

and that was the reason I believe why the Premier withdrew Mr. Moran's name. It was perhaps through my not conveying this fully to my hon. leader that the unfortunate misunderstanding has arisen.

THE PREMIER: I did not withdraw Mr. Moran's name.

MR. MORAN: No; it was a misunderstanding.

Question (that a select committee be appointed) put and passed.

Ballot taken, and a committee appointed comprising Mr. Foulkes, Mr. Harper, Mr. Hastie, Mr. Moran, also Mr. Rason as mover; with power to call for persons and papers, and to sit on days over which the House stands adjourned; to report this day fortnight.

[**MR. ILLINGWORTH**, as a deputy-Speaker, took the Chair a few minutes before the close of the sitting.]

ADJOURNMENT.

The House adjourned at 10.42 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 16th September, 1902.

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

PRAYERS.

PAPER PRESENTED.

By the **MINISTER FOR MINES**: Residential areas (Williamstown) near Kalgoorlie, Return ordered on motion by Mr. Reside.

Ordered: To lie on the table.

LEAVE OF ABSENCE.

On motion by the **PREMIER** (in absence of Mr. Jacoby), leave of absence for one fortnight granted to the member for East Kimberley (Mr. Connor), on the ground of urgent private business.

RETURN—ATLAS BOILER FLUID, DIXON'S FLAKE GRAPHITE.

On motion by **MR. RESIDE** (Hannans), ordered: That there be laid upon the table a return, showing—1, The cost for the Atlas Boiler Fluid supplied for the 12 months ending 30th June, 1902, and the corresponding reduction in boiler repairs. 2, The composition of the Atlas Boiler Fluid. 3, The advantage that has followed from the introduction of Dixon's Flake Graphite into the Locomotive Branch, and the saving in oil effected.

PAPERS—RAILWAY CARS EXCHANGED (MIDLAND).

On motion by **MR. ILLINGWORTH** (in absence of Mr. Wallace), ordered: That all papers and correspondence relating to the sale or exchange of composite and lavatory cars between the Midland Railway Co. and the Government be laid on the table.

RETURN—TUART TIMBER.

On motion by **MR. HAYWARD**, ordered: That a return be laid upon the table, showing—1, The total quantity of tuart timber used by the Works and Railway Departments during the past two years. 2, The approximate quantity of available tuart timber now growing upon the Stirling Estate or other Government property.

FREMANTLE HARBOUR TRUST BILL.

SECOND READING.

Debate resumed from the 2nd September.

MR. F. ILLINGWORTH (Cue): I am sorry to say this Bill is like some others that have been brought into the

House: it practically means neither one thing nor the other. If we had a proposal to put the Fremantle harbour into a real trust commission, I should be strongly inclined to support the measure; but this Bill is neither one thing nor the other—it is one of those half-and-half measures that do not commend themselves to my judgment. We look at the position, and find that the State has expended £1,219,014 on this harbour. We have been informed that the tonnage of the harbour has increased since 1891 from 41,654 tons to 523,152 tons in 1900. The State has provided the whole of the money that has been expended on the work; and now that the work is so far completed that it is bringing in a certain amount of revenue, it is proposed to hand over the management to a board of commissioners. Is there ever to be an end to handing over the work of this Parliament and of the Government to the hands of commissioners? Or are we to go on from time to time referring every special work which involves any particular amount of care and management to a select committee, or to a commission? The State has expended this money; Parliament is responsible for this expenditure, and ought to be responsible for its control; and if the Government cannot undertake to fittingly manage a concern like this, it does not speak well for the Government. It will come to this very shortly, that every piece of work of any magnitude that requires management will be taken out of the hands of the Government. What are the Government for, but to take control of matters of this kind?

MR. DIAMOND: The Government in no part of the world control such things.

MR. ILLINGWORTH: If it were intended by the proposal of the Government to create a harbour trust that would assume the responsibilities of this expended money, and would undertake to give to the State interest and sinking fund, and take the whole control and responsibility off the hands of the State, then we should have something worthy of consideration. It does not appear to be the intention of the Government in this Bill to do anything but create a board practically to manage the harbour. And the management are under no obligation to pay to the State interest and

sinking fund on the money expended; they are under no obligation—indeed they have no powers given in the Bill—to raise money for improving the harbour, for extending it, or for in any way increasing its efficiency. They have no financial powers, so far as I can gather, in this Bill, the object of which is simply to relieve the Government of the management of the harbour. Of course it may be said the management has been had in the past. Perhaps that may be true. But I wish to suggest that the Government have not yet had a fair opportunity of managing that harbour, owing to its incomplete condition; and what guarantee have we that when the trust commission have been formed, legitimate charges will be made, and care taken in the expenditure connected with this work? It does not seem to me that this Bill protects the interests of the State as it ought to protect them. But let us pass from that, and take the Bill just as it is, assuming that there is justification—as the Government doubtless thought there was, or they would not have brought in the Bill—for placing the management of the harbour in the proposed commission. The first objection I have to the scheme is the question of the chairman. If there is to be proper management and control, and if it is intended to hand over the control of this important work to the commission, I contend that the chairman ought to be a man of strength, a man who would give his whole attention and his whole time to the work, and that such a man cannot possibly be procured for £600 a year. This is, I contend, a cardinal defect in the Bill. Provision should be made for a chairman, a man of known ability, capacity, and integrity, who would give his whole time and devote his whole attention to the management of the harbour. We must remember that he will manage for this State a property which has cost us nearly one and a quarter millions of money; and I contend that £600 a year will not procure the man who ought to be placed at the head of this work. I should think something like £1,000 a year would be the sum required. Then the next complaint I have to make regarding the Bill is that the engineer, who ought to be an officer of the commission and not a commissioner, is placed

absolutely higher in the matter of salary than the chairman of the board. Now who is to control? Is the engineer to be the controlling force? If so, he ought to be the chairman; and he ought to have a sufficient salary. But I contend that the engineer ought not to be a member of the board at all; that he ought to be a professional man of repute and capacity, able to do the work which it is intended he should do; and that he should be under the control of the chairman. I believe the harbour is at present managed by an engineer at something like £400 a year.

MR. DIAMOND: He controls the construction only, and has nothing to do with working the shipping.

MR. ILLINGWORTH: That may be so. But in the Bill the engineer has nothing to do with anything but maintenance. No construction comes under his control. Construction, extension, and improvements remain in the hands of the Government; and if improvements be required, the Government have not only to make them, but to find the money. Now the Harbour Trust of Melbourne are elected by the persons most interested in the harbour. When appointed, the trust were called on not only to manage but to create the harbour, and to find the money for its creation. They were responsible for the money; they had power to raise the money; they raised the money, did the work, and were responsible to their own constituents. When the Sydney Harbour Trust were created, the first thing done was to make them responsible for the interest on the money already invested in the Sydney harbour; and I cannot understand why the Government do not propose to do the same thing here. It seems to me that the very first thing we ought to do is to make the commission responsible to the State for recouping at least interest, and I think sinking fund also. In this Bill the State is practically relieved of all control; and there is nothing to prevent the commission making the wharfage rates and other charges so low as to be unpayable, if they think fit; and if they make their rates so low as not to pay the State for interest and sinking fund, by whom will such liabilities be paid? This money is made a charge on the general revenue; and necessarily so, because interest and sinking fund must be paid; and I venture to

say it will be an actual charge, to a very large extent, on the general revenue, if the harbour be handed over to commissioners practically irresponsible, so far as this Bill is concerned; for there is no duty laid upon them of providing interest and sinking fund, so far as I am able to gather. Then, taking the board as suggested, I do not think five members sufficient. I think the commission should consist of at least seven members. The first interest to be considered is that of the State, which has to provide the money; and clearly the State should have a controlling power. Of course it may be said that if the Government appoint three members of the commission, or at any rate a controlling voice on the commission, the Government have a certain control over the revenue. But there is no security that in appointing three men the State's interest in the revenue will be protected. I do not approve of a nominated board; but if we are to have such a board, then the proposal of the Bill is, to my mind, in this respect defective. There are three interests involved. First, that of the State, which provides the money; second, that of the shipping interest, which uses the port; and third, that of the merchants, on whose account the port exists, and who have eventually to pay. Of course it may be said the general public have to pay in the end; but all the charges fall first on the merchants; and the shipping people protect themselves, because they regulate their freights to the port according to the local conditions, as is done with every other port in the world. So I suggest that if the commission be appointed there should be at least seven members, two representing shipping, two representing the merchants, and three under the nomination and control of the Government. There are some other small defects in the Bill which can perhaps be amended in Committee, and with which I shall not now detain the House. I wish simply to suggest that this is not the kind of commission we ought to have. We ought to have an elective board; a board which will take the responsibility for providing interest and sinking fund to protect the State. The cardinal points of the Bill as it stands are that the Government create the harbour at their own cost; they are going to extend it and do all the work

that requires to be done at their own cost; and when finished, the harbour is to be handed over to an irresponsible commission to make charges and deal with the harbour as it pleases. Farther, this commission is deficient in the points I have suggested. I am not prepared to say the Bill ought not to be considered in Committee; but it will require a great deal of consideration in Committee before it is likely to meet the requirements of a Bill of this character.

MR. A. J. DIAMOND (South Fremantle): I presume a Bill of this description can hardly come within the scope of contentious politics. The Fremantle harbour is a great national undertaking, a great national asset, a great source of national expenditure. If it is, as I presume, the duty of the Government of the State and of this House to make the harbour a source of national income, that is an income that will not only pay interest on the outlay but also the working expenses and perhaps a trifle over—although I do not think that is necessary—in order to bring this state of affairs about, it appears fairly evident to anybody who knows anything about the subject and of the working of affairs at Fremantle that some direct control must be exercised. At the present time the harbour is managed—or mismanaged perhaps, because a conglomeration of managers very seldom results in anything satisfactory to the public—by the Railway Department, by the Public Works Department, by the Customs Department, and by the Harbour Master's Department. This is not a matter which affects Fremantle as a port, or the people of Fremantle as a shipping or mercantile community: it is a matter which affects the people of this State far more than it does any individual interest; consequently, in taking into consideration any scheme for the management of this great national undertaking, I want to place on record my opinion that the interests of the State must have the primary consideration. I will just give one practical illustration of the necessity of something like a legitimate business control of the Fremantle harbour and its working. At the present moment a ship discharging at the quay at Fremantle may have cargo consigned to Fremantle and cargo consigned through to Perth. The

Fremantle cargo is put over the side of the ship on to the wharf, and pays 3s. 6d. per ton wharfage; the Perth cargo is put over the other side of the ship into a lighter, and only pays 1s. a ton lighterage, although the cargo comes out of the same ship and has all the benefits of the harbour construction. The Perth cargo ought certainly to pay its fair proportion of the harbour dues, but the result is that one portion of the cargo is penalised at the expense of another portion. This alone shows the necessity for something like consistent business control which will bring about a scale of rates fair to all parties.

MR. ILLINGWORTH: Could not the Government do that?

MR. DIAMOND: The Government at the present time collect rates through the Railway Department. Where the Government come in, I do not exactly know. I do not know how the money is allocated, I mean the 3s. 6d. per ton which the Railway Department receive for the cargo landed on the wharf and the 1s. per ton for the cargo which is put into lighters for conveyance to Perth; how it is eventually distributed I am not able to say. There is another anomaly, and when one begins to talk about this harbour there is a whole vista of anomalies cropping up. Cargo is discharged into trucks on the open wharves where there are no sheds constructed, and this cargo has to pay 3s. 6d. a ton, which includes the truckage of the goods into the new sheds. Thus the Railway Department receive 3s. 6d. a ton for taking the goods into their trucks and putting them into the sheds, and eventually distributing them. But if a ship lies alongside one of the new sheds constructed on the wharf, the owner of the ship discharging the goods puts them into the sheds, and the merchant has to pay 3s. 6d. a ton for the goods. The shipowners receive 1s. 3d. for handing the goods into the sheds. Whether they pay too much or too little is a matter to be inquired into. The amount charged for the various services appears to be far out of proportion to what is fair and reasonable. These are reasons which I give why the harbour should be placed under some business-like control. I am giving some reasons to show the necessity for such a control as the Government propose. Fremantle, to

become a great port, must show that cost of handling cargo is cheapened and that the handling is facilitated. The cheaper and quicker the cargo is handled inwards and outwards the greater chance there is of Fremantle becoming a great distributing port. I do not think the ambition of the West Australian Government, the West Australian Parliament, and the West Australian people will go so far as to expect that Fremantle will some day become the great Australian distributing port, but in my opinion the day will come when cargo will be largely transhipped at Fremantle, not so much for the transcontinental railway line, but into coastal steamers going to other ports. That can only be brought about by cheapening the cost of handling, landing, transshipping, and forwarding cargoes inwards and outwards from Fremantle. I venture to submit from previous experience, not only here, because I hardly take our experience as any criterion, but from experience gained all over the world, this can only be done by a special board. How that board is to be constituted is debatable matter, but I submit all the interests of this State, starting with the first interest of the State as the capitalist, right down to the labourer who works on the wharves, will be better served by bringing the harbour under a small central control, and taking it out of the hands of Government officials. I shall always be an advocate of retaining the supreme control in the hands of the State, that is the Government. With reference to the Bill, we have had the experience of Sydney, Melbourne, and Adelaide dinned into our ears *ad nauseam*, and I want to say at once and without hesitation that I think Melbourne a frightful example of the evils of an elective board. No doubt the member for Cue thinks differently, but I think the Victorian authorities have made an awful mistake. Every little suburban municipality whose boundaries are watered by the harbour elects representatives to the board.

