

MR. HARPER: People will have more to spend in harmless luxuries, and the State will not lose. I would like to see the working man save his money, instead of building up monopolies. The labour people clamour constantly about the great fortunes that are made. They clamour against monopolies, yet they do all they can to build them up. Why is it that the Swan Brewery Company pays a better interest than probably any other registered company in Australasia? [LABOUR MEMBER: Because they brew good beer.] Who make most money in this State? Owners of hotel property, those who own brewery shares, and spirit merchants. Those are the men who are making the vast fortunes. [MR. HASTIE: Why?] Because the hon. member's friends spend the money which he says they have not got. I say there is a hollowness in this accusation. I think, speaking from a State point of view, not from a farmer's point of view, the desire underlying this motion is to extract money from the farmers, if possible, to spend more or less on vices; and until we see some reduction in the drink bill of this State, the agitation for a reduction of customs duty on the products of the State is very largely hollow.

On motion by MR. MORAN, debate adjourned.

ADJOURNMENT.

The House adjourned at 10:25 o'clock, until the next day.

Legislative Assembly,

Thursday, 25th September, 1902.

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

PRAYERS.

QUESTION—FEDERAL BUDGET SPEECH.

MR. PIGOTT (without notice) asked the Treasurer: Will he obtain copies of the *Hansard* report of the Federal Treasurer's Budget speech, and have them distributed amongst members?

THE TREASURER replied: I shall have the greatest pleasure in procuring copies of the speech.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Papers relating to the Composition and Cost of Atlas Boiler Fluid (as ordered). 2, Copy of alteration to Railway Classification and Rate Book relating to Freight on Scrap Iron, and Discharge of Ballast at Bunbury Jetty.

By the MINISTER FOR MINES: Papers relating to land held by the Kalgoorlie Electric Light and Power Company. Return to Order of the House dated 24th September, 1902.

By the TREASURER: Report of the Department of Agriculture for year ended 30th June, 1902.

Ordered: To lie on the table.

QUESTION—RAILWAY ENGINES, BALDWIN.

MR. McDONALD asked the Minister for Railways: 1, What is the total cost to date for alterations and repairs to the Baldwin compound engines. 2, What alterations have been made, and what alterations are at the present time being effected. 3, Why these alterations are necessary. 4, Whether it is correct that all the piston valves in these engines are

condemned, and that new brass ones are being made in the works. 5. Why this is necessary, seeing that the engines have been on traffic such a short time.

THE MINISTER FOR RAILWAYS replied: 1, £5,396 5s. 3d. to the 24th August, 1902. 2, Alterations and repairs that have been made, and are at the present time being effected, are as follow:—New blow-off cocks; new clack boxes; vacuum exhaust pipe altered; buffers on engines and tenders altered; sniffling valves improved; backs of flanged coupled wheel tires turned down; dump grates improved; sight feed lubricator pipes adjusted; fusible plugs replaced; steam pipes repaired; soft-coal chimneys fitted; additional wash-out appliances fitted; new whistles fitted where necessary; three piston valves renewed. Two Baldwin compound engines are now under heavy repairs in the workshops, caused by a collision due to neglect. 3, I am informed these alterations are necessary to meet the existing conditions of the working on the Western Australian railways, and to replace parts that have either become broken or defective. 4, No; three new ones have been made. 5, Three piston valves broke and had to be replaced.

SELECT COMMITTEE, COLLIE-BOULDER BILL.

POWER TO VISIT PLACES.

MR. R. HASTIE (Kanowna) moved:

That power be granted to the Select Committee appointed to consider the Collie-Boulder Railway Bill, to adjourn from place to place.

He said the committee desired to visit the route of the proposed railway at Collie.

Question put and passed.

INDECENT PUBLICATIONS BILL.

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

DROVING BILL.

Read a third time, on motion by Mr. JACOBY (for Mr. Butcher), and transmitted to the Legislative Council.

TRANSFER OF LAND ACT AMENDMENT BILL.

Read a third time, and returned to the Legislative Council with amendments.

EXPLOSIVES ACT AMENDMENT BILL.

COUNCIL'S SUGGESTIONS.

Schedule of two amendments suggested by the Legislative Council now considered in Committee.

THE COLONIAL SECRETARY moved that the suggestions be agreed to. They were for a slight reduction in the annual license fee for magazine sites. Lessees already paid large sums for rents, and as these fees were inconsiderable in amount, he did not think much harm would be done.

Question passed, the suggested amendments made, and the Bill returned to the Council.

PUBLIC SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

THE TREASURER in charge of the Bill. Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 14:

MR. DAGLISH: Apparently this clause would give the Ministry power to reduce the salary of any officer before Parliament had expressed any opinion whatever upon the matter. They would have power to reduce the amount on the Estimates, and to take away a portion of the salary previously paid such officer. The House would then have no opportunity, if a wrong had been done, of redressing that wrong, as the House had no power to increase any item of expenditure. Under the old Public Service Act it was possible, if Parliament approved of a reduction in salary, to make that reduction. If his opinion of the effect of this clause was right, he was inclined strongly to oppose the clause, for the reason that it would give the Government of the day virtually the power to hit at any public servants who might have excited the personal animosity of Ministers, or might at any time, by a little looseness of expression which had been carried to the Minister, have caused political animosity. This was a serious power to place in the hands of any Government, present or future. During the time that retrenchment was taking place in Western Australia, some grave evils were perpetrated through the power possessed by the then Government, before the Public Service Act was passed. Men who ought to have been retrenched were kept in the

service, and men who should not have been retrenched, and whom the country could not well afford to lose, were sent about their business, by an unwise system of personal or political preference. He wanted to see now that there should be no opportunity of this kind again.

MR. MORAN: The Bill gave power of all sorts to the Ministry.

MR. DAGLISH: We could deal with the other clauses later on. If this clause were passed, it would give the Government power to do what Parliament might never sanction, and would take from Parliament its power to revise or undo what the Government had effected.

MR. NANSON: If the Committee were in earnest in a desire to reform and retrench the civil service, or at any rate to reform it, a large amount of power must be placed in the hands of the Government. It was true that if the Government reduced an officer's salary on the Estimates previously to their being brought before Parliament, no one but a member of the Government could move to have that salary increased; but if a general desire were expressed in the House that a public servant should have his salary increased, the Government would, unless there were very strong reason to the contrary, in most cases fall in with that wish. We found it so last session. By trying to devise some system by which it would be impossible for injustice to creep in, we should be putting off the reform of the service to a future which we could never hope to reach. We must be prepared to trust the Government in power. He appealed to both sides of the House to join in giving the Government sufficient power to reduce the expense of public service administration in this State; and having given that power, if the Government did not avail themselves of the confidence the House had placed in them, and did not show they had determination and nerve enough to grapple with the evil of an over-swollen civil service, it would be the duty of the House to put another Government in their place. He would give them what help he could to reduce the number of civil servants. His only regret was that they had appointed an expensive commission—which would sit 12 months at least—to deal with the matter, instead of each Minister dealing

with his own department, calling in any necessary aid.

MR. JACOBY: The member for Subiaco (Mr. Daglish) had always been howling about the expense of administration in this State; but when an opportunity arose to give power to reduce the expenditure of that administration, he tried to fetter the hands of the Government in the matter. He (Mr. Jacoby) would always give his vote to let the Government have full power to take whatever steps they deemed essential in this matter. Place full responsibility in the Government, who, if they could not be trusted to deal with civil servants, were altogether untrustworthy. Being the Executive Council, Ministers had often the power of life and death; yet they were not to have power to dismiss an officer!

THE TREASURER: From the Emoluments Return tabled last session, it appeared that some men, nominally receiving salaries of £250, were drawing £500 or £600. On this the House had expressed a strong opinion; but the then Government replied that the remedy provided by the existing Act was too cumbersome to be of use.

MR. MORAN: How had such emoluments been granted?

THE TREASURER: A man appointed by the Mines Department to be a mining registrar would, without inquiry as to his salary or his work, be engaged by the Lands Department at an extra £50 per annum, and by the Crown Law Department at another £50. At present, every appointee was told his salary would be so much, and that he must do all work given him by the Government. He (the Treasurer) agreed with the member for the Murchison that the Government should be intrusted with the necessary powers, and be held responsible. Ministers who, actuated by narrow views, reduced a man out of spite, should be dismissed from office. The Government, if not intrusted with discretionary power to reduce salaries, could place on the House the responsibility which should attach to Ministers. The Bill was introduced without vindictiveness. Only once a year could the Government reduce salaries; yet in private firms such reductions were common when it was discovered that men were receiving too much for the work done. During the land boom, he (the

Treasurer) had received a private salary almost equal to his present salary as Minister; but three years afterwards he had worked for £5 a week. Responsible Ministers should be given the power required, and dismissed if that power were abused.

MR. ATKINS agreed with the remarks of the Treasurer.

MR. MORAN: The desire of Ministers to stop farther increases was commendable; but Ministers were not "game" to apply the Bill to the railway servants or other large corporations. They would deal with none but the unorganised officers.

THE TREASURER: That some were not organised was not the fault of Ministers.

MR. MORAN: It was not proposed to deal with the service from the Chief Justice downward. For organised bodies, arbitration courts and classification Acts were provided: but power was asked arbitrarily to reduce the salaries of the unorganised.

MR. TAYLOR: The latter came immediately under Ministerial control.

MR. MORAN: The latter were no more under Ministerial control than the former, with whose wages interference was restricted. The remarks of the member for the Swan (Mr. Jacoby) had no bearing on the matter; for the clause did not give power to dismiss officers. Ministers had in the past plumed themselves as the democratic party, and now demanded powers which they had for years sought to take from previous Governments. For the introduction of the first Public Service Act, to protect the civil servants from Ministerial interference, the present Ministers were mainly responsible, and he (Mr. Moran) had likewise advocated the removal of the service from political control; yet Ministers' attitude was now completely reversed. He thanked the member for Subiaco for having promoted this discussion. We had learnt from the Treasurer that certain pluralists had been drawing several salaries.

