serious manner. To the best of my belief, I have not even jocularly made such a remark, which is utterly foreign to my sense of right, and moreover so absurd as to carry its refutation with it.

MR. ATKINS: All right. I'm a liar, and you're a gentleman.

THE SPEAKER: The interjection of the member for the Murray is improper.

Amendment put, and passed on the voices.

Question as amended put, and a division taken with the following result:

Ayes	...	...	14
Noes	...	...	5
Majority for	...	...	9

AYES.	NOES.
Mr. Atkins	Mr. Daglish
Mr. Ewing	Mr. Hastie
Mr. Gregory	Mr. Holman
Mr. Hayward	Mr. Johnson
Mr. Jacoby	Mr. Taylor (*Teller*).
Mr. Kingsmill	
Mr. Monger	
Mr. Moran	
Mr. Morgans	
Mr. Nanson	
Mr. Rason	
Mr. Thomas	
Mr. Yelverton	
Mr. Wallace (*Teller*).	

Question as amended thus passed.

ADJOURNMENT.

The House adjourned at 11·26 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 28th October, 1902.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Returns under "The Life Assurance Companies Act, 1889." 2, Permission to construct a Timber Tramway to the Kalgoorlie Boulder Firewood Company, Limited. 3, Perth-Fremantle Railway Deviation—Particulars in connection with land purchases. 4, Western Australian Government Railways — Alteration to Classification and Rate Book.

QUESTION—ABORIGINE RESERVE, MURCHISON.

HON. J. A. THOMSON (for Hon. J. M. Drew) asked the Minister for Lands: 1, If any portion of the Aboriginal Reserve 297A, on the Murchison, has been leased to any person or persons. 2, If so: (*a*) the extent leased; (*b*) the name of the person or persons to whom it has been leased; (*c*) the length of the lease; (*d*) the consideration. 3, Why the reserve has not been devoted to the purpose for which it was originally declared.

THE MINISTER FOR LANDS replied: 1, Yes. 2, (*a.*) 22,000 acres; (*b.*) F. B. Wittenoom; (*c.*) 10 years, from 1st July, 1899; (*d.*) £1 per 1,000 acres rental annually. 3, The time is not ripe, as the collection of aboriginals thereon and the expense of their supervision is at present beyond the power of the Aborigines Department.

LEAVE OF ABSENCE.

On motion by HON. J. E. RICHARDSON, leave of absence for 14 days granted

to Sir E. H. Wittenoom, on account of urgent private business.

RETURN—COOLGARDIE WATER SERVICE.

HON. J. T. GLOWREY (South) moved:

That a statement be laid on the table of the House showing how the Government has arrived at the proposed charge of 7s. per 1,000 gallons for water on the goldfields from the Coolgardie Water Scheme.

He said: I presume the Government will offer no objection to giving the information I desire. It has been frequently stated by responsible Ministers that the water for the Coolgardie Water Scheme was to be delivered on the goldfields at a cost of 3s. 6d. per 1,000 gallons after providing for interest and sinking fund. We are now told that the price is to be 7s. per 1,000. So far as I know there is no information given why the price should be so increased, and I think that this information is due to members of the House, and also to the people on the goldfields who have to pay for the water. I therefore formally move the motion standing in my name.

HON. G. BELLINGHAM (South): I second the motion.

THE MINISTER FOR LANDS (Hon. A. Jameson): I would like to point out to the hon. member who has brought the motion forward that this whole question has yet to be dealt with in a most comprehensive manner, and undoubtedly it will be dealt with by statute. When the statute is brought forward will be the time to discuss the actual cost of the water. I have no knowledge at present as to what price is proposed to be made. I do not think there has been any public statement as to what the water will cost. The matter will have to be very carefully gone into by statute before both Houses of Parliament. It seems to me it is hardly possible for the Government at the present time to bring forward reasons for deciding what the charge will be, when they do not know what the charge is to be.

HON. B. C. O'BRIEN: The statute would not state the price of the water, would it?

THE MINISTER FOR LANDS: It would be by regulation, by schedule.

HON. W. T. LOTON (East): From the few words that have fallen from the Government, it would be premature to press the motion at the present time. I think it is useless to do so. I understand, at least I assume, that the Government are going to deal with the question during the present session.

HON. M. L. MOSS: Yes.

HON. W. T. LOTON: If that be so, I think it ought to satisfy the hon. member.

THE PRESIDENT: Does the hon. member wish to withdraw the motion?

HON. J. T. GLOWREY (in reply): I must say I do not think the statement by the Minister for Lands at all satisfactory. It is only a few weeks ago that a responsible officer went to the goldfields and made the statement repeatedly that the price would be about 7s. per 1,000. If we are to take any notice of newspaper reports, that statement was made both in Coolgardie and Kalgoorlie. The Government evidently had this price in their mind, otherwise the statement would not have been made. If that be so, surely the price was based on some calculation, and I think we are entitled to that information.

THE PRESIDENT: After the statement of the Minister that a Bill is to be brought in, I think this motion would be of no value whatever. The House will have the power to deal with the matter when the Bill is laid on the table.

HON. M. L. MOSS: And the Bill would deal with this particular question.

THE PRESIDENT: Yes. I think it is unnecessary for a motion of this kind to be passed.

