

## Legislative Assembly,

Friday, 26th February, 1892.

Goldfields Act, 1886, Amendment Bill: third reading—  
 Wonnerup Roads Bill: in committee—Excess Bill,  
 1891: second reading—Customs Laws Consolidation  
 Bill: further considered in committee—Papers  
 relating to the case of De Burgh v. King—"Bullen's"  
 railway platform—Adjournment.

THE SPEAKER took the chair at 2-30  
 p.m.

## PRAYERS.

GOLDFIELDS ACT, 1886, AMENDMENT  
 BILL.

Read a third time, and transmitted to  
 the Legislative Council.

## WONNERUP ROADS BILL.

## IN COMMITTEE.

Clause 1—Closure of road:

MR. PARKER asked whether there were any persons living near this road which it was proposed to close, and, if so, whether they had been consulted in this matter? What he desired particularly to know was this: whether any persons had any vested interest in this road, and, if so, whether this bill had been brought in at their request or with their cognisance?

THE ATTORNEY GENERAL (Hon. S. Burt) said he had been informed that the whole of the lands adjoining this road belonged to one owner, Mrs. Locke, and that as a matter of fact this particular road had never been used by the public. What the public had used in order to get to the estuary were other roads, the use of which had been given them by Mrs. Locke, and there were absolutely no other vested interests. The Roads Board and all the persons concerned were quite willing to have this particular road closed.

Clause—put and passed.

Preamble and title:

Agreed to.

Bill reported.

## EXCESS BILL, 1891.

## SECOND READING.

THE PREMIER (Hon. Sir J. Forrest): In rising to move the second reading of this bill, to confirm certain expenditure of the past year, I do not propose to say very much. Members are aware it is

usual to have these Excess Bills; in fact, it is scarcely possible to carry on the Government of any country without exceeding the votes of the Legislature in some instances; and, in order to legalise the action of the Government in exceeding the votes of this House last year, we now come to the House and ask it to approve of this bill. It will be noticed that the amount is £16,885 12s. Against this overdraft, I may inform members that there is an underdraft on the transactions of the year of £21,735 0s. 4d.; so that when you deduct the underdraft from the overdraft there is still a sum of £4,849 8s. 4d. in favor of the Government. In looking through the items of this bill, members will notice that they are all connected with matters of public importance, involving an expenditure which the Government could not help, in excess of the votes of the Legislature; and when we go into committee, I shall be glad to explain in detail every item that appears on the schedule of the bill. I think it is sufficient for me now to formally move its second reading.

MR. PARKER: I think we are fully aware that an Excess Bill is a usual thing in this House. It has been so in the past, and I suppose it will be so in the future, the Government finding it necessary to exceed certain votes. But, usually, when we have passed Excess Bills in previous years we have had before us what is known as the Colonial Treasurer's statement, under the Audit Act, with the Auditor General's remarks on the various items of expenditure. This statement has also to be made under the present Audit Act, showing how each vote of the Legislature has been exceeded or unexpended; but that statement is not before the House at the present time. I believe it is not necessary under the Audit Act to place it before the House until three months after the first of the year, if the House is then sitting. I would ask the Colonial Treasurer, under the circumstances, whether he could not postpone the consideration of this bill until we have that statement before us. I do not suppose it is absolutely necessary to pass this bill at the present session of the Legislature, and it might be postponed until the House meets again, which I understand will be about August next, or some time

this year. As it is, if it is passed through the House this session, we certainly should be voting these excess items in the dark.

**THE PREMIER** (Hon. Sir J. Forrest): I think I may be permitted to explain that the House will not be voting in the dark, for I am prepared, as I said, when we go into committee, to explain fully every item in the bill. I may also state now what I forgot to state when moving the second reading, that, as a rule, the Government, in the past, have had an opportunity of bringing forward supplementary estimates; and, if we had had that opportunity last year, in all probability there would have been no Excess Bill at all. But, in the absence of a Supplementary Estimate, I think it must be satisfactory to the House that the overdraft on the year's transactions is less than the underdraft by £4,849. I think, if members will accept my assurance that I will be able to give detailed information on every item, they will be prepared to go on with the bill. As to the Auditor General's statement, of course it could be prepared, if members wish it, but it is not prepared yet, and, in any case, it will have to be presented to the House next session, when members will have an opportunity of discussing it, if necessary.

