

Legislative Assembly,

Tuesday, 18th October, 1904.

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THE SPEAKER took the Chair at 3.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Perth Public Hospital Report, 1904. By-laws of Fremantle Municipality.

By the PREMIER: Municipal Rating, estimates from particular localities under proposed system of unimproved land valuation for assessment, return in form of replies.

QUESTION—POLICE ROTATION IN NORTH-WEST.

MR. A. J. WILSON asked the Colonial Secretary: 1, Does he intend to insist upon commissioned officers of police who have not done service in the North-West taking their turn of duty there? 2, If not, why not? 3, What commissioned officers of police have not done duty in the North-West?

THE COLONIAL SECRETARY replied: 1, Every officer of the force must serve his term of three years in the North-West portion of the State, unless it is detrimental to the service to remove him from any particular station. 2, See No. 1. 3, Inspectors Newland, Connell, in Criminal Investigation Branch; Sub-Inspectors Sellenger, Osborn.

QUESTION—DIRECTOR OF AGRICULTURE, SALARY.

MR. HAYWARD asked the Premier: 1, Will the Government make provision

on the Estimates for the appointment of a Director of Agriculture? 2, If so, will the amount be sufficiently liberal to enable a full discussion to ensue, inasmuch as members may decrease but have no power to increase an item?

THE MINISTER FOR MINES replied: 1, Yes. 2, £750 per annum.

QUESTION—WHARF IN PERTH, HOW LET.

MR. RASON (for Mr. Diamond) asked the Minister for Works: On what terms is the wharf in Perth held by the Swan River Shipping Company? stating—(a) rental, (b) term of lease, (c) date of expiry of lease, (d) terms for renewal, if any.

THE MINISTER FOR WORKS replied: (a) £4 3s. 4d. per month in advance. (b) Monthly. (c) One month's notice from any time, by either party. (d) Nil.

PRIVATE BILL REPORT, KALGOORLIE AND BOULDER RACING CLUBS.

MR. J. M. HOPKINS brought up the report of the select committee appointed to inquire into the Kalgoorlie and Boulder Racing Clubs Bill.

Report received, and ordered to be printed with evidence.

BILL, FIRST READING.

Street Closure (Kanowna), introduced by the MINISTER FOR WORKS.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 12th October; MR. BATH in the Chair, HON. W. C. ANGWIN (honorary Minister) in charge of the Bill.

Postponed Clause 7—Amendment of Section 55 (mayor and councillors, by whom elected):

MR. H. BROWN moved an amendment:

That the words, "but no elector shall have more than one vote," in lines 14 and 15, be struck out and the following inserted in lieu:

And at any such election each elector shall have a number of votes proportionate to the value of the land of which such elector is seised or possessed as owner or occupier, and set against his name in the said list according to the following scale:—

CAPITAL UNIMPROVED VALUE.	NUMBER OF VOTES.
Two hundred pounds and under ...	One
Over Two hundred pounds and not exceeding Five hundred pounds ...	Two
Over Five hundred pounds and not exceeding One thousand pounds ...	Three
Exceeding One thousand pounds ...	Four.

The object of the amendment was to retain the principle of voting on property qualification. The clause in the Bill proposed to alter the system which had been in force for many years, and this was not asked for by the Municipal Conference. It was the first attempt to introduce politics into the municipal life in this State, and he was entirely opposed to it. It was said by several members in the House that municipal life in this State was becoming very low, and that the only means of elevating it was by the entrance of members of the political Labour party; but the solitary member of the political Labour party who ever entered into the municipal life in the city of Perth was the only one who was guilty of bribery and corruption.

MR. F. F. WILSON: The only one found out.

MR. H. BROWN: The drastic alteration proposed by the clause did not hold good in any other Australian State. Mr. Ellery, town clerk of Adelaide, had published a pamphlet "Municipal Life of Australasia;" this pamphlet showing that in Sydney both the tenant and owner of property were entitled to be enrolled in respect of the same property, though only one was entitled to pay rates. In Melbourne, the minimum assessment was £10 and plural voting was in force. One vote was allowed for property assessed at from £10 to £100, two votes for property assessed at from £100 to £150; and three votes for property assessed at more than £150. Corporations in Melbourne had the right to nominate three persons on the roll of ratepayers. In Adelaide the owner had a vote in each ward where his property was assessed, and on loan proposals had from one to six votes according to assessment. In Brisbane, where the capital value of land was assessed, the owner or occupier

had from one to three votes according to valuation, but if the property was assessed at less than £120, the occupier alone had a vote. Since this system worked out well in other States, it should work out well in Western Australia. The municipal vote was a property vote pure and simple.

DR. ELLIS: What about the Government subsidy?

MR. H. BROWN: The city of Perth was in a worse position than any other municipality in the State in regard to subsidy, since it received the lowest subsidy of any municipality. If the municipalities on the goldfields received £1 to 25s. per head of the population as subsidy, the ratepayers in the city of Perth, who contributed equally to the revenue of the State as the people on the goldfields did, should receive *per capita* a subsidy on all-fours with the highest subsidy paid in the State. The Government intended to introduce a tax on unimproved land values: this would be an additional tax on the property owners of the State. The gospel preached by some socialistic members on the Government side was that land should be improved. Take North Fremantle, for instance. The property owners there had improved their lands to the extent of their ability. Now North Fremantle was suffering an exodus of people emigrating to Midland Junction. Who would pay the rates on the vacant properties? The cottages there were waiting to be occupied. The system in vogue in England of rating properties, when occupied, would be reasonable. Plural voting was recognised in the Roads Act. Why should it not be the recognised rule in connection with municipalities? Under the Bill a person could spend £10,000 in erecting offices, and let them to twenty or thirty tenants, each one of whom would have a vote; but the property owner next door might erect a building costing £20,000 and occupy it himself, and only have one vote. Thus members on the Labour side said that the man who spent £10,000 should have twenty votes while the man who spent £20,000 should only have one vote. There were a great number of disciples of Mr. Tom Mann in the House, and the gospel of Mr. Tom Mann was that there was no place in the world for rent, profit, or thrift. A thrifty man

should be recognised, and should have some increased voting power to protect his property from the propaganda of the socialist. The cry of the Government was that there should be no taxation without representation; so if members agreed with that, there should be fair representation for taxation when everyone was called on to pay. Sydney had been instanced as having a glorious corporation under the one-man-one-vote system; but what was to be found there? Trades unionism was rampant in the council, the trades unionists practically ruling it. Workmen put their names down for work, and pressure was brought to bear on the councillors by the ratepayers. Things had reached such a low ebb that practically, without reference to the engineer, a system of ballot took place by members of the corporation, and particular favourites were picked out and placed in the various positions. He had some quotations which he would like to read, bearing on this subject, if he would be in order in reading them. Members on the Government side had on the second reading discussed rating, and he wished to reply to the remarks by extracts from a document which dealt with West Ham and Battersea (London district), where the political Labour party had got into power and wrecked the municipalities.

THE CHAIRMAN: The criticisms spoken of had been uttered during the second-reading debate on the Bill, not in Committee. Any discussion on the clause would have to be relevant to the franchise. The hon. member could not be ruled out of order until it was found whether the remarks were relevant or not.

MR. H. BROWN: It would not be worth while taking the risk.

MR. MORAN: If the hon. member brought forward argument to show that the enlargement of the franchise would be wise, that would be entirely in order, for it was the essence of the discussion whether the franchise should be limited or not.

THE CHAIRMAN: A ruling could not be given until these matters were under discussion and were quoted. If he found they were not relevant to the questions, he would give his ruling. The hon. member would be in order in proceeding until he (the Chairman) found the quotations were irrelevant.

MR. H. BROWN: The abandonment of plurality of voting was practically one of the first forms of socialism, because the Government were trying to cut away the principle of representation according to taxation. [Extracts read to show the influence of trades unionism in municipal life in certain parts of London.] He was using these arguments to show that if the Labour party got into power in the municipalities here, the majority of those belonging to that party would not feel the burden of the rates at all. The borrowing powers of the councils would go on until practically they were exhausted, and the property owners or larger ratepayers would be left to bear the burden. It was shown in the publication from which he had quoted that by reducing the franchise the rates in many cases had been doubled. No one wished the life of a municipality to be dominated, as the Government were practically dominated, by trades unions. At present a very happy state of affairs existed in the Perth Municipal Council. The engineer was not interfered with by the mayor or councillors at all: he had, as he should have, the power of selecting the best material available. The Labour party had proved itself in the English cities where trades unions had been dominant, and had practically ruined the corporations. If the Labour party got into power in municipal life, one of the next questions would be that of the payment of members for municipal work. Yet as soon as members on the Government side of the House came into possession of wealth, they would be the greatest conservatives. If they had a mine or were interested in anything, they would want voting to be according to their holding; and if that principle was right for them, it was right for the ratepayers in municipalities to have representation according to taxation.

THE PREMIER: The amendment could not be accepted. He was not aware that any extracts the hon. member read were at all relevant to the issues before the Committee. The object of the hon. member was to show that this clause was intended to hand over the control of municipalities to trades unions. That, however, was not in any sense the object of the Government. The object was to get as far as possible a fair representation

of ratepayers. There might have been some ground for the hon. member's remarks, or a portion of them, had it been proposed to change the municipal franchise from a ratepayer's franchise to a personal franchise; but considering the Government had so adequately protected ratepayers who owned property by the clause giving absolute powers to owners of property in any municipality on loan proposals, and that a very large portion of the big works in municipalities was constructed out of loan moneys, the plea of the hon. member that the aim was to provide work for the ratepayers, virtually to bribe them, fell entirely to the ground. The present Government had provided a check against extravagant expenditure which no other Government had yet proposed in Western Australia, and which the much-vaunted Perth City Council would never have thought of, if it had not emanated from the Government. The member for Perth did not show that the state of affairs depicted in those extracts regarding municipalities in Great Britain had arisen in any way from the change of franchise. There was nothing in the present franchise to prevent the condition of affairs occurring which the member depicted as having occurred in some other places. He (the Premier) knew of municipalities not controlled by trades unions in which the greatest amount of influence had been brought to bear on municipal officers for the purpose of obtaining employment for individuals, and he thought that if the hon. member would carry his memory back to no distant date, he would be able to recall instances of the same description. Therefore the evil which the hon. member alleged could only arise from the introduction of trades unions into municipal politics had arisen where trades unions had had no power, no influence, and no control whatsoever. He (the Premier) had been associated for some years with a municipal council to which, to a large extent, councillors holding political views of a Labour colour had obtained admission. The majority of the council consisted of that class of people at which the hon. member sneered. He (the Premier) challenged comparison of the Subiaco council with any other council the hon. member could name, even with the Perth

council, as to honesty of administration, cheapness, and effectiveness. The hon. member's strictures were demonstrably without foundation. He urged that thrift should be represented. Did he mean that the licensee of a hotel who had four votes was therefore more thrifty than an adjoining draper who might have only two votes? So far from being thrifty, the licensee might be a mere representative of a brewery, and might have no stake whatever in the municipality. If we were to have representation of property, why should it stop at £1,000? Why should not the scale ascend without limitation to the number of votes one might cast? Why should a man with £1,000 worth of property at the unimproved valuation have the same voting power as the owner of £10,000 worth? By his amendment the hon. member admitted the fallacy of his own argument.

MR. H. BROWN: Property owners had as many as seven votes in South Australia.

THE PREMIER: Even that was surely illogical. Why should a man with £200 worth of property have one-seventh of the voting power of the man with £20,000 worth? The hon. member did not believe in his own argument; for he recognised limitations, and thus admitted that his principle was not altogether just. The only difference between the hon. member and the advocates of one vote per head was as to the extent to which the principle should be limited. The hon. member would limit the voting power to four-sevenths of the voting power of South Australia; and thus he gave away his whole case. If anything, his speech meant that property alone should be represented, in proportion to the valuation of the property. This clause dealt not with the representation or the non-representation of property, but with the representation of ratepayers; and the ratepayer was not necessarily a property-owner. Generally he was not. An inspection of the Perth ratepayers' roll would convince the hon. member that property-owners were in a small minority. Most municipal voters were occupiers merely.

