

## ADJOURNMENT, ROYAL SHOW.

The PREMIER (Hon. J. Mitchell—Northam) [11.14]: I move—

That the House at its rising adjourn until 4.30 p.m. on the 7th inst.

Question put and passed.

*House adjourned at 11.15 p.m.*

## Legislative Council,

*Thursday, 7th October, 1920.*

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

## QUESTION—CATTLE, ALLEGED CRUELTY.

Hon. J. DUFFELL asked the Honorary Minister: 1, Has he seen the report in "The Fremantle Herald" of Friday, 1st October, headed "Inhuman Brutes," referring to the discharge of cattle from the s.s. "Gorgon"? 2, Is it a fact that half-dead cattle were hoisted out of the boat by a sling attached to the horns, placed on top of dead beasts, and allowed to die in agony?

The HONORARY MINISTER replied: 1, My attention was drawn to the report. 2, The S.P.C.A. has an inspector investigating the circumstances.

## LEAVE OF ABSENCE.

On motion by Hon. J. Cornell (for Hon. H. Stewart), leave of absence for 12 consecutive sittings, granted to the Hon. J. A. Greig (South-East) on the ground of ill-health.

## BILL—PARLIAMENT (QUALIFICATION OF WOMEN).

Reinstated.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.34]: I move—

That whereas, when the question was put for the second reading of the Parliament (Qualification of Women) Bill, the provisions of Standing Order No. 234 were not complied with, no division having been called, the question for the second reading be reinstated and made an Order of the Day for the next sitting.

Members will recollect that at the last meeting of the House, after I had moved the second reading, the motion was seconded and no member evincing any desire to speak, the question was put by the President, and it appeared that there were only 11 members in the Chamber at the time. Standing Order 234 provides that, on the second reading and third reading of any Bill for an amendment of the Constitution, a division must be taken. Had a division been called for on that occasion there were within the precincts of the House considerably more than an absolute majority of members. Of course I have no idea as to how members intended to vote. Had a division been taken and an absolute majority not been in favour of the Bill, I should have had no more to say; the Bill would have lapsed. But it is not the desire of any member of the House that we should legislate, or fail to legislate, because members are not asked to express an opinion. Since the Standing Order is mandatory on the point that a division shall be taken and as a division was not taken it seems to me that the proper course is to reinstate the Bill and give members an opportunity to record their opinion.

Hon. J. J. HOLMES (North) [4.37]: I understand that our Standing Orders are definite and explicit on another point, namely that when a Bill is once laid aside, it cannot be reintroduced during the same session. This Bill was laid aside the other night. True, no vote was taken, but it was a Bill to amend the Constitution and required to be carried by an absolute majority of the House. As there were only 11 members present there was, consequently, no necessity to call for a division. To my mind the Bill was laid aside under our Standing Orders, and I raise the point as to whether it can be reintroduced this session.

The PRESIDENT: I may say for the information of hon. members that I propose, before putting the question, to make a few remarks as to what I consider the constitutional aspect of the question, but I shall not do so until I am about to put the question.

Hon. J. CORNELL (South) [4.38]: I do not desire to oppose the reinstatement of the Bill. I understand that there is another Standing Order which is definite and explicit,

namely that a division cannot be called for unless there are two members who vote contrary to the remaining members. In this case there was only one No. My reading of the Standing Orders is that, in order to correctly ascertain the resolution of the House, a division shall be taken. The marginal note is clear for it states "Division on second and third reading." Under that Standing Order I take it that the House should have divided on the second reading.

Hon. Sir E. H. WITTENOOM (North) [4.39]: I have no desire to oppose the Bill but I wish to be sure that we are taking a proper course in reinstating the Bill. The President declared the Bill laid aside because there were not sufficient members in the House at the time and; therefore, it was impossible to carry the Bill whether a division was called for or not. All I desire is that, if the Bill is reinstated, it will be done in such a manner that there can be no question under our Standing Orders.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [4.40]: So far as the remarks of Mr. Holmes affect the question of whether this course can be taken or not, I leave that entirely to the President. The point I take is that the second reading has not been negatived because the procedure laid down under the Standing Orders was not complied with. Any course of action taken in the House by inadvertence or mistake could not stand. Suppose, for the sake of argument, the second reading had been declared carried and we had gone into Committee, and had found subsequently that only 11 members were present. Although the second reading might have been declared carried, the vote could not stand because we had not done what we were compelled to do. Conversely, I argue that if it is said that the second reading was not passed—and the second reading is not passed until the procedure set out by our Standing Orders has been complied with—then that cannot stand. In other words we must proceed in accordance with our Standing Orders and, if anything is done irregularly, it cannot stand. If anything is left undone which our Standing Orders say must be done, we must go back to that point and comply with the Standing Orders. Standing Order 234 reads—

A division shall be taken on the second and third reading of any Bill by which any change in the Constitution of the Council or Assembly is proposed,

Hon. J. J. Holmes: Read the remainder of the Standing Order.