MR. ILLINGWORTH: That is because it is a river

MR. DIAMOND: It is not only a river. Williamstown is not on the river, but on Port Phillip Bay or Hobson's Bay; Port Melbourne is not on a river, but on Hobson's Bay. Every little suburban municipality has the right to elect members to the

board, and I say, God forbid that we should have such a system in Western Australia. The result in Melbourne has been that every one of the delegates are fighting to get the harbour trust moneys spent in their little piece of country, on their own little—I mean municipality. I hope we will not have this element in our harbour trust. I do not propose to take up the time of the House to any extent, but I say I sincerely trust members will see the advantage of passing the second reading of the Bill. At the same time, every member naturally reserves the right to offer suggestions or move amendments in Committee. I am not bound hand or foot to the Bill; I have no reason to be; and when in Committee possibly I shall have some little alterations to suggest. Speaking generally of the Bill, and I have gone through it I can almost say backwards and forwards, I cannot see what is to be gained by making any material alteration in the measure. As to the number of commissioners, I must say that last year I suggested on the hustings that the board should consist of seven members. I am now compelled to admit that during the first few years perhaps, or for the first year, as a tentative proposition we should content ourselves with five members. We have not had such good instances given to us of having many members on boards which should induce us to follow the example. In Sydney the number of commissioners is three, nominated and appointed by the Government. I think five a reasonable compromise, and I shall not advocate an increase of that number for some time at least, and when an increase is proposed the necessity will have to be shown. With reference to the constitution of the board, I will say at once this House, if it does its duty to the country, will see that the Government of this State and that the people of this State secure in this Bill a preponderating influence on the board, that is a majority of the members of the board must be nominated or appointed in the interests of the State.

MEMBER: Why not the whole of the board?

MR. DIAMOND: I shall explain that in a moment. The people of this State, as the member for Cue (Mr. Illingworth) has pointed out, have invested one and a quarter millions in the Fremantle

Harbour Works; therefore the Fremantle harbour represents a business proposition with a capital of one and a quarter millions wholly subscribed by the people of Western Australia. This business proposition must, like every other business concern, work with customers; and the customers in this instance are shipping and mercantile people. The public, the old milch cow—as has been very properly observed by the member for Cue—always pay in the end; still, the direct, immediate customers of this business concern, as I call it, the Fremantle Harbour Works, are the shipping and business people; and therefore I consider it only right that the shipping and business people should have a voice in the management. To their contributions in the shape of wharfage, harbour dues, and so forth, we must look to return interest on capital as well as to cover working expenses in connection with the harbour. Therefore, while I am desirous, and while I trust every member is desirous, that the Government should have a preponderating influence in this board, I see no earthly reason why the business and shipping people should not have some voice in the management. Some degree of injustice would be involved in refusing them such a voice. So long as the Government secure preponderating influence, no harm can result. The member for Cue has touched on the salary proposed to be paid to the chairman of the board; and I agree that the Government are not likely to secure in return for the sum proposed the undivided services of a man sufficiently trained and experienced. I take it that the intention of the Government is that the chairman of the board should devote the whole of his time to the management of the harbour. If a suitable man be selected for the post, the harbour matters will be virtually the work of his life, or, at any rate, will demand the whole of his energies for years to come. Accordingly, I suggest to the Government—possibly I may move to this effect in Committee—that the salary of the chairman shall be a sum not exceeding £1,000 a year. The salary need not necessarily be fixed at £1,000 at the start. The Government may be left to recognise the services of the chairman from time to time, if those services warrant it, by increasing the remuneration. As regards

an engineer, I confess that at first I was of opinion that the engineer should have a seat on the board. I went even so far as to suggest that the engineer should be chairman. Farther consideration, however, and a little reading on the subject, brought me to a different frame of mind. Fortunately or unfortunately, professional men of the highest standing are not always celebrated for business aptitude; and the details of management in connection with the harbour are such as to demand a great deal of practical business experience. Necessarily, the engineer will have a large amount of work to do notwithstanding the statement of the member for Cue that the engineer would not be called on to do construction work. That statement scarcely puts the position fairly.

MR. ILLINGWORTH: The engineer will have maintenance to do.

MR. DIAMOND: Of course. If, however, the board suggested additions and improvements to the harbour, and the Government, with the consent of the House, decided to carry out those additions and improvements, the practical execution would certainly fall to the lot of the engineer, who, therefore, would need to be a man of high standing in his profession.

MR. ILLINGWORTH: The Bill does not say that.

MR. DIAMOND: I think the Bill does say so. At the same time I consider the interests of the State and of the people in general, as well as the interests of the harbour itself and those of the mercantile and shipping people, will be served much better if the engineer is a salaried servant of the board. The limit of salary in this case also is too low. I do not wish to mention names; but I maintain it has been clear for some time past in this State that we have not overpaid our best men, to say the least of it, and that we are likely to lose our best men if we do not remunerate them adequately. I hold that the engineer's salary might be limited somewhat after the same fashion as I suggested in the case of the chairman. The matter, however, is one which I am prepared to leave to the discretion of the Government, who certainly must have better knowledge than I can have of the best men for the two positions. Now, if

the Government control the appointment of the chairman and the nomination of two other members of the board, there will be three members appointed in the interests of the Government. One other member should represent shipping, and one other member mercantile interests. When I say that one other member should represent shipping, I do not mean that he should represent simply those who virtually arrogate the claim to speak for the whole of the Fremantle shipping interests, some of which are not represented at all on the various shipping organisations. There is the inter-State Steamship Owners' Associations, represented by various managers in Fremantle; there are the large ocean steamer interests, English, American, and Continental; and, outside of these, there are the mail steamer interests. Represented on none of these organisations, however, are numerous other lines of ships: Messrs. Sanderson and Company's line, George Willand Company's, and others. Finally, there is the purely local, West Australian ship owner. When I say that the shipping interests should be represented on the board, I refer to the whole of the shipping interests of Fremantle, and I leave it to the Government to consider and decide what franchise should nominate the member who represents shipping interests. The selection of the representative of mercantile interests might, I think, fairly be left to the Perth and Fremantle Chambers of Commerce, which two bodies, by putting their heads together, could no doubt nominate a gentleman whose selection would be approved by the Government. In connection with this Bill, one other question stares us in the face, and it is one which cannot be overlooked. The Labour members have not yet made themselves heard on this Bill; but it is rumoured in Fremantle that before the measure passes out of Committee, Labour will advance a claim for representation on the board. When the Labour members do advance that claim, I shall have something to say. Among the suggestions circulated by the Perth and Fremantle Chambers of Commerce is one which to my mind is most objectionable; that the chairman of the harbour board or harbour trust should be elected by the other members. The adoption of that suggestion would virtu-

ally remove the control of the business of the harbour trust from the Government and hand it over to the Chambers of Commerce and to the shipping people. Now, I think I am a loyal Fremantle man. I have incurred a considerable degree of obloquy—I am sorry the member for Dundas (Mr. Thomas) is not here—by reason of my advocacy of Fremantle interests. Notwithstanding my loyalty to Fremantle, however, I recognise that in this particular matter—the statement can hardly be repeated too often—the preponderating influence must rest with those who are shareholders to the extent of one and a quarter millions of money, and that by no possible means should the supreme control of the harbour be allowed to pass out of the hands of the people as represented by this House and its lieutenants, the members on the Treasury bench. Consequently, I for one cannot accept the suggestion that the chairman of the board should be elected by its members. I fully approve of the determination shown in the drafting of this Bill not to invest the board with borrowing powers. We should not be doing our duty to the country, indeed we should be traitors to the country, if we granted any board the power of borrowing sums of money to spend at its own discretion. In this connection I desire to refer to certain observations of the member for One, many of whose remarks meet with my entire approval, though others, the hon. member will not be surprised to learn, I cannot indorse. The hon. member referred more than once to a responsible board.

MR. ILLINGWORTH: I said, an irresponsible board.

MR. DIAMOND: I understood the hon. member to refer to the necessity for a responsible board.

MR. ILLINGWORTH: No. I said the powers of the Ministry were to be handed over to an irresponsible board.

MR. DIAMOND: What responsibility other than a merely nominal one can attach to the members of this or any other board, unless those members are insured under bond with a fidelity-guarantee company? A man may make himself nominally responsible by saying "Yes; I am chairman of the board; Jones, Brown, and Smith, are also members; and we will see that the State of

Western Australia receives interest on its money, and that the working expenses will be paid." But even under such circumstances, where does responsibility come in? If the members fail to carry out their engagements, they are simply relieved of their offices; and that is the only redress to be obtained from men who assume this imaginary responsibility. Business men appointed to do the work of the board will use their utmost endeavours, but it is surely impossible to fix financial responsibility on them. If they fail to carry out their work as they ought, they will suffer in fame, and perhaps in pocket by loss of office. But a body constituted like the board proposed by this Bill cannot in the long run assume any direct and tangible responsibility such as is suggested by the member for Cue.

MR. ILLINGWORTH: But under this Bill the commissioners are irresponsible, and cannot be got rid of.

MR. DIAMOND: No; that is provided for in the Bill. I venture to submit that the adoption of the hon. member's suggestions would simply result in the creation of another expensive Government department. In existing circumstances, and in view of the experience of the past, I do not think a majority of the House will agree to any alteration of this Bill tending towards the formation of another expensive department. The board as proposed to be created by the Bill will be comparatively inexpensive. Some of its members, at any rate, will practically perform honorary duties; certainly, their fees will not exceed those of a director on the board of a small company. A great deal of work in connection with the harbour board will be done for virtually no remuneration by men who understand what they are about. I think, therefore, that the general idea of the Bill will meet with the approval of the people, and I sincerely trust it will meet with that of the majority of this House.

MR. M. H. JACOBY (Swan): I wish to state briefly that I agree with this Bill generally, and with one or two slight alterations in Committee I shall be able to support it. But I shall object, if any attempt is made to give a controlling influence to outside bodies. I consider

that, as the State has expended the money, the State should have the controlling power in the appointment of the board. It seems to me rather a ridiculous attitude taken up by some bodies outside, that the shipping interests and the mercantile interests who contribute to the revenue of this harbour should be given a controlling influence on the harbour board. I must object to that attitude on principle. If there is any chance of our handing this over as a self-supporting institution to a board, then there may be something in the argument for handing over all responsibility and complete control to that board. But whilst the State will have to find a considerable amount annually to pay the interest on the harbour, and also to find considerable additional sums for completing it, I consider that the main control of the harbour must remain in the hands of the State. I hope that when the time comes for the appointment of this harbour trust, no member of Parliament will receive a seat on that board. I hope the House will take a stand in this matter, and that we shall lay down the principle, or anyhow recognise the principle, and perhaps lay it down later in the Bill, that no member of Parliament should be appointed to any remunerative office unless he has ceased to be a member of Parliament for at least six months. I want to see, if possible, this Assembly remain respected throughout the State; and if these things occur, if members of Parliament are appointed to positions in the public service, it does not matter how particularly fitted they may be for the positions, there will always be in the minds of a very large proportion of the people an idea that some occult influence has been at work. I trust the Government will refrain from appointing any members of Parliament to this board. With regard to the management, I would like to see the salary of the engineer increased, and that of the chairman decreased. No doubt, we shall have appointed to the position of chairman of this board a recognised business gentleman largely interested in mercantile pursuits at Fremantle. I think that, perhaps, it would be as well if we were to give £300 a year to the gentleman to act as chairman of the board, instead of £600, and

give an additional £300 a year to a competent engineer. It is necessary that we should have as an engineer of this harbour a man fully qualified, and I trust that we shall not get ourselves into the same trouble as we have had before in this House through expecting men with small salaries to take very onerous positions. I see no necessity to give the chairman so large an amount as £600 a year, and I think the amount put down for the engineer is too small for a man qualified for the position. I have much pleasure in supporting the second reading of the Bill.

