mention a suburb of our own metropolis in which a member of a school board has persistently persecuted the teacher, and has done everything a mortal could, short of absolute perjury, to get that teacher removed. Yet the rest of the board are able to testify to that teacher's good qualities. The Education Department knows the character of the teacher and the whole facts of the case, yet we are helpless to protect that teacher from that continuous and persistent persecution. Because, although it is quite true the powers of members of district boards have been whittled away, yet an active member of a board can do great harm as well as great good, and it is absolutely necessary to have the power to prevent a member of the board doing the harm which sometimes a malicious nature might prompt him to do. There are more of these instances than one, and it is for this reason that the Bill has been brought in. It is a power that, of course, should be exercised with every care, and I am sure that whoever may occupy the position of Minister for Education, he would never exercise a power of this kind without the fullest preliminary inquiry and conviction upon the facts that the course he is going to take is the correct one.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 9.22 p.m.

Legislative Council,

Tuesday, 17th September, 1912.

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

WICKEPIN-MERREDIN RAILWAY SELECT COMMITTEE.

Report presented.

Hon. H. P. COLEBATCH brought up the report of the committee appointed to inquire into the Wickepin-Merredin railway deviation, together with the dissent on certain points by one member of the committee.

Ordered, that the report be printed.

BILL — FREMANTLE-KALGOORLIE (MERREDIN-COOLGARDIE SECTION) RAILWAY.

In Committee.

Resumed from 12th September; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

[A new clause had been moved by the Hon. M. L. Moss as follows: "This Act shall come into operation on a date to be fixed by proclamation, provided that such proclamation shall not be made or published until the Government of the State has made arrangements with the Government of the Commonwealth to allow entry into Australia of all the plant and material necessary for the construction of the line free from the payment of all duties of customs."]

Hon. M. L. MOSS: It had been understood when progress was reported that the Colonial Secretary would obtain the

views of the Government in regard to the new clause.

The COLONIAL SECRETARY: According to further investigation, there was no prospect of the Commonwealth Government agreeing to make this concession. The State was getting full value for the service rendered to the Commonwealth, and whatever the State had done for the Commonwealth in the matter of harbour dues, etcetera, had been paid for. The Commonwealth Government had endeavoured to get concessions from the State, but none had been granted.

Hon. J. D. Connolly: Were the cases parallel?

The COLONIAL SECRETARY: The Government would be only too glad if they could be successful in this proposal, but he was afraid there was very little hope of that. The new clause might be regarded as a breach of faith with the Commonwealth Government, and he must therefore oppose it.

Hon. M. L. MOSS: The services rendered by the Harbour Trust ought to be paid for by the Commonwealth exactly as they were paid for by other importers, because the payment to the Harbour Trust was only for services rendered. He was not satisfied with this matter being treated in the light and airy way which the Colonial Secretary's remarks indicated. There was a Labour Government in office in this State and a Labour Government controlling the affairs of the Commonwealth, and if ever there was an opportunity when the Labour party could do what was fair and right to Western Australia, this was the occasion. Later on, when the people were asked to express an opinion as to an act of administration of this kind, it would be of no use the Government saying that it had not been brought under their notice. Had the State Government, during the time that had elapsed since progress was reported, communicated with the Commonwealth authorities with a view to ascertaining whether the proposal contained in the amendment was likely to be agreed to? The proposal involved £200,000 of the State's money which could be better spent in a variety of ways. As this railway was being made to link up with the Transcontinental line, it was a fair proposal to ask the people of Australia to forgo the duty on the imported material. Whilst strongly supporting the construction of the railway, he wanted to know whether the State Government were taking it for granted that the Commonwealth Government would turn a deaf ear if this request was made.

The Colonial Secretary: That is so.

Hon. A. SANDERSON: In 1907 this very point had been raised and the Federal Government had point blank refused to consider the question.

Hon. M. L. Moss: Not on this railway?

Hon. A. SANDERSON: No; that referred to railways generally, and at the time Sir William Lyne was in office.

Hon. H. P. Colebatch: This is a different case.

Hon. A. SANDERSON: It was the taxpayer who was to be considered, and if the taxpayer considered this a satisfactory way of doing business the Government would not care very much. Personally he would protest with his last political breath against the absurdity of the thing.

Hon. H. P. Colebatch: Will you vote against our paying this duty?

Hon. A. SANDERSON: Certainly. At the same time he had no desire to block the railway.

Hon. Sir E. H. Wittenoom: The Act cannot come into force if the Commonwealth Government do not agree to this clause.

Hon. A. SANDERSON: The Committee would like to know whether representations had been made by the State to the Federal Government.

The Colonial Secretary: No, not in connection with this.

Hon. A. SANDERSON: The State Government certainly ought to make representations to the Commonwealth authorities. He would support the amendment in order to force the matter to the front and bring about some definite decision.

Hon. Sir E. H. Wittenoom: You will spoil the Bill.

Hon. A. SANDERSON: The Bill could be postponed. The Colonial Secretary had said that no concessions had been allowed to the Commonwealth Government in the matter of harbour dues, but a booklet just received, which had been issued by Mr. King O'Malley, stated that arrangements had been made with the Government of Western Australia by which a reduction in wharfage of 1s. per ton would be charged in respect of all material landed at Fremantle for the purposes of the Transcontinental railway. He would certainly vote for the amendment, not to block the Bill, but in order to force this question before the public so that members would know exactly where they stood.

