Legislative Assembly.

Wednesday, 16th August, 1899.

Paper presented—Question: Transcontinental Railway, Letter from Premier of South Australia—Question: Gold Discovery at the Murchison, Reward—Question: Ivanhoe Venture Gold Mining Company, Particulars—Return ordered: Government Printing, Private Contracts—Return ordered: Government Advertising, Particulars—Customs Consolidation Amendment Bill, third reading—Permanent Reserves Bill, third reading—Bills of Sale Bill, in Committee, reported—Wines, Beer, and Spirit Sale Amendment Bill, second reading, in Committee, progress—Municipal Institutions Bill, second reading, Debate resumed and concluded—Police Act Amendment Bill, first reading—Rural Lands Improvement Bill, in Committee, Clause 4 to end, reported, Division—Patents, Designs, and Trade Marks Bill, second reading, no Quorum—Adjournment.

THE DEPUTY SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Report of Governors of High School, 1898-9.

Ordered to lie on the table.

QUESTION—TRANSCONTINENTAL RAILWAY, LETTER FROM PREMIER OF S.A.

MR. VOSPER asked the Premier: 1, Whether it was true that he had received, or had in his possession, a letter from the Right Honourable C. C. Kingston, declaring himself in favour of a transcontinental railway from Fremantle to Port Augusta. 2, If so, whether he was prepared to make public the contents of the letter.

THE PREMIER replied:—1, Yes; 2, A copy of the letter is attached:—

Premier's Office,
Adelaide, April 19th, 1899.

Sir,

As desired, I have the honour to forward herewith three copies of our Commonwealth Act Amendment Bill, pursuant to which and our Federal Enabling Act, 1895, we propose, on the 29th of this month, taking a referendum of our electors on the question of the acceptance of the Commonwealth Bill as proposed to be amended at the last Premier's Conference. We are sanguine that the decision of the people to accept Federation, which was pronounced by a two-to-one majority in this colony in June last, will be repeated.

Will you pardon my taking the opportunity of expressing the sincerest hope that Western Australia will, as heretofore, keep pace with the general Federal advance. All the other colonies will, no doubt, be included. To you, who are so familiar with the general advantages of Federation, it would be idle to dwell upon them. But the relations between Western Australia and the other colonies—I speak especially for South Australia—have been always so cordial that I am sure it would be a source of infinite regret to all if Western Australia were even temporarily omitted from the closer union so long contemplated, so arduously contended for, and now apparently so readily capable of consummation by all.

Our near constitutional connection resulting from Federation is in itself a boon of great worth to all included within its sphere. I cannot help thinking also that it must at no very distant date result in the connection of East and West by rail through the medium, say, of a line between Port Augusta and your goldfields. This would indeed be an Australian work worthy of undertaking by a Federal authority on behalf of the nation, in pursuance of the authorities contained in the Commonwealth Bill. It is, of course, a work of special interest to Western Australia and South Australia, and I devoutly hope that the day is not far distant when the representatives of Western Australia and South Australia may, in their places in a Federal Parliament, be found working side by side for the advancement of Australian interests in this and other matters of national concern.

I have, &c.,
C. C. KINGSTON.

The Right Honourable the Premier, Western Australia.

QUESTION—GOLD DISCOVERY AT THE MURCHISON, REWARD.

MR. VOSPER asked the Premier: 1, Whether it is true that gold was originally discovered in the Murchison district by the Austin Exploration Expedition. 2, Whether any reward in land or money has ever been granted to the leader and members of that expedition.

THE PREMIER replied:—1 and 2, Not that I am aware of.

QUESTION—IVANHOE VENTURE G.M. COMPANY, PARTICULARS.

MR. ILLINGWORTH, for MR. LEAKE, asked the Premier: 1, Where the Ivanhoe Venture Corporation carries on its business; 2, Who is the manager of the company; 3, Whether the company is still in existence; 4, whether the company has any, and if so what, assets.

THE PREMIER replied:—I have been informed—1, That the registered office of the company is in Hannan street, Kalgoorlie; 2, that there is no manager, but Mr. C. J. Moran is the official liquidator; 3, That it is in existence; 4, That the assets have been sold by the sheriff.

RETURN—GOVERNMENT PRINTING, PRIVATE CONTRACTS.

MR. VOSPER moved:

That there be laid upon the table a return, showing the amount of printing work done by private contract for the Government during the last financial year, and giving details of the distribution of the same.

He submitted this motion because complaints had reached him, and, he thought, other hon. members as well, that large contracts for Government printing had been let to private firms, while employees of the Government Printing Office were idle.

Question put and passed.

RETURN—GOVERNMENT ADVERTISING, PARTICULARS.

On motion by MR. VOSPER, ordered that there be laid on the table a return, showing the total amount expended in advertising by the Government during the last financial year, together with particulars showing the amounts expended by each department, and the newspapers in which such advertising took place.

CUSTOMS CONSOLIDATION AMENDMENT BILL.

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

PERMANENT RESERVES BILL.

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

BILLS OF SALE BILL.

On the motion of Mr. WALTER JAMES (in charge of the Bill), the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clauses 1 to 4, inclusive—agreed to.

Clause 5—Interpretation:

MR. JAMES moved that the second and third paragraphs be struck out, and the following inserted in lieu thereof:

"Bill of Sale" includes any document or agreement whatsoever, whether in writing or by parole, or partly the one and partly the other, and whether by way of sale, security, gift, or bailment; (1) Transferring, or intended to transfer, or to be a record or evidence of the transfer of the property in or right to the possession of chattels; or (2) By which a right, authority, or license to the possession of or to seize any chattels, or to any charge or security thereon shall be conferred or reserved: Provided that nothing herein contained shall prejudice or affect the right of a landlord to distrain for rent or the right to distrain for rent on a demise by a mortgagee in possession to the mortgagor as his tenant at a fair and reasonable rent.

This, he said, did not extend the definition, but would rather shorten it.

THE ATTORNEY GENERAL: The definition was intended to include any agreement in writing or by parole. Would there not be some difficulty about that?

MR. JAMES: The object was to make people put agreements in writing.

THE ATTORNEY GENERAL: If the provision were taken from any existing Act, inquiries could be made.

MR. JAMES: No Act he knew of included parole agreements in the way proposed.

THE ATTORNEY GENERAL: Was it not absurd to say there could be a parole agreement?

MR. JAMES: It meant that if a person relied on a parole agreement, he was relying on a broken reed, and an agreement ought to be put in writing. If a receipt for chattels were taken, and reliance placed on the word of the other party, then it came under the operation of the Bills of Sale Act, and it was desirable to avoid that.

THE ATTORNEY GENERAL: It was provided that a transfer or intended transfer was to be a record of evidence, and that would include a gift before death. That was not done often; but how could it be registered? There would have to be a bill of sale given.

MR. JAMES: Such a gift would be included as the law now stood.

THE ATTORNEY GENERAL: Not if it be given by way of *donatio mortis causâ*.

MR. JAMES: There was no exclusion of a bill of sale by *donatio mortis causâ*. If a donation were made under the circumstances and possession given, a person was justified in holding possession.

THE ATTORNEY GENERAL: Only in event of death.

MR. JAMES: Death was assumed for the purposes of the argument. A bill of sale would not apply, because possession would not be held by the grantor, but by the grantee, and a bill of sale was only affected by the Bill where possession of the goods remained in the hands of the person who had given the bill of sale. If actual possession passed to the grantor

and remained with him, the Bills of Sale Act did not apply.

Amendment put and passed.

MR. JAMES further moved that in the fourth paragraph, lines 4 and 6, "chattels" be struck out, and "goods" inserted in lieu thereof.

Put and passed.

MR. JAMES further moved that in paragraph 4, line 6, the words "ante-nuptial settlements" be inserted after the words "corporate bodies."

THE ATTORNEY GENERAL: This paragraph referred only to transfers in the ordinary way of business, like that, for instance, of a horse dealer; but suppose some person not a horse dealer made a transfer? This had been pointed out to him as a defect in the Bill, because it might interfere with transactions which were perfectly good and sound.

MR. JAMES: This paragraph was taken from existing legislation. A horse dealer had possession of the horses of other people, and this was expected in the ordinary course of his business. A person not a horse dealer, but in possession of horses, might get credit; and possibly the intention was to meet such cases.

Amendment put and passed.