MR. R. HASTIE (Kanoona): It is pleasant for us now to deal with a matter that is not to be treated as a party one, and on which members will not be engaged in scoring points against each other. I notice that everyone seems to expect that we shall agree unanimously to have the Bill read a second time. I think that would be wise, provided that if we agree to have the Bill read a second time, we in no way commit ourselves as to the principle upon which members of this board will be elected. If that be left an open question to be decided in Committee, we shall, I hope, be able to create through this Bill a very fair and satisfactory board. For a long time many of us have spoken in this House of the great desirability of stopping as much as possible this principle of centralisation, and of seeing that wherever we can we should decentralise affairs, and not arrange matters so that everything that goes on throughout the entire country shall be centred say in Perth, or in some of the Government offices in Perth. It seems to me particularly desirable that, if possible, we should see that the harbour board shall be under some separate control from that of one of the public departments. But I very much doubt if the manner in which this is proposed to be carried out by the Bill is a wise one; for in the first place the people in Perth and Fremantle did not create that harbour; and on the other hand it really is the case that this harbour, to a very large extent, created Fremantle. The harbour has not been built by the people who live in this part of the country, but by the whole of the State. So much has that centralising policy been recognised that it does not

seem to be the intention of the Government to alter it in any way, to try to carry out a decentralising policy by appointing some people from elsewhere than this particular part of the country to manage this trust; and it seems to me that they have gone to a very dangerous extent in this respect, by giving power to this proposed board to spend a very large amount of Government money. This board is empowered by the Bill, if not to carry out extensions and improvements, to point out to the Minister what extensions and improvements are required; and the Minister will no doubt in the vast majority of cases do what is required by the commissioners, because the Minister will appeal to the House and say "The commissioners for the harbour here are the people who know best the requirements of the harbour, and unless I can show a particularly good case I am bound to carry out the instructions which they give." Besides, it is proposed to hand over to them another power more dangerous still. This Bill proposes that one man shall be elected by the Perth Chamber of Commerce, and one by the Fremantle Chamber of Commerce, and probably the Minister who introduced the Bill will be found to agree that one representing the shipping interests also shall be appointed. The consequence will be this. The first and greatest object of those three men—two men, at any rate, and perhaps three men—will be to reduce the harbour dues, to reduce freights and those other things to a non-payable price. This will be the principal object that those men will be elected to carry out.

THE PREMIER: The board cannot reduce or increase rates without the consent of the Government.

MR. HASTIE: But then the first thing that will be done when this business is handed over to the board will be to leave almost everything to it, and Ministers will not be in such a good position to take a fair view of the thing as the board itself; so it must be an absolute certainty that if a board be constructed on the lines proposed in this Bill, instead of the Fremantle harbour being a better paying property, the loss will be heavier every year. I was rather surprised at one or two remarks which fell from my friend the member for Cue (Mr. Illingworth).

It was only the other night that he particularly declaimed against handing over the property of the State to commissioners. So far as the railways are concerned, he appeared to find fault with that very strongly; but to-night he seems to favour commissioners—[MR. ILLINGWORTH: No]—only those commissioners ought to be popularly elected. I do not know exactly what he would expect from commissioners in a harbour any more than in a railway; but I feel certain of this, that if those commissioners are elected in the way proposed by the Bill, people outside the direct shipping interests in the metropolis will very soon declare them to be a failure.

MR. ILLINGWORTH: They will have to find the money.

MR. HASTIE: If the question of election comes in, two particular points should be borne in mind. The member for Cue has just mentioned one of them, that if the members of the commission are elected and if they have responsibility, those persons must be made to find the money, and the Government must not always be expected to foot their bill. But, as I have already said, the great tendency will be to reduce rates, and the tendency will be ten times stronger to do that seeing they have no responsibility of finance, but that the Government will always come along and finance the undertaking for them. Then another thing in connection with an elective board also requires to be strongly borne in mind, and that is, who are to be the electors? Will they be the people who live in Perth and in Fremantle? I believe I am right in saying that as a general rule the farther people are away from the seaboard in this country, the greater is the amount of imported stuff they use, on the average. That is, the people who live in Perth and in Fremantle no doubt consume a much greater quantity of locally grown produce than do people who live a considerable distance off; and if it is necessary for the Chamber of Commerce in Perth and the Chamber of Commerce in Fremantle to have representation here, it is still more necessary that the chambers of commerce and the business people at a very great distance from the metropolis should have representation. But as it would be very inconvenient to increase this board up to 14, 15, or 16, it is evident there are more

reasons why this board as proposed should not be elected than that it should. If we are to have a popular election, then practically every person ought to have a vote in the choice of these commissioners. I am impelled to speak on the matter this way, that as this is a big national work and the State has to find the money, as it is not proposed to hand over the finances of the harbour to any small board, then whatever board is appointed, that board should be nominated directly by the Government of the State, and the Government should be responsible to this House in the first place for the management of the harbour, and in the second place for any expenses incurred. We need not expect that our expenses connected with the Fremantle harbour are at an end. I do not think that we have half completed it yet. We shall find in the future, as we have in the past, that every year there is a good case made out for additional expenditure. That is the case in regard to almost every harbour I know of in the world, and I do not think we are justified in taking a more optimistic view in connection with Fremantle. Another question was raised by the member for Cue. He expressed some doubt as to whether decentralisation should begin in this matter. "Would it not be better," he said, "if we changed the mode of control that obtains with the Fremantle harbour at the present time?" The Public Works Department and the Railway Department manage it between them at present; and I take it the hon. member's suggestion is that we should have a distinct sub-department directly under the Minister, and that it and it alone should control this harbour. Much may be said for that; but I think on the whole our experience in this country has shown that wherever we can possibly decentralise, it is better for the country and for the work.

MR. ILLINGWORTH: Put the Government into commission!

MR. HASTIE: Well, commissions can sometimes be elected which will show the Government something Ministers do not know. I understand the Government are practically a commission.

MR. ILLINGWORTH: And you are taking away their work.

MR. HASTIE: We certainly take away some of their work; but the prin-

principal complaint I have heard from Ministers since I have been in this House is that they have too much work to do already. If the Minister in charge of the Bill can assure us that we shall have a full opportunity of discussing the various details in Committee, I think we may fairly agree to the second reading; and we shall then be able considerably to improve the Bill, and to do something—and something is really required—to put the shipping affairs of this State in better order.

MR. J. L. NANSON (Murchison): Until the member for Cue (Mr. Illingworth) had spoken, I was under the impression that the principle of this Bill commanded the universal support of hon. members; and even so far as that hon. member is concerned, I was under the impression that at one time in his political career he had belonged to a Government that made very prominent in its platform the system of management of harbours by means of trusts. However, with experience there sometimes comes change of mind; and possibly, having left the Ministry and looked on this matter from outside, the hon. member sees reason why he should oppose the principle of placing the Fremantle harbour under a trust, and is inclined to believe that it should remain as at present, wholly controlled by the Government. If, however, we look farther abroad than Western Australia, we shall discover, as was pointed out by the Colonial Secretary in moving the second reading, that in the Eastern States the principle of harbour trusts has I think without an exception been adopted, and has on the whole answered very well. If we go to England, we shall find that although in the mother country there is not the tendency that is to some extent bewailed in Australia of putting every important branch of administration under commission, yet it has been found a sound policy to place the control of harbours, of lighthouses, and of rivers under boards freed from political control.

MR. ILLINGWORTH: But the country has not found the money.

MR. NANSON: The country, in the circumstances I have mentioned, has found a very great deal of the money; in fact in regard to lighthouses, which are under the control of the Trinity Brethren, I think the whole of the money is found

from national resources, and the Trinity House, an absolutely non-political body, is invested with very wide powers indeed.

MR. ILLINGWORTH: And is responsible for the interest.

MR. NANSON: I am entirely at one with the member for Cue in guarding against this tendency to place too many powers in the hands of commissions, to divest the Government of too large a share of responsibility; but if I read this Bill aright, it seems to me that there is no intention on the part of the Government to divest themselves of responsibility, but that they keep a very tight hand on the proposed harbour trust, and that if they err at all, they err possibly in the direction of keeping somewhat too tight a hand on the commissioners. If it be proposed that the Government shall nominate the majority of the members of the harbour trust, and if that intention be adhered to, then it is matter for consideration whether the powers of the harbour board may not to some extent be enlarged, or whether those powers may not be used without having in almost every instance recourse to the Government in order to obtain Government sanction. However, as I have said, on the general principle of this Bill there can be little need of debate. The principle that it espouses is not the heritage of any political party in the State. I believe the principle of a harbour board was advocated before the Leake Government came into power; the Leake Government were always its strong supporters; the present Government only carry on that policy; and no one, with the exception I think of the member for Cue—and he is only a recent convert—has ever attempted to suggest that the ultimate evolution of the control of the Fremantle Harbour Works was not the placing of those works under commissioners.

MR. ILLINGWORTH: I complained that the board are not responsible.

MR. NANSON: I am not quite able to follow the hon. member's argument. I thought he was complaining that the Government were throwing responsibility from their own shoulders on to the shoulders of the board; but I now gather he is complaining that although the Government throw responsibility off their

shoulders, they do not throw it on to the shoulders of the board.

MR. ILLINGWORTH: The Bill does not make the board responsible for interest and sinking fund.

MR. NANSON: However, it is refreshing and agreeable to find that the hon. member is on his guard against what is undoubtedly a dangerous tendency of Governments in Australia—that of throwing too much power on irresponsible bodies; but I think, in his affection for that principle of making the Government responsible, he has perhaps, so far as this Bill is concerned, allowed his fears to carry him somewhat away. There will no doubt be a need, when it reaches Committee, to amend the Bill in some particulars. I understood from the speech of the Colonial Secretary, that he anticipated as much himself; and in the admirable address with which he introduced this Bill, he did not lead us to suppose the Government were absolutely wedded to any of the details with which the measure necessarily deals. For my part I am inclined to think it will be a mistake if the engineer of the board be also a member of the board; because there is undoubtedly a tendency, when a professional man of high attainments is both a member and a servant of a board, that for all practical purposes he ceases to be a servant and becomes a dominant factor on such board. I doubt if that state of things is altogether desirable. Then as to the remuneration of members, while it is no doubt necessary that we should pay such a salary to the engineer as will secure a man of the necessary attainments, I do not know that the remuneration of the ordinary members of the board is a point of great importance, at any rate as regards those members who may be nominated by the chambers of commerce or by the shipping companies, if it be desired to give the shipping interests a voice in the nomination of members; because the gentlemen nominated by those bodies do not go on the board with the idea of drawing large salaries, but will sit simply to safeguard and to represent the mercantile and the shipping interests of the community, and be quite willing to serve without any very liberal rate of pay. There is a tendency against which it is desirable to guard at a time when the necessity for

economy is becoming more urgent; that is, while we contemplate making reductions in the public service on the one hand, we on the other hand create a number of new positions carrying salaries perhaps unnecessarily liberal. It may be possible to give the chairman a fairly good salary; but with the other members of the board I am inclined to think that the more desirable principle would be to vote a lump sum for their remuneration, and to let them distribute it amongst themselves. As to the number of members on the board, there is certainly much to be said for giving the shipping companies representation equal to that of the mercantile community. If the board were given larger powers than are contemplated in this Bill, if they were allowed to fix the harbour dues without reference to the Government, there can be no doubt it would be essential that the Government nominees should be predominant; because otherwise we might find that the mercantile and shipping representatives were simply running the board in the interest of the bodies they more particularly represented. At the same time, even if there should be a tendency to lower the harbour dues, it is not I think a tendency that need necessarily excite much alarm among hon. members. There can be no question that it is a good thing for the port to have the name of being a cheap port; and it should be part of the public policy of the country to make the shipping facilities of Fremantle as cheap as we possibly can afford to make them. We wish, as the member for South Fremantle (Mr. Diamond) indicated, to make Fremantle the great distributing centre in Australia. There seems to be nothing extravagant in that ambition, nothing in it that is impossible. But nothing can be more certain than that if we are to fulfil this ambition, then we must make the harbour as attractive as possible to those who use it; and if the shipping dues be low, if the shipping facilities be abundant, then I take it the general public of Western Australia really reap the major portion of the benefit in the long run. Before I sit down I should like to congratulate the Colonial Secretary (Hon. W. Kingsmill) on the manner in which he moved the second reading. He very fully explained the principles of the Bill,

and gave us a highly interesting *résumé* of the legislation of other States in regard to this subject. To my mind his method of introducing the measure was a model. It certainly makes it very much easier to debate the Bill on the second reading, and I think to a large extent expedites the course of public business.

MR. H. J. YELVERTON (Sussex): I am entirely in accord with the idea that a trust should be formed to take over the management of the Fremantle harbour. I think the time has arrived when the details of the harbour work should be taken out of the hands of the Government and given to a board. I am also in accord with the Government in retaining control in respect of future works and construction. I think too that in these circumstances the Government should retain a preponderating interest in appointing members of the board. At the same time, I believe the mercantile and the shipping interests should be represented on the board. With regard to the engineer, I am entirely opposed to his being a member of the board. I think he should be a servant of the board, and that a salary of about £800 a year, as proposed in the Bill, will be sufficient for the present. Considering that he will not have anything to do with the farther development and construction of the harbour, this salary should be sufficient to obtain the service of a suitable man. I should like to know whether he is to be a mechanical or a civil engineer. At present, a mechanical engineer is employed by the Harbour Department, and it is necessary that such a man should be employed by the department. The engineer employed in conjunction with the board or by the board should be a man who has the combined attributes of civil and mechanical engineer. It is possible to get such a man, and I suggest to the Government, or rather I suggest to the board, that in appointing their engineer they should have such a man. With regard to the chairman I am not in accord with the proposal that he should receive a high salary. I rather think that the man appointed to the office, as suggested by the Fremantle Chamber of Commerce, should receive a fee of about three guineas per sitting, and other members of the board will be amply remunerated—considering they do

not have very great responsibilities under the Bill—by the payment of two guineas per sitting. According to the plan showing the boundaries of the Fremantle harbour as proposed, Rockingham jetty is included within the boundaries of the harbour. Yet there is an agreement, so I am informed, with the Jarrahdale Forests and Rockingham Railway, whereby they have a grant in fee simple in so much of the soil and of the sea and foreshore from high water mark seawards as may be deemed necessary.

