

Question—That the Order of the Day be discharged—put and passed.
Bill withdrawn.

ADJOURNMENT.

The House adjourned at thirty minutes past 11 o'clock, p.m.

Legislative Council,

Tuesday, 8th March, 1892.

Destruction of immature sandalwood—Electric Lighting Bill: third reading—Augmentation of Ministerial Salaries Bill: third reading—Governors of High School Appointment Bill: third reading—Customs Bill: in committee—South-Western Railway Act Amendment Bill: first reading—Police Bill: error in: appointment of Select Committee—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 3 o'clock.

PRAYERS.

DESTRUCTION OF IMMATURE SANDALWOOD.

THE HON. E. T. HOOLEY moved, "That in the opinion of this House it is desirable, during the recess, that the Government take steps to bring in a bill, at the next session of Parliament, for preventing the cutting or destruction of immature sandalwood throughout the colony." He said: In moving the resolution standing in my name I must say I am surprised that nothing has been done in this direction hitherto. Anyone passing along the Great Southern Railway line will see huge stacks of sandalwood, and one has only to look at it to see that a large quantity of it is green immature sandalwood. That wood is not only a great loss to the country, having been cut in that state, but it is also detrimental to good wood that may be mixed with it, and reduces the price in the Chinese market. For many

years past this destruction has been going on, and one of the most valuable products of the colony is being ruined. I think Western Australia may be said to be the home of sandalwood; there is very little to be found elsewhere, and, unless precautions are at once taken, this valuable industry must die out—it has almost died out already. I think, however, it is not too late to step in; better late than never, and something can yet be done to save this product from dying out. I think, if a calculation were made, it would be found that the value of the sandalwood which has been sent out of this country amounts to over a million sterling, and that means a great deal to a small place like this, and, I think, will serve to show hon. members that we have a very good property in this sandalwood, provided we stop the indiscriminate destruction of young wood which has been going on for some years past. We have a precedent in the pearl shell fishery. Some years ago steps were taken by the Government to protect the North-West pearl shell fishery, and now we are following a similar course with the Sharks Bay pearl shell fishery. Sandalwood represents a far larger capital and is the source of much greater revenue than the Sharks Bay pearl shell fishery. It may be necessary for us, at some future time, to consider the advisability of farming sandalwood. I have no doubt, if care were taken, that sandalwood could be grown at a profit. I hope, therefore, that during the recess the Government will take some steps to consider this question.

THE HON. J. A. WRIGHT seconded the motion.

Question—put and passed.

ELECTRIC LIGHTING BILL.

This Bill was read a third time and passed.

AUGMENTATION OF MINISTERIAL SALARIES BILL.

This Bill was read a third time and passed.

GOVERNORS OF HIGH SCHOOL BILL.

This Bill was read a third time and passed.

CUSTOMS BILL.
IN COMMITTEE.

Clause 198, to which the Hon. E. T. HOOLEY had moved an amendment to add the following words: "Provided that when the amount of duty cannot be ascertained until after the shipment of such goods, notice to that effect, served upon the Collector, shall protect the shipper until the loading of the vessel is completed";

THE HON. E. T. HOOLEY: After consultation with the Attorney General upon this matter, with the leave of the House, I would like to withdraw the amendment standing in my name, and substitute the one I hold in my hand. It is to insert, after the word "therein," "with intent to avoid payment of such duty."

THE COLONIAL SECRETARY (Hon. G. Shenton): The Attorney General has no objection to these words being added, although it is not likely that they will be required. Hon. members on considering the Act will see that there are three provisions there which would prevent the occurrence of any such calamity as the hon. member has mentioned. The addition of these words, proposed by the hon. member, will make it a little plainer to the outside world, and we do not oppose the amendment.

Original amendment, by leave, withdrawn.

