

Legislative Council,

Tuesday, 11th September, 1906.

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

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1. Geological Survey—Third Report on the mineral resources of the Pilbarra Goldfield. 2. Department of Mines—Return of Exemptions granted during the year ended 31st July, 1906. 3. Goldfields Water Supply Administration—Amendment to Schedule No. 1 referred to in By-laws Nos. 58 and 59. 4. Report of the Commissioner of Police for the year ending 30th June, 1906.

QUESTION—AGRICULTURAL RAILWAYS, MORE PARTICULARS.

HON. R. F. SHOLL asked the Colonial Secretary (without notice): When is it intended to complete the return called for by me on the 24th July, of a copy of the official report on the land along the routes of the three new agricultural railways? These particulars have not been laid on the table. I am sure it is not intentional.

THE COLONIAL SECRETARY: Is not the land taken up, first or second class, mostly?

HON. R. F. SHOLL: I should like to get all the reports. When I moved for the return, I understood the Government had built the lines contrary to the report of their advisors. I want to find out if that is so or not.

THE COLONIAL SECRETARY: Has not question (d) been answered?

HON. R. F. SHOLL: Questions (a), (b), (c), and (d) have been answered, not the last one.

THE PRESIDENT: There cannot be any debate.

HON. R. F. SHOLL: I must move a motion, then.

THE COLONIAL SECRETARY replied: I am surprised at what the hon. member says. I thought the last report contained all the information he required, and all the information asked for. If such is not the case, I imagine the hon. member's motion was not understood. The hon. member says the second part of the return has not been given. A question was asked as to the area of land suitable for agricultural settlement still available. The other replies answered that last question.

HON. R. F. SHOLL: I asked for the official report as to the quality of the land.

THE COLONIAL SECRETARY: If the hon. member wants an official report on that land, I suppose the land has been classified, and there is a general report. The return, in the first place, was very expensive, and it would be expensive to give farther particulars. If the hon. member desires farther particulars which are not contained in the report supplied, he should give notice and specify exactly what information he wants.

HON. R. F. SHOLL: Am I to understand the Government will not supply the information?

THE COLONIAL SECRETARY: I can only repeat, the Government have supplied all the information thought necessary; and if the member desires farther information he should give notice, and the Government will endeavour, if possible, to supply the information.

THE PRESIDENT: Perhaps the hon. member will define more clearly what he desires, and give notice of a motion.

HON. R. F. SHOLL: I will do so.

BILLS (2)—THIRD READING.

STAMP ACT AMENDMENT, *passed*.

LEGAL PRACTITIONERS ACT AMENDMENT, returned to the Assembly with four amendments.

BILL—PUBLIC WORKS AMENDMENT. IN COMMITTEE.

Resumed from the 29th August.

Clause 2 — passed without farther debate.

Clauses 3, 4, 5—agreed to.

Title—agreed to.

Bill reported without amendment; the report adopted.

BILL—EVIDENCE.

IN COMMITTEE.

Clauses 1 to 25—agreed to.

Clause 26—Indecent or scandalous questions:

HON. J. W. HACKETT: This clause should be considered in connection with the next clause ("Prohibited questions not to be published"). He had strong objections to the importation of this legislation into our British law of evidence. It would enable a person of bad reputation to escape any examination. His chief objection was to Clause 27. What was the reason for the adoption of a principle totally unknown to English law? He assumed it was to prevent newspapers of a vile character from making use of those questions which were asked simply to bring a witness into disrepute. We could understand a provision of this nature in Hindostan, where the character of witnesses as to veracity was proverbial, for some witnesses could be got to swear on one side or the other. Why was not the old rule sufficient? A verdict depended not only on the facts sworn to, but on the kind of man who swore to them. That was brought forward strongly in a very recent case in our court. No counsel worth his salt would put a question which was improper in itself, which raked up a man's past, and which should not be answered.

THE COLONIAL SECRETARY: But there were such counsel.

HON. M. L. MOSS: The privilege was not abused.

HON. J. W. HACKETT: A person who asked such questions injured his case in the eyes of the jury. Unless the Minister could give reasons for the insertion of the clause, it would be better to strike it out. He was prepared to take the law of evidence as it existed in England. Why should we go to India for such a clause and introduce it into this Bill? It was an insult to counsel.

THE COLONIAL SECRETARY: The clause was not introduced as an insult to counsel. This proposal was partly the

law here. A Judge ruled that a witness need not answer a question not relevant to the matter before the court.

HON. J. W. HACKETT: Why not stop there?

THE COLONIAL SECRETARY: Dr. Hackett asked why should we go to India. This proposal had been taken from India, but it had been compiled by a very learned Englishman, namely the late Justice Stephen, who wrote a digest on the law of evidence, and when he introduced this provision in India he did not quote Indian cases in support of its introduction, but English cases. Dr. Hackett said that no counsel could ask these questions. Counsel in England did, however, ask these questions, and had done so in very big cases. He (the Minister) did not wish to detract from our Australian bar, but he did not think the standard of it was above that of the English bar. The particular case which led this eminent jurist to think it necessary to bring in this provision was the great Tichborne case. The late Justice Stephen, in that digest, said witnesses had been compelled to answer such questions, though the matter suggested was irrelevant to the matter in issue, and though the answer was disgraceful to the witness. An illustration was given in Justice Stephen's *Digest* of an instance in which a witness under cross-examination in the Tichborne perjury case was compelled to answer a question concerning an allegation made many years before of his intimacy with the wife of one of his friends. Such a question could hardly be considered relevant to the matter before the court.

HON. J. W. HACKETT: Then it should have been disallowed.

THE COLONIAL SECRETARY: Some of the best counsel in England comprised the bar in that case, and the Judge seemingly did not disallow the question. It was well known that counsel frequently asked questions the only object of which was to unnecessarily discredit the witness.

SIR EDW. WITTENOOM: Could not that be dealt with in the Legal Practitioners Bill?

THE COLONIAL SECRETARY: A Bill to amend the law of evidence was the proper place for this provision. The proposed change was not a drastic one,

as it merely achieved definiteness in a matter which at present was left to the discretion of the Judge.

HON. R. F. SHOLL supported the clause as printed. Too much license was given to advocates to browbeat witnesses. If a question were necessary in the interests of justice, the Judge could allow it.

Clause put and passed.

Clause 27—Prohibited questions not to be published:

HON. J. W. HACKETT: The clause required amendment, as it would include prohibited questions not only on matters of character but legal questions also. If the clause merely referred to prohibited questions under the preceding clause, there might be no objection; but it was essential that newspapers should publish not only the question, but the reasons stated for prohibiting it. This clause would limit the right of the public to know what went on in a court of law. The clause should be postponed, for further consideration by the legal advisers of the Government.

SIR E. WITTENOOM: If the clause were deleted, the object of the Bill would be defeated. If a question were asked and then prohibited by the Judge, the effect of allowing newspapers to publish the question and the Judge's remarks in prohibiting it would make a scandalous matter more scandalous than if the question had not been prohibited.

HON. M. L. MOSS: It was not intended that newspapers should be penalised farther than for publishing questions disallowed under Clause 26. He moved an amendment—

That after the word "has," and before "forbidden," the following words be inserted, "under the provisions of the next preceding section."

THE COLONIAL SECRETARY: The opposition to the clause was incomprehensible. Surely if it were wrong to ask a scandalous question, it was ten times worse to publish the question. If the amendment passed, a lawyer might ask such a question knowing that it would be disallowed, but with a view to its publication. To what questions could the clause refer, except to those mentioned in the preceding clause?

HON. M. L. MOSS: Hundreds of other questions might be disallowed on the ground of irrelevancy.

THE COLONIAL SECRETARY: The Bill had been before the House for a fortnight. Legal members ought not, on the spur of the moment, to move these amendments. He could not fairly be expected to decide instantly what bearing such an amendment would have on the other clauses in the Bill. He moved—

That the consideration of the clause be postponed until after the consideration of Clause 109.

HON. J. W. HACKETT: The Minister was objecting too strongly to such amendments. He (Dr. Hackett) had not tabled any amendment, but was prepared to vote against the clause. The Minister's legal adviser would admit that the amendment was perfectly legitimate, and would carry out the intention of the Bill. So long as the questions not to be printed or published were those to be forbidden or disallowed under Section 26, this clause would be satisfactory, with a proviso that fair notice should be given to the newspapers that such questions were not to be published.

HON. M. L. MOSS: To give notice of such amendments was impossible. The need for this amendment had not appeared to him till he had heard the speech of Dr. Hackett, advocating the striking out of the clause.