MR. JAMES further moved that the paragraphs defining "chattels" and "trade machinery" be struck out, and the following inserted in lieu thereof,—

"Chattels" include any personal property capable of complete transfer by delivery, including fixtures and growing crops when separatedly assigned, charged, or bailed, and also book debts, but shall not include choses in action other than book debts. No fixtures shall be deemed separately assigned, charged, or bailed, and no growing crops shall be deemed separately assigned, or charged, by reason only that they are assigned, charged, or bailed, or assigned or charged respectively by separate words, or that power is given to sever them from the premises to which they are affixed, or on which they grow, without otherwise taking possession of or dealing with such premises, if by the same instrument any freehold or leasehold interest in the premises to which such fixtures are affixed, or on which such crops grow, is also conveyed, transferred, bailed or mortgaged to the same person or persons. The machinery used in or attached to any factory or workshop, as hereinafter defined, shall be chattels within the meaning of this Act; but (1) the fixed motive-powers, such as the water-wheels and steam and other engines, and the steam boilers, donkey engines, and other fixed appurtenances of the said motive-powers; and (2) the fixed-power machinery, such as the shafts, wheels, drums, and their fixed appurtenances which transmit the action of the motive powers to the other machinery, fixed and loose; and (3) the pipes for steam, gas or water, in the factory or workshop, shall not be chattels within the meaning of this Act.

Amendment put and passed.

MR. JAMES further moved that the following be added to the definition of "Contemporaneous advance":

Every bill of sale given absolutely or by way of security shall be fraudulent and void as against the trustee in bankruptcy or liquidator in the winding up of the estate of the grantor if it has been executed prior to the filing of the petition on which the order of adjudication or winding up order is made, or within six months prior to the resolution for voluntary winding up, or prior to the execution by the grantor of any statutory assignment for the benefit of creditors, except as to any contemporaneous advance and interest thereon, and except also, as to any money advanced or paid, or the actual price of goods sold or supplied, or the amount of any liability undertaken by the grantee or assignee of such bill of sale to, for, or on account of the grantor after the registration, but on the security of the said bill of sale.

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

Clause 6—Bill of sale to contain names and addresses of parties:

MR. JAMES moved that the words "the place," be inserted at the beginning of Sub-clause 3; and that in Sub-clause 4, line 2, the words "or rent" be struck out.

Put and passed, and the clause as amended agreed to.

Clause 7—Future crops and progeny of stock may be included in the bill of sale:

MR. JAMES moved that "grantee" and "grantor," in lines 12 and 13, be interchanged.

Put and passed, and the clause as amended agreed to.

Clause 8—Attestation and registration of bill of sale:

On motions by MR. JAMES, Sub-clause 8 struck out; also in Sub-clause 5, line 2, the words "notice the" struck out and "copy" inserted in lieu thereof, and "the same" inserted after "sale."

Clause as amended agreed to.

Clause 9—agreed to.

Clause 10—Periods for registration:

On motions by MR. JAMES, paragraphs 2, 3, and 4 struck out, and the following inserted in lieu thereof:

2. Fourteen days from the day of execution, if executed at or within 50 miles of the

municipality of Albany, Southern Cross, Coolgardie, Kalgoorlie, Menzies, Geraldton, or Cue, or if executed at a place outside such limits, but not more than 200 miles from the said city.

3. Thirty days if executed at a place more than 200 miles but less than 500 miles from the said city.

4. Sixty days from the day on which it was executed, if executed at a place 500 miles or more from the said city.

5. If executed within the magisterial district of East Kimberley within the colony, or at any place out of Western Australia, then within 21 days after the time at which the bill of sale would in the ordinary course of post arrive in the said city, if posted immediately after the execution thereof.

Clause as amended agreed to.

Clause 11—agreed to.

Clause 12—Advertisement of notice and lodging of caveats:

On motions by MR. JAMES, the words "filing of the notice beforementioned," in lines 2 and 3, struck out, and "presentation of a bill of sale for registration" inserted in lieu thereof; also, in paragraph 3, line 3, the words "filing of the notice aforesaid," struck out, and "presentation of a bill of sale for registration" inserted in lieu thereof.

Clause as amended agreed to.

Clauses 13 to 16, inclusive—agreed to.

Clause 17—Mode of renewal:

THE ATTORNEY GENERAL: The word "present," in line 2, before the words "residence and description of the grantor," was not in the English Act. Such residence might be unknown.

MR. JAMES moved that the word "present," in line 2, be struck out.

Put and passed, and the clause as amended agreed to.

Clauses 18 to 25, inclusive—agreed to.

Clause 26—Effect of registration:

On motions by MR. JAMES, the words "or in the case of a," in line 2, struck out and the words "and every" inserted in lieu thereof; also after the word "debenture," in line 2, "unless complying" inserted.

Clause as amended agreed to.

Clauses 27 to 29, inclusive—agreed to.

Clause 30—Extent of liability for rent:

On motion by MR. JAMES, the words "heretofore or," in line 3, struck out.

Clause as amended agreed to.

Clause 31—When instrument made subject to defeasance not contained therein:

On motion by MR. JAMES, the following words were added:—"This section shall not apply to any bill of exchange or promissory note comprising the amount secured or any part thereof."

Clause as amended agreed to.

Clause 32—Bill of sale void in certain cases except for present advances, etc.:

On motion by MR. JAMES, clause struck out.

Clause 33—Bill of sale void as to execution on existing debts:

On motion by MR. JAMES, the words "hereafter given absolutely or by way of security" inserted after "sale," in line 1.

Clause as amended agreed to.

Clause 34—Unpaid purchase-money same as contemporaneous advance:

On motion by MR. JAMES, the clause struck out and the following inserted in lieu thereof:

Whenever legal process shall issue against the chattels of a judgment debtor, and the chattels are subject to a bill of sale, the Sheriff, bailiff, or other officer charged with the execution of such process may, and at the written request of the judgment creditor shall, sell the interest of the judgment debtor in the said chattels without levying thereon, and the purchaser shall be entitled to take possession of the chattels, subject to the said bill of sale, and to hold the same as the absolute assignee of the judgment debtor; provided, that nothing herein contained shall affect the right of any execution creditor to test the validity of such bill of sale, and in the case of a sale under this section the purchaser shall have the same rights of and grounds for testing the validity of such bill of sale as the execution creditor had or would have had under this Act.

Clause agreed to.

Clauses 35 to 43, inclusive—agreed to.

Clause 44—Bill of sale over wool:

On motion by MR. JAMES, the words, "wherever the same may be," struck out, and "stacked or stored on any premises of the grantor or grantee," inserted in lieu thereof, in the last line.

Clause as amended agreed to.

Clauses 45 to 47, inclusive—agreed to.

Clause 48—Bill of sale to secure less than £30, and secret bill of sale, void:

On motion by MR. JAMES, in first line, after the words "bill of sale," the words "by way of security" inserted; also, all words after "void," in line 2, struck out.

Clause as amended agreed to.

Clauses 49 to 51, inclusive—agreed to.

Clause 52—Registration of debentures:

THE ATTORNEY GENERAL: The clause included debentures of companies

incorporated outside the colony, and carrying on business in the colony; but there might be a difficulty in applying the machinery of the Bill to such companies, and compelling the registration of all debentures. The debentures issued by a company were limited by the articles of association, and in this way every person had notice of their extent. Under this clause, debentures held by persons in England would, if not registered, become waste paper.

MR. JAMES: It was desirable that local creditors should be protected in the case of foreign companies; and if English debenture-holders got the benefit of the measure, they ought to meet its obligations. He was prepared, however, to strike out the part of the clause to which the Attorney General had taken exception, provided it was made clear that foreign debentures were equally bills of sale with local debentures. Perhaps the better way would be to amend the definition on recommittal; and, in the meantime, he moved that the words "or carrying on business," in line 2, be struck out.

Amendment put and passed.

MR. JAMES further moved that there be added to Sub-clause 1 the words: "A copy of the debenture, or if a series of debentures be issued, a copy of one debenture of each series shall accompany and be filed with such notice"; also that there be added, to stand as Sub-clause 3: "Registration of a debenture, or of a series of debentures, may be renewed by the holder of any debenture, or by any officer of the company or body issuing the same. The renewal of registration of any one debenture of a series shall be deemed a renewal of all the debentures of such series."

Put and passed, and the clause as amended agreed to.

Clause 53—Application of prior sections:

MR. JAMES moved that in line 1 the words "nine to fifty-one" be struck out, and "nine to thirty-eight, both inclusive, except Section Thirty-one, and also Section Forty-eight to Fifty-one," be inserted in lieu thereof.

Put and passed, and the clause as amended agreed to.

Clause 54—agreed to.

First Schedule:

MR. JAMES moved that there be added the words, "62 Victoria, 15—so much of Section 53 as refers to the 55 Victoria, No. 32, Section 46."

Put and passed, and the schedule as amended agreed to.

Second Schedule:

On motion by MR. JAMES, schedule struck out.

Schedules 3 to 6, inclusive—agreed to.

Title—agreed to.

Bill reported with amendments.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

SECOND READING.

