

Legislative Council,

Tuesday, 2nd October, 1900.

Papers presented—Question: Railway Refreshment Rooms—Question: Military Force, Permanent—Question: Railways Carrying Goods for Government—Question: Contingents, Welcome to Returning Soldiers—Truck Act Amendment Bill, first reading—Commercial and Business Holidays Bill, third reading—Legal Practitioners Act Amendment Bill, third reading—Registration of Births, Deaths, and Marriages Act Amendment Bill, third reading—Public Service Bill, second reading, Amendment (negative)—Customs Duties (Meat) Repeal Bill, second reading, in Committee, reported—Federal House of Representatives, W.A. Electorates Bill, second reading—Municipal Institutions Bill, second reading, referred to Select Committee—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Returns from various Life Assurance Companies under the Life Assurance Companies Act 1889: 2, Salary and Emoluments of State Governors under Federation, Correspondence; 3, Medical Department, Report of the Acting Principal Medical Officer, 1899-1900.

QUESTION—RAILWAY REFRESHMENT ROOMS.

HON. G. BELLINGHAM asked the Colonial Secretary, Is it the intention of the Government to erect refreshment rooms at the principal stations on the Eastern goldfields railway line, for the convenience of the travelling public, similar to the rooms erected at Wagin, Beverley, and other stations on the Great Southern Railway?

THE COLONIAL SECRETARY replied:—It is proposed to erect a refreshment room of a permanent character at Karalee, or some other station which will suit the time-table.

QUESTION—MILITARY FORCE, PERMANENT.

HON. F. M. STONE asked the Colonial Secretary: What action the Government intend to take with reference to the formation of a permanent military force for the colony.

THE COLONIAL SECRETARY replied:—Owing to the adoption of Federation, the Government intend to

leave this question to be dealt with by the Federal Parliament.

QUESTION—RAILWAYS CARRYING GOODS FOR GOVERNMENT.

HON. A. B. KIDSON asked the Colonial Secretary: 1, What is the total amount credited to railway revenue for the carriage of Government goods for the year ending 30th June, 1900? 2, How much out of such amount was credited for the carriage of goods for each Government work, including the Coolgardie Water Scheme?

THE COLONIAL SECRETARY replied:—1, £14,957 6s. 6d. 2, £27,439 1s. 2d. Also laid on the table a return giving the information in detail.

HON. A. B. KIDSON: I only want the totals.

THE COLONIAL SECRETARY: The total is £42,396 7s. 8d.; and for the Coolgardie Water Scheme £14,793 17s. 6d.

QUESTION—CONTINGENTS, WELCOME TO RETURNING SOLDIERS.

HON. A. JAMESON asked the Colonial Secretary: 1, If the Government is aware that in all the other colonies the members of the Contingents returning to the colonies are received by the local military authorities and publicly welcomed. 2, If it is the intention of the Government to direct that similar attention be paid to the members of the Contingents returning to this colony.

THE COLONIAL SECRETARY replied:—1, The Government is not aware that a public welcome is given to individual members of the contingents returning invalided home to the other colonies. The practice obtaining there is the same as here, namely, the returning members are met by an officer of the Military Department, are taken to head-quarters, are paid what money is necessary, and informed that on the return of the whole Contingents they will be formally welcomed by the Commandant in the ranks with their comrades at any demonstration that may be given in their honour on that occasion. They are also given three months' leave on full pay. 2, Answered by No. 1.

TRUCK ACT AMENDMENT BILL.

Introduced by HON. J. M. SPEED, and read a first time.

**COMMERCIAL AND BUSINESS
HOLIDAYS BILL.**

Read a third time, on motion by HON. A. B. KIDSON, and transmitted to the Legislative Assembly.

**LEGAL PRACTITIONERS ACT AMEND-
MENT BILL.****THIRD READING.**

HON. R. S. HAYNES moved that the Bill be read a third time. It was, he said, the intention of Mr. Moss to move an amendment providing for the admission of certain solicitors under certain conditions; but he understood that the members of the Barristers' Board were agreed that they could deal with the subject, and on Mr. Moss's behalf he withdrew the amendment.

Bill read a third time, and transmitted to the Legislative Assembly.

**REGISTRATION OF BIRTHS, DEATHS,
AND MARRIAGES ACT AMENDMENT
BILL.**

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

PUBLIC SERVICE BILL.**SECOND READING—AMENDMENT.**

Debate resumed from the previous Wednesday.

HON. F. WHITCOMBE (Central): The efforts of the Government who constructed this measure are not such as to deserve the thanks of the community, for the Government have endeavoured to give to the public service only a shadow of redress, without including in the Bill any substantial remedy for the grievances against which there have been so many complaints. The Bill as it stands may be without peril to anything, inasmuch as it may be the basis upon which amendments may be grafted later on; but if it were to be the basis of government of the civil servants in the future, and there would be no material amendment, it could not but be regarded as most unsatisfactory. It appears from the returns that have been produced, or the statements that have been made from time to time, that in three great departments of the State in this colony the proportion of temporary employees to permanent employees is something like

700 to 120; and therefore the Bill, as it stands now, will be a benefit only to the 120 who are on the permanent staff of those departments, and to the civil servants who are on the permanent staff of the other departments, and it will be a very considerable detriment to those in temporary employ. Although it will take in and treat as permanently employed those who have been engaged temporarily for two years, and whose services there is no intention to dispense with, it does not give them the benefit of this Bill yet. It is said they must come in as new "admittees" to the public service and take rank in the service as from the date of the passing of the Bill, the time at which they join the permanent staff. If there is any benefit in being on the permanent staff, then a manifest injustice is done towards those who have been working for the Government so long in the hope of serving under conditions of permanency, and have had all the risks of temporary employment. One particular disadvantage from which they will suffer is that before they can be placed on the permanent staff under this Bill they will have to insure their lives; with what object no one can strictly define, but on the dictum of the Premier himself they must insure their lives before they can be placed on the permanent staff, and they must insure in sums to be dictated by the Minister of the day. That in itself is a glaring injustice, because half of those engaged temporarily at the present time are men ranging from 40 to 45: they will be required now, having reached the maturity of life, to take out policies of insurance, and the amounts to be paid will be great as compared with the salaries to be received, unless there is to be some further increase in the amount of salaries. In the case of those who are over 30, and who will be coming on the permanent staff, it will be a great injustice to compel them to insure their lives at what, as we all know, will be a very much higher rate than that paid by the juniors in the service. It does not appear to me to be right, especially considering the pittance paid to many of those men, that they should be compelled from their own funds to take out policies of insurance on their own lives; for no especial benefit, and certainly not in the nature of a guarantee towards the service in which

they are engaged. If it were a policy causing them to subscribe or contribute, in proportion to their salary, to a guarantee, one could understand it; or if it were towards a fund providing for the payment of those who are compulsorily retired, or who retire at the age of 60 or 65, that would be understandable; but it is not right that these persons should be compelled to insure their lives before they receive employment as permanent civil servants.

THE COLONIAL SECRETARY: They need not insure before their appointments are confirmed.

HON. F. WHITCOMBE: As long as the Government maintain the right of instant dismissal without inquiry, such as they have regarding those temporarily engaged, they cannot impose any condition at all on temporary civil servants preparatory to their employment; and it does not seem fair that if those persons are put on the permanent staff, they shall be called upon to set apart what, in many instances, would be a very unfair proportion of their salaries, for a benefit which at the present time is visionary rather than real. I do not see that the Government have any right to impose such a condition, any more than a private employer has any right to insist upon his clerks and employees insuring their lives before they are taken into employment. If a policy were to be held by the chief of the department as security, that might be all right, and there might be something in it, the whole proceeding then being in the nature rather of a guarantee for the good conduct and proper discharge of these duties; instead of being, as this apparently is, an attempt by the Government to provide a substitute for old-age pensions, and to avoid the moral responsibility that rests upon them with regard to men who have served them faithfully and well from the age of 17 or 18 up to the age of 60 or 65. The object of this proposal is that the Government shall not be called upon to provide for employees in their old age, in the form of a pension or allowance. It seems the only benefit to be derived by the public servant is classification, and a right of inquiry in case of dismissal or suspension. That right of inquiry exists at the present day in the same form as marked out under this Bill. Under

this Bill an officer who is suspended, or dismissed, is entitled to an inquiry, and can appeal to a board to be nominated by the Government or the Governor in Council. We all know what a board would be, or is likely to be, in the hands of some Ministers, if we can go at all by the transactions of some of the Ministers in the other colonies. We know that these boards of inquiry are not always unprejudiced when they enter upon their duty, and I think it is most likely that if the present Government, or any other Government in the future, were called upon to inquire into the misdeeds of Government officials discharged, at least one member of the board would be from the department in which the men had been employed. It was said in another place when the measure was under consideration that the board would be an independent one. So long as this rests with the Government, I do not think they can claim that the board of inquiry will be an independent one; and although the provision appears to be a benefit to the civil service, it is one of those visionary advantages which the Government have from time to time laid down as being the object of their anxiety. So far as I can gather, one of the other benefits of the Bill is the prohibition against outside employment. Although the clause might have been rather more stringent than it is, and clearer than it is, we have the assurance of the Premier that it will have the effect which is sought. In other words, no Government employee shall be able under any circumstances to enter into outside employment for remuneration. In my opinion there is no necessity to urge the excellence of a provision of that kind, because it is manifestly unfair that any person in receipt of Government pay should be allowed to enter into competition with those outside who have not the advantage of fixed appointments and fixed salaries. But it seems to me this only goes so far as to protect the outside public from Government officials who are on the permanent staff. The provision does not apply in any way to those temporarily employed. Apparently under the Bill a man may be temporarily employed for an indefinite term of years, the same as has been done in the past. I think the clause should go further, so as to absolutely prohibit any

person in the Government employment from entering into outside competition for pay. Another error, or omission rather, is the exclusion from the operation of this Bill of sub-inspectors of police. It seems that although the Commissioner and inspectors of police are to have the benefits, if any, of the Bill, by coming under the operation of the Bill, the sub-inspectors, whose position is practically the same as that of the inspectors, and who are directly responsible to the Commissioner (there being no intermediate officers between themselves and the Commissioner), are not to have the benefit of the Bill, but rather to remain outside the operation of the measure; and unless a regulation goes so far as to provide that any person who has been previously employed in the Government service, and is placed on the permanent staff of any department, shall have his appointment dated back to the time when he first entered the public service, or dated back to the expiration of two years from his entry, there will be an injustice done to those who are likely to be inspectors and to be brought under the operation of the Bill. As far as long service is concerned, there is a pension attaching to it in most branches of the public service; and if the service of these officers is to date back to the time of their becoming members of the permanent staff, a manifest injustice will be done to them as to the pension they will receive. Another point in connection with that is in relation to long-service leave. To take a particular case in point, the Commissioner of Police would be on the civil service staff as from the time of the coming into operation of this Bill, if it does come into operation, and the right to long-service leave would be calculated as from that day and not from the day on which he first entered the public service. The same with regard to the inspectors of police, although they may have passed as many as 20 or 25 years in the service, they would come under the Bill as if they had just entered the service. As far as the application of the Bill is concerned, it is for the benefit of the heads of departments. Taking the measure as a whole, I do not think the benefits which are claimed for the Bill are likely to accrue; I do not think the members of the service desire such a Bill,

neither do the public; therefore, I do not think the service will be satisfactory or better in any respect, than if we allowed it to remain as it is now. I do not go so far as to oppose the second reading at present, although I am inclined to do so, because I would like to hear some further debate on the Bill. No great harm would be done to the colony if we relegated the Bill to the six-months term. The Government would then have less anxiety about a general election. This Bill seems to be a bid for support at the next general election. If it is an honest attempt to settle the service on a sound basis, it is an incapable attempt: the Bill is marked with incapacity throughout.

THE COLONIAL SECRETARY: It came from a very able lawyer.

HON. F. WHITCOMBE: I take it that the Colonial Secretary means that it is taken from the Civil Service Act of South Australia. If we are to take the Bill as the draft of a remarkably able lawyer, let us take the whole of the work that lawyer had in view when he drafted this Bill and the conditions of the service to which the Bill was intended to apply, and not, as it were, take the top of the tree and expect it to blossom a sufficient remedy for this colony. As a mere bid for popular support, the Bill may be a very good attempt, but as a classification of the service I condemn it. I will not go so far as to oppose the second reading, because we may have a chance of remodelling the measure after we have had six months' administration: it will be maladministration if the Bill is brought into force.

HON. A. JAMESON (Metropolitan-Suburban): I agree with the hon. member (Mr. Whitcombe) that this is a very disappointing Bill indeed. It seems to me quite insufficient and will be a perpetuation of obsolete methods. Really the Bill is stamped with the incapacity of those who drew it. The first essential of any civil service Bill should be that of classification, and we find in the Bill several clauses which are opposed to classification. There is one clause here which says vacancies in the public service shall, so far as practicable, be filled by the appointment of some public servant in the division of the department in which the vacancy arises. If we have a classification it must be a broad one,

and it should be possible to remove various officers from one department to another. It is quite absurd to have a small department where you may have as the head an accountant, who for some reason may be removed, and perhaps some clerk or cashier lower down in the department is placed as head of that department, while there are other officers in other departments quite as efficient and better fitted to carry on the work than the officer appointed. In a service such as we have there are a number of small departments. If you make the appointments purely departmental, we shall have a very poor service. The very first element of a Bill of this kind should be classification, and that can only be brought about by having a Parliamentary Committee or a Royal Commission to ascertain the necessities of the service, to examine documentary evidence, the various reports of commissions which have been held in the past, to interview the various members of the service and see what is actually required. Then we might be able to base a Bill on a really sound basis of classification. Clause 13 says:

The Governor shall, according to the work of each department, annually determine—

- (a) The number of public servants required for the efficient working of each department; and
- (b) The work to be done and the pay to be received by each.

