water Supply Act and of the Roads Act of 1903.

MR. GREGORY: The term "mining tenement" came in only last year.

THE PREMIER: The member for Menzies raised two points; one that the clause did not go far enough, and the

other that the clause was wrong in principle.

MR. GREGORY: What he had said was that the words "mining tenement" would be more comprehensive.

THE PREMIER: The member for Menzies also raised the point that the clause was wrong in principle and would confer on persons who squatted on a lease a right they otherwise did not possess. The only right the clause conferred was the right to be taxed, and that would have a tendency rather to keep people off mining leases.

MR. GREGORY: Would it not accentuate the position? We were trying to get rid of squatters.

THE PREMIER: It would simplify the position. The hon. member said there were so few leases within municipal boundaries: the argument would apply in the case of the Roads Act, but it had little weight in regard to this Bill. His (the Premier's) argument was that if any person lived within the boundaries of a municipality he necessarily gained an advantage from the expenditure of municipal money, whether living on private land or on land to which he had no title; and every person who gained advantages from the expenditure of money by a municipality should contribute towards the money expended. The member for Ivanhoe thought that a person living on a gold-mining lease near Boulder should contribute towards the cost of making footpaths in Perth. The hon. member did not understand the position. If a person was residing within the area of the municipality of Boulder and using the footpaths in Boulder, he got an advantage from the municipality of Boulder and should contribute his share towards the advantage he enjoyed. Members might pass the clause, and if necessary it could be brought forward again on recommitment. The other way in which the matter could be dealt with was to delay the proposal until recommitment. He was not particularly wedded to the passing of the clause to-night, and he was perfectly willing to amend it on recommitment if it needed amendment, to make it thoroughly inclusive of all persons that it should cover; because he intended to make it cover any person resident within a municipality. He would withdraw the amendment.

Amendment by leave withdrawn.

New Clause—Payment of court fees:

MR. J. SCADDAN moved that the following be inserted as a new clause:—

Section 416 of the principal Act is hereby repealed.

It was peculiar that municipalities should be exempted from the payment of court fees, being the only bodies within the State exempted. Even a Government department was liable for the fees, and it was not fair that any person appearing before a court should be dealt with differently from any other person. There would be no hardship on a municipality, for if a municipality won a case the other party would have to pay the fees, and if the municipality lost, it should pay the court fees. From a bookkeeping point of view the amendment was desirable, for all moneys could be accounted for by tallying all the summonses and the court fees.

THE PREMIER: There was no great objection to the clause. At present a council in obtaining a summons was different from any other litigant, inasmuch as a council was not required to pay a fee on the issue of the summons. If the amendment were agreed to a council would have to pay a fee on the issue of a summons, and if a verdict were given for the council and the rates ordered to be paid and costs granted, including the cost of the summons, the council would lose nothing, but the defaulting ratepayer would have to pay for the cost of the summons, and the revenue would be just so much the better off, inasmuch as the fees would be contributed by one side or the other. There was a wise check on any persons or corporations that they should be liable to pay something if they took proceedings without justification. In this case the amendment would have a salutary effect on carelessness on the part of municipal officers.

MR. A. J. WILSON: A case had not been made out for the deletion of the privilege enjoyed by municipal councils.

THE PREMIER: Enjoyed by defaulting ratepayers.

MR. A. J. WILSON denied that it was a privilege enjoyed by defaulting ratepayers. It was only natural that the Treasurer should look on this as an advantage for the purpose of recruiting

the exhausted finances which we had heard so much about recently. If summonses were issued free of cost to a municipality and the municipality succeeded in the issue and obtained a verdict with costs against the defendant, the position was that a certain amount of cheapening had taken place in the process of law as far as the defaulter was concerned. While that was an advantage to the defaulter in that direction, there was also an advantage to the municipality in cases in which the municipality might be successful, as the municipality would not then have to pay the costs of the alleged defaulter. We should endeavour to make law cheaper, irrespective of the consuming desire of the Colonial Treasurer to amass as much revenue as possible.