MR. H. BROWN: Representation according to taxation was asked for.

THE PREMIER : Then the hon. member admitted that the ratepaying franchise was not necessarily a property franchise. Hence the argument for the protection of property and of the thrifty fell to the ground. It did not follow that because a man lived to-day in a house rated at £20 and to-morrow in a house rated at £40, he would be more thrifty to-morrow than to-day. The facts might indicate that he had abandoned thrift and had become extravagant. Probably the more thrifty man would live in the lower-rated property. Again, a publican might exercise four votes while his next door neighbour, more thrifty and carrying a more valuable stock, might have only two votes, thus destroying the hon. member's argument.

MR. MORAN : Rather destroying the argument for giving the publican any votes.

THE PREMIER : The hon. member might put it in that way if he pleased. The object of the clause was to secure in councils the representation of intelligence. In New Zealand, where this principle, coupled with the owners' vote on loan proposals, was adopted, it worked well. The hon. member went farther away for examples to combat the Government proposals; and there was less chance of checking his figures than if his instances had been gathered nearer home. The proposal of the Government could be justified by the efficiency with which the New Zealand system worked. The Government were not anxious to impair or to destroy the representation of ratepayers, but believed that one vote would rather tend to secure efficient representation. They did not believe that because a man happened to occupy temporarily premises which carried a greater voting power, an increase of his intelligence was thereby demonstrated. The object was to get the most intelligent councillors procurable; and in some of the largest municipalities the councillors were not necessarily the most intelligent or the proceedings the most dignified or the most successful.

MR. H. BROWN : They compared more than favourably with this House.

THE PREMIER : The hon. member might be prejudiced. Having had but a short experience of this House, he was perhaps a rather young member to pose

as a sort of Chesterfield, and to lecture the House on manners. He might be better qualified after a longer experience of Parliament.

MR. W. NELSON : The member for Perth's quotations from that able but reactionary organ, the *London Times*, did not bear the weight he evidently attached to them. They were to the effect that through the awful socialistic experiments of the terrible West Ham municipality, the rates actually rose from 5s. to 8s. If the hon. member understood the subject, he would know that the average rate in England was considerably higher than 8s.—nearer 9s.; so that his argument to prove the wickedness of socialism was fairly good evidence that municipal socialism was not so dangerous or extravagant as he assumed. Bear in mind that the same franchise obtaining in West Ham obtained in Birmingham, Glasgow, and other British municipalities; hence, if the argument proved that a wide franchise was bad for West Ham, it proved that the same franchise was exceedingly good for the other municipalities. However, it did not prove what the hon. member contended. The *Times* pamphlet was not published to discredit a democratic municipal franchise, but to discredit socialistic legislation—an entirely different thing. There was no evidence that a wide municipal franchise was inconsistent with wise and economic administration. Birmingham, Glasgow, and other municipalities had such a franchise, and were admittedly admirably administered. [**MR. RASON :** No.] The member for Perth had said nothing of the wickedness of Glasgow and Birmingham administration.

MR. RASON : He could have said much.

MR. NELSON : Surely all writers on the subject recognised Glasgow and Birmingham as model municipalities. The hon. member (Mr. Brown) gave as a reason for plural voting that the thrifty should have special encouragement. Admitting that it was good to encourage thrift—and that was doubtful—the possession of property was not of itself evidence of thrift. A man might be rich through being lucky or energetic; but that was no evidence of thrift.

MR. MORAN : Not against it.

MR. NELSON : The member for Perth contended that thrift should be recog-

nised, and assumed that property was clear evidence of thrift; but the hon. member had not sustained the position that the possession of property was a clear proof of thrift, or that it was a virtue to be singled out for special privileges. Thrift, far from being a virtue, and speaking communally, might be a very great evil. It was all very well to say that saving was good so long as its application was confined to the individual; but if every man took to saving right away, what would take place? If every man in Australia said that he would only consume half of what he had previously been consuming, he would only purchase one-half; only one-half would be produced; and one-half of the people of Australia would be thrown out of employment. What might, therefore, be good for the individual might be bad for the community. It was like burglary. So long as a man entered into that profession and was a particularly good burglar, and so long as there were not too many burglars about, the profession might be highly remunerative; but if everybody became burglars it would be bad, for then there would be nobody to steal from. His argument was that property was no evidence of thrift, and that thrift was not a virtue to be given special privileges. The proposal of the member for Perth was really a veiled way of disfranchising portion of the community. If we gave A two votes and B only one vote, it was equal to giving A a vote and B none at all.

MR. MORAN: Assuming they were always antagonistic.

MR. NELSON: That was to be assumed. The franchise question was ultimately a question as to whether a man should vote as an individual or citizen, or as the holder of property. We practically disfranchised certain members of the community; and there was no right to do so. No evidence was advanced by the member for Perth in support of plural voting. We had already very generously and unjustifiably conferred special advantages on property owners in regard to the raising of loans. We had been unduly generous; and if we manifested additional generosity and gave property owners actually four votes, it would be a reactionary step of the worst kind, for we would be conferring on property rights,

privileges, and powers to which it was not entitled. He hoped the Committee would reject the amendment.

MR. RASON: The Premier accused the member for Perth of not being true to his principles, or, in other words, of not believing in his own argument. What was the argument? That a ratepayer should be entitled to a vote, and some ratepayers to more votes than others. The member for Hannans set out false premises. There was no desire to take away from anyone that which he already possessed. It was not a question of the right of the individual to vote, because no such right existed. The right was that of the ratepayer to vote. Hence we set out a qualification with a reserve; and that reserve was property in some respects. The position was that only a ratepayer could vote, and not the individual. It was not a question of adult suffrage.

MR. NELSON: It ought to be.

MR. RASON: We were now dealing with the present system, which was that the payment of rates gave the right to vote. The Premier had evolved the principle that "he who pays the piper shall call the tune." Then he who paid the piper most should have the most voice in the calling of the tune. That was the position undoubtedly; and there was no reason to go farther. He who paid the piper most had the most right to say how rates should be spent. The argument could not be applied in one case, unless it was applied in another; and it must be admitted that the ratepayer who paid more rates than another had to a certain extent more right than the other in saying how money should be expended. The member for Hannans said: "Show us some justification for introducing plural voting and for adopting this reactionary process?" But that was not the position: the boot was on the other leg altogether. The question was, show us an argument for doing away with plural voting, that it exists here to-day and in the other Australian States, then why do away with it? So far there was not a vestige of argument against plural voting. It was simply said the Government desired to give equal representation to ratepayers. Then what was fair representation to ratepayers? As expressed by the Gov-

ernment-it was: he who pays the most shall have most voice. What was fair representation to the ratepayer in the other Australian States? They nearly all had the same basis of representation as existed in Western Australia; and it was not for us to show argument why that system should continue, but it was for those who desired a change to prove the good that would result from a change. So far we had no argument at all from those people. True, it was said that the new principle sought to be introduced to take away from some of the ratepayers that which they now possessed, had worked very well in New Zealand. There was this statement; but of proof or argument there was none. On the other hand it could be said that in this State and in the other Australian States the other system had worked well—all the States of Australia as against the illustration of New Zealand. If custom or habit were to have force, we should take the habit that existed in the Australian States. It was said that there was no desire by this alteration to render it easier for a certain section of the community to dominate municipal life. That might not be the desire. He would not say it was. But what would be the effect of the change? Was it not a fair argument to say that the effect would be to make it easier for a certain section of the community to dominate municipal government? He combated that idea. If we looked outside for example, it was found in a majority of cases that the system had not worked well. It was all very well for members to quote Glasgow and Birmingham as model municipalities, but there was a difference of opinion on that point. According to the series of articles from which members had quoted, Glasgow was far from being regarded as a model municipality. The member for Perth quoted West Ham, and he (Mr. Rason) would instance Halifax in support of the same contention. The member for Hannans regarded the amendment as narrowing the franchise, but there was no narrowing at all. Every ratepayer had a vote as at present. The existing rights of small ratepayers were maintained, and the alteration reduced the number of votes to which the large ratepayer was entitled. There should be a

great deal more argument and proof why it was desirable to make the change, and there should be proof that the change when made would not have the effect which the member for Perth thought it would have, of making it very easy for a section of the community to dominate municipal life. He wished to be fair to that section, but he did not regard with any degree of favour the thought that they should dominate municipal life.

MR. NELSON: The hon. member would do them an injustice to prevent domination.

MR. RASON: The desire was to give them a full measure of justice, but he did not desire to do an injustice to somebody else.

MR. N. J. MOORE (Bunbury): A ratepayer occupied a similar position in a municipal council to that of a shareholder in a commercial company, who was entitled to limited proportionate representation. The present Act provided that there should be proportionate voting. There had been no agitation asking that the law that existed at present should be amended, and he did not know of any hardship created by the present law. He had prepared a little return showing the position of ratepayers in a municipality having a ratable value of £18,230. Forty-six persons having four votes, with an annual ratable value of £4,750 averaged £40 per vote; 32 persons having three votes, with an annual value of £1,960 averaged £20; 125 persons having two votes, with an annual value of £4,555 averaged £18 per vote; while 361 persons with one vote, with an annual value of £4,363 averaged £12 per vote. The small ratepayer at the present time had nothing to complain of. At present a man who had property in each of five wards of the minimum value of £30 paid as rates 3s. 9d. and had the right to vote for the mayor and five councillors, while a man who had property of the annual ratable value of £1,000 in one ward had only the right to vote for the mayor and one councillor in the particular ward in which the property was situated.

MR. FOULKES: Looking briefly round the Chamber, it was well within the mark to say there were only perhaps 25 or 27 members present, and now we were asked to make a most important change as regarded the administration

and legislation affecting municipalities. It showed again the necessity of an Upper House, if only for the purpose of reviewing any decisions passed by this Chamber. This question was not brought forward at the last general election. Even the Premier, who was the mayor of an important municipality, took care not to mention the subject.

THE PREMIER: What was the hon. member's authority?

MR. FOULKES had read with care at that time the speeches by the hon. gentleman.

THE PREMIER: The speech was not reported, so how the hon. member could read it one did not know.

MR. FOULKES: Probably the hon. gentleman took care that some of his speeches should not be reported. One would recommend the hon. gentleman to continue that practice, because as his policy varied from day to day under the dictates of course of other managers, it was most important he should take care that some of his remarks were not published. When speaking the other day the member for Hannans (Mr. Nelson) urged that we could not do better than try to be as liberal as they were in Berlin. He (Mr. Foulkes) had been able to show that the principle they had in Berlin was in exact opposition to what the Government proposed here. In Berlin they recognised that there was to be a distinction drawn between the various property owners. They divided their property owners into three different equal parts, one portion consisting of the class which contributed most largely to the municipal revenue, then came an intermediate portion, and there was also another portion consisting of the smaller ratepayers. Each of those three different portions was entitled to send an equal number of representatives to the Berlin Municipal Council; so he (Mr. Foulkes) would claim that hon. member's vote. The migratory habits of the ratepayers in this State had made municipal government and roads board government most difficult. The difficulty hitherto had been to get ratepayers to take sufficient interest in municipal and roads board government. A very large percentage of those who took part in such government consisted of property owners,

and he thought the public of Western Australia felt indebted to the local authorities who had carried on the work during the last 10 years. It was pleasant to see how little criticism most of those public bodies received, in comparison with that which was passed 10 or 11 years ago. If the change now proposed were made, men who took part in local affairs would do so, not for the sake of furthering the interests of the municipalities, and roads board districts in which they resided, but in order to propagate certain political opinions. What authority had the Premier from his constituents to introduce a drastic change of this kind? It was all very well for the hon. gentleman to pose as moderate, but now he had introduced a measure of this kind it was to be hoped he would drop that rôle and take the character he should really adopt as one of the humble servants of the Trades and Labour Council. He (Mr. Foulkes) had no feeling of anxiety with regard to the fate of this particular proposal, because he felt certain that another place would consider it its duty to throw out this particular clause, for the main and valid reason that the subject had not been brought before the constituencies.

