Motion put and passed.
Order discharged accordingly.

ADJOURNMENT.

The House adjourned at 10·32 o'clock, until the next day.

Legislative Assembly,

Wednesday, 12th December, 1906.

THE SPEAKER took the Chair at 3 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the TREASURER: 1, Return showing the detailed expenditure of the Vote for Ministerial and Parliamentary Visits for 1905-6. 2, Report of the Registrar of Friendly Societies for 1905.

By the PREMIER: 1, Report of the Woods and Forests Department to 31st December, 1905. 2, Regulation restricting the cutting of timber in the State forest at Higginsville. 3, By-laws for caves and reserves. 4, By-laws and balance sheets of cemetery boards of Karrakatta, Bulong, Kalgoorlie, and Fremantle. 5, Statement of accounts of the Karrakatta Public Cemetery to 30th June, 1906.

By the MINISTER FOR WORKS: Half-yearly balance sheet of Goldfields Water Supply Administration.

By the MINISTER FOR MINES: Return of refunds of exemption fees for 1905-6, moved for by Mr. Holman.

QUESTION—COMMISSIONER OF TITLES.

MR. HOLMAN (for Mr. Walker) asked the Attorney General: In the event of Dr. Smith retiring from the Commissionership of Titles, what arrangements have been made by the Government for carrying out the duties pertaining to the office?

THE ATTORNEY GENERAL replied: It is the intention of the Government to request the Public Service Commissioner to consider the advisability of making an acting appointment, not involving any extra expenditure, pending the reorganisation of the department on the lines previously recommended by him.

QUESTION—RAILWAY RATES TO ALBANY.

MR. SCADDAN (for Mr. Johnson) asked the Minister for Railways: 1, Is he aware that a consignment of furniture recently sent from Guildford to Albany cost about £7, while the same consignment could be sent to the same place from Perth for about £1? 2, Will he instruct the Commissioner to see that station-masters advise consignors that it would be cheaper to first send their consignment to Perth and thence back to Albany?

THE MINISTER replied: 1, No. If farther particulars are given, inquiry will be made. 2, The department cannot undertake to advise consignors as to the route by which they should forward their goods.

QUESTION—MINING REGISTRAR, YALGOO.

MR. HOLMAN (for Mr. Troy) asked the Minister for Mines: 1, In view of the fact that the receipts of the mining registrar's office at Yalgoo were almost double that of the expenditure, does the Minister consider there was a justification for closing the office? 2, In view of the fact that a large number of people are

being greatly inconvenienced by the closing up of this office, will the Minister provide for its early re-opening?

THE MINISTER replied: 1, The question of closing the Yalgoo office was not decided without careful consideration, and was recommended by the Public Service Commissioner. 2, In view of the necessity for economy I am not prepared to approve the early re-opening of this office.

QUESTION—RAILWAY RATES TO MURCHISON.

MR. HOLMAN (for Mr. Troy) asked the Minister for Railways; 1, Has the Minister concluded his consideration on the matter of a through bill of lading to the Murchison? 2, If so, what determination has been arrived at?

THE MINISTER replied: No determination has yet been arrived at.

QUESTION—RAILWAY CONSTRUCTION INQUIRY.

MR. H. BROWN (without notice) asked the Premier: Will the Premier give a reply to the question put yesterday in reference to the recommendation of the select committee on the Katanning-Kojonup Railway?

THE PREMIER replied: In view of the fact that this railway is almost completed, it is not the intention of the Government to appoint a Royal Commission.

MR. H. BROWN: Then I give notice that I intend to-morrow to move the adjournment of the House to discuss this matter.

MR. SPEAKER: The hon. member can give that notice at any time to-morrow.

BILL—CRIMINAL CODE AMENDMENT.

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

BILL—EVIDENCE.

COUNCIL'S AMENDMENTS.

Schedule of 21 amendments made by the Legislative Council now considered in Committee, MR. ILLINGWORTH in the Chair.

Nos. 1 and 2—agreed to,

No. 3—Clause 27, Subclause 1, paragraph (*a*), after the word "has" insert "under the provisions of the next preceding section":

THE ATTORNEY GENERAL moved that the Council's amendment be agreed to. Under Clause 26 the Court had power to forbid certain questions, and Clause 27 provided that the printing or publishing of such questions should not be permitted.

Question passed, the Council's amendment agreed to.

No. 4—agreed to.

No. 5—Clause 40, strike out this clause:

THE ATTORNEY GENERAL moved that the amendment be agreed to. Clause 40 dealt with the adduction of certain evidence in criminal cases where poison was alleged to have been administered. The provision dealt not so much with the statutory rule of evidence, but with an abstract principle. The effect was that when a person was accused of administering poison to another person, evidence as to his having done so at any other time than that specified in the indictment should be admissible.

MR. HOLMAN was surprised by the Attorney General's acceptance of this amendment, which destroyed one of the new features specially stressed by the hon. gentleman. The Attorney General had been specially careful to explain the necessity for the provision.

THE ATTORNEY GENERAL: The hon. member had misunderstood. The wholeness of this Bill dealt with statutory rules of evidence, and not with abstract propositions of relevancy or irrelevancy of evidence. The latter point had to be determined by the court on every occasion. The objection taken in another place was that the provision opened much wider ground than was covered by the clause. The striking out was not of material moment.

Question passed, the Council's amendment agreed to.

No. 6—Clause 48, strike out this clause:

THE ATTORNEY GENERAL moved that the Council's amendment be agreed to. He had previously owned to serious misgivings as to whether the clause was not too severe. It might be open to

abuse, since under it a boy or a youth who had merely stolen an apple from an orchard and been convicted of petty larceny might subsequently have that conviction brought up against him when on trial for a serious offence, and the fact of the previous conviction, although for very small cause, might prejudice his case in the second instance. Apparently another place regarded the clause as too extreme.

Question passed, the Council's amendment agreed to.

No. 7—Clause 49, proof of previous acquittal may be produced—agreed to.

No. 8—Clause 51, strike out Subclause 2—agreed to.

Nos. 9, 10—amended verbally—agreed to.

No. 12—Clause 68, strike out Subclause 2—agreed to.

No. 13—Clause 70, Subclauses 1, 2, strike out the words, "any local Act" and insert "of any British possession"—agreed to.

No. 14—Clause 75, line 2, after the word "person" insert "acting judicially" and strike out "on the request of any party against whom the same is so received":

THE ATTORNEY GENERAL moved that the Council's amendment be agreed to. The words proposed to be inserted by the first part of the amendment were inferred in the section, and should therefore be expressed. The second part of the amendment made it open to the court to impound documents either at its own discretion or at the request of any party against whom the documents were received.

MR. BATH: There was some doubt as to whether the discretionary power would be exercised on the request of any party. Would parties be given the right to make such applications?

THE ATTORNEY GENERAL: The Bill as it stood before amendment in another place left the power discretionary with the court only on the request of the party against whom the documents were received. Under the Council's amendment, however, the court could act either discretionarily of its own initiative, or on the application of the party against whom documents were received, or on the application of any other party.

Question passed, the Council's amendment agreed to.

No. 15—Clause 78, verbally amended—agreed to.

No. 16—Clause 81, Subclause 2 amended by extending the time of notice from "two" to "three" days for the production of bankers' books—agreed to.

No. 18—New Clause to stand as 105, providing that aboriginal natives may be admitted to act as interpreters on affirmation; also providing that other persons may act as interpreters on affirmation:

THE ATTORNEY GENERAL: The effect of the new clause would be that an aboriginal native acting as interpreter in any case would be liable to the same penalties for interpreting wrongfully as if he committed perjury. The new clause should be accepted, and he moved that it be agreed to.

MR. HUDSON: The Attorney General had previously persuaded this House to pass the Bill as being a perfect measure; but now that it was returned from another place with 21 amendments, the Attorney General was prepared to put his head on the block and allow the would-be Attorney General in another place to make these amendments in the perfect Bill.

THE ATTORNEY GENERAL: The member referred to in another place did not make a single amendment in the Bill.

MR. HUDSON: The would-be Attorney General in another place had joined in these amendments made by the Council, and now the Attorney General in this House was willing to put his head on the block and accept these amendments. If that was not a species of "harricarri" one would like to know what it was.

MR. HOLMAN: Was there any special reason why aboriginal natives should be accepted as interpreters in trials where the life or liberty of a white man might be at stake? From experience of aboriginals in this State, he (Mr. Holman) knew they were seldom if ever to be relied upon, that they lied without blushing, if they could blush; and it would be highly dangerous to put this power in the hands of any aboriginal interpreter, because their veracity in interpreting evidence could not be relied on. The aboriginal who would act as interpreter in such a case would be the

most dangerous kind of native, being half civilised, and no reason had been shown by the Attorney General why there should be a provision made in the Bill for employing aboriginal interpreters of evidence.

THE ATTORNEY GENERAL: The hon. member seemed to misunderstand the meaning of the amendment. In some trials the evidence consisted entirely of the statements of aboriginal natives, and that happened sometimes in a case of murder. In any case in which a number of natives had to give evidence it was practically necessary to have an aborigine interpreter to interpret the evidence correctly. He would be subject to the same penalty as would any other interpreter if the evidence were not interpreted correctly. It was better to have some means of appointing an aborigine interpreter than no means at all; and this clause gave the means.

MR. HOLMAN: Was there a possibility under the clause of an aborigine being brought forward as an interpreter where the life or liberty of a white man was at stake? If so, it was going too far. If the provision would only act in the case of tribal murders, that was different.

THE ATTORNEY GENERAL: No Judge would direct a jury to believe an aborigine.

MR. HOLMAN: The police placed great reliance on black boys, but one could never get to the bottom of a nigger. A police black boy should never interprete in a court when a white man's life or liberty was at stake. If we must have an interpreter, every effort should be made to get a white man.

MR. STONE: Having had 40 years experience of natives as interpreters and black trackers, he was satisfied with the explanation given by them at all times; they were fully as reliable as white interpreters. It was necessary to have black interpreters to explain evidence to a jury, and their assistance could not be done away with.

Question passed, the Council's amendment agreed to.

NOS. 19, 20—agreed to.

No. 21—Fifth Schedule, strike out "Commerce and Labour Department," in column 1, and all the words in column 2 applicable thereto, and in the last line strike out "this Colony," and insert "Western Australia":

THE ATTORNEY GENERAL moved that the amendment be agreed to. The Commerce and Labour Department had been amalgamated with another department.

MR. HOLMAN: It was an unwise departure to break up the Commerce and Labour Department. In all other States there was a Labour Department, which had proved very satisfactory. The mixing up of the Labour Bureau with the Charities Department was a disgrace.

Question passed, the Council's amendment agreed to.

Resolutions reported; the report adopted.

A committee consisting of Mr. Bath, Mr. Butcher, and Mr. Keenan drew up reasons for not agreeing to two of the amendments. Reasons adopted, and a message accordingly returned to the Legislative Council.

BILL—DIVIDEND DUTY ACT AMENDMENT.

SECOND READING.

Message from the Governor received and read, recommending appropriation for the purposes of the Bill.

THE TREASURER (Hon. F. Wilson) in moving the second reading said: In connection with this measure I wish to remind members that in response to an interjection from the member for Mt. Margaret (Mr. Taylor) inquiring whether I had sufficient power to ascertain the profits of companies trading in the State of Western Australia, I promised that if I found on investigation the power was not ample, I should introduce an amending measure; and the measure I am submitting to the House this afternoon is to carry out that object. It is not long, and I do not think any clauses will be objected to by hon. members. The present position, the House may be aware, with regard to the payment of duty on dividends and profits is that companies trading in Western Australia pay duty on dividends only, while companies trading in Western Australia and elsewhere pay duty

on profits earned in Western Australia. These provisions are contained in Sections 6 and 7 of the Principal Act, and I may recall to members that the fact of having a head office outside of Western Australia does not constitute doing business elsewhere under the Act. Therefore most of our mining companies, although having their head offices in London or perhaps in the Eastern States, do not come under the category of companies trading in Western Australia and elsewhere. The objects of the Bill are five in number; and the first one is that the Treasurer shall be able to ascertain exactly what business companies are doing in Western Australia, and what profits they are earning, and to that end to compel all companies to furnish a balance sheet to the Treasurer. At the present time companies are bound to submit a balance sheet only when dividends are declared or profits distributed, and it is of necessity exceedingly difficult for the officers of the Treasury always to know that profits have been earned, unless the balance sheet is produced. Under this amending Bill all companies will have to submit a balance sheet, whether they declare a dividend or otherwise, or whether profits have been distributed or not distributed. The Treasurer will then be able to ascertain what such companies are doing, what profits they have earned, and if necessary the Treasurer can make farther inquiries and follow up inquiry as to why dividends have not been declared and thus dividend duty not paid. The second principle of the measure is to compel breweries and other companies paying excise duty to pay dividend duty as well. Hon. members perhaps are aware that companies paying excise have always been exempt from dividend duty. Now I see no possible argument why they should be exempt. The payment of excise duty has nothing whatever to do with division of profits, and it appears to me that one might as well exempt a publican from paying taxes because he happens to pay a license fee, or exempt some special merchant from payment of dividend duty because he pays rather more than his neighbour on the class of goods he imports through the Custom house. Why these brewers and similar companies have been exempted I cannot understand. I consider it a reasonable proposition that they should pay the same duty on profits distributed or dividends paid as other companies. The excise duty is incurred in the ordinary course of their business. It is part of the expense of running their business, and it is paid absolutely by the consumer.

MR. BATH: Does that provision include tobacco companies?

THE TREASURER: It is paid in the same way as the consumer of any article liable to customs duty has to cover the amount of that duty in the price of the article he purchases. For these reasons I ask the House to agree to this Bill, which includes breweries and similar companies within the scope of the Dividend Duty Act.

MR. A. J. WILSON: Will the provision reach firms like Foy and Gibson?

THE TREASURER: No. It applies only to incorporated companies. Foy and Gibson's is a private firm, and until we pass an income tax, we shall not reach such businesses.

MR. A. J. WILSON: Foy and Gibson's is a foreign firm.