THE PREMIER: Deemed necessary by whom?

MR. YELVERTON: I presume by the Government. At any rate that clause exists in the agreement between the company I have referred to and the Government, and I should like an expression of opinion from the Government how under these circumstances they propose to include the property of the company within the provisions of the Bill. I am entirely in favour of the formation of the trust, and support the second reading of the Bill, subject, of course, to whatever amendments may be deemed necessary in Committee.

MR. J. J. HIGHAM (Fremantle): Those of us who have been brought into close contact with the shipping of Fremantle must be gratified that the House admits the necessity for the Bill, and does not indorse the expressions of opinion of the member for Cue, that the Government should go on managing this great work. Ever since the harbour was extended to include Victoria Quay, those connected with the shipping and mercantile interests have not been satisfied with the manner in which the harbour has been managed. There has been conflict between the various departments having control over the harbour—the Railway Department, the Customs Department, and the Harbour Department. After having had a fair trial without giving satisfaction, all begin to realise, as the mercantile community realised some time since, that it is essential the harbour should be placed under the control of a trust. We regret that the powers to be given to the commission are of such a tentative character, and there is some justification for the remarks of the member for Cue, that the board to some extent is neither one thing nor the other. But we

are satisfied that if we get this Bill passed, the work accomplished under the trust will justify the Government at no distant date in giving increased power and responsibility to that board, who will, I am sure, show increased work in return. Members seem fairly in accord with regard to the principles of the Bill. As to the proposed constitution of the board, the general opinion of those at Fremantle interested in the harbour seems to be that there should not be too many members on the commission. Five members would be an ample number, and although there is some little difference of opinion as to how the five should be nominated or elected, still I hope the House will come to a satisfactory conclusion and that a board will be nominated who will do good work. I hope and trust the Government will not desire to make the engineer of the trust a member of the board. It seems absurd that a man who is to be a servant of the board should also be one of those in control. The man who is to receive the highest salary on the board is also to be a servant. There is one anomaly which I trust the Colonial Secretary will explain to us. Why should we have an engineer receiving a high salary when all the engineering work has been taken out of the hands of the commission and placed in the hands of the Public Works Department? The only work over which the board's engineer will have any great control will be to effect all necessary repairs, with the maintenance and installation of better methods of dealing with the cargo that have been pending so long. So far as the outside harbour is concerned, I do not see that the engineer will have much to do. So far as the chairman is concerned, the Bill lays down the principle that the chairman should devote the whole of his time and energy to the work, and this principle is to be maintained. It is absurd to expect that the Government will get a gentleman to occupy the position for the paltry sum of £600 a year. Anyone with the qualifications which we hope to see the chairman of the board possess ought to be worth £2,000 a year, and the Government are not likely to get a man to take the position under £1,000 or £1,200 a year, and this accounts for the suggestion which has been made by the Fremantle

Chamber of Commerce that instead of having a chairman whose services shall be entirely devoted to the board, the Government should offer the chairman some additional fee for the slightly excessive duties he will have to perform over the other members of the board. No doubt the chairman would have to give a certain amount of supervisory attention in connection with the secretarial work, and in seeing that the work of the board is carried out. But if we can afford, and we should be able to afford to pay a gentleman to take the position of chairman, we ought to pay him adequately for his services, which would result in great benefit to the community. Attention has been drawn to the amount which the harbour has cost—one and a quarter millions practically. I do not know if members realise that this amount will have to be substantially reduced if that portion of the reclaimed land which is in the occupation of the Railway Department be debited to that department instead of to the harbour. If that be done, the amount I have mentioned will be considerably reduced. The land is now used by the Railway Department, and though a great deal of benefit is not being reaped from it, yet if the department were prepared to lease a great deal of the land which they do not require, a substantial amount would be received annually from that land. The question of the revenue of the harbour has been brought up in connection with providing the money for sinking fund and interest on the cost of construction. I am afraid if the harbour commission are not more successful than the Government have been, we are not likely to receive much return, if any at all. It is no secret that during the administration by the Railway Department and the Works Department, although substantial wharfage rates have been charged, little or no benefit has been reaped. This has been due to want of system, want of proper appliances, and to the conflict of interests. There has been too much delay in the loading and discharging of vessels through want of facilities for the proper handling of cargo. The system of discharging direct into the sheds has been a great success, and I think the country have to thank the mercantile community for bringing about this system. The late

Engineer-in-Chief started the harbour works with the idea of working all the wharves on the truck system. He could never see the benefit to be derived from directly working into the sheds, and it was only with the greatest difficulty, and I may say in the absence of the Engineer-in-Chief in England, that the shipping and mercantile communities were enabled to secure the first step towards getting the unloading worked direct into the sheds. That system has worked splendidly, and the sheds which are now open are giving a substantial return to the Railway Department. Although the Railway Department have received no benefit from the wharfage dues in the past, from the working of the sheds they are now receiving 3s. 6d. per ton wharfage. Certainly out of that they have to pay the shipping agents 1s. 3d. per ton, still the department obtain 2s. 3d. without any expenditure except that for supervision. There is no expenditure for labour at all: the 2s. 3d. is practically the net amount the Government receive. I hope when the harbour trust is in proper working order, more sheds will be built and a much larger return will then be obtained to the Treasury. We may then see the harbour paying something approximating the interest and possibly a fair amount towards the sinking fund. No doubt we all realise that a considerable sum has yet to be spent on the harbour works before they are placed in efficient order. Possibly the lower portion of the wharf, now devoted to the old system of discharging into trucks, will be raised to the same level as that portion where direct discharge into sheds is done. All general cargo will then be dealt with on the shed system. The harbour commission will not be an employer of labour, but will receive wharfage dues from the vessels in return for the conveniences of the wharves and appliances and for placing the goods in the sheds for distribution. The stevedores or the ships' crews—though we hope that not too much work will be carried out by the latter on the wharves—will do all that is necessary for conveying the goods into the sheds. The system has been proved the most economical and the best for all concerned. The north quay, which will soon be finished, may then be utilised for special cargoes necessitating handling

direct from vessels into trucks. The timber trade, the sandalwood trade, and all other heavy trade will be done on the north quay, and done effectively with proper supervision to provide that the trucks as soon as loaded may be got away. There are many points to which considerable attention will have to be given in Committee; but I am pleased to see that although hon. members may differ in opinion on various matters, we are likely to come to such a conclusion as will give Fremantle a useful harbour board, and will, I hope, eventually result in other harbours as well being worked economically and for the best results. The completion of the Fremantle harbour and the providing of all necessary facilities will do much to benefit the whole community. Lower rates of freight and quick discharge will be two important factors in our trade. Whereas the harbour is in disfavour at the present time, we may hope in the near future to have it regarded by foreign shipowners as one of the best managed ports in the world. As things are, many owners will not accept a charter from Fremantle, notwithstanding the vast improvements of the last few years. The steamer "Hafiz," which discharged at Fremantle the other day, took 50 per cent. more time than the owner considered reasonable. I know from the shipping association with which I am connected that the owner complained bitterly, and has declined to offer any of his vessels for Fremantle charter in the future. Until the harbour is controlled by a properly-constituted board and adequate facilities for prompt discharge are made available, we shall have to put up with high charges for freight and great difficulty in obtaining vessels.

THE COLONIAL SECRETARY (in reply): I have but few observations to offer in reply. First of all, I must thank hon. members for the spirit in which they have received the Bill; and especially must I thank the member for the Murchison (Mr. Nanson) for the extremely flattering remarks he has made concerning myself. "Praise from Sir Hubert is praise indeed." With regard to certain criticisms passed on the Bill, both inside and outside the House, I have a few words to say. In the first place, I must remark that I have failed to grasp the

exact attitude taken by the severest opponent of the Bill inside the House, the member for Cue (Mr. Illingworth), on account of his occupying, apparently at the same time, two absolutely different positions. The hon. member first blames the Government bitterly for wishing to shift responsibility to the shoulders of a commission, and then proceeds to blame them still more bitterly for not shifting enough responsibility on the shoulders of the commission. Of course, I am sorry that the Government have failed in this particular; but the position is one in which failure is inevitable; for if Ministers satisfied the aspirations of the hon. member in one respect, they must fall short of them in another. Again, the member for Cue suggested that the Government should do the work of the proposed board. With all deference I must maintain, however, that there is a good deal of work connected with the effective carrying out of operations in the harbour at Fremantle which cannot be properly done by any Minister, which demands for its effective carrying out the supervision of three business men such as we hope to secure by the appointments to be made to the board proposed by this Bill. Various suggestions have been made in connection with the measure by Fremantle bodies representing the commercial interests and the local and foreign shipping interests. With some of these suggestions I am glad to say I can fall in; with others, however, I must disagree. Nevertheless, I thank those bodies in Fremantle and elsewhere for their suggestions; and I thank also various members of the general public who have to the best of their ability criticised the Bill, for the fair and impartial attitude assumed towards it. I may add that, as I invited criticism, I am not in the least put out by it, but shall endeavour to assimilate in the Bill those suggestions which I consider to be good and as tending to advance the interests of the State. I find that quite a little agitation has been caused by the proposal of the Government to appoint the engineer a member of the board. At the time I introduced the Bill, I gave certain reasons why this should be done. I may say at once, however, that I do not wish to adopt any bigoted attitude on the point. I desire merely to remind hon. members

that there is excellent precedent for the proposal. The present chairman or president of the Sydney Harbour Commission is a gentleman who fulfils the functions of engineer to that commission.

MR. ILLINGWORTH: Is he not chairman as well?

THE COLONIAL SECRETARY: Yes.

MR. ILLINGWORTH: That alters the position.

THE COLONIAL SECRETARY: I suppose that gentleman is one of the most skilled, if not the most skilled, harbour engineers in Australia at the present time. I am reminded that the fact of the gentleman in question being chairman as well as engineer would rather emphasise than remove the objection which has been taken by the member for Cue in this particular. One amendment suggested by certain hon. members I hope will not be pressed, though I am not greatly concerned about it either way. Those members expressed a conviction that the appointment of members of Parliament to the harbour board would be improper. I for my part do not see that the fact of a gentleman occupying a seat in Parliament should debar him from using any abilities he may possess in the interests of the State in connection with this board. I repeat, I have no strong objection to the amendment; but I must point out that the remuneration of members of the board will be practically honorary—that is to say, the fees proposed to be paid will merely cover the out-of-pocket expenses estimated to be incurred by members of the board in respect of the time which they serve on it, and that the practice in the past has been for hon. members serving on Royal Commissions to draw fees. That being so, why should not members of Parliament who might possibly be appointed members of this board be enabled to draw fees without endangering their seats? I say once again, I have no object in making the stipulation; and I repeat what I stated in introducing the Bill, that the Government have not yet taken into consideration the personnel of the board. That is absolutely a fact; and therefore I wish to emphasise that in urging my view I have no object other than a desire that no class of the community shall be debarred from appointment to the board, if the Govern-

ment should consider the appointment of a member of that class suitable, and likely to prove advantageous not only to the board but to the State.

MR. JACOBY: There are just as good men outside the House as in it.

THE COLONIAL SECRETARY: Possibly there are good men outside the House, but there may be better men inside. I do not think the hon. member will dispute that proposition. In introducing the Bill, I emphasised the point that the clauses dealing with remuneration were purely tentative. So far as I am concerned, I am quite ready to welcome the suggestion made by the Fremantle Chamber of Commerce with regard to the appointment of the chairman. At the same time, however, I will go farther; and, say in particular, I do not wish the chairman to be elected by the members of the board. On the contrary, I desire that the nomination of the chairman should be in the hands of the Government. I may observe that I should be jealous about parting with any undue degree of control and placing it in the hands of commissioners, viewing the circumstances of this board. The member for Cue has striven to labour the point that the board should be made responsible for the payment of interest and sinking fund. In reply, I may point out that in only one State has that been done, namely New South Wales. In moving the second reading I pointed out that the circumstances of the Sydney Harbour Trust are altogether different from those of the harbour trust here proposed. When a times comes—as perhaps it may come some day—making it possible for the Fremantle Harbour Board to pay interest and sinking fund, then the constitution of the board will have to be altered. The principal work to be carried out in the immediate future is that of organisation, that of putting the Fremantle harbour on such a footing as will be fair to merchants and ship-owners on the one hand and to the State on the other. That work having been accomplished, it may become necessary—as it has become necessary in other States—to amend the system. I previously observed that wherever harbour trust Bills have been introduced, amendment has been found necessary—perhaps not immediately, but in some cases within

two or three years. I do not for a moment suggest that this Bill is perfect; I do not suppose that it will fulfil all requirements of conditions which may arise within the next few years; but for the purposes for which the Bill seeks to provide, for the purpose of organisation and for the purpose of putting matters on a fair and equitable commercial basis, this measure, in most respects at all events, will be found adequate. When the time for amendment comes, I shall certainly be glad to receive suggestions. As regards a point raised by the member for Sussex (Mr. Yelverton)—I am surprised to learn from the member for Fremantle (Mr. Higham) that the point has been raised—there may be a hidden meaning which I at present do not suspect. However, I shall make the fullest inquiries, and shall endeavour to satisfy the curiosity of hon. members. I must again thank the House for the extremely reasonable attitude adopted in regard to this measure, which I hope will be treated during the Committee stage in the same fair spirit as has been manifested during the debate on the second reading.