MR. H. BROWN: By Clause 24, Sub-clause (a), the Government had already acknowledged the necessity for plural voting; and on an unimproved capital land value basis the occupants of Princes Buildings, Perth, would have probably 50 or 60 votes, while the manager occupying the bank on the opposite corner, on land of a similar size improved to the same extent, would have only one vote. All knew that Labour members were not free men, but were bound to vote against plural voting, else they would not be long in the House. To extend such influence to municipalities would be undesirable. The trade unions were ruling Parliament. The political Labour party and the unions knew long before some hon. members that one-man-one-vote would be inserted in this Bill; hence their published platform of a few days ago. Certain unions, by a circular handed to him to-day, anticipated legislation of which the House was not informed; showing plainly that the unions were practically ruling the Government, and were obtaining as to future

legislation information not given to members of Parliament.

POINT OF ORDER.

THE PREMIER: A few nights ago he gave a similar statement of the hon. member a deliberate denial; and he now repeated that denial, and asked that the hon. member withdraw the assertion.

MR. FOULKES: The Premier was speaking for himself only.

THE PREMIER: No; he was speaking for the House. Since he was appointed leader of the House, he had consulted the dignity of the Chamber in everything he had done. No person outside the House had known or should know anything in regard to what was introduced or to be introduced by the Government, until the Bills were laid on the table. To insist on that was his duty as leader of the House; and he entirely objected to the gratuitous assertions of the member for Perth, because they were misleading to the Chamber and insulting to him as Premier. He asked that the statement be withdrawn because it was untrue.

THE CHAIRMAN: The hon. member was in order in making the statement; but now that the Premier had denied it, a repetition of it would not be in order.

MR. H. BROWN: No charge had been made by him against the Premier. He had said it appeared to him that trade unions knew of intended legislation before some hon. members knew of it. Members were entitled to such knowledge before trades and labour councils. He held in his hand a circular from such councils referring to legislation about to be included in the Industrial Conciliation and Arbitration Bill.

LABOUR MEMBERS: A circular by whom?

MR. H. BROWN: By the secretary of the West Australian Amalgamated Society of Railway Employees, and the Locomotive Engine-drivers, Firemen, and Cleaners' Association.

LABOUR MEMBER: Read it out.

THE CHAIRMAN: The hon. member would not be in order in reading it out, nor in repeating the statement previously made which the Premier had directly contradicted.

MR. H. BROWN: No charge was made against the Premier. The statement was

that it appeared to him (Mr. Brown) by the circular placed in his hands—

THE PREMIER: The hon. member was really repeating in another form his original allegation. He (the Premier) had denied what the hon. member said appeared to be the case. Even when qualified by the statement that it appeared to the hon. member to be true, a repetition of the allegation was objectionable. The allegation was untrue, and the hon. member was bound unconditionally to accept the denial.

THE CHAIRMAN: The hon. member (Mr. Brown) was not in order in repeating the statement in a modified form. If he persisted, action would have to be taken.

DISCUSSION RESUMED.

MR. H. BROWN: The influence of trade unions on legislation affecting municipalities was being exemplified by the Government. It might be news to members of the Opposition and possibly to the Premier that one of the most rabid supporters and partisans of the Trades and Labour Council had within the last few days been appointed to take proxy votes at the forthcoming East Perth election. [LABOUR MEMBER: Name him.] Titus Lander, of North Perth, one of the most rabid supporters of the trades and labour party at the last elections.

THE CHAIRMAN: That matter had nothing to do with the clause.

MR. H. BROWN: No. It exemplified government by caucus.

MR. KEYSER: A member with a bad case always abused the other side. The preceding speaker seemed to assume that if trade unionists believed in one-man-one-vote, they ought not to believe in it. He (Mr. Keyser) totally opposed plural voting. The hon. member seemed to argue that simply because a man paid a higher rent than another, that man was entitled to more votes.

MR. RASON: The Premier said that the man who paid the piper should call the tune.

MR. KEYSER: No; that a hotel-keeper polled four votes as against the single votes of four property-owners. That was wrong. That the Government should have passed a clause preventing any but owners from voting on loan proposals was a retrogressive step. He

supported Ministers in opposing the plural vote.

MR. GREGORY: The arguments of the member for Hannans (Mr. Nelson) were amusing. He said that if A received two votes and B one, B was disqualified. But what would be the position of B if A received four votes? When such an innovation as appeared in the clause was proposed, some argument for the change should be advanced; but none was forthcoming from the Minister in charge of the Bill (Hon. W. C. Angwin) or from the Premier; nor was it contended that the Municipal Conference favoured the clause. The Minister in charge had included in the Bill nearly all the suggestions of the conference. Did not the Minister bring forward this proposal at the conference, and was it not ignominiously thrown out?

THE PREMIER: No; it was not brought forward there.

MR. GREGORY: If not, he withdrew the statement; but if municipalities wished to abolish plural voting, it was surprising that the conference did not say so. Why did the Premier and the honorary Minister omit to mention the matter at the conference? Give us some reason for the clause. A municipality was somewhat similar to a limited company. Every company had *pro rata* voting according to shares held by members. Each municipal ratepayer paid rates in proportion to his property, and had votes in proportion to the rates paid.

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

Ayes	...	...	17
Noes	...	...	19
Majority against			2

AYES.

Mr. Brown
Mr. Burges
Mr. Carson
Mr. Foulkes
Mr. Gordon
Mr. Gregory
Mr. Harper
Mr. Hayward
Mr. Isdell
Mr. Layman
Mr. N. J. Moore
Mr. S. F. Moore
Mr. Nanson
Mr. Plesse
Mr. Eason
Mr. Frank Wilson
Mr. Diamond (Teller).

NOES.

Mr. Angwin
Mr. Daglish
Mr. Ellis
Mr. Hastie
Mr. Heilmann
Mr. Henshaw
Mr. Horn
Mr. Johnson
Mr. Keyser
Mr. Lynch
Mr. Needham
Mr. Nelson
Mr. Scaddan
Mr. Taylor
Mr. Troy
Mr. Waite
Mr. A. J. Wilson
Mr. F. F. Wilson
Mr. Gill (Teller).

MR. RASON: Whatever might be the fate of this clause somewhere else, it was the duty of members of the Assembly to take any action necessary in regard to legislation of this character, and if members had done nothing else they had manifested that there was considerable divergence of opinion in regard to this innovation. He had thought that, in response to an invitation to give reasons actuating them in introducing this novel departure, the Government would have advanced full explanation; but it seemed this was not to be, which was regrettable. Having asked for an explanation he could do no more.

ADJOURNMENT SUGGESTED (SHOW DAYS).

MR. FOULKES desired his protest to be recorded in regard to this clause. Out of fifty members, only thirty-six had voted; and the nineteen voting against the amendment consisted entirely of members of the Labour party. Of the fourteen members who were absent, all would have voted for the amendment.

THE MINISTER FOR MINES: There was no member for East Perth.

MR. FOULKES: That was true. There were now only forty-nine members in the Assembly. No doubt the Government took care that the discussion on this clause should take place this afternoon, because it was well known that the Guildford Agricultural Show was being held, and that a certain number of agricultural members would be absent. It was the practice for many years past that the House should not meet early on the two days when the show was held, owing to the fact that many agricultural members made it a practice to attend the show. Of course, he could hardly expect a Labour Government—taking no interest in agriculture—to continue this practice.

THE CHAIRMAN: That had nothing to do with the clause.

MR. FOULKES: Only thirty-six members out of forty-nine members had voted on an important proposition of this kind.

THE PREMIER: The hon. member was perfectly justified in lodging a protest against any motion carried in the House, though it would be a great waste of time for all hon. members to get up and protest against every motion in regard to which they had previously voted; but the hon. member was not justified in making

Amendment thus negatived.

assertions which were not supported by fact. The hon. member was not warranted in asserting that the Bill was brought on because the Guildford Agricultural Show was being held to-day. As a matter of fact, he (the Premier) was one of the few members of the Chamber who visited the show to-day; and he took the risk that he might be away when this Bill was under discussion; but he observed that all those members he saw present at the show were now in the Chamber. The member for Claremont, who by the way knew that the Bill was on the Notice Paper and was due to come on at the outset of the sitting, had failed to attend the House until late, and immediately he came in he complained that other members had chosen to stay away a little longer than he did, and he objected to business proceeding because they were not present. It would be impossible to get on with the business of the country if members who attended and did their duty were to wait the convenience of those who neglected their duty and stayed away from the sittings of the House. The hon. member alleged it was the custom of the House in past years to adjourn over the first two days of the show.

MR. FOULKES denied having said so.

THE PREMIER: The hon. member distinctly asserted that it was usual for the House not to meet on the afternoons on which the Guildford show was held.

MR. FOULKES: It was the practice in previous times for the House to meet not so early on the days on which the show was held, in order to give members an opportunity of attending the show. That was not what the Premier had said. The Premier said that he (Mr. Foulkes) asserted the House did not meet on the days on which the show was held, whereas he had said the House did not meet so early on those days.

THE CHAIRMAN: The Premier should seek some better opportunity to discuss the show.

THE PREMIER claimed to be discussing the allegations of the member for Claremont in regard to the clause being brought forward at a time when the show was being held.

MR. EASON: And the hon. member was rightly called to order.

THE PREMIER: The hon. member was not called to order for referring to the show, but for reflecting on the Government in regard to their attitude towards agricultural interests, a matter upon which he (the Premier) did not intend to touch. It was not usual for the House to begin its sittings on the two days of the show later than the ordinary hour; but it was usual for the House to do so on one day; and the Government proposed to follow the recognised practice and to ask members not to meet until half-past 7 to-morrow evening. The custom had never been, during the last three years, to refrain from meeting at the usual hour on the Tuesday; and the hon. member was not right in accusing the Government of departing from custom for the purpose of taking an unfair advantage of hon. members. Those new to the Chamber should recognise that the Government simply followed the ordinary parliamentary practice. Members knew perfectly well what business was to come on. The statement that only the Labour members opposed the amendment was correct; but there were pairs in which no Labour member's name appeared. He knew of one pair between the hon. member for Toodyay and the member for West Perth.

MR. A. J. WILSON: All pairs should be recorded.

THE PREMIER: We were governed by the Standing Orders in that respect. Probably the member for Kimberley also paired. Members would not uphold the accusation of the member for Claremont that there was any desire to do other than have the Bill discussed at full length. If any member had shown good case for the postponement of this Order of the Day, it would have been granted readily by the Government, just as postponements had on previous occasions been granted when matters had been brought forward and a justifiable request had been made.

DISCUSSION RESUMED.

MR. H. BROWN: The proviso would be unworkable in regard to the city of Perth. There was no time between the 31st October and the third week in November to hold revision courts, after which the rolls would have to be printed;

and in Perth it took some weeks to print them. If the proviso were carried, in Perth and Fremantle and the larger towns it would be absolutely unworkable.

HON. W. C. ANGWIN: This proviso had nothing to do with preparing the rolls. This was a provision entitling a person whose name was on the roll to become an elector; the rates must be paid on or before the 31st October, or the ratepayer could not vote at the forthcoming election.

MR. RASON: If a ratepayer paid his rates before the 31st of October he was entitled to vote, then his name must be on the roll, in which case the ratepayers' list could not be completed before that date.

MR. H. BROWN: The name of the ratepayer would not appear on the list if the rates had not been paid.

THE PREMIER: The Bill required the town clerk to make out a list of persons who were liable to be rated as ratepayers in occupation; but some persons might not have paid their rates. These lists were made up between the 1st and 20th of September, then they were exhibited to afford ratepayers an opportunity of objecting to names appearing or demanding the insertion of names omitted; after that the revision court was held, the objections and omissions being dealt with. The result was a complete list of the ratepayers eligible to vote if they complied with the condition, before the 31st of October, of paying their rates. From that list the electoral roll would be compiled and printed, of persons who had paid their rates prior to the 31st of October, and the only thing that remained to be done between the 31st of October and election day was the printing of the rolls.