**THE PREMIER:** This clause did not make the law cheaper, but it made the Government pay for the proceedings.

**MR. A. J. WILSON:** Some revenue might be lost to the Treasury, but the amount of service rendered by the State for the cash equivalent received was not an adequate service. The cost of summonses was too high. Rather than restrict the privilege enjoyed by municipalities in this direction, we should extend it to other public departments in the same way.

**MR. SCADDAN:** Exempting one party would not necessarily be a cheapening of law.

**MR. W. NELSON:** Defaulters who failed to pay up were practically avoiding a payment which other people had made in ordinary course. If the court costs amounted to £1,000 per annum in the case of a municipality suing for arrears of rates, that would be so much money wasted, by having to collect it through the procedure of a court. That would practically be throwing the costs entirely on the country. The defaulter should be compelled to pay the expenses of having to make him pay up his arrears of rates.

**MR. F. F. WILSON** hoped the amendment would not be carried. Municipalities already had difficulty in getting their revenue, and if they were compelled to pay the ordinary costs for suing defaulting ratepayers, this would add largely to their expenditure.

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

Ayes	...	...	...	33
Noes	...	...	...	7

Majority for ... 26

**AYES.**  
Mr. Bolton  
Mr. Burges  
Mr. Butcher  
Mr. Carson  
Mr. Connor  
Mr. Cowcher  
Mr. Daglish  
Mr. Ellis  
Mr. Gregory  
Mr. Hardwick  
Mr. Harper  
Mr. Hastie  
Mr. Hayward  
Mr. Houshaw  
Mr. Holman  
Mr. Horn  
Mr. Isdell  
Mr. Johnson  
Mr. Layman  
Mr. Lynch  
Mr. McLarty  
Mr. S. F. Moore  
Mr. Nanson  
Mr. Needham  
Mr. Nelson  
Mr. Bacon  
Mr. Scaddan  
Mr. Taylor  
Mr. Thomas  
Mr. Troy  
Mr. Watts  
Mr. Frank Wilson  
Mr. Gill (Teller).

**NOES.**  
Mr. Diamond  
Mr. Hicks  
Mr. Keyser  
Mr. Quinlan  
Mr. A. J. Wilson  
Mr. F. F. Wilson  
Mr. Angwin (Teller).

Question thus passed, and the clause (repeal) added to the Bill.

New Clause—Recovery of rates:

**THE PREMIER** moved that the following be inserted as a new clause:—

Section 350 is hereby amended by striking out the words "the amount of," in line 5, and by inserting the words "such amount and," in place thereof.

The object was to secure that the section should meet the purposes for which it was obviously intended. The wording of the clause made the amount of costs, charges, and expenses of proceedings a claim against the estate; but it omitted to make the rates which were the basis of the proceedings likewise a charge against the estate.

Question passed, and the clause added.

Preamble, Title—agreed to.

Bill reported with amendments.

## PUBLIC HEALTH BILL.

### SECOND READING.

Resumed from the 3rd November; the COLONIAL SECRETARY (Hon. G. Taylor) in charge of the Bill.

**MR. F. CONNOR** (Kimberley): I have no desire to speak at length on this

Bill, which has been ably discussed by members on both sides; but I wish to bring under the notice of the Minister in charge a defect for which the Bill does not provide a remedy. Members who have travelled in the North of this country know that at certain seasons two diseases are rife—malarial fever and dengue fever. There is a stretch of road along the Fitzroy River from Derby to Hall's Creek, about 400 miles in length, and adjoining it for some 250 miles are sheep stations; on all that stretch of road there is no house of accommodation of any sort; while the station buildings are very primitive, and just capable of accommodating the station managers and the few permanent hands employed.

MR. F. F. WILSON: A good place for a State hotel.

