examination without having a signed statement. It was contended strongly that if the signed statement were done away with all kinds of abuses would come about. To get over the difficulty it was arranged that the repeal of these words about the signed statement should only continue in force for 12 months. It is now desired to continue the same amendment until 31st December, 1921. Then at the end of December, 1921, unless the Act be further continued, the words "Whenever the Commissioner has reason to believe that any person is suffering from any venereal" come out and the words which were in the original section "Whenever the Commissioner has received a signed statement in which shall be set forth the full name and address of the informant, stating that any person is suffering from venereal disease, and whenever the Commissioner has reason to believe that such person is suffering from such" are automatically restored.

Hon. P. COLLIER: If the Bill is merely to continue the Act for the next twelve months, why does it differ in the wording from the continuation Bill of last year?

The Minister for Mines: If and during the next twelve months, no Bill is introduced, the Act goes back automatically to the signed statement.

Hon. P. COLLIER: If no continuation Bill comes forward next year, we go back to the signed statement about which the fight was waged last year?

The Minister for Mines: That is right.

Hon. P. COLLIER: That being the position, I do not raise any objection to the measure as it stands.

The ATTORNEY GENERAL: The last section of the Act last year provides that all copies of the Health Act 1911 shall be printed under the supervision of the Clerk of Parliaments as amended by any amending statutes at that time in force, and all necessary references to such statutes shall be made in the margin. That is why there is a difference in the wording of this Bill, compared with last year's continuation measure. If this Act is to continue for twelve months, then the signed statement is done away with for that twelve months. Unless a Bill be introdnced next year to further continue the operations of the Act, then the old Act comes into force and the signed statement is restored.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 11.35 p.m.

Legislative Council.

Wednesday, 20th October, 1920.

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

PAPERS—HERNE HILL ESTATE.

Hon. J. CORNELL (South) [4.32]: I move—

That all files relating to existing and past arrangements between the Government and the Ugly Men's Association in relation to the Herne Hill Estate be laid on the Table of the House.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.33]: I move—

That the debate be adjourned till the next sitting of the House.

I must have an opportunity to look into the matter.

Hon. J. CORNELL (South) [4.34]: Mr. President, this is——

The PRESIDENT: The hon. member cannot speak to a motion for adjournment.

Hon. J. Cornell: It is something extraordinary to move the adjournment on a motion like that.

Motion put and a division taken with the following result:—

Ayes	9
Noes	2
Majority for	7

AYES.

Hon. H. P. Colebatch	Hon. J. J. Holmes
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. Duffell	Hon. Sir E. H. Wittenoom
Hon. J. Ewing	Hon. J. Mills
Hon. E. H. Harris	(*Teller.*)

NOES.

Hon. F. A. Baglin	Hon. J. Cornell
	(*Teller.*)

Motion thus passed.

BILL—SALE OF MARGARINE.

Introduced by the Minister for Education (for the Honorary Minister) and read a first time.

BILL—ROADS CLOSURE.

Read a third time and passed.

BILL—CORONERS.

Second reading.

Debate resumed from the previous day.

Hon. J. E. DODD (South) [4.37]: The Bill is certainly commendable in many ways. To take all the provisions relating to inquests and place them in one Bill is a step in the right direction. But there are a few points in the Bill about which I think we should have some information, and there are one or two clauses which I will endeavour to amend. The evolution of thought respecting juries has been somewhat remarkable during the past 20 or 30 years. I can remember when 12 and 13 persons were necessary to constitute a jury. From that we came down to six, and now we are down to three and, in some cases, the Bill seeks to do away with juries alogether. I have nothing to say against that in regard to some inquests and inquiries. Paragraph (a) of Clause 7 provides that all the powers, authorities and jurisdiction which belong to the office of a coroner in England, except as far as they are varied by or inconsistent with this Act, etc. I want to know why the powers, authorities and jurisdiction of those coroners are not set out in the Bill, why the English law should be thus badly referred to. I quite understand that many of the laws under which we are working are English laws; but when we seek to set out in a specific Bill the laws of the country, surely we should set out the whole of those laws and not say that the powers, authorities and jurisdiction shall be the same as those in England. We really ought to learn what are the powers, authorities and jurisdiction of coroners in England, and set them out in the Bill. Again, Clause 9 renders it necessary for a coroner to have a jury on an inquest on the body of any person whose death has been caused by an explosion or accident in a mine, either under the Mines Regulation Act or under the Coal Mines Regulation Act; that is to say, wherever a fatal accident occurs in a mine it is necessary that there should be a jury on the inquest. I think that is a very desirable provision. But it seems to me that factories ought also to be included. Factories are not mentioned in the Bill. When we consider the extent of some of our factories, and what they are likely to be in future, the enormous amount of machinery required to work some of our factories, and the enormous number of men engaged in those factories, it will be seen that it is just as necessary to have a jury on an inquest touching the death of a person killed in a factory, as in the case of a fatal accident in a mine. I hope the Minister will consult the Attorney General and, if possible, have an amendment inserted here. Clause 10 states that there is no necessity for a jury to view the body. I think that is a very desirable provision. One of the most gruesome tasks confronting a coroner and his jury is the viewing of the body of a person who has been killed. Of course in some instances this may be absolutely necessary. It seems to me there is an important omission from Subclause 3 of Clause 11. It is there prescribed that when an inquest is held the following particulars have to be proved: first, who the deceased was; secondly, how, when, and where he came by his death, and thirdly, if he came by his death by wilful murder or manslaughter. On the fields I had considerable experience of coroners' inquests. For quite a number of years it was my painful duty to attend all inquests on miners killed on or in a mine. I must say that the majority of the coroners, whether ordinary justices or resident magistrates, were always willing to give the freest possible scope and the freest inquiry into the cause of the accident. But there were times when it was sought to limit the inquiry, when we were told that the inquest was simply to inquire into the cause of death and no further. Hon. members may think that the provision prescribing that the inquiry shall be as to how, when, and where the deceased came by his death, would cover all things necessary. But it does not. It is very easy to say how a man came by his death. There may be a cage accident which results in the cage falling away and the man being killed. He came by his death in a certain place and in certain circumstances. The coroner, who does not want to do very much work, may limit the inquiry owing to the particular wording of this paragraph. I remember an accident on a Boulder mine when five men were killed. They were killed by a cage falling away when they were in it. The inquiry lasted about eight days. It is quite possible, under the law as it stands to-day, and I believe as it will stand according to this Bill—except under another provision to which I will draw attention directly —for the coroner to limit the inquiry to a day, and never at an inquest find out the real cause of death. The immediate cause of death in this particular case was the cage falling away, and the men getting killed, but there was something else behind it. The jury and coroner did find out the cause of death, and saved the company and the union concerned probably a couple of thousand pounds each, although the company paid £7,000 or £8,000 for compensation as a result of the accident. Had it not been for the coroner's inquiry into the remote or real cause of the accident no doubt the case would have gone to the courts, and the leading lawyers in the land would have been paid up to a couple of thousand pounds to see it through. The inquest was held, the inquiry was made, and both sides could see the cause of the accident, and the insurance companies decided to pay up. It was ascertained that the accident was due to the fact that there was a cylinder in the engine having a certain lever and steam could not be