THE TREASURER: Exactly. One could get at such firms only by passing an income tax. The next important alteration proposed by this measure is in connection with shipping companies. We have had considerable difficulty in getting at any profits which have been earned by shipping companies trading in Western Australia, and more especially those trading between the Eastern States and Western Australia. There has been great difficulty, because for many years they argued that it was impossible to state the amount of profit on their Western Australian trade. For the first three years since the Dividend Duty Act was introduced in 1899, constant application was made to the companies for duty, but they all protested that the Western Australian trade was not kept separately in their books, and that consequently they were unable to prepare a balance-sheet of profits earned in Western Australia to permit of the calculation of duty. When Mr. Gardiner was Treasurer, in the James Government, some agreement was arrived at. It was agreed to assess the profits at 5 per cent. of $2\frac{1}{2}$ per cent. of the inward and outward traffic, including passenger fares. Of course 5 per cent. was also collected

on the actual profits of any shipping company trading exclusively in Western Australia. Now it is a strange thing, but when I point out to the House that during the past seven years, that is since the passing of the Dividend Duty Act, the interstate shipping business has amounted to no less a sum than £3,712,101, that in addition to the gross interstate shipping business a profit of £17,540 has been earned by shipping companies trading exclusively in Western Australia, yet we have been able to collect only a sum of £5,109 in duty on the whole lot, hon. members must see at once there is something wrong, and that the collection of this duty needs to be on a better footing. I propose to do that by the amendment in this measure. I wish to show hon. members how these companies have avoided paying duty, at any rate during my term and also I believe during the term of Mr. Rason, my predecessor. They did agree with Mr. Gardiner to pay duty on 2½ per cent. of their gross earnings, and also agreed to pay 5 per cent. on the profits of their trading concerns, such as coal businesses. So when they came to show a loss on their trading department, it was set off against the 2½ per cent. of gross earnings, and thus no duty was paid. I do not wish to mention the name of any company; it would be invidious on my part to do so; but I wish to point out that one company has interstate trade to the value of £73,000. Under the agreement, 2½ per cent of that was to be considered a profit for duty, and that would have meant £1,847; there was a farther profit on steamers trading only in the State of £5,080. In all, that company ought to have paid on £6,927. But the company also carries on a coal business in Western Australia, and on that it showed a loss of £1,798; so the one was set off against the other, and no dividend duty was therefore collected. The same company, in another year, did an interstate trade of £84,000, besides a profit of £3,750 on steamers trading in Western Australia. However, the company again claimed to have made a loss on coal to the extent of £6,317, and of course no dividend duty was paid. Another company had a gross interstate trade of £166,000, which would have shown a profit of £4,151; but no duty was paid because the company showed a loss on its coal trade amounting to £9,045. I could go on enumerating many similar instances of shipping companies avoiding the payment of dividend duty by showing losses on their coal trade. The losses must have been due either to undercutting or to underselling of the fuel imported into Western Australia. Apart from any other question, we have here evidence of undue competition with the local article, and I think we shall be justified in putting an end to that system of doing business. I propose under this Bill to separate the trading businesses of companies such as I have mentioned from that of carrying, and I hope the House will agree it is fair to collect our dividend duty on their business as carriers. Then if the companies choose to make a loss on their coal trade or on other trading concerns, that will be their lookout. Of course we cannot collect duty on a loss; but if they do make a profit, we collect a duty on that separately. There is another matter with regard to the shipping companies, and that is as to the amount of 2½ per cent. agreed upon previously as between the Treasurer and the companies as the gross amount of profit on which duty should be paid. I am not of the opinion that these companies carry on trade for a profit of only 2½ per cent., and I am asking the House to give the Treasurer a fair amount of latitude in cases where he cannot come to a satisfactory agreement with companies as to the basis on which a duty shall be levied. If he cannot enter into a satisfactory agreement, I am asking that the amount shall be fixed at 5 per cent. on all earnings inward and outward upon West Australian traffic. I think that is reasonable, and will meet with the approval of the House. [Interjection.] That is 5 per cent. on the whole of a company's earnings. I regard the profit as being 5 per cent. on their earnings, and then we take a duty of 5 per cent. on that amount of profit. Another matter is that the measure provides for a duty of 5 per cent. on all earnings made in Western Australia and invested permanently outside the State in the business of other companies or undertakings. I am asking the House to give me power to collect a duty on such profits as have been earned in West Australia; and to show that this

is a more serious matter than some members may suppose, I will quote some figures which have been made public through the balance-sheets of companies carrying on trade in Western Australia. One company, the Kalgurli Gold Mines Limited, during the year ended July 1905 invested £23,122 in the purchase of £25,000 India Railway Company 3 per cent. new debenture stock, and nearly £6,000 in the purchase of £6,000 Exchequer bonds. The Associated Gold Mines of W.A., Limited, during the year ended March, 1905, invested £133,200 in the purchase of £148,000 of 2½ per cent. Consols. The Cosmopolitan Proprietary, Limited, during the year ended December 1905 invested £24,750 in the purchase of £25,000 Transvaal 3 per cent. stock, also invested £4,468 in the purchase of £5,000 Consols, and invested £7,074 in the purchase of Japanese Government bonds. The Ivanhoe Gold Corporation Limited during the half-year ended December 1904 invested £22,822 in the purchase of British railway debenture stocks. All these investments may be considered investments of profits earned in Western Australia, and I am asking in the Bill that these investments shall be regarded as profits earned in Western Australia unless the particular companies can prove to the contrary. Of course if the money so invested is capital subscribed, we have no right to collect duty; and we do not wish to collect a duty on profits that are only temporarily invested with the object of being distributed in the form of dividends at the next balance. That is provided for in the Bill, and I think we shall be able to collect a duty on actual profits earned in the State and taken outside to be invested; otherwise we may find some day that the whole of the assets of some companies, bar machinery, may have been removed to some other portion of the globe, and that we have no recourse for any duty due in regard to such companies.

MR. HORAN: Do you propose to charge a duty on money sent here by moneylenders for investment, on which a profit is earned?

THE TREASURER: All we want is a fair deal, that is to have our dividend duty on the profits actually earned in West Australian trade. The next and final matter dealt with in the Bill is the bonuses and commissions which are paid to directors of companies. I am asking in the Bill that we should class such commissions and bonuses, other than the ordinary salaries or remuneration allowed to directors, and treat these sums as dividends or profits for the purpose of collecting a duty on them. It is well known that many directors receive considerable commissions, and they evade payment of duty on these sums. These are briefly the objects of the measure, and I beg to move that the Bill be now read a second time.

MR. T. H. BATH (Brown Hill): The desperate financial conditions have made the Treasurer desperate also, and he is on the warpath to collect more revenue.

THE TREASURER: This is to fulfil a promise made to the other side.

MR. BATH: The Treasurer says this is the fulfilment of a promise to members on this side; but the Treasurer is not always so ready to make promises on other matters, and as the promise in this case makes for revenue, that no doubt accounts for the readiness with which he has acceded to the suggestion made by the member for Mt. Margaret (Mr. Taylor). So far as the Bill is concerned, it certainly does include a number of other people who have been obtaining profits and dividends in Western Australia but have hitherto been able to go free, and in this respect the Treasurer's net has been wisely spread. I am amazed to hear, in connection with the figures quoted by the Treasurer in arguing in favour of the measure, that those figures show a somewhat debased standard of commercial morality in this State. During the last week or two, in the course of election addresses we have heard a great deal about the honesty and high standard of commercialism in this State, and what a great shame it would be to do anything that would injure or jeopardise it; but having noticed the Government Whip come into the House this afternoon wearing a red tie, I can now understand why he has adopted that socialistic badge as a sign that he and other members on the Government side are in favour of this measure. As far as the proposals in the Bill are concerned, they have my cordial support, because I

am under the impression that where the resources of Western Australia are being exploited as they are in many respects, it is only fair that the State should receive some return in the shape of contributions to the revenue. In connection with the proposed clause dealing with companies which have earned profits in this State, but have invested a portion outside the State, I think the proviso inserted by the Treasurer will to some extent defeat his object; because what is to prevent these companies from saying that any investment they make outside the State is a temporary one? There is no restriction in the Bill as to what constitutes a temporary investment, and these companies may invest for 12 months in stocks or shares or in mining or railway securities outside the State; but when called upon by the Treasurer to pay the dividend duty on such outside investments, they may say these are only temporary investments pending the distribution of the next dividend, and they may carry that on during the 12 months in which the dividend on the particular investments should be payable, and then in the following year may distribute those funds in the form of dividends to shareholders. I do not know whether the Treasurer has noticed it, but there may be a possibility of evading this proviso. If so, I bring it under his notice so that he may devise some means for making it absolutely sure. I have much pleasure in supporting the second reading of the Bill.

MR. J. B. HOLMAN (Murchison): I desire to support the Bill because I maintain it is necessary. We have heard that a considerable number of companies show through their balance-sheets that they invest thousands of pounds in other companies or in securities outside this State. I did not hear the name of the Lake View Consols, in the list of companies read out by the Treasurer as investing profits outside the State; but I know this company sent some £70,000 to be invested in Broken Hill, and over £50,000 to be invested in China. I believe also that other companies making large profits in this State have sent considerable sums to be invested in foreign securities. All sums sent outside the State for such purposes should be taxed as profits earned in the State. The measure is a splendid one deserving of every support; and I hope it will get sufficient support in another place to enable the Bill to be passed this session, so that we may get some revenue from companies that so far have evaded the Dividend Duty Act. The Treasurer is also making provision whereby breweries and tobacco manufacturing companies, as well as others, will have to pay the dividend duty tax, because it is well known that breweries pay a higher percentage in dividends than any other trading companies. In regard to another class of cases, I do not know whether any provision is made as to the capitalisation of various companies on which the dividend duty should be levied. The Perth Gas Company, for instance, started with a small capitalisation, which has been increased by preferential shares distributed amongst members of the company; and evidently the member for Mt. Margaret had some information which induced him to bring this matter before the House a short time ago. I think it is well worthy of consideration in connection with this Bill. We know several companies started with small capitalisation, and then increased it considerably by issuing shares to their members.

THE TREASURER: They are liable for duty on any such sums.

MR. HOLMAN: I am glad to hear that. Some of those companies might try to evade the duty if a loophole had been left open, and I am glad the Treasurer has provided against that. The measure receives my whole-hearted support.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. DAGLISH in the Chair.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 6:

MR. HOLMAN: Would companies who invested their reserves be liable to pay duty on the amount so invested?

THE TREASURER: The clause should be ample as provided. It seemed as if the proviso might conflict with the previous portion of the clause; but if a company invested any of its profits in

consols, it would need to make a declaration to the Treasurer that it was only a temporary investment, and the Treasurer would assess duty accordingly. Companies would need to show that it was either not profits or profits only temporarily invested to be distributed in dividends at the next declaration of dividends.

THE ATTORNEY GENERAL: In many cases it was not wise for a company to distribute every penny in dividends, especially in the case of mining companies, because the prospects of a mine often changed suddenly, and if a company distributed all its money in dividends it would have nothing to fall back upon to push on farther developmental work and get the mine going again as a dividend paying concern. It was more prudent to provide for any temporary setback of the kind, but under existing law, if a company kept back money for that purpose and it was placed with the company's bankers, no exception could be taken to the course adopted, but the money was not earning interest. It was usual with companies having money held back for such a purpose to invest it in consols to earn interest upon it. We should not prohibit that course, because it was clearly in the interests of the State that the money so held back by companies should earn interest in order to pay the State duty. That was the object of the proviso.

MR. BATH: Would it not defeat the object of the first part of the clause?

THE ATTORNEY GENERAL: It should be made clearer. He moved an amendment--

That the word "any" in the proviso be struck out, and the following inserted in lieu: "Investment of profits in stocks, shares, or other securities if it is proved to the satisfaction of the Treasurer, whose decision shall be final, that such investment is an investment only pending distribution of such profits or any part thereof as a dividend."

MR. HOLMAN: The amendment would meet the case. It would be unwise to prevent a company investing its reserve fund for the time being, because otherwise the money would lie idle in the bank. It would be wise to encourage the companies to build up reserve funds, and the amendment would give the Treasurer an opportunity of allowing the mining companies to do so.

Amendment passed; the clause as amended agreed to.

Clauses 4, 5—agreed to.

Title—agreed to.

Bill reported with an amendment; the report adopted.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

SECOND READING (OMITTING THE BORROWING POWERS).

Resumed from the 30th October; the MINISTER FOR WORKS in charge of the Bill.

MR. W. C. ANGWIN (East Fremantle): In view of the numerous amendments on the Notice Paper, it is difficult at this juncture to pass an opinion as to the working of the Bill if enacted. While the present Act empowers the Harbour Trust Commissioners to request the Government to carry out works such as the completion or extension of the harbour, this Bill in the first place empowers the Harbour Trust Commissioners to carry out such extensions as they may consider necessary. At the same time the Bill removes all the borrowing powers of the Commissioners, leaving the money for the extension of the works to come from somewhere or other. The only conclusion I can come to is that any future works outside the basin, graving dock, slip dock, and breakwater, indeed any extension to quay, wharf, jetty, bridge, etc., will have to be paid for with money raised by the Government. The Government can then empower the Harbour Trust to carry the works to a conclusion. This will mean that a new staff will have to be provided by the Harbour Trust, whilst one is already in existence in the Public Works Department. Farther it will mean the appointment of special engineers and workmen to carry out works, whilst a complete staff already exists in the Public Works Department—a staff which ought to be capable of carrying out all works required. This is the only alteration of any importance I see in the Bill. One matter raised by the measure has been given a good deal of consideration latterly, and that is the licensing of porters or baggage agents. The Harbour Trust

has for some time under regulations charged a license fee to porters following their calling on the wharves under the Harbour Trust Regulations, but in accordance with the Act as well. I find the Harbour Trust has power to license boatmen, but I see no power to license porters. The Commissioners can make regulations subject to which porters must carry out their employment, but I see no power whatever under the present Bill whereby boatmen can be licensed. No doubt this is the reason why the Harbour Trust have not enforced the regulations in regard to certain porters following the calling of baggage agents. Section 73 of the present Act empowers the Harbour Trust to enforce regulations for the guidance of porters and any other persons carrying on work in connection with the wharves. In this connection we find to-day that a monopoly exists owing to the neglect of the Harbour Trust. This being so, and the Harbour Trust having shown a certain leniency towards that monopoly, it is a matter of doubt to me whether we should empower the Harbour Trust to have sole discretion in the licensing of porters or baggage agents as provided by the Bill. The regulation at present in force provides that baggage agents or porters shall remain at least five feet away from the wharf. A number of baggage agents who have followed their calling for some years, and against whom no complaint whatever has been made, have found it impossible during the last few months to earn their livelihood, being compelled to carry out the regulations of the Harbour Trust whilst other men licensed under the regulations are allowed to go into midstream and get on board the steamers. In this way a monopoly has been formed in the baggage trade. The Commissioners, in fact, are assisting shipowners to keep this monopoly in existence; and while any person carrying out his duties as provided under the regulations may board a ship at the request of a passenger, he is nevertheless immediately removed by a police constable and compelled to take his stand on the wharf. Again, the Government are not altogether free from blame as regards assisting this monopoly. It has been stated that an officer appointed by the Government canvasses for the monopoly, and so assists in depriving a number of men of work which they would otherwise get.