It simply perpetuates the old system of scramble each year, and no one knows how he stands: there is a scramble for office and increase. The system of social and political favours is perpetuated, which prevents all stability and permanence in the service. I think that certainly ought to be dealt with in another way. We ought to have the service well classified, so that every official should know what he is going to receive from year to year by gradual increment; but to leave the matter in the hands of the Government or any one who could be approached socially or politically, I am sure is distinctly bad. Therefore I strongly oppose that clause of the Bill. Again, I feel very strongly about the matter of compulsory insurance: it is a most unjust and harsh law that a man should be compelled on entering the service to insure his life. Members must know that the

conditions of men vary as to insurance. A man may be an excellent civil servant, at the same time there may be a very slight thing the matter with his physical health, the condition of the circulation, or something regarding his family history, which may cause him to pay a heavy insurance premium. The provision is unpractical and unjust, and should not be permitted for a moment. This provision will also interfere with the stability of the service. A man will not be attached, in any way, to the service: he may thus use the service as a stepping-stone to other work; and we shall have no permanent or solid service to look to. We want men who are honest: we do not want men of great ability, we do not want men of sparkling talents, but we want honest men, and we do not wish them to use the public service as a stepping-stone to their own advancement. If we make insurance compulsory, we shall get men passing through the colony who will use the service for their own benefit, and we shall have no claim on them. They will leave the service at any time they think fit, and take the advantage of the insurance with them. I claim that on grounds of efficiency this is a very bad clause and a very unjust one. Clause 28 seems to me to be a very unjust one too. If we have classification we shall have very little overtime, but if there is overtime it ought to be paid for. Why should overtime not be paid for? Overtime is paid for in every other department of life. A man gets paid for what he does, for what he works, and if he works overtime he ought to be paid for it. I know there has been some discussion about the length of holiday an officer should be entitled to, and I think two weeks a year a very short holiday: three weeks is not at all too long for a civil servant who works arduously. We know ourselves that if we settle down to do six hours' office work it appears to be very trying. We know that in manual labour eight hours is reckoned as a day's work, but eight hours' brain work or sedentary occupation would be too long; and if a man has to work all the year round at these employments he is entitled to three weeks' holiday, and I would like to see the provision altered to give him three weeks' holiday. As to the length of time to entitle an officer to long-service

leave, at present the period is six years : why should it be extended to eight years ? It is a very long time before a man can get a long and permanent leave. We do not want, particularly in a climate like this, to make the service more arduous than it is, and I think it is only reasonable that six years should be considered, as it is at present, the limit of time before an officer can claim a permanent holiday.

THE COLONIAL SECRETARY: It was six years in the original Bill, but the term was increased in another place.

HON. A. JAMESON: Then we had better put it back to six years. There is another important aspect of the Bill. We are entering into the federal union, and there will be an entirely new set of rules in regard to the public service which will arise under the Federal Government. The Federal Parliament will give us something to go on, and some precedents in this matter. Would it not be better to wait until this is done, and found our service on the principles thus adopted ? Our service will be broken up ; large departments will go over to the Federal Government ; and certainly it would be a good guide to look to the Federal Parliament for the rules for our civil service : this will give far greater satisfaction. At the same time the better course would be to have a Parliamentary Committee or a Royal Commission to take evidence as to the whole service, and the Bill could then be based on such evidence. I do not propose, as a member who has lately come into the House, to move that this Bill be thrown out, but I hope the measure will be spoken to by various members, and if any member brings forward an amendment to that effect, I shall be one of the first to support it.

HON. A. P. MATHESON (North-East): I agree with what has fallen from Mr. Whitcombe and Dr. Jameson on the subject of the Bill. I may say, however, that I shall support the Bill ; for I do not think it is a measure we ought to reject, but is one which we may fairly amend to a considerable extent when in Committee. There seems to be a misunderstanding on the part of Mr. Whitcombe and Dr. Jameson as to the origin of the clause dealing with life insurance. This is not a clause which appeared in the original Bill : it was somewhat hastily

inserted in the Bill at the instigation of the member for Toodyay. It struck me when I read it that it was a very ill-advised clause, and one to which very little consideration had been given. There is a provision in the clause that the insurance shall be increased from time to time in accordance with the regulations. That would be a terrible hardship. Every time an officer's salary is increased, every time he is given a slightly better position in the service, he will be obliged to effect a further insurance, until by-and-by he will find the rate of insurance grow so heavy as to be a penal one. It may involve a large part of his income, and, as has been pointed out, it may so happen that he may fail to pass the doctor's examination, and in consequence he might practically, if he were to enter the service, be unable to obtain a position for which he was otherwise qualified. In fact, it seems to me that the hon. member who introduced this clause, in his desire to save the Government from the effect of another clause in this Bill making civil servants permanent servants instead of temporary servants, rather went beyond his depth. Apparently the feeling was that, if a large number of men who are only temporarily employed were now placed upon the permanent service, they would become entitled to pensions under the Superannuation Act. It is not clearly expressed, but I have just referred to the Superannuation Act, and I think it is a fair inference that any public servant who became a permanent public servant in consequence of this Bill would in ten years be entitled to get remuneration or a pension when he retired under the Superannuation Act. I suppose that was in the hon. member's mind, and he hastily, and somewhat without consideration, framed this clause to deal with the position. I think it is a clause that should be most carefully considered by this House, and I fail to see how it can be made a practical working clause at all. In regard to the question of holidays, it had struck me prior to anything being said here that it was a most injudicious thing to reduce the yearly holiday from three weeks to two weeks. I am possibly better acquainted with the hardship of clerical life than a good many members in this House who indulge in agricultural and other pursuits, and who

are therefore to a large extent in the open air. I can assure those members that the strain of staying in an office day after day between certain hours, and never getting out until four or five o'clock in the afternoon, is very great. In a climate like this, three weeks' holiday is not at all too long to give to any men in order that they may get away and recruit. I have myself given notice of an amendment to strike out the word "two" and insert "three" in lieu thereof, which I think will meet the point that Dr. Jameson raises. There is another very absurd thing in this Bill. With a desire to alter everything that has certainly characterised this Government, they have actually gone out of their way to separate Boxing Day from Christmas Day. If there are two holidays in the whole year which always hold together, they are the Christmas holidays and the Easter holidays, and to my mind the idea of separating Boxing Day and causing it to be held upon a Monday is one of the most preposterous things any Government ever suggested. I am totally unable to see what advantage would be derived by anybody from that alteration, and I find that so far from any advantage being derived there will be a positive disadvantage. If Christmas fell upon Monday, Boxing Day would naturally fall on Tuesday. In that case there would be a very pleasant sequence of holidays, persons getting Sunday, Monday and Tuesday; but under this Bill the Government have actually provided that Boxing Day shall fall on New Year's Day. I appeal to Mr. Saunders, because he has knowledge in these matters, and no doubt he will appreciate what I say when I mention that on the same day there would be two race meetings, the Perth Cup meeting being held on Boxing Day and the Canning Park race meeting on New Year's Day.

HON. H. J. SAUNDERS: We should hold our meeting on Sunday.

HON. A. P. MATHESON: The community would be deprived of a holiday which they would otherwise be fairly entitled to expect. I do not propose to take up the time of the House by further debating this Bill, because these matters can be dealt with in Committee; but I certainly hope that some legal member of the House will make some suggestions to

deal with the matter of insurance if it is to be made practicable at all, because at the present moment the clause is an absolutely impossible one.

HON. S. J. HAYNES (South-East): I shall support the second reading, because the Bill is perhaps somewhat better than the present rules which govern the service, although I think this is a very ineffective attempt to deal with the troubles and demands of the civil servants. Blots have been pointed out by other members who have spoken, particularly Dr. Jameson, so that I need not repeat them. There was one thing, however, that was mentioned, and that was the question of holidays, and without considering it very deeply I think the holidays suggested in the Bill seem sufficient, when we take into account the regular holidays which the civil servants get. I think the holidays will be considered sufficient and reasonable to the majority of the civil servants, although in certain departments they would hardly be sufficient. One cannot help noticing, in walking through the civil service departments and observing what is done, that a considerable number of the civil servants have a mighty easy time of it, whilst others are very hardly worked. I am informed that last year, so far as holidays are concerned, the civil servants had no less than 20; and considering it probable that the same number will occur in the future for the majority of the civil servants, I really think that the holidays contemplated by the Bill will be quite sufficient. However, I shall, as I said before, support the second reading of the Bill, because it is a slight improvement on the present conditions. At the same time I think that very little good will be done by the Bill, and if it were really relegated for another six months, or even twelve months, I do not think much harm would be done. I do not propose to move that, because I think the measure is a slight improvement on present conditions; but it has been pointed out that shortly the Federal Parliament will come into existence, and I have no doubt their Civil Service Act, or regulations, will be very deeply thought out; so, it would be better to postpone dealing with this at present, at any rate to a thorough extent. But, notwithstanding that view, I shall support the second reading, because, as

I have stated, I think that the Bill will be an improvement on the present condition of things. At the same time, of course I reserve to myself the right to vote against certain clauses that everyone must think objectionable, and particularly the insurance clause.

HON. G. BELLINGHAM (South): In going over this Bill, what struck me was the want of, practically, a basis for a measure; that is the classification of the Government officials. It seems to me there has been left out altogether what should be one of the most vital points in a Bill of this sort. Dr. Jameson has touched upon the matter, so I do not wish to take up the time of the gentlemen present. Another matter is the compulsory insurance. No doubt any civil servant, if he insured his life, would have to put up with a lot of inconvenience, and in many cases officials may be refused insurance. I should very much like to see the insurance clause struck out altogether, and a clause inserted providing that civil servants who hold responsible positions, and have to handle money belonging to the Government, shall be compelled to enter into a fidelity bond. I believe that at the present time this is not provided for; but we have had examples during the last few years of civil servants who have misappropriated funds of the Government, and I consider a clause of this sort should be provided to protect the Government. With regard to public holidays, I see it is provided in Clause 29 that public servants shall be entitled to leave of absence for only two weeks. Seeing how we are situated in this colony, a period of two weeks does not allow of civil servants taking a trip over to the other colonies. It takes four days to go to Adelaide, and four days to return, and that is not sufficient for civil servants to take a trip to the eastern colonies. I should certainly be in favour of extending the two weeks to three weeks. Then again in Clause 30 the original Bill, I believe, provided for a long-service leave after every six years of continuous work. That I see has been altered to eight years. In the lifetime of a public servant, how many long holidays will that servant have? Probably not more than two. The life of a civil servant would not be more than two continuous periods allowing for the long

holiday: that would be 16 years according to the present Bill. I should certainly be in favour of allowing such holiday once every six years. With reference to the temporary officers employed in the department, they are getting more pay than similar men on the permanent staff doing like work. Of course it has been pointed out that the reason is that their office is only temporary, and they are liable to be dismissed at a week's or a month's notice. If they were included in the permanent staff, they would have to get the same pay or less pay than those civil servants who are at present on the permanent staff. I do not wish to oppose the second reading of this Bill, but there are certain clauses which I should very much like to see amended as the measure is going through.

HON. A. B. KIDSON (West): I think it would serve the Government right if some member did carry out the suggestion which has been mooted by one or two members in connection with this Bill (that is, that the Bill should be thrown out), because I really fail to understand what object the Government had in introducing a measure of this kind for the consideration of Parliament. One member stated that he did not see much in the Bill, but he thought it was a slight improvement on the existing state of affairs. He must have had very powerful spectacles on the occasion when he perused the Bill, because, so far from the existing Bill being any improvement whatever on the present state of affairs, it makes the position considerably worse. Several members have pointed out defects in the Bill which at the present time do not exist in the regulations of the civil service; and with regard to the other provisions of the Bill, I can only say they seem to me to embody exactly what exists at the present time in the regulation of the public service. It is simply a statement of what takes place every day in carrying on the service. What can be the object of the Government in embodying in the Bill what is taking place at the present time, I cannot understand. Why cannot the Government grasp the situation properly? It is well known to the Government, and to every member of Parliament, that if the regulations of the service were taken in hand in a proper manner, a good Public Service Bill could be passed

into law. The Government have simply played with the question. They have introduced a measure which has really nothing in it to commend itself to Parliament or to the public. They have introduced a measure to attempt to satisfy public opinion and members of Parliament, but as far as I am concerned I am not satisfied with it. Those hon. members who have spoken have declared they are not satisfied with it either, and those members who have not expressed their opinions I may say are not satisfied that the Bill is a remedy for the existing state of affairs. It has been said by one hon. member that this Bill is an improvement on the existing state of affairs. I do not know whether the hon. member who said that can give us any instance in which the Bill is an improvement.

HON. S. J. HAYNES: I said in some instances.

HON. A. B. KIDSON: I waited to hear in what case the measure was an improvement, but the hon. member did not tell us: he said in general terms that it was an improvement. I have examined the Bill and have endeavoured to find out in what respect it is an improvement on the existing state of affairs, and I can only come to the conclusion that the measure makes the state of affairs worse than it is at present. We find, and probably this is one of the improvements the hon. member refers to, that a civil servant has to serve eight years instead of six before he can have a decent holiday. He has to insure his life, a provision which may probably prohibit him from entering the service. These two things are surely not improvements. Then a civil servant must not work overtime, or if he does, he is not to be paid for it. I do not know whether the hon. member referred to that as an improvement on the existing state of affairs, but I think it is very far from being an improvement. I intend to move that this Bill be read a second time this day six months, and I do so because I consider the Government have not attempted to grasp the situation: I do not intend to support a measure which will not be for the public benefit. I consider this Bill is purely and simply a blind; an endeavour to blind Parliament and the public in connection with this matter. The Government should have grasped the question thoroughly, and

if they could not bring in a Bill this session dealing thoroughly with the subject, the Government should have studied the question thoroughly with a view of bringing in a proper Bill next session. As to the two weeks' holiday, I think that is little enough. I think the period for the annual holidays should be at least three weeks. I move:

That the Bill be read a second time this day six months.

HON. R. G. BURGESS (East): I second the amendment.