Hon. D. G. Gawler: It must block the Bill if it is carried.

Hon. A. SANDERSON: Not necessarily. Mr. Moss deserved the thanks of the taxpayers for bringing forward the clause.

Hon. M. L. MOSS: Carrying the proposed clause would not block the Bill, because the clause would go to another place and be discussed where it was highly desirable from a public point of view it should be discussed. It was highly desirable that those responsible for the government of the country should be compelled to express an opinion publicly as to whether it was right or wrong to pursue the course suggested by the clause. If the majority in the Assembly insisted on throwing out the clause he (Hon. M. L. Moss) would not insist upon its being sent back again, because he was anxious to have the Bill on the statute-book, but he wanted the responsibility thrown on the Assembly as to whether or not they would throw away the best part of £200.000.

Hon. H. P. COLEBATCH: It was very improper to take it for granted that the Federal Government would give us no consideration, seeing that Western Australia was the only State being put to any expense or trouble in connection with this departure, particularly when the Bill under which the Federal Government were constructing the railway provided for very extensive concessions of land from Western Australia to the Federal Government. Apparently assuming that the Federal Government would take everything and give nothing, the State Government had made no attempt to ameliorate the conditions so far as the granting of this land was concerned; but South Australia, with far more to gain from the construction of the railway than Western Australia, had so contested the granting of land to the Federal Government, that finally the Federal Government gave way and accepted a Bill very much limiting their power of taking over the land abutting on the line. Surely it was right, when South Australia by a little effort gained these important points, that the Western Australian State Government should make some effort to get the reasonable concession asked for by the proposed clause?

Hon. J. CORNELL: The Federal Constitution would not give the Commonwealth power to do what the clause requested, It would mean discriminating between the States, and it would be feasible and logical for every State to ask for a similar concession on any of its railway material. Western Australia had gone into the construction of this railway with its eyes open and would gain the revenue from the working of the line. It would be reasonable for the Federal Government to turn round and ask the State Government to give the Federal Government a quid pro quo in the way of carrying Federal material over the State railways. There was no need to embody the clause in the Bill and leave it for the Assembly to reject. If we thought some concession should be made by the Commonwealth, let the matter be dealt with by a resolution of the House, and not by embodying it in the Bill. The point raised by Mr. Colebatch as to the land grant, was foreign to the question at issue. The land was given without any qualification, and it was only a quibble, when we gave without qualification, to later on turn round and ask for something because we were not given something previously.

Hon. Sir E. H. WITTENOOM: If the clause were carried by the Council, and subsequently by the Assembly, and the Federal Government declined to make the concession asked for, the Bill must be abortive.

The Colonial Secretary: There is no doubt about that.

Hon. Sir E. H. WITTENOOM: It was said the Federal Government might ask for concessions over the State lines. It was quite possible. The gentlemen in charge of the construction of the railway would stop at nothing to try and get something out of Western Australia. Not only had he arranged to get the concession quoted by Mr. Sanderson, but if he could he would also get the rails and other material required for the Federal line carried over the State railways at as big a concession as possible. The clause proposed by Mr. Moss should be carried and should be debated in another place if only to show the Commonwealth Government that the State felt it was entitled to some consideration and was not always to have concessions extorted from it. We are paying very dearly indeed for the privilege of having this railway built, from which South Australia must reap the greatest advantage. The line must carry a great deal of trade and business to South Australia, and with the building of the Esperance railway the whole of our goldfields provinces would practically belong to South Australia. Therefore, it was perfectly reasonable to ask for something in return; it was only fair that we should try to get this concession as to the Customs duty on the rails; at all events we should ask for it. Was it a matter of urgency that the Bill should go through? We should certainly carry out any promise made, and if the engineers and those responsible for the construction of the work said it was an absolute necessity that the Bill should pass, he would support the measure; but it seemed useless to pass the Bill perhaps three or four years before we required to meet the line from the other side of the continent. Although we were bound to construct a 4ft. 8½in. gauge line, it was said that if our 3ft. 6in. gauge line was extended to the South Australian border, we could cope with all the traffic for years to come. We were perhaps a little premature in launching out on this proposed large expenditure; but if experts said it was necessary the line should be constructed at once, there was no alternative but to agree to the Bill. To get the matter raised by Mr. Moss debated in another Chamber he would support the proposed clause.

Hon. M. L. MOSS: With regard to discriminating between the States in the matter of rebate of duties, there would be no need to split straws. The Commonwealth could import the rails and sell them at invoice price to Western Australia. The object of moving the clause was to get the principle established as to whether the State was to pay duty on the rails, and it mattered not whether Western Australia imported the rails and was allowed a rebate, or whether the Commonwealth Government imported them and sold them to Western Australia at the invoice price, so long as we got the rails without having to pay the duty. When in 1903 Sir Walter James made the promise, contained in an Act, to construct a railway to Kalgoorlie, had the Federal line been put in hand Western Australia would have imported the rails under the sliding-scale conditions then prevailing, by which three-fifths of the Customs duty would be secured to Western Australia. While we were anxious to carry out a moral obligation entered into in 1903, we had also a moral claim on the other party in that by their postponing the work we were deprived of this return of duty.