SIR EDW. WITTENOOM sympathised with the Colonial Secretary. Better postpone the clause, in view of its importance.

Motion passed, the clause postponed.

Clauses 28 to 39—agreed to.

Clause 40—Poisoning cases:

THE COLONIAL SECRETARY moved an amendment—

That the clause be struck out.

An English decision, rendering the clause unnecessary, appeared in a law report dated 16th June, which had not come to hand when the clause was being printed.

Amendment passed, the clause struck out.

Clauses 41 to 47—agreed to.

Clause 48—Evidence of previous conviction in such cases:

THE COLONIAL SECRETARY
moved an amendment—

That the clause be struck out.

The fact that a boy had been convicted of stealing apples five years ago could be brought up against him on his trial for some other offence. This was the English law, but it was considered too severe.

Amendment passed, the clause struck out.

Clauses 49, 50—agreed to.

Clause 51—Actions for seduction :

THE COLONIAL SECRETARY
moved that Subclause 2 be struck out. To get corroborative evidence would be almost impossible.

Amendment passed; the clause as amended agreed to.

Clauses 52 to 95—agreed to.

Clause 96—Inspection of bankers' books :

On motion by the **HON. G. RANDELL**, the word "two," in line 36, was struck out, and "three" inserted in lieu.

Clause as amended agreed to.

Clauses 97 to end—agreed to.

Progress reported, and leave given to sit again this day week.

BILL—STOCK DISEASES ACT AMENDMENT.

Received from the Legislative Assembly, and read a first time.

BILL—MONEY-LENDERS.

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

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

SECOND READING.

THE COLONIAL SECRETARY
(**HON. J. D. CONNOLLY**): It gives me great pleasure to move the second reading of this Bill, as I believe it is a measure that is desired not only by the residents of Fremantle, but I believe it

will be welcomed by the whole of the people of the State. Those members who have watched the formation of the Fremantle Harbour will be certainly struck with the one idea that former Governments, more particularly the Forrest Government, deserve the thanks of the people of Western Australia for the splendid harbour they have constructed at Fremantle. When we remember that ten or twelve years ago there existed nothing at Fremantle but shallow water and rock, and that to-day we have a harbour hewn out of rock and the shallow water has been deepened to admit as it does the very biggest ships that come to Australia with perfect safety, I think members will consider that former Governments deserve every credit from the people of the country. Speaking on this great work, two names stand out prominently. I refer to a former Premier, Sir John Forrest, whom we have to thank to a large extent for the harbour which we have to-day, and again particularly is credit due to another gentleman, I refer to the eminent engineer Mr. C. Y. O'Connor, and I say perhaps credit is more particularly due to him for this reason, that in face of adverse reports by Sir John Coode, who was looked on as the greatest harbour authority in the world, we find the late lamented Mr. O'Connor going on with this work and carrying it out to a successful issue. Later on, about the time the harbour was finished, the Leake Government introduced the present Harbour Trust Act which handed over the control of the Fremantle Harbour to five commissioners. These five gentlemen took over the harbour—I think the Act was passed at the end of 1902 and they assumed control of the harbour on the 1st January, 1903. It is needless for me to say, as it is well known to members and to almost everyone in the State, that the trust has been a marked success. May I be pardoned for saying that some of that success, perhaps a great deal, as I am at present inclined to believe, is due to the wise foresight of the Government in the selection of the commissioners—not only in the selection of the general body of commissioners, but in the wise course they pursued in securing as chairman of that body such an experienced gentleman as Captain Laurie.

HON. G. RANDELL: Is credit due to no one else?

THE COLONIAL SECRETARY: The whole of the people of course who elected the Parliament. The name of the people to whom credit is due is legion, but I said at the beginning that two names stood out prominently.

HON. G. RANDELL: One had no right to any credit.

THE COLONIAL SECRETARY: That is information which is new to me. I did not think it was necessary to go into the whole of the history of the construction of the harbour, but I gave a brief outline.

HON. G. RANDELL: I think *Hansard* will give you all the information.

THE COLONIAL SECRETARY: We had an open roadstead which is now a safe and commodious harbour. The Bill is not a long one: it contains 35 or 36 clauses. Only a few alter the principles of the present Act, the others are machinery clauses. This Bill briefly gives the Government power to vest the property now in the hands of the Fremantle Harbour Trust, which amounts to about £1,400,000 worth, in the commissioners. The measure will completely vest in a sense, under certain conditions, this property in the harbour commissioners, but the Government retain sufficient control over the property for all time. The Bill provides in Clause 11 that the commissioners shall pay $3\frac{1}{2}$ per cent. interest, and I may say the reason why the amount is fixed at $3\frac{1}{2}$ per cent. is that that is the average interest on our loans. It is decimal 10 less than that, but the amount has been fixed at the round sum of $3\frac{1}{2}$ per cent. It is provided that this property shall be vested in the commissioners, and that they shall pay $3\frac{1}{2}$ per cent. interest and 1 per cent. sinking fund. There is a provision which will compel the commissioners to pay $3\frac{1}{2}$ per cent. interest and one per cent. sinking fund, and the Government reserve to themselves the right to strike a sufficient rate to compel this sinking fund and interest to be met. The Bill also seeks, and this provision is important, to give extended powers to the Harbour Trust Commissioners. After the property is vested in them, they can borrow money for the purposes set forth in Clause 10, that is for building docks etc., and any

farther loans shall be provided for in the way I have referred to in regard to the interest and sinking fund. The two clauses vesting the property in the commissioners and giving them power to borrow money are really the main portions of the measure. I know it has been stated that this Bill would only be brought in, if brought in at all, for the purposes of shelving the question of building a dock. It has been said that the Government are not in earnest in their desire to give a dock to Fremantle. I shall endeavour to show members before I sit down, at any rate before we have finished with this Bill, that this is really a practical scheme, and that the Bill will give sufficient powers to the commissioners to build the dock; and not only that, I shall show that if the commissioners build the dock it will be within their power to pay interest and sinking fund on the cost, even if they do not make any direct profit from the dock. I have stated I shall show that it will be very easy for the commissioners to build the dock and to pay interest and sinking fund without inflicting any hardship on anybody, and I should like members to pay attention to a few facts which I wish to place before them. At the present time the charges levied on goods in Fremantle, that is to say the wharfage charges are very much lower to-day than they are in the other States. For instance, while the average charges in Fremantle for wharfage run from 2s. to 2s. 3d., the charge in Melbourne is from 5s. to 1s.; the larger classification, which is the basis I have taken at Fremantle, running to about 3s. 3d. per ton. In Melbourne the average wharfage charge is 3s. 3d. per ton on goods landed at the wharf, while at Fremantle the average charge is only 2s. 3d., which is 1s. less. I want members to bear that in mind. In Sydney the charges average about 2s. 6d. per ton, with a 10d. per ton harbour improvement rate that is levied on goods and is a separate charge; or, in other words, to put it on the same basis as at Fremantle, the Sydney charge is an average of 3s. 4d. per ton, or 1d. more than Melbourne, and about 13 or 14 per cent. higher than Fremantle. Even at these low charges which I have just given the House, namely 2s. to 2s. 3d.

against the average of 3s. 3d. in Melbourne and 3s. 4d. in Sydney, and notwithstanding the vast amount of money, very nearly £1,400,000, which has been spent on the harbour, the Fremantle Harbour Trust have, for the last year, made a profit of slightly under £54,000. That represents almost four per cent. on the £1,400,000. The capital cost of these works which are credited to the Fremantle Harbour Trust is £1,377,540. That is the exact cost, arrived at in the signed schedule, of the property which has been handed over to the present Trust. We have to add to that work done by the Public Works Department during the year ending the 30th June, 1906, and also some work now in hand—that is for electric cranes, if I remember rightly—which cost altogether is estimated to run to £22,460. This makes in round numbers—it is a few thousands short—the total cost of the works, including the work that has been done by the Public Works Department during the year ending the 30th June, and the work in course of construction, £1,400,000. The profits for the last year amounted to £53,885; being nearly 4 per cent. on the cost. The rate of interest due under this Bill will be $3\frac{1}{2}$ per cent. and the sinking fund 1 per cent., which make the total interest the Trust will have to find on the £1,400,000 at $4\frac{1}{2}$ per cent., as against what I will call the 4 per cent., but it is not that which they are earning at the present time. I think the interest, to be exact, is about $3\frac{1}{4}$ per cent. I have not the exact figures here, but I want to show members that a very slight increase in the present rate—and I have already shown that the present rate will stand an increase without hindrance to anybody—will make the undertaking pay interest and sinking fund on the present amount. I want to point out to members that, apart from the question of giving the Harbour Trust power to build this dock or any work at all, it will be a very wise provision to grant the power as set forth in this Bill, so that they may provide proper interest and sinking fund in order that as the work goes on and as years go by we shall have paid sufficient into the sinking fund, and the dock and the harbour will be paid for. Whilst speaking on these rates I have shown mem-