The MINISTER FOR EDUCATION: The Standing Order continues—  
and if it appears from the result of any such division that the second or third reading, as the case may be, has not been passed with the concurrence of an absolute majority of the whole number of the

members for the time being of the Council, the Bill shall forthwith be laid aside without Question put and shall not be revived during the same session.

I emphasise the words "if from the result of any such division." Had the division been taken and an absolute majority not been in favour of the question, I quite agree that the Bill would have been rightly laid aside and could not be revived during the same session. Sir Edward Wittenoom suggests that if a division had been taken the requisite number of members were not present to vote. I have already pointed out that the requisite number of members were within the precincts of the House, but they did not happen to be in the Chamber at the time. When the President put the question I suggested that the bells should be rung but you, Sir, did not consider that a proper course to take and it was not done. I maintain that the latter portion of Standing Order 234 is entirely dependent on the first portion having been carried out and, just as we could not proceed without carrying out the Standing Orders, so we should not lay aside the Bill because the Standing Orders have not been carried out.

The PRESIDENT [4.44]: Before putting the question I would like to explain that the Standing Orders of this House, or of any other House of Parliament, are there for the help and not the hindrance of public business. The Standing Orders are the creation of Parliament itself. Parliament has the right to suspend the Standing Orders at any time, being guided in the exercise of that right only by the urgency of the occasion. With regard to my refusal to ring the bells, the only occasion on which, in my opinion, I can order the bells to be rung is when it is evident that there is not a quorum of the House present. I do not consider it competent for me to call for a division. Indeed, the only way to effect the result which the Standing Orders contemplate would be for me to follow the course which I intend to pursue in future, that is, when the question is put, to give my verdict in favour of the Noes. Then those responsible for the Bill will be forced to call for a division. In the circumstances that is the only way in which, in my opinion, the Standing Orders can be complied with. Another interesting point in regard to this matter is that it is the duty of members, not of the President, not of the leader of the House, to keep the House. It is the duty of members themselves to be in their places. The whole of our Standing Orders are constructed on that basis. With regard to the Bill, I hope the leader of the House will accept the suggestion that, in any Bill amending the Constitution it is, if not necessary, eminently desirable, that the Bill should be entitled "Constitution Act Amendment Bill" followed by the particular subject matter of the Bill. The title should begin by laying

down the fact that the Bill in question is an amendment of the Constitution, thus giving members an opportunity to realise the importance of the question. As I have said before, I do not consider that it is competent for me to call for a division; that lies entirely in the jurisdiction of the House. The only occasion on which I can order the bells to be rung is when I perceive myself, or when my attention is called to the fact, that there is not a quorum present. On the occasion in question there was a quorum present.

Hon. J. J. Holmes: There is a point that has not been dealt with. The Standing Orders provide that there can be no division unless there is more than one voice. On this occasion there was only one "No," and that "No" was myself.

The PRESIDENT: I think the hon. gentleman raises this as a point of order. The effect of the Standing Order in question is that there shall be no division unless there is more than one member voting on one side. I consider that one member can call for a division; but if it appears, when the division is about to be counted, that he alone is on one side, then the division is called off and is not entered in the minutes.

Question put and passed; the Bill reinstated.

#### BILLS (2)—THIRD READING.

1, Westralian Meat Works.

Passed.

2, Prices Regulation Act Amendment and Continuance.

Transmitted to the Assembly.

#### BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second reading.

Hon. J. E. DODD (South) [4.51] in moving the second reading said: The Bill before hon. members seeks to amend the Municipal Corporations Act in the direction of giving municipal corporations optional power of rating on the unimproved value of land. At present municipalities have only power to rate either on the annual value or on the improved value. This Bill, if passed, will alter that position so as to give municipal corporations the power to rate on either the annual value or the unimproved value. The Bill provides a definition of "estimated capital unimproved value" in the following words—

The price at which the land in fee simple unencumbered by any mortgage or charge thereon, and if no improvements existed thereon, might be expected to sell at the time when valued.

Provision is also made for a limitation of rates, namely that they shall not exceed six-

