Legislative Council,

Thursday, 7th November, 1912.

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The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Boat Licensing Act, 1878—Regulations, additions, and amendments. 2, By-laws of Menzies roads board.

QUESTION—PERTH HOSPITAL STAFF, DISMISSALS.

Hon. V. HAMERSLEY asked the Colonial Secretary: 1, Will the Minister lay on the Table of the House all papers relating to the proposed retirement of the three principal officers of the Perth public hospital? 2, For what reason have the principal officers of the Perth public hospital been asked to send in their resignations?

The COLONIAL SECRETARY replied: 1, The papers are incomplete at present, and not available. 2, The management, care, and control of the Perth public hospital is vested in a board appointed in accordance with the Hospitals Act, 1894. The members of the board are of opinion that it is in the best interests of the hospital to make a change in the personnel of the principal officers.

BILL—SUPPLY, £492,225.

Read a third time and *passed*.

BILL—INDUSTRIAL ARBITRATION.

Report after recommittal adopted and a Message forwarded to the Assembly with the request that the Council's amendments be made.

BILL—INEBRIATES.

Report after recommittal adopted and a Message forwarded to the Assembly with the request that the Council's amendments be made.

BILL—UNIVERSITY LANDS.

Second Reading.

Debate resumed from the 29th October.

Hon. W. KINGSMILL (Metropolitan): It is not my intention to support the second reading of this Bill for three reasons, any one of which is quite sufficient to render this measure unacceptable to this or any other House. I do not intend by the attitude I take up to imply in the least degree any disrespect to the governing body of the University of Western Australia.

[Mr. M. L. Moss took the Chair at the request of the President.]

Hon. W. KINGSMILL: I do not think any apology is needed for criticism being levelled at this measure inasmuch as, fortunately, in my opinion, it has been found absolutely necessary to bring before Parliament a Bill to ratify a certain bargain which is proposed to be made between the Senate and the Government of this State. I say "fortunately" because I, for one, would certainly refuse to ratify such a bargain. Having therefore made it clear, I hope, that criticism is justified because we find a measure before Parliament, and also that no disrespect is intended to the governing body of the University of Western Australia, let me proceed to explain to hon. members the motives which actuate me in opposing this measure. In the first place I propose to oppose the measure because I think it is directly antagonistic to the spirit of the legislation dealing with the University of Western Australia. An Act was passed in 1904, which I had the honour of first bringing before Parliament, called the University Endowment Act of 1904, and as I had a good deal to do with the preparation of that Act and as I introduced the Bill to the House, perhaps I may be permitted to claim some little authority in enunciating the intentions of those gentlemen who framed the measure and what they con-

sidered the scope of the measure should be in the future. That Act provided that the University of Western Australia should be endowed with certain lands. These lands were given to the University for the purpose of securing to the University a settled and permanent source of revenue in years to come. It was realised that for some years after the endowment was made it was not probable the revenue to be gathered from this source would be very great. Indeed, to-day, some eight years later, the revenue to be gathered from this source is not very great, but it has been increasing little by little every year, and I think I am justified in saying that, with the growth of the State and with the growth of the capital City, in time to come, say, 20 years or thirty years or 50 years, because we were legislating for all time, for the whole of the future of Western Australia, these university endowment lands should be a very valuable proposition indeed to the University. The Act expressed in the plainest possible manner the intention of its authors in regard to these lands. Section 4 of the measure to which I am alluding, a short section, but plain, simple and explicit in the extreme, says—

> By way of permanent endowment, the Governor may grant or demise to the trustees such lands of the Crown as he may think fit.

It will be noticed that the words are, "by way of permanent endowment." Again, when during the regime of the late Government the University of Western Australia received its charter from Parliament, when Mr. R. H. McKenzie introduced the University Bill, the framers of that measure thought fit to copy word for word Section 4 of the previous Act. So Section 35 of the University Act of 1911 says—

> By way of permanent endowment the Governor may grant or demise to the University such lands of the Crown as he may think fit.

Again, we have the phrase, "by way of permanent endowment." Now, both these measures go on to state in what way these lands with which the University is endowed shall be dealt with. Power is given to lease, and with the approval of the Governor to mortgage lands; but with regard to property acquired by gift or bequest—I mention this because I understand it is an axiom in law that the expression of a special attribute to one class of property means the exclusion of other classes of property from that attribute—with regard to property acquired by gift or bequest it is provided that such property may be disposed of; but not a word is said with regard to the disposition in this manner of those lands which are endowed lands. May we not therefore be justified in arguing that it was never the intention of the framers of the Endowment Act or of the University Act itself that these lands should form the subject of trafficking in a sort of land deal? Yet now we find that in defiance of the underlying spirit of these two measures in relation to the land with which the Government presented the University to be theirs as a permanent endowment for all time and for a source of revenue for this institution, the Senate—in order to secure I presume; I do not know; what motive actuated them it is difficult to imagine; but in order to obtain what by a very narrow majority they consider a suitable site for the University—are asked by the Government to part with a very large portion of the more valuable lands with which they were endowed by a former Government. I venture to say that that is an ungenerous attitude for the Government to take up, and the first reason I have for opposing this measure is that it is in direct opposition to the intentions of Parliament when Parliament passed the first University Endowment Act and secondly the University Act of the year before last. That, I maintain, is quite sufficient reason why this Bill should be rejected by this House. Let me pass on to another reason. Let us look at the objects of this exchange. The objects are to provide, firstly Crawley as a site for the University, and secondly the reserves at West Subiaco, Claremont, and North Fremantle for the purpose of workers' homes. Let us deal first with Crawley as a site for a university. I think in this House I need say very little, because the

House has spoken on the matter in no uncertain voice. It has taken up a position condemnatory of the choice of Crawley by a division which rejected the possibility of that site by two to one. I think therefore it would be useless to take up the time of the House by labouring the question of Crawley as a university site. The first object of this exchange is to provide for the University of Western Australia a site which has been condemned by this Chamber as being unsuitable. Let us now go on to the second object of the exchange, which is to provide a site for workers' homes, and I have somewhat more diffidence in speaking on this matter because I regard the workers' homes scheme, or part of it, as a laudable scheme which deserves encouragement. More particularly do I think that part of the workers' homes schemes laudable—the part which provides that the Government may go to the assistance of persons of limited income who wish to build on their own property. That is the part which I think is laudable and which is likely to be successful. With less enthusiasm do I regard that part of the scheme which provides for the leasing of these lands to persons who wish to build, and then assisting them to build on leasehold property which can never become their own, and I take it this particular land would come under that category. Again, I would ask hon. members to think of the aesthetic and the economic effect of having, say, 160 acres of houses each of a maximum value of £550 in one area. I say it would be unthinkable, it would be foolish, if the Government wished to popularise this scheme of workers' homes to take a step which could only act in a depreciation of this particular scheme. The effect would be such that the value of the property on which these homes would be built and the value of the property in the immediate neighbourhood would be depreciated very materially. Therefore the second object of this exchange is to provide a medium whereby the Government can carry out what, in my opinion and in the opinion of most hon. members, is the worst part of the workers' homes scheme. This reason in itself I maintain is quite sufficient to condemn the measure. The object is to provide firstly, an unsuitable site for the University, and secondly to carry out what I maintain is the more or less impracticable scheme of the Government, a scheme which is in the experimental stage only. Having given two reasons let me pass on to the third. The third is the action which this Government have taken up in relation to the University. In every State in Australia, and in fact, I think, in every country where a university has been established, it has been the pleasure, the privilege, and the honour of those governing the country to give unreservedly to that institution the site for its building. What do we find here? We find that the erection of the University is made, not the subject of a gift, but the subject of a hard bargain to the University's governing body, whereby the Government get much the better of the transaction. Even taking the valuation the Honorary Mininster has given, we find that the Government will gain by several thousands of pounds, and I venture to say that in these valuations Crawley has been materially over-valued and the University lands materially undervalued. When we come to think of it, is it not a fact that the University is sacrificing one or two better sites than Crawley itself for Crawley? Is it not a fact that in the opinion of the public of this State West Subiaco is quite as valuable a site as Crawley? Here the University has within its own control lands which are more suitable for the erection of the building than the lands which they are obtaining in exchange. I think this will be a bad bargain for the University, and I do not think it is too good a bargain for the Government. I maintain that the attitude taken up by the Government, instead of making a free gift of the land to this institution, to make the creation of the University the medium of driving a hard bargain, is an attitude that is to be deprecated, and one that does not redound to the credit of the Government, more particularly when we consider the action of previous Governments in this connection. The James Government, of which I had

the honour to be a member, presented as an endowment to the University very valuable lands indeed; lands which were valuable then, and which have increased very much in value since then, and which are increasing still more in value day by day, and I say that the least the Government could have done if they thought that Crawley was the proper site for a university—personally I do not, and I think that a majority of members are of the same opinion—would have been to have made a free gift of this site instead of driving a hard bargain. I have given three reasons why, in my opinion, this Bill should not come into effect. The first is that the Bill is absolutely antagonistic to the spirit of both the University Endowment Act and the University Act, that spirit which is expressed in those Acts whereby the lands, which it is proposed to exchange for an unsuitable university site, were given to the University as a permanent endowment, as a source of revenue in years to come, and not to be bartered away for what I think is an unworthy object. The second reason is the acquisition of a site which this House has declared to be unsuitable and the provision of land for an experimental scheme of the Government. These objects in themselves do not justify the submission of the Bill to this Chamber.

Hon. Sir J. W. Hackett: We have not decided that Crawley is an unsuitable site.

Hon. W. KINGSMILL: May I be pardoned for saying that this House showed no little enthusiasm when it declared that Crawley should not be chosen as a site for the University, a decision which was arrived at by a majority of two to one. The third reason is that the attitude of the Government is not generous, and is not the attitude that any Government should take up in view of the fact that where universities have been established the land on which those universities exist has always been a free gift on the part of the State, and not made the subject of a bargain by the Government. Those are my reasons for opposing the Bill, and I think hon. members will agree they are cogent and will take a good deal of answering. For those reasons I have very much pleasure in opposing the second reading of the Bill.

[*The President resumed the Chair.*]

Hon. H. P. COLEBATCH (East): After listening to the remarks of Mr. Kingsmill, one might very well be excused for giving a silent vote on this question. I intend, however, to say only a few words. The Crawley site, as a site for the University, as Mr. Kingsmill has said, has been condemned by this House. That in itself should be sufficient to mark the fate intended for this Bill. My reason for voting in favour of that motion was very much the same as that given by Mr. Ardagh, who declared that the site would be unsuitable for a university that was intended to meet the needs, very largely, of the grown children of the working classes who should not be required to travel a greater distance than was necessary. A still stronger reason is that I do not think there is justification for destroying the original purpose of Crawley Park, which should remain a place of public recreation. In the summer time there is no more popular and no more suitable place of resort for the people, especially those who cannot afford motor cars and motor boats and who wish to take their pleasures cheaply, and I think it would be a shame to take this park away from that section of the community. We have endowment lands at Subiaco, and we have a place of public recreation at Crawley, and if we pass this Bill we shall have university endowment lands at Crawley unsuitable for a university and not calculated to bring any revenue to the Senate to the same extent as the lands we are exchanging, while, as a place of recreation, these lands will have entirely disappeared. I am a strong supporter of that section of the workers' homes dealing with freehold tenure, but I am prepared to see the leasehold proposals given a trial, provided, of course, that they are given a trial on fair grounds. There would be no necessity for making an exchange of this kind if the leasehold conditions of the Workers' Homes Act were on a fair basis. The

Government could go on the open market and buy land, or if it were decided that West Subiaco was unsuitable for the erection of a university, the Government could itself lease those lands from the University Senate at a fair price and use them for the erection of workers' homes, and in that way provide an everlasting revenue for the Senate, as was intended when the Endowment Act was passed. It must be obvious, unless we make this permanent provision for revenue for the university that the cost of maintaining the University must come back on the country. For this and the very excellent reasons offered by Mr. Kingsmill I intend to vote against the second reading of the Bill.

