

MR. C. H. RASON (Guildford): I do not intend to offer any opposition to this Bill; rather do I welcome it. As the Treasurer said when introducing it, I, when Treasurer, had similar legislation in course of preparation. The object of the Bill is to liberalise the Savings Bank conditions. Under existing conditions a depositor cannot lodge more than £150 in the bank in one year, and not more than £600 in all. If the Bill passes, there will not be any limit to the amount which can be deposited in one year; the total limit will be increased from £600 to £1,000; and it will be possible for the bank to pay interest on half of that sum at a fixed rate, and a lower rate or no interest at all on the other half. By the adoption of this Bill the Savings Bank funds will, I venture to say, be considerably increased; and that will be to the advantage not of the depositors only but of the Treasury. The Bill liberalises the treatment of associations and friendly societies by the Bank; and altogether, I have no hesitation in saying it can be safely accepted by this House as calculated to do good to the individual and to the State.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 8—agreed to.

Clause 9—Deposits of local authorities, friendly societies, etc.:

MR. A. J. WILSON: Could such corporations draw on the bank by cheque?

THE PREMIER: That right existed at all large centres, where the bank was conducted by its own officers; but the system could not be extended to places where the bank was conducted by officers of the Federal Government.

MR. F. F. WILSON: Would this privilege of drawing by cheque on presentation of the depositor's book be granted, as in Victoria, to individuals as well as to corporations?

THE PREMIER: The Bill did not touch that point. Inquiries would be made as to its desirableness; but we ought to encourage people to keep their money in the bank, and not to draw it out.

MR. LYNCH: Could trade societies deposit moneys?

THE PREMIER: Yes.

THE CHAIRMAN (Mr. Bath): Trade unions were specially included in line 31.

Clause put and passed.

Clause 10—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

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

ADJOURNMENT.

The House adjourned at five minutes to 1 o'clock a.m. (Thursday), until the afternoon.

Legislative Council,

Thursday, 22nd December, 1904.

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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, Roads Act By-laws of the Bayswater Road Board. 2, Insect Pests Amendment Act, Quarantine station for Vines near Hamel. 3, Stock Diseases Act, Quarantine stations

near Fremantle and Owen's Anchorage. 4, Parks and Reserves Act. By-laws of Monger's Lake Board. 5, Land Act Regulations restricting cutting of timber on State forests at Meekatharra, Gindalbie, Burtville, Princess Royal, Tuckanarra. 6, Report of the Governors of the High School for the year ending 30th June, 1904.

QUESTION—GOVERNMENT EMPLOYEE, HOW ENGAGED.

HON. C. SOMMERS (for Hon. J. W. Wright) asked the Minister for Lands: 1, If a Government employee, in consequence of having received towards the end of a month absolute appointment in writing from date, to a position a distance inland, leaves Perth on the following day for such position according to instructions and terms of appointment, but owing to circumstances, cannot reach and commence his work till the 1st of the following month, does the Government approve that such an employee should be refused payment of his salary between the date of his written appointment and the 1st of the following month? 2, Under such circumstances as those, will the Government direct that such an employee's long overdue balance of salary be at once paid to him?

THE MINISTER FOR LANDS replied: 1, A transferred officer, as a rule, receives the salary of his office till the date on which he assumes the duties of the new office to which he has been appointed. 2, If a person is entering the service, it is usually stated whether he is to receive salary from the date of his appointment or from the date on which he assumes duty.

QUESTION—RAILWAY RATES, TO REVISE.

HON. T. F. O. BRIMAGE (for Hon. R. D. McKenzie) asked the Minister for Lands: 1, Is it the intention of the Government to issue a revised edition of the Classification Rates and General Regulations for the conveyance of merchandise, live stock, passengers, and parcels, in connection with the Government Railways? 2, If so, when?

THE MINISTER FOR LANDS replied: 1, Yes. 2, It is expected to be published early in the New Year.

BILLS, THIRD READING.

VICTORIA PARK TRAMWAYS, read a third time and returned to the Assembly with amendments.

EARLY CLOSING, read a third time and returned to the Assembly with amendments.

NORTH PERTH TRAMWAYS, read a third time and *passed*.

ROADS ACT AMENDMENT, read a third time and *passed*.

AGRICULTURAL BANK ACT AMENDMENT BILL (INCREASE OF CAPITAL), No 2.

REMARKS ON PROCEDURE.

Bill No. 2 (the first Bill withdrawn in the Assembly) now received from the Legislative Assembly.

THE MINISTER FOR LANDS moved that the Bill be read a first time.

THE PRESIDENT: On the face of it, the Bill originally introduced by the Minister did not come under the provisions of the section of the Constitution Act which said:—

All Bills for appropriating any part of the consolidated revenue fund, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

It did not appear on the face of the first Bill that there was any grant asked for out of the Consolidated Revenue. He found since that in the main Act there was a clause which gave power for the withdrawal of money out of the Consolidated Revenue Fund. This was a very fine point. At this stage of the session it would be hardly wise to raise the question of privilege between the two Houses; but on the face of these sections, he thought we were not infringing the rights of the other House in previously passing the Bill first through this House. In the amending Act there was power to draw out of the Consolidated Revenue Fund. In the present circumstances we had better accept the Bill from the Assembly. At this the first-reading stage of the Bill, it would not be fair to raise discussion on the point.

THE MINISTER agreed with the President, and hoped there would be no discussion on the point at this stage. He had always been opposed to any infringement of the privileges of the Chamber, and if the question came up later we could fully discuss the matter.

Question put and passed.
Bill read a first time.

BILL—FIRST READING.

POST OFFICE SAVINGS BANK ACT
AMENDMENT, received from the Legislative Assembly.

MOTION—FIRES IN AGRICULTURAL DISTRICTS.

COAL SPARKS.

Debate resumed from the previous day.

HON. C. SOMMERS (North-East) : I am in thorough sympathy with the agricultural districts ; but before we carry a motion such as this, we should have all the information before us as to whether the fire was really caused by the use of Collie coal or not. Last year a series of fires took place in the same district, and Collie coal was blamed for the outbreaks ; but afterwards it was discovered and proved beyond doubt that the fire was caused by a swagman. It is possible that on this occasion the fire was caused by some other means than Collie coal ; and if we carry a motion such as this, it may mean that the Government later on may be mulcted in damages to a considerable amount. Our passing this motion would strengthen the claim of those who suffer from fires, so that we may be doing the Government a great and unjust injury, and until we get information from the Railway Department it will be wise to hold our hands. I understand the Collie coal and Newcastle coal are mixed together on these lines, and the question arises as to whether it was Collie coal or Newcastle coal that caused the fire, apart from the possibility of its being caused by some outside influence. I understand the matter is being discussed in another place, and it will be wise to have the information before us. If it can be proved to be Collie coal, we should compensate those people who have already lost.

HON. G. RANDELL (Metropolitan) : I am entirely in sympathy with the motion. I cannot see in the motion that there is any insinuation or attempt to put on the Railway Department the losses sustained during the last day or two. The motion is a definite one, asking for the cessation of all use in agricultural districts of Collie coal for three months

in the year when the grass and crops have ripened. I think it is a very serious matter. There can be no doubt that sparks from Collie coal are more likely to ignite grass and corn than sparks from Newcastle coal, and there can be no doubt in the mind of anyone as to the difference after seeing the fires in the furnaces. I suppose it has been noticed sometimes, especially when a driver stirs up his fire, what an enormous quantity of sparks come out, some of them of considerable size. I understand they have discarded the use of spark arresters to a considerable extent ; so that when these sparks come out, if there happens to be a hot wind blowing, they are a source of great danger in agricultural districts. Whether this last fire was caused by sparks or not, anything that can be done to protect our agricultural friends from the disaster of the past few days should be done. There is no attempt to fix, by this motion, any responsibility on the Government. The motion is simply an expression of opinion from the House that, knowing the qualities of the Collie coal, we think it desirable that its use should be restricted during three months of the year. I am heartily in accord with that opinion. It is a reasonable request ; and agricultural members have a right to ask that the House should pass the motion. Whether it will affect the Government I cannot say ; but I cannot see that farther information will affect the motion. I think we may safely affirm the idea that an effort should be made to clear the railway. We can hardly expect the railway authorities in any case to state that the fires were caused by sparks from the engines ; so I do not see how we can get any farther information. It is good perhaps to hold farther inquiry, but no action could be taken by the House this session. To have a proper and authoritative statement on the matter, a Commission should be appointed to inquire into it, and examine witnesses from the Railway Department, and from the agricultural districts. We have it stated by Mr. Hamersley and Mr. Dempster that they have seen fires caused by sparks from engines ; and I believe we have this evidence from other sources. The danger exists, and a motion should be passed asking the Government to take the matter in hand. One does

not wish to injure the Collie coal industry; but one does not wish to see the mainstay of the State, the agricultural industry, jeopardised. I feel strongly on the matter, and I hope the motion will be passed.

