

velop the resources of the State as the resources of a large State should be developed, we shall not hinder them when they are trying the experiment.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 9:50 o'clock, until the next day.

### Legislative Council,

Thursday, 25th October, 1906.

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

#### PRAYERS.

#### BILL—BOAT LICENSING ACT AMENDMENT.

Introduced by the COLONIAL SECRETARY, and read a first time.

#### BILL—MUNICIPAL CORPORATIONS.

##### CONSOLIDATION AND AMENDMENT.

##### SECOND READING MOVED.

THE COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: In introducing this Bill to the House, I do not think it will be necessary for me to go very fully into the principles of municipal government, the subject being familiar to the majority of members in this House; for I know there are at least 17 or 18 members of the House who have had various terms of municipal experience, and out of that number at least 11 have occupied the mayoral chair in municipal councils.

Therefore, with these experienced gentlemen to criticise the Bill and if necessary suggest amendments, I feel that the measure will not be a worse one when it emerges from this House than when introduced. There are some new departures from the present Act, but they are not very striking. The measure is principally one to consolidate the present Municipal Act and the various amendments of it which have taken place from time to time, and to amend that Act where found necessary. Members who have had municipal experience know that the present Act has been found to be very defectively drafted, and there are a lot of very glaring omissions and errors in it. The new portions of this Bill are taken principally from the Victorian Municipal Act of 1903, and from the suggestions made by the various municipal conferences which have sat in the last two or three years. We not only get the advantage of the Victorian Act, which is a consolidating Act and has had long trial in practice, but we also have the benefit of the views of several municipal conferences, and the men who constituted those conferences have of course had very long and varied experience in different parts of the State. Therefore their ideas are certainly worth considering. Most of the amendments or alterations of the present Act are suggestions by the conferences, and some as I have said from the Victorian Act of 1903. Members will see by the marginal notes where the clauses are taken from that Act. As I have said, I do not think there is any necessity for me to make a long speech on the second reading of the Bill, as I believe we are all agreed on the main principle of municipal government contained in the measure; therefore I think the Bill is more one to be dealt with in Committee. It is a big Bill, and on that account will require very careful consideration; but I think it will suit the purpose best if I simply refer to and explain the different clauses which are amended or which are new. There are quite a number of them, some showing very slight amendments, whilst others are new departures. It will, I say, probably suit best if in going through the Bill I point out the new clauses and amendments; and if there is any other information members would like to have,

I will endeavour to give it when in Committee. The first amendment is in Clause 6, in the description of an outlying district, which in this measure means any area no part of which is included in a municipal district. This is rather supplying an omission in the present Act than an alteration, for there is really no definition in the present Act of what an outlying district means. Before I go any farther I would like to draw the attention of members to the marginal notes. They will see clauses with side note "64 Victoria." That refers to the present Act, and the number of the section is exactly as it appears in the present Act. In some cases members will notice "See section so and so" of the present Act. That means that there is some slight alteration in the drafting of the clause. They will also notice "V. 1903." That means the Victorian Act of 1903. The next alteration is on the same page, and relates to "public notice." In the present Act public notices are not defined. This paragraph gives a definition of the meaning of a public notice. The next alteration is in the same clause, which is rather a long clause. It relates to streets and roads, and says:—

"Street" and "Road" mean and include every thoroughfare which the public are allowed to use, within the limits of a municipal district, being 66 feet or more in width, or any such thoroughfare of less than 66 feet in width which the council may by public notice declare to be a street.

The present Act provides that no road or street is a street within the meaning of the Act unless it is 66 feet wide. The provision in the present Bill is somewhat a new departure, and it may be said that perhaps it is giving a municipality rather full power. It gives a municipality power where it is deemed fit to declare a thoroughfare less than 66 feet in width to be a street within the meaning of the Act. This of course will obviate the necessity of bringing in Bills from time to time of such a character as one which was introduced by Mr. Moss this session in connection with a street in Fremantle. At the present time Hay Street in Perth and High Street in Fremantle are really not streets within the meaning of the Act. This Bill will give the power to make them

streets within the meaning of the Act. Clause 10 is a slight amendment. It really supplies another omission from the old Act. Strange to say, the old Act did not provide where a municipality had more than four wards what the number of councillors should be. The clause provides that if there are more than four wards the number of councillors shall be proportionately increased. There is a new departure in Clause 11. The present Act provides that before a district can become a municipality it must be up to the standard of containing property capable of yielding on a shilling rate a sum of £300. This clause provides that the district must contain property capable of yielding £750 on a rate of 1s. 6d. This is really raising the old standard by £200, because the £750 on a rate of 1s. 6d. is equal to £500 on a rate of 1s. It is thought well to raise the standard, because £300 is rather too low. It was thought by some in another place that the standard should have been higher, and that before a district could be formed into a municipality it should have a greater annual value than £750. In Subclause 4 of this clause there is also another amendment, giving power to dissolve any municipality and include it therefore in any adjoining roads district. There is no power under the present Act to dissolve a municipality. At the present time there is an application in the office of the Colonial Secretary to dissolve the municipality of Esperance. They have reached such a low ebb at Esperance that they cannot carry on as a municipality; but there is no power to dissolve the municipality.