Hon. Sir J. W. HACKETT (South-West): I do not intend to take up much time in discussing this matter. Mr. Kingsmill and Mr. Colebatch have shown that the dagger has already been sharpened with the object of striking at this new departure in our educational system, and it seems too that there is a majority behind them who are also armed with these daggers.

Hon. J. F. Cullen interjected.

The PRESIDENT: The Hon. Sir Winthrop Hackett is speaking.

Hon. Sir J. W. HACKETT: I do not mind these interjections at all.

The PRESIDENT: But I do.

Hon. Sir J. W. HACKETT: I do not mind them because in that way sometimes I can get an idea of some of the arguments which are advanced. In this case I have not heard anything of real strength or cogency up to the present, though I grant there is a prejudice amongst hon. members. With your permission, Sir, I would like to refer to a past debate. Some reference made seemed to irritate Mr Kingsmill on an occasion when a similar question was being discussed. Mr. Kingsmill seemed to think that I passed some reflection on his university. I thought I had carefully guarded myself against that. What I did say was said after consideration. I may say I have worked too long and too hard in conjunction with the Adelaide University, in supporting them in the admirable work they have done in this State, both in the matter of examinations and in the matter of lectures, to allow any word of mine to fall which would be subsequently regretted, which would in any degree disparage the Adelaide University or its efforts in this State to help us along. While saying that, I at the same time insist upon this also, that Adelaide would have done threefold the work she has done if she had worked on modern instead of mediæval lines; but Adelaide followed the examples of Melbourne and Sydney. When the first founders of a university in Australia set their minds and their purses to work, the result was that the mediæval type was adopted—I repeat the word—the Oxford and Cambridge type was followed, and that has served to throw back the cause of university education in this continent a quarter of a century at least. How much they have suffered by it in Melbourne and Sydney, and of course, in conjuncion with them, in Adelaide, is shown in the fact that they are retracing their steps. They are looking out now for those practical arts and sciences which should have been their foundation. What this university is intended to do is to develop those practical arts and sciences, to show us how we can be better fed, better lodged, and better clothed.

Hon. A. Sanderson: Is that to be the object of the West Australian University?

Hon. Sir J. W. HACKETT: Yes, and let that be placed before the hon. member's eyes in letters of gold. It is the modern American university in the first instance which we are working towards, although we adopt much of the modern English university; but it is chiefly that modern university which is of a practical tone, and it will remain to add the arts, to cultivate the sense of finer and more artistic subjects in addition to these which are more or less the object, almost altogether the object, of the universities whose example I wish this University to follow. That is all I have to say about Melbourne, Adelaide and Sydney, but I think that it is somewhat extraordinary that this matter should

have been mixed up, decided so emphatically, and without almost a suggestion that they were on the wrong course; should have been mixed up with the question of the transfer of Crawley lands to the University Senate of this State.

Hon. J. F. Cullen: The hon. member has mixed it up; no other member has done so.

Hon. Sir J. W. HACKETT: So much I have said in explanation of a previous debate, because I thought my friend had taken umbrage at my remarks.

The PRESIDENT: The question is the University Lands Bill.

Hon. Sir J. W. HACKETT: Yes, and with your permission I will address myself to it. This question does not really deal with the University site; on the contrary that question has certainly come before the House in a concrete special form, to enable us to discuss the matter, and I hope to induce the members of this Chamber, if not to reverse the decision, at all events to allow it, despite their views to the contrary, to go forth to the country that the University is really for its start. I desire to point out that this came before the University Senate as a practical question. We were asked to surrender certain lands of which the Government were eager to obtain possession for the purposes of workers' dwellings. Certain negotiations took place; we asked for the opinions of architects, doctors, valuators, and other experts. It took many weeks to arrive at a conclusion and, finally, after a most prolonged inquiry, after appeals to experts, and long discussions, not only in the Senate itself but in select committee, it was decided by 10 votes to six by the Senate that this offer of the Government might be entertained. The Government were convinced on the proposal; then they applied to Parliament, and in another Chamber it was passed without a division. All that is in its favour, and warrants this House giving careful and grave consideration to the question before it is determined to reverse a decision which has received the assent of all necessary authorities except the Legislative Council. I have nothing to say to the policy of workers' dwellings; both Mr. Kingsmill and Mr. Colebatch have strongly protested against that policy, and have intimated that they do not believe in it.

Hon. W. Kingsmill: Nothing of the sort; the hon. member is drawnig wrong conclusions.

Hon. J. E. Dodd (Honorary Minister): Mr. Kingsmill is opposed merely to that part of the policy.

Hon Sir J. W. HACKETT: Yes, that is what I meant to convey. What I desire to draw attention to is that if both parties in this country are in favour of these workers' dwellings—Mr. Frank Wilson and his supporters are as strongly in favour of it as can be Mr. Scaddan or Mr. Drew or Mr. Dodd——

Hon. J. F. Cullen: On a freehold basis.

Hon. Sir J. W. HACKETT: I do not know nor do I care whether it is on a leasehold or a freehold basis.

Hon. W. Kingsmill: I do.

Hon. Sir J. W. HACKETT: Will you allow this Bill to go through if that basis is altered?

Hon. W. Kingsmill: No, it is a bad exchange.

Hon. J. W. HACKETT: We have the Senate of the University, the Assembly, the Government, the Opposition, and I think I may add, the country, all in favour of it. These workers' dwellings surely constitute a useful object to promote, and considering that the Senate is the creature of the country, of the people——

Hon. J. F. Cullen: Not quite; it is a political appointment.

Hon. Sir J. W. HACKETT: What is a political appointment? I cannot understand what the hon. gentleman is driving at. The Senate was chosen, as far as possible, as representative of all classes, of all parties in the community, and, being a little behind the scenes, I can give the strongest testimony in that direction. The question of politics as politics was not entered into nor even suggested. The pieces of land which the Government, after due inquiry, found would be suitable to their purpose, were duly referred to by Mr. Dodd. If hon. members

had had time to glance at the paper they would have found that on the whole the Government had rather got the better of the deal.

Hon. W. Kingsmill: Why did not the Government give you the site?

Hon. Sir J. W. HACKETT: Because they have given us £13,500 a year in place of it, and on many other considerations. The Government, if anybody, have gained by the bargain. The Senate have not, but the Senate made no complaints. Both the Senate and the workers' dwelling are matters of policy of the State. It seems to me it is merely a bookkeeping entry, a gift from one department to another. It cannot be said to be a direct enrichment of either side. Certainly the State is the gainer by both, and could not lose in any direction so long as the Senate on the one side are balanced by the benefit to the workers' dwellings on the other. I desire to point out that the area which the University was asked to exchange was 356 acres. The land offered by the Government in exchange had an area of 165 acres, or a difference of about 190 acres. These lands were submitted to such competent appraisers as Mr. Learmonth and Mr. Gardiner. Their value, according to the Government Actuary, was £24,861. When the final figures came out from Messrs Learmonth and Gardiner, it was found that, according to Mr. Learmonth, the value was £20,765, while according to Mr. Gardiner it was £19,622. Therefore the State is distinctly the gainer. How can we sit down and say that we require an absolute equality of values? How are we to establish a distinct gain in favour of either the workers' dwellings and the Government, or the Senate and the Government, who are all departments of the Government. Surely there can be no objection taken to these figures. The Senate did their best for themselves, the Government did the best for the people. That they should have come so near shows how careful they were to be moderate and accurate in their estimate. That shows that in a money transaction both parties were left about equal. But I want to point out that we have still about 4,000 acres of endowment lands left after this paltry 200 or 300 acres is to cut out.

Hon. W. Kingsmill: Three hundred and sixty acres.

Hon. Sir J. W. HACKETT: The whole of the 4,000 acres is situated in the suburbs of Perth and Fremantle, and those blocks are bound to rise in value as the suburbs and metropolis rise, and that must certainly happen as the State progresses. I have spoken of the 360 acres as a paltry area, and I repeat that, but with the reservation that it is quite out of the question that we should go into pounds, shillings and pence when we are asking for a gift from the Government. Whatever we get from the Government is payment for services rendered; whatever we get is again placed at their disposal. In the same way whatever the Government put into our hands fructifies and benefits the whole of the State, and therefore this sordid bargaining to which one hon. member referred really had no place whatever in the transaction. When we consider that this 4,000 acres of endowment land is still remaining, I think the last shred of complaint against the transaction must disappear. While I speak of this 4,000 acres, I may give credit to the man to whom the gift of this area is due—Sir Walter James. It was his conception and by the authority of his Cabinet the endowment was brought to an issue, and it was because this endowment was to his mind being tampered with, that Sir Walter James said he felt bound to oppose any transfer of land which would reduce the area of the endowment. I cannot do more than make this plain statement, except to add one note of regret that this University which I believe is intended to do great things in this State, which is to rival by and by the best of the American universities, which would have got rid of most of that which clouded the mediæval universities, which is to be adapted to bring out every faculty of the human mind and human hand, is really in jeopardy now owing to the severe oppostion it is receiving on so many hands.

Hon. J. F. Cullen: Absolutely none.

Hon. Sir J. W. HACKETT: The very speech of the hon. member was in opposition. I have no more to say. No doubt when the time comes for buildings of a public character to be commenced the matter will come before Parliament again, but I earnestly beg of members if we are to gain effective support in lifting up this coping stone to our system of public education, to give us their votes this afternoon.