Hon. H. P. COLEBATCH: The sliding scale applied only to imports from the Eastern States and could have no application to the case in point, as the rails would not have been built in the Eastern States. However, when the Bill was passed in 1903, and later, in 1907, when the Federal Government absolutely refused to remit duty on railway material, it was of comparatively trifling importance to any State, because under the Braddon Section the State necessarily re-

ceived back three-fourths of the Customs duty, but now the Braddon Section was wiped out the State got back nothing of the duty paid on its own importations, merely receiving 25s. per head from the Commonwealth. In regard to the point raised by Mr. Cornell, the Federal Government had already discriminated between the two States, having given the South Australian Government much better treatment in regard to the land to be acquired than that meted out to Western Australia. The question was, were we going to take up a similar attitude to that of the South Australian Government and endeavour to get the best possible terms we could for the taxpayers of Western Australia.

Hon. A. SANDERSON: Hon. members might well peruse the debate which had taken place in the Federal House; it would be found on page 7422 of the Commonwealth *Hansard* of 1907.

Hon. H. P. Colebatch: That was before the Braddon section expired; the position now is entirely different.

Hon. A. SANDERSON: At all events if the amendment were carried the country would have an opportunity of knowing what was going on. Mr. Cornell said we had gone into the proposal with our eyes open; but that was not the case. On the second reading the Minister had declared he knew nothing about the matter. Yet, obviously, the matter was of very great importance from a dozen points of view, of so much importance to the taxpayer of Western Australia that it was to be hoped the Committee would insist on the amendment going through.

Hon. J. D. CONNOLLY: The discussion emphasised the lack of information put before hon. members. The Minister had said it was of no use making this request, because a request by the Commonwealth for a reduction in wharfage charges had been refused.

The Colonial Secretary: Yes, I remember the correspondence in connection with it.

Hon. J. D. CONNOLLY: Yet the bulletin issued by the Commonwealth department concerning the progress of the railway, and containing the paragraph referred to by Mr. Sanderson, stated that arrangements had been made for a reduced wharfage of 1s. per ton. Incidentally it would be interesting to learn whether this meant a reduction of one shilling or a reduction to one shilling. A number of the contracts let in respect to different works were mentioned in the bulletin referred to, but no information was given as to the basis on which the Government of Western Australia had contracted for the sleepers. The Government might be getting a good price for them, but were they getting the ordinary railage to carry them 350 miles? This information should have been furnished to hon. members before they were asked to pass the measure. On what basis were these sleepers being supplied? The proposed new clause was essentially a reasonable one. Admittedly the line was being built for the convenience of the Federal Government, and as a part of the Trans-Australian railway; therefore the material ought to be admitted duty free, and the Committee would be wanting in their duty if they did not force the Government to put this request before the Federal Government.

Hon. J. CORNELL: The hon. member had said the line was being built for the convenience of the Federal Government. As far as this State was concerned, ever since the inception of Federation there had been one continual howl for the Trans-Australian railway, which had been advocated in season and out of season by Sir John Forrest and other representatives of the State. One of the most important conditions upon which the building of the line had depended was the question of what Western Australia was prepared to do to bring about this consummation. Clearly, therefore, the hon. member was very wide of the mark.

The COLONIAL SECRETARY: In the action taken the Government had been guided strictly by the advice of their expert officers, the Engineer-in-Chief, Mr. James Thomson, and Mr. E. E. Light, Engineer for Existing Lines. These officers had recommended a certain scheme to the earnest consideration of the Government,

and it was on this that the Government had taken the action they did.

Hon. M. L. MOSS: The same explanation had been given to the House on the second reading. What Mr. Connolly required was information in regard to the sleepers. What was the price the State was getting for them? Were they sold on the rails or did the price include the carriage to the point on the line where they were to be used? Or, again, were they sold on the rails and was a reduced amount of freight to be charged on their carriage?

The COLONIAL SECRETARY: The paragraph in the circular of the Department for Home Affairs was not correct. The Government had made no reduction whatever in regard to wharfage charges, but had granted the Federal authorities free storage.

Hon. M. L. Moss: I suppose that is a typographical error.

Hon. J. D. CONNOLLY: The information asked for had not been given. He wanted to know the price the State Government had quoted to the Federal Government for the supply of sleepers, and whether the price was at the mill or delivered in Kalgoorlie, or where?

Hon. J. Cornell: On a point of order, what had the contract price of sleepers to do with the rebate of duty on the rails?

The Chairman: The hon. member was establishing a connection, and was in order.

The COLONIAL SECRETARY: The price was on trucks.

Hon. F. Connor: Is that powellised or otherwise?

The COLONIAL SECRETARY: Powellised.

Hon. J. D. CONNOLLY: It was not so much a question of price on trucks as whether the price was at the mill or Kalgoorlie, or where. If the price was say 7s. a sleeper, what portion of that 7s. was for railage? If 2s. was for railage, was that the ordinary tariff rate?

The COLONIAL SECRETARY: The hon. member ought to give notice of questions of such an important character.