THE MINISTER FOR WORKS: What officer is that?

MR. ANGWIN: The immigration agent. The Government should be extremely careful in giving the Harbour Trust absolute discretion in the issue of licenses. If a man is of good character and his testimonials show that he is fit to be trusted with luggage, he ought to be entitled to carry on his calling in the port of Fremantle. This Bill if passed will vest all the authority in the Harbour Trust, from whose decision there will be no appeal, and thus there is a danger of farther encouragement of the existing monopoly. I hope, therefore, that in Committee the Minister will accept an amendment allowing an appeal to a magistrate if hardship should arise in the matter of issue of licenses. Another portion of this Bill might be amended with advantage: the provision as to the rate to be charged in respect of harbour improvements. Full discussion is required on this point. A limit is fixed here, but I think the time has arrived when the Harbour Trust should be able to pay interest and sinking fund on the harbour extensions at Fremantle. If this Bill be carried with the clause as printed the Harbour Trust will be unable to exceed the rate of 1s. per ton, even if it should become necessary to do so. The Government have the power to call on the Harbour Trust to regulate their charges if these should not be satisfactory to the Government, but the Bill prohibits the Commissioners from exceeding the rate of 1s. per ton whether this is necessary or not. I think it is advisable to give the trust full discretion, more especially as the extensions are carried out for the benefit of the harbour as a whole. This is one of the most important financial clauses in the Bill. I believe there is an understanding that certain clauses are to be deleted; consequently it is difficult to deal with the Bill as a whole. But when the Government introduce such a Bill they should be prepared to stand by it. Not so long ago some members in this House, when in office, were twitted severely with accepting amendments in their Bills. But if we pass the amendments now tabled, I feel certain the Minister will not know

what he is doing. This shows the Government have not been careful in drafting their Bills; and this is not the only instance. Only last night we dealt with some 128 Government amendments introduced in another Bill; and this Bill shows the Government have not given due consideration to the harbour question, else there would be no need for so many Government amendments. The Bill gives certain powers which are doubtless necessary for carrying on the work of the harbour, and for that reason I will support the second reading.

MR. T. H. BATH (Brown Hill): I have heard of the play of "Hamlet" with the Prince of Denmark left out; and in this case it seems to me the Minister for Works served up a dish earlier in the session, and now we find nothing in the dish except the pastry, the outer crust. The amendments tabled by the Minister practically delete from the Bill any justification for its introduction; and members, whether or not they support the Minister, have great reason to complain of the procedure. The Bill was first introduced in another place, then withdrawn and introduced here, presumably because certain powers were sought to be given which made it dubious whether another place was entitled to deal with the Bill. After its introduction here and after some discussion, we find the Minister practically withdrawing the Bill from a prominent position on the Notice Paper and reintroducing it in an emasculated form. If there is any sense of responsibility on the Government side of the House, Ministers must be heartily ashamed of their action. I object to members being called on to discuss this Bill, from which clauses the Minister once thought were justified are to be withdrawn. I want to know what will be in the Bill when the clauses are withdrawn.

THE TREASURER: It is a good Bill apart from those clauses.

MR. DAGLISH: We are voting on the Bill as it stands.

MR. BATH: The Treasurer says it is a good Bill without the clauses intended to be deleted. The member for Subiaco, once Treasurer, says we are voting on the whole Bill. An unsophiscated member like me may ask, To whom are we to look for advice? Last night we sent to the Legislative Council the Municipal Corporations Bill, with an amendment which must give members of that House the heartiest laugh they have enjoyed for a long time. Such occurrences show that we are reduced at this stage of the session, when Ministers talk of prorogation, not to straightforward politics and business-like methods, but to playing a sort of pantomime. We are in keeping with the Christmas season, and our proceedings have become a sort of pantomimic entertainment for the public and for members of another place; whereas we have always been led to believe that this Chamber should set an example to the other. I object to dealing with this measure in its emasculated form. The one proposal to which reference has been made by the member for East Fremantle (Mr. Angwin) is a retrograde step which, instead of introducing that economy which members speak of but never practise, will increase the expenditure on the harbour administration. We have in the Works Department supervisors, architects, foremen, and workmen of all grades, who, from their long experience of the department, are accustomed to carrying out such works; yet we propose to empower the Harbour Trust to undertake harbour improvements, and presumably to appoint their own staff—architects, supervisors, and workmen. What object is to be gained by departing from the existing practice, instead of giving the Trust an opportunity of recommending that certain works should be carried out, and allowing the Works Department to construct those works?

THE MINISTER FOR WORKS: At the present moment the Harbour Trust cannot legally mend a lock on a door. There is too much circumlocution in sending to the Works Department to get work done.

MR. BATH: That is a candid confession by the Minister for Works. He was the new broom, a young man full of energy, intending to make great changes in the administration of the department. He has been there since April of this year. [THE MINISTER: No.] Yet he candidly confesses there is so much circumlocution in his department that works cannot be effectively constructed.

THE MINISTER: You are misrepresenting me. I said it was too much circumlocution for the Harbour Trust to apply to the Works Department to get a five-shilling job done.

MR. BATH: The Trust have power to maintain their works. One clause already provides for that. It seems to me the whole Bill may be summed up as a Bill to vest power in the Harbour Trust to do certain things, the main object being to relieve the trust of a liability which they ought to bear. Nearly every provision in the Bill relieves them of such liabilities. We had in the old Act a provision that they should keep wharves, piers, jetties, etcetera, well and sufficiently lighted, watched, and cleansed, and in the amending Bill that they should continue to light the wharves, etcetera, but should be relieved from any liability for accidents which might occur through defective lighting. If the Harbour Trust are to be entrusted with the administration of these works, they must carry the liability for accidents just as the Commissioner of Railways is liable for accidents on the works under his control. We have a claim made that the Fremantle Harbour Trust have done good work. But what is to prevent their making a good showing if we give them powers of administration and at the same time relieve them of liabilities such as those charged with administering other concerns have to carry?

THE MINISTER FOR WORKS: They have exactly the same liabilities as are imposed in the Municipal Corporations Act.

MR. BATH: If the Minister will look up the clause, I will deal with it in Committee. But if the trust have the same liabilities as he mentions, the English language must be capable of much twisting in the mind of the Minister. It is claimed that the trust has done good work. At the present time the works which are part and parcel of the Fremantle Harbour have cost out of loan £1,679,387; yet the value of the works vested in the trust is just over £1,300,000. We give the trust those works which are directly remunerative, which enable them to raise revenue, and leave with the State the liability for paying interest and sinking fund on the other works, which nevertheless are essential to the harbour. [MR. ANGWIN interjected.] If the hon. member will study the balance sheet of the Harbour Trust, with the statement presented by the Premier at my request after considerable delay, he will find a great discrepancy between the cost of the works vested in the Harbour Trust and the actual cost of the whole harbour works. If the Trust are to administer the works, they should be debited with the amount which the works have cost; because I presume those works are essential to the harbour, even if they are not directly remunerative. Suppose for instance, to-morrow we were to say to the Commissioner of Railways, "We shall give you those railways which pay, and the Government will be responsible for those which show a loss," the Commissioner would be able to present an excellent balance sheet, if he did not indulge his bent for expending profits on improvements. It is precisely the same with the Fremantle Harbour Trust. If they were charged with the expenditure on the whole of the harbour works, their showing would not be so good; there would not be such justification as is now claimed for the existence of the trust. I am strongly opposed, and have opposed on previous occasions, the vesting of responsibility, especially for administration, in what may be termed semi-private or semi-independent boards apart from the Minister. Too much of that has been done in the past. It may be justifiable to say to the Trust, "You can administer this work;" but to give them any authority to carry out works "on their own," without reference to the Public Works Department, is a step entirely in the wrong direction. In view of the statement made by the Treasurer of the desire to close the business I want to enter my protest against the introduction of this and other measures. What possible chance is there for the discussion of this Bill amongst others in this and another Chamber? I could understand it if the Treasurer were prepared to adjourn over Christmas and to come back and complete these Bills; but it is a scandal to be asked to consider these Bills with a view of finishing this week or early next week. We have passed a Dividend Duty Bill, the Health Bill,

and the Fremantle Harbour Trust Bill practically now, and we have a Constitution Bill well up on the programme. It seems an absurdity to expect us to deal with these measures in view of the proposals for an early termination of the session, and members of another place will go far towards a justification of their position, and they have given it, as a House of review in their criticicism of the methods employed by the Government. A Bill was introduced, and the Government declared their acquiescence in it and their belief that it was necessary. In response to a gentle breath of criticism they withdrew the objectionable clauses, and have introduced a measure which I fail to see any justification for, an emasculated measure, an apple pie without the apple in it, and they expect the House to seriously consider it. I protest against the methods adopted by gentlemen holding responsible positions.

MR. H. E. BOLTON (North Fremantle): So many matters have been taken from the Bill that it disarms criticism which might have been offered against it. I am of the same opinion as the Leader of the Opposition, that this Bill might have waited till next session, or until the special session we have heard so much about. The main reason the Bill was introduced was to provide powers to the Harbour Trust to construct a dock and to control that dock. Owing to the opinion of some members, the Government decided to delete the clause dealing with that matter, and when considering amendments on the Notice Paper the measure from a respectable Bill of ten pages comes down to a Bill of about four or five pages, and there is so little of importance in the Bill that I am inclined to think it would have been better for the Government not to have moved the second reading of the Bill at this late stage. As it has been introduced, the Government desire to see it become law. All that remain are one or two points.

MR. BATH: They are remains, too.

MR. BOLTON: They are remains of remains. The Leader of the Opposition took exception to the power being given to the Trust to construct certain works without having to go to the Public Works Department. I do not altogether agree with the Leader of the Opposition. While I admit it might be necessary for the Works Department to carry out construction for the Harbour Trust of a nature which the Public Works Department carry out and which would be new to the Harbour Trust, I know from my own knowledge there is a great deal of red tapeism in connection with any little work which passes through the Works Department.

MR. ANGWIN: This is not a little work.

MR. BOLTON: I do not know what the hon. member means by "this." I refer to any work. If it is a little work it is an absolute waste of funds and time to go to the Works Department and wait seven days for an acknowledgment of the application, then another seven days for notice that a decision will be sent, then another seven days for the plans to be got out, seven days for a sketch to be made, and then seven, 14, or 21 days before men go down to do the work. I know that the carpenters from the Public Works Department took twice as long and charged twice as much as the job was worth when they erected the shelter shed, and this is according to the Harbour Trust Commissioners. I use their expression when I use these words. In addition there is quite unnecessary delay in getting permission and the work started.

MR. ANGWIN: It was done by contract.

MR. BOLTON: Probably. It is the red-tapeism before they let a contract for anything that I complain of. The Works Department examine the plans, and afterwards officers have to examine the plans to pass them. Then they allow the Harbour Trust to have the work taken in hand, or the Works Department let the contract. After approving of plans already submitted by the Harbour Trust they must wait for permission to carry out the work. That red-tapeism should be done away with if possible, and such work as is necessary for the Harbour Trust to take in hand they should be given power to construct. This Bill provides in Clause 4 that the Harbour Trust Commissioners shall be deemed a local authority within the meaning of the Public Works Act of 1902. That means that they have the right to construct instead of getting the Public Works Department to do any little work for

them. If they wish to put a bolt on a door or to construct a new door they will now be able to do it. At present they have only the power to maintain, and it is wise that they should have the power to construct new works in small matters. The member for East Fremantle considers the Trust should have power to raise above the amount stated in the Bill to 1s. per ton for increased harbour dues. I am not with him there. I would rather see a Bill brought down limiting the powers than giving unlimited powers to raise the dues. One shilling per ton is ample for any additions which may be required when we consider that 1s. would pay the interest on half a million of money. If 1s. would pay the interest on half a million of money, which would be the probable cost of the dock, that shilling will do for the Trust not to exceed. That is to say if we give them power to rate up to 1s. that should be enough. That should pay interest and sinking fund. The harbour dues should have been increased a long time ago so that interest and sinking fund would have been paid by that scheme.

MR. ANGWIN: What about the harbour dues for the dock?

MR. BOLTON: I have given up the dock long ago.

THE MINISTER FOR WORKS: That is what the shilling is for.

MR. BOLTON: The shilling is for the dock. At present the Harbour Trust Commissioners do not provide interest and sinking fund. An increase in the dues should be made so that the Trust would be able to pay interest and sinking fund to the Treasury. There is no dock now, and probably until the dock is taken in hand the 1s. additional charge will not be put on. In my opinion some portion of it should be put on at once so that the Trust could pay their fair dues. There is just one other question referred to by the member for East Fremantle that I take some interest in. I shall have to refer to a clause in the Bill to show what I mean, and that clause reads:—

Regulating the charges to be made by licensed boatmen, porters and other carriers. Prohibiting persons acting as boatmen plying for hire, porters, cab-drivers, carters, car-men or otherwise in the carriage of goods or passengers without previously obtaining and continuing to hold the license of the Commissioners.

That leads me to a question that is one of some moment at Fremantle just now and has been for some time. It is described here as porters or baggage agents. The position is an unfortunate one for the carriers. Now I think some provision should be made in the Bill to get over the difficulty, but as the position at present stands one firm alone is allowed to board the vessels coming in and this firm has a monopoly because they seemed to be assisted, I regret to have to say it, by the Harbour Trust Commissioners in this matter. Perhaps I may be wrong in that, but it appears from the baggage agents themselves that the Commissioners would not assist to break down the monopoly, but to build it up and not make it possible to get inside their limits. The position is that Graves & Company, the agents, are allowed to board the steamers coming into the river, and all the business in connection with the passengers' luggage is taken over by this firm. When any other baggage agent or carrier boards a vessel the officers of the ship—any ship, there are very few exceptions, I think only one—call the water-police to remove the men. The men who are removed have already been licensed by the Harbour Trust Commissioners and hold their licenses to ply for hire, and the Harbour Trust Commissioners demand that these baggage agents shall not stand any nearer than five feet from the edge of the wharf, and they are careful to see to that. The Commissioners allow a monopoly, and allow the baggage agents to board any steamer.

THE MINISTER FOR WORKS: How can they prevent it?

MR. BOLTON: I want to know why they cannot be prevented. The Commissioners can regulate baggage agents.

THE MINISTER FOR WORKS: The monopoly firm sends baggage agents in the tug boat before the steamer gets alongside.

MR. BOLTON: That is done now.