HON. J. T. GLOWREY: I will withdraw the motion for the present.

Motion by leave withdrawn.

AGRICULTURAL BANK ACT AMENDMENT BILL (No. 2).

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

ROADS ACT AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

RAILWAYS ACTS AMENDMENT BILL.

Read a third time, and *passed*.

ROADS AND STREETS CLOSURE BILL.

Introduced by the Minister for Lands, and read a first time.

PERMANENT RESERVES REDEDICATION BILL.

SECOND READING.

The MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I have only to point out that this is purely a formal question between the Department of Education and the Public Works Department, and the municipality of Subiaco. The municipality of Subiaco has certain gardens on the Rokeby road in Reserve 5691. For a considerable time past the council have applied to the Government and asked for an extension of these gardens into the adjacent Reserve 5183. It has been agreed upon with the department that this exchange should be made, and it lies in the way indicated on the plan, showing the part belonging to the municipal gardens, and the extension is the part in blue. That has been granted by the Education Department to the municipality conditionally upon the Public Works Department granting to the Education Department the portion in yellow, on Block 5183. After considerable discussion this has been arranged between the departments, and now they ask me to bring in a Bill to legalise the decision. The measure will be of mutual advantage to the bodies concerned and of great advantage to the municipality of Subiaco, which has already used a portion of the land for a bowling green, now actually constructed, so sure were the councillors that there would be no difficulty in obtaining parliamentary sanction. With this short explanation I hope hon. members will see their way to support the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

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

BUSH FIRES ACT AMENDMENT BILL.

SECOND READING (MOVED).

The MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: This is a very short amendment of the Bush Fires Act of 1902, of which Section 7 reads:—

> No person shall burn any part of the bush at any time during the months of October to April, both inclusive, unless (*a.*) he has delivered or caused to be delivered personally to each owner or occupier of all adjoining lands four days previous notice in writing of such intention, nor unless (*b.*) he keeps at least three men in attendance until all grass, stubble, or scrub has been burnt, to prevent such fire extending beyond the limit of his own land or land occupied by him.

The Bill deals with the number of men, substituting one for three. Previously I may say it was proposed that we should do without any men; but that was thought unsafe, as there is a certain danger to country districts in burning the bush. As I have gone through the country within the last week or ten days, I have made several inquiries; and I think the great bulk of the settlers quite agree with me that it is reasonable that at least one man should be retained while burning is in progress. To require three men almost prohibits burning by the smaller settlers, and this has proved a great hardship, for such settlers have not been able to regard the Act, but have had to burn as best they could: and to meet their necessities we reduce the number to one. I think this reasonable, and every hon. member will doubtless see his way to support the amendment.

Hon. C. A. PIESSE (South-East): I do not rise to oppose this Bill; on the contrary, I congratulate the Government on its introduction; but it will be remembered that in the early part of this year a Bill was introduced to deal with the question, and it provided for the attendance during burning operations of no less than seven men. This House, however, decided on three; and to-day we are asked to reduce the number to one. It was sought to amend Section 7 by striking out "October" and inserting "November." [Member: Could not that be altered by regulation?] But it is ridiculous to pass an Act stating that no person shall set fire to the bush during the months of October to April, inclusive, and then to permit the Governor-in-Council to proclaim that one may burn off during, say, November or March.

Hon. W. T. Loton: Does that apply to the whole State?

HON. C. A. PIESSE: Yes. The Act should be more elastic.

THE MINISTER FOR LANDS: I think the hon. member has misread the section, which reads:—

> No person shall burn any part of the bush at any time during the months of October to April, both inclusive, unless he has delivered or caused to be delivered (etc.)

He cannot burn off unless he carries out these provisions. But the section does not provide that a person shall not burn at other times which the Governor may proclaim by Section 5, and when those conditions are not necessary. Between October and April, inclusive, those conditions must be observed, namely the conditions in Subclauses (*a*) and (*b*). But by Section 5 the Governor may, by notice in the *Gazette*, declare the times of the year during which it shall be lawful to set fire to the bush in any district mentioned in the notice. The Governor may give such notice at any time, but has not power to waive those conditions between the months of October and April, inclusive.

HON. C. A. PIESSE: *Gazette* notices have been issued to the effect that we may burn up to the 1st November. As a matter of fact, we can burn to-day without any of these conditions. Section 7 provides that the only conditions shall be that men shall attend to prevent the fire from spreading; but the Governor-in-Council has overridden those provisions, and proclaimed that people can burn up till the 1st November. The Governor has extended the time for burning, irrespective of Section 7; and I say the only way out of the trouble is to introduce another Bill, which should be of an elastic nature. Last year hon. members showed that the Act is not suited to the South-Western portion of the State; yet the Governor has extended the time for burning till the 1st November, irrespective of Section 7, which provides that he shall not have power to extend the time except under certain conditions. The Act should be amended so that he who runs may read. As it now stands it is most contradictory. I say the Governor has not the power to extend the time save under the provisions of Section 7.