Hon. J. W. KIRWAN (South): I am one of those who as a member of the Senate opposed the selection of Crawley as a site for the University. I also supported Mr. Cullen in his motion which affirmed that King's Park would be a better site than Crawley for the University, and having taken those views, and having expressed my opinion regarding Crawley, I still say that I intend to support the Government in the passage of this Bill. Throughout it has been with me a question of whether we should select Crawley or King's Park, and if we cannot have King's Park I know of no better place that has been advanced than Crawley, although I recognise its disadvantages. There may be better sites, but none of those which have been suggested to date is superior to King's Park, and after the park, Crawley comes next. I have hopes, they may be vain, that if this Bill be passed and the Senate get possession of Crawley, in time to come during the two or three years that may elapse before building operations are commenced, there may possibly be a change in public opinion or some means discovered whereby we may be able to secure an exchange of Crawley for that portion of the Park which I claim is the most desirable site for the University. I say there is no better recompense that can be offered for the portion of the park that we desire than the Crawley site. The King's Park authorities would have the best of any such deal; that is one of the reasons why I intend to suport this Bill. I should like to remind members also that, as Sir Winthrop Hackett has explained, when the question of the exchange came forward a great deal of care was taken to estimate the values of the lands which were to be the subject of the proposed exchange. The Senate went most exhaustively into the matter, they had the lands valued, and obtained the opinions of various authorities on the subject, and after the question was thoroughly discussed a majority of the Senate decided in favour of the exchange. Even supposing the Government to have had the advantage of the exchange, I think it is the duty of those who are interested in the University to view the matter from the point of view that the University owes practically everything to the Government and to the people. The Government have supplied the Senate with the money that has enabled them to make a start. With the exception of such assistance as was received in the form of endowments, such as that for which Sir Winthrop Hackett is responsible, and two or three other small endowments, every penny the Senate have and every inch of property they possess have come from the Government. In view of the fact that the Government wanted this land at Subiaco to pursue a policy which they considered in the best interests of the country, the Senate would have had no right to stand in their way.

Hon. J. F. Cullen: There is plenty of other land..

Hon. J. W. KIRWAN: At any rate, the Government came to us with this proposal. They were very desirous of getting this land to pursue a policy which has been approved of by Parliament, and I think that not only would it have been an unwise policy on the part of the Senate to have refused it, but that body would have been lacking in generosity in view of what the Government have done, and in view of the fact that the Senate look forward to approaching the Government in the future for further assistance, if the necessity arises. They expect the Government to do as has been done by Governments in the other States, and in those circumstances I think the majority of the House would act very wisely in approving of this Bill. There is no doubt that the expenses attaching to the University in the future will be very

considerable. I think it is generally understood that if fees are to be charged they will be very low, and the revenue from that source must be infinitesimal. Very probably it will be nil, but whatever be done we shall have to look to the Government in future. We cannot forget what the Government have done for us in the past, and it would be very unwise for the Senate to haggle over a bargain of this kind. I certainly shall vote for this Bill, and I do trust that the majority of members will support it.

On motion by Hon. J. F. Cullen debate adjourned.

BILL—JETTIES REGULATION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This short Bill remedies a very serious defect in the Jetties Regulation Act of 1878 under which jetties and wharves are maintained and controlled by the Government. Hitherto the cost of making good damage done to Government jetties through collisions by vessels has fallen on the Government, even though the accident which caused the damage may have been due to the fault or negligence of the ship's master. If any negligence be proved a claim can lie against the shipowner or the master, but it has been found a very difficult thing indeed in most cases to prove negligence, especially when, as frequently happens, the damage is done before a Government officer reaches the jetty. The provision made in this Bill is that the shipowner shall be liable in respect of damage done to wharves or jetties under the control of the Government if caused by collision by vessels. That is to say, the responsibility of proving negligence which now rests on the Government is removed. If negligence in the navigation of a ship can be proved, then the master, in addition to the shipowner, will be responsible to the Crown. A similar provision is made in the Fremantle Harbour Trust Act of 1902 and in the Bunbury Harbour Board Act. Section 35 of the Fremantle Harbour Trust Act, of which section this Bill is an adaptation almost in its entirety, reads—

> Where any injury is done by a vessel, floating timber, or material, or by any person employed about the same, to any part of the works or property of the commissioners (1) the owner of such vessel, floating timber, and material; and (2) in case the injury is caused through the act or negligence of the master of such vessel, or of the person having charge of such timber or material, the owner and also such master or person shall be answerable in damages for the injury, but the Commissioners shall not recover twice for the same cause of action.

The wording of Section 33 of the Bunbury Harbour Board Act is identical with the section I have just quoted, and this Bill is to bring our Jetties Regulation Act into line with those two measures. Several jetties on the North-West coast have recently been damaged through collision by steamers, and because of the omission of some such provision as I have indicated the Government have not been able to claim damages. At Fremantle when a wharf sustains damage by a vessel, even though the accident was unavoidable, the Trust can claim damages without proving negligence. The very fact that damage has been done to the jetty by the ship is sufficient ground for recovering damages and the Government are of opinion that in the interests of the taxpayers similar provision should be included in the Jetties Regulation Act of 1878 by amendment. I beg to move—

That the Bill be now read a second time.

Hon. V. HAMERSLEY (East): There is just one question that occurred to my mind in regard to this Bill, and I would like some light thrown upon it. It is in regard to the rights of bringing a vessel into the harbour and the duties which shall be placed upon the pilot—an employee of the owner of the harbour, who I understand has complete control of any vessel he takes charge of. It seems to me that perhaps we will be placing a great hardship upon the owners of vessels

if, in the case of an accident occurring through the negligence of the pilot the responsibility for the damage fell on the master of the ship. I take it for granted that we will be able to rectify this in Committee, but sometimes when we pass the second reading stage without questioning a point of this kind we are subsequently apt to be twitted that we made no objection to the second reading and we are merely raising points in Committee with the object of killing a measure. I have no ulterior motive in raising the question, but I think it well to raise it on the second reading. I well remember the case of the "Australia," a large P. & O. boat which was wrecked at the entrance to the harbour in Melbourne. The pilot had taken charge, and, although the captain of the vessel was certain that the pilot was wrong in his navigation, the pilot had complete charge of the vessel and ran her upon rocks and the vessel became a complete wreck. I have always understood that the captain of the "Australia" lost his certificate and was a ruined man. The owners of the vessel could never get any compensation from the Crown. This Bill makes it very clear indeed that if anything of the kind occurred in our harbour or at our jetties, the master of the vessel would be placed in the same predicament. The clauses of this Bill make it very clear and definite that that would be the case. I do not wish to raise any objection to the second reading except to indicate that this is a direction in which I would like a little light in Committee.

Hon. J. F. Cullen: Now is the time.

Hon. V. HAMERSLEY: I will be glad of the hon. member's support, because we are safeguarding any damage likely to come upon the Crown in the case of a vessel in charge of a pilot. I have always been under the impression that the pilot is employed by the State and that a vessel coming in to the port is bound to employ a pilot, both for the good name of the harbour and the safety of the vessel, and it seems to me it would be rash for us to pass a measure like this which might leave any doubt as to who would take the responsibility in the case of an accident.

Hon. J. F. CULLEN (South-East): Before the Minister answers the point raised by Mr. Hamersley I would like to add a request for still further information. I understood the Minister to base his argument for the Bill largely on the fact that it would be bringing the Jetties Act into consistency with the Harbour Trust Acts of Fremantle and Bunbury, but the Minister will see that that in itself would not be a sufficient argument, because the fact that something has been placed in these Acts does not necessarily mean that it was carefully or advisedly done or that it is equitable.

The Colonial Secretary: I went on the grounds that it was equitable.

Hon. J. F. CULLEN: In legislating in regard to ports through which the rest of the world come into commerce with us, the Legislature has to see that the port shall not be made unpopular, because, while some people must come here, others may come here or may go elsewhere, according to the justice of the provisions for the government of the port. I assume that Mr. Hamersley is right in saying that except in the case of exempted masters the pilot is the responsible authority in berthing a ship; that is to say, he is the responsible authority for the action that would bring about a collision; in fact, without his being in charge, the boat would not come to the wharf and could not collide with and damage it. Is it intended by this Bill to say that in such a case the Harbour Trust's official, the pilot, shall have no share of the responsibility, that the harbour authorities shall have no share even though they may have appointed an unfit pilot, or even though their servant might be in an unfit condition to take charge of the vessel? Is this House to understand that the Bill in such a case throws the whole onus on the owner of the ship? I can understand the second part of the clause which states that where a master is responsible he should share in the damage, but I assume that the exempted masters who would be really in charge would not represent a very large proportion of the masters who come into

the port, and in any case the main provision of the clause is in regard to the owners of ships which would be under the control of pilots and for whose action the owner could not in any way be responsible. The owner could not control the pilot and no one could interefere. Does this Bill mean that in such a case the damage should be paid for by the owner of the ship? If so, it strikes me as being an unjust power to take, by legislation, for the harbour authorities, and it may have a very serious effect on our commercial relationships with countries with whom we want to do business and to cultivate commercial enterprise. I think this Bill requires very careful consideration.

Hon. M. L. MOSS (West) : This is a very important Bill and one of more far-reaching effect than most members imagine. In the case of an injury done to the property of another, if it is the result of pure accident, the law very logically says the damage is to remain where it alights and that a person who has not contributed to that damage through his negligence, or if negligence is not the proximate cause of the damage, then there is no responsibility. It seems to be a rule of logic that if an accident occurs there is no particular reason why any one individual in the community should be called upon to repair the damage done by pure accident. Talking of an accident an inevitable accident, such as the act of God, it would be particularly hard if in the case of some sudden and irresistible burst of nature damage was done and the responsibility was shouldered on a particular interest. It would be inflicting serious hardship. The Minister has pointed out legislation which is applicable at Fremantle and Bunbury. In respect of both of these ports there is special legislation, and it has been provided under Section 35 of the Fremantle Harbour Trust Act as follows:—

> Where any injury is done by a vessel, floating timber, or material, or by any person employed about the same, to any part of the works or property of the Commissioners, (1) The owner of such vessel, floating timber, and material; and (2) In case the injury is caused through the act or negligence of the master of such vessel, or of the person having charge of such timber or material, the owner and also such master or person shall be answerable in damages to the Commissioners for the injury, but the Commissioners shall not recover twice for the same cause of action:

Of course that is all very well at Fremantle and Bunbury where we have protected ports. At Fremantle we have such protection that no matter what weather comes along, once a ship is tied to a wharf or jetty nothing is likely to occur, but I am not satisfied that to places like Geraldton and further north where the ports are mere jetties in open roadsteads the circumstances at Fremantle and Bunbury are applicable. I will illustrate what I am driving at by giving a concrete case. Let us assume that a vessel is tied to one of these jetties, say at Port Hedland, and that a heavy blow comes on. Supposing that jetty, if no vessel were tied to it, would sustain no damage but while the vessel is tied to it, through no negligence on the part of the master or owner of the vessel this sudden gale does injury to the jetty, I hardly think it is a fair thing to make the owner of the boat pay or make the master assume the responsibility under circumstances of that character. Members will see that the circumstances prevailing at these ports are entirely different from those prevailing at places where adequate protection is provided for vessels. Regarding the point raised by Mr. Hamersley in connection with the injury done by a boat when in charge of a qualified pilot, it has been provided both in the Bunbury and Fremantle Acts that the Commissioners shall not be liable for any act or omission of any qualified pilot or of the harbour master in case he is a qualified pilot. That clause is placed in both of these Acts. I was largely instrumental when in the James Government of getting Section 35 inserted in the Fremantle Harbour Trust Act and it was copied in the Bunbury Act. It was done for this reason. I held the opinion, and I was supported by others, that if a P. & O. boat or an

Orient boat was being brought into Fremantle in chage of a pilot, and it was piled up at Fremantle, it would be almost a dead certainty under the Crown Suits Act, it would be an act done in connection with a public work for which the State would have to pay, and we might have to face a claim of £200,000. So we put in that provision to remove from the country the liability to pay in these circumstances. As long as we provided qualified pilots, it was reasonable that the owners of those boats should take all risks like that: but when we are dealing with jetties at the outports, I think the Government might well take into consideration whether they should not adopt the provisions of Section 39 of the Fremantle Harbour Trust Act. I believe that the position is that if a qualified harbourmaster or pilot is bringing in one of these vessels at these outports—I do not know whether they have the pilots there now, but they may have them in the future—the result will be that the State one of these days will have to pay a very large claim. The point raised by Mr. Hamersley is important. Seeing that the Government are now dealing with the regulation of jetties for outports, I should think that this was an opportune time to consider whether Section 39 of the Fremantle Harbour Trust Act should be applied to all these outports. I hope the Minister will not take the Bill into Committee to-day. I am only provisionally supporting the second reading, because I want to be perfectly satisfied that the Bill does not go the length of compelling owners of these vessels to pay for the result of damage to a jetty, and because by its language the measure is not as wide as I believe it should be. Some provision should be inserted in Committee to safeguard the owners of vessels against assuming responsibility when the damage occurs through the act of God. Subject to this I support the second reading.