HON. E. M. CLARKE (South-West): I deeply sympathise with the settlers. It has been suggested that we should not finish this debate until we have all the facts. I am not a bit in sympathy with that idea. All the evidence there is any possibility of getting will be trifling. Whether or not we are prepared to admit that the Collie coal set the fires going, there is a suspicion of it. It is believed by many reliable people in the State that the Collie coal does create a great many fires in the agricultural districts; so that I would be one to support the passing of this motion, to ask the Government not to use Collie coal during the summer months in these districts. If there is only a suspicion, I would be one to remove that suspicion that fires may be created by the use of the coal. We have to bear in mind that hundreds of pounds worth of property are destroyed by fire; and it is our duty, if we can by any means do so, to minimise the risk. Therefore I have pleasure in supporting the motion. There are other parts of the State, such as down South, where, even if a fire had started, we would take little notice of it until it got into our paddocks. Knowing the difficulties of these people who have suffered losses, I will make one to support the passing of the motion, notwithstanding any evidence that may come along about the fire. If we can minimise the risk it is our duty to do so. The motion would have come forward even if the fires had not occurred. I should like to remove the chance of fires being brought about through the use of the coal, and to remove that danger at once.

HON. W. T. LOTON (East): I desire to say a few words in respect to the motion. If there is any doubt as to whether Collie coal is more dangerous to use than other coal on the railways during the summer months, it seems to me that a great number of settlers have no doubt about it. If there is a doubt, it seems to me that the Railway Department or the proprietors of the coal mines should demonstrate it, and show

there is no more harm in using Collie coal than in using Newcastle coal. But there is no doubt it is a more dangerous coal to use. There is no doubt also that these fires that have taken place recently have emanated from the railway line, from the railway engines. Are we to sit quietly by, and in order to a certain extent to bolster up a local industry which is valuable in itself, do so at the expense of people in agricultural and pastoral districts? It is time we should seriously consider the position. The last speaker has said he has every sympathy with the people who have lost hundreds of pounds through these fires; but I may tell the hon. member that between £30,000 and £50,000 has been lost through the destruction of property caused by fires during those two days in the district between Northam and Beverley. My own loss in crops, insured and uninsured, is at least £300, also two to three thousand acres of good feed in grass that was to be used for stock in the next six months, besides the loss of fencing. We must also have regard to the terror, and in many cases the injuries, these people have to suffer through fires spreading near their homesteads. I have a letter from a close relative, stating that he has been severely burnt by attempting to keep the flames away from his place. Are not cases of this kind to be considered, in addition to the actual loss of property? So far as the Railway Department is concerned, we may depend on it the head officers will not acknowledge that these fires have originated on the railway. They will never admit it; and I am not talking about compensation, for the department always ignores claims of that kind arising from fires along the railway. I have seen in one instance a fire start from the railway; and the damage from it was confined, fortunately, to the loss of 500 acres of feed. In that case the Railway Department ignored the claim, and would not admit that the fire originated from a railway engine; but I know that one of their own men, a lineman, did admit it. Still, if anyone asked the department about it, the head officers would not admit that it did start on the railway. I really do not know what is the best action to take in regard to the present trouble; but so far as preventing other fires is

concerned during this summer, the best thing to be done is to stay the using of Collie coal. That will restrict the damage to the smallest minimum, so far as I can see. You have only to travel on the railway where this coal is being used, and if there is any wind at the time you can frequently see, when the engine fire is being stirred, the sparks flying a distance of 200 yards from the line. The railway line has been burnt inside the fences during the last week, the whole distance where this fire occurred, and a strong wind was blowing. We had an example of that wind in Perth on the same day, but it was blowing with much greater force in the Eastern Districts. The thunder and lightning there were terrific, but unfortunately there was no rain. I hope that in the interests of the State the use of Collie coal on the railways will be confined to the winter months, and to parts of the country where we do not run the risk of burning people out. I am strongly in favour of passing the present motion, and I see no advantage in delaying it. Whatever facts could be obtained should be supplied by the Collie coal proprietors or the Railway Department.

THE MINISTER FOR LANDS: I beg to move the adjournment of the debate until to-morrow. There is a debate on the subject going on in another place.

Motion passed, and the debate adjourned.

NAVIGATION BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: I very much regret that I should have to ask the consideration of hon. members at so late a stage in the session for a measure of such importance as this. But some months elapsed, after the present Government got into office, before they discovered the necessity for legislation of this description. When they did discover the necessity, they decided to push on with the matter as speedily as possible. Members of this House have, I must admit, a just cause to complain when an opportunity is not afforded them for giving to legislation that full and mature consideration which

its importance requires. The action of the Government in this instance, in placing before members of this House a measure of such a comprehensive nature, should not be construed as in any way an indication that the Government discount the use of this House as a branch of the Legislature. I do not propose to deal with the various clauses of this measure. Indeed I shall have to rely largely on Captain Laurie to assist me in the passing of this measure through the House, and to give explanations where necessary. I may inform members that we have in existence no legislation at present dealing in an effective manner with the important question of navigation. It is, I understand, the peculiar sphere of the Federal authorities to initiate legislation of this description in Australia; but so far the Federal authorities have taken no action whatever in this direction; and as there is a great necessity for this legislation, the State has to step into the breach and pass a measure of this character. The present Bill is taken largely from the New South Wales Act of 1901, and from the latest report we have concerning it, that measure appears to have worked very well in that State. If this measure is passed, it will continue only until superseded by a Federal enactment. This measure is the result of reasonable local agitation. The Fremantle Chamber of Commerce has been pressing not only this Government but previous Governments for the introduction of legislation similar to this Bill. On the 5th February of this year the Fremantle Chamber of Commerce passed the following resolution:—

This chamber is of opinion that properly constituted marine boards, similarly empowered to those of the Eastern States, should be immediately formed to safeguard the interests of the mercantile shipping owners and underwriters' association.

The resolution was forwarded to the Minister, and as the result of inquiries made it was ascertained that New South Wales and South Australia had abolished their marine boards in favour of a Navigation Department, based on legislation similar to this. When the Bill goes into Committee, members can discuss the various clauses; and I can only again express my regret that the measure did not come down at an earlier period of the session. I feel the position per-

haps more keenly than other members do, as I have had very little opportunity of studying the Bill. I move that the Bill be now read a second time.

HON. W. KINGSMILL (Metropolitan-Suburban): It is not my intention to oppose the second reading of this measure. Indeed, it would be somewhat illogical on my part to do so, because I had a good deal to do with the preparation of it. But I must add my protest to that of Mr. Moss concerning the lateness of the hour at which this important Bill is placed before us, a Bill which should engross the attention of members to a great extent; nor do I think that in the case of this Bill there is the least excuse for the lateness at which it is placed before us, when I inform members that about last April or May this Bill as prepared by the late Government was ready for printing. It has been on the file ever since, and I do not see any reason why it should not have been introduced, say in this Chamber where we have had plenty of time this session, instead of introducing the Bill at a late period of the session in another place where business has always been congested. It is a great disadvantage to the leader of this House to get this Bill at so late a period, when his time is taken up with many other matters; it is also a great injustice to members not to have an opportunity for studying the Bill; but perhaps the greatest injustice is done to the measure itself, by the late period at which it is brought in. I regret that it has not been found possible to introduce this Bill at an earlier date, seeing that it is to remain in operation only until such time as the Federal Parliament chooses to take action.