MR. JAMES (in the absence of Mr. Illingworth) moved the second reading of the Bill, and said: This Bill contains certain good provisions, with which I thoroughly agree. Hon. members will notice that the first clause gives to justices a wider discretion in imposing a penalty, where a licensee is charged with the offence of supplying liquor after statutory hours, and where the person served has attempted to pass himself off as a *bonâ fide* traveller. By passing a provision of this kind, any person so misrepresenting himself as a *bonâ fide* traveller can be punished, and the licensee who may have been thus deceived into committing an offence can be exempted from punishment. I think the present provision of the law goes too far in that respect, because hotel-keepers are at present easily induced to commit an offence against the law. In regard to Sunday trading, I do not think the law should provide any means by which inducements can be offered to licensees to commit further breaches of the law. Clause 3 of the Bill is, I think, the most important provision in it, for it provides that in any licensed premises no female shall be employed in any bar on a Sunday, Christmas-day, or Good Friday, nor at any time after 11 o'clock at night. Hon. members will thoroughly agree with the principle of that clause, for it seems unjust that females employed in hotels should have to continue their labour during long hours; and by providing that females may be employed until 11 o'clock at night, no one can reasonably object that we are unfairly interfering with the liberty of licensees, by unduly taking from them the

right they now have to employ females at night as well as in the day hours. The Bill also provides that females shall not be employed in bars on Sundays; and by passing this provision we shall be assisting to carry out the existing law, because there ought not to be any need for bars in a hotel to be open on Sunday, when there can be only the legitimate trade of supplying lodgers and *bonâ fide* travellers; and if only legitimate trade be carried on, there can be no necessity for employing females behind a bar on Sunday. Hon. members will see that Clause 3 restricts a licensee in the employment of females behind a bar, so far as Sunday, Christmas-day, and Good Friday are concerned. I should think also, in connection with the ordinary trade of the hotel, there can be no need to employ females behind a bar after 11 o'clock; because where there is a license granted allowing a billiard room to be kept open after 11 o'clock at night, there can be no need to have females employed behind the billiard room bar, if only those persons who are engaged in playing billiards are to be supplied with liquor. The only object of the provision is to insist indirectly that our present law shall be carried out, and that there shall be no trade carried on in hotels on prohibited days or in prohibited hours, I do not think we shall be doing anything startling by passing this Bill.

MR. DOHERTY: They are not allowed to carry on a trade now after 11 o'clock.

THE ATTORNEY GENERAL: Yes; they obtain permits for billiard saloons.

MR. JAMES: The intention is that only those who play billiards shall use the billiard bar, and there can be no necessity for employing females behind such bar after 11 o'clock at night. I move the second reading of the Bill.

MR. LEAKE (Albany): I intend to support this Bill. Clause 3 is the most important; and after the action which was taken in this House on the motion of some member, not long ago, who proposed to prohibit the employment of females behind liquor bars, I think those members who voted for that resolution will vote for Clause 3 of this Bill. It does not preclude the employment of women behind a bar, but only after 11 o'clock at night, and on Sundays and the other days mentioned. On the principle of fair-play, and to prevent what I may call "cruelty to animals," we ought to pass this clause. In some hotels the barmaids are kept up until 2 or 3 o'clock in the morning, and I know they are kept up long after the prohibited hours in many hotels.

MR. HOLMES: How did you find out that fact?

MR. LEAKE: I travel, and I know all about it. This practice is within the knowledge of every member of the House. I have heard complaints from persons who are affected by it, and I think it is a wrong thing that these long hours of duty should be imposed on any person in the interests of hotel-keepers. This Bill will lead to the better order and government of public-houses; and anything that has a tendency in that direction should be encouraged. It will go a long way towards preventing this trading after hours and on Sundays, for it is a notorious fact that in most of the hotels in Perth Sunday trading is almost openly carried on.

MR. DOHERTY: Why not legalise it?

MR. LEAKE: That is another question. Whilst this Sunday trading is carried on and the law is flouted, a hotel-keeper will try to make his place as attractive as possible, and will be likely to use his servants' time as much as he can, and a little bit overtime. The result is that women have to go on duty even on Sunday, and it is part of their engagement that they shall do so. It is not right that such a practice should exist; and if we can stop it by means of a little mild legislation like this, we ought to do so.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I have much pleasure in supporting the second reading of the Bill. This House last session passed a Bill for the purpose of protecting employees in shops and factories from having to work very long hours. This is a corrolary to that legislation, and it is the duty of the Legislature to take care of the health of women employed in hotels as well as in other places. This measure will have a most salutary effect, both in helping the police to preserve order and in lessening the inducements for hotel-keepers to keep open their licensed premises longer than the law permits. As to the employment of women in hotels

on Sunday, it is very salutary that they should have a day off; and, if so, there will be less temptation for people to go and drink in hotels on Sundays than when barmaids are employed there.

MR. RASON (South Murchison): This Bill will commend itself to the House. As to Clause 4, it says the amount of penalty or imprisonment shall not exceed the maximum prescribed penalty. I do not see how it can do so.

THE ATTORNEY GENERAL: That is a technical matter.

MR. WOOD (West Perth): It is not my intention to oppose the Bill, but it may not be altogether in favour of the women who are employed in hotels to limit their hours to 11 o'clock at night, because those hotels which have billiard saloons, and bars for the purpose, must have someone employed behind the bar after 11 o'clock at night, and if men have to be employed after 11 o'clock because women cannot lawfully continue after 11, the result will be a reduction of the wages of those women who are usually employed behind bars. I believe the women have not asked for this legislation, and if young men are kept hanging round a bar after 11 o'clock, the women have themselves to blame for it, in most cases, by not making proper efforts to get the bar cleared. The Bill is a good one, but it is not too much in the interest of the barmaids whom it seeks to protect. As to letting them off labour on Sundays, most hotel-keepers in Perth to my knowledge do allow their girls to have Sunday off, and also allow them to have a morning or afternoon in the week off duty alternately. I mean that is the practice in the best hotels, but in others I am aware they are not treated with so much consideration.

MR. SOLOMON (South Fremantle): I support the Bill as being a good one; and it will have a further salutary effect if those wine and beer licenses, which are now granted to eating-houses and other places, can be brought under the operation of this Bill. At a meeting of publicans held some time ago, it was pointed out that Sunday trading was caused to a large extent by the granting of licenses for selling colonial wine and beer to eating-houses and other places, where the restaurants are kept open at times when hotels have to be closed. If something could be done in this Bill by inserting a provision that will make it applicable to those wine and beer licenses, I think a good deal of the mischief that goes on at present can be avoided.

MR. MITCHELL (Murchison): I do not rise to oppose this Bill, but it seems to me useless legislation, because the existing Act provides that no public-house shall be kept open without permission after 11 o'clock.

MR. LEAKE: Where there is a billiard table, hotels remain open till 12 o'clock.

MR. MITCHELL: Only on rare occasions.

MR. LEAKE: No; nearly every hotel in Perth is in that category.

MR. MITCHELL: With regard to Sunday trading, I should like to know whether any hon. member has seen girls serving behind bars on Sunday?

MR. HIGHAM: I have.

MR. MITCHELL: Well, you had no right to be there yourself, and you are just as bad as the barmaids. I have no wish to oppose this Bill, but only want to point out that it is unnecessary.

Question put and passed.

Bill read a second time.

On motion by MR. JAMES, the House resolved into Committee to consider the Bill.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Proof of *bonâ fide* traveller:

MR. JAMES: Although in charge of the Bill, he did not approve of the clause, which had doubtless received attention in another place. He had some diffidence in proposing an amendment, but there were already enough loopholes by which hotel-keepers could avoid the penalty for serving liquors to other than *bonâ fide* travellers. The law as at present administered was a farce.

THE ATTORNEY GENERAL: The first part of the clause was wide and vague: "If in the course of any proceedings the defendant fails to prove the purchaser was a *bonâ fide* traveller." The intention was that in the case of prosecutions under Section 61 of the Act of 1880, the licensee might set up as a defence that he made reasonable inquiries as to the *bonâ fides* of the purchaser. But before the word "proceedings" the word "legal" should be inserted, and after "proceedings" the words "under

Section 61 of the Wines, Beer, and Spirit Sale Act of 1880."

MR. LEAKE: A new clause could not be drafted in Committee. Better report progress.

MR. JAMES: Did the Committee approve of the object of the proposed alteration? He altogether disagreed with the clause. If the purchaser had falsely represented himself as a "traveller," it should not be optional whether the justices should direct proceedings to be instituted against such purchaser. Such action should be compulsory. He moved that progress be reported.

Put and passed.

Progress reported, and leave given to sit again.

MUNICIPAL INSTITUTIONS BILL.

SECOND READING.

Debate resumed on the motion for second reading, moved on the 9th August.

