

Legislative Council,

Wednesday, 9th December, 1908.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Museum and Art Gallery—Report of the committee for year 1907-1908. 2, Correspondence between the Admiralty, the Prime Minister of the Commonwealth, and the Premier of Western Australia, concerning the Fremantle dock.

QUESTION—ENGINE DRIVERS EXAMINATIONS.

Hon. T. F. BRIMAGE asked the Colonial Secretary: 1, How many persons have applied and presented themselves for examination as engine-drivers during the present year, 1908—(a), 1st class; (b.), 2nd class; (c.), 3rd class? 2, How many persons have passed the engine-drivers' examination during the present year, 1908—(a), 1st class; (b), 2nd class; (c), 3rd class. This information to be exclusive of any temporary examination for permits.

The COLONIAL SECRETARY replied: 1 (a), 50; (b), 52; (c), 68. 2, (a), 24; (b), 36; (c), 56. The above figures do not include applications for temporary permits, or permits granted.

MOTION—FREMANTLE DOCK.

To Postpone Construction.

Hon. J. W. KIRWAN (South) moved:

That in view of the present state of the finances and in the absence of a substantial contribution from the Admiralty or the Commonwealth towards the cost of the Fremantle Dock, this House considers that as the construc-

tion of the dock is not a matter of urgency, further work in connection with the project should be postponed until fresh instructions be received from Parliament.

He said: In proposing the motion which stands in my name, I do not propose to go over ground that has been previously covered so extensively in this Chamber and in another place in connection with all the arguments that may be used for or against the Fremantle Dock. I intend, to confine myself almost exclusively to reasons that have arisen since the dock Bill was carried, as to why we should now postpone the further construction of the work. I sincerely trust that we will be able to come to a division upon this question before long. I have no desire to attempt to push the motion through to-day, or for that matter this week, but I trust that we will be able to take a division early next week, because the Christmas holidays will occur shortly and the session will come to an end before then, and if this motion be carried I propose to move a further motion to the effect that the resolution be transmitted by message to the Legislative Assembly in the ordinary way. I therefore hope that we will deal with this motion one way or the other in time, so that if it be passed in this House, both Houses will have an opportunity of expressing an opinion on the question, and so deciding the matter for the time being. I would like at the outset to mention the reasons that have influenced me in bringing forward this proposal. It is a proposal, which, as members will observe, is not moved in any spirit of hostility to the dock, but is framed with the object of enabling this House to express an opinion, that in the circumstances that have arisen, it is inadvisable for the present to proceed with the construction of the work. Since the Fremantle Graving Dock Bill was agreed to by both branches of the Legislature, there have been elections in connection with both Houses. There have been elections for the Legislative Council, and there have also been general elections for another place, so it is in both senses of the term a new Parliament that is dealing with this ques-

tion. Furthermore, I have observed from speeches which have been delivered, that there is a tendency on the part of certain members to view the matter altogether differently from the view taken when the Bill was originally agreed to. One of the members of another place told me that he was strongly in favour of the dock when the Bill was passed, and voted for the Bill, but on going into the whole question, and going deeply into the financial aspect of the dock, he went before his electors during the last Legislative Assembly contests and said to them he had made a mistake on this question of the dock : he had voted for it, but he now felt it was not a question of urgency, and that if he was re-elected he would strongly favour the postponement of its construction. That hon. member was elected by a tremendous majority. Furthermore, there have been some members of this House who in their speeches delivered in this Chamber also intimated that the time had come for Parliament to exercise a certain amount of caution in connection with the expenditure and one member in this connection particularly referred to the Fremantle Dock. Then there are various matters that have arisen since the dock was agreed to that have put a totally different complexion on the question. After the construction of the dock was agreed to, an expert was appointed by the Government, Sir Whately Eliot, to report on the work, an expert whose reputation is a sufficient guarantee that his report is worthy of the closest attention of members who are interested in this question. That report read in conjunction with the debates in this Chamber, and the debates in the Legislative Assembly when the Fremantle Dock Bill was before both Houses, shows clearly that both branches of the Legislature arrived at a decision concerning the dock on premises that were not correct. Throughout the whole of the debates in the Legislative Assembly and also in the Legislative Council, it was over and over again repeated by the Minister for Works, by the Premier, by the Colonial Secretary, and by various advocates of the dock, that the cost of the

dock would be £285,000. It was on the strength of that repetition—at any rate that was one of the points that was put forward frequently—and it was on that understanding a division was taken. The estimate was that of the Engineer-in-Chief. So strong was the position taken up on this matter, so strong did the Government and members in favour of the dock feel that that estimate was correct, that they ridiculed various members of this Chamber, and various members of another place who ventured to say that that estimate was not sufficiently high. I might detain the House for a long time reading extracts, showing where the various Ministers and various members argued that the dock would cost that amount of money, and no more, and showing where they protested against accusations which were made to the effect that it would not cost a larger amount. I see that the hon. member (Mr. Moss) has come into the Chamber: he has come in at a most opportune moment. During the discussion in this House that hon. gentleman favoured the Chamber with one of those brilliant utterances which we all admire, and in speaking of this particular subject, he made reference to several members of this Chamber who ventured to doubt the correctness of the estimate of the Engineer-in-Chief, and Mr. Moss went on to refer to those gentlemen in this way—

“I have in my hand a minute from the Premier. He says that as a result of inquiries made in Sydney while he was there, an expenditure of £285,000 seems to be one which the country will be justified in undertaking. The Premier minuted: ‘When in Sydney I had the opportunity of visiting the Sutherland Dock, and found there a dock with every modern convenience erected at a cost of £282,000, so that I think judging from this the engineers’ estimate should be on the safe side.’”

Then Mr. Moss went on to say—

“When the Minister tells us that this work is to cost £285,000, and when I find that the Minister’s statement is backed up by this minute from the Engineer-in-Chief, and when I find that the Premier himself, as

the result of inquiries in Sydney, has found that a dock of these dimensions has been constructed for £282,000, I think it ill-becomes members to make these haphazard statements."

Now we will see what Sir Whately Eliot says concerning what Mr. Moss describes as haphazard statements.

Hon. M. L. Moss: I said that they were haphazard statements judging by the information we had before us then. We had no report from Sir Whately Eliot then.

Hon. J. W. KIRWAN: The result has proved that those statements were much nearer the mark than the statements made by the Premier and the various members who were supporting the dock. That is the point I wish to make.

The Colonial Secretary: Sir Whately Eliot included work that was not included in the other estimate.

Hon. J. W. KIRWAN: The representations on which the dock Bill passed, were not in accordance with fact, if we are to accept Sir Whately Eliot's report. What does he say? He says:—

"I also consider that a dock can be completed and rendered available for use at Rous Head at a less total cost than in any other position, either in the harbour or above the existing bridges. At the same time I do not consider that the estimate of £285,000 is sufficient for a dock of the dimensions given and constructed in ground such as exists at Rous Head. To bring such a work within that estimate would mean a reduction in the substance and strength in the walls and floor. This is a risk which I cannot recommend."

Evidently that is the point to which the Colonial Secretary refers.

The Colonial Secretary: No; he included several wharves which are not necessary at present.

Hon. J. W. KIRWAN: With all due respect to the opinion of the Colonial Secretary, as to what is necessary in connection with this dock, I think most members of this House would prefer, with myself, to accept the opinion of Sir Whately Eliot.

The Colonial Secretary: He says they are not necessary at present, but that it would make it more complete to have wharves on the western side.

Hon. J. W. KIRWAN: He says it is distinctly the estimate for a dock of the dimensions given, and constructed in ground such as exists at Rous Head. The exact figures are further on. He says:—

"I estimate that the cost of the proposed dock, with approach caissons and all equipment necessary for bringing the dock into use, but not including workshops, will be £325,000."

