

ment did this," or "the Government did that."

*Concluding Remarks.*

In dealing with our Constitution, party politics should be beside the question. We should unite in the effort to bring forth a Constitution Act which will be a credit to ourselves; because this is the most important Bill we can place on our statute-book, a Bill which when passed will last not only during the lifetime of this Government or of this Parliament, but for generations after we are dead and gone. It ought to remain at all times as a monument of the good work we could do. I hope it will not be impaired by any factious criticism, either on one side or the other. I hope members will approach it with a single desire to get a good working Bill; not a Bill which will satisfy everybody—that is impossible, but a Bill which will satisfy the moderate people of this State. We can do it if we try. If we put aside this untruthful and I am glad to say feeble cry of false economy, if we put aside this cry and the cry of those who want an unduly swelled House; if we approach the measure with a single desire to do what we believe to be right, fearless of consequences, I am satisfied we shall place on the statute-book a Constitution Act and a Redistribution of Seats Act which will do credit to us, and will satisfy the great majority of the people of this State. For many years you, Mr. Speaker, have worked in the interests of the country to secure parliamentary reform, and have lived to see how many defects there have been in the Acts of the past. If we live as long as you and retain our parliamentary positions, I hope that when we look back on the Constitution Act of 1902 we shall be able to say with all confidence that while we were always anxious to make that Bill run in close touch with the interest of this people, to create a Parliament which would at all times reflect its truest and its most mature opinions, it can never be said of us that because some public clamour arose outside, we prostituted what we knew in our hearts to be our duty to the country, in the vain desire to secure a temporary and evanescent popularity. I move the second reading of the Bill.

On motion by MR. NANSON, debate adjourned for one week.

REDISTRIBUTION OF SEATS BILL.

SECOND READING (MOVED).

THE PREMIER (Hon. Walter James), in moving the second reading, said: There is no question of principle involved in this Bill, as it is a fixing of boundaries only. I formally move the second reading.

On motion by MR. NANSON, debate adjourned for one week.

ADJOURNMENT.

The House adjourned at half-past nine o'clock until the next Tuesday.

Legislative Council,

Tuesday, 14th October, 1902.

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THE PRESIDENT took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Papers relating to alteration in Classification and Rate Book. 2, New regulations under the Industrial Conciliation and Arbitration Act. 3, Papers relating to the prosecution of Mr. W. d'Arcy Uhr (moved for by Hon. C. E. Dempster).

Ordered: To lie on the table.

**PERMANENT RESERVES REDEDICATION BILL.**

Introduced by the MINISTER FOR LANDS, and read a first time.

**BUSH FIRES ACT AMENDMENT BILL.**

Introduced by the MINISTER FOR LANDS, and read a first time.

**FREMANTLE HARBOUR TRUST BILL.****SECOND READING (MOVED).**

HON. M. L. MOSS (Minister): I rise with a great deal of pleasure to move the second reading of this most important measure. The principle of the Bill is one which has been advocated by myself for a number of years. I believe that if this board of commissioners be constituted for the purpose of controlling the Fremantle Harbour, great good will result to the community at large. I hold that the State of Western Australia has now progressed to such an extent that not only in connection with the Fremantle Harbour but in connection with other departments of the public service it has become absolutely necessary that Ministers should delegate functions exercised in the past by themselves, for the better and smoother working of the State service. It will become necessary within a short time for the Government at any rate to consider the advisability of introducing, if they do not actually introduce, legislation to deal with the Savings Bank in a similar manner. I believe it will be necessary for the Government to bring down a similar Bill at once in connection with the Coolgardie Water Scheme, and undoubtedly it will be necessary to deal in the same way with our hospitals and charitable institutions. It has been contended by some public men that the Government should not delegate their authority; but we are merely following in the footsteps of other States in beginning to delegate the control of public departments to properly constituted boards. It was well enough when the population of the State numbered some 30,000 or 40,000 for Ministers to endeavour to carry out the whole of the functions which boards such as that proposed to be constituted under this Bill carry on elsewhere, in addition to the ordinary business of governing the country. I am perfectly satisfied, how-

ever, that if State affairs are to be well and properly managed in the future, the time of Ministers will be sufficiently taken up in looking after large matters of policy, without being encroached on by matters of minor detail in the working of such departments as the Fremantle Harbour, hospitals and charitable institutions, and the Savings Bank. Respecting the Fremantle Harbour and the business transacted in connection therewith, a most interesting return was presented to Parliament by the Minister for Works some few days ago. Although I do not intend to quote copiously from that return, I wish to call attention to a few figures showing how rapidly the business of the Fremantle Harbour has developed. In 1894, only eight steamers arrived at Fremantle from the United Kingdom, their total tonnage being 25,953. In 1901, the last year for which we have complete returns, there arrived at Fremantle 64 steamers with a total tonnage of 380,530; whilst during the half-year ended on the 30th June, 1902, the number of steamers which entered the port was 44 and their total tonnage 210,559. These figures will bring home to hon. members the enormous increase in Fremantle shipping during the short period of seven years. The return I have referred to deals also with sailing vessels. It appears that in 1894 Fremantle was visited by 16 sailers of a total tonnage of 13,572. Against that we have for 1901 24 sailers with a total tonnage of 31,900, and for the half-year ended the 30th June, 1902, 14 sailers of 19,311 tons register. When we come to deal with the return from inter-State ports, we find that in 1894, 12 steamers arrived with a total tonnage of 24,622 tons, and in the year 1901 there were 149 steamers with a total tonnage of 1,114,171 tons, and for the first half-year there arrived 79 steamers with a total tonnage of 292,333 tons. When we come to deal with the shipping from British ports, we find that in the year 1894 there arrived two steamers with a total tonnage of 3,159 tons, against in 1901 25 steamers with a total tonnage of 113,878, and during the half-year ending 30th June there arrived 17 steamers with a total tonnage of 74,236 tons. Coming to foreign shipping, no steamers arrived from any foreign port in 1894, and only three sailers, the tonnage being 8,238.

In the year 1901, there were 33 steamers from foreign ports with a tonnage of 204,371, and 35 sailers with a tonnage of 40,005 tons; and during the half-year ending 30th June, there arrived 20 steamers with a total tonnage of 121,908 tons, and 12 sailers with a tonnage of 14,640 tons; or taking the totals in 1894, there were 277 steamers with a tonnage of 504,919 tons, and in 1901 there were 484 steamers totalling 1,815,240 tons, and for the half-year ending 30th June there were 267 steamers with a tonnage of 1,007,139 tons, and 91 sailers with a total tonnage of 61,294 tons. A perusal of these figures will convince anybody of the marvellous strides made in the shipping of this country, and it follows that with the prosperity which the country has had, and the rapid strides which the country has made, it is only natural that the progress of the shipping at Fremantle should respond to the progress made elsewhere. Early in the year 1890, it may have been well for the Government to attempt to control the shipping, but the shipping at Fremantle has assumed such large dimensions that it is impracticable now for the Government to control it with satisfaction to the State and with satisfaction to those who have business connections with the harbour authorities. The harbour work at Fremantle, in round numbers, has cost £1,300,000. Members know it is an unfinished work at the present time, and I think it would be out of place in moving the second reading of this Bill if I did not refer to two persons whose actions in connection with the construction of the work deserves recognition for all time. I desire first to refer to the Right Hon. Sir John Forrest, who for many years championed that work and never ceased until the harbour had progressed to that state of efficiency as to become the port of call for mail steamers from the old country. And it is only right that I should couple with that gentleman's name that of the late Engineer-in-Chief, who was the engineer and designer of the harbour, and who carried it out to such a state of completeness, that his name should not be forgotten. The harbour at Fremantle, it has been said, has been under dual control, but I think it would be more correct to say that it has been under quadruple control, for the Works Depart-

ment has controlled the works, the Railway Department has controlled the wharves and the lines of rails on the wharves, the Treasury through the harbour master has the control of the berthing of ships, and the Customs Department has a certain amount of control. Members will understand that with four or five departments endeavouring to control the harbour the results must have been very unsatisfactory, and I will mention two or three things presently which have greatly handicapped the trade of this country. As far as I can see, there is only one way to deal with the difficulty: to put the control of the harbour into the hands of a board of commissioners who will be able to do the work unfeathered by the restrictions which exist at the present time. It is a fact that is not going to be denied that the port of Fremantle has a bad name outside the State, and no greater proof of that is required than the fact that the freights to Fremantle are unduly high; and the freights to Fremantle are not only an injury which the mercantile community suffer from, but an injury which is inflicted on the whole of the State, because it will be admitted on all hands that high freights more than anything else tend to increase the cost of living not only at Fremantle but in Perth, on the goldfields, and in all the other centres of the country. It is a well known fact that the freights to Fremantle are unduly high. I expect when Captain Laurie speaks on this question he will give many instances in support of the statement which I have made. I believe the freight from the old country to Sydney, dead weight freight, is 2s. 6d. per ton, while to Fremantle it is nearly 40s. per ton. There is something wrong when this state of things exists, and for this reason, that the port of Fremantle is nearer to the old country and many of the ships which carry freight to Sydney call at Fremantle first; yet we are penalised to a large extent, although we are 2,000 miles nearer to the place where the goods are imported from. It admits of no contradiction that if owners of ships can obtain a charter to any other port they will keep clear of the port of Fremantle. One naturally asks why is this? I believe we have facilities at Fremantle far greater than are to be

found at Adelaide, therefore there must be some reason to cause these high freights, and some reason why ship-owners will not take charters to Fremantle if they can get them to any other place. So far as I see, the difficulty has arisen from the bad management which exists.