MR. CONNOR: Not bad; for the customers, if not numerous, would be very good customers. Until quite recently the work on the sheep stations along the Fitzroy River and in West Kimberley generally was done by natives. That time has passed. There are now no native shearers; consequently white shearers come in large numbers from other parts of Australia to do the work; and this year there will be, I suppose, between 400 and 500 shearers on that road. Horses are not procurable, and these men have to carry their swags perhaps 250 miles. The attacks of malarial fever and dengue fever are very sudden; and anyone travelling from Derby to the Fitzroy Crossing—250 miles—will on any day pass five or six fever-stricken men lying around the waterholes. For such sufferers something must be done, and it behoves the Government to act. There are many ways in which their sufferings could be alleviated. Provision could be made whereby any of the squatters or other employers of labour in the district should be compelled to keep certain medicines necessary for treating the fever patients; or, if this is impracticable, then it is the duty of the Government to provide medicine chests. The shearers have to go there; the work must be done; and the men ought not to be allowed to perish on the road for want of food. I hold that though we cannot ask the Government to erect a hotel on the route, some hospital is required in the district, a house of some sort where men in-

capacitated by fever can get treatment which will possibly enable them to recuperate sufficiently to reach the port. The matter is more serious than may be imagined by members who have not seen the country. I shall not move any new clause, but will leave the question to the Minister in charge of the Bill. I hold that in the North hospitals should be free to men of a certain class. Men who cannot afford to pay should not, in such an outside district, be allowed to die for want of hospital accommodation. I admit that one of the last acts of the preceding Government was a step in the right direction, since agreed to I believe by the present Colonial Secretary, that was a reduction of the charge per day for treating patients in northern hospitals. The charge used to be 11s. 3d. Whoever was responsible for imposing that must have thought the people in the North were millionaires. Some of them earn only 30s. per week and their keep. How can they raise the money to pay 11s. 3d. per day? The charge was reduced to 6s.; and I hold that is too much. When a man has the money and can afford to pay, let him pay handsomely; but it is necessary to have some institution where the indigent sick may be attended to free of charge. I hope and expect that in Committee provision will be made to remedy this defect. On the whole, I think this little Bill meets with approbation from most of us, even from the members who have criticised it. Even allowing for the criticism of the front Opposition bench, I think the House has taken the Bill in rather good part. It deals with many subjects; and one part which is not strict enough and which can be improved in Committee is that regulating the distribution of drink and the quality of liquors dispensed. I refer not so much to spirituous liquors as to cordials and aerated waters. Most of these are absolutely poisonous, containing boracic acid or salicylic acid, and other liquids which are almost the worst possible beverages a person can consume. I am sorry also that we cannot in this Bill get at the beer trade monopolies; but I presume we shall have that opportunity in the Licensing Bill recently introduced. From what I have heard, if this Bill is not knocked about much in Committee, it is likely to

have a good passage in another place; and I am sure we shall appreciate that if it passes there more quickly than some other Bills which we have sent forward.

MR. J. P. McLARTY (Murray): I have looked through the clauses having reference to dairies; and while I admit that the greatest care should be exercised and the greatest cleanliness observed by all persons engaged in dairying, or in the milk trade generally, there is danger of going too far and altogether crushing the industry. The boards of health, which in most cases will mean the local road boards, are given considerable powers. By Clause 148 the local authority may refuse to register or to renew the registration of any premises as a dairy unless constructed in accordance with the by-laws. Clause 158 gives the same authority power for prescribing and regulating the situation, construction, lighting, ventilation, cleansing, paving, draining and water supply of dairies, milk stores and milk shops. The by-laws of the Central Board of Health are extremely drastic, and if they were carried out would close down half the dairies in the country. These by-laws insist on cemented floors and gutters to carry away all liquid manures, which the farmers value highly. The rules are rather contradictory. They insist on the freest ventilation, and at the same time state that no dust must be allowed in the dairy. I do not know how one can have proper ventilation without dust. Another rule is that the first three draws from the cow's teats must be thrown away. The by-laws are very drastic; and as a great many farmers keep their cattle in clean grass paddocks all night and bring them to the dairy in the morning only, there seems no need for such severe regulations. In view of the competition of our dairy farmers with imported butter, cheese, etcetera, the industry needs considerable nursing or coddling, which at present it does not receive. In view of the high rate of wages, it hardly pays a man to go in for dairying. If he have a family working for him he may make it pay, but I hardly see how it can pay him otherwise. I suppose the powers I have spoken of will remain with the roads boards; but if the Bill is strictly enforced, I fear the dairying industry will not flourish in this country.