HON. G. RANDELL: It could be done under a separate Bill.

THE COLONIAL SECRETARY: If this Bill does not pass it will be necessary to bring in a short Bill to dissolve the municipality, as was done a few years ago in the case of the Gingin municipality. Clause 15 supplies an omission from the old Act. It provides that if adjoining municipalities unite, the councillors of each municipality shall be the councillors of the united municipality; but the old Act did not provide who should be mayor. As there cannot be two mayors, this clause provides that the mayor of the greater municipality of the

two shall be mayor of the united municipality.

HON. J. W. LANGSFORD: With no election in the first instance?

THE COLONIAL SECRETARY: It provides also that the mayor and councillors shall act only for the remainder of the municipal year; and then they must be elected by the ratepayers of the united municipality. Clause 16 is new, but it is only a machinery clause consequent on the power to dissolve municipalities that I have just mentioned. It provides for the disposal of the funds of a dissolved municipality so that they may be given to the roads boards that absorbs the municipality. Clause 25 gives the Governor certain power if a quorum of a council of a municipality cannot be obtained to dissolve the municipality. For instance, the council may resign in a body and there may be no councillors to petition for the dissolution of the municipality. The clause gives the Governor power to dissolve the municipality without petition. Clause 27 also supplies an omission from the present Act. When a municipality is formed, according to the old Act a petition has to be presented to the Governor-in-Council praying that the district shall be formed into a municipality; but there is no provision allowing any of the signatories to that petition to withdraw their names. This clause, which is taken from the Victorian Act, gives power to the signatories to do so. Clause 28 is on the same lines, supplying an omission from the present Act. Clause 32 gives the Minister power to make inquiry into the substance of a petition, and this power is not given in the present Act. Clause 35 makes it compulsory for a mayor or councillor to be a natural-born or naturalised British subject. Under the present Act there is nothing to prevent an alien from becoming a candidate for the position of mayor or councillor. This was clearly an omission, and it was thought well to provide that none but natural-born or naturalised subjects of His Majesty should become mayors or councillors. [HON. J. W. HACKETT: If elected they have to take the oath of allegiance.] Clause 48 is an amendment providing that if two persons own property jointly, both can go on the ratepayers' roll for the property provided that the property is of sufficient value.

Each owner may be deemed the owner or occupier of land of the rateable value of half the rateable value of the whole land. Clause 63 is not exactly new. It supplies an omission from the old Act, and deals with the preparation of rolls when a municipality is divided into wards. There is no provision for this in the old Act, but the practice followed has been in accordance with this clause, though it has been strictly illegal. Clause 69 is new, but it also deals with an omission from the present Act. It provides for the adjustment of a roll on the annexation of a roads district to a municipality. If the boundaries of a municipality are amended to include portion of an adjoining roads board, the ratepayers of the roads board naturally become voters on the municipal roll. Clause 73, an amendment to the present Act, is a suggestion from the municipal conference. At present the municipal financial year closes at the end of October and the elections take place on the third Wednesday in November. That scarcely gives time to get the financial statement out, and to have the annual meeting of ratepayers before the election. It is provided in this clause that the election shall take place on the fourth Wednesday in November. That gives a week longer. It is a wise provision. The annual meeting can then be held before the day of nomination or well before the elections, and then the ratepayers can see if the old councillors are worthy of re-election when they see the statement of the year's operations.

HON. W. T. LOTOX: It is a move in the right direction. It is well to give as much time as possible.