That is a very important point, "not including the workshops." But that is not the complete figures. He goes on to say:—

"The cost of the works subsidiary to the dock I estimate as follows:"

Then he gives estimates of the various requirements, which come to a total of £28,000. Adding this to the £325,000 we have a total of £353,000, and that does not include workshops. Now compare that estimate with the estimate of the Government of £285,000, on the strength of which this dock Bill was passed. It means that Sir Whately Eliot estimates that the dock, not including workshops, will cost £58,000 more than the Government estimate. I know it may be said that the workshops attached to the dock, the construction of which will be a considerable expense, may be left to private enterprise; but anybody who knows the disposition of legislation, and the disposition of the people for the last few years and the tendency towards socialistic enterprise, will realise that it is absolutely certain that if the dock be agreed to there will be an outcry for the workshops to be constructed and controlled entirely by the Government; and that will add considerably to the total of £353,000. That fact alone, apart from other matters to which I shall refer, the fact that the Government said that the work would cost £285,000, while an expert selected by themselves, one of high repute, states that the work will cost £353,000, without additions that are

necessary, fully justifies me in bringing forward this motion, and justifies the consideration of the postponement of construction work. But there have been other factors that I think should induce many members of this House to reconsider the position concerning proceeding at once with the dock. The motion in favour of this dock was carried in this Chamber by only one vote. I take it that none of the members who then voted against the dock can possibly have altered their minds and come to regard that dock as now a question of urgency, whereas on the other hand there are many members who may have voted for that dock who, under the extraordinary circumstances in connection with the finances of the State, would be fully justified in saying that we should now pause before proceeding further with it. Now, what are the alterations that have been effected in connection with our financial position? We had a deficit when the dock Bill was passed. It was a large deficit, but nothing nearly as large as the deficit we have now, amounting to £350,000 roughly.

Hon. W. Kingsmill: That is enough to build the dock with.

Hon. J. W. KIRWAN: The other day when the Treasurer was making his financial statement, he seemed to me to be extraordinarily hopeful as to the finances of the next seven months. He said that at the end of the next seven months—it was an extraordinary statement for him to make—or in other words at the end of the financial year, we would end with practically the same deficit as we began the year with, namely £211,000. He practically said that with all their efforts the Government would end with the same deficit, that is with the same accumulated deficit. It certainly does not present a very rosy outlook for the State; but to my way of thinking, and I think a number of members will agree with me, the deficit at the end of the present financial year will be much larger than it was at the beginning of the financial year. I think the Treasurer, if he hopes to make good the £140,000 he has gone behind during the first five months of the

year, is unnecessarily optimistic in the hope that he will make it up during the next seven months. Certainly the taxation he is proposing will not help him a great deal, and I can scarcely imagine anyone in the State believing that the Treasurer's estimate will turn out as he thinks it will. However, the deficit is growing, but there is also the prospect of our revenue becoming less. The relationship between the States and the Commonwealth has been somewhat altered since the dock Bill was passed. The Commonwealth have since appropriated the surplus revenue, and at the end of 1910 we will be face to face with the expiration of the operation of the Braddon Clause. Now I feel pretty certain that despite any efforts that may be made by the Premiers between now and then to come to a financial arrangement between the States and the Commonwealth, their efforts will prove futile. The Commonwealth know that at the end of 1910, if an arrangement be not made between the States and the Commonwealth, they will be absolute masters of the situation, and can snap their fingers at the Premiers, and say, "We will do exactly as we like with the customs and excise revenue." It rests entirely with the Commonwealth Parliament to say whether or not that Braddon Clause is to remain in operation, or whether the Commonwealth legislators are to have absolute control of all the customs and excise revenue. Anyone who knows the views of the Commonwealth legislators in both Houses must be of one opinion, and that is that the Commonwealth Parliament will not relinquish the right to use the customs and excise revenue as they like.

Hon. M. L. Moss: But those members will have to get the support of the people of Australia to get into that Parliament.

Hon. J. W. KIRWAN: If it comes to a fight between the Commonwealth and the States I really believe on that very question the Commonwealth must win. It will be very difficult to rouse the bulk of the people to a sense of the importance of the situation, and rightly or wrongly the Federal legislators seem to be growing in public favour, and it is absolutely cer-

tain that if the election be fought upon that basis the Commonwealth legislators will win on the question that they should have the right to control the whole customs and excise revenue.

Hon. M. L. Moss: All the same I do not think the whole of the people of Western Australia will take it sitting down.

Hon. J. W. KIRWAN: I will have to differ with Mr. Moss on that question. I think it will be found that the Federal Labour party and the radicals of the Federal Parliament will be strongly inclined to reserve to themselves the right to do what they like with the customs and excise duties, and I feel sure that the people who support them will not desert them on a financial question, the details of which are not of any great concern to them. The bulk of the people do not care whether the money they contribute is spent by the Commonwealth or by the States, and the election will go upon other questions altogether. Therefore I think it will be found that the Commonwealth legislators will have the best of the contest. However, the point is this, that the Commonwealth Government have already appropriated the surplus revenue, and now when the Braddon Clause expires there will be unquestionably a desire on the part of the Commonwealth members to nibble at that customs and excise three-fourths. The cost of old age pensions will certainly come out of that three-fourths. It is the declared policy of the Government, and the declared policy of the Commonwealth Parliament, but in addition to that we have to remember that the Commonwealth members have a number of schemes, such as the development of the Northern Territory, two transeontinental railways, the building of the capital site, the construction of an Australian navy, and an elaborate scheme of defence, the High Commissionership, and so on. And whilst they have these schemes in front of them and are very strong in their advocacy of them, it must be remembered that the Labour party and a large number of the members of the Federal Parliament are strongly opposed to any further borrowing, and when they are opposed

to further borrowing, how can they carry out their schemes unless they go on nibbling at the three-fourths of the customs and excise revenue. It is absolutely certain when the Braddon clause expires, we shall be face to face with a reduction of the revenue we now receive from the Commonwealth, and in view of that, it is advisable that we should exercise caution in the matter of our expenditure. Then I think we might look to other parties further than the State for help towards the construction of the dock. A member of this House in conversation, made to me a suggestion which seems a very good one; he did not mind me mentioning it or elaborating his idea. It was that the cost of a work of this character; a work that seems to me to be of a national character, should be borne jointly by the Admiralty, by the Commonwealth and by the State. I think if one-third were to be borne by the Admiralty, one-third by the Commonwealth, and one-third by the State there would be no objection whatever to proceeding with the construction of the dock.

Hon. J. W. Hackett: The Admiralty say they will not contribute anything.

Hon. J. W. KIRWAN: I am coming to that. The Admiralty I understand from papers which were laid on the Table to-day—I have not had an opportunity of reading them—say they will not contribute anything towards the cost of the dock. The Admiralty I say have, in many instances contributed largely towards the cost of docks in other parts of the world. Take the dock at Colombo. One-half of the cost of that dock was borne by the Government of Ceylon, and the other half was borne by the Admiralty.

Hon. R. F. Sholl: That is a Crown colony.

Hon. J. W. KIRWAN: There is an interjection that that is a Crown colony. Take the dock at Auckland—and New Zealand is not a Crown colony—the Admiralty contributed largely towards the cost of the dock there.

The Colonial Secretary: How much do they contribute?

Hon. J. W. KIRWAN: I have not the figures, but I know they did contribute

towards the cost of the dock at Auckland, and they recognise the principle there. It is said the dock will be largely used for naval purposes, and on this account, I think the State might reasonably approach the Admiralty and the Commonwealth with a view of getting some contribution towards the dock. I think that if the Admiralty were approached through the medium of the Commonwealth, they possibly might be inclined to consider their position. The Commonwealth of Australia jointly with the Admiralty have charge of the defence of Australia, and the proper way to approach the Admiralty is through the medium of the Commonwealth, and the Commonwealth might be got to help towards the construction of this work. This dock is not merely a Fremantle work, not merely a State work; it is a work that will facilitate the trade of the whole of the Commonwealth; and one of the duties of the Commonwealth, one of the provisions of the Commonwealth Constitution is that the Commonwealth should do all in its power to promote trade and commerce between the States, and also between the Commonwealth and the rest of the world. A proposal of this kind, which besides its advantages from a defence point of view, would also help to promote commerce between the States and the Commonwealth, and the outside world and the Commonwealth, the Commonwealth might very well be induced to consider favourably the question of contributing towards the cost. It has been argued here in previous debates that the dock should be constructed for defence purposes. This State has nothing to do with defence purposes. It is a State with a small population, a sparse population, and it is engaged in the development work of a territory comprising one-third of the Commonwealth, and all the money that is available ought, to my mind, be expended in the development of the natural resources of that territory. If this State is prepared to contribute one-third towards the cost of that dock, a dock so useful for naval purposes, so useful to promote trade and commerce between the States and the Commonwealth and the rest of the world, I say

