Mr. JOHNSON again asked leave to withdraw his amendment.

Mr. COLLIER objected.

The CHAIRMAN: The amendment must be put.

Amendment put and negatived.

Mr. JOHNSON moved—

That the words "other than private residences" be inserted after "meter" in paragraph 3.

The CHAIRMAN: As the amendment just negatived dealt with a portion of the clause subsequent to where the hon. member sought to insert these words, this amendment could not be moved.

The MINISTER FOR WORKS moved an amendment—

That the following be added as paragraph 4—"Provided that no charge shall be made for rent of meters supplied to private residences."

Amendment passed; the clause as amended agreed to.

Clause 61.—Record of meter to be prima facie evidence of water supplied:

Mr. DRAPER: When meters recorded incorrectly it led to a great deal of irritation. Provision should be made in the clause to deal with this.

The Minister for Works: It can be done by by-law.

Mr. DRAPER: It was better in the Bill. By-laws were generally hedged round with so many conditions that ratepayers did not feel inclined to take advantage of them. He moved—

That the following be added to the clause—"Provided that in case of a dispute a test shall be made by the Minister, the cost of which shall be borne by the party found to be in error."

The MINISTER FOR WORKS: No similar provision occurred in any Water Supply Act. This matter was always provided for in by-laws. The present by-law in regard to the subject prescribed that a deposit must be put up which could be forfeited in case the test showed the meter was not in error.

Mr. DRAPER: It was to prevent the necessity for making a deposit the amendment was brought forward.

The Minister for Works and Mr. Scaddan rose to speak.

The CHAIRMAN called on the Minister for Works.

Mr. Scaddan claimed the right to address the Committee.

The CHAIRMAN: The hon. member must accept the decision. He (the Chairman) had called upon the Minister. When a Minister and a member rose at the same time, the Chairman could, if he chose, give a certain amount of prior consideration to the Minister for the despatch of business. That was done in this instance.

The MINISTER FOR WORKS moved—

That progress be reported.

Motion passed; progress reported.

House adjourned at 6.15 p.m.

Legislative Council,

Tuesday, 26th October, 1909.

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

ELECTION RETURN—SOUTH-EAST PROVINCE.

The PRESIDENT: I have to announce that the clerk has handed to me a return to a writ issued for the election of a member to serve in the Legislative Council for the South-East Province, from which it appears that Joseph Francis

Cullen has been duly elected. I am now prepared to administer the usual oath of allegiance to Mr. Cullen.

Hon. J. F. Cullen took the oath and subscribed the roll.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Local Board of Health By-laws of Beverley-Elverdton. 2, Mining Act, 1904; amendment of Regulations; addition to Form 59. 3, Jetties Regulation Act, 1878; wharfage charges on wool. 4, Fremantle Hospital Regulation No. 128a. 5, Zoological Gardens and Acclimatisation Committee; report for 1908-9.

RETURN—LANDS ALIENATED, PURCHASE MONEY UNPAID.

Hon. G. THROSSELL (East) moved—

That a return be laid upon the Table of the House showing the amount of money owing to the Government to 30th June last on all lands now in course of alienation.

He said: I bring forward this motion not from any motive of curiosity, but under the conviction that the information will be useful alike to the House and to the community at large. The members of the Government are going about talking of the shortage in the finances and are endeavouring to economise as much as possible, but it seems strange that, at the same time, we should have no information before us as to the huge sums owing on lands now in course of alienation. I shall be very much surprised if the total sum due does not reach three million pounds. At a time when we are complaining of a deficit of £300,000 it does seem peculiar that the country should be told there is a sum of three million pounds owing. It is astonishing that, at the present time, while business men of all kinds are making up their financial returns and showing every possible asset they possess, the Government are not acquainting the people with the fact that this huge sum of money is owing. It has not been done in the past, and I myself must take some amount of blame in this respect, for I was responsible at one time; but the time has now arrived when the Under Secretary for Lands should set out in his reports the sum actually owing to the country upon lands now in course of alienation. If the sum be three million pounds, and if it were bearing interest at the rate of 5 per cent. the total of £150,000 a year would be of very great value. I hope later on to bring forward arguments to show that, in addition to the rent, there should be paid a sum of 5 per cent. on the amount owing on alienated land in order to provide a sum to be returned to new settlers in the shape of roads, bridges, and water supplies. The Government have reduced the municipal and roads boards grants—and in that respect I think they are not acting properly—and the time has arrived, especially seeing that land settlement is booming, that hundreds of thousands of acres are being settled every quarter, and that the settlers will demand roads, bridges, and water supplies, for the land itself to carry on the expenses of those works. I will deal with that question later on, but meanwhile I hope that every year the Under Secretary will show the country the amount of money due to the Government for land in course of alienation. I am told that this information was asked for on a previous occasion but I have no knowledge of it. Possibly that information may still be available. Had I known of it I might not have moved the motion. I have no knowledge of the amount annually going to the country. I repeat that at the present time it would be invaluable to us. When we are talking of this deficit and economising in every direction, it would surprise the people to be told that the Government with a shortage of £300,000 have a surplus of some three millions sterling owing to them. I maintain that whatever trouble it would entail on the officers, the information would be of far more than compensating value to the country. I hope the information will be given. I do not know that it should be such a great trouble after all, as every half-year the balance owing on the lands is, I am told, published in the *Government Gazette*; therefore, it would simply mean