bers that the rate at Fremantle is very much lower at the present time than it is in Sydney or Melbourne; and I would also point out—and I will give members the exact figures later on—that you are getting work done for about one-third of what had to be paid formerly, so that if the rates are raised people would still be paying not a half of what was paid previously. Some years ago it was not thought desirable for the Government to raise the money to build this dock. The estimated cost of the dry dock is, I understand, about £500,000, and adding to that another £100,000 for approaches and incidentals, it makes the sum £600,000; that is the estimated cost of an up-to-date dry dock. For the year ending 30th June, 1906, the Fremantle Harbour Trust handled cargoes to the extent of 600,000 tons. A harbour improvement rate is levied in Sydney and other ports, including I think New Zealand, and as I have said the harbour improvement rate in Sydney is 10d. If we had a rate of 11d., that rate on 600,000 tons of goods—and the tonnage is more likely to increase than to decrease—would produce equal to £27,000, which I think would be some £400 or £500 over the amount to be paid in interest and sinking fund on the estimated cost of the dry dock, or in other words it would pay interest and sinking fund on £600,000. I just want to show members that by raising the charges very little, to the extent of 11d., they would still be under the 3s. 3d. charged in Melbourne and the 3s. 4d. in Sydney, and the Trust would be able to pay the interest and sinking fund not only on the £1,400,000 but on the additional £600,000, which I understand is a very reasonable sum. [Interjection by Hon. M. L. Moss.] And, as Mr. Moss has reminded me, that is on the assumption that the dock does not earn any direct profit, not to speak of the indirect advantages that it would bring about. It can hardly be hoped that the dock can pay the full interest and sinking fund for the first few years, at any rate. I think it is reasonable to suppose that it would make some profit; but in these figures I am not allowing for any profit to be made out of the dock, but only for working expenses. In doing that I am going on very safe lines indeed,

because we know exactly what goods came in last year, and they certainly will not decrease; and by putting 11d. on the amount charged we shall have interest and sinking fund on the dock. I would like country members to pay attention to this phase of the question. I am afraid the Fremantle Harbour has rather been looked upon as a local work, but I contend that it is not a local work at all. It is a national work, and a work which the State as a whole has benefited from, as in the case of the Goldfields Water Scheme. It confers some direct benefits upon Fremantle through the harbour being there, but the harbour was not built for Fremantle, nor does Fremantle derive anything like the whole of the benefit from that harbour. The harbour was opened for general trade at the end of 1898. From that year to the present time is a period of eight years. Then take the cost of lightering cargo. Previous to the opening of the harbour in 1898 a good many ships could not come alongside the jetty at all. There was not water enough for them, there being only a depth of 20 feet, whereas now we have in the harbour 30 feet of water, and every ship can come in. Previous to the opening of the inner harbour those ships had to lie out in Gage Roads and their cargoes had to be lightered in. It is estimated that the average tonnage of foreign cargo received and which had to be lightered in was 216,500 tons, and the cost of the lighterage was 6s. a ton. Therefore, it cost for lightering this cargo and getting it on to the wharf £64,950, or in round numbers £65,000. This has been saved to the people since the harbour was opened in 1898. If you multiply that by eight you will get the sum of £520,000, saved to the people in those years.

HON. G. RANDELL: You must not reckon that way, because part of the cargo came to Perth direct, and did not cost 6s.

THE COLONIAL SECRETARY: I take it if it cost 6s. to lighter into Fremantle, it would cost more to lighter from Gage Roads on to Perth.

HON. G. RANDELL: It could come to Perth for 8s.

THE COLONIAL SECRETARY: I am only basing my calculations on 6s., and not on 8s. at all. In the year

previous to that in which the harbour was opened, the tonnage lightered was 216,000 tons. If we paid on that basis for eight years and multiply that 6s. per ton, we get a total of £520,000 of money saved.

HON. J. W. HACKETT: Most of those ships came to the jetty, did they not?

THE COLONIAL SECRETARY: No. Those ships which carried cargo to the extent of 216,000 tons per year could not get to the jetty.

HON. J. W. HACKETT: What year?

THE COLONIAL SECRETARY: The year 1897-8. The total of the goods landed was 600,000 tons, and I am only calculating on 216,000 tons, which is the amount estimated as having been lightered from Gage Roads. Of course the ships would have to pay the port dues in addition. I want members to bear in mind also the great advantage and saving which people now derive from getting better and quicker discharge for their goods, there being no necessity for lighterage when ships can come alongside the wharf. It will perhaps be only right for me to mention here that in addition to the saving of £65,000 a year which has just been referred to as being made, since the Trust took over the control of the harbour from the Railway Department, it has made another saving of something like £20,000 per annum by the improved methods of handling which have been installed in the slinging of cargo direct into railway trucks, instead of as before unloading into sheds or on to the wharf and having the goods loaded into trucks afterwards. I think it will be agreed, therefore, that the Government of the day deserve credit for the passing of the Harbour Trust Act, and for the wise foresight displayed in appointing experienced men to positions on the Trust. I have shown that under the Bill it will be possible for the Trust to arrange for the construction of a dock, and at the same time to pay interest and sinking fund not only on the cost of the harbour works at present existing, but also on the cost of construction of a dock if such be built. Therefore we shall be safe in handing over to the control of the Harbour Trust the providing of additional works. I will now briefly refer to a few of the clauses of the Bill. Clause 2 amends Section 6 of the principal

Act, and gives the commissioners a five-years tenure instead of three years as hitherto. It has been thought wise to extend the term, as it would be inadvisable to completely change the personnel of the Trust at frequent intervals. The Trust should be as permanent as possible.

HON. J. W. HACKETT: Is not the argument the other way?

THE COLONIAL SECRETARY: No; the Trust will now take more responsibility, and it would not give the Government a chance to alter the constitution of the Trust say after it had just started upon some large works. The hon. member's argument might apply with equal force to Parliament; and probably he would agree that a five-years Parliament would be better than a three-years Parliament.

HON. M. L. MOSS: Is it intended that the present members of the Trust shall be appointed for five years?

THE COLONIAL SECRETARY: The present members of the Trust will continue in office; but by the end of the present year they will, I think, have been one year in office; therefore from the enactment of this Bill they will in reality be appointed for four years only. Clause 3 of the Bill is an amendment of Section 22 of the principal Act, which gave the Government power to resume part or the whole of the property vested in the Trust. If at any time the area under the control of the Trust be extended and the Trust borrows money for the purpose of erecting wharves or other necessary works on this new area, then under the terms of the proviso in this clause, if the Government resume those works it must also accept the responsibility for such portion of the liability as the Trust have incurred in respect of such works. Clause 4 is new, and constitutes the Trust a local authority as in the Public Works Act of 1902; and it farther enables the Trust to build a dock or other necessary works, as I have pointed out. Clause 6 gives the commissioners power to control the work of loading and unloading by means of cranes on the wharves. It has already been found necessary by the Trust to assume this control in the interests of everybody concerned; but the power to do so under the present Act is not clearly

stated, and it is thought advisable to clearly define the power. Clause 8 is new, providing that the Trust may accept for the purpose of levying dues the measurements of any vessel as given at Lloyd's. Clause 9 gives power to strike a rate for harbour improvements, such as a dock or other works of that nature. Clause 10 is rather important, reserving what is to my mind a very important right to the Government; for if at any time the charges made by the Trust are not sufficiently high to provide interest and sinking fund on the value of the property vested in the Commissioners, the Government may step in and revise the charges and make them sufficiently high to provide interest and sinking fund on the money borrowed from the Government, and also on the money which the Trust may have raised for farther works. The clause farther provides that if the charges fixed by the Trust are so high as to result in the interest fund accumulating unnecessarily, and if in the opinion of the Government the Trust, by doing so, is driving business away from the harbour, the Government again may step in and revise the charges so as to reduce them to a figure sufficient to pay interest and sinking fund. Clause 11 is also important. It provides that the capital cost of the works to be handed over to the Trust—amounting as I said to £1,400,000—shall be a first charge on the works and the revenue of the Trust. Therefore there will be no danger of the country losing money by having money borrowed for unproductive works, thereby swelling the interest bill of the Trust to such an extent that it might not be able to pay the interest on the Government loans. Clauses 15 and 16 are new, providing that the Commissioners before entering on a loan shall make provision for the interest and sinking fund of such loan by providing for the imposition of such a rate as will enable it to pay interest and sinking fund not only on its existing liability, but also on the liability proposed to be incurred. Clauses 25, 26, and 27 are new in a sense, but are really machinery clauses, and are such as must necessarily go with the extended powers proposed to be given to the Trust. The Trust does not keep proper books of account nor any separate banking account, but pays all moneys into the Treasury, and

the Treasury pays the Trust's accounts. These clauses will enable the Trust to open and operate its own account in the same manner as is done by other local authorities, such as municipal councils and road boards. Clause 29 has been inserted for the purpose of amending Section 60 of the principal Act in the direction of more clearly defining the powers of the Trust.