Question put and passed.

Bill read a second time.

At 6:30, the SPEAKER left the Chair.

At 7:30, Chair resumed.

DEPUTY CHAIRMAN—COMPLIMENTARY.

Order read, for resuming in Committee the consideration of the Railways Acts Amendment Bill. MR. SPEAKER (under the new Standing Order) nominated Mr. Illingworth to take the Chair.

MR. ILLINGWORTH, having taken the Chair, said: In taking the Chair for the first time, I may be permitted to express my feeling of gratitude to the honourable the Speaker for the honour which he has conferred in nominating me one of the contingent Chairmen, and also to hon. members for the kindly way in which they received that nomination.

THE PREMIER (Hon. Walter James): I am pleased to add to those words, and to say with what pleasure members of this House received the nomination of the member for Cue (Mr. Illingworth), and the member for Toodyay (Mr. Quinlan). We cannot hope that you, Mr. Chairman, will long continue to fill

this subsidiary position, or either of you. All we hope is that this is but a stepping-stone to higher places.

RAILWAYS ACTS AMENDMENT BILL.
IN COMMITTEE.

Consideration resumed from 4th September; the COLONIAL SECRETARY in charge.

Clause 13—Classification:

[At the previous sitting, Mr. Yelverton had moved an amendment to enable any servant discharged by the Commissioner to appeal to a conduct board.]

MR. ATKINS: The Premier took up the position that a conduct board was not a good thing, and he (Mr. Atkins) was quite with the hon. gentleman. Seeing that we had an arbitration court and a conciliation board, he did not see why we should have any other board, either in its place or subservient to it, or above it. He thought the hon. member for Sussex would be satisfied to withdraw that portion of his amendment after the words "or dismiss any officer or employee." The fact that we had an arbitration court and a conciliation board ought to be good enough as a check against any outrageous conduct on the part of the Commissioner. The Commissioner should have full power over the men, and if he misbehaved himself the House could take that power from him. He moved that all words in the amendment after "any officer or employee" be struck out.

THE PREMIER: If the amendment (Mr. Yelverton's) included the right to appeal to a conduct board, it made no difference from the position as it stood to-day. If there was a desire to alter the present condition of affairs, the conduct board must be eliminated. As he understood, the object of the amendment was to give to the Commissioner the sole power to dismiss. That object would to a large extent be defeated by the inclusion of a reference to a conduct board. The right of an appeal to a conduct board depended to-day on regulations, and it might be a question whether the right of appeal enjoyed now was not too full. His own opinion was that whilst men who had been in the service for some years were entitled to have a provision by which they could be protected from the arbitrary exercise of power by subordinate

officers, yet on the other hand a man who had been in the service only 12 months, for instance, and was really serving a probationary period, should not have the same right as was given to a man who had served a longer term and whose length of service was therefore *prima facie* evidence that he was a good and efficient servant. This Bill as it stood left the position as it was to-day, and he wished to urge upon members that whatever they might think in reference to the matter, it was far better for the Committee to avoid so controversial and so difficult a question until it cropped up in connection with a Classification Bill. In a Classification Act, provision was made for a minimum and maximum salary or award in respect to all grades and classes throughout the service, and also for an internal appeal board. When the Classification Bill was before Parliament would be the time to deal with the powers conferred upon the conduct board; so he appealed to members to let the question remain as it was now. During next session a Classification Bill would, the Government hoped, be introduced. He hardly hoped they would be able to settle a matter so complex in time for the House to deal with it this session, but they could introduce it next session, and members could then thoroughly go into the question. In the meantime matters could stand as they were to-day. The Government intended to stand resolutely behind the Commissioner, who would not be able to carry out his duties unless he felt the Ministry were prepared to give him opportunity for improving the railway administration.

MR. ATKINS: The Commissioner should feel he had Parliament behind him. By passing the amendment he had moved the Committee would indorse the Premier's assurance that the Commissioner would not be slaughtered.

MR. JACOBY: If the second amendment moved by the last speaker were carried, the Commissioner would have full power irrespective of any board; but if negatived, and if the first amendment were passed, his power would be subject to certain regulations. If it were desired to give him opportunity to make the railways successful, the second amendment should be passed. It was absurd to expect any commissioner to succeed unless

he had absolute power. In the Arbitration Act, any body of employees was given power to appeal against any unfair decision; and no harm could be done by expressing in this amendment the opinion that full power should be given the Commissioner, so that he might conduct the department on business principles.

MR. HASTIE seconded the amendment on the amendment.

THE COLONIAL SECRETARY: The Premier's assurance, read with the Railways Act of 1887, under which the Commissioner obtained his power of dismissal, should satisfy the Committee that the Commissioner would not be treated with the contumely which the member for the Murray feared. Section 2 of that Act gave the Commissioner power to appoint, to fine, or to dismiss summarily or otherwise the railway servants mentioned in the schedule, any such action to be subject to the approval of the Governor; and the schedule included practically all classes of railway servants with whom the Commissioner would come in contact.

MR. ATKINS: What harm could be done by allowing the Committee to confirm the intention of the Government to support the Commissioner?

MR. HASTIE: The last speaker seemed to assume that if some Commissioner had the railways under absolute control, all trouble would be at an end. But what had experience shown elsewhere? Whether under one or three Commissioners, the result was unsatisfactory unless the management was thoroughly good. According to a Perth newspaper, the report of the select committee on the Victorian Railway Commissioners stated that the system of appointments and promotions was without method, and the treatment of employees unequal, and that the Minister had no control over the management; while the committee recommended that in future the department should be placed under the control of a board of three, one of whom should be the Minister for the time being and chairman of the board, with power to veto the board's decision. And this was in spite of Victoria's long experience of one Commissioner. Such a proposal would surely be better than giving one man arbitrary power. It seemed to be thought Mr. George could personally inquire into

every case; but most cases would be those of which he had no personal knowledge. Moreover, in a branch where there was already a conduct board, that board had assisted considerably in settling disputes. Those who said the employees could appeal to the Arbitration Court should remember that the court could not deal with individual cases, but could interfere only where the general conditions or the wages were considered unsatisfactory. The first amendment meant that if any man were employed for a few days, he could appeal to a conduct board against dismissal; but that was surely not the intention. Leave this matter as it stood, trusting the Government to fulfil their promise. The Premier had said he did not expect this session to introduce a classification scheme, including a conduct board; but without an Act of Parliament, a conduct board had been created to deal with engine-drivers; and the Minister for Railways should extend the scheme to the Railway Association, when there would be less trouble with employees.

Amendment on amendment (to strike out latter part) put and passed.

Amendment as amended put and negatived.

Clause passed as printed.

Clauses 14 to 19, inclusive—agreed to.

Clause 20—Quarterly reports to Minister:

On motion by the COLONIAL SECRETARY, in line 4 the words "per ton" struck out, and the clause as amended agreed to.

Clause 21—Annual Report:

MR. FOULKES: It might happen that at different times the Commissioner would apply to the Minister for rolling-stock, which application the Minister might refuse. The Commissioner should have power to furnish a return of all applications made by him and refused. He suggested that after "preceding," in line 3, the following words be added, "and shall furnish reports of all requisitions made to the Minister for additional stores, plant, material, rolling-stock, stations, sheds, or accommodation made during the." This would enable members to find out whether there had been any shortcomings on the part of the Minister in supplying the Commissioner with rolling-stock which he needed.

THE PREMIER: Such an amendment was not necessary. However, the member might give notice of the amendment, and move it on recommitment.

MR. FOULKES: A previous manager had been suspended from office because he had not applied to the Minister for necessary rolling-stock. It should be placed on record whether the Commissioner in the future did apply for rolling-stock, so that the trouble which had arisen in the past would not occur again.

THE COLONIAL SECRETARY: The Commissioner would, in his annual report, guard against any imputation which might be made by giving an account of all requisitions for rolling-stock that had been refused by the Minister. If for the conduct of the railways the Commissioner thought rates or fares should be reduced, and the Minister refused to reduce these rates, the Commissioner would surely refer to these requests in his report. However, the hon. member might give notice of his amendment.

MR. FOULKES: Clause 15 provided that the Commissioner should apply to the Minister for rolling-stock, which showed that it was recognised that the Commissioner had to apply. He would give notice of his amendment.

Clause passed as printed.

Clause 22—Deputations:

MR. DAGLISH moved that the clause be struck out. The provision was absolutely useless. There was no likelihood of members on deputations bringing pressure to bear on the Commissioner. The clause was a reflection on members of Parliament.

THE PREMIER: The clause was inserted deliberately by himself, in view of certain suggestions made in Victoria. A discussion arose in Victoria in 1898, and there was a complaint by the Minister for Railways that deputations headed by members waiting on the Commissioner were, to that extent, using political influence. On the second reading he had explained that members of Parliament were asked to head deputations, not because of their personal abilities or qualifications, but because of their political status. That being so, members of Parliament should refrain from attending on deputations which were addressed to

a subordinate officer, and which would not be allowed in any other department.

MR. DAGLISH: There was no law against that.

THE PREMIER: Members would find that if a subordinate officer received a deputation, he would be reprimanded, and the danger of the practice arising in connection with the Commissioner of Railways was obvious. The Commissioner occupied an independent position, and the Minister could not reprimand him for receiving deputations, or if, after being reprimanded, the Commissioner received a deputation, the Minister could not dismiss him. Members admitted that it was not right to allow deputations headed by members of Parliament to approach subordinate officers. All recognised that deputations should go to the Ministerial head, and not to the departmental head. That practice had not grown up in connection with departments so far, because the departmental head had not that security of tenure or independence of power that the Commissioner would have under the Bill. On the principle that the Minister for Railways was the officer responsible to Parliament, and through Parliament to the people, he was the person to whom deputations should go, and he was the person to whom members should make complaints, if they had any to make. The Commissioner, though enjoying security of tenure under the Bill, would not be placed in an altogether desirable position if he found himself constantly worried by well-meaning but aggressive members of Parliament. Members of Parliament constantly worried Ministers and others, and the want of consideration which was shown by some members towards Ministers might be shown towards the Commissioner of Railways. After all, members of Parliament were not entirely to blame, because they had behind them often an aggressive body of electors. If Parliament could, by any clause of the Bill, insist on deputations, as we understood deputations and as we knew deputations, going to the political head and not to the actual and managing head, we would be passing a clause which would prevent an abuse growing up in connection with the railways, which it was recognised would be most harmful if we saw it growing up in

connection with subordinate officers of existing departments.

MR. JACOBY: In drafting this clause, the Colonial Secretary appeared to have yielded to his jocular propensity.

THE PREMIER: This clause had not been drawn by the Colonial Secretary, but by himself.

MR. JACOBY: It was a pity the clause did not state the penalty to be inflicted on an offending member of Parliament. An instruction from the Minister to the Commissioner not to receive deputations headed by members of Parliament would be sufficient. The clause as it stood would inflict hardship on distant constituencies, which should not be debarred from laying little requests before the authorities through the agency of their member. The Premier, in arguing that the Commissioner of Railways, like other subordinate Government officers, should not receive deputations, had forgotten that Mr. Barry Wood, when Director of Public Works, was in the habit of waiving off deputations to the Under Secretary for Works. The clause should not stand.

MR. HASTIE: The Premier, who seemed proud of the clause, might have been expected to advance substantial reasons in its support. One reason which might have been urged was that deputations would occupy too much of the Commissioner's time. The Premier, however, had advanced the extraordinary reason that there was a danger of the Commissioner, who was guaranteed in his position for five years, being unduly influenced by members of Parliament, and that these should therefore interview only the Minister, whose tenure on the other hand was of the most precarious nature. It was easy to conceive circumstances in which a deputation ought to see the Commissioner rather than the Minister. All that could be urged in favour of the provision was that it would afford members a good excuse for refusing to take part in deputations to the Minister. Since it could not achieve its object, the clause should be struck out.

MR. NANSON: This clause was as well meaning as it would prove ineffective. What was to prevent a member of Parliament waiting on the Commissioner of Railways in private and making an improper request, which improper request might be dangerous by reason of

the privacy surrounding it? Deputations were rendered harmless by reason of their very publicity. The Commissioner was not likely to yield to improper demands. At all events, the clause would be easily evaded. A member might precede a deputation instead of accompanying it or introducing it. To prevent members representing country constituencies from accompanying two or three of their electors, who might not be accustomed to clothing their ideas in words, on a deputation to the Commissioner would be monstrous. Moreover, the clause threw an utterly undeserved reflection on members of Parliament generally. Any abuses which might exist were in connection with private matters, which the clause did not strike at.

THE PREMIER: Presumably, no member would support a system under which a deputation consisting of half-a-dozen members of Parliament might interview the Commissioner.

MR. NANSON: That would not occur.

THE PREMIER: Perhaps not; but in the same way it might be argued that we should not find the practice adopted of a member having a private interview with the Commissioner, and that private interview being followed by a deputation of the member's constituents. Under this Bill the Commissioner had the power to fix freights and fares and to make regulations. Whom was a deputation seeking a reduction of freights or fares to interview?