pence in the pound on the capital unimproved value of the ratable land. Some doubt exists as to what should be the percentage of rating on the capital unimproved value; that is to say, the percentage in relation to the improved value. However, sixpence in the pound is the maximum fixed for rating on unimproved value in the City of Perth Endowment Lands Bill, which is now before Parliament; and that is considered a fair ratio. Provision is also made that a rate may be struck on the unimproved capital value in respect of any loans which may be raised. Here also the Bill seeks to observe the proper ratio, fixing the maximum at 3.3/5d. in the pound. Again, provision is made that where there is a desire to bring this system of rating into force, 100 ratepayers may submit a petition to the mayor asking that a poll be taken to decide which system of rating shall be adopted, whereupon a poll must be taken. Further, in the event of rating on capital unimproved value having been resolved upon and, later, 100 ratepayers submitting a petition asking that the municipality revert to the old system, a poll must again be taken to decide which system of rating shall be adopted. I do not know that in this House it is necessary to give many reasons why this Bill should be carried. It seems to me that a Chamber which has passed a resolution in favour of unimproved land values taxation in respect of our railways, with a corresponding reduction in railway freights, does not require many reasons for adopting a Bill of this nature. I would very much have preferred to bring forward a Bill basing the rating on the annual rental value; but on going into the matter I found that that system did not seem to find much favour with municipal authorities, and certainly it presents considerable difficulties in drafting. Consequently, I have had this measure drafted to provide for rating on the capital unimproved value instead of the annual rental value of land. I may briefly give a few reasons why the principle of rating proposed in this Bill should be adopted. Rating on the improved value of property undoubtedly penalises the man who spends money, the man who is seeking to improve his town. If a man builds a factory, a warehouse, or any business premises whatsoever in a municipality to-day, he is taxed because of his enterprise. If a man enlarges a factory or a house—say he puts up a verandah or an extra room, or in any way enlarges his property—he is called upon to pay an increased tax for doing so. As I have stated here previously, we pay upon the use we make of land, and not upon the value of land. To me it seems an anomaly that a vacant block of land should pay next to nothing in the shape of rates, while land upon which the owners have erected houses bear practically the entire burden of municipal rating; the owners of the vacant blocks meantime reaping the benefit of the enhanced price of land. There was a time when a British Statute imposed a tax upon windows. Anyone putting win-

dows in his house was taxed upon the number of windows he had; and if he put in an additional window, his tax was increased. The consequence was that people would not put windows in, and there were in England a large number of windowless houses. In Palestine and Arabia only a short time ago there was a tax on date trees; and as a consequence the inhabitants would not plant date trees, and thus industry was retarded and those countries went back. We find that some of the large business establishments of this town, such as Boan Bros. and Brennan Bros., and others, are built alongside property upon which no improvements have been made for many years. The owners of some of these unimproved properties are wealthy individuals. I know of one of them who is very wealthy indeed, and who never improves his property in any shape or form. The consequence is that the owners of large establishments such as I have referred to are compelled to pay very much higher rates because of their enterprise in building, because of their industry in making the town beautiful and prosperous, while owners of the other class get off almost scot free. Another reason why this Bill should pass is that the system of taxing on unimproved values will force land into use, and, moreover, force it to be put to its best use. The owners of vacant land will, under this system of rating, be obliged either to use it or to sell it. Another advantage is that the system will lower rates. At present people are forced into the outskirts of the town to find land upon which they can build—at least, that applies to the poorer class, of people. They cannot get hold of land in the town or anywhere handy to the town. By reason of their being forced into the furthest parts of the urban district the council have to build long miles of footpaths and many miles of roads; and the increasing cost of construction and maintenance is a very big item indeed in the expenditure of municipalities. We find roads and footpaths being carried past hundreds of blocks which are vacant and of which no use whatever is being made. Almost every municipal convenience has to be carried out miles and miles further, in the aggregate, than there would be any necessity for doing if only the land was forced into use. When one thinks of such conveniences as gas and electric lighting, street watering, latrines, the planting of ornamental trees, protection against fire, and so forth, one realises the huge increase of the burden on people who are paying taxes, an increase due simply to the fact that the owners of certain land are not prepared to use it, or at all events not prepared to put it to the best use. The same thing applies in the case of the State. The State also is compelled to carry its trams, schools, savings bank agencies, sewerage, and other conveniences required for the welfare of the people, far beyond the limits that would suffice if so much land were

not held out of use. Similarly, the Federal Government are compelled to extend their telegraph and telephone services quite needlessly. In a thousand and one ways the present system of rating means increase of cost to the rate-payers, the State, and the Commonwealth. There is also another reason—and I think this is the chief reason—for adopting the system of rating which this Bill proposes; and that is that it is a just method of rating. As Henry George once expressed it, this method of rating takes for the community that which belongs to the community, and leaves to the individual that which belongs to the individual. I wish to place before the House a few statements made by those who are better able to judge of the effect of a change of this description, and I think the statements will appeal to hon. members more than any words of mine. I believe that to-day there is an almost universal desire throughout Western Australia for this system of taxation. In 1914 the following letter was sent to every municipal council in the State by Mr. Cargeeg, the town clerk of South Perth—

I am directed by my council to ask you to bring the following motion, carried at the last meeting, before your council, as a subject worthy of support: "That the Government be urged to amend the Municipal Corporations Act, 1906, to allow for rating on the unimproved values, instead of as at present, on the annual (improved) values." There is apparently a growing feeling against the present system of municipal taxation, which punishes the man who puts his money into bricks and mortar, whilst the owner of unimproved land reaps the benefit of increased facilities and values without contributing proportionate taxes. The time is considered opportune just now to urge for an amendment of the Act in this direction. When the present Municipal Act was before Parliament a clause was inserted giving municipalities the option of rating on unimproved values, but the Legislative Council rejected it.