THE COLONIAL SECRETARY: It is a move in the right direction; it gives more time between the annual election and the close of the financial year. The latter part of Subclause 2 of Clause 77 supplies an omission from the present Act. This clause provides that in the event of there being not more than one candidate nominated for an extraordinary vacancy such candidate shall be declared duly elected. Strange to say that was not provided in the old Act, and it was questionable whether if there was only one nomination the candidate could be declared elected. It was thought well that we should provide for this and make

the position perfectly legal. Clause 81 is a rather important clause, inasmuch as it is somewhat a departure from the present Act. The clause is in lieu of Section 55 of the present Act, and it provides not only for rating on the annual value but on the capital unimproved value also. Section 55 of the old Act provides that the council can strike a rate on the annual value only. The clause in this Bill provides that they can strike the rate on either the annual value or the capital unimproved value. Subclause 4 stands in lieu of Subsection 2 of Section 52 of the present Act. Names are put on the ratepayers' roll without regard to whether rates are paid or not, but if the rates are not paid before the 30th October it is the duty of the returning officer to refuse to allow the ratepayer to vote at the annual elections.

HON. J. W. HACKETT: A month before the election.

THE COLONIAL SECRETARY: Under the present Act the rates must be paid before 30th September. It is questionable whether all the names should be allowed to go on the roll, allowing the returning officer afterwards to strike them off.

HON. J. W. HACKETT: For the purpose of the parliamentary rolls, all the names should be kept on the municipal rolls.

THE COLONIAL SECRETARY: It is questionable whether it is good for the parliamentary rolls.

HON. J. W. HACKETT: It is the custom everywhere in Australia.

THE COLONIAL SECRETARY: That is really the idea of putting the provision that way—to preserve the names of the ratepayers on the roll with a view to compiling the parliamentary electoral rolls. At the present time the list is sent in to the electoral officer, and the names of some ratepayers may not be on the municipal roll because the rates have not been paid by a certain day. The clause is inserted to get over that difficulty, so that the ratepayers' names shall be on the roll and therefore be placed on the Legislative Council roll. A number of names have been omitted in this way in the past. I know some people do not pay their rates before a certain time so that they may

not be bothered by candidates for mayor or councillors.

HON. W. T. LOTON: Although the rates must be paid before September, the practice has been that if they are paid before the end of October the ratepayers are allowed to vote.

THE COLONIAL SECRETARY: Subclause 2 of Clause 87 contains a very small but necessary amendment, providing that in the case of the death of the returning officer the town clerk shall act.

HON. J. W. HACKETT: Supposing the town clerk is the returning officer and he dies?

THE COLONIAL SECRETARY: I suppose there is some provision in case the town clerk dies. Clause 99 is an amendment of Section 64 of the present Act. This amendment provides that the poll shall be taken commencing at 9 o'clock in the morning, as at parliamentary elections, instead of at 11 o'clock, giving people two hours longer time to record their votes. I think that is a good provision, always giving as much time as possible for people to exercise their votes, and it saves a crush at the latter end of the day. Clause 102 is an amendment of Section 103 of the present Act, and brings the ballot paper into line with that used at parliamentary elections. Instead of striking out the name a cross is placed against the name of the candidate to be voted for. It is thought right that all voting should be similar, because people are less likely to make mistakes. Provision is made later on in Clause 108 that a ballot paper shall not be invalid if a voter follows the custom under the present Act and strikes out a name. In introducing a new system of this kind there may be a great many informal votes if a provision of this kind is not made. Clause 106 is a slight amendment of Section 166. This clause contains the existing provisions for voting in absence, but contains a provision that an elector to be absent on the day of election must be five miles away from the place where he could record his vote. At the present time he must be a distance of 10 miles away. This brings the provision into line with that in reference to parliamentary elections. At the present time if a voter intends to go away, and he records his vote in Perth before going, it is informal. This can be

done at parliamentary elections: a man can record his vote before going away.

HON. G. RANDELL: Why are the words "for leave" inserted?

THE COLONIAL SECRETARY: That is the present parliamentary provision. Clauses 120 to 140 deal with offences. At the present time offences at municipal elections are dealt with under the Criminal Code. The penalties under the Criminal Code are very much greater than those for offences at parliamentary elections; and it is thought the penalties should not be greater in the case of municipal elections than those in connection with parliamentary elections, therefore that part of the Act is so altered as to bring the provisions into line with the machinery in connection with parliamentary elections. These clauses provide the penalties for any infringement of the Act. Clause 145 is a slight amendment of Section 167 of the Act. Before any officer is entrusted by the council with the custody of money, the council must have sufficient security for the safe execution of his office. At the present time it is not compulsory to take a bond from an officer; it is thought that should be the case. I dare say it is the practice, but it should be made compulsory for municipal councils to take a bond. Clause 160 is to supply an omission in the present Act. It is copied from a section of the Victorian Act of 1903. Although there is provision for extraordinary business, the present Act does not provide for carrying on ordinary business. Clause 162 is a suggestion from the municipal conference.