MR. TAYLOR: That was ascertained last session.

MR. MORAN: For years, anyone who had cared to examine the Estimates could have ascertained how much each officer received.

THE MINISTER FOR MINES: How?

MR. MORAN: Turn up *Hansard* and see.

MR. ILLINGWORTH: Last year the information was scheduled in detail.

MR. MORAN: Why should not the Government submit to Parliament their proposals for reform? The House could not increase salaries on the Estimates, nor effectively resist even an unfair reduction of salary; nor would members turn out a Government to prevent such reduction. Of such matters members, if directed by Ministers who were paid to do the work, were as well able to judge as the Government. Let there be parliamentary control of salaries, and who would deny that Parliament could bring about adequate retrenchment? The contrary statement involved the heresy that Ministers should be allowed to do what Parliament would not attempt. The clause gave power simply to reduce, and not to remove, an officer.

MR. JACOBY: And that power was needed.

MR. MORAN: If the hon. member had implicit trust in the Government, let him support them and keep them in office. He (Mr. Moran) would not confer such power on Ministers whom he did not trust politically. During the last elections the Premier and the Treasurer had boasted that the Government or the Parliament did not enjoy the country's confidence; therefore this great scheme of retrenchment might well have been made the subject of an election campaign. He looked with dismay on the prospect of leaving an unorganised body of civil servants under the unrestricted control of the Ministry of the day; notwithstanding that he was willing even to cut down the State service severely.

THE MINISTER FOR WORKS: The hon. member (Mr. Moran) was hard to please; since after delivering the inevitable pronouncement in favour of the great principles of true democracy, which presumably meant obeying the wishes of the people, he refused to give the Government power to obey the wishes of the people in respect of economising in the administration of the State service, simply because he was a political opponent of Ministers. This clause merely sought to give the Government power to reduce the salaries of officers who were overpaid for the work they were called

on to perform. The power sought was not one which Ministers would seek, were they anxious solely for their own peace of mind. To reduce the salary of an officer was naturally discomforting and objectionable to a Minister, who would take such a step only when thoroughly satisfied that reduction was justified in every possible way. An ever-watchful Parliament would prevent the improper exercise of the power. If the Government were expected to work reform in the civil service—and such was the expectation of the country—they must be given the power here sought.

MR. ILLINGWORTH : On the second reading he had expressed a desire that the Government should ask and that the House should grant all the power required by Ministers to carry out the work of reform. At the same time he had expressed the opinion that neither this Bill nor any Bill of a similar nature would give the power necessary. The proper time to attain our desire was when the Constitution Amendment Bill came before the House. Section 72 of the Constitution Act contained these words:—

Nor shall anything in this Act affect any pensions or superannuation allowances which, at the commencement of this Act, are by law chargeable upon the public revenue of the colony; but all such pensions and superannuation allowances shall remain and be so chargeable, and shall be paid out of the Consolidated Revenue Fund, and all rights and benefits which, at the commencement of this Act, are by law claimable by or accruing to any civil servant of the Government are hereby reserved and maintained.

The late Premier, Mr. Leake, and through him the Crown Law Office, were asked for an opinion whether the Superannuation Act, 25 Vict., 1871, applied to civil servants appointed after 1889. The reply was that the Act did apply, and that all the civil servants of this State were under that Act. The opinion might be correct or otherwise; presumably it was correct; but, at all events, the Leake Government acted on the opinion then obtained. As an illustration of the operation of the Act, and as illustration of the meagreness of public comprehension of the position of Ministers of the Crown in this regard, he would read a letter dated the 17th September, and addressed to the editor of the *West Aus-*

tralian, which appeared in that newspaper over the signature "Fair Play":—

With regard to the announcement in your issue of the 13th inst., I for one should like to know what special services Mr. George Glyde, the Chief Clerk to the Lands Department, has rendered to this country that he, a comparatively young and robust man, should be granted the handsome pension of £270 per annum. If this is one of the ways the Minister of Lands is reorganising the Lands Department, surely it is a great waste of the public money, and the sooner we have a man of sound commercial ability at the head of this department the better. I presume Mr. Glyde has been well paid for his services, and has had opportunity to provide for old age (which is yet far distant).

That letter expressed the feeling of a great many people who failed to understand that the hands of the Government in this matter were absolutely tied, that whether Mr. Glyde was worthy of a pension of £270 per annum or not, the Government, in dispensing with his services, had no option but to pay him a pension in accordance with the Superannuation Act. Until the House was prepared to deal with the Superannuation Act and to amend Section 72 of the Constitution Act, it would be practically impossible for any Administration to affect the service materially. The power proposed to be granted by this clause could amount to little indeed. The reduction of an officer in salary, under the interpretation given by the late Premier and the Crown Law officers, constituted an infringement of the Superannuation Act. Indeed, it was highly questionable whether this clause could be made operative at all. If the Government thought the power purporting to be granted by the clause would be of use to them, they were welcome to it, and indeed to all the power they could take. Undoubtedly the State service at the present time contained many men who were doing splendid work and who were underpaid; but it contained also many men who ought to be dispensed with under existing conditions.

MR. MORAN : Did the Superannuation Act apply to men who had joined the service within the last few years?

MR. ILLINGWORTH : According to the opinions he had obtained, it did apply. Perhaps the present Attorney General would give a revised opinion. The Committee should note the fact that this Bill could not be expected

to work a miraculous change. The proper course to pursue was to refrain from making any new appointments to the civil service, and, as the necessities of the State grew, to allot to any excess officers other work at salaries commensurate with the value of that work. The civil service commission would probably make some valuable recommendations; but, after all, Ministers as heads of departments would largely be called on to deal with the question of reform. The present clause probably would not affect 20 officers within the next five years. As a result of the operation of the Superannuation Act, Ministers would find themselves powerless. It was to be hoped that the Minister in charge of the Bill had inserted in the measure all the powers he considered the Government ought to have, because if the question of civil service reform were not dealt with there was no knowing where we should land. Roughly, this State had to provide annually £1,400,000 for its railways, £800,000 for civil service salaries, and nearly £700,000 for interest and sinking fund; or a total annual charge on the revenue of £2,900,000, which charge we could scarcely touch or alter. Many departments of the State were created at a time when there was a rush of work. By the Works Department, in the year 1896, there was spent over £800,000 of revenue on public works, besides all the loan money; and last year that department spent just less than £300,000. In the Mines Department it was the same. At the time referred to something like £200,000 a year was expended. That amount had been very greatly reduced, and the Minister for Mines was to be commended for the determined efforts he had made to reduce the expenses of the department. We must recognise that the civil service was too large for the State, considering the work that had to be done. The officers who had been appointed had certain rights that could not be infringed, and members did not want to infringe them unless in a legal manner. The Committee must recognise that the Government's hands were tied to a large extent. Reform could not be brought about by a stroke of the pen. Members could help the Government when the Constitution Amendment Bill was before the Assembly

if something was then done with the Superannuation Act. If the Government proposed the repeal of the Superannuation Act, or an amendment saying that the Superannuation Act would not apply after a certain date, that would meet the case; but members would have to wait a long time until this Bill worked any material reform. The Committee should throw the responsibility on the Government in regard to this Bill, and let the Government have all the power they asked for and as much more as they were prepared to ask for; and when they had that power, members would look to them to use the power in a judicious manner. No Government was particularly anxious to reduce civil servants' salaries; in fact the pressure was the other way. One of the hardest things Ministers had to do was to cut down salaries, and the next hardest thing was to refuse increases often worthily and justly claimed. The civil servants, as well as the House and the country, would have to recognise that the civil service had to be reformed very materially; he had held, and held still, not by a reduction of salaries, but by a reduction of persons, and if possible an increase of salaries.

THE MINISTER FOR MINES: In some cases a reduction must be made.

MR. ILLINGWORTH: While admitting that, he was speaking as to a general rule. As population increased, and he was happy to say it was increasing, he would like to see the Government guard against making any appointments at all. There were enough civil servants for the next 10 years, without making new appointments. When an attempt was made to retrench, the Government were face to face with the Superannuation Act.

THE COLONIAL TREASURER: A deputation from the public service had waited on the Premier, who told them practically what it was intended to do; and whilst the civil servants offered serious objection to some of the clauses of this Bill, they offered no objection to the one under consideration.

MR. MORAN: What had that to do with Parliament?

THE COLONIAL TREASURER: The member for West Perth had suggested that this matter should be submitted to Parliament. Members had better let

the Government take the responsibility, or if there was a reduction, every member would have about a dozen constituents saying, "My work is the best performed work in the service; I am the most under-paid man in the State"; and Ministers would have all the pressure brought to bear on them, a result which would not justify what the member for West Perth wanted. Any one who touched this matter, should deal with it altogether without compassion. One ought to have the idea, "I am protecting the public purse, and have no bowels of compassion." It was hard enough to tell a man his services were not required, but when pressure was brought to bear from friends and members of Parliament, it was very hard for Ministers indeed, and members got into the groove of saying "the game is not worth the candle." Looking at the Superannuation Act, he did not attach the importance given to it by the member for Cue. He had looked through the Act from beginning to end, and any consideration to be given was purely permissive. First of all a man had to be 10 years and upwards in the civil service. Where the evil came into the administration of the Act was that it had been taken as a rightful clause, and not as permissive. The power given to the Governor was purely permissive. The Act said:—

It shall be lawful for the Governor in Executive Council to grant to any person retiring or removed from the public service under the Colonial Government, in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as on a full consideration of the circumstances of the case may seem to the Governor-in-Council to be a reasonable and just compensation for the loss of office; and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act if 10 years were added to the number of years which he may have actually served, such allowance shall be granted by special minute stating the special grounds for granting such allowance, which minutes shall be laid before the Legislative Council; and no such allowance shall exceed two-thirds of the salary and emoluments of the office.