**MR. A. FORREST**: I presume this money has been already spent.

**THE PREMIER** (Hon. Sir J. Forrest): Yes.

**MR. A. FORREST**: In that case, I do not see what is the good of our waiting for the Auditor General's report. The Auditor General could not get the money back. If the House, when it goes into committee, and hears the Treasurer's explanation, disagrees with any of these items, it can only say so; nothing will bring back the money that was spent. We shall still have a chance, if the Government have done wrong, to move a vote of want of confidence in them, when we get the Auditor General's statement next session.

Motion—put and passed.

Bill read a second time.

#### CUSTOMS LAWS CONSOLIDATION BILL.

This bill was further considered in committee.

Clauses 56 to 63:

Put and passed.

Clause 64—"In this Act the words "Genuine Invoice" shall mean the original invoice prepared and issued in the country whence the goods mentioned therein were exported by the sellers thereof, and shall show the actual money price paid or to be paid for the goods by the purchasers in the place or country whence the same were exported, without any deduction by way of special discount, or because of the exportation, or for any other special consideration whatever. In the case of goods consigned to any person in Western Australia for sale therein, the words 'Genuine Invoice' shall mean the original invoice prepared, or caused to be prepared, as above by the consignor, and shall show the actual money price at which such goods were saleable in the principal markets of the the country, whence such goods were exported at the date of the shipment of such goods, and without any deductions as aforesaid":

**THE ATTORNEY GENERAL** (Hon. S. Burt) said as the committee had already decided, when dealing with clause 55, that the duty payable upon imported goods shall be upon the value of the goods to the importer here, less the amount allowed for special discount or on account of exportation (and not upon the actual market value of the goods in the place whence they were exported), it would be necessary to alter this clause, and also some other clauses, in the same way, in order to assimilate the various clauses dealing with that principle. He therefore had to move to strike out the words "without any deduction by way of special discount or because of the exportation, or for any other special consideration whatever."

Amendment—put and passed.

Clause, as amended, agreed to.

Clauses 65 to 71:

Put and passed.

Clause 72—"The fair market value of goods shall be taken to include the [amount of any drawback which has been allowed by the Government of any other country, also the amount of consideration or money value of any special arrangement between the exporter and importer, or between any persons interested therein because of the exportation, or intended exportation, of such goods, or the right to

"territorial limits for the sale or use thereof, and also the amount or money] value of any so-called royalty, rent, or charge for use of any machine or goods of any description, which the seller or proprietor does or would usually charge thereon when the same are sold or leased or rented for use in the country whence they have been exported to Western Australia":

THE ATTORNEY GENERAL (Hon. S. Burt) said it would be necessary also to amend this clause, which, like the other clauses that had been amended, dealt with the fair market value of goods subject to duty. In the clause dealing with the definition of "genuine invoices" (clause 64), they had struck out the words which excluded special discount and special allowances for exportation, and other special considerations. In the present clause he proposed to do the same, and also the amount of any drawback. It would be seen that the clause as it stood included the amount of drawback in the fair market value, but his amendment would do away with that also. He moved to strike out the words indicated within the brackets [*supra*].

Amendment—put and passed.

Clause, as amended, agreed to.

Clause 73—Drawback to be added to value, if deducted:

THE ATTORNEY GENERAL (Hon. S. Burt), for the reasons already given, moved a consequential amendment in this clause, to strike out the words "drawback consideration."

Amendment—put and passed.

Clause, as amended, agreed to.

Clause 74—Ministers to determine value in some cases:

Put and passed.