Western Australia has amply done her share towards the construction of the dock. Fremantle at present is the largest port in Western Australia. It is the port of the capital, and when the Trans-continental railway shall be built, it will unquestionably be the western gateway into the Commonwealth. Under these circumstances the Commonwealth might be induced to contribute at least one-third towards the cost of a work of this character. The motion I have proposed is one which states that this work is not of an urgent character, and in view of the fact that all these conditions to which I have referred, new conditions, have arisen since the Bill was carried by one vote in this House, it is extremely desirable that the Government should delay their hands before proceeding. There is a number of railways to be constructed throughout the State, and it seems to me that what money we have to spare at the present time would be put to much better purposes in the construction of railways, and providing the agricultural communities and other districts of the State with the ordinary necessities and conveniences of life. It is said if the dock be proceeded with, the cost of the interest and sinking fund on the expenditure might be made up out of the increased harbour and wharfage dues. That is only another way of saying that the State must pay for the interest and sinking fund. The people would have to pay for it sooner or later. It is as broad as it is long. It is not the importer or the shipping people who will pay this, but the people of the State. Another point has been referred to frequently, and that is, that this dock has been so long before the State, that it is about time it should be constructed. In 1896, I think it was, £150,000 was voted towards the construction of the dock.

Hon. M. L. Moss : You have the figures in your mind very well.

Hon. J. W. KIRWAN : I have studied them very closely. I say the hon. member made out the very best case possible for the dock. During all these years of plenty that have gone by, if we were not in a position to build the dock, then certainly there never was a time in the his-

tory of the State, since the dock was first mooted, when there was more occasion for caution than at the present time. I have much pleasure in moving the motion.

Hon. T. F. O. BRIMAGE (North-East): I second the motion.

Hon. R. LAURIE (West): I had expected when the member moved this motion, he would have stuck closer to the reasons which appear in that motion, but we find from the arguments adduced by the member, that while he gives as his reason for not going on with the work that which is expressed in the motion; that is not the principal factor in stopping the work, but the question that Sir Whately Eliot has laid down that the cost of the work will be—

Hon. J. W. Kirwan: Does that not affect the financial question?

Hon. R. LAURIE: The hon. member will pardon me for a moment. I want to point out that while the hon. member says that the present state of the finances will not warrant the construction of the dock, he labours on the fact that the dock is to cost more money than the amount placed before the House, and on which members came to a determination. I want to make it clear to members that so far as this House was concerned, I think they had Sir Whately Eliot's report before them when they came to a determination.

Hon. J. W. Kirwan: Oh no!

Hon. R. LAURIE: I am subject to correction, but I think I am stating the fact. I want to point out that the Fremantle dock is like a red rag to a bull with Mr. Kirwan. He has this Fremantle dock in front of him, and he is determined to stop its construction at any cost whatever. He may have some reason, and no doubt he has a reason for stopping it; and it must be quite outside the finances of the State.

Hon. J. W. Kirwan: There is no reason other than I have stated.

Hon. R. LAURIE: I accept that statement, but in view of the fact that this gentleman has devoted so much time to the Fremantle dock, and leaving matters that affect his province; in fact the

whole of the goldfields on one side, and has concentrated so much of his efforts to the Fremantle dock during the past few weeks; it appears to me to be one of the things, that having the Fremantle dock in front of him, he intends to do all he can to stop, for the present, the construction of that dock. He has moved that so far as the finances of the State are concerned, the construction of the dock should be stopped, and he further goes on to say that the Admiralty have decided not to contribute towards the cost of the dock. We know that at the time the dock was under the consideration of this House and another place, the Commonwealth would not contribute.

Hon. J. W. Kirwan: Have the Commonwealth refused?

Hon. R. LAURIE: The Commonwealth have been approached as the hon. member will find out if he continues his inquiries as busily as he has been engaged during the last few weeks with this dock question. Had he made the fullest inquiry he would have learnt that the Commonwealth decided not to contribute to the cost of the dock. A little further investigation on the part of the hon. gentleman would have acquainted him with all the facts. It is a dangerous thing to get some of the facts and leave others ungathered. The position is that this House, and another place also, have decided by a majority that the construction of a dock at Fremantle shall go on.

Hon. S. Stubbs: If they have made a mistake can we not alter it?

Hon. R. LAURIE: Many gentlemen make mistakes and my hon. friend made one yesterday evening when he said that there should be no Bill under which any man would have a half-holiday.

The PRESIDENT: The hon. member must not refer to any past events.

Hon. R. LAURIE: Still the hon. gentleman will interject and he must take what he gets. We are all liable to make mistakes. He made one yesterday and now I have made one and have been corrected for it. This House decided that the dock should be built. And with regard to this dock I would point out

that as far as the interest and sinking fund are concerned it will be so infinitesimal that this country in the present state of its finances will not feel it. This is not a matter like the Goldfields Water Supply to which my hon. friend might well devote his attention. In that respect I would refer him to the Auditor General's report which will furnish him with some food for thought. The amount to be spent year by year on this dock will be very small indeed and it will be covered by the wharfage rates. An additional three pence per ton on goods of this, that or the other class will easily cover it. In reply yesterday to a question put to him the Leader of the House said that the total cost of the construction of the dock to date had been £5,054, and that the construction having been authorised by Parliament after the fullest discussion—and I would like to say that I do not know any time since I have been in this House when there has been a fuller discussion than took place on this Fremantle dock—the Government considered that the country was pledged to continue the work, which would be spread over a term of years. Now what has happened in connection with the finances of this State to justify a member in asking this House to agree to the motion now under consideration? Mr. Kirwan has stated that as far as the Commonwealth Government is concerned no concurrence in this project can be expected. I have no doubt that if unification were proposed to-morrow the hon. gentleman would be one of the first to vote for it—to vote for handing over the whole of our affairs to the Commonwealth. But those of us who want to look after the affairs of this State as they should be looked after, are pledged to build this work and certain other works. The benefits that this dock will confer on this State, if it result in the place being made a naval base, will be of such a character that in five years the return will have paid all the interest and sinking fund we will have to find. Take Sydney, where at the present time £250,000 per annum is being poured into it by the naval ships.

Hon. J. W. Kirwan: You add on £100,000. That is only one of your false statements.

Hon. R. LAURIE: If my hon. friend devoted his time a little closer to the province which he represents, and to which shortly no doubt the finances of the State will have to be largely devoted—

Hon. J. W. Kirwan: That is where all the gold comes from.

Hon. R. LAURIE: We welcome the gold from there, but at the same time in 1909 the money spent on the construction of that dock will probably not be more than from £60,000 to £100,000. Because, as we know, the work will be spread over some four or five years, and all the State has to find is the interest and sinking fund on £60,000, which can be provided through the wharfage fees. Yet the hon. member says the finances of the State are going to strongly affect the position.

Hon. J. T. Glowrey: How do we know the Government are going to spend only £60,000?

Hon. R. LAURIE: I know that if my hon. friend were going to spend the money it would not be spent on the Fremantle Harbour. The amount we have to find next will be on the Goldfields Water Supply. The Auditor General says we will have to raise a loan presently to meet the sinking fund in connection with that scheme.

Hon. R. D. McKenzie: Is that not a good reason for exercising economy?

Hon. R. LAURIE: Where is the economy? The money which will have to be found for the construction of that dock is of so infinitesimal a character that it can be easily found. It is only a matter of interest and sinking fund on an amount of from £60,000 to £100,000. The work is supposed to extend over four or five years and as Mr. Kirwan himself has remarked, it is only £350,000 altogether. And the Fremantle Harbour Trust has to find the sinking fund to write off the whole of the principal spent on the harbour. After this has been paid we will have the harbour for nothing. If there be an asset this State should have unencumbered it is a harbour.

Member: What about depreciation?

Hon. R. LAURIE: It is a matter of appreciation rather than depreciation. The Harbour Trust is finding the sinking fund and when that has been provided we shall have a harbour for nothing—a harbour worth perhaps £1,500,000.

Hon. W. Maley: Do you expect to get the dock the same way?

Hon. R. LAURIE: What I want to say is that if any hon. member will get up and tell me that the harbour can be completed without that dock, then I shall say he knows very little about it and would do better to devote his time to raising wheat or pigs.

Hon. C. A. Piesse: The samples are not too good.