thrown against the brakes, with the result that the cage got away. Provision is made in Clause 25, paragraph 2, that the inspector shall when practicable, and the workmen's inspector may, be present and may examine witnesses and elicit evidence relative to the cause of death, and to the issue whether the accident was attributable to negligence or to any omission to comply with the provisions of the Mines Regulation Act, 1906. That is all that is required so far as the mines are concerned. It is an absolutely necessary provision. The inspector and the men's representative have a right to inquire as to whether death was brought about by an omission to comply with the provisions of the Mines Regulation Act. I commend the Attorney General for placing this in the Bill. It does not, however, go far enough. The Factories and Shops Bill is before a select committee of another place. In that Bill provision is made, I believe, for the inspectors and men's representative to have the right to appear at an inquiry when a person is killed in connection with a factory accident. Why not give the same right in regard to all factory legislation as we are giving in mining legislation? There are many things which arise in connection with a death in a factory that need very careful inquiry. It is interesting to note the wording of Clause 12 in regard to fires. The clause states that after the hearing of evidence a coroner shall give his decision or finding, or the jury their verdict, as to the cause and origin of the fire. There we enter into every aspect of the cause of the fire, and there is no limitation as to the scope of the inquiry. In Clause 11 the magistrate has to find out whether a person came to his death by wilful murder, murder, or manslaughter. The paragraph needs broadening, or the clause needs another paragraph (d), stating that if a man came by his death the inquiry into the cause of death should be in accordance with the provisions of the Mines Regulation Act or the Factories Act. If that was done it would improve the Bill. I do not argue this altogether on behalf of the worker, because I know that thousands of pounds may be saved to companies by having a thorough inquiry at an inquest. Clause 14, Subclause 2, says that the court or judge may, if the court or judge thinks fit, order the said coroner to pay such costs of and incidental to the application as may seem just. That is where another inquest has been ordered owing to some irregularity of proceedings or insufficient inquiry, fraud, or rejection of evidence, etc. That seems a drastic clause. If I was a coroner, especially while a member of Parliament, and I happened to commit some irregularity in the proceedings and went before a judge, I should feel that I was in for a heavy penalty. I am hardly in favour of putting such powers in the hands of a judge. The coroner may, through neglect, cause an irregularity in the proceedings, which may necessitate further inquiry, and to say that he would have to pay the cost of the inquiry is rather harsh. Clause 48 says—

> Any proceedings taken under the authority of this Act shall take away or interfere with or be deemed to take away or interfere with the right of any person to sue for and recover compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire.

I cannot understand the necessity for the clause, or see why it has been put in the Bill. There may be some reason which the leader of the House can give us. I have read through some of the forms contained in the schedule, and have been struck by the futility of most of them. It is unnecessary to have some of the forms that are set out here. I am sure the leader of the House could easily place the second, third and fourth forms together, instead of the Bill containing three separate forms. When I first came to Parliament a policeman approached me in Boulder, and said there was one thing he very much wanted me to bring about and that was simplification of the forms which the police were called upon to have filled in. He drew attention to the multiplicity of forms which have to be signed, and said it was ridiculous to have so many in connection with the various regulations. I think he was quite right. If some of these forms were put together it would mean a saving of printing and would simplify the work. Some of these forms are 600 or 700 years old. I remember the late Mr. Cullen drawing attention to the preamble of the Supply Bill on one occasion in this Chamber. He said that the preamble read—"We beseech His Majesty to grant supplies." I think hon. members who were present then will recollect that Mr. Cullen asked why we did not rise up and take what we required, instead of beseeching that something should be given to us. The wording of some of these forms is almost as bad. Take the form in connection with the recognisances of juries at an adjourned inquest. At the end of a good many lines the jury is asked this question: "Are you content?" Why should not the form simply state "We hold ourselves liable" and so and so? That would simplify matters, save printing, and tend to bring about economy. Then there is another form in connection with the proclamation of an adjournment. It begins, "All manner of persons who have anything more to do at this court before the coroner may depart hence." Why put in such words as these? My experience is that neither they nor the coroner do not depart home, but go off to have a drink or play bowls, and do not get home for some time. It is altogether ridiculous that we should continue the use of this old form of words. I hope the leader of the House will look into some of these points I have raised, and see if the necessary amendments cannot be brought down.