THE COLONIAL SECRETARY (in reply as mover): I think members of the Opposition spoke more hostilely to myself than to the measure. Generally, members have treated the Bill very favourably. It is a large and comprehensive measure, dealing with many subjects, and it is far-reaching. It has been suggested on both sides of the House that it would be wise to have a select committee to consider it. I think that is a fair proposition, and I have decided to ask for permission to have a select committee to deal with the Bill. This will remove from me the necessity for a very long reply. I was accused by my friends in Opposition of not introducing the Bill at sufficient length and of not giving sufficient explanation. I did not detain the House long; I suppose I only occupied thirty minutes in introducing the measure. Though these remarks apply to me, I find that a large percentage of members speaking to the measure have not read it. Most of the opposition to the measure was in reference to clauses in the Bill which are simply copied from the existing Act, and do not affect the Bill at all, but are necessary for its working. The member for Menzies was anxious that we should have an advisory board. The hon. gentleman did not suggest what form that board should take, or what the *personnel* of the board should be.

MR. GREGORY: Oh, yes; an advisory board.

THE COLONIAL SECRETARY: It is very fine to say that we should have an advisory board.

MR. GREGORY: Something on the lines of the Queensland board.

THE COLONIAL SECRETARY: I do not know that there would be much gained by an advisory board. I suppose the hon. member would suggest that we should have an advisory board of three.

MR. GREGORY: No. Four members with the medical officer.

THE COLONIAL SECRETARY: I was thinking about three with the medical officer—an architect, a lawyer, and I suppose a commercial man. I am not in any way wedded to an advisory board; but if the Bill is to be dealt with by a select committee, this will be one question upon which the committee may recommend to the House. I hope the committee will not recommend an

advisory board. The member for Menzies also compared this measure with the New Zealand measure and compared this State with New Zealand, saying that what suited New Zealand would not suit West Australia because New Zealand was a small place with a congested population, and that West Australia was a large State with a scattered population. If the hon. member read the Bill he would find that we only took the sections of the New Zealand Act which would be applicable to this State in the populated centres. We have taken clauses also from the New South Wales and Queensland Health Acts, and from the Acts of other Eastern States. With its large area Queensland has conditions which are very similar to Western Australian conditions, and the health laws of Queensland would apply here. Members will find by the marginal notes from what Acts, the clauses have been taken. It was only where we thought the measure would suit the settled districts of Western Australia that we adopted the New Zealand sections. The member for Perth (Mr. Brown) said that he was sorry to see power placed in the hands of the chief medical officer of public health, and that he would not object to power being placed in the hands of the Minister. It only proves that the member for Perth had not read the measure, because the Bill provides that the Minister has the power to issue all orders and to veto anything that comes before him. The chief medical officer has only power of advising the Minister. The Minister has to issue and make orders, and is responsible for so doing. It is unfortunate that members who have found fault with the measure have not read it and do not understand it.

MR. GREGORY: The chief medical officer has power to direct inquiries to be made.

THE COLONIAL SECRETARY: The member for Menzies does not fear an inquiry being made at the instance of the chief medical officer.

MR. GREGORY: Inquiries have to be paid for by the local authority.

THE COLONIAL SECRETARY: The member for Forrest (Mr. A. J. Wilson) and the member for Perth find fault with the measure as not being sufficiently comprehensive to deal with lodging-houses. That is another proof that neither of

these gentlemen has read the measure. In lines 36 and 37 on page 4 of the Bill, ample provision is made for every class of house and dwelling, and even the Bill provides for the inspection of a tent, so that public health is amply provided for and there is no danger in this measure.

MR. A. J. WILSON: It was a question of licensing certain houses to which I objected.

THE COLONIAL SECRETARY: The hon. member pointed out that there was no provision by which these places could be inspected, and that they would be exempt. I made my notes when the hon. gentleman was speaking; I am not quoting from *Hansard*. It will be fresh in the memory of hon. members.

MR. A. J. WILSON: Why did you not adopt the old clause? That is my objection.

THE COLONIAL SECRETARY: I adopted a better provision. The hon. member said there was no possible chance of dealing with a lodging-house. He will find in the definition clause that a house means any building or structure, whether temporary or otherwise, including tents, in which any person or persons dwell, assemble, or are employed. It even includes churches, and goes on to point out at great length what the Bill does on that point. On page 4 an occupier is defined as including any person having the charge, management, or control of premises, or in any case of a house which is let out in separate tenements or in any case of a lodging-house the controller of the place.