MR. QUINLAN (Toodyay): I consider this Bill of the greatest importance to the colony generally. It is a very long measure, and it proposes a number of changes in the present Act, some of which I admit will perhaps meet the necessities of the case, and which ought to, and doubtless will, receive the support of this Chamber; but there are other innovations with which I do not at all agree. The member for West Kimberley (Mr. A. Forrest), who is also Mayor of Perth, said, when introducing the Bill, that he believed it to be a first-class measure. With that I entirely disagree. For instance, take Clause 106, "Voting by proxy." By this clause it is proposed to make provisions similar to those now obtaining for proxy voting at Parliamentary elections; that the voter must call upon a resident or police magistrate, or other official appointed by the Governor. In my experience this system is very troublesome indeed, for it is not always convenient to attend those officials, and it is especially difficult in Perth to find them at an opportune time. They are generally busy people, being, as a rule, civil servants, who cannot always be seen for this purpose by the public; and although the present method of proxy voting at municipal elections is somewhat lax, still it is in many respects convenient. By the existing Act a voting paper is forwarded to the elector, who signs and returns it to the proxy. The proxy is asked certain questions with a view of eliciting whether the person voting is on the roll and entitled to vote. I hope the House will see its way to continue the present system, with a slight amendment, to remove the laxity at present existing. Clause 133 makes provision for the remuneration of officers on their resignation or on the abolition of the offices. Though the present Act makes a similar provision, still it stipulates that anything done shall be submitted to the approval of the ratepayers and the auditors. There is no such stipulation in this Bill. Some of the words in the existing Act have been omitted here; and I think that the right to vote away the ratepayers' money as is proposed, upon the retirement of an officer or on the abolition of his office, would be a dangerous power to give to the council. As to Clause 161, Sub-clause 24, dealing with gambling and betting, I think municipalities have already quite enough to do in attending to ordinary municipal affairs, and to my mind gambling and betting do not come within the scope of municipal business; besides, their regulation is already provided for in the Police Act. Whether the law is at present properly enforced I am not prepared to say, but I do not think the municipal authorities would seriously ask to be burdened with any other duties than those they at present perform. Another clause to which I wish to draw attention is number 275, providing that a tenant may deduct the cost of paving out of the rent. The landlord is always liable to the council for rates or other charges, and the existing law ought to be ample without giving such power to a tenant, who might have differences with his landlord, and who might put that landlord to endless expense. It is often said that stoppage is no payment; and I think it would be most unjust to give such power to the tenant. I am not speaking in my own particular interests, although I am largely concerned in the letting of premises. I feel that the existing law is for the general advantage of the owner, and is also in the interests of the occupier. Clause 276 compels owners to fill up low-lying land at their own expense. I think this would be a hardship in places where

roads did not exist in years past, and where houses were erected at a time when the levels given were probably correct, and where those levels have since been altered, or where houses have been built at a time when no provision was made for the fixing of authoritative levels. As anyone with municipal experience is well aware, it is not so many years since there was not such a thing as a Building Act, and therefore it would be hard for people who have vested interests to the value of hundreds or perhaps thousands of pounds to be compelled to fill up their properties to the level of existing roads. There is an instance to-day at the corner of Lord and Hay Streets, where there is a piece of land about five feet below the level of the road. A wall is being erected there and a fence pulled down, and the owner is being put to considerable expense to make his land accessible from the street; and I contend that if councils have the power to compel land to be filled up to the street level, there should also be power to take down a hill to cover the level. It is unreasonable, not to say dangerous, to give such a power to a municipal council. As a member of the Perth City Council I must not say much against them, but they are no more perfect than other municipal councils, and ought not to have the power to cause people endless expense without providing reasonable compensation. Clause 281 provides that owners shall keep crossings in repair, but that is unfair, because owners now are charged half the cost of making crossings, which are used by the general public; and the House might agree to amend this clause in a fair direction. I do not wish property owners to go scot-free, but they should not be compelled to provide public roads and paths at their own cost. Clause 331 is very important, proposing as it does to give the municipality power to levy rates up to two shillings in the pound. So long as I can remember the maximum has been one shilling and sixpence in the pound, and if that is sufficient for Perth municipality, which is about the most extravagant in the colony, it ought to be sufficient as a general maximum. The present debt of the Perth municipality is about £130,000, and with increased powers of rating, I am afraid it would be found impossible to carry on very long. Property owners are not the only persons concerned, because, after all, the rates affect occupiers, and it is usual, when rates are raised, for occupiers to have to put up with the consequences. I may go so far as to say I have been informed by the Mayor of Perth that they were the goldfields municipalities which favoured this large maximum rate being provided in the Bill, their reason being that they wanted to embellish their towns, and if possible make them cities at once. But the population in the goldfields municipalities are not so fixed in the colony as were the people in the more settled districts, and those with vested interests in the latter are entitled to consideration. As an owner of property, a member of the City Council, and one of long experience in municipal matters, I am strongly of opinion that one shilling and sixpence as a maximum rate is ample.

MR. DOHERTY: What about rates of seven shillings and eight shillings in the pound in the old country?

MR. QUINLAN: Perhaps the hon. member is not acquainted with the fact that there are other rates besides a general rate. At present it takes a shilling in the pound to meet the loan rate; then the health rate is sixpence, and there is also the burden of a shilling rate for water, in addition to a sanitary rate which is collected half-yearly. In a new place like Western Australia, we should be very cautious indeed in burdening people who are endeavouring to do the best for themselves and for the community generally.

MR. DOHERTY: The city gets it all back again.

MR. QUINLAN: If the hon. member had as much to do with municipal matters as I have, he would know better what the council receives and what has to be paid. Clause 335 is of great importance and will, I believe, cause considerable discussion. There are two methods of valuation; one, the present method upon rental and upon the capital value of unoccupied land, and the other on the capital value of land only. It is very difficult indeed to give fair effect to the present method, which is to have two valuers, though I do not see how it is possible these two valuers can go over the whole of the city. At any rate, they are answerable for the present valuation of ratable property, and, in my opinion, it

is impossible for them to make fair valuations. In a case of a block of offices, for instance, they go to every office, question the tenants as to the rents paid, and separately rate each tenant. This has to be done, of course, on every floor, even to the basement, and the whole thing is a farce. It is true the system has always been in vogue here, and, while it is impossible to give proper effect to the rating, enterprise is penalised. Parliament may be able to solve the question; and my own opinion is that rating on the capital value is the best system, and I hope the Mayor of Perth, who is inclined to favour a system of rating on foot-frontage, will see that the latter is impossible. It has been tried elsewhere and found impracticable, whereas rating on the capital value is in effect rating on frontage, and would do away with the necessity of valuers going round as they do now, or are supposed to do. If rating on capital value were adopted, the valuers, who would probably be the City Council as a whole, could sit at a table and value the city in sections, guided by the various positions of the property, giving such increase of valuation to corner blocks as they in their judgment may think fit. It might be found hard, after the long years of the present system, to bring about so sudden a change; but when the question is thoroughly debated, the system I suggest would I think be workable. If, however, the present method continues, all floors above the ground floor should be rated *en bloc* and the owner left to put his tenants' names on the roll as indirect ratepayers. There is another new provision in the Bill which I hope the House will not agree to it in its present form. That is Clause 334, which gives power to make separate or special rates on the petition of one-third of the ratepayers of a ward. It would not be very hard to get one-third of the ratepayers to agree to cause the other two-thirds expense, if it suited the purpose of the former to have some particular street, drain, or other work carried out. I think it would meet the views of hon. members if one-half of the ratepayers were required to give effect to such a petition, or the proportion might be made even higher. There are slight amendments which I propose to give notice of in Clauses 349 and 350. Clause 356 gives power to value property on the previous year's valuation if that be thought necessary; but that is a little too much power to be given, for the reason that valuers, perhaps for the sake of their salaries, seeing that the money would not come out of their own pockets, might be too much inclined to adopt that valuation. In Perth, as the hon. member for West Perth (Mr. Wood) can testify, there has been great depreciation in the value of property during the last year or two. Clause 362 provides for appeals against rating. Under the present Act, appeals should be made to the Court, but in Perth it has been the custom for a number of years for the City Council as a body to consider appeals. There is no doubt that in this the Perth Council act illegally, but that plan has been carried out in order to save people the expense of going to Court. Although the present method has met requirements very well, and may have given general satisfaction, appeals are not decided in sufficient time to allow the money to be collected, and hence the necessity of adopting some other method. The Bill requires that a ratepayer on appealing shall deposit the whole of the disputed rates with the council; but once the council have got the money into their hands, the probability is they will keep it, unless a very strong case indeed be made out. It is a hardship that the whole of the rates should have to be deposited, seeing that the custom in Perth has always been to collect the rates half-yearly. It is provided that in case of appeal to the Court a deposit of two guineas must be made, and poor people are very rarely able to avail themselves of the right, seeing that, with the risk of failure before them, the amount of the rate in dispute has also to be lodged. The difficulty might be fairly met by providing in the Bill that a ratepayer on appealing shall deposit no more than half the rates alleged to be due.

At 6·30, the DEPUTY SPEAKER left the Chair.

At 7·30, Chair resumed.