HON. J. W. HACKETT: Have these powers been taken from an existing Act, which members may have an opportunity of perusing?

THE COLONIAL SECRETARY: They have mostly been taken from the New Zealand Act; and when the Bill is in Committee I shall be able to point out to members the necessity which exists for investing the Trust with fuller powers for the making of by-laws. Clause 31 is somewhat similar, and has been inserted at the request of the commissioners. It empowers the Trust to frame by-laws for the regulation of traffic within the harbour. As members know, the Fremantle municipality has power under Section 65 of the Municipal Institutions Act to make by-laws dealing with the drivers of carts, wagons, and other vehicles; but at the present time, though the municipal council may make such by-laws, once the vehicles are on the wharf they are outside the municipal jurisdiction, the municipal by-laws being there inoperative; and it is to give powers of control in such cases that the clause is intended. I think the Bill will be acceptable not only to the people of Fremantle, but to the people in the State who are served by the harbour. It will enable the Trust to better work the harbour by giving them extended powers, and I do not think any member need fear that those powers go too far—they are safeguarded in every respect. The Trust has to obtain the approval of the Governor-in-Council to its actions in every instance; there are also the other safeguards. I move that the Bill be now read a second time.

At 6:30, the PRESIDENT left the Chair.

At 7:30, Chair resumed.

HON. R. LAURIE (West): I desire to support the second reading of the Bill. Members will probably expect from me a fuller explanation of some clauses of the

Bill than can possibly be expected from the Colonial Secretary. Clause 4 provides that the completion and extension within the harbour of all harbour works may, with the approval of the Governor, be undertaken by the commissioners, who shall be deemed a local authority within the meaning of the Public Works Act, 1902. Personally, I think that is a most desirable clause. According to the existing Harbour Trust Act, any new work has to be carried out by the Public Works Department, under the Public Works Act, 1902, which means that after the work is completed the cost is simply debited to the Fremantle Harbour Trust; and whether the work has been expensively or shall I say rightly carried out is immaterial, the Harbour Trust has to find the interest on the money. In this connection it has been said by some that if we empower the Fremantle Harbour Trust to construct a dock and carry out extensive works of that character, the commissioners may begin the building of a dock without due regard to whether the dock will pay. I should like to say at the outset that the existing Fremantle Harbour Trust Act, as is admitted on all hands, was only an experiment, and an experiment of which I think Mr. Kingsmill may be justly proud. He was, I believe, the prime mover in getting the Bill introduced; and I think that the result is very creditable to him, the board having justified his most sanguine expectations. It may be said that the board will at once start to construct a dry dock at Fremantle; and it has been interjected this evening that the present board is a Fremantle board in charge of a national work. For a moment I would call members' attention to the composition of the board. In the first place, one member is a gentleman representing the Chamber of Commerce, Kalgoorlie, who can in no sense be considered a Fremantle man. Then the Perth Chamber of Commerce is represented by a member, and the Fremantle Chamber of Commerce by another member. There is a member nominally representing the shipping interests, and I am the member appointed by the Governor. The body can in no sense be looked on as a board representative of Fremantle interests; nor can that charge be laid against the late board, concerning which I take this

opportunity of giving my public testimony. Its members took a deep interest in their work; and everyone can readily understand the arduous task they had to perform. It was the first board of its kind in this State, although there are similar boards in New Zealand and in almost every part of His Majesty's dominions. When that board was first constituted, there was a desire on the part of many people to see the members fail in the work they were appointed to carry out. However, notwithstanding all that happened at the time, the board, I can honestly say, gave of its best to the people of this State, by endeavouring, as far as the Act would allow it, to put on a business footing the great undertaking of which they were in charge. I return to the question of the dry dock. If the Bill passes to-morrow or next week, I for one, if I happen to be on the board—and whether I am or not is a matter of little importance to me—will not undertake the building of the dock at Fremantle until the whole dock question has been investigated very thoroughly indeed. But it must not be forgotten that from the very first, when the proper equipment of the harbour was decided on, it was always understood that there should be a dock. To show how opinions differ on the question of a dock, and how important it is in considering the question of a dock at Fremantle harbour or any other harbour to remove the question from the parliamentary arena and leave it in the hands of business men, I will make one or two quotations. The present board had not been at work many months when several aspirants for seats upon it determined to give as much trouble as possible to the commissioners. With the usual backstairs political pull, during the absence of the Minister who had charge of the administration of the Harbour Trust Act (the Colonial Secretary), those gentlemen got the ear of the Premier of the day. He, perhaps to pacify them, or to gain a better knowledge of the working of the harbour, allowed a report to be sent in to him on the question of facilities. But in addition to that report, he was presented with a report criticising the policy of the commissioners—a subject foreign to what he asked for. The gentleman who was good enough to send

in that report dealt with the question of a dry dock at Fremantle, and wrote:—

With the question of a dry dock is bound up the question of removal of the present railroad and highway bridges. It has already by investigation been fairly and conclusively demonstrated that there is not a site for a dry dock on the north side of the harbour, below the bridges. On the south side, whilst there remains the possibility of getting a foundation on the site of the Harbour Works Department, it is not and never can be made a suitable site. There is not sufficient room to construct a swinging basin to the entrance, and the caisson would frequently be in great danger from the westerly swell in operating the dock; and the site is too much exposed. A site has therefore to be sought above the bridges, even although the floating form of dry dock be adopted, there being no room to spare in the basin of the inner harbour.

This shows how necessary it is to leave this matter of a dock and the extension of the harbour and similar works in the hands of business men who have to make the harbour a business concern pure and simple. Take it out of the hands of engineers. It is very well to have engineers to build the works. The business man cannot be supposed to have the necessary professional knowledge to do that. But I wish to point out the necessity for a dry dock at Fremantle, a matter which for eight years has figured in the policy speech of every Premier at the beginning of every session. This expert tells us in his report to the Premier that there is no room below the bridges for even a floating dock; yet we find the same expert saying on the 18th July of this year, to a body of business men in Perth—

A floating dock to dock a vessel of 12,500 tons could be installed at Fremantle for a sum not exceeding £250,000.

Then he says farther, showing that he now considers it can be constructed below the bridges—

If they went above the bridges for a site, the expense of dealing with those structures, and also for dredging the approach to the dock, would have to be added to the cost of the scheme.

That is, added to the £250,000. This clearly proves that the question of extending the harbour or of building a dock must be entrusted to business men, to be carried out on business lines. In three years the quantity of goods delivered at the port of Fremantle has increased by 200,000 tons, showing the

absolute necessity for leaving the settlement of a question of this character to the men responsible to the Government and the country for raising a revenue sufficient to repay the interest and sinking fund on this great work. For eight solid years the project has been hanging over, year after year; and no board such as has hitherto controlled the harbour considered for a moment the immediate commencement of a dock. The present board might possibly, if authorised, begin at once to investigate the subject; but at least 12 months or more would be needed to provide plans for such a dock, and five or six years to finish its construction. I would ask: Do the people in this portion of the State expect that the port of Fremantle will stand still? [MEMBER: The ships will come to Perth.] Let the shipping come to Perth by all means. I trust that it will come some day. We cannot stop shipping reaching farther into these waters; but I ask members to think whether at the present time this country with 260,000 people can bear the cost of two harbours when the opening up of the harbour at Fremantle can do all that is required. Can we at the present time consider the question of ships coming to Perth? I say we cannot. We have to consider not only Perth, but the large areas behind Perth, the consuming public from Perth to the goldfields and all parts served by the port of Fremantle. Last year 175,000 tons of cargo was sent direct from the ships' sides all over this State. We can understand, therefore, that it is not only Perth that is being served but the population behind the city; and that is what the members of the Harbour Trust have to consider. They are not serving one interest alone; they are serving all interests. Mr. Kingsmill knows that not one member of that Trust has, on any occasion, looked on the Fremantle harbour as being anything but a national one. No member of the Trust has ever looked at the harbour from a Fremantle point of view. That brings me back to the point that I had hoped to see the constitution of this board defied. I have felt very keenly at times whether it is worth while for any man, with regard for character or feelings, taking a position on such a board. For the last three years and four months I have felt, is

it worth any man's time or while to remain on the Harbour Trust, or to take any public position in this State? The moment a man takes any public position in this State he has to put up with all the mud that may be slung by anyone in the street. I find that the bulk of successful business men in the State, instead of taking a part in public affairs, look after their own businesses and get all the benefits that may be derived from the actions of the man who does not take a keen interest in public affairs. [HON. J. A. THOMSON: And gather more money.] Undoubtedly they make more money. I have often felt this, and it has been brought keenly home to me from time to time—not that it affects me, because I have got pretty well beyond that stage—but I have seen letters written by men, not necessarily about myself, containing beastly inferences, if I may be pardoned for using the term, that a man on a board such as the Harbour Trust may do something for himself. It makes me ask, what do these people think the other members of the board are doing, that is if they are doing their duty at all? But, however, let that pass. I had hoped that in this Bill the constitution of the board would be clearly defined.