HON. G. RANDELL: Not altogether, I am certain.

HON. M. L. MOSS: If that is not so, it is a very poor recompense after the expenditure of a million and a quarter of money. Why should we pay higher freight to Fremantle than is paid to South Australia, where goods brought by the mail steamers are landed in a lighter practically in the open roadstead? The people of Fremantle think it is bad management which has caused the high freights: whether it is so or not I will not say. If there is a board composed of persons who know what they are about, and that board is located at Fremantle, on the spot to deal with difficulties as they crop up, a ship may get a speedy dispatch. At present when any question arises a person is sent from one department to another department, and it generally appears that before the trouble can be settled it has disappeared. I think it will be for the benefit of the State at large and productive of good to the shipping world, if the management of the harbour be placed in the hands of five persons. One of the objects the commissioners will have in view no doubt will be to make Fremantle what it ought to be, after the money which has been expended on it, a good up-to-date port where ships can get quick dispatch, and shipping be carried on under proper management, so that shipping people may know if they go to Fremantle they will get good dispatching facilities, and that if they charge the same freight as is charged to Melbourne or Sydney they will get as good a profit as by going to other places. If the board is not to achieve these results, then things are not as bad as they have been pointed out in the past. If there are four or five managers over the harbour, and these reside in Perth, when trouble arises and difficulties crop up it is impossible for the management to be as successful as if there was a properly constituted board on the spot. These are mainly the reasons which have actuated

the Government in coming to the conclusion to hand over the control of the harbour to a properly constituted body, which will be better for the Fremantle Harbour itself. The Bill provides that the trust commissioners shall commence their duties on the 1st of January, 1903. That date has been fixed upon to enable, in the intervening period from now till then, the Minister in charge of the Bill to get a good deal of the machinery in going order. Members will see from a perusal of the Bill that it becomes necessary for the Minister to do a good deal of detail work before the board can start on its duties; for instance, the value of the work has to be taken, a schedule of plant has to be made, it may be found necessary to alter the boundaries other than those in the schedule of the Bill, and there are a good many things which will be required to be done, and which will prevent the Bill coming into operation as soon as it is passed. It is found that the earliest date on which the Bill can come into operation is the 1st of January, 1903, which is inserted in the measure. One of the most important provisions is contained in Clause 3, which provides for the constitution of the board: it provides that there shall be five commissioners, and Clause 4 provides that the commissioners are to be nominated by the Government, and one commissioner appointed chairman. In coming to the conclusion that the five commissioners be appointed by the Government to carry out the Bill, the Government have made due inquiry as to the constitution of harbour boards in the other States. In Sydney, the commission consists of three members nominated by the Government; in Melbourne, the commission consists of seventeen members; and, in New Zealand, where quite a number of these harbour boards are in existence, there are various methods of appointing them. But generally in New Zealand, while some boards are entirely elective, the larger ones are partially elective and partially nominative. I am aware it is very popular for public men to go on the platform and advocate the elective system; but at the risk of saying something which is unpopular, I say that the best method of appointing a board for this kind of work is, undoubtedly, a system of nomination. If you take the Melbourne

Harbour Board as an example of the elective body, I think I may fairly say it is a board which works very badly. I believe some members are nominated to it, but the bulk of members are representative of the various municipalities which are situated on the banks of the Yarra and on the foreshores of the harbour. The result is that generally the gentleman who can get on a platform and bawl out the loudest has the best opportunity of being elected. And, he goes in to grab all he can to be spent on that part of the harbour which is within his electorate. The Government should have in view, in appointing the five commissioners, one, desire to get the best possible five persons in the State who can work the harbour in the best interest of the people generally. There are, no doubt, many interests that have to be considered in making the appointments. First there is the interest of the State as a whole, which is found to be of an overwhelming character when we consider that over a million and a quarter of money has been expended in constructing the works. The Government should see that the best men are appointed who will conserve the State at large. Then comes the other two elements, I will not say contending elements, which have to be considered—the mercantile element and the shipping element. No doubt both parties are entitled to representation. The Bill, however, does not lay down that the persons nominated by the Government shall represent any particular interest. Still, I have no doubt that the Government in making the selections will be imbued with a desire to give fair and equitable representation to the whole of the interests liable to be affected by the measure. I can say now that both the shipping and the mercantile community will be duly considered when the appointments are about to be made. However, while the appointments will, if possible, be so made as to meet with the general approval of the mercantile and shipping communities, the desire of the Government is to appoint the best possible men to manage the harbour, not for the particular interest of Fremantle or the particular interest of either the mercantile or the shipping community, but for the general interest of the State at large. The term of office is limited to a period of three years, and each commis-

sioner is eligible for reappointment. Due provision is made, in case of illness, suspension, or absence of commissioners, for the appointment of deputy commissioners. The tenure of office is liable to be terminated for either of the causes mentioned in Clause 9: misbehaviour, incompetence, bankruptcy, or the taking advantage of any legislation for the relief of insolvent debtors, or absence from three consecutive meetings of the commission except on leave granted by the Governor. Farther, an appointment is liable to be terminated if a commissioner become interested in any contract made on behalf of the commission, or if he participate in the profits or benefits arising from any such contract. Subclause (e) of this clause will have to be struck out, as it has apparently passed through another place by error. Under the Bill as originally drafted, it was intended to make the engineer a member of the board. That provision was struck out in another place—very correctly, as I think—and it was decided to make the engineer a paid official at so much per annum. The subclause therefore is not now requisite, since the engineer will be an officer in the ordinary sense of the term, and not an officer of the board, whilst the chairman will receive fees as a member of the board instead of being paid a fixed salary. However, the matter can be dealt with in Committee. The next important set of clauses are 10, 11, and 12, which provide for the remuneration of members of the board. Ordinary members will receive a fee of two guineas for each sitting, whilst the chairman will receive four guineas. It is provided, however, that the total fees payable in any one year shall not exceed £300 for the chairman or £150 for each ordinary commissioner. Hon. members will see the absolute necessity for such a clause as Clause 12, which has been inserted with the object of preventing the possibility of a scandal. Of course I do not believe that any scandal is at all likely to occur in connection with the appointments which will be made, but the clause is necessary to prevent the mere possibility of commissioners deciding to hold meetings three or four times a week in order to make big salaries out of their appointments. The commissioners may hold as many meetings as they think fit, but the total annual fees to be paid them

will not exceed £300 in the case of the chairman or £150 in the case of ordinary commissioners.

HON. G. RANDELL: That is not very liberal.

HON. M. L. MOSS: It may not be very liberal, but the motive is that no one shall go on the board for the purpose of making a living, or indeed making much money out of it. I believe the Government will be able to obtain men competent to discharge the functions of commissioners for the remuneration provided by the Bill.

HON. G. RANDELL: I do not believe it for a moment.

HON. M. L. MOSS: I can only hope that the event will prove the hon. member's forecast wrong. From my knowledge of the men competent and anxious to serve on the board, I believe the Government will be able to secure them for the remuneration proposed. The most important appointments are those of the engineer and the secretary. These will be the two leading executive officers; and if they are competent to fulfil their duties, the province of the commissioners will be merely supervision. The board under this Bill, just the same as members of a Ministry, should endeavour to avoid, in a large measure, matters of small detail, which detract from their ability adequately to consider large matters of policy. That, in my opinion, has been the trouble with Ministers in the past: they have shown too great a desire to deal with a mass of little things, with the result that matters of large policy escaped their attention, and that the community has suffered in consequence. The intention is not under this Bill to give the commissioners power, of their own motion, to dispense with the services of the engineer, secretary, or harbour master. Clause 18 renders the dismissal of these officers subject to the approval of the Governor-in-Council. Subclause 3 of the same clause, however, provides that the appointment and dismissal of servants and labourers employed on daily or weekly wages shall be wholly and solely within the control of the board. Clause 21 and the succeeding clauses are important because they provide for the vesting of properties in the commissioners. The Bill proposes to vest in the commissioners all the lands set

forth in the schedule and all harbour lights and beacons, with the exception of the lights on Rottneest Island and that on Woodman's Point. These latter lights have been excluded because before long the question of their control will be a matter of federal concern. Moreover, it is intended by this Bill to confer on the board merely the control of lights within the harbour. Undoubtedly, the two lights on Rottneest Island and that on Woodman's Point will eventually become matters of federal concern; and, in the meantime, the Government will control them in exactly the same way as other lighthouses along the coast are controlled. All wharves, docks, and landing stages, and such other properties as the commissioners may acquire or the Governor-in-Council may from time to time vest in them, are placed in the control of the board. The proviso that the Governor may from time to time alter the boundaries set forth in the schedule is not only important but absolutely requisite, because it may turn out that the land set forth in the schedule is not all that is requisite to enable the commissioners properly to control harbour affairs. It may be necessary from time to time to increase—it may also, indeed, be necessary from time to time to diminish—the area under the control of the commissioners; and therefore the Government reserve to themselves the right, without reference to Parliament, of altering these boundaries. Subclause (b) is important inasmuch as it provides that if any of the properties vested in the commissioners be required for public purposes elsewhere in the State, the Governor may revert such property in His Majesty. Hon. members will see that, supposing for the sake of argument it became necessary to send one of the Fremantle dredges to Albany, it is indispensable that the Governor should have power to divest that particular piece of property from the board and to send it elsewhere, as the necessities of the State may demand. The group of clauses from 23 onward may, I admit, be the subject of some difference of opinion on the part of persons who have taken an interest in the harbour. It has been contended that the powers and duties of the board should be very much more extensive than the Bill proposes to make them for the present, that the