HON. R. G. BURGES (East): As one who asked that an amendment to this Act be introduced, I must say I do not think the Minister for Lands understands the position. I am quite sure the state of affairs described by the last speaker was never intended when the Bill was introduced. The clause we passed was altered in the Lower House by the advice of the Attorney General or of the Crown Law officers; and the alteration is quite absurd. Section 7 leads anyone to suppose that by giving the notice required one can burn at any time of the year. I am sure that no sensible man in this House would ever agree to such a section, and that we never agreed to pass the section as it was passed into law last year; that it was never worded here as we find it worded now. There must be some mistake about it. If this Act be left in force it will be a perfect curse to the country; and as it was the present Government who brought in the last amending Bill, and as they now bring in another, they will be responsible for such an absurd section if they cannot perceive that it needs alteration; and I am sorry to say that for its amendment the Minister for Lands does not appear to recognise the necessity. I know the effect of the section. Men who are burning off get copies of the existing Act, and tell people that one can burn at any time by employing three men to do the work. Anyone who knows anything of dry country knows it is not right to allow a man to burn off at any time of the year he may choose. To allow a man to burn 10 acres of land alongside 1,000 acres of crop may mean that he will destroy that crop at an enormous loss to his neighbour and to the country. Section 7 will have to be radically amended. The intention of the Act, or of those who passed it, was that these precautions should be taken after the prohibited time; but from the manner in which the section is worded it might be taken that people may burn throughout the season by employing three men; and now it is actually proposed to reduce the number of men to one! I am sure Mr. Loton, who has had some experience of this matter—[HON. W. T. LOTON: And of getting ruined.]—Yes; ruined, because the Government listened to one or two men who had a few acres to clear. This is not a subject on which to take the opinion of the few. I am sorry that the Minister cannot when travelling about acquire a better idea of

the needs of the country; and I hope the whole intention of the existing Act will not be abrogated for fear of a slight alteration in this Bill. I hope some hon. members with experience will meet together to draft a better section than Section 7. I ought to have investigated the matter during the recent adjournment, which, however, was so long that I have overlooked the point. I hope that the Committee stage will be postponed for a day or two at any rate, and that a clause will then be drafted to provide what is required by the country in general.

Hon. C. E. DEMPSTER (East): I am quite certain the Government have no desire to have an amendment which would not protect the interests of those affected. We know there are many parts of the State in which it would not be safe to burn, but, at the same time, it would be quite safe to do so in others. In the Southern districts burning can take place at a later period than in the Eastern districts. I would, therefore, suggest that this matter be postponed for the consideration of the House until next Tuesday, when we could meet and fix a time which would suit all parties. I suppose we can only have one object in view, that being to have something which would be in the interests of those most concerned.

Hon. W. MALEY (South-East): I beg to move that the debate be adjourned until this day week.

Hon. R. G. Burges: Do not lose any time over it.

Motion temporarily withdrawn.

Hon. M. L. MOSS: I think the position is this. I do not know whether it is operating unduly to the detriment of persons having agricultural land. Section 5 of the Act enacts that the Governor may, by notice in the *Gazette*, declare the times of the year during which it shall be unlawful to set fire to the bush within any district or part of the State mentioned in the notice. Then Section 7 provides that no person shall burn any part of the bush at any time during the months of October to April, both inclusive, unless the person has first delivered or caused to be delivered four days' notice. Secondly, he has to keep three men in attendance. In the *Gazette* of 3rd October, 1902, the Governor-in-Council made a proclamation prescribing the times in the Victoria Plains Roads Board District, and various other places, the time in one case being from the 1st November to the 1st February, and in others from the 1st November to the 15th February, and so on according to the locality. My understanding of the two sections is that firstly the Government declare the times it is unlawful to set fire to the bush. These times vary according to the district, and I presume that regard is had to the locality. Then between October and April the burning must not take place unless three men are in attendance. It is proposed to be made one now.

Hon. C. E. Dempster: It embraces the most dangerous part of the year.

Hon. M. L. MOSS: Take the Victoria Plains Roads Board district. The prohibited time is from the 1st November to the 1st February, and during November, December, and January it would be unlawful to burn except upon the conditions mentioned. There is no doubt, I think, that under Section 5 it is unlawful to set such bush on fire between November and February in the case of the Victoria Plains roads district, but it is perfectly lawful to set fire to the bush during the rest of the year, only keeping watch during such portion of that period as is comprised between the months of October and April.

Hon. C. A. Piesse: Oh, no.

Hon. M. L. MOSS: That is how it seems to me. I think it is plain that during the winter months between April and September, or May and September, it is absolutely unnecessary to keep any watch; and if you are not prohibited by proclamation from setting fire to bush between April and October you can do so. Whether it is expedient to the State that it should be done is another matter altogether. I think the sections of the Act are pretty clear.

Hon. R. G. BURGES: The sections of the Act are not clear at all. As has been shown, if you could add a proclamation to the Act the people would have something to understand. As I have already pointed out, men are making use of it now.

On motion by Hon. W. Maley, debate adjourned until Thursday.

FREMANTLE HARBOUR TRUST BILL.
SECOND READING.

Debate resumed from the 14th October.

HON. C. A. PIESSE (South-East): When this very important matter was last before the House I moved that the farther consideration of it be deferred until to-day, my object being to give Mr. Haynes an opportunity of speaking on the subject. He lives at Albany, and he can bring information to bear upon the Bill. The general opinion as far as Albany is concerned is that the Bill will act in a deterrent manner to Albany. I wish to give my hon. friend an opportunity of speaking on the matter.