HON. W. KINGSMILL: It was in the first draft of the Bill.

HON. R. LAURIE: I had hoped it would be clearly laid down. Great exception was taken to my being on this board, and it was felt very keenly by some. I have had a deal of experience in shipping for 35 years, and nearly 26 years in Australia, in offices, on ships, and on wharves. I have felt very keenly what has been said from time to time; but members of Parliament serve on other harbour trusts. I am speaking now in connection with the constitution of this board, that I had expected it would be clearly defined who should have representation on that board. Some members doubt the wisdom of handing over a big public work like the Fremantle harbour to a small body; but in New Zealand every harbour of any character whatever has a harbour board. When I was a boy you could almost walk across the top reaches of the River Clyde; but now you could almost take up the largest ship built. The whole of the work on the

Clyde was undertaken by the Clyde Navigation Board. There is also the Mersey Board, every member of which knows exactly what interest he represents. It is the same thing in Cape Town and Durban. In every one of the British colonial possessions wherever we find a harbour board we also find that the Government had reserved the right to themselves of placing members of one House or both Houses of Parliament on the board to look after their interests. [HON. W. KINGSMILL: Hear, hear.] In Melbourne the same thing applies. It has been said that we should have a larger number on the Fremantle Harbour Trust. The experience of Victoria is that for 30 years the board has never revised the rates.

HON. W. KINGSMILL: They are too busy fighting.

HON. R. LAURIE: The Melbourne Harbour Trust comprise 17 members. Five of them are members of Parliament appointed by the Victorian Government, and never one breath or one word is said against any one of them. Though one happens to be a member of Parliament, if he is gifted with the knowledge that fits him for the position, not one man in the community says a word against him. It is the contrary in this State. The experience in Victoria, which I wish to give, is that they desire to reduce the number to about seven. They find that to have 17 members is practically unworkable. I would have liked very much to see it clearly defined what our Harbour Trust should consist of. The James Government very properly said that it should be a business board, and they appointed one member from the Chamber of Commerce at Fremantle. I was nominated by the Fremantle Chamber of Commerce, but another nomination went up for election and the two names were forwarded. The same thing happened from Perth. Now the Government have very wisely appointed one member from the Chamber of Mines at Kalgoorlie. That shows that the board is representative, but it solely remains with the Government of the day to say who should be on the board, and to say whether these various bodies should have representation, and to thereby insure a business board. It can be clearly understood that the men representing these

various bodies will be business men, and that if they do anything wrong it is not only a reflection on themselves but on the bodies that sent them there. I have shown how opinions differ on the question of a dock, as to its construction, whether it should be a dry dock or a floating dock, or whether there are facilities below the bridge for a floating dock. At the time that report I have mentioned was sent to the Government, the idea of the gentleman who sent the report along was that the Trust should be knocked out within three months of its inception, that the title should be altered to the Swan River Navigation Trust, and that there should be one salaried commissioner who should be an engineer—this gentleman was an engineer himself—representing the Government as president, and two honorary commissioners, one representing Perth and the goldfields, and the other representing the three Fremantles. That was the opinion of this gentleman three years ago. I shall give you his opinion on the 12th July of this year. Before the Chamber of Commerce in Perth, who were good enough to pass a resolution that a special committee be appointed to consider the proposed Bill, that is the Bill now before us, with power to consult with authorities thereon, this gentleman gave an opinion and said that it should be the Swan River Harbour Trust constituted of two members representing the Perth City Council, one member representing the three Fremantle councils, one member representing the suburban municipalities and roads districts fronting the river, one member representing the Perth Chamber of Commerce, one member representing the Fremantle Chamber of Commerce, one member representing the Chamber of Mines, one member representing the Royal Agricultural Society, and one member representing the owners of shipping registered in Western Australia. To-day that gentleman wants a board of twelve; three years ago it was a board of three he required. To-day he recommends the Perth Chamber of Commerce to watch the Bill and see that the various interests mentioned by him are represented on the Harbour Trust. I mention this to show that the questions of the extension of the harbour, the building of docks and such like,

should be left to five business men; otherwise it simply means that we will just be in as bad a fix as they are in Melbourne to-day, where they are cutting down the number from 17 to at the most 7, because they find it absolutely unworkable with a large number. The Colonial Secretary has pointed out that not only would we find the $3\frac{1}{2}$ per cent. interest and the one per cent. sinking fund required by the Bill by a very slight addition to the wharfage, but that with a small addition for a harbour improvement rate we could find interest and sinking fund on the construction of a dock. Any business man knows that if we are to carry out a large work such as this, we would not borrow all the money at once; we would not borrow the £600,000, put it into a bank and pay interest on it; but we would borrow the money as required, and in doing that would only pay interest on the smaller amount. So it would mean that, for the first year the money was required, there would probably be 3d. per ton harbour improvement rate, and that next year there would be a small rise, until we reached the maximum. It has been asked: Can Fremantle support a dock? I do not for a moment contend that the dock will pay interest on the money borrowed, or anything like it; but I do say that, to make a fully equipped and up-to-date harbour, we should have a dock. [THE COLONIAL SECRETARY: Hear, hear.] There is no fully equipped harbour in the world until they have all the necessary facilities to deal with the shipping that enters and leaves it.

HON. J. A. THOMSON: Do you think the shipping companies would reduce the freights?

HON. R. LAURIE: That is a question quite beyond me altogether, but I know that the freights have been considerably reduced since the harbour was opened.

HON. J. A. THOMSON: They are still high.

HON. R. LAURIE: Probably; but I may touch on that later. I ask any member to question the captains of the mail steamers or intercolonial steamers as to whether there are better facilities in any port of Australasia that they enter; and they will find the one answer from one and all that Fremantle has, without doubt, the finest facilities of any port in

Australasia. That brings me to the question of cost, touched on by the Leader of the House. He has pointed out the great saving in lighterage. Anyone with a knowledge of Fremantle when the block was on before the harbour was opened knows that we agitated to get the Government to allow the ships to enter the harbour as quickly as possible, in fact to let the lighters in first and the ships afterwards. Anyone who had dealings at Fremantle knows that it was not only a question of paying for the lighterage of goods in those days, or the wharfage on the goods, but it was a question of finding your goods when you had paid these charges; and in many instances goods were entirely lost. What has been the saving? There has been a saving in lighterage, a saving in the handling in the yards, a saving of losses previously sustained from weather causes. And this total saving has not been to the benefit of the people of Fremantle alone, but to the people of the whole of the State, who as consumers have been served by the Fremantle harbour. The full benefit of the saving effected by the construction of that harbour, I venture to say, amounts to between £500,000 and £600,000 at least. Now I come to another point. It may be said that the present Fremantle Harbour Trust should have raised its rates sufficiently to meet the interest on the principal involved and also the sinking fund. Mr. Kingsmill will bear me out when I say that a mistake was made when the harbour was first opened. If when the harbour was first opened a rate had been levied of 3s. per ton on cargo, and an improvement rate of 1s. per ton on all goods that came into the harbour, there would not have been the slightest demur; people would have paid it cheerfully. The position would to-day, if an improvement rate of 1s. per ton on cargo had been levied since the harbour was opened, be that we would have something like £240,000 in hand as the total result of such charge on tonnage entering the harbour. This amount would have been available for harbour improvements, and there would not have been one word of demur from the people who had to pay the charge. Let me cite the case of Townsville, in Queensland, where the conditions are very similar to