That was in 1906. Since that time we have moved along considerably; the Legislative Council has carried a resolution in favour of land values taxation in reference to railway freights. Mr. Cargeeg goes on in his letter—

Since then, however, the Roads Act has been passed containing this optional provision (vide Secs. 195-6) and almost without exception, road boards have adopted it in preference to the "improved value" system, a convincing argument that the equity of the method is recognised. If it is recognised as the most equitable system for road board districts, the argument applies with increased force to municipalities, where the number of improved properties is so much greater. Trusting your council will see its way to support this movement and urge its Parliamentary representatives to do so.

Mr. Cargeeg also wrote to the Parliamentary representatives. He received the following replies from municipalities:—

**Collie**—My council will give it their strongest support and will urge our Parliamentary representative to support the amendment.

**Wagin**—My council unanimously favours the Municipal Act being amended in the direction of giving councils an opportunity to rate on unimproved values, provided the option of rating on annual values is retained.

**North Fremantle**—Matter already discussed by this council and nothing definite has been arrived at.

**Geraldton**—My council has decided to support the movement and the representatives of the district will be informed accordingly.

**Albany**—My council decided by resolution to endorse and support the proposition and will immediately convey to the member for Albany and the members for our province my council's wishes in the matter, and also send them a reminder when the proposal comes before Parliament.

**Claremont**—This council cannot agree to the resolution in its present form, but if it can be made optional to rate on unimproved or improved values the council will readily concur.

**Victoria Park**—This council endorses the principle and has been urging same for some years.

**Kalgoorlie**—This council supports if made optional.

**East Fremantle**—This council is in support of the principle. Parliamentary representatives always supported it and will do so again.

**Midland Junction**—The council has always advocated the unimproved land values.

**Narrogin**—Council in accord if made optional.

**Subiaco**—Council in accord if made optional.

**North Perth**—Council ardent advocate of allowing municipalities the choice of rating on either system, preferably unimproved value system.

**Boulder**—Council is thoroughly in accord.

**Leederville**—Council supports and will urge representatives to support amendment.

**Perth**—Council has requested Government on various occasions to amend Act on lines suggested.

**Carnarvon**—Council quite in accord.

**Broome**—Council thoroughly in accord.

Those are the replies that were received at that time by Mr. Cargeeg, and only one of the bodies addressed had not really considered the matter. The town clerk goes on to say—

It is an extraordinary fact that the most universally desired provision, namely, "the option of rating on unimproved values," is not included amongst Mr. Angwin's amendments—

I am reading now from a letter addressed by Mr. Cargeeg to several members of Parliament in 1919—

and my council wishes that this matter be most vigorously urged by you. Every municipality in the State, both at conference and individually, has consistently asked that the Act be amended to give municipalities the same powers as road boards, in this direction, and although members of Parliament promise their support nothing is done in the matter. A golden opportunity presents itself now and it is hoped that you will take advantage of it to urge that municipalities be given the option of rating on unimproved values on the lines of the provisions already included in the Roads Act.

At a conference representing all local governing bodies in the State, which sat in Perth on the 25th, 26th, and 27th March, 1918, the following motion was carried:—

That the Government be requested to amend the Act to give councils or road boards the option of rating on the unimproved land value system.

Mr. Cargeeg makes the following comments:—

Our present method of rating is outlined in the Municipal Corporations Act, and is, I contend, unfair, for this reason: where two allotments of equal value adjoin one man improves his allotment by building and residing on it. The council has to extend roads, footpaths, electric light, and similar conveniences which equally increase the value of both allotments. The man who has built finds his rates increased from say £1 to about £8 or £9, whilst the other man who keeps his land idle waiting for the unearned increment still only pays £1.

What follows is of considerable interest—

The fair thing would be that each of these allotments should pay an equal rate. In the municipality of South Perth we have say 8,000 allotments, only 1,000 of which are improved. The 1,000 which are improved contribute approximately as much as the 7,000 which are unimproved. The 1,000 act as pioneers, whilst the 7,000 sit back and watch the value of their land increase as a direct result of the enterprise of the people who have improved the locality. In the case of unimproved land, the annual value is  $7\frac{1}{2}$  per cent. of its fair capital value. For instance, if we value a block at £100 its annual value is £7 10s. Our rate in the pound (municipal, loan, health, etc.) totals 3s., and this block would pay 3s. on £7 10s., equal to 22s. 6d. per annum. From the foregoing I have tried to make it clear that under the present system a man is penalised to the extent of about £8 directly he builds on his land. If we were rating on the unimproved values, the owners of the improved and unimproved lands would pay the same rate, and this is only fair, because the man who keeps his land idle waiting for the unearned increment should pay as much as

the man who is making value by utilising his land.