MR. A. J. WILSON: What is a lodging-house? That is the question.

THE COLONIAL SECRETARY: Any place that is let out to tenants. This Bill has made ample provision to protect every mode of dwelling in this State.

MR. H. BROWN: Read Clause 108.

MR. A. J. WILSON: Yes; do that.

THE COLONIAL SECRETARY: There is no necessity for members to think there is any dwelling that is not provided for in the measure. The leader of the Opposition took exception to the portion of the measure which places too much power in the control of the Minister. The hon. member took exception to the Minister and the Governor-in-Council having the power to dismiss the local officers of public health. In Section 20

of the existing Act there is exactly the same power.

MR. GREGORY: That does not make it any better. You must defend your own clause.

THE COLONIAL SECRETARY: The member for Guildford wanted to know why a departure was made from the old measure, and why this new measure was so autocratic. The old Act is practically the same word for word. It is proof that the attack was not made upon the measure but upon myself.

MR. H. BROWN: No, no.

THE COLONIAL SECRETARY: That was the position taken up. Hon. members made attacks on clauses in the Bill which are taken from the existing Act word for word where they would apply to this measure.

MR. A. J. WILSON: We will prove the contrary when we get into Committee.

THE COLONIAL SECRETARY: The hon. member tried to prove to the contrary in his second-reading speech.

MR. A. J. WILSON: And succeeded.

THE COLONIAL SECRETARY: Until I pointed this out.

MR. A. J. WILSON: You are afraid to quote the clause.

THE COLONIAL SECRETARY: I am quoting Clause 20.

MR. A. J. WILSON: I refer to Clause 108.

THE COLONIAL SECRETARY: I am quoting the clause to which the member for Guildford took exception. The same clause existed in the old Act. The member for Coolgardie (Dr. Ellis) made a general charge, not against the Bill but against the draftsman. The hon. member said he did not complain so much of the Bill as of the draftsmanship. The draftsman of this measure had before him the New Zealand Act of 1900, the Queensland Health Act of 1900, the New South Wales Act of 1902, and the South Australian Health Act of 1898. If the draftsmanship of this Bill is faulty it reflects on the draftsmanship of all the up-to-date measures now in force in Australia. It is only a proof of how members make statements in the House which on farther consideration I am sure they will be sorry they have made. A member who makes statements like those by the member for Coolgardie cannot have read the measure, and if the member for Coolgardie were in

his place to-night he would not contradict me when I say that before the hon. member spoke he had not read the measure. The member for Coolgardie also complained that no provision was made outside of local authorities. Clauses 19, 20, and 23 make ample provision.

MR. A. J. WILSON: Nominee boards.

THE COLONIAL SECRETARY: I will deal with that aspect of the question before I sit down. The member for Boulder pointed out that there was to be a complete change in regard to municipalities. I say that the only change will be for the better. The municipalities of this State are now boards of health; but I am sorry to repeat what I said in moving the second reading, that the municipalities look on public health matters as a last consideration. The member for Perth, who is mayor of the city, will realise the truth of my statement. I do not say that in regard to all cases, but in regard to a large number of cases municipalities, especially in larger centres, do not look well after the public health.

MR. H. BROWN: Not Perth.

THE COLONIAL SECRETARY: That is not borne out by facts. In the smaller outlying districts the municipalities are more active in regard to public health matters. The member for Menzies, who has travelled a great deal in the back country and has lived in the back country, knows what I say to be true, that small municipalities take a livelier interest in health matters than the larger municipalities do. This Bill makes municipalities, local governing bodies, primarily responsible for the public health. There will be no change; at any rate the only change will be that the responsibility will be with the council to look after sanitation. That disproves the statement made by the member for Boulder, and in a large measure by the member for Forrest, in regard to nominee boards. The Bill provides that the councils elected by the ratepayers shall be the local governing bodies in regard to public health matters; also roads boards, which are elective, will be the local governing bodies. The Bill only provides for nominee boards in outlying districts, in large areas controlled by roads boards which are practically capable of controlling their large areas for road-making purposes; but we think from our