MR. DOHERTY: The Minister.

THE PREMIER: Were we to permit a system under which members of Parliament desiring a reduction of freights or fares might wait on the Commissioner, who might reply, "Yes; I agree to the reduction if the Minister will agree?" In such circumstances, the Commissioner might play himself off against the Minister.

MR. NANSON: And the Minister might play himself off against the Commissioner.

THE PREMIER: In those circumstances, the Minister would be justified in doing so. Again, the Minister in the interests of the State, might agree to a reduction whilst the Commissioner might say, "As a practical railway man, I disapprove of the reduction." Conflict might easily arise from the joint exercise

of powers by two individuals. Deputations which had waited on the Minister for Railways in the past had usually involved important issues, not merely questions of detail. The Commissioner of Railways or the General Manager of Railways should receive no deputations, which properly ought to interview the Minister for Railways. A deputation introduced by a member of Parliament, and therefore *prima facie* a political deputation, ought to interview the political head of the railways, the Minister and not the Commissioner, whose duty it was to look after the detailed control and management of the railways. The practice of political deputations being received by the Commissioner might lead to serious abuses, and had on that account been condemned in the Victorian Parliament some years ago by the present acting-Prime Minister of the Commonwealth, Mr. Alfred Deakin. There was a clear distinction between deputations of private individuals and deputations headed by members of Parliament. Moreover, it had to be borne in mind that if the request of a deputation had been assented to by the Commissioner, subject to the indorsement of his Minister, then the onus was thrown on the Minister of refusing the request of a deputation which came to him at secondhand, the deputation indeed treating the Minister as a cipher and the Commissioner of Railways as the man in control. The abuses which it was sought to prevent by Clause 22 had cropped up in Victoria, and had been commented on very strongly in a debate which took place there. Such abuses might arise here. The argument by the member for Kanowna (Mr. Hastie) that the Commissioner should not have his time wasted by receiving deputations was a very good one.

MR. DAGLISH: When the Bill was first introduced we heard of the advantages that would be derived from the adoption of the New South Wales system; but the Premier could not find in the New South Wales Act a clause like this.

THE PREMIER: There were several places in which the Government had departed from the New South Wales Act.

MR. DAGLISH: The Premier had adopted a provision which could not be found on any statute-book. All agreed

that the deputations should be to the Minister—he for one, at all events, agreed with the Minister on that point—but the question was whether it was necessary that we should load our statute-book with what was a covert insult to members of Parliament. It was utterly unnecessary to put a clause like Clause 22 in the Bill in order to achieve the purpose referred to.

MR. DOHERTY: It was a safeguard.

MR. DAGLISH: The same safeguard did not exist with regard to any other Government officer.

MR. DOHERTY: In Victoria they objected.

MR. DAGLISH: No such clause existed in the Victorian statute-book, nor, as he had said, on our statute-book with regard to any other officer than the Commissioner of Railways. The mere fact that our Commissioner had so much smaller powers than was the case in Victoria was, he thought, a safeguard against all danger of the kind referred to growing up here; the Commissioner was so strongly under the thumb of the Minister.

MR. DOHERTY: This had grown up in Victoria.

MR. DAGLISH: Where the Commissioner had absolute power.

THE PREMIER: Oh no. Not in 1898.

MR. DAGLISH: The Commissioner there had far greater power than the Commissioner here would possess under this Bill.

THE PREMIER: No. The same in 1898.

MR. DAGLISH: If we needed a clause like this, let us have one with a penalty, and one which could be enforced. As a matter of fact, there would be nothing whatever to prevent a member of Parliament from going to the Commissioner, if this clause were passed. One must ask the Premier to absolutely debar a member of Parliament from speaking to the Commissioner. Far more harm was done by private pressure brought to bear on the Commissioner than by open pressure, and there would be always danger with these private interviews, which would not be prohibited under this Bill in any way, that undue influence would be brought to bear on the Commissioner. There could not be undue influence brought to bear when a deputation waited upon him in the light of day.

MR. QUINLAN: There was no special reason to follow in the wake of Victoria. The Premier was fully justified in regard to the clause as drafted. It had been decided that there should be one Commissioner on account of the reasons urged against there being more than one master. If a member of Parliament were allowed to go to the Commissioner, we would be acting contrary to the vote already passed, by permitting there to be two masters. Only the Minister should be interviewed. We were paying a Commissioner, and that officer would have quite enough to do without receiving deputations. There were deputations every week and perhaps one each day. He hoped the member for Subiaco would not press the amendment.

THE PREMIER quoted, from the Victorian *Hansard*, extracts from speeches delivered by Mr. Graham, Mr. Williams, and Mr. Deakin (now Acting Premier of the Commonwealth) on the 17th July, 1898, showing that the Commissioner of Railways in Victoria was receiving deputations accompanied by members of Parliament, although it was understood that after the Railways Amendment Act, providing for the appointment of a new Commissioner, was passed, all deputations in relation to the Railway Department of which members of Parliament formed part were to be to the Minister. There was nothing in the Act to forbid the Commissioner receiving deputations, but it was generally understood that such deputations should be received by the Minister. Mr. Deakin felt that it was undignified that any member of Parliament should be asked to wait upon any public servant, and he urged that deputations should be to the Minister. Members here might (continued the Premier), find that unless we had in the Bill some clause like this, as was the case in Victoria, certain members would say, "I would not head a deputation to the Commissioner," but others would perhaps do so, and the fact of others doing it would place those who would not in a somewhat false position. On political questions members should approach the political head only, and should not be asked either directly by their constituents, or be indirectly compelled to do so because other members did it, to approach the Commissioner of Railways and ask

for certain favours, or, as they believed, certain rights. The clause would do no harm, and he thought it would do good.

MR. NANSON: Prohibit political deputations altogether.

THE PREMIER: They had a right to go to the political head. He repeated that members of Parliament should not be directly or indirectly required to go to the Commissioner of Railways to ask a favour at his hands.

MR. JACOBY: A member might go to discuss the time-table.

THE PREMIER: A member might go like any other person.

MR. JACOBY: That was worse than the other.

THE PREMIER said he had referred to the observations of men who had experience, and had pointed out that these deputations needed checking.

MR. FOULKES: The Premier seemed not to approve of deputations attending before the Commissioner, and one was in accord with him to that extent. But unfortunately with regard to his arguments, there were provisions in this Bill stipulating certain matters over which the Commissioner alone had control. For example, Clause 11 said the Commissioner should have the management, maintenance, and control of all Government railways open for traffic, and Clause 14 said the Commissioner should decide on the character and suitability of all stations, station platforms, etc. A member might be largely interested in a district, and might be anxious to have a fresh arrangement made in the management and the maintenance of the railways in his particular district. The member might come before the Minister with a deputation; but the Minister would refer him to the Commissioner, who by Clause 22 would be prevented from seeing the member.

THE PREMIER: Suppose the Commissioner promised to give, say, a siding, if the Minister would find the money?

MR. FOULKES: The Commissioner could grant the siding under Clause 14.

THE PREMIER: But under Clause 11 he could not spend the money without Ministerial approval.

MR. FOULKES: Then what was the use of Clause 14? How was a member to act on a deputation?

THE PREMIER : Personally, he thought there ought not to be deputations as to railway management.

MR. JOHNSON : What was the difference between a deputation headed by a member of Parliament going to the Commissioner, and one not headed by a member of Parliament? One could understand all deputations being prohibited.

THE PREMIER : A deputation introduced by a member was *prima facie* a political deputation. The hon. member would be asked to act on a deputation, not because he was Mr. Johnson, but because he was member for Kalgoorlie. In 99 per cent. of cases a member was asked to head deputations because he was a member; therefore there was an obvious distinction between a deputation headed by a member and one not so headed.

MR. HASTIE : Why not limit the number of persons in a deputation to, say, 17? There had been huge deputations of as many as 47.

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

Ayes	20
Noes	7
Majority for ..				13

AYES.

Mr. Atkins
Mr. Diamond
Mr. Doherty
Mr. Ewing
Mr. Gardiner
Mr. Gregory
Mr. Hastie
Mr. Hayward
Mr. Hicks
Mr. James
Mr. Kingmill
Mr. McDonald
Mr. O'Connor
Mr. Phillips
Mr. Quinlan
Mr. Eason
Mr. Reid
Sir J. G. Lee Steere
Mr. Stone
Mr. Higham (Teller).

NOES.

Mr. Daglish
Mr. Foulkes
Mr. Johnson
Mr. Nanson
Mr. Pigott
Mr. Yelverton
Mr. Jacoby (Teller).

Clause thus passed.

Clause 23—Suspension and removal of Commissioner:

THE COLONIAL SECRETARY moved that in Sub-clause 3, line 1, the word "not" be inserted between "shall" and "be." The Minister would take the responsibility of suspending the Commissioner; and the suspension would be discussed by Parliament, which might or might not restore the Commissioner to office.

MR. DAGLISH : Both the proposed amendment and the sub-clause were unsatisfactory, because two Houses would have equal power; and that would be unworkable. If the Government suspended the Commissioner, and if the Assembly disapproved of the suspension while the Upper House confirmed it, then the Commissioner would not go back to office. The result would be the Government who suspended the Commissioner, being met by an adverse vote in the lower House, would go out of office; but while the Government would lose power as the result of their action, the Commissioner whose action was absolutely vindicated by the Assembly would not go back to office because the Upper House did not pass a resolution. That showed the weakness of the clause. If another House decided that the Commissioner's suspension was warranted, he could not be replaced although his suspension from office had removed the Government from power.

THE PREMIER : There were one or two good reasons why the amendment should be adopted. It threw on both Houses of Parliament the need of passing a resolution confirming the suspension or otherwise. This position might arise. The Lower House might pass a resolution confirming the suspension, but the other House might refuse to do so; the Commissioner therefore would go back. The suspension would cease, and the Commissioner would remain, however strongly the Assembly thought to the contrary. If the Assembly said the Commissioner should not be restored to office, the position would be that before the Commissioner could be restored, a resolution must be passed by both Houses in his favour. If the Assembly passed a resolution in favour of restoring the Commissioner to office, and the Upper House refused to carry such a resolution, what was the position? In the Lower House there was the Minister who had the reappointing of the Commissioner to his place, and even if the Upper House refused to pass the resolution the will of the Assembly could be carried out. The controlling power thus remained with the Assembly. If the Bill was amended as proposed, the effect would be that the Commissioner's suspension would be removed unless both Houses said that he should be dismissed.

MR. DAGLISH: The controlling power in either case was not with the Assembly.

THE PREMIER: Unless both Houses agreed to dismissing the Commissioner, the suspension would lapse. The Assembly might say that suspension was justifiable, and the Assembly should be the more important House to discuss a question of that kind. If the Assembly said that the suspension was justifiable, and the Upper House said it was not, the position would be that the opinion of the Assembly would be nullified by the opinion of the Council, and the Commissioner would remain. He wished to avoid that by the amendment. If the Minister suspended the Commissioner, the Minister would come before the House and the Assembly might say that the Commissioner should be restored, while the other House might say he was not to be restored. In that case the Commissioner was not restored. But the power of appointment rested with the Ministry, and all the Government needed to do was to reappoint the Commissioner whom the Assembly said should not have been suspended, therefore the Assembly had the controlling power left to it. If the Assembly could control the Ministry for the time being and had the power to insist on the reappointment of the Commissioner, the difficulty of the opposition of the Council was overcome. The amendment would leave with the Assembly the control of the question. There was a farther point. If the Minister took on his shoulders the responsibility of suspending the Commissioner, *prima facie* that suspension ought to be treated as good, because it was made by the Government who were responsible to the Assembly. If a Minister did wrong, then the Government could be ejected from office, and the successors of the Government could rectify the wrong. The responsibility rested with the Ministry who made the suspension. As the clause stood, the matter might be allowed to drift, and by the automatic operation of the clause the suspension would be removed without the matter having been dealt with by the Assembly. The responsibility ought to be more fixed than that. The Ministry should know if they suspended a man that the suspension was operative unless

both Houses agreed to the Commissioner being removed.

MR. NANSON: In the event of a Commissioner being suspended immediately after Parliament went out of session, then the Commissioner remained suspended until Parliament met again.

THE PREMIER: That was provided for.

MR. NANSON: According to Sub-clause (c), if the Commissioner became bankrupt he would have to be suspended; but a Commissioner might become bankrupt through the suspension of a bank or a building society, the Commissioner would not be blamable, yet the Minister would not have power to remove that suspension until Parliament met.

THE PREMIER: The clause said "may be suspended from office."

MR. NANSON: It was not mandatory.

Amendment put and passed.

MR. DAGLISH moved that in line 26 the words "each House of Parliament" be struck out, and the words "the Legislative Assembly" be inserted in lieu. We ought to maintain that the power of the Assembly was greater than the power of the Council, which had only one-fifth the constituents of the Assembly. He agreed with the remarks of the Premier as to the responsibility of the Minister to the Assembly, but he could not see how a Minister could have any responsibility to another place; therefore the Assembly was the only competent tribunal. The Assembly had the power of appointment, and the Assembly alone ought to have the power of removal. The Assembly was responsible for the proper administration of the funds of the State, and was directly responsible for the way in which the railways were conducted. The Council would not be so severely criticised if the railways were grossly mismanaged; but the Assembly, in which the Minister for Railways occupied a seat, would come in for severe castigation in the Press and on platforms. He objected to the Committee willing away to another place one half its responsibility and power.