HON. G. RANDELL (Metropolitan): I support the second reading of this Bill; but I confess I have not very closely examined its provisions. Pressure of public business has prevented its being sooner passed in another place; and I can but say that I have studied the Bill as carefully as I could in the time at my disposal. However, having some little knowledge of the subject, I am prepared to say that this is a good Bill. I have studied also the debates in another place, and have noted the efforts which were made there to amend the Bill in several particulars. Some of the amendments

were passed; and though only minor amendments, I believe they are improvements. As far as I can see, the Bill does not vary from the existing Navigation Acts in various other countries. Some clauses deal with river navigation; but in all probability they will not be oppressive. I may, in Committee, draw attention to one or two which seem to me to conflict, and which at any rate need some little explanation. I understand that the Bill is largely a replica of the Victorian and New South Wales Acts—principally the latter. An assurance was given in another place that these Acts have worked well; and as far as I can see, every necessary provision has been made. The Chief Harbour Master will have great power; and it is extremely necessary that he should be a man of ability, holding a first-class Lloyd's certificate. I do not know whether he holds this; but perhaps Captain Laurie can tell us when he speaks. The Chief Harbour Master should be on the highest pinnacle of his profession; and above all, he should be a man of experience and sound common sense. That applies to all responsible appointments. He will have, to some extent, the control of foreign as well as British and coastal ships. Apparently also there is nothing in this Bill, as I believe there will be in the Federal Act, to interfere, perhaps oppressively, with our coastal traffic. The Federal Bill, if passed, may be oppressive to Western Australia and possibly to Queensland. I hope we shall have the assistance of Captain Laurie, who has had far more experience than I of nautical matters. So far as I can judge, only one or two minor points in the measure need attention; and even if these are neglected, no great harm will be done. The Bill will certainly place the State in a position to deal with such emergencies as may arise in connection with shipping.

HON. R. LAURIE (West): It appears to be expected that on a Bill of this sort I should say more than other members of the House. That the Bill is needed there can be absolutely no doubt. I may inform hon. members that so far back as five years ago the Government of the day appointed a Commission to inquire into the shipping laws of the colony, and the commissioners were asked to report

for the purpose of drafting a Bill for the formation of a marine board. The Commission held 24 sittings. It was composed of seven members, of whom I was one. It spent a lot of time, sitting day and night. It was ready to report; but the then Premier told the chairman to hold no farther meetings. As a result, the whole of our work is now in the waste-paper basket at the Chief Harbour Master's office. This shows there was a need for such a Bill five years ago, and a need for a marine board in Western Australia. It is well known that this measure, if passed, will supply a great want in this State. Later on we shall probably have a Federal Navigation Act; and if some such measure as this is passed here, when the Federal Act is passed this State can probably have some influence on its working. Now, without any constituted authority in shipping matters other than the Chief Harbour Master, if a Federal Act passes, the whole of the authority will probably be placed in the hands of the Federal Government. This measure will remedy a most serious defect in the constitution of courts of marine inquiry. Such courts are now presided over by the Collector of Customs. I have not a word to say against that gentleman, in his position as Collector of Customs, or as president of the Court of Marine Inquiry. I can testify to his fairness; but of the constitution of the court I will leave members to judge. As the law stands, the Collector of Customs holds a preliminary inquiry; and he then formulates charges, if he thinks fit, after which he presides at the Court of Marine Inquiry. I have been present at many of these latter inquiries; and I can say, with a full knowledge of the subject, that I consider it distinctly unfair to the man whose certificate is in question that he should be tried by the man who has formulated the charges. There is no doubt that the man who sits on the bench at the second inquiry, after formulating the charges, must feel that the charges are correct. I have a number of cases in mind where the system at the court of inquiry has been distinctly unfair to the officer charged. For any neglect a man should no doubt have his certificate dealt with, and for gross neglect should have it cancelled; but for an error of judgment

which any of us may commit, his certificate should not be dealt with. Let him be strongly reprimanded; but an error of judgment is not to be compared with either neglect or gross neglect. In every instance that I can remember during the last 14 years in Fremantle, the solicitors who have appeared on either side at the Court of Marine Inquiry have protested against the constitution of the court, for the simple reason that the person who presides at the first court is the person who presides at the second. The Bill provides that the court shall consist of the magistrates. Now I ask, in fairness to the men charged, why should the court consist of the magistrates? The bench can be packed by local men. I may say in passing that the only marine court of inquiry in Australia from which there is no appeal is, so far as I know, that of South Australia, which is presided over by a Judge of the Supreme Court, assisted by two assessors. In that State the marine board makes a preliminary inquiry, and if it thinks fit, formulates charges and sends them on to the higher court, where they are heard as admiralty cases are heard in our Supreme Court. Personally, I have strong objections to the Bill. I object to a jury system. In marine matters I have no faith in juries of any sort, and I have no faith in a jury of justices of the peace. I should much prefer that the stipendiary or the presiding magistrate should find as to the facts, if he were assisted by two assessors to put him right. The clause provides that there shall be two assessors, one of whom must be of the same calling as the person charged. Why should only one be of the same calling? Does it not seem ludicrous that we should appoint a nautical man to try an engineer, or an engineer to try a nautical man? How can a nautical man explain to the judge or magistrate some neglect or carelessness on the part of an engineer? The assessor may know a little about engineering; but a little knowledge is a dangerous thing, and the proper assessors for a court trying an engineer are two engineers, and the proper assessors for a court trying a nautical man are two nautical men. It ought to be clearly provided that both assessors shall be of the same calling as the defendant. The seriousness of such trials to a master or officer of a ship has

been frequently pointed out. A man serves four years at sea, probably after passing through a training school. He then gets his second officer certificate, after another 12 months his chief officer certificate, and finally his master certificate. Perhaps he comes to Fremantle, as in one case I have in mind. At that time there were no tug-boats. The captain got his ship under way, and acted to the best of his judgment. He tried to stay ship. She missed stays. He tried to wear ship; she would not wear, and went ashore. The man I have particularly in mind was for 18 years in a certain company's service, and the ship was not fully insured; yet at the end of the six months during which his certificate was suspended, his owners again put him on board a ship, showing the confidence that they had in him; and I am confident that had we had on the bench a man who was in the habit of dealing out justice according to the evidence, instead of a man who had formulated the charges, that certificate would not have been suspended. I have heard it said, by men who have tried such cases in Western Australia, "We must protect the port." No. We must not protect the port: we must protect the individual. We should have men who will deal with the facts before them. These courts are at present badly constituted; and this measure will rectify that. It is now a moot question whether the case now pending—the "Duchess-Dunskey" inquiry, is one with which the court as constituted has any power to deal. To obtain power for the Collector of Customs to deal with this matter an Act 20 or 30 years old had to be unearthed. That Act provides that the harbour of Fremantle extends to the Causeway at Perth. The Fremantle Harbour Trust Act defines the boundaries of the harbour, and according to that Act the harbour extends only to the railway bridge at Fremantle; so it was a moot question indeed, until the old Act was unearthed, whether a court of inquiry could be held to inquire into this question. This Bill will settle such a question. A properly constituted court will be appointed to try such cases. The Bill also provides for the survey and the granting of certificates for passenger and other steamers. We shall then be able to issue certificates to steamers in this State which will be of

great assistance not only to the port of Fremantle but to the State generally, for at present no vessel can receive a certificate, but must go to the next port to get a certificate. If certificates were issued here and we had a dock, vessels' bottoms could be inspected once in six or 12 months, at which time there is certain expenditure incurred. There are docking charges and engineering bills and other incidental expenses which will benefit the State. In this State certificates for passenger vessels trading off the coast cannot be issued, but this Bill gets over that difficulty. We shall be able to issue certificates to steamers which will be a means of revenue to the State and of benefit to workers in all parts of Western Australia. There are many young men in this State who have served an apprenticeship to engineering, but not one of these young men can procure a certificate here so as to clear a ship out of any port in the Commonwealth or the United Kingdom. If the Bill becomes law, persons can go up for examination and pass an examination similar to that held by the Board of Trade, and obtain a certificate which will hold good in any part of the world. The same thing will apply in the matter of masters', mates' and engineers' certificates. At the present time men may pose as licensed marine surveyors. This measure provides that a man will have to show that he has some qualification for the position. That is exceedingly necessary because a man may survey a vessel and he may be called upon to survey goods on that vessel. At present if a vessel comes to this State with general cargo and some of that cargo is in a damaged condition it has to be examined by a marine surveyor, for under the Commonwealth Customs Act any articles taken from a package in transit must be proved, not by a customs officer but by a marine surveyor, not to have been landed in Western Australia, or the ship must pay not only for the goods but the customs duty as well. That shows the necessity for having men of character and qualification occupying the position of marine surveyors. In all the States marine surveyors are licensed. There is another provision in the Bill in regard to fixing load lines. A good deal has been said about this, and I wish to emphasise the point about vessels going from the port