HON. J. E. RICHARDSON (North): I have listened very carefully to the arguments of the hon. member. All the members who have spoken seem to be against the Bill. It was my intention, if Mr. Kidson had not done so, to have moved that the Bill be read this day six months. I have now much pleasure in supporting the amendment. I think the Bill is of no use, and has not been asked for by the civil servants. The Federal Government will take most of the civil servants; therefore I do not think the Bill necessary. I shall vote for the amendment.

HON. E. McLARTY (South-West): I rise to move the adjournment of the debate until this day week. This is a very important measure, and I feel that several hon. members have not had an opportunity of considering it. I think there is no pressing necessity to go on with the Bill to-day.

Motion for adjournment put, and negatived.

HON. J. M. SPEED (Metropolitan-Suburban): I intend to support the amendment for this reason: I think we have two classes to consider in this Bill, the civil servants and the general community. The civil servants think there should be classification, and the basis of that classification should be founded on some facts which have been brought forward so that the different members of the service can be put on a proper footing. I mean to say, let each member of the service get a fair day's wage for a fair day's work. Let a man get a salary according to his deserts. At present there is a feeling outside that many officers of the civil service get paid more than their work entitles them to, and again there is another feeling that some officers are underpaid. Anyhow, to

ascertain the real position of the service is to get some independent person to go into the question thoroughly, or appoint a commission to go into the subject. This Bill, I think, does not assist the civil servant or the community at large, but it throws the responsibility on the House for anything the Government may do under the Bill when it is passed. If the civil servants are to be put on the permanent staff, we should not be put in a false position, because the Government may turn round and say Parliament gave us power to do this. That seems to be a weak point in the Bill. No effort is made for an independent inquiry to be held as to who should be put on the permanent staff. I certainly object to the clause in reference to insurance. If we had a system of Government life insurance, that would be the proper way to carry out the proposal; or if each civil servant had so much deducted from his salary, that would be a better course to adopt. Under the Truck Act I do not believe in an employer taking anything from an employee's wages, but this could be done in the civil service in regard to insurance. The money could be put into a guarantee fund, and the Government would have the guarantee in their own hands. This would save unnecessary expense, as in the case of a guarantee by a private company. For this reason I shall support the amendment.

THE COLONIAL SECRETARY (in reply): I am sorry to see that hon. members should assume the position they have with regard to this Bill, because I think the Bill as it is drafted is calculated to be of service to the civil servants of the colony. As the hon. member, Mr. Speed, has said, there are two interests to be considered in any civil service Bill, that of the public servants themselves and that of the general public, whose servants the public officers are. An attempt has been made in this Bill to take these interests into consideration. The Bill was originally drafted by the Hon. C. C. Kingston, of South Australia, and I have heard him say he had put a considerable amount of elbow-grease into it.

HON. A. B. KIDSON: That is about all.

THE COLONIAL SECRETARY: The Bill was suitable to the circumstances of

South Australia, and it is thought by the Government of this country to be suitable to the circumstances of this colony, and in that opinion I entirely concur.

HON. A. B. KIDSON: And I absolutely disagree.

THE COLONIAL SECRETARY:

Notwithstanding what the hon. member has said and his trenchant denouncement of the Bill, I believe the public servants will be put in a better position under this Bill than they are in at present. I believe classification itself exists under the Bill, notwithstanding what Dr Jameson has said; and I believe the civil servants will be placed in a better position than they are now, having to depend somewhat on the caprice and whim of a Minister. We have to take into consideration, in dealing with a Bill of this kind, what the ultimate circumstances of the colony will be. If it is intended, as some hon. members think will be necessary, to increase the numbers of the civil servants of the colony to an indefinite extent, we must adopt some of the principles of the Bill. If we are going to give extended leave, we must make provision for other civil servants to take the places of those to whom leave is granted; but I believe that in private employment no such leave is given as that provided by this Bill. Taking all things into consideration, Mr. S. J. Haynes was perfectly justified in saying that this Bill was an improvement on the present position of the service. How anyone can argue to the contrary I cannot understand. One hon. member used the term "pittance" that the civil servant received. I think some officers receive very good salaries, more than they could get outside the service, very often, but no doubt there are some who are not too well paid. The best judge of the abilities of a civil servant and the emolument to which he is entitled must be the Government of the day, advised by the heads of the departments who are in touch with the officers in each department, and know their capabilities for work, and the work they have to do. It may be true that some of the officers of the service work longer hours than others: that is a fact which has come under my own notice; and it may be that some officers of the Government estimate their abilities higher than the head of the department does.

On the other hand, it is possible that a civil servant may have considerable ability, experience, and knowledge, and discharge his duties well, but he may not always get his deserts. As Mr. Kidson has said, the Bill contains to a large extent the regulations that prevail at the present time; still, now they are only regulations. This Bill will establish on a good footing, under the powers of a statute, the rights and privileges, duties and responsibilities of the officers of the Government service. A Bill was introduced on a previous occasion which was objected to by hon. members, by which a board was to be appointed. I do not believe in civil service boards. I believe that such bodies are not calculated to carry out the objects in view, and this has been found to be the case in the other colonies. Mr. Richardson said, if Mr. Kidson had not moved that the Bill be read this day six months he intended doing so; but the hon. member did not advance any arguments.

HON. A. B. KIDSON: He was satisfied with my arguments.

THE COLONIAL SECRETARY: I do not think that the hon. member used many arguments. The hon. member perhaps put his finger on one or two blots in the Bill, but it would be better to deal with those points in Committee, and amend these things, and not deprive the civil servants of the colony of the protection which I say this Bill will afford. I say this advisedly, and am sure a careful reading of the Bill will bear out what I assert. I do not think I need delay hon. members in the discussion of this Bill. If they are not inclined to have it, if they think the civil service is going to be injured and not improved even, then I am quite willing that they should reject the Bill; but I say the civil service will be very much improved: the civil servants will have this enactment.

HON. A. B. KIDSON: Show us how it will be improved.

THE COLONIAL SECRETARY: This enactment will protect them. A member points out to me that it gives a certain amount of consideration to those who are only temporarily employed, and it would be so much incentive to work with a prospect of soon being taken on to the permanent staff, and enjoying all the privileges which appertain to that. There

is one portion of the Bill which, even if there were no other important part, members ought to carefully consider before rejecting the measure, and that is a provision that a civil servant who is suspended shall have an opportunity of proving his case before a board to be appointed.

HON. A. B. KIDSON: The boards have been failures everywhere they have been tried.

THE COLONIAL SECRETARY: I think in this case the hon. member is confusing one kind of board with another. A board of one kind makes appointments. Under this Bill a person in a department who has a charge made against him can demand to have that charge put into writing, and then he can demand through the Government a board to deal with the case, to examine the evidence, and to report to the Governor. That is a very important provision which does not obtain at the present moment. At present a man can be dismissed if he has done anything which is wrong; and I do not believe that in the public service a person will be dismissed unless he actually has committed wrong. It is just possible perhaps that some mistake has been made, but I do not think that if I were to search all the records I should find any case in which there were insufficient grounds for the action taken.

HON. R. S. HAYNES: One case.

THE COLONIAL SECRETARY: There may have been one case. They have to carry out any regulations under the Bill. I regret very much the position that some members have taken up with regard to this measure, and I think they will be doing the country and the members of the civil service an injustice if they reject the measure.

A MEMBER: That is a matter of opinion.

THE COLONIAL SECRETARY: If there are one or two blots, such as the insurance question, which I admit is a subject of controversy, and was not, I believe, in the original Bill, but was inserted during its passage through another place, they can be dealt with. As to the 26th of December, I believe that the provision made was by an oversight. A measure which has just been read a third time in this House and transmitted to another place for its

approval, provides that the 26th day of December shall be a holiday.

HON. A. P. MATTHESON: Yes; but you make it on a Monday.

THE COLONIAL SECRETARY: No; not by Mr. Kidson's Bill.

HON. A. B. KIDSON: But by your Bill.

THE COLONIAL SECRETARY: I dare say it is an oversight; certainly it is a thing which has never happened. Members are aware that the civil servants would obtain their holiday early on the Thursday, very often, or at any rate from the close of the office, and then they would get four days including the Sunday. They would get Friday, Saturday, Sunday and Monday, that being four days, and I think provision is made for twelve holidays here, in addition to the fortnight's leave of absence. In most of the departments a fortnight's leave of absence is as much as the service can possibly afford to give. There are many departments in the service in which it is stipulated that leave shall be contingent upon the needs of the service, whether any can be spared to take a holiday at that particular time. But if they do not get it then, they get it at another time; and with so many hundreds of public officials, we must be extremely careful in dealing with even the matter of holidays. I should be very sorry to be illiberal. I think the Government have been liberal enough in providing for a fortnight's holiday a year, and after a service of six or eight years one will get six months, three months being on half-pay and three months on full pay. I may ask, what private institution in this colony makes such a provision as that? There are very few, if any. I doubt whether many private institutions in this colony give their servants more than a week's holiday at a time.

HON. A. B. KIDSON: Oh, yes, they do; a month.

THE COLONIAL SECRETARY: I do not think so. I have had some experience in this direction, and I believe the provisions made here are as liberal as it would be right for the Government to propose, or for Parliament to demand for the civil servants. At all times on special occasions, if sufficient reasons are given, officers can manage to obtain leave for six weeks at a time, and generally such leave is granted on full pay; but the circumstances must be stated, and they must be

sufficient. I do not know that I need say any more, but I hope members will not reject the Bill, but go into Committee upon it; and if here and there they see scope for amendment, let such amendment be made. I think it would be much better to have this measure, which is a step in the right direction, and which, as I say, protects by this little enactment the interests of the civil servants, whilst at the same time it is careful to protect the interests of the general public.

HON. R. S. HAYNES (Central): I was not present while the debate was going on, but I know that an amendment has been moved that the Bill be read this day six months. My remarks will be simple. I do not think that the Bill meets all the requirements of the civil service, but the main provisions are good, and we may amend the measure in some respects in Committee. I am sure that, without a classification, the civil service will never be a success; but this will take some time—perhaps a year. It seems to me that the proper course is to pass this measure in its present form, and to be prepared to introduce next session a Bill amending it, and providing for classification. It may be amended in other respects next year, but I feel sure that there is one provision in the Bill which is quite sufficient to entitle it to the support of hon. members. That is a provision relating to the suspension or removal of officers. At the present time—and I am speaking now with a knowledge of the law—any civil servant, excepting only Judges of the Supreme Court, may be dispensed with at 10 o'clock in the morning or at 12 o'clock in the morning, and may be merely told that he is dismissed for embezzlement or for misconduct. One may be sent away for misconduct, or embezzlement, and under the present law he has no redress. That has been tested by the highest court of appeal, the Privy Council, in a case in which a charge was made against a civil servant, but was afterwards abandoned, it being proved there was no ground for the charge. Although such was the case, the Privy Council held that the person dismissed had absolutely no remedy against the Crown. That state of the law appears to me to call for amendment. In the present Bill it is proposed that an inquiry shall be held. If an inquiry is held,

there will be a report, and that report may be published. It will be laid upon the table of the House, and it may get into the newspapers, and thus act as a safety-valve against the Minister or the Governor-in-Council (which would be the Cabinet) unduly dismissing any civil servant. I admit that it does not go so far as perhaps I would like, but I think it would be a step in the right direction: it gives some security of tenure, though not big, I admit. At the present time when a civil servant is arbitrarily dismissed, his only remedy is to get some member of Parliament to ask a question in the House; and I know of no instance in which any attempt of that kind has been successful in restoring him to his position. I have sufficient confidence in, at all events, some of our public men to think that they would make a just and proper report. It is for those golden clauses, 34 and 35, which contain these provisions, that I intend to support the Bill.

Amendment (six months) put, and a division taken with the following result:—

Ayes	6
Noes	12

Majority against ... 6

AYES.
 Hon. R. G. Burges
 Hon. A. Jameson
 Hon. A. B. Kidson
 Hon. J. E. Richardson
 Hon. J. M. Speed
 Hon. H. J. Saunders
 (Teller).

NOES.
 Hon. G. Bellingham
 Hon. H. Briggs
 Hon. J. M. Drew
 Hon. J. W. Hackett
 Hon. R. S. Haynes
 Hon. A. P. Matheson
 Hon. D. McKay
 Hon. E. McLarty
 Hon. G. Randell
 Hon. C. Sommers
 Hon. F. Whitcombe
 Hon. S. J. Haynes
 (Teller).

Amendment thus negatived.

Main question put and passed.

Bill read a second time.

CUSTOMS DUTIES (MEAT) REPEAL BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): I need not detain the House many minutes in moving the second reading of this Bill, which consists of only three clauses. The object is apparent on the surface, to remove duties on live-stock and frozen meat. A feeling in favour of the removal of these duties has been general throughout the country, and the persons most interested, the pastoralists and graziers and those who grow

stock, have no objection to the repeal of these duties. The Bill will, to a limited extent, satisfy the views which are held in many quarters. I may say that I myself, some years ago when in another place, was very much in favour of the removal of the duties on frozen meat and live-stock. I think members will welcome this slight reduction in the duties. There has been a feeling of satisfaction amongst a large number of people at the prospect of this Bill becoming law. I do not know that I can say anything more. I move the second reading of the Bill.

HON. E. McLARTY (South-West): As one interested in stock-breeding in the colony, I have no desire to oppose the second reading of the Bill. I do not think it will make much difference in price to the stock-breeders; at the same time I know it will not achieve the object which is in view—the consumer will not have the price of meat reduced. I think it is unwise at the present time to interfere with the duties at all. This was only a small tax on stock, certainly so small that it cannot affect the consumer. It will simply go to enrich some three or four firms in the colony. We require the money as revenue at the present time, and certainly we ought to retain the duty. Still, as the Colonial Secretary stated, the Bill will give satisfaction to the public generally. There is an impression abroad, I am sure it is an erroneous one, that the stock tax is the cause of meat being dear, and we all admit that it is far too dear. Any reasonable steps that can be taken to reduce the price of meat will be welcomed by the community. I have not heard of any graziers in the colony who wish to oppose this measure. We know the feelings of the people on the goldfields and in other parts are that the stock tax is kept on for the protection of a certain number of squatters in the community, and therefore the tax should be removed. We are willing, as graziers, that this should be done to meet the wishes of the people.