Hon. J. CORNELL (South) [4.55]: I intend to go over the ground covered and enlarge upon the points raised by my colleague. I consider they are points worthy of consideration, and that if they are given effect to they will improve the Bill. I can hardly join with my colleague in saying that it is advisable to do away with juries. We know that if there is not wisdom in numbers there is often safety in numbers. We are gradually whittling down the system until we have apparently arrived at the conclusion that juries in most instances are unnecessary, and that the coroner will do all the work himself. This process of reasoning can be applied with equal force to other forms of law. The Government have seen fit in this Bill to re-enact certain forms at inquests where juries must hear the case. A death is a death, and I take it that if juries are justified in bringing in a verdict as to one form of death that argument can be applied with equal force to any form of death. I join with my colleague on the question of the definition of the powers of a coroner. As the Bill is drafted, before a coroner can ascertain his powers he must look up the statutes. That might be all very well if the coroner was a Perth police magistrate or some other man trained as a magistrate, but in the case of the unsophisticated justice of the peace in the back country he would have to go to all the trouble of looking up existing statutes before he could define his powers.

Hon. Sir E. H. Wittenoom: He does not often have to take a case.

Hon. J. CORNELL: He does take cases, and has as much right to consideration as a city magistrate. If the Minister is prepared to make a reasonable statement, I am prepared to give way. There is an anomaly inasmuch as it does not extend the same consideration to factory workers as it does to mine workers. I consider it is advisable that a similar procedure should apply to an inquest on a death through an accident in a factory as to one on a death through an accident in either a coal mine or a metalliferous mine. If hon. members will take the trouble to read the Machinery Act they will find there that the powers conferred on the inspectors are identical in connection with the holding of inquiries on fatalities, as they are in connection with the Mines Regulation Act or the Coal Mines Act. Assuming an accident occurs on the surface of a mine, the provisions in the Bill in regard to the constitution of the jury are in conformity with those in the Mines Regulation Act. If hon. members will read that Act they will find that almost from A to Z it aims at, and deals with, underground working. If an accident happens on the surface, the provisions of the Machinery Act are resorted to and it is under that Act that an inquiry or inquest is held. If the Bill before the House is altered to make it uniform with the existing statutes the improvement will be beneficial. In connection with the inquiries into the cause of a fire, if it is justifiable that an endeavour should be made to ascertain the origin of the fire, and perhaps by so doing brand the person responsible, or ascertain whether the fire was the result of an accident, then that principle should apply with equal force to a death which is the outcome of working in a mine or a factory. Mr. Dodd made reference to the disaster at the Great Boulder mine, which took place some years ago. He gave one of the contributing causes but not all of them. I was employed at the mine at the time the accident happened and it was generally conceded before the inquest that the chief contributing cause arose out of so changing the ropes on the drums of the winding engine as to permit of both of them working the same way. After an exhaustive examination which, by the way, was not obligatory, the coroner's jury condemned the practice of working both ropes the same way and found by tests with an approximate load under similar conditions and circumstances, that a flaw in one of the cylinders had caused the gigs which contained the victims to descend when the driver had applied the steam for an opposite purpose. He was therefore powerless to control the engine. This practice has never been repeated. Be it said to the credit of the management, however, they did the decent thing by the relatives of the men who lost their lives. An important point has been raised by my colleague in connection with Clause 14. Discretionary power is vested in a coroner when to hold or when not to hold an inquest. If a coroner decides not to hold an inquest, I take it he has satisfied himself that one is not necessary. However, the clause provides that a Supreme Court judge or the court may over-ride the coroner's decision and order an inquest, and direct the coroner to pay the cost. This is too drastic, or to use an Irishism, is not drastic enough. There is only one way to deal with a gentleman who has decided not to hold an inquest when one should have been held, and that is to depose him. To compel him to pay the cost of the inquest does not help us in connection with the fact that he did not know his business, or that he neglected it.

The Minister for Education: There is power to remove a coroner.

Hon. J. CORNELL: The provision which compels him to pay the costs should come out.

Hon. J. J. Holmes: That is in the discretion of the judge.

Hon. J. CORNELL: At any rate it should come out. Our desire should be to get the best men to act as coroners. If those who are appointed are weighed in the balance and are found wanting, their services should be dispensed with. I support the second reading of the Bill and I hope the leader of the House will make some provision in the directions suggested by my colleague and myself.

Hon. A. J. H. SAW (Metropolitan-Suburban) [5.10]: The subject of coroners and coroners' courts is one that has considerable fascination for the public. Whether it is the gruesome details that are usually associated with inquests, or the lurid headlines which appear in the Press, I do not know, but the fact remains that it is so. Like the leader of the House, I have had some experience of coroners' courts, not so much in this country as in England, and it has always seemed to me that a coroner's court is, to a certain extent, lacking in the dignity which usually attaches to a court of law. In former times it was customary to hold a coroner's court at the nearest public-house. You, Sir, will remember in "Bleak House" Dickens depicts the celebrated inquest on Mr. Brook, the gentleman who died of spontaneous combustion, which was held at the Sol's Arms, Cook's Court. There was the usual attendance of gentlemen with dirty cuffs and other paraphernalia that Dickens liked to associate with the descriptions of people whom he portrayed. It seems to me that the opinion which prevailed in those times of coroners' courts exists in these days, and I think that to a certain extent that opinion is justified. A coroner's court is very often the first link in the chain of justice, and as such, the court should be conducted with dignity and in a proper and sufficiently decorous fashion. I do not think, however, that that always takes place. The functions of a coroner are certainly arduous, and the time has arrived, at any rate in the metropolitan district and its immediate environments, when we should have a gentleman appointed as coroner who has sufficient standing and the requisite knowledge. Of course the ideal qualifications for the position necessitate both medical and legal knowledge, and in England they are very fortunate in having gentlemen who have received both a legal and medical training, and who are fitted to hold and who do fill these important posts. I do not know whether it would be possible in this State to get a gentleman who would combine both these qualifications and who would be satisfied with the meagre salary which the Government would probably offer, but if such a gentleman could be obtained, it would be a very good thing to appoint him.

Hon. J. E. Dodd: South Australia and Victoria have had medical men for years.

