

Legislative Council,

Wednesday, 28th November, 1906.

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THE PRESIDENT took the Chair at 4.30 o'clock p.m.

PRAYERS.

ASSENT TO BILLS.

Messages from the Governor received and read assenting to the following Bills: Bills of Sale Amendment, Municipal Institutions Act Amendment.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Report of Department of Lands and Surveys for the year 1905-6; Blue Book for the year 1905.

BILL—MUNICIPAL CORPORATIONS.

Bill read a third time and returned to the Legislative Assembly with amendments.

BILL—EVIDENCE.

IN COMMITTEE.

Resumed from the 18th September, the COLONIAL SECRETARY in charge of the Bill.

First Schedule:

On motion by the COLONIAL SECRETARY, the words "The seventh paragraph of Section 185, the fourth paragraph of Section 187" were inserted in the third column after "Chapter 64."

Schedule as amended agreed to.

Second Schedule:

THE COLONIAL SECRETARY moved an amendment—

That the words and figures, "Six Edward VII. No. The Police Offences Act 1906, Section ,," be struck out.

When the schedule was compiled the Police Offences Bill had been introduced in another place, and it was thought the Bill would become law. Time would not

permit of the passage of that Bill this session, therefore it was necessary to delete these words from the schedule.

Amendment passed; the schedule as amended agreed to.

Third and Fourth Schedules—agreed to.

Fifth Schedule:

On motion by the COLONIAL SECRETARY, the words "The Commerce and Labour Department" down to "medical officer" were struck out; and in the last line the words "this Colony" were struck out and "Western Australia" inserted in lieu.

Schedule as amended agreed to.

Title—agreed to.

Bill reported with amendments.

RECOMMITTAL.

Bill recommitted for farther amendments and the insertion of new clauses.

Clause 3—Interpretation:

THE COLONIAL SECRETARY moved an amendment that the words "by oral evidence" in the interpretation of "examined copy" be struck out. This was a minor amendment. Nearly all the amendments on the Notice Paper were amendments which did not affect the principle of the Bill at all, but the Parliamentary Draftsman had struck out words here and there and inserted other words to make the meaning of the clause clearer.

Amendment passed; the clause as amended agreed to.

Clause 12—verbally amended by inserting the words "of the peace" after "justices."

Clause 49—proof of previous conviction—put and negatived (to be reinserted in another form).

Clause 58—amended by striking out the words "of the Commonwealth or," which were regarded as rather out of place in the clause.

Clause 59—amended by striking out the words "by a copy purporting to be printed."

Clause 61—verbally amended

Clause 68—amended by striking out Subclause 2.

Clause 70—Register of British vessels etc. admissible as evidence:

THE COLONIAL SECRETARY moved an amendment that the words "any local Act" in Subclause 1 be struck out, and the words "of any British possession" inserted in lieu. The object was to give the clause a wider jurisdiction so as to enable it to apply to any ship registered in the British empire. If the words "any local Act" were left in, it would probably only apply to the State.

Amendment passed, also a consequential amendment.

Clause as amended agreed to.

Clause 75—Document may be impounded—amended verbally; also amended by striking out the words "on the request of any party against whom the same is so received."

Clause as amended agreed to.

Clause 78—amended verbally.

Clause 81—Proof of incorporation of any company:

THE COLONIAL SECRETARY moved an amendment that after "State," in Subclause 2, the words "or Australasian Colony" be inserted. The amendment would extend the operation of the clause to any Australasian Colony.

Amendment passed; the clause as amended agreed to.

New Clause—Proof of acquittals and convictions:

THE COLONIAL SECRETARY: Clause 49 having been struck out, he moved a redrafted clause to stand as Clause 49. The object was to enable proof of acquittals to be given in the same way as proof of previous convictions; and as the word "acquittal" would require to be inserted in so many places, it was thought preferable to redraft the clause in the amended form now proposed.

Question passed, the clause inserted.

New Clause—Aboriginal Natives as interpreters, etc.:

THE COLONIAL SECRETARY moved a new clause to stand as Clause 105, enabling aboriginal natives to be admitted as interpreters on affirmation, and providing as to other interpreters. It was first intended to delete this clause as in the principal Act, and to rely on Clauses 99 and 101, but it was now con-

sidered advisable to reinstate the clause as in the Act.

Question passed, the clause inserted.

Bill reported with farther amendments; the report adopted.