overloaded. I have been a resident of this State, and connected with it, for 17 or 18 years and I have never seen a vessel go from Fremantle overloaded. It must be known to many members that the Underwriters' Association protect themselves by fixing a load line on all vessels taking timber from this State. A vessel is examined by their surveyor before it starts loading, and after the vessel has finished loading it is examined, and if the vessel is below the mark fixed by the surveyor it is not allowed to proceed on its voyage. In respect to interstate steamers, I am satisfied that no coastal steamers in the world are so well examined or kept in better condition than the interstate steamers of Australia. I could mention the names of lines of boats that are without doubt equal to any coastal steamers in the world ; but it would be wrong for me to mention special companies. There may be isolated cases where steamers are not found to be so clean, but that is due more to the officer in charge than to anything else. I am satisfied from my knowledge of the manner in which the vessels are examined in the Eastern States where they obtain certificates, that the vessels are as well looked after in the Commonwealth as in any other part of the British dominions. Another matter that this Bill deals with is the adjustment of compasses. It is very necessary that if we are to give a vessel a certificate here we ought to know that the compass and equipment and everything else are right. We know after a long voyage something may have occurred to disturb the compasses, and it is right that the compasses should be adjusted, and we should know that the man adjusting them is capable of doing the work. This measure provides that the adjustment of compasses shall be carried out by officers capable of doing the work. I think this Bill will be of the greatest benefit to the State. Mr. Randell has asked me a question, and I dare say he requires an answer. It is in reference to the Chief Harbour Master's qualifications. The Chief Harbour Master is mentioned right throughout the measure as the authority. I should like to say that the Chief Harbour Master, is a man well able and well qualified to carry out the

measure. The present Chief Harbour Master and I were shipmates nearly 30 years ago, and I know he has had a thorough training. In place of the Chief Harbour Master, an officer called a superintendent is mentioned throughout the New South Wales Act, but it does not provide that the superintendent in New South Wales is to be a nautical man. It is manifest to the House that it will be better to have a Chief Harbour Master with qualifications than a superintendent who has none. If members look closely at the measure they will see that the Chief Harbour Master may disallow certain things. The Bill lays down specifically what the Chief Harbour Master may do. He will not be the officer to go down to a ship, but there will be properly qualified officers to visit each ship. In New South Wales there are a superintendent and four officials. Before a steamer sails with say 400 or 500 passengers an officer from the Marine Board visits the vessel, and if there is cargo on two sides of the deck and passengers are to be carried by that steamer, the deck cargo has to be taken off one side and put on shore. Only deck cargo is allowed on one side of the vessel. At any time an official may go down and order the boats to be taken out, and the fire bell rung so that men can get to their stations. He may inspect the hose and the fittings. The Chief Harbour Master is simply what the superintendent is in New South Wales ; he is the head. I am rather pleased that the administration of the Bill is left with a chief harbour master rather than with a superintendent. This Government or any Government is not likely to appoint a man to a position so important if not competent to carry out the duties. The Chief Harbour Master in this State has sole control of the lighthouses ; but this control will pass from his hands when the Commonwealth takes the lights over. Mr. Randell asks if the Chief Harbour Master has a certificate from Lloyd's. No certificate from Lloyd's is required. The Chief Harbour Master holds a certificate from the Board of Trade. It is a certificate of competency. I am satisfied that the Chief Harbour Master will not only carry out his duties in a proper manner, but I am satisfied he will carry out those duties

as well as any chief harbour master we have had or are likely to have. I have much pleasure in supporting the measure, and trust that it will go through. At the same time I deprecate the fact that this Bill has been brought along on almost the last day of the session. I have here the Fremantle Harbour Trust Act, and I am satisfied that if we had an explanation from someone who knew the working of the Act, this measure would not pass through the Legislative Council, or any other House, without amendment. In a measure such as this, where power is given to a body of commissioners to grant a certificate, no power is given to hold an inquiry or cancel a certificate, nor is power given to deal with a certificate in the event of the holder of that certificate doing something wrong. All other Acts of this character right throughout the Commonwealth and New Zealand provide that the lighting of harbours shall be carried out by the commissioners; that is to say, they are only responsible for the lighting for safe navigation; whereas under this Bill the commissioners are to be responsible for the lighting of all roads and approaches to that wharf; with the result that instead of the commissioners being regarded as the best judges, it is left to a jury to decide whether the wharf is sufficiently lighted. I am satisfied that if this Bill, later on, comes before this House and another place, as I trust it will, it will be amended so as to safeguard the interests of the people of this State; and therefore I say I regret that this Navigation Bill has been brought on at such a late hour of the session. At the same time I trust members will assist the leader of the House with this measure.

HON. M. L. MOSS (West): I rose the other day to protest against this Bill coming to the House at so late a stage. There seems to be a strong feeling that it should pass into law, so I do not propose to force that protest by opposition to the measure. I have not had time to master the details of so important a Bill as this, so I have merely risen on the present occasion to direct the Minister's attention to the retention on the statute book—presumably for some good reason which is not apparent to me—of three old statutes under which the present courts of inquiry exist. In the Bill before the

House there is no revision of 28 Victoria, No. 2, which is on page 372 of the volume of statutes, and 35 Victoria, No. 9, which will be found on page 557 of the same volume. These relate to inquiries into wrecks. There is also the Act of 40 Victoria, No. 4, still left on the statute book. Mr. Laurie has correctly stated that I have protested for the last 14 or 15 years against the institution of these marine courts of inquiry. I do not desire to cast the slightest aspersion against the Collector of Customs at Fremantle. He is a personal friend of mine. He occupies a very important position. He not only acts as counsel at these courts of preliminary inquiry, but he is judge there; and then he is also judge at the inquiry held afterwards. He is both judge and prosecutor, and finds a true bill and convicts the man. Without wishing to asperse his character, it is a singular coincidence that on every charge he has formulated the man has been found guilty.

MEMBER: Who defended the men?

HON. M. L. MOSS: I defended some, and others defended others. There was one case which cost this country about £7,000. I refer to the very regrettable catastrophe in relation to the *City of York*. There was a judgment given by Mr. Mason and Mr. Lilley, acting under those statutes, which was very largely condemned by nautical men, both here and in the old country. They were quite prepared to test the validity of that by an action for damages against the Government to recover the value of that ship, and to take the matter to the highest court of the realm. The Chief Justice decided against the owners of the ship, and they went to the Full Court, and the Chief Justice's decision was upset. Under these old statutes these courts of marine inquiry are still to be kept in existence. I desire to do no more than to strongly support the expressions which have fallen from Captain Laurie, in saying that these courts should be swept away. In regard to the Bill as it is presented to us I am only proposing to deal with that aspect of the question. In the case of specific charges of incompetency and misconduct against mates and engineers, the court has to be constituted as set forth in those three statutes. By Clause 24, which refers to inquiries as to shipwrecks and other casualties affecting ships, a different

court has to be constituted. Probably Mr. Kingsmill, who knew something about this Bill during the time it was in preparation, will be able to explain to me—what I do not at present understand—why it is that these old measures are allowed to remain on the statute book. Probably the Minister will see the Parliamentary Draftsman so that they can confer on the point. There is a rather curious clause in this Bill, Clause 26, which provides that the Governor may order a case to be reheard, if new or important evidence is adduced, or if he suspects there is a miscarriage of justice. I think that if the rehearing be not taken before a Judge, there ought to be the right of appeal on such a serious matter as the cancellation of a certificate, which has taken a man probably six or seven years to acquire. I have not had an opportunity since the Bill was circulated of reading it through, and I will take no responsibility when it appears, if it is defective. There is evidently a desire that it should pass into law, and I do not wish to put any obstacle in the way.