Hon. A. J. H. SAW: In this State we might sometimes get a lawyer and sometimes a medical man, and either would be very much better qualified than the gentlemen who are generally asked to take this position. There is only one portion of the Bill to which I shall allude in detail. Clause 39 makes provision for the coroner to order an inquest in cases of sudden death or on the body of a still-born child where there is any doubt as to whether it has breathed or not. It might surprise members, but I believe it is perfectly true, that there is no authority whatever in this State that can order a post-mortem examination to be made on the body of a person who has died from an infectious disease. This is a very important matter because sometimes either through want of medical attention or sometimes because the symptoms are obscure, no diagnosis has been made in certain cases of illness which have eventuated in death and no one has had authority to order a post-mortem examination to clear up the point. This is very important from the point of view of public health. A ship might land a passenger who dies of plague and the diagnosis might not be certain. There are many other infectious diseases, the diagnosis of which may only be cleared up by a post-mortem examination. This was very forcibly brought to my mind a good many years ago when I attended a child who had cerebro-spinal meningitis. This was 10 or 12 years ago and at that time we did not know as much about cerebro-spinal meningitis as we know now. I got the assistance of the pathologist of the Public Health Department, who saw the child with me, and we examined the spinal fluids during life. That child recovered, but two doors off another child went down with very similar symptoms and that child unfortunately died. I regarded the case as one of epidemic cerebro-spinal meningitis, an infectious disease and one which often causes very severe injury to a community. I was anxious to have the diagnosis cleared up and I asked the guardian of the child, an uncle—the parents were away in the country—for permission to conduct a post-mortem examination, which he promptly refused. I then said, "Well, in the interests of public health, I shall refuse a certificate." That did not worry him. I interviewed the coroner, but the coroner informed me that he had no power to order a post-mortem examination. Subsequently I saw the Commissioner of Public Health and the then legal adviser to the Government, the Crown Solicitor, both of whom were under the impression that there was authority to order a post-mortem examination, but on inquiry it turned out that the coroner was right, and that there was no authority whatever in the State to order a post-mortem examination on the body of anyone who had died from any cause other than violence or where foul play was suspected. Therefore, no post-mortem examination was held. The coroner gave an order for burial and the child was buried. Such a case might have very far-reaching consequences and surely if it is necessary for a post-mortem examination to be held on the body of a person who is killed in an accident or as a result of violence, there should in the interests of public health be some person with authority, say, on the recommendation of the Commissioner of Public Health, to order such post-mortem examinations. I do not want to make that power too wide. I would restrict it to those cases in which the Commissioner of Public Health certifies that a post-mortem examination is necessary in the interests of public health. I wish to direct the attention of the leader of the House to

this point, and when the Bill reaches the Committee stage, I shall move an amendment to Clause 39 with the object of giving the coroner such power.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.21]: In view of the approval given to this Bill by members who have spoken, no good purpose would be served by my traversing the different points which have been raised. I have taken careful note of them and it is not my intention to proceed with the Bill in Committee until Tuesday next. This will give me an opportunity to discuss the questions with the Attorney General and if he should approve, and I feel that he will approve at all events of some of the amendments suggested, because they strongly appeal to me, I can have the necessary amendments drafted before we deal with the Bill in Committee. Regarding the language used in some of the schedules, I am inclined to agree with Mr. Dodd. A few days ago the House was rather puzzled when confronted with the word "concluded" and we found that it really meant "bound." In the present Bill there is one clause which, though it did not puzzle me, made me wonder why it was worded as it is. I refer to Subclause 2 of Clause 11. I think it means that the coroner shall examine all witnesses on oath. What it says is—

> The coroner shall examine on oath touching the death all persons who tender their evidence respecting the facts whom he thinks it expedient to examine.

It is the most extraordinarily worded clause that I have ever come across. No doubt it is taken entirely from some old Act. I shall submit the suggested amendments to the Attorney General who will be in a position to advise whether they will improve the Bill.

Question put and passed.

Bill read a second time.

MOTION—MUNICIPAL CORPORATIONS ACT, TO AMEND.

Rating on Unimproved Value.

Debate resumed from the previous day on motion by Hon. J. E. Dodd—

> That this House is of opinion that the Municipal Corporations Act, 1906, should be amended to allow for rating on the capital unimproved value of land.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.23]: I intend to ask the House to agree to an amendment to the motion. I have always been in accord with the principle of rating on unimproved values. I believe it is a just principle, that it is equitable as between individuals and that its influence generally is for good. I move an amendment—

> That all the words after "that" in line 2 be struck out and the following be inserted—"a complete investigation including the ascertaining of unimproved values in municipal areas be made by the Government, with a view to determining the desirableness or otherwise of amending the Municipalities Act, 1906, to allow for rating on the capital unimproved value of land."

I agree in the main with the arguments advanced by Mr. Dodd. The Government at the present time have in course of preparation a Bill to deal in a comprehensive fashion with the Municipalities Act. It is intended to introduce an amending and consolidating measure. I do not think it likely that the Bill will be introduced during the present session because the legislative programme already introduced and foreshadowed is a fairly heavy one.

Hon. J. Cornell: If fortune smiles, next session.

The MINISTER FOR EDUCATION: It is by no means unusual to prepare during one session Bills to be introduced during the succeeding session.

Hon. J. Cornell: It is very advisable.

The MINISTER FOR EDUCATION: It is necessary for the Government to keep ahead of the work, even if it falls to someone else to carry on the work later. We have recently done a good deal in the way of bringing local governing legislation up to date. The Road Districts Act of last year and the Traffic Act are both important steps in this direction. We realise that it is necessary to do something similar with regard to the Municipalities Act. The working of the Act over a period of 14 years has naturally revealed some defects, and has made clear certain particulars in which the Act does not meet conditions which have altered since it became law. Whether this Bill, or another Bill to be introduced at an earlier date, should include the provision suggested by Mr. Dodd, is I think a matter which will require some investigation even on the part of those who, like Mr. Dodd and myself, believe in the principle of rating on unimproved values. I do not think there is any room for doubt that the system of valuing on unimproved land has been entirely satisfactory so far as road boards are concerned. In order to show the extent to which that principle has been accepted, I would refer members to the Road Districts Act passed last year. Section 213 of the Road Districts Act goes very much further than did the previous Act. Under the previous Act it was left entirely optional with road boards whether they rated on the unimproved value or on the annual rental value. As a matter of fact, all or practically all road boards within the State did rate on the unimproved capital value, and it was

so far recognised as being the right principle that when we amended the Road Districts Act last year we made this provision in Section 213—

> Subject to this Act every board shall, on or before the 7th day of July in every year, make a valuation of all rateable land within the district on the unimproved value—

We set down that this should be the principle to be followed—

> or, with the consent of the Governor, on the annual value.