whole of the work of construction should be handed over to the board, and that the board should carry out such work independently altogether of Government control. The Government, however, have not thought fit to frame on such very broad lines a measure which the Colonial Secretary in another place was impelled to describe as somewhat tentative. It has not been thought advisable to give such extensive powers to the board in the first instance. The greater portion of the trouble which has arisen so far has been trouble in management. I dare say Captain Laurie will tell hon. members presently that great troubles of construction have arisen. He has often mentioned to me one trouble in that connection, and I may refer to it at the present time. It is stated that portion of the wharf for mail steamers near the railway station has been badly constructed—that the piles have not been driven sufficiently deep, with the result that if a dredge be now worked alongside that portion of the wharf for the purpose of giving a depth of water sufficient to accommodate the largest steamers trading with the port, the wharf will cave in and the railway station with it. Captain Laurie will no doubt cite that circumstance as a reason why the whole of the work of construction should be handed over to the board. However, I consider that one can go too far in the first stages of a change of this kind. I hold that the management of the harbour generally having been handed over, the board and the people of the State should be satisfied to leave the construction of works in the hands of the Government. Under Clause 24, the extension of the harbour within the limits laid down in the schedule may be undertaken by the Minister, but only on the recommendation and by the advice of the commissioners. Therefore, although the Government do not propose for the present to give the board the power of construction, it is intended that the Works Department shall carry out construction only with the advice and subject to the recommendation of the commissioners. The power thus given to the board I consider sufficiently extensive. I have no doubt that as time progresses, as the board gets its work in hand—and I think the commissioners will

have sufficient trouble in the first stages of their existence to get the management well under control, wherefore I do not consider it advisable to hand over to them the work of construction—it may be advisable to confer on the commissioners the full power of construction. I believe that for the present Clauses 23 and 24, which limit the power of construction in the manner I have already indicated, are sufficient. The remainder of the clauses down to Clause 50 are, in the main, copied from New Zealand legislation. Clauses 33, 34, and 35 deal with wrecks and obstructions, and give the board full power to deal with vessels sunk, stranded, or abandoned, and with the owners of such vessels. Clauses 36 and 37 deal with actions against the commissioners, while Clauses 38 to 50 deal with the imposition of harbour dues and wharfage charges, and the making of regulations. I shall be glad to explain any of these clauses in detail if my attention is called to them in Committee. The next important part of the Bill to which I shall specially refer at this stage consists in those clauses from 51 onward which deal with the matter of finance. It is not intended, as perhaps some persons might have anticipated, in constituting a board of this kind, that the works should be valued at a certain amount, and that the board should be charged with the duty of carrying on the business of the harbour in such fashion as to raise, by means of harbour dues and port charges, sufficient to pay working expenses, interest on the cost of construction, and the necessary amount of sinking fund. The financial clauses of the Bill provide that a schedule of the harbour property shall be made, and that its value shall be determined, and that after the determination of every year the Minister shall add to this schedule the cost of additional works and improvements, and the proportionate cost of works then in course of construction. After the payment of the expenses in connection with the management, all the money goes into the consolidated revenue; after deducting the cost of management, the Government keep what is over to pay the interest and sinking fund, any balance being made up from the consolidated revenue. Later on, when greater powers are given to these commissioners, it may be desirable to recast

the whole of the financial clauses of the Bill. If the time does come to give the board greater financial power than it will have now, it will not be fair to charge against the work the entire cost of the construction without crediting the work with the value of the land that has been reclaimed and used by other departments. If at any time in the future the duty is cast on the harbour trust commissioners to pay the expenses and find the interest and sinking fund, we should deduct from the cost of the work the land which has been reclaimed for other purposes. Of course the cost of reclaiming land which is included in the area over which the harbour board have control should be charged to the board; but in estimating the total cost of the harbour work, credit may be given for land required for other purposes. We need not worry about that at the present time, as it is not intended to cast the responsibility on the board of finding the money to pay the interest and sinking fund together with the cost of management. I hope with the splendid revenue that the board will control they will be able to do more than that. I trust when the board are in operation they will not cripple the utility of the harbour, but that it will be used in the best interests of the State. The main object which the board has is to cheapen freights so as to induce the owners of ships to accept charters to Fremantle, and if possible to reduce the wharfage in the interests of economical working. I am very glad to see that Clauses 57 and 58 provide for an inspection and audit of the accounts by the Auditor General of the State. I am a great believer in a Government audit; I do not think an audit independent of the Auditor General, that is an audit by auditors appointed by the board, is satisfactory; and I am glad to see that provision is made that the Audit Act of 1891 shall be extended to this body. I hope there will be an advance in this direction in regard to municipalities and other bodies. If the Auditor General audits the accounts, it will keep the commissioners up to their work. Clause 59 provides for the various matters on which the board may make regulations. These regulations are to be published in the usual manner, in the *Government Gazette*, and laid before Par-

liament 14 days after Parliament meets, or laid on the table if Parliament is in session. The next group of clauses deal with offences, and are necessary for the smooth working and carrying out of the powers of the commissioners. I think I have roughly endeavoured to explain the salient features of the Bill, and I shall be pleased to explain anything farther and in detail when in Committee. There can be no doubt that, as far as the principle is concerned, this Bill should be affirmed, and I do not anticipate even a dissentient voice on the second reading. The Government are to be highly commended for bringing down a measure of this kind. It is desired in the best interests of the country, not only for Fremantle but for the State at large. It has become a necessity for the management of Fremantle Harbour to be placed on a better footing than it is at present. To go on under the present system means confusion becoming worse confounded. The constitution of the board I am certain is going to smooth the way to economical working. The high freights to Fremantle affect everybody in the community. I hope we shall be able shortly to see that the rate of freight to Fremantle is not considerably over £1 per ton more than is paid in the other States, especially when we are nearer to the markets from which the goods are procured. The reason given for that is the poor facilities at Fremantle. There must be bad despatch, which is the outcome of bad management. With better management we may find the working of the board more advantageous to the people of the country generally. I have much pleasure in moving the second reading of the Bill.

HON. R. LAURIE (West): I dare say members look to me to follow Mr. Moss in speaking on this measure, and possibly I am given credit for knowing more about the Fremantle Harbour than any other member of the House. While I agree with most of what has fallen from Mr. Moss, and although the tonnage to Fremantle has increased very greatly, there is necessity for better work being done. In asking members to vote for the second reading of the Bill, I think I can show that had this board been constituted when the plans were first made for the working of the harbour at Fremantle, much money would have been saved to the State in the



working of that harbour, and very much money would have been saved to the people in freights. It is within the memory of most of us here that there was very urgent necessity for a harbour at Fremantle, and Mr. Moss rightly said that Sir John Forrest took the matter in hand, and with Mr. O'Connor as Engineer-in-Chief the work was carried to a successful issue. But I say, had the work been in the hands of five business men as is now contemplated, the wharves would have been erected in a proper manner, so that the commissioners appointed now would not have to alter them for enabling the work of dispatch to be carried on in an expeditious manner. When this is done, shipowners will be able to base their freights to this port on the amount paid in the other States. A member informs me that goods are sent from America to Melbourne, then transhipped and sent on here as cheaply as the goods can be sent direct from America. Such a state of things ought not to exist in Western Australia. Let me take up the time of the House in pointing out the condition under which work has been carried on at Fremantle for some years, and the members who know Fremantle will be able to follow me. At the present time we find the wharves from the harbour works up to where the mail steamers lie are on a low level: the high level was built at the instance of the Fremantle Chamber of Commerce, who induced Mr. O'Connor to do this work. It was pointed out that with the wharves on the low level it would be necessary to handle the cargo twice to lift it from the low level to the sheds. The other portion of the work was built at the higher level. We have sheds there, and the work of dispatch is being done in an admirable manner. I am satisfied it could not be done better in Melbourne, Sydney, or Adelaide, and when I tell members that in 19 hours 2,800 tons were taken out of a vessel only 10 days ago, that I think is sufficient proof of my statement. Out of four hatches was discharged, in 19 hours, a total of 2,800 tons, and I say better than that cannot be done in the Eastern States. Notwithstanding what appeared in a letter from Mr. William Sandover, I say better than that cannot be done anywhere, and I have had considerable experience in the other ports of the Eastern States. At the present

