

**HARBOR IMPROVEMENTS,
FREMANTLE.**

Select Committee.

The SURVEYOR GENERAL (Hon. M. Fraser), in accordance with notice, moved for the appointment of a select committee to enquire into the merits of certain schemes for harbor improvements at Fremantle, the plans and papers connected with which had been laid on the Table of the House: to consider the whole question; and to bring forward, with a view to its adoption by the Council, some definite proposition by which this most important, though difficult, question might be put into such a practicable shape as might conform with the present requirements of the port and the resources at the disposal of the Council; such committee to consist of Mr. Marmion, Mr. Pearse, Mr. Crowther, Mr. Steere, and the Mover; and to have power to call for persons and papers.

Mr. SHENTON required that the committee be formed by ballot, and hon. members having delivered in their list of names,

The ACTING SPEAKER announced the result to be the election of the following members:—Mr. Crowther, the Surveyor General (Hon. M. Fraser), Mr. Pearse, and Mr. Marmion.

The Council adjourned at 1.45 p.m.

**LEGISLATIVE COUNCIL,
Friday, 3rd December, 1875.**

First Readings—Chairman of Committees—Confirmation of Expenditure Bill: second reading: in committee—Colonial Passengers' Ordinance Amendment Bill: second reading: in committee.

The ACTING SPEAKER took the Chair at 7 p.m.

PRAYERS.

FIRST READINGS.

The following Bills were read a first time, in accordance with notice, on motions by the Attorney General (Hon. H.H. Hocking): Bastardy Laws Bill, Election Petitions Bill, Capital Punishment Amendment Bill, Law of Evidence Amendment Bill, and the Protection of Witnesses Bill.

The following Bill was read a first time, in accordance with notice, on motion by the Surveyor General (Hon. M. Fraser): Closing of Streets in Perth Bill.

CHAIRMAN OF COMMITTEES.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) pointed out to the House the necessity of electing a Chairman of Committees, and expressed a hope that the hon. baronet who, in deference to the unanimous wish of the House, had consented to perform, temporarily, the duties of Speaker, would likewise accept the office of Chairman of Committees. (Hear, hear.) He was sure that no hon. member would discharge the duties of the office with greater satisfaction and advantage to the House than the hon. baronet, and he would be most happy if hon. members would support him in moving his appointment. (Hear, hear.)

There being no opposition offered,

Sir Thomas COCKBURN-CAMPBELL intimated that he was quite willing to accept the office until the arrival of Mr. Speaker; but he particularly wished the House to understand that he did not bind himself to occupy the position when the Speaker arrived.

**CONFIRMATION OF EXPENDITURE
BILL.**

Second Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved that the Bill be now read a second time, and stated that it was to confirm the expenditure for the services of the year 1874, beyond the grant for that year.

The Bill was read a second time.

In Committee.

Mr. BROWN moved that progress be reported in deference to the expressed wish of a prominent member of the House (the hon. member for Wellington) who was unavoidably absent.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said that he had no objection if such were the wish of the House.

Progress reported, and leave obtained to sit again.

**COLONIAL PASSENGERS' ORDINANCE,
1861, AMENDMENT BILL.**

Second Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved the second

reading of a Bill to amend the Colonial Passengers Ordinance, 1861, and in explaining the object of the Bill said that, while the Ordinance in question provided for securing and testing the competency of masters of vessels plying on the coast, no provision now existed for securing or testing the competency of persons employed as masters of such vessels. One of the objects of the present Bill was to render the provisions of the Ordinance equally applicable to mates as to masters, with the view of affording greater safety to passengers along our coast. Another clause of the Bill provided that no coasting vessel shall go to sea without having on board a chronometer in proper working order.

Mr. BICKLEY said there were two kinds of legislation,—negligent legislation and over-legislation, and he was afraid that this Bill savoured very much of the latter. The existing Ordinance provided for the competency of the masters, and the efficiency of the crew, of coasting vessels, but if it were further enacted that the mates of such craft should, as well as the master, be skilled in the use of the sextant and chronometer, and work by dead reckoning,—should, in fact, possess all the competency of a master—then the result would be that the coasting trade of the colony would be very materially hampered, and the passenger trade would be monopolised by the one steamer now plying on the coast, and with which people were by no means satisfied at present. He failed to see any necessity for the introduction of the Bill. If it were intended to provide for the contingency of the master of a coaster dying on board, surely any of the crew possessing a little knowledge of seamanship and acquainted with the coast would be able to conduct the vessel safely into port in such an emergency. With regard to the chronometer (laughing), why, he supposed that none of the masters of our mosquito fleet knew how to make use of one, much less could a man holding the subordinate position of a mate be expected to possess such knowledge. The whole tendency of the Bill was to hamper and cripple a trade already sufficiently hampered. He could not,—upon his word he could not—understand how any man could have framed such a Bill with the object of laying it before a Council of, what he might call, rational men for their affirmation. He would move that it be read a second time that day six months.