Mr. Cargeeg also states—

There is so much vacant land in proportion to improved land that a small addition to the tax on vacant land will compensate for a considerable reduction on improved properties, and still enable the local governing body to maintain its revenue.

Mr. Cargeeg has taken a great deal of interest in this question of unimproved values taxation in relation to municipalities, and on two occasions representative conferences of the municipalities have carried resolutions in favour of the system. The last conference, which sat here in 1918, was representative of all bodies right from Meekatharra, Kalgoorlie, and Albany to Perth. There were 54 or 55 bodies represented at that conference, so that members will readily understand that there is a general desire throughout the State amongst the people chiefly interested that this reform should be brought about. The last report of the Perth City Council contains a few references to the matter which are somewhat interesting, one particularly in which the mayor refers to the question of rating, and advocates a betterment tax. He states in one paragraph—

In the past, many landowners have benefited enormously by public works being carried out in proximity to their property, and, in the absence of the necessary legislative enactment, no portion of this increased value has been received by the local authority.

Mr. Lathlain does not altogether advocate unimproved values taxation here, but he advocates a tax on the betterment system which, although an improvement on the system in force at the present time, is not to be compared so far as justice is concerned to a general system of unimproved land values taxation. Wherever land is improved it all helps to make a town prosperous, no matter where it may be situated, and to my mind we should tax not only a particular property that is being benefited by the construction of roads and other improvements, but the whole of the unimproved land values in a municipality. There is no need to say any more on this matter. I am sure that the House will reverse the vote it gave in 1906, because I do not think that anybody can deny what is being asked by all the principal bodies throughout the State affected by this system. Further than that, the Bill does not provide that the system of rating shall be made compulsory. It only provides that it may be optional, that is, if a majority of ratepayers, voting on the mayor's roll, decide that this system shall be adopted, it must be adopted; but if the majority think otherwise, it will not be adopted. I have often said in regard to this Chamber that all the criticism directed against it has not been justified, and I have given reasons for saying so. I am not a friend of the franchise of the Legislative Council; at the same time I realise that much of the criticism directed

against the Chamber has not been justified, and I have given instances to show that the Chamber has been more democratic and more just than another place. We have now the opportunity before us to initiate what is to my mind the most desirable reform that has yet been established by Parliament, and I believe that members will look at it in that light and let the country at large see that they are not the crusted Tory and uncompromising crowd they are said to be by a large number of unthinking people outside. I hope the House will adopt this principle, which has been carried out and enforced in quite a number of other parts of the world, and most successfully, I believe, in Sydney. I think the unimproved land values taxation adopted by the municipality of Sydney has made that city go ahead by leaps and bounds, reducing the rates and giving conveniences where it was impossible to get them before. I commend the Bill to the House and move—

That the Bill be now read a second time.

On motion by Hon. J. J. Holmes debate adjourned.

## BILL—PREVENTION OF CRUELTY TO ANIMALS.

### Second Reading.

Debate resumed from 5th October.

Hon. J. DUFFELL (Metropolitan-Suburban—in reply) [5.15]: When moving the second reading of this Bill I took particular care to mention that it was based upon the work and observations of the Society for the Prevention of Cruelty to Animals. From the remarks generally passed by hon. members one could not but think that they felt that the work of the Society was conducted in a very arbitrary way, as set forth in the provisions of this Bill. It was like a ray of sunshine when Mr. Sanderson spoke a few words in favour of it. I cannot help thinking that the remarks of hon. members were due to the fact that they had not had time in which to read the Bill carefully. Had they done so it could not have failed to impress them with an entirely different position of affairs. In the drafting of the Bill great care was taken to bring it up to date, to fit in with the needs of the society. As a result of the criticism against the Bill I consulted various bodies outside with a view to ascertaining their opinions with regard to the clauses commented upon, and I have placed on the Notice Paper several amendments which will be dealt with in Committee. Firstly, I have provided an amendment to strike out paragraph (i) of Clause 3. I contend that a 48-hours week constitutes a fair and reasonable demand to make upon horses, especially those engaged in heavy work, and that by consideration of this kind the life and usefulness of these animals should be lengthened by a considerable period. There are conflicting opinions upon the matter, however, and I have now decided to take the

course I have indicated. There was a good deal of comment upon the paragraph dealing with the indiscriminate use of poison. Provision is already contained in the Bill to eliminate any kind of hardship. I find from the American legislation, concerning the societies for the prevention of cruelty to animals there, that this point is regarded in a very serious light. I will read what is said about it there—

A person who unjustifiably administers any poison or obnoxious drug or substance to a horse, mule, or domestic cattle, or unjustifiably exposes any such substance with intent that the same shall be taken by horse, mule, or domestic cattle, whether such horse, mule, or domestic cattle is the property of himself or any other, is guilty of felony, punishable by imprisonment in the State's prison for not more than five years.

From this it will be gathered that the indiscriminate spreading of poison is a serious offence in America, and one which we contend necessitates the putting in of Paragraph (k) to which I have referred.