THE TREASURER: The Auditor General stood in much the same position with regard to both Houses of Parliament as it was purposed to make the Commissioner of Railways. The Auditor

General could only be dismissed by an address presented to the Governor by both Houses of the Legislature. The two Houses had equal rights, although the Assembly controlled the spending of the funds.

Amendment put and negatived.

THE COLONIAL SECRETARY moved that, in line 2 of Sub-clause 3, the words "twenty-one" be struck out and "forty" inserted in lieu. The time, it was thought, was rather short, especially in the case where the Commissioner was suspended during recess. It often happened that the debate on the Address-in-reply took a considerable time, and it might possibly come about that the 21 days would have elapsed before the debate on the Address-in-reply was finished, and until that debate was finished it was impossible to transact any other business.

Amendment put and passed, and the clause as amended agreed to.

Clause 24—Penalties:

MR. DAGLISH: Was there any reason for making the penalty in the case of a Commissioner becoming interested in a contract a fine not exceeding five hundred pounds, or a term of imprisonment not exceeding three years, or both, whilst the contractor must suffer imprisonment?

THE PREMIER: The penalty was really more severe in the case of the Commissioner, who might be both fined and imprisoned. This was right, because the Commissioner was a highly trusted and well-paid officer, who might reasonably be expected to show himself more scrupulous than outsiders doing business with him.

MR. DAGLISH: In order to insure that the penalty in the case of the Commissioner should be more severe, he moved that, in line 6, the word "or" be struck out and "and" inserted in lieu, and that, in lines 7 and 8, "or to both such punishments" be struck out. Under the clause as it stood, a delinquent Commissioner might escape with a mere fine.

THE PREMIER: The hon. member's object would be attained by striking out, in line 6, "a penalty not exceeding five hundred pounds, or to." As a matter of fact, Judges had power under the Criminal Code to impose money penalties in lieu of imprisonment.

MR. HASTIE: Then the amendment would make no difference?

THE PREMIER: The alternative of a money penalty, if allowed to stand, might be regarded by the Judge as an intimation from Parliament that a fine should be imposed rather than imprisonment.

Amendment altered as suggested by the Premier, put and passed, and the clause as amended agreed to.

Clauses 25 to 27, inclusive—agreed to.

New Clause:

THE COLONIAL SECRETARY moved that the following be added to stand as Clause 27:—

Penalty for permitting animals to trespass on Railways.—(1.) Any person who permits any animal to wander, stray, or trespass on any railway shall be liable, on summary conviction, to a penalty not exceeding Fifty pounds. (2.) The penalty for every such offence may be recovered on complaint made by any person on behalf of the Commissioner.

The clause was needed to minimise the danger to the travelling public involved in the trespassing of stock.

MR. STONE: The penalty of £50 was too heavy in the case of stock straying on unfenced portions of the railway lines. How were cattle to be kept off unfenced lines? A penalty of £5 would be ample.

THE COLONIAL SECRETARY: The most trouble in connection with straying animals occurred in the neighbourhood of stations, where loss was frequently occasioned by wandering stock eating produce. No reasonable bench of magistrates would hold the owner of stock to have permitted them to stray on an unfenced portion of the railway line.

MR. ATKINS: Notwithstanding the Minister's statement, the fact remained that the Railway Department at the present day sought to make owners responsible in respect of stock which had strayed on unfenced portions of the railways. The department refused to pay for stock killed in such circumstances.

Question put and passed, and the clause added to the Bill.

New Clause:

THE COLONIAL SECRETARY moved that the following be added to stand as Clause 28:—

Amendment of 59 Vict., No. 22. s. 3.—Section two of the Railway Acts Amendment Act, 1894, is hereby amended by striking out the words "in some newspaper circulating in the neighbourhood of the station or place where

the same are found," and inserting in place thereof the words "in the *Government Gazette*." This clause referred to advertisements relative to goods or animals of which the owners were unknown, or, if known, could not be found. The clause enabled such goods or animals to be sold by the Commissioner within the space of one month after they had been advertised.

MR. STONE: What was the present law?

THE COLONIAL SECRETARY: That an advertisement should be inserted in some newspaper circulating in the neighbourhood of the station or place where the goods or animals had been found. The amendment provided that the advertisement be inserted in the *Government Gazette* instead of a newspaper.

MR. STONE: But nobody read the *Government Gazette*.

MR. QUINLAN: There should be an advertisement in some newspaper as well as the *Gazette*. Very few people bothered to read the *Gazette*, except those concerned in public affairs.

THE COLONIAL SECRETARY: In the case of valuable goods, the loss was at once known to the owner, who made inquiry not through any newspaper, but direct to the Railway Department, and the goods probably were traced and restored to the owner. The Railway Department was put to considerable expense in the way of advertisements. He did not see why the Government, when they had an organ of their own, should have to advertise all over the State for this purpose.

Clause passed, and added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments.

PUBLIC WORKS BILL.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair.

Consideration resumed from the 2nd September; the MINISTER FOR WORKS in charge.

Clauses 84 to 98, inclusive—agreed to.

Clause 99—Bed of every river to vest in Crown:

MR. HAYWARD: Was not this an extraordinary provision? We must presume that a great many of the rivers of the State were in the hands of private individuals, and this clause appeared to

take away the property which those persons had had for very many years.

THE MINISTER FOR WORKS: If members would look at the Notice Paper, they would see he had already given notice of amendment on recomittal, to strike out the words "and stream up to high-water mark, or in the case of non-tidal rivers," and insert before the word "river," in line 1, the word "tidal." When this alteration had been made, the clause would then apply only to tidal rivers, and would read, "The bed of every tidal river, up to ordinary winter high-water mark, shall vest in and be the property of His Majesty."

MR. HASTIE asked for information relative to the possession of river beds.

THE MINISTER FOR WORKS: The ownership of river beds by private individuals existed only in the case of old grants. He believed that in olden times grants of land were made which gave to an owner the right half-way across the stream; one owner had possession of one half, and another of the other half.

MR. HASTIE: What would be the effect of the clause as it stood?

THE MINISTER FOR WORKS: It was not proposed to allow the clause to remain as at present, inasmuch as it would work an injustice. People having been given grants of certain property, their possessions would not be interfered with now. Steps had been taken to avoid that procedure in the future, and for some time past grants had not included any portion of the stream. We could now only make this rule apply to tidal rivers.

MR. HASTIE: If the Government had power to resume these river beds, it would be very wise to pass the clause as it stood.

THE PREMIER: At common law the Crown had the bed of every tidal river. Where land granted was bounded by the bank of a non-tidal river, the grantee had a right to the bed of the river half-way across; and some grants had been given such right in express terms. But in recent time grants had not included land in the river bed; and the clause as proposed to be amended would leave the law unaltered, being here inserted because this was a Bill consolidating the existing law, that the bed of every tidal river vested in the Crown.

MR. HASTIE: Why should not that apply to all river-beds?

MR. HAYWARD: The hon. member might as well try to confiscate other land that a man had held for 21 years.

MR. ATKINS: The hon. member's proposal would deprive a man of land which in the rainy season might be flooded.

MR. HASTIE: None would pretend that flooded country was the bed of a river.

THE PREMIER: Did the hon. member wish to give parliamentary sanction to the present custom?

MR. HASTIE: Yes; and to make it apply to past grants also.

THE PREMIER: That could not be done. It would not be right to resume property without compensation.

SIR JAMES G. LEE STEERE: Was it proposed by the clause to take away the right to the river-bed now possessed by persons who owned river banks?

THE PREMIER: No. The clause would be amended, as the Minister for Works had explained.

SIR JAMES G. LEE STEERE: It would hardly be in the power of the House to abrogate such rights; for by the Constitution Act, all rights in land were preserved.

THE MINISTER FOR WORKS repeated the amendment he purposed to make in the clause on recommitment.

Clause passed.

Clauses 100, 101—agreed to.

Clause 102—Procedure for making railways:

DR. O'CONNOR: What was the effect of Sub-clause (d)?

THE PREMIER: A mortgagee had a right to compensation by the earlier clauses; and he would receive such compensation in lieu of his mortgage.

Clause passed.

Clauses 103 to 114, inclusive—agreed to.

Clause 115—Penalties for trespassing on railways in course of construction:

DR. O'CONNOR: Sub-clause 3 provided that any trespasser could be arrested by an overseer. This was arbitrary. Procedure should be by summons.

THE PREMIER: An overseer acting harshly could be dealt with by his superiors.

MR. ATKINS: Often the department acted arbitrarily, as when they arrested persons using a foot-way over the Swan Bridge, which the public had a right to use. There should be provision to prevent abuse of power.

THE PREMIER: The sub-clause applied only to those who refused to leave after being warned.

Clause passed.

Clauses 116 to 132, inclusive, agreed to. Schedules, Preamble, Title—agreed to. Bill reported with an amendment.

WIDOW OF LATE C. Y. O'CONNOR ANNUITY BILL.

SECOND READING.

THE MINISTER FOR WORKS AND RAILWAYS (Hon. C. H. Rason), in moving the second reading, said: Although I have little hesitation in commending the second reading of the measure to the House, I cannot refrain from saying as a matter of principle, I do think it is no part of the duty of the State to make provision for the widow and children of officers who have enjoyed a salary as did the late Engineer-in-Chief; and I should feel inclined to agree with those who might say in the case of humble officers of the State, men not drawing such large salaries, and therefore not able to make such provision for those near and dear to them in case of death, that one seldom hears of expectations of this kind, or perhaps we should not feel so much inclined to grant applications of this nature. But it is merely a matter of principle, and perhaps there is no principle so good that it is not advisable in the interests of mercy or of justice, or of both, to depart from it on some occasions; and surely this is one of such occasions. If we remember that on that sad morning of the 10th March last when the late Engineer-in-Chief was found dead on the shore at Fremantle, from what cause, though we might surmise, yet heaven only knows, he had been eleven years or close upon eleven years in the service of this State. He had come to this State to take up the duties of Engineer-in-Chief from the colony of New Zealand, and in leaving New Zealand he had given up the right to a considerable pension at the hands of the New Zealand Government;

therefore the mere fact of his coming here, if I may point it out, did away with his right to a considerable sum of money he would have had from the Government of another colony. He had been eleven years in the service of this State—eleven years of probably the hardest work any man in his position was ever called upon to perform. They were eleven years of gigantic undertakings, works of very large magnitude, which were dependent mainly on his engineering skill for their success. But they were dependent not only on his skill, but upon his application to the discharge of his duties. With a less strong mind or a less strong brain, the weight of those responsibilities might well have told their tale before even they had an effect on the late Engineer-in-Chief. But they did have an effect on him, because those who were intimately acquainted with him noticed the change towards the last, a change which he himself realised; and if he could only have tried enough to have been content to take his well-earned rest in this world—I should like to point out to the House—he would have been entitled to a pension of £525 per annum. The late Engineer-in-Chief could have retired from the service of this State on a pension of £525 per year, and although he had been so many years in the service of the State, and had worked so hard, will the House credit it when I tell them that during the whole of these eleven years, the only leave of absence recorded against the late Mr. O'Connor was 17 days. Seventeen days leave of absence in 11 years; and 17 days taken for what? For recreation, for some rest for that weary mind and body? No. Taken for the purpose of proceeding to Adelaide at the request of the South Australian Government, to confer with other eminent engineers on their outer harbour scheme. So that, practically, we may say the late Engineer-in-Chief had no rest and no leave at all. And taking that view of the position, the late Mr. O'Connor would have been entitled under the Colonial Office Regulations, which applied to him, to 20½ months leave of absence on full pay and 5½ months of leave of absence on half pay. And the money value of that leave of absence amounts to £2,906 5s., which in itself would be almost sufficient to purchase the annuity

for the widow which the House is now asked to grant. The sum of £2,906 5s. would have been the value of the leave due to Mr. O'Connor at the time of his death, and he was entitled to a pension had he retired of £525 per annum. It is unfortunately the case that at the time of Mr. O'Connor's death his widow and family were left wholly unprovided for. When his body had been carried to its last resting-place, the position of Mrs. O'Connor and her family was so bad, and the circumstances surrounding her so severe, that it was necessary that the Government should step in to her relief. Therefore, I feel it my duty to state that the Government have already made a grant to Mrs. O'Connor of £250, leaving the question of any farther aid entirely in the hands of the House. The House is asked to-night to grant an annuity of £250 for the rest of her life. I cannot think Western Australia will be so unmindful, so ungenerous, so ungrateful as to imagine for a moment that the widow of the man who after all has unquestionably done so much for Western Australia shall be allowed to end the years that may be spared to her in want and misery. I cannot believe that Western Australia can be so unmindful of those who are left behind the man who did so much work for this State; I do not imagine for a moment that the House will even question this annuity. I cannot but think members will cheerfully grant this small aid to the widow of one whom the State owes so much. I think in asking this I am not asking merely as an action of charity, I think some justice enters into this question; I think it will be admitted that on justice alone, some small recognition such as this is due to Mrs. O'Connor and her family. As I have said, I have no reason to doubt for one moment that the House will refuse to pass this measure; on the contrary, I believe the House will pass it. I believe even if more were asked the House would cheerfully grant it; but the State has no right to do more than prevent any chance of want and misery overtaking the widow of the late Engineer-in-Chief. That sum is all that is provided for in the Bill. I move the second reading of the Bill with very great sadness. As the Minister controlling the Engineer-in-Chief at the time of his death, it is

natural I should feel very much depressed that it should be necessary to ask the House to pass this measure; but in doing so and in expressing my admiration for Mr. O'Connor's undoubted skill and great ability, I feel that the Government, and myself individually, are laying a spray of laurel and of cypress upon the tomb of a great man and a faithful servant of this State. I move the second reading of the Bill.