Hon. R. LAURIE: Possibly not. What I want to say is that the position is a very clear one. As far as that dock is concerned this House by a deliberate vote, and after a very long discussion, agreed that the work should go on; and while this House has every right to call the attention of the country to the condition of the finances of the State I think such a motion would have come very much better from the House that has to find the money—the House that attends to the finances of the State. We have no such right in this House. I think a motion of this character would have come very much better from another place. Still I contend that this House would be very wrong indeed to say after a few months that the vote we gave so recently was absolutely wrong. And it has to be remembered that the question we then debated in respect to this dock was not whether or not the dock was right or wrong, but merely the question of site. The question of dock was admittedly right, but the question of site some hon. members held to be wrong.

Hon. J. T. Glowrey: It is a question of finance now.

Hon. R. LAURIE: On a previous occasion it was a question of site and many efforts were made to knock the Bill out.

Members: No, no.

Hon. R. LAURIE: Well, shall I say to postpone the Bill? I think if there is any one gentleman who ought to congratulate himself upon the result of that debate which we had in this House, it is

the Hon. J. W. Hackett. He laid it down as an axiom that an Imperial officer should be brought here to examine the site. The Government absolutely bowed down to Dr. Hackett and brought out Sir Whately Eliot; and Sir Whately Eliot decided that the site selected was absolutely the best. So you will see it was only a question of site after all on which the House debated. It appears to me it is now only a question of whether this country can bear the interest and sinking fund, which after all will be gathered through the revenues of the Fremantle Harbour Trust. Are we going to have it said that the State of Western Australia cannot bear such an impost through its Harbour Trust as will cover the interest and sinking fund on say £100,000?

Hon. J. W. Kirwan: That is not the question. It is not a question of urgency.

Hon. R. LAURIE: I expect the hon. member has been inquiring very closely into the Goldfields Water Supply lately, with the result that he finds there is a matter of such urgency coming along that it will be necessary to scrape together the last shilling to cover the cost of what may happen up in his district.

Hon. J. T. Glowrey: It is fresh water up there.

Hon. R. LAURIE: No doubt, and it will have to be supplied. Are we to say that the port of Fremantle, to which all the supplies for the State come, and from which go a considerable quantity of the exports, cannot find, through the Fremantle Harbour Trust, sufficient interest and sinking fund to carry on a work both this House and another place have determined should be constructed. It may be said it was only carried in this House by one vote, but many momentous questions have been settled here and elsewhere by one vote, and, in fact, it is only momentous questions that are determined by so narrow a majority. One vote in this particular instance showed, at all events, that members of this House were fully alive to the responsibilities of carrying that measure. We would be doing a wrong to ourselves, and to the people of Western Australia, if we were to publish to the outside world the fact that we are in such an impecunious position that we

cannot collect, from wharfage and harbour dues at Fremantle, sufficient to pay interest and sinking fund on a sum of anything up to £60,000 or £100,000. It would be doing an absolute wrong to pass the motion. Members having decided after a heated division, and a heated debate, that the Bill should be carried, it would be wrong for them now to go back on their previous decision.

Point of Order.

Hon. M. L. Moss: On a point of order, Mr. President, I submit that this motion is improperly brought before the House.

The President: What is the point of order?

Hon. M. L. Moss: I will explain it. It is the province of the Legislative Assembly, by their Loan Estimates, if they think fit to place a sum of money there for the construction of any particular work, to do so, and it is for that Chamber only, and not for this House, to say whether that allocation under the Loan Estimates shall be made.

Hon. J. W. Kirwan: What Standing Order are you going on?

Hon. M. L. Moss: I am dealing with no Standing Order, but with the rules regulating proceedings generally.

Hon. J. W. Kirwan: You had better quote something.

Hon. T. F. O. Brimage: What is the Standing Order?

Hon. M. L. Moss: I am addressing the President, not Mr. Kirwan or Mr. Brimage.

The President: I will answer the hon. member directly.

Hon. M. L. Moss: It is a matter that rests with the Lower House to say whether or not there shall be placed on the Loan Estimates a sum of money for the construction of a public work, and it is not for this House to dictate to another place, as this resolution attempts to do, what items shall appear on the Loan Estimates. I submit that this notice of motion is unconstitutional, and this House cannot consider it.

The President: I rule that this motion does not affect the allocation of any funds but simply expresses the opinion of the House on the subject. Many motions

have in the past been made where the opinion of the House has been expressed. I rule that it is in order.

Debate Resumed.

Hon. T. F. O. BRIMAGE (North-East): I wish to say a word or two with regard to this question. I desire to support the motion. The finances of this State warrant some consideration at the hands of Parliament. It is unnecessary at the present time to have a dock at Fremantle. I regret to notice the tone that Mr. Laurie has used with regard to some of the large public works that have gone before this one. He has referred to the old water scheme, but that question should surely be dropped by now. Anyhow, we have this fact, that the scheme is providing water to 30,000 or 40,000 people, and I do not think the Fremantle dock, when constructed, will give employment to a couple of hundred men. This question of the dock was thrashed out when the Bill was before us, and I have not altered my opinion as expressed then, that the expenditure on the work is an altogether unnecessary outlay. I am in accord with members who believe that the money proposed to be spent in the construction of the dock could be well used in fostering the industries of the State. Many districts require railways. We are building light railways to foster the agricultural industry, but many more are wanted. The whole question of the dock has been brought forward by members, and more particularly by Mr. Laurie and Mr. Moss, with the view of getting employment for the town of Fremantle. This is especially apparent so far as the question of site is concerned. I believe many experts think the site is not a good one. The expenditure on the construction of the work should be delayed, more particularly as the State is now so hard up. With regard to the statement of Mr. Laurie that the matter should not be brought up in this Chamber, are we not asked to pass the Estimates and money Bills, and why, therefore, should we not be able to express our views on the expenditure of money on this work? If we made a mistake in the past when the Bill was before us, we

should not make another now. It was only passed by a narrow majority, and we have a perfect right to alter our opinion. There are docks at Singapore, Colombo, and Melbourne, in fact, we are surrounded by them, and we should wait a little longer before constructing one at Fremantle.

Hon. M. L. Moss: There is another dock in the police court in Perth.

Hon. T. F. O. BRIMAGE: I think there is, and no doubt the member has practised there on more than one occasion. I believe he was accused by the Supreme Court Judges of malpractice in the Supreme Court of this country, either he, or his brother, or some member of his family.

Hon. M. L. Moss: Mr. President, the member has made an exceedingly outrageous statement, and I insist that he should withdraw.

Hon. T. F. O. BRIMAGE: You should not throw insinuations at me.

The PRESIDENT: I did not hear the remark, but I hope the hon. member will withdraw it if it is offensive.

Hon. T. F. O. BRIMAGE: I withdraw it, but the same thing occurred last year. I was addressing the House on the question of the dock at Fremantle, and all the time I was doing so, I had Mr. Moss and Mr. Laurie continually heckling.

The PRESIDENT: You have the protection of the Chair.

Hon. T. F. O. BRIMAGE: You were engaged at that time. I do not want to be insulting to members, and I try to conduct myself with as great respect as any other member here, but one only has to read *Hansard* to realise the time I received at the hands of Mr. Moss last year. He took up the position then that only a legal mind—and I would not like to call his one of high calibre—should take up. I have never spoken to him since, as he took the fullest advantage of me.

The PRESIDENT: I think it would be better for members to address themselves to the motion.

Hon. T. F. O. BRIMAGE: The member took the fullest advantage of his legal training to stigmatise me. As to the finances of the State, and the dock, we may address ourselves to this question now.

I hope that the unnecessary construction of public works will not be continued at the present time. The present is no time for spending money in that direction.

On motion by the Colonial Secretary, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

Debate resumed from the 3rd December.

