

WESTERN AUSTRALIA.

PARLIAMENTARY DEBATES.

Legislative Council—Session of 1889.

Opened on Wednesday, 13th March, 1889.

LEGISLATIVE COUNCIL,

Wednesday, 13th March, 1889.

Dissolution of previous Council—Meeting of newly elected Council—Swearing in of Members—Election of a Speaker—The Governor's Speech—Standing Orders—Constitution Bill: first reading—House Committee: appointment of—Aborigines Bill: first reading—The Address in Reply—Adjournment.

[The previous Council, being the Fourth since the introduction of Representative Government, was prorogued on the 7th December, 1888, until 23rd January, 1889, and, by a Proclamation issued in the *Government Gazette* of the 20th December, 1888, it was dissolved from and after that date.]

PROCLAMATION.

The Fifth Council under Representative Government met, for its First Session, at three o'clock, p.m., when the Clerk read the Proclamation requiring members to give their attendance.

SWEARING IN OF MEMBERS.

HIS HONOR THE CHIEF JUSTICE (Alexander Campbell Onslow, Esq.) announced that, in virtue of the Commission issued to him under the hand of His Excellency the Governor, he was prepared to swear in hon. members. Thereupon all the members present took and subscribed the usual oath of allegiance.

ELECTION OF SPEAKER.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), rising in his place, said: As this is the first occasion of our meeting since the general election, it is our duty, as we have just been reminded by His Honor the Chief Justice, who has just left the chair, to elect our Speaker. I feel sure that the proposal I have to make, that Sir James G. Lee Steere be re-elected Speaker of the House, will commend itself to all hon. members present. It is unnecessary for me to dilate upon the qualifications of Sir James Lee Steere for that honorable office, or to indulge in any panegyric upon him; he has already occupied the position, and discharged its important functions with dignity and with impartiality; and, without further remark, I beg now to propose that Sir James G. Lee Steere be re-elected Speaker of this Council, as at present constituted.

MR. PARKER: I have very great pleasure in seconding the proposition made by the hon. the Colonial Secretary, and I may say that I do so with the authority of all the elected members of the House. We all feel that Sir James Lee Steere has performed the duties of Speaker of the House in the past to the satisfaction of all its members, and that there is no one amongst us more worthy of that honorable position which he has held in the past, and which we trust he will continue to occupy until the termination of the present Constitution.

No other nomination being made,

THE HON. SIR J. G. LEE STEERE rose in his place, and acknowledged the compliment paid him, formally submitting himself to the pleasure of the House.

The Speaker-Elect was then conducted to the Chair by his proposer and seconder, and, addressing hon. members, said: I again have to express my acknowledgment of the honor you have conferred upon me, but, as you are aware, your choice will have to be confirmed by His Excellency the Governor; and I now propose to proceed to Government House, for the purpose of informing His Excellency that your choice has fallen upon me. I shall be glad to be accompanied by as many hon. members as choose to accompany me.

Hon. members then proceeded in a body to Government House, to submit the newly elected Speaker for the approval of His Excellency the Governor. Upon their return to the Council Chamber,

THE SPEAKER said: Hon. members, I have to inform you that His Excellency the Governor has been pleased to approve your choice of myself as Speaker. I have once more to thank you for the honor you have conferred upon me; but, it must be recollected that all the authority I now possess is derived from yourselves; and I hope, as in the past so in the future, hon. members will give me all the assistance and support which is necessary for the due observance of the proceedings and standing orders of the House. I feel sure they will do so, and I can only express the hope that my action in the Chair in the future will give hon. members the same amount of satisfaction as it is said to have given in the past.

THE GOVERNOR'S SPEECH.

HIS EXCELLENCY THE GOVERNOR entered the Council Chamber, and, having taken the Chair, delivered the following Speech:

"MR. SPEAKER AND GENTLEMEN OF
"THE LEGISLATIVE COUNCIL,—

"I meet you with pleasure.

"You have been specially called together to further consider the Bill for a change of the Constitution, and only unavoidable business will be brought before you.

"The general election has elicited a full expression of public opinion, and you are now in a position to place in my hands a Constitution Bill which I can transmit to Her Majesty's Government with the assurance that it is acceptable to the Colony.

"There seems a desire that the enabling Act may pass the Imperial Parliament during its present Session, and that Responsible Government may be brought into force without delay.