THE MINISTER FOR LANDS (in reply): When we came to examine this measure last night, I thought the title rather peculiar. I expected to find it as an Act to amend the laws of navigation, or something like that, because I knew there was already some legislation dealing with this question. This morning I consulted the Minister in charge of the Bill in another place, and he told me he was informed—I do not know by whom, but I dare say the Parliamentary Draftsman—that this Bill did not intend to repeal any previous legislation; that the Acts relating to inquiries into wrecks would still continue in existence, and this would be merely supplementary. I have not had an opportunity of interviewing the Parliamentary Draftsman.

HON. M. L. MOSS: Look at Clause 24.

THE MINISTER: Yes; I can see plainly now. I shall take the first opportunity before this measure is passed by the House to consult the Parliamentary Draftsman on this point, as it seems very necessary to do so. We, however, may be able to make some progress in Committee this afternoon.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2, 3—agreed to.

Clause 4—Act not to affect Fremantle Harbour Trust Act 1902:

HON. M. L. MOSS moved an amendment:

That after "thereunder," the words "except as is hereinafter expressly mentioned" be inserted.

The Fremantle wharves, he thought one might say without the slightest hesitation, were the best lighted wharves anywhere. They were better than any he had visited yet. He hoped he was not casting a great slur upon a jury, but in a case which occurred the jurymen were carried away with the idea that the wharves were not sufficiently lighted, and the result was a verdict with costs. Whilst wharves should be well lighted, there was no reason why they should be turned into public promenades. Twenty-two feet away from the spot referred to there was a 1,000 candle power light; yet the jury said the wharf was not sufficiently lighted.

Amendment passed, and the clause as amended agreed to.

Clauses 5 to 20—agreed to.

Clause 21—Local Court magistrates to preside:

HON. R. LAURIE moved:

That the words "one of whom at least" in line 5 of paragraph 2 be struck out, and "both of whom" inserted in lieu.

This would provide that both the assessors should have experience in the calling of the person before the court.

Amendment passed, and the clause as amended agreed to.

Clauses 22 to 26—agreed to.

Clause 27—Presiding magistrate:

HON. R. LAURIE: The court should be presided over by a stipendiary magistrate or a resident magistrate. It was fair that a person meeting with a mishap on coming to our shores should be tried by a competent magistrate. At the same time nothing was intended to be said derogatory to the fairness of our justices. We knew that the rates of insurance to Fremantle were too high, and justices might think that by punishing a man they would affect the rates on their shipments. That was only one aspect of the question. The magistrate should have the final decision. Justices might be prejudiced; and we wanted to make it

certain that a man would have a fair trial.

HON. M. L. MOSS: Should the Local Courts Bill be passed, the magistrate would always be a stipendiary magistrate. This Bill referred to the Local Court magistrate.

THE MINISTER: The Government would accept the amendments made by the Council in the Local Courts Bill.

HON. M. L. MOSS: We could insert before "magistrate" the word "resident" in lieu of "senior."

HON. F. M. STONE: Then other clauses would need to be altered.

HON. M. L. MOSS: It was impossible to deal with the matter on the spur of the moment.

HON. J. W. HACKETT: It might be done on recommittal.

Clause put and passed.

Clauses 28 to 43—agreed to.

Clause 44—No steamship to proceed to sea without being provided with hose and signals:

HON. G. RANDELL: Would a vessel on the Swan River need to carry a cannon and other signalling apparatus?

THE MINISTER: That depended upon the definition of "navigable waters."

HON. R. LAURIE: It would under this provision.

Clause put and passed.

Clauses 45 to 55—agreed to.

Clause 56—Certificated officers on ships:

HON. G. RANDELL: What kind of certificate would be required by the master of a river steamer, for instance?

HON. R. LAURIE: The schedule provided for different kinds of certificates, and the certificate required by the master of a river steamer or other such craft would be in accordance with the schedule.

HON. G. RANDELL: Probably the certificate required in his case would be much the same as that for the master of a lighter. It should not be necessary for the captain of a river steamer to have a certificate such as the master of a foreign-going ship or coastal steamer would be required to obtain.

Clause put and passed.

Clauses 57 to end—agreed to.

New Clause—Fremantle Harbour Trust Act (amendment):

HON. M. L. MOSS moved that the following be added as a new clause:—

Section 26, Subsection 2, of the Fremantle Harbour Trust Act 1902 is hereby amended by striking out, at the end of the subsection, the words "and well and sufficiently lighted, watched, and cleansed."

Question passed.

Schedules:

HON. F. M. STONE took this opportunity of stating to the House that he strictly did not accept any responsibility for the passing of this measure. He joined in the protest already made that a measure of such importance should not be brought down at this late period of the session. Mr. Randell had pointed out certain errors in the measure, and it would doubtless have to be amended in the next session of Parliament. In reference to the schedule, particularly the part dealing with passenger steamers plying on a river, he would like to have seen a provision going much farther than that in this schedule. It was well-known that steamers carrying passengers on the Swan River were totally unfit to carry them; that they carried over the licensed number; that they had not the life-saving appliances which were required by law; that the boats they carried for saving life in cases of accident were totally unfit for the purpose, and were carried in such a position that they could not quickly be launched. He had seen boats on a river steamer in such positions that it would be impossible to launch them quickly in case of accident, and this practice had been going on for years. He would like to have seen a far more stringent provision, that passenger steamers should have farther means of saving life in case of accident; also very stringent provisions that they should not carry over the number of passengers for which they were licensed; and that they should have a sufficient number of boats, as a provision against accidents. It was a miracle to him that a most serious accident had not happened on this river, and that hundreds of people had not been drowned. Now that an accident had happened, fortunately not followed by loss of life, he hoped the authorities would see that the provisions of this measure, as far as they went, were carried out; also that proper appliances were carried on board, strictly in accordance

with the Act; and that the boats which were required to be carried as a means of saving life in cases of accident should not be mere dummies, but should be such as could be used in emergency, as was formerly the practice on this river 15 or 20 years ago when steamers plied for hire. In those days the authorities were very strict, and boats had to be towed behind ready to be cut adrift in case of accident. Now it would take 10 to 15 minutes, in case of emergency, to lower the boats for saving passengers, if these boats could be lowered at all; and the chances were that they would sink with the people who got into them. He would take no responsibility whatever for the passing of this measure.

At 6:33, the CHAIRMAN left the Chair.
At 7:30, Chair resumed.

Schedule 1—Fees for certificates of competency:

HON. R. LAURIE: A member said that vessels plying on the river were not fitted with proper boats and life-saving appliances. No boat was licensed unless it had such appliances. The licensing board had no inspectors to see that the appliances were subsequently kept in order; but that duty was by the Act cast on the police, as was the duty of ascertaining that excess passengers were not carried. All vessels plying beyond the Narrows must have life-belts; and since the board took office the maximum number of passengers allowed on some river vessels was considerably reduced. The police were notified whenever a boat was licensed. It was absurd to say that a river steamer travelling at 10 knots an hour should be compelled to tow a boat behind her. Such a boat would be of little use when wanted. If the captain removed the life-belts, he was liable to punishment like any other offender.

Schedule put and passed.

Schedule 2—Agreed to.

Schedule 3—Regulations for swinging ships:

HON. G. RANDELL: Would the P. & O. and Orient boats be required to swing in order to adjust their compasses every time they entered the harbour?

HON. R. LAURIE: No. On such a vessel the officer on the bridge took an azimuth every hour or every half hour,

and recorded the result in a book. Thus the compass was being continually tested. Every half hour of the day the vessel's compasses were adjusted.

Schedule put and passed.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

PERMANENT RESERVE REDEDICATION BILL (CLAREMONT).

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew): In moving the second reading of this Bill, I have to point out that it enables the granting to the Claremont Municipal Council portion of reserve 4228 for an electric lighting station. The Claremont council has expended £7,000 in an electric lighting plant for the municipality, and in order that the lighting station may be central and handy, the council applied for a grant of two acres of land from the Government, out of Reserve 4228, Class A, under the Permanent Reserves Act, which was set apart for recreation purposes. This reserve is not used for recreation, owing to its unsuitableness and their being two recreation reserves in the Claremont municipality. The late Government promised to give the council half-an-acre of this reserve, and that half-an-acre having been promised, the council erected the necessary buildings on the land in question. I do not think there has been any objection raised to the action of the late Government. The Government have made all possible inquiries, and are prepared to confirm the action of the late Government. If any farther information is required on the question, probably other members can give some explanation.