Hon. J. Cornell: What do they do with chicken catchers?

Hon. J. DUFFELL: It is also provided that it shall be a crime to indulge in the practice of doping racehorses, a practice which, it is believed, is adopted both in Western Australia and other parts of the Commonwealth. The Society has had many cases of this sort brought under its notice, but up to the present there has been no way of dealing with offenders except by the W.A. Trotting Association and the other racing bodies, which are so seriously affected by the practice. If the paragraph dealing with this matter is allowed to remain in the Bill, we think that the penalty provided will in itself be sufficient to deter persons from taking the risk of resorting to such a practice. Another portion of the Bill, to which great exception was taken, Clause 6, is that which concerns the power to be given to officers of the Society. This clause is practically the same as that contained in the Act. When the Bill of 1912 was before the House the Colonial Secretary, in introducing it, referred to Clause 12 and to the fact that the power to be given to officers of the society would be equal in all respects, for the purpose of carrying out that particular legislation, to those appertaining to a police constable. The Colonial Secretary said—

Clause 12 enables any magistrate to appoint officers or agents of societies for the prevention of cruelty to animals, special constables, with all the duties and responsibilities of an officer of the police force of Western Australia.

After the tea adjournment the Colonial Secretary went on to say—

I was dealing with that clause which gives power to a magistrate to appoint any officer or agent of any society for

the prevention of cruelty to animals to be a special constable, and to be liable to all the duties and responsibilities attachable to the police force in Western Australia.

Hon. J. J. Holmes: Did the House agree to that?

Hon. J. DUFFELL: Yes, and it has been in the Act ever since. I will read the section of the Act and explain the result of it—

Special constable may be appointed.—Any Magistrate may appoint in writing under his hand any officer, agent, or servant of any society for the prevention of cruelty to animals to be a special constable to act for such time and within such limits as are appointed, and such special constable shall, during such time, and within such limits, have, exercise and enjoy for the purposes of this Act only, all such powers, authorities and advantages, and immunities, and be liable to all such duties and responsibilities as any constable of the Police Force of Western Australia.

It will be seen from that that the Colonial Secretary was under the impression that the officers of the society had that power. As a matter of fact, it is doubtful whether the power which it was intended to confer would have held good if it had been challenged in court.

Hon. J. Cornell: You want to give even more power than that.

Hon. J. DUFFELL: This is a repetition of what was contained in the old Act, nothing more and nothing less. The clause as now drafted, however, will make it quite clear and plain and beyond any question of doubt. The society has at present something like 100 inspectors in its employment. Out of these only 12 are special constables within the meaning of the Act. It is very important, in conferring this power upon an officer of the society, that the fullest and strictest inquiry and consideration should be given to the person whom it is desired to appoint. The society has been in existence for about 28 years, and there has not been in that time a single challenge of this power. The powers asked for under the Bill are identical with those under which we have already been working. The Bill does not go one step beyond that. All that is required is that we should prevent as far as possible the cases of cruelty which exist at present.

Hon. J. J. Holmes: Is there not this difference, that under the Act the magistrate may appoint, and under this Bill the society makes the appointment?

Hon. J. DUFFELL: The society makes the appointment, inasmuch as it appoints the inspector, but before the society appoints the inspector he has to be well recommended and to be found capable of carrying out his duties. There can be no

fear, therefore, that these officers will overstep the mark. It is not a Bill to persecute, but one to assist the society in carrying out the magnificent work in which it is engaged. This work is being conducted out of funds voluntarily contributed by a generous public, and is being carried out for the benefit and in the interests of all who keep animals, more particularly in the interests of those who live in the remoter parts of the State. During the past 12 months officers of the society have travelled many thousands of miles on motor cycles, and visited those places where there are no railways. They have gone to districts where struggling farmers are located, and have carried out a work of humanity towards dumb animals by giving advice and rendering valuable assistance without fee or reward. Ever since I have been connected with the society I remember only one occasion on which any individual was charged a fee for advice tendered to him, and in that particular case, the officer was immediately dismissed from the society. I mention this in order to show that the object of the society is to do good where it is needed. The provisions contained in the Bill are based on the experience gained by the society. Several amendments appear on the Notice Paper, but there is only one that I desire to refer to, and that is the one in which I desire to confine the embargo against the employment of any person who is under the age of 16 years, in connection with the slaughtering of animals, to abattoirs. I realise that in country places it frequently happens that a youth of under 16 years of age, has to perform the work of killing sheep for domestic purposes.

Hon. J. Cornell: Do you think that a slaughterman is any more terrible than a representative of any other section of the community?

Hon. J. DUFFELL: I think that slaughtering, as referred to in the Bill, has a bad effect on the mind of a child, and when we consider that boys under 16 years of age are only children in the eyes of the law, and are dealt with in children's courts where officers may not be clad in uniforms, one can readily understand that it is imperative that these children should be prevented from engaging in anything detrimental to them in after life. I cannot help thinking that boys should not be allowed to engage in slaughtering where men are employed in cutting up carcasses, and where blood is being shed.