Could anyone say there was any absolute right in that section? It said the

Governor-in-Council, acting on the advice of the Minister, "may" do certain things, not "shall."

MR. JACOBY: What about Mr. Berry?

THE COLONIAL TREASURER: There might have been special reasons in that case, but the Premier could tell them all about it. Section 12 of the Superannuation Act said:—

Nothing in this Act contained shall extend or be construed to extend to give any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under this Act, or to deprive the Governor of the power and authority to dismiss any person from the public service without compensation.

A majority of the members of the Committee were fairly level-headed business men, and could recognise a right when they saw one in an Act of Parliament. In moving the second reading of this Bill he had stated that he was bringing in an amendment to the Superannuation Act which would preserve those rights which it was thought the Government were morally bound to preserve, and which would stop the operation of the Superannuation Act from this time forth. It was only a Bill of three or four clauses, and was being drafted at the present time. Members would acquit the Government of any other desire than to fulfil the wishes expressed last session. There was no doubt the Government would temper justice with mercy, and recognise the obligations of the State.

MR. DAGLISH: There seemed to be some misapprehension why he had mentioned this matter. The desire was to see reasonable and righteous retrenchment carried out in the service, but the only difference was as to how it should be gone about. His argument was that it was not right for the House to part with too many of its powers, even to the Government; and members were really parting with their power to control the expenditure of money in giving the Government absolute right to interfere.

MR. TAYLOR: The Government were subject to Parliament.

MR. DAGLISH: Members had already given the Government power, by Section 14 of the Public Service Act, to reduce salaries by parliamentary vote of the amount proposed on the annual Estimates, and all the Government had to do was to

get the reduced salaries approved by Parliament. Last session the House tried very hard, when dealing with the Estimates, to carry out retrenchment in some of the departments. One or two of the salaries were reduced by the Committee in spite of the opposition of the Government, and the result was that the Government reinstated the reduction on the Supplementary Estimates.

THE TREASURER: Nine months of the year had gone when the reduction was carried.

MR. DAGLISH: Members should supervise the work done in this respect by the Government, to insure even justice being extended to all sections of the public service. He did not distrust the present or any future Government, nor did he trust entirely the present or any Government that might come after it. He regarded it as one of the duties of the Committee not to trust the Government entirely. The duty of members was to watch carefully and vigilantly everything the Government proposed in the matter of legislation or administration.

MR. TAYLOR: The hon. member was sitting in the wrong place.

MR. DAGLISH: The member for West Perth was right when he took up the position that the Government should not be trusted entirely. One had never yet seen in the Australian States a Government he could entirely trust, nor had he ever seen or read of a Government in any part of the world that did not need a large degree of watching. The present Government would be largely influenced by recommendations made to them by different officers, the result being that the big man, the man who very often had the making of the recommendation, would not suffer any reduction, whether overpaid or not, and the small man would be the man attacked by the Government. That was invariably the case. He would not trust the Government to deal fairly in a matter of retrenchment of either the high officers or the low ones. It was the duty of the House to watch what was done. The Treasurer (Hon. James Gardiner) had told us it was desirable to reduce the salary where an officer held a plurality of appointments. That could be done in the ordinary course when the Estimates were brought forward in a

week or two. We were asked to enable the Government, after giving Parliament opportunity to say an officer should be paid say £200, to go back on its own recommendation and pay only a portion of that.

THE TREASURER: Whatever was on the Estimates would be received by the man for that year.

MR. DAGLISH: The hon. gentleman objected on the ground that salaries could be interfered with only once a year, and that if retrenchment were necessary after the House had passed the Estimates for one year, such retrenchment could not be effected until the Estimates for the next year were introduced. If he (Mr. Daglish) was under a wrong impression, the Treasurer was himself responsible.

THE TREASURER: It was a misunderstanding: he (the Treasurer) had not spoken clearly, perhaps.

MR. DAGLISH: The remarks of the hon. gentleman were particularly clear. One would like the Government to endeavour to put into operation the provisions already contained in the Public Service Act. There had been no attempted reduction in the manner prescribed in Section 14 either by this Government or its predecessors. The member for the Swan (Mr. Jacoby) took exception to his remarks, and told us that the Government had the power of life and death. That was about as correct as other remarks of the hon. member. Of course if the Government had the power of life and death, they would be absolutely sure of a majority in this House for all time. What he (Mr. Daglish) wanted was that the Government should have the same power in relation to its treatment of public servants as in regard to its treatment of criminals, and no more—the power to carry out recommendations made by a proper tribunal. And that power they already possessed.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): Members did not seem to appreciate the present position. The Government were so bound by the Public Service Act that even if the duties of certain officers from various causes became very light Ministers were not in a position to reduce their salaries on the Estimates. Surely the member for Subiaco (Mr. Daglish) did not wish the Government to come down here with

their Estimates setting forth that in their opinion the various servants should receive the amounts set opposite their names, and then, by collusion, get somebody to rise and move that the items be reduced.

MR. HOPKINS: Members could not be got to do it.

THE COLONIAL SECRETARY: It was to be hoped not, and the Government would not be got to do it. It would be a shameful position for any member to occupy. By this clause the Government would place on the yearly Estimates what they considered the value of the services of the various public servants throughout the State. If the value of the office had increased, presumably the salary would be increased; but on the other hand if, through circumstances which very often happened, such as the decline of towns and other things of this sort, the value of the services rendered by an officer to the State had decreased in value, it was only logical that the Government should have the power of expressing on the Estimates their opinion of the extent to which that decrease had taken place. He hoped members would not put them in a position of appearing not to support their own Estimates, and of trying to go round the House and get members to move reductions which Ministers certainly could not move themselves.

MR. HOPKINS: There appeared to be a consensus of opinion that some reduction must be made in the expenditure on our civil service. It seemed to him that members got up and said, "We want reductions, we are in favour of reductions," and immediately they turned round and gave reasons why those reductions should not be made. There was only one party in a position to express an opinion of the value of the services of a civil servant, that being the Minister presiding over the department in which that officer was engaged. The Minister was the proper person to take whatever action he thought necessary, and he in his turn was responsible to Parliament. If any injustice were done to a civil servant, it would not be long before it was ventilated in this Chamber. Let the Government have all the powers they wished to take, and he would rely on Parliament seeing that those powers were not abused.

MR. HASSELL: The present Government, or any future Government, ought to have the power, and accordingly he would vote for the retention of the clause.

MR. PURKISS: The power sought for was a very proper one to give to the Government. If any doubt had existed in his mind it had been to a large extent removed by the statement of the Treasurer (Hon. James Gardiner) that the amended Bill had been submitted to the Civil Service Association, which was a large representative body. He knew it had been stated by many in authority—men holding very high positions in the legal world, and the late Attorney General expressed the view to him—that the Superannuation Act was imperative. If that were so, no doubt there was a lion in the path, and all our legislation in the direction of this particular clause would be absolutely nugatory; but he had studied the Superannuation Act from time to time, and he could never see anything in the contention that the Act was mandatory. He never could consider it in any other way than that it was entirely permissive, entirely in the discretion of the Governor-in-Council, guided as he would be by his executive. He had only to refer to a case that went to the Privy Council, the case of Dr. Smith, whose office was abolished. He had been a civil servant proper in the colony for some time. He was dismissed at a moment's notice, and he brought an action against the Government on a petition of right, founded upon his loss of office and his dismissal. That went to the Privy Council, and the Privy Council held that it was an undoubted prerogative of the Governor-in-Council to dismiss without compensation at a moment's notice any public servant.

MR. ILLINGWORTH: He must have cause.

MR. PURKISS: Nothing in his opinion could be clearer than the language of the Act to show that the granting of the pension was entirely a discretionary matter. The section said:—

It shall be lawful for the Governor in Executive Council to grant to any person retiring or removed from the public service under the Colonial Government, in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he

belongs by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as on a full consideration of the circumstances of the case may seem to the Governor-in-Council to be a reasonable and just compensation for the loss of office.

There was a discretionary power; it should be lawful under certain circumstances for the Governor, guided by his executive, if he and they thought fit, to grant a compassionate allowance or a compensation allowance in a case where the necessities of the State required retrenchment, reorganisation, or abolition of office.

MR. MORAN: Would that be with Parliament's sanction or approval?

MR. PURKISS: No parliamentary sanction at all. To make assurance doubly sure, to prevent the possibility of doubt, Section 12 came in and said:—

Nothing in this Act contained shall extend or be construed to extend to give any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under this Act, or to deprive the Governor of the power and authority to dismiss any person from the public service without compensation.

Could anything be clearer either to a lawyer or a layman than those two sections? He knew it had been thought by various Governments that it was mandatory, and we had instances in which compensation had been given to young men—absolutely men under 30 years of age. It had become an accepted view that these people were entitled to this as a matter of right, that it was mandatory and compulsory; and he had found lawyers who held that view, but it was a puzzle to him how they could do so. The late Attorney General expressed the view that this was mandatory. He discussed it with him, and asked the Attorney General to read the Act, and so forth. The value of that contention was not obvious; but it was useless to argue the point in view of the case of Dr. Smith *versus* the Government, when the Privy Council had held that there was under the prerogative the right of instant dismissal without compensation.

MR. MORAN: And that no local Act could alter.

MR. PURKISS: Certainly not.