Clause 75—"No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of any package or packages where no charge for such package or packages has been made in such invoice; and where such charge is made the Customs Officer shall see that the charge is fair and reasonable, and represents no more than the original cost thereof":

MR. TRAYLEN asked whether this clause was not in conflict with clause 70, which provided that the market value shall include the cost of packing. This

clause, apparently, contemplated cases where there had been no charge for package. Did "package" and "packing" mean the same thing,—the case or covering in which the goods were packed? Or did the packing simply mean the act of packing up the goods into a package?

THE ATTORNEY GENERAL (Hon. S. Burt) said that clause 70 referred to the cost of packing the goods up, and not the case or package in which they were enclosed. The market value in the case of goods subject to *ad valorem* duty was to include the cost of packing and transit to the port of exportation, but it was not proposed to charge duty on the outside packages or cases in which the goods were packed unless a charge was made. If no charge was made, no deduction would be allowed.

Clause agreed to.

Clause 76—No deduction for inside covering, such as straw, cardboard, twine, wiring, etc:

THE ATTORNEY GENERAL (Hon. S. Burt) said he might mention with regard to this clause that claims for deduction had sometimes been made at the Customs in respect of the little cardboard boxes in which gloves, sweets, and things of that kind were enclosed, and even the little bits of colored ribbon with which the boxes were tied up, and the tissue paper, and, he believed, even the string. This clause did not recognise any such claims. No deduction would be allowed except in respect of the outer covering of the case or package.

Clause agreed to.

Clauses 77 to 79:

Put and passed.

Clause 80—"Whenever it shall be deemed advisable that any minor article used in the manufacture of any dutiable article shall be exempt from duties of Customs on importation into Western Australia, the Governor may, by order (which order shall be published in the *Government Gazette*, and laid upon the table of both Houses of Parliament without delay), direct that such minor articles, if otherwise dutiable, may be admitted free of duty, and such minor articles shall be admitted free accordingly from a date to be specified in such order. Every such order shall

"state specifically the article or articles "to which it refers":

MR. TRAYLEN would be glad if the Attorney General would enlighten him as to the meaning of this clause. What were these minor articles that were to be admitted free of duty? What claims could be put up, or could not be put up, for a remission of duty under this clause?

THE ATTORNEY GENERAL (Hon. S. Burt) said he was really unable to say, for the moment, what the clause applied to. It seemed to contemplate that it might be advisable in some cases to admit free of duty some small article used in the manufacture of another article upon which duty had to be paid; and this clause would enable the Governor, by a *Gazette* notice, to direct that such minor articles, if otherwise dutiable, should be admitted duty free. It was one of the clauses suggested by Dr. Wollaston, who was now Collector of Customs in Melbourne, and who, it would be remembered, had visited this colony for the purpose of reporting on the reorganisation of the Customs department here. No doubt the clause was a necessary one, or Dr. Wollaston would not have recommended it; but he must say he was not at the present moment fully seised with the circumstances to which it would apply. He did not think there could be any harm in it at any rate, looking at the way in which it was hedged round.

Clause agreed to.

Clauses 81 to 97:

Put and passed.

Clause 98—No amendment of entry shall be permitted, nor refund or abatement allowed when goods have left Customs officer's custody:

MR. TRAYLEN thought this provision might operate rather unfairly in some cases, where a mistake had been made in an entry, and the mistake was only discovered after the goods had left the custody of the Customs officer. Sometimes those who packed the goods in the home market made a mistake as to the contents of the case, as described in the invoice, and that mistake would not be discovered until the case was opened here, after delivery from the Customs. It seemed rather hard that, upon the discovery of such a mistake, no correction should be allowed.

THE ATTORNEY GENERAL (Hon. S. Burt) said it would never do to allow amendments or corrections to be made, after an entry was passed. It would simply open the door to fraud. A man might make a false entry, and, when found out, he would turn round and say, "Yes, I must amend that." How could you draw the line? When you made your entry you must stand or fall by it. Of course, if it was simply a mistake in the particulars of the goods, the Customs would not be likely to press it, if the thing was explained. But if it was a false entry, and amendments were allowed to be made afterwards, when the fraud was discovered, the owner of the goods would immediately say, "Oh, it must be a mistake; I'll correct it." Something must be left to the discrimination of the Customs officer.