It will be seen that the free choice given to road boards to select between the annual rental value or the capital unimproved value was taken away by the Act passed last year, and the unimproved value was set down as the principle to be followed, the annual rental value being merely a system which they might follow with the consent of the Governor. This shows clearly that it was freely and fully admitted by all parties that the capital unimproved value was the right principle to adopt in the case of road boards. To my mind, inquiry is still necessary to determine whether this principle, which has proved entirely satisfactory in the case of road boards, can be applied to municipalities. First of all, can it be applied to municipalities as a general practice? Then, if we find that it can be so applied, what is the maximum rate that municipalities should be allowed to strike on the capital unimproved value, and should that rate be the same in all classes of municipalities? I shall give hon. members a few figures which will, I think, suggest to them that to fix a maximum rate in the matter of taxation on unimproved values applying to all municipalities throughout the State, would not meet the position. The inquiry I suggest should also make it clear whether or not the proposed system might be applied to some municipalities and possibly not to others. Fortunately the information that I think we should have is available. It is not available at the moment, but the material on which it can be constructed exists; and it is only a matter of collating. The Taxation Department have the figures, and as a result of inquiries which I made at the Taxation Department to-day, I am in a position to state that if the amendment is carried the department can give us the information we want, and can furnish it in a reasonable time and without undue cost. I have no doubt that Mr. Dodd fully appreciates the difference from a practical point of view—not from the point of view of the individual, from which I am not speaking, but from the point of view of the local governing authority raising revenue—between applying this principle to rural lands and applying it to town lands. That difference is recognised in our legislation, and not only in the Municipalities Act of 1906, in respect of which the matter might be regarded as of minor importance because it is so long since the Act was passed, but also in the Road Districts Act which we passed last year. I have already quoted the first portion of Section 213 of the Road Districts Act, in which it is made clear that we adopted as the right principle for taxing by road boards the unimproved capital value of land. Paragraph (a) of the proviso to that section sets out that—

> The board may adopt in any townsite or in any area defined for that purpose by proclamation the system of valuation on the annual value.

As a matter of fact, a number of road boards which prior to the passing of this Act, at a time when the matter was entirely optional for them, had adopted the system of rating on the unimproved capital value, and had found that system entirely satisfactory, did, when this Act came into force, adopt the other principle so far as the valuation of townsites within their areas was concerned. Take as an instance—and it is only one of many instances—the Beverley road board. There had been two bodies—the Beverley municipal council and the Beverley road board. These two were merged into one road board. The Beverley road board had all along taken advantage of the option allowed under the Roads Act and had rated on the unimproved capital value. But when the two bodies were merged, the board found that from a rating point of view it was to their advantage to avail themselves of the proviso to Section 213 of the Road Districts Act, and the board are at the present time rating the townsite of Beverley on the annual rental value.

Hon. J. E. Dodd: The limit was not enough?

The MINISTER FOR EDUCATION: I will suggest to the hon. member the reason for it. To my mind it is a very suggestive fact, where one has a body who have already adopted the principle of rating on the unimproved capital value, finding it to their advantage to rate on the annual rental value when they have a townsite as a part of their area. To my mind that is a most significant fact.

Hon. J. E. Dodd: But what reason do you suggest for the change?

Hon. J. J. Holmes: To get more revenue.

The MINISTER FOR EDUCATION: Yes, but I think we must go further than that. Take the case of the city of Perth. I do not agree with the arguments used by Mr. Holmes, or the suggestion he has put forward as to revenue to be produced. I do not think he is right. However, he probably knows more about the matter than I do. If the amendment is carried, we shall get the facts, and shall know where we are. I understand that the total capital value of the Municipality of Perth, that is land and buildings, is something like 13 millions

sterling. Now, not speaking of the city of Perth, but speaking of cities in other countries where the figures have been worked out under the two systems, I find that the capital value of the land amounts in some cases to about 50 per cent. of the total value. I doubt very much whether the land amounts to so much in Perth. I should think it is highly probable that the value of the land is something less than 40 per cent. However, that is a matter which can be ascertained. But assuming that the value of the land is something under 40 per cent., the total value of the land in the municipality of Perth would be about five millions sterling. Now, the annual rental value of the city of Perth (Greater Perth) is £722,000. At a 2s. 6d. rate, that yields a revenue of £90,000 a year. A 6d. rate on the capital unimproved value of five millions would give £125,000 annually, and a 4d. rate on the same basis would give £83,000. So that apparently something between a 4d. and a 6d. rate would be necessary to enable the municipality of Perth to raise, under the system that is suggested, by taxation on unimproved capital values, the same revenue as it is raising at the present time under the system of annual rental values. So that it does appear to me that in the case of the city of Perth a rate could be fixed on the unimproved capital value which would give the municipality an ample revenue and which could not be described as being of a confiscatory nature or as taxing the land out of value. It would be an entirely practicable system, and I do not think there would be any difficulty from the point of view of the local governing body. But Mr. Holmes illustrated the case of a £1,000 house on a £1,000 block of land, and pointed out that in such a case the holder of a vacant block of land would pay a higher rate than the owner of the land on which the house had been built. That may be so, and I do not see any reason why it should not be so. But, as a fact, the position set out by Mr. Holmes is an unusual one. It would be unusual to find a £1,000 house built on a £1,000 block of land. Even if we take that portion of the city where land is at fancy prices, I think it is unusual to find—though there may be such cases—a £1,000 house built on a £1,000 block. In practice one would be more likely to find a £1,000 house on a £300 block of land. In most cases the value of the house would be two or three times that of the land. But in cases where the land is improved to a lesser amount than the value of the land itself, it may happen at the present time that the holder of the vacant land pays more in municipal taxation under the Municipalities Act than does the owner of the house, for the reason that the house is taken to be worth so much for renting purposes, and certainly, after the deductions have been made——

Hon. J. Nicholson: There would be deductions of about 33 per cent. in all.