THE MINISTER FOR MINES: The question was whether the Government

should have power to reduce salaries without the consent of the House; and surely it would not be in the interests of officers that the reasons for reduction should be discussed in the Chamber. That Ministers should have this power was essential. In the past, an officer would be appointed by the Mines Department, at say £300 a year, which was considered a fair salary; ere long the Treasury would give him £50 extra as a cashier, the Crown Law Department another salary as an electoral registrar, and he might be clerk of courts and perform other functions.

MR. MORAN: What matter, if the original work were worth £300?

THE MINISTER FOR MINES: But the man would be found unable to carry out all these duties, and an assistant must be provided, though the first man's emoluments remained undiminished. The Estimates should clearly show each officer's actual remuneration; but in the past no member could ascertain from the Estimates the different offices a man held, nor did the Blue Book give full information. Last session he had been surprised to find from the Emoluments Return that the Treasury, the Law Department, and the Mines Department each provided a water supply for one officer. The supply from the Mines Department had been promptly cut off. Members must admit no Minister would unjustly reduce a salary, and that it would be improper to ask him to submit his own estimates to the House and have them cut down with his sanction. In many places the Government had been obliged to reduce the staff; and when a man was transferred to a district where his work was easier, his salary must be smaller. For such reductions Ministers and not the House should take responsibility.

DR. O'CONNOR: By the Superannuation Act, a man drawing £500 a year was entitled to a certain pension on retirement. If reduced to £200 a year, how would that affect the pension?

THE TREASURER: The Superannuation Act provided that any officer who had served for 10 years and upwards should have a pension equal to an annual allowance of 10-60ths of his emoluments; and the pension was computed on the

emoluments for the three years prior to his leaving the service.

DR. O'CONNOR: Would an officer whose salary it was proposed to reduce be given opportunity of retiring on a pension computed on the higher salary?

MR. MORAN: Would the Minister for Mines explain whether it was proposed to make each department bear its own share of the remuneration of a pluralist?

THE MINISTER FOR MINES: In most cases the Mines Department would pay the full salary, but in some cases other departments would assist. The Government were trying to make an equitable adjustment of such expenditure. The various salaries would appear as one item on the Estimates.

MR. MORAN: Then none would know what each department was costing.

THE TREASURER: What matter, so long as the State benefited by departments which lent their officers to other departments without charging?

MR. MORAN: Thus, for the sake of lucidity, the Government would amalgamate the cost of several departments.

MR. ILLINGWORTH: Farther explanation was required as to superannuation. By the Superannuation Act, a retiring officer was entitled to a pension computed from his average salary for the three years preceding his retirement. If prior to those three years his salary had been £500, and for the three years £300, then he would be entitled to a pension on the basis of £300 only. Could the House take away existing rights under the Constitution Act? Surely not. On two occasions he had expressed the opinion that neither this nor any other clause could immediately affect the service. Section 72 of the Constitution Act prevented existing rights being subsequently affected. He as a layman had maintained that the effect of the Act was limited to those in the service when it passed; but the Crown Law Officers had said it applied to all in the service. Would the Attorney General ascertain whether the Law Department's law or a layman's law was the sounder? Wherever the truth might lie, there would be difficulty in dealing with reductions, and it was not apparent how the clause if passed could be carried

out. An officer seriously reduced in salary would enlist the assistance of his parliamentary representative; and if there were fifty such cases, consideration of the Estimates would occupy twelve months. Every officer reduced would have friends in the House, and every member must then fight for somebody, as members now fought for claimants of increases. Nevertheless, give the Government all the powers requested, and more. Let them have the clause; and when they found it was useless let them take proper steps to get the power, the method being to amend the provisions of the Constitution Act as to superannuation.

MR. YELVERTON: Reorganisation and retrenchment of the service being necessary, he maintained that the clause should stand, giving the Government the widest power to deal with the service. It was peculiar that the present Treasurer and the late Treasurer (Mr. Illingworth) should express such opposite opinions. He had been glad to hear the explanation of the member for Perth (Mr. Purkiss), and hoped to hear the opinion of the Attorney General.

THE PREMIER: The opinion which he had formed was that this discussion had nothing whatever to do with the clause. We were dealing with the question of the method by which the salaries of Government servants might be reduced, and not with the question of whether the salaries should or should not be reduced. The existing Public Service Act provided for the making of reductions in a way unheard of in the rest of the world. The Government wanted to alter that, and wanted to obtain for Ministers the same right as was possessed by Ministers in other States, to submit to Parliament on the Annual Estimates what should be the salaries of civil servants. If Parliament approved of the Estimates, well and good; if Parliament disapproved, its disapproval could be made known in the ordinary way. The present state of affairs was intolerable; and not only intolerable, but recognised as unreasonable by the civil servants themselves. The members of a deputation of civil servants which had waited on him had stated that they themselves always regarded Clause 14, Sub-clause (c.), as conveying the meaning which Ministers desired to make it convey by

this amending clause. Civil servants had always recognised that there should be a right in the Minister to reduce salaries on the Estimates, leaving Parliament to deal with the reduction as Parliament might desire. The Superannuation Act did not arise in connection with this clause at all. If the Committee were dealing with the question of the term of years on which allowances under that Act should be based, the observations made during the last half-hour might have been pertinent. Dealing with a certain clause contained in our Superannuation Act and in every Pensions Act, it might be asked, "Why should you assess the pension on the salary for the last three years before retirement, when it might happen that the salary during those last three years was considerably less than in prior years?" That question, however, did not now arise. Section 72 of the Constitution Act was inserted for the purpose of making it clear that those persons who by virtue of the Superannuation Act had acquired rights to pensions which had become chargeable on the revenue, should be protected. But the section did not, in his opinion, go to the extent of affirming that the Superannuation Act should not operate in the case of future civil servants. When the Constitution Act was passed, Western Australia was in this position, that certain pensions had been granted under the Superannuation Act and had become chargeable on the revenue; that there was a body of civil servants who might be said to have acquired the right—using this term subject to the qualification that under the Superannuation Act no legal right was given—or the expectation of receiving pensions. The section was not intended to give persons in the civil service a right which the Superannuation Act itself never gave. He thought, however, that the Superannuation Act continued in operation as to all the officers then in the service and as to those who subsequently joined the service. So far as the service was concerned, it could hardly be said that there was not continuity of appointment. Whilst, before the passing of the Constitution Act, the Crown as it were spoke directly, now it spoke indirectly through the Houses of Parliament.

MR. ILLINGWORTH: Section 72 merely changed the venue of payment.

THE PREMIER: That was the way he should put it himself.

MR. ILLINGWORTH: Then the Premier did not agree with his own Crown Law officers.

THE PREMIER: The opinion of those officers had not come under his notice. The plain and simple question which the Committee had to consider was whether it was not essential that there should be vested in the Government the power which this amending clause would give, a power which all other Governments had, and a power which the civil servants themselves recognised the Government ought to have.

MR. MORAN: Would the Treasurer state the proportion which the salaries of civil servants affected by this Bill bore to salaries and wages paid by the Railway Department?

THE TREASURER: The hon. member should give notice of such a question.

MR. MORAN: Ministers were insincere. They asked for power to reduce salaries while they did not propose to touch the great spending department of the State. The Government allowed the railway servants not only the right to appeal to the Arbitration Court, but even proposed to bind the Arbitration Court by a Classification Act.

THE PREMIER: Railway servants did not come within the scope of this Bill.

MR. MORAN: That was a lawyer's answer.

THE PREMIER: This Bill sought to amend the Public Service Act. The difficulty created by that Act did not apply to the railway service, and presumably there was no need to remove a difficulty which did not exist.

MR. MORAN: The railway service ought to be, so far as this Bill was concerned—

THE CHAIRMAN: The hon. member was out of order in alluding to the railway service.

MR. MORAN: The contention which he desired to urge was that the Government were taking an unfair degree of power over one branch of the public service, while leaving another branch wholly unaffected. He complained that the Government were going only half way in their scheme of retrenchment.

THE PREMIER: The Government had absolute power in connection with the railway service.

MR. MORAN: The explanation of the Minister for Mines, that if a man's duties shrank his salary should be reduced, led one to the conclusion that long service would no longer be considered. If a Mines Department officer in the Broad Arrow district, for instance, which field we knew had fallen in importance, were reduced absolutely to the level justified by the scope of his duties in that district, that officer's life-work would be completely gone.

HON. F. H. PIESSE: The hon. member's (Mr. Moran's) point was worthy of consideration. Amendment of the Public Service Act was necessary, because under existing conditions reduction of salaries was difficult. The present proposal was that the Government should have authority to bring down Estimates which would govern the salaries of civil servants, subject to the approval of the House. The member for Cue (Mr. Illingworth) had contended that the power would prove inoperative, because Ministers would be inundated with reasons for granting increases instead of making reductions. No doubt, much pressure of the kind would be brought to bear; but once the Government were given the power proposed to be taken under this clause, they could simply stiffen their backs. Still, the fact remained that injustice might result to many deserving public servants. The Government had adopted an unsatisfactory course in connection with the reduction of the salaries of low-paid officers. No less than five instances had been brought under his notice, in connection with one department of the public service, of officers receiving confidential communications stating that their salaries would be reduced by amounts varying from £30 to £50. One officer, indeed, had been informed that his salary would be cut down from £170 to £100, the aim in this case apparently being to compel the officer to retire by making it impossible for him to carry out his duties in return for the salary offered. The Government, who ought to protect civil servants and who ought to deal out even-handed justice, should not adopt this underhand course. Officers unworthy to fill their positions should be dispensed with, but in

a straight-out fashion, and not by the reprehensible course of reducing their salaries below the living-wage point.

At 6-30, the **CHAIRMAN** left the Chair.
At 7-30, Chair resumed.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Amendment of Section 29:

THE TREASURER moved that the clause be struck out.

Question passed, and the clause struck out.

Clauses 6, 7, 8—agreed to.