"To secure this object, it is requisite that the Constitution Bill should be transmitted to the Colonial Office at the very earliest possible date.

"Additional correspondence on the subject of the Bill will be laid before you. These papers, together with those which have been published during the recess, show that the Secretary of State, while retaining his personal opinion in favor of a nominated Upper Chamber, has consented to the compromise suggested by me. This has already been publicly notified, and the recent discussions lead me to hope that the arrangement may not be unacceptable.

"With regard to any amendment likely to involve further correspondence and reference, it will be observed that the Constitution Act can be altered in the usual way by the Colonial Legislature, at any date after it comes into force.

"The proposal which I have mentioned regarding the Upper House has been inserted in the draft Bill of last Session. The Bill, with the companion measure relating to the Aboriginal natives, will at once be re-introduced into Your Honorable House.

"The Federal Council, at its recent meeting at Hobart, passed, with some amendment, the Act for the regulation of our Pearl Shell Fisheries which had been brought forward at your desire. Being a Fishery Act, it was necessary that this measure should be reserved for the consideration of the Imperial Government. You will be invited to pass an Address to Her Majesty, praying that the number of members of the Federal Council may be increased, in the manner advocated by that Body. An interesting report of the proceedings, which I have received from our representative, will be laid before you. The accession of South Australia to the

"Council has given it much additional importance. The cause of Federation has substantially advanced, and there seems reason to believe that wider results will now follow in due course.

"The new submarine cable to Roebuck Bay has been laid, and is in working order. This undertaking is valuable both to the continent and to this Colony.

"Our Northern telegraph lines have now reached Derby, the section of 574 miles from Roebourne being completed. The further lines to the Kimberley Goldfield and to Wyndham are in progress.

"Mails and passengers now travel over the whole length, 352 miles, of the railways connecting Fremantle with Albany.

"The Great Southern Railway will be formally opened at an early date. The sale of the lands granted in connection with this line is now proceeding. The undertaking has been excellently carried out, and cannot fail to bring about a general advance of settlement and population. I trust that the works on the Midland Railway may soon be resumed.

"The Eastern Goldfield is still retarded by want of water. A boring-machine of first-class capacity has been purchased by the Government, and, it is hoped, will soon be at work. Of the existence of payable gold in the reefs of this field, there can be no doubt. At the Pilbarra Goldfield, there have been substantial finds. There has been a rich discovery of tin in the Blackwood district. It certainly appears that Western Australia has a mineral future before it.

"Owing to rigid curtailment of expenditure, the deficit at the close of last year proved to be less than was anticipated when the Estimates for 1889 were before Your Honorable House. The Revenue of the fourth quarter of 1888 was £9,014 below that of the fourth quarter of 1887, but the Expenditure showed a reduction of £23,162 as compared with the same period of the previous year, the result being that the deficit of £40,500 which had been expected on the whole year was reduced to £23,701. The Loan of £100,000, sanctioned by you last Session, will be available by the 30th of June next, and

"the repayment of £60,512 to Revenue thereunder is estimated to leave £18,851 to carry forward to 1890.

"The greatest care and economy are without doubt still required in guiding the finances of this Colony, and the new expenses of Responsible Government must not be lost sight of. With good fortune, they may be provided for, but I still feel it my duty to give a word of caution.

"I am informed that improvement in trade is perceptible. In many parts of the Colony the season has been extraordinarily good, and the price of wool gives satisfaction to the stock-owner.

"MR. SPEAKER AND GENTLEMEN:—

"You will this Session be engaged in laying the foundations of a new order of things in Western Australia. That you will build carefully, I have no doubt. That you may build successfully, I earnestly pray."

His EXCELLENCY having handed a copy of the Speech to Mr. Speaker, withdrew from the Council Chamber.

STANDING ORDERS.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the Standing Orders of the last Council be now adopted, and continue in force as the Standing Orders of the House, until amended.

Agreed to.

CONSTITUTION BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), with leave, without notice, moved the first reading of a Bill to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty.

Motion agreed to.

Bill read a first time.

HOUSE COMMITTEE.

On the motion of the COLONIAL SECRETARY, the following members were appointed to act as the House Committee during the continuance of the Council:—the Hon. Sir J. G. Lee Steere, the Hon. J. A. Wright, and Mr. Sholl.