Hon. R. J. LYNN (West): I suggest to the consideration of the leader of the House the point made by Mr. Moss. Being personally interested in all these North-West jetties, I recognise that the Government are entitled to protection for any injury done by a vessel when berthing and when remaining alongside a wharf or jetty, but that should be subject to a provision that the harbourmaster of the port should be empowered to order a vessel away from the jetty. Then if any shipmaster refuses to leave the jetty, after being ordered away, he must be held responsible. In many of the jetties in the North-West, in open roadsteads, a vessel may tie up and within half an hour there may be a willy-willy, and the result will be heavy damage to both the ship and the jetty, but it would be hardly fair to expect the owner of the ship to be responsible for the damage done in such circumstances. However, the authority in control of the berthing at the port, the harbourmaster, should be empowered by the Bill to order vessels away. Ninety-nine times out of a hundred sufficient warning is given of a blow, and the harbourmaster could order a ship away from the berth. Provided there is a provision inserted in the Bill that the harbourmaster must do this, I shall be quite willing to support the measure.

Hon. J. D. CONNOLLY (North-East): I support the second reading of the Bill because, having administered the Colonial Secretary's department, and having had control of harbours and rivers as a branch of that department, I know the necessity for such a measure. In fact I had intended to introduce such a measure as this. If a shipmaster injures any of the jetties in the North-West it is necessary to prove that he has done it wilfully, and of course that is simply out of the question.

Hon. J. F. Cullen: Or negligently.

Hon. J. D. CONNOLLY: That is exactly the same thing. How are we to prove that it was committed in that way? There have been many accidents that should have been paid for that were not. Jetties in the North-West have cost a good deal of money and their upkeep is extremely heavy, and they have not in the past received that support from the people using them that the Government had a right to expect. I have reason to know, because I have seen how carelessly

our shipmasters treat these jetties, sometimes to the detriment of their own ships. They seemed to think in the past that they had *carte blanche* to knock the jetties about as they liked. The jetties in the North-West are very easily damaged. Most of them are very lengthy, and in tidal ports they stand very high out of the water. There is a big sway on them, and if a big vessel strikes them there is often damage to the extent of £100 just through mere carelessness. I happened to go up to the North-West in the ill-fated "Koombana," and when we were going into Port Hedland, because I and the Chief Harbourmaster were on board, I suppose, to show how cleverly the master of the ship could get alongside the jetty, he went at it with a great bang. On the other side the "Paroo" was leaving and, being frightened that his vessel would receive some injury, the master of the "Paroo" hurried out, sweeping the end of the jetty and the lamp post and doing £50 worth of damage, in order to escape the "Koombana." Then the "Koombana" came up with a bang. I thought she would stove in her side. However, she stove in a good piece of the jetty. That was my experience, and it confirms what I have seen on the official files for years. I know that it is absolutely necessary that some protection should be afforded to the wharves. I am quite willing to admit, as Mr. Moss says, that when it is a pure accident some consideration should be given, but it must be borne in mind that the department only want a fair deal.

Hon. M. L. Moss: If a private individual's property is destroyed he has to prove negligence.

Hon. J. D. CONNOLLY: This is only protecting the country's property, and, after all, we only want what is fair and reasonable.

Hon. M. L. Moss: The Government want a law to themselves.

Hon. J. D. CONNOLLY: No, they do not want that. In the North-West the object of building jetties is to facilitate shipping and open up the country, and if the Government harass the shipowners they must increase the prices, and that all comes back on the people. The jetties this Bill seeks to protect are not good commercial propositions, and never can hope to be; therefore if the Government acted harshly on the ships and the shipowners the jetties would not carry out the purpose for which they were built, to give reasonable shipping facilities to the pastoralists of those parts. We are not passing the Bill for private individuals but for the Government of the State, and the Government are not unreasonable. It is open to Mr. Moss to move any amendment. I can only say that I support the Bill because I know it is absolutely necessary.

The COLONIAL SECRETARY (in reply): I very much regret that certain members of the House do not show as much concern for the general taxpayer as they do for certain shipping companies. This is in every respect a reasonable Bill. It simply provides that if one of these ships runs into a jetty and the jetty is damaged the owner of the vessel shall be compelled to pay the amount of the damage. Often in the course of one year several hundred pounds' worth of damage is done to these jetties. Last July the "Bullarra" crashed into the Carnarvon jetty, and did damage to the extent of £600, and it was impossible to prove neglect because the wharfinger was not a witness of the occurrence, so the Government were not able to claim the amount from the shipping company. This is an instance of what is occurring every few months, and the taxpayers of the State are very heavily penalised in consequence. It is very discouraging to any leader of the House to introduce a measure when it is treated so unreasonably as this is.

Hon. M. L. Moss: That is not fair.

The COLONIAL SECRETARY: We have this legislation on the statute-book applying to Fremantle and also to Bunbury, and yet some hon. members wish to oppose this Bill, and prevent it also securing a place on the statute-book.

Hon. M. L. Moss: No one opposed it. I simply want it to apply only to the mooring or unmooring of vessels.

Question put and passed.

Bill read a second time.

MOTION—ABORIGINES RESERVES.

Debate resumed from the 24th October on the motion by Hon. J. D. Connolly, "That in the opinion of this House it is desirable, for the preservation of the native race, to continue and extend the policy laid down in C.S.O. file 1709/11, viz., by reserving large areas of virgin country for the sole and exclusive use of the aborigines."

Hon. V. HAMERSLEY (East): I have very little to add to the debate that has already taken place in connection with this very laudable object; and seeing that the Government have already adopted the suggestion made by Mr. Connolly before he left the office of Colonial Secretary, it is superfluous for us to go very fully into the matter. I understand that the area set apart for the natives is very suitable for the purpose. I only hope that the natives will live for many years to enjoy that tract of country which has been set apart for them. I think it will do us good to watch the progress of events. I have always looked upon the aboriginal as being the truest type we can possibly get of the socialist, and it seems to me that working out this scheme will be an object-lesson in extreme socialism, unless the natives become a very hardy race by the killing of their own cattle, as the Minister has told us they attempt on their own station, and by eating the best beef, as it is already announced that they have taken a fancy to the best and choicest beasts, and that it is the refuse that they allow to be sent down by Government steamers. This ought to make the natives a very sturdy race, like the Scottish chieftains of the northern mountainous country. We might find some of the native races and tribes still carrying out their old warlike notion and coming down to the stations of the south instead of remaining where provision has been made for them. I have always looked upon the native as a true socialist. He has no ambition to acquire any particular portion of land and no ambition either to outvie any other native in work of any kind. He prefers his country to remain uncultivated. The native is not at all inclined to develop anything. He will starve for weeks until hunger drives him afield and then small parties will hunt for food and by the time they acquire it they are so ravenous that they will hardly wait for it to be properly cooked, and the aim of the majority of them seems to be to fill themselves to such an extent that they may withstand a siege until the time arrives for another hunt for food. As this condition of affairs will likely continue in that area in the far North, where a holding of 4,000,000 acres has been set apart for them, we are giving them the opportunity of carrying out the same system under which in days gone by they had complete control of the whole continent. I would be very pleased indeed if the Government could eventually make a success of this scheme. Undoubtedly a great deal has been done by the State and by the Church in trying to elevate the natives. I have ocasionally seen some of these natives benefit considerably by the teaching which has been given them, but it is an extraordinary thing that the desire always exists to roam back at will to their own districts. I doubt whether any good will come of taking men from the southern portion and placing them on the northern reserves. Those who belong to that locality will, of course, continue to live there for many years and I hope they will exist under better conditions, particularly when the care which is to be bestowed upon them is taken into consideration, and that they will be made to feel that the whole of their country has not been taken away from them. I have much pleasure in supporting the motion.

On motion by Hon. J. E. Dodd (Honorary Minister), debate adjourned.

BILL—RIGHTS IN WATER AND IRRIGATION.

Second Reading.

Debate resumed from the previous day.

Hon. E. McLARTY (South-West): The Bill under consideration is one that, as far as my experience goes, has not been very favourably received by landholders throughout the State. I have had several

communications in which strong objections have been raised to some of the provisions. Personally I recognise the time has arrived when it is absolutely necessary that this question of riparian rights and irrigation should be settled, and I recognise the necessity for a Bill being introduced for that purpose. I have gone carefully through the Bill myself and I must confess that many of the objections I have heard raised seem to me to disappear when one looks into the matter and understands the position. I will give the second reading my support and I think with a few alterations and amendments when the measure is in Committee the Bill will be made workable. One objection has been raised and to this I have taken some exception myself, that is the right to resume along the banks of watercourses. The general impression was that a chain on each side of a watercourse would be reserved and that the public would have free access to that chain, as they thought proper. Considering that a great many of the orchards and vineyards of this State are on the banks of watercourses and rivers, that seemed objectionable. But I see, on looking through the Bill carefully, that that is provided for and that offenders can be dealt with if they roam about on these lands which are reserved for special purposes. With regard to Clause 10, which to some extent concerns myself, referring to the drainage of refuse into creeks and watercourses, I am sorry to say that the Government are the greatest transgressors in this respect, and that I have had occasion recently to communicate through my solicitor with the Railway Department who have been draining their refuse into a creek on my property. There are pools there in the summer months and the draining of objectionable matter into these pools is a menace to health. I am glad to see that this question is referred to in the Bill and I hope it will be carried out. I am glad to see that the Bill is being brought forward and I think that with a few alterations it can be made workable and will be of considerable advantage to the people generally. I commend the Government for their enterprise and determination to carry out irrigation works, especially in the South-West where we have many instances of quantities of beautiful pure water running to waste, water which should be conserved and utilised to advantage. There is no question about the fact that the dairying industry will never be carried out successfully until some scheme of this kind is undertaken. We have such a long dry season that it is practically impossible to carry on dairying with any degree of satisfaction or profit except under irrigation. And we have object lessons in several instances in the South where very beneficial results have accrued from the enterprise of private individuals. I have much pleasure in supporting the second reading of the Bill, and, as I said before, I think that with a few alterations in Committee the measure can be made acceptable to the people generally.