HON. J. W. HACKETT: Clause 155 does not seem clear; does it mean "of the retirement of the mayor?"

THE COLONIAL SECRETARY: There is evidently a misprint there. I am glad the member has drawn attention to it. I think it is a printer's error. We can alter that in Committee. As I was saying, Clause 162 is a suggestion from the municipal conference. At present to revoke a resolution of the council seven days' notice has to be given. This clause provides that seven days' notice shall be necessary only to alter any resolution passed during the municipal year. If a resolution was passed two or three years ago the seven days' notice is not necessary. This is a

clause worthy of inclusion in the Bill. Clause 173 is the next provision to which I wish to draw attention. This supplies an omission and provides that the minute book shall be open for the inspection of the mayor, councillors, and ratepayers at reasonable times. It was never intended, I believe, that the minute book should not be open to the inspection of the mayor, councillors, and ratepayers. This clause provides for the omission.

HON. J. W. HACKETT: There is an alteration in Clause 167.

THE COLONIAL SECRETARY: There may be some minor alterations. I am only calling attention to the more important ones.

HON. J. W. HACKETT: This deprives the mayor of the right to be chairman of committees as well as of the council.

THE COLONIAL SECRETARY: The mayor is a member of the council. I do not think the clause will have the effect the member thinks.

HON. J. W. HACKETT: He has the right *ex officio* to preside now.

THE COLONIAL SECRETARY: The difficulty can be overcome by appointing the mayor chairman, if it is the desire of the council to have him on a committee.

HON. J. W. HACKETT: Suppose they will not appoint him on the committee; he ought to be chairman of the committee.

THE COLONIAL SECRETARY: At present the mayor is *ex officio* a member of all committees: whether he should be chairman of every committee is open to discussion. The matter can be fully discussed in Committee. Almost two-thirds of the members of this Council have had municipal experience, and half of the members I believe have occupied the mayoral chair; therefore, we shall have their experience in arriving at a proper decision. Clause 175, which is new, provides that any council, if the owner, lessee, or licensee of a licensed warehouse under the Customs Act of 1901 may execute any bond required for the purpose of securing to the Commonwealth payment of duty on goods lodged in such warehouse. It may be found necessary to establish bonds in some inland towns, and Mr. McKenzie will probably be able to give good reasons for the insertion of this clause.

HON. G. RANDELL: I was under the impression that an inland bond already existed.

THE COLONIAL SECRETARY: There is now a bond in Kalgoorlie, but the powers of the council are insufficient. I understand that the bond has not been altogether a success. Certain gentlemen in Kalgoorlie are responsible for it, and the clause is to relieve them of responsibility. I do not say that the bond will not be successful in the future; for so far the council have not had the power to own and use the institution. Part VIII. gives power to make by-laws and regulations. I will touch on those provisions which give councils more extended powers than they have at present. On page 53, paragraph (a) of Subclause 6 of Clause 176 gives power to require the registration of every camel in the municipality, and to seize and sell every unregistered camel. Though unnecessary on the coast, that power is required in some of the goldfields towns. On page 54, Subclause 12 gives power to regulate the carriage and storage of gunpowder and other dangerous goods, and paragraph (b) of Subclause 14 gives power to prohibit the erection of dangerous fences, or fences with barbed wire, abutting on a public place, and to prescribe the materials of which such fences shall be constructed. On page 55, Subclause 18 gives power to regulate the hawking of fruit, fish, or any other articles of merchandise, and to prohibit such hawking in prescribed streets and other public places.

HON. M. L. MOSS: In the proviso to paragraph (k) of Subclause 15 there is a reference to the Fire Brigades Act of 1906. Is that the Bill now before the Assembly?

THE COLONIAL SECRETARY: Yes. If that Bill does not pass, the reference will have to be struck out. Paragraphs (a), (b), and (c) of Subclause 19 give certain powers to regulate the use of hoardings and the bills and placards attached thereto. It is thought wise to provide for the regulation of such advertisements. On page 56, paragraph (d) of Subclause 20 will permit of regulating the riding of horses on the sea-shore abutting on the boundary of the municipality, and Subclause 24 on the same page gives extended power to make by-laws for the sale of fish

within a municipality. A council may prohibit the wholesale sale of fish in the municipality when a market for such sale exists in an adjacent municipality.

HON. G. RANDELL: Power to regulate bicycles seems to have been omitted. A bicycle is not a vehicle.