ABORIGINES BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest), with leave,

without notice, moved the first reading of a Bill to provide for certain matters connected with the Aborigines.

Motion agreed to.

Bill read a first time.

THE ADDRESS IN REPLY.

MR. RASON: Sir, in rising to move that an Address be presented to His Excellency the Governor, in reply to the very able Speech with which he has just favored us, I wish to compliment His Excellency upon the clear and statesman-like way in which he has laid the situation before us. As His Excellency has pointed out, the one great question which will be brought before us, the one great measure that we shall have to consider, is the Bill to provide a new Constitution for this colony. That is a question of magnitude, the importance of which cannot be over-estimated. It is no figure of speech to say that upon our honest and careful consideration of this Bill depends to a very great extent the future of Western Australia. Probably, no more important measure will ever be discussed within these walls. Therefore the question is one which cannot be taken lightly in hand. It must impress each and every one of us with the sense of responsibility which is carried with it. I can only hope that, setting aside all personal interests, all personal prejudices, we may be enabled to give that bill the honest and careful consideration which it deserves, and that the result may be of lasting benefit to Western Australia. As His Excellency has pointed out, there is a necessity to deal promptly with this measure, if we desire to give furtherance to the wish that it should pass the Imperial Parliament during its present session. It behoves us, therefore, not to strain matters too far; and, however much hon. members may be wedded to the idea of the immediate adoption of an elected Upper House, they will no doubt deem it prudent, as His Excellency has suggested, to accept the compromise that has been offered to us by the Home Government, in the shape of an elected Upper House after the lapse of a certain number of years, or when the population of the colony has increased to a certain extent.

They will probably deem it more prudent to adopt this course than to delay the introduction of Responsible Government; for it seems that any action on our part that would tend to delay the passing of this bill, or any action on our part that would tend to prolong the present period of suspense, would be detrimental to the best interests of this colony. There is no doubt that a prolongation of this period of suspense would upset the trade and finances of the colony to a very serious extent. His Excellency, in his Speech, has referred to the completion of the Great Southern Railway. It is indeed a matter for congratulation that this line, connecting the port of Albany with the capital of the colony, has been completed; and both the Land Company and the contractors alike deserve the thanks of this House for the business-like and satisfactory way in which they have carried that large undertaking to a successful issue. There is another point in connection with it upon which we can congratulate ourselves. We know that Mr. Powell, the late chairman of the Land Company, himself a large capitalist, is about to invest considerable sums of money in the lands of this colony, and in preparing farms ready for the occupation of new comers. No doubt the result will be profitable to himself, and, indirectly, of benefit to the whole colony. We know that capitalists—I say it with the greatest respect for their order—are very much like sheep: where one goes, others will follow. And the bell sheep, in the shape of the late chairman of this Land Company having taken this step, there is no doubt that other capitalists will follow his example, and that the result will be of advantage to themselves and to us all. The completion of this line will enable men of money, and men of leisure, to come here without that inconvenience to themselves which formerly existed, and to see for themselves how rich a field for investment is offered by Western Australia. There is probably no country in the world which offers greater advantages in that way. Any man of ordinary intelligence can point out without hesitation a dozen different ways in which capital can find a profitable outlet in this colony. We only require to be known; and this railway cannot fail to make

us better known, by affording greater facilities for outside capitalists and others to become better acquainted with our resources. Hitherto it has been our misfortune either to be unknown, or, if known, to be misrepresented. We have been dwarfed (as it were) by the magnificence of our sister colonies. We have been compared to the Cinderella of the Australian family. Well, we will accept the comparison. I think, sir, we have every reason to hope that Cinderella is now very near having her turn, and that she will soon be able to take her place among her more gay and prosperous sisters. I think that—to carry the simile a little further—Cinderella's golden coach is even now at her door, and that we are only waiting the visit of the fairy godmother, in the shape of outside capital, to lubricate its wheels. His Excellency in his Speech referred to the state of trade, and he has informed us that an improvement in trade is perceptible. I am delighted to hear it. But, I must confess, I should never have guessed it. I do think, however, that we are on the eve of an improvement in trade. Of that there can be but little doubt, in spite of the depression under which we have been laboring. It is, unfortunately, but too true that this colony has of late been visited by a very severe cloud of depression; but, in spite of that depression, we have not only been able to keep our heads well above water, but we also have been able to do a great deal towards the development of our goldfields. It has become the habit of the outside world—or perhaps it would be more just to say for ignorant and ill-informed members of the outside world—to sneer at Western Australia and all things West Australian. Let those who sneer produce us another handful of about 40,000 people who, with the same limited means at their disposal, have built as many miles of telegraph and as many miles of railway, and who have completed as many public works. Then, but not till then, we will admit that these sneers are deserved. Our detractors may say that all this has been done with borrowed money. But, sir, our answer to that is not far to seek. We say, compare what we have done with our public debt per head of the population, as against any other country;