Hon. W. KINGSMILL (Metropolitan-Suburban): The learned member who introduced this Bill said at the outset it was a measure that everyone would admit was of the greatest importance. In that statement every member will bear him out. Indeed, the Bill is of such importance, that I think it is almost a pity the course the hon. member adopted was not that of referring the Bill to a select committee before the second reading was entered into. As a matter of fact, the Bill should not have been drafted before being referred to a select committee. It would have been a good deal better had a joint select committee of both Houses discussed this Bill, and agreed upon the terms of it before any introduction was made. Members will agree that after the speech made by Mr. Moss, there is very little doubt but that a Bill of some sort is necessary. Whether the Bill we have at present before us fills that want is a matter for question, and I am the more emboldened to criticise the measure, as the member who introduced it gave his opinion that it was purely a tentative measure, and he would be glad to hear criticisms upon it from members. I am well aware that in attempting these criticisms, any member who has not had legal training is placed at a distinct disadvantage, and I hope Mr. Moss, when criticising my criticisms will remember that, and take them as the criticisms merely of a layman, and, at all events, as being well meant, even if they seem strongly to attack some of the clauses. The main object of this Bill is to abolish the restriction on business dealing between members of Parliament and the Government. I

think I am right in saying that. The hon. member has pointed out and pointed out I think very truly that when the Act under which our present Constitution was constructed came into being the circumstances of the community were altogether different from those now prevailing. He pointed out that since that time the Government have taken in hand, through I suppose the growth of what is known as State socialism, very many trading concerns and that members of Parliament in common with others took advantage of the facilities which were offered. That being so it is quite comprehensible that circumstances may arise whereby members of Parliament without in any way infringing the spirit of the law may well come within the letter of it, and it is I presume to remedy this state of affairs that the hon. gentleman has brought this measure forward. The hon. gentleman has pointed out in our Constitution we have first of all several sections of the Act of 1899, the purport of which is to limit the dealings of members of Parliament with the Government, and he also pointed out that in Section 35 of that Act there are certain exemptions made, for instance as in dealing with regard to the sale or occupation of Crown lands. These dealings are exempted from the general provisions of the Constitution Act. I think it would have been better had that list of exemptions been increased rather than have Sections 32, 33, 34, 35, and 36, which provide these restrictions, altogether abolished. I fancy although there may be some little difficulty in preparing a special set of exemptions, still with the consideration which a select committee would give this Bill, I do not think those difficulties would prove insuperable. In this connection it is interesting to read the Act from which Mr. Moss has pointed out we derive this part of our Constitution. The Act is an Act of 22 George III. and as was customary in those days the spirit of the Act—that is the reasons which impelled the Parliament of that day to bring an Act down—and the intentions of that Act are fully disclosed in the preamble. The preamble was a very good feature of Acts in olden days and often contained very admirable in-

formation with regard to the intention of the Bill and the reason for bringing it in. This preamble, part of which I will presently read, tends to show that in so far as dealings of members of Parliament with the Government are concerned, those dealings more especially prohibited, were that a member appeared in the light of a vendor to the Government. I think that if this distinction were made, if hon. members will think it out, it will nearly fill the Bill, that as a vendor a member of Parliament goes to the Government to the exclusion of other persons and it may be contended, to the malicious exclusion of other persons. That is what I think it is intended to prevent by the spirit of this part of our Constitution, and I fancy it would nearly meet the case if the sale of goods or materials or the entering into a contract to supply the Government by members of Parliament, were prohibited. This prohibitory section of our Constitution leaves members of Parliament free to enjoy in common with other persons as undoubtedly they should without imperilling their positions—services such as water, railway, and others of that sort which are provided for the community. I see no reason why any member should have any cause to feel anxious about his position through taking advantage of the facilities which are provided by the State, and which are availed of by him only in common with the rest of the community. On the other hand it would lead to endless abuse were it possible for members of Parliament to deal with the Government as vendors in the same way and on the same lines as members of the outside public. If this Bill as prepared by Mr. Moss comes into law there will be nothing to prevent members taking contracts for the building of railways, even for the completion of the Fremantle dock. I have often heard it said that hon. members have engineered such things. In addition to engineering they, under this measure, will be able to carry them out. I do not think that would be a desirable state of affairs nor do I think a Bill which would render such a state of affairs possible would have any chance of getting through both Houses of Parliament.

As I said the preamble of the Act of George III. seems to aim altogether at the contractor, the vendor of goods to the Government. It reads as follows:—

“For further securing the freedom and independence of Parliament, be it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the lords, spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the end of this present session of Parliament any person who shall directly or indirectly himself or by any person whatsoever in trust for him or for his use or benefit, or on his account undertake, execute, hold or enjoy, in the whole or in part, any contract, agreement, or commission made or entered into with, under, or from the commissioners of His Majesty’s Treasury, or of the Navy or Victualling Office, or with the Master General or Board of Ordnance, or with any one or more of such commissioners, or with any other person or persons whatsoever, for or on account of the public service, or shall knowingly and willingly furnish or provide in pursuance of any such agreement, contract or commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad or any wares or merchandise to be used or employed in the service of the public, shall be incapable of being elected or of sitting or voting as a member of the House of Commons.”

I think that shows that the intention of this Act was as I have said directed at the member of Parliament who was dealing with the Government in the capacity of vendor or as supplier of goods.

Hon. W. Patrick: What is the date of that Act?

Hon. W. KINGSMILL: It was passed in the session of 1781-2. Another point raised by Mr. Moss was that under our present Constitution it is possible for any member of the public to make it extremely unpleasant for a member of Parliament. That is, an informer may lay an information against a member of Parliament, and it is possible for that informer

to sue, and indeed he is invited to sue, by the fact that he obtains the fine of £200 which it is possible to recover if he proves his charge. The hon. member wishes in view of the information being laid by a common informer to make it possible only for the Attorney General to recover, and that the fine should go into the general revenue. With the last part of his contention I am entirely at one. I do not think the ordinary person should be induced to take such an action but on the other hand I think if we leave the initiation of such action entirely with the Attorney General of the day, that Attorney General may be *particeps criminis*, and it may be possible that he may be somewhat slow to take action and the proposed law would lose its effect.

Hon. M. L. Moss: You must remember that ours is only a triennial Parliament, unlike the British Parliament which is septennial.

Hon. W. KINGSMILL: Quite so. These points only show that as the debate goes on further points may be raised showing plainly we are dealing with a question which needs a good deal of deliberation and inquiry before we can arrive at a final decision. Again, the hon. member proposes that the only disqualification for a member of Parliament shall be the acceptance of an office of profit under the Crown. I notice in one of the clauses he says “office of profit within the State.” He does not say why he put in the words “within the State” which are missing from the present Act. If there is one thing that needs definition in this State, and indeed in other States, it is the words “office of profit under the Crown.” There seems to be a great deal of misunderstanding and doubt surrounding these words, as to what is an office of profit under the Crown. I have been assured by legal gentlemen that offices which most certainly did seem to be offices of profit under the Crown may be argued not to be such, I suppose by some definition such as that to which Mr. Moss referred when he talked of the highly qualified legal gentlemen who did not receive fees but received an honorarium for the services they rendered to the Crown. A great deal of controversy has raged around

the position of Royal Commissioners and it would be a good thing if this question was once and for all set at rest in this Bill. Of course for my own part, looking at it with the untutored mind of a layman, a Royal Commission does seem to me an office of profit under the Crown. I spoke of this before and was accused of speaking with very bad taste, but the only bad taste I was guilty of was in endeavouring to point out how a good deal of money could be saved to the country. I in no way criticised the work being done by the Royal Commission in that case. I maintain that the work which has been done by Royal Commissions in the past could very easily be done, if it is proposed that only members of Parliament should sit on them, by select committees. And when we come to consider the question it is a peculiar fact that there is a great deal more warrant constitutionally I should say for paying select committees than for paying Royal Commissions. As we know, the President of this House, the Speaker of another House, and the Chairman of Committees in both Houses receive emoluments for the services they render in their various capacities, and it is not necessary for them on appointment to vacate their seats, because they are not officers under the Crown, they are officers under Parliament; and as the servants of Parliament it is not necessary for them to vacate their seats. That being so, then select committees are servants of Parliament, and I should say they are quite constitutionally capable of receiving payment for their services if the House so wishes.

Hon. J. W. Hackett: The Crown would have to pay them for their services.

Hon. W. KINGSMILL: Certainly, Parliament would get the money in the first place from the Crown, but the Crown has to pay the officers of Parliament now. When two members in each House retain their emoluments without vacating their seats it is quite sufficient precedent for us, if it is the wish that select committees should be paid for the services they render.

Hon. M. L. Moss: The two cases are not parallel, because a select committee does not sit during the recess.

Hon. W. KINGSMILL: Why not? It is quite possible for a select committee to sit during the recess. There is absolutely no reason why it should not.