HON. S. J. HAYNES (South-East): I am much obliged to my colleague for giving me an opportunity of discussing the Bill. So far as I am personally concerned I have carefully perused it, and I must say that I am greatly disappointed with it. When it was first mooted that the Government would bring in a Harbour Trust Bill I hailed the announcement with considerable satisfaction, and I was under the impression that the Bill to be brought in would be one on the ordinary lines of a Harbour Trust Act for other places. But the Bill now before the House does not carry out those conditions. In my opinion the name of the Bill is a misnomer: this is not a Harbour Trust Bill. It seems to me that it is a Bill for providing for the appointment of five commissioners who really have the duties of ordinary directors or of an advisory board, for which they are paid remarkably well. There is no control by them over the financial aspect of the harbour trust. It seems to me the board will be totally irresponsible on matters that a harbour trust should be responsible for, and that it is proposed to confer on the commissioners such powers as the Government may by their present officials readily and satisfactorily carry out. They are, as I say, appointing an irresponsible board like this at the fancy fees they propose to pay. The chairman is to get four guineas a sitting, and each of the other commissioners two guineas, the total fees to be received being limited, I take it, to £300 for the chairman and £150 for each of the other members. Apparently under this Bill the commissioners will make regulations, and those regulations have to be laid before the House, if in session, within 14 days, or if the House be not in session, within 14 days after the House meets. A board of the composition set forth in this Bill may frame regulations that would be, or might be, exceedingly beneficial to the port of Fremantle, and exceedingly detrimental to the other ports and harbours.

HON. M. L. MOSS: Look at Clause 61

HON. S. J. HAYNES: I am quite aware of it. These regulations I take it are proposed to be prepared by the commissioners, and the approval of the Executive, the Governor-in-Council, will be necessary. I admit all that, but at the same time I have no doubt the Executive would be guided to a large extent by the way the matter was placed before them. The duties of an irresponsible body of men of this class would be to do the best they could for that particular port. Moreover, and it seems to me the greatest blot in the Bill, the chief thing these gentlemen have to do is to collect these fees, or to see that they are collected, and place them to a certain banking account; but in respect of the expenditure they can practically draw upon the Treasury for whatever they require. When a Harbour Trust Bill was first mooted, I was under the impression, and I feel sure the majority if not the whole of the members of this House were under the impression that the Bill would be so framed that the commissioners should have a balance sheet or estimates of receipts and expenditure, and that they should carry on the business of this great concern on something pertaining to business lines; that is to say the revenue would provide for the maintenance and upkeep of those great works. In so doing they would be acting on business lines. It may be said that this great work has cost far more than was anticipated. There is no doubt it has, and it may be unreasonable in the inception of a board of the class of the harbour trust to debit them or charge them with the full cost, because the revenue might be absolutely disproportionate to a reasonable or fair interest. Still I think every member would be prepared to accept the suggestion that the amount be written down, or the interest be made reasonably light to start with, so as to give a body of this

nature a correct and proper basis on which to commence. That has not been done. I do not propose to say much more. I have drawn attention to what I think the defects of the Bill. It is not a Harbour Trust Bill—that is a misnomer—it is a bastard Bill; and the duties thrown upon the directors or the advisory board are duties that might reasonably be carried out by the officials of this State. I should hail with every satisfaction a proper Harbour Trust Bill for Fremantle; and as a citizen of this State I wish that great harbour all possible success. But at the same time, when a Bill of the nature of a Harbour Trust Bill is brought in to deal with a work of that magnitude, I think it should be a proper Bill, so that the harbour may be conducted on business lines. I have drawn attention to the fact that regulations detrimental to other ports might be made, and if such were made very favourable to Fremantle a wrong might be done to the other large and important harbours in the State, and an effect produced which I have always opposed in this and other matters. It would cause what has been a great curse elsewhere, centralisation. All oversea traffic would be centralised and congested in an unreasonable manner in one port of this State. I think the State is big enough and strong enough, and has sufficient ports, to give fair play to each, and to put them all on a satisfactory footing. I say that under this Bill Fremantle does not get fair play, nor does the community; and there is an opportunity given for doing the outlying ports a great injustice. I shall therefore move an amendment which will give the Government an opportunity of bringing in a Bill which members may consider reasonable. [Member: A proper Marine Board Bill?] Well, that depends. Call it what you will. Provide for a body of men responsible for expenditure and income, and I will vote for the Bill. But here we put in the hands of five highly-paid directors, or an advisory board, an alarming power to spend money without any responsibility whatever. All they have to do is to collect the fees, pay the employees' salaries, wages, etcetera; and for whatever they are short they draw on the Government, and the money is paid. So far as I am concerned, I certainly had no idea that a Bill of this sort could in any wise come under the head of a Harbour Trust Bill. At any rate, it does not resemble any sort of Harbour Trust Bill with which I have had anything to do in other places. I hoped, when the Harbour Trust Bill was first mooted as one of the great measures the Government would bring in, that they would introduce a Bill which might be favourably received by the majority in this State. Therefore, with a view to giving the Government an opportunity of bringing in a Bill which will safeguard the interests of the country, I move as an amendment—

That the word "now" be struck out, and "this day six months" added to the motion.