MR. H. BROWN: That could not be done in Perth.

THE PREMIER: An alteration had been made in the Bill providing that the election should take place on the 4th Wednesday in November. This was a modification of the clause carried at the last and he believed previous Municipal Conferences, when it was decided that any person who paid rates seven clear days before the day of election, should be qualified to vote. The Government saw that a difficulty might arise through insufficient time for printing the rolls and

providing the machinery for the election, and extended the time providing that the rates should be paid before the 31st of October. The Committee had altered the day of election to the fourth Wednesday in November, giving three clear weeks in which a municipality could print the rolls.

MR. NANSON: The rolls were wanted before polling-day.

THE PREMIER: It would not be essential if the information up to the 31st of October could not be obtained, for the names could be added to the roll or printed on a supplementary list. It was desirable to afford ratepayers the fullest opportunity of becoming qualified to vote. No one disputed the advisability of giving every opportunity to vote, and the 31st of October was selected because it was the last day of the municipal year. The Government recognised that if there was to be a limitation the line should be drawn between the ratepayer who had paid within the municipal year and the ratepayer who had neglected to do so.

MR. RASON: There was to be a list of ratepayers who would be qualified to vote if the rates were paid on the 31st of October; then on the 1st of November the list would have to be gone through again and the names of those who had not paid their rates struck out. The municipality could then proceed with the printing. That would not give very much time for the preparation of the rolls.

MR. N. J. MOORE: There was not sufficient time for the revision court to be held between the 31st of October and the day of election. During the last week of the financial year the audit generally took place, and the officers of the council were occupied in attending to the audit. If an alteration were made to substitute the 20th of October for the 31st, sufficient time would be allowed to all parties.

HON. W. C. ANGWIN: The system worked pretty well in the other States. In New South Wales a ratepayer could claim his vote if he paid his rates on the day of election, therefore no difficulty should arise here. There were some members who were afraid of the voters. He regretted the member for Perth insinuated a great deal; still one was pleased that the tactics of that member were not followed by others.

MR. H. BROWN: Explanations were asked for, but the hon. member could not give them.

HON. W. C. ANGWIN: As to preparing a list of ratepayers to vote, members recognised that a very little time would put the list in proper order; it simply meant the striking out of names so as to allow the lists to be printed. The revision court which sat in October dealt with the electoral list as drawn up previous to the 20th September, but the qualification to vote was the payment of rates. The system which had been in vogue in the past and was carried out in the various clauses of the Bill had proved very beneficial to municipal government in England in the aggregate. He hoped members would pass the clause as it stood. He felt certain there would be no difficulty in putting it into practice.

MR. N. J. MOORE moved an amendment—

That "twenty-first" be substituted for "thirty-first."

That alteration was absolutely necessary.

THE PREMIER: The basis on which the list would in future be compiled was that everyone in occupation of rateable property on the 1st September would be entitled to be on the roll. Then it was provided by Clause 8 that before the 20th September the list should be prepared and then be exhibited for a certain length of time in each ward, every person having an opportunity within a given period to send in claims or objections. On some day between the 10th and 20th of October the revision court would sit, and these claims and objections would be dealt with. Any person whose name was on that list and who paid his rates before the 31st October would be qualified under this clause to vote, but any person not on that list would not be entitled to vote at the then coming election.

MR. N. J. MOORE: Notwithstanding that he paid his rates before the 31st October?

THE PREMIER: If he was not on that list and did not by claim get his name inserted, he would be disfranchised. The roll made up of the names of persons in possession on the 1st September included the name of every ratepayer in occupation or possession of rateable property independently of whether he had paid his rates or not, and the revision

court dealt with the roll independently of the question whether the rates had been paid. After the revision court had sat the roll became the electoral roll, subject to the insertion of the names of various persons appearing on it if their rates were paid on the 31st October, supposing they had not already been paid. We should have to wait until the 31st October before the roll would be complete. A roll could be prepared on the 20th October and printed, containing the names of those who had paid their rates, and on the 31st October could be printed the names of any who had paid their rates after the 20th and before the 31st; or a list could be prepared including the names of all persons whether they had paid their rates or not, but indicating those who had paid their rates and those who had not, and on the 31st October the persons who were entitled to vote could be indicated. The actual printing of the roll was no part of the Act, but was a proceeding taken for the convenience of ratepayers and municipalities. The roll was the document which had passed the revision court and been signed by the various officers. If, for instance, in printing the rolls there were typographical omissions or clerical errors, the document signed by the mayor and councillors would be the roll, and not the printed list. There might be difficulty, possibly, in getting the roll printed. He would like every possible facility afforded for persons to qualify as voters, but he did not think it would be possible to go farther than the 31st October. Councillors could in a lot of cases expedite payment of rates by using their legal powers to enforce the claims.

DR. ELLIS: The time left by the Government was, he thought, ample for the purpose involved. If the proposal passed as it stood the list must be put into type after the 20th October, and if the list was of any size, certainly it would not be printed off by the 31st; consequently he could not see there would be any difficulty in leaving a man the opportunity until the end of the municipal year, the 31st October, to obtain the right to vote. True, there might be difficulty if the list had to be entirely new; but the list would be in type, and it would be a smart council who had it completed before the 31st. The number

of names involved would be small, and the alterations could be easily made on the 31st.

MR. KEYSER : The revision court would sit on the 20th October to revise the list ; and the roll was afterwards to be signed by the chairman and two members of the court. Who would have the power, after the 20th October, to add to or take from the roll ? The final power of revision should not be given to the town clerk, but should be retained by the revision committee—the mayor and councillors. Had the Premier considered that phase of the question ?

MR. RASON : Under the existing Act a list had to be prepared on the 1st September, showing those absolutely qualified to vote as ratepayers who had paid their rates. The clause proposed to have that list prepared on the 20th September. The town clerk must still prepare a roll on or before that date ; though it would not be a roll of all who had paid their rates, but of all who would, if they paid their rates, be qualified to vote. Afterwards the revision court was to decide, not whether those enrolled had paid their rates, but whether if they had they would be entitled to appear on the roll. Thus one must wait till the 31st October before the names of those who had not paid their rates could be struck out. This was different from merely adding a few names of people who paid their rates after the date on which the list was prepared, and striking out the names of defaulters. The duty of preparing the list was to be cast on the town clerk at the busiest time of the year. Moreover, the list had to be signed by the chairman of the revision court and two other members. Was it “the list” after the 31st October, or before ?

HON. W. C. ANGWIN : It became the voters’ roll after that date.

MR. RASON : Was it not true that until the close of the 31st October the list would not be prepared ? If people were given till that date to pay their rates, till that date there could not be a list. If, as the amendment proposed, the 21st October were fixed, that would give a longer time for paying rates than was given in the existing Act, by which all rates must be paid by the 1st September.

THE PREMIER : The time was now extended by custom till the 30th Septem-

ber, and in some places till the 31st October. The Act was not strictly enforced.

MR. RASON : Making the date the 21st October would, to most municipalities, mean a considerable extension ; and in some large municipalities it would be impossible, between the 1st November and polling day, to prepare reliable rolls. As the Premier said, there was no absolute necessity for a roll ; but without a roll an election could not be properly conducted. The 31st October seemed to be recommended because it was the end of the municipal year. What connection was there between that term and the date by which the rates should be paid ? If we said the proposal was justified because the conference recommended it, we must admit that no provision was justified unless so recommended.

THE PREMIER : The conference rejected the proposal in the Bill, and agreed to seven days before the election.

MR. RASON : The conference was not the only public body which sometimes acted foolishly. To prepare a roll between the 31st October and election day would surely be impossible in Perth and Fremantle. To allow a man till the 21st October to pay his rates would be sufficient. There was something in the argument that by unduly extending the time for payment, the best of all ratepayers from the councillors’ point of view—those who paid promptly on receipt of their notices—would be discouraged. The greatest incentive to prompt payment was the knowledge that if in arrear the ratepayer could not vote ; and to allow too small a margin between the time of payment and election day would discourage prompt payment. Some member with a knowledge of the time required for printing rolls should advise the Committee.

HON. W. C. ANGWIN : How did the late Government manage to print the Legislative Council rolls between the 13th and the 30th May ?

MR. RASON : Those rolls were most unsatisfactory, not only because of their state when printed, but on account of cost. The late Government were blamed for the expense, but had been forced to incur it to get the rolls printed in that short time. Surely we should not force struggling municipalities to follow that

example by spending perhaps half their rates on printing.

DR. ELLIS: The municipalities would have more time than Parliament had.

MR. RASON: A short period of time increased beyond reason the cost of printing.

At 6.30, the CHAIRMAN left the Chair.

At 7.30, Chair resumed.

MR. RASON: The amendment of the member for Bunbury should find support from the Committee, as it was conclusively demonstrated that the 21st of October was infinitely better than the 31st.

MR. H. BROWN: The member for Forrest should advance a reason for withdrawing his opposition to this part of the clause. The clause introduced a new principle altogether. Under the old Act the rolls were compiled from information gained on the previous November; but under this clause a roll of occupiers would have to be compiled on the 1st September. There were 8,000 electors in Perth; and it was practically impossible to go round the city and find the names of all occupiers, arrange the names in alphabetical order, and have the roll completed on the 20th September. It would mean that the whole of the ratepayers of the city of Perth would have to be placed on a roll, revision courts held, and the list kept open until the 31st October. Hundreds of names of ratepayers who had not paid their rates by that date would then have to be struck off, and only three weeks would be left in which to compile rolls before the day of nomination. In view of the trouble caused to candidates in parliamentary elections through printed rolls not being ready, we should endeavour to have our rolls more up to date. If payment of rates were allowed until the 30th September instead of the 31st October it would suit all parties, and would give another month's extension to everyone. The proposal contained in the clause would clash with Clause 66, which stated distinctly that the printed roll should be the roll for all purposes. There was no provision where an extraordinary election took place that ratepayers whose names had been struck out through non-payment of

rates should vote, if in the meantime they had paid their rates.

THE PREMIER was anxious to see a workable clause passed, and was quite willing to agree to a modification of the clause by substituting the 15th for the 31st day of October. This would give to the revision court five days after the last day in which a person could get on the rolls in which to decide all claims. The suggestion should also meet with the approval of the member for Perth, and would get over all the difficulties raised.

MR. N. J. MOORE: The suggestion of the Premier would give opportunity to a revision court to sit after the roll was compiled. It was a great assistance to municipalities when persons had to pay rates before they became eligible to vote. The Bunbury Municipal Council collected £500 on the last day on which ratepayers were entitled to get their names on the roll, chiefly because candidates impressed on their supporters the necessity for paying rates in time to get votes. The Premier's suggestion would meet his (Mr. Moore's) wishes; but at the same time, he thought the powers of the revision court were to a certain extent limited. An electoral revision court had the power to purify a roll; but the municipal revision court could only consider claims and objections. Though it might be within the knowledge of the municipal revision court that certain persons were wrongly on the rolls, yet if those persons were not objected to there was no power to deal with them. It would be advisable to give a municipal revision court the same powers as an electoral revision court had—to amend a roll if it were considered necessary. The present Act provided that the revision court should place on the roll the name of every person who had proved, to the satisfaction of the court, to be entitled to vote. It also provided that no person's name should be inserted on the list, and, except in the case of death, be expunged therefrom, except notice had been given. Later on he intended to move an amendment giving the municipal revision court the same powers as those enjoyed by the electoral revision courts. It had come under his notice that half-a-dozen names had been placed on the roll where land had been cut up, which was practically dummying.

There was no provision to remove such names except objection was lodged in duplicate by a person interested.