experience of the State that though the roads boards can control large areas for road-making purposes they are not able to efficiently serve the large areas for health purposes. The Bill makes provision by which these areas, which are too large to be controlled by roads boards, shall be controlled by nominee boards. A district is proclaimed by the Governor-in-Council, and the boards will have to be nominated. The people are so scattered that it is almost impossible to get a place in which a board may meet. The member for Forrest may be able to point to places near the timber mills, but there are large areas practically unpopulated, and these will be taken out of roads board districts. There may be some force in the argument of the hon. member in regard to timber mills. I believe that in the hon. member's district there are places where there is neither a municipality nor a roads board, for the hon. member said in his speech that there was neither of these bodies in parts of his district; that being the case, these areas will be controlled by nominee boards. If there are no municipalities or roads boards in the hon. member's district, then his electorate must have been well treated by the Government, for the part I travelled through has good roads. I do not know how health matters are looked after. So far as nominee boards are concerned members will understand that it is the desire of the Government that there shall be nominee boards only in places such as I have described, where it is impossible to control the district in any other way. I hope members will take that matter into consideration, and remove from their minds the impression that I have any desire to appoint nominee boards. I am equally as democratic as the member for Forrest in that particular. I would like local governing authorities to have full power to deal with health matters within their own borders; but it is only when the local authorities fail to carry out the measure and fail to look after their own sanitary arrangements in a proper way that the chief officer of public health steps in, and the only time when the chief medical officer of health will step in will be, as I have said before, in cases of infectious disease. I have explained that matter fully and will not go into the details again. The member

for Bunbury, who is absent, was very anxious to find out where the power of the local authority started and ended in regard to quarantine. The quarantine authority's power begins and ends as I will point out. The sea quarantine authority ceases as soon as a vessel is alongside the wharf. Before the passengers are landed the ship is boarded by the quarantine officer, and pratique is granted by him if no sickness is on board and the vessel is clean; otherwise the vessel is retained in quarantine and detained under the quarantine regulations of the Quarantine Act. That is for the information of the member for Bunbury. I believe there was some difference of opinion as to who should take charge of one person who was suffering from an infectious disease and who was landed and subsequently died. I find on inquiry from the Principal Medical Officer that some hitch occurred between the authorities, which accounts for the difficulty spoken of by the member for Bunbury. The member for Forrest objected to the clause dealing with servants being held responsible for the sale of milk. It is necessary that this Bill should protect the employer in some way. While I have all my life been on the side of the employee—and I am still so—I do think where the milk leaves the dairy and in some cases has to be taken a mile or two under the care and control of the employee, when it is purely out of the employer's control, that it is necessary, if the milk is found bad on the rounds, that the employee should be held responsible in some way. I will refer members to Clause 154 of the Bill as to when an employee is responsible. Though an employee is found guilty of selling milk not up to the standard, the fine is not enforced until the employee has an opportunity of proving that he is innocent, and that when he took charge of the milk it was adulterated by the employer. I have heard statements made—I do not know if they are true, but members who live in the cities can say whether it is so, and the member for Perth, who has been a long time in Perth, may be able to say whether it is correct—that drivers of carts in going round the city have been found, whether employee or employer, watering the milk in front of the eyes of customers. If that be so, I say the

employee should be held responsible. It is unfair for any member to say that Clause 154 is not fair and equitable. I say in such instances the employer requires some consideration, and provision is made by which both the employer and employee are held responsible. Both parties will be fined, but only one held responsible for the adulteration or the unwholesome product which is supplied to customers. I think that when members read that clause of the Bill, and the Bill goes into Committee, the great objection raised by the member for Forrest will be removed. Now we come again to the clause which raised the ire of the member for Menzies (Mr. Gregory) and also the anger of the member for Perth (Mr. H. Brown). They pointed out that this Bill would work a hardship upon the druggists and chemists of this State if passed and put into operation. I am not one of those who would stand in this Chamber and advocate that because some person or persons obtain supplies in the way of drugs or any other food for human consumption which are adulterated and unfit for such purpose, they should not be confiscated. I am not here to advocate property in preference to human life. Those members are perfectly satisfied in their own minds that to-day we have in Perth adulterated drugs, drugs that are not fit to be put on the market, drugs which this Bill would not allow to be sold. We find hon. members contending that if these drugs are thrown upon the owners, thousands of pounds will be lost if this Bill is passed without giving them the opportunity of disposing of their drugs, which are not fit for consumption.