THE COLONIAL SECRETARY: I will make a note of that. I think power is given by some other clause. On page 60, Subclause 34 gives extended power to make by-laws for regulating and controlling quarrying and blasting operations, and Subclause 38 for regulating and controlling the sale of wood, lime, and coal. On page 62, Subclause 43 gives power to make a by-law for coating with white paint or whitewash the roofs of buildings of iron, zinc or tin, used as dwellings, workshops, etcetera. On page 63, Subclause 44 gives power to regulate merry-go-rounds, swing boats, etcetera, and Subclause 45 gives extended powers to make by-laws prescribing the charges for admission to any theatre belonging to the municipality, and regulating the management thereof. A subsequent clause empowers a council to build and conduct a theatre. By Subclause 3 of Clause 178, any unlicensed person doing anything for which a license is required, and any licensed person committing a breach of the conditions under which he is licensed shall be guilty of an offence. This is an omission from the existing Act, and will empower the council to cancel an offender's license. Clause 216 is provided in lieu of Sections 211 to 218 of the existing Act. Section 211 is virtually repealed by the Public Works Act of 1902, and Clause 216 provides that where land is required for the purposes of the municipality, it may be taken compulsorily under the Public Works Act. Clause 217 is new, and will enable the municipality to pay out of its funds the expenses of a private Act of Parliament required by the council. It is often necessary for a municipality to pass a private Bill through Parliament for such purposes as electric lighting and tramways, and the present Act contains no provision for defraying the cost out of the municipal funds, though it is a fair charge. Clause 224 is entirely new. I dare say most members know that when an estate is cut up the owner frequently

leaves a strip in front, and the adjoining owner will not contribute to the width of the street, but leaves only a link or two links on the opposite side. The clause will overcome this difficulty. I know a case in which a right-of-way runs between two lots of ground, and the owner on one side left a reserve of a link, which the public dare not cross under threat of prosecution. Clause 225 is an amendment of Section 225 of the existing Act. The Surveyor General suggests it because its absence has resulted in considerable expense. Before taking down a building the owner must give the town clerk 14 days' notice, in order that a corner post may be properly inserted to preserve the record of the alignment. Sometimes a post is destroyed, and a resurvey rendered necessary. Clause 228 is simply a machinery clause for the rectification of certificates of title when a person has agreed to purchase portion of an old street, or to transfer land to the municipality. Application is made to the Registrar of Titles, who shall amend the certificate. Clause 243 corresponds with Section 243 of the principal Act. The clause is taken from the Victorian Act, and provides that in a street of sufficient width the council may plant trees and erect tree-guards, statues, monuments, fountains, or seats, and may make a garden in the centre.

HON. J. W. HACKETT: That is an alteration of a clause we passed last session.

THE COLONIAL SECRETARY: The next clause, No. 244, provides that there shall be a space of 46 feet on each side of such tree reserve.

HON. J. W. HACKETT: Not 46 feet on each side.

THE COLONIAL SECRETARY: That can be discussed in Committee.

HON. J. W. HACKETT: Did not the Bill of last session make it clear?

THE COLONIAL SECRETARY: Yes; it passed here, but it never became law. Clause 251 is taken from the Victorian Act of 1903, and provides that if a portion of a street lie along the boundary of a municipal district, the council may exercise the same powers over such street as over any street within the district. For instance, a case in point is Thomas Street, the centre of which is the bound-

dary of Subiaco. On the other side of the street is an outlying district, King's Park, and the council cannot make the whole of the street. They cannot use their funds for making the whole of the street; but this clause gives power to enable them to make the whole of the street, though the boundary only reaches the centre of the street.

HON. J. W. WRIGHT: What about the other council paying half of the cost?

THE COLONIAL SECRETARY: If there is a municipality on the other side of the street, the other municipality is compelled to pay half of the cost. Clauses 285 to 326 contain the provisions of the Building Act. The Building Act is a separate measure at present, and only the larger municipalities are under its operation; but it was thought well that it should be repealed and incorporated in the Municipal Act. There are some alterations. I draw attention to Clause 297, which is new. It provides—

Whenever the foundations of the basement of any building shall have been carried down to a depth of or not exceeding fifteen feet below the level of the adjoining footpath at the boundaries of the allotment, the owner of such building shall be exempt from liability for any underpinning that may become necessary in case any adjoining owner shall build any structure which extends to a lower level.