BILL—LAND TAX ASSESSMENT.
COUNCIL'S AMENDMENTS, ASSEMBLY'S
MESSAGE.

The Legislative Council had first requested certain amendments to be made; the Legislative Assembly (after proposing a conference which was not mutually arranged) then considered and agreed to make seven of the amendments, but declined to make four others; and the reasons for not agreeing were now considered in Committee.

Amendment No. 4—Clause 11, Subclause 2, strike out the subclause:

THE COLONIAL SECRETARY moved—

That the amendment be not insisted on.

The subclause applied to small blocks of land the unimproved value of which did not exceed £50, which would be exempted from the tax under the Bill. The number of such blocks was large, and the cost of collection would in many cases be as much as the amount of tax, or nearly so. The Government Actuary estimated that the revenue to be derived from this source would not be more than £1,900. The estimated cost of administering the Act would be approximately 5 per cent. of the anticipated total revenue, taking the Bill as drafted; but to collect the small sums obtainable under this subclause would cost a much larger proportion, necessarily. For instance, the amount of tax on a £24 improved block at $\frac{1}{4}$ d. in the £ would be 1s. 6d., and on a £12 block 9d.; hence in such cases it would cost nearly if not fully these amounts to collect the tax and provide the requisite book-keeping and clerical services. As there would be only a slight profit above cost of administration in taxing properties over £20 or £25 up to £50 in value, and no profit on taxing values under £20, it was thought advisable to exempt properties up to £50; the object being to encourage people of small means to buy residential blocks, which they should be able to do without fear of being taxed so

soon as they had paid the first instalment of say £1 on a block to cost ultimately perhaps £40.

Question put; members silent.

THE COLONIAL SECRETARY asked that the question be put again. He remarked on the silence of members as being unusual. When certain amendments had been made, and he found it necessary to move that the Council's amendments to a clause be not insisted on for obtaining agreement with another place, it was usual for members to express an opinion so that we might have an idea of the feeling of the House in regard to any such amendment. It was strange that in a non-party House party principles should obtain.

HON. J. A. THOMSON: As one who did not believe in exemptions, he desired to give reasons for voting now in a direction opposite to his principles. Revenue was required, and it would be ridiculous to go to the London market asking for money if we were not prepared to tax ourselves; therefore he would sink his personal wish in regard to the principle of exemptions, rather than place any impediment in the way of passing the Bill. The arguments of the Leader of the House for concurring in the action of another place did not impress him in the least, for the machinery necessary to the administration of the Act would have to be provided for collecting the tax in small as in large amounts. While he held a strong view on the question of exemptions, he recognised the need for more revenue and the necessity for showing that we were prepared as a State to tax ourselves in order that interest and sinking fund for loans should be provided.

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

Ayes	...	...	9
Noes	...	...	11

Majority against 2

AYES.
 Hon. J. D. Connolly
 Hon. J. M. Drew
 Hon. J. T. Glowrey
 Hon. J. W. Langsford
 Hon. E. D. McKenzie
 Hon. W. Patrick
 Hon. C. A. Piesse
 Hon. J. A. Thomson
 Hon. Z. Lane (Teller).

NOES.
 Hon. F. Connor
 Hon. R. Laurie
 Hon. W. T. Loton
 Hon. W. Maley
 Hon. E. McLarty
 Hon. M. J. Moss
 Hon. G. Randall
 Hon. R. F. Sholl
 Hon. C. Sommers
 Hon. J. W. Wright
 Hon. V. Hamersley
 (Teller).

Question thus negatived, the Council's amendment insisted on by not exempting values under £50.

Before proceeding with the other amendments—

THE COLONIAL SECRETARY moved—

That progress be reported, and leave asked to sit again on Tuesday next.

HON. M. L. MOSS moved an amendment—

That "Tuesday next" be struck out, with a view to inserting in lieu the words "this day six months."

THE COLONIAL SECRETARY: Was the amendment debatable?

THE CHAIRMAN (Hon. W. Kingsmill): No.

THE COLONIAL SECRETARY: It would be better to have a ruling.

THE CHAIRMAN: Standing Order 151 provided that "A debate may be adjourned on motion duly seconded and without discussion, either to a later hour of the same day or to any other day." Therefore, he ruled that neither the amendment nor the motion could be debated; also, it was not necessary to second such motion when in Committee.

THE COLONIAL SECRETARY asked leave to withdraw his motion.

Leave refused, one member objecting.