THE MINISTER FOR WORKS: How is the Trust to prevent it?

MR. BOLTON: I think they can prevent it. I hope to be able to show they can, and if not I trust the Attorney General or the Minister for Works will devise some scheme to get over the

fficulty. I know the Minister admits ere is a monopoly, and if there be any ay out of the difficulty I believe he will ke the means of stopping this evil at exists now. Is it right for men if ey are not connected with one firm to ordered off all vessels until the onopoly firm has taken all the business that boat? The men are of opinion at if the luggage was passed through e shed and if the Harbour Trust Comissioners exercise the right they have—id if they have not that right the inister should see they have that right ·and passengers' luggage is passed from c vessel to the wharf and through a ed, the baggage agents at Fremantle—id there are a large number of them, r I include the carriers and cabs plying r hire—believe they would have a fair are of the trade or they would be given chance of getting some of the work. In ldition to that, a carrier's own relations avelling by a boat coming into the port Fremantle, if they have luggage on ck and call to their own relation who a carrier or baggage agent to come on ard and get the stuff, the carrier has right to remove the luggage to his rt.

MR. ILLINGWORTH: Who prevents m?

MR. BOLTON: The officers of the ip at once order the police to remove e man and he is not allowed on board at ship. (Interjection.) The Harbour rust license these carriers to apply for re. What is the good of giving them license and charging them fees for thing? If the Harbour Trust are not sponsible I am inclined to think some eans can be devised so that if the ·dinary baggage agents are not allowed board a steamer the Harbour Trust n prevent Graves & Co. from boarding her. It may be said that the Harbour rust cannot interfere with shipping as is private property. If the Harbour rust are given power they certainly ould exercise it I believe in demanding at all passengers' luggage should pass rough a shed and not be handed over one monopoly of agents. I believe e difficulty would be overcome. At esent it is a serious matter for a large mber of men in Fremantle. There has ready been one particular case. One an was removed from the steamer and he brought an action against the police. Of course he got no chance of beating the police. He lost the case, and I am inclined to think that he could do nothing but lose the case. The same thing has been going on ever since. Before this thing was commenced at Fremantle it leaked out that a monopoly was being started and that they started a monopoly on the intercolonial mail boats on the coast prior to entering Fremantle. If the Harbour Trust have power to prevent men from plying as boatmen, porters, carriers, etc., we can devise some means to break down the monopoly. I give to members opposite the credit of not desiring to see a monopoly; and it is a monopoly when one firm alone has the right to bring passengers' luggage from every boat entering that harbour.

MR. ILLINGWORTH: Who gives the right?

MR. BOLTON: The shipping companies.

MR. ILLINGWORTH: How can the Harbour Trust affect the shipping companies?

MR. BOLTON: They can and should affect them. They have control over all the harbour and everything in the precincts of the harbour, except in regard to carriers, in regard to whom the Harbour Trust have not had the power to step in up to now; but cannot we devise some means by which the Harbour Trust shall step in and stop this monopoly? When one firm has whole and sole control of the passengers' luggage it will be admitted by all members that a monopoly exists. No members, or very few, in this House believe in a monopoly of that sort. These men only ask for equal opportunities. They say, "We will not even go touting for the business, but please allow us to go on board when they call us to fetch the luggage?" At present Graves have to take the work, and the ordinary carrier is shut out. Perhaps I have dwelt on this rather long. I have gone into the question. I have met the men several times. The matter has been before the Minister and before Captain Laurie, the chairman of the Harbour Trust, and before those who can if they like regulate this, but it seems to me that because the Harbour Trust have not had the power to interfere they either do not want the

responsibility of interfering or they are interested so much in shipping that they do not care to interfere. I do not like to to say these things. It appears that if the Minister can find a way of overcoming the difficulty he will do so. I ask members to suggest some means of overcoming the difficulty if they can possibly do so. [Interjection by MR. ILLINGWORTH.] If it could be done by regulations it would be all right. This is quite a new thing which we are now passing in Clause 29. We are giving the right to license these people and the right to prohibit them from even holding a license or plying for hire, and yet the Harbour Trust say "We cannot interfere between the ordinary baggage carrier and the shipping companies. They can do as they like: it is their affair, not ours." What is the good of a man taking out a license when all shipping work is taken by one company? If my brother is an ordinary baggage agent and I come by a ship, he is not allowed to come to me. That is not a fair thing.

MR. ILLINGWORTH: That is because the shipping companies give the right.

MR. BOLTON: That is so, but I maintain that if some clause is put in this Bill we can so work it that the Harbour Trust will have a say in the matter. If we made it compulsory that all the luggage should pass through the hands of the Harbour Trust I am inclined to think it would be somewhat difficult for Graves and Company to get all the stuff. The men I refer to are not allowed to board and fetch luggage. They have tried every legitimate and decent means and they feel that they should have some protection. They had a deputation which should have waited on the Colonial Secretary, but waited on the Minister for Mines in the absence of the Colonial Secretary. One would have thought that the police regulation would have remained in abeyance until the answer came from the Minister, but they have been turned off regularly from these boats. They are awaiting that answer from the Minister now. Surely the Government could say, "These men should not be interfered with until we deal with the question." These men are not men of a red-rag-at-a-bull sort. They are taking things particularly quietly. They are doing all they can. I hope members will give some expression of opinion in this matter The Minister knows about this, and so do some of the other Ministers, and we want some means devised in this Bill whereby the Harbour Trust shall have control. We give them control of big things, and yet it appears we cannot give them control of the passengers' luggage or of all baggage agents. We do not give them control of Graves and Company.

MR. ILLINGWORTH: Do Graves and Company get a license from the Harbour Trust?

MR. BOLTON: Yes; the Trust cannot refuse to license unless there is just cause for refusal. Graves and Company hold the same license as the baggage agents, but the ordinary baggage agent is not allowed to board a ship, whereas Graves and Company are. I hope that the Minister in reply will give us an indication of some alteration and, if not, I should like to hear the Attorney General, to see if we cannot do something to allow equal opportunities to these men. That is all that is asked for We do not want any monopoly. We want to break down the present monopoly and that the baggage agents shall have equal opportunities with the firm that now has the right to handle all the passengers' luggage.

MR. H. DAGLISH (Subiaco): I hardly know what it is possible to do with the Bill before us. The Bill was introduced in the beginning of October, and the Minister for Works gave a somewhat full and lengthy speech in explaining the provisions of it when the second reading came on. In that speech the main remarks of the Minister were devoted to justifying the clauses by which it was proposed to empower the Harbour Trust Commissioners to borrow money. Since then some change appears to have taken place in the policy of the Government Before this Bill was introduced and when the Government were before the electors and the Government enunciated their policy they put in the forefront the proposal to empower the Harbour Trust to deal with this dock question, and for that purpose they proposed to provide the necessary enabling clauses. That was a distinct item of the Government's policy It was one of the questions under which

e Government were formed. It was a iestion on which the Government were -elected, especially the Minister who presents Fremantle. Then in pursuice of that the Government decided to troduce a Bill embodying that policy, it immediately after the Bill was introiced and very ably explained by the inister—explained in such a fashion at he must have succeeded in converg a large number on the Ministerial le—there was a hostile article in one of ir morning papers in which it was ainly implied that if this Bill were ssed in the Assembly it would not ss in another place. I understand that most contemporaneously there occurred meeting of the Ministerial party. [Inrjection.] I am merely stating the cts as far as they are known to me. nterjection by MR. ILLINGWORTH.] iere are only three or four members in is House who have criticised it.

THE MINISTER FOR WORKS: Give us e facts about the Ministerial party. hey will be interesting.

MR. DAGLISH: To the Minister it ould be stale news.

THE MINISTER FOR WORKS: Oh, ally!

MR. DAGLISH: If it is interesting, s staleness must make it pall somewhat; erefore I will not pursue that item of ews farther. We will assume that the pression of opinion by the member for lbany and one or two other members on ie Ministerial side—I think the member r West Perth has spoken on the Bill—duced the Government to change their itire policy. Where is the backbone of ie Government? The Government were turned pledged to a certain policy, and mediately they hear the ripple of criti-sm—the remarks were not really strong ough for them to be called criticism, thing compared to the criticism the evious Government had to suffer—imediately there is the slightest threat of ting against the Government, the inister gets up and says "Don't shoot, ll come down." Perhaps the Minister did t couch his statement in these words, it he practically said, "It is true we are edged to the country on it, it is true I n pledged to my electors, it is true could not have been returned for remantle but for this one item. If you only let us pass the Bill we will take out all the clauses. Give us the shadow of the Bill and we will be content as long as we can keep that and keep our dignity." The Government have dignity, and they admit to themselves that they are prepared to produce it at some later time. I am afraid that we shall only realise it at the time of the death of the Government, and at a time of death nothing but good is supposed to be spoken of the departed. On this occasion where has the dignity of the Government been shown? The Government do not even crawl down with dignity. They certainly do not slide down. They seem, in their fear, to have fallen off the bough of the tree on which they were crouched, as soon as the first threat of mild attack was made. What plan of action should the Government have adopted as a matter of courtesy to this House when they decided to make their ignoble retreat from the position they had taken up on this question? The proper stand was to have at once withdrawn the Bill and introduced a new Bill, leaving out the policy proposal of the Bill entirely—there should not have been a shred of Government policy in it. And I understand every point of policy is to be removed from the Bill; and members, on the Ministerial side at all events, are apparently willing to accept a Fremantle Harbour Trust Amendment Bill so long as there is no part of the Government policy left in it. It is only the policy part that is objectionable to them—in regard to mere details they agree with the Government, and it is only on the question of Government policy that they differ. Now, what are they asking? They are asking the member for Albany (Mr. Barnett) to vote for the second reading of a Bill, the main principle of which—in fact the only principle in the Bill really—is to give borrowing powers to the Fremantle Harbour Trust.

MR. WALKER: But that has been eliminated.

MR. DAGLISH: No; it is still in the Bill. And that is the point I want hon. members to realise. Every member who disagrees with the provision giving power to the Harbour Trust to borrow is asked to-day to sacrifice his principles and give a vote he does not believe in for the sake of saving the dignity of the Government.

THE ATTORNEY GENERAL: Have you read the Notice Paper?

MR. DAGLISH: I am not now discussing the Notice Paper; we are discussing the Bill before the House in which there are certain provisions which are objectionable to many members. What has the Notice Paper to do with that? We are not asked to pass the second reading of the clauses as they appear on the Notice Paper; we cannot do so. We are asked to pin ourselves to the principles contained in the Bill before the House. With those principles we either agree or disagree. If we agree with them it is our duty to give the Ministry the second reading; if we disagree with them, we would not be acting properly if, on the mere promise of a Minister that he will move amendments on his own Bill, we passed the Bill with these clauses in. Supposing for a moment that I, disbelieving in this proposal to grant borrowing powers to the Harbour Trust, vote for the second reading of the Bill, and the Minister fulfils, as doubtless he will, his promise to move these amendments, and supposing that when the amendments are moved the Ministry finds that there is a majority against the deletion of the clauses affected, what will be the position? A large number of members will have voted for the second reading of a Bill the main purpose of which is to give borrowing powers, on the undertanding that those powers were not to be given, and they will find themselves committed, when the Bill gets through Committee, to the giving of those powers. Supposing for a moment that the Opposition were voting for giving those powers, the Government, in a weak House, might easily be beaten on the question. Therefore we would be taking too great a risk, as well as departing from a principle, in agreeing to the second reading of this measure on the mere promise that amendments will be moved in Committee. There has been too much of this introducing Bills that are in an unfit state for introduction, too much tinkering with measures in this House; and the Government should, when it is recognised that it would sooner drop its policy than lose its majority or lose its Bill, have at once withdrawn this Bill and introduced a new one. But, in order to save themselves in appearance with those who d not know, those members of the publi who do not follow parliamentary pr ceedings, the Government have adopte the present slipshod fashion——

THE MINISTER FOR WORKS: That is most unwarranted statement to make.

MR. WALKER: Why unwarranted It is just and true.

[Farther interjection by the MINISTER.

MR. DAGLISH: I entirely object t the Minister attempting to paraphrase m words, because his supply of languag evidently will not allow him to do it. said that the Government did this ob viously with the intention of saving thei appearance——

THE MINISTER FOR WORKS: And I sa that is wrong.

MR. DAGLISH: Perhaps the Ministe will tell me what is right. Did the Gov ernment err from sheer ignorance? Di they adopt this wrong proceeding becaus they did not know what was right? Wh did they not consult the member fo West Perth (Mr. Illingworth), who woul have told them that the course the originally took and the course they ar now taking in regard to this Bill is a entirely wrong one? There is no parall or precedent for such a course that ha been accepted by Parliament. If th course taken is the proper one, why wa it not taken earlier; why was this Bi allowed to hang on in the Notice Pape from the first week in October until now And why are members now asked to assen to the second reading, pass the Bill righ through all its stages, and send it t another place to be pushed through ther in the very last hours of the session? I is unjust to the House that Minister should follow this practice. Many mem bers will have forgotten the debat that took place in the early stage of the proceedings on the second read ing; members cannot possibly retai the connection in their minds betwee proceedings that took place in this Hous over two months ago, and the provision of a Bill that has been untouched fo almost two months. The Government ar not treating the House fairly, not treat ing the people fairly, in regard to th methods of introducing the Bill, in regar to the method of mutilating the Bill, an in regard to the requirement in respect t many Bills that this House should do th

lrafting work for them. But above all, the Government are doing very wrong by he people of the State when, having been eturned primarily—their public works olicy, I think they called it—for the pur-ose of giving these larger powers to the Fremantle Harbour Trust in order that Fremantle might get a dock, they simply ibandon their policy immediately it s criticised at all. I intend voting gainst the second reading, because I do ot believe in giving to the Harbour Trust these large powers. I object to ny irresponsible body getting those bor-owing powers. I might quote instances hat have occurred in other countries as a result of giving such powers to a board which had only a limited method of ob-aining money through one particular hannel, through shipping dues, in fact; ut as the Government intend not to roceed with this I shall not give those gures. At the same time I feel bound o vote against the second reading because f I voted for the second reading I would ommit myself to the adoption of the principle embodied in this Bill, of which very strongly disapprove.

MR. ILLINGWORTH: It was dealt with n the Loan Bill.

MR. DAGLISH: I am quite aware of hat.

THE MINISTER FOR WORKS: But you arefully refrained from mentioning it.