At the present time, the owner may go down to any depth, even to 30 feet, and the next man may come along and build six inches below his basement, and thus the whole building has to be underpinned. But the trouble is that the owner of the first building cannot underpin, because to do so he needs to go on the next man's land, and very often the adjoining owner refuses permission. I know of a case that occurred in the city some little time ago. A man built a fine warehouse, and went two feet below his basement floor, so that when the man came along to build next door there would be no question of his getting below his foundations and putting him to the expense of underpinning. But the owner coming along to build on the next block put down by far the deepest basement in Perth, just six inches below the other, and he immediately asked the first owner £250 for underpinning the wall when it was worth not more than £75. The second owner said that if the first man did not pay him, the

wall would come down, and it would be at the first owner's own risk. So there was nothing for the first man to do but to pay the £250. This clause obviates that, and provides that if a person goes down 15 feet he knows he is safe. Though the man on the next block goes below his basement, he does it at his own risk and expense. It is a question whether 15 feet below is not too deep.

HON. G. RANDELL: I think it is.

THE COLONIAL SECRETARY: I am inclined to think so. I have thought the matter out, and I believe that 13 feet is sufficient; and if hon. members think 13 feet sufficient, I do not see the necessity of forcing people to put in the two feet extra for no purpose.

HON. G. RANDELL: It is provided in Clause 298 that no building with external walls of wood shall be erected within a municipality. Formerly it was confined to canvas and thatch.

THE COLONIAL SECRETARY: That may be looked into. Clauses 303 to 312 are new to the present Building Act. They relate to dangerous and dilapidated structures, and are taken from the London Building Act 1894, and later on from the Queensland Municipalities Act 1902. These clauses give the council better power to deal with dangerous and dilapidated buildings. Clause 322 is new. It is thought a necessary provision, and a very right one. It gives a council power to say that whenever a large number of persons are likely to assemble on an occasion of any show, etcetera, on a roof or platform or structure let for the purpose of sitting or standing accommodation, the structure must be constructed to the satisfaction of the council. This is also taken from the Imperial Act. Clause 337 is new, and gives the municipality power to spend their revenue in providing, maintaining, or improving museums, libraries, reading-rooms, recreation grounds, or public reserves. Now the councils spend money on public reserves and recreation grounds; but it is not quite clear that they do so legally. They certainly have not power to provide for reading-rooms, libraries, and museums; but at the same time it is just they should have the power to spend money in that direction if they so desire.

HON. R. F. SHOLL: Does this Bill give councils power to become general caterers?

THE COLONIAL SECRETARY: No. In Subclause 6 of Clause 366 (rateable property) it is specified that land declared by the Governor or by any Act passed before or after the commencement of this Act may be exempt from municipal rates. There are certain lands set out in this clause which are exempt, but it may occur that other lands should be exempted, for instance land such as that held by the Fremantle Harbour Trust or the Goldfields Water Supply, or land vested in trustees. Such lands would be declared by the Governor to be exempt from municipal rating. Clause 367 makes it compulsory for municipal councils to make a valuation on the annual value and on the capital unimproved value. Whether members agree to rating on the capital unimproved value or on the annual value, they will find this is a useful clause. It is placed in the Bill so that under a Land Tax Act we may readily arrive at the capital unimproved value of property in municipalities. It simply provides that they shall set forth the capital unimproved value in the rate book, as well as the annual value.

HON. M. L. MOSS: The provision in paragraph (f) of Subclause 1 of Clause 368 (annual value of rateable land which is unimproved and unoccupied shall be taken to be not less than £7 10s. per centum, and not more than £15 per centum on the capital value) is amended by the addition of the words "and not more than £15 per centum." Those words are not in the existing Act. It is rather a serious thing.

THE COLONIAL SECRETARY: Yes; I omitted to note that. Clause 369 is new. It is taken from the Queensland Act and provides that any person in occupation of any portion of the surface of a mining tenement within the meaning of the Mining Act 1904 shall be deemed an occupier and to be liable to be rated, though he may not own the freehold. I do not know that it is likely to come into operation, because I do not know of any mining tenement in Western Australia within a municipality. Clause 370 is new, and I wish to draw attention to it. It provides for the rating of tramways in the absence of any agreement between the municipality and the promoters, such



as the agreement in existence between the Perth Tramways Co. and the Perth council to pay the council three per cent.; but this is not likely to come into operation, because the tramways companies have agreements. The clause provides that if there is any agreement they are exempt from rating.

HON. M. L. MOSS: There must be some alteration made to cover the Fremantle tramways.

THE COLONIAL SECRETARY: They are owned by the municipality.

HON. M. L. MOSS: But the board is declared to be the promoter.

THE COLONIAL SECRETARY: At any rate the money will go back to the council as the owners.

HON. M. L. MOSS: The difficulty is that there are two municipalities.