Hon. Sir E. H. WITTENOOM (North): I just rise to say one or two words. Although I listened with the greatest care to the Colonial Secretary in introducing the Bill, I did not find that he made it clear to me that it was necessary that a Bill of this kind should be brought into force at the present time. There are a great many points in the Bill which I think are good, but some of the provisions will not be to the best advantage of the people. I think that the time has arrived when something should be done in the matter of irrigation, and where there are rivers and running waters it is right that the Government should assume control; but they have gone further than that and are seeking to take advantage of private enterprise. They are trying to take advantage of those who have spent thousands of pounds in finding what I may term unnatural flows of water from artesian bores. That is hardly a fair thing. I do not know whether there is any absolute necessity for this Bill. I find that in Clause 4 artesian wells are included under the rights in natural water, but no one can say that an artesian supply is natural water. The flow has been created by the enterprise of other people. We cannot call artesian water natural water, and

why should the Government assume control of it after persons have spent their money in discovering it? I say that such a provision is unfair. There is a great deal of interest in this Bill throughout the country, which affects all sorts of people and in different ways. Those who live in the South-West among running streams are one class, the people in the North where the artesian bores are found are another class, and under those circumstances it is very difficult to assimilate all the conditions. It would be very much better if we were to refer the Bill to a select committee and take evidence from those people who have a knowledge of the different conditions. I have much pleasure in supporting the second reading, and if that is agreed to I shall move to refer the Bill to a select committee.

On motion by the Colonial Secretary debate adjourned.

BILL — FREMANTLE HARBOUR TRUST AMENDMENT.

Second Reading.

Debate resumed from the 5th November.

Hon. J. D. CONNOLLY (North-East): The Bill is a small one, but makes some very important alterations in the Fremantle Harbour Trust Act. The Fremantle harbour is a matter in which I take a great deal of interest because I have had much to do with the administration of it, and although I did not introduce the original Act, I introduced the amending measure of 1906, which is practically the Act of to-day. Undoubtedly the Trust was constituted to facilitate shipping. I remember well the argument which Mr. Kingsmill used, when he was Colonial Secretary and introduced the original measure, as to why the House should adopt the Bill. The argument, briefly stated, was that in order to work the port in a business-like way, free from the technicalities of Government departments, we should constitute a board of business men who would manage the port in a way that would be agreeable to the people using it. The idea was an excellent one, and it was only following out numerous precedents throughout Australia and New Zealand. The board worked exceptionally well for a number of years. In the first place they had as chairman a gentleman who was a member of this House for many years, Captain Laurie, and undoubtedly a great deal of the success which the Trust achieved was due to that gentleman, because he had an exceptional knowledge of shipping and the requirements of the port, and for a very small consideration he gave a great portion of his time to the business of the Trust and was largely instrumental in getting it in good working order. He held that position for five years, until its demands upon his time became too great. The Trust were also fortunate at that time in securing as chief executive officer a most competent man in the person of the secretary (Mr. Stevens). He also possessed special knowledge, for he had been confidential clerk to Mr. C. Y. O'Connor, who was the engineer responsible for the building of the harbour. The Trust worked well for a number of years, but I am afraid that they are now getting away from their original functions. For that I blame the present Government, for the reason that in appointing a new Harbour Trust they made an entirely new departure. Previously the five gentlemen constituting the board were elected to represent the different mercantile interests of the State, but the present Government placed on the Board two Government officials in the person of the Engineer-in-Chief (Mr. Thompson) who was appointed chairman, and Captain Irvine (Chief Harbourmaster). They also placed on the board a member of the Lumpers' Union. Mr. Thompson is a very excellent officer, probably one of the best in the Government service, and the same remark applies to Captain Irvine. Nevertheless, it was an anomaly to place those men on the board, and no doubt if they felt that they could speak, they would be the first to admit it. In the first place the Engineer-in-Chief for the State is the chairman and engineer for the Trust, and the Chief Harbourmaster of the State is also harbourmaster at

Fremantle, and has all to do with all navigation questions. Those two gentlemen sit on the board, and if certain extensions have to be made to the harbour and alterations made in the sheds or the working arrangements or in the appliances, the Trust receive first of all a report from the chairman who is the Engineer-in-Chief, so that the Engineer-in-Chief sits as chairman of the board and decides a certain matter and then refers it to Mr. Thompson, the Engineer-in-Chief. Then in regard to navigation matters the Chief Harbourmaster is the harbourmaster for Fremantle, and if any question as to the navigation arrangements in the harbour crops up, he, as a member of the board, in effect, reports to himself what should be done. Hon members can see the anomaly of such a situation; it places these men in an impossible position. No doubt they are and would be excellent men on the board, but their official positions disqualify them for such positions. In regard to the appointment of a member of the Lumpers' Union, it seems to me as great an anomaly to appoint such a person on the Harbour Trust as it would to appoint a railway porter co-commissioner with Mr. Short. I should like to know what a lumper knows about the general management and control of the Fremantle harbour. The lumpers have their agreements as to wages, and there is no need for their representation on the Trust in order to protect them, any more than there is need to appoint a railway porter co-commissioner in order to protect the railway servants. But the present Government seem to think it is necessary to have on every board political representatives. Most certainly these appointments should be free from politics entirely. For the reasons I have mentioned, the Government have practically nullified the Harbour Trust altogether and brought it back to a Government department. When they do that, why do they want a board at all? Why not administer the harbour as an ordinary department with a secretary, instead of having a board consisting principally of Government officials? I am inclined to think it has come to that, because the burden of the complaints made by Mr. Moss and Mr. Lynn was that there is too much red tape, and too much technicality in the working of the Trust, and it was to obviate such things that Mr. Kingsmill introduced the Act of 1902. Therefore, I suggest to the Government that they should do away with the Trust altogether and save the board's fees, which amount to from £1,200 to £1,500 each year. One of the principal objects in constituting the Harbour Trust was the facilitation of shipping. We in Western Australia are in a very unfortunate position. Notwithstanding that we are a week nearer England, invariably the fares and more particularly the freights are as high and even higher than they are to the Eastern States. Our first aim is to get over that difficulty, to show the shipping people that we have a port and can offer them every facility, and so encourage new shipping to come here and create competition. That is what helps the Eastern States. They have much more shipping there, and everything we can do to encourage an increase in the shipping must be in the interests of the people. It must be remembered that all freights and charges levied on the ship and wharfage at the harbour have to be paid by the consumer, and are passed on with a little added by the merchant. So it is the people who are paying. My objection to the Bill is that, instead of encouraging shipping, the very principle contained in the measure will discourage shipping. My principal objection is to that part of the Bill which allows the Fremantle Harbour Trust to do the stevedoring of the various ships. It is outside the duty of the Harbour Trust to enter into engagements of that kind. It was appointed for the management and control of the harbour and to facilitate the working of ships but not to undertake the stevedoring and control of ships. We are told by the Minister that this Bill is brought in that the Government may stevedore or unload their own ships,

but the Minister must know that the measure goes beyond that.

The Colonial Secretary: I certainly said it did.

Hon. J. D. CONNOLLY: In the first place, I deny that the Bill is even necessary for this purpose. There is nothing in the law at present which prevents the Government unloading or loading their own ships. I think it is on the files now where the Crown Solicitor has expressed the opinion that there is no necessity for altering the law, as the Government can load or unload their own ships. To allow the Fremantle Harbour Trust to stevedore ships will give the Trust a monopoly. There is no question about it, because the Trust control all the big electric cranes and other machinery of that description, and arrange the berthing of ships and so on; and naturally the ship-ow will be compelled to go to the to do his stevedoring, so that very short time the Trust will be e sole employers of the wharf lumpers. The companies do not want this, nor do the Fremantle lumpers.

Hon. F. Davis: That is questionable.

Hon. J. D. CONNOLLY: It has been published in the Press that the Fremantle Lumpers' Union declared that they did not want this Bill. I noticed recently that the late president of the union when going away, spoke in no undecided voice about the Trust having the power to load and unload ships; he was totally opposed to it, and he spoke in a very emphatic way against it. I think we can readily see why the lumpers are opposed to this Bill. It will give to the Fremantle Harbour Trust the power to be the only employers of the lumpers, so that if a foreman of the Trust takes offence against any lumper the unfortunate man will be unable to leave and get employment elsewhere; he will be practically confined to employment with the Trust, because in a very short time the Trust will be the only stevedores in the port. The shipping companies do not want the Bill. So far as I know, nobody wants it. I am informed that the Trust do not want it. I do not quite know who wants it. It may be the officials of the Trust want it, but the companies and the lumpers do not want it. What would be the position of the companies? They must realise that if they employ the Trust they will get the preference of berth and despatch and other things. So the existing stevedores will melt away, and in a short time the shipping companies will be absolutely in the hands of the Trust. There is no precedent throughout the Empire for allowing a harbour trust to do the stevedoring. Even in the case of privately-owned docks, outside companies are allowed to do the stevedoring. There is another and more serious aspect than this. If the men have a grievance it will be the easiest way out of the difficulty for the Trust to give the lumpers exactly what they want in the matter of wages or hours of working, because they have the power to make regulations and charge the shipping companies just exactly what they like. That would mean disaster for the State. It would frighten ships away. No ship would come here if it could not get quick despatch and cheap discharge. The Trust will take the line of least resistance. I remember the wages agreement spoken of by Mr. Lynn. The hon. member said it was to the interest of the lumpers to get the Trust out of the way, that the Trust was the stumbling block in the way of that agreement being fixed up. That was the case because there was an unholy alliance at that time, in 1910, between the lumpers and the monopoly known as the inter-State shipping combine; there was a clear understanding between these two that the shipping companies would give the lumpers anything they wanted, because it did not suit their book to go to the Arbitration Court. So whatever the lumpers asked for the shipping companies said they would agree to, and the awful Trust were held up as people trying to grind down the lumpers. The result was that an agreement was arrived at on exceptionally good terms for the lumpers; they were exceptionally well treated in all their demands; but there was no chance for the Trust to do otherwise, because of the pressure of the inter-

State combine. The very same alliance between the lumpers and the inter-State shipping companies is bringing about another state of affairs detrimental to Western Australia; I refer to the Navigation Bill passing through the Federal House; that is just the result of an alliance between the waterside workers and the inter-State companies who want to squeeze out the oversea vessels from the inter-State trade. The ink was hardly dry on the agreement when the lumpers demanded an increase all round and the strike was fixed up by the present Government giving a further increase of twenty per cent. on the wages the lumpers got previously.

The Colonial Secretary: Was is not referred to arbitration; I mean, privately?

Hon. J. D. CONNOLLY: Yes; it was a peculiar action on the part of the Government to ignore the tribunal set up for deciding such cases.

The Colonial Secretary: They did not ignore it.

Hon. J. D. CONNOLLY: They did exactly the same in the railway engineers' trouble. They did not say "Go to the Arbitration Court, constituted specially by Parliament to hear your grievances"; but they constituted their own conciliation board; and the result in the case of the Fremantle lumpers was that the men gained an increase of twenty per cent. In this connection I wish to point out the dangerof having boards consisting of officials in such a position. In that case they gave the men a 20 per cent. increase and with the next stroke of the pen they increased the handling charges from 33 to 100 per cent.