Hon. J. W. Hackett: They do it in the House of Lords.

Hon. W. KINGSMILL: I have gone to a great deal of trouble to hunt up information about select committees, and I can find nothing to show that they shall not sit during recess. The practice here is not to sit during recess and it has become a habit. We cannot call it the practice because, as Dr. Hackett points out, select committees sit during recess in England.

Hon. G. Randell: Select committees have sat in recess here.

Hon. W. KINGSMILL: The practice in regard to select committees is constantly altering. At one time select committees could not sit when the House was sitting. Now they are only legally obliged to discontinue sitting while prayers are on. That is the custom in England. There is another clause in this Bill with which I must say I cannot sympathise, that is the last clause, the validating clause. To use a colloquialism, I think every transaction should stand on its own bottom. I do not think the publicity that will be given to this question is anything to speak of. I think members of the public, like members of Parliament, would be just as cognisant of the state of affairs existing before this Bill was introduced as afterwards, and I do not see any reason for the clause. As pointed out by Mr. Kirwan, Clause 4 of the Bill is quite unnecessary, because the point raised by it is already dealt with in the section it proposes to amend.

Hon. M. L. Moss: I have already amended that.

Hon. W. KINGSMILL: Although I am not able to support much of the Bill I think so long as we preserve the Title and send the Bill to a select committee it all the hon. member wishes to do.

Hon. M. L. Moss: I said nothing of the kind. The hon. member is very good at throwing a damp cloth over the thing, but I have not heard any suggestion from him to put in the place of what he condemns.

Hon. W. KINGSMILL: I pointed out that instead of adopting the destructive process of striking out all restrictive conditions on business transactions between members of Parliament and the Government, it would be better to define those business transactions which do not render it necessary for an hon. member's seat to be vacated under our Constitution. The hon. member should increase the exemptions rather than destroy the restrictions, and I think it is quite possible for that to be done by a select committee. I suggest to the hon. member that after the second reading he should agree to the submission of the Bill to a joint select committee of three members from each House, and that the select committee, in addition to its ordinary powers to sit during adjournments and to call for papers, should have power to sit during the recess of Parliament.

Hon. J. W. Hackett: With special payment to members?

Hon. W. KINGSMILL: That is a different thing altogether. The hon. member is off on another track. It is payment of members that should render it possible for members to look upon these services as possible without remuneration. If Mr. Moss will consent to refer the Bill to a joint select committee of both Houses, with power to sit during recess and to report early in the next session, I think we may arrive at some solution of this question which has been raised. Although it has been in existence here and in the other States, practically through all the States of Australia and in Great Britain, for a great number of years without any trouble arising, yet we must admit there is a good deal in the arguments of the hon. member, and it will be a feather in the State's cap if we arrive at some solution of the difficulty.

On motion by Hon. J. W. Hackett, debate adjourned.

BILL—BRIDGETOWN-WILGARRUP RAILWAY.

Received from the Legislative Assembly and read a first time.

BILL—EMPLOYMENT BROKERS.

In Committee.

Resumed from the previous day.

Clause 27—Regulations:

The COLONIAL SECRETARY: Objection was raised to the method of fixing the fees that might be charged by employment brokers by regulations issued by the Governor-in-Council. To overcome the objection it would be necessary to amend Clause 15 by providing that copies of the scales of fees were also to be deposited with the Minister. Then the clients of an employment broker could see posted in a prominent place in the broker's office the scale of fees, and being a free agent could agree to pay the scale or not. But there could be no humbug in the way of declaring that the posted scale of fees was not the correct scale, because the copy of the correct scale which was supposed to be posted was in the possession of the Minister. Clause 27 now provided that the Governor-in-Council could make regulations prescribing these fees, but in view of the proposed alteration to Clause 15, it would be necessary to amend this clause to provide that the Governor-in-Council could only make regulations for the Act and imposing a penalty not exceeding £20 for any breach. He moved an amendment—

That all the words after "Act," in line 2, to the end of the paragraph be struck out and the following inserted in lieu:—"and imposing a penalty not exceeding twenty pounds for any breach thereof."

Amendment passed; the clause as amended agreed to.

(Sitting suspended from 6.15 to 7.30 p.m.)

New Clause—Penalty for false representation:

The COLONIAL SECRETARY moved that the following be added to stand as Clause 25:—

Every employment broker who, by any false statement or representation, induces any servant to enter into an engagement, shall be liable, on conviction, to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for not exceeding six months.

Cases had come under notice where employment brokers had sent employees to places away in the country, and if proper representation had been made as to the nature of the duties pertaining to the situation to which the person was sent, the employee would not have accepted the employment. In order to put down cases of this kind, he asked the Committee to accept the clause. We should protect employees, especially females, in this respect. No legitimate broker had anything to fear.

Hon. V. HAMERSLEY: Would the Government Labour Bureau come under the working of this clause?

The Colonial Secretary: Certainly not.

Hon. V. HAMERSLEY: Employment brokers would take exception to this provision. How could an employment broker carry on his business with such a clause as this in the Bill?

The Colonial Secretary: Many brokers made misrepresentations to employees.

Hon. V. HAMERSLEY: But a person could accept a position, and then say certain representations had been made to him to accept the position.

The Colonial Secretary: False representations had to be proved.

Hon. V. HAMERSLEY: A broker might receive an order from Wyndham, or from one of the Eastern districts, from a person requiring a cook, stating that so many hands had to be cooked for. The employment broker would engage a person and send him along; it was possible the person employed might find that there were 18 persons to cook for instead of 12.

The Colonial Secretary: How could that be false representation?

Hon. V. HAMERSLEY: It was possible. It was serious to make the employment broker liable for misstatements. At the present time many hands were sent into country districts who never intended to do a hand's turn and the persons could say that matters had been misrepresented to them.

Hon. J. M. DREW: This provision was rather drastic. False statements might be made to an employee, and the broker might not be responsible. Suppose a broker received a letter in which there were false statements, and the letter

was produced to the employee, would the broker be liable for those false statements in the letter? It was usual in provisions of this kind to say "wilfully" or "knowingly." Some such addition should be made to the clause.

The COLONIAL SECRETARY: There was no fear from such a provision. The court would not accept an *ex parte* statement from an employee; he would have to prove that false representation had been made to him by the broker. Was it not right to throw the onus of making inquiries on the employment broker? Such a provision would make the broker careful.

Hon. G. RANDELL moved an amendment—

That after "who" in line one, the word "knowingly" be inserted.

If some provision were not made the employment broker would be open to punishment by obeying instructions received.

The Colonial Secretary: The onus of making inquiries should lie on the broker.

Hon. G. RANDELL: The onus of proving the charge at present was on the person making it.

Hon. J. M. DREW: Some such word as "knowingly" appeared to be quite necessary to the clause. A man charged with perjury was charged with wilful and corrupt perjury. Except it were wilful and corrupt it was merely a false statement. So too with these employment brokers, wilfulness or knowledge ought to be proved.

Hon. J. W. HACKETT: He will get off every time.

Hon. R. W. PENNEFATHER: It was apparent on the face of the section that the word "knowingly" was implied, because the word "false" was actually used, and the word "false" connoted the word "knowingly." Still no harm would be done in putting in the word "knowingly." It would place the matter beyond doubt.

Hon. J. W. HACKETT: "Knowingly" will get him off every time.

The COLONIAL SECRETARY: It was to be hoped Mr. Randell would not press his amendment. If the amendment were agreed to it would be almost impossible to obtain a conviction. As

Mr. Pennefather had said, the court would always accept the word "knowingly" as understood or implied. Still if the word were actually inserted it would serve as an inducement to the broker to refrain from making due inquiries. It was not right that a broker should accept the statement of a to him unknown employer in some remote district. The word "knowingly" would defeat the object of the clause.

Hon. G. RANDELL: The word "knowingly" had been inserted in many measures passed in this House. However, he would have no objection to the word "wilful" instead of "knowingly" if that would serve any purpose. As the clause stood it was an invitation to a man without principle to embarrass the broker. The whole Bill was very drastic in its application to any honourable broker.