MR. TRAYLEN asked whether the clause might not be made permissive or discretionary on the part of the Collector, instead of being absolutely prohibitive, and so preventing a correction being made under any circumstance?

THE ATTORNEY GENERAL (Hon. S. Burt) said he would not object to add the words "without the special permission of the Minister" at the end of the clause (which was done).

Clause, as amended, agreed to.

Clauses 99 to 126:

Put and passed.

Clause 127—"An annual fee of £50 to be paid by occupier or licensee of every private bonding warehouse":

MR. TRAYLEN said that so long as there were private bonding warehouses so long would dishonest traders import such deleterious beverages as he had referred to on a previous occasion, such as brandy at 6 $\frac{1}{2}$ d. per bottle and other delectable compounds. Would it not be well to consider whether private bonds used for spirits exclusively ought not to pay a higher fee?

THE ATTORNEY GENERAL (Hon. S. Burt) said he did not know that there were any private warehouses used for spirits exclusively, and he did not see how they could discriminate between spirits and other articles. These private warehouses could only be used for the goods of the occupier or lessee; they were not for the use of the general public; and

the fee had been raised from £30 to £50.

Clause agreed to.

Clauses 128 to 341 :

Put and passed.

Clause 342—"The master of any ship, "having on board any lunatic, idiotic, "deaf, dumb, blind, infirm, or completely "indigent passengers as aforesaid, and "arriving in any port in Western Australia, shall declare the names of any "such passengers to any officer of Customs, who may board his vessel on "arrival, or before he enters his vessel at "the Custom House; and, if he shall not "be boarded by any such officer prior to "making his inward report, he shall "declare the names of any such passengers to the collector, at the port of "entry, when entering his ship at the "Custom House, and if he shall neglect, "or fail to do so, he shall be liable to a "penalty of one hundred pounds sterling":

MR. TRAYLEN said this was a new clause and an important one. He did not object to the principle involved, that of preventing the introduction into the colony of persons likely to become chargeable to the State; but he thought it would be rather hard on the master of a vessel to be liable to a penalty of £100 for "having on board" his vessel any persons of this character. He might not be aware of it. He would prefer to see the clause amended so as to read "knowingly having on board."

THE ATTORNEY GENERAL (Hon. S. Burt) said this clause only bound the master of a vessel to report the presence on board of any lunatics, idiots, blind people, deaf and dumb people, and persons of that kind, if he had any. As for saying "knowingly having on board," he did not think a master was likely to have a lunatic on board his ship without knowing it. If they were to say "knowingly," there would be a difficulty at once in proving this knowledge, in the case of undesirable importations. He thought the safest way would be to throw the onus on the master. If the master could make out a good case he was not likely to be punished.

MR. TRAYLEN was glad to hear that; because, although it might be impossible for a master to have a lunatic on board without knowing it, he might have a

"completely indigent" passenger on board without knowing that he was completely indigent.

Clause agreed to.

Clauses 343 to 358 :

Put and passed.

Schedules :

Put and passed, with some verbal amendments in Schedule 4, to bring it into harmony with the amendments made in the bill. (*Vide "Votes and Proceedings," p. 182.*)

Preamble and title :

Agreed to.

Bill reported, with amendments.

#### THE CASE OF "DE BURGH v. KING."

MR. QUINLAN, in moving that all the papers in connection with the case of *De Burgh v. King* be laid on the table of the House, said he was not himself acquainted with the circumstances of the case, but he had been asked to move for these papers by some of his constituents, and he understood the Attorney General had no objection.

THE ATTORNEY GENERAL (Hon. S. Burt) said there was no objection to the papers being produced, but he was afraid the hon. member would find there was really nothing in them.