New clause put and a division taken with the following result:—

Ayes	11
Noes	9
Majority for	2

AYES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. F. Connor	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. A. Sanderson
Hon. R. J. Lynn	(*Teller*).

NOES.

Hon. J. Cornell	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. A. G. Jenkins
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. R. G. Ardagh
Hon. D. G. Gawler	(*Teller*).

New Clause thus passed.

Schedule, Title—agreed to.

Bill reported with amendments.

BILL—LANDLORD AND TENANT.

Second Reading.

Debate resumed from the 12th September.

Hon. D. G. GAWLER (Metropolitan-Suburban): I rise to support the second reading of this Bill, which my friend has brought forward, because it makes a very necessary alteration in the law. We in Western Australia have been exactly under the same conditions as people in England were in this important matter until the year 1881, when it was only possible to get relief in matters of this sort in a court of equity. The court of equity had laid down certain rules and they could not go beyond those rules. Under those rules it was possible to secure relief only where compensation could be paid for breach of covenant, and where it was shown that the breach had arisen by accident or mistake. In regard to the breaches for non-payment of rent and insurance, it is only lately that the courts would give relief in the case of a breach of covenant to insure; in fact, it is not long ago since relief was refused by a court of law where a covenant to insure had been broken and even

where a fire had not occurred. They refused relief and cancelled the lease on the ground that the covenant was so important and the risk of the landlord so great that they would not interfere with the ordinary legal course of the lease that it should be broken if such a breach occurred. There are one or two small points to which I wish to draw attention. One is the question of the non-payment of rent. In England the position with regard to relief for non-payment of rent is that, although the courts allow relief, still by the Common Law Procedure Act it will only be allowed if it is paid within six months of action brought or within six months of judgment —I am not sure which. In that case, the forfeiture is waived, and relief is afforded. As we have not in force the Common Law Procedure here, we are in a very unsatisfactory position in regard to the non-payment of rent. A breach of covenant can go on for an indefinite time and no relief be afforded. The effect of subclause 8 and clause 3 is that the clause shall not affect the law relating to re-entry or forfeiture in case of non-payment of rent. The Conveyancing Act sets forth that this section shall not affect the law relating to re-entry or forfeiture or relief in case of non-payment of rent. I would suggest that the hon. member incorporate those words "or relief" in this measure and provide for relief being given if the rent is paid within six months, However, it may perhaps be too late to effect an amendment of this sort, because I understand this Bill is only of a temporary nature and I believe it is the intention of the Crown Law authorities to bring in a much wider amendment to our Conveyancing law than this. There is one more point to which I have already drawn the attention of my friend, and that is that in England the provisions of subclause 7 extend, not only to a condition for forfeiture on the bankruptcy of the lessee or on the taking in execution of the lessee's interests or in the case of a lease under the Licensing Act, but also to the sub-letting or assigning of the lease. I notice that these latter words are omitted, and the result is that in England the benefits of the Act are not allowed to apply in such cases while here they are to be allowed. Why this is so, I do not know, but I direct my friend's attention to it in order that he may consider if it would not be possible to follow the English procedure. Clause 5 is very broad in the protection it affords to an under-lessee where a lessor is proceeding by action or otherwise to enforce the right of entry or forfeiture under any covenant. I wish to support the second reading of the Bill and to recommend to Mr. Moss the points I have mentioned.

Question put and passed.

Bill read a second time.

Committee Stage.

Hon. M. L. MOSS (West) moved—

That the Bill be considered in Committee this day fortnight.

That would enable him to consider the questions raised by Mr. Gawler.

Question passed.

BILL.—UNCLAIMED MONEYS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This is a Bill to enable the Colonial Treasurer to get in a little more revenue, and is of such a nature that in my opinion it is not likely to meet with very much opposition in this House. A perusal of the measure will make its objects clear, so that I need hardly give a detailed explanation. It is some recommendation that a law of this kind is in force in South Australia, Victoria, and New Zealand, but the methods of utilising the funds are different in some of those places. In Victoria it is enacted that the money shall be paid into an "Unclaimed Moneys Fund," and the Treasurer is allowed to use the interest. In South Australia it is paid direct to Consolidated Revenue, although the rightful owner may claim it at any time. This particular Bill follows the lines of the Victorian measure in that it provides for the establishment of an unclaimed moneys fund, con-