time on the lower level a big steamer such as the Perthshire, which was there the other day, does not work more than six hours a day for the simple reason the cargo has to be put into trucks. The work cannot be done for the many reasons stated by Mr. Moss. There are different heads who have to be consulted; there is the Railway Department which steps in and places the trucks alongside the vessel at 8 o'clock in the morning. A visit is made by the locomotive at 12 o'clock to pull the trucks away: that is all the attention a ship gets. The engine goes at 8 o'clock in the morning, and once again at 12 o'clock: all the other work has to be done by hand. If one wishes to appeal to the head of the department one must come to Perth. It would be much better to have a person in authority at Fremantle. At the present time, if a person goes to the officer at Fremantle it will be found that while the officer has control of the south-western wharves he has nothing to do with the northern wharves. It has been a case of dual control right through. The harbour-master can berth a vessel where he likes, but the Railway Department can refuse to take cargo from the vessel, and a ship has been idle for a whole afternoon, the Railway Department not taking a package of cargo from it. Five men connected with the mercantile and shipping interests would be dealing with this matter in their own interests, and it would be found that cheaper freights would prevail; not only that, but there is another point which has not been touched upon. If a vessel lies 21 days in Fremantle, there is money lying idle in the vessel in the shape of merchandise, which the merchant cannot get at, which means additional cost to the people of the State. Let me go back to the construction of the wharves. The lower level was built in the first instance, but subsequently the upper level was built at the instigation of the Chamber of Commerce. Let me touch on this point, because the money ought not to be wasted. The wharves are built, and, after their construction, no provision is made for the material coming from the back of the wharf into the river. Some time afterwards a dredge was sent to deepen the river, and the whole of the material fell from the railway line into the river, leaving the rails suspended in

the air; then a dredge came to the other side where the mail steamer railway station has been built. I have said before, and I say again, that railway station ought never to have been built. There is a loss arising from it. The trains are only run to the station when the mail steamers are lying at the wharf—the P. and O. and Orient vessels. The dredge came up abreast of the railway siding, and on one occasion the soil began to crumble away. If the dredge had continued working the railway platform would have gone. Now the dredge cannot be sent there. The railway station ought not to have been built there, and it is only a question of a short time when the railway station will become a part of the shed where the mail steamers are berthed alongside so that passengers luggage may be housed, and there will be no fear of the goods being stolen. If the construction of the wharves had been in the hands of five business men, the wharves would not have been built where they now stand; they would have been built in a different position. As for the sheds, had they been constructed in a different fashion they would have been doing the work which the sheds built at the other end are now doing. Now let me touch on the sheds at the other end. It was proposed to build those sheds over two years ago; and when it was proposed to build them, I in company with others urged on the Minister for Railways of the day that he should build sheds which would relieve the traffic of the railways. The whole country was then crying out for trucks and unable to get them. Had the sheds been built by that time, all the pressure would have been relieved. Plans for the sheds were then drawn up. On my return from England in January, 1900, I protested against the erection of the sheds in the manner proposed. The Works Department was making the sheds too short and too wide—really making them excellent employers of labour. The distance from the side of the ship to the cart was 166 feet—a state of affairs not to be paralleled in the world—and then an open space was left at the end of the sheds for the storage of heavy goods. This is one of my reasons for maintaining that the Works Department ought not to have too much to do with the construction

of any other works connected with the harbour at Fremantle. Construction by the department means too much going to the Minister, and the Minister passing matters on to the next in command; so that by the time anything is even begun, five or six months' delay has occurred. When these particular sheds had been erected, they were kept shut up for six months. Eventually, when the merchants wanting to put cargo into the sheds did succeed in getting them opened, it took one whole day, from 8 a.m. to 4 p.m., to find the key. Fortunately, the key was found and the sheds became available. About a week or ten days afterwards, I made a certain application to the Minister for Works. It was a well-known fact that at the ends of the sheds there was no means of getting heavy cargo across without jumping the rails. I put myself in communication with the Minister for Works and informed him exactly of what was required to remedy this difficulty. It was necessary to get the rails sheathed in order that large packages of two or three tons weight, such as were not allowed to be stored in the sheds, might be transported across the rails without difficulty. What was the result of my application? That work was promised to be done five months ago. Had the matter arisen in connection with my own business, I should have had the work done next morning. The whole job would not cost £50; and any private firm, I venture to say, would have had it done in a single day. However, five months ago a promise was given that the work should be done, and the week before last a man was sent down by the Works Department to measure the timber required. Let me point out another instance of mismanagement in connection with the harbour works. Plans were drawn up for the sheds over two years ago, and the sheds were eventually erected. Those plans provided for a set of points and crossings at the end of each shed, so that trucks might run down the wharf. The Railway Department did not want trucks on the wharf, and therefore required only one line of rails for putting heavy packages into trucks. However, the plans provided for points and crossings at the end of each shed. The sheds have been finished a year and nine

months, but about a fortnight ago men were sent down by the Works Department to put in the points and crossings which the Railway Department, which has the working of the wharf, does not want. The men in question worked all Saturday, Saturday night, and Sunday, to put in these unnecessary points and crossings, simply because the plan showed points and crossings. In a short time, probably, these points and crossings will have to be taken up. However, I maintain that if it takes the Works Department a year and nine months to do such a piece of work it is time that the business of harbour construction was taken out of the hands of that department. For that reason I take exception to Mr. Moss's remarks on Clause 24, which provides that:—

The completion and extension within the harbour of all harbour works shall be deemed Government work within the meaning of the Public Works Act, 1902. . . .

I maintain that we should, at this point, insert the following words: "and may be undertaken by the commissioners on obtaining the approval of the Minister for Works." By such an alteration we do not take away the power of the Minister, though we do put the Works Department out of the business. If the intention is to give power to the commissioners, then let them have full power to carry out works with the consent of the Government. I do not wish to take away any Governmental or parliamentary control, but I do wish to abolish the control of the Works Department. Do not let us wait five months before setting to work to measure a few miserable feet of timber! Now I come to touch on the question of revenue. Mr. Moss has said that it is not intended to charge the commissioners with any of the improvements which have been made, or, in fact, with the cost of building the harbour. In this connection, I think it would be particularly unfair to charge the commissioners with the cost of building a harbour not yet finished, and a portion of which will have to be reconstructed in order to make it fit for the work. I refer now to the lower levels and certain other portions of the wharves, which have already been built two or three times over. I do say, however, that the revenue from the harbour will be exceedingly

large. The revenue in the past has been credited to the Railway Department. When applying for additional harbour facilities, Fremantle merchants and shippers have always been told that it has never paid the Government to handle the goods. On the last occasion that I went to the Minister for Railways as member of a deputation, I pointed out that while Fremantle merchants were paying 2s. per ton for wharfage, the whole of the up-country handling at Fremantle was being debited to wharfage, whereas it ought to be a charge against the Railway Department. Under such circumstances, the wharfage can never be made to pay. If the goods go to the sheds, they have to be delivered, certainly, to the customers; but the labour in the sheds is always charged to wharfage, and consequently there never can be enough wharfage paid. Such a position, I say, is unfair to the State: it obtains in no other country that I know of. I come now to the charge of 3s. 6d. per ton for wharfage. Of this 2s. 3d. is absolutely net revenue to the department at the present time; but, instead of going to the credit of the harbour, it goes into the coffers of the Railway Department. The wharves and the sheds have been built at the expense of wharfage. Other instances of the nature of that which I am about to relate have been given in the newspapers recently, but to adduce the one instance will suffice. A ship went into the sheds on Wednesday last, and absolutely in four working days delivered 1,500 tons of cargo. On this 1,500 tons of cargo a charge of 2s. 3d. net was collected for the Railway Department by the agents of the ship from the consignees. From Wednesday morning until last night, that vessel landed 1,500 tons of cargo; and she would pay to the Railway Department, or the Railway Department would collect from the consignees, a sum of £191 5s. That is exactly what the amount comes to. Out of that sum £180 odd comes from the consumers—in the first place from the merchants, but from the consumers eventually. Now, take a ton of cargo landed at Fremantle and put into a merchant's store, and then sent from that merchant's store to Wyndham. A charge of 3s. 6d. is paid on that ton of cargo when it is landed; then there is a charge of 3s.

6d. out, and a charge of 3s. 6d. in at Wyndham. This means that the ton of cargo despatched by the Fremantle merchant pays, by the time it gets to the man who can least afford to pay unnecessary charges, living as he does away back, 10s. 6d. as against 3s. 6d. here. Such a position is distinctly unfair; and if the commissioners to be appointed are not men fully seised of their duty, this kind of thing may go on. Mr. Moss has said that the State will get a splendid revenue from the harbour. The State may well get a splendid revenue; but a ton of goods once having paid wharfage ought, to my mind, never to pay another wharfage charge. The goods once landed here, the wharfage should be covered. In conversation a merchant told me recently, "I can get my flour from Melbourne and have it landed at Cossack as cheaply as if I had it landed at Fremantle." And that is perfectly true. The present system of imposing wharfage dues absolutely drives the business away from our merchants to those of the Eastern States. I say we ought to encourage our merchants to build premises and to do business here; certainly, we should not drive business away from them. We ought not to encourage a man to go to the Eastern States to buy 10 tons of flour for Cossack. If the commissioners appointed are men with a thorough sense of their duty, they will see that the port of Fremantle is built up, but not that it is built up at the expense of other ports. People living in Bunbury, for example, cannot get a ship to come direct from England to their port. It may be stated in argument that the Bunbury people can get a transshipping charge, which means 2s. per ton. Yes; transshipping charges are very simple: they mean only 2s. per ton in the schedule of rates, but what do they mean in actual fact? There is a charge of 2s. for shed accommodation when transshipping; then there is 9d. for handling one way, and 9d. for handling another way; farther, there is 9d. again for loading on carts; then, when one gets to the other wharf, there is 9d. on the truck and 9d. off. That is pretty well 7s. The schedule of rates shows the transshipping charge at 2s., but it is actually 7s. Whoever may be appointed to the board needs to be fully seised of

the fact that while Fremantle Harbour is to be built up, it must not be built up at the expense of other ports. I shall deal later with the commissioners generally, but such is my idea of the duty of the board. Its members ought to have their responsibilities fairly settled at the start. Mr. Moss says it would not be right to hand over this vast State property to a board, and I say that such a thing would be absolutely wrong. The Government and the Parliament of this country should keep a good grip of the Fremantle Harbour. But let hon. members look at Clause 24 in conjunction with Clauses 51 and 52. The latter clauses provide:—

The Minister shall, on the commencement of this Act, cause a schedule to be made of all property vested in the commissioners, and shall determine the value thereof to be charged against the commissioners.