The Colonial Secretary: In how many instances a hundred per cent?

Hon. J. D. CONNOLLY: Taking it even at the minimum of 33 per cent., it was an advance on the increase given to the lumpers.

The Colonial Secretary: Did you not increase charges?

Hon. J. D. CONNOLLY: Yes, the wharfages, and I will justify all the increases I made. What I have shown is an instance of how easy it is for a board of men to give an increase to the employees when they have full power to increase charges against the third party. They gave an increase of twenty per cent. and they put up the handling charges 33 per cent., so that the public have to pay 33 per cent. more because the Government decided to pay 20 per cent. more. It proves to my mind exactly what will happen when the Trust are allowed to be the sole stevedores of the port. They can give whatever conditions they like to the lumpers, and the companies will have to pay for them and incidentally the public, and it will have a tendency to harass and divert shipping to other ports, a thing we do not want to see.

Hon. F. Davis: Will you explain what the lumpers fear?

Hon. J. D. CONNOLLY: I have already explained that the lumpers fear, according to their own statement, that with the Trust being the only employers, some of them will be penalised because they may be marked men and cannot go somewhere else. I have shown the public view of the question, and the view from the companies' aspect. Undoubtedly all this means heavier freights to the port of Fremantle and means less shipping coming here, because it will lessen the number of ships. When I was administering this department, one thing I always kept in mind, and encouraged the Trust to carry out, was to do everything possible to induce ships to come to Fremantle. I remember the time when the lighting dues, pilot dues, wharfage dues, and berthage dues ran to a minimum of £40 for a big ship, and I have known tramp ships to come here with a small amount of cargo and the amount of harbour dues amounted to more than the freight earned.

Hon. W. Kingsmill: We always remitted that.

Hon. J. D. CONNOLLY: Of course that was altered, and a ship that did not discharge passengers was charged a small minimum rate in order to encourage these

ships to come here. That was a proper policy. I shall not oppose the second reading of the Bill, but I shall vote to strike out the portion of the Bill which relates to the Trust becoming stevedores. Another fault in the Bill is where the Trust take power to indemnify, against making any loss when they work after certain hours. They seek to clear themselves of all liability. While the Trust must have reasonable safeguards, they surely must take some responsibility. It is a double-edged sword, for this reason: They say they will not take any responsibility.

The Colonial Secretary: You brought in a Bill to say so.

Hon. J. D. CONNOLLY: Not on these lines though. It is all right up to a certain point, but if they compel the ships to work outside the ordinary working hours, then it is not fair to give them carte-blanche to charge whatever rates they like for discharging the ships, and take no responsibility for it; if the ship has to discharge after hours whether she likes it or not, the Trust should take some responsibility. A good deal has been said about the charges at the port. I know the Trust have derived a good deal of profit from wharfage, but hon. members must be aware that a considerable loss is incurred by way of depreciation of the Trust's property and, therefore, it is necessary to make a profit to cover it. Mr. Davis said that the only profit made last year was £289. That is very different from the profit of £60,000 made in previous years, and no doubt is largely accounted for by the fact that £65,000, which it was necessary to spend last year in repairing the wharves, has all been charged up in one year. That is unfair, and is wrong altogether. It should be charged up proportionately over a number of years. These wharves became damaged, and some £65,000 had to be spent in repairs. But I want to be clear about this: There is a distinct difference between wharfage and handling charges. On account of these increased handling charges the Trust are making a bigger profit than ever through their handling charges. It is a wrong principle to make anything of a profit from handling charges, because handling charges are only for services rendered, and involve no capital, no wear and tear on plant or wharves, or anything of that kind. They undertake for 1s. a ton to take the goods from the truck into the shed, and that is done for the convenience of the people. The Trust are the best able to do that, but they should only make a charge equivalent to the cost, plus a small margin for losses. Instead of that, on account of these increased charges I speak about, the profits are running up to a considerable amount. In regard to wharfage, that is another matter altogether. They are quite entitled to make a good profit out of the wharfage, because not only are there wages to be paid, but there is wear, tear and renewals of wharves and of all other property of the Trust, which has to be kept up, and improvements to the harbour, and, therefore the Trust are quite entitled to charge a reasonable wharfage rate. Those are the two principal clauses in the Bill. The one I take most serious exception to is that allowing the Trust to do the stevedoring. In regard to the liability of the Trust, that is all right up to a certain point, but there should be some limitation to it, more particularly with the Trust constituted as at the present time. The other clauses are merely formal, except one dealing with the powers of the Trust's special constable. I do not know whether the House will agree to that clause. Its object is to allow the Trust's policeman to arrest outside the limit of the Trust's property. I asked the House to agree to a similar clause a long time ago, but the House refused. I think the extended power is necessary, but again I think there should be some limitation. While it may be safe enough to allow the special constable to arrest a person within the boundaries of the Harbour Trust's property, and while it would be ridiculous to prevent him from making the arrest just outside, in the case of the thief jumping over the fence, still there should be some limitation set. This special constable is very different from a thoroughly

trained, ordinary policeman. There have been certain things said in the House which, to my mind, reflect on the officials of the Trust. I say the officers of that Trust are, almost without exception, able and capable men. We have in the person of the secretary, Mr. Stevens, a most energetic and able man, and anything I have had to say in regard to the Engineer-in-Chief and the Chief Harbour Master has been in connection, not with their capacity as such, but only with the principle of appointing these gentlemen members of the Trust.

The COLONIAL SECRETARY (in reply): Mr. Lynn, in the course of his second reading speech, severely criticised the method of appointing the Fremantle Harbour Trust. I would point out that the Fremantle Harbour Trust Act, as passed in 1902, has not been varied in regard to the appointment of members of the Trust. The Act provides that the whole of the five commissioners shall be appointed by the Governor, and does not in any way restrict the Governor in his powers of selection. Mr. Lynn was not correct when he stated that the Chamber of Commerce at Kalgoorlie was represented on the first Trust. That body was not so represented.

Hon. W. Kingsmill: Did not Mr. Vialls represent it?

The COLONIAL SECRETARY: No, not in the first instance.

Hon. W. Kingsmill: Yes he did; I made the appointment myself.

The COLONIAL SECRETARY: The administration of the harbour is precisely the same to-day as under the original board of commissioners, the only exception being small variations and modifications necessary in a growing business. In regard to the inclusion on the board of the Engineer-in-Chief and the Chief Harbour Master, the Government considered that these officers, having such an intimate knowledge officially of the work of the port of Fremantle and the designing and application of various appliances in connection with the harbour, would be able to render valuable services to the State in that direction owing to their connection with the Trust, and that by the same reasoning they would be brought into direct touch with all the details of administration, and with all matters likely to concern them in connection with their official duties, so far as the port of Fremantle is concerned. The alleged anomaly in the position of these two officers through their being, as Mr. Connolly said, at one and the same time members of the Trust and servants of the Trust, does not exist. There has been no evidence so far that the position is in any way anomalous, or in any way detrimental to the best interests of the State. On the other hand we find that owing to the presence of these gentlemen on the Trust many matters which would have taken a very long time to fix up were completed in a very short time in consequence of the fact that these gentlemen, from their connection with the Trust, were enabled to grapple with the position at first hand. Mr. Lynn attempted to make capital out of the appointment of the present board of commissioners by saying that it is purely a Government nominee board. There is no force in that contention. Every board appointed, from the very inception, has been a Government nominee board. Any action which any previous Government have taken in regard to the appointment of members of this board in asking various commercial institutions to be represented has been purely an act of courtesy on the part of Ministers. There is nothing in the Act to compel them to appoint any persons representing any particular business or industry.

Hon. W. Kingsmill: It was struck out of the Bill.

The COLONIAL SECRETARY: If it was in the Bill in the first instance and afterwards struck out by Parliament, that may be taken as an indication that Parliament desired that the Government should have a free hand. The present Government, when the term of the previous board had expired, went carefully into the matter and came to the conclusion that a board constituted as is the present one was likely to render just as good service to the country as the previous board, with this additional advantage, that it would be able to better advise the Government on such important questions as costly extensions to the harbour and plant.

The present board has given entire satisfaction to the Government, and to the whole of the trading community, with the exception of course, of a small coterie of interested and disappointed persons in the port of Fremantle who have banded themselves together outside of Parliament to work assiduously for the defeat of this measure. Mr. Lynn has endeavoured to invest the origin of the stevedoring provisions of the Bill with an air of mystery, for which there is no justification whatever; for the simple reason that instances have already arisen at Fremantle in which it might have been of great importance to the State if there had been vested in the hands of the Trust the authority to stevedore vessels. At various times the Trust have been consulted on the matter. Shipowners have requested the Trust to stevedore for them, but unfortunately it was necessary to point out that there was no legislative authority enabling the Trust to undertake the work. All that these provisions ask is that the commissioners shall have the power of doing work which the owners of vessels—the persons who will be called upon to pay for the work—desire that they shall do on their behalf. The Bill goes no further. It simply provides that if the shipowners desire the Trust to do the work, only under such circumstances can the Trust undertake such work. Mr. Moss says the Bill will destroy competition. That is, I think, perfectly ridiculous. If there was any provision in the measure in the direction of preventing any private individual from engaging in stevedoring that argument might be used with some soundness; but there is no such provision. There is open competition between all parties. The idea that anything in the nature of a stevedoring monopoly in the hands of the Fremantle Harbour Trust can come about is certainly not in the minds of the Government, nor of the commissioners. As a matter of fact the commissioners do not desire to do stevedoring work at all; but it is recognised that it would be of great advantage to the State generally if the power to do the work, in the event of their being suddenly called upon, was given to a body in whose hands is vested the control of the commercial credit and reputation of the port. Mr. Lynn and Mr. Gawler have stated that the Commissioners will only use their power for the collection of additional revenue. But this is ridiculous, seeing that the Trust can only perform this work if they are called upon by the shipowners to do so. The only profits which have been made by the Harbour Trust Commissioners up to the present on the handling of cargo on the wharves have been so small in relation to the cash turnover that there is no justification for anticipating that stevedoring rates will be so high as to give any additional profit worthy of consideration. In any case one cannot get away from this point, that the Trust are at all times obliged to publish their rates, and if any shipowner does not desire to patronise the Trust he can go to the private stevedore and get his work done. There is no compulsion on him to get his work performed by the Trust. Mr. Lynn made a very curious mistake for a Fremantle shipping man when he stated that the Trust Commissioners already possessed an advantage in the employment of labour over the private employer. He must know full well that the Trust have subscribed to the same working industrial agreement with the Lumpers' Union as with other employers at Fremantle including Mr. Lynn himself, and that the agreement dictates the number of men to be employed in all positions of work on the wharves, including the loading of railway trucks. Consequently it is very difficult to see how the Trust can have any advantage in that respect. Mr. Lynn further told the House that he had been informed by the president of the Lumpers' Union that the reason for the cessation of work by members of that union in December, 1911, was that the Trust were the stumbling-block. I have investigated that statement and I find it is absolutely incorrect, and as for Mr. Wilson going to Fremantle and instructing Mr. Leeds to concede what the men were asking for, that is also incorrect, for at that time Mr. Wilson was not Premier of the State. I take it Mr. Lynn refers to the cessation of work in December, 1911, because that is

the cessation of work in connection with which the incident of the fruit-cases occurred. It will be seen from what I have said that Mr. Lynn's dates are no less than twelve months out. The date referred to by Mr. Owen and mentioned by Mr. Lynn was December, 1910, and the cessation of work with which he connected it occurred only in December, 1911, or twelve months afterwards. The deduction Mr. Lynn drew from the incident—and I believe the same deduction was drawn by Mr. Connolly—was that the very people who caused the cessation of work are now asking for the increased stevedoring powers.