The MINISTER FOR EDUCATION: Yes; and the owner of the £1,000 house would, after the deductions had been made, probably not pay more than four per cent. on the £1,000. That would be the basis. On the other hand, the owner of a vacant block worth £1,000 is, under the Municipalities Act, assumed to be deriving an annual rental representing 7½ per cent. of the total value of his land.

Hon. J. E. Dodd: But the other owner is allowed five per cent., so I do not see how he can be paying more.

The MINISTER FOR EDUCATION: He does pay more. If the hon. member would look up the rating sections of the Municipalities Act, he would find that that is so.

Hon. J. E. Dodd: The rating section is Section 397, and it says, "not less than four per cent." In practice it is more often five per cent.

The MINISTER FOR EDUCATION: Section 378 deals with the matter, and it says—

> The annual value of rateable land which is improved or occupied shall be deemed to be a sum equal to the estimated full, fair, average amount of rent at which such land may reasonably be expected to let from year to year, on the assumption (if necessary to be made) that such letting is allowed by law, less the amount of all rates and taxes, and a deduction of twenty pounds per centum for repairs, insurance, and other outgoings.

So that a man owning a £1,000 house, if he starts off by getting 7½ per cent. as rent, is still entitled to make a deduction of rates and taxes and a deduction of one-fifth for repairs, insurance, and other outgoings. Thus the annual rental value would not be more than four per cent. of his £1,000 house. But if the land is vacant, then 7½ per cent. is taken to be the annual value, under paragraph (f) of Section 378, which paragraph reads—

> The annual value of rateable land which is unimproved and unoccupied shall be taken to be not less than seven pounds ten shillings per centum on the capital value.

However, Mr. Holmes's illustration is not a very good one, because, as I have said, it is an unusual case and therefore does not carry us very much further.

Hon. J. J. Holmes: There is the other illustration I gave.

The MINISTER FOR EDUCATION: Where the difficulty is going to arise under the proposed system is when the principle is applied to small municipalities. Take a good-sized country municipality, and I think this illustration will throw some light on the reason why road boards which have so long carried on under the unimproved values system are still sticking to the annual values system, so far as townsites are concerned. Take one of the important streets of a good-sized country town—not necessarily a main street, because I am endeavouring to set up a position that exists,

or something like what exists. Assume that there are five adjoining blocks each of 66 feet frontage, and worth £4 per foot. Assume that two of these blocks have been amalgamated, giving a frontage of 132 feet, and assume that there is a hotel built on these two blocks, and that it is let at £10 per week. On another block assume a store and dwelling let at £3 10s. per week. On the fourth block assume a house let at £1 per week. Assume that the fifth block is vacant. What happens under present conditions? The hotel is of an annual rental value of £500, less say £80 for rates and taxes and £100 for repairs and so forth. That brings the annual value down to £320, on which a 2s. 6d. rate would produce £40. The shop and dwelling produce a rent of £176, which deductions as before would reduce to £124, and on this a rate of 2s. 6d. would produce £15 10s. In the case of the house let at £1 per week the deductions bring the annual value down to £36, which at a 2s. 6d. rate would produce £4 10s. As regards the vacant block, under Section 378 of the Municipalities Act, paragraph (f), £264 at 7½ per cent. equals £22, which at a rate of 2s. 6d. would produce £2 15s. Thus the total revenue obtained under the present system from those blocks would be £62 15s. Under the system of rating on the capital unimproved value, a 6d. rate on the two blocks on which the hotel is built would produce £13 4s., while the other three blocks would each pay £6 12s.; making a total of £33. Thus the yield of a 6d. rate on the capital unimproved value would produce only half the revenue that is obtained at the present time. This raises two questions. The first is this: Which is the better system and the more equitable in its application? I am not going to answer the question myself but I simply place it before members as a suggestion for them to consider. It is not possible in a country town for every block to be improved to the same extent, and to the same rent-earning pacity. It is, or is it not equitable—we will wanted, nor a great many big shops in these country towns I refer to. Land cannot be improved beyond a certain rent-earning capacity. It is, or it is not equitable—we will admit that they all improve their land to their maximum rent-earning capacity—that the man who owns the hotel which is let at £10 a week should pay more than the man who has a house let at £1 a week.

Hon. J. E. Dodd: That is an aspect that has to be faced.

The MINISTER FOR EDUCATION: I suggest that question for the consideration of members. There is this other question that we must go into very thoroughly. Can municipalities obtain the revenue they require under this system, without taxing the land so heavily as to depreciate it in value? That is a very important point, because if we start taxing a man with land valued at £3 15s. a foot and we place upon him a heavy charge of 1s. or over in order to get the revenue necessary, we would eat up the total value of the land in 12 or 13 years. It might have the effect of depreciating that land to £3 or under, and if we did that, we would have to increase the rate in order to get more revenue. In such a case the increase would be necessary for the very simple reason that the town would not stand more building operations. If we are to depreciate the value of land by taxation to such an extent, then we will get into a circle from which there will be no way out. I have had certain figures compiled to illustrate the position and as there has been very little time to go into the whole question, they are more or less approximate. Take the case of one of the suburban municipalities in which the land values are fairly high. This is the result. The annual rental value on which they rate is at present £43,528. There is a rate of 2s. 9d. in the pound, which returns £5,985. That rate includes health, general, and sanitary charges. That is the revenue, we may presume, which they require. The capital unimproved value of that area is £182,368. The rate required to produce the same revenue as that brought in under the present system, would be 8d. in the pound. It has suggested itself to me that if we find so big a difference between the city of Perth, where the rate would run from 4d. to 6d., and a suburban municipality, where we would have to strike a rate up to 8d., if we went into the country districts we would have to put up the rate to a still higher figure. This would mean the steady depreciation of land values by taxation, and would mean a greater difficulty with every valuation. Mr. Dodd has quoted instances in New South Wales where the figures ranger up to 8d. I think that was the maximum rate that he quoted. I do not know whether it applies to all country municipalities there. My own impression is that, applied to country municipalities in Western Australia, it would be found that, so far from the 6d. which has been suggested as adequate to yield the revenue required, in some cases they would have to go as high as 1s. or over. I believe that when we get to 1s. or beyond that figure, we tread on very dangerous ground indeed. I do not propose to labour the question, and it is unnecessary to speak dogmatically about it. All I ask is that members shall not commit themselves to the proposition until they know exactly what it means. I claim that the facts I have placed before the House are sufficient to suggest the necessity for inquiry. There are two points of view; the point of view of the ratepayers and the point of view of the local governing authority. We have to give the local governing authority sufficient revenue, and until the whole facts which I have referred to have been ascertained, it is impossible to decide what should be the maximum rate, and it is equally impossible to decide whether that maximum rate is such that it can be safely