and, if it be true that comparisons are odious, they are not in this case odious to us. It speaks volumes for our banking institutions, it speaks volumes for our commercial houses, that, in spite of the very severe depression which has existed, so very few commercial failures have occurred. And, if that spirit of mutual forbearance and assistance which has enabled us to tide over this period of depression is extended but for a little while longer, there is no-doubt that a very bright and marked period of prosperity is in store for Western Australia. Sir, I have much pleasure in moving that an address be presented to His Excellency the Governor.

MR. PATERSON: Sir, it would be unwise of me, in seconding the address in reply, to detain the House by saying very much, after the very lucid and exhaustive speech which we have just listened to from the hon. member for the Swan; but I should like to make a few remarks on one or two points, and will reserve until some future occasion any further observations I may have to offer, when I hope I may be able to do so without having to reiterate any hon. member's utterances, as, I am afraid I should have to do now, after the very exhaustive speech of the mover of the address. I take it that our meeting here at this session is for a special purpose, to deal with the Constitution Bill; and I sincerely hope that in discharging this important duty we will all work well together, and that when the House is prorogued it will be found that we have passed a measure that we may be proud of, and that the country will be satisfied with. I think myself it would be wise for us, without further opposition, to accept the compromise offered by Lord Knutsford as to the constitution of the Upper House, namely, that we should have a nominated Upper House for six years, or until the population reaches 60,000, and that when that comes to pass we shall have an elected Upper House. I don't know that I have much to say with regard to the other paragraphs of the Speech, after what has already been said by the hon. member who moved the address. But there is one paragraph which I should like to refer to. We are told that the loan of £100,000 sanctioned by the House last session will be available

by the 30th June, but it appears that the greater part of this money is to go back where it came from—is to be repaid to the general revenue; so that it seems to me to be very much a case of “as you were.” It reminds me very much of the switch-back railway, which I saw the other day in Victoria—you go down to get up again, to the level where you started from, and you make little or no progress. So it is with this loan. Most of it will be returned into the Treasury chest, and very little will be available for public works. But, the House having sanctioned it, I suppose we must make the best of it; and, following what His Excellency says, we must exercise every care and economy in the future. There is another subject I should like to refer to—this new submarine cable to Roebuck Bay, which we are told has been laid and is in working order. The mention of this cable having been successfully laid suggests to me that something should be said of the treatment this colony has been subjected to at the hands of Lord Knutsford in the matter of another proposal of the same kind. I am referring to Messrs. Millar's proposal, which was so unceremoniously snuffed out by the Secretary of State, without any reference to this colony. This sort of treatment is one of the many things that has hastened us to adopt another form of Government, under which we shall be able to settle these matters ourselves. We are told that our Northern telegraph lines have now reached Derby, the section of 574 miles from Roebourne being now completed. I heard something just now about the wire on this Northern telegraph line being defective, and I suppose we shall hear something further about it. I think myself that too much has already been spent at the North, and, for my part, I don't care whether the Government will proceed with this Kimberley telegraph line at all. I think it would be far better if they were to construct a line to the Eastern goldfields. I am sure, if we went into figures, it would be found a more reproductive work than a line from Derby to the Kimberley goldfields, and from there again to Wyndham, all through uninhabited territory. It's a matter of pounds, shillings, and pence for us; and I think if we had exercised a little more caution, and not spent so much money