Hon. V. HAMERSLEY: It was by no means certain there was any necessity for the clause at all. He was convinced that on the representations of someone in the country a broker might easily and innocently engage a person and send him or her away to a post, quite different from that which had been expected. Again, it was easy to conceive a case in which an unscrupulous servant, having had a nice trip to some distant part, would turn around and declare that the work to be done was not the class of work which he or she had been induced by the broker to undertake. It was not always the fault of the broker if the work was not exactly what it had been represented to be; because in many cases the broker was merely carrying out instructions received from the employer in the country. In such case it was not a false representation at all on the part of the broker, notwithstanding that the servant had been misled.

Hon. J. M. DREW: The word "knowingly" or some equivalent word was to be found in several sections of the Criminal Code which had been drafted by the present Chief Justice of the Commonwealth who surely ought to know whether the word was necessary. It certainly seemed necessary in this present clause.

Hon. W. MALEY: It seemed almost impossible that an employment broker should know all about the conditions obtaining in remote districts. All he could do was to represent the facts supplied by the employer. Of course if wilfully a broker were to send out a servant to a place that was not what it had been represented to be, then it was only proper that proceedings should be instituted against that broker. But if the clause were to become law the broker would be a pretty safe cock-shy for everybody to have a throw at. Some legislation of course was necessary to protect servants who were sent afield knowing little or nothing of the conditions and who had to take everything on trust. Still the clause would hardly meet the case in a way that would be fair to all parties.

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

Ayes	10
Noes	9

Majority for 1

AYES.

Hon. T. F. O. Brimage	Hon. R. W. Pennefather
Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. J. M. Drew	Hon. G. Randell
Hon. V. Hamersley	Hon. C. Sommers
Hon. W. Maley	(Teller).
Hon. M. L. Moss	

NOES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. F. Connor	Hon. B. C. O'Brien
Hon. J. W. Hackett	Hon. W. Patrick
Hon. S. J. Haynes	Hon. J. W. Langsford
Hon. J. W. Kirwan	(Teller).

Amendment thus passed.

Hon. V. HAMERSLEY: The clause was a dangerous one and in fact the whole Bill was too drastic. It aimed a blow at the employment broker. It was open for anyone to have a shot at that person and penalise him most severely. On one occasion he as an employer had sent to the Government Labour Bureau and had asked for three or four hands. These men arrived in due course, and on being asked why they had not brought tents with them, they stated they were led to understand by the bureau that there was a homestead and that tents would be unnecessary. As a matter of fact the work was to be done some three

miles away, and the men would have to camp out. On learning that they returned to town. On occasions when a similar misunderstanding had arisen he had paid the return fares of the men rather than have subsequent trouble. Some of his neighbours had similar experiences, and they had been threatened with actions by the men for loss of time. This was due to the misapprehension of the bureau. If the Bill were passed these men would have a right to put the employment broker to great expense, and the result would be that nearly all these businesses would be closed up. Would that be satisfactory to the Government or to the country?

Hon. W. Patrick: The laws are quite as drastic in the Eastern States.

Hon. V. HAMERSLEY: Surely the employment broker should be given a chance to earn a fair living. Misunderstandings frequently arose. For instance, he might send down to an employment broker and merely tell him he wanted three hands to pick stones.

Hon. C. A. Piesse: You should give more particulars.

Hon. V. HAMERSLEY: Anyhow, in the event of sending down such a message as that, and men came up anticipating they would stay at the homestead and then found they would have to camp out, probably under the Bill, although he as owner had made the mistake through not giving sufficient particulars, the brokers would be made liable for the fault.

The Colonial Secretary: They would have recourse against you.

New clause as previously amended put and passed.

Postponed Clause 15—List of charges to be posted:

The COLONIAL SECRETARY moved an amendment—

That after the word "shall" in line 1 the words "deposit at the office of the Minister and" be added.

This was necessary, for it might be found that an employment broker would engage a man under a certain scale, and then alter it after the engagement had been made. By forcing him to furnish the Minister with a copy of the scale

it could always be ascertained whether he made the correct charge or not. The amendment would protect the applicants for work from being overcharged. It was a new principle but a good one. Subsequently he would move for the excision of the second paragraph of the clause and the insertion of another paragraph in its place.

Hon. G. Randell: You will strike out the second paragraph.

The COLONIAL SECRETARY: Yes, and put in another which would make the employment broker liable on conviction to a fine of not exceeding £20 if he failed to observe the requirements of the clause. By the amendment just moved the result would be that competition would regulate charges. The object of inserting the words was to make certain that the employment broker would not put up one list of charges, and immediately he had engaged a man put up another if a complaint were made. A record of the charges would be kept in the department, and if a complaint was made it could be seen immediately whether the employment broker had been overcharging.

Amendment put and passed.

The COLONIAL SECRETARY moved a further amendment—

That the second paragraph be struck out and the words "every employment broker who is guilty of a breach or non-observance of this section shall be liable on conviction to a fine of not exceeding Twenty pounds" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Postponed Clause 16—Penalty for charging fees other than in accordance with scale:

The COLONIAL SECRETARY moved an amendment—

That the words "or other," in line 5 be struck out.

Amendment passed; the clause as amended agreed to.

Postponed Clause 17—Contract for fees other than those in scale to be void:

The COLONIAL SECRETARY moved—

That in line 5 the words "or other" be struck out.

Amendment passed; the clause as amended agreed to.

Schedules 1 to 4—agreed to.

Schedule 5:

Hon. B. C. O'BRIEN: The Bill was more or less in favour of the employment broker, and also very much in favour of the employer. The Committee, however, had not heard much about the unfortunate employee. Would the Minister indicate the intention of the Government with regard to fees to be charged employees?

The CHAIRMAN: The matter under consideration was the 5th schedule.

Hon. B. C. O'BRIEN: That was understood, but he would like the Minister to indicate what it was intended to do about the matter he had mentioned.

The COLONIAL SECRETARY: Already the matter has been explained, when Clauses 15 and 27 were being dealt with.

Schedule—agreed to

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Colonial Secretary Bill recommitted for further amendments.

Clause 3—Interpretation:

The COLONIAL SECRETARY moved an amendment that the following be added—

"Minister" means the responsible Minister of the Crown, charged for the time being with the administration of this Act.

On the previous day there was an amendment moved, striking out the words "Colonial Secretary" and substituting the words in Section 15, reading "Minister administering the Act." The word "Minister" had been added in several amendments that had been passed that evening, and it would simplify matters to include the definition of "Minister" in the interpretation clause.

Amendment passed; the clause as further amended agreed to.

Clause 9—Objections to license, and notice thereof:

The COLONIAL SECRETARY: The Committee had accepted an amendment which did not appear on the printed Bill, that "any inspector of factories or person acting with the authority of the Minister administering the Act." His proposal was to strike out the last three words, "administering the Act." Now that there was a definition of the word "Minister," it was not necessary to retain these words in the clause.

Amendment passed; the clause as further amended agreed to.

Clause 20—Employment broker, on demand, to give transcript of entry:

The COLONIAL SECRETARY: It was desired to add a further paragraph to the penalty section. He moved an amendment—

That the following paragraph be added to the clause—"Every employment broker who is guilty of a breach for non-observance of this section shall be liable on conviction to a fine not exceeding Ten pounds.

Amendment passed; the clause as amended agreed to.

Clause 24—Penalty for certain untrue advertisements:

The COLONIAL SECRETARY moved an amendment—

That the following words be added to the clause—"with or without hard labour."

He did not know whether it was altogether necessary to add these words, but the Parliamentary draftsman thought it necessary to have them inserted. These several amendments were really consequential, but in order to give members an opportunity of checking them, he would have the third reading of the measure fixed for next Tuesday.

Amendment passed; the clause as amended agreed to.

Bill reported with further amendments.

BILL—BUNBURY HARBOUR BOARD.

Second reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the

second reading said: I do not think it will be necessary for me to speak at great length on this Bill, because the principle of vesting our harbours in trusts has been accepted by this country for the past six years. Then, again, this particular Bill was introduced during the session before last, and was passed through all its stages, but was lost on the third reading on the day that the House was prorogued. I say on the last occasion on which it was introduced the Bill contained a particular clause, I do not remember just now the wording of it, but it gave the right to members of Parliament to sit on that board. A similar section appears in the Fremantle Harbour Trust Act. Exception was taken by some members to it, and on that account that particular clause has been deleted from this Bill.

Hon. J. W. Hackett: Would members be allowed to sit on the board without remuneration?