Mr. RANDELL, although not exactly concurring in the remarks which had fallen from the last speaker, was yet prepared to take upon himself the responsibility of seconding the amendment. He was inclined to

think—although he should be sorry to go as far as the mover of the amendment in condemning the measure—that the legislation contemplated in the present Bill would be vexatious, annoying, and injurious to the coasting trade. He should like to know, whether it was proposed that the mate's certificate should be of the same class as the master's, and whether it was intended that the provisions of the Bill should apply indiscriminately to all coasting vessels, large and small. If they were, then he was inclined to agree with the mover of the amendment, that it would lead to a monopoly of the passenger trade along our coast. He could hardly conceive that a vessel say of 10 tons should be compelled to carry a certificated master, a certificated mate, and a ship's chronometer in proper working order. Although the provisions of the Bill might be applicable enough to such a vessel as the *Georgette*, he certainly did not think that a measure of such a sweeping character should apply to every tiny craft on the coast, and he hoped hon. members would pause before they added such a measure to the Statute book.

Mr. SHENTON pointed out the necessity of classifying vessels likely to come under the operation of the Bill, so as to limit its application. He noticed that the proposed certificates were to be issued by the local Board of Examiners, in like manner as the master's certificates are now issued. He understood the Harbor Master was, by virtue of his position, the president of that board, and he was informed that the present holder of that office did not hold even a mate's certificate himself. It appeared to him somewhat anomalous that an uncertificated person should be president of a board among whose functions was the issuing of certificates of competency.

The ATTORNEY GENERAL (Hon. H. H. Hocking) very much regretted that the framers of the Bill had not had the benefit of the valuable advice and assistance of his hon. friend on the right (Mr. Bickley) when the measure was drafted, so as to avoid laying themselves open to a charge of over-legislation. (Laughter.) He could not help thinking that the House would agree with the Government that some further provisions than at present existed should be made for the protection of passengers by our coasting vessels. He did not profess to be a nautical man, but it appeared to him that some qualification beyond the skill of sailing by dead reckoning was called for—if the safety of passengers was a matter of consideration—in making a trip say from Fremantle to Roebourne or Albany. If,

however, owners of vessels did send them to sea without competent masters and mates, and without due provision for the safety of passengers, it was high time for the Government to step in and interfere. He was aware that at present it was compulsory on the part of masters to possess certificates of competency; but even a certificate of competency would not be much use, without a chronometer, in cases where it was necessary to take observations. He admitted that it would savour somewhat of over-legislation if the Act were to be applied indiscriminately to every vessel to which the Passenger Ordinance is applicable, but it would be competent for hon. members to move any amendment in Committee, with the view of limiting the application of the Bill, or of otherwise modifying its provisions.

Mr. MARMION said there were certain features in the Bill worthy of consideration, but he did think it would be unwise and inexpedient to make its provisions apply to all vessels now running on our coast. He thought that, at any rate, it should be restricted in its application to vessels carrying passengers.

The SURVEYOR GENERAL (Hon. M. Fraser) said the object of the Bill was to provide for the safety of those "that go down to the sea in ships," and it appeared to him a very desirable, a very prudent, and a very humane piece of legislation. Hon. members were now merely asked to affirm the principle of the Bill; ample opportunity for dealing with its details would be afforded in Committee. He had no doubt the Government would be prepared to accept any amendment calculated to render the measure one of greater utility, or otherwise more beneficial and practicable.

Mr. PADBURY supported the motion for the second reading.

Amendment not agreed to.

Question put and passed.

The Bill was read a second time.

In Committee.

Clause 1 agreed to.

Clause 2: Every ship or vessel to which the Colonial Passenger Ordinance 1861 is applicable shall, in addition to a competent master and an efficient crew, carry a mate possessing a mate's certificate from the Board of Trade, or, in the absence of such, a certificate from the Local Board, under a penalty not exceeding £50—

Mr. SHENTON asked the Colonial Secretary if it were true that the present

president of the local Board of Examiners was not himself possessed of a master's or even a mate's certificate?

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) replied, he could only say that when His Excellency the present Governor arrived in the colony he found the present Harbor Master in the position which he now occupies, and possessed of the proper certificate entitling him to hold that office, in virtue of which he also holds the position of president of the Board of Examiners. Other members of the Board,—Captain Jackson, for instance—were fully qualified to test the competency of persons applying for certificates; and, moreover, the board were empowered to secure the services of a duly-qualified master of a ship to assist them in conducting their examinations. His Excellency was invested with the power to appoint and remove the members of the board, to lay down rules for their guidance, and to determine their qualifications.