THE HON. J. W. HACKETT: I think the words are particularly essential. It must be remembered that the gentleman who is immediately responsible for this Act is not the Attorney General; but a gentleman of vast experience in Customs matters in another colony. But the colony in which that gentleman resides, the colony of Victoria, has, as far as I know, only two articles upon which an export duty is charged. One is timber, the other scrap iron. The timber in that and other colonies is always shipped from a port, and scrap iron is always sent from ports along the coast. As regards this colony it is not only sandalwood which is liable to export duty, but also guano, pearl shell, and horses. These, after coming perhaps 300 miles or so, are, as the bill now stands, liable to be forfeited. It appears to me really that the words of the clause as it stands leave no option to the Collector of Customs

but that they shall be forfeited. I should have been better pleased if the Colonial Secretary had pointed out how the intention of the Bill would have rendered these words unnecessary. I think the thanks of this House and the colony generally are due to the hon. gentleman (Mr. Hooley) for having called attention to this matter.

THE COLONIAL SECRETARY (Hon. G. Shenton): No goods of this description are shipped except from a Customs port. Horses are never sent away directly; they are kept in the port a short time before they are sent away, and as a rule they are not sold until they get to the port. With regard to a guano ship, she has to take out a license before she loads and pay duty. Supposing any difficulty occurs about the question of the amounts upon which duty is payable, the 201st clause, which is a somewhat similar clause to that in the present Act, will apply. I know several cases where the Customs officer has had his doubts as to the amount of sandalwood on board a vessel, and the clearance has been withheld until the question has been settled. This clause 198 wants reading with other clauses, and therefore I do not think it is likely that any such thing as feared would happen, because if the Collector of Customs has any doubt he has power to stop the ship until the matter is settled.

THE HON. J. A. WRIGHT: I feel myself, as the agent of the Great Southern Railway, particularly obliged to the hon. member, Mr. Hooley, for having brought this matter forward, because we have £150,000 worth of sandalwood alongside our line, and, acting as common carriers, I could not lift one ounce of that sandalwood if this Act passed as it is, for the purpose of shipping it, without the forfeiture of the whole lot. I think this bill must have passed another place without their having taken this clause into consideration at all, and therefore this House and the colony itself are indebted to Mr. Hooley for calling attention to it.

THE HON. E. T. HOOLEY: I would like to call the attention of the hon. the Colonial Secretary to the fact that shipments are not always made from Customs ports. Sandalwood is often shipped from Sharks Bay, and that is not a Customs port.

THE COLONIAL SECRETARY (Hon. G. Shenton): Before that ship could get her clearance she would have to make a declaration to the Customs.

Amendment—put and passed.

Clause, as amended, agreed to.

The remaining clauses were agreed to without amendment, and the bill reported.

SOUTH-WESTERN RAILWAY ACT AMENDMENT BILL.

This bill was received from the Legislative Assembly, and was read a first time.

POLICE BILL: ERROR IN.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

Message No. 39.

“Mr. President,

“The Legislative Assembly acquaints “the Legislative Council that in transmitting, by Message No. 17, a schedule “of amendments made by the Legislative “Assembly in the Police Bill, and asking “the concurrence of the Legislative “Council therewith, an amendment made “by the Assembly was omitted from the “said schedule.

“The amendment was as follows:—

“In clause 96 to strike out sub-section 18;

“and the Legislative Assembly now requests the concurrence of the Legislative “Council in the said amendment.

“JAS. G. LEE STEERE,

“Speaker.”

THE COLONIAL SECRETARY (Hon. G. Shenton): I move that this message be now taken into consideration.

THE PRESIDENT: I may inform hon. members that this message is entirely irregular. It is not possible now for the Legislative Assembly to ask our concurrence in an amendment to the bill. It has passed entirely out of their hands, and it has passed out of our hands; and, as I tried to explain to hon. members last night, it is now in charge of the Clerk of Parliaments, who discovered the error and reported it to me. I made a statement to the House as to the nature of that report, and, as I then stated, there is no getting out of the difficulty in a regular way, because there is no rule bearing upon it in the slightest degree. We ought to proceed in the most regular way

possible, and that is through the Clerk of Parliaments, who is the only person who can now take any steps in regard to this bill. That motion which I wrote out, Mr. Colonial Secretary, will still be in order, but it is not in order to take this message of the Legislative Assembly into consideration.