MR. DAGLISH: The Minister is, or ought to be, aware that the mere pas-age of a Loan Bill does not in any way affect the provisions contained in this measure. And this House could to-day, or at any time after the passing of the Loan Bill, give the Fremantle Harbour Trust borrowing powers, and enable them to act on those borrowing powers. (Interjection.) I am dealing now with the powers proposed to be con-ferred under this Bill; and I intend to confine myself entirely to the provisions of the Bill—any question in regard to detail I shall be prepared to discuss in Committee. I want to answer the remark of the Minister for Works and also that of the member for West Perth, and to point out that the adoption of the loan clauses, or of any part of the schedule to a Loan Bill, does not necessarily commit this House or this country to anything. In a Loan Bill the House expresses its approval of a certain policy, but when the money comes to be expended it is then that the House is committed. Every member who will examine previous Loan Bills and compare them with appropriations made from loan funds from time to time by this House and another place authorising the construction of works, will find that many of those works, although the money has been borrowed for them, are to-day unconstructed. I believe that funds for this dock were provided as far back as 1896, and those funds were reappropriated. Therefore, when the Minister for Works implies that I am keeping something back in refraining from mentioning that this was dealt with in the Loan Bill, it merely shows a want of knowledge—if I were speaking rudely I might call it something else—and want of knowledge is unfortunately not uncommon. I do not desire to go into the details dealt with by speakers on this second reading, but intend, if the Bill gets into Committee, to deal with many of the smaller provisions when it reaches that stage.

MR. J. B. HOLMAN (Murchison): I will not delay the House at this time, but will content myself with making amendments when the Bill is in Committee. I must, however, express my strong disapproval, after the House has considered the measuse, at seeing such a complete change of policy as is disclosed by the amendment contained in the Notice Paper. This is not the first time this has happened this session. We have already had an example of it in connection with the Land Tax Assessment Bill, which was amended three times before the second reading was carried. When the Labour Government were in office and had occasion to make amendments in a measure after it was brought down, we were strongly criticised; but I have never before seen such drastic changes proposed in a policy measure after it has been introduced in this Chamber. I strongly disapprove of the measure before the House, and resent giving the powers we are here asked to give to the Harbour Trust, as I do not think they are warranted. Members on the Ministerial side have opposed the Government proposal; and the opposition of the member for North Perth (Mr.

Brebber) practically prevented the carrying out of that proposal, for when the Government found that members on their side so strongly criticised the proposal as did the member for North Perth, they came to the conclusion it was time to reconsider the position. The strong opposition of the hon. member compelled the Government to back down and to take the whole of the new matter out of the Bill, so that now the only thing we have to do is to consider the Notice Paper and not the Bill, and to deal with a few matters of detail that will put the officers of the Harbour Trust in a legal position, which I am informed they do not hold at present. The Minister explained that the Harbour Trust have not certain powers to carry out work they should control, and that it is necessary to have an amending Bill passed. That may be advisable, but what should have been done was, as the member for Subiaco suggested, to withdraw the old measure and introduce another measure which could be dealt with in a proper manner. We are now dealing with an important measure, but we do not know but that amendments will be brought forward of a similarly drastic nature to those already appearing on the Notice Paper. Two members on the Government side have condemned the measure, which has caused the Government to back down; I have already dealt with that; but there is the matter brought forward by the member for North Fremantle and by the member for East Fremantle, that of baggage agents. It is rather a difficult question. I am given to understand that one firm, Graves & Co., send their agents on board a boat before the boat comes under the control of the Harbour Trust. I do not see how it can be got over, but something might be done to prevent the shipping companies giving the whole of the baggage work to one firm of agents, because if they do so it creates a monopoly and takes away the employment of a large number of people who have the right to earn an honest living. It also prevents a passenger on a boat having a choice to say who is to take care of his baggage. It is quite possible that with a monopoly given to one firm that firm will increase the charges on the passengers. Being strongly opposed to giving monopolies I would like to know whether the Government intend to ta any action in regard to this matt whether we can prevent a monopoly bei given and becoming worse than it is present, whether there is nothing to p vent the shipping companies giving monopoly, or to prevent this firm levyi unfair rates. I am of the same opini as the member for Subiaco, that should not be asked to support t second reading of this Bill on the inf mation we have had placed before t House, and that it would have be better for the Government to have wit drawn the Bill and brought down anoth dealing with details. We know that t vote on the second reading will not si nify, because it will not be on the Bill it stands, but on the Bill considered conjunction with the proposals on t Notice Paper, because we have the wo of the Government that they do n intend to push forward with the vit clauses in the Bill. I certainly could n support handing over to the Harbo Trust such important work as that constructing the dock. It would beyond reason. It would be giving t much power to the Harbour Trust. T idea should never have been entertaine However, it is the intention of the Go ernment that the question of the co struction of the dock shall be taken o of the Bill altogether; but I am sorry th the Government should present measur to the House time after time and th give it out as their intention to have t vital proposals taken out of the measur Had the Labour Government propos such a course, the Press and publ bodies would have criticised them fro one end of the country to the other. W remember that when a proposal w brought down to amend the Arbitratio Act by a Bill of one clause only, and t Bill was withdrawn, the Labour Gover ment were criticised by the Press a by some members of the present Gover ment up hill and down dale. They co sidered that it was something terrible do a thing like that; but the Labo Government were never placed in such position as the present Government ha been in regarding the Land Tax Asses ment Bill and the present Bill. T Labour Government were never forced give way on the whole of the policy regard to a measure before the Hous

However, as it is necessary to pass some Bill dealing with the Fremantle Harbour Trust this session, I do not see my way to offer any violent resistance to the measure the Government bring forward, because we know it is absolutely essential that the acts carried on by the Harbour Trust officials day by day should be made legal. We should not allow any important trust to carry on illegally as is being done now. In conclusion, I maintain that the action of the Government in withdrawing their policy in this Bill shows the weakness of the Bill.

THE MINISTER FOR WORKS (in reply as mover): I desire first, in reply to remarks made in connection with the Bill, to point out that the Government, in deference to the suggestion made by this House, have simply changed the method of constructing the dock. They have recognised the principle that it should be built by the Government and not by the Harbour Trust. I do not think that in taking up this attitude the Government are guilty of any abandonment of policy. It suits the ends for the time being of the member for Subiaco (Mr. Daglish) to paint the attitude of the Government in this matter in as black colours as he can command. The hon. member is in Opposition now, but there were odd times this session when it appeared that he was favourable to certain proposals. The hon. member is a picker-up of unconsidered trifles, and ready to watch which way the wind blows; and if he can take full advantage of the Government, well and good.

MR. UNDERWOOD: The hon. member is not present.

THE MINISTER FOR WORKS: I told the member for Subiaco that it was my intention to criticise his statement. I am sorry he left the Chamber. At any rate I say it publicly, that sometimes his criticisms are somewhat ungenerous, not always governed by the merits of the case, but sometimes by a desire to make the very blackest possible case he can against some Government or party to whom for the time being he is opposed. I hope, however, the time will come when the hon. member sees the error of his ways. We have first to consider the attitude the Government have taken up and still maintain in reference to the construction of a dock at Fremantle, and also the unfortunate state of affairs that has existed at Fremantle for some time past so far as the Trust is concerned. I think I pointed out in moving the second reading that the Harbour Trust Commissioners had taken upon themselves certain responsibilities with regard to handling cargo which the Act does not authorise them to undertake; that they as individual members of the Trust have accepted several and individual liability in respect to that matter, and that in order that the cargo should be handled expeditiously and cheaply, they are at present carrying out what is an irregular proceeding, one which the present Act does not allow. The Bill now before the House puts them in an absolutely legal position so far as that is concerned. The members of the Trust are in this position, that if this financial responsibility—because that is what it might come back to if the Government refuse to recognise the position they have taken up—if this responsibility is not taken from their shoulders we will have to resort to the old methods. It is possible that in the methods we have adopted we may not have gone the best way to work to get an amendment to the Act, but if that be so the responsibility must rest entirely on two new members of the Government, who in this matter are the targets. I refer to the Colonial Secretary and myself. We discussed the matter, and the Colonial Secretary said that this part of the Bill relating to the handling of cargo and certain regulations dealing with porters and carriers and so on was absolutely necessary, and that it should be got through this session. He and I had the amendments drafted and put them down. Possibly older heads might have done better.

MR. HOLMAN: Did not the Colonial Secretary introduce the Bill in another place?

THE MINISTER FOR WORKS: It was withdrawn from another place because the original provisions involved the expenditure of money.

MR. HOLMAN: Was it withdrawn after Captain Laurie spoke?

MEMBER: It must have been.

THE MINISTER FOR WORKS: Members will recognise that the position

we occupy was taken up with the best of intentions. With regard to the question of a monopoly in the baggage business said to exist at Fremantle, the difficulty is that there is nothing to prevent the steamship companies giving a monopoly to whomsoever they please. The agent of a firm may join a boat at Adelaide, and before the boat gets inside Rottnest may arrange for carrying practically all the baggage to be taken ashore; and the steamship company might prevent any other baggage agent from touting for baggage on the boat. The difficulty is in dealing with the boat before it comes alongside. I want to be frank and straightforward about the matter, though this statement will not do me any good in my constituency, but I make it with full knowledge of the responsibility attached to it. A good deal of this business has been due to the irregular practices resorted to by agents in the past. There have been many cases of overcharges. I do not say that they were made by any of those now in the business. Still in the past there have been all sorts of troubles with baggage agents in Fremantle.

MR. UNDERWOOD: That does not exist to-day?

THE MINISTER: Sometimes a man knows a thing which he cannot prove. I know of a set of circumstances which existed within the last three or four months in connection with the baggage business at Fremantle. I am not going to make it public here, but a most curious thing occurred which leads one to suppose that in some directions at all events three or four months ago matters were not exactly as they should have been. I do not deny that many respectable men have been shut out of this business at Fremantle, which is regrettable, and if any way can be found by which the Government can ensure that decent respectable men earning a livelihood in this manner shall have fair treatment individually, the Government will be ready to give them the opportunity. But the difficulty is in dealing with a vessel before it comes alongside the wharf. As to the question of defective lighting of the wharf, referred to by the Leader of the Opposition, the hon. member thinks that an obligation is being removed from them which they ought to bear. This Bill simply puts them on exactly the same footing as any municipality is in reference to lighting the streets. A short time ago a man tripped over a set of rails in the vicinity of one of the arc lights on the wharf at Fremantle, and the Trust were mulct in very heavy damages. It is only right that they should be relieved from a responsibility like that. I shall be only too glad to explain to the best of my ability any of the provisions of the Bill which may seem not too clear, as the Bill goes through Committee.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair.

Clause 1—agreed to.

Clauses 2, 3—put and negatived, consequent on the change in the Bill.

Clause 4—Amendment of s. 25, Harbour extensions:

THE MINISTER moved an amendment—

That the words "basin, graving dock, slip dock," and "breakwater" be struck out.

MR. ANGWIN: The clause referred distinctly to completion and extension. That was a different thing from repair. It said that completion and extension might be undertaken by the commissioner with the approval of the Governor. Seeing that it was proposed to strike out all the borrowing powers, where was the money to come from if the Harbour Trust desired to extend the harbour? Under this clause they could dredge the whole river if required, provided the Government gave permission. If the Committee agreed to this clause, the Government could borrow the money and hand it over to the Harbour Trust to carry out the work.

THE MINISTER: Did the hon. member wish a farther limitation of the power of the Trust to do work?

MR. ANGWIN wished to know whether the Government intended to provide money and pass it over to the Harbour Trust, if they wished to extend the harbour.

THE MINISTER: No. This was simply to enable the Trust to carry out reasonable works which could be done out of revenue. That was the intention of the clause. It was pretty much the same as the one in the present Act. I

ished to insert after "harbour works" ıe words "in the proviso."

THE CHAIRMAN: In that case, the ɔn. member must withdraw his previous nendment.

Amendment withdrawn temporarily.

THE MINISTER moved an amend-ıent—

That the words "in the proviso" be inserted ter "harbour works."

Amendment put and passed; also the mendment stated previously now moved ɔrmally.

MR. WALKER: This seemed to give ıe Harbour Trust power to contract for orks of an enormous character, without mitation.

THE MINISTER: Except funds.

MR. WALKER: If we gave an officer ıe right to enter into a contract with thers, that contract being endorsed and aving the Government behind it, the ɔovernment would be bound by the act f their agent.

THE MINISTER: It was limited by unds.

HON. F. H. PIESSE: Presumably efore works could be carried out it would e necessary to obtain the approval of the ɔovernor. The Governor would not give uch power as that suggested.

MR. WALKER: It was of no use eaving it to chance.

THE MINISTER was willing to limit the mount for any one of the works, if the ɔn. member thought fit.

MR. WALKER: If the clause were assed as it stood, we should be in the ame position as we were in with regard o the Commissioner of Railways. We ould not repudiate a contract the Com-nissioner of Railways had entered into.

HON. F. H. PIESSE: We gave the Commissioner of Railways different powers rom those contained here.

MR. WALKER did not see much lifference.

HON. F. H. PIESSE: The works could ɔnly be entered into with the approval of :he Governor.

MR. WALKER: The position was a langerous one. The question was whether t was wise to give the Trust this power.

THE MINISTER would think it over luring the adjournment.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. BATH would vote for the amendment, and would then vote against the whole clause. He objected to the powers conferred on the Trust. The State was responsible for the loan expenditure involved, and the clause would diminish the profit on the harbour, thus lessening the sum available for interest and sinking fund.

Amendment put and passed.

MR. ANGWIN moved the amendment—

That the following words be added to the clause: "Provided that the total cost of any one undertaking shall not exceed £2,000."

This would prevent the Trust from constructing costly works.

MR. BATH would not support the amendment. The Minister said the Trust desired power to put a lock on a door. Many locks could be provided for £2,000.

MR. BOLTON supported the amendment. There was a difference between £600,000 and £2,000. Perhaps the Leader of the Opposition objected to the Works Department not getting a commission on works constructed.

HON. F. H. PIESSE: What works had been carried out by the Trust? The Railways Act empowered the Commissioner to improve railways, and a similar power would be conferred on the Trust by the clause.

MR. BATH: Even the Minister for Railways objected to that provision.

HON. F. H. PIESSE: Certainly the Government should carry out works of any magnitude; but the maximum of £2,000 was a safeguard, and the approval of the Governor-in-Council would be necessary before any work could be undertaken. Thus responsibility would rest on the Government.

THE MINISTER FOR WORKS: The cutting down of the schedule, referred to by the Leader of the Opposition, was done because of the amount charged for administrative cost. For instance, the actual cost of moving a shed, *plus* the administrative charges, exceeded the value of the building. Such instances led to great dissatisfaction with the Commissioners. The Works Department having a large permanent staff, the proportion of administrative cost to works performed appeared unduly large in years when work was scarce. The Harbour

Trust, who had some expert advisers, wished to carry out certain works which, in view of the £2,000 maximum, would be comparatively unimportant.