HON. C. SOMMERS (North-East): I intend to support the second reading of the Bill. I do not consider the removal of the duty on live-stock will make any difference in the price of meat to the consumer, but I am pleased that the Bill refers to chilled and frozen meat.

I have had considerable experience in the importation of frozen meat on the goldfields, and I have had to suffer considerably in not being able to introduce frozen meat. I look to the introduction of chilled meat as likely to decrease the price of the article to the consumer in this way. At present a man starting in business as a butcher must have a large capital to compete with the so-called meat ring when introducing live-stock; but when frozen meat is introduced free, many facilities will be given by the establishment of the chilled stores on the goldfields and in the metropolis to enable the small man to compete. I think meat will be cheaper, notwithstanding the remarks of Mr. McLarty, therefore I heartily support the Bill.

Question put and passed.

Bill read a second time

IN COMMITTEE.

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

FEDERAL HOUSE OF REPRESENTATIVES W.A. ELECTORATES BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This is a Bill to give effect to that very important act which took place here a very short time ago, when the colony determined by a very large majority to join with the Eastern colonies in federation. This Bill has become necessary for the purpose of complying with the provisions of the Commonwealth Act. The colony is divided, I think rightly, into six divisions, or whatever we like to call them, and these divisions embrace different districts, as will be seen in the schedule to the Bill. This measure has had very considerable attention at the hands of the Premier, than whom there is none other in the colony better able to express an opinion as to the divisions, having himself travelled throughout the length and breadth of this great colony. I do not know that I need express any opinion myself on the divisions or the boundaries, but I will just say that if any one is desirous of being critical he may find some little fault or suggest some little alteration; but I take it hon. members

will accept the divisions as about the best.—

HON. R. G. BURGESS: The best way out of a bad job.

THE COLONIAL SECRETARY: The best way out of a bad job, as the hon. member says. I see he has not forgotten the defeat which he and I received the other day in the referendum; but, like myself, I am sure he is willing to bow with the best grace under the circumstances, and to do his best in the future elections which will take place to select gentlemen from this colony to represent us in the Federal Parliament.

HON. R. G. BURGESS: It is a waste of time.

THE COLONIAL SECRETARY: I trust the electors of the colony have the same feelings as will animate the hon. member in making the best selection from those offering themselves for that, to us and to the rest of Australia, important body. Mr. S. J. Haynes asks if I have any figures as to the number of people represented in the different divisions. I am informed that they are as nearly equal under the circumstances as is possible. That has been one of the elements under the Bill as far as it could be carried out, and the interests have also been considered to some extent. The Bill provides that no one may vote more than once, therefore there will be one man one vote for this election. An important feature in the Bill is that

The presiding officer may challenge a voter as to his right to vote by requiring an answer to the questions numbered (1), (3), and (4) contained in the One Hundred and Fifth section of the Electoral Act 1899, and is hereby required to put to every voter the following question:

Have you already voted, either here or in any other electorate in Western Australia, at this election of members for the Federal House of Representatives? And unless the answer is in the negative, the Returning Officer shall reject the vote.

If a man returns a false answer to the question, it is at his peril, and he is liable to imprisonment not exceeding two years. With that penalty in view, very few people will attempt to vote more than once in the election of members to the House of Representatives. The remaining clauses of the Bill provide for the expenses and how they are to be paid. I may incidentally inform members that the cost of the referendum has been very

much less than we anticipated. I myself anticipated that it would be anywhere between £10,000 and £20,000. I am informed by the Under Secretary, who has the management of electoral matters, that he expects that £5,000 will cover the whole expenses. We may congratulate ourselves that the taking of the referendum in this great colony, which is so wide and sparsely covered, has been so cheaply done. I need not say any more, but commend the Bill to hon. members.

HON. A. JAMESON (Metropolitan-Suburban): I propose to support this Bill, but there is an amendment I would like to see made in it, and in view of the amendment having to be drawn up perhaps the Colonial Secretary will allow the Committee stage to be postponed until to-morrow. The amendment is important and is connected with Clause 5 of the Bill. Under the present law all those on the electoral roll at the time of the election of the members for the Federal Parliament may not have a vote, because only those who have been registered for six months are allowed to vote. Many who are now about to get on the electoral roll would be thrown out and not get a vote. If we made a great effort to postpone the election, we might in this particular case so amend the measure that we could permit those who are on the electoral roll to be placed on the voters' list. If this could be done, it would give the franchise to an enormously greater number of electors; and if the Colonial Secretary would allow of it, I will propose that the dealing with the matter in Committee be postponed until to-morrow.

THE COLONIAL SECRETARY: Would to-morrow suit the hon. member?

HON. A. JAMESON: Yes.

HON. R. G. BURGESS: These elections are not likely to take place before March.

HON. R. S. HAYNES: Oh, yes, they are.

HON. J. W. HACKETT (to Mr. Burgess, who had resumed his seat): What is the argument?

HON. R. G. BURGESS: In that case all the people now on the list would be entitled to vote.

HON. J. W. HACKETT: No; from the 31st December.

HON. R. G. BURGESS: Six months from the 31st December.

HON. J. W. HACKETT: Yes.

HON. R. G. BURGESS: That is what we wanted to hear.

THE COLONIAL SECRETARY: As to new voters, if a female voter (if I may use that expression) was careful enough of her privilege to register as soon as the Electoral Act passed, I think she will probably be able to vote.

HON. J. W. HACKETT: If she votes as a ratepayer, she would not.

THE COLONIAL SECRETARY: The ratepayer now is not taken into consideration: it is only subsidiary. The electoral registrars have to disregard the municipal rolls or the roads board rolls, and they are bound to see that every person entitled to get on the roll does so.

HON. R. S. HAYNES: Whether they pay rates or not.

THE COLONIAL SECRETARY: Steps are taken, by sending police about, to get the largest number of people on the rolls. Those who took the precaution to register at the earliest date will have been on the list sufficiently long to be able to vote at the election of representatives.

HON. R. S. HAYNES: When will the federal elections take place?

THE COLONIAL SECRETARY: About March.

HON. R. S. HAYNES: They may take place about January or February.

HON. R. G. BURGESS: They cannot take place in January.

HON. R. S. HAYNES: There is no reason why they should stop more than 30 days after the 31st December.

HON. A. P. MATHESON (North-East): Speaking in connection with the Commonwealth Act, I have not been able to refer to it, but, as far as I can recollect, the stipulation is that only such people shall vote at the election of members for the Federal Parliament as are entitled to vote for members in the various States; so that any such amendment as that proposed by Dr. Jameson would defeat its object, because any attempted amendment to enable people to vote through this particular measure would enable them to vote at the election of members of Parliament, and therefore they would fail to have the necessary qualification.

HON. R. S. HAYNES: It is only qualification.

HON. A. P. MATHESON: They would be looking after the qualification required by the Federal Act. We cannot amend the Federal Act by any amendments in this Bill. I speak subject to correction without referring to the Commonwealth Act.

THE COLONIAL SECRETARY: That is quite right.

HON. R. S. HAYNES (Central): If I remember aright, the Federal Act says the qualification of an elector to vote for a member of the Federal Parliament shall be the same as that regulating the election of a member of a State Parliament. We are not attempting to interfere with the qualification at all. It is only how long one shall be on the list. He must be a British subject, and so on, and he must be on the roll for six months.

THE COLONIAL SECRETARY: Would it not be an amendment of the Constitution?

HON. R. S. HAYNES: Not at all. Before one can exercise the right to vote, his name shall be upon the roll six months.

HON. A. P. MATHESON: That is his qualification.

HON. R. S. HAYNES: Not at all; because if he is on improperly, he is improperly qualified. I am glad the hon. member has raised the point. One cannot answer these things outright at a moment's notice, but as at present advised I should say the amendment suggested by Dr. Jameson is quite within the province of the House.

HON. J. W. HACKETT (South-West): If I remember correctly there is a distinction drawn between "elector" and "voter" in our Electoral Act.

HON. R. S. HAYNES: That is it.

HON. J. W. HACKETT: Under the Commonwealth Act it is provided that an elector may use the suffrage. The word "voter" is not used, but words were added that the provision adopted in the State shall consist of the laws relating to the election of the more populous Assembly. I think the point Mr. Haynes was making is this. The Commonwealth Act declares that an elector may use the suffrage. The Constitution Act of Western Australia provides that people become electors the moment they

are put on the ratepayers' roll, upon the roads board roll, or of course the registrar's roll. They do not become voters till they have been six months upon the roll of the electoral registrar; but they are electors all the time, even though they cannot exercise the privilege of voting. As the Commonwealth Act uses the word "elector" it seems to me certainly very arguable whether we may not give the privilege of voting to every elector, as the Commonwealth Act says, who is an elector for the State?

HON. J. M. SPEED (Metropolitan-Suburban): I understand this matter was before a select committee in another place. No doubt this subject was gone into before that committee. I believe the question was raised not only there, but in the newspapers. They must have had very strong reasons for putting it into this form; and if Dr. Jameson will see some of the members of that committee before he has his amendment drawn, it may be of some assistance.

HON. R. S. HAYNES: Was it before a select committee?

HON. J. M. SPEED: I understand so.

HON. R. S. HAYNES: There would have been a report.

THE PRESIDENT: If the Bill was referred to a select committee in another place, it would be very easy to obtain a copy of the report.

HON. R. S. HAYNES: The report would be with this Bill, would it not?

HON. R. G. BURGESS: There was a select committee.

HON. J. M. SPEED: I am quite aware there was a discussion upon this matter, and there must have been very strong reasons for having put this provision in the form in which it now appears.

THE PRESIDENT: If the matter was referred to a select committee, the Clerk will obtain a copy of the report before the House goes into Committee.

HON. R. S. HAYNES: It was only as to boundaries.

THE COLONIAL SECRETARY: It was only as to the schedule.

Question put and passed.

Bill read a second time.

At 6-24, the PRESIDENT left the Chair.

At 7-30, Chair resumed.

MUNICIPAL INSTITUTIONS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This measure is very voluminous, and necessarily so. It almost contains a Bill in the schedule attached to it. The Bill embraces 450 clauses, being many more clauses than there are in the present Act of 1895. Hon. members will have followed the conferences which have taken place at different towns in this colony, in which the question of municipal government has come under the consideration of members of those conferences, and also of the municipal councils with which they were associated, and of which they were the representatives. The result of their meetings and conferring together was that a Bill was introduced last year into the Legislative Assembly, and a large number of clauses (I forget how many) were considered. Certain amendments were made, but eventually the Bill was withdrawn, as it was found to be impossible to carry it on to completion in the other House. Certainly it would not have been passed by this House, in my opinion. The session had got somewhat near its close before the members of another House had fully considered some clauses of the Bill. It is a very important Bill, touching as it does our interests at every point, especially the interests of those who are residents in towns or cities. It is important, too, because of powers given to governing bodies to deal with matters of great moment which touch us at every turn, as it were. The fact that a municipal Bill deals with matters of health, matters regulating street traffic, and many other things, including the rating of properties, the raising of revenue, and the expenditure of it, makes it necessary the Bill should receive very careful consideration; to see that, on the one hand, sufficient powers are given to municipal councils to carry on effectively the government of a town or city, whilst at the same time seeing that the ratepayers, the people who inhabit these towns or cities, are not unfairly or oppressively dealt with. From time to time the present Municipal Act has come under consideration by many people, and in some particulars it has been condemned. It has been found

that it is not sufficiently advanced to meet the circumstances which have arisen on account of the rapid increase of population and of the wealth of the colony, and therefore it became imperative that the Act should be reconsidered, with a view to introducing new legislation, which would be more far-reaching, and would give powers enabling the council to deal with various interests that have come into operation since that Act was passed. It is only five years since the Act was passed; but events have proceeded rapidly in this country, and the introduction of tramways, and probably of motor cars at some date not very remote, will necessitate additions to the municipal law to enable the council to deal with these things. Then the matter of health has come into consideration by those bodies to a very large extent, and many powers are necessary for the protection of the health of the community; therefore, it was decided by those gentlemen who met from the different municipal bodies in the country that it was expedient to introduce a new Bill. That Bill is very largely made up of the present Act of 1895, but a great deal of borrowing has taken place from the Local Government Act of Victoria, and some of the clauses in the new Bill are clauses with which we are familiar in the Roads Boards Act, such as the severance and taking of land, and so forth. It will be found, I think, in many cases, if hon. members look over the clauses of the Bill, that the Act of 1895 has been amended very judiciously. The language is clearer and more explicit, and the Act will be more easily worked. It will be more easily understood, at any rate; and, as far as I can see in reading over the Bill pretty carefully, the sections which have been introduced from the Local Government Act of Victoria are certainly an improvement upon our present law. Some of the amendments are rather drastic, and possibly far-reaching, and they well deserve careful consideration at the hands of members; but, upon the whole, I think we may pronounce the Bill to be a very excellent advance upon the present Municipal Institutions Act. I have no doubt that it often happens—in fact it has come under the cognisance of this House—that when a clause is taken from another Act and embodied

into a new measure, its operation are not very clearly understood at the time, and in the course of time and in the operation of such Acts it is found they do not harmonise one with the other, and speedily an amendment is necessary, because of the oversight which has taken place. It is not easy to take a section out of one Act and put it into a new measure and make it harmonise with other clauses in a Bill, especially in a Bill with so many clauses as this contains. Possibly we may find that in doing so the draftsman has omitted to notice the effect on other clauses of the Bill in a case of that kind. I think that is very likely to be the case with regard to this Bill. It is very necessary that the Bill should be carefully examined.

HON. R. S. HAYNES: It was written with a steel pen.