a huge sum in compound addition. I have pleasure in moving the motion.

Hon. J. W. LANGSFORD (Metropolitan-Suburban): I second the motion. I believe it is similar to a motion moved by Mr. Piesse two years ago, so that the additional work necessary will be very slight indeed, while the information will be very valuable.

The COLONIAL SECRETARY (Hon. J. D. Connolly): In order to afford opportunity of finding out from the department exactly what amount of work will be involved, I move—

That the debate be adjourned.

Motion passed; the debate adjourned.

BILL—REDEMPTION OF ANNUITIES.

Read a third time, and returned to the Legislative Assembly with amendments.

BILL—PUBLIC EDUCATION ENDOWMENT.

Re-committal.

On motion by the Colonial Secretary Bill recommitted for amendment.

Clause 2—Power to appoint trustees:

The COLONIAL SECRETARY: It had been pointed out by an hon. member that no provision was made for the removal of the three trustees other than the Minister for Education and the inspector general of schools, and it had been suggested that a stated time should be fixed as the limit to the period during which these trustees should hold office. In order to supply the omission, he moved—

That at the end of Clause 2 the following be inserted:—"The trustees, other than the Minister for Education and the Inspector General of Schools, shall be appointed from time to time for not exceeding three years, and shall be eligible for reappointment."

Hon. J. W. HACKETT: The amendment was a necessary one. The omission had arisen through a too exact copying of the University Endowment Trustees Act which, being only a temporary measure, had not set any limit to the time during which trustees should hold office.

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

Bill again reported with an amendment.

BILL—ABATTOIRS.

Report of Committee adopted.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

In Committee.

Clause 12—Amendment of Section 378:

The CHAIRMAN: Progress had been reported on Clause 12 on an amendment by Mr. Sholl to strike out in line 19 of Subclause (a.) the word "twenty" with the view of inserting the word "fifteen" in lieu. That was the question now before the Committee.

The COLONIAL SECRETARY: The situation arose out of the definition of "improved land." There was no such definition in the existing Act. Undue advantage had been taken of the omission, and owners had erected very small improvements with the view to getting their property in at the lesser rate as improved land. It was held that the improvements should be at least 20 per cent. of the unimproved value of the land in fee simple, and to this Mr. Sholl had moved an amendment that it should be 15 per cent. He (the Colonial Secretary) felt that if a block of land were worth £1,000, to be deemed improved it should at least have improvements to the value of £200 upon it.

Hon. G. RANDELL: Surely no hon. member would take serious exception to the basing of the definition of "improved land" on improvements of the value of 20 per cent. of the land in fee simple.

Amendment negatived.

Hon. G. RANDELL: The provision would work an injustice. A piece of land with a frontage of 100 feet would have to be improved to the extent of £30 per foot, which would work out at about £3,000 improvements. That seemed unreasonable.

The Colonial Secretary: This provision was inserted to protect the high priced lands.

Hon. G. RANDELL: The provision did not say that the land had to face a main street; no doubt the idea was to protect land in streets such as Hay-street, but to make an owner erect a building west of George-street, in Hay-street, to the value of £3,000, if the frontage of the land was 100 feet, was unreasonable. The owner should erect a building, which, in the opinion of the council was reasonable, or a person could erect a small building on a valuable piece of land and thus escape being rated on the unimproved principle. This provision would apply to all municipalities, small and large, and it did not seem to be concurrent with the principle of the Bill. The owner of land in Hay-street should be secured against having to erect a building of the costly nature he had pointed out. He moved an amendment—

That paragraph ii of Subclause (a) be struck out.

He did this not with the intention of having the paragraph struck out, but to enable discussion to take place.

Hon. J. W. Hackett: Why not say the lesser value shall be taken?