Hon. J. Cornell: You may as well say that because men are engaged in slaughtering they desire to go on killing.

Hon. J. DUFFELL: Slaughtering in the abattoirs and all its surroundings must have a detrimental effect on the minds of such boys, and I hope that the amendment on the Notice Paper will be carried.

The Honorary Minister: Are slaughtermen different from other persons?

Hon. J. DUFFELL: From the point of view that I have referred to, so far as these boys are concerned, the attitude I suggest will have a beneficial influence.

The Honorary Minister: Have they turned out any murderers at all?

Hon. J. DUFFELL: With these few remarks I commend the second reading of the Bill to the House.

Question put and passed.

Bill read a second time.

## BILL—CARRIERS.

In Committee.

Resumed from 5th October; Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 10—Carrier's liable only for such damages as are proved:

The MINISTER FOR EDUCATION: Progress was reported on this clause in consequence of Sir Edward Wittenoom drawing attention to the inclusion of the word "concluded." I readily admit that I thought some mistake had been made, but I find on inquiry that no such position has arisen. The wording used is not in the sense which we generally apply the word "concluded." The clause is taken from the English Act and is, in fact, in the legislation in the Eastern States. The same result would be achieved by the use of the word "bound." I conferred with the Crown Law authorities and they take the view, and I am inclined to agree with them, that it is as well to keep to the language of established legislation which has been subject to judicial interpretation, and consequently it is better to leave the clause as it stands in the Imperial Statute and in the Statutes throughout the Commonwealth.

Hon. Sir E. H. WITTENOOM: In the circumstances, I have no objection, then, to raise to the clause as it stands, but I was concerned in order to get as simple language as possible in the clause. Would not the position be met by the use of the words "liable"?

The Minister for Education: No, that would not meet the case.

Hon. Sir E. H. WITTENOOM: I will not press my objection. I think we should make the language as simple and plain as possible, for we have to remember that not only have we male justices throughout the State but we now have women justices as well. One can imagine what the women justices would understand by the word "concluded."

Hon. T. Moore: Women justices have as much bairs, perhaps, as the men.

Hon. Sir E. H. WITTENOOM: But they have not had the same experience.

Hon. T. Moore: Some of them are better educated.

Hon. Sir E. H. WITTENOOM: I am pointing out that we should try to make the wording of the clause as simple as possible, so that it may be readily understood. I do not wish to draw any distinction between the sexes of justices of the peace.

Clause put and passed.

Clause 11—Act binding on Crown but not on Commissioner of Railways.

Hon. Sir E. H. WITTENOOM: I would like to see this clause deleted altogether because if there is anyone who should be responsible for parcels carried under his jurisdiction, it is the Commissioner of Railways. This clause absolves him altogether, yet he is the man under whose control most of the perishable goods are conveyed from place to place. This clause reads—

This Act shall not bind or be applicable to the Commissioner of Railways but shall in other respects be binding on the Crown and departments and agencies of the Government of the State.

However, I do not suppose my isolated and individual action would achieve any result in altering the clause as it stands, or deleting it altogether. I believe that if we could get more responsibility thrown on the Railway Department in the same way as we are intending to force responsibility on to others, we would be doing good for the community.

Hon. A. SANDERSON: I desire to ask whether this clause will include the Midland Railway Company as well. That is the acid test—I think that is the current phrase—to show how far this clause goes.

The MINISTER FOR EDUCATION: The Commissioner is bound by his own Act. This is not a Bill to throw liability on carriers but it is to protect and relieve them from liability.

Hon. J. J. Holmes: Why protect the Commissioner?

The MINISTER FOR EDUCATION: It limits the responsibility and places the carriers in a better position than before. I am not at present in a position to say whether this affects the Midland Railway Co.

Hon. A. SANDERSON: I sincerely hope that the Committee will find out the exact position before they pass this clause. This is a very good illustration of what the Midland Railway Co. complain of from time to time. Why should the Commissioner of Railways be specially excluded, whether from benefits or disadvantages? Why should he be specially excluded and the Midland Railway Coy. not dealt with similarly? Yet the Minister in charge of the Bill says he does not know. Is that a reasonable way to treat the company? Then there are branch lines belonging to Millar's Timber and Trading Co. I hope the Minister will agree to a postponement of the clause in order to go into the position of the Midland Railway Coy. and inform us as to the effect of the clause.

The Minister for Education: I have no wish to push this clause through. I desire to give members any information they wish.

Hon. A. SANDERSON: Does the Minister not consider that it is a reasonable request to ask for information as to the effect this has regarding the Midland Railway Coy. and why there is this differentiation between the Commissioner and the Midland Railway Coy.

Hon. J. CORNELL: I want the Minister to clear up one point, as well. Assuming Clause 11 is deleted and the Bill is passed, will it make the position of the Commissioner of Railways any worse or any better?