those obtaining at Fremantle. When the harbour was placed under a board in Townsville, the board at once set about the construction of a breakwater and making a channel. They struck a rate of 3s. 6d. per ton wharfage on goods, and on top of that a charge of 3s. 6d. per ton harbour improvement rate; with the result that those people who were before paying 10s. and 12s. per ton lighterage charges did not feel the new charges, which were a benefit to them because they got goods cheaply and expeditiously. To-day the Townsville Harbour Board have built up a fund by which they can keep the harbour clear, and which will admit of their making farther extensions of the harbour as necessity requires. The position here to-day is if the Trust wants £1 or any other sum, it has to go to the Government cap-in-hand and ask for it. What is the position of the Fremantle Harbour Trust? The real position is that the Fremantle Harbour Trust is a mere collector of rates, which it pays directly into the Treasury, and the Treasury draws drafts for the money required by the Trust. By this arrangement with the Treasury the Trust has an account at the Commercial Bank, but it is not provided for in the Act. The present Act was purely experimental, and the Leader of the House is now asking for an amendment. There are only two or three clauses in the Bill which the House need trouble itself about, the clauses referring to the policy and constitution of the Trust, and the vesting in the Trust of powers which are held by every similar board in Australasia and throughout the King's dominions.

HON. W. KINGSMILL: Which powers the Fremantle Harbour Trust has earned.

HON. R. LAURIE: And which, as my hon. friend has been good enough to say, the Fremantle Harbour Trust has earned. What does the position to-day show? That had 1s. per ton harbour improvement rate been struck on the opening of the harbour, the Trust would now have had a sum of £240,000 available with which to go on with new works; that while the harbour has cost £1,370,000, it has been the means of a direct saving to the consumers of this State of nearly £1,000,000. I may, following out my previous line of argument, point out that it was impossible for the Fremantle

Harbour Trust to strike a rate to provide for the interest and sinking fund, as the Trust did not know what the interest and sinking fund amounted to. It was to have had a schedule of the property vested in the Trust presented to it when established five years ago; but the Trust got that schedule only about two months ago.

HON. W. KINGSMILL: Longer than that.

HON. R. LAURIE: Well, say three months ago. Three years and two months elapsed before that schedule was prepared and placed in the hands of the Trust. And as I have pointed out, a board constituted like the Fremantle Harbour Trust has to take from the Public Works Department whatever works that department chooses to give and at whatever price the department chooses to put on those works. I venture to assert that had the Fremantle Harbour Trust been in existence since the harbour was opened, there would not have been the necessity, as there has been, for an expenditure of between £100,000 and £200,000 in alterations. The wharves have had to be raised and alterations made in other directions. It is a well-known fact that the late Mr. C. Y. O'Connor had one idea of the way in which the work of handling goods should be carried out, and Mr. John Davies, the then General Manager of the Railways, had another, with the result that the goods station is at some distance from the wharves. At the instigation of the Fremantle Chamber of Commerce, the wharves have since been raised to their present level; and that would not have been done but for the instigation of those business men. They induced the Government to do this work, with the result that a direct saving to the consumers is being made daily. The people of this State are getting benefits from the working of their harbour such as are not obtainable in any other port in Australasia. Goods are sent away direct from the ship's side; the charges are low, and compare more than favourably with the charges ruling in any other port in Australasia. The Fremantle Harbour Trust has always been alive to the necessity for increasing the facilities of the harbour. If our farming friends will send down their wheat in such quantities

as I believe and trust they will do one day, we will handle it for them by the most up-to-date methods in the southern hemisphere. The necessary plant and appliances are already to hand; and the necessary information has been gained by the commissioners in their private capacity. I want to tell the House that when the commissioners have desired to obtain information, they have personally paid the expense of obtaining that information; and if they do get a paltry fee, it must be remembered that the commissioners have not cost the State a single halfpenny in the way of entertaining distinguished visitors and so forth; so there are no 3 per cents. about it. Its business is conducted on business lines; therefore this House should have sufficient confidence in this board, or in whichever board of business men may be appointed, as other States and British possessions throughout the empire have in their boards. I would like to point out some of the advantages of having a board quite distinct from a department. It may be said, and perhaps reasonably at first glance, that a public department can do just as well as a board. I think it will be conceded all round by those who have had most to do with departments that in dealing with a department you may apply to it regarding some matter this week, and probably get an acknowledgment next week, but it will be some months before you succeed in getting anything done. With the Fremantle Harbour Trust, when you have a claim to make or anything which requires to be settled, you can have it attended to at the next meeting of the board. The desire of the board is to see that the port of Fremantle shall have all the advantages to which it is entitled by its geographical position—I mean that the people of the State beyond Fremantle shall have all the benefits consequent on this national work. The board has had to go into the question of levelling down the rates so as to induce ships to come to this port. A point which should never be lost sight of is that Fremantle had to start with the worst name of any port in Australasia; and to-day it rejoices in a good name, owing to the facilities provided and to the fact that the charges have now been put on such a basis that no owner need say he has to pass the

port of Fremantle. I would like to point out the advantages to country members of this levelling down of charges. Take a ship like the "Jumna," which leaves India with a cargo of woollacks or wheat-sacks. Until lately it was impossible for a ship of that class to come to Fremantle, as she would never have more than 300 or 400 tons of cargo for the port; and the officers of a public department would not see in this any necessity for the levelling down of the charges as the five business men on the Trust have seen it; and with what result? The "Jumna" came here on one occasion, and for putting out 71 tons of cargo she paid £75 13s. 5d. in harbour and light dues, without any of the other charges incidental to a vessel coming into port, such as towage, handling, and other purposes. I ask, is it fair or reasonable to expect a shipowner to send his ships here when he has to pay that price for bringing 71 tons of cargo? The "Kent" brought 42 tons of cargo, and paid £83 18s. 10d. into the revenue of this State for harbour dues; the "Banffshire" paid £87 18s. 11d., and worked 78 tons; the "Salamis" had one ton of cargo and paid £31 19s. 3d. Under the present low scale of charges, the "Islanda" brought 246 tons and paid £37 1s. 7d., as against £84 1s. 10d. under the former scale. This shows the saving. A vessel can come here now—and members will see from this the necessity for the clause which provides that a vessel's registered tonnage may be taken from Lloyd's instead of by measurement—with woollacks or other Eastern produce, and may land cargo up to one-fourth of her registered tonnage, paying a minimum of dues. Under this scale the "Islanda" saved £47 0s. 3d.; and so there is now some inducement to an owner to send a ship here; and it means that if we had not lowered the rates and given the shipowner that inducement to come here, those wool-bags would have been taken to Melbourne and brought back here at 25s. a ton on the coastal rate, and the consumer would have paid for the difference. If we cut rates down and get a dozen ships in, that is better than getting only one; and we are making it better for the community in general. I could go on *ad infinitum*. Take the ship "Eversham Grange," landing 308 tons of

cargo and paying £44 8s. 10d. as against £111. I wish to place on record that the board went into the question most heartily, and the Colonial Secretary who followed Mr. Kingsmill gave every consideration. We saw the good effect this would have on the port of Fremantle, and Mr. Kingsmill was ever ready when a scheme of this character was put before him to fall in with it, for it was only by the Colonial Secretary's falling in with a suggestion such as this that we were able to carry it out. It was for this reason that the Lights Department were the greatest sufferers. The Lights Department's charges were exceedingly high, and it was only by the Colonial Secretary's (Mr. Taylor's) falling into line that this change was brought about. It was brought about when the mail steamers contract had just expired. For the matter of 10 years, and perhaps more than 10 years, mail steamers went to the port of Albany, but later on to the port of Fremantle, at the nominal charge of £30 per ship. When the contract was up there were no longer mail steamers. Had the Fremantle Harbour Trust and the Colonial Secretary's Lighting Department continued making heavy charges, it would have meant that vessels of the class of the "Islanda" would have paid about £84, and vessels like the "Macedonia" and other ships of that class would have paid £190, if the usual rates on ships coming in had been charged. Would it have been fair not only to ships but to the port of Fremantle and the people of this State to make such charges; charges almost sufficient to drive vessels away from the port of Fremantle? It would have been absolutely unfair, and this shows the amount of work that had to be done by the present board in the way of levelling up and breaking down charges which were unfair. I touch now on the various clauses some members would consider contentious, which particularly refer to vesting the power in the board of raising money and carrying out these works. I for one shall give the Bill my strongest support. I think that the board, whatever board it may be, provided it is a business board elected, is just as able to carry this out as others, and perhaps better able to do so; because there is at all times this safeguard, that