imposed. I hope members will see the wisdom of refraining from committing themselves on this important question until the whole information is at their disposal. The point I emphasise strongly upon members, and one which has impressed itself upon me, is that the road boards that have long practised this system of rating on the unimproved values, and thoroughly believe in it, at the present time, where they have townsites to deal with, impose rates on the annual rental value, because they find they can get more revenue under that system, and they are of the opinion that it is the most equitable. I move the amendment I have indicated.

Hon. J. NICHOLSON (Metropolitan) [5.53]: I support the amendment. We all realise that the mover of this motion is imbued with one motive, namely to arrive at an equitable system of rating. In order to be able to reach a decision on that question, I think the investigation proposed by the leader of the House is essential. I have nothing to add to what has been stated by the leader of the House, and think that whatever system of rating is adopted, the suggestion put forward by Mr. Dodd should be inquired into. Those who are not only improving their property but promoting the progress of the district in which they live, should be fully considered in relation to this question.

On motion by Hon. J. E. Dodd debate adjourned.

BILLS (2)—FIRST READING.

1, Treasury Bonds Deficiency.

2, Health Act Continuation.

Received from the Assembly and read a first time.

BILL—BUILDING SOCIETIES.

Recommittal.

Resumed from the previous day; Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 4—Purposes for which society may be established:

The CHAIRMAN: An amendment has been moved to Clause 4 to strike out the words "or leasehold" in line 7 of Subclause 1.

Hon. J. DUFFELL: It is evident that members are desirous of proceeding with caution in dealing with this Bill. There is no building society to my knowledge operating in Western Australia to-day that will advance money on leasehold properties, realising, as they do, that building societies are chiefly built up by the savings of the thrifty. Time and again the building societies in operation to-day have refused to advance money on leasehold properties. In view of this, I cannot understand the inclusion of the provision in the Bill. The Minister, on the second reading, promised to secure information on the subject. The information he has since submitted consists of a statement by the Solicitor General, a gentleman who, to my knowledge, has given contradictory answers to the question of whether conditional purchase lands are leasehold or freehold. It is unsound to provide in the Bill for the advancing of the funds of building societies on leasehold properties. Those who have acquired workers' homes on the leasehold principle are to-day clamouring to have their properties converted into freehold. For the sake of the investing public, and of shareholders in building societies, I trust that the amendment will be carried.

The MINISTER FOR EDUCATION: I can see no reason why the Committee should reverse its previous decision. The clause will not compel building societies to advance on leasehold. It is entirely optional. Whole townsites have been disposed of on the leasehold system. What reason, then, is there why building societies should not advance moneys on the buildings erected on those townsites? A leasehold security may be good security, and a freehold security may be a bad one.

Hon. J. J. HOLMES: I support the amendment for the reason that no building society in this State has looked upon leasehold as a satisfactory security to advance money upon. We may some day have a society which will regard leasehold as a desirable security and be prepared to take the risk which the existing societies will not take; and at a later stage it may be found necessary to make provision to get that society out of the difficulty which it will have got itself into. The reason for the inclusion of the words is, I think, that the Government have sold whole townsites on a 99 years' lease, and consequently if the building societies can be induced to lend money on leasehold the Government security will be enhanced. However, all that concerns me is the security of the shareholders in building societies, and I do not think leasehold is a security upon which building societies should advance trust moneys.

Hon. A. SANDERSON: I support the amendment although, I confess, with a certain degree of hesitation. Hon. members have just listened to a somewhat lengthy and impassioned speech by the Minister, who urged them not to do certain things until they had full information. In connection with the Bill before us we have already decided an important matter without having full information. In this regard we should consult the building societies and others who have made a study of the question. I think we should be taking a wise step in reducing the risk of the building societies by agreeing to the amendment

Hon. Sir E. H. WITTENOOM: It seems to me purely a question for the directors of a building society to decide whether or not

money shall be advanced on leasehold. Two hon. members have declared that they do not know of a single case in which money has been advanced on leasehold. Therefore it seems to me the inclusion of the provision in the Bill is superfluous.

Hon. J. J. Holmes: Have you ever heard of bogus building societies?

Hon. Sir E. H. WITTENOOM: Yes, but I have never had experience of them. I am inclined to say that we should leave the question, as hitherto, in the hands of the directors, especially as we learn that they have never yet advanced money on leasehold. However, if it is thought necessary to limit the powers of directors in this respect, I am not going to stand out against it.

Hon. J. CORNELL: I am in the fortunate position of being able to make out a case either way. To freehold security there is only one title, but to leasehold security there are about 99 titles. Even on the goldfields there are about eight different forms of Crown leasehold, only one of which carries right of renewal; in every other case the lease, when expired, has to be submitted to public auction, the successful bidder having the right to convert it into freehold. If the clause prescribed Crown leasehold carrying a tenure of so many years, it would be a definite protection, but the clause is loosely worded.

Hon. Sir E. H. Wittenoom: Do you know any good reasons for cutting out leaseholds?