The COLONIAL SECRETARY: This provision was not intended to apply to land such as had been mentioned by Mr. Randell. Take a City property worth £200 per foot. If the block had a 50-foot frontage it would mean that a building of the value of £20,000 would have to be erected upon it. In order to get over that this provision was inserted. In the Land Tax Bill £20 was mentioned and £30 was provided in this Bill. It was to protect the high-priced land. He would give an assurance that the clause should be looked into, and if there was power to demand improvements to the amount of £30 per foot, he would have an amendment inserted so that there should be an option of improving the land up to £30 per foot, or £20 of the unimproved value.

Amendment put and negatived.

Hon. G. RANDELL moved an amendment—

That in Subclause (d) the words "Seven pounds ten shillings" be struck out, and "Six pounds" inserted in lieu.

Amendment passed: the clause as amended agreed to.

Clause 13—Dealing with the striking of rates, printed in italics and not dealt with.

Hon. G. RANDELL: There was no intention to hamper councils in carrying on their operations, but we knew that the Government were withdrawing subsidies to a large extent, still two shillings seemed to be, in view of other taxation that was coming along, inadvisable at present.

The CHAIRMAN: Clause 13 had not been put.

Hon. G. RANDELL: Was not Clause 13 open to discussion?

The CHAIRMAN: Clause 13, under the Standing Orders, could not be debated.

Hon. J. W. HACKETT: An opportunity of discussing this clause would be afforded members if it was inserted in another place.

The CHAIRMAN: There certainly would be an opportunity of discussing the clause when the Bill reappeared if the clause printed in italics was inserted in another place.

Clause 14—Power to exempt unoccupied premises from general rating:

Hon. J. W. LANGSFORD: Municipalities should have some direction in regard to this matter. The clause provided that if houses were vacant for a lengthened term then the rates might be remitted. If the clause was passed the provision should be made compulsory on all parties. At present there was a discretionary power, and we might find councils remitting the rates in regard to certain properties, and not in regard to other properties. The clause would prove unworkable. It might be a relief to property owners to know that their rates would be remitted if their properties were not occupied for a certain period, but the word "shall" should be inserted so that all property owners would be treated alike. He moved an amendment—

That in line 5 the word "may" be struck out, and "shall" inserted in lieu.

Hon. G. RANDELL: The clause should be struck out. This provision would involve an immense amount of trouble on the part of the officers of councils. The

period was short, and constant alteration would have to be made. He would recommend that instead of the period being two months it should be six months, and then only half the rates should be charged, if the properties were vacant for six months. He had handed to the Colonial Secretary a portion of a section which was to be found in the Act of 1858. That would meet the case and it would allow for one moiety to remain unpaid. Although it was hard if one had a property which was unoccupied for six months to have to pay full rates for that property; yet it was one of the things we must submit to, and the price we must pay for the conveniences and comforts which were provided in roads by the councils of the State. The law should stand as it was, although it fell rather hard on the owner, who might not be a wealthy man. The clause would prove annoying, and in fact unworkable. If the amendment were carried, he would subsequently move to strike out the clause.

The COLONIAL SECRETARY: The section under the Act of 1858 to which the hon. member referred was practically the same as that before the Committee, except that it altered the period from two to six months. It would not afford relief in every instance, because it referred to premises which had been unoccupied for six months previous to making the valuation; that would only account for one period. The clause before the Committee went further; it provided that where a tenement was unoccupied during any two months, the owner could have relief from rates. It was a new principle, and the Committee had to decide whether they believed in the principle of allowing councils to exempt from rates properties that had been unoccupied for two months.

Hon. J. W. Hackett: It was not a new thing in the United Kingdom.

The COLONIAL SECRETARY: It was in force in England.

Hon. J. W. Hackett: And in Ireland too.

The COLONIAL SECRETARY: During the dull period which had passed over many towns of the State, and which was now happily ending, numerous requests had been made for an amendment of this nature. Some hard cases had been referred to where persons owning cottages had raised money to build them and the cottages having remained empty, interest had to be paid on the borrowed money and on top of that, rates had to be paid as well. Whether or not it was a good principle to introduce was for the Committee to say. Councils could use their own judgment whether they exercised the power given them or not. With regard to the suggested amendment the word "may" was put in to protect municipal councils. If the word "shall" was put in, and the councils levied on a house which had been unoccupied during that period for which they were levying the rate, and it was found afterwards that the house had been unoccupied for two months of that period, it was questionable whether the owner would not have an action for damages for levying on a property which should have been exempt. The word "may" was put in, in order that the councils should not run any risk. Another reason was that the councils were elected by the ratepayers, and they were in a position to say as to whether relief, as set forth in the clause, should be given to the ratepayers, or not. If we agreed to the principle the word "may" should stand.