MR. QUINLAN (continuing): I was dealing with Clause 32, which makes provision for appeals against valuation; and I said that to compel a person appealing

to deposit the whole amount of the rates levied, together with two guineas to cover costs, was an excessive demand. I think the case would be well met if half the amount of rates and one guinea to cover costs were required to be deposited by a person appealing. The reason why there should be some deposit, in case of appeal, is that in many instances persons might bring frivolous complaints, which ought not to be brought into Court, seeing that there is a provision in the Bill by which an appeal may be made to the local council. I refer to the present method which has been carried on by the Perth Municipal Council, but which is really against law; although I think that, if it were made lawful, it would probably meet the requirements of most ratepayers, and especially those in poorer circumstances. I think the House might well agree to amend the clause in the way I have suggested. Clause 368 provides how rates shall be recovered, both real and personal property being made liable for the amount of rates due, and provision is also made that claims for rates shall have priority over all other claims, even before rent. In the case of leases, this provision might be a hardship on owners, who would naturally suppose that their tenant had paid the rate. I think it should be sufficient protection that the property is liable for any rates due; and it is an excessive provision that a council may distrain, not only for the amount of rates owing, but actually for an additional charge of 10 per cent. interest on that amount; for as all rates are payable in advance, therefore to add 10 per cent. interest on the amount due and payable in advance, is more excessive than is charged even by the pawnbrokers at the present time. As to Clause 371, dealing with evidence required for making or levying a claim, I am of opinion that evidence of the service of notice should be proved, whereas this clause makes special provision that there shall not be any evidence necessary beyond the production of the rate-book. There are many instances, and it is of almost weekly occurrence in a place like Perth, of owners finding that a notice has been served on their tenant, that the tenant has gone away, perhaps left the colony, and therefore the owner has become liable, and is called on to pay. Not only is there in the Bill a right to distrain on an owner for rates, which ought to have been paid by the tenant, who may have gone away, but there is provision by which the mayor of a municipality may combine a number of persons, including not only the owner and the occupier, but as many more as the mayor may deem it necessary to serve with notice. In other words, the mayor may levy distress on a person's private house for a debt incurred by his tenant, who may have gone away. As the property is liable in itself, this provision should be a sufficient guarantee for the amount of rates due. There are one or two other amendments I intend to propose in Committee, but they deal with mattters which need not be discussed at the present stage. I have spoken longer than usual on this question, for I have felt it is an important one; and being not only concerned so much myself, but I have taken the trouble to get other persons to go through this lengthy Bill. If those clauses I have referred to be amended in the way suggested, the Bill may be made a good one; but as it is at present I do not think it is by any means what the member for West Kimberley (Mr. A. Forrest) believes it to be, as stated in moving the second reading. The Bill has been drafted by the town clerk of Perth, also by Mr. Card, and by Mr. Speed, a solicitor, each one having had something to do with it. The Bill has also undergone revision at the conferences of delegates from municipal councils; but I leave the House to judge as to the attention it would be likely to receive from delegates at the last conference, when I say that one person who was connected with it described the affair as a picnic rather than a business proceeding. Therefore, I do not think the Bill has had the consideration that ought to have been given to it by the municipal delegates. As this Bill affects the general well-being, not only of Perth, but of every municipality in the colony, it behoves the House to give every new provision the closest possible attention.

MR. SOLOMON (South Fremantle): I have much pleasure in supporting this Bill. At various times during the last two or three years, similar measures have been introduced which did not meet with the approval of hon. members, and they were consequently withdrawn. This important Bill is one very difficult to draft,

inasmuch as the affairs of municipalities are somewhat complex. For instance, I will take Fremantle, which has had considerable difficulty in dealing with sand-drift. Even in this Bill there are no satisfactory sanitary provisions, and in this connection I have given notice of an amendment which I think will meet with the approval of the House. Nearly every municipality in the colony—and many of them are new—has different requirements in civic matters; consequently in a Bill of this kind, if powers are to be given to municipalities at all, they must be given in a generous spirit, and the various councils trusted to carry out such powers intelligently and faithfully. I cannot agree with the member for Toodyay (Mr. Quinlan) that this Bill has only recently been under consideration; it has been considered for a long time. Not only during the present year, but last year when the municipal delegates met, a Bill similar to this was placed before them, though possibly it was not so voluminous. This Bill has met with general approval, and with the few alterations suggested by the hon. member, which I have no doubt will improve some of the clauses, and with other amendments which I shall propose, and which are now on the Notice Paper, I think the Bill will meet the requirements of this colony for some time to come. I think, however, that a separate Bill is required to deal with Perth and Fremantle, as is the case with the larger cities in the Eastern colonies, where they have City Acts dealing with city municipalities, and general Municipal Acts dealing with the country towns. To have brought forward such a Bill would have been far better than to amalgamate the whole of the municipalities in one large measure. Undoubtedly the Bill gives extreme powers to councils—some powers to which hon. members may object; at the same time, it must be borne in mind that, being a general Bill for the whole colony, it is necessary to give these wide powers and to trust to the municipalities for carrying them out properly. The hon. member (Mr. Quinlan) said he did not think it was the duty of a council to deal with gambling and matters of that kind. I cannot agree with him. I think municipal councils should deal with all social matters, and should have power to put down any abuse likely to bring the town into disgrace; and the hon. member, on reflection, will doubtless see that gambling fairly comes within the scope of the Bill. As regards the rates, I agree with the hon. member that the council should in the first place have power to deal with appeals against rates; though I do not know whether the House will agree that half the amount of the rates levied should be deposited as a sort of security that the council's decision will be respected. I certainly think, however, that some money should be deposited in the hands of the council, and that if the decision be not final, both parties should go before the local court, and should pay the usual fees. I feel sure that hon. members connected with country municipalities will see that their towns are properly protected. Such hon. members will be more particularly interested in the clauses dealing with rating. It is proposed that a principal rate up to 3s. in the £ should be levied. That figure might suit very well such places as Coolgardie and other goldfields towns, but in Perth and Fremantle it would certainly be too high, considering the many other rates and other forms of taxation to which owners of property are subject. I notice that, by the Bill, fire brigades will come under the management of a separate body, while at the same time the municipalities will have a certain amount of control over them; and it is my intention to move that members of fire brigades shall have power to call to their assistance cabs and other public vehicles, as considerable difficulty has hitherto been experienced in finding means for transporting hose-reels and other appliances to the scene of the fire. This is a power which might very well be given to every fire brigade, and would greatly assist in putting out fires as quickly as possible. With other matters of detail I shall deal in Committee, but in the meantime I must express my satisfaction that the Bill has been presented in its present form, dealing generally with the various municipalities of the colony, and that it has received the approval of the various municipal delegates. I notice the omission of schedules in this measure. I do not know whether these should be attached to the Bill on the second reading, so that hon. members may see whether

they are in accordance with the provisions of the clauses, or whether they may afterwards be added with propriety. However, I shall give this measure my most cordial support.

MR. WOOD (West Perth): I congratulate the municipalities of the colony on their bringing forward this new measure, and think that, when we come to consider that the Bill has received the almost unanimous support of the combined municipalities, it should be treated with great respect by hon. members, and that the House should try to pass it as nearly as possible in its present form. There are only one or two matters upon which I shall touch, for the Bill is a very long one, and impossible to deal with in detail on the second reading. In Committee, we shall no doubt be able to make some amendments and improvements. One thing, however, I hope will be enacted—that the owner be made primarily liable for the rates. When the Municipal Bill was before the House in 1894 or 1895, I opposed that proposition most strongly, because I then thought that, if an occupier wanted to get on the ratepayers' roll, he should take the responsibility for paying the rates; but since that time, I have had a good deal to do with the working of the Municipalities Act, and during the last few years have been forced to the conclusion that the owner is the man who should pay the rates, and that he can easily collect them in his rents. I would not go quite as far as to say that this proviso should necessarily apply to leasehold property, but in dealing with small tenants paying low rents I think rates would be much more easily collected by making the owners liable, and this system would be very much more satisfactory to the tenant, and, in the long run, more satisfactory to the owners. The member for Toodyay (Mr. Quinlan) referred to the proposal for rating on the capital value of the land, and I think that is a splendid idea, which would save a lot of trouble, and, in the end, be more satisfactory than the present system; because we know pretty accurately the value of a city property, say at the corner of Hay and Barrack streets, or at the corner of William and Hay streets, and so on. We can arrive very much more easily and satisfactorily at a basis for rating by taking the capital value of the property. Still, the levying of the rate will not be quite so easy as the hon. member thinks. It will not be altogether possible to do it while sitting round a table, because I do not know how, by sitting at a table, the ratepayers' names are to be placed on the rate-book. For that purpose I fail to see how a house-to-house canvass can be avoided, so as to get the names of the various occupiers of shops, offices and dwellings. It is easy enough to get at the landlords, but in addition to them, we must consider that the occupiers are entitled to be enrolled as ratepayers, and it would take considerable time and trouble to get hold of the occupiers. Still, taking it all round, the proposed change is better than the present system of rating on rental values. As regards the gross amount of rates collected, it will be pretty much the same as under the old system, because the City Council must have a certain amount of money for municipal requirements, and the amount of the rate must be increased or decreased from time to time as may be requisite, whether the rating be based on the rental or on the capital value. The whole system of City Council rating is, I am afraid, not very perfect. Hitherto, there has been a uniform rate of 1/6 in the £; and whatever the total amount of the valuation comes to they strike a rate of 1/6, whether such a rate will produce £18,000, £15,000 or £12,000. I have often said that the duty of every municipality is to make up their estimates earlier, and see how much is required, and when the amount available for rating is ascertained, the rate can be fixed. That is not now done, and during the time of the high rents, the rates were not lowered at all. If the estimates were made up at an earlier date, the municipality could, according to whether they wanted £15,000 or £20,000, strike a rate at a shilling, sixpence, or threepence, as the case might be. If that were done, the rating would be much more satisfactory than it is at present. The Bill is a good one, though no doubt some of the clauses can be improved in Committee. As to appeals, the Bill leaves the municipality to deal with these *in camera*, and also permits them to be made to the Local Court. In my opinion, appeals ought to be made as easy as possible to the rate-