MR. FOULKES: Candidates at municipal elections were apt to be subject to the temptation of placing names on the roll, the only qualification in the minds of candidates being that the person was prepared to vote for the candidate. The revision court at present had only power to strike out names. Full power should be given to those presiding at revision courts to take steps to see that the rolls were correct and complete. Municipalities were increasing rapidly, and those who had lived in this State for a number of years did not quite realise the machinery for placing people on the rolls. What was satisfactory in municipalities where there were only 200 or 300 ratepayers was not likely to work smoothly in a municipality like Perth with 8,000 ratepayers. Some reference had been made to the difficulty of printing the rolls within one month. During the last election great difficulty was experienced in getting the rolls printed in a reasonable time, and in some cases printers charged 27s. and 30s. a page for printing rolls. The reason for the high cost was that the type had to be set aside for that purpose and could not be used for other work. We did not want mistakes made. If municipal elections were to be fought on political lines, and there was every possibility of that being done, it would be found that appeals would be made and a great deal of litigation take place owing to some informality in printing; therefore ample time should be given for the printing of the rolls, and for seeing that the proper names of the ratepayers were placed on them. It was fairly easy to set aside an election if a large number of electors came forward and proved that their names had been omitted from the roll when they should have been placed upon it. If the court set aside an election it would mean a great deal of expense and trouble in having a new election, besides causing great delay. He was glad to see that more information was given in Clauses 7 and 8 than was as a rule given in the different clauses. The Premier was prepared to agree to the 15th of October being inserted in the place of the 31st. The member for Perth

at first saw no objection to the proposal, but on farther consideration he found that the date suggested by the Premier would not give sufficient time to see that the ratepayers were protected. It was to be regretted that the Premier did not consult somebody with riper experience in the working of municipalities who would have given him information on this matter. If the Premier had taken more time to consider the question he would not have inserted the 31st of October in the clause.

MR. RASON: The Premier was willing to strike out the 31st October, and insert the 15th. It would be necessary, if they adopted that, for the member for Bunbury to withdraw the amendment.

MR. H. BROWN wished the Minister could see his way clear to fix the 30th September. He was sorry to hear what fell from the Premier in reference to attempts to block the Bill. Thanks were due to him (Mr. Brown) for the endeavours he had made to make the Bill decent, and great assistance was needed to make it workable. Anyone must see that it was the most roughly-drafted Bill introduced into the House, at all events this session. On behalf of the city of Perth he was unable to accept what had been suggested. It was impossible for the city of Perth to get a roll between the 1st and the 15th of September, having the ratepayers' names in alphabetical order and properly compiled.

MR. N. J. MOORE was willing to withdraw his amendment and substitute the date suggested by the Premier, namely the 15th.

THE CHAIRMAN: The amendment need not be withdrawn. If the word proposed to be struck out were struck out, the Committee could insert any word they chose.

Amendment put, and "thirty-first" struck out.

MR. H. BROWN moved a farther amendment:

That "October" be struck out with a view of inserting "September."

He was sure the Government would not wish to accuse the City Council of sweating its officers and keeping them long hours. The council had no provision for overtime, the officers being paid by the year.

THE PREMIER did not see how this amendment was practicable. He knew one clause could be read to require payment before the 1st September, but under the clause providing for the submission of claims, nearly all municipalities had been allowed to pay their rates between the 1st and the 30th September, and had submitted the claims to the revision court for the persons to be placed on the roll, if in occupation on the 1st September. The member for Perth apparently was not fully seized of the amount of work that would remain to be done. At present a roll might not be complete until the 20th of October, because the revision court might not be able to sit between the 10th and 20th October. It could not possibly be complete before the 10th, and possibly it might not be complete before the 20th. The clause as amended still gave the council power to sit as a revision court, in regard to prior names, between the 10th and the 15th, and in regard to the names of any ratepayers who had paid their rates by the 15th, they could sit after the 16th. The revision court could not sit until the 10th, therefore if no ratepayer was allowed to be included unless he paid prior to the 15th September, the work of the revision court still could not be done until at least the 10th October, and the work of preparing the roll for the printer now had to be done, and still would have to be done after the revision court sat. He could not understand therefore that this amendment would simplify the work or make it easier for the council's officers. He would not like any proposal carried that would be difficult of administration even by the city of Perth, or by any one other municipality. He hoped the hon. member would not press the amendment.

Amendment put and negatived.

MR. GREGORY: The last few lines of the clause provided that no person should be eligible to vote at elections unless he had paid all rates and assessments due. Back rates might be due. It should always be the duty of the council to see that the rates were paid, and provision should be made that if any occupier paid the current rates for the year he should be able to vote. This included health rates, and the new Health Bill contained a provision for increasing

the rating power. He thought that a shilling in the pound could, under the new Health Bill, be charged as a general rate, 6d. in the pound sanitary rate, and special loan rate 1s. in the pound. It seemed as though this were going to be pretty strong on the ordinary ratepayer.

THE PREMIER: A health rate and a sanitary rate already existed.

MR. GREGORY: Where a man paid the rates due for the current year and was not in arrear himself, he should be entitled to vote.

THE PREMIER: This portion of the subclause was simply a copy of the section in the existing Act. The practice had been, and it was a good one, that supposing ratable property changed hands it became the business of the buyer to see that the rates were paid.

MR. GREGORY: We should think of the occupier.

THE PREMIER: Power existed on the part of any person paying rent to deduct the rates chargeable from the rent, and to hand over the receipts of the municipality in which the property was situated. That was the only safeguard an occupier possessed, because if the rates were in arrear and the municipal council took proceedings, it was bound to take proceedings against the occupier, and if the power to which he referred did not exist, then the occupier would have bailiffs in his house in consequence of the neglect of the landlord or of the previous tenant. That provision, in his opinion, adequately protected the interests of the ratepayer. At the same time it was very desirable that municipal councils should have full power to enforce payment of rates. It would be undesirable to give them power to accept current rates until the arrears were wiped off, otherwise probably there would be great difficulty sometimes in collecting arrears at all. There were enough difficulties already.

DR. ELLIS: Did the words "including health rate" mean including sanitary rate?

MR. GREGORY: Sanitary rate would be included under the Health Bill.

THE PREMIER: It would be included now if the municipality struck a sanitary rate.

DR. ELLIS: If a certain charge were made, would that be called a sanitary rate?

MR. N. J. MOORE: There was a difference between a sanitary rate and say a pan charge.

THE PREMIER: This would cover a sanitary rate where a municipality paid the sanitary contractor by means of a rate levied on all properties, or it would cover a sanitary rate where the municipality did its own sanitary work and recouped itself by a rate. Where there was a fixed charge for a specific purpose this would not affect the case at all.

MR. RASON: The Premier did not appear to realise that by the clause as drafted no occupier could vote unless all rates were paid; not only rates owing by the occupier but all other rates in arrear. The Premier was mistaken in saying this was the existing law. By the principal Act the occupier could vote if before the 1st September he had paid all rates struck for the current year. By the Bill he could not vote unless he had paid all rates due. The difference was important.

THE PREMIER: The difference was only verbal. No council would accept money and credit it to current rates until arrears were wiped off.

MR. NANSON: Surely money tendered as for current rates must be accepted.

THE PREMIER: The occupier who tendered such money might be given a vote; but if his payment were credited to current rates, arrears might be overlooked. Possibly in the past such payments had, through carelessness, been credited to current rates; but surely a municipality, like a trader, would endeavour to wipe off arrears before crediting a more recent charge. This was the only chance of keeping rates up to date.

MR. F. F. WILSON: Some time ago a man bought a block of land and wanted a vote at this year's elections. Considerable arrears had accumulated before he bought the property, and the council made him pay these as well as the current rates before entering his name on the roll.

Clause as amended put, and a division taken with the following result:—

Ayes	...	...	16
Noes	...	...	19

Majority against ... 3

AYES.

Mr. Angwin
Mr. Bolton
Mr. Daglish
Mr. Ellis
Mr. Hastie
Mr. Heitmann
Mr. Horan
Mr. Keyser
Mr. Lynch
Mr. Scaddan
Mr. Taylor
Mr. Troy
Mr. Watts
Mr. A. J. Wilson
Mr. F. F. Wilson
Mr. Gill (Teller).

NOES.

Mr. Brown
Mr. Borges
Mr. Carson
Mr. Connor
Mr. Diamond
Mr. Foulkes
Mr. Gregory
Mr. Harper
Mr. Hayward
Mr. Isdell
Mr. Layman
Mr. N. J. Moore
Mr. S. F. Moore
Mr. Nanson
Mr. Flesse
Mr. Rason
Mr. Thomas
Mr. Frank Wilson
Mr. Gordon (Teller).

Clause thus negatived.

Postponed Clause 11—Repeal of Subsection 2 of Section 94 (absentee voters):

MR. RASON: This subsection of the principal Act provided that the returning officer should have printed a sufficient number of voting papers for absentee voters.

MR. N. J. MOORE: Section 106 of the principal Act having been repealed by Clause 12 of the Bill, it followed that this subsection also should be repealed.

THE PREMIER: When this clause was previously discussed, he promised to get a clause drafted to meet the intention of the proposed amendment of the preceding speaker. This would be put on to-morrow's Notice Paper. Meanwhile, members might acquaint themselves with the amendment, and might likewise consider a return to be presented to-night, showing the views of certain municipalities as to the rates which would be requisite for their purposes under the unimproved value system of rating. A copy of this return would be laid on the table for members' information.

On motion by the PREMIER, progress reported and leave given to sit again.

PUBLIC HEALTH BILL.

SECOND READING (MOVED).

THE COLONIAL SECRETARY (Hon. G. Taylor), in moving the second reading, said: I hope this Bill will be sufficiently comprehensive to meet the wishes of the most comprehensive minds in this Chamber. The Government have been accused of introducing small amending Bills; but I hope no such accusation will be laid against this measure. It is a consolidating Bill to amend the laws relating to public health, and is a voluminous Bill. I shall not deal with

it in detail, but shall simply speak of the principles involved. The first principle of the Bill is to place the control of public health under a Minister. The Bill will also do away with the present Central Board of Health, and will make provision for the appointment of a chief medical officer of public health. Some members perhaps are wedded to the present system of controlling public health by the central board; but I hope they will peruse the Bill. They have already had time to do so, notwithstanding its size, because it was placed on the table of the House on Friday last. There is an idea prevalent that the Government seek to remove responsibility and place it in the hands of a commissioner; but that is not the intention of the measure. We hope to be able to control health matters departmentally. The Central Board of Health has only been a central board in name. We have on it two architects, a lawyer, an insurance agent; also the presidents of the local boards of health at Kalgoorlie and Boulder, and a land agent. This Bill will make provision by which the health of the whole of the State will be controlled by the Minister for the time being controlling health, that is the Colonial Secretary, upon whom all responsibility will rest; and he will be assisted by a chief medical officer as an executive officer. The Bill also makes provision for placing on local governing bodies full power of looking after sanitary arrangements within their boundaries, which will make the local authorities primarily responsible for health. No doubt members will say the present Health Act does the same thing; but while the local governing bodies have that power on paper under the present Act, they have not in reality the power this Bill gives them. Many members in the present Parliament have had large experience in local governing bodies, and they know that the matter of controlling public health in their districts has only been an addendum to municipal duties, and that when health matters come on they are generally treated very lightly. The same care was not exercised in the past which this Bill endeavours to place on local governing bodies. They should be primarily responsible for health, and the Bill, if passed, will place the public health of this State

on a sounder footing than in the past. The Bill is divided into ten parts, which are set out clearly on the first and second pages of the measure. Part I. is preliminary, and Part II. administrative. I would like to say here that this measure is by no means similar to the Public Health Bill which was introduced in another place by the late Government. This Bill, so far as the administrative portion is concerned, absolutely belongs to the present Government. According to the Bill introduced by the late Government it was intended to have the health department controlled by a commissioner and an advisory board, whilst the present measure places the control of the public health department under a Minister.

MR. RASON: And gives him a commissioner under another name—a chief medical officer of health.

THE COLONIAL SECRETARY: The chief medical officer of health is responsible to the Minister, and the Minister is responsible to Parliament and to the country. There is no argument in favour of a commissioner as against departmental management. It seems to me that where a commissioner is advocated, especially in departmental matters, it is to secure responsibility.

MR. RASON: The public service?