trolled by the Treasurer, into which unclaimed money is payable by banks and companies. While such money is really held in trust by the Treasurer, he may invest it in debentures or in other directions, the interest being credited to Consolidated Revenue. Such interest is the only deduction made in the event of the rightful owner at any time making claim to the money. The provisions of the measure cover every company conducted for gain and registered or incorporated in the State, and also to firms or companies registered elsewhere but doing business in Western Australia. Every banking and life assurance company, all persons or firms doing business as traders, agents or bankers for individuals or companies, as well as liquidators come under the measure, as does also the Government Savings Bank. Money is deemed to be unclaimed, and is payable to the Fund, after having been held by a bank, firm or company for six years. And after it has been entered in a register kept for that purpose, a copy of such register is published in the *Government Gazette* in January of each year. In South Australia during the period 1891 to 1910 they had £14,000 invested from the Fund; in Victoria, over a much shorter term, about £3,000, while in New Zealand (where the money goes direct to revenue) £16,000 has been received. The term "unclaimed moneys" in this Bill means principal, interest, all dividends, bonuses, profits and so on, and all other money owing, irrespective of the time which has elapsed since it accrued. Although the banks have not as a rule exercised the right to retain moneys unclaimed for six years, they could do so, but investigation shows that it has not been the custom of the banks to claim this money even after six years have elapsed. Such moneys it is considered should be available at any time upon claim by the rightful owner or his heirs, and pending such claims should be held in trust by the State, which would derive any benefit to be earned by investment. As I have before mentioned, a register of unclaimed moneys is required to be kept, and a declaration of the correctness of entries therein is insisted upon. Publication of the unclaimed moneys list is made after six years, and the money is held for a further twelve months before being handed to the Treasurer. Seven years therefore expire before it goes into the Fund, which should be ample time for claims to be lodged. Savings Bank accounts not operated on for seven years are at present registered and advertised, and if no claim is received during the ensuing ten years, the money goes to Consolidated Revenue, and is lost to the depositor. This Bill repeals that provision, under which by the way a fair sum should be falling due shortly, and such money will go into the unclaimed moneys fund. Interest would of course not go to the owner if he claimed the money, but he could recover the principal, which he cannot do under existing conditions. The Bill contains a penalty clause for failure to keep a register, or for making false entries therein. Other penalties are also provided, and while they are not heavy will, it is thought, serve their purpose, as responsible institutions would probably find it unwise from a business standpoint to infringe the law in this respect. Any money not handed to the Crown by a company under this Bill is deemed a debt, which may be recovered in the ordinary way. It is also provided that the Colonial Treasurer shall not be liable once he has paid over money to a claimant, even though it be not the rightful owner, so long as due precautions were taken. The real owner may, however, claim against the person receiving. Certain unclaimed moneys will not come within the scope of the measure. For example, minors' accounts in the savings bank, unclaimed moneys which are at present legally required to be paid to the Treasurer by trustees and others.

Hon. C. A. Piesse: Why not exempt minors' accounts in other banks?

The COLONIAL SECRETARY: That is a matter for consideration. The exemption clause (Clause 10) will prevent this Bill conflicting with existing law. Clause 12 of the measure repeals Sections 32 and 33 of the Government Savings Bank Act relating to unclaimed moneys, to which I have previously referred. The

Bill has two schedules only—one the form of register, and the other the form of declaration. Hon. members will find the Bill self-explanatory. Briefly it requires moneys not claimed and whose owners cannot be found to be handed to the Colonial Treasurer, who acts as trustee and will pay over to the owners should they at any time lay claim. I move—

That the Bill be now read a second time.

Hon. Sir E. H. WITTENOOM (North): I have given a little consideration to this Bill, and although I am not in any way opposed to the principle of it, I think there is one mischievous clause in it, and that is the one which makes the measure retrospective. If it is examined carefully it will be seen that in Clause 2 "unclaimed moneys" means all moneys which have been in the hands of any company for a period of six years or upwards after the time when they became payable. That means that money may have been in the hands of a company for twenty years or even 14 or 15 years, and that money can be taken away although the company may have had the trouble of keeping it and taking care of it all that time. I consider that is unfair.

Hon. F. Davis: They would get some revenue for keeping the account.

Hon. Sir E. H. WITTENOOM: From whom?

Hon. F. Davis: From the account itself.

Hon. Sir E. H. WITTENOOM: How would they charge it? They are not entitled to make the customary bank charge of £1 1s. per annum. Companies cannot charge at all, and neither can legal firms, but the Government now propose to step in and take this money away at one fell swoop. I am in accordance with the Bill, provided it starts from the present time; but I do think it a little hard that the Government should be able to walk in and take away these moneys which have been in the hands of institutions for years—institutions which have had the trouble of keeping the accounts, and which may have made inquiries and found owners, and gone perhaps to no end of trouble. Under these circumstances I think when we come to the clause in Committee, we might well alter it so that it shall only apply to unclaimed moneys of the future. The only other objection I have to the Bill is in Clause 6. It will be noticed that in Clause 4 it is provided that every company shall, before the end of the 15th day of February in each year, publish a copy of such register in the *Government Gazette*, and file at the Treasury in Perth a statutory declaration made by an officer of the company. They are to meet the expenses incurred in connection with these matters, and it is only fair therefore that the institutions should be paid. It will be seen in Subclause 3 of Clause 6 that the company may deduct out of unclaimed moneys payable by the company to the Treasury the expenses paid by the company in the publication of the register. There may also be some expenses in connection with the statutory declaration, and therefore I propose when we are in Committee on the Bill, to add to that clause these words—"or any other cost or expenses incurred in carrying out the provisions of this Bill." I do not think that is a very terrible amendment to suggest. I notice also that after the Treasurer gets hold of this money and a claimant is found for it he is prepared to repay the money, but not the interest. That shows that the Treasurer considers it to be worth something to take care of this money. There is another point that does not seem quite clear to me, and that is in Clause 11, where it says "and such moneys may be recovered by such owner at any time before the same shall be paid to the Treasurer under Section 6, but not afterwards." It means to say "not afterwards from the company." It certainly looks as if you cannot get it from the Treasurer. or at any rate, it certainly seems so, unless one has a very highly trained legal mind. In South Australia, I believe even where they do take possession of these unclaimed balances, the law states that any money under £5 shall not be paid over, so that trivial sums like that are not bothered about. Here, however, it is proposed to take it all. I shall give the Bill my support, but when in Committee, I think we might reasonably make an amendment to Clause 2 in the direction I stated.