payer, and I venture to say that if rating on capital value be adopted there will be few appeals, because the capital value can be ascertained much more readily than a fair rate on rental value, and not so much is left in dispute. During last year the appeals were something enormous, and took days and days to consider and decide; but under a scheme of rating on capital value, so many differences of opinion would not occur. In any case, whether the rating be on capital value or on rental value, appeal to the highest authority, which is the Court, should be made as easy as possible. In this connection I would suggest that the mere payment of a fee of two guineas should entitle a person to appeal, or the fee to be deposited might be calculated on a sliding scale varying with the rate in dispute. These and other matters can be dealt with in Committee, and I have no doubt that when the Bill has been discussed it will result in as good a Municipal Act as there is in Australasia.

Question put and passed.

Bill read a second time.

POLICE ACT AMENDMENT BILL.

Received from the Legislative Council, and, on the motion of MR. ILLINGWORTH, read a first time.

RURAL LANDS IMPROVEMENT BILL.

IN COMMITTEE.

Consideration resumed from 3rd August.

Clause 4—Fine of owners for certain unimproved rural lands:

HON. H. W. VENN moved that in lines 9 and 10 the words "of one penny" be struck out and "mentioned in the third schedule hereto" inserted in lieu thereof. The schedule referred to in the amendment was one which he intended to move later on, and it provided that the fines should be on a sliding scale. When he framed these amendments he had in his mind the inclusion within the operation of the Bill of large properties like that of the Midland Railway Company, and probably the Hampton Plains Company; and although these companies had been exempted, the amendments were just and proper, and would introduce the "thin edge of the wedge" in as mild a form as possible.

MR. MITCHELL: In the event of the Midland Railway Company and the Hampton Plains Company not being included within the operation of the Bill and the proposed Third Schedule not being passed, what would be the position?

THE PREMIER: The Third Schedule would be passed in some form. There was no objection to the amendment, though it was a matter which would be dealt with when the schedules were before the Committee, and hon. members could express themselves as to whether they desired a sliding scale or a definite fine to be fixed. It was almost absolutely necessary to provide in a schedule if there was to be a sliding scale at all, and in order to give members an opportunity of dealing with the matter, he was willing to agree to the amendment. There would be a discussion as to whether a sliding scale, if adopted, should be in the direction indicated by the hon. member for Wellington (Hon. H. W. Venn) or the opposite.

MR. ILLINGWORTH: It would be very much the opposite.

THE PREMIER: At any rate, an opportunity would be given of discussing what should be the amount of the fine in a better way than by discussing it in the body of the Bill.

Amendment put and passed.

HON. H. W. VENN further moved that in line 2 of the third paragraph, the word "two" be struck out, and "three" inserted in lieu thereof. Three years were, in his opinion, short enough notice, seeing that for very large areas two years would be a very limited period, and that under this clause owners would be called upon to expend very considerable sums of money, which might require some special effort.

MR. GREGORY: By allowing nearly three years before the owner would become subject to the penalties in the Bill, that period should be sufficient as the clause stood, and he hoped the amendment would not be accepted. It was desired to make land owners improve their land, to make it productive, and the time allowed in the Bill was quite sufficient.

THE PREMIER: The time might be long enough in the case of owners who had done half or a great part of the improvements required under the existing land law; but in cases where no improve-

ment had been made up to the present, and especially in the case of land only lately acquired, the period allowed in the Bill was hardly long enough for fencing the land and spending on it the sum required by the Bill, according to the classification of the land. The expenditure would in such cases be large within a short time, as compared with the much longer time hitherto allowed under the land law of the colony; for, as the expenditure in making improvements required by the Bill would be concentrated within a short time, he could understand that it would be a hardship on owners who had not done any portion of the improvements hitherto, and he knew of some owners who were in that position. The amendment proposed would not operate very adversely to the intention of the Bill; because as soon as this Bill came into operation, the owners of land would begin at once to make improvements, and even if three years were allowed instead of the short time stated in the Bill, they would have all they could do to complete the improvements within the time, in some cases. Where improvements had been nearly completed, the compliance with the Bill would be very easy, but not in other cases. He intended to move, later, that consideration should be allowed to persons who had done a portion of the improvements, and that only in regard to the portion not improved should the fine be imposed.

MR. GREGORY: Why alter this paragraph in the clause?

THE PREMIER: The amendment would assist those persons who had inherited, or recently acquired, large estates and had the intention of improving them, and the time allowed in such cases would not be too much. If a person bought an estate, he would be bound to make the improvements required under the Bill, and the tax might be a heavy burden in his case, because the money would have to be spent in so short a time.

Amendment put and passed.

THE PREMIER moved, as a further amendment, that the following paragraphs to be added at the end of the clause:

Exemptions where the expenditure on improvements has been equivalent to that required.

If an amount equal to the value of the fencing and other improvements in this section mentioned has been spent on the land, no fine shall be imposed, although the land is not wholly fenced or wholly otherwise improved.

Partial exemption proportioned to partial improvements.

Whenever the improvements in this section are, after the commencement of this Act, in part but not wholly effected, notice thereof on behalf of the owner may be served on the valuation officer, who shall reduce the valuation accordingly, and the fine shall be reduced in proportion, and any owner, if dissatisfied with the reduction, or if no reduction is made, may, within three months after the service of such notice, appeal in manner hereinafter provided against the valuation.

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

Clause 5—Appointment of valuation officers:

HON. H. W. VENN moved that the following proviso be added:

Provided always it shall be lawful for the owner to require, and it shall be obligatory upon the Minister to accept, the purchase of the owner's interest in such land at the estimate put upon it by the valuation officer.

The object of the amendment was to provide for those cases in which the amount of valuation put on a piece of land by the Government valuator would necessitate the expending of such an amount as would be beyond the reach of the present owner; therefore if he was unable to complete the improvements without practically ruining himself, it should be fair to call on the Government to take the land from him at the valuation fixed by their own officer, and the Government could make the improvements at the public expense.

MR. OLDHAM: The Government did not want to buy land, but to sell it.

HON. H. W. VENN: The Government had been buying land recently. If a piece of land valued by the officer was not of sufficient value for the owner to place the required improvements on it, what would be the use of compelling him to do so? The fair course would be for the Government to acquire that land and improve it. Considering that the Government were offering to give 160 acres of freehold land to any person who would take it on conditions of improvement, what chance could there be for private owners to sell land, when the Government were giving land away? In the case of a private owner, the land must have cost him something, and he could not afford to give it for nothing; yet to be compelled to improve it under the terms of this Bill might ruin him. The principle of this amendment

was, he believed, in operation in New Zealand, though the valuation there was in the opposite direction. If this amendment were passed, the Government would take care to have such a valuation placed on a piece of land as would not be inequitable in case they had to purchase it at the same price. The Premier had said the other evening, very forcibly, that those who wore the shoe knew where it pinched; and he (Hon. H. W. Venn), representing a section of the people in the country who had invested money in rural land, and knowing the difficulties of the situation, had proposed this amendment as an equitable one.

THE PREMIER said he could not accept this amendment, for several reasons. The Government did not wish to have the obligation of buying land merely because it was necessary that land should be valued for the purposes of the Bill. Secondly, the Bill was not intended to be a revenue producer, but the revenue to be obtained under the Bill was to go to local roads boards, for the improvement of land in the particular district. The only object of the Bill was to apply a gentle pressure on landowners to do something with the land, and add to the productions of the country. In New Zealand there was a provision somewhat similar to that of this amendment, but it appeared to him to be most unfair; for in the case of any owner of land objecting to the valuation put on it, the Government were required to purchase the land at that valuation.

MR. ILLINGWORTH: In New Zealand the land had to be valued for taxation purposes, and if an owner fixed the value at too low an amount, the Government had the option of purchasing the land at the value so fixed by the owner.

THE PREMIER: That seemed to be terribly unjust, because if the land were not rated at too low an amount, still the Government might take it, and the owner who had put that value on it might not wish to sell the land, and would perhaps pay any rate rather than lose the land.

MR. OLDHAM: He could put up the valuation.

THE PREMIER: But it was grossly unfair.