MR. BATH: For the harbour works the State had incurred a loan indebtedness of £1,679,000. No matter how that money had been expended, the State had to find interest and sinking fund. When control of the harbour was given to the Trust with extensive powers, it was but fair and businesslike to charge against them the cost of the works, which amounted to £1,697,000.

THE MINISTER FOR WORKS: So that they might earn interest and sinking fund.

MR. BATH: For they had to earn the interest and sinking fund on the amount, or the State from revenue had to supply over and above the amount they returned to the Treasury an amount necessary to pay interest and sinking fund. The fact that we had to pay interest and sinking fund had a very important bearing on the powers we invested in this body. Suppose we gave them power to construct works up to £2,000, that was for a single undertaking; they might say there were a number of works which they desired to carry out, and although each individual item would be under £2,000 the aggregate would be a serious amount, and to that extent would lessen their contribution from the harbour to the consolidated revenue. There was more likely to be a close investigation of the nature of the works and wise discrimination in the expenditure of the money, if the Minister who was part of an Administration that had to find the interest and sinking fund was responsible for authorising the work, and controlled those who were charged with the duty of carrying the work out. The member for Katanning had quoted the case of the railways where the Commissioner was authorised to carry out certain works up to £100, and for any work that involved an expenditure of £100 the authority of the Minister had to be obtained. He failed to see why a larger amount should be fixed in connection with the Harbour Trust than was fixed in connection with the railways.

MR. A. J. WILSON: This was subject to the approval of the Governor.

MR. BATH: That meant that the Minister was not likely to exercise such a close investigation if the responsibili rested on the Harbour Trust. If t amount were fixed at £100 he would prepared to accede to it.

THE PREMIER: In a case whe some dredging was required a matter £2,000 was a mere bagatelle. Very ofte at short notice, it was required to some dredging work, and at the prese time there was an expenditure of £5 for removing some silt at the Fremant bridge. Authority should be given carry out works of an urgent characte to keep the fairway for the shipping, it would mean the hanging up of t work until the next session of Parli ment.

MR. BREBBER supported the amen ment, because he considered it was good one. Any works that would ma the harbour more useful for shippi should be carried out, if the sum did n exceed £2,000. There might be repai required to the railway bridge to t amount of £2,000 to prevent the brid being swept away. It was inadvisab to tie the Harbour Trust to a less su than £2,000.

MR. WALKER: This was an enc mous sum to allow the Trust to contra for. Suppose it was an idea of the Tru to undertake a big work, they might le number of subcontracts.

THE MINISTER FOR WORKS: Any o undertaking.

MR. WALKER: A large undertaki could be subdivided into a number small undertakings. The whole count would be pledged to what this board di and he objected, even in small details, the Government of the country bei released from their responsibility. He we were giving what should be Ministeri responsibility to an independent bod taking away the functions of Gover ment. When the Bill came fo ward first it contained a princip giving to this independent body t wholesale right to borrow money a spend it as they thought fit. And on by a little discussion in the Chamber a a little outside, the Government ha completely changed their front. It w dangerous to invest authority up to t amount of £2,000. It was the princip we ought to guard against. If it w right to spend money up to £2,000, the there would be nothing wrong in givi

authority to spend £4,000 or £5,000. Let us have responsible Government. The motive was to relieve the Government of responsibility, so that they might have more time to do their work. He did not say this Government, but some Government it might be said, to justify being in office, who were not capable of exercising their understandings, their knowledge, and experience for the good of the country, would seek an opportunity to get somebody else to do what they were paid to do, and what it was their duty to do. It was a wrong principle.

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

Ayes	...	...	25
Noes	...	...	10
Majority against		...	15

AYES.	NOES.
Mr. Angwin	Mr. Bath
Mr. Barnett	Mr. T. L. Brown
Mr. Bolton	Mr. Collier
Mr. Brebber	Mr. Heitmann
Mr. Butcher	Mr. Holman
Mr. Cowcher	Mr. Horan
Mr. Davies	Mr. Scaddan
Mr. Eddy	Mr. Underwood
Mr. Ewing	Mr. Walker
Mr. Gregory	Mr. Troy (*Teller*).
Mr. Hardwick	
Mr. Hayward	
Mr. Keenan	
Mr. McLarty	
Mr. Mitchell	
Mr. N. J. Moore	
Mr. S. F. Moore	
Mr. Piesse	
Mr. Price	
Mr. Smith	
Mr. Stone	
Mr. Verpard	
Mr. A. J. Wilson	
Mr. F. Wilson	
Mr. Layman (*Teller*).	

Farther amendment thus negatived; the clause as amended passed.

Clause 5—Repeal of Section 25:

MR. BATH moved an amendment—

That in Subclause (*c*) the words "but a breach of the duty imposed by this subsection shall not confer a right of action upon anyone who may suffer damage therefrom" be struck out.

This clause provided that the Harbour Trust should provide docks, piers, wharves, and so forth, for the use of the public, but here we had this extraordinary proviso.

THE MINISTER FOR WORKS could not agree to the amendment at all. The inclusion of the words put the Harbour Trust on no different footing from that of a town council. The obligation in respect of lighting imposed on the Harbour Trust was a much heavier one than that thrown on any municipality. He would have the clause struck out altogether rather than accept the amendment. Those who had represented to him that the Trust should light the wharves and so on, had also stated that in this respect the Trust should be under no heavier responsibility than that imposed on a town council. The clause represented a fair compromise; besides, the excision of the words would mean that the board would be liable to actions of a purely fictitious character.

MR. BATH: The obvious reply was that fictitious claims would stand little chance in a court of law. A municipal council was under no obligation to light its streets; but here the case was different, because we had practically a commercial concern performing duties and earning money by the discharge of them. That commercial concern must provide reasonable facilities, amongst which was lighting. If a defective road caused an accident, the municipality responsible would soon be mulct in damages. The proviso was opposed not only to precedent but to justice.

MR. TROY supported the amendment, because it was absolutely necessary that the Harbour Trust or any other Trust should be held responsible for any accident occurring through that body's negligence. Otherwise there would be such a tendency to negligence as to render accidents probable in the extreme. Roads boards were held liable for accidents caused through their negligence, and indeed public bodies ought to take the responsibilities of the care of their property in the same way as individuals had to do. The cry as to fictitious claims was ridiculous.

MR. ANGWIN: Would the Minister state whether it was true that a case in which the Harbour Trust had been mulct in damages for an accident occurred at a time when repairs were in progress and in the absence of special lights on the scene of repairs to warn the public of danger? It was, he believed, held in the case in question that the wharf was not properly lighted. The Harbour Trust should not be relieved for breach of duty. Of course, the Trust might be protected from liability

in such a contingency as a breakdown of plant.

MR. WALKER: Under the clause, an action for damages in respect of a genuine accident would not lie. The trend of recent legislation had been to protect life and limb; and since private employers were held liable for injuries caused through negligence, why should a public body like this be exempt?

THE ATTORNEY GENERAL: A private employer could take the precaution of preventing public access to his property; but where the public had the right of access there should be a different ruling as to liability for accidents. A private employer would not be responsible for injuries sustained by a trespasser, but but there could not be trespassers on a public place such as wharves, docks, and jetties, to which the public had right of free access. People frequently went there, not for business, but for pleasure and was it proposed to cast a responsibility on the Trust for accidents sustained in such circumstances owing to insufficient lighting? The effect of the amendment would be that the Harbour Trust, in self-defence, would be compelled to exclude from the wharf after dark everyone who was not there on business. The clause did not free the Trust from liability in respect to accident in the case of persons on the wharf on business. Such persons, there being an implied contract, would, if injuries were sustained as a result of negligence, have cause of action.

Amendment put and negatived,

Clause 6—Commissioners may provide labourers, etc., for working:

MR. ANGWIN: Did this clause mean that the Harbour Commissioners were going into the stevedoring business.

THE MINISTER: No. This was one of the obligations from which we should relieve the Commissioners. It would give them statutory authority for taking goods from the ships into the sheds and so arranging their charges. They were now doing it without authority.

Clause put and passed.

Clauses 7, 8—agreed to.

Clause 9—Power to levy harbour improvement rates:

MR. BATH moved an amendment—

That the word "Commissioners" be struck out, and "Governor-in-Council" inserted in lieu.

This would provide that the Governor-in-Council could make regulations providing that harbour improvement rates be levied on goods discharged or shipped. It was provided in the next clause that the Governor-in-Council had power to revise the harbour dues, but it was preferable that the Governor-in-Council should make regulations providing for the dues on a recommendation from the Minister.

Amendment put and negatived.

MR. ANGWIN moved an amendment—

That the words "not exceeding in any case one shilling per ton by weight or by measurement as shall be expressed in such regulations" be struck out.

This would give power to the Commissioners to make regulations providing for harbour improvement rates, but would not limit the rate of one shilling per ton. The next clause provided that the Governor-in-Council could review the rates and call on the Harbour Trust to provide interest and contribution to the sinking fund, to meet which the rate of one shilling to which the Trust were limited by the clause might not be sufficient.

THE MINISTER: There was a good deal in what the hon. member said, but it might make the public uneasy if we left it optional to the Commissioners to fix any rate they thought fit.

MR. BOLTON: In view of the fact that power was given to the Commissioners to make regulations providing for harbour improvement rates, the limitation of a shilling per ton should be maintained for the time being.

Amendment negatived; the clause put and passed.

Clause 10—Power to Governor to revise harbour dues:

On motion by the MINISTER, the words "and of any moneys borrowed under the provisions of this Act," in line 8, were struck out, and the following inserted in lieu, "or if for any other reason the Governor thinks fit to do so;" and the words "harbour dues and wharfage charges," in lines 9 and 10, were struck out, and the following inserted in lieu,

"harbour dues, harbour improvement rates, wharfage charges, and other dues, tolls, rates, fees and charges prescribed by the regulations under this Act"; the clause as amended agreed to.

Clauses 11 to 26—struck out consequentially.

Clause 27—Amendment of Sec. 56:

THE MINISTER moved an amendment that the words after "cause" be struck out and the following inserted in lieu:—

> Books to be provided and kept, and true and regular accounts to be entered therein—(*a*) of all moneys received and paid by them, and of all moneys owing to and by them under this Act, and of the several purposes for which such moneys shall have been received and paid, and owing; (*b*) of all the assets and liabilities of the Commissioners under this Act.

The Bill imposed farther obligations on the Trust so far as the expenditure of money was concerned, and the amendment provided for a proper system of bookkeeping. At present the Trust simply acted as receivers of revenue, which they paid over to the Treasury.

Amendment passed; the clause as amended agreed to.

Clause 28—Amendment of Section 59:

THE MINISTER moved an amendment that all the words after "hereby" be struck out, and the following inserted in lieu:—

> —"repealed," and a section is inserted in place thereof as follows:—
>
> [64.] The Commissioners shall, once at least in every year, furnish to the Governor a true copy of the accounts so audited, and copies of such accounts, together with the Auditor General's report thereon, shall be laid before both Houses of Parliament if then sitting, or if not then sitting, at the next ensuing session thereof.

As Parliament was not sitting for half the year it was an unnecessary expenditure to present half-yearly reports; annual reports should be sufficient.

Amendment passed; the clause as amended agreed to.

Clause 29—Amendment of Section 60, Limitation of liability:

MR. BARNETT moved an amendment that Subclause 42 be struck out as follows:—

> Providing that the Commissioners shall in no case be liable for the contents of packages of goods which are so packed or secured that the contents are not plainly visible, or the character thereof not ascertainable on receipt of the goods without the goods being unpacked or opened.

If the Commissioner of Railways had this power or if a shipping company inserted such a clause in a bill of lading, there would be a howl throughout the State in regard to its unfairness. The Harbour Trust should not be placed on a footing different from that of the Commissioner of Railways or any private individual in this regard.

THE MINISTER could not agree to the striking out of the subclause. The Commissioners had had instances where it had been clearly shown that claims of a more or less bogus nature had been made against them. The Commissioners had been mulct, and this provision was to protect them against cases of that sort. A fair and reasonable claim should receive due consideration, but the Commissioners had to be protected against excessive claims in relation to goods of which they had absolutely no knowledge.

MR. STONE: The subclause seemed very arbitrary, and unfair to the public.

HON. F. H. PIESSE: This subclause gave power to the Commissioners which was not asked for, nor was it given under any bill of lading or any consignment note already existing on which goods might be carried by rail or by ship. To ask for such a provision exempting the Commissioners from liabilities in these cases was unreasonable. Presumably in every case in which there was a claim made against the Commissioners, some definite proof should be given of the value of the goods. The Commissioners had no doubt been subjected to unfair claims, but apparently in attempting to protect the Commissioners we were imposing on the public a restriction which savoured somewhat of an injustice.

THE MINISTER: Though the Commissioners had recognised it was right to compensate a man for any damage which was done by the Trust, they had every reason to believe, as he had already stated, that on many occasions they had been victimised. It was hardly fair to cast upon the Commissioners as a public body the same responsibility as we would cast upon a private individual.

HON. F. H. PIESSE: The Commissioner of Railways had not such a clause.

THE MINISTER did not know whether the Commissioner of Railways had or not, but he knew one got nothing out of him if one made a claim.

MR. HUDSON: That was not so.

THE MINISTER would rather deal with the Harbour Trust than the Commissioner in respect to any claim. Some members of the Trust were importers of goods themselves, and they considered that in the interests of the Trust this subclause was necessary.

HON. F. H. PIESSE: Everything hinged on the words "when the contents are plainly visible." How many cases of goods out of thousands were plainly visible? Not until they were unpacked or opened could the contents be seen.

THE MINISTER: One could not see whether the damage to the goods occurred on the ship or when they were under the control of the Harbour Trust.

MR. HUDSON: The Commissioners made charges for doing a specific act on behalf of the owners of goods, and they must take the responsibility.

MR. STUART: The Commissioners should not receive any different consideration from that given to any other common carrier or corporation handling goods under the same terms. It was all very well to say the Commissioners were liable to spurious claims, but it must be borne in mind that just claims would not be fairly dealt with if this subclause were left in.

THE MINISTER: They would.

MR. STUART: We should not give that Trust any more consideration than was given to any other similar body. As to the Commissioner of Railways, we had, he thought, evidence that the Commissioner did recognise claims under certain circumstances.

MR. UNDERWOOD: The statement that spurious claims were likely to be made was a reflection on the Judges and magistrates of this State. We could fairly leave cases to be tried by the magistrates and Judges.