Hon. M. L. MOSS (West): I have no complaint to make about the general principle embodied in the Bill, but, like Sir Edward Wittenoom, I object to the retrospective character of the measure. The hon. member who has just sat down has discussed this Bill as though it only applied to companies. The word "company" is interpreted to apply to quite a host of things, and amongst other persons those who are acting as agents for individuals. Having established that, the point I want to make is that at the present time there is an Act in force known as the Statute of Limitations, which precludes the making of a claim for money due after the expiration of six years. That was passed because it was considered by the Imperial Parliament that when a demand got so stale and when there was no recognition that the money was owing, it was a fair thing to assume that the money had been paid, or that when a person allowed six years to elapse he has allowed such a time to pass by that if it was a disputed demand evidence in connection with proving that the money was not owing was accepted. So the law has fixed six years as the period after which no person is entitled to make a money demand if the Statute of Limitations is raised. This Bill does this: if a person acted as agent for another and holds money he can be pursued for 20, 30, 40, or even 50 years. That is really repealing the Statute of Limitations. I am not going to give my vote to do that. It is quite right that this money that does not belong to persons should not be retained by them, but the provision should be made prospective in character, not retrospective. The Bill says, "including money due on the commencement of the Act or any time thereafter." That should be made to read, to make it fair and not to clash with the Statute of Limitations, "that it shall apply to moneys after the commencement of the Act." With that reservation I am prepared to support the Bill as it is printed.

Question put and passed.

Bill read a second time.

MOTION—UNIVERSITY SITE.

Debate resumed from the 10th September on the motion of the Hon. J. F. Cullen, "That in the opinion of this House, the University Senate, having accepted the Government offer of the Crawley estate in exchange for endowment lands of corresponding value, should now, with the consent of the Government, negotiate with the Trustees of King's Park for an exchange of the Crawley estate for land of corresponding value on the highest available part of King's Park, as the most suitable site for the University of Western Australia."

Hon. J. D. CONNOLLY (North-East): I do not intend to say a great deal on this question as there has been so much said on the matter already. Let me say at the outset, however, that while I cannot agree with the motion as worded, I agree with a great deal contained in it. That is to say, while I do not agree that Crawley is a good site for a university, I am against one inch of the park or any portion of the park being used for any purpose, even that of a university. If there is one fault about the city of Perth, it is that there are too few parks and reserves. We have a magnificent asset in the King's Park. This motion seeks to set aside, not just a small portion, but the very best portion of the park in exchange for the Crawley land. I intend to move an amendment to the motion that, while not agreeing to Crawley as a site, this House shall not be asked to give its consent to the alienation of any part of the King's Park. It is perfectly ridiculous at this stage of our history—a State with an area of about one million square miles, and with only 300,000 people—that on the veryfi rst mention of any institution some reserve or park is first thought of as a site. If we are going at this stage of our history to cut into the parks of the State, what will the position be in 10 or 20 years' time when the population is double or treble that of to-day. The future Parliament and the people of this State will have a poor opinion of the Parliament constituted now if we allow anything of the kind to take place.

Hon. B. C. O'Brien: A university would improve it.

Hon. J. D. CONNOLLY: I do not think that anything will improve it if it will take from the people any portion of that park. We should not take an inch of ground from the park or any other reserve in the State. It seems to be almost a custom that if a site for a building for any public purpose is required the very first thing officials seem to think of is to put that building in some reserve. A few years ago, before I left office, the Government had under consideration the building of a hospital for phthisis patients and it was at once proposed to put it in the national park at Parkerville because it consisted of several thousand acres. I turned that proposal down, and would not ask Parliament to consider it. After I left the department the matter was brought before Parliament by the present Government, and after the matter had been explained to them the present Government refused to have anything further to do with it. That is how such proposals should be dealt with. I admit that the late Government did make some mistakes and one mistake they made, and it can be put down against the Government, is that they did not make Crawley a class A reserve. That is an omission the late Government are responsible for. If they had done their duty in that respect and made it a class A reserve it would have to-day been a reserve for the purpose for which it was bought, a park for the people. But through some delay in surveying the road along the river and the general elections intervening, I presume the matter was not brought before the Executive Council and constituted a class A reserve. In this respect, if there is one man in this State more than another who deserves particular credit regarding these parks, it is the Hon. Sir Winthrop Hackett. I regret on this occasion he has failed to come up to the standard we usually expect from him in these matters. Crawley should certainly be kept as a recreation ground for the people because I say there is any amount of land in this big country for a university without taking a portion of what really should be the King's Park. While not agreeing with Mr. Cullen in his motion that we should take a portion of the King's Park, I am thoroughly opposed to the Crawley site. I will not repeat the arguments of Mr. Kingsmill and others who spoke, with all of which I agree. I say in a word, you are sacrificing the people living at the present time for some future benefit. The Crawley site is decidedly inconvenient. It is said that there will be a tram service to that site, but what tram service can you have for 50 or 60 students, or perhaps 100 students. I doubt if the University will start with more than 50 students, and these may be coming and going ten or twelve or twenty times a day, and every student coming by the train may have to wait an hour or two hours for a tram to take him to the University, and as the lectures will be mostly of an evening the student will not have time to wait for the trams in the way I have mentioned.