HON. W. KINGSMILL (Metropolitan-Suburban): I have much pleasure in supporting the second reading of the Bill. I must confess I was somewhat disappointed at the area of land allotted to the council, and for this reason. The Minister was right in saying that an application was made for two acres, and I am of opinion, indeed, I may state it as a fact, an understanding was arrived at whereby the allotment of half-an-acre was made, and the Government gave permission to use the half-acre temporarily,

and the council were promised that when the Bill was introduced a larger area, not specified, but I believe one or two acres, should be granted. [Dr. HACKETT interjected.] Dr. Hackett says "Quite enough too." I am not of that opinion. I would like to explain I was not making any allusion to a golf club, and consequently my approval was rather doubtful than delighted. I was saying that with regard to the reserve in question, it was set aside first of all, if I remember rightly, for general purposes. Then the Public Works Department came along, and had portion of the reserve granted to them for the purpose of running the Claremont bore for the water supply. This left an area—I forget how much—but such area was not used for any purpose whatever. The Public Works Department having taken part of the reserve, the Claremont council, who initiated the electric lighting scheme, asked that they should have two acres of the remainder, which they might use not only for the purpose of building a power station, but for a municipal yard and practically a store for municipal purposes. I think this is a reasonable request. The Claremont council have shown enterprise in starting an electric lighting scheme, which promises to be in every way a success. I should be glad if the Minister could see his way to look into this question. It is rather late and somewhat useless to try and alter the area in the Bill, as it would necessitate the alteration of the boundaries appearing in the schedule, which would delay the matter beyond a reasonable limit; but I should be glad if the Minister could see his way clear to look into the question and consider the object for which this portion of the reserve is granted, and, if possible, to increase the area to a slight extent.

HON. J. W. LANGSFORD (Metropolitan-Suburban): I beg to support the second reading. I was rather disappointed when I saw the schedule of the Bill to find that only half-an-acre was granted. The Municipal Council of Claremont and the ratepayers all understood they were to be granted at least one or two acres, as promised by the previous Government. The Public Works Department have taken one corner of this reserve and have erected a hideous office,

and spoilt the reserve altogether for recreation purposes, for which it was intended. On the other hand, the reserve is unsuitable for recreation purposes. Being on a slope, it would require a large amount of money to make it in any way suitable. The electric lighting station and material have cost £5,000 or £6,000. This is on the property. We are getting as close as possible to the Claremont bore station, to keep the smoke on that side of the reserve, so that it shall not interfere with the municipality of Claremont. I hope the Bill will pass.

HON. J. W. HACKETT (South-West): Personally I am quite prepared to assent to the second reading of the Bill, for the purpose of encouraging the Claremont Municipal Council in its municipal enterprise. I do earnestly trust that the Minister and the Ministry at large will confine the gift from this recreation ground to half-an-acre; for half-an-acre is a large piece of land when properly used, and ought to be sufficient for all requirements for the erection of a power house and a municipal yard. But I cannot allow the second reading of the Bill to proceed without a protest against the tendency which is growing up in the minds of some members that it is a light thing to dispose of recreation grounds. It seems to me the Government have dealt generously with the Claremont council, and other municipal councils, in giving grants of land from public reserves dedicated to special, wholesome, and advantageous uses for the people. In other countries and in other parts of Western Australia it has been usual for the municipal government to purchase the areas they required; and an excellent precedent has been set by the city of Perth, where a considerable sum of money was dedicated to the purchase of a piece of vacant land on the east side of the city, for the noble object of adding one more to the people's parks and gardens. The Government, however, have gone so far as not only to promise the piece of ground out of this recreation reserve, but have promoted the Bill for the purpose. Fortunately for the recreation lands, Class A under the Reserves Act holds good, and it is necessary that Parliament should be approached if the reserve is to be infringed upon. I do protest strongly at the idea that because

a piece of land is not at this identical moment—December 1904, or 1905, or two or three years hence—needed for recreation purposes, it can be safely disposed of for any purpose that may occur to the council. It is only within the last few years an agitation for seizure of the last remaining piece of park land—the only piece on the south side of the banks of the Swan—has been got up—

SIR E. H. WITTENOOM: Is not the discussion on Claremont?

THE PRESIDENT: I think the hon. member is referring to the question of alienating portion of this special reserve.

HON. J. W. HACKETT: It comes with poor grace from the member who, at a moment's notice or in five minutes can transport himself from town to any part of the reserves around the city, or any drives around the city, to begrudge to the artisan or poorer citizen these few grounds.

SIR E. H. WITTENOOM: The hon. member should address the Chair, and not me.

THE PRESIDENT: The hon. member was addressing the Chair.

HON. J. W. HACKETT: I am addressing the Chair and no one else. It comes with peculiarly bad grace from the hon. member or anyone in his position, to create this difficulty, to make this interruption, and to in any way browbeat a member of the Council who is standing up for the fast-vanishing rights of the people to the recreation grounds.

SIR E. H. WITTENOOM: The hon. member is imputing motives.

HON. J. W. HACKETT: What is the hon. member doing? What I desire to point out is this. These recreation grounds will not immediately be wanted, but in a few years to come every one will be demanded; when the example of the city council of Perth will be followed, and other lands have to be purchased. This piece of land, I am proud to say, I was instrumental in getting placed in Class A reserve.

HON. W. KINGSMILL: Claremont?

HON. J. W. HACKETT: Yes; for I had something to do with passing the Reserves Act, and previously to that I had something to do with saving this land from the spoiler, the slayer, the philistines. We want to protect such land by all means in our power. In view

of the possibilities of the city of Perth, the metropolitan area, the suburbs of Fremantle and Perth, and the daughter municipalities, it is all the more incumbent on us to see the best use is made of that land. I think that after these two slices have been excised this reserve contains about five acres. These five acres would make a delightful garden, especially from the situation and from the fact that an abundant supply of water can be provided. I hope that any attempt to increase this half-acre will be stoutly resisted, and not accepted by the House. I congratulate the Government on their action in the last few days. I trust, therefore, that after acceding to this, it will be understood that every attempt to reduce these recreation grounds, even by half-a-rood, will be the subject of a debate in Parliament, and that the view of the House will be strictly manifest that these reserves are sacred trusts placed in the possession of the Government, to be used for the purpose for which they were dedicated, for the recreation and enjoyment of the people.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Standing Orders suspended; the Bill read a third time, and transmitted to the Legislative Assembly.

PUBLIC SERVICE BILL.

IN COMMITTEE.

[A select committee having recommended numerous amendments, the same were now considered in dealing with clauses.]

THE MINISTER FOR LANDS (Hon. J. M. Drew): It was not his intention to oppose any of the amendments proposed by the select committee. He desired to expedite the business of the House. The Government were not in perfect accord with all the amendments, but he thought it would be very unwise to show opposition at the present stage.

Clauses 1, 2, 3—agreed to.

Clause 4—Interpretation:

HON. W. KINGSMILL moved an amendment that in the definition of "department" the words "specified in

the Second Schedule to this Act and any department" be struck out.

Put and passed.

HON. W. KINGSMILL moved an amendment that the definition of "teacher" be struck out. It had been decided by the Committee that under the circumstances existing in Western Australia it would be unwise to include teachers in the operation of this Bill.

Amendment passed and the clause as amended agreed to.

Clause 5—Non-application of Act to certain officers :

HON. W. KINGSMILL moved an amendment, that after "the police force, or," the words "the teaching staff of the Education Department, or" be inserted. This exempted the staff from the operation of the Bill.

Amendment passed, and the clause as amended agreed to.

Clause 6—Appointment of Public Service Commissioner :

HON. W. KINGSMILL moved an amendment :

That the words "one thousand," in Subclause 5, be struck out and "eight hundred and fifty" inserted in lieu.

This was a reduction in the salary of the Commissioner.

HON. J. A. THOMSON would like to ask members of the House what kind of man we were likely to get for such a responsible position for £850 per annum. If we were to have competent men in our civil service we must pay them an adequate wage or salary. It was a penny-wise and pound-foolish policy to have underpaid men.

THE MINISTER FOR LANDS : This was an amendment by the select committee, with which the Government were in perfect accord. The measure as originally introduced in another place provided that the salary should be £850.