Hon. E. McLARTY: The provision of the kind suggested in the Bill was hailed with satisfaction as he could feel for those people who had property and perhaps were paying heavy interest, as well as rates, and were not receiving any return. He was one of those unfortunate owners himself. There was a property of his at Fremantle which had been unoccupied for three years. At one time it returned £120 per annum net, but now he would be glad to receive £50 and right through this period he had been called upon to pay rates. An owner could not be expected to contribute towards the upkeep of the municipality when properties were not giving any return.

The CHAIRMAN: The question before the Committee was that the word "may"

should be struck out with a view of inserting the word "shall."

Hon. R. W. PENNEFATHER: The word "may" was an appropriate word to use in connection with the words that followed in the clause. The words that followed indicated the exercise of a discretion; if we limited that discretion and said "it shall be mandatory," where would the discretion come in? Mr. Langsford should see the advisability of allowing the clause to stand as it was printed.

Hon. E. M. CLARKE: What was law for the poor should also be law for the rich. It was obvious that the ratepayer who put up the best case and who could manage to get the sympathy of the council, was going to get the council to say whether he could afford to pay rates or not. What was right for one ratepayer should be right for another. Further, the clause was a dangerous one for the reason that we had to ask ourselves what were the municipalities to do for funds. The Government said plainly that they were going to withdraw the subsidies, and it was now proposed that a property which was not bringing in rent should be exempt from rates for a time. Where then was the corporate body to get its funds from? True, they were going to be given power to increase their rates, but when one panned the whole thing out it was a case of look-out for the municipalities. The position was made even more difficult when it was found that a number of municipalities were being asked to refund a considerable amount of money that they had been overpaid in subsidies by the Government. The clause amounted to the fact that if a ratepayer had an empty cottage and he could convince the council that he was losing money over it, he could get redress. The word "may" should be struck out and "shall" inserted.

Hon. R. LAURIE: Discretion should not be allowed as was provided in the clause. One might have a number of cottages and also offices and warehouses to let, and the council in its discretion might say with regard to the offices and warehouses which it was impossible to let, that the owners of them should reduce the rentals. Probably they had been doing that without being able to let them, and the council could say, in its discretion, it might do such and such a thing. Either the discretionary power should be struck out or the whole clause should be eliminated. There were ways of approaching councillors; besides, complications might arise. For instance, in Claremont the name of the owner of a block of land had not been altered for four years. The clause would need to be altered to provide that a person registering his land as unoccupied should make a statutory declaration that would be acceptable. At any rate, it was questionable whether it would not cost the municipality far more than the benefit to be derived from the exemption. It would be better to have the clause struck out altogether than to have any discretionary power given in the matter. In any event, the period should be extended beyond two months.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: This clause was asked for by a great many municipalities. It was extremely unlikely a council would do anything that was not a common rule. No extra expense would be involved to municipalities, as no additional staff would be necessary. Persons would register their premises as unoccupied, and the ordinary officers of the municipality could verify registrations by inspection.

Hon. R. LAURIE: If any benefit was to be given to a portion of the community it should be mandatory on the council to give it. It should be a statutory obligation to give notice to the council, in which case the council would be indemnified for any action taken to recover rates.

Hon. G. RANDELL: There was a corporation in Perth with 14 houses unoccupied out of 15. To relieve all those houses from the payment of the full rates would have a heavy effect on the Council's finances. No doubt favouritism would creep in, and the system would be a source of difficulty between the council and the ratepayers. The principle involved in the

clause should not be admitted. We should strike out the clause altogether.

Hon. S. STUBBS: The difficulty would be that one man owning property would get the ear of the council, while another would fail to do so. Why should the owners of property have the power to apply for a rebate because possibly through a fault they had built premises unsuitable to tenants?

Hon. E. M. CLARKE: The more one looked at the clause the uglier it appeared. In municipal matters sympathy ran in certain directions. The very fact that appeals to the local court against valuations were successful in nine cases out of ten showed that there was either blundering or favouritism in regard to valuations. He would not be a party to any clause providing for, "If you please, Mr. Councillors." There should be no discretion about it. One should know that he could say to councillors, "You shall do me justice." The clause with the discretionary power was too ridiculous for one to entertain.

The COLONIAL SECRETARY: The word "may" was used instead of "shall" because it was thought that if a mistake was made and due notice was not given, and the council sued for rates on property which should be exempt, an action might lie against the council. However, there was no objection to having the clause amended so as to insert "shall," and then the Parliamentary Draftsman would be consulted and, if necessary, the clause could be recommitted to have words put in to protect the council in the case of a technical error. He would not oppose any amendment in that direction.