Hon. M. L. MOSS (in reply): I had no desire to rise so quickly after making an opening speech on the second reading; but I can hardly believe that Mr. Haynes is in earnest in moving his amendment. If I did not know him so well, I might attribute to him some motive for endeavouring to keep back Fremantle for the benefit of Albany; but I know him so well that I can acquit him of any such intention. An amendment such as he has moved is certainly not justified by the arguments he has adduced; because I have made careful notes of the hon. member's speech, and must say his reasons seem to me the flimsiest possible grounds for such a drastic amendment. He first says the commissioners under this Bill are a mere advisory board. Certainly he cannot have carefully read the measure. The board is far more than an advisory board; and in proof of that I need do no more than refer him to Clause 23, which gives the commissioners exclusive control of the harbour, and charges them with the maintenance and preservation of all the property vested in them under the Act.

Hon. G. Randell: Clause 27 is fairly comprehensive.

Hon. M. L. MOSS: Yes. I will presently refer the House to other clauses. But, generally speaking, taking the whole group of clauses from 23 to 29, it is fair to say that most comprehensive powers are given the board; and I should like to inform Mr. Haynes that in framing Clauses 23 to 29 the Government, as will be seen by the marginal notes,

adopted the provisions of the New South Wales Act of 1901. So that when the hon. member says this measure is not in accord with Harbour Trust Bills as he understands them, I can inform him that we have adopted the most up-to-date legislation to be found in Australia.

HON. S. J. HAYNES: You left out the main part of the New South Wales Bill —finance.

HON. M. L. MOSS: The hon. member says the board have no control over the finances; and he makes a very peculiar suggestion. He says it might be unfair to charge the board with the total cost of the work, and therefore suggests that capital should be practically written down to an amount low enough to enable them to earn enough to pay interest. The scheme in the Bill is that all the earnings be paid into consolidated revenue, and that all the expenses of maintenance and working be paid out of the Treasury. Now, what benefit will the State derive by writing down the capital cost and letting the country know that the harbour commissioners are earning three, four, or five per cent. on the nominal cost, as distinguished from two or three per cent. on the actual cost? I have admitted all along that in this Bill it was never intended to give the board at the present juncture full financial powers. If such powers were proposed to be given, the proper method would undoubtedly be to take the cost of the harbour works, debit against that cost the land reclaimed and not used for harbour purposes, and call upon the board to pay interest, sinking fund, and working expenses. That it is not intended to do, and for a very good reason. This is an incomplete work, and it is not intended to give this board any extensive financial powers until the work is in such a state of completion that the Government may hand it over as finished. But the hon. member says he believes a Government department could at present control this work as satisfactorily or more satisfactorily than a board. Now I tell the hon. member—and I believe a large majority of members will agree with me—that the hopeless muddle which now exists in connection with those harbour works is nothing short of a scandal. [HON. R. G. BURGES: Who is answerable for that?] I will tell the hon. member. If a business were under the control of four or five managers, each pulling in a different way, we should expect a hopeless muddle to result. So it is with the harbour. One portion of it is controlled by the Customs, another by the Railway Department, another by the Public Works Department, and the Harbour Department have something to say. [HON. R. G. BURGES: We cannot interfere with the Customs Department.] I know that. But under the powers conferred by this Bill, the board will be able to deal with the Federal Government, and, if necessary, to keep it in its proper place. At any rate, with regard to the other three departments of the public service, the board will manage the lines of railway on the wharf and the berthing of steamers; and sundry other matters will be controlled by one responsible body, with the result that the work of the harbour will go on more smoothly, and more satisfactorily to the public generally. To my mind it is absurd to talk of any Government department being able to work the harbour as satisfactorily as a body of three, five, or seven persons located at Fremantle.

HON. J. W. HACKETT: Will the lighting and buoying regulations conflict with the federal jurisdiction?

HON. M. L. MOSS: No; because the federal jurisdiction extends to lighthouses only; and even if it turn out that the Federal Government are charged with such duties, Dr. Hackett knows far better than I that when the Federal Government passes any law, if there be any conflict between that law and ours, the federal law will prevail. But we can at present deal with beacons and buoys on the footing that we have to make provision for their management; and the Bill has of course negatived the right of the board to interfere with the two lights on Rottnest and the light on Woodman's Point. One word with regard to the regulations. Clause 61 provides that every regulation shall, upon approval by the Governor and publication in the *Government Gazette*, have the force of law, and shall be laid before Parliament in the usual way. The very object of inserting Clause 61 was to prevent the possibility of what the hon. member has suggested; and I think the House will be wise to trust the Government, so that if the board make out-

rageous regulations such as he fears, to put Fremantle in an unfairly advantageous position with regard to the other ports of the State, such regulations will not be approved by the Governor-in-Council. Clause 61 has been inserted with the object of preventing any by-law being made under any of these 39 subclauses without the Governor-in-Council approves. Until such time as regulations have been made for the general management and conduct of this harbour by the proposed board, the regulations existing at the present time continue to have the force of law. They do not in any way conflict with the outports, and I hope the House will have sufficient confidence in the Government to trust them to see that whatever regulations are made by the proposed board, other parts of the State are squarely and evenly dealt with.