THE COLONIAL SECRETARY: I expected that interjection from the leader of the Opposition. The public service includes all the departments of the State, while this Bill only deals with the public health of the State, and that being so, it is necessary that there should be a responsible Minister in Parliament. The Minister who administers the Bill should have a seat in this Chamber. Whoever is in charge of the administration of the Bill is responsible to Parliament, and therefore responsible to the people. If the health department were under the control of a commissioner he would not be so easily reached. While I am in favour of a commissioner controlling the public service, I am not in favour of a commissioner controlling public health matters. We have the experience of the Eastern States in dealing with health matters. In Victoria and South Australia there is the central board of health system. In Queensland there is the commissioner system, and on inquiry

find that even the commissioner system in Queensland does not work too satisfactorily. We have the experience of New Zealand working with a department of public health similar to that which is intended to be created by the Bill, and New Zealand gets on very well under the system. Members may say, especially those who have visited New Zealand, that the position of New Zealand and the position of Western Australia are quite different. This Bill has realised that. Western Australia covers a very large area, and outside of the metropolitan area on the coast, and the metropolitan centre on the goldfields, we have very scattered districts, and the Bill makes provision to meet all the difficulties in the way of outlying districts. The Bill provides that all local governing bodies shall be placed in charge of health matters, and where there are no local governing bodies the Governor-in-Council has power to proclaim any portion of the State a district to be controlled by the chief medical officer. There will be no difficulty in reaching the most outlying portions of the State by that means. As I said before, New Zealand has a health measure similar to this one. Members well know that most, if not all, of the Health Acts in the Commonwealth of Australia, and that of New Zealand also, have been based on the Health Acts of England; and in the marginal notes members will find references to the Health Acts of the Eastern States and of New Zealand, and on turning up those Acts they will be able to trace the original source of this Bill. I hope members will go carefully into the matter, and not deal with the measure on party lines. Whatever hostility members may have to the Government or to myself as the owner of this measure, I hope they will not make that an excuse for opposing this Bill, which has been carefully prepared with the object of placing the health matters of this State in that position which other measures have failed to do. Part II. deals with administration, and ample provision is made for local governing bodies to deal with all health matters within their area, and only in case of failing to carry out their duties does the chief medical officer or Minister in charge step in and supersede them. That is only in case of infectious disease, and then only when it is

proved there is not negligence on the part of the local authorities or individuals.

MR. GREGORY: You take very strong powers in regard to doctors.

THE COLONIAL SECRETARY: The Bill gives full power to the local bodies to appoint their own medical officers.

MR. GREGORY: And you remove them.

THE COLONIAL SECRETARY: The local governing bodies have full power to remove their medical officers, and the Minister also has power to remove them. The chief medical officer advises the Minister, and all orders have to be made by the Minister, thus making the Minister responsible. Local governing bodies will only be superseded by the Minister in cases of infectious disease, and the reason is this. We believe infectious diseases affect the State as a whole, and that being so it is the duty of the State to control and look after these diseases, and bear the expense of dealing with them.

MR. N. J. MOORE: Which clause provides that infectious diseases shall be taken out of the hands of the local bodies?

THE COLONIAL SECRETARY: Clauses 175 to 215 deal with infectious diseases.

MR. N. J. MOORE: Do those clauses take the power away from the local authorities?

THE COLONIAL SECRETARY: I only said that the chief medical officer of health and the Minister could supersede the local governing bodies in dealing with infectious diseases. I made that statement in reply to an interjection by the member for Menzies, who said that the Government had power to dismiss a doctor appointed by a local body. The Minister who administers the Bill should have power to dismiss if necessary. I may be wrong, but it will be for members to consider that matter when the Bill is in Committee. I do not intend to discuss each clause of the Bill in moving the second reading. If I did, considering there are 257 clauses in the measure, I would be talking perhaps until 8 o'clock to-morrow morning. I am dealing with the main principles of the Bill so as to give members an opportunity of making themselves acquainted with the measure in detail. The Bill has been in the hands of members since Friday last, but in the past it has been usual, since I have been in Parliament, for a Bill to reach mem-

bers when the second reading was being moved. I hope members will recognise that. Part III. deals with sanitary provisions. They are contained in Clauses 46 to 101. Members will find there that the Bill contains ample provision to deal with sanitary matters, sewerage, drainage, disposal of sewage, sewerage works beyond a district, sanitary conveniences, scavenging, cleansing yards and passages, and all that is necessary to be dealt with under that head will be found in these clauses. One member this afternoon said I had neglected to include in this measure provisions with regard to liquor. I thought the Bill was comprehensive enough.

MR. GREGORY: It does include that.

THE COLONIAL SECRETARY: It does include liquor amongst foodstuffs and wines. I think the Bill is sufficiently comprehensive, and I hope members, when the measure reaches the Committee stage, will not try to make it more comprehensive.

MR. RASON: Any specific treatment of sewage?

THE COLONIAL SECRETARY: I think that under the sewerage scheme which will embrace the city of Perth and Fremantle there will be representatives of those places. Part IV. of this Bill deals with dwellings, and in this all sorts of buildings are mentioned. Members will find what they are in that portion when they reach it.

MR. GREGORY: They will control that lodging-house of yours.

THE COLONIAL SECRETARY: I am reminded by the hon. member for Menzies that the lodging-house in which I am located will be controlled. I feel that as far as health is concerned there will be very little difficulty on that score, realising that we have the member for Coolgardie (Dr. Ellis) in the dwelling. Part V. deals with all sorts of nuisances and offensive trades that may crop up. Then we come to the portion that deals with foodstuffs. Perhaps it will be as well to point out the necessity of having that included in the Bill. Members, and especially the members sitting on the front Opposition benches, will remember that some six or eight months ago it was necessary to appoint a special analyst to go into the question of foodstuffs in this State. He has carefully done so; and I

have some of the reports here which may be of interest to members. I am told by the president of the Central Board of Health that until this House moved in the matter it was not known how the foodstuffs were adulterated.

MR. GREGORY: Our bacteriological work has helped it on.

THE COLONIAL SECRETARY: That is so. The hon. member is perfectly correct. If it had not been so, it would have been impossible for the present Government in the short time they have been in office to make the research which was made by the hon. member, who was a member of the Government at that date. This appointment was made some time in April, I think, and the work was completed in August or September. I have the pleasure of knowing that the member for Roebourne (Dr. Hicks) and the member for Coolgardie (Dr. Ellis), both medical men, are here to-night; and I am sure I shall listen with great pleasure to what those hon. members will say when we are dealing with this technical portion of the Bill. Mr. Butefish, the special analyst, says:—

Tinned milk and creams.—The European and American brands examined were all genuine milk and creams free from any injurious ingredient or preservative except cane sugar. With two exceptions, the directions on the tins for dilution were disgraceful, and would bring the product far below the standard of cow's milk. This seems to be done to delude the purchaser into believing the condensed milk to be richer and stronger than it is. The Victorian brands examined all contained quantities of boracic acid sufficient to be injurious to infants and delicate persons using them regularly. The only West Australian sample examined contained the enormous quantity of 95½ grains of boracic acid to the pound—

When members realise that a pound weight contained 95½ grains of boracic acid, they will see it is necessary that some provision should be made to safeguard the food supply of the people of this State. In most cases the foods adulterated are used by the section of the people who cannot afford to buy the higher-priced and better class of provisions. It is the working classes generally who mostly suffer by this. The report proceeds:—

showing the urgent necessity for legislation to protect the public from dangers in food which they cannot detect. The only New South Wales sample examined was of good

quality and free from injurious preservatives. No preservative should be permitted in tinned milk.

In conversation with the president of the Central Board of Health, it was pointed out that preserved milk is used mostly for children and juveniles, and when adulterated it is injurious to the health of those who use it. The report continues :—

It is only to cover dirty, slovenly methods and to try (generally in vain) to get a name for the milk for keeping longer when opened.

Butters.—These were all Australian and of good quality. The Victorian samples all contained boracic acid (all those examined), and some contained objectionable quantities—some contained small quantities.

I think 18 different brands of butter from Victoria were examined. The report says farther :—

The cheeses examined were all free from adulteration. Other foods were considerably adulterated : for example, some mustards consisted largely of starch coloured with turmeric.

This, perhaps, may have greater weight with members even than mustard or butter :—

The samples of beer examined showed that salicylic acid is used in some beers, but most of them, including Victorian lager, were free from salicylic and boracic acids.

A member asks whether these were local or imported.

MR. GREGORY : The samples were just taken from the market.

THE COLONIAL SECRETARY : The hon. member says it was just taken from the market. The butter spoken of here is all Victorian butter. The report proceeds :—

Cordials were found to be extensively adulterated and to contain injurious quantities of preservatives, especially so-called lime-juice cordials.

Of the 19 kinds of sauces examined nearly all were found to contain benzoic, boracic, or salicylic acid. Vinegar was found in some cases to be only a concoction, and contained sulphuric acid.

So-called "unfermented" wines examined contained alcohol and boracic acid. It is a matter of urgency that adulteration and deleterious additions should be prevented.

With that expert evidence before us, that portion of this Bill dealing with foodstuffs should be carried into effect. There is ample provision made here for doing away with adulteration. Part VII. has to do with infectious diseases. The

member for Bunbury (Mr. N. J. Moore) desired to know something about infectious diseases. By this Bill the Minister supersedes the local governing bodies in this matter. I have already made clear the reason why the Bill makes that provision, namely that in the opinion of the Government infectious disease is a matter which affects the whole of the State with equal force as it does those who are living immediately where the disease is located ; and that being so we have made provision in the measure whereby the department controlling the public health shall take charge of it and bear the expense. We have had some experience of infectious disease breaking out in the North ; and we have, I am pleased to say, after the visit of the principal medical officer, practically stamped it out—small-pox.

MR. GREGORY : You have omitted to give effect to your promise.

THE COLONIAL SECRETARY : How is that ?

MR. GREGORY : With reference to this part of the Bill.

THE COLONIAL SECRETARY : I think the hon. member refers to the necessity of bringing in a Bill for the non-existence of which, perhaps, the hon. member is responsible. Infectious diseases and contagious diseases differ materially, and this Bill deals only with infectious diseases. I thoroughly agree with the hon. member when he says some measure should be brought down, but it is not necessary that it should be embodied in this Bill. I am of opinion there should be a measure dealing with these diseases in a similar way to that in which this measure is intended to deal with infectious diseases.

MR. MORAN : Are you not dealing with contagious disease ?

THE COLONIAL SECRETARY : No ; infectious disease.

DR. ELLIS : What is the difference ?

THE COLONIAL SECRETARY : I am asked the difference.

DR. ELLIS : I do not know.

THE COLONIAL SECRETARY : The hon. member knows better that I do the difference between the two.

MR. RASON : But he will not tell us.

THE COLONIAL SECRETARY : The hon. member will tell us when this Bill is in the Committee stage. As I said, I

am not dealing with the measure in detail, but I should like to say here I am sorry there was a necessity for the interjection of the member for Menzies. Had the hon. member taken a different stand in this Parliament two years ago, when I endeavoured to get a measure dealing with that portion of health, we should perhaps have had to-day a measure on our statute-book which would control it, and control it effectually. I hope to see a measure to that effect on our statute-book perhaps sooner than the hon. member for Menzies anticipates.

MR. MORAN: What does the Premier think of it?

THE COLONIAL SECRETARY: I am not the Premier's keeper, and do not know what he thinks of it. I think the hon. member knows pretty well what the House thinks of it; and I am sorry that there are not more hon. members who believe as I believe concerning contagious diseases. If I had my way, one of the first Acts I would place on the statute-book would be an Act to deal effectively with contagious as well as with infectious diseases. The Queensland Contagious Diseases Act is practically as voluminous as this Bill, showing that such diseases must be dealt with in a separate measure. I realised that; hence I did not include them in this Bill. The Bill proposes to give the local authority power to deal with infectious diseases; but if necessary, the Minister has power to supersede the board, and if the outbreak is extensive, to cope with it and remove the financial obligation from the local governing body, on the ground that the suppression of the disease is a national matter. Part VIII. deals with the protection of infant life.