MR. J. J. HIGHAM (Fremantle): I desire to add but a few words to the eloquent speech in which the Minister has moved the second reading. Whilst admitting that the principle of making grants to the relatives of deceased civil servants is a bad one, I think there are many circumstances in the case of the late Engineer-in-Chief which not only warrant but demand that the House should recognise in some measure the great services which the deceased gentleman rendered to Western Australia—the great sacrifice of health, and I might almost say of mind, which the strain of his duties entailed. We are asked not to make this grant in response to an *ad misericordiam* appeal, but rather as an act of justice, by way of recognition of the fact that, as matters have fallen out, a duty devolves on us to make some provision for the widow and the younger children. We must all recognise that, in a year or so, the completion of the stupendous works which the late Mr. O'Connor had undertaken, and all but carried out, for the benefit of the State would have impelled the West Australian people to recognise and avow by a substantial honorarium their debt of gratitude to the late Engineer-in-Chief. The fact that Mr. O'Connor would have been entitled to leave of absence of a value in salary equivalent to nearly £3,000, and that he would have been entitled to a retiring pension of £525 per annum, in some measure justifies the action proposed; but I think the gratitude of the West Australian people demands that we should recognise the sacrifices which the deceased gentleman made on behalf of the State. Those of us who, residing in Fremantle, have watched Mr. O'Connor working from day to day, especially in the earlier stage of the Fremantle Harbour Works, when these works were, in a great measure, experimental, know the

devotion of the late Engineer-in-Chief to his work. We have seen him engaged at his duties at all hours of the day and night, so that he might adequately supervise the work and prepare the structure to withstand the pressure of the ocean for all time. All who have known the late Mr. O'Connor's work realise that he has justly earned the small meed of recognition proposed to be granted to his family; and we hope that the House will see its way to grant the annuity, not as a matter of charity but as a matter of justice.

MR. J. C. G. FOULKES (Claremont): I am strongly of opinion that in this particular case the House is not erring on the side of liberality. We have it from the Minister for Works and Railways that the late Mr. O'Connor was entitled to leave of absence which, on its pecuniary value, amounted to a sum of £2,900. It is now proposed that an annuity of £250 shall be granted to his widow. From inquiries I have made, I learn that the value of such an annuity to Mrs. O'Connor can be purchased for a sum of about £4,000. The Bill, therefore, in effect merely asks the House to grant a sum amounting to £1,100—a moderate amount indeed. There can be no doubt that the late Mr. O'Connor was a great public servant, who never spared himself. I have had the honour of his acquaintance and friendship for many years in this State; and I, like many members, can testify that he devoted himself whole-heartedly to his work, his sole desire, his single purpose, being honestly to do his duty by the State. In one respect the deceased gentleman set an admirable pattern to all holding high positions, and indeed to all holding humble positions in the State service. Mr. O'Connor had the opportunity of taking advantage of his official knowledge, and thereby placing himself beyond the necessity of leaving his widow and children to appeal to the State for assistance. However, we know it was his constant pride that he kept himself clean-handed, and religiously abstained from making any investments whatever in this State. This Bill, therefore, represents the very least we can do. I make the suggestion to the Minister for Railways that the late Mr. O'Connor's widow be granted a free pass over the railways of

this State for life. It was with great sadness that a few weeks ago I saw Mrs. O'Connor travelling in a second-class carriage. It touched me deeply to think that the widow of the man who constructed our railways in a manner which will always stand as a monument to his memory should not have a free pass over the State lines. I hope the Minister for Railways will see his way to adopt my suggestion.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH took the Chair.

Clause 1—Annuity to Susan Letitia O'Connor:

MR. NANSON: While joining with other members in testifying to the value of the late Mr. O'Connor's services to this State, it did not appear desirable that the Bill should pass through the Committee stage at this sitting, seeing so few members were present. While all of us were anxious to pay some substantial tribute to Mr. O'Connor's memory, yet we had to remember that we were trustees of the public money. It was undesirable that any sign of haste or any appearance of wishing to rush matters should attach to this measure. He moved that progress be reported.

Progress reported, and leave given to sit again.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

SELECT COMMITTEE.

Order read, for consideration of the Bill in Committee.

MR. RESIDE: As there appeared to be some misunderstanding in reference to this measure, he moved that the Bill be referred to a select committee.

Question put and passed.

Ballot taken, and a committee appointed comprising Dr. Hicks, Mr. Hopkins, Dr. O'Connor, Mr. Yelverton, also Mr. Reside as mover.

MR. RESIDE farther moved that the committee have power to call for persons and papers, and to sit on days on which the House stands adjourned; to report on the 23rd September.

Put and passed.

MR. RESIDE: Would the committee be authorised to go to Kalgoorlie, if they

required to do so? They might want to go there to collect evidence.

THE PREMIER: It was to be hoped that would not be done. If members wanted that authority, he would have to oppose it. The committee should not have power to go round the country and collect evidence. That was open to abuse.

THE SPEAKER: It was open to great expense.

MR. RESIDE: It was not likely to be abused this time.

THE PREMIER: It was a question of principle.

MR. RESIDE: It would be much easier for two or three members to go there than to bring witnesses down here.

THE PREMIER said he did not see that it was a question of witnesses at all.

TRANSFER OF LAND ACT AMENDMENT BILL.

SECOND READING.

THE PREMIER (Hon. Walter James), in moving the second reading, said: This is a Bill to amend the Transfer of Land Act, 1893. It passed through the Legislative Council, and comes down here for our approval. The amendments proposed are those desired by the department. Clauses 2 and 3 have this effect. At present one can obtain a certificate of title under the Transfer of Land Act for a fee simple title, and also for a title for any number of years. A person, for instance, who has a leasehold for five years, may go to the Titles Office and get a certificate of title. That has not been done, luckily. We think the power to do so should be stopped, because there is no need for it in relation to these comparatively short titles. Where a title is issued, the lease under that of itself gives a sufficiently clean title. By Clauses 2 and 3 of this Bill, amended as members will see by the notice appearing on the paper, we propose to give an opportunity of obtaining a clean certificate of title either for the fee simple or 21 years. Clause 4 amends Section 86 of the principal Act, which provides that the duplicate of any wholly cancelled certificate shall be retained by the Commissioner of Titles. If it is only partially cancelled, he does not retain it. The consequence of that is, as members perhaps have seen, that some certificates of title are covered with the transfer of this little section, that little section, and

some other little section, and very often it is extremely difficult to ascertain how much land is covered by this certificate of title. It is proposed by this alteration to issue a fresh certificate of title whenever a transaction takes place in connection with land; whenever a portion is transferred a clean certificate of title will be issued.

MR. ILLINGWORTH: At what price?

THE PREMIER: The same price as exists now. I think you know better than I do.

MR. STONE: Twenty-one shillings.

MR. ILLINGWORTH: That is why the Bill was rejected last year.

THE PREMIER: Then in Section 124 of the Act, the Bill provides that before the word "discharged," in line 5, "transferred or" be inserted. The section reads:—

When land shall have been brought under the operation of the Transfer of Land Act, 1874, or of this Act, and a certificate shall have issued subject to a mortgage or other encumbrance made or given before the issue of such certificate, such mortgage or other encumbrance may be discharged.

That does not give proper power to transfer the encumbrance; and the omission to give such power is an oversight. Then Section 160 of the principal Act provides that where a block has been subdivided for a certain number of years and it is found that the plan of subdivision appearing on the ground does not quite agree with the plan surveyed and lodged, then if the survey has been in existence for upwards of 20 years, the discrepancy can be put right in the Titles Office. It is proposed to strike out the words "then if it is upwards of 20 years since the original subdivision was made," thus giving the power to make the correction at once in the office, as soon as these errors crop up, so that there may not be any delay. I think I am right in saying there is really no need for a second reading discussion or speech. Possibly in Committee we may have to deal with questions of detail; but I do not think there is involved any question of principle. I beg leave to move the second reading.

MR. F. ILLINGWORTH (Cue): The difficulty with this Bill is the same as with the similar Bill discussed last session: what is the owner of the land to pay for a certain convenience, which is a con-

venience not to him but to the Lands Titles Office? If the owner have to pay every time he puts in his title and sells one or two allotments, and have to take out a new title, what is the cost to be? If we have to pay the sum of £1 12s. 6d., as we now pay ordinarily, it is a very serious item. If a man have a block of 160 allotments, and if every time he transfers a little allotment he has to take out a fresh title, that will run away with a good deal of money. I understand there is now an arrangement under a regulation, by which a new title can be procured for about 10s. If that be the case, the objection is not so great; and perhaps the Premier can tell us whether that is so. But according to this clause, every time one takes the title to the Titles Office, it remains there, and one has to get out a new title for the balance of the land. An owner may subdivide a block into 200 allotments, and every time he sells five, he has to take out a title for the remaining blocks; and this is a serious charge on anyone subdividing land. Unless the Government are prepared to issue such titles at a nominal price, I think we shall have to deal with this Bill as we dealt with its predecessor last year, that is by throwing it out.

MR. T. F. QUINLAN (Toodyay): May I suggest that the Premier make provision when in Committee that after a certain number of indorsements has been made on a certificate of title, a new certificate shall issue? It is very expensive to have to pay 12s. 6d. each time a fresh certificate issues; and a title should issue after, say, six indorsements. Much can be said on either side; because when there are many dealings with one certificate, complications are likely to arise, and people dealing in land are sometimes misled. I think it would be best, so as not only to increase the revenue but to decrease the expenses of the Titles Office, that a Bill should be introduced to amend the Stamp Act. In that way a considerable revenue would be raised; but in any case my suggestion as to indorsement ought to be adopted in Committee. The Titles Office is now said to make a considerable profit by the issue of fresh titles when a portion of a man's land is sold. Of course there are expenses to be set against the £4,000 profit which is said to have been made

by the Titles Office in the last year or two.

THE PREMIER: This is a very fair department on which to make a profit, because the people dealing with it get good value for their money.

MR. QUINLAN: True. I am not opposed to revenue being derived; but it is hard that one particular section of the community should pay for these extra certificates, when there is really no need for them after a certain number of indorsements has been made.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 10:47 o'clock, until the next day.

Legislative Assembly,

Wednesday, 17th September, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the **MINISTER FOR WORKS AND RAILWAYS:** 1, Report of Royal Commission on Donnybrook freestone (moved for by Mr. Ewing). 2, Return showing Wharfage and Port Dues received at

Fremantle (moved for by Mr. Monger). 3, Alteration to Railways Classification and Rate Book. 4, Works Department, report for 1901.

Ordered: To lie on the table.

QUESTION—BOILER PRESERVATIVES.

MR. RESIDE asked the Minister for Railways: 1, Why the Railway Department is paying 7s. 6d. per gallon for Atlas Boiler Preservative when the Black Swan Boiler Fluid appears on Government contract list at 4s. per gallon. 2, Whether the Government have made any practical trial of the Black Swan Boiler Fluid. 3, Whether it is a fact that instructions were issued to all sheds to increase the consumption of Atlas Boiler Fluid. If so, why?

THE MINISTER FOR RAILWAYS replied:—1, The Black Swan Boiler Fluid was brought under the notice of Mr. Rotherham about two years ago by Mr. G. Henriques, of 20, Short Street, Fremantle. On the 29th January, 1902, five (5) drums were supplied for trial free to Locomotive Department. This trial is still proceeding in company with other boiler fluids, and a decision is not yet arrived at. The following fluids and compounds are now being systematically tested: Atlas Preservative Fluid, Kelo-fuge Fluid, McFie's Fluid, Black Swan Fluid, Imperial Boiler (compound), Cleansing and Preserving (compound). The contractors for this Black Swan Fluid are W. Sandover & Co., and the manufacturer is Mr. Henriques. The title is merely a registered name and has no connection with any local business using the same prefix. Locomotive Department has no knowledge why tenders were invited for Black Swan Fluid nor as to which, if any, Government Department is using it. The Stores were asked by Locomotive Department for Atlas Preservative, its merits being ascertained, and until the trials of the other fluids have been concluded it is not desirable to depart from a known article in favour of an untried and unknown article. The price becomes a factor for consideration only after the merit of the article is arrived at. 2, Test trials are proceeding. 3, The Government Stores accepted a tender for Atlas Boiler Fluid at the beginning of year 1901-2 for use of Loco-