After the determination of such value, the Minister shall, at the end of each financial year, cause a schedule to be made of the cost of all additional works and improvements constructed.

That clearly conveys to me that the Minister will carry out works and improvements, and not the commissioners. All the land reclaimed should be valued, and I say that if a properly constituted board had been placed in charge of the works at their very inception, we should not find a certain street running as it does run. There is a street running from Cliff-street to the mail steamer wharf and to the sheds, which means that when the sheds have been erected the whole width of the street will be lost unless the fence can be brought right over. Thus valuable land may be lost, because members know that where shipping is carried on and ships are berthed the land is worth from £40 to £50 a foot. I am satisfied this land would realise £60 a foot if it were offered for sale to-morrow. The land ought to be credited to the harbour, and the commissioners ought to know what they have to collect. It is not for the commissioners to say we have to collect 3s. 6d. revenue, because if 3s. 6d. is to be paid we shall never reach the basis of cost existing in the other States. I want to deal with some of the clauses of the Bill which to my mind require amendment. Generally I am of the same mind as Mr. Moss, but there are some clauses which I think require amendment. Clause 3 I agree with:

there should not be more than five commissioners. In Sydney there are three commissioners, and in New Zealand the most successful board is the Wellington Harbour Board: it is rather larger than the board we propose to establish, but it is larger for the reason that in New Zealand—and my friend Mr. Moss is a native of that country—the harbour boards have rating powers; they can rate a district at a fee of a penny or twopence in the £, according to the advantages derived from the harbour. If a person is rated, that person requires representation, but there is no rating power in this country. That system does not obtain in Melbourne, and it is found there that the boards are unwieldy and unworkable. The person who represents Footscray for instance is elected perhaps because he owns property in the neighbourhood. That board is a very badly managed institution. If we make this board an elective one we may get men on it who have no business qualifications, and members will therefore entirely agree with the Bill that the commissioners should be nominated. That they should be appointed by the Governor, I scarcely agree, for the reason that if we could have arrived at some sort of franchise it would have been better. It has been ridiculed in another place that the Chamber of Commerce are not a body who should nominate a member; but I say, notwithstanding that ridicule, if a man is nominated by the Chamber of Commerce and goes on the board, he will go there with the hall-stamp of the business men, and with the hall-stamp of the chamber which he represents; therefore it would behove those who placed him there to see that their representative did his duty. We have the assurance of the Premier that the commercial men of the State shall be consulted in regard to the appointment of a member of the board; the Premier has made that statement public, therefore in this instance I am willing to accept the Premier's public statement that the best men will be appointed. There is a subclause in Clause 4 which I particularly did not wish to touch upon, for the reason that some members might say I had a desire to go on the board. I have no desire to go on the board, but I desire to serve the country I live in and in which I get my

living. I have a desire to serve the country to the best of my ability, and had I thought the qualification of a member of Parliament meant disqualification of membership for any board, I probably should not be here to-day. It is a direct insult to members of Parliament to fix their price at a paltry two guineas. I say it is a pity. If we look at the non-paid boards nominated by Government, take the King's Park board for instance: if we put a similar clause in the Act relating to that body, whom do we knock out? Take the Zoological board: members there are nominated by the Government.

HON. R. G. BURGESS: They are not paid.

HON. R. LAURIE: Exactly, not paid; and I say again if a paltry two guineas is the price of a member of Parliament, it is time members of Parliament threw up their positions. Very few members come to this House for the £200 a year which they receive. There may be members who are not able to serve without payment, and it may be desirable to pay members £200 a year, but I am satisfied members of the House do not come here for the paltry £200 paid to them: they could no doubt have a better result for the time which they spend here than the £200 which is paid to them.

HON. M. L. MOSS: That clause was not in the Bill as the Government introduced it.

HON. R. LAURIE: I do not say it was. I speak of the Bill as we find it. I have no desire to be personal, but if I was called upon to go on the board, if there were no fees or if I had to pay to go on a board of this kind I should be pleased to act. I have taken a great interest in the matter, and I was the first person in Western Australia, I think, who proposed that such a board should be appointed. That was eight years ago. Considering the cost to the country I proposed that a harbour board should be formed; that was before ships entered the harbour at all. I desire to pass that over, because no doubt members view the clause in the light which I do. It should never have been inserted in the Bill. I do not think I shall take up the time much longer, but I should like members, if they have any doubt as to whether this Bill should become law or

not, to get a copy of the regulations which exist in other ports and find out what is paid in wharfares; then take the regulations at Fremantle and compare them, and they will see what a difference there is between the two. I say that if members will look at the regulations which are in force in other places, and what has been done by the mercantile community, they will understand what can be done by the mercantile community here. Let us have the whole management of the harbour under mercantile and shipping men. I do not wish to say that the mercantile and shipping men should all be selected from Fremantle. I have already said that in another public place. We have an immense business going to Perth and there is a big water-way to the capital; there is an immense business going to the goldfields; but it is a very different matter for a goldfields man to give his attention to harbour matters. A goldfields man may not have the knowledge of the working of boards such as this; but there are many good keen business men and financial men who could do good work on a board of this description. I trust when the Government are appointing members to that board they will not forget this fact and make the body a parochial one altogether, that is to say composed of Fremantle men entirely. I trust the best men in the State, not only in Fremantle but at all events in Perth, will be appointed on the board. I have much pleasure in supporting the Bill, with the few alterations to be made in Committee. If members will do their duty, they will get the Bill through as quickly as possible, so that it may come into operation on the 1st of January, 1903.

HON. G. RANDELL (Metropolitan): I take advantage of the opportunity of the second reading of the Bill to say a few words, first perhaps on the general question. I do not think anyone, not excepting Captain Laurie, has taken a greater interest in the harbour at Fremantle than I have done; I think I can say that and be acquitted of any egotism. It was right and proper on the part of the Minister to refer in the way he did to two men connected with this national work. It is true Sir John Forrest never designed the harbour to be within the river at Fremantle. I think I may say,

and members will find it correct if they look up *Hansard*, it was the arguments which I used in another place which induced the total alteration by the Government and the members of the Assembly, of the harbour scheme and the alterations at Fremantle. It was originally intended that the harbour should be between the coast at Rockingham and Fremantle. In consequence of what I said in the Legislative Assembly on the occasion referred to, members were induced to change their opinions and agree with Mr. O'Connor that the proper place for the harbour was within the river at Fremantle. I believe Mr. O'Connor manifested very great courage in recommending to the Government that the harbour should be placed within the river at Fremantle, because that was in opposition to the expressed opinion of Sir John Coode, a man of world-wide reputation, and who had more than once expressed doubts as to the feasibility and the success of making a harbour in the river; therefore Mr. O'Connor, a younger man, with less reputation than Sir John Coode, showed courage in staking his engineering reputation on the construction of the harbour at Fremantle, and he will always be deservedly remembered by the people of this country for having the courage of his convictions, and having carried the matter, if not to a complete conclusion, to a successful result. We may hope that in process of time the harbour will be completed, and that it will be as at present a source of great convenience to the shipping which visits this country and an advantage to the prosperity of the State itself. That troubles have arisen and blunders have been committed, we have only to listen to what Captain Laurie has just said to know. We have also to remember that public statements have been made in this direction. I have had information given to me for some time of the wilful waste on the harbour works, and there may be other matters much worse. But none of this can be charged to Mr. O'Connor, or to the chief officers under him; but that a system of plunder was carried on during the construction of the works I have little doubt in my mind from the information I have received from time to time by persons acquainted with what was going on in connection with the harbour. I do

not wish to particularise: I make my reference general. Members have perhaps been placed in possession of the statements, so that there is no need to refer to the matter farther. The statements are not creditable to those immediately supervising the work. I regret that Captain Laurie had to make such statements as he did this afternoon in the House, and I am sorry for two reasons. I am sorry that blunders and difficulties occurred, and that hindrance has been placed in the way of officials discharging their duty, because to some extent this will go forth to the world, and possibly do us some little damage. I trust, at any rate, that the fears for the future which the hon. member has expressed will never be realised. At all events, it will be advisable as soon as possible after the commissioners have been placed in possession of the works, to take measures for warding off the calamities which are stated to be likely to occur. The hon. member has spoken lengthily on practical and important matters connected with the Fremantle Harbour, and I think he has clearly justified the establishment of a harbour board for the control and management of the works. It is to be hoped that the commissioners, unhampered as they will be by official routine, and having the interests of the mercantile and shipping communities and also the interests of the State generally at heart, will be able to avoid delays in the construction of necessary works, and thus prevent the disappointments and losses which have been occasioned in the past by such delays. Of course we have known for years that owing to some cause or another the railways which ran on the platform have not been managed in such a way as to give satisfaction to captains of ships, or to merchants, or to any others connected with the harbour. If the commissioners carry that point and create a better state of things, they will deserve well of the community at large. I believe it to be a good and sound principle to place a work like this under the control of commissioners selected, as I hope they will be, from the very best men available in the community at large. The commissioners, I have no doubt, will be men possessed of mercantile and shipping experience, of sound common sense, and of