MR. GREGORY: Mostly with controlling baby farmers.

THE COLONIAL SECRETARY: It will prevent any possible chance of baby farmers' existing; and it will deal more effectively with those who take in children to nurse. By the marginal notes on page 71, members will see there are provisions for the registration of houses receiving infants for nursing, the registers to be kept by the local authority.

MR. RASON: Will you explain the principle of Clause 209?

THE COLONIAL SECRETARY: The hon. member can read the clause for him-

self; and nobody knows more than he about the subject dealt with therein. That is a matter of detail, for the Committee. Part X. contains miscellaneous provisions. It enables the medical officer to enter premises for the purpose of inspection, and to inspect vessels in our harbours and rivers, or within a prescribed distance therefrom. I forgot to point out that the existing Act gives power to condemn a dwelling; but I am informed that the power ceases there. The Bill empowers the local governing body, or the department, after condemning a building, to compel the owner to either remove it or put it in a sanitary state. If this is not done power is given the authority to do it, and to charge the owner.

MR. RASON: Is there any appeal from the local body?

THE COLONIAL SECRETARY: Throughout the Bill the appeal is to two justices of the peace, when a ratepayer and the local governing body disagree. As to sanitary requirements, if the local body fails to have these carried out, the Minister makes an order that the work be done, and it is charged to the local body. In the past, a building could be condemned by the authority, but could not be pulled down. The Bill gives full power to compel the removal of any building within a certain time; and if it is not removed, it may be removed by the Government. I hope hon. members will give the Bill fair consideration, and will in Committee deal with it as a Bill to control public health, and not as a party measure. In drafting it we have borrowed from the English Acts, from those of the Eastern States, and from that of New Zealand; for in the latter country in particular sanitary legislation is more up to date than in any part of Australia. We shall no doubt have the valuable advice of the member for West Perth (Mr. Moran), who visited New Zealand not long ago. I remember his writing fluently from that country as to its picturesque and healthy character. Sanitation is more easily looked after there, because the population is not so scattered as in this State. Our population is more scattered than in any sister State; hence we have taken clauses from the Acts of the more settled States of the Commonwealth and of New Zealand, and

have applied them to the settled districts of this State, at the same time providing for the outlying districts. If the Bill passes, we shall be able effectively to control by local governing bodies the territories under their jurisdiction; and the Bill makes provision by which areas outside those territories will be proclaimed by the Governor for administration by the department; hence there need be no fear as to the scope of the measure. It is very far-reaching; I hope it will go through Committee without material alteration; and that being so, we shall have a Public Health Act second to none in the sister States. I have much pleasure in moving the second reading.

On motion by MR. RASON, debate adjourned.

PUBLIC SERVICE BILL.

COMMISSIONER'S SALARY, APPROPRIATION.

Message from the Governor received and read, recommending an appropriation of the sum of £1,000 from Consolidated Revenue for the payment of the Commissioner's salary.

Message considered in Committee of Supply, also Ways and Means; formal resolutions granting £1,000 out of revenue passed and reported, and the report adopted.

BILL IN COMMITTEE.

Resumed from the 13th October; the PREMIER in charge of the Bill.

Clause 6—Appointment of Public Service Commissioner:

THE PREMIER: The clause would define the Commissioner's position and salary. When last we spoke of it he agreed to bring down a message recommending the appropriation of £1,000. The message had been presented, and he therefore moved:

That the following be inserted as Subclause 5: "The Commissioner shall receive a salary at a rate of £1,000 per annum."

MR. RASON: We had dealt with Subclause 6.

MR. MORAN: Subclause 5 could hardly be reinstated save on recommitment.

THE CHAIRMAN: The hon. member could move a new subclause to Clause 6. On the last occasion when we reported progress we were discussing the clause, and the question was "that the clause as amended do stand part of the Bill." He

understood the hon. member intended to move a new subclause.

MR. RASON: Subclause 5 of Clause 6 was struck out by direction of the House. We were now not considering any amendment to Subclause 5.

THE CHAIRMAN: An instruction by resolution was only an instruction for the Committee to consider as they deemed best; but it was absolutely compulsory for the Committee to accept an instruction by resolution and by direction to strike out the subclause. It was necessary for the Premier, in accordance with that instruction, to move that the subclause be struck out; though it was competent for the Committee to oppose that. The hon. member was in order in moving a subclause to the clause we were still discussing; but he could not move an amendment prior to Subclause 5.

MR. MORAN was anxious to see the subclause inserted; but at the same time he was most anxious to see that the Committee should not establish the precedent of reinserting a clause which was the same as that struck out. He understood the proposed subclause was exactly the same as that struck out, with only an alteration in the amount of the salary. It would defeat all the ends of Parliament if we dealt in Committee with any clause of a Bill and straightway dealt with the same clause again without giving notice on the Notice Paper. Recommittals were for the purpose of warning members that matters already dealt with would be dealt with again. We were dealing now with identically the same subclause, and it was not worth while to depart from precedent and reinsert the same subclause with merely a verbal alteration. No doubt the Bill would be recommitted, and he would rather see that procedure carried out, because if we departed from practice in this respect it might be used again as an argument for dealing twice in Committee with a clause, thus defeating the ends of the Standing Orders.

MR. RASON agreed that it would be a dangerous precedent to establish to insert, without notice of recommitment, practically the same subclause that had previously been struck out. The Premier would understand that both the member for West Perth and himself (Mr. Rason) were anxious that the subclause the

Premier intended to move should be inserted in the Bill; and that it was only a question of the proper time for moving it. There could be no material effect whether it was moved now or later on to meet the wishes of hon. members.

THE PREMIER: While accepting the Chairman's ruling, he would meet the wishes of hon. members and agree to recommit this clause.

Clause as previously amended agreed to.

Clause 7—Suspension or removal of Commissioner:

MR. MORAN moved an amendment:

That Subclause 3 be struck out and the following inserted in lieu:—"The Commissioner so suspended shall be restored to office by the Governor, unless each House of the Parliament within forty-two days after the day when such statement is laid before it severally declares by resolution that the said Commissioner ought to be removed from office; and if each House within the said time so declares, the said Commissioner shall be removed by the Governor accordingly."

This was an amendment on which he felt very keenly, because it dealt with a vital principle of the Bill. The clause dealt with the removal of the Commissioner from his position. Primarily and entirely the Bill was introduced to remove the public service from political, as opposed to parliamentary, control, and so that the Commissioner should be high above parties. The Commissioner should, as was usual with high officers of this character, such as Judges and the Auditor General, only be removed finally by the word or action of Parliament; but Subclause 3 provided:—

The Commissioner so suspended shall not be restored to office unless each house of the Parliament, within 42 days after the day when such statement is laid before it, severally declares by resolution that the said Commissioner ought to be restored to office.

This was a subversion of the principle of the Bill, and took away from Parliament its proper prerogative. Parliament should give its vote for the removal of the Commissioner, and not against the removal. The responsible parties in power at any time might harass the Commissioner in such a way as was entirely undesirable; and Parliament alone should remove the Commissioner by a specific fiat, and not by implication. It was hard to understand that the power should be in the hands of the Government. The Ministry

might have strong party leanings, or might come into collision with the Commissioner; and the Governor who took the initiative in suspension meant the responsible Cabinet of the day. They might suspend the Commissioner, and Parliament was then invited to express disagreement with that removal. A strong Government in power could make use of the forms of the House, and delay the initiative from any section of the House friendly to the Commissioner. How could Parliament express disagreement with the action of any Government in power? How could it take the initiative to discuss the matter, the forms of the House being in the hands of the Premier, backed up by a majority? Discussion might not take place within 42 days or 42 weeks. But what did the Commonwealth Act say? It said:

The Commissioner so suspended shall be restored to office by the Governor, unless each House of Parliament within 42 days after the day when such statement is laid before it severally declares by resolution that the said Commissioner ought to be removed from office.

Under this Bill the Government could dismiss the Commissioner, and Parliament could ineffectually strive to discuss the matter and say that he should not be dismissed; but under this amendment the Government must come down within 42 days after suspending a Commissioner and seek the concurrence of the House in their action. Parliament was above party and above the Ministry; and the Ministry should not usurp the functions of Parliament; because Parliament went on for ever and was an entity, an essence in itself, while Ministries were but one of the few phases of political life, many of which swept across the face of Parliament. Any Ministry desiring to suspend the Commissioner must by the amendment come down to the House and seek confirmation from their masters, which was different from waiting for someone in a minority in Parliament to seek to undo again what had been done. The amendment would place the Commissioner beyond the slightest shadow of political control or party interference, and we would be following the Commonwealth precedent in this regard.

THE PREMIER: The object of the clause was to prevent the Commissioner taking office if he had the confidence of

only one House of Parliament. Should the amendment be carried, the position would be: assuming the Commissioner to be suspended, and assuming the question came before both Houses of Parliament, if the Assembly passed a motion confirming the suspension of the Commissioner or authorising his removal from office, while another place refused to pass such a motion, the Commissioner would remain in office, and the Assembly would entirely have lost control over an important officer of the public service. It would be a very serious condition of affairs that any officer holding such a responsible position should remain in power with the confidence of only one House of Parliament.

MR. MORAN: That disclosed the political significance attached.

THE PREMIER: What was true regarding the Assembly was true regarding another place. It would be highly unsatisfactory if the Commissioner remained in office with the confidence of the Assembly but without the confidence of another place.

MR. MORAN: That was provided for in a roundabout way.

THE PREMIER: We consulted both Houses.

MR. MORAN: But accepted the verdict of one.

THE PREMIER: The member for West Perth had overlooked the fact that one House might be quite satisfied with the Commissioner and the other not.

MR. MORAN: The amendment was on the lines of the Commonwealth Act.

THE PREMIER: In this clause the Government had followed the lines of the Railways Act passed last session, and we placed the Public Service Commissioner, according to the Bill, in precisely the same position as the Commissioner of Railways was placed at the present time. None of the objections seen in regard to the Commissioner of Public Service were seen in regard to the Commissioner of Railways. The matter did not escape attention when the Railways Act was under discussion, because the Bill as originally introduced was on the lines of the amendment proposed by the member for West Perth. He (the Premier) proposed an amendment on the lines embodied in the Public Service Bill, and if he remembered rightly the member for

Guildford (Mr. Rason), who was in charge of the Railways Act, accepted the amendment, and it was carried, as far as his recollection served him, without division.

MR. MORAN: Two wrongs would not make one right.

THE PREMIER: The principle was the same as that adopted by Parliament previously; therefore it was not entirely a novel one. He asked the Committee to adopt the proposal because it seemed disadvantageous that a Commissioner of the public service should remain in office if he had the confidence, after suspension, of only one House of Parliament.

MR. RASON: Whatever might have happened in regard to the appointment of the Commissioner of Railways, that need not bind the Committee in their action as to the appointment of a Commissioner of the Public Service. The Premier argued that it was unwise to render it possible for a Commissioner to retain office while only retaining the confidence of one House of Parliament. That applied with equal force if one took the reverse position. Why should a Commissioner lose office because he lost the confidence of one House of Parliament? If one position was objectionable, so was the other. It was only a question of one House of Parliament affecting the matter. The Premier alluded to the danger of a Commissioner being possibly able to influence one House, and so retain office. It might be equally possible, indeed more possible, for a Government to influence one House and so get rid of a Commissioner. As we were bound to a large extent by the lines of the Commonwealth Bill, it would be well to follow on those lines, unless very good reasons were given to the contrary. The course the Commonwealth had followed in this regard was exactly the course the member for West Perth suggested. He could see no reason for departing from that course, which seemed infinitely preferable to that laid down in the Bill, although it might be the manner in which Parliament dealt with the Commissioner of Railways. We might be wiser now than we were a year or eighteen months ago. Here we had something that the Commonwealth had decided to do, and depend on it with very good reason, not without considerable thought; and as there it was laid down

that a Commissioner should retain office unless both Houses said he should not, that was the wisest course to follow. He strongly supported the member for West Perth and he thought the Government on reflection would see that it was the better course to adopt in their own interests, as it took away the possibility of the Government influencing the position for good or bad. It left the question to Parliament alone.