MEMBER: You cannot sell Condy's Fluid under the Bill?

THE COLONIAL SECRETARY: If what I urge is correct, I hope members will abandon that position and will help me. I desire to place a clause in the Bill protecting human beings in this State, and in Perth especially, against unscrupulous importers who will import drugs into this country which are injurious to the health of the State. I hope I shall never be found in this Chamber advocating property in preference to human life. The member for Perth complains of the largeness of the measure. That is one of his great objections. In the early part of this session, when

the present Government took office a charge was levelled against them of introducing Bills which were only small amending Bills, trivial Bills. Why, it was asked, did the Government not bring down a measure worthy of them, and not small amending Bills? Then as soon as a large and comprehensive measure comes down to deal with matters of public health, the same member finds fault with the Government because the Bill is too large in volume. The objection of the member for Perth is not an objection to the size of the Bill, but, from his previous statement, to the completeness of the measure to protect the public health of this State and prevent drugs from being sold at the cost of human life. This is the objection of my friend the member for Perth to this Bill; not the largeness but the completeness of the measure to cope with the public health of this State. My friend the member for Pilbarra (Mr. Isdell) was moderate in his remarks on the measure. He pointed out that the Bill made no provision for the loathsome disease known as leprosy. That is the only complaint of which I made a note. I would like to draw the attention of the hon. member to page 4, where it points out what are considered infectious diseases. I will quote from the clause dealing with that, so that the hon. member will be able to see what I mean. It points out that infectious disease means bubonic or Oriental plague, smallpox, cholera, diphtheria, and a number of other complaints. The paragraph includes the words "any other disease which the Governor from time to time by notification in the *Government Gazette* brings under the provisions of this Act, either generally or in respect of any particular place." Ample provision is made to cope with the disease in regard to which the member for Pilbarra thought no provision was made.

MR. RASON: Will that get rid of the leper?

THE COLONIAL SECRETARY: I do not know that the member for Pilbarra asks that the leper should be got rid of. I think perhaps the member for Pilbarra is more humane than the member for Guildford. He feels that the person suffering from leprosy cannot help it, and that life is as sweet to that

person as it is to any other person in the State. He only desires that some provision shall be made in the measure whereby the person suffering from this loathsome disease shall be carefully and well looked after. I am thankful to my friend the member for Roebourne (Dr. Hicks) for the manner in which he dealt with the technical clauses of the measure, the portions dealing with medicine. I am sure the House has profited by the speech of the hon. member. When dealing with the measure otherwise, he urged that the Bill should not be placed under political control. I think that when the hon. member goes farther into the measure, or when that portion of the Bill is before Committee or before a select committee, there will be ample opportunity for him to hear evidence, and he will find the Bill will be better administered departmentally than otherwise. The hon. member has a perfect right to his opinion, but I certainly think the Bill will be better administered departmentally than otherwise. There has been a general opinion by some members that the Bill should be placed under a Commissioner. I said when introducing the Bill, there was no desire on my part to place the public health under the control of a Commissioner. That would remove responsibility from the Minister in charge, and I believe the Minister administering the Bill should be responsible to Parliament, and through Parliament to the people. If the Minister administers the Bill in a manner considered unfair to any section of the community, the member who represents that portion of the community can get an explanation from the Minister on the floor of the House as to why certain administration has taken place. I think that is better than having it under the control of a Commissioner outside all possible chance of an explanation. My friend the member for Kimberley (Mr. Connor) pointed out the hardships entailed on certain sections of the community having to go from the port right back into the interior of the Kimberley country for shearing and wool-growing and stock-raising. I realise the difficulty under which these people exist, having for many years been following a similar calling, and in Queensland in a similar climate. As to the request to the Govern-