The COLONIAL SECRETARY: Yes. That is the only fault that was found with the Bill on the first occasion when it was presented. Therefore it is not intended to allow members of Parliament a similar privilege on this board that they have in connection with the management of the Fremantle harbour. The principle of handing over our principal harbour to a trust was agreed to some six years ago, when Mr. Kingsmill as Colonial Secretary introduced the Fremantle Harbour Trust Bill. In our first experience we have been very successful in this direction. That board has worked very well indeed. It has been the means of doing away with a great number of difficulties that used to exist at Fremantle. A good deal of that is due not only to the way in which the Act was drafted, but in the careful selection of the first harbour trust, and secondly, in the care the trust exercised in appointing its executive officers. In New Zealand they have a General Harbour Trust Act exactly the same as our Municipal Institutions Act. We have here a Municipal Institutions Act, and when a fresh municipality is desired, it is not necessary to pass a special Act for that particular municipality: simply

certain provisions are made for a new municipality to come under the existing Act. Now that is the case so far as the harbour trusts in New Zealand are concerned. There is a general Act, if I may so call it, and when it is desired to place another harbour under this system of government it is done just as we do in regard to a new municipality. There are at present 18 or more harbour trusts in the dominion of New Zealand and there are several in the other States, but until now we have had only one in existence in this State, namely, the Fremantle Harbour Trust, which will have been in existence for six years at the end of this year. There are several good reasons why a harbour board should be instituted at Bunbury, and they are principally those reasons that existed for the formation of a harbour trust at Fremantle. One reason is that the port of Bunbury, is now under dual control, or it is rather worse than that; there are three departments controlling the harbour and jetty. First, we have the Harbour and Light Department controlling the lights and the pilots and all in the harbour proper. Then we have the Railway Department controlling the jetty, and the Public Works Department exercising a certain jurisdiction, inasmuch as they control the shore end of the jetty and look after any repairs, maintenance, or construction that may be needed. Another reason is that Bunbury has grown considerably in importance of late years. When the breakwater was started 11 years ago in 1897 the trade of the port was very limited, only amounting to £16,000, and as a port Bunbury was practically unknown. To-day I am pleased to say that Bunbury is an important port, second only in point of shipping to Fremantle, so far as the ports of this State are concerned, and owing to the increase in the export of timber and coal it is possible there may be more shipping going on at Bunbury than at Fremantle. I do not say there is more tonnage because the mail steamers call at Fremantle, but the export trade is much larger than that of Fremantle.

Hon. G. Randell: They reckon it as No. 2 port.

The COLONIAL SECRETARY: Yes, I suppose so. The tonnage would pro-

bably be not more than one third of the tonnage at Fremantle, but the actual export on account of the timber and coal trade is greater than at Fremantle at the present time, and as the ships cannot all obtain berths the question is under consideration whether the jetty accommodation will not need to be extended. In 1901 the export trade was valued at £140,158 while the imports amounted to £42,000, a total of £182,000. Last year the exports were valued at £482,000 and the imports at £93,000 or a total trade of £575,000. That is a considerable increase. I believe that the export trade from timber alone will be over half a million from that port this year. Besides being the port for the town and for the export of the timber of the South-West, it will be the port for the shipment of Collie coal and for all that agricultural district lying around the South-West of the State from Pinjarra in the North to Busselton in the South. During the five years I have mentioned, from 1901 to 1907, the Railway Department have received in wharfage charges sums ranging from £12,700 in 1902-3 to £21,000 in 1906-7, while for the financial year ending June last the wharfage charges received were about £16,000. There was a slight falling-off owing to the timber trouble, otherwise the return for 1907-8 would have been a great deal higher. It is proposed under this Bill, as in the case of the Fremantle Act, to vest the property in the harbour in the harbour board, and the property that will be vested is set forth in the schedule. It consists of the jetty, the breakwater, and the bay. The original design of the breakwater was to extend to a point some 6,000 feet. The first work completed was 3,200 feet at a cost of £120,000. Since then the breakwater has been extended some 300 feet. This additional length was completed about last year and will materially assist towards the safety of the vessels using the port. Although this Bill is in a great measure a copy of the Fremantle Act, the Fremantle commissioners have considerably more power than is proposed to be given to the Bunbury board. For instance they have full power to handle cargo; a great deal of the work at Fremantle is in the handling

of cargo; but the Bunbury board will not have any power to handle cargo; they will simply have the control of the jetty and harbour, and the handling of the cargo will be carried out in the ordinary way by the ship-owners or by private contract. Again in the matter of pilots, these are controlled by the Fremantle Harbour Trust, but such will not be the case at Bunbury. The control of the pilots at Bunbury will be in the hands of the Harbour and Light Department as at present, and this department will also have control of the lights and buoys. These are controlled in Fremantle by the Harbour Trust, but the lights and buoys all along the coast throughout the State, with the exception of those at Fremantle, are controlled by the Harbour and Light Department, who keep a steamboat to travel up and down the coast attending to them. As the lights and buoys at Bunbury will not be sufficient to warrant the board keeping a steamboat for the purpose of looking after them, and they cannot be properly attended to without a steamboat, it has not been thought wise to hand the control of these lights and buoys to the board, and they will remain under the control of the Harbour and Light Department.

Hon. M. L. Moss: Are not the lights at Rottnest controlled by the Government?

The COLONIAL SECRETARY: The lighthouses at Rottnest are not controlled by the Fremantle Harbour Trust. This Bill is simpler than the Fremantle Harbour Trust Act. There are five commissioners at Fremantle, and it is proposed to have the same number at Bunbury, but the remuneration to be paid at Bunbury will be less, namely, £100 for the chairman and £50 for each commissioner, but their work of course will be considerably less than that of the Fremantle commissioners. They are to receive a prescribed fee for each sitting, but it is not to exceed in the case of the chairman £100 a year, or in the case of each individual member £50 a year.

Hon. W. Kingsmill: In one place it says the members "may" receive a fee but the chairman "shall" receive a fee. What is the difference?

The COLONIAL SECRETARY: I could not say. Speaking from memory, I think the Fremantle Harbour Trust chairman receives four guineas a sitting and the members two guineas a sitting, and that the fees of the chairman must not exceed £350 per annum, while the fees of each individual member must not exceed £170 or £200. At Fremantle they have to control the pilots, the lights, and the buoys, and have to handle all the cargo and to keep a very big staff, their work and responsibility is much greater than will be the case at Bunbury. That is why the remuneration is fixed at a lower rate at Bunbury. The Fremantle Harbour Trust when formed had full power to fix rates or charges such as berthing dues, wharfage dues, charges, etcetera; but in an amending Bill passed during last Parliament there was a clause inserted giving the Governor-in-Council power at any time he thought fit to alter these charges. Under the Fremantle Act and also under this Bill the Harbour Trust must provide interest and sinking fund on the works handed over. The value of the works handed over is first ascertained, and then the works are vested in the board and the board is asked to pay interest and sinking fund on that valuation. Should the board not strike sufficient rates on berthing, shipping or wharfage dues to meet interest and sinking fund, the Governor-in-Council is empowered to step in and fix the rates to ensure the payment of interest and sinking fund. On the other hand it may happen that the Harbour Trust may strike such heavy wharfage rates that the Government may think they are doing injury not only to the port but to the State generally; and in that case the Governor-in-Council will simply fix the rates and those will be the rates for the time being. This power has not been exercised in the past, yet it is a wise provision that the Governor-in-Council should have the right to override the trust, so to speak, if it is deemed necessary. I think there are no new features in this Bill—indeed there are not—that do not exist in the Fremantle Act. The reason, briefly let me state again, for introducing the Bill

is that a good deal of friction goes on from time to time between the different bodies controlling the Bunbury harbour, and it will be much better to have the harbour under one control so that the body that controls the jetty will have the right to say where a ship is to berth, and not any other body. It is the recognised custom in the Eastern States and has been here, that when a port grows to a certain size it should be vested in a board of management, and I think the time has arrived when the management of the port of Bunbury should be handed over with restrictions and safeguards regarding interest to a trust. This has been promised to Bunbury for a number of years, and I think members who know the port will agree that we are not taking any unnecessary risk in doing it. We will be simply adding to the safeguarding of the port and facilitating the work of the shipping trade generally by handing over the harbour to a local board. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

House adjourned at 8.45 p.m.

Legislative Assembly,

Wednesday, 9th December, 1908.

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