Motion—put and passed.

#### RAILWAY STATION AT BULLEN'S OR COTTESLOE.

MR. PARKER, in accordance with notice, moved, "That all reports received by the Commissioner of Railways from any railway officials, with respect to the site of the proposed new station on the Eastern Railway, between Claremont and North Fremantle, be laid upon the table of the House." He did not know that there would be any objection to these reports being laid on the table; therefore, it would be unnecessary for him to say a word beyond moving for them.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said he had no objection to the production of these reports, but he had already given the House all the information at his disposal, when he answered a question on this subject a day or two ago, and he said so at the time. It was almost as much as to say that the information he then gave to the House was not truthful, or that

the hon. member did not believe it, or that what he then stated was not based upon the information he had before him. Of course, if the House wished to express an opinion on the question of the site of this station or any other station, it was competent for the House to do so. But it was purely a departmental question. The House could express an opinion on the subject whether this station should be at Bullen's or Salvado Street, but it was for the Railway Department to decide. If they wished to have half-a-dozen stations, they could pass resolutions to that effect, but the department which was responsible must decide whether it was necessary or safe to have these stations. He had already given the House the substance of the information now asked for, and the reports now moved for would do no more. He had no objection to the motion, if the hon. member wished to have these reports.

Motion—put and passed.

#### ADJOURNMENT.

The House adjourned at twenty minutes past 4 o'clock, p.m.

### Legislative Assembly, Monday, 29th February, 1892.

Supplementary Estimates: message transmitting—Remission of rents at the North—Appointment of Colonial Governors—Remission of fines for non-payment of rent at the North—Privilege: right of Ministers to refuse production of papers—Scab Act: proposed amendment of—Fires: prevention of—Wonnerup Roads Bill: third reading—Excess Bill: postponement of—Bankruptcy Bill: Legislative Council's amendment—Electric Lighting Bill: in committee—Adjournment.

THE SPEAKER took the chair at 7-30 p.m.

#### PRAYERS.

#### SUPPLEMENTARY ESTIMATES.

THE SPEAKER announced the receipt of the following message from the Administrator:—

"The Administrator transmits to the Legislative Assembly the additional esti-

mates of expenditure for the year 1892, to the extent of £2,649 19s., and recommends an appropriation of the Consolidated Revenue Fund accordingly."

#### REMISSION OF RENTS AT THE NORTH.

MR. R. F. SHOLL: I would like to ask, without notice, whether the Government have taken any steps to carry out the resolutions of this, and, I believe, the other House, with reference to the rents in the North, which are due to-morrow?

THE PREMIER (Hon. Sir J. Forrest): I beg to inform the House that the Government propose to submit a bill as soon as possible providing that rents for 1892 in the Gascoyne and North-West Divisions shall be remitted.

MR. PARKER: Has any notice been given to these people that these rents will not require to be paid to-morrow?

THE PREMIER (Hon. Sir J. Forrest): Nothing excepting the statement made in this House that the Government would not impose any fine on those who did not pay on the proper date. I expected that those who could pay the rents would do so, and that those who did not would not be fined.

#### APPOINTMENT OF COLONIAL GOVERNORS.

MR. PARKER: We are aware that we are shortly to lose our present Governor, Sir W. Robinson. I believe that the Secretary of State for the Colonies has directed a circular despatch to the neighboring colonies, relating to the course which will be pursued by Her Majesty's Government in filling up vacancies. I should like to ask whether a similar despatch was sent here, and whether the Government are alive to the interests of the colony regarding the selection of their future Governor.

THE PREMIER (Hon. Sir J. Forrest): I am quite sure that the despatch did come to this colony, but I cannot answer off hand whether it was a confidential despatch or not. As far as I can recollect, I believe it has been published in the records of this House. But I think, speaking from memory, that the Secretary of State reserved to himself the right of nominating the Governor. The Government here will do all it can to see that our next Governor is a person suitable to