THE COLONIAL SECRETARY (Hon. G. Shenton): It was a very unfortunate omission that occurred on the part of the Clerk of the Legislative Assembly in failing to acquaint the Council of this amendment. This important matter has received a great deal of attention, and this morning we carefully considered the best method of getting over the difficulty, and I think that the plan as proposed by the Legislative Assembly in this message—that of calling our attention to the fact that an amendment was passed by them to the bill, but that owing to an omission on the part of the Clerk of the Assembly they failed to notify it to this House, and asking our concurrence in it—is the only way of getting out of the difficulty. They call the attention of this House to the mistake, and ask us to help them out of the difficulty. It appears to me that this is the simplest way of getting over it. Unless we do so, this important bill will fall through.

THE PRESIDENT: I have already tried to explain the position. It is perfectly easy to get over the matter. The reason why we cannot accept this message from the Assembly is clear. They have nothing whatever to do with the bill; it has passed entirely out of their hands. They were not aware that this mistake had occurred; it was discovered by the Clerk of Parliaments. I pointed out to the House that the only way, as far as I could see after having examined everything that bears upon the subject, was to authorise the Clerk of Parliaments to rectify the omission.

THE COLONIAL SECRETARY (Hon. G. Shenton): I would point out that we must have the bill before us to enable us to agree to the amendment.

THE PRESIDENT: The bill cannot be brought before us again. If the hon. member will move the motion, the form of which I gave him, he will get us out of the difficulty.

THE COLONIAL SECRETARY (Hon. G. Shenton): I am told by those

who have read up the authorities that this motion will not get over the difficulty. We have discussed the matter thoroughly, and have come to the conclusion that this message of the Assembly is the only way of getting over the difficulty. I believe there was no objection to it. It was a pure matter of omission.

THE HON. J. W. HACKETT: I must say this matter seems to be surrounded with most serious difficulty. It was first brought before us by Your Honor on the representations—we can hardly give it so formal a name as the report—of the Clerk of Parliaments who pointed out that the bill as it left this House was not the same bill as that which had been agreed to by the House of Assembly. Now, however, the matter is more complicated still by the fact that Your Honor drew our attention to a passage in *Hansard*, which you asked us to take judicial notice of: that this amendment had been passed in the Lower House.

THE PRESIDENT: I asked the House to take notice of the report, and referred to *Hansard* in order that hon. members might see for themselves why the amendment had been passed by the Assembly.

THE HON. J. W. HACKETT: Your Honor has put it exactly as I would have done myself had I your facility of expression. A reference to *Hansard* places us in a more serious predicament than ever. This message informs us that an amendment was made by the Legislative Assembly by which a certain subsection was struck out. A reference to *Hansard*, 5th number, 351st page, shows that the subsection was not struck out.

THE PRESIDENT: *Hansard* is wrong, though I think I can see how the error arose; the question was put in the technical manner which has evidently misled the reporter.

THE HON. J. W. HACKETT: But it goes on to say that the subsection was agreed to. There seems to be the greatest irregularity, and whatever step we take will be more or less treated as a precedent, and it appears to me that the way in which this omission was communicated to the other House was as much an irregularity as anything else in the whole business. The Clerk of Parliaments should have reported to this House what he had discovered, and

we should have sent down a formal message to the other House embodying the statement of the Clerk of Parliaments. I do not wish to discuss this matter, because we know so little about it. Whatever we do in this instance will be treated as a precedent, and this fact hampers us in every way. I would propose that a small committee be appointed to consider the matter and to report to this House to-morrow. There will be ample time to dispose of the matter if they take time by the forelock to consult whatever precedents there are. We ought to consider very fully before we decide upon this important matter. I beg to propose that a committee of four be appointed to consider this question, to consult precedents, and to report to the House at its next sitting.

Question—That a select committee be appointed—put and passed.

A ballot having been taken, the following members were elected to serve on the committee:—The President (Sir T. Cockburn-Campbell, Bart.), the Colonial Secretary (Hon. G. Shenton), Hon. G. W. Leake, and the Hon. J. W. Hackett.

ADJOURNMENT.

The Council, at 10 minutes to 4 o'clock, p.m., adjourned until Wednesday, 9th March, at 8 o'clock, p.m.