MR. ILLINGWORTH: It worked splendidly.

THE PREMIER: Some people who had no land in this country were ready enough to talk about taxing land owned by other people. The hon. member (Mr. Illingworth) might own some town lots.

MR. ILLINGWORTH: The Peel Estate, for instance; he had been interested in that.

THE PREMIER: The hon. member must have got rid of it very quickly. Everyone thought a good deal as he felt on questions of this kind. There was a great amount of satisfaction on the part of some men in knowing they were passing a law to tax someone else, and that the law did not touch them. Human nature was the same now as it always had been.

MR. MORGANS: It was the same in regard to taxing a mine.

THE PREMIER: Yes; a man who had a mine to be taxed did not feel as much pleasure in taxing mines as did the man who had no mine and no dividend to tax. This further amendment would not work equitably, because the Government in the first instance did not want to buy land. There was a provision in the Bill that if the valuation was too high, the matter could be contested, and the Court would decide whether the valuation was fair or not. That being so, there was no reason why the obligation suggested should be placed on the Government. It would be fairer to place it on the roads boards, if the obligation had to be placed on anyone, seeing that the roads boards were to receive the revenue. He did not think the hon. member could expect the Government to accept the amendment, as it would place a burden on the State that there was no necessity to do.

MR. HOLMES: The Committee could not take the hon. member for Wellington seriously on this matter. The hon. member had stated that there was any amount of rural lands in this colony which were not salable, and which were worth practically nothing. If the amendment was carried, an inspector could pass through a district where there was an unlimited quantity of unsalable land, and put a high value on it. In fact the inspector could conspire with the settlers so as to get half the money, and the Government would have to take the land at the valuation put upon it.

MR. MITCHELL: The valuation would be made according to the class which the land was placed under. The member for Wellington intended later on to move a

schedule showing what valuation should be placed on certain classes of land.

MR. RASON: The object of the amendment was, no doubt, to avoid too high a valuation being placed on rural lands, because the Committee would wish that an absolutely fair valuation should be placed on lands. Still he did not think the Government would be prepared to buy all the available rural lands of the colony, even at a fair valuation. If the amendment were carried, an obligation would be cast on the Government to purchase all the rural lands of the colony which were offered to them. The hon. member's object was plain enough, and it was a desirable one; still he did not see how it was to be arrived at. The New Zealand land law in this respect appeared to be very unfair. The member for Central Murchison said the law worked well in New Zealand; but one could not understand how that was so, because under that law a man holding a property which had been in his family for years, not wishing in any circumstance to lose his property, would have to put a ridiculously high value on the land in order to prevent the Government taking it from him. The man no doubt would gain his object, but was it fair to make a man place a high value on his property in order to avoid losing it?

MR. OLDHAM: From what the member for Wellington had said, it seemed as if that hon. member did not want to farm land, but to sell it. The object of the Bill was to compel people who had land and did not use it, to put the land to some use or let somebody else use that land. That was the plain object of the Bill.

HON. H. W. VENN: If that somebody else could be found.

MR. OLDHAM: If the hon. member and other people owned land which they were not using, and the land was no good, no hardship could be done if the land were taken away. Some reference had been made to the principle of the New Zealand Act. That law seemed to attain the object which the Government of this country had in view far easier than the manner sought to be adopted in this country. In New Zealand the object of the Government was not to buy land, but to compel those people who were holding a considerable area of the fairest lands of New Zealand and doing nothing with it, to put it to some use.

THE PREMIER: That was not the object of the New Zealand law; the object was to levy a land tax.

MR. OLDHAM: The object of the New Zealand law was the improvement of the land, and the Government of New Zealand arrived at the matter in the easiest possible way. The Government of New Zealand asked a person to value his own land, and if the value was too low the Government could step in and buy the land at the owner's own valuation.

MR. RASON: The Government could step in and buy the land, no matter what value was placed on it.

MR. OLDHAM: The Government were not likely to step in and buy land so long as a man was using his land. It was not unfair to say, after a man had held land for a considerable number of years, and had not used it in any way, that he should be compelled to either give the land up at a fair valuation, or use it himself.

HON. H. W. VENN: That was what was desired.

MR. OLDHAM: If the hon. member wished to arrive at that point by the amendment, then he was surprised at the innocence of the hon. member. The hon. member asked the Government to buy land at a valuation by the Government officers. If the valuation officer was the Premier, possibly the country would not be averse to taking the lands at the Premier's valuation; but any collusion between the valuator of the land and the owner of the land might render the country liable to a large amount of money. In some cases the Government might have to pay as much as 15s. and 20s. per acre for land.

HON. H. W. VENN: The hon. member (Mr. Oldham) led one to believe that he had not travelled in this country. The hon. member had alluded to his (Hon. H. W. Venn's) particular land. Hon. members knew, of course, the position he occupied in regard to the land he held; and if the conditions which the Government imposed had not been fulfilled, he would have been sorry to speak on the question. The Bill would not affect him at all; he did not want to sell land. He had spoken of the large owners, not of rural lands of the colony,

but of such lands as had been alienated from the Crown, and had some value, but which had not been put to any use. This amendment would deal with land on which the owners were unable to put the improvements, as they could not raise the money to do so. Possibly a good deal of the Peel Estate, for instance, was held by people who would have great difficulty in making the required improvements. If Parliament considered that such lands should be improved, let the State buy them at its own valuation. The £500 or £1,000 per annum required to fulfil the conditions of improvement on such land could not so easily be found by rural landowners. When he gave notice of the amendment, he had in view the Midland Railway and the Hampton Plains Companies; but as they had been exempted from the tax, his arguments had lost some force. To have compelled those companies to improve would have been absolute confiscation.

MR. ILLINGWORTH: They might have paid the fine.

MR. OLDHAM: The schedule proposed by the hon. member (Hon. H. W. Venn) only taxed such lands ¼d. in the £; how would that ruin anybody?

HON. H. W. VENN: True; but the schedule was not yet passed.

MR. ILLINGWORTH: There was some reason in the remarks of the last speaker; but surely it should not be obligatory on the State to buy the land of a man who would neither make the required improvements nor pay the fine. In undertaking to value all rural lands, the Government would involve the country in great expense, with no corresponding return to the State, as such valuations would be done gratuitously, seeing that the proceeds of the tax would be handed over to the roads boards, thus benefiting the property of the taxpayers. Therefore the Bill, instead of compelling people to improve their land, would actually tax the State for the purpose of making roads in particular districts. The very opposite method should be adopted, namely, that of New Zealand. There the Government did not value the land, but every owner had to send in his own valuation, which was examined by a Government assessor, who, if he considered the land under-valued, required from the owner an amended valuation. If the owner declined to make his valuation agree with that of the assessor, then the State might purchase the land at the price the owner put upon it; and this was simply a safety clause to induce people to send in correct valuations. There had been one instance distinctly to the advantage of the State, where a large landowner had furnished a ridiculously low valuation, which he refused to amend, and the land had been purchased by the New Zealand Government for £45,000 and sold again at a large profit. With such a proviso the Government need not go to the expense of going over and valuing the land. The hon. member said the Bill might operate ruinously on landowners. How could that be? According to the hon. member's own schedule, a man with 40,000 acres of land would only have to pay ¼d. in the £; in fact, in nine out of 10 cases, owners would rather pay the fine than improve their property; consequently the object of the Bill would be defeated. He had in mind large tracts of country held for 20 years and more, from which the State had never derived one shilling. Such lands were merely held by the owners in the hope that they might some day become valuable.

THE PREMIER: Which lands?

MR. ILLINGWORTH said he must keep that secret.

MR. WOOD: Suppose the owners could not sell?

MR. ILLINGWORTH: Then, even if the tax compelled them to abandon the land, there would be no great hardship. The fine amounted to £2 1s. 8d. on 2,000 acres of land. How could that ruin anyone, especially when the proceeds of the tax went to improve the roads in the neighbourhood? Take the Peel Estate, some of which he (Mr. Illingworth) had bought for 2s. 6d. an acre. Supposing it were now valued at 5s. per acre, then for every four acres the owner would pay ¼d., and for 16 acres 1d. Would such owners be ruined by the tax? Could we in reason say a man was going to be ruined by such a process as this? The system of valuation by the owners was a most excellent one, which would relieve the State of the cost of valuing all this land from which they got no return. There was something in the amendment of the member for Wellington (Hon. H. W.

Venn), but not sufficient to warrant the Committee in passing it.

HON. H. W. VENN: None of us had much sympathy with absentees who had done nothing to improve their land, and lived on their interest. He moved this amendment with the view of meeting cases which might possibly arise in regard to those now on the land who would be unable to carry out the improvements stipulated in the Bill as it originally stood. The application of his amendment would have had very great force had the Midland Railway Company been included in the Bill, and he was not quite sure there would not again be an attempt to include that company. In regard to the value of the land, the hon. member (Mr. Illingworth) had placed it altogether too low. Land alienated under the old grants was believed to be some of the best in the colony.