Question (amendment to strike out "Tuesday next") put, and a division taken with the following result:—

Ayes	10
Noes	10
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A tie	0

AYES.	NOES.
Hon. F. Connor	Hon. J. D. Connolly
Hon. W. T. Loton	Hon. J. M. Drew
Hon. W. Maley	Hon. J. T. Glowrey
Hon. E. McLarty	Hon. J. W. Langsford
Hon. M. L. Moss	Hon. R. Laurie
Hon. G. Randall	Hon. R. D. McKenzie
Hon. R. F. Sholl	Hon. W. Patrick
Hon. C. Sommers	Hon. C. A. Piesse
Hon. J. W. Wright	Hon. J. A. Thomson
Hon. V. Hamersley	Hon. Z. Lane (Teller).

THE CHAIRMAN, to admit of farther deliberation, gave his casting vote with the Noes.

Amendment thus negatived; motion ("Tuesday next") put and passed.

Progress reported (the PRESIDENT in the Chair).

THE COLONIAL SECRETARY moved—

That the report be adopted [namely, giving leave to sit again on Tuesday next].

HON. M. L. MOSS would vote against the motion for adopting the report from Committee, and desired to say in reference to the vote taken in Committee when he sought to shelve the Bill, that he took the course because he could not agree to impose a land tax with exemptions. Another place having refused to make certain amendments requested by the Council, he now wished to prevent the Bill passing into law. From discussions he had had not only in this Chamber but with people outside Parliament, he was convinced that the temper of the country was against the imposition of this taxation; and being thoroughly of that opinion, he and those who thought with him had no need to hesitate as to voting against the Bill at this stage. The Leader of the House had now reminded him of a pledge made some time ago that he would give notice of any hostile motion he intended to move; but what about the understanding come to between the Minister and the Hon. S. J. Haynes (not now present)?

THE COLONIAL SECRETARY: Say what it was.

HON. M. L. MOSS: Speaking subject to correction, he understood the arrangement was that no attempt would be made to proceed with the Bill in its remaining stages without a telegram being sent to Mr. Haynes notifying him of such intention. Seeing now that this had not been done as promised, he (Mr. Moss) did not feel in any way bound by the pledge he made previous to that promise given by the Minister to Mr. Haynes.

THE COLONIAL SECRETARY: If the hon. member did not know that what had just been stated was contrary to the truth, one could not understand him. The hon. member was sitting within a few yards of Mr. Haynes and himself when the arrangement was made, and must have heard it. Captain Laurie was also present, and could say whether the explanation now given was correct or not. Mr. Moss had formerly made a distinct pledge on the floor of the House that he would give the Leader of the House due notice before moving any motion hostile to the Bill. The hon. member now

thought fit—and probably he justified himself in his own mind, though it was doubtful whether he could justify himself to other people—to go behind that pledge, and was trying to justify his action by alleging that he (the Minister) broke a promise made to Mr. Haynes. That statement he emphatically denied. A fortnight ago Mr. Haynes intimated that he was leaving for Albany and did not desire to come to Perth during the following week—thus the arrangement was for last week only; and Mr. Haynes asked that if the third reading of the Land Tax Assessment Bill or the Land Tax Bill was coming on during that period he should be notified by telegraph on the evening before, so that he might come to Perth. Thinking Mr. Haynes had made a mistake in saying “third reading,” he asked Mr. Haynes, “What do you want?”

HON. M. L. MOSS had not understood that. If the Minister said it was so, he would accept it.

THE COLONIAL SECRETARY: The hon. member had accused him of certain things, and he was now making an explanation. So particular was he that he said to Mr. Haynes, “What do you want? You don’t want to come up next week—you want to come for the third reading of the Assessment Bill or the Land Tax Bill?” Mr. Haynes said “Yes.” To show now that this was what occurred in the dining-room of the House, one member turned to Mr. Moss and asked, “What game have you got on for the third reading?” That was the compact he had with Mr. Haynes, and he did not need to ask the House whether he had broken that compact. The hon. member, however, had admitted breaking his word, and to justify himself he urged that the Leader of the House had broken his promise. Even were it true, two wrongs did not make a right; but he appealed to Captain Laurie to support his statement.