THE COLONIAL SECRETARY: I believe it is the intention of one member, and I think other members agree with him, to move that this Bill be referred to a select committee. I am not always in favour of select committees, but I think in a case of this description the appointment of a committee will very probably not only be for the benefit of the law which we propose to enact, but will save time, which is a very important consideration. We hope the present session of Parliament is not going to be a very long one, and as it is very desirable that this Bill should pass, with some amendments which I know will have to be made in it, the question of time is a very important consideration when the Bill has to go to another place for consideration; but inasmuch as another place considered and amended the Bill which was introduced last year, which amendments have been embodied in this Bill, the task of members in another place will not be so great as ours. Many of the amendments made by the Lower House, on the occasion of the Bill being considered last year, have been embodied in this new draft of the Bill.

HON. R. S. HAYNES: Not the question of rating.

THE COLONIAL SECRETARY: On the question of rating I may say there is very little difference proposed from the rating in the Act of 1895. I am very pleased to see this is the case, for I am not one of those who believe in fancy

rating. I believe it is better to stick to the old rating. The Bill of 1895 had great consideration at the hands of hon. members. I gave a lot of consideration to it myself when in another place, and the rating clauses gave a great deal of trouble and anxiety to members. It was only after great consideration that a compromise was arrived at. I do not think there is anything objectionable in this Bill: perhaps one clause in regard to rating is a little obscure, but that is a matter for the Select Committee to look into. Provision is made for absent voting. I am given to understand that on the goldfields absent voting is a perfect farce. Sometimes the paper is brought into the voting place with the ink quite wet. This is clearly a violation of the spirit of the Act, if not of the wording of it. This Bill, I believe, will effect a cure in that direction. Absent voting in municipal affairs is very desirable. The essence of municipal government is the representation of property, and I hope that principle will not be ignored. I notice there is a tendency to ignore that and to place municipal elections on the same footing as elections for Parliament. I think this is wholly wrong: if there is any government in which property should be represented it is municipal government. On no pretence whatever should any owner of property, although he does not reside in the ward, and even though his tenants are rated, be deprived of his one vote. Notwithstanding the extent of his property in the ward, he should not exercise more than four votes for the mayor and two votes or whatever he is entitled to for the councillors. To deprive the property owner of his vote strikes at the root of municipal government; and although democracy, one man one vote, is the order of the day, I hope this principle will not be introduced into the elections for municipal corporations. I have already said the Bill makes considerable alterations in many of the clauses, especially those dealing with markets and other important matters. These clauses are taken entirely from the Victorian Act to which I have referred, the Local Government Act of Victoria. The provisions seem to me to answer their purpose, but whether they will fit in with the other parts of the Bill I am not prepared to say: at present I believe they

do to a certain extent. The model by-laws are taken from Victoria, where they have stood the test of several years. It is not a great departure from the powers given to the council in 1895 to enact the by-laws here. On the question of markets there are only six lines in our Act. Those relate to the by-laws which the municipalities are allowed to enact. Sub-section 16 of Section 99 says:—

For the general regulation of all markets and fairs for cattle, horses, sheep, and other live stock, wares, merchandise, and provisions, the tolls, dues, and fees to be received thereat, and the maintenance of good order therein.

There are several clauses devoted to the erection of weighbridges, which are a natural adjunct to markets. There are clauses dealing with by-laws for prohibiting the selling of anything in the street excepting by licensed hawkers. That is a departure from the present practice: how far it goes I am not able to say, but the Committee will have to be careful to see that no injustice is done in regard to coffee-stall holders and such like people. I think it is only right that power should be given to compel markets to be fairly dealt with by the inhabitants of a town. I do not think hon. members will hesitate to give the powers that may be necessary to enable the markets to fulfil the object for which they are erected and maintained. The health clauses remain very much the same as at present. This is a very important matter that the municipal government has to deal with, and I think the municipal authorities should be vested with sufficient powers so long as these are not oppressive to the people generally. I think we may safely assume that this House will take care that these powers do not go beyond what is reasonable and right for the government of the city. That it is necessary for these laws to be very stringent, we have evidence every day. I do not think the present by-laws are carried out as they might and should be; from what cause I am not able to say. There is a great deal of room for improvement in all our towns, and if any additional powers can be given to corporations to carry this measure into effect, those powers ought to be given to them. Provision is made for drainage, the entrance on property, and for the taking of land in certain cases. That is

a question to which this House has looked carefully whenever the question has arisen, to see no undue powers are exercised against a person who is the owner of property. With regard to streets and lanes I think the law remains much as it is at the present time. Provision is made in the Bill to allow municipal councils to enter on lands and obtain material, as is provided under the Roads Act.

HON. R. S. HAYNES: That needs carefully watching.

THE COLONIAL SECRETARY: I do not think it will have much effect within the boundaries of a municipality, at least not those that I am acquainted with. I think the clause has been inserted at the instigation of some country municipalities. It would be impossible for me to go into all the provisions of the Bill, and I am sure I cannot explain them or make them more intelligible to members than the Bill itself does; therefore, I do not intend to go into them. I think it is desirable to appoint a select committee, consequently I shall not refer to the various clauses further. There is one clause, however, that I will refer to: it is a provision that a council may itself value, and the same clause says that the council may appoint auditors. The question arises, if the council makes a valuation of property, can it sit as a court of appeal. There is an appeal from the decision of the council to a court of competent jurisdiction. The dates are left open, for some reason or other, for the making up of the rate book: it may be done at any time in September. The date of election has been altered from Monday to Wednesday. I think this is done to get over the difficulty of including the Sunday in the seven days. I do not know whether the alteration will be acceptable. I am not fully aware of the fact, but I think this alteration comes from the representatives of the municipalities themselves. A little more latitude is given in regard to the time for making up the assessment. The clause in regard to recovering rates remains about the same as at present. The principle of distress still remains, and nearly all the clauses in reference to this are from our present Act. Power is given to the council to borrow by overdraft—which provision some hon. mem-

bers may not agree to—to the amount of half the income, for temporary purposes. Under the old Act power is only given to borrow up to one quarter of the income, and it is open to question whether in enlarging the scope of operations in this direction we may not be doing some harm to the ratepayers. I hope hon. members will look at this alteration and see if it is in the interests of the municipalities as a whole. There are several other features in the Bill which are more or less an improvement, and on the whole I think we may take it for granted that the Bill is a very considerable advancement on the present Act under which the municipalities are working. It has been found imperative that larger powers should be given to the people to deal with other matters that at present they cannot touch, and this Bill professes to do that. Someone has suggested that “abutting on a public road” is not sufficiently defined in the Bill. That also may engage the attention of the Select Committee. Then again in regard to paving, at the present time ratepayers may be called on to pay one-half the cost of a footpath made in front of their property, of some solid material such as paving or asphalt. This Bill says that siftings, gravel, shell, and material of that kind may be used. I think if the owner has contributed to the rates, he should not be called upon to pay further in the direction of footpaths of gravel, shell, or siftings.

HON. C. SOMMERS: They are better than sand.

HON. R. S. HAYNES: Why not?

THE COLONIAL SECRETARY: It would be necessary to insert that, because the Bill says “and any other material the Council may decide.” The hon. member says “Why not?” I think the reason may be assigned that the owner of a property should not be called upon even for paving, if it be decided in the interests of the public or the advancement of the city that the street should be paved. That is not done for his own benefit, but for the benefit of the community.

HON. R. S. HAYNES: It improves the value of his property.

THE COLONIAL SECRETARY: The tendency of municipal councils at the present moment is to penalise as

far as they possibly can the owners of property.

HON. R. S. HAYNES: You cannot get them to construct their footpaths: that is the trouble.

THE COLONIAL SECRETARY: This House should look carefully into that clause and see that they are not giving greater powers than are absolutely necessary. Not long since I was called upon to pay £16 10s.; I think it was for what is called tar paving, in front of my residence in St. George's Terrace. That was the half cost. I am much inclined to doubt, without seeing the specification, the contract, and all that sort of thing, that this paving cost £32 or £33.

HON. J. W. HACKETT: It is all going to pieces now.

THE COLONIAL SECRETARY: Yes; they call it tar paving, but it is not paving; it is very little different from the ordinary gravel: a little gravel down, then some siftings of granite thrown on the top, and some tar mixed with that. It is an excellent engine for the destruction of boots, and it is to the advantage of the shoemaker. Even in the better class of tar pavement there is certainly something to be desired. At the present moment St. George's terrace, somewhere between the *West Australian* and Barrack street, is afflicted with smallpox, and has been so week after week. Apparently no notice is taken of the matter, and the state of affairs gets worse and worse. Holes are in the footpath, and the Council apparently let them go unheeded. It is desirable that this House should watch carefully these clauses. I am willing to give the municipal authorities fair and reasonable powers, but at the same time not to such an extent as to enable them to be oppressive to owners of property in the city. However, that is by the way. I do not know that I need dwell upon that point. These are only things that struck me, and I suppose that in the best-ordered government, even the government of the colony, some fault may be found. Certainly fault may be found with municipal government in many cases; especially Perth. If these extended powers are given to the municipalities, it is to be hoped they will be carried out with promptitude, discretion, and advantage to the public, and not

with the idea which I think has existed in the minds of many councillors, who think they are returned for the purpose of raising as large a revenue as possible out of the pockets of the people without giving corresponding advantages. I think I have said as much as it is desirable for me to say on this occasion; and without going minutely into the different clauses of the Bill, I do not know that I could deal effectively with the question. The measure is a large one, consisting, as I have said, of 450 clauses; therefore as it is intended to refer the Bill to a select committee, to which I agree, I move the second reading of the Bill.

HON. R. S. HAYNES (Central): I think that on the whole the Bill is an improvement upon the present Act; but it is somewhat loosely worded, and I am very glad the Colonial Secretary agrees to its going before a select committee. The drafting of the Bill is in many respects slipshod. Very many essential clauses are omitted, either by design or accident. The most important clause of all, which is always the first clause in a Municipal Institutions Bill, is wanting, and that is a clause incorporating the citizens or rate-payers and the mayor and council as a corporate body, so as to sue and be sued. That clause is absolutely missing from the Bill, and the municipal councils possess no power to have a common seal. Although one clause says they may contract, there is no provision for authorising them to adopt a common seal. That clause has been omitted, and without that clause the whole Bill would be absolutely inoperative. I would like to point out also that it is scarcely the duty of members in this House to look through the Bill in the same way as a draftsman is supposed to look through and settle the draft Bill. The work asked of this House is practically that of settling the Bill, which ought to be the work of a legal man; and it is unfair to ask this House to go through a measure such as this and ascertain for themselves whether the clauses, as the Colonial Secretary says, fit in one with the other. It is simply the duty of this House to see whether the policy of the Bill is good or bad; and, having assented to the policy, we ought to trust to the draftsman to see that the Bill is properly drafted. The absence of such a clause

as I have mentioned stamps it as having been drawn by a person who was careless about the drawing. I do not know who he is, but he stands convicted of gross neglect. It is necessary, too, that a Bill such as this should be very carefully perused, because we give up the right practically to tax the whole of our land, and to tax it to such an extent as to practically render the land unprofitable, and to bring down the value of our land. It is absolutely necessary that we should be careful, because not only does the measure affect Perth, but all the towns throughout the country. My own impression is that it would have been much better to introduce a Bill to deal with the city of Perth, the city of Fremantle, and perhaps Coolgardie and Kalgoorlie, and to introduce another measure referring to the general municipalities. However, the Government have not thought fit to do so, and I suppose we had better do the best with the Bill that we can. Unfortunately a Bill may be good for one town, and absolutely useless for another. For example, this measure may be very necessary for Perth, but it would not apply to Claremont, or York, or Roebourne. In the same way the huge powers which are vested in the councils here are subject to the criticism of the Press, but in far distant country towns, where there is no efficient Press, the council may frequently use, and have used, those powers oppressively. It is necessary we should see the powers are carefully guarded. The Bill is divided into 22 parts, and there is another absence in it. There is the absence of any provision whatever for a case where a roads board (which perhaps has entered into certain contracts, and has become possessed of property) has its district converted into a municipal district. No provision has been made for it; yet suburban districts are generally created with roads boards, and subsequently turned into municipalities.

THE COLONIAL SECRETARY: There is the power of the Governor.

HON. R. S. HAYNES: I know that His Excellency the Governor can do a good deal, but I am speaking of a creditor. I know a case where a person is a creditor of a suburban roads board. He entered into a contract for the construction of a road, and went to certain

expense: then the roads board turned round and became a municipal council, and the man was not paid; and after all the ingenuity I could bring to bear, I could not see how he could get the money. And there is the suburban municipality enjoying a road it has not paid for! Provision should be made for such a case as that. Again, looking through the Bill, I see the definition of a "mayor" is, "mayor shall include chairman." I presume that where there is no mayor it is the chairman of the municipality.

HON. J. W. HACKETT: Does that mean anything less than a city?

HON. R. S. HAYNES: The definition of the word "mayor" says, "a mayor shall include chairman." As you know, at the present time a man is a mayor in certain cases; but where the population does not exceed a certain number the title given is that of chairman. Under this Bill the definition of "mayor" includes "chairman," leading one to suppose there is still a distinction between "mayor" and "chairman"; but when we come to the definition of a municipality, we find there is no provision, and that every one is a mayor. There is no definition of "chairman." This is through the loose drawing of the measure. The word "chairman" appears in the Bill. It is proposed under this Bill that instead of having a chairman in some instances, and a mayor in others, there shall be a mayor in every case.

THE COLONIAL SECRETARY: I think they ought to be mayors.

HON. R. S. HAYNES: I do not know.

A MEMBER: Roebourne.

ANOTHER MEMBER: The mayor of Doodlekine.

HON. R. S. HAYNES: Small, distant places; the mayor of South Perth and other places.

THE COLONIAL SECRETARY: A mayor might be "right worshipful."

HON. R. S. HAYNES: I come to an absurd clause, Clause 11, sub-clause (j), which says that the Governor may "declare any municipality, having in the year preceding such declaration a population of 20,000 and a gross revenue of £20,000, a city, and that the mayor thereof shall be designated "The Right Worshipful the Mayor of———."