Progress reported.

## BILL—ROADS CLOSURE.

### Second Reading.

Debate resumed from 5th October.

Hon. J. J. HOLMES (North) [5.45]: I moved the adjournment merely to gain an opportunity for looking into the Bill. I have had a glance at the plans on the Table and I find that the closing of Queen's-square appears to be quite in order. It is a large block in Fremantle which has been used as a road but is now required for other purposes. However, some of these other closures may require further consideration. For instance, there is one at North Fremantle. I understand that a private estate, originally purchased from the Crown, was sub-divided with frontages to Phillip-street. The proposal now is to close that street, and I should say it is very likely the owners in that locality will be prejudiced by such closing. In connection with the reservoir for the Persian Oil Company, I have not viewed the locality, but a number of the blocks surrounding the reservoir area are either Crown land or have been sold by the Crown at public auction. I do not know whether the Crown has sold frontages to a street and now proposes to close that street; but if the Crown has sold a man a corner block and now intends to take the corner from him it certainly requires looking into. However, I do not say that it is so.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.48]: If the second reading be carried, I will move that the Committee stage be made an Order of the Day for next Tuesday. In the meantime, I will inquire into the points raised by the hon. member.

Question put and passed.

Bill read a second time.

## BILL—STALLIONS REGISTRATION.

### Second Reading.

Debate resumed from 5th October.

Hon. R. G. ARDAGH (North-East) [4.49]: I have perused the Bill, and I find that in principle it is entirely commendable.

The wonder is that such a Bill was not introduced years ago. Very wide powers are to be given to certain people who will fill various positions. I think those provisions will call for the closest scrutiny when the Bill is in Committee. I feel sure the Bill will have a good effect in improving the class of animals in Western Australia. I support the second reading.

On motion by Hon. Sir E. H. Wittenoom, debate adjourned.

*House adjourned at 5.50 p.m.*

## Legislative Assembly,

*Thursday, 7th October, 1920.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES—RESOLUTION OF LOYALTY—LETTER IN REPLY.

Mr. SPEAKER: I have received the following letter from the Premier, dated 7th October:—

With further reference to the loyal resolution which was passed by the Legislative Council and the Legislative Assembly of Western Australia, on the occasion of the visit of His Royal Highness the Prince of Wales, I desire to inform you that a despatch has been received by His Excellency the Governor from the Right Honourable the Secretary of State for the Colonies, advising that the resolution has been laid before His Majesty the King, who desires that an expression of his sincere thanks and appreciation may be conveyed to the members of the Legislative Council and of the Legislative Assembly.

## QUESTIONS (2)—RAILWAYS.

### *Increased fares, apprentices.*

Mr. JOHNSTON asked the Minister for Railways: 1, Is the attached report from the "West Australian" of 1st instant, which is crossheaded as a "Sequel to Suburban Railway Association's Protest," correct:—"Last night, at Parliament House, Mr. Robinson informed a 'West Australian' reporter that he had placed the views of the association before the Minister for Railways (Hon. J. Scaddan) during the morning, and that evening Mr. Scaddan had informed him that, after consultation with the Commissioner of Railways, it had been decided that the rates for apprentices would be reduced to two-thirds of the monthly rate, and that the weekly tickets would be reduced to one-fourth of the monthly rate?" 2, Is the same measure of relief to be granted to the goldfields and agricultural population, in regard to the increases of freights imposed at the same time as the above suburban fare increases, which are already reduced? 3, If not, why the present differentiation in action in favour of suburban fares as compared with freights inland?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, I am unable to discover any "measure" that would have a like application, because the conditions mentioned are not parallel. 3, Suburban fares generally have been increased in a greater ratio than the other rates referred to and still remain greater.

### *Newcastle Coal.*

Hon. T. WALKER (for Mr. Wilson) asked the Minister for Railways: 1, What is the price paid per ton by the Railway Department for Newcastle large coal at ship's slings, Fremantle? 2, What is the price paid per ton by the Railway Department for Newcastle small coal at ship's slings, Fremantle? 3, What is the price paid per ton by the Railway Department for Newcastle large coal on railway trucks, Fremantle? 4, What is the price paid per ton by the Railway Department for Newcastle small coal in railway trucks, Fremantle? 5, What is the freight rate per ton charged by the Railway Department for the transport of Newcastle coal over the Western Australian railways?

The MINISTER FOR RAILWAYS replied: 1, 39s. 9d. 2, 35s. 9d. 3, 43s. 11d. 4, 39s. 11d. 5, Ordinary "M" Class rate.

## QUESTIONS (3)—NORTH-WEST DEVELOPMENT.

### *Transfer of Engineer in charge.*

Mr. BROWN (for Mr. Teesdale) asked the Premier: 1, Has the Engineer for the North-West been transferred to another department? 2, If so, has it been taken into consideration that this officer has a thorough knowledge of the North acquired after many years of service? 3, Is the proposed trans-