a knowledge of many of the matters which will necessarily come under their supervision. Above all, the commissioners should have a good all-round knowledge of commercial and business life. I have no doubt that the promise which has been given will be carried out, whatever Government may happen to be in power when the commissioners are to be appointed. At any rate, Ministers will be severely criticised and condemned if they do not take the opinions of bodies like the chambers of commerce and other associations representing large common interests. I quite agree with the principle which has been adopted in this Bill, that the Governor shall nominate the members of the board. That I think, far and away, under all circumstances, the best principle; and its adoption will avoid—at any rate I hope it will, if a wise selection be made—a great deal of the logrolling and heartburning which may result from the adoption of the principle of election. Having gone just a little into the history of this great and important work, I shall now say a few words on the details of the Bill, which I am sure all hon. members desire to make as effectual a working measure as possible. Some features of the Bill, I consider, may require amendment; but they are mainly matters of detail and can easily be dealt with in Committee. In the first place, I am not inclined to agree with what has been said about the increased cost of landing at this port, and the bad reputation which Fremantle has got from the delays to shipping which have occurred, as being solely chargeable with the heavier freights which Fremantle has to pay in comparison with Sydney or Melbourne. Ever since I have known these States, the case has been the same. Fremantle has always had to pay a larger freight on its goods than Sydney or Melbourne. One of the controlling features in the case, or at any rate one of the large contributory causes of the increase, hon. members will I think see is the comparative smallness of imports into this country.

MEMBER: Why should that affect the freight on what is imported?

HON. G. RANDELL: The hon. member will understand that any person having large quantities of goods to furnish can

supply a large quantity at a less price than a smaller one. When a ship comes here loaded partly for Fremantle and partly for another port, her freight is bound to be higher. I may say, with a good deal of confidence, that there has been in the past, if it does not exist at the present time, a certain combination amongst a small number of shipowners who have catered for the trade of this country, and that those owners have thus been enabled to keep up freights. These are contributory factors in the increased freights which we have had to pay, and perhaps their operation has been quite as important as that of any delays which may have taken place. At all events, whether my expression of opinion is or is not correct in this respect will be seen when arrangements at the port are such that a ship can always secure quick despatch, and, if she wishes to load again, can obtain loading from the port of Fremantle. I anticipate, however, that for some time to come, until our imports and exports are larger and more in proportion to those of Victoria and New South Wales, we shall have to pay somewhat higher freights for carriage by sea.

HON. J. A. THOMSON: Our imports are higher than those of South Australia now.

HON. G. RANDELL: I am not prepared to say whether that is so or not; but if goods can be imported at a cheaper rate from Melbourne than direct to Fremantle, the cause must be looked for in the direction I have indicated, that there is greater competition in vessels consigned to the port of Melbourne, and that vessels are probably more easily loaded from the port of departure for Melbourne than for a small community like ours has been in the past. This applies especially in any particular line of merchandise. I have felt bound to make these statements because, although I am willing to allow that a great deal of bungling has occurred at Fremantle and that great delays have taken place in the discharge of ships, I am not inclined to subscribe to the assertion that the higher rates of freight we have to pay from distant countries are to be entirely attributed to those causes.

HON. R. LAURIE: Too much time is lost in discharging, and loading has taken nearly three months at times. One shipowner refused a charter for Fremantle in

favour of an Adelaide charter £600 lower.

HON. G. RANDELL: On account of the delays at Fremantle?

HON. R. LAURIE: Yes; on account of the delays at Fremantle.

HON. G. RANDELL: I should be inclined to take that statement with a certain number of grains of salt.

HON. R. LAURIE: I know the shipowner took 17s. a ton less for an Adelaide charter.

HON. G. RANDELL: The circumstances I have detailed have existed ever since Western Australia was founded, and they will continue to exist until this State comes into more equal competition with such States as Victoria and New South Wales.

MEMBER: And South Australia.

HON. G. RANDELL: I do not know about South Australia. I dare say we are pretty well on a par with that State; at any rate, our revenue is greater than that of South Australia. Whether our imports and exports are equal to those of South Australia I am not prepared to say. We may rest assured, however, that the commissioners, if wisely selected, will do their utmost to remove any stigma now attaching to the port of Fremantle by reason of the causes so graphically described by Captain Laurie, who of course is fully acquainted with all the circumstances since the harbour has been open for shipping. I am inclined to agree with the hon. member as to Sub-clause (3) of Clause 4. I consider the clause totally and entirely unnecessary, especially when one takes into consideration the magnificent emoluments which are to accrue to members of the board! I am sure that all the great merchants and men of large business experience in Fremantle, and therefore the men most competent to manage the affairs of the board, will be racing one another to obtain appointments as Harbour Trust Commissioners! Of course it is impossible for this House to make any alteration in the Bill so far as the emoluments are concerned, but at the same time a suggestion may go from us that we consider the provision made certainly inadequate to the duties to be performed and the great interests to be committed to the keeping of the commissioners. My own opinion is that each member of the board



should have the fees provided here doubled, and that the chairman, at any rate, should have at least £500 a year. Then we might possibly get men who would feel it worth their while, apart from general business considerations, to devote time and energy to the proper carrying out of the duties of commissionership intrusted to their charge.

HON. R. LAURIE: The people concerned have suffered so much in the past that they are willing to do the work for nothing.

HON. G. RANDELL: Possibly they may be willing to do it for nothing. We find patriotic men sometimes. There are in this House men who have done a great deal for nothing through a long series of years, in the interests of the country at large. We can hardly expect, however, that where large revenues are collected, where important duties are concerned, where conflicts of opinion are likely to arise, and where innuendos and charges of all sorts are likely to be made, men will be found willing to take positions for nothing.

HON. M. L. MOSS: I am glad you are becoming a convert to the doctrine of payment of members.

HON. G. RANDELL: There are in my opinion one or two failures to make this Bill workable, although perhaps I have not yet mastered all its provisions thoroughly well, and therefore speak with some little hesitancy. So far as I can gather, no provision seems to have been made for the appointment of an acting chairman in case of the absence or illness of the chairman. The Bill provides that for the conduct of business three commissioners shall be a quorum, but does not state that the chairman must be present. It is not expressly provided, at any rate, that the members present shall have the power of electing a chairman for the time being. I think that ought to be clearly stated, in case any difficulty may arise or any illegal acts should be performed by the commissioners. I hope that the member in charge of the Bill will make a note of that point. Possibly he will be able to show, at some other stage of this Bill, whether my opinion is correct or not. The chairman is given a casting vote under certain circumstances which are not likely often to arise, that

is when there are four commissioners present and equally divided in opinion, the chairman has the right of a casting vote. It is provided that the commissioners shall make an annual report to the Minister of their proceedings. I should be glad to see that altered to a half-yearly report. In connection with an important department like the Fremantle Harbour, the Minister should have a report oftener than once a year. I hope that point will receive attention in Committee, and I trust the member in charge will consider whether it is not desirable, in the interests of the country, that reports on the working of the Fremantle Harbour should be obtained as often as possible. Twelve months, in my opinion, is too long a period to elapse. The hon. member has referred to Subclause 2 of Clause 21, and says that the lights at Rottnest and at Woodman's Point by-and-by may pass away from the control of the State Government. I hope they never will. From what we read of what has been passing in the Federal Government, our confidence is very much shaken in that Government, and I do not want to see the Federal Government have more control over matters in this country than they already have.

HON. M. L. MOSS: One of the "39 articles" gives them control.

HON. G. RANDELL: I am still of the opinion that it was not wise to join the Commonwealth when we did. I think we shall feel it yet more and more than we have felt it. Some of the other States are feeling it so keenly that they are hinting at a dissolution of the Commonwealth, which practically is impossible. There is no reason why the State Government should not keep a sharp lookout on all matters connected with the State, and not let the Federal Government have more control than can be helped. I should like to see Clause 26 amended by adding at the end thereof, "and approved by the Governor." This is a clause which implies that leases not exceeding 21 years may be granted by the commissioners, provided that no lease for a period of three years shall be granted unless application therefor has first been advertised in the *Government Gazette* for one calendar month, and I wish to add "and approved by the Governor."

HON. M. L. MOSS: Look at the beginning of the clause: it says "the Governor may."

HON. G. RANDELL: I overlooked that; then the clause will be all right. I think that sufficiently safeguards it. The powers granted to the commissioners I think are full and ample, with the exception perhaps of those points which have been referred to in connection with the construction of works and wharves and the greater facilities for the discharge of the ships. I am of opinion that if there is to be an enlargement of the harbour, the construction of farther works should be carried out under the control of the Government of the day. There is one matter in connection with Clause 33, Sub-clause (4). It is provided that where a vessel is the cause of danger, where it is either a wreck or is stranded, or is sunk either by the fault or negligence of the navigator—that is the captain of the ship—in that case no damages which might accrue are to be recovered from the owner. The clause says nothing about a wreck which has not been caused by the fault of anyone. Is that embraced in the same clause? I do not think it comes within Clause 33. A case may occur in which damages may not be obtained from the owner, but in which damage is done by the wreck to another vessel.

HON. M. L. MOSS: Clause 33 says nothing about having to prove negligence.