Mr. CROWTHER said he had been informed on good authority that the fact of the president of the board holding no certificate might vitiate the insurance of a vessel commanded by a master who had obtained his certificate of competency from a board so presided over. With regard to the provisions of the Bill relating to certificates of competency and vessels carrying chronometers, it was a somewhat singular fact that the only coasting vessel ever wrecked on the coast was one which had a certificated master and a chronometer on board.

After some remarks from Mr. BICKLEY,

Mr. BURT said it appeared to him that they could never make any progress with the Bill in its present shape, and he would venture to suggest that it be referred to a select committee, so as to bring it more in accordance with the expressed opinions of the hon. members who had commented upon its provisions.

Mr. BROWN, while approving of the principle of the Bill, concurred in the recommendation that it be referred to a select committee.

Mr. HAMERSLEY failed to see what was to be gained by referring the Bill to a select committee. It might be modified and amended quite as effectually in a Committee of the whole House.

Mr. PADBURY suggested that the provisions of the Bill be limited to vessels of not less than 50 tons burthen, and restricted to such as went as far as Albany to the south, and Roebourne to the north. He did not think

it necessary that vessels of lesser tonnage, plying between intermediate ports, such as Bunbury, Vasse, and Champion Bay, should be brought under the provisions of the Act,—if the Bill should ever become an Act.

Mr. BURT considered it quite as necessary to protect lives on board a vessel of 10 tons as on board one of 50 tons. It was not a question of tonnage or distance, but of the protection and safety of passengers.

After some further conversation,

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the provisions of the Bill be limited to vessels (without regard to tonnage) proceeding on any voyage north of Geraldton or south of the Vasse, and carrying passengers on board.

Mr. BICKLEY asked if the lives of a vessel's crew were not as precious as the lives of passengers; if so, he did not see why the provisions of the Bill should be restricted to vessels carrying passengers. He would suggest that the Bill be withdrawn, and another, more consonant with common sense and the views of the House, introduced in lieu thereof.

Mr. PEARSE thought that the House would best consult the interests of ship-owners and of all concerned by agreeing to the suggestion for referring the Bill to a select committee.

Mr. CROWTHER moved that the Chairman report progress, and ask leave to sit again.

Progress reported, and leave obtained to sit again.

The Council adjourned at 8.30 p.m.

LEGISLATIVE COUNCIL,
Monday, 6th December, 1875.

Customs Ordinance Amendment Bill: second reading—Distillation Act, 1871, Amendment Bill: second reading: in committee—Bastardy Laws Bill: second reading: in committee—Confirmation of Expenditure Bill: in committee.

The ACTING SPEAKER took the Chair at 7 p.m.

PRAYERS.

CUSTOMS ORDINANCE AMENDMENT
BILL.

Second Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy), in moving the second reading of a Bill to relieve persons engaged in pearl shell fishing on the north-west coast from payment of duties on stores and provisions used on board vessels employed by them in the prosecution of that industry, said that the measure was introduced in consequence of representations made to the Government of the unfair position in which vessels fitted out and provisioned in our own ports stood as compared with vessels fitted out at foreign ports. Whereas the former were subjected to a payment of duty on their stores and provisions, the latter were exempted from the payment of any duty in respect of stores and provisioning equipment. The object of the Bill was to remedy this inconsistency and injustice towards local craft, and to place all vessels engaged in the fisheries on the same footing as regards the victualling of such vessels.

Mr. PADBURY opposed the motion. Although his sympathies would always go with the local trader in preference to the foreigner, he yet failed to see how this Bill could be accepted as a fair settlement of the alleged grievance under which the owners of vessels fitted out and provisioned in this colony laboured. Moreover, he failed to see why those persons engaged in pearl-fishing—admittedly one of the most lucrative of our colonial industries—should, with regard to a remission of duty on their stores and provisions, be placed on a more favorable footing than those persons engaged in other industries, such as the sandalwood-trade, who like the rest of the community had to pay duty on what stores and provisions they consumed. In order to place local and foreign vessels engaged in pearling on the same footing he would suggest that instead of exempting the former, like the latter, from payment of duty on stores and provisions, the latter, like the former, should be compelled to pay a duty on such stores and provisions as were consumed on board while in the prosecution of the pearl-fishing industry in our waters. If this could not be done, he would handicap the foreigner by making him pay a heavier license than the boats provided and victualled in the colony and owned by local proprietors, so as to bring the two classes on something like a level. He was in favour also of increasing the export duty on shells. He objected altogether to the principle of the Bill before the House.