Hon. J. CORNELL: The provision should certainly be restricted to leasehold from the Crown for a definite tenure. What is killing leaseholds is the number of classes into which they are subdivided and the varying terms of tenure.

Hon. Sir E. H. Wittenoom: Can it not be left to the directors?

Hon. J. CORNELL: I do not think the directors would have anything to do with leasehold. The class of leasehold, together with a definite tenure, should be specified.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment put and a division taken with the following result:—

Ayes	.. .. ..	6
Noes	.. .. ..	5
Majority for	..	1

AYES.

Hon. J. Duffell	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. G. W. Miles	(*Teller.*)
Hon. J. Mills	

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. H. P. Colebatch	Hon. J. Cunningham
Hon. E. H. Harris	(*Teller.*)

Amendment thus passed; the clause, as amended, agreed to.

The CHAIRMAN: The Clerk will be instructed to amend any clauses in the Bill where consequential alterations are necessary.

The Minister for Education: I do not know that all the amendments can be accepted as consequential.

The CHAIRMAN: Those that are so will be made accordingly.

Clauses 9 and 17—agreed to.

Clause 18—Employment of funds:

Hon. J. DUFFELL: I move an amendment—

That in line 3 of paragraph (b) "leasehold" be struck out.

The MINISTER FOR EDUCATION: I do not know that this can be regarded as a consequential amendment. In ordinary circumstances I should have been prepared to regard the vote which has just been taken on Clause 4 as governing the whole situation, and striking out the word "leasehold" in every particular. In the present circumstances, however, I am not prepared to accept it in that way. A comparatively full House on a previous occasion decided, either on a division or on the voices, to leave the word in. Now, on a division taken immediately after tea, with only a bare quorum, it has been decided to strike out the word. I think it is only proper that members should have an opportunity to record their votes. I do not like the idea of a thin House altering that which a full House has passed.

Hon. Sir E. H. Wittenoom: Was the vote on Clause 4 challenged?

The MINISTER FOR EDUCATION: I think a division was taken on it. At all events it was decided by a considerable majority that the word should remain in.

Hon. J. Duffell: Is it reported in the Minutes of Proceedings that a division was taken on Clause 4? It was passed on the voices.

The MINISTER FOR EDUCATION: I know it was decided in a comparatively full House. In view of the circumstances, I shall press for a division on this particular amendment, unless you, Sir, rule that it is a consequential amendment.

Hon. A. SANDERSON: Have you, Sir, ruled that this is a consequential amendment?

The CHAIRMAN: I did not say so.

Hon. A. SANDERSON: Most of us would extend a certain amount of sympathy to the Minister in the circumstances, and in the ordinary way I would feel called upon, when he makes an appeal in this way, to be guided by him. On this occasion I disagree that there was anything like a snap vote taken on this subject. If there had been a deliberate expression of opinion by means of a division on this particular point, I would have felt inclined to take notice of the Minister's appeal. I shall support Mr. Duffell's amendment.

Hon. J. DUFFELL: Before the House met this afternoon I appealed to the Minister for Education to bring on this business at an early stage, as I had an important engagement at half-past seven. As he would not extend this consideration to me I had to forego that engagement.

Hon. J. CUNNINGHAM: I thought Mr. Duffell would have given some information as to why this amendment should be passed. It remains to be proved whether it is consequential or not. If we pass it, we shall probably inflict a hardship not only upon the societies, but upon people who have been doing legitimate business with them.

Hon. Sir E. H. Wittenoom: They have said that they have not done business at all on leasehold property.

Hon. J. CUNNINGHAM: The hon. member has not taken us into his confidence.

Hon. J. J. HOLMES: On a point of order. I would like a ruling as to whether this is or is not a consequential amendment.

The CHAIRMAN: My ruling is that it is a consequential amendment and there is no need for the hon. member to move it. I have given instructions to the clerk to make consequential amendments wherever it is necessary to do so.

Clause put and passed.

Clause 20—Power to acquire and deal with business premises:

Hon. G. J. G. W. MILES: In order that we may have an opportunity to discuss this Bill before a fuller House, I will support the leader if he moves to report progress.

The CHAIRMAN: The hon. member can move to recommit the Bill if he desires to have any clause further discussed.

Hon. J. J. HOLMES: Is it proposed to consequentially amend this clause as well?

The CHAIRMAN: Yes.

Hon. J. NICHOLSON: I would like to make a few observations on this clause. Nearly every building society in the State holds its premises on lease. The clause provides that any society, although not empowered by its rules to buy freehold or leasehold estate, may purchase, build, hire or take upon lease any building for conducting its business.

The CHAIRMAN: I made an error in saying that this clause would be consequentially amended. The Committee may be assured that wherever consequential amendments are necessary they will be made, otherwise the clause will stand as printed.

Clause put and passed.

Clauses 21 and 23—agreed to.

Bill again reported with amendments.

ADJOURNMENT—SPECIAL.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [7.50]: I move—

That the House at its rising adjourn until Tuesday, 26th October.

I had intended to proceed further with the business this evening, but during the last couple of sittings we have had two divisions with only ten or eleven members present. I know that several members are absent from the State, that others are prevented by illness from attending, and I believe in certain parts of the country agricultural shows are being held which are claiming the presence of several members. The next Order of the Day on the Notice Paper is the Public Service Appeal Board Bill, a measure of the first importance, indeed, I think the most important Bill to be submitted during the present session. I am prepared to go on with the second reading but I do not see any prospect of getting a larger attendance of members, even to-morrow. Therefore, I think we might adjourn until next Tuesday.

Question put and passed.

House adjourned at 7.53 p.m.

Legislative Assembly,

Wednesday 20th October, 1920.

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

QUESTION—WHEAT, BULK HANDLING.

Mr. GRIFFITHS asked the Premier: 1, Is he aware that the answer to my questions regarding the introduction of legislation necessary for the installation of the bulk handling system does not agree with what is stated to have taken place? 2, Will he state the exact position?

The PREMIER replied: 1, No. 2, The position was as stated in my answer.