Hon. T. F. O. Brimage: Why cannot they be put in the Bill?

Hon. M. L. Moss: We never insert regulations in a Bill. It has never been done before. No Act of Parliament dealing with any such matter as this would be complete without giving power to the body controlling the particular work to make the regulations. I think every member will agree with me in this. Now about these fancy fees of commissioners——

Hon. S. J. Haynes: For what they have to do. They are there for three years.

Hon. M. L. Moss: They are certainly there for three years, but the hon. member must remember that ample provision is made in Clause 9 for the purpose of dealing with a commissioner who will not perform his duty. For instance, misbehaviour or incompetence is a ground for suspending a commissioner; as is also his becoming bankrupt, his absenting himself from three meetings, or becoming concerned in contracts. These are the usual clauses. With regard to the New South Wales Act, let me say that the commissioners are paid, two of them receiving, I believe, £1,500 and the chief commissioner £2,500, and the same provisions for removal from office are copied into this Bill as appear in the New South Wales Act of 1901. The result of it is that under these clauses ample power is given to the Ministry, if those commissioners neglect the very important and onerous duties cast upon them, to remove them from office. I think it is grossly unfair for the hon. member to stigmatise this measure as a bastard Bill. The Bill comprises many sections of the New South Wales Act, and the result of a careful inquiry made into the working of the various harbour trusts throughout Australia—and it was an inquiry which was carefully made by the Colonial Secretary—shows that the New South Wales Act is by far the best measure we have in Australia. Where it has been possible to copy the provisions of the New South Wales Act they have been embodied. The only other legislation which has been copied is that of New Zealand. There the statute of 1878, dealing comprehensively with all the harbour boards in New Zealand, has been a measure which has worked wonderfully.

Hon. J. W. Hackett: What is the composition of the board in New South Wales?

Hon. M. L. Moss: There are three nominees nominated by the Government. Here we propose that the board shall consist of five members. When the hon. member stigmatised this Bill as a bastard measure, one would naturally have thought he would give us more ground than he has given us at the present time. One assertion made is that the board is a mere advisory board, but I think I have shown it is far more than that. It has most comprehensive powers in the management of this work. Then the hon. member took exception to the fees paid, but I think that for the work to be done they are exceedingly moderate. I think that if the hon. member had been in the House when Mr. Randell made his second-reading speech, he would have heard from a member of that gentleman's experience that the amount proposed to be paid for the services the country expects to be rendered is very moderate indeed. I sincerely hope that this amendment will not be taken seriously by the House, and that it will be rejected.

Amendment negatived.

Question (second reading) put and passed.

Bill read a second time.

PUBLIC SERVICE ACT AMENDMENT BILL.

ASSEMBLY'S AMENDMENTS.

Schedule of three amendments made by the Legislative Assembly now considered, in Committee.

No. 1.– Strike out Clause 5 and insert the following in lieu:—

5. (1.) The Governor, on the recommendation of the Minister, (*a*) may grant to any public servant who has continued in the public service for at least twenty years long-service leave for six months on full pay or twelve months on half pay; and (*b*) may grant to any public servant who has continued in the public service for ten years long-service leave for three months on full pay or six months on half pay; (*c*) may grant to any public servant employed northward of the twenty-fifth parallel of south latitude such leave of absence on full pay or half pay, as he may deem fit; (*d*) may grant to any public servant who before the passing of this Act was entitled thereto, the leave mentioned in section 29 of the principal Act. (2.) The Governor may, for sickness or special necessity, grant extended long-service leave on such terms as he may think fit. (3.) In computing service under this section, service prior to the commencement of this Act shall be included. (4.) Section 29 of the principal Act is repealed.

HON. M. L. MOSS (Minister in charge of Bill) moved that the amendment be agreed to.

HON. G. RANDELL suggested that the word "twenty" (twenty years) be struck out, and "fourteen" inserted in lieu. He saw no necessity for the Assembly's amendment, but was willing to move some amendments which he hoped would commend themselves to members of this House. The amendments which had been made by the Assembly would take away considerable privileges which had accrued to public servants. When we discussed the amending Bill still in this House, a certain amount of compromise was agreed to on behalf of the Government, and the whole of the members supposed it was satisfactory to all concerned. It had been suggested to him that the word "may" be struck out and "shall" inserted in lieu. He was not inclined to go so far as that, because that would make it imperative that pensions and superannuation allowances and long-service leave should be granted, and the exigencies of the public service might be such that sometimes it would be considerably inconvenient. He hoped members would support the amendment for striking out "twenty" and inserting "fourteen." If the amendment were passed with this alteration, it would be giving a considerable concession to the Government in the matter of dealing with public servants. He believed that under the present Act, after the expiration of six years an officer was entitled to three months' leave of absence on full pay and three on half pay. To extend the time from six to 20 years would be hard indeed, and seemed to be an attempt on the part of the Government to do injustice. He proposed also in paragraph (*b*) to strike out "ten" and insert "seven." This was a compromise which certainly affected a very large number of public servants who, having been in the service for a number of years, deserved well of the country. In his opinion this House had shown a disposition, while admitting that some alterations were required, to regard with great favour the interests of the public servants. It would be a very undesirable state of things if Bills were passed into law which unjustly and unfavourably affected the rights of the public servants, inasmuch as we should have to a very large extent the public servants dissatisfied.