I remember that years ago, and perhaps

the President remembers it also, it was suggested in the City Council that the mayor, on the occasion of the Queen's Jubilee in 1887, ought to be entitled "Lord Mayor." I think one suggestion is about as idiotic as the other. I do not think we should make a difference by calling one "the right worshipful," and the other "his worship." As a matter of fact, a mayor is entitled to be called "his worship," and why should you call one "right worshipful?" I do not know, unless you call one the "Right Worshipful the Lord Mayor."

HON. J. M. SPEED: Call him what you like.

HON. R. S. HAYNES: I think it is a distinction which ought not to exist.

HON. J. W. HACKETT: They ought to pay for it.

HON. R. S. HAYNES: At the present time we understand a city to be a place where a bishop has a see.

THE COLONIAL SECRETARY: I forgot to mention that anyone standing as a councillor has to pay a deposit, £5.

HON. R. S. HAYNES: Again, in Part 2 of the Bill I observe there has been a departure from the present Act. Under Clause 40, the qualification of "mayor" is given, and in this respect the Bill differs from the present Act, because in the Bill we have a disqualification as follows:

Unless disqualified under this Act, every owner or occupier liable to be rated in respect of land of the ratable value of not less than Ten pounds, whose name appears on the electoral list in any municipality as owner or occupier, shall be eligible for election as a mayor or councillor for any such municipality: Provided that no councillor shall be capable of being elected an auditor in and for the municipality of which he is a councillor.

Under the present Act, the mayor can only hold office for three years successively, while under this Bill he can hold office indefinitely—there is no restriction. There should be a three-years restriction in the Bill. Then there is a clause which says:

No female, no minister of religion, no uncertificated and undischarged bankrupt, and no person attainted of treason or convicted of felony or perjury, or any infamous crime; no person of unsound mind, nor any person under composition with his creditors by any deed of assignment or arrangement under or by virtue of the Bankruptcy Act 1892 or any amending Act, duly executed by him, shall be capable of

being or continuing a mayor, auditor, or councillor of any municipality.

Seeing that we are bringing our legislation up to a certain point, providing for the admission of women to all our rights, I do not know why this Bill should be different from other Bills. Why in fact should a woman be ostracised if her fellow-ratepayers think she is entitled to represent them? By passing a Bill banishing her from a position, you make her long for it. If the ratepayers think that any female can represent them better than a man, and I admit myself there are many men far behind women, I do not know why the ratepayers should be deprived from electing a woman to the position.

HON. C. SOMMERS: It was not a success at Onehunga.

HON. R. S. HAYNES: I am speaking here in reference to councillors, not mayors. If people think fit to let women become mayors or councillors, I do not see why women should not fill the positions. It is no good wincing over the matter: we shall have to give the power some time: why not do it now?

THE COLONIAL SECRETARY: Will the hon. member refer to Clauses 166 and 167?

HON. R. S. HAYNES: The Clause says:

Every municipality shall have perpetual succession, and may purchase, take, receive, accept, hold, acquire and possess lands, tenements, and hereditaments (in fee simple or for any term of years or otherwise), and goods and chattels, and may grant, sell, convey, transfer, demise, assign, or otherwise dispose of the same, and may sue, implead, and answer, and be sued, impleaded, and answered in all Courts and before all Judges and Justices whomsoever in all actions, pleas, suits, disputes, causes, and matters whatsoever, and do and exercise all such further acts and powers as are by this Act authorised to be done and exercised.

That is so. Clause 166 says:

Every municipality shall have and use a common seal, and such seal, and all deeds and records of the municipality, shall be kept in such place and in such custody as the council directs.

At the same time they are not constituted a corporation. That is not the place to look for the point.

THE COLONIAL SECRETARY: The council have powers.

HON. R. S. HAYNES: I am speaking about citizens. How shall a corporation be sued? Supposing you want to issue

a writ against the municipality of Perth, how are you going to make the municipality defendants? Under the Rules of Court you would have to mention the names of every ratepayer and every councillor in the municipality. Under the present Act I believe the City Council have no power to sue in their present corporate form.

THE COLONIAL SECRETARY: The word "corporation" is not used.

HON. R. S. HAYNES: The use of the word "corporation" would not give power unless a distinct power were provided. We still must have the citizens, the mayor and the councillors a corporate body with power to sue or to be sued, so that when a judgment is given against the council it can be enforced against the corporation. When we come to consider the municipal roll question, we must not forget that the making of the roll has given rise to more heart-burnings than any other question which arose under the present Act. The same thing is perpetuated in this Bill. This clause says:

Every British subject of the full age of twenty-one years, being resident within the colony and not subject to any legal incapacity, who—

- (1.) On the first day of September in any year is seised of or in occupation, as owner or occupier, of any rateable property within the limits of any municipality or city; and
- (2.) Has paid all sums due and payable by him in respect of any rates and assessments ordered to be struck by the council for the current year,

shall be entitled to have his name inserted in the municipal electoral list for such municipality, and the ward electoral list for each and every ward in which any such property is situated.

The rate is struck some time in January or February.

HON. J. M. SPEED: If you look at the present Act you will see that it is the 1st June and September. I hope the hon. member has not made mistakes like these in going through the Bill.

HON. R. S. HAYNES: I said that the same error that occurred in the present Act is perpetuated in this Bill. The rates are payable in the first or second month of the year. The council may strike a rate, and the rate becomes payable within fourteen days.

THE COLONIAL SECRETARY: It is divided into two parts.

HON. R. S. HAYNES: That is what should be done, but the council do not do it. Sub-clause 38 of Clause 169 says that by-laws may be made:

As to the times and modes of collecting and enforcing payment of the rates, either in arrear or current; and also of any licenses payable under this or any other Act.

so that the council may make a by-law, and if they do not frame a by-law under the Bill the rates are payable within fourteen days of the striking of the rate. Thus the full rates would be due in the beginning of February. In my experience as a councillor it was our invariable custom to make a rate payable in two moieties, one in February and another in June or July. The rate notice went out a month or two before the rates came in. Under this Bill, unless a ratepayer has paid the whole of the rates by September—it is the practice in this city, at all events, to make the rate out in two instalments—and unless a ratepayer has paid both such instalments by September, he is struck off the list. That is how the clause stands.

HON. E. McLARTY: It does not say for all rates.

HON. R. S. HAYNES: For the current year; so that if a ratepayer has not paid all the rates on the 1st September, 1900, he cannot be on the roll for 1901. It is penalising a ratepayer for not paying in advance. The whole policy of the Bill should be to put people on the roll.

THE COLONIAL SECRETARY: It is to get the rates.

HON. R. S. HAYNES: Pardon me, the policy of the Bill is to put people on the roll, and not to take them off except for gross misconduct.

HON. C. SOMMERS: It is gross misconduct not to pay the rates.

HON. R. S. HAYNES: Then there is not a person in the city but is guilty of gross misconduct. To penalise a person who may have paid his first half-year's rates, but who is not able to pay or has not paid his second instalment, is a vicious and bad principle, and has given rise to heart-burnings in the past. For the city of Perth the Bill gives the council tremendous power; power to sue, and the terrible power of levy and distress, selling a person's goods; still the Bill gives them further power to penalise a person who has not paid his rates, by

taking him off the roll. I do not believe such a provision is found in any other Act.

THE COLONIAL SECRETARY: It is the same in other places.

HON. R. S. HAYNES: I think we will find that people are 12 months in arrear in other places before they are taken off the roll; but because you fail to pay your rates in advance here, you are taken off the roll. You may pay your two instalments in seven months, and yet you are taken off the roll. I am speaking of something which I have followed very closely. I took part in a meeting which was held in Perth, at which it was pointed out that half the citizens were struck off the roll. The Municipal Council is entitled to no consideration from the House, or the citizens, if it does such things as this.

HON. C. SOMMERS: We are legislating for the colony, not for Perth.

HON. R. S. HAYNES: That is exactly my contention. We are not legislating for the colony, but for Perth. Parts 3 and 4 contain excellent provisions, but I come to Part 5, and I think it should be struck out altogether or some other clause inserted in place of Clause 142, which says:

The council shall hold two meetings of ratepayers within each year, namely in the months of May and November; that held in the month of November being the annual meeting; and also special meetings upon the requisition of at least one-third of the number of councillors.

A more meaningless clause it would be impossible to imagine. Holding a meeting of ratepayers, and what are they to do? I know that on one occasion the mayor of a city got in the chair at one of these meetings, and would not put a motion. I said to him "What are we here for?" He said "I do not know." He was quite right.

HON. C. SOMMERS: That must have been in Perth.

HON. R. S. HAYNES: In the early days only two or three people attended the ratepayers' meetings. Now the meetings are largely attended for the purpose of ratepayers pouring forth their grievances into the ears of the councillors. I should be sorry to see the provision struck out, but we should give the citizens some power of veto.

HON. A. P. MATHESON : You have to provide for appointing a chairman.

HON. R. S. HAYNES : There is a very easy method for doing that.

HON. J. M. SPEED : This is only a copy of the present section.

HON. R. S. HAYNES : Because the present Act is stupid in one section, is that any reason why we should be stupid in regard to this Bill?

HON. J. M. SPEED : I thought it would suit you to have it in.

HON. R. S. HAYNES : One part of the measure wants more careful consideration than any other, and that is Part 6, which gives to municipalities the right to make by-laws. The principle of allowing municipal bodies to make laws (because that is practically what it is) is one which should be always carefully guarded. It is the privilege and right of Parliament to make laws, and once you delegate that authority and practically allow another body to make laws, the greatest care should be exercised in seeing that such power cannot be abused. I think that altogether the powers contained in this clause practically cover everything. Clause 169. The Colonial Secretary referred to a portion of the 10th Schedule, which speaks of certain by-laws, but those by-laws are only as to streets and footways. That is only under one sub-clause of the clause, and if under one clause they can make by-laws, which the hon. member says are almost a Bill in themselves, and there are nearly a hundred sub-clauses, how many by-laws can they make? I am not speaking now without something to warrant it. It is said this Bill is a copy of the Victorian Act. In future, whenever I see, on the side of an Act emanating from the Government, a reference stating that it is a copy of any other Act, I shall take the trouble to get that other Act and see that it is a copy, because in the Public Health Act, which was passed through this session, certain sections were put in as being copied from the Victorian Public Health Act, whereas they were absolutely no copies of that Act at all. They abridged the rights of the citizen, and gave rights to the City Council which were most objectionable, and ought to be repealed at once. Therefore we have to be careful with these clauses which are said to be copied from an Act. To go through that

power to make by-laws, honestly go through the clauses and carefully weigh each clause, would take a day, and therefore it is impossible for any member in the debate to go through them and see exactly what ought to be allowed; if any of them ought to be allowed, or any of them ought to be disallowed. With reference to Part 9, the resumption of land, that is a very dangerous thing, and one that I myself would feel disposed to have struck out. I may tell you the reason why. Under Part 9 a council is empowered to take land for a public undertaking. I do not see why any council should be invested with this power. In the first place the Bill gives them the power of taking land and increasing the indebtedness of the municipality to an inordinate degree, and as I have pointed out, there is not in country towns that censorship over the acts of municipal councils which we have in more populous places. The result would be opening the door, at all events, to any councillor or any mayor to get rid at a fancy price of some of his land. It is a very dangerous principle. If a municipality wants land, it is very simple for the municipality to ask the Government to resume land under the powers which the Government have, and vest that land in the municipality, the municipality paying the amount. If the council want to do it, they can get the Government to do it for them, but of course they will have to satisfy the Government that the land is being resumed for a proper object. I fail to see why a municipal council should be empowered with this provision, which I consider a highly dangerous one, and I hope to see it eliminated from the Bill.

THE COLONIAL SECRETARY : Clause 209 guards that matter, does it not?

HON. R. S. HAYNES : That clause at all events ought to be struck out. Some land on the Darling Range was resumed by the Governor-in-Council three years ago, and although I have used my best endeavours to have that land valued, the Government have that land up to the present time, and my client is without his money. I have done all I could. I can do no more. I moved the court and did everything, and up to this time I have been able to accomplish nothing.

HON. J. M. SPEED: Would you eliminate Clause 120?

THE COLONIAL SECRETARY: That is another subject.

HON. R. S. HAYNES: Under the Land Resumption Act one has to go before the court, and the court never sits. I hope to move in that matter later on in the session. The Colonial Secretary can see what I mean. If the municipality desire to have any land, it is only necessary to go to the Government and ask the Governor-in-Council to resume the land, and to pay whatever amount of money is payable to the person owning it. There is power enough now, but the council will have to satisfy the Government that the land is being properly resumed, and that the action adopted is not an attempt to take off a big block of land from some mayor or councillor. These things are not done in large towns, I admit, because the Press and the public have an opportunity of exposing any intrigues like that; but we have to remember that this Bill applies to country districts, and we have to be very careful to see what powers we give to these people. With reference to the confirmation of by-laws, I forgot to point out there is a rather peculiar clause here, and I cannot understand how the Government allowed it to go in. It is Clause 177, relating to the confirmation of by-laws. This is one of those things that we have to be very careful about. It says:

By-laws shall not be inconsistent with or repugnant to any of the provisions of this Act, or to any law in force; and when confirmed by the Governor, and published in the *Government Gazette*, shall have the force of law within the limits of the municipality or any area under the control or jurisdiction of the council, unless restricted to a portion only of such municipality or area; and copies thereof shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, and if not, then within fourteen days after the next assembling of Parliament.

That leaves out a provision which hitherto has always been put in, that such by-law shall be law unless disallowed by Parliament. It is a very artful way of getting power to make by-laws, and not leaving the right to either House of Parliament to say that the law is bad, unless a special Bill is brought in. I only quote that to members to show how careful we should be when vesting powers in local bodies.

THE COLONIAL SECRETARY: It is a bad law.