Hon. J. D. Connolly: On a personal explanation. I admitted the Trust were a stumbling-block in 1910. Mr. Lynn complained that the Fremantle Trust stood in the way of the lumpers. I said they did because there was an unholy alliance between the inter-State shipping combine and the lumpers, and they were giving them what they wanted. Notwithstanding that they struck before the ink was dry on the agreement, and got a 30 per cent. increase.

The COLONIAL SECRETARY: As regards the 1910 cessation to which the hon. member referred the Trust were not the stumbling-block if my investigations are correct.

Hon. J. D. Connolly: But I happen to know.

The COLONIAL SECRETARY: It was the shipping companies and stevedores who were busy wire-pulling to place the Trust in a wrong light with the workers. Mr. Lynn made further extraordinary statements for a gentleman who is supposed to be possessed of a knowledge of the working of the Fremantle harbour in connection with the employment of labour in railway trucks. He picked out twelve cargoes landed into wagons and said the Commissioners could work in the trucks just the number of men they choose. I am given to understand that there is a provision in the industrial agreement——

Hon. J. D. Connolly: Yes, for four men in a small truck, and the men cannot get in to work.

The COLONIAL SECRETARY: The same conditions apply to all. The Trust have no more monopoly in truck work than in any work on the wharves. The Trust handle all the cargo on the wharves to and from the ship's slings, no matter what class of goods or how they are being dealt with. With regard to the statements made by Mr. Lynn, Mr. Moss and Mr. Connolly that the Lumpers' Union, merchants and shipping companies were opposed to the stevedoring clauses, that is not the case. The Government received a resolution from the Lumpers' Union disagreeing with the proposal to place in the hands of the Trust Commissioners the power to do the stevedoring of ships, but when inquiries were made it was found that this resolution did not by any means indicate the opinion of a majority of the members of the Lumpers' Union, but was carried by a minority who had never worked for the Trust. The only expression that has come from the merchants is the resolution purporting to be from the Fremantle Chamber of Commerce.

Hon. D. G. Gawler: I have a lot more of them here.

The COLONIAL SECRETARY: In regard to this the Government have been informed by high office-bearers of the Fremantle Chamber of Commerce that the resolution which purported to come from the Chamber came from a small section representing the shipping section only of the chamber. There is no doubt that shipping companies and the stevedores have protested and are still protesting vigorously against the provisions of this Bill. The shipping community of Fremantle are the agents only of some owners with no power to deal with matters of principle, and in some cases they do the stevedoring on their own ships and the ships of other companies. The private stevedores are of course open to accept work from anyone who wishes to give it to them, and they are naturally opposed to anyone else poaching on their preserves, and this no doubt is largely responsible for some of the agitation which has arisen in Fremantle against this Bill. The only solid argument that Mr. Lynn has been able to bring against this Bill

and the only one worthy of consideration is that if the Trust are given the power to do stevedoring work they will force all shipowners to place their work in their hands and so bring about a monopoly by unfair treatment of other stevedores in the port in the matter of the allocation of working berths, cranes, etcetera. Such an argument is a very unfair one and one which certainly should not have been used by Mr. Lynn who, through his connection with the port of Fremantle, knows perfectly well that such a statement is most unjustifiable. No stevedoring or shipping company operating in the port of Fremantle since the inception of the Trust has ever made a complaint that it has been treated unfairly in any way by the Trust. A comparison between the charges made by the Trust and private stevedores will doubtless be of interest. The Trust for transferring goods from the truck at the back of the sheds and then delivering it in the hold of a ship charge 9d. a ton. The private stevedores who simply receive the goods in the ship's hold and stow them get 1s. 4d. for the service they render. The chief complaint against us seems to be not that this Bill is going to have the effect of increasing the charges but that there is a probability that it will reduce the charges.

Hon. J. D. Connolly: Does not the Trust's responsibility end when the sling is tied in the truck?

The COLONIAL SECRETARY: No, when the goods are deposited in the bottom of the ship's hold.

Hon. J. D. Connolly: No, when they are tied.

The COLONIAL SECRETARY: The goods are received at the bottom of the ship's hold by the stevedore, but there is more trouble in removing them from the trucks and landing them into the hold than in stowing them after they get into the hands of the stevedores. The fact remains that the Trust commissioners can make no profit out of the stevedoring, no matter what their rates may be, unless with the consent of the owners of the ship. There is no getting away from that; unless the owners request them to do the work there is no possibility of the Trust making these charges. With regard to the wharf cranes at Fremantle I may say in reply to Mr. Lynn, that they have never been a paying proposition to the Trust. They have never returned the commissioners profit, but a fair amount of loss has been incurred, that is taking into account interest and depreciation. In spite of that, the Trust have always kept up the supply in order to meet the requirements of the stevedores and the public generally. It is also stated by Mr. Lynn that the Railway Department and the Trust do not work amicably together. I am in a position to give this a complete denial. The officers of the Trust and the railways keep in constant touch with one another on the wharves and between them endeavour to give all parties the best services that can be given with the facilities at their disposal. In order to prove that this must be so, I point out that last year no less than 202,562 tons of goods out of a total of 594,427 tons of inward cargo received at the port was landed from ships' slings direct into main line wagons for despatch inland. And so far as the Government departments are concerned there has been no friction whatever between the Railway Department and the Trust. If there has been friction it has been confined solely to one of those two bodies concerned. It has been said that an increase in rates amounting to 20 per cent. was paid to the Lumpers' Union, or agreed to in December, 1911, and as a result the Trust put up their handling charges on the wharf from 33⅓ to 100 per cent. The statement was first made by Mr. Lynn and was repeated by every other speaker. Mr. Lynn and the other speakers used this statement in an endeavour to demonstrate that if the Trust were given power to create a monopoly, which they said they would undoubtedly do with the facilities at their disposal, they would be in a position to levy any rates they liked by regulation in order to cover any deficiency. The increase in the handling charges averaged on the general cargo business of the port about 33⅓ per cent. On some unimportant lines of which only

small quantities are handled, and which had been previously costing the Trust double what they received for doing the work, the rates were increased by 100 per cent.

Hon. J. D. Connolly: We said 33⅓ per cent. to 100 per cent.

The COLONIAL SECRETARY: But only in a few instances where they increased to 100 per cent. and that was to cover the cost of handling. But the point had been carefully kept in the background that the Harbour Trust handling charges were only increased after a second increase in labour cost was placed on the shoulders of the Commissioners. The first increased cost was involved by the industrial agreement signed in December, 1910, and the second by the special award of the Hon. M. F. Troy in December, 1911. So that, instead of immediately jumping up their handling charge rates when the increased labour cost was imposed on them, the Commissioners and their staff endeavoured by strenuous exertion to carry on the work for 12 months without any increase in the rates.

Hon. J. D. Connolly: There was no increase necessary in the first instance.

The COLONIAL SECRETARY: That there was an increase necessary was clearly shown to my mind before I consented to the increase. But it was found that a very serious loss had been made on the 12 months' operations, and when Mr. Troy's award was given, creating a second advance in labour cost, the commissioners were forced to revise their handling charges. Mr. Lynn quoted figures to prove maladministration; but unfortunately for him his figures do not strengthen his argument. In one instance he says the Harbour Trust's handling charges alone, and he carefully excludes wharfage and harbour improvement rate, on a case containing a model of the new steamer, "Warilda," amounted to £4 17s. 8d. But what are the facts? The case containing this model was a large one—and if the advertisement paragraphs of the Adelaide Steamship Company are to be believed, that company took pride in the fact that the model was a very large one, measuring with the stand which accompanied it, 625 cubic feet. At the highest general rate in the port of Fremantle, namely, 2s. per ton, this amounted to £1 11s. 3d. To this has to be added an amount of 11s. 6d., agreed by the company to be paid for extra loading of the case, measuring 460 feet, on to a lorry, making £2 2s. 9d., which was the total handling charge imposed. The £4 17s. 8d. quoted by Mr. Lynn, unfortunately for him, included all charges, namely, wharfage, harbour improvement rate, ordinary handling charges and special charges agreed to by the company. Had the company been up to date with its business at Fremantle, it would have landed this model as transhipment cargo, and so saved a large expenditure. Mr. Lynn also quoted a case wherein he says that a Melbourne Steamship Company's steamer recently discharged at Fremantle 97 tons of coal, and because the quantity came below the 100 tons minimum for the bulk rate the company was called upon to pay a handling charge of 1s. per ton in place of 7d. It is a matter for surprise that the Melbourne Steamship Company allowed this instance to be quoted by Mr. Lynn. The facts are that the company deliberately informed the Harbour Trust that it had discharged 100 tons of coal, in order to get off with the cheaper rate, but the Harbour Trust officers were sufficiently alive to have the weights checked through the Railway Department's weighbridge, when it was found the amount landed was but 97 tons. That was three tons short and they were liable to pay the higher rate.

Hon. C. Sommers: That is very paltry, is it not?

The COLONIAL SECRETARY: It is not very paltry, it gave grounds for a prosecution against the company. Mr. Lynn has made another blunder regarding the cost of transhipping goods at Fremantle when he says the "costs are simply fabulous." As a matter of fact the costs for transhipping cargo at the port of Fremantle to-day are as low as at any port in Australia, and lower than at many of those ports. This has been brought about by the present board of commissioners, who have revised the