HON. W. KINGSMILL : The sum of £850 was the largest amount paid to any non-professional man in the public service. He thought the only officer who was paid more was the Engineer-in-Chief. The committee were fully of opinion that for £850 the services of an extremely efficient and capable man could be secured.

HON. J. A. THOMSON : If we were to have a supreme head who could hear

appeals, and would be above suspicion with regard to appointments and promotions, it was necessary to pay a higher salary than that stipulated.

THE CHAIRMAN : This House had no power to increase the amount.

HON. J. A. THOMSON : There might be a recommendation to the Governor.

Amendment put and passed.

HON. W. KINGSMILL farther moved that the following be added as Subclause 6 :

No person shall be eligible for the office of Commissioner who is or has been, at any time during the twelve months preceding the commencement of this Act, a member of Parliament.

HON. J. W. LANGSFORD opposed the amendment. There was no evidence in the report as to why this should be so. It was thought by the select committee that an appointment of a political nature would be eminently undesirable. He protested against limiting the services which a member of Parliament could give to the country. If the man most eligible for the position could be found among the 80 members of Parliament, he should be appointed. There must be some evidence for such a serious precedent.

HON. W. KINGSMILL : A political appointment could be defined as a reward for past good services, or a step to prevent future bad services. The committee thought it was eminently undesirable, because after all it was the fear of harms to follow which actuated persons making the appointment, rather than ability or good services. As to whether anything in the nature of a political appointment was contemplated, the hon. member must refer to the leader of the House, although the readiness with which the Minister had agreed to the amendment showed there was none in contemplation.

THE MINISTER, on behalf of the Government, had no objection to the amendment. It was eminently desirable that political influence in any shape or form or to the slightest degree should not enter into an appointment of this kind.

Amendment passed, and the clause as amended agreed to.

Clause 7—Suspension or removal of Commissioner :

HON. W. KINGSMILL moved an amendment that Subclause 3 be struck

out and the following inserted in lieu:—

3. The Commissioner so suspended shall not be restored to office unless each House of Parliament, within forty-two days after the day when such statement is laid before it, severally declares by resolution that the said Commissioner ought to be restored to office.

4. If each House of Parliament within the said time so declares, the said Commissioner shall be restored to office by the Governor accordingly, but otherwise he may be removed from office.

It was desired to revert to the subclauses which appeared in the Bill when introduced in another place. They were practically the reverse of those in the Bill as passed by the other House. Parliament would, by this amendment, need to pass a vote of confidence in the Commissioner in the case of suspension. As the subclauses stood, there must be a vote of want of confidence in the Commissioner before he could be removed.

Amendment passed, and the clause as amended agreed to.

Clauses 8 to 13—agreed to.

Clause 14—Commissioner to report on state of public service to the Governor:

On motion by HON. W. KINGSMILL, the words "for presentation to Parliament" were added after "Governor," and the clause as amended was agreed to.

Clause 15—Division of service:

On motions by HON. W. KINGSMILL, the word "five," in lines 1 and 6, was struck out and "four" inserted in lieu, and the words "the Educational Division" were struck out.

Clause as amended agreed to.

Clause 16—Divisions:

On motions by HON. W. KINGSMILL, Subclause 4 and the words "or educational" in Subclause 5 were struck out, and the clause as amended agreed to.

Clause 17—agreed to.

Clause 18—Salaries of Professional Division and General Division:

On motion by HON. W. KINGSMILL, the words "the Educational Division" were struck out, and the clause as amended was agreed to.

Clauses 19 to 22—agreed to.

Clause 23—Separate examinations to be held for the different divisions:

On motion by HON. W. KINGSMILL, all references to the Educational Division were struck out, and the clause as amended was agreed to.

Clause 24—Public notice of examinations:

HON. W. KINGSMILL moved an amendment:

That the words "or in such other ways as he may deem necessary" be inserted after "Government Gazette."

Advertising in the *Government Gazette* did not seem an effective mode of advertising, and it was urged that it might be advisable to advertise in other ways.

Amendment passed, and the clause as amended agreed to.

Clause 26—agreed to.

Clause 27—Appointments in certain cases without examination or probation:

HON. W. KINGSMILL moved an amendment:

That after "may" there be inserted the words "on the recommendation of the Commissioner."

This amendment was connected with the next amendment recommended by the select committee for striking out Subclause 2. The clause as it stood would operate detrimentally to certain officers in the public service, as it would be impossible for some officers, whose opportunity for rising was now very restricted, to obtain a transfer to another department where better opportunities might be available, because without the right of transfer they would have to commence in the new department absolutely at the bottom, no matter what length of service they might have given previously. This was undesirable, especially in a small department which did not afford a career with any prospect of promotion. The amendment was intended to make it possible that such officers might be appointed to other departments more nearly akin to the one they left.

Amendment put and passed.

HON. W. KINGSMILL moved a farther amendment:

That Subclause 2 be struck out.

This was recommended in the report of the select committee.

HON. J. W. LANGSFORD asked for some reason for striking out this fair provision, requiring that the resources of the public service should be exhausted before filling up a vacancy from outside.

HON. W. KINGSMILL: The resources of the service would not be exhausted, because certain departments were ex-

empted from the Bill; therefore officers in the smaller departments, as he had explained, should be allowed fair opportunity for transfer to other departments without having to commence at the bottom of the list at a salary of £40 a year. In the case of the private secretary to the Governor, there was no way out of that position to which he could be promoted. So also in the case of officers of Parliament, who would be condemned to a life most uneventful if not allowed opportunities of promotion by transfer. Officers in these positions should be allowed opportunities of promotion according to their abilities.

Amendment passed, and the clause as amended agreed to.

Clauses 28 to 30—agreed to.

Clause 31—Certificate of Commissioner preliminary to appointment:

On motion by HON. W. KINGSMILL, paragraph (b.) struck out.

Clause 32—Age of new appointees to Clerical Division:

HON. J. W. LANGSFORD moved an amendment:

That the word "sixteen" be struck out and "fourteen" inserted in lieu.

His desire was to fix a living wage for those employed in the public service. The age limit for those employed in the clerical division was 16 years, at the salary stated in the schedule. With ordinary good luck a youth entering at 16 on this scale would be receiving £150 a year when he reached the age of 25. In the Commonwealth public service the pay was rather better, for there a youth who had risen by gradual steps would be receiving £180 at 25 years of age. Boys who left school about 14 should be allowed to enter the service directly, instead of spending the intervening two years in some other occupation. His desire was that they should be allowed to enter the clerical division at 14 years.

THE MINISTER opposed the amendment. A boy of 14 was not fit to enter the public service in the clerical division, and we should rather encourage parents to more thoroughly educate their youths, especially if intended for the public service as a career. The limit of age for entering the general division was 14 years, and for the clerical division 16 years.

Amendment negatived, and the clause passed.

Clause 33—agreed to.

Clause 34—Temporary employment:

HON. W. KINGSMILL moved an amendment:

That all the words after "staff" to the end of the clause be struck out.

If the last paragraph remained as printed, it would be a source of great expense, and would initiate a wrong method of procedure by treating persons as on the permanent staff after they had been employed temporarily for three years. This was going too far in the direction of liberality. The select committee could not discover any adequate reason why, for instance, journeymen tradesmen who would be most affected by this provision should be treated differently from persons in outside employment. Perhaps it was a fact that a continuation in the public service rather developed a civil-service frame of mind, inducing the person to fancy that he should be treated differently from other persons who were not in the service.

Amendment passed, and the clause as amended agreed to.

Clauses 35, 36—agreed to.

Clause 37—Order of promotion, etc.:

HON. W. KINGSMILL moved an amendment that in line 4 the word "education" be struck out.

Amendment passed, and the clause as amended agreed to.

Clause 38—agreed to.

Clause 39—Examination before promotion to higher grades of Professional Division:

HON. W. KINGSMILL moved an amendment that the word "Commissioner" be struck out and "Governor" inserted in lieu. It was evident this was a clerical error.

Amendment passed, and the clause as amended agreed to.

Clauses 40 to 44—agreed to.

Clauses 45 to 48—Government schools and teachers, etc.:

HON. W. KINGSMILL: The striking out of these clauses was consequential on the decision relating to the Education Department. He moved:

That the clauses be struck out.

Amendment passed.

Clauses 49 to 53—agreed to.