HON. R. S. HAYNES: The sooner we amend it the better. It is no good quoting a bad law to me. Part 10, Division 6, requires really careful consideration. At the first blush it gives power to make streets; but one has to be very careful, and I will give you an instance. Some time ago the Municipal Council of Perth flooded some land, and they were liable to an action; but a reply was made, "You bring an action and we will serve a notice to make you fill up to the level of the road." "Have you power?" "Yes." If a municipal council would use power like that, and threaten to make a man fill up land—and this was garden land—and threaten to drown the land by sending street water into it, I think it is necessary to deprive them of such power.

THE COLONIAL SECRETARY: Where have they that power?

HON. R. S. HAYNES: In the Health Act. Power is asked for here to raise streets, and so on. That is a very proper provision, but I say it wants very careful perusal to see that too great a power is not created; or in other words, if you give the power, to see that there is some appeal, so that the power may not be improperly or arbitrarily used. Under this Bill full power is given, and there is no power of appeal. The same power is given in the Health Act, and I think Mr. Richardson will bear me out in that statement. Then there is power to enter into contracts for the lighting of the city; and that, in my opinion, ought to be very carefully looked into, to see that the authority of the citizens is obtained. Then as to the power of rating and the power of appeals, I do not think these clauses can be improved upon. The power of borrowing is bad. I have always held that where an Act authorises a local body to borrow money with certain restrictions, and that local body borrows the money and becomes indebted, it is not right or proper for the Legislature to increase the borrowing power of that local body, which has the ultimate result of decreasing the security of those persons who have lent their money. For that reason I drafted a Bill for the city of Perth, and I was careful to put in exactly the same clauses as existed in the

Municipal Act of 1895. That is exactly the same clause as appeared in the old Act, and it was pointed out that this was very proper, because people had lent money upon the security of that clause.

HON. J. M. SPEED: Did you put those in yourself?

HON. R. S. HAYNES: Certainly. I did not draw them; I simply took them out of the old Act.

THE COLONIAL SECRETARY: You are not referring to loans, are you?

HON. R. S. HAYNES: Yes.

THE COLONIAL SECRETARY: That is fixed according to revenue.

HON. R. S. HAYNES: Part 21 gives the borrowing power. Unless you compare these clauses one with the other, you will not see how the question crops up. Clause 369 says:

The amount of money so borrowed at any time for works or undertakings shall not exceed ten times the average ordinary income of the municipality for one year terminating with the yearly balancing of accounts next preceding the *Gazette* notice of such loan hereinafter mentioned—

and so on. They are allowed to borrow up to ten times the amount of revenue for the current year. Under the old Act it was ten times the average of three years. One can easily see the difference. There is a great difference: you could take the average for three years, originally. Supposing, for instance, in one year the amount was £2,500, in the next year £2,700, and in the third year £3,000, the total of these amounts divided by three would give the average. What I want to impress upon members is that under this Bill municipalities are allowed to borrow ten times the amount for the current year, and all a municipality has to do is to raise the rates, getting as much as possible for the current year, and then borrow ten times the amount. All a municipality has to do when it wants to borrow money is to swell its rates. The term "the ordinary revenue" is used in this connection, and any member connected with a municipal council knows that the ordinary revenue is received by rating, and not by licenses and such things. But this Bill wishes to put into the ordinary revenue the subsidy granted by Parliament. Suppose a municipality goes to the Premier and obtains a grant of £1,000, that is the ordinary revenue, and on that the municipality can borrow

ten times the amount. Clause 327 defines the ordinary revenue, and Sub-clause 10 says:

Any subsidy granted by Parliament to or for the use of the council.

That is no more "revenue" than money won at a horse-race is ordinary income. I do not know how much the city of Perth owes, but I should imagine between £70,000 and £80,000, perhaps £100,000; and the municipality should not become so indebted that a lender could not get his money back. The clause requires a great deal of consideration. Under the legal clauses, page 107, provision is made that actions should not be brought against the municipal council except under certain circumstances and without giving notice. I think it might be provided that all actions should be commenced within twelve months of the cause of action arising. There is one clause I cannot consent to—Clause 424. It allows the municipal council, on making an affidavit before a Judge that the defendant would not probably be able to pay the costs, to move that the action be heard in the Local Court. That means because a person has not the money, he is to be deprived of having his case tried by a jury. Say, for instance, a cabman is driving down a street, and in consequence of the bad road his cab is overturned and broken and the man's leg is fractured. This cabman brings an action in the Supreme Court. All the town clerk has to do is to apply to the Court and say that the man has not the money to pay the costs if he loses the case; then the Judge can give power to move the action to the Local Court. I think municipal councils are freer from actions than any other bodies. I do not think we could do better than ask the Colonial Secretary to allow this Bill to be referred to a Select Committee. There is a little game in this Bill which I ought to unearth. It is in Clause 9, which says:

No misnomer or inaccurate description contained in this Act or in any order made hereunder, shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same is designated so as to be understood.

That, to my mind, is one of the most novel provisions in the Bill. I do not know who invented it, but it should be set in gold, and placed on top of all Acts

of Parliament. I have only read that clause because it is one of the most remarkable I have ever seen in my life. It is absolutely ineffectual. I do not know whether I should move now, before the second reading is put, that a Select Committee be appointed to inquire into this Bill.

THE PRESIDENT: As soon as the second reading is passed, and before the Bill goes to the ordinary Committee, the hon. member can move for the Bill to be referred to a Select Committee.

HON. J. M. SPEED (Metropolitan-Suburban): I should like to say a few words on the Bill, as I have represented the City Council on one occasion at a conference, and I have taken a considerable amount of interest in the Bill, although I cannot claim what the Hon. R. S. Haynes once claimed to be, the drafter of a Bill—that was the Bill of 1895. The duty of the House is to do what it possibly can to get the Bill passed. I know, sitting in the City Council of Perth as I have done for the last three years, that the present Bill is practically unworkable. It is unfortunately not only unworkable in Perth, but in all municipal councils of the colony. Troubles are constantly arising, and the municipal councils are not able to meet the difficulties. That is the reason why the Bill was originally proposed. It has been considered at three conferences. Although the drafting of the Bill itself may be faulty, the intention of the conferences is obvious. I think it is wise to have the principle of the Bill adopted. It is only right and proper for Parliament to give the Bill attention, to recognise the work of the conferences which have considered the question, because those attending the conferences have represented the local feelings of the people on the subject, and are more in touch with the people than any member of the House can be. The municipal councils are not able to apply remedies where they should be applied. Whenever an attempt is made to criticise, and no doubt there are instances in which members can criticise the Bill, it is only right that the criticism should be accompanied by some suggestions to amend the Bill in the direction of assisting the desire of the people who have asked for the Bill. Certainly there is one matter to which I

take exception myself, and it is an important matter, referring to the payment of rates. The suggestion I made in the Perth City Council was that every ratepayer up to the date of election should have the right to go and pay his rates to the town clerk, or some other person in the office, and obtain his certificate to vote. I believe this is the law in New South Wales. Not only is it a right thing, but is of advantage to a municipality, because many rates are obtained which could not be gathered in unless very drastic means were taken to recover them. I think it is only right for ratepayers to have this provision, because often ratepayers through poverty are not able to pay the rates in time; therefore they should be enabled to pay them at the last moment. I shall support the motion for the Bill to go to a select committee, and I trust that the measure will be an improvement on the present Act, and of advantage to those interested in the Bill.

HON. A. P. MATHESON (North-East): It is sincerely hoped that Mr. Speed's anticipation that this Bill will prove an improvement on the present Act will be found to be the case. This is a Bill that will require to be considered with the greatest possible care. As the Colonial Secretary said this evening, as soon as a man becomes a member of a town council and sits with his fellow members, one of a corporate body, he seems to be imbued with the idea that he has to penalise all the owners of land. We meet these people outside the council chamber; they are reasonable individuals; but when they meet together with the mayor at the head of the table and the town clerk at the bottom, I do not know whether it is the influence of the town clerk, but they start to do all they can to mulct the ratepayers. I speak feelingly on this subject.

HON. J. M. SPEED: Because you do not pay your rates.

HON. A. P. MATHESON: I am always willing to pay my rates as soon as they become due: many members cannot say the same. Many persons do not pay when the rates do become due, and have not paid rates even a year after the date on which the rates have fallen due. There is a clause in the Bill which is a most innocuous one, to which I will call the attention of the House, and

explain for the instruction of members. I refer to Clause 278, dealing with crossings, and which is practically the same as the section in the existing Act. Anybody reading that clause would think it a most reasonable one to have in the Bill. What it says is:

The council may, by writing under the hand of the town clerk, require the owners or occupiers of any premises on either side of any street to make or repair any crossing-place over the footway leading to and from such premises into the said street, to the satisfaction of the council.

Any ordinary individual reading that clause would imagine and believe that such a crossing could only be required where there is traffic over the pavement. This is obvious, and no doubt that is the idea that was in the mind of the framer of the Bill. But this is not the view held by the municipality of Perth. At some pains to themselves the municipality have constructed, leading to premises of my own, a granite crossing, and that granite crossing abuts against a permanent fence, through which there is only access to foot passengers. The Perth City Council sent me in a bill for the costs. I wrote most civilly explaining that there was no necessity for the crossing, and that I could not see my way to pay for it. The town clerk wrote to me, equally civilly, that he saw no necessity for a crossing to a blank wall, but that under so-and-so of the Act "the council may require you to make it and to pay for it when it is made." There the matter rests. The council may make a crossing where they like, whether it is intended for cart traffic or not: if they think fit to make it to your front door they can do so. But we must bear in mind that the council have granite quarries in the Darling Ranges, and one can perhaps understand their desire that granite should be used; and hence their anxiety that a granite crossing should be put everywhere, whether required or not, at the expense of the ratepayers. Under these circumstances it is perfectly clear that a Bill of this kind requires very careful scrutiny. Every clause should be weighed most carefully in order to avoid, if possible, any town clerk from being able to take such ridiculous advantage of the rather loose drafting, as apparently the municipal council of Perth desire to do. Under these circumstances I

certainly think that the very best possible plan would be to remit this Bill to a select committee. But I would say this. I deprecate select committees consisting entirely of mayors and councillors. These gentlemen, as soon as they get together round a table, will feel just as if they were sitting with a mayor at their head, and their one idea will be to get the most trenchant possible regulations for the purpose of penalising the ratepayers. I trust that if a select committee be appointed, there will be a very fair sprinkling of the people who are going to be penalised, so that they may watch the interests of those who are likely to suffer under this Bill.

HON. J. M. SPEED: We will all suffer, if we are wrong. I do not see that we shall suffer any less because we are councillors or mayors.

HON. A. P. MATHESON: The hon. gentleman raises the point. He talks like that. Outside the council chamber he is a perfectly reasonable individual, but if he gets into the council chamber, he will pass anything to please the town clerk or some person in the chamber. We see it every day.

HON. J. M. SPEED: I would not pass your not paying your rates.

HON. A. P. MATHESON: You have never had any necessity to do it. When the time arrives the hon. member can express an opinion, or act, which would be better still. Mr. Haynes commented on Clause 424, which gives the municipal council the right to refer a case to the Supreme Court, if they think the defendant will be unable to pay the costs of the proceedings, so that it may be dealt with in the Local Court. Of course I speak under correction of the hon. gentleman, as he is a lawyer, but I was discussing the question the other day, and I understand that in England there is an Act which has been found most useful, and which applies to all members of the community.

HON. R. S. HAYNES: You can be tried before a jury in England.

HON. A. P. MATHESON: I understand that if an action is brought against a council in England, and there is reason to suppose that one can prove to the Judge that the plaintiff or the defendant, as the case may be, is not in a position to meet costs of the action if it goes

against him, a party can apply to have the matter dealt with in a lower court.

HON. R. S. HAYNES: A County Court Judge. Some of the best lawyers in England are County Court Judges.

HON. A. P. MATHESON: You can save the higher costs, and that was evidently the object of the framer of this clause. I presume the clause can easily be modified to meet the case the same as in England. In England a local court can act, and (I speak subject to correction) here it is the local court, which has an equally competent Judge. If the hon. member is prepared to asperse the capacity of the Judges, he can do so.

HON. R. S. HAYNES: I say they are not fit to try the cases.

HON. A. P. MATHESON: In England it is done.

HON. R. S. HAYNES: In England they are District Court Judges, and higher than any member of the bar here.

HON. A. P. MATHESON: In any case there should be some way in which the municipal council should be saved the expense of conducting an action in the Supreme Court. The ratepayers have to pay if they lose, and they generally do lose.

HON. R. S. HAYNES: The City Council never win a case.

HON. A. P. MATHESON: Supposing by accident they did, they would have to pay their costs on the higher scale.

HON. R. S. HAYNES: Have not you? Have not the Government?

HON. A. P. MATHESON: I do not see that the hon. member's argument is any reason why such a clause should not be inserted. If there were a way of saving costs by carrying the case to a lower court, it would be absolute folly to conduct such case before the Supreme Court. If this clause will not do, surely it can be amended. The hon. member proposes to strike it out.

HON. R. S. HAYNES: Certainly. It is a violation of the right of a British subject.

HON. A. P. MATHESON: That is not so, because there is in England such right as I refer to. The hon. member says it comes before a County Court Judge.

HON. R. S. HAYNES: There you may have a jury; here you cannot.

HON. A. P. MATHESON: And I understand you cannot there.

HON. R. S. HAYNES: You can have a Judge in England.

HON. A. P. MATHESON: The hon. member knows the parties do not come before a Judge.

HON. R. S. HAYNES: Pardon me; they do.

HON. F. WHITCOMBE: And the Judge is a trained barrister.

HON. A. P. MATHESON: It is useless for me to argue the matter with the hon. member, who is a lawyer, but my informant was a lawyer, and no doubt he would be able to brow-beat the hon. gentleman, if he were here.

HON. R. S. HAYNES: He is very ignorant, if he compares a local magistrate with a County Court Judge.

HON. A. P. MATHESON: It would be invidious to draw a comparison between these gentlemen. You do not know what the capacity of every County Court Judge in England is. I have heard a very poor opinion expressed of them by some.