it can only get that money with the consent of the Government; and there is always sufficient time, if the board intends to carry out any work which is not in the eyes of the people of this State work of a character which should be carried out, for Parliament to say to the Government of the day, "These men should not be allowed to carry out that work," and all that the Government would have to do would be to put its foot down and say this should not be done. But the commissioners I take it are in the very best position at present to say as business men whether the work should be carried out or not. Clause 5 is necessary. It provides that Section 26 of the principal Act shall be repealed and this clause inserted. In any other harbour in Australasia, or out of it, provision is made for lighting for navigation purposes. There is no board which has any regard for itself or for the better working of the harbour but will see that the wharves are well and sufficiently lighted, and that the public passing to and fro are well and sufficiently safeguarded. But when we know that a board may be mulcted in perhaps a sum of £2,000 by a man falling underneath a 30,000 candle-power light, we can only come to the conclusion that the board should be in some way safeguarded. We cannot afford to leave it to a jury to say that a wharf is not well and sufficiently lighted if a man standing 26 feet from a 30,000 candle-power light falls. In any other Harbour Act I have seen—and I have gone through many of them lately—such powers are given as are asked for in this clause as to roadways and approaches and other matters in that connection. These powers are exactly the same as in any of the ports of New Zealand or Australasia. Clause 6 provides that the commissioners shall provide servants and labourers for the loading and unloading of goods on the wharves. I want to make perfectly clear to the House the necessity for this clause. When the Fremantle Harbour Board took office they followed on the lines of the Railway Department to start with, and all goods landed at Fremantle were passed through from the ships straight on to the trucks. The shipping companies in years gone by, when the facilities in the harbour were not very great,

always made a point of saying to the Government of the day, "Give us some sheds and we will deliver the cargo to the consignees." These things were repeated. When the sheds were built the companies at once turned to the bills of lading and said, "Our responsibilities ended at the ship's slings." Before the board had been 10 days in office I pointed out that the only solution of the difficulty between the consignee and the shipper was for the board to take over the work the same as was done in Wellington, New Zealand. But we had to remember that in the first place we had no power under the Act. In the second place we wanted the shipping companies to carry out without farther expense the promise made to the consignees with whom they were doing business. After a considerable time, when no solution could be found for it, we had to follow in the steps of the Railway Department and stand on one side and let the companies arrange with the people for discharging the ships. We allowed the consignee and the shipper to come together. The consignee was paying all the time, but he had no satisfaction, because he could get no receipt for his goods, nor did he know whether the goods might be lost. If the ship could show that it put the things out, the consignee could not recover. The consignees approached the Harbour Trust, and we decided eventually to take over the work at a rate per ton that would pay for the handling and the responsibility. The merchant now knows that if he does not get his goods as per the bill of lading from the ship, he must get them from the Fremantle Harbour Trust; or if he does not get them from the Harbour Trust he gets his claim paid either by the ship or the Fremantle Harbour Trust. Such a state of affairs exists in no other part of Australasia. In Melbourne goods are put into the shed the moment they leave the ship. The question has been raised as to whose responsibility they are at there. The merchants lose their goods repeatedly, and the same thing applies to Fremantle. The Railway Department takes no responsibility. Now if a servant of the Harbour Trust gives a receipt that the goods were delivered at the ship's slings, that exonerates the ship, and the Fremantle Harbour Trust pays for the goods

or pays the money. The merchant is in a better position in Fremantle than in any other port of Australia. The reason of the introduction of this clause is that we have no legal power to do the work that we are now doing, so the House will see the necessity for passing the clause. Clauses 6, 7, and 8 are almost similar. We come to the question of a harbour improvement rate. It will be noticed that this is taken from New Zealand. In Wellington they charge a harbour improvement rate of 3d. per ton, and in Sydney a harbour improvement rate of 10d. per ton. I will give some members in this House interested in pastoral pursuits just one simple example of the difference between the charges in Sydney and those here. In Sydney, where they did not require to make a harbour, for they have the most beautiful natural harbour, I may say, in the world, the charge on a bale of wool is 8d. There are five bales to the ton. On the top of that there is a harbour improvement rate of 10d. per ton, which brings it up to 4s. 2d. for five bales. In the port of Fremantle you can have the same number of bales of wool handled at a wharfage rate of 2s.

HON. W. MALEY: Better take charge of our railways in the same way.

HON. R. LAURIE: If we increase our rates somewhat by a harbour improvement rate we shall be under any other State. We shall be under Melbourne, where the rate on wool is 3s. per ton, and taking the other lines of goods the same applies all round. It will be said that people here are paying 1s. 3d. for handling goods in the sheds. They are getting their goods handled, and they are getting this protection; so if they pay, that it is something they themselves have asked for. I think it will be seen that the harbour improvement rate is a very fair thing indeed, and as to the raising of railway rates I may point out that this harbour improvement rate is only to be used for improvement purposes. The raising of any additional rates for the purpose of paying interest and sinking fund would do this for the country. At the present time the Government are making strenuous efforts to raise money by a land tax, but this would relieve the Government of about £9,000, which would be paid directly by the persons using the harbour, and I ask in all fair-

ness, why should the man at Norseman who is not using the harbour, or the man at Albany, have to pay that £9,000, while the man who is at this end of the State makes use of the harbour? If one carts his goods he has to pay for doing so, and you do not have the person at the other end paying for it. You have to pay yourself, and the same thing should apply in this instance. It should apply in the way I said. The harbour is now in such a position, and affords such facilities to the consumer and to the people in the back country, that it should be able to pay its way; and we should not ask the people at the other end of the State to pay for it now that it has had a fair start. Time passes more quickly as we get older, and as time passes we shall find the whole of these valuable works will be absolutely free. By paying off with our sinking fund the money we have borrowed, we shall have the works for nothing.

THE COLONIAL SECRETARY: The sinking fund is found now, but out of the consolidated revenue.

HON. R. LAURIE: Precisely. It will be another relief to the general taxpayer, and the burden will fall only on the people using the harbour.

HON. W. KINGSMILL: Another £40,000 and we will be able to do without the land tax.

HON. R. LAURIE: It is a big solution of the question of taxation. The money derived in this way will be actually only received from the people for services rendered. It will not be a tax. Some remarks were passed some time ago about a certain harbour in the State. It was said that because it cost very little to do certain things, such as shifting timber or something like that, the charges were too high; but it must not be forgotten that the harbour had to be made, and that it has to be maintained, and that though it costs but little to shift cargo such as timber, the interest and sinking fund have to be paid on money borrowed to make the harbour. To my mind a harbour should be self-supporting. I am not going to touch on the question of borrowing to-night, but Clause 25 provides that the Harbour Trust shall have a proper banking account and shall do its business in a business-like way. Just now we simply pay in

moneys at a bank at Fremantle, and at the end of the month we hand over a cheque to be paid into consolidated revenue. As far as the Auditor General and the Treasurer are concerned, it is only a question of receipts and expenditure; it is not a question of having any provision made for replacing plant of any character whatever.

HON. W. KINGSMILL: You could not have that power under the old Act.

HON. R. LAURIE: That is what I wish to impress on members. The original Act was an experiment which it is admitted has worked well, but the time has arrived when full powers should be given to the Harbour Trust. [THE COLONIAL SECRETARY: Hear, hear.] The Trust should be able to lay on the table of the House each year a correct account of receipts and expenditure, a proper balance-sheet. If members will take the trouble to look up the first report of the Harbour Trust they will see that we not only presented to Parliament what was required by the Act, but as far as possible we presented a business-like balance-sheet. We were, however, told quietly that we should not do it again, and we did not offend again. I consider that all such institutions should be able to put before the people of the State, their masters, clear statements of affairs so that the people of the State may know exactly what is being done and whether the members of these trusts are doing their duty fairly and honourably. Clause 29 should be enacted. In fact the whole of these clauses beyond those contentious clauses I have indicated should be enacted. This clause gives the Trust farther powers in the making of and more clearly defining of by-laws. Among the new regulations provided under this clause is one "limiting the liability on each package of goods coming into the custody of the commissioners, and enabling the commissioners to rely upon and the owner of goods to be bound by all statements, exceptions, and conditions endorsed on ships' receipts, bills of lading, or ships' manifests for goods, as to declarations of value." It is necessary that this power should be given. A man shipping goods on a bill of lading has to notify the shipping agent, or has to declare that they are over a certain value. There is a case at present in this State