charges maintained by the boards appointed by previous Governments, and it must be those latter charges which Mr. Lynn refers to when he speaks of them as "fabulous." The transhipping wharfage charges at Fremantle to-day are at the rate of 10d. per ton for general cargo, plus the labour cost of handling according to requirements, and this is as low as any rate in Australia. Mr. Lynn states that the Harbour Trust Commissioners can levy any charge they please, but this, of course, is not so. Every rate recommended by the commissioners must be confirmed by the Governor-in-Council and published in the *Government Gazette* before it is legal; and the Governor, by statute, has the power of reviewing every rate recommended by the commissioners. Mr. Lynn is also badly in error when he attempts to give to the House the profits made by the Harbour Trust on the handling of cargo on the wharves. The following figures will indicate Mr. Lynn's figures and the actual figures:—In 1908, according to Mr. Lynn, the profit made by the Trust in the handling of cargo was £3,957 and the actual figures were £946; in 1909 according to Mr. Lynn the profit made by the Trust in the handling of cargo was £4,771, and the actual figures were £2,435; in 1910 according to Mr. Lynn the profit made by the Trust in the handling of cargo was £4,807, and the actual figures were £2,298; in 1911 according to Mr. Lynn the profit made by the Trust in the handling of cargo was £3,957, and the actual figures were £755. And the average for the four years, according to Mr. Lynn's figures, is £4,925, but according to the Harbour Trust figures £1,608. Mr. Lynn ventures the prophecy that the year ended on 30th June, 1912, has returned an even greater profit. It may surprise hon. members to know that the actual profit on this account for the past year was £269 only, surely a small enough profit on a turnover of something like £35,000 in cash, paid out in wages to the workers. Then again, with regard to the question of claims, Mr. Lynn is very severe. He can only see in the fact that the Trust has not paid excessive amounts in claims an evasion of proper responsibilities. The actual fact is that the commissioners have on all occasions been careful to be even more than fair. Whenever there is any reasonable doubt they invariably meet the claim, and it would be interesting to have an unbiased opinion from mercantile firms doing business both in Western Australia and other ports of Australasia, as to whether the same—or anything approaching it—can be said as to the shipping companies in regard to whether they meet claims. The Fremantle Harbour Trust have been paid many compliments; but the best probably has been paid by the Royal Commission from South Australia, which visited all the principal ports in Australia last year with the object of determining the method to be pursued in re-designing and reorganising South Australian ports. The Commission visited Fremantle last of all, and its members admitted that in appliances, wharves, sheds, appointments, and administrative and working systems Fremantle is far in advance of any other port in Australia. The Commission has since given tangible evidence of this opinion in the report to the Governor of South Australia in which is recommended a reorganisation of the ports of South Australia largely following the principles adopted at Fremantle. In regard to the question of profits made by the Harbour Trust, it should not be forgotten that profits made are the result of rates fixed by previous Administrations, not by the present Government or the present commissioners. For close on nine years previous Administrations have reaped the benefit of "excessive" profits and surpluses; and the present Government are now criticised for what is the result of rates fixed by their predecessors. It was the previous Administration which added to the Fremantle wharfage rates an extra charge of 3s. per ton. This was done deliberately for revenue-producing purposes, and the charge was maintained by the previous Government in spite of the protest of the then commissioners, and yet these same people complain now of the huge profits of the Trust. The following will show the methods of previous Governments.

They, now in Opposition, are declaiming against what they call the profits of the Trust. Yet, as already stated, they were responsible for introducing a new "wharfage" rate of 3s. per ton, by which certain goods were jumped up to 6s. per ton. That was in January, 1907. In the 5½ years to 30th June, 1912, this extra 3s. tax brought to previous Administrations no less a sum, collected at Fremantle alone, than £65,000.

Hon. J. D. Connolly: We wanted it for the dock.

The COLONIAL SECRETARY: You did not say so, you said you wanted it for revenue. The Trust Commissioners protested against the tax and showed it separately in their rates but the Government by virtue of the powers which they had given themselves in the Amending Act of 1906——

Hon. J. D. Connolly: That is for harbour improvements.

The COLONIAL SECRETARY: No, a separate rate was struck for that. They gave themselves in the Amending Act of 1906 power to review all rates imposed or proposed to be imposed by the Trust and they ordered the commissioners to collect this extra tax for revenue purposes. I could say a lot more if any attempt is made to dispute the point. The *West Australian* newspaper in its leading columns on Tuesday week accused the Government of making the Trust a customs house, but in view of what was done in 1907, and against which the newspaper did not utter a word or protest, it has overstepped the mark and while striving at a gnat has swallowed a camel. Regarding the complaint of excessive charges on agricultural machinery made by the Hon. Mr. Patrick, I would remind the hon. member and the House that these charges were not imposed by the present Administration or the present board, but by the previous Government for the purpose of drawing in this revenue. Among the articles specified as those which have paid a tax for the purpose of bringing in revenue to the State is agricultural machinery, yet Mr. Patrick spoke in such a strain as to make people believe that the present Government were responsible for the impost. Touching Mr. Patrick's statement that the transhipment of cargo at Fremantle is 5s. as against 1s. at Sydney, it must be understood that a ton of wool consists of five bales and the wharfage charge is 2d. per bale or 10d. per ton so that Fremantle is thus 2d. per ton lower than Mr. Patrick states Sydney to be. I cannot understand where the hon. member got his information on which he based his statement. The unfortunate part is that these statements are published and are believed by the people outside to be correct. There is, however, no ground for the assertion made by the hon. gentleman. The men at Fremantle have to be paid the same rate of wages, and the handling at Sydney is in almost every case more expensive than at Fremantle owing to the lack of facilities at the New South Wales port as compared with Fremantle. There is evidence that stevedoring by the Trust would be of direct advantage to the State, in this way, that the wheat handling machinery at the North quay has cost this State between £60,000 and £70,000. This machinery is idle quite half the time when a vessel is being loaded because the stevedore either cannot or will not arrange his working as to take the bags at the pace which the machinery is capable of delivering them into the hold. This is a serious matter, for the Trust gets no revenue whatever from the wheat export, though working costs, maintenance, besides interest and sinking fund have to be found by the Trust from other sources. Wheat shippers watch that the handling charges on wheat are as low as they can possibly be made. The one ship that has been loaded by the Trust with wheat was a revelation in loading and it is safe to assert that if the Trust controlled the business, wheat ships would be loaded in fully one-third less time than it now takes under private stevedores. So that, in view of the fact that we shall have here during the approaching season between 50 and 60 vessels from outside for wheat cargoes, hon. members should consider the necessity of giving these extended powers to the Fremantle Harbour Trust. In referring to

Clause 3 Mr. Lynn quoted extensively from Harbour Trust reports in an endeavour to show that the Trust had accepted responsibility for cargo landed at night. The fact is that the commissioners did not desire to be brought into the matter at all. They have already sufficient power in the Act of 1906 which provides that they shall not be liable for goods landed after certain hours. Section 15 of the Act of 1906 received the endorsement of this House and was passed in 20 minutes. It went from the second reading into the Committee and was strongly supported by Mr. Moss. Subsection 41 of Section 15 reads—

> Providing that in any case of discharge and landing of goods outside what may be fixed by the commissioners as the ordinary working hours of the harbour, the commissioners shall not be liable to any person for the condition of such goods.

That power was given them by Parliament and they took advantage of it straight away, and made the working hours so that they should not extend beyond 5 o'clock in the afternoon and if any goods were landed after 5 o'clock the Trust in no way accepted responsibility.

Hon. J. D. Connolly: Then why are you putting in Clause 3?

The COLONIAL SECRETARY: To give an opportunity to the shipping companies to indemnify the Trust. It is at the request of the merchants who say that this is unfair. It is considered advisable in view of the fact that goods were accepted in order to meet the convenience of the shipping companies that the latter should give an indemnity; but if the Bill is not passed the Trust will still be in a sound position, it will not accept responsibility for goods landed after 5 o'clock. Take the Interstate steamers which do between 50 and 70 per cent. of their discharging at night time: if they are permitted to pour out thousands of tons of cargo in all sorts of weather, it cannot be expected that the Trust should accept responsibility for damage done on board. When goods are landed late in the evening or at night it is impossible for the Trust to hurriedly examine or to discover whether they are damaged or not, and it is only right that the obligation should be imposed on the shipping companies to provide this necessary indemnity. If the House objects to the Bill, the Act can remain as it is and the merchants will have to suffer. With regard to the question of the Trust making a profit, although the Fremantle Harbour Trust came into operation on the 1st January, 1903, it was not until March, 1907, that the Government decided upon the capital value of the property handed to the commissioners to administer. The financial results from that year have been as follows:—For the year ended 30th June, 1908, the earnings were £116,495 and the expenditure £103,861, the surplus being £12,634. For the year ended 30th June, 1912, the receipts were £170,333, and the expenditure £196,886, the deficiency being £26,548. The actual position for the year ended 30th June last is as follows:—Statutory obligations—interest, £53,463, sinking fund £15,275, renewals fund, £2,000: a total of £70,739. General working expenses, £60,422, wharf repairs £65,724, making a grand total of £196,887. The earnings, as I have stated were £170,338 and thus the deficiency of £26,548 was created.

Hon. W. Kingsmill: Was all that £65,000 spent in one year?

The COLONIAL SECRETARY: Yes. The position of the Harbour Trust to-day therefore is that instead of there being a surplus at all for the year ended 30th June, 1912, there is an actual deficiency on the year's transactions of not less than £26,548.

Hon. J. D. Connolly: How much have you spent on wharves?

The COLONIAL SECRETARY: We have spent £65,000.

Hon. J. D. Connolly: I should think then there would be a deficiency.

The COLONIAL SECRETARY: Mr. Connolly stated that all the charges had to be paid by the consumer. Under the previous Administration they were paid by the consumer and to a heavy extent indeed. I will ask hon. members to seriously consider the position and ask them-

selves what possible harm can be done by granting the extension of the powers sought under the Bill. We cannot force the ship owners to give us permission to do their stevedoring. There is no obligation on their part to do so, and they will not do so unless it suits them. They will consider the position as to whether we can provide despatch, whether we can unload ships with greater facilities than the private stevedores, and they will also consider the price. It seems to me that the fear is not so much that the Trust will take profits out of the pockets of those who do business with them, but there is the fear that the work will be done at a lower rate than it has been done at in the past. I hope the House will agree to the Bill in its entirety.

Question put and passed.

Bill read a second time.

House adjourned at 6.12 p.m.

Legislative Assembly,

Thursday, 7th November, 1912.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier: 1, Additional Regulations under "The Sharks Bay Pearl Shell Fishery Act, 1892." 2, Amendments to Regulations of Bunbury Harbour Board (Nos. 55, 96, and 97). 3, By-laws of Burbanks Local Board of Health.

QUESTION—PERTH HOSPITAL STAFF, DISMISSALS.

Mr. DWYER asked the Premier: 1, What are the reasons for the dismissal of the executive officers of the Perth Public Hospital? 2, Has any inquiry been held as to the cause leading up to their dismissal; if so, by whom? 3, Have the officers in question been supplied with the reasons for their dismissal, and given an opportunity of meeting any charges made against them? 4, If not, will this course be now adopted in each case?

The PREMIER replied: 1, The members of the hospital board are unanimously of the opinion that it is in the best interests of the hospital to make a change in the personnel of the principal officers. 2, 3, and 4, The management, care, and control of the Perth Public Hospital is vested in a board appointed in accordance with "The Hospitals Act, 1894."

Mr. DWYER: Arising out of the reply given by the Premier I would like to know whether the Premier is aware——

Mr. SPEAKER: The hon. member cannot discuss the subject; he can only ask another question.

Mr. DWYER: Then I desire to know whether the Premier is aware that under Section 12 of the Hospitals Act all appointments and dismissals must be approved by the Governor-in-Council, and whether the Governor-in-Council has exercised the authority vested in him under that Act?

The PREMIER: Yes, I am aware that all dismissals and appointments are subject to the Governor-in-Council; but it would have to be a matter of extreme urgency to cause the Governor in Council to refuse to adopt the recommendations of the hospital board appointed under the Act, especially when that board are unanimous.

Hon. Frank Wilson: Has he exercised his right to dismiss these officers?

The PREMIER: No, not yet.

QUESTION—RAILWAY SLEEPERS FOR NEW SOUTH WALES.

Mr. O'LOGHLEN asked the Minister for Works: 1, Is he aware that railway