HON. R. S. HAYNES: That is by weakling barristers who have been sat upon.

HON. A. P. MATHESON: Just in the same way as the hon. member has uttered disparaging expressions about the local Judges here.

HON. R. S. HAYNES: I am not disparaging them. They do their work very well.

HON. A. P. MATHESON: Of course it is desirable that Parliament should have the power of overhauling by-laws. But this House knows very well that if you attempt to overhaul by-laws, you are told that they have been passed by the Governor-in-Council, as I was told on several occasions, and that it is not decent to criticise. Though I quite agree with the hon. gentleman that the power should be put in the Bill, the power really is of very little value.

HON. R. S. HAYNES: We shall use it one of these days.

HON. C. SOMMERS (North-East): I think the whole of the argument of Mr. Haynes is in favour of the motion that I intended to move, that the consideration of this Bill be referred to a select committee, and I believe that if I had spoken earlier in the debate, I might have saved a great deal of time. As a mayor and councillor who has had experience not only in this colony, but in another colony,

I take exception to the remarks of my hon. friend Mr. Matheson, because mayors and councillors are usually chosen on account of the position they occupy in a municipality, and generally they commend themselves to their fellow rate-payers on account of the amount of property they own or occupy. That I think is a safeguard on the part of the residents of towns that any legislation the council may pass will be for the body of the ratepayers, and that in legislating for themselves they are legislating at the same time for the general body of rate-payers. With regard to this Bill, of course it is very lengthy, but at Northam recently—only last month—a conference sat for, I think, something like four days, and there were some 60 or 80 delegates from the various municipalities throughout the whole of the colony. They had copies of the Victorian Act, and copies of the Bill proposed to be introduced, the latter being almost the same as this measure. As I say, they devoted four days of valuable time to the matter, and we had the assistance of several lawyers, and I believe of men experienced in municipal matters, from all parts of the colony. They have gone through each of these clauses very carefully. I do not say the conclusions they have arrived at are perfect, but nevertheless they are prepared to submit to any select committee that may be appointed all these recommendations. Each of these clauses has been carefully considered and vigorously debated. The Victorian Act has worked well, and is nearly perfect; and I believe that this Bill will enable us to get one of the most perfect pieces of machinery ever adopted.

HON. R. S. HAYNES: Penalising the public.

HON. C. SOMMERS: That has to be seen. We are told that the Bill would not apply to large and small municipalities. In Victoria an Act known as the Local Government Act, I think, applies to every town in that colony, with the exception of two, those being Melbourne and Geelong. Melbourne and Geelong are worked under what is known as the Corporation Acts, these being the same Acts as govern the city of London. In every other case the municipalities work under the Victorian Act. Take the city of Ballarat and the city of Bendigo, and

other large cities, such as Prahran and all those cities around Melbourne: they are all governed by this Victorian Act, which has stood the test of time, and, you may be quite sure, keen competition.

HON. R. S. HAYNES: What is the result? People let their houses to get rid of the rates.

HON. C. SOMMERS: You must have lived in a bad place.

HON. J. W. HACKETT: The Act is a very fine one. It is Higinbotham's Act.

HON. C. SOMMERS: I am glad to hear you say so. I know there are a few amendments needed. We have the experience of that Act. There are many Victorians here who have worked under the Act, and the conference had pointed out to them the way in which the Act can be improved. The improvements are embodied in the recommendations, and we will have the benefit of those improvements. For instance, in the matter of health, it was shown clearly that very many amendments could be introduced, and they have been introduced. Then we have the subdivision of land. We know that under the present Act owners of property can cut up their land into very small blocks, far too small for decent-sized houses. They can allow for rights-of-way from inadequate measurements, and the same applies to their streets.

HON. R. S. HAYNES: I think they cannot do that, can they?

HON. C. SOMMERS: Yes, they can. In drawing up these recommendations we have had the advantage of preventing that state of things. We have also had the assistance of a gentleman from the Titles Office, who has shown us clearly where the shoe pinches with regard to the registration of these plans and the proper protection of people. Then, the sanitary system has given us a lot of trouble under the old Act, especially on the goldfields. I believe that in Coolgardie and Kalgoorlie it costs them something like £2,000 or £3,000 to get over the difficulty which has cropped up under the property clause in the old Act. There is the question of the removal of houses of ill-fame. That is all dealt with in these recommendations. There are such houses on the goldfields, and Perth has its houses of ill-fame the same as other places. I believe the recommenda-

tions will be found to work well. There is the question of weights and measures, which received from the conference very great consideration, and the clause has been amended so as to make it very desirable.

HON. D. MCKAY: It is very much needed.

HON. C. SOMMERS: Very much. It provides that every hawker who goes round, and every butcher and baker, shall carry scales, and anyone buying can demand that every article shall be weighed.

HON. R. S. HAYNES: Butchers never give you short weight.

HON. C. SOMMERS: Then as regards auditors, I am speaking from memory, but I know the custom has been for one local auditor to be elected by the ratepayers and one by the Government. Speaking recently in the House on the Address-in-reply, I pointed out the necessity there was for a Government auditor. I pointed out that large sums of money were voted by Parliament for use in these municipalities. I know that as mayor of a town I signed a document prepared by the town clerk, and satisfied myself it was all right; but perhaps in many cases the mayor does not satisfy himself that it is all right, but sends it in to the Government, and the subsidy is paid on the amount of rates stated to have been collected. Parliament has no control over that money: we do not know how it is spent, and the Government do not take the trouble to find out. In the amendment it is provided that one auditor shall be appointed by the Government and the other by the ratepayers. That will ensure getting one capable man; the Government auditor will be duly qualified. The local auditor is often appointed because he is a popular man: he may not be a competent bookkeeper or auditor; still, if the local man does not happen to be a good man in the matter of auditing, the ratepayers know they have one man who is duly qualified to look after the accounts. As to the election on Wednesdays, I think that was adopted because of the half-holiday on that day: I believe that is the reason why Wednesday was suggested. If the argument of the Colonial Secretary is correct, that would provide a double reason why the elections

shall be held on Wednesdays and not on Mondays. I can assure hon. members if they allow the Bill to go to a select committee, valuable time will be saved and valuable suggestions which have emanated from the municipal conferences will be placed before members, and good solid ideas and arguments can be adduced as to why the recommendations should be carried out. I feel that valuable time will be saved if a select committee of five members, which I understand it will be proposed tonight that the Bill should be referred to, is appointed. I would suggest that members take into consideration the appointment of some municipal councillors on that committee, because there is nothing like having men of experience in these matters to assist. We want legal men on the committee, but we want men of experience in the working of the Act as well. I will not say more at this stage, but I impress on hon. members the advisability of allowing this Bill to go to a select committee.

HON. F. WHITCOMBE (Central): There have been some matters left out of the Bill that should be mentioned in the second-reading debate. These matters I should like to have seen included in the Bill: one or two of them have already been referred to, still I do not propose to take up a great deal of time in again mentioning them. There is the preparation of the rate roll. The electoral list or roll should be a copy of the ratepayers' roll, and the amount of the outstanding rates should be set out against each ratepayer's name. The Bill should provide that if a ratepayer tenders the amount of the rate outstanding against his name, up to the time of the casting of the vote, he should be allowed to pay his rates and vote. This has worked well in New Zealand, and when there have been contested elections it has been a good collecting day for the municipal treasurer, especially if any interest is taken in the election. It has proved a very good means of collecting outstanding rates, with very little trouble to the officers of the municipality. I do not think it right that a man should be prevented from exercising his right. If he is the owner of property against which rates are outstanding he should be allowed to vote, because the council have their remedy for recovering

the rates. I think a man should be entitled to vote if he is liable to pay rates.

HON. C. SOMMERS: Why should he have that consideration?

HON. F. WHITCOMBE: The municipality is secured as far as the ratepayer is concerned. There was another matter referred to by Mr. R. S. Haynes, that in the existing Municipal Act there is a provision that the mayor is disqualified as a candidate if he has occupied the mayoral chair for three years. It is strange why this clause should have been omitted from this Bill; because the measure submitted to Parliament last year contained the provision, and, besides, the clause appeared in the early part of the Bill which was passed through the Assembly. It is also curious that the recasting of the Bill was not taken in hand until a short time ago. There seems to be an idea that this Bill has been recast and this clause omitted in favour of a particular person who, it is understood, will be a candidate for the mayoral chair of the city of Perth for another year. Whether there is any desire on the part of that person to occupy the mayoral chair in view of the visit of certain august persons to this colony next year, I do not know; but it seems that the Government are quite prepared to make this alteration in the Bill which was passed last year.

HON. J. M. SPEED: It has nothing to do with that. The clause was put in years ago.

HON. F. WHITCOMBE: The Government, it seems, at the beginning of the session, were prepared to drop the Bill; but for some unexplained reason they have introduced it and recast it probably in anticipation of coming events. Before the calling together of this session I was discussing the question of this Bill with officers of Parliament, and it was suggested by myself and others that the Bill should be introduced in the Legislative Council at the commencement of the session, so that it could be got through when we had no other work to do; and it was apparently arranged that that should be done, but the Bill was dropped. Yet in view of impending events, the Bill is brought forward, with the clause which has been the law of the country for years omitted. An argument is often used by

the Colonial Secretary that when a law has operated very well for years, good reasons should be submitted why such a law should be amended. This provision has been the law of the country for years, and I do not see why it should be amended for one particular municipality and for the supposed benefit of one particular individual. There is another matter which has been touched on which was discussed largely last year when the Bill was before another place. There was a discussion on the question of frontage rating. This Bill does not deal with the assessment of frontage rates, and I certainly intend, when the Bill is before the Committee, to test the feelings of members on the principle of frontage rating. I shall endeavour to insert a clause in the Bill that ratepayers should be rated on the principle of frontage. If the clause does not get a great deal of support, I shall introduce it even to have it discussed. At the last election for the Metropolitan-Suburban Province this matter was discussed, and it has been considered for years by those interested in municipal affairs and those who have been candidates for municipal offices. It is a principle that should appeal to everyone, inasmuch as it provides that the value of the land subject to the rate should not be penalised by the buildings put on the land. As to female representation, I am with Mr. R. S. Haynes on that point, as higher bodies than municipal councils, to wit the London County Council and other bodies, have given power to women to sit upon their boards. We should give women the power if they desire it, and if they think fit to enter into municipal matters, and their fellow-ratepayers think right to elect them, they should have power to sit and administer municipal affairs. I shall certainly support the proposal to send the Bill to a select committee. It is a rather cumbersome measure to be threshed out in Committee of the whole House.

Question put and passed.

Bill read a second time.

On motion by Hon. R. S. HAYNES, the Bill was referred to a select committee, consisting of Hon. A. Jameson, Hon. M. L. Moss, Hon. G. Randell, and Hon. C. Sommers, in addition to the mover (Hon. R. S. Haynes).

Ordered, that the Committee have power to send for persons and papers, and to sit during any adjournment of the House; also to report on 9th October.

ADJOURNMENT.

The House adjourned at 9:47 o'clock until the next day.

Legislative Assembly,

Tuesday, 2nd October, 1900.

Question: Voters' Certificates for Referendum, Irregular Issue—Petitions: Perth Electric Tramways Lighting and Power Bill (in opposition)—Papers Presented—Question: Roebourne Shipping, a Crew Returned to Singapore—Cattle Restrictions at Fremantle, Report of Select Committee—Land Drainage Bill, first reading—Manufacturing Industries Bill (State Aid), first reading—Industrial Conciliation and Arbitration Bill, Amendments on report—Coolgardie-Norseman Railway Bill, second reading (adjourned)—Adjournment.

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

PRAYERS.

QUESTION—VOTERS' CERTIFICATES FOR REFERENDUM, IRREGULAR ISSUE.

MR. MONGER, without notice, asked the Premier, Whether any further correspondence has been received in connection with the improper issue of voters' certificates at the recent referendum?

THE PREMIER: As far as I know, there is no correspondence, but inquiries were made. The Government have not taken any action, until the House should think it desirable to take action in the matter.

PETITIONS—PERTH ELECTRIC TRAMWAYS LIGHTING AND POWER BILL.

PETITIONS IN OPPOSITION.

MR. JAMES presented a petition from the Perth Gas Company, objecting to the Bill which had been referred to the Select Committee with reference to the

supply of electric light and power by the Perth Electric Tramways Company, and asking for permission to be heard before the Committee by counsel.

Petition received, ordered to be printed, and referred to the Select Committee, with leave to be heard by counsel.

MR. A. FORREST presented a petition from the Perth Municipal Council, also objecting to the Bill, and asking for permission to be heard before the Committee by counsel.

Petition received, ordered to be printed, and referred to the Select Committee, with leave to be heard by counsel.

PAPERS PRESENTED.

By the PREMIER: 1, Return, under Life Assurance Companies Act; 2, Paris Exhibition, return (as ordered) showing expenditure incurred on behalf of Western Australian exhibits. He said the return was not complete in all details, as some of the vouchers had not yet been received from the Agent General, these items being shown only in lump sums at present.

QUESTION—ROEBOURNE SHIPPING, A CREW RETURNED TO SINGAPORE.

MR. A. FORREST asked the Attorney General: 1, By what authority the Resident Magistrate at Roebourne ordered men of the British ship "Nellie" to be returned to Singapore, and at owner's expense, the men being imported under the Immigration Restriction Act for pearling purposes, and all signed on ship's articles. 2, Whether the captain of the schooner "Nellie" could arrest these men as deserters.

THE ATTORNEY GENERAL replied:—1, The Resident Magistrate has received authority, under Section 10 of "The Immigration Restriction Act, 1897," to make a contract with the master of a vessel for the conveyance of any members of the Asiatic crew of the schooner "Nellie" who may be found unlawfully on shore and destitute, to the place from which they set out for Western Australia, and to pay to each of them a sum of money sufficient to enable him to live for one month after disembarking from such vessel. 2, Not unless the men were lawfully engaged as seamen under the provisions of the Merchant Shipping Act, 1894.