Hon. Sir J. W. Hackett: What about the Queensland University?

Hon. J. D. CONNOLLY: Let us take the Queensland University. Speaking from memory, I think that university started with 60 students. Queensland has more than double our population, and assuming we started with as many students, they may come and go twelve times a day, what kind of a tram service would have to be run for these? How can you run a service to suit every two or three students? There can never be much population around Crawley because on two sides there is the river, on the west and on the south, and on the north side there is King's Park. Therefore you can only get the population on the one side. It will always remain an inconvenient site except for those students who go into residence when the colleges are built. West Subiaco is an excellent site convenient to all. There are hundreds of acres of land there convenient to the whole of the metropolitan area from Guildford to Fremantle. The students can land there every quarter of an hour or every half an hour by train, and the site is within one minute of the rail-

way station. As to the West Subiaco site I want to point out that members' knowledge of this site may be limited. They may just have seen it by passing in the train, but they really do not see the site from the train at all. It is on the other side of the railway from here and lies half-way between Karrakatta and Subiaco. It has a very elevated position. There are 200 or up to 300 acres of land there, which could be used for a university. I have close knowledge of this site because I was one of a committee, of which Sir Winthrop Hackett and Mr. Kingsmill were members, who were appointed to report upon six or seven sites, and this is one to which we gave special attention, and speaking from my knowledge, it is an exceptionally good site. Another site, and one suitable, which has already been mentioned, consists of the Observatory grounds and the land adjacent to the Observatory running on to Wilson-street, which at present is a class A reserve, and all that land can be resumed between Wilson-street and Hay-street. Parliament House and grounds could also be added to that site, together with the present High School reserve, and the streets would be taken in, namely, Wilson-street and Harvest-terrace. This site was proposed and particularly recommended, in company with the Crawley site and the West Subiaco site, to the Government. The site I have just mentioned would total somewhere nearly 50 acres. In the recommendation of the committee to the Government the site mentioned did not include that portion of the land between Wilson-street and Hay-street, but if we include that land there would be nearly 50 acres.

Hon. Sir J. W. Hackett: What would it cost to resume that land?

Hon. J. D. CONNOLLY: The cost would be very much less than Crawley. We have here in the first place Parliament House. That could be given to the University without costing the country one penny. It would be much more convenient to members if Parliament House was situated in some other portion of the City. I remember that the old Parliament Houses were much more convenient and they were used by members more as a club. These buildings, on the other hand, are used only when either House is sitting. At the stage when these buildings were in course of erection, I became a member of the advisory committee in connection with the building of this Parliament House, and I am in a position to know something of the mistakes which were made. To date something like £40,000 has been spent on the buildings, and the estimated cost to finish them was £80,000. I venture to say that nothing less than £100,000 will be required for the completion of this Parliament House. The estimate of £80,000 was made ten years ago and members are well aware how building costs have increased since then. But, taking the cost of completion to be £80,000, I say, as one who has a practical knowledge of building, that even when that amount is expended we will still have a most inconvenient and expensive building. This can never be a comfortable or convenient building, because it is badly designed, and no amount of money can remedy the defects in the design. My contention is that with that sum of £80,000 we can build a better, more compact, and more comfortable Parliament House, either on the site of the old Legislative Council or on some other ground near the Government offices. The adjacency to the Government offices would in itself be a convenience to members and, in addition, we could have a better and more comfortable Parliament House than at present. Therefore, I say we can hand over the whole of the 50 acres contained in the Observatory-Parliament House grounds, give the University the benefit of these existing buidings, and build a new Parliament House without costing the country one penny more than it will cost to finish this structure. In fact, we would probably save money, because we could build the new Parliament House for a great deal less than it will cost to finish the buildings we are now in. Bearing in mind what happened in connection with the drawing up of designs for this building, it was hardly to be expected that we would get a good or convenient design. The Government of that time—I think it was the Forrest Government—invited

architects to submit designs for a Parliament House for the State, and offered premiums of, I think, £500 for the first design, £300 for the second, and £100 for the third, the competitors being given six months in which to send in their designs. At the end of the six months the time was extended for a further three months, the architects thus having nine months in which to prepare their designs, but they were restricted to a cost of £100,000. The designs were judged by the Government Architect of New South Wales (Mr. Vernon), a very able man, and he classed one design as first and another as second, but said that the first would involve a cost of £300,000, the second £400,000, and so on. In those circumstances the committee decided that the plans were useless, but recommended that the successful architects should be paid the greater portion of the premium money as some compensation for the work they had done. This was a somewhat extraordinary proceeding, because I have yet to learn that a £400,000 plan is of any use for a £100,000 building. Following that, the then Government Architect (Mr. Grainger), also a very able man, was instructed to get out a design. He submitted a design which was drafted and accepted within a fortnight. Now, clever as Mr. Grainger was, it was impossible for him, or any other architect to get out a suitable design in so short a time, and the result is that we have to-day an exceedingly badly planned building. It is also a very expensive one, because it is so much spread out. It has a huge front of three or four hundred feet, and granite foundations built up fourteen or fifteen feet, which would account for 30 or 40 per cent. of the whole cost, and all we have to show for the big expenditure are two Chambers and rooms for the clerks. Even if we spend another £80,000 or £100,000, we will still have a building that cannot be called a convenient or fitting Parliament House.