at the North, and listened less to the cries of these Northern members, we should not have had this large deficiency in the revenue to make up. I am pleased to learn that the Great Southern Railway will soon be opened for traffic. This line will enhance the value of our land very considerably, especially when we see men like Mr. Powell prepared to expend capital in starting settlements and farms along the line. We shall be only too glad to welcome any other capitalists who may follow Mr. Powell's example. The Governor says that the Eastern goldfields are still retarded by want of water. I think something might be said about that. I think it is a great pity that the Government did not at the outset try to get a proper boring machine, instead of sending out the one they did. When we see the large sums of money that have been spent in other parts of the colony, I think the Government might well have spent a thousand or two in trying to obtain water upon these goldfields. I must say I think the Government have been very remiss in this matter. Had they done what they ought to have done months ago, and provided a water supply for these fields, the state of affairs would be different now from what they are. Our own people would have had the benefit of possessing mining shares which are now floating about at prices which only outside capitalists can touch. I should prefer to see West Australians partaking in these things; I should like to have had a shot at them myself. But the way in which the Government have delayed in obtaining water, for the development of the fields, has put it out of the power of many of our own people to hold out any longer. I am with the hon. member who moved the address when he says that he really cannot see much improvement in trade, as yet; but I hope the time is not far distant when an improvement will be visible. In the meantime I think with him that the most rigid economy is still required to keep our finances right. That is clearly shown from the figures given in His Excellency's Speech, and I hope the word of caution which the Governor there gives will not go unheeded. With these few remarks I have much pleasure in seconding the address in reply.

MR. PARKER moved the adjournment

of the debate until the next sitting of the House.

Agreed to.

Debate adjourned.

The House rose at half-past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 15th March, 1889.

City of Perth Election Petition (Mr. John Horgan's):
Judges' Report—Address in Reply: adjourned
debate—Adjournment.

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

PRAYERS.

PERTH ELECTION PETITION (MR. HORGAN'S): JUDGES' REPORT.

THE SPEAKER announced that he had received a certificate from the Judges of the Supreme Court with respect to the recent election of members to represent the city of Perth in the Legislative Council.

THE CLERK read the Judges' report, as follows:

In the matter of the City of Perth Election Petition.

WE, ALEXANDER CAMPBELL ONSLOW, Chief Justice, and EDWARD ALBERT STONE, a Judge of the Supreme Court, Judges for the trial of Election Petitions in Western Australia, do hereby, in pursuance of the provisions of an Act of the Legislative Council, passed in the 39th year of the reign of Her present Majesty and numbered 10, certify that on the 5th day of March instant we duly held a Court within the City of Perth for the trial of and did try the Election Petition for that city between John Horgan, Petitioner, and Edward Scott and Edward Keane, Respondents.

And in further pursuance of the said Act, we certify that at the conclusion of the said trial we determined that Edward Scott and

Edward Keane, the Members whose Return and Election were complained of, were duly Elected and Returned.

And whereas charges were made in the said Petition of Corrupt Practices having been committed at the said election to which the Petition refers, we in further pursuance of the said Act report as follows:—

That upon the trial of the said Petition no Corrupt Practices was proved to have been committed by or with the knowledge or consent of either of the candidates at the said election.

And in further pursuance of the said Act, we report that no Corrupt Practices prevailed at the election to which the Petition relates.

And in further pursuance of the said Act, we specially report the following matters which arose in the course of the trial, an account of which, in our judgment, ought to be submitted to the Legislative Council.

The Sheriff, who was the Returning Officer at the said election, was examined at the trial, and admitted that he did not forthwith after the said election make all the Ballot Papers, together with the sealed envelopes containing the counterfoils, into a parcel or bundle and affix his seal thereto, as required by Section 15 of the said Act; and further, that he did not forward to the Governor, as required by the said Act, a certificate showing the names of the persons who appeared to have voted more than once at the said election.

And we further specially report that the certificate to the Governor purporting to be the certificate required by the 15th Section of the Act 41 Victoria, No. 15, to be forwarded by the Returning Officer was duly forwarded on the 23rd January, but was not published in the *Government Gazette*, as required by the said section, until the 21st of February.

We further specially report that from the evidence given at the trials it appeared that the Electoral Roll contained the names of many persons who were not entitled to vote at the said election.

As witness our hands this fifteenth day of March, 1889.

ALEX. C. ONSLOW,

Chief Justice.

E. A. STONE,

Puisne Judge.

MR. PARKER: I rise, sir, for the purpose of moving that a day be fixed for taking the report of the Judges into consideration. It will be observed that the report just read contains matter which this House should take cognisance of, with the view of its taking such steps as it may deem advisable in the matter. I am alluding to the special report, dealing with the state of the electoral roll, and other matters. Every member will admit that the great object we ought to