HON. M. L. MOSS: The Minister had no right to say that he (Mr. Moss) had broken his promise. The promise he gave was made before the amendments were sent to the Assembly. He had candidly stated all through that it was only on the assumption that the amendments would be agreed to in another place that he would support the measure;

and up to the time the amendments were forwarded to another place he took no step to have a test vote. He was not bound by the statement made in the House prior to these amendments being sent to another place, as to what his course would be later in regard to the exemptions. He accepted the Minister's assurance that the arrangement with Mr. Haynes applied only to the one week; and he expected that his assurance would be accepted by the Minister when he stated he had not understood the conversation in the same light.

THE COLONIAL SECRETARY: The hon. member said just now he had not heard the conversation. Now it appeared he did hear it.

HON. M. L. MOSS: A conversation did take place in the dining-room, and he accepted the assurance now given that the arrangement then made applied only for one week. He had no desire to take a snap vote, and he would not oppose this motion for leave to consider the Bill on Tuesday next. If, however, members who thought with him were prepared to vote against the motion, he would cast his vote in the manner indicated by the action taken by him at the Committee stage.

HON. R. LAURIE: The explanation made by the Colonial Secretary was absolutely correct. The assurance of the Minister was accepted by Mr. Moss, but it was regrettable that any such assurance had been necessary. Those opposing the measure at this stage appeared to have the one object of defeating it. Though he had previously opposed the Bill, he would, if an attempt were now made to defeat it at this stage, vote against such motion, and in this course he was sinking his personal opinion as to exemptions in the Bill.

THE COLONIAL SECRETARY (in reply as mover): Mr. Moss having indicated his intention of moving for a straight-out vote on Tuesday next, those members who seemingly were opposed to the withdrawal of the amendment should vote with the hon. member; for if the Bill was defeated—and he was speaking now as a member of the House and not as a Minister—it was desirable that the deciding vote should be taken in a fuller House, and not with one-third of the members absent. Members should bear

in mind what would be thought outside if such an important measure, affecting the revenue to the extent of some £60,000, were defeated in a snap division. Hitherto he had always felt sufficient confidence in the House to stand up in its defence; but if the course now indicated by some members were taken for defeating the Bill, such action could not be justified. The second reading of the measure having been carried, the Bill having passed through Committee with certain amendments, those amendments now being returned from another place, and after only one of the amendments had been placed again before this House, it was now proposed to defeat the Bill without farther discussion. The House would stultify itself by adopting that course, and members would not be able to justify themselves to the country. He trusted that the motion to adopt the report from Committee and sit again on Tuesday next would not be farther opposed.

HON. E. McLARTY: From the time the Bill first came before the House, his desire was to give it fair play. Though he had voted for the second reading, he did so because he recognised that the importance of the measure justified its receiving the full consideration of members; but he did not now accept the contention of the Minister that he for one would stultify himself were he now to oppose the Bill. Having listened to the able debates, he had no hesitation in arriving at the conclusion that the feeling of the country was against the measure, and that it was against the best interests of the country that such a measure should become law. But the vote should be taken in a full House, and not on a snap division. When the division was taken, he had quite made up his mind as to how he would vote.

HON. W. MALEY moved an amendment to the effect—

That the report be adopted this day six months.

HON. J. W. LANGSFORD: Was not the amendment similar in effect to an amendment already decided in Committee?

THE PRESIDENT: This was a different stage. He knew nothing officially of what happened in Committee.

HON. J. A. THOMSON would vote for adopting the report, though if he studied his feelings his vote would be cast the other way. He, like some others, was against exemptions; but were he Premier of the State, he would deal with this House as it deserved for its attitude on this Bill, and would see that at the end of twelve months there should be no second Chamber in Western Australia. To do that he would refuse to vote Supplies, and a majority of the other House would back up such attitude, because there was no doubt that a majority of members here, if not raising opposition with the deliberate intention of wrecking the Bill, were absolutely against land taxation in any form, though they now pretended that they favoured land taxation without exemptions.

THE PRESIDENT: The hon. member must not impute motives to other members.

HON. J. A. THOMSON would endeavour to avoid doing so. He recognised that fresh taxation was needed, and although this Bill did not meet with his entire approval, it was a move in the right direction. The Government had decided that farther funds were required in order to meet present liabilities; and, that being so, he had given way to a large extent to the Government, who considered that certain exemptions would need to be made if the Bill was to become law. For these reasons he would vote for adopting the report. It was not the small man who was squealing with regard to this taxation, but the large land-owner and the large property-owner. He travelled about the country extensively, and he made that assertion because not a single individual had expressed to him any opposition to the proposed land tax, though hundreds had congratulated him on the fact that though he was a property-owner, he was still in favour of the principle of land taxation and in favour of large holders contributing to the revenue of the State. He trusted that when the vote was taken it would be shown there was a majority of fair-minded men in this House who would support the Bill, though they personally might be more severely affected by it than would be the small land-owners.