HON. G. BELLINGHAM moved that the word "may," in line 1 of paragraph (*a*), Subclause 1, be struck out, and "shall" inserted in lieu. There was no reason why the principal Act should be altered so as to render it optional with the Governor-in-Council to grant long service leave. Men entered the service on the understanding that such leave would be given, with other privileges and similar privileges would be found in the other States, and were granted by the Commonwealth Public Service Act.

HON. M. L. MOSS: The amendment should not be pressed. Section 28 of the Act entitled civil servants to two weeks annual leave on full pay. That it was not intended to alter, for the Government wished officers to take such leave. But Ministers strongly desired to alter Section 29; for in the interests of the service it might be inexpedient that an officer should have the right to long leave at any given time. It might be necessary to keep him at work for from three months to a year till a substitute could be obtained to permit of his absence. [HON. G. BELLINGHAM: That was provided in the Act.]

Yes; but as Section 29 provided that the officer should be entitled to long leave, there was no reason why it should not be altered in the interests of the State. If the section were acted on by the large number of public servants entitled to long leave after six years' continuous service the departments would be in a state of chaos. [Hon. G. Bellingham: That had not happened before.] Because the Act came into force on the 5th December, 1900; hence few officers had taken advantage of its provisions. If the House agreed to a period of 14 or 20 years, there would be no objection; but the Government objected to be hampered with a provision that an officer should be entitled to long leave at a moment's notice after serving six years. The insertion of the word "shall" would not carry the clause much farther, because it would read "shall, on the recommendation of the Minister," and would be void in default of such recommendation.

Amendment negatived.

Hon. G. RANDELL moved that the word "twenty," in line 2 of paragraph (*a*), be struck out, and "fourteen" inserted in lieu.

Hon. M. L. MOSS: The Government did not desire to do injustice. The provision for 20 years' service before long leave was earned obtained in other States; but in view of the fact that the existing Act prescribed six years, an alteration to 20 would be too drastic. He accepted the amendment.

Hon. T. F. O. BRIMAGE: Fourteen years was too long. Say 12 years.

Amendment passed.

Hon. G. RANDELL moved that the word "ten," in line 2 of paragraph (*b*), be struck out, and seven inserted in lieu.

Amendment passed.

Hon. G. RANDELL: Paragraph (*c*) provided for special leave of absence to those employed north of the 25th parallel of latitude. Would this 14 years proviso apply there as well? If so, it was too long for a man to serve before being entitled to extended leave.

Hon. M. L. Moss: Such leave might be granted him after he had served 12 months.

Hon. G. RANDELL: Should not a similar concession be extended to the Eastern Goldfields, where the duties were very exacting?

Hon. A. G. JENKINS: And to the Murchison Goldfields also, portion of which was not north of the 25th parallel. Officers on the goldfields were entitled to greater consideration than those in the South; for after the first year or two the goldfields climate was exceedingly trying. The Government might well deal with the question whether they could not meet the wishes of all goldfields members in the same way, so that civil servants in outlying portions should receive some consideration.

Hon. M. L. MOSS: It was hardly necessary to insert any provision, because no Government servant was 14 years at Menzies, Leonora, or any of these places, but they got removed to various parts of the State. A man serving at Leonora to-day might find himself at Busselton, Bunbury, or Albany shortly afterwards. What applied to a person who had been perhaps two or three years in northern areas would not apply to the same extent to people serving on the goldfields.

Hon. G. Bellingham: Some had been on the goldfields six or seven years.

Member: Fourteen years.

Hon. J. D. CONNOLLY: There was a great deal in what Mr. Jenkins had said. He knew one civil servant, or at least two, who had been for the whole of 14 years between the North-West and the Eastern Goldfields. It might be added that all the country east of Coolgardie should be included with the north-west portion.

Hon. J. W. Hackett: Not Southern Cross?

Hon. J. D. CONNOLLY: East of Southern Cross.

Hon. J. W. HACKETT: We should not allow it to go forth to the world that the climate was such an infamous one. For nine months, or at all events eight months, the climate on the goldfields was, he believed, infinitely superior to anything in Perth or Fremantle. Whenever he felt run down he, in order to refresh himself, went to the Eastern Goldfields. Under Subclause 2 of the Assembly's amendment, the Governor might for sickness or special necessity grant extended long-service leave on such terms as might be needed.

Hon. G. RANDELL: The provision that the Governor might, for sickness or special necessity, grant extended leave

was a very excellent one, and he thought it obviated the necessity for going farther in this direction.

HON. J. D. CONNOLLY: Then why insert paragraph (*c*)?

HON. G. RANDELL: That paragraph was, he considered, useful. He wished to draw attention to Subclause 4, which said "Section 29 of the principal Act is repealed." He desired to ask the member in charge of the Bill what would be the effect of that. It seemed to him that we required some light thrown upon this question. If Section 29 of the principal Act were repealed, how would that affect the original Act and the amendments under consideration? In other words, how could a civil servant obtain the advantages of Section 29 of the principal Act when there was no such section in existence?

HON. M. L. MOSS: Paragraph (*d*) read, "may grant to any public servant who, before the passing of this Act was entitled thereto, the leave mentioned in Section 29 of the principal Act."