MR. BATH was also opposed to the retention of Subclause 42. There was an anxiety to protect property, but not equal willingness to give the same protection in regard to avoiding loss of life or serious injury.

THE ATTORNEY GENERAL: The Commissioners were called upon to exercise care in proportion to the fragile nature of the contents of parcels they were called upon to handle. If the consignor would not take the trouble when consigning an article of a fragile character to mark it in such a way that those who had to handle it should receive due warning, was it not a fair proposition that the Commissioners should be relieved from liability?

MR. HUDSON: Was not the character of the goods shown on the bill of lading?

THE ATTORNEY GENERAL: The people called upon to exercise care were those who handled the goods, and not the clerk in the office who received the bill of lading.

MR. STUART: It was the height of absurdity to say that the contents must be visible. What state would some of the goods be in if they were so packed as to be plainly visible? If the subclause were amended so as to provide that the goods must be correctly described, we could have no opposition to that.

THE ATTORNEY GENERAL: Why did not the hon. member also quote the words "or the character?"

MR. STUART: The words "without the goods being unpacked or opened" were equally absurd. We should not be unfair to the Commissioners, but we wanted to be fair to the public.

MR. ANGWIN: Parliament should see that the public were fair to the Commissioners and the Commissioners fair to the public. Goods packed not visible might be damaged before landing, and the Commissioners be held responsible.

MR. BARNETT: If any shipping company or other carrier ventured to insert so one-sided a clause in a Bill of lading, it would be ruled out by the court. The Commissioners, like shipping companies, should be content with a fair description of the goods. The bulk of the public were honest, and had a right to fair treatment.

THE MINISTER FOR WORKS: If the consignor affixed a label with a description of the contents, he could recover.

MR. STONE: A wharf labourer who accidentally broke a case would take off the label rather than get into trouble.

le (Mr. Stone) had sustained heavy osses through goods damaged in transit.

HON. F. H. PIESSE: There was some eason in the contention of Ministers. The Commissioners should not be responible for fragile articles not distinctively narked on the package. The subclause hould be amended to provide that if the goods were not marked, the Trust should ot be liable. In ninety-nine cases out of a hundred, fragile articles were not visible through the package, so the clause was too arbitrary.

THE ATTORNEY GENERAL: If the consignor used a crate, or a box with one ide made of battens, the Commissioners were liable; or if the goods were closed n and the package labelled with a description of their nature, the Commissioners were still liable. That was a sufficient liability.

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

Ayes	..	..	14
Noes	..	..	19
Majority against	..		5

AYES.	NOES.
Mr. Barnett	Mr. Angwin
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. Collier
Mr. T. L. Brown	Mr. Daglish
Mr. Cowcher	Mr. Davies
Mr. Hayward	Mr. Eddy
Mr. Holman	Mr. Ewing
Mr. Hudson	Mr. Gregory
Mr. Piesse	Mr. Hardwick
Mr. Stone	Mr. Heitmann
Mr. Stuart	Mr. Keenan
Mr. Underwood	Mr. Mitchell
Mr. Walker	Mr. N. J. Moore
Mr. Troy (*Teller*).	Mr. Price
	Mr. Veryard
	Mr. Ware
	Mr. A. J. Wilson
	Mr. F. Wilson
	Mr. Layman (*Teller*).

Amendment thus negatived.

MR. BARNETT: Subclause 44 exempted the Commissioners from liability for damage to or loss of goods delivered on their premises, unless the Commissioners or their servants had given a receipt. He moved an amendment—

That the subclause be struck out.

If any carrying company made such a regulation it would be condemned as most unfair and unjust. How could any man with an ordinary knowledge of business draft such a subclause?

THE ATTORNEY GENERAL: Would the hon. member accept liabliity for goods delivered at his premises if he had not given a receipt?

MR. BARNETT: Certainly. He would not take advantage of the fact that no receipt had been given. He would be morally liable.

THE MINISTER FOR WORKS opposed the amendment. Everyone depositing goods with the Commissioners must obtain a receipt, otherwise persons might surreptitiously deposit damaged goods in a shed, and then make a claim on the Trust. We must have businesslike methods.

MR. STONE supported the amendment. We were giving too much protection to the Trust.

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

Ayes	..	..	12
Noes	..	..	17
Majority against	..		5

AYES.	NOES.
Mr. Barnett	Mr. Angwin
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. Daglish
Mr. T. L. Brown	Mr. Davies
Mr. Cowcher	Mr. Eddy
Mr. Holman	Mr. Ewing
Mr. Piesse	Mr. Gregory
Mr. Stone	Mr. Hayward
Mr. Stuart	Mr. Keenan
Mr. Walker	Mr. Layman
Mr. Ware	Mr. McLarty
Mr. Heitmann (*Teller*).	Mr. Mitchell
	Mr. N. J. Moore
	Mr. Price
	Mr. Veryard
	Mr. F. Wilson
	Mr. Hardwick (*Teller*).

Amendment thus negatived.

MR. BARNETT moved an amendment—

That Subclause 45 be struck out.

This exempted the Commissioners from liability for damage suffered by any person in consequence of delay in or wrongful delivery of goods. It was a disgrace that the Trust should be placed in a position to dispute any just claim.

THE MINISTER: The Trust could hardly be placed on the same footing as a private individual, for they were trustees for the public. It was necessary that this provision should be inserted to enable the Trust to carry out their duties.

Amendment negatived.

HON. F. H. PIESSE moved an amendment—

That Subclause 46 be struck out.

Had the Government made provision for a meteorological officer being in attendance at Fremantle and other ports to decide when the weather was wet? This was a ridiculous clause exempting the Commissioners from liability for damage to goods if landed or otherwise handled in wet weather, and authorising the wharf manager to decide in his absolute discretion when the weather was wet. A set of conditions should be framed that would not act arbitrarily, but which were fair and just and would avoid litigation.

THE MINISTER FOR WORKS: It was easy to decide whether the weather was wet, because a ship did not work in wet weather.

MR. DAGLISH: What was the object of giving the right to an officer to decide, if the Commissioners had no liability as to the landing of goods in wet weather?

MR. ANGWIN: This provision was clearly to protect the Harbour Trust from shipping companies; for ships wishing to get away would land goods whether the weather was wet or fine.

Amendment negatived.

THE MINISTER FOR WORKS moved an amendment—

That the words "and authorising the wharf manager to decide in his absolute discretion when the weather is wet," be struck out.

Amendment withdrawn.

MR. BOLTON moved an amendment—

That Subclause 49 be struck out.

Some provision ought to be made for the baggage-agent question, otherwise Subclauses 49 and 50 should certainly not be passed. The legal gentleman assisting the Minister would no doubt be able to draw a satisfactory clause.

THE MINISTER FOR WORKS hoped the hon. member (Mr. Bolton) would not take up such a position. Neither himself nor the Attorney General knew of any way of preventing a shipping company from giving preference, in so far as its boats were concerned, to particular baggage agents; and because of that th hon. member wished to strike out as many as possible of the subclauses. As regards baggage agents, the same positio existed in Melbourne; and if the practic could not be prevented there the hon member should not blame Ministers fo not being able to prevent it here. He recognised the hardship inflicted on decen and hard-working men in being debarre from following their occupation. He ha thought that it might be possible to me the common wish by an alteration Subclause 9 of Clause 60; but there wa nothing to prevent the agent from sen ing out a man in a tug-boat to colle and label all the baggage.

MR. ANGWIN saw no objection Subclause 49, but it was his intentio to move an amendment on Subclause 5 Undoubtedly the Harbour Trust had bee collecting from porters and baggag agents licensing fees under what migh reasonably be termed false pretences, th licenses being useless. Section 60 of th principal Act provided for the licensin of porters and baggage agents. Th Harbour Trust had made a regulatio that porters and baggage agents shou stand five feet from the edge of the wha when a vessel came towards the wha unless they were called by some passeng to take luggage. One firm, howeve did not obey that regulation, being allowe to go into mid-stream and collect all th luggage.

MR. BOLTON: That firm was Fra Cadd & Co.

MR. ANGWIN: Clause 73 provide penalties for persons offending again the regulation, and he was strongly opinion that a penalty could be enforce against the firm in question for breac of the regulation referred to. It ha been said that if the Harbour Trust ca called this firm's license the shippi companies would allow an unlicens person to go on board, that unlicens person subsequently acting in conjunctio with a person licensed by the Harbo Trust. The regulations published in th *Government Gazette* provided means dealing with the question, and the Harbo Trust ought to be called on to enfor those regulations. The matter was mo

serious, because a number of men were debarred from carrying on their avocation. Seeing that members of the Harbour Trust were also members of the shipping combine, no doubt they would try to uphold the shipping combine even at the cost of dereliction of their duties under the Harbour Trust Act.

MR. BOLTON did not desire to wreck the Bill because baggage agents could not be dealt with; but no other amendment suggesting itself to him, he had moved that the subclause be struck out. If there was a possibility of the Minister getting advice on the question by to-morrow night, perhaps the Bill could be recommitted. He would even be satisfied if the Minister would undertake that the Harbour Trust should make a regulation governing the matter.

THE MINISTER FOR WORKS: Any possible alteration in a reasonable direction would be made, and could be inserted in another place. If no alteration could be made in the Bill, everything possible in the direction of meeting the case by Harbour Trust regulation would be done. While the Government were sympathetically inclined towards these men, there appeared at present no way out of the difficulty, as shipping companies were in much the same position as the owners of private houses.

MR. WALKER: The Minister, admitting that this was a wrong, made excuse that similar wrong existed in other ports; but the main object of government was to see that all citizens enjoyed equal rights, and an admission that the Government could do nothing in the matter was the worst admission that could be made.

THE MINISTER FOR WORKS: No such admission had been made: he had merely pointed out the difficulties of the case.

MR. WALKER: Why could not the regulation compelling other carriers to remain at a distance of 5ft. from the wharf be enforced in the case of this particular firm?

THE ATTORNEY GENERAL: The real cause of the trouble was that the representatives of one firm alone were permitted the privilege of boarding ships, and consequently enjoyed a monopoly of handling passengers' baggage. But the suggested enforcement of the existing regulation would not cure the evil; the right still remained with the ship-owner of saying whom he would allow to enter on his ship. It was suggested that, by regulation, ships should be made accessible to any person in the capacity of luggage porter nominated by the Harbour Trust; but so long as a ship was the property of any individual, that individual or company had absolute control in the matter of those who were to be allowed on board. The only persons exempted in this regard were health officers and customs officers in the execution of their duties. Legislation authorising any person to invade private rights was impossible. The cases in which exclusive right of possession had been invaded were in matters of public duty only. The question raised was one of great difficulty, and having regard to the deep and weighty legal opinions concerned, no one would venture an opinion in an off-hand way. Words framed in the haste of the moment might not achieve the intent, and might defeat the enjoyment by the private owner of his exclusive possession. In the circumstances he declined to venture an opinion, but if the Minister for Works was prepared to give the matter consideration he was prepared to assist him.

MR. WALKER: One could understand the Attorney General's hesitancy to give a pronouncement on the course that should be taken to meet the difficulty pointed out. But by certain Acts of Parliament we interfered with ships. This Bill was to interfere with ships. It enabled the Harbour Trust to do certain things that were disagreeable to the owners of ships for the benefit of the State.

THE ATTORNEY GENERAL: In the discharge of a public duty.

MR. WALKER: What greater discharge of a public duty could there be than that which gave equal rights and liberties to the citizens? It was just as much a public duty as entering a ship to fumigate it. We claimed the right to interfere with the rights of anybody in the interests of the public.

THE ATTORNEY GENERAL: Could we interfere with the merchant selecting his own agent?

MR. WALKER: In some circumstances. The Commonwealth had indirectly interfered with ship-owners, saying that those who would not utilise the services of white sailors could not trade with us.

MR. BATH: Could not get a subsidy from us.

MR. WALKER: It was the same thing indirectly, but in the British Navigation Act it was done more directly. What more direct interference with individual rights of an owner could there be than that? When a ship came under the operation of the Trust there were medical, health, and police restrictions; and even wharfage dues were restrictions on the natural rights of shipowners. One step farther would be sufficient; that was to appoint an officer of the Trust to see that no person boarded a ship to solicit custom for baggage trade until the vessel was at the wharf and moored, and to see that all baggage agents submitted to the same provisions. There was a half promise that this would be carried out; but if the Government did not take some steps to prevent this monopoly, they would be suspected of sympathising with it. The step could be taken without injuring anyone and it would do a great right to many who were now wronged.

MR. HOLMAN: It was a scandal to have this important matter discussed in such a scanty House. He called attention to the state of the House.

Bells rung and quorum formed.

MR. ANGWIN: Could the Government prevent the police taking action pending the consideration of this question? If baggage agents were trespassing on ships, why should not the owners of ships be compelled to take action instead of the Government officials taking action?

[MR. DAGLISH took the Chair.]

THE ATTORNEY GENERAL: The police had no option in the matter. The ship-owner was like the owner of a house. A policeman must obey the request of the owner of a house to remove any person to whom the owner of the house objected.

Clause as amended put and passed.

Clause 30—Amendment of Section 63:

MR. ANGWIN: We had been dealing with Subclause 49 of Clause 30. He desired to speak on Subclause 50.

THE CHAIRMAN: Subclauses could not be put to the House. The clause was put as amended and passed.

Clause put and passed.

Clause 31—Municipal Council may make by-laws under 64 Vict., No. 8, s. 167, (35):

MR. ANGWIN moved an amendment—

That the words "with the approval of the Commissioners" be struck out.

It should be lawful for the municipal councils of Fremantle, East Fremantle, and North Fremantle to make by-laws dealing with any property under the Harbour Trust, and he did not see why it was necessary that they should ask the approval of the Commissioners to do so. The municipalities might make by-laws, and be able to show a good case before the Governor-in-Council as to the necessity for such by-laws. These by-laws might be advantageous to the district, but not altogether advantageous to the Harbour Trust, and the approval of the Harbour Trust should not be sought, but the matter should be left to the Governor-in-Council.

THE MINISTER hoped the hon. member would not press the amendment. The clause referred to territory over which there was dual authority, and it was very necessary that any by-laws dealing with it should be agreeable not only to the councillors but to the Commissioners.

Amendment negatived; the clause put and passed.

Clauses 32 to 35—agreed to.

New Clause—Amendment of Section 17:

On motion by the MINISTER, the follow-g was added as Clause 2:

Section 17 of the principal Act is hereby nended by omitting the word "half-yearly," id inserting "yearly" in place thereof.