Hon. Sir J. W. Hackett: Do you think these buildings would suit the University?

Hon. J. D. CONNOLLY: I do not pretend to know about that, but I do know that out of the £40,000 worth of structures the University could get £10,000 or £15,000 worth of accommodation by utilising the two chambers and pulling away the centre portion of the building. That would give the University some buildings to start with at no cost.

Hon. W. Kingsmill: This would not eventually be the main University building.

Hon. J. D. CONNOLLY: No, but the chambers could be used as two-floor buildings, and they would do at the present time for class-rooms. By adopting that scheme we would also get over the difficulty in regard to the Observatory, which could be worked in connection with the University. The only cost of that proposal would be in connection with the resumption of the land between Wilson and Hay-streets, which might run into £20,000 or £30,000. The net cost to the country would be *nil*, and we would then have the University in an excellent position, overlooking the principal thoroughfare of the City, and surrounded by some 50 acres of land. That area would suffice during our lifetime and probably the lifetime of our children, and if later on more colleges were required, they could, if necessary, be erected some little distance away. Mr. Kingsmill has suggested that a playground for the University could be provided in King's Park, but I do not altogether favour that idea. There are already recreation grounds in the Park held by certain clubs, and, although I am a member of one of the clubs, I hold the opinion that it is not right to make portions of the people's reserve a monopoly for any number of people.

Hon. J. F. Cullen: Who granted them?

Hon. J. D. CONNOLLY: The King's Park board, but I was not a member of the board at that time.

Hon. Sir J. W. Hackett: Those grounds are all right.

Hon. J. D. CONNOLLY: They are all right for the present, but there must be a limitation to the practice of granting these recreation areas. Although I agree with Mr. Kingsmill that a recrea-

tion ground for the University can, if necessary, be found in the Park, I do not wish it to be regarded as a regular thing that portions of the Park can be given to private sporting bodies or to the University. I have outlined one alternative site; the other is that at West Subiaco, and both are very convenient indeed. The beautiful park at Crawley should be reserved for the purpose for which it was purchased, namely, as a playground for the people. It contains about 150 acres, and in no part of Western Australia could we find an equal area so eminently adapted for the purposes of a park. For the greater part it has a very shallow depth, but its extensive frontage to the river is one of its main attributes. I say that the site is not fitted at all for building purposes, and with all due respect to the other gentlemen who have reported on it, I agree with the arguments of Mr. Oldham. Even the Government Architect said that the foundations would have to be built up about 12 feet in order to give the buildings an appearance, and any gentleman who has had experience of building, will realise the immense cost that must be entailed in connection with buildings so extensive as those required for the University. These raised foundations will be an inconvenience rather than a convenience, and will account for 20 or 30 per cent. of the total cost, simply in order to give an appearance to a building placed on low-lying ground. The cost of these foundations, I predict, would be very much greater than the cost of the resumptions in connection with the Observatory-Parliament House site. The average member does not realise what the cost of these foundations will be. At a low estimate, I say they will account for 20 or 30 per cent. of the total cost, and if we allow, say, £300,000 for the buildings, there must be £100,000 thrown away in foundations simply because of the choice of a low-lying site. Another point made by Mr. Oldham was that, although the ground is not marshy, still when buildings are placed close together on it, the ground must become much damper than when the whole area is open to the breeze and sunshine. These are two very important points, but seemingly they did not receive very much consideration from the majority of the Senate. Members of this House would do well to say before it is too late that they do not approve of the Crawley site. The amendment that I shall move will allow members to vote for the motion though not agreeing that the University should be placed in King's Park. I am not in favour of taking an inch of the Park, even for the University. It was brought under the Permanent Reserves Act in order to be preserved for all time to the people, but what is the use of passing an Act like that if successive Parliaments are to continue taking away the areas that have been reserved?

Hon. Sir J. W. Hackett: I drafted that Permanent Reserves Act.

Hon. J. D. CONNOLLY: I give the hon. member all credit for the way he worked to preserve these parks for the people. I know how jealously he guards every public reserve, but I regret to say that in this instance he seems to have fallen from grace. I beg to move the following amendment:—

That all the words after "University," in line one, be struck out, and the following words added in lieu:—"of Western Australia should be placed in a more suitable position than that proposed at Crawley."

On motion by Hon. B. C. O'Brien debate adjourned.

BILL — INTERSTATE DESTITUTE PERSONS RELIEF.

Returned from the Legislative Assembly without amendment.

BILLS (4)—FIRST READING.

1. Education Act Amendment.
2. State Hotels.
3. Roman Catholic Church Property Amendment.
4. Fremantle Reserves Surrender.

Received from the Legislative Assembly.

House adjourned at 6.21 p.m.