MR. ILLINGWORTH: What did Peel pay for his? About 4½d. for the lot.

THE PREMIER: Nothing was paid for it.

HON. H. W. VENN: The value even of the land referred to would not be less than 10s. an acre, and some would be worth much more.

MR. MITCHELL: The object of the Bill was to force people to improve their land, and he was afraid the fines to be imposed under the Bill would not compel them to carry out the improvements stipulated. Indeed, he did not think it would have the slightest effect in regard to making people carry out the necessary improvements. Although the intentions of the Government were good, he feared the Bill would fall altogether short of what they intended and hoped for.

MR. MORGANS: The explanation given by the member for Central Murchison with regard to the working of the New Zealand Act was, he believed, correct, but it seemed strange that the Government here should apply such a measure under the same conditions as apparently had been adopted in that colony. The hon. member said the owner of the land was compelled to place the valuation on his own property. If by any chance the valuation were too low, it went into the hands of the Government valuer, who said, "This property has been valued too low, and now the Government will step in and buy it."

MR. ILLINGWORTH: The valuer sent it back to the man.

MR. MORGANS: He sent it back to the man, who either returned it without any change, or increased the amount.

MR. ILLINGWORTH: If the man sent it back without any change he consented to the purchase.

MR. MORGANS: Supposing the holder of the land changed the valuation, and the Government valuer said it was still too low, the Government would come in and buy it. A Government official was called in to value this land without seeing it or knowing anything about it, and the land had to be sacrificed.

MR. ILLINGWORTH: No sacrifice at all.

MR. MORGANS: Many cases might happen in which it would be a great sacrifice to a man to lose his property in this way; and he could not understand the member for Central Murchison suggesting it was an equitable arrangement for a Government valuer in his own office, which might be 500 miles away from the land in question, to decide whether the holder had put a proper value on the land or not.

MR. ILLINGWORTH: That was not the process.

MR. MORGANS: The hon. member's explanation was what he was dealing with.

THE PREMIER: The hon. member (Mr. Illingworth) made a mistake.

MR. MORGANS: Such was the case, he thought.

MR. ILLINGWORTH: In New Zealand a man had the option of taking the Government valuation, but under our process he would have to pay the tax anyhow.

MR. MORGANS: It was a pleasure to know his observations had been the means of causing the hon. member to correct the statement made.

MR. WALLACE: There was, he was beginning to think, a good deal in the amendment of the member for Wellington, inasmuch as when he gave notice of it the intention was to include the Midland Railway Company and the Hampton Plains Company in the Bill. By imposing a tax and compelling the Midland Company to forfeit their right to the land, the House would be attaining the object desired. Members had said the Midland Company would be glad to take 4s. per acre for the whole of their land.

The highest rate in the schedule, in relation to improvements, was 5s. per acre. and if the Government valued the Midland Railway land at 5s. per acre, and were compelled to take it at that price, he did not think the House would regret it. He asked that the Bill be recommitted to give an opportunity of including the Midland Railway Company and the Hampton Plains Company in the Bill. If that were done, the member for Wellington would receive strong support for his amendment.

Further amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 6 to 12, inclusive—agreed to.

Clause 13—Remedy by ordinary process; remedy by distress:

MR. GREGORY: Sub-clause *b* gave power to the Government or Minister to distrain upon the goods and chattels of any person who could not pay the fine. The proper remedy for the Crown should be to distrain on the land. A man might have a small patch of land of great value to him, and also own a large piece which, according to what had been said, was unfit for improvement. Why should the Minister distrain on a man's furniture and sell him up because he could not pay the fine?

THE PREMIER: Why should not that be done?

MR. GREGORY: Why not sell the land?

MR. ILLINGWORTH: The member for North Coolgardie (Mr. Gregory) was perfectly right in his suggestion, as the object of the Government was not to raise money. A man in possession of 1,000 acres, on five acres of which he had his little homestead, his horse and dray, and other chattels, might not be able to pay the fine, and equally unable to sell his land; and yet, under those circumstances, it was proposed to sell this man off and break up his home. He (Mr. Illingworth) had always been against seizing goods and chattels for rates, and this fine was practically a rate. The Crown was sufficiently protected by the power given to register a judgment against a man for all time, which judgment remained a charge on the land. The Crown could surely wait until the land changed hands in some way, before enforcing this payment. If there was only one case in 10,000 of the kind, it would be an injustice. If the land was of any value, it was value for the rate; and if it was of no value, no harm was done by the fact that it was unimproved. There were a good many people who owned quantities of land, but who could not pay their debts, because they were unable to sell the land.

MR. GREGORY moved that the word "or" in line 6 be struck out, and that Sub-clause (*b*) be also struck out.

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

Clauses 14 to 18, inclusive—agreed to.

Clause 19—Fines to be expended on roads and bridges:

THE PREMIER moved that in line 3 after the word "shall" the words "the amount less the whole of the expenses of valuation," be inserted. The Crown did not desire to hand over the whole of the money to the roads board, and also bear the expense of the valuation.

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

Clauses 20 to 25, inclusive—agreed to.

First Schedule:

HON. H. W. VENN moved that the words "five," "three," and "two," be struck out, and the words "three," "two," and "one," be inserted in lieu thereof. The first improvement provided was that of fencing, and in many districts this would cost from £20 to £27 a mile; indeed, in some cases fencing had cost £70 a mile; and, as under the present Act, there would, no doubt, have to be a "good and sufficient fence," this would be a very serious item. Then outside the fencing, according to this schedule, improvements had to be made to the extent of 5s., 3s., and 1s. per acre, on first, second, and third-class lands respectively. That was too much altogether on large areas of land, suitable for grazing purposes mainly, and the amendment he had proposed would be a sufficient tax to show that the Government intended the land should be improved. This class of legislation was new, and no doubt, once this Bill was passed, it would not be many years before imposts would be increased in some way, probably by a land tax.

MR. OLDHAM: What would be the amount to be spent on 5,000 acres of first-class land, outside the fencing?

THE PREMIER: At 3s. an acre that would be £750.

MR. ILLINGWORTH: Was the fencing to be part of the improvement?

THE PREMIER: No. The Bill provided that the land must be fenced besides.

MR. ILLINGWORTH: The Premier had suggested an amendment previously that if an amount equal to the value of the fencing and other improvements had been expended on the land, no fine would be imposed. Supposing a man had spent 3s. an acre on five acres out of 1,000 acres, would he be free from fencing all the land?

THE PREMIER: The fencing would have to be done as well.

Amendment put and passed.

Schedule as amended agreed to.

Second Schedule:

THE PREMIER moved that after "subdivision," the word "fences" be inserted; that after "wells," the word "reservoirs" be inserted; that after "dams," the words "dwelling houses, sheds, barns and other farm buildings," be inserted.

Amendments put and passed, and the schedule as amended agreed to.

New Schedule:

HON. H. W. VENN moved that the following schedule be inserted after the second schedule: "Under five thousand acres one penny in the £, over five thousand acres one half-penny in the £."

Amendment put and passed.

Third, Fourth, and Fifth Schedules—agreed to.

Title—agreed to.

MR. OLDHAM: When would it be competent to move that the Bill be recommitted?

THE CHAIRMAN: On the report stage.

Bill reported with amendments.

THE ATTORNEY GENERAL moved that the consideration of the Committee's report be made an order of the day for to-morrow.

MR. ILLINGWORTH moved, as an amendment, that the date be the next Tuesday.

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

Ayes	...	...	6
Noes	...	...	9
Majority against		...	3

AYES.	NOES.
Mr. Gregory	Sir John Forrest
Mr. Illingworth	Mr. Hall
Mr. Monger	Mr. Hubble
Hon. H. W. Venn	Mr. Lefroy
Mr. Wallace	Mr. Pennefather
Mr. Oldham (*Teller*).	Mr. Piesse
	Mr. Throssell
	Mr. Wood
	Mr. Rason (*Teller*).

Amendment thus negatived.

Ordered, accordingly, that the report be considered on the next day.

PATENTS, DESIGNS, AND TRADE MARKS BILL.

WANT OF QUORUM—ADJOURNMENT.

THE ATTORNEY GENERAL rose to move the second reading of the Bill.

MR. ILLINGWORTH called attention to the state of the House.

THE DEPUTY SPEAKER, after the bells had been rung and the usual interval had elapsed, finding there was not a quorum of members present, adjourned the House till next day.

Legislative Council,

Thursday, 17th August, 1899.

Papers presented—Motion: Circuit Courts Act, not in operation—Evidence Bill, third reading—Weights and Measures Bill, Recommittal, reported Resolution: Ivanhoe Venture G.M. Company, Compensation; Division—Sale of Liquors Amendment Bill, second reading—Public Education Bill, first reading—Resolution: Women's Franchise, Division—Adjournment.

The PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Report of Board of Management of Perth Public Hospital; 2, Report of Board of Management of Fremantle Hospital.

Ordered to lie on the table.