THE COLONIAL SECRETARY: The hon. member may bear that in mind when we are in Committee. Clause 382 is an important clause, giving power to the council to strike rates, and the council can adopt at their option either the system of valuation based on the annual value or on the capital unimproved value. I know the clause has not been accepted by this House before, but I am not certain in what form it was introduced. I rather think it was in a mandatory form, that they "shall" rate on the capital unimproved value. In this Bill it is optional with the council, but the clause provides that if the system of valuation on the capital unimproved value be adopted it shall not be changed until after the expiration of three years from the adoption of it. Where the system of valuation on the capital unimproved value is adopted, the rate in municipalities within proclaimed goldfields shall not exceed 1s. in the pound, and in municipalities not within proclaimed goldfields it shall not exceed 6d. in the pound on the capital unimproved value.

HON. M. L. MOSS: How much in the pound on the annual value do you reckon 6d. in the pound on the unimproved value amounts to?

THE COLONIAL SECRETARY: It may be considered to be too high. I think it is out of proportion to the maximum amount of the annual municipal value.

HON. M. L. MOSS: It is equal to 4s. in the pound.

THE COLONIAL SECRETARY: I do not think it is as much as that. You only take the bare land in the one instance, whereas in the other you take the whole of the improvements, and the land may be only a small proportion of the whole. It is very difficult to say off-hand what the exact proportion is.

HON. G. RANDELL: Sixpence on the capital unimproved value would be equal to a rate of 4s. 6d. on the annual value in Perth.

THE COLONIAL SECRETARY: I think the calculation is that 6d. on the capital unimproved value will be equal to 1s. 6d. on the annual value.

HON. M. L. MOSS: It is pretty stiff in regard to the Land Assessment Bill.

THE COLONIAL SECRETARY: We let you down lightly on the Land Assessment Bill. Clause 401 is an entirely new clause, and one I would like the House to take notice of. It is taken from the Queensland Act.

HON. J. W. HACKETT: Will you say what provision is made for appeals for assessment?

THE COLONIAL SECRETARY: There is a right of appeal to the local court in this Bill, and farther right of appeal from the local court to the Supreme Court on points of law; the same as in the Assessment Bill, but not on value. That is a very good proviso.

HON. R. F. SHOLL: Is there a provision for the unsuccessful litigant paying the expenses? There is not in the old Act.

THE COLONIAL SECRETARY: I am not certain about that. Clause 401 is an entirely new clause. It is taken from the Queensland Act. It provides that when any rates have remained unpaid for twelve months they shall thereafter bear interest at the rate of five per cent. On the other hand, it is provided by Clause 402, which is a new clause taken from the Queensland Act, that the council may, if authorised by the by-laws, allow discount not exceeding five per cent. to ratepayers who pay their rates within 30 days after notice has been given. It is optional with the council whether they make by-laws. The provision is such as ordinary business houses adopt. If they get their money in within 30 days of the issue of the notice, probably it suits them to

pay  $2\frac{1}{2}$  per cent. discount instead of having, as is the case with most municipal councils, to pay interest on a heavy overdraft in the early portion of the year. Clauses 411 to 415 are new clauses, and provide that municipal councils may lease land in respect of which rates are levied. At the present time they have power to sell land, but not to lease it. Clauses 416 to 422 are somewhat similar to the sections in the present Act. They allow municipalities to sell land for overdue rates. The present section is found to be very defective, and the provision in this Bill will, I believe, be more workable. Clause 423 is a new clause, and requires persons selling land to notify to the council the name and address of the purchaser, and if they fail to give notice they will continue to be liable for the rates. That is a clause for the convenience of the council. A person, after owning land for a considerable time, may sell it and the council have no notification. They do not know the new owner, and do not send the new owner notice. This, I say, provides that in case a person sells the land he shall notify the council, and if he does not do so he shall be liable for the rates. Clause 429 is one to which I would like to draw attention of members. There are some new departures in it. It enlarges the borrowing powers, enabling councils to borrow money for the erection of a town hall. This is a suggestion from the municipal conference. It was considered doubtful whether they had power to borrow money for a town hall, and Subclause 8 of this clause gives that power. The Act states that they can borrow for the construction of municipal offices, but does not mention town halls. Subclause 10 gives them a new power, namely, to borrow money for the improvement of endowment lands. Some councils possess very valuable endowment lands, and perhaps it would suit them at times to borrow money. It would be a very good investment to borrow money and build on those lands. The Bill contains the necessary provisions as to there being a poll of the ratepayers, and the poll will be a poll of the owners; that is a considerable improvement on the old Act. You will not have your tenants voting to put a charge on your land, but will have the vote yourself—that is in the case of a

loan—and it seems to me that the provision is a distinct improvement. Subclause 17 of Clause 429 is consequential; it refers to the construction of a general warehouse under the Customs Act 1901, and the acquisition of land for the purpose. I would like to draw members' attention to what is really a new departure in Subclause 18, which relates to the construction of a theatre or a grandstand.