ment to as far as possible compel all employers—station managers, station owners, or any other employers—to have a medicine chest on the station, to be able to supply medicine for fever—as I am told by the member for Kimberley that is the disease most prevalent there—I am sure I shall not lose sight of this point, and I will endeavour to have it carried out. I do not know whether it would be any use to pass anything like that in this measure. I feel sure the hon. member was suffering under what he thought was an injustice to his electors, and he took the opportunity in regard to this measure to bring the matter before Parliament or before the Government. Realising that, I will try to do something to remove the hardships under which these men exist; but regarding his suggestion to make hospitals at a distance of 250 miles in a large stretch of country where there will be only a few people living, I do not see how we can put a hospital on such track for those stations. I feel confident there is no provision in this measure by which either of these matters can be dealt with. The member for Murray (Mr. McLarty) pointed out that he recognised the Bill as a fair one, but that the portions dealing with dairies were rather stringent. I would like to point out to my friend that the whole power of this administration is in the hands of the local authorities. In his district, where dairies are carried on I believe on a large scale, as in other parts of this State, there are local bodies, and they should know what is best for themselves. If the local people in the hon. member's district or any other member's district desire to look after the sanitation of that place, they should be the judges of what is best. I think I have realised the objection of the hon. member, and I believe he thought the standard up to which dairies will be compelled to be kept in Perth and the suburbs will be enforced upon people in the country. I am of opinion that any sensible man would think the standard of a dairy for cleanliness in thickly populated places should not be required in country places. As the hon. member pointed out, when dairy cattle are kept in clean grazing paddocks and not within doors, it will not be necessary to have so much cementing

and paving as will be required where cattle are constantly in yards or sheds. That matter will be left to the discretion of the inspector, who will receive his instructions from and have by-laws provided by the local governing body. I therefore think that the hon. member and others representing rural districts may be perfectly satisfied when they know that the local governing body will be charged with looking after the health of the district. I will not detain the House longer; but I hope that the measure, after investigation by a select committee, will without much alteration meet the views of hon. members. I did not notice any desire for drastic changes on the part of those who criticised the Bill. After second reading, I will move for a select committee.

Question put and passed.

Bill read a second time.

Bill referred to a select committee comprising Mr. Bath, Mr. H. Brown, Mr. Gregory, Mr. Henshaw, with the Colonial Secretary as mover; to report this day fortnight.

#### ADJOURNMENT.

The House adjourned at 29 minutes past 10 o'clock, until the next day.

## Legislative Assembly.

Wednesday, 9th November, 1904.

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

PRAYERS.

#### FINANCIAL STATEMENT, WHEN.

THE PREMIER informed the House that on the next Tuesday he would move, "That the House do now resolve itself into a Committee of Supply to consider the Estimates for the year 1904-5." It had been his intention to move this to-morrow (Thursday); but a number of members having asked him, as they would be unavoidably absent to-morrow, to make a postponement until Tuesday next, he had agreed to do so.

#### QUESTION—UNIVERSITY ENDOWMENT, PARTICULARS.

MR. WATTS asked the Premier: 1, What area of land, if any, has been granted for the purpose of a University? 2, In what districts is the land situated? 3, Has the certificate of title been issued for such land, and on what date were such grants made? 4, If so, should not Parliamentary sanction have been obtained before granting land for such a purpose? 5, What is the approximate value of the land granted?

THE PREMIER replied: 1, 4,212 acres 0 rood 18 perches have been granted for University endowment. 2, Swan (Claremont, Karakatta, and North Fremantle), Cockburn Sound, Avon (Pingelly), Williams (Cuballing, Narrogin, and Wagin), Kojonup (Katanning and Broomehill), Plantagenet (Mount Barker). 3, Yes. The grants were made in July and August last. 4, "The Land Act 1898" provides for making such grants without Parliamentary sanction. 5, About £133,000.

#### QUESTION—RAILWAY PREFERENTIAL RATES FOR JARRAH.

MR. BOLTON (for Mr. Henshaw) asked the Minister for Railways: 1, Are preferential rates granted on the carriage of sawn or hewn jarrah from the South-Western Districts to Fremantle? 2, If so, is there any differentiation between the various milling companies, and to what extent?

THE MINISTER FOR RAILWAYS replied: 1, No. 2, No. If the hon. member, however, refers to a rate quoted to Messrs. Millars in November, 1903 (and which runs out on Saturday next), an arrangement for full train loads from