HON. G. RANDELL: Sub-clause (4) says:—

If the proceeds of such sale are insufficient to pay the whole expenses of removal, the commissioners may recover the balance from the owner of the vessel, if such vessel was stranded or sunk by his fault or negligence, or from any other person by whose fault or negligence the vessel was stranded or sunk.

I have already referred to Clause 54, which speaks of an acting chairman, and except by implication there is no provision by which an acting chairman may be appointed. In Clause 8 it says:—

The Governor may appoint some person to act as the deputy of such commissioner during such illness, suspension, or absence, and until such appointment is terminated by notice in the *Government Gazette*. Every person so appointed shall, while so acting, have all the powers and perform all the duties of such commissioner.

That may embrace by implication the

chairman, and possibly it does. I think it ought to be mentioned in so many words, however. Clause 58 provides for the audit being carried out by the Auditor General, which is a very proper and right provision. We should always have these accounts audited at least—I propose to strike out "once" and insert "twice" every year. I think we should have these audits twice a year. In this case large sums of money may pass through the hands of the secretary, and he has important duties to perform. It would be some little safeguard if the secretary were not inclined to be too honest, or to whom an opportunity is given for being loose in his office.

HON. M. L. MOSS: All moneys are paid at once into the Treasury, not into a bank; there is that safeguard.

HON. G. RANDELL: That is not much of a safeguard. I know in some cases audits are made three times in a year, and in other cases four times. I find Clause 62 says:—

The master of any vessel who, after the service on him of notice in writing signed by the harbour master or any officer acting on behalf of the harbour master, does not forthwith regulate such vessel according to such directions shall be liable to a penalty not exceeding fifty pounds.

I take it the harbour master in this case is the executive officer of the commissioners and will be acting under instructions from that body. These are a few of the points which have struck me in reading the Bill through more or less carefully, which I think it is as well to bring under the notice of the Minister in charge of the Bill, so that he may direct attention to the specific points in case they may require amendment. On the whole, I am quite in favour of the Bill with some slight alterations which have been indicated by Captain Laurie and those mentioned by myself if I find they are not provided for. I think the establishment of a harbour board at Fremantle is the one thing calculated to establish confidence in the minds of owners of vessels, shippers of cargo in distant lands, and the mercantile community, and what Parliament can do ought to be done with the greatest of pleasure in bringing this about. I hope the outcome of this important Bill will be to establish a state of things at Fre-

mantle which will be a credit and a pleasure to all interested therein.

At 6:30, the PRESIDENT left the Chair.  
At 7:30, Chair resumed.

HON. T. F. O. BRIMAGE (South): In preference to the harbour trust proposed to be inaugurated by this Bill, I should have liked to see a marine board established. The Bill, in its title, refers to the establishment of a "Fremantle Harbour Trust Commission," and I hold that it would have been better to inaugurate a marine board, because all the harbours around our coast would then have the benefit of the experience of the men to be appointed. The marine board of South Australia—a country of which I can speak with some knowledge—has always worked well, and has proved a most useful body. It is anticipated that in the near future the lighthouses will be taken from the control of the individual States and handed over to the Federal Government. I do not know that this would be a wise proceeding. I quite agree with Mr. Randell that the lighthouses should be left to State control, because each individual State knows most about the lighthouses on its coast. [MEMBER: Did you vote for federation?] Yes; and I do not know but that we shall find federation a benefit in the long run. Federation has had only a two-years trial as yet, and therefore no sufficient reason exists for condemning it at present. I think the proposed harbour trust might better have been constituted a marine board, and therefore I hope that something will be done whereby other harbours on our coasts may benefit by the establishment of the trust. Take, for example, that little seaport which is the pet aversion of my friend Mr. Moss. Esperance. I maintain that some means should be provided by which such a harbour may have the benefit of the brains of the harbour trust commissioners; and therefore I advocate the establishment of a marine board. I regret to learn what Captain Laurie states concerning the difference in the rates of freight to Fremantle as against those to other ports. I consider that difference has been due more to the dangerous nature of the approach to Fremantle than to anything else. [SEVERAL MEMBERS: No.] Until

recently, the lighthouses on our coast have been very poor. It is only within the last 18 months or two years that Cape Leeuwin lighthouse has been erected, and more recently still the guiding lights into Fremantle harbour itself have become available. All who have lived in this country for the past ten years know of the terrible wrecks which occurred outside Rottnest. From conversation which I had with some pilots during the pleasant trip to Rottnest organised by the Government last week, I learn that it is now almost impossible to make a mistake in entering Fremantle Harbour. The danger or difficulty of entering Fremantle has been one of the main causes of the high freights ruling to the chief port of Western Australia. Again, a good deal may be laid to the charge of the heavy goods coming to Fremantle; our imports have, in the main, consisted of heavy machinery. It is well known that captains like to put the heaviest portions of the cargo at the bottom of the hold. As a rule these importations from the United Kingdom and America are naturally put in the bottom of the hold, and are discharged at the terminal ports of Sydney or Melbourne. At the present time ore is being shipped at Port Pirie for the United Kingdom, and it is being put in the bottom of the vessels. I have no doubt that a good deal has been done in the past to avoid what they term in marine parlance "upper hamper" or top weight. Clause 9, Subclause (e), refers to the chairman and engineer, and I advocate that the chairman of commissioners should be either a master mariner or a harbour engineer with a fixed salary of some decent size. The president of the Marine Board in South Australia receives £600 per annum.

MEMBER: They are abolishing the Marine Board in South Australia.

HON. T. F. O. BRIMAGE: That is in anticipation of the Federal Government taking over the lighthouses. I recommend that the chairman be either a master mariner or a marine engineer, or a man of experience, and that he have a fixed term similar to that given in the case of Mr. George, who was appointed Commissioner of Railways for a term of five years, his colleagues to be elected for a lesser term as provided in the Bill.

Regarding the construction of a harbour, I have always advocated that the local authority, no matter whether a harbour board or a roads board, should be provided with the plans and specifications of new work which is going on. In this particular, I hope if the Works Department go on constructing the harbour they will submit all plans and specifications to the harbour board to get their advice upon them. I think the harbour board, if the right men are appointed, will be able to give good advice. We have heard from Captain Laurie that care is necessary when extending and repairing harbours. With regard to the financial clauses, I think these can be well left to the board of commissioners; I do not see why they, as business men, cannot control that part; consequently I would prefer to have the Bill altered so that they may have that control. I am in favour of the Bill: it has been long wanted and talked about. Regarding the management of the harbour at Fremantle, I do hope the railway station on the wharf will not be done away with. I notice, on talking to Fremantle residents, that a lot of people wish for the removal of the railway station. But that is one of the reasons we have so many foreign visitors to our capital city. We should give people every encouragement to come to our capital city; and if the station is a block to commerce, as is stated by some, inquiry might be made to see if the station could be altered so as to provide quick and easy transit to our capital town. I heard some time ago that the Government contemplated removing the station. I hope that is not the case, because there is no doubt if people coming from foreign ports can step off the mail boats on to the station platform, there is a chance of their inspecting Perth, and sometimes going farther inland, but that depends upon the time the steamer is in port. I have nothing farther to say. One or two alterations I shall support, especially the one suggested by Mr. Randell.

HON. W. MALEY (South-West): It was not my intention to speak to-night, nor did I think the discussion would have been continued so long. I thought it was proposed to have a short sitting and adjourn for a fortnight. As members notice, there is a small House to-night, and

this is the first sitting since a rather long adjournment. I know one member in particular, who is greatly interested in the Bill, travelled a distance of 700 miles to attend the last sitting of the House for the express purpose of speaking on this subject. That member had to return on the rather abrupt termination of our last sitting. As that member represents one of the principal ports in the State, I think it desirable he should be given an opportunity of being present and expressing his views in regard to the measure. I trust some member will move that the debate be adjourned for a fortnight; but as I may not myself be here then, I take this opportunity of saying just a few words. As it is proposed to adjourn for a fortnight, and as the Katanning Show is on the 29th, and it will be my duty to be present there, I may not be here when the second reading discussion is resumed here again. I am very pleased indeed to see the Bill before the House, and I take no exception to the measure as I read it, except it appears to me the Bill will give to Fremantle a great advantage over every other port of the State. We have had it from Captain Laurie that something like 10s. 6d. is charged for wharfage dues for goods that are sent to other ports after being landed at Fremantle, and it is suggested, and it is competent for the suggestion to be carried out because the powers are given in the Bill, to make particular regulations in regard to the port of Fremantle. It appears to me that if this commission is appointed and the Bill becomes law, goods will be enabled to be landed at Fremantle for 3s. 6d. and then sent to other ports of the State; whereas if goods are landed at Albany and despatched to the Phillips River, or are landed at Geraldton and transhipped to Derby, under existing regulations the charge is far greater. It is possible that regulations will be framed by which advantage will be given to Fremantle which will not be obtained for every other port of the State. If the Minister can explain how the other ports of the State are to receive the same advantages as Fremantle, then I shall be quite satisfied to support the measure. It may be proposed to bring in another Bill later on for Albany, and another Bill later on for Ger-

aldton, but I am not prepared to wait for another Bill. I believe in doing to-day what is necessary for to-day, and not putting off till to-morrow what should be done at once. I am satisfied that if the Bill is passed and the order of things which has been forecast to-night initiated, there will be a good deal of consternation in the remoter parts of the State, a good deal of dissatisfaction amongst the shipping industry and the people of Albany and Geraldton and other ports who are doing their part to sustain the interests of the State. I am agreeable to the Bill in the main, but I would like to see it embrace the other ports. I trust some member will move the adjournment of the debate so as to allow Mr. Haynes to address the House, as he is thoroughly conversant with the shipping interests of Albany, and I trust that as he travelled 700 miles on a wild-goose chase on a former occasion, he will be given an opportunity of addressing himself to the Bill on a future occasion.