Clause 9—Amendment of Section 40:

MR. DAGLISH: Would officers who had become permanent according to the existing Act, by virtue of having been two years in the public service, by this clause have their permanency taken away; and would they have to serve a farther term of three years to attain the position which, if the Bill had not been passed, they would have achieved? Would the clause if passed affect in any way those officers who had been transferred to the Commonwealth public service? The Commonwealth Parliament had already passed a Public Service Act, but it had not been proclaimed, and therefore had not begun to apply to the Commonwealth public service. There was some doubt in the departments whether this Bill would take away any existing privileges or rights.

THE PREMIER: The amendment of the clause would not affect those who, when the Bill passed, had served two years and under the operation of the existing law were entitled to benefits under Section 40 of the principal Act. It would certainly affect those who had served part of two years: they would have to finish their five-years term. The clause would not affect, nor would the Act affect, those who had been taken over by the Commonwealth Parliament. Their rights were fixed, and they would be in the position they stood in when they were taken over. We could not increase or diminish their rights.

MR. DAGLISH: What rights would officers who had served 18 months lose by virtue of the amendment of the existing Act?

THE PREMIER: They would have to serve the additional term of three years and six months.

MR. DAGLISH: What rights did they lose in the meantime?

THE PREMIER: Under Section 40 of the Act, if an officer had served two years he became entitled to the benefits of the Act. He would not be entitled to superannuation but to annual leave. As a matter of fact, in the ordinary course temporary hands got annual leave as well as others, but if persons were only casually employed they would not get that leave.

Clause passed.

Clauses 10, 11—agreed to.

Clause 12—Amendment of Section 34:

MR. TAYLOR: If Clause 12 passed, would that do away with Section 34 of the existing Act?

THE PREMIER: Under this clause, officers would not have the right to insist on an inquiry. It would rest with the Governor-in-Council whether an inquiry were granted or not.

MR. TAYLOR: If an officer were dismissed he had no right to demand a board of inquiry?

THE PREMIER: No.

MR. TAYLOR: But the Governor-in-Council might give him a board of inquiry?

THE PREMIER: Yes.

Clause passed.

Clause 13—agreed to.

New Clause:

THE TREASURER moved that the following be inserted as Clause 5:—

(1.) The Governor, on the recommendation of the Minister,—

- (a.) May grant to any public servant who has continued in the Public Service for at least twenty years, long service leave for six months on full pay, or twelve months on half pay; and
- (b.) May grant to any public servant who has continued in the Public Service for ten years, long service leave for three months on full pay or six months on half pay.
- (c.) May grant to any public servant employed northward of the twenty-fifth parallel of South latitude such leave of absence on full pay or half pay as he may deem fit.
- (d.) May grant to any public servant who before the passing of the Act was entitled thereto the leave mentioned in

Section 29 of the principal Act.

- (2.) The Governor may, for sickness or special necessity, grant extended long-service leave on such terms as he may think fit.
- (3.) In computing service under this section, service prior to the commencement of this Act shall be included.
- (4.) Section 29 of the principal Act is repealed.

MR. DAGLISH: The present Public Service Act was far more liberal than the new proposal, but all recognised that it was a little too liberal. He thought, however, in regard to long-service pay, that both after 20 years and after 10 years, half the term of leave might be on full pay and half on half pay. If an officer had served 20 years, it would not be an unreasonable concession, if he had given good service, to allow him six months' leave on full pay and six months' leave on half pay, instead of six months' on full pay or 12 months' on half pay; and an officer who had served 10 years might be granted three months' on full pay and three months' on half pay instead of six months' on half pay. The difference would only mean that the officer would get three-quarters pay for the term of his absence instead of half pay, and considering that the clause was not mandatory in its effect, and that the Governor-in-Council would be in no way bound to grant leave in any undeserving case, the clause might fairly be liberalised in the direction he had suggested.

THE TREASURER: This provision was a copy of the New South Wales Act, and it seemed a very fair provision to make.

MR. MORAN: Not sub-clause (c).

THE TREASURER: No. That provision referred to people in the north. He considered the provision in the Bill a very generous one. In Victoria, after 20 years' service officers might be given a year's leave, six months on full pay and six months on half pay. In New South Wales, after 20 years, 12 months on half pay or six months on full pay. This was practically the same as the provision in the Commonwealth Act. He did not think we could go more liberally in that direction.

MR. MORAN: Would it not be possible to define sub-clause (c) in some

way? It gave the Minister the right to pick out whom he chose to give leave to, north of the 25th parallel of south latitude. When a man went to the north of this country, there should be some inducement for him to remain there. Would it not be reasonable to define what he might expect?

THE COLONIAL SECRETARY: In those cases they might accumulate their leave. It was recognised by the Government that it would be more or less a farce to give a man in a place like Broome, Derby, Port Hedland, or Marble Bar three weeks' leave, because he would spend all his time travelling down and back again. The object of the clause was to give extended leave. One did not think a definition could be made, because what might suit Carnarvon, just north of the 25th parallel, might not suit Wyndham, and it was particularly unhealthy into the bargain. He did not think we could lay down a hard-and-fast rule in regard to the vast extent of territory north of the 25th parallel. The Government should take the responsibility of dealing with each case on its merits.

MR. ATKINS: It certainly ought to be recognised by the Minister that, if a man had been up in the north of the country for about two years, he should get long leave. As to men who were doing extra work, he thought there were many cases where those men had overtime. If a man did more than a day's work, he ought to be paid for it; and if he had not enough work to do at first, his salary ought to be cut short.

MR. HASTIE: This clause said that the Governor, on the recommendation of the Minister, might grant six months' leave or twelve months. Supposing the Government thought six months' leave or twelve months too long, were they empowered to grant less than that time?

THE PREMIER: Yes.

New clause passed.

New Clause:

MR. WALLACE moved that the following new clause (11) be added to the Bill:—

Section 16 of the principal Act is hereby repealed.

His object was to do away with that provision which gave heads of departments power to send in confidential reports to Ministers. The latter portion

of the new clause of which he had previously given notice contained the words, "and a copy of such report shall thereon be handed to the public servant concerned." If, however, there was no confidential report, there would be no necessity to ask for a copy.

New clause passed.

New Clause:

MR. PURKISS moved that the following be added to the Bill:—

No public servant shall serve more than three years continuously at any place north of the 25th parallel of south latitude.

He moved this on account of the climatic conditions in the tropical regions of this State, and on account of the amount of work being so small. In fact, he had been told by public servants that they suffered from want of work.

MR. JACOBY: They were all suffering.

MR. PURKISS: These men had to be placed in responsible positions, but the inhabitants were so scattered, and there was so little work to be done, that they suffered from *ennui*, and they gravitated into hotels through the want of society. He had met many of those officers who had come southward after five or six years' service there, who were absolutely "dotty," and it had been most pathetic to him. Men had come back broken up mentally and physically. Let officers take turns at tropical service, instead of becoming physical and mental wrecks after five or six years' sojourn in a hot Siberia. The new clause should be added.

THE COLONIAL SECRETARY: It were well could it be decreed that officers should not serve more than three years anywhere; but he, having lived continuously in the North-West for about eight years without suffering any of the calamitous consequences mentioned by the last speaker, must contradict these and other calumnies on the North-West and its climate, which were frequently uttered in the House, and did great harm to a most deserving portion of the State.

MR. PURKISS: The need for longer leave was recognised in the Bill.

THE COLONIAL SECRETARY: Yes; because of inadequate facilities for travelling. The climate was as agreeable as that of the Eastern Goldfields, and the food and water supply, etcetera, far better.

MR. THOMAS: The same would apply to Eucla.

THE COLONIAL SECRETARY: There were no State officers at Eucla.

MR. BUTCHER: North of the latitude mentioned in the proposed clause he had lived for 25 summers; and if three years' residence made a man "dotty," he must be very "dotty." He knew many who had lived there for many years and were far from "dotty," and some had, after 20 years' service, actually refused leave. The strictures on the climate were much exaggerated. The clause should be withdrawn.

MR. PIGOTT: In many cases, but not with all officers in the North, a change ought to be given "down South"; but there were some who would be hard to replace, and for that reason the clause should be negatived. Certain officers in the North were practically governors of their district.

New clause negatived.

New Clause:

DR. O'CONNOR moved that the following be added as Clause 15:—

If the services of any public servant are in the opinion of the Minister in excess of the requirements of any department, and are not required in any other department, the Government may call upon such officer to retire from the public service, and every such officer shall retire accordingly.

MR. MORAN asked for explanation.

THE PREMIER: Evidently the clause meant that before a man was retired there would be opportunity of ascertaining whether he could be utilised in another department; and if not, he could be called on to retire.

MR. MORAN: This was apparently the most sensible clause of the lot.

MR. ILLINGWORTH: And the most effective, too.

New clause passed.

Title—agreed to.

Bill reported with amendments.

FREMANTLE HARBOUR TRUST BILL.

IN COMMITTEE.

Consideration resumed from the 18th September; the COLONIAL SECRETARY in charge.

Clause 11—Salary of Chairman:

THE COLONIAL SECRETARY moved that all words after "receive,"

line 1, be struck out and the following inserted in lieu: "a fee of four guineas for every ordinary meeting of the commissioners at which he attends." On full reflection and after taking into view the recommendations received from various public bodies which had considered the matter, the Government had decided to adopt this course. It was fair to pay the chairman more than ordinary members of the board, because on his shoulders would be thrown a good deal more work. While not claiming that a fee of four guineas per sitting would secure the whole of a suitable man's time, the Government had considered that it was neither advisable nor even possible to obtain the undivided services of a suitable man for so short a term as three years even at a large salary. There must be in this State many men glad to give their services for the good of the State and for the good of the port of Fremantle in return for the remuneration offered by the Bill, though that remuneration practically covered only out-of-pocket expenses.