HON. V. HAMERSLEY: As to taking a vote without notice for suddenly deciding the fate of the Bill, he was somewhat surprised to find Mr. Haynes was not in his place, for it had been distinctly understood that nothing should be done as to the third reading of the Bill without due notification to that member.

THE COLONIAL SECRETARY: Was the hon. member in order in flatly contradicting the explanation he (the Minister) had given, which was borne out by Captain Laurie and other members?

THE PRESIDENT: The time for personal explanation was past. The hon. member (Mr. Hamersley) must confine himself to the amendment.

HON. W. MALEY: In view of the strong feeling expressed and the imputations against certain property-holders, he asked leave to withdraw the amendment. Leave refused.

DIVISION ON AMENDMENT.

Amendment put, and a division taken.

THE COLONIAL SECRETARY claimed the votes of Mr. Maley, Mr. Moss, and Mr. McLarty. The Standing Orders provided that a member should vote in accordance with his speech. A few minutes ago Mr. McLarty said he intended to vote against this amendment so that the test vote might be taken on Tuesday, when he would vote against the Bill. Mr. Maley's vote was claimed on the ground that he wished to withdraw his amendment. Mr. Moss had distinctly stated he would not vote for the six-months amendment, but would give the Minister due notice that a test vote would be taken on Tuesday next.

HON. M. L. MOSS had stated he was prepared to vote with his friends if a division was taken. What was the Standing Order?

HON. E. MCLARTY had expressed himself as satisfied that the matter should stand over till next Tuesday, that there might be a full attendance, but had never said he would vote against this amendment.

HON. M. L. MOSS: There was no Standing Order dealing with the matter.

THE COLONIAL SECRETARY: There was, and it had been enforced in 1903 or 1904, when Mr. Jenkins raised a similar point of order.

THE PRESIDENT: No Standing Order dealing with the matter could be found. He ruled that members must vote aye or no according as they gave their voices prior to the division being called for; but any remarks made by a member in a speech need have no determining influence on his vote.

THE COLONIAL SECRETARY: Did the President rule there was no Standing Order providing that a member must vote in accordance with his speech?

THE PRESIDENT: No such Standing Order could be found. A member's vote must be given in accordance with his aye or no when the question was put prior to a division being called for.

Result of division:—

Ayes	...	...	11
Noes	...	...	10

Majority for 1

AYES.	NOES.
Hon. F. Connor	Hon. J. D. Conolly
Hon. V. Hamersley	Hon. J. M. Drew
Hon. W. Kingsmill	Hon. J. T. Glowrey
Hon. W. T. Lotou	Hon. J. W. Laagsford
Hon. E. McLarty	Hon. R. Laurie
Hon. M. L. Moss	Hon. R. D. McKenzie
Hon. G. Randell	Hon. W. Patrick
Hon. R. F. Shell	Hon. C. A. Piesse
Hon. C. Sommers	Hon. J. A. Thomson
Hon. J. W. Wright	Hon. Z. Lane (<i>Teller</i>).
Hon. W. Maley (<i>Teller</i>)	

Amendment (six months) thus passed; the motion as amended agreed to.

Bill laid aside.

ADJOURNMENT.

The House adjourned at 6.15 o'clock, until the next day.

Legislative Assembly.

Wednesday, 28th November, 1906.

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THE SPEAKER took the Chair at 3 o'clock p.m.

PRAYERS.

QUESTION—EXEMPTION, EVELYN COPPER MINE.

MR. TROY (for Mr. Scaddan) asked the Minister for Mines: 1, Whether his attention has been called to certain accusations contained in a letter appearing in Tuesday's *West Australian* under the heading "A question of Exemption," and signed by W. Harris. 2, Whether he intends to cause the papers in connection with this matter to be laid upon the table of the House.

THE MINISTER FOR MINES replied: 1, Yes. 2, If the usual procedure is adopted there will be no objection; but if the hon. member desires, the papers are open for his inspection at the department.

QUESTION—MACHINERY INSPECTORS' SALARIES.

MR. TROY (for Mr. Scaddan) asked the Minister for Mines: 1, Whether any of the Inspectors of Machinery have received an increase of salary on this