DR. ELLIS: The amendment was very desirable. The Commonwealth Parliament contained many eminent lawyers who had given close attention to this matter, and as that body adopted a certain form of clause, that in itself would be a strong argument in favour of the amendment, and one would have to find very strong argument indeed against it. It was so slight an argument to quote the case of the Commissioner of Railways in contrast to a Public Service Commissioner, because the Public Service Commissioner occupied a position more like that of a Judge than the Commissioner of Railways did, and any procedure found advisable in the judicial line ought to be that adopted in regard to the Public Service Commissioner, unless there were definite reasons against it. By passing the clause as printed we would be taking a departure from the recognised lines for the removal of a high official who should be placed beyond the power of Parliament, except in the matter of dereliction of duty. If we superseded the recognised form that had dominated almost all Parliaments in the English-speaking race it would be wrong. One would require strong definite argument before being inclined to interfere with what we might consider a fundamental principle of the constitution. We could not place a person who had the extreme responsibility of a Commissioner on his shoulders in too high or secure a position. He would have enough difficulties to contend with and principles to fight without placing it within the power of any persons to put him in a false position. The Commissioner, for all practical purposes, was the judge of the civil service. He had to decide weighty questions between high officials. One of the great ideas in modern democracy was that any interference with judicial matters had a tendency to weaken

the whole constitution. The whole principle of liberty was entirely established by keeping the three portions of government as separate as possible. If the three portions of government were accumulated they formed a tyranny, and one of the powerful safeguards against tyranny was the position in which a Judge was placed—that he could not be removed except under a definite condition of affairs. In appointing such a high officer as a Commissioner of the public service, we could not do better than follow the procedure which had been found universally satisfactory in judicial matters.

Amendment put and passed, and the clause as amended agreed to.

Clause 8—agreed to.

Clause 9—Commissioner to inspect departments, etc.:

MR. MORAN: This was a provision that would occur once or twice through the Bill setting forth that the Government should inform Parliament and give reasons why the Government did not elect to adopt the recommendations of the Commissioner. That provision was in consonance with the Commonwealth Act. Parliament should be informed why the Ministry disagreed with the recommendations of their responsible officer, the Commissioner. It was a salutary clause to have in the Bill, otherwise the Government might refuse to agree to any suggestions of the Commissioner, give no reason to Parliament at all, but pigeonhole the whole thing. Surely if the Government disagreed with a high officer of this character in the performance of his duties, they should at least give reasons in the ordinary way to Parliament for not carrying out the Commissioner's wishes. We could not control the Crown in matters of responsible government, and if this clause were carried a stubborn Government would refuse to obey it, in which case the remedy would be for Parliament to disagree with the Government and turn it out. The House might never know how many times the Government disagreed with the Commissioner, without some such provision as he proposed. There could be no valid objection to his amendment which, if passed, would expedite business and show that everything was fair and above-board.

THE PREMIER: Personally he did not agree with the amendment, but did not intend to offer any very strong opposition to it. He thought that the assumption that the Commissioner was necessarily in the right and the Government in the wrong in a case of disagreement, was altogether a wrong assumption.

MR. MORAN: That was not assumed.

THE PREMIER: That was the principle underlying the amendment, that the Government must give reasons, and therefore the Government, unless prepared to immediately lay down the reasons why they disagreed, must not disagree with the Commissioner.

MR. MORAN: The theory was that Parliament should always distrust Ministers in doing their duty.

THE PREMIER: That was very unhealthy from a Government point of view.

MR. MORAN: It was very healthy.

MR. RASON: It was to be hoped that the Premier would agree to the amendment. As this clause provided that every recommendation of the Commissioner should be published in the *Government Gazette*, it was only natural and wise to adopt every precaution in regard to the Government of the day disagreeing with those recommendations, otherwise a great amount of injustice might be done to the civil service. If the amendment were adopted, there would be no reason for any member to call attention to any particular case by moving that papers should be laid on the table, for the reasons would be there.

Amendment put and passed.

THE PREMIER moved an amendment

'That after the word "Commissioner," in line 1, Subclause 4, "relating to classification or to reclassification" be inserted.

The object of the amendment was simply to fulfil the purpose of the clause. It was not intended when the clause was framed that every individual recommendation in regard to every officer, that was to say a recommendation that an officer should be fined or that an officer should be transferred, or anything like that, should be gazetted, or that a recommendation for the promotion of an individual officer should be gazetted. It might very often lead to considerable inconvenience to do that.

MR. MORAN: The hon. gentleman was leaving out provision as to creation of new officers and advertising for them.

THE PREMIER: There was a provision, or if not the Government would make one to do that. But even now, before the Bill was passed, that work was being carried out. No new position was created without advertisements being inserted. The object of this was to enable any man, when the classification or reclassification was made, who felt he had a grievance in regard to it, to appeal, if he so desired, against the proposal. As the subclause now read there would be a great danger of all sorts of trouble and difficulty. For instance, if promotion could not be finally made until the *Gazette* notice appeared, the business of the department might get into some degree of confusion.

MR. MORAN: Whilst supporting the Premier in this amendment, he hoped the hon. gentleman would carefully look at the Bill, so that if, on recommitment, we found we had made a mistake, it could be rectified. There might be some important functions of the Commissioner which it would be desirable to advertise, outside the classification. He was not sure that the clause covered the creation of new officers.

THE PREMIER was very anxious to make this Bill as thorough as possible, and would give the fullest facilities for any suggestions members might desire to bring forward.

Amendment put and passed.

MR. MORAN moved an amendment—

That after the word "Governor," in line 4 of Subclause 5, "on the recommendation of the Commissioner" be inserted.

The amendment would occur several times in the course of the Bill, and he hoped that if now passed members would take it on the subsequent occasions as consequential. The amendment threw upon the Commissioner the full responsibility, in order that he might not afterwards say, "Well, I did not recommend that."

THE PREMIER: There was, he thought, nothing in the amendment. The Commissioner had to find whether there were more officers than necessary, and if he found there were, that would carry with it the duty of reporting where the officers were in excess. Naturally it

would be supposed that no set of officers would be transferred from one department where they were not wanted to another where they were not wanted. He thought the purpose was already met by the clause as it stood.

MR. MORAN : The words "on the recommendation of the Commissioner" should always be inserted after "Governor."

THE PREMIER : It was surely clear that the Commissioner must make such a recommendation.

MR. MORAN : Read Subclause 6, which provided that the Governor might call on such officers to resign.

THE PREMIER : The words in question might be inserted in that subclause, but why insert them in Subclause 5?

MR. FOULKES : The insertion of the words would make the subclause much clearer; as without them the Governor could on his own motion transfer officers from one department to another. With the words, no transfer could be made unless recommended by the Commissioner.

Amendment put and passed, also consequential amendment made in Subclause 6, and the clause as amended agreed to.

Clause 10—Appeals in respect of grade or classification :

MR. MORAN : This was one of the most important clauses of the Bill, and would give civil servants ordinary British justice—the right of appeal. Few words were needed to commend to a democratic House the principle already in force in the Railway Department. Naturally every political party which attained power became more or less conservative, and this was the great safeguard of our institutions; but surely the Committee would not follow the Government to the extent indicated in the clause. A right of appeal was instituted. In the past we had numerous appeals to Parliament. Recently he gave notice of a motion on behalf of a civil servant dismissed on confidential reports made by his fellow officers. The motion was not made, the Government being opposed to it. This illustrated the need for an open court of appeal. Last session witnessed a big fight for the right of appeal for railway servants. Years ago the member for Katoanning (Hon. F. H. Piesse), then Minister for Railways, disagreed with

Sir John Forrest as to giving this right to railway servants, and maintained that it would ruin the service. Last year the same argument was used, that if every servant was given the right, the time of the appeal board would be wholly taken up with trivial appeals. What was the result on the railways? The unions and other organisations of railway servants prevented petty appeals. The board worked satisfactorily, and the full liberty accorded quelled discontent. Let us go the whole hog, and give this right to all civil servants. The appeal of the "waster" would be discouraged. Appeals would be numerous at the outset, but would soon become rarer and rarer. Particularly for the first year or two should appeals be free to all; for there must be dissatisfaction with the classification. In New South Wales 950 appeals were made against the decisions of the Commissioners, and 350 were upheld by the board, though the Commissioners sat on the board. Our Commissioner, though he might be appealed against, would, when a member of the appeal board, act like a Judge of the Supreme Court in Banco, considering an appeal from his own decision, and perhaps agreeing with his brother judges that the decision was wrong. Appeals would ultimately be the exception and not the rule. He moved :

That all the words after "Gazette," in line 5 of Sub-clause 1, be struck out, and "appeal to an appeal board constituted as hereinafter provided," be inserted in lieu.

THE PREMIER : The object of the amendment was to weed out useless appeals; and this could not otherwise be done than by providing that the frivolous appellant must pay the costs. The members for West Perth (Mr. Moran) and Guildford (Mr. Rason) were, he understood, willing, if the amendment passed, to assist in passing a clause with that object. [**MR. RASON :** Yes.] On that understanding, the amendment would be agreed to.

MR. MORAN : With the proposal that the board might mulct the appellant in costs he agreed; but this should not be obligatory on the board. It should be permissive.

THE PREMIER : That was the intention.

MR. RASON : Where the board considered the appeal trivial and unjusti-

fiable, the appellant might be made to pay the costs of the appeal.

MR. MORAN: Subclause 3 of Clause 55 apparently gave the board power to impose a fine.

THE PREMIER: Better give power to make him pay the costs.

Amendment put and passed.

MR. MORAN: The striking out of Subclause 2 would be consequential?

THE CHAIRMAN: Yes.

Clause as amended agreed to.

Clauses 11 to 15—agreed to.

Clause 16—Administrative Division, Professional Division, Clerical Division, General Division:

On motion by MR. MORAN, the words "on the recommendation of the Commissioner" inserted after "Governor" in line 3; and the clause as amended agreed to.

Clause 17—Salaries in Administrative Division:

MR. MORAN suggested an amendment:

That the clause be struck out and the following inserted in lieu: "The officers in the Administrative Division (except in the case of officers paid at a specified rate by virtue of any Act) shall be paid such salaries as may be provided in the Appropriation Act."

Why was the Professional Division included with the Administrative Division in regard to salaries according to the Appropriation Act? Under Clause 17 the Administrative Division were not graded and classified like other portions of the service; but in the Clerical Division there were grade and classification, and by another part of the Bill the Commissioner was allowed to grade and classify the Professional Division.

THE PREMIER: It appeared to be a clerical error.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 37 minutes past 10 o'clock, until 7:30 on the next evening.

Legislative Assembly,

Wednesday, 19th October, 1904.

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THE SPEAKER took the Chair at 7:30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Expenditure of £278,318, details moved for by Dr. Ellis.

ORDER OF BUSINESS, MOTIONS.

MR. THOMAS asked the Premier (without notice): Is to-day set apart for private members' business? and if so, why is Order of the Day No. 10 (Increase of payment to members, adjourned debate on Mr. Henshaw's motion) not put in front of public Bills?

THE SPEAKER: The member could raise the question as a matter of privilege; but he could not anticipate anything on the Notice Paper in any way.

THE PREMIER replied to the question: The debate on the motion of the member for Collie (increase of payment to members) occupied its present position because it had become an Order of the Day and was taking its place with the other Orders of the Day. As far as his experience of parliamentary procedure went, it was the custom, immediately a motion reached the adjournment stage, to allow it to take its place with the other Orders of the Day. In this matter he had simply acted on the precedent created during his past term in Parliament.

MR. THOMAS: The Premier could alter the Orders of the Day.

TRANS-AUSTRALIAN RAILWAY, LANDS ADJACENT TO BE RESERVED.

THE PREMIER (Hon. H. Daglish): I move that the Standing Orders be sus-