On motion by Hon. C. A. PIESSE, debate adjourned for a fortnight.

#### RAILWAYS ACTS AMENDMENT BILL.

##### IN COMMITTEE.

Resumed from the 9th October, on new clause proposed by the Minister for Lands relating to the carriage of empty fruit cases.

New clause passed.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

#### DROVING BILL.

##### SECOND READING.

HON. R. G. BURGESS (East): It is unnecessary to take up the time of the House in moving the second reading of this measure: it was brought forward by a member in the other House interested in pastoral matters. The Bill, although lengthy, is almost exactly the same as the existing Act. I believe the Parliamentary Draftsman when referred to in connection with this measure said that it was better to draw up a new Bill. The definition of "travelling stock" in the interpretation clause differs from that given in the existing Act, which reads:—

"Travelling stock"—Any stock taken or driven, or about to be taken or driven, to any

place more than 40 miles from the run upon which such stock were depastured previous to starting.

The definition given by this Bill is:—

Any stock taken, driven, or carried on any road or any run other than that on which such stock are ordinarily kept or depastured, but does not include stock in actual work.

The object is to make more stringent the regulations for the travelling of stock through runs. Clause 4, Sub-clause (b), provides that the duplicate of every way-bill shall be sent to the Chief Inspector of Stock in Perth by registered letter. Such provision is difficult if not impossible to carry out in many cases; and therefore the subclause will have to be amended in Committee. Of course letters cannot be registered in out-of-the-way places.

HON. M. L. MOSS: The provision is quite impracticable.

HON. R. G. BURGESS: Yes; and it will have to be amended. The sub-clause was inserted for the purpose of depriving a drover of the excuse that he has lost the description of his stock: the way-bill supplied to the Chief Inspector of Stock will show what stock a drover had when starting and how the stock were branded. The fee of £1 imposed by this clause is too heavy, and ought to be reduced to 10s. at all events. Some clauses of the original Act are like Clause 13 of this Bill, impossible to carry out. I have talked the matter over with the member who introduced this Bill in another place, and he does not know exactly how effect is to be given to all its provisions. Clause 15 is pretty much the same as the corresponding section of the Act. The notice required to be given by a drover before entering a run is reduced by this Bill from 24 hours to 12; and that alteration is undesirable.

MEMBER: Make it a week's notice.

HON. W. MALEY: It is pretty strong as it is.

HON. R. G. BURGESS: It is unnecessary to say much about this Bill, since it is almost the same as the measure passed a few years ago.

HON. G. RANDELL: What is the use of passing this measure, then?

HON. R. G. BURGESS: It may prove useful in cases where wrong descriptions of stock are given, since the duplicate waybill sent to the Chief Inspector of

Stock will be something to prosecute on. The great object of the Bill is to afford stock-owners protection against their stock being stolen and railed off to be sold. Perhaps other members who have looked into the Bill will speak on it and indicate any amendments they think necessary. For my part, I do not think it matters much whether the Bill is passed or not, since the present Act, with one or two amendments, will do all that is necessary. I just wish to observe that the Parliamentary Draftsman can have very little to do when, for the purposes of such slight amendments as those made by this Bill, he proceeds to draft an entirely new measure. Being in receipt of a good salary, the Parliamentary Draftsman ought to have plenty to do. If he has so little to do as one would think, judging from the drafting of this Bill, the Government have a good opportunity of effecting an economy. I move that this Bill be now read a second time.

HON. J. E. RICHARDSON (North): I second the motion for the second reading of this Bill, although, like the mover, I see little necessity for passing a measure which is almost word for word identical with the original Act. The chief amendment made is in Subclause (b) of Clause 4. That subclause provides that a duplicate waybill is to be sent to the Chief Inspector of Stock, and this is really the only new feature. I do not know why the measure was introduced at all, since a small amendment of the existing Act is all that is required. In some respects the wording of the Act has been wrongly amended. The period of notice required has been altered by Clause 15 from 24 hours to 12. I do not see why that reduction should be made. However, the clause can be amended in Committee. The fee of £1 proposed by Clause 7 is too high; moreover, the provision that a duplicate waybill must be sent by registered letter is impracticable, because very often the waybill would be issued in the back blocks, hundreds of miles from any post office. The drover would then have to trust someone going to a post office to register the duplicate waybill. Posting ought to be sufficient, without registration.

Question put and passed.  
Bill read a second time.

ADMINISTRATION (PROBATE) BILL.  
ASSEMBLY'S AMENDMENT ON COUNCIL'S  
AMENDMENT.

The Legislative Council having amended the Bill by adding a new clause (No. 90), enabling the court to grant to an executor or administrator a commission not exceeding 5 per cent. on passing of accounts, the Legislative Assembly amended the same by striking out "executor."

HON. M. L. MOSS (Minister) now moved that the Assembly's amendment on the Council's amendment be not agreed to. The new clause, as it left this Chamber, put our legislation precisely on the same footing with that of the sister States and New Zealand, and uniformity in matters of this kind was most desirable. Moreover, our amendment was fair and reasonable. It left to the court to say what quantum of remuneration should be allowed for the labours and pains of an executor. The Assembly had agreed to our amendment in regard to payment to an administrator, but not in regard to payment to an executor. The reason given by the Assembly was that, while an administrator had a duty imposed on him, the office of executor was voluntary. If it was deemed expedient to remunerate an administrator, surely an executor who was named in a will and who had to perform certain duties should receive some remuneration.

Question put and passed, and the amendment not agreed to.

Resolution reported, and the report adopted.

A committee, consisting of Hon. A. G. Jenkins, Hon. C. Sommers, and Hon. M. L. Moss, drew up reasons for not agreeing to the Assembly's amendments, as follow:—

1. The law throughout the Australian States and New Zealand is in accord with the clause as passed by the Legislative Council, and it is expedient to have uniform legislation with the other States on this question. 2. Experience has proved that remuneration to an executor, by way of commission fixed by a judge, is the most equitable method of payment. 3. Our law already remunerates an executor under Section 51 of "The Settled Land Act, 1892," for his services in respect of real estate, and there is no reason why the provision should not be extended to personal estate.

Reasons adopted, and a message accordingly transmitted to the Assembly.

#### ADJOURNMENT.

The House adjourned at half-past eight o'clock until Tuesday, 28th October.

### Legislative Assembly,

Tuesday, 14th October, 1902.

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THE SPEAKER took the Chair at 4.30 o'clock, p.m.

#### PRAYERS.

#### PAPERS PRESENTED.

By the PREMIER: Amended Regulation under the Industrial Conciliation and Arbitration Act.

By the MINISTER FOR RAILWAYS: Copy of Alteration to Railway Classification and Rate Book relating to carriage of seaweed and manures, copper, and reduced fares to students of the School of Mines.

By the TREASURER: Annual Report of Government Storekeeper for 1901-1902.

Ordered: To lie on the table.

#### APPROPRIATION MESSAGE.

Message from the ADMINISTRATOR received and read, recommending an appropriation for the purposes of the Constitution Act Amendment Bill.

#### ELECTION RETURN.

The SPEAKER announced the return of election writ issued for Hannans district, from which it appeared that Mr. Thomas Henry Bath had been duly elected to fill the vacancy caused by the decease of Mr. J. Reside.

#### QUESTION—PIGGERY NUISANCE, GOLDFIELDS.

MR. HOPKINS asked the Colonial Secretary: 1, Whether the attention of the Central Board of Health had been directed to the nuisances created by certain piggeries, yards, etc., located on the border of settlement between Kalgoorlie and Boulder. 2, If so, what action, if any, had been authorised. 3, If the Board had not inquired into the matters referred to in query No. 1, whether the Colonial Secretary would insist on inquiry and inspection being made, and if the conditions were bad order the necessary procedure to have the same abated promptly.

THE COLONIAL SECRETARY replied: 1, A communication was received on the 10th instant by the Central Board of Health from the Kalgoorlie and Boulder District Board of Health asking when it was proposed to erect public abattoirs in that district, as they were deemed to be the only remedy to the many complaints made to the local body as to nuisances arising from slaughter-houses and piggeries. 2 and 3, No action has been taken by the Central Board, and no complaints have been received that the Local Board are neglecting their duties. The Local Board, on the 8th instant, advised that all piggeries have been brought into compliance with the provisions of the Act.

#### QUESTION—ABATTOIRS Etc., GOLDFIELDS.

MR. HOPKINS asked the Premier: When it was intended to proceed with the erection of abattoirs and freezing chambers for Kalgoorlie, Boulder, and Hannans.

THE PREMIER replied: Although the Government has provided a site, no arrangements have been entered into for the erection of abattoirs, etc., it being understood that the Municipalities of Kalgoorlie and Boulder would take the matter in hand.

#### QUESTION—SAVINGS BANK FACILITIES.

MR. JACOBY, on behalf of Mr. Throssell, asked the Treasurer: 1, Whether steps had been taken, as promised last year, to extend facilities for the deposit of money in the Post Office Savings Bank by men