MR. ILLINGWORTH: This amendment struck at the main principle of the Bill, which was to appoint a harbour trust to manage the harbour. By the amendment we were asked to appoint a board of directors to control somebody who would control the harbour. The chairman of the board of directors was to be paid four guineas per sitting and the other directors were to be paid two guineas per sitting, to assume what power? Simply the power of Ministerial direction. The true conception of a harbour trust or commission was a body managing the harbour and its affairs; and the chairman of such a board or trust should give the whole of his time to that particular work, which ought not to be done by an officer who would simply bring certain matters before the directors for formal approval. The harbour trust under this amendment would be simply on the same footing as the directorate of a bank. In such circumstances, there was no need for the Bill at all. If the intention was to assign the control of this big concern, in which a million and a quarter of public money had been invested, to a board in order that full attention and care might be devoted to it, then we ought to have a

harbour trust in the true sense of the word, a trust with a chairman at such a salary as would enable him to give his whole time and attention to the affairs of the harbour. For such a man, a salary of £1,000 per annum would not be excessive. It might be sufficient or desirable that the two members of the board called in to confer with the controlling member should be *quasi* directors, who would merely attend certain meetings to consult on certain questions; but the man in charge at Fremantle should be a man always on the spot, attending to everything and watching over every officer, and that man should be the chairman of the harbour trust. Control by a chairman devoting an hour a day to harbour affairs would not work effectively, pleasantly, or satisfactorily to either the commercial interests, the shipping interests, or the Government. The amendment, in fact, reduced the whole Bill to a farce. His intention had been to move an amendment raising the salary of the chairman from £600 to £1,000 per annum, and he proposed to do this later if the second portion of the Minister's amendment were defeated. In the meantime he wished to express his entire opposition to the principle of the Government proposal.

MR. NANSON: When this Bill was previously in Committee he had understood Ministers to express themselves as favouring the appointment to the chairmanship of a business man, who would devote portion of his time to harbour affairs and would be paid a salary of something like £300 per year. There would be no objection to the proposal of the Government to pay the chairman four guineas per sitting, provided the Bill stated the maximum amount which the chairman could draw in any one year. It was his intention to move in that direction if the amendment were carried, and on recommitment to move a similar amendment in the clause relating to remuneration of the other commissioners. Of course his object would be met if the Government fixed a lump sum which could not be exceeded. He felt bound to oppose the suggestion of the member for Cue (Mr. Illingworth) to appoint at this stage a chairman with a salary of £1,000 per annum, who would give up the whole of his time to the work of the board. We

had yet to learn that the work could not be done efficiently by some competent man devoting to it an average of two hours per day. If experience proved that the work could not be done well on those terms, we might consider the advisability of appointing a chairman at a high salary. There was a danger that in adopting the suggestion of the member for Cue we should be creating an expensive office with not much work attaching to it. Our duty was to study economy not only in regard to the existing civil service, but also in regard to the creation of new offices. One was loth to have another highly salaried office created before its absolute necessity had been demonstrated.

HON. F. H. PIESSE: While at first disposed to agree with the proposal to appoint a chairman who would devote the whole of his time to the work of the board, he had been led, by farther consideration, to the conclusion that the Government proposal should be adopted, since under it better results were likely to be attained at a less cost. Boards similarly constituted in the Eastern States had answered admirably. In regard to Queensland, he spoke from personal knowledge, having looked into the system of harbour management adopted there. The Queensland harbour boards, which were constituted very much on the lines of the board proposed under this Bill, controlled officials who dealt with the details of harbour management. The officials were men to whom we should go in the event of any complaints; and if a complaint was not dealt with immediately, or to the satisfaction of those complaining, the matter would come before the board. The fee proposed was a moderate one, and one that should commend itself to the Committee. There should certainly be a limit as to the amount to be paid in one year, and the suggestion made by the member for the Murchison should commend itself to the Government and be accepted. On the Metropolitan Waterworks Board there was a gentleman dealing with the administration, and he dealt with it well. He had given great attention to his work. There were boards of a similar character which had been established, and which had given satisfaction. As the nomination was in the hands of the Government, in the event of a board not giving satis-

faction other persons could be sought for to take up the duties.

MR. HOPKINS: The original proposition of the Government to appoint a chairman at £600 a year was the better course to pursue. If the Government started with a chairman at £600 a year, better service would be obtained from that officer than would be obtained under the conditions proposed by the Colonial Secretary. A suitable man could be obtained for £600 a year, if an inducement was offered that at the end of three years the salary would be increased to £1,000. If that were done there would be no difficulty in finding a man capable of filling the position, as compared with the prospect of getting a business man, who would probably be a member of one of the chambers of commerce. If the position was to be filled with satisfaction to the country, it would be better filled by a person who would take the matter in hand from the beginning and devote his best energies to the work, instead of that man devoting his best energies to his own business and going in a tired condition to take up the work of the board.

MR. HASTIE: It was doubtful if by the appointment of a chairman at a salary of £600 a year with a prospect of rising to £1,000 a year, the object of the Bill would be attained. The idea was to take the harbour trust out of the position of being a Government department, and to have people with fresh views on the subject guiding the work of the harbour. Experience taught one that after a certain time a civil servant, were he ever so good, did not change according to the work of the community in which he was placed. If the original proposal of the Government to appoint a chairman at £600 a year or £800 a year was carried out, the officer would look on his position as being a permanency. Unless the chairman at the end of three years misbehaved himself to a great extent, it was certain he would be reappointed. The board would consist not only of the chairman, but of four others, presumably business men of Fremantle. He did not know if they would be first-class merchants, or hairdressers, or oyster saloon people, but whoever was appointed on that board would not like the idea of being presided over by a civil servant. A spirit of independence

obtained at Fremantle as in other parts of the country, and people would not be ready to admit the great superiority of a public servant. For these reasons it would be unwise if there were presiding over the board a gentleman whose whole time was devoted to the work, and who would have the status of an ordinary civil servant. The best way would be to appoint as good a man as could be got in Fremantle, at a salary of four guineas per sitting or at a fixed salary, as remuneration for that portion of the time he devoted to the business.

MR. PURKISS: It seemed the Committee were going to make a sham and a delusion of the Bill. The measure purported to take the management of this large public work out of the hands of the Government, and place the control in a board of trustees. The Bill set out that the harbour board was to have exclusive control of the harbour, to have charge of the maintenance and preservation of all the property mentioned in the Bill, and wound up by giving the board power to make regulations over 40 important matters in regard to the harbour. If the Bill was not to be a sham, and it was intended to give the exclusive control of the harbour to a board, those persons composing the board must be men who would not go in a perfunctory manner for an odd half-hour a day to the work. The Committee must give the board what the Bill purported to give, the exclusive control of the harbour. There must be a chairman of ability and experience, and whose exclusive time would be given to the work. And if such a man was obtained, something in the neighbourhood of £1,000 a year must be paid to him as salary. To ask the chairman of the board to be content with four guineas per sitting, and be head of a body to have exclusive control of a work like the harbour, was seeking to do something which was impossible. The Bill was either brought down in all sincerity to give the control of the harbour to a board, or it was a sham and a delusion. If it was intended to give the board exclusive control and the powers mentioned in the Bill, then the Committee would not get a good board by offering a pittance of two guineas a sitting to ordinary members of the board, and four guineas a sitting

to the chairman, who would require all day and six days a week to do his duty to the country. The chairman would have to give his undivided attention to the work, and it was impossible to get a chairman to do that for four guineas per sitting. He would vote against the amendment.

MR. YELVERTON: If the harbour board met a couple of times a week, that would be quite sufficient. He looked on the trust as being in the position of a board of directors over some large private company in this country. The directors did justice to their position, and they had under them their responsible men, the managers. In this case the chairman and commissioners would have their responsible officers under them, the engineer and the harbour master, who would attend to the details of the management of the concern. In paying a chairman four guineas per sitting and the other members two guineas per sitting, it was ample, but there must be attached the condition which had been suggested by the member for the Murchison. If that were done, we would have an efficient board, men who were capable of carrying out their duties. He would vote for the amendment.

THE COLONIAL SECRETARY: There was one point which the member for Cue and the member for Boulder had overlooked, and it was curious when one remembered that one of those members came from Victoria, where the board was practically honorary, and the other came from New Zealand, where the board was entirely honorary. With regard to people giving their time to this sort of duties, even now there were several gentlemen in the House who gave up a lot of time for a totally inadequate remuneration; and before there was payment of members, a great number of gentlemen were found who would give up their time for nothing at all. If before payment of members it was found that there were 44 gentlemen in Western Australia willing to direct the affairs in connection with this country, owing to the interest and affection which they bore towards the State, surely it would be possible to find gentlemen who, having their out-of-pocket expenses paid, were willing to direct the affairs of the Fremantle harbour.

MR. ILLINGWORTH: If the Government meant that the board would only be just what the Government described it, and gave a few hours a day to the work, then four guineas per sitting was ample. He thought the Government could get an honorary board to do that kind of work. But that was not what he understood to be the object of the Bill. The measure was going to hand over to a board the control of a work which had cost a million and a quarter of money, and give that board power to control all the shipping that came into the harbour. If the Government only intended this harbour trust to meet as a board of directors twice a week, the proposal of the Government was a wise one—four guineas was enough and perhaps too much—but if they were going to hand this great work and all its interests over to a board to take full control and management, we wanted a man at any rate whose whole time would be devoted to the work. The Government got the House to pass the second reading of the Bill to establish a harbour trust, the chairman to get £600 a year and the engineer £800 a year.

THE COLONIAL SECRETARY: That was not insisted on.

MR. ILLINGWORTH: That was the proposal when the House passed the second reading; and when he suggested on the second reading that £600 a year was not sufficient, he was followed by a large number of members who said that the chairman should have a higher salary at any rate than the engineer.