Clause 54—Appeal Board:

HON. W. KINGSMILL: This provided that two of the three members of the board should form a quorum. As these officers would be civil servants appointed for a special purpose, the select committee felt there should be no difficulty in securing a full attendance. He moved an amendment:

That the clause be struck out.

Amendment passed.

Clauses 55 to 59—agreed to.

Clause 60—Forfeiture of office, etc.:

HON. W. KINGSMILL: The select committee recommended that Subclause 2 be struck out, and that the corresponding subsection in the Commonwealth Act be inserted. By the subclause the duty of ascertaining whether the bankruptcy of an officer was attended by fraud, dishonourable conduct, or extravagance was thrown on the Governor; whereas the Commonwealth subsection provided that the Bankruptcy Court should report to the Governor whether the officer deserved dismissal. He moved an amendment, that Subclause 2 be struck out, and the following inserted in lieu:—

If the estate of an officer is sequestrated, either voluntarily or compulsorily, for the benefit of his creditors, such officer shall apply, as soon as he may legally do so, to a court of insolvency for a certificate of discharge. If it appears to such court that the applicant has been guilty of fraud, dishonourable conduct, or extravagance, such court shall direct the clerk of the court thereupon to report the same to the Minister or permanent head or chief officer of the department in which such officer is employed. If such officer does not apply as aforesaid for such certificate of discharge, or if he applies and it appears from the report that such officer has been guilty of fraud, dishonourable conduct, or extravagance, such officer may be dismissed from the Public Service, or reduced to a lower division, class, or grade therein, or fined, reprimanded, or otherwise punished by order of the Governor.

Amendment passed, and the clause as amended agreed to.

Clause 61—Fines to be stopped:

THE MINISTER moved an amendment that the words "or if any order for payment of costs made against," be inserted at the end of line 1; and that the words "or against whom any such order is made," be inserted after "punishment" in line 3.

Amendments passed, and the clause as amended agreed to.

Clause 62—Annual leave for recreation:

HON. W. KINGSMILL: Subclause 5 referred to teachers. He moved an amendment that Subclause 5 be struck out.

Amendment passed, and the clause as amended agreed to.

Clause 63—Annual leave (teachers):

HON. W. KINGSMILL moved that the clause be struck out.

Question passed, and the clause struck out.

Clauses 64 to 66—agreed to.

Clause 67—Long-service leave:

HON. W. KINGSMILL moved an amendment that Subclause 3 be struck out.

Amendment passed, and the clause as amended agreed to.

Clause 68—Long-service leave to teachers:

HON. W. KINGSMILL moved an amendment that the clause be struck out.

Amendment passed, the clause struck out.

Clause 69—Holidays:

HON. W. KINGSMILL moved an amendment:

That the words "Eight Hours Day" be struck out, and "Proclamation of Self-Government, the 21st day of October," be inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 70 to 74—agreed to.

Clause 75—Appointee to insure his life:

HON. J. W. LANGSFORD: The clause provided that when the State started a life insurance business, civil servants must insure in the State office. Against that he protested. Officers should be allowed to insure where they could get the best security and the best value for their money. He moved an amendment:

That the words "under such statute as may be in force for the time being enabling the insurance to be undertaken by the State, and until such statute is in force," in lines 3 to 5, be struck out.

HON. W. KINGSMILL supported the amendment. If the State did embark on life assurance, it should not be necessary

to compel civil servants to become its customers. The clause almost looked like a contravention of the Truck Act.

Amendment passed, and the clause as amended agreed to.

Clauses 76 to 87—agreed to.

Clause 88—Superannuation:

HON. W. KINGSMILL moved an amendment:

That the words "and or to any person on the temporary staff of any department at the commencement of this Act" be struck out.

Amendment passed, and the clause as amended agreed to.

Clause 89—Regulations:

HON. W. KINGSMILL: The Bill in its original form provided that there should be certain departments which were specified in Schedule 2 of the Bill. Two new departments had lately been created, the Department of Labour and the Department of Justice. It might happen that in years to come other new departments might be established. He moved that the following be inserted as a new subclause:

The establishment, alteration, or abolition of any department.

Amendment passed, and the clause as amended agreed to.

New clause—Assistant Commissioners:

HON. W. KINGSMILL moved that the following be inserted as Clause 15:—

The Governor may appoint, temporarily, two assistant Public Service Commissioners, who shall act in conjunction with the Commissioner in the classification of officers and in the exercise of such other powers and duties of the Commissioner as the Governor may from time to time, on the recommendation of the Commissioner, direct.

This provided for the temporary appointment of two assistant Commissioners. The clause was not mandatory. It also provided by inference that the principal object of the appointments would be for the permanent classification and grading of the service; a work which it was felt would be very heavy, but would not endure for a great length of time, and once done would not recur. It was thought by the select committee that it would be wise to give the Commissioner an opportunity of having assistants provided in this respect.

Question passed and the clause inserted.

New clause—Members of Parliament not to interfere:

HON. W. KINGSMILL moved that the following be inserted as Clause 16:—

No member of Parliament shall interview or communicate with the Commissioner regarding an appointment of an applicant for a position in the civil service.

The select committee had done their best to segregate the possibility of the Commissioner from political control. In the interests of the service and of members of Parliament the clause was desirable and advisable.

HON. J. W. HACKETT: However desirable the clause might be, it would prove a dead letter, for there was no penalty.

HON. W. KINGSMILL: The point arose as to whether in a Public Service Bill we could regulate the conduct of members of Parliament; but the clause would have to be observed by the Commissioner, and not by the members of Parliament. It would relieve members of Parliament of the almost constant requests which were made to them to use their influence, as it was put, to get people into the service.

THE MINISTER FOR LANDS: Was it identical with the section in the Railways Act?

HON. W. KINGSMILL: No. That section only referred to deputations to the Commissioner.

Question passed and the clause inserted.

First Schedule—agreed to.

Second Schedule:

HON. W. KINGSMILL moved that the schedule be struck out.

Question passed; the schedule struck out.

Third Schedule—agreed to.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

Bill returned to the Assembly, with request that the amendments recommended by the Council be adopted; also, leave given for the Bill to be farther considered on its return from the Assembly.

NORTH FREMANTLE STREETS DEDICATION BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew), in moving the second reading, said: This is a small Bill to enable

Coventry Parade and Christina Parade, North Fremantle, to be dedicated to the public use. These are small streets in the North Fremantle municipality, and owing to the Municipalities Act requiring streets to be of certain width, the municipality of North Fremantle have not been able to improve these streets in any way, and they have become an eyesore. According to the Municipal Act, streets must be a certain width before municipal funds can be expended on them. These streets were laid out years ago and were far less than the regulation width. They have remained unimproved for some years past. The municipality asked that a Bill be introduced to enable these streets to be improved. I investigated the matter, and saw that it was a public necessity.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Passed through Committee without debate, reported without amendment, and the report adopted.

ADJOURNMENT.

HON. J. M. DREW moved that the House at its rising do adjourn until three o'clock to-morrow. He was sure members would be only too ready to assist the Government to bring the session to a conclusion by assembling an hour and a-half earlier than usual.

Question passed.

The House adjourned accordingly at 17 minutes past nine o'clock, until three p.m. the next day.

Legislative Assembly,

Thursday, 22nd December, 1904.

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MR. SPEAKER took the Chair at 2:30 o'clock, p.m.

PRAYERS.

PETITION—MRS. ELIZA TRACEY.

MR. F. F. WILSON presented a petition signed by about 500 residents in the State, including some members of both Houses of Parliament, praying the House to take into consideration the recommendation of the select committee of the last Parliament to the effect that a compassionate allowance be granted to Eliza Tracey.

MR. SPEAKER: The hon. member should have presented the petition as soon as the House met, immediately notices were called for. On this occasion he did not propose to place any obstacle in the way, if the House did not object.

Petition received.

URGENCY MOTION—FIRES IN AGRICULTURAL DISTRICTS.

COAL SPARKS.

MR. R. G. BURGESS (York): I beg leave to move the adjournment of the House on a matter of urgency.

MR. SPEAKER: The hon. member may proceed.

MR. BURGESS: My motion is in reference to the use of Collie coal on the railways. I think it has come pretty well under the notice of everyone, by the reports in the newspapers, that serious