HON. J. W. HACKETT: Why is it in the singular?

THE COLONIAL SECRETARY: I do not suppose any municipality would like to go in for more than one theatre.

HON. J. W. HACKETT: They might go in for more than one grandstand.

THE COLONIAL SECRETARY: If they had one grandstand it would probably be enough. This is only for borrowing; they can spend money from revenue. When members go into Committee they may make the word plural, if they will.

HON. R. F. SHOLL: They can spend money out of revenue.

THE COLONIAL SECRETARY: Not on a theatre under the present Act.

HON. J. W. HACKETT: They can on a grandstand.

THE COLONIAL SECRETARY: They can on a recreation ground. Clause 437 is the clause I have just explained as to the taking of a poll. It is provided that if it is proposed to float a loan the question can, at the request of a number of ratepayers, be submitted to a poll, and in that poll only ratepayers who are owners will be allowed to vote. That, I think is a very proper provision. At the present time occupiers are ratepayers, and the occupier is the one who has the first opportunity of getting on the roll, and I do not think it would be at all just, if a big loan were to be floated in a municipality, that the weekly tenant should be able to say whether the municipal council should have the right to float the loan or not, seeing that the loan would be a charge on the owner of the land. Therefore it is provided in this Bill that only the owners shall vote on that particular poll.

HON. J. W. HACKETT: What majority of the ratepayers is to prevail?

HON. M. L. MOSS: Clause 439 is the clause.

**THE COLONIAL SECRETARY :** Clause 441 empowers the council to strike a special rate, where moneys are borrowed, and is in similar terms to Clause 382, authorising the rate for levying ordinary revenue. It provides that they may strike a loan rate up to 1s. 6d. in the pound on the annual value, or where the system of valuation on the capital unimproved value is adopted they may strike a rate up to 6d. in the pound in municipalities not within proclaimed goldfields, and up to 1s. in the pound on the capital unimproved value of the land in municipalities within proclaimed goldfields. Clause 474 and the following clauses give extended powers to auditors and inspectors. There are some slight amendments in some of the other clauses, but they are really only consequential on clauses I have mentioned.

**HON. J. W. HACKETT :** Auditors are elected for two years.

**THE COLONIAL SECRETARY :** One retires each year. There will be two auditors elected. Under the present Act two retire each year. Clauses 505 to the end, with the exception of Clause 517, contain general provisions taken principally from the Victorian Act, and they are for the enforcement and better carrying out of this measure. Clause 517 empowers the Minister to have a board to decide disputes between municipalities. I think I have touched upon all the principal amendments. There may be some other slight amendments. I trust members have not been wearied by this rather long explanation, but I thought it well that I should touch on all the new clauses so as to draw the attention of members to them. As I said at the beginning, this is not a Bill for a second-reading speech at all. The principle is one which I think we are all agreed upon, namely the principle of municipal government, and I thought it would meet the case better if I simply touched on the new clauses and the amending clauses, so as to draw the attention of members to them, in order that they may be ready to deal with them in Committee.

**HON. J. W. HACKETT :** Is the 11th schedule exactly the same as the old one, page 167 ?

**THE COLONIAL SECRETARY :** Yes, I think so. I have no tick to it, and I went through the Bill and placed

ticks where the provisions were different. I will make a note of that. I do not think there is anything I can add to what I have already said. I beg to move that the Bill be now read a second time.

**HON. G. RANDELL** suggested that the debate be adjourned until Tuesday, 6th November.

**THE COLONIAL SECRETARY :** Let it be Tuesday next. There was nothing else to go on with at present, but subsequently there would be numerous Bills coming down. Three or four big Bills were expected next week, and if we could make a little progress on this Bill it would be well.

**HON. G. RANDELL** moved that the debate be adjourned until Tuesday next. Motion passed, the debate adjourned.

#### ADJOURNMENT.

The House adjourned at two minutes past 6 o'clock, until the next Tuesday.

## Legislative Assembly.

Thursday, 25th October, 1906.

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

#### PRAYERS.

#### QUESTION—PRINTING OF REPORTS.

**MR. G. TAYLOR :** I desire to ask, without notice, whether when a resolution of the House has been carried that certain papers be printed, it is left in the discretion of the Minister, or whether it is the duty of the Speaker to see that the reso-