THE COLONIAL SECRETARY said he had suggested that the chairman should be honorary.

MR. ILLINGWORTH: The idea in the mind of the House when the second reading was passed was that we were to have an efficient board, a harbour trust that was to control the undertaking. Now it was proposed to change the harbour trust into a mere board of directors. There was no harbour trust in this proposal, but it was a board of directors, just to meet twice a week, one man getting four guineas and the other two guineas a sitting.

THE PREMIER: If the Government altered it to a board of directors for the Fremantle Harbour, would that suit the hon. member?

MR. ILLINGWORTH: In that case he should say the board of directors ought to be the Government. If we were to have the officials directing this harbour, the proper persons to direct the officials were the Government of the day. If we were to have a harbour trust directing the affairs of the harbour, that trust should consist of capable men who could give their time and attention to it, and who should be properly paid.

MR. JACOBY: The House was quite in the dark as to what services were to be rendered by the chairman.

MR. ILLINGWORTH: If the chairman managed the harbour, he would have plenty of work.

MR. JACOBY: There would be a harbour master, an engineer, and a whole staff of clerks looking after this, and he found some difficulty in discovering the enormous amount of work that would have to be done by the chairman. Clause 19 gave power to the Governor, on the nomination of the commissioners, to appoint a secretary, harbour master, assistant harbour master, pilots, berthing masters, and all sorts of other officers; so the duties that would fall upon the chairman could not be of such an onerous character as to demand such a high remuneration as £1,000 a year. He proposed to vote for the new clause introduced by the Government.

MR. GORDON: If this amendment were carried, he should propose one that instead of the board being a harbour "trust" it should be a harbour "bust." He failed to see how a chairman if paid only four guineas a sitting could give proper attention to this matter. In a case like this he would personally prefer not to study economy, as the leader of the Opposition suggested, but rather to err on the side of liberality and endeavour to secure success. This was not only a matter affecting Western Australia directly, but it was of importance to other countries, for if the harbour were not managed as it should be, discredit would be thrown on it in every part of the world. We ought to have a man whose time would be fully employed, and who would be wholly responsible for the proper working of this harbour trust. It was also suggested by the leader of the Opposition that even the payment of four guineas per sitting should apply to so

many meetings a week or so many sittings a year. If more sittings were required, the chairman would have to call members together and they would have to sit for nothing, or they would say they were not being paid and they would not sit. He would much rather have the amount extended to £1,000 a year than have it left at £600.

MR. HIGHAM: Many members seemed to be under a misconception as to the immense amount of time that anyone controlling this board would have to spend on the duties required of him. It was impossible under present circumstances to appoint a chairman who would devote his whole time to the duties. A man of the necessary experience and qualifications could not be obtained for £600 a year, and the period of three years would also bar any good man from accepting the position. [MEMBER: That could easily be altered.] All things considered, it would be advisable to see whether we could not work on the principle now laid down. A good board could be obtained from Fremantle and Perth, and possibly elsewhere, if we could find gentlemen with suitable qualifications prepared to come down and perform the duties, and they would discharge their functions with pleasure for the fees now offered by the Government. It did not matter whether they were called a board of directors or a harbour trust if they had the powers provided for under this Bill, they would perform the work. He was satisfied good men could be found to do it irrespective of fees. Good men could be found for nothing.

MR. DIAMOND: When speaking on the second reading he felt a difficulty in reference to the chairman. One member wanted to know what this board would have to do. In the first year it would take the whole of their time to set about what they were going to do and to organise the department. The board would have the fixing and collection of all harbour dues—a matter which was now in a state of chaos—and the fixing of wharfages, which were now in worse than a state of chaos. For a long time past the rates of wharfage had been really in an absurd condition, and it would require a considerable amount of work to put them right, and

to cheapen the handling of goods, popularising the port whilst at the same time making the port pay. There was also the arrangement and facilitating of the handling of cargo inwards and outwards, a matter which for a long time past had required very great reform. There was the Harbour Master's Department, which was a separate department and would come under the control of this board. The pilots, who were under the control of the harbour master, would also come under the control of the board. The board would have to look after the upkeep of the harbour, wharves, and harbour lights. It would also have supreme control of the berthing of ships, through the harbour master's department. It would also consider from time to time and recommend to the Government certain extensions of the harbour. In the opinion of many, such extensions would shortly be necessary, and if approved by Parliament, must be carried out by the commissioners. Could one expect a reputable merchant to abandon his business to sit on the board for a few paltry guineas? The chairman should be a public servant, having a salary commensurate with his responsibilities. Rather than endanger the Bill, he would withdraw his objections to the amendment; but the remuneration should be altered to "not exceeding £1,000."

MR. HOPKINS: The Committee had to decide whether it was preferable to pay fees or a direct salary. He approved of the salary. With Clause 4 had been struck out the provision for the nomination of certain commissioners by the two chambers of commerce. Did that account for the present action of the Government?

THE PREMIER: Ministers had all along been anxious that the chairman should be paid enough to secure the business man required; but it was found that the Fremantle merchants, who doubtless voiced the opinions of the Perth merchants also, expressed a decided preference for the chairman being paid by fees. Without disrespect to hon. members, he (the Premier) and Ministers paid much more attention to the opinion of the Fremantle chamber as to what could be done by a chairman at three guineas per sitting than to the opinions of those members who said that for such remunera-

tion a suitable chairman would be unobtainable. The merchants said the work could and would be done, and suggested that three guineas per sitting be paid the chairman and two guineas to each other commissioner. These merchants did not consider a fee of four guineas too small. What the commissioners were required to do would be measured, not by their remuneration, but by the powers conferred in the Bill. Some people seemed to think a harbour trust was a fixed quantity, and that a certain alteration would transform it to a board of directors. Such reasoning was difficult to follow. Let its supporters define a harbour trust, if there were a recognised legal or etymological definition. Ministers had inserted £600 in the clause, because they thought that would be the salary required by the chairman. It was now found the work could be done for less. [MR. GORDON: Possibly for nothing.] The merchants had indicated a fair amount, and why offer such gentlemen more than they asked for?

MR. NANSON: Make the fee three guineas instead of four.

THE PREMIER: Four guineas would be fair. The merchants themselves had indicated this method of payment as sufficient.

MR. GORDON: But Parliament was managing the country's affairs.

THE PREMIER: If a chairman were appointed at £1,000 a year, it would be difficult to get rid of him when the *personnel* of the board was altered. As this was really a tentative measure, better see in a few years how it worked, and then with experience prepare a fuller Bill. Surely members would realise this was a commencement, and the position did not justify our giving an expensive chairman £1,000 a year, with an equally expensive engineer to carry out works. Surely the chairman appointed by the board would be anxious to efficiently perform his duties and to maintain and increase the reputation of Fremantle. Even without remuneration, capable commissioners could be obtained who would cheerfully make the sacrifices involved in discharging their duties; nor was it credible that the country could obtain for £1,000 a year, on a short period of engagement, a better man than would be secured by paying fees to a business head, who

would know from his commercial experience what was necessary in managing harbour works.

MR. PIGOTT agreed with the Premier, but hoped that if the amendment went to a division there would not be such an exhibition of temper as was seen on Thursday last. It was well that the Government had stated finally that they approved of an honorarium; nevertheless, if the Committee divided he would vote against Ministers.

Question—that the words proposed to be struck out be struck out—passed.

MR. NANSON: What lump sum was it proposed to provide?

THE COLONIAL SECRETARY: For the chairman £300, and for each commissioner £150.

MR. DIAMOND: Two ordinary sittings per week, as suggested, would make the chairman's remuneration £450 a year.

Question—that the words proposed to be inserted be inserted—put, and a division taken with the following result:—

| | | | | |
|------|-----|-----|-----|----|
| Ayes | ... | ... | ... | 25 |
| Noes | ... | ... | ... | 10 |
| | | | | — |

Majority for ... 15

AYES.

Mr. Butcher
Mr. Ewing
Mr. Gardiner
Mr. Gregory
Mr. Hassell
Mr. Hastie
Mr. Hayward
Mr. Hicks
Mr. Higham
Mr. Hutchinson
Mr. Jacoby
Mr. James
Mr. Kugsmill
Mr. McDonald
Mr. Monger
Mr. Moran
Mr. Nanson
Mr. O'Connor
Mr. Piesse
Mr. Quinlan
Mr. Rason
Mr. Reid
Sir J. G. Lee Steers
Mr. Yalverton
Mr. Wallace (Teller).

NOES.

Mr. Gordon
Mr. Holman
Mr. Hopkins
Mr. Illingworth
Mr. Pigott
Mr. Purkiss
Mr. Reside
Mr. Taylor
Mr. Thomas
Mr. Diamond (Teller).

Amendment thus passed, and the words inserted.

Clause as amended agreed to.

Clause 12—Salary of Engineer:

THE COLONIAL SECRETARY: The striking out of this clause was consequential on the decision of the Committee that the engineer should not be a member of the board. With a view to the insertion of what was practically a new clause, he moved that all the words after "the,"

in line 1, be struck out and the following inserted in lieu: "fees payable to the chairman shall not in any one year exceed £300, and those payable to any commissioner other than the chairman shall not in any one year exceed £150."

Amendment passed, and the clause as amended agreed to.

Clause 13—agreed to.

Clause 14—Procedure on difference of opinion:

THE COLONIAL SECRETARY: Some difficulty might possibly, though not probably, arise if the clause were passed as it stood. One commissioner being absent on leave, say, the four remaining commissioners might insist on attending every meeting, and so a deadlock might arise on a particular question. To obviate this danger it was proposed to give the chairman a casting as well as a deliberative vote. He moved accordingly that all the words after "opinion," line 2, be struck out, and the following inserted in lieu: "the chairman shall have a casting as well as a deliberative vote."