New Clause—Amendment of Section 4:

THE MINISTER moved that the follow-g be added as Clause 10:—

Section fifty-four of the principal Act is nended by adding the words "and of a fund r the replacement of depreciating property."

MR. BATH: It was all very well to ake provision for a fund to set off the preciation of property, but we wanted know what safeguards would be im-sed by the Minister in order that the rust would not apply too large a per-ntage for the purpose; we should ecify that the amount should be ot more than a certain percentage. his clause gave absolute power to decide hat the percentage would be. He oved an amendment that the following ords be added:—

the amount of which shall be decided by e Auditor General.

THE ATTORNEY GENERAL: This w clause related to creating a fund to place property of a wasting nature.

MR. BATH: The Harbour Trust should ot have absolute liberty as to what the rcentage should be.

THE ATTORNEY GENERAL: It was bject to such regulations as might be ade by the Governor.

MR. ANGWIN hoped the Committee ould strike the new clause out altogether. ny such funds should be placed in the nds of the Government. The Govern-ent should have the power to set the nount aside.

THE ATTORNEY GENERAL: The Govern-ent had such power.

MR. ANGWIN: We had not the regu-tions. As far as he could see, the clause eant that a fund should be established stead of the amount being placed in e consolidated revenue.

THE ATTORNEY GENERAL: Some portion the balance would be placed to that nd.

MR. BATH: In view of the statement at this would be subject to regulations made by the Governor, he desired to withdraw the amendment.

Amendment by leave withdrawn.

Question passed. the clause added.

New Clause—Amendment of Section 57:

THE MINISTER moved that the following be added as Clause 12:—

Section fifty-seven of the principal Act is amended by striking out the words "twice in," and the words "and the thirty-first day of December."

This would cause the accounts to balance from the 30th June.

Question passed, the clause added.

New Clause—Accounts to be audited:

THE MINISTER moved that a clause be added to provide for the making of a yearly balance-sheet and the auditing of accounts of the Harbour Trust.

MR. ANGWIN: Was it advisable that the license fees charged to persons who were debarred from earning their livelihood should be returned?

THE MINISTER assumed that the Trust knew what they were doing. He was not competent to express an opinion on the legality of their acts or otherwise. He did not admit they were not allowed to charge fees. The existence of such regulations had been of great advantage to the public.

MR. BATH: If these licenses were illegally collected, the accounts could not be properly audited, since the Auditor General was not authorised to certify to the receipt of moneys obtained by false pretences.

THE ATTORNEY GENERAL: The Auditor General was not concerned to know how such moneys were obtained. He merely certified to the correctness of the accounts.

Question passed, the clause added.

Schedule—negatived consequentially.

Bill reported with amendments; the report adopted.

BILL—DIVIDEND DUTY ACT AMENDMENT.

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

BILL—CONSTITUTION ACT AMENDMENT.

COUNCIL FRANCHISE REDUCTION.

SECOND READING MOVED.

THE ATTORNEY GENERAL (Hon. N. Keenan) in moving the second reading said: I do not intend to detain the House at length, if for no other reason than a regard for the late hour of the night.

MR. DAGLISH: But you are not going to move it now, surely. Be serious.

THE ATTORNEY GENERAL: I think the hon. member will find I am serious, as I usually am. I have not the hon. member's gift of humour. Some apology is due by me for moving this at the late hour of the evening we have arrived at; but members will recognise that the measure we have just disposed of occupied time far in excess of what we could possibly have anticipated. It was not anticipated that the discussion on that measure would run into one-third the time it has. I do not want to complain of that, because the matter under discussion was of considerable importance. It is farther a matter for regret that this measure should be placed before the House at this late date in the session for the second reading; but I feel sure that having regard to the fact that a Bill (Land Tax) in which the Government were concerned in the highest degree was before another place, and having regard to the course which prudence would suggest in not pressing forward a second contentious measure while that Bill was before another place, hon. members will recognise that the hands of the Government were tied in regard to bringing forward a measure of this character. In the light of after-events, it may easily be pointed out that the Government not having been successful in obtaining the assent of another place to the Bill, might as well have pressed on this measure at the same time and thereby have brought this Bill more to the front. But it is always easy to be wise in the light of subsequent events, and I venture to say that any member considering the best course to adopt, and having at heart a desire for the passing of this measure, as I feel sure almost every member of the House had that desire, would have arrived at t view that it was not prudent to bri forward a second contentious measu while another place was discussing t fate of the Land Tax Assessment Bi The Bill now before the House is excee ingly short, consisting only of six claus of which three at least are matters almo formal. The most important matter this Bill is the reduction of the hou holder's qualification under Section 1 Subsection 2, of the Constsitution A Amendment Act 1899 from £25 to £ annual value. The matter of broade ing the franchise for the Upper Hou and thereby assimilating it somewhat public opinion, has been considered l various Governments in the past. T Government headed by Mr. Walter Jam dealt with the matter, but only in a wi and general sense, and did not place befo the country any specific policy in r gard to reform. Mr. James, in deliv ing his policy speech in the Queer Hall on the 21st March 1904, point out that he thought the franchise shou be broadened; but pointed out at t same time that he was not prepared side with those who thought the abolitio of the Second Chamber would be a usef possibility in our political history. I pointed out, however, that he himse and he felt sure many others, leaned the direction of a household franchis but he was not prepared and did not l before his audience any specific propos of that character. He only, as I ha pointed out, went the length of showi that it was desirable to broaden a liberalise the franchise for the Upper Hous

MR. DAGLISH: But this House h passed a Bill before 1904, dealing wi the question.

THE ATTORNEY GENERAL: I a aware of that; but I am now referri to the immediate predecessors of t present Government and the action th took, and what action should now taken in regard to this matter. I a perfectly aware, and in another mome would have referred to it, that the th Leader of the Government did bring a Constitution Act Amendment Bill wh introducing the Electoral Act of 190 and that the measure was not successf

n obtaining the assent of another place. n consequence of that, anomalies have ccurred through the insertion in the Electoral Bill of certain provisions which re at variance with the Constitution Act; and these will be cured by the mending provisions contained in the Bill ow before the House. But I was dis-ussing recent events subsequent to that, nd pointing out that no determined policy was placed before the country, ut merely the expression of a desire to broaden and liberalise the franchise of nother place, in order that it might be made more in accord with the wishes of the people of the State. The member for Subiaco (Mr. Daglish) succeeded Mr. Walter James; and in delivering his policy speech, he again did not place before the country any specific reduction of the franchise. He preferred to fall back on a provision for submitting the question to a referendum of the electors; and he stated that this was the first plank in the policy he intended to lay before his constituents that night, and which he intended, when able to do so, to place before Parliament. The issue to be submitted to the people, he informed them, would be a dual one—whether they were in favour of the single-chamber constitution, or alternatively whether they were in favour of a household suffrage. He was perfectly open to accept either verdict, and to adopt it as his policy; that is to say, he was prepared to support, if the result of the referendum so affirmed it, the abolition of another place. Mr. Rason's Government succeeded that of Mr. Daglish; and Mr. Rason took up the same attitude in regard to the existence of another place as had been taken by Mr. James, that he was not prepared to be a party to any proposal to abolish the Second Chamber. He laid before the electors of the State a distinct policy of liberalising the franchise by reducing the qualification from £25 to that of a householder occupying any dwelling-house of a clear annual value of £15. That policy was laid before the electors of the State in the public hall at Midland Junction on the 9th September 1905. After the placing of that policy before the country, a general election took place and the Rason party were returned to power. Subsequently the Government, headed by the present Premier, succeeded, and this Government through its Premier submitted its policy to the country in the speech delivered at Bunbury in May 1906: a policy of reducing the franchise in regard to the qualification of a householder from an annual value of £25 sterling to an annual value of £15. In matters of this kind, when suggesting a reform one is invariably met by the rejoinder that no distinct issue has been submitted to the people, and that therefore there has been no verdict by the people endorsing the reform policy you bring forward. I venture to suggest that such answer does not lie in the present instance, because undoubtedly before the general election in October 1905, the reduction of the household franchise from £25 to £15 was made a cardinal point in the policy of Mr. Rason, who went to the electors on that occasion. And it cannot be denied that the great majority of those sitting on the Government side of the House were elected on a distinct promise of supporting such a reduction. We are therefore justified in making a reply to any objection taken in this House or in another place, that this reduction has had a distinct popular verdict endorsing it; that therefore it is not a new matter introduced by this Government that another place might ask for farther consideration on, and that it is a matter that has already been considered and on which a decided verdict has been given by the people of the State. On the other hand, if we were to take the position of asking this House to sanction a reduction in the franchise in the direction of household suffrage, it would remain in the mouths of those who wish to object to any reform at all to say that such a proposition had never been laid before the people, and that therefore they were not called upon to accept it as having been endorsed by the people of the State. I for one prefer to proceed in making demands on the lines of making a demand which we can reasonably ask shall be granted, or which we can reasonably say we are entitled to demand should be granted. The policy of liberalising any

institution, if it is to be done on safe lines, must be done in stages. To accomplish all in one effort inevitably leads to a far more bitter struggle, and in many cases to a refusal, and the position of those who are opposing it is very much strengthened. On the other hand, by proceeding in legitimate stages the very work we do assists us in accomplishing that which remains to be done, because no member of this House will for a moment doubt that anything which liberalises the franchise of another place will infallibly react on the representation that takes place in that House in the future; and all true reform must in the long run come from this. I have therefore no hesitation in saying that it is by far the wiser course, or a course that is far more likely to be successful, if we do as we are doing in this Bill, presenting to another place a demand that has been endorsed by the people of the State and which is a distinct advance in liberalising the franchise of another place. When the James Government brought down a Bill for the purpose of liberalising the franchise of another place, they accompanied it by an Electoral Bill; and in consequence of the rejection of the Constitution Act Amendment Bill, certain provisions were included in the Electoral Bill which were amendments to the Constitution Act Amendment Act of 1899. Section 14 of the Electoral Act repealed Section 26 of the Constitution Act Amendment Act of 1899 by substituting the words "when registered" for the words "when registered for six months." But that was the full extent of the repeal; and no doubt when matters were somewhat hurried it was not noticed at the time that in Section 26 of the Constitution Act Amendment Act 1899, the right remained to those who merely possessed property to exercise the franchise for the lower House. The result, therefore, to-day is really that although we are conducting our elections on the basis of the Electoral Act of 1904, which made a residential qualification the only qualification on our statute-book, there remains in consequence of no repeal having taken place, a provision in the Constitution Act Amendment Act 1899, whereby the possession of mere property within an electoral district enables th holder and confers on him the right exercise the franchise. Farthermore, the same section it was provided tha "no aboriginal native of Australasia, Asi Africa, or person of half-blood shall entitled to register in respect of freehol qualification for the lower House." Agai an omission took place in not repealin that, with the result that we have bee confronted with claims from half-cast having the freehold qualification, to registered as electors for the Legislati Assembly; and inasmuch as no repe has ever taken place in any Act sinc 1899, we were unable to resist the claim The clause before the House clears up tha matter. It repeals Section 26 of th Constitution Act Amendment Act 189 and substitutes a new clause therefo It fully carries out the intent of th Electoral Act of 1904 and repeals th provisions contained in the Constitutio Act Amendment Act 1899. Farthe more, in Section 27 of the Constitutio Act Amendment Act 1899, where pr mises were "jointly owned, or held, leased, or licensed within the last pr ceding section by more than one perso each of such joint owners not exceedin four in number shall be entitled to b registered as an elector." The result wa that in the absence of any repeal of tha section, if four persons owned propert within an electoral district, all were e titled to be registered though none them were residential. That is clearl opposed to the Electoral Act of 190 and we repeal that section by a claus in the Bill before the House. The onl other matter in the Bill is an amen ment to the Fourth Schedule of the Co stitution Act Amendment Act 1899, r ducing the six Ministerial salaries fro £6,200 to £5,000. I do not propose t deal at any great length with that pa ticular amendment. It was one that wa thought wise, not for the purpose depreciating the value of Ministeri services, but for this purpose only, tha a reduction made in respect of Ministeri salaries would make it far easier on th part not only of the Executive but o the part of Parliament to resist clai for increases on the part of civil servan

generally. It was thought that nothing succeeds in a matter of this kind like an example made in the case of persons who are at the head of affairs. It was not meant, and it would be absurd to imagine that it was meant, as any desire to depreciate the value of services of Ministers in this State. As a matter of fact, I am sure the House recognises that the salary paid to-day, without the reduction proposed in this Bill, is not fully commensurate for the services the State demands and for the responsibilities the possession of a portfolio carries. It is impossible to recognise in a monetary sense the Ministers' services; therefore, the position taken up by the Government was that this consideration should be wholly put out of account, and that the only object to be attained was to inculcate the duty of economy by showing that in their own persons Ministers were prepared to submit to it. I would have liked, had the hour been at all earlier, not only to have dealt at some considerable length with the history of the proposals to reform another place in recent years, not only to have pointed out that the reforms intended in this Bill have been definitely accepted by the people of the State, but also to point out the absolute necessity that exists and has been emphasised in the present session for reform of this character. It is a subject so broad that it would be misleading to deal with it at short length. It is a subject that could well be dilated upon and emphasised in every way, that the position of a House of review is well defined, and that to take up another position, such as possibly I am justified in saying has been taken up this session in another place, is to exceed entirely the legitimate province of a House of review, and would necessitate in a more urgent sense than has ever existed in the past the putting forward of proposals for liberalising the franchise of that other place, and thereby obtaining from the electors of the State representation in another place which would be more amenable to the wishes of the people of the State. But the subject is one of such a broad nature that it would be useless for me, and it would indeed not be fair, to deal with it in any short and hasty manner. Therefore, having undertaken not to delay the House to-night, I do not propose to enter on it; but I think I am justified in going as far as I have gone in pointing out that the history of the past session is one that may well make any member of this House, whatever views he may have had at any other time, recognise the necessity for doing something that will bring another Chamber more closely into touch with the wishes of the people of the State, and therefore more closely into touch with the legitimate aims and wishes of this House.

MR. UNDERWOOD: Ah, but you do not mean it.

THE ATTORNEY GENERAL: I do not know that the hon. member is justified in suggesting that anything I have said on any occasion, whether in this House or outside, was not honestly and sincerely meant. I have never for one moment hesitated to allow that measure of praise in regard to anything he has said, and I think his hasty opinion will be regretted more by himself than by anybody else. I do not wish to detain the House. I have explained my views thoroughly, and I therefore formally move the second reading of this Bill.

On motion by MR. BATH, debate adjourned.

ADJOURNMENT.

The House adjourned at two minutes to 11 o'clock, until the next day.