HON. G. RANDELL: There would be no Section 29.

HON. M. L. MOSS: The meaning, he took it, was that notwithstanding the provisions contained in *a*, *b*, and *c*, the Governor might decide that six months' leave of absence, three on full pay and three on half pay, should be given to any public servant entitled to it, if thought fit. He would give an instance. The examiner of titles in the Plans Office applied for six months' leave of absence. That officer had been very much longer than six years in the service. To meet a case like that, power was wanted to act under Section 29, in the case of any person who had made application and in regard to whom the Government had decided to give such leave, otherwise there would be a difficulty. They negotiated with the civil servant and gave him six months' leave of absence, and if this Bill had the force of law and did not contain paragraph (*d*) the Government might be acting incorrectly, and might have the Auditor General or members of Parliament complaining about their acting in defiance of the amendment now before the Committee. They wanted the power to give leave under Section 29, perhaps in certain cases.

HON. C. A. PIESSE: The Government would not have the section. How were they to have the powers?

HON. G. RANDELL: Some other words were, in his opinion, wanted. He thought difficulties would arise in the interpretation of the amending Bill.

HON. M. L. MOSS said he thought no person could make any mistake, and the provision would only be, perhaps, for the purpose of meeting two or three isolated cases.

HON. G. RANDELL: Trouble was likely to arise. A person applied for the privileges which belonged to him under the present 29th section of the Act, and when he brought the case before the proper authorities he would be met with the objection that there was no Section 29.

HON. M. L. MOSS: But the paragraph said, "before the passing of this Act."

HON. G. RANDELL said he wanted to know whether that right would still exist. If not, it would be desirable to add words stating that rights accruing and accrued at the time of the repeal of Section 29 were conserved.

HON. M. L. MOSS: The rights of persons which had accrued under Section 29, and those whom the Governor might consider entitled to leave under that section, were not going to be interfered with. He did not wish to make a statement which would hamper the Government in any way. He wanted it to be distinctly understood that he did not intend to say for one moment that persons in the public service who had served six years would still be entitled to the leave. There might be cases where public servants applied for this leave, and the Government might be desirous of giving it, and the negotiations might not be complete. The Government wished the power to give that leave of absence which they considered those servants entitled to, and which they thought could be given to them without any detriment. The object of this provision was to give that power to the Government. It could only be for the purpose of meeting cases where negotiations were pending at the present time to give leave.

HON. J. W. HACKETT: There would probably be a discussion in the Supreme Court as to whether advantage could be taken of a section which had been re-

pealed. Could not the words, "subject to Subclause *(d)*" be inserted after "Act" in Subclause 4 of the amendment?

Hon. M. L. MOSS: The Governor might, on the recommendation of the Minister, do the things mentioned in paragraphs *(a)* to *(d)* inclusive; and evidently the subclause was rather an authority to the Minister to act than a right conferred on the public servant.

On motion by Hon. G. Randell, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 6·25 o'clock, until the next day.

Legislative Assembly,

Tuesday, 28th October, 1902.

The DEPUTY SPEAKER (Mr. Harper) took the Chair at 2·30 o'clock, p.m.

Prayers.

PAPERS PRESENTED.

By the Minister for Railways: Report of Inspector of Engineering Surveys on the Collie-to-Goldfields Railway project; ordered 22nd October.

Ordered: To lie on the table.

QUESTION—MIDLAND RAILWAY COMPANY, DUPLICATION.

Mr. O'CONNOR asked the Premier: 1, Whether the Midland Company constructed, or paid for construction, of the duplicate line between Guildford and Fremantle, less cost of rails, sleepers, bolts, plates, etc., as provided for by Section 81, 1886 Agreement. 2, If not, why not, and who was responsible for this omission. 3, What was the cost of the duplicate line, less cost of rails, bolts, plates, and sleepers, which should have been saved to this country.

The PREMIER replied: 1, No. 2, For the construction of this line the company would have been entitled to certain land concessions, and it was thought that the work would have been far more valuable to the company than to the State; the work was not therefore insisted upon. 3, The work would not have been a real saving, as already mentioned.

QUESTION—METROPOLITAN BOARD OF WORKS, TO ESTABLISH.

Mr. JOHNSON (for Mr. Daglish) asked the Premier: 1, Whether the Government would, this session, introduce a measure to establish a Metropolitan Board of Works so that such Board might come into existence next year. 2, If not, what steps the Government proposed to take to place the Metropolitan Water Supply on a satisfactory basis, and to deal with the question of drainage.

The PREMIER replied: 1, The Government does not intend to introduce a Bill to establish a Metropolitan Board of Works. 2, This question is being considered, but no decision has been come to.

QUESTION—RAILWAY CARPENTERS' WAGES.

Mr. JOHNSON asked the Minister for Railways: 1, Whether it was the intention of the Government to act on the recommendation of the Court of Abitration, and increase the wages of the "casual" carpenters, employed within a radius of 14 miles of Perth, to the minimum wage ruling outside the service, namely, 11s. 6d. per day. 2, If so, when.

The MINISTER FOR RAILWAYS replied: 1 and 2, The whole question dealing with all tradesmen in the Government Railway employ is receiving con-