MR. HOPKINS: The history of the Perth City Council during Mr. Brookman's mayoralty sufficiently proved the danger of investing the chairman with a casting as well as a deliberative vote. The casting vote had been the root of all evil, and had brought about Mr. Brookman's retirement.

HON. F. H. PIESSE: The chairman of a roads board had a casting as well as a deliberative vote.

THE PREMIER: How were deadlocks to be got over without a casting vote?

MR. HOPKINS: Three commissioners were necessary to carry on the business of the board, and it was desirable to have three.

THE PREMIER: Under the clause as it stood, there was a danger that in the absence of one commissioner matters of importance and urgency would have to remain pending, in case of a tie, until the full number of commissioners was present, and that thus serious injury might result from the delay in arriving at a decision. The giving or withholding of a casting in addition to a deliberative vote equally involved a certain amount of risk; but it was to be remembered that since the former vote would come into play only in the case of a tie, the chair-

man could not go far wrong in casting his second vote on one side or the other.

MR. HOPKINS: The chairman might be given a casting vote only.

THE PREMIER: The objection to that proposal was that there would be only four votes when five commissioners were present.

MR. ILLINGWORTH: It was necessary in this case for the chairman to have a casting as well as a deliberative vote. Such a provision was customary in connection with small boards.

Amendment passed, and the clause as amended agreed to.

Clauses 15, 16, 17—agreed to.

Clause 18—Office of Commissioner not to be deemed an office of profit:

THE COLONIAL SECRETARY: Owing to a previous decision of the Committee, the regrettable necessity arose for excising this clause, and he therefore moved that it be struck out.

MR. MORAN: Notwithstanding that he had placed on the Notice Paper an amendment that this clause be struck out, he considered that the Committee had gone too far in the other direction by enacting that a member of Parliament should not be eligible for appointment to this board for a period of 12 months after retiring from Parliament. He had intended to fight strongly against the proposal that a man while a member of Parliament should sit on the board. That provision of the Constitution Act which forbade members of Parliament to hold offices of profit should not be whittled away. The extraordinary length in the opposite direction to which the Committee had gone was a matter of surprise to him.

MR. HOPKINS: The reason was that these appointments were always somewhat unsavoury.

MR. MORAN: The appointment of a member of Parliament who was a professional man of high status to a post calling for the exercise of his professional abilities could not be termed unsavoury. The action of the Committee was equivalent to penalising those who had served their country in the Legislature.

Amendment passed, and the clause struck out.

Clause 19—Appointment of officers and servants:

MR. MORAN moved that in line 2 of sub-clause 1, after "may appoint," the words "an engineer" be inserted. The board appointed every other officer; why not the engineer?

Amendment passed.

MR. MORAN: It was just as well to have the Arbitration Court to apply to a large body of harbour employees. It would not be an extraordinary thing to have a hundred men on a piece of maintenance work.

THE COLONIAL SECRETARY: There was that power.

Clause as amended passed.

Clauses 20, 21—agreed to.

Clause 22—Property vested in Commissioners:

THE COLONIAL SECRETARY: In consequence of the point raised by the member for Sussex about the ownership of the Rockingham jetty, he moved that after "and," in sub-clause 1, the word "including" be inserted. As the clause stood at present, all lands of the Crown were vested in the commissioners, and in addition the bed and shores of the harbour. By the amendment, Crown lands would include the bed and shores of the harbour.

MR. JACOBY: Nothing was taken but Crown lands?

THE COLONIAL SECRETARY: Exactly.

Amendment passed, and the clause as amended agreed to.

Clause 23—Lands vested in Commissioners free from municipal rates:

DR. O'CONNOR: According to the clause the commissioners would escape paying rates.

THE PREMIER: Property would not be occupied by the commissioners personally.

DR. O'CONNOR: Supposing the commissioners occupied houses belonging to the trust?

THE PREMIER: If such a case as that could be imagined, perhaps the commissioners would escape municipal rates; but the trust had not the power to occupy such houses. The commissioners might have offices. The clause was evidently aimed at premises occupied by the commissioners, and not private houses.

MR. HIGHAM: Warehouses might be built on reclaimed land and let to

private individuals. The clause was evidently intended to meet that.

Clause passed.

Clause 24—agreed to.

Clause 25—Harbour extensions:

THE COLONIAL SECRETARY: In order to make still clearer the object of the clause, he moved to add after "extension," in line 1, the words "within the harbour."

Amendment passed, and the clause as amended agreed to.

Clause 26—agreed to.

Clause 27—Power to lease lands for certain purposes:

MR. THOMAS moved that after "the," in line 1, the words, "commissioners may with the approval of the Governor," be struck out, and that "Governor may on the recommendation of the commissioners" be inserted in lieu.

MR. PURKISS: The amendment was unnecessary, as the Bill already vested all lands within the harbour in the commissioners.

THE PREMIER: The Fremantle harbour was vested more for the purposes of management. When the Bill went beyond that and dealt with leasing, it rested with the Governor.

Amendment passed.

MR. THOMAS moved that at the end of the clause the following words be added: "Provided that no lease for a period exceeding three years shall be granted unless applications therefor have first been advertised in the *Government Gazette* for one calendar month." It would be a mistake to give the board power to lease lands for a term not exceeding 21 years unless the leases were first advertised in the *Government Gazette*.

Amendment passed, and the clause as amended agreed to.

Clause 28—Commissioners may make contracts, etc.:

MR. THOMAS moved that at the end of the clause the following be added: "Provided that public tenders shall be called if the value of such work or materials exceed the sum of £100." At present the Bill gave power to enter into a contract for work or for anything required to be purchased. In all Government works or contracts costing over £100, public tenders should be called. Of course it would be necessary to give

the board power in regard to small matters.

THE COLONIAL SECRETARY accepted the amendment. A similar clause appeared in the New Zealand Harbour Trust Act.

Amendment passed, and the clause as amended agreed to.

Clause 29—Goods left on wharves, etc., may be advertised and sold:

MR. HIGHAM: Seven days would be too long for perishable goods. Under the Customs Act they were dealt with in 24 hours, and he thought the same provision should be made here. Vegetables, potatoes, onions, and fruits, if sold within 24 hours, might be of some service, but if kept for a week they would not only be useless, but a nuisance in the wharf shed. He moved that at the end of Sub-clause 2 the following words be added, "Provided that goods, if perishable, may be sold without demand after 24 hours."

Amendment passed, and the clause as amended agreed to.

Clauses 30 to 38, inclusive—agreed to.

Clause 39—Harbour dues, etc., to be made by regulation:

MR. HUTCHINSON: Would the regulations have to be approved by the Minister, or would they be left entirely to the commissioners? In his opinion the commissioners should not have the absolute control in regard to fixing the dues for outports.

THE COLONIAL SECRETARY: The commissioners would not have the fixing of the dues for the outports. Clause 62 provided that every regulation should, upon the approval of the Governor and publication in the *Government Gazette*, have the force of law, and be laid before Parliament within 14 days after such publication, if Parliament was then in session, and, if not, then within 14 days after the commencement of the next ensuing session.

Clause passed.

Clauses 42 to 69, inclusive—agreed to.

Clause 70—Penalty for wilfully cutting moorings:

MR. ILLINGWORTH: The next clause made any person injuring or destroying the property of the trust liable to a penalty of £100, or to imprisonment not exceeding twelve months with or without hard labour; but by this clause whoever cut or destroyed the moor-

ing or fastening of a vessel, worth perhaps half a million of money, could be fined only fifty pounds. The provision of Clause 71 should be here inserted.

THE COLONIAL SECRETARY: There was no objection; but these two clauses were taken *verbatim* from the New Zealand Act of 1878, and presumably a difference was made because it was more unlikely that damage would accrue to a vessel from her moorings being cut than that malicious injury should be done to harbour buildings, careful watch being kept on vessels and little or none on buildings.

MR. ILLINGWORTH: The clause assumed that the moorings would be cut; and if the crime were committed, did anyone think fifty pounds a sufficient penalty? There should be at least the option of imprisonment for wilfully sending a ship adrift. He moved that the words "or to imprisonment not exceeding twelve calendar months with or without hard labour" be added to the clause.

Amendment passed, and the clause as amended agreed to.

Clauses 71, 72, 73—agreed to.

Clause 74—Penalty for offering bribes to officers:

MR. THOMAS: A penalty of £20 was inadequate; for if big works were in hand, large bribes might be offered. He moved that the word "twenty," in line 6, be struck out, and "one hundred pounds or to imprisonment not exceeding twelve calendar months with or without hard labour" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 75 to 78, inclusive—agreed to.

Schedule—Section 22:

THE COLONIAL SECRETARY: There being at least one grant of land in fee simple within the area defined by the schedule, he moved that the following words be added: "but excluding therefrom any land already granted by the Crown in fee simple."

Amendment passed, and the schedule as amended agreed to.

Title—agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 12 minutes past 10 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 30th September, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the **MINISTER FOR LANDS:** 1, Annual Report of the Department of Agriculture for the year ending 30th June, 1902. 2, Western Australian Government Railways—Alteration to Classification and Rate Book. 3, Return showing Wharfage and Port Dues paid in respect of Inward and Outward Cargoes at the Port of Fremantle.

Ordered: To lie on the table.

QUESTION—PUBLIC SERVICE, EFFECT OF NEW LEGISLATION.

HON. T. F. O. BRIMAGE asked the Minister for Lands: 1, How will the amended Public Service Act affect officers who have received long service leave of absence under the Public Service Act of 1900. 2, How will it affect officers who have applied for the long service leave under the Public Service Act of 1900, but who have not been granted such leave up to the introduction of the above amended Act now before the House. 3, How will it affect officers who have been six years in the service up to the introduction of the above amended Act now before the House, and who are entitled to the long service leave provided for in the Public