Hon. J. F. CULLEN: The simplest course would be to abandon the clause altogether as, if allowed to remain in the Bill, endless complexity would be caused, and the councils would be landed in legal difficulties. For every one case of needed relief there would be perhaps four or five unsatisfactory claims. If the clause were made mandatory there would be no relief, while if it were discretionary there would be numerous heartburnings and complaints.

Hon. E. McLARTY: The suggestion of the Leader of the House should be accepted. It would be a pity to lose the clause, but in any case the provision could be mandatory so that there could be no suspicion of favouritism. It was a great hardship to ask people who were perhaps in straitened circumstances to pay rates on property giving no return. When a house was empty for a certain time the owner should not be forced to pay rates.

Hon. W. PATRICK moved an amendment—

That in lines 5 and 6 of Subclause 1 the words "may in its discretion" be struck out, and "shall" inserted in lieu.

Subsequently the Colonial Secretary would recommit the clause so as to protect the municipal councils from any danger of legal actions.

Hon. R. W. PENNEFATHER: It would be a good thing to make the clause mandatory, but in order to avoid unfair and unjust claims being made in respect to the rates, it should be provided that a landlord should make a statutory declaration.

Amendment put and passed.

Hon. J. W. LANGSFORD: In order to benefit to the fullest advantage the property owner the provision should be extended to include the loan and health rates. Unfortunately the water rate did not come under the measure.

The Colonial Secretary: Nor does the health rate.

Hon. J. W. LANGSFORD: The land tax should also be included, for the arguments applying to one case also applied to the other.

Hon. R. W. PENNEFATHER moved an amendment—

That in line 5 of Subclause 1 after the word "shall" there be inserted "on being supplied with a statutory declaration to that effect."

Amendment passed.

Hon. G. RANDELL: The further we proceeded the more difficult the matter seemed to become, and the inequity that would follow, more apparent. If householders were to be relieved in this direction from the tax of the municipalities there

was no reason why they should not be relieved from the land tax. If one were right so was the other.

The Colonial Secretary: The house property would pay on the income tax.

Hon. G. RANDELL: The department preferred to take the land values and charge the land tax, which gave about double the amount the income tax produced. If house property were to be relieved why not the unimproved land which had to pay a large sum both under municipal and Government taxation? The amendment making the provision mandatory would result in the position being much more difficult. It was to be hoped the Committee would not consent to the clause, as it would certainly lead to difficulties, hardships, and possibly favouritism, and would do great injury to the municipalities of the State.

Hon. E. M. CLARKE: The more one looked at the clause the worse it became, and if it were passed, it would seriously affect the financial positions of the municipal councils. Some finality should be set to the operation of the clause. He remembered a building in Fremantle, known as "Manning's Folly" which, to the best of his belief, was never tenanted from the time of its erection until it was demolished. In that case the building would never pay rates at all. The clause was incomplete without some limit to the non-payment of rates period.

The Hon. J. W. LANGSFORD moved an amendment—

That after "general" in line 8 the words "or loan" be inserted.

Hon. R. LAURIE: Perhaps the mover of the amendment would tell the Committee how, if the amendment were carried, any municipal council would provide interest on a loan.

Hon. J. W. Langsford: By striking a higher rate.

Amendment put and negatived.

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

Ayes	10
Noes	8
Majority for ..	2

AYES.

Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. M. Drew	Hon. R. W. Pennefather
Hon. J. W. Hackett	Hon. S. Stubbs
Hon. A. G. Jenkins	Hon. G. Throssell
Hon. R. Laurie	Hon. E. McLarty (*Teller*).

NOES.

Hon. T. F. O. Brimage	Hon. J. W. Langsford
Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. G. Randell
Hon. V. Hamersley	Hon. J. W. Kirwan (*Teller*).

Question thus passed: the clause as amended agreed to.

Progress reported.

BILLS (4)—FIRST READING.

1. Land Act Special Lease.
2. Administration Act Amendment.
3. Coolgardie Recreation Reserve Revestment.
4. Permanent Reserve Rededication (No. 1).

Received from the Legislative Assembly.

House adjourned at 6.14 p.m.

Legislative Assembly,

Tuesday, 26th October, 1909.

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

QUESTION—STATE BATTERY REMOVAL, DESDEMONA.

Mr. TROY asked the Minister for Mines: 1. What was the total cost for the carriage of the Desdemona battery material from Kookynie to Desdemona? 2. What is the total expenditure in con-