where a ship bringing goods to this State had some doubts as to the contents of packages. A message was sent from London to have the cases examined. They were consigned as being of a certain character; but 11 of them, instead of containing what was stated on the cases, contained pianos, and 12 or 14 contained organs and musical instruments of that character. While the bill of lading said that these cases contained glassware they contained something more valuable, and there would have been a difference of 10s. a ton in the freight; but that would not alter the liability if the pianos were smashed. Certainly the Customs entries are put through for the proper classes of goods, but in the event of one of these cases being missed the Harbour Trust would have to pay a considerable amount more than the package was worth on the face of it. We should be placed in the same position as the ship. I know that at the present time one consignee in this State will have to pay nearly £120 difference on freights through a declaration of that character. It shows how necessary it is at all times to have some knowledge of what we are doing, and that the Trust should be composed of various interests in the community, mercantile, shipping, and other interests, so that we should know what we are doing, owing to the character of the people with whom we have to deal. This clause should be put in so that the Trust should be protected to the extent of the conditions of the bill of lading, that is to say that if the package is valued at over £10 the consignors should declare it, and the commissioners would know when it was in the shed that it was a valuable package and should be taken care of. There are various clauses dealing with regulations. At the present time the Harbour Trust has power to license boatmen, but it has no power to take a license away, no matter how much a man offends. It may refuse the license next time, but it cannot prohibit offending persons plying for hire. Undoubtedly power should be given to take away a license. The Trust should be master of its own premises. That also applies to the question of exemptions from pilotage. We have power to issue an exemption certificate to a man who has made so many trips in and out

of the harbour; but if he runs his ship on Rottneest, or does an act of flagrant carelessness, we have no power to take the certificate from him. That should not be the case. We should have power to say that the certificate should be taken from him.

HON. J. T. GLOWREY: The Marine Board does that.

HON. R. LAURIE: There is no Marine Board here. The Trust has power to grant certificates, and having the power to grant them should have the power to rescind them. These are exemptions from pilotage at Fremantle. At the present time the Fremantle municipality has no power to go beyond the Trust's fence, except in the matter of health. The municipality cannot control the traffic on the wharf. The councillors desire to have the power to make regulations to control traffic on the wharves, and it is very proper that the council should have the power to control all traffic within the municipality. Supposing the Harbour Trust objects to a cabman who has offended on the wharf, there is no power to take the license from him, because he gets the license from the council. If that cabman picks up a passenger in Fremantle to take him to the wharf, immediately he reaches the boundary of the Harbour Trust property, a Harbour Trust officer stops him. This does not injure the cabman; it merely injures the passenger by putting him to inconvenience. On the other hand if the municipal authorities had control of the traffic on the wharves, immediately we reported that a man had offended the council would deal with him. On the other hand the police ask that we should get the power for them to report to the Harbour Trust, or to give them authority from the Harbour Trust on the wharf. With the exception of Clauses 3 and 4, to which exception may be taken by members, the whole of the clauses of this Bill can be safely passed. If Clauses 3 and 4 are not acceptable, the financial clauses will have to go by the board, and it will be necessary to amend the Act so that the Trust will have full powers to deal with its own property, and to deal with the regulation of traffic at the same time. I commend the Bill to the House. I think the experience the country has had of the

Fremantle Harbour Trust, considering that it was an experiment in Western Australia, though nothing new in other parts of the King's dominions, justifies the measure. I trust that after mature consideration the House will see its way clear to carry out the wishes of the Government and to give these extended powers to the Harbour Trust, always remembering that the Trust can only carry out new works or borrow money with the consent of the Governor-in-Council.

On motion by the HON. C. SOMMERS, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Interpretation:

THE COLONIAL SECRETARY moved an amendment—

That the words "sections 3 to 13 inclusive of" be inserted after "in," in line 1.

This amendment was consequential on the clauses succeeding Clause 13, which were inserted in another place. Without the amendment the Bill would apply to bills of sale generally, whereas it was intended to cover bills of sale by way of security only.

Amendment passed; the clause as amended agreed to.

Clauses 3 to 17—agreed to.

New Clause—Exemption of bills of sale of stock:

HON. R. LAURIE moved that the following be added as Clause 18:—

Sections three to twelve, inclusive, of this Act shall not apply to any bill of sale of wool, or stock, or other chattels, separately or combined, on any station, made *bona fide* for valuable consideration.

The term "station" means any land used wholly or in part for the purposes of depasturing stock, whether the same shall consist of freehold land or land held under lease or license, or partly of freehold land or partly of land so held.

The term "stock" means and includes any sheep, cattle, or horses.

This clause would make the Bill acceptable to all sections of the community. The preceding clauses were admirably suited to the city and towns; but the new clause was intended for the protec-

tion of the pastoral and agricultural interests.

THE COLONIAL SECRETARY accepted the clause. Without it people in the far North, giving bills of sale over stock, might suffer hardship.

HON. J. M. DREW: The Bill needed amending; but the new clause might create much confusion. Two-thirds of the people who owned residences owned land also, on which they depastured stock. He had stock in a small paddock. These would be chattels which the Bill would exempt.

HON. S. J. HAYNES: The Bill would weaken an Act which had worked well. If the Bill passed he would be sorry for those whom it would affect. The new clause, though an attempt to remove difficulties, would lead to an evasion of the Act. The law ought to be clear and indisputable, but the clause would be a cover for dishonesty. The word "chattels" might be interpreted as of the same species as wool or stock, or it might not. Why was the word used? Why also the definition of "station"? If "chattels" had not that technical meaning, the words "wool and other stock" were unnecessary. He supported the proposed clause because it was an attempt to patch up an amending measure which would not be an improvement on the present Act.

HON. W. MALEY would support the first part of the clause, but not the second. The definition of a station was unnecessary.

HON. C. SOMMERS: As there appeared to be a doubt as to the exact application of the words "other chattels," it might be well to delete them. A small owner might have more value in household furniture than in stock on a small station, and under the clause he could by including his furniture in a bill of sale evade the Act.

HON. V. HAMERSLEY: The exempting of wool and stock would not be sufficient to cover the difficulties which beset a station owner. If he desired an advance against produce on consignment under a bill of sale, notice of intention would still be required, and the intention of the mover would be thus defeated. Something more than wool and stock should be defined in the exemption.

HON. S. J. HAYNES: The clause should be altered to read "other effects," in lieu of "chattels." Implements and furniture might require to be given as security under a bill of sale for a cash advance, and it should be possible for this to be obtained without the necessity for giving notice. To permit this, the wording of the clause should be "shall not apply to bills of sale given over wool, stock, or other effects."

HON. J. M. DREW: We should give these matters careful consideration, and not hasten the passage of amendments unless we really knew what they meant. He moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9:17 o'clock, until the next day.

Legislative Assembly,

Tuesday, 11th September, 1906.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Annual Report of the Commissioner of Police. 2, Government Analyst's Report on certain Whiskies, amendment of a slight error in original report. 3, Return showing Occupations of Assisted Immigrants and

the number registered at the Labour Bureau, ordered on motion by Mr. Heitmann.

By the MINISTER FOR MINES: Return of Exemptions granted on Mines during 1906.

By the TREASURER: 1, Return showing the attendance of certain scholars at the James Street school, ordered on motion by Mr. H. Brown. 2, Return of duties collected under the Dividend Duty Act, ordered, on motion by Mr. Taylor. 3, Papers in connection with water reticulation, Subiaco, ordered on motion by Mr. Daglish.

STANDING ORDERS AMENDMENT, URGENCY MOTIONS.

MR. SPEAKER presented a report of the Standing Orders Committee, chiefly recommending that Standing Order 47, dealing with Motions of Urgency, should be extended so as to provide that any member wishing to move "that the House do now adjourn" shall first submit to the Speaker a written statement of the subject proposed to be discussed, and if the Speaker thinks it in order he shall read it to the House, whereupon if seven members rise in their places to support the motion, it shall be proceeded with.

BILL—SECOND-HAND DEALERS.

COUNCIL'S AMENDMENTS.

Schedule of five amendments made by the Legislative Council now considered in Committee; MR. ILLINGWORTH in the Chair, the ATTORNEY GENERAL in charge of the Bill.

No. 1—Clause 6, strike out:

THE ATTORNEY GENERAL: This clause provided that the name of the licensee should be displayed on the premises of the licensee in legible characters at least two inches long. The Council had struck out the clause because by Clause 3 a second-hand dealer was obliged to obtain a license, and because no great benefit would obtain by making it necessary to have a sign up which might, in some senses, lead to a certain amount of humiliation when the business was carried on upon legitimate lines. The Bill was