

## WESTERN AUSTRALIA.

# PARLIAMENTARY DEBATES.

**Legislative Council—Session of 1872.**

**Opened on Tuesday, 30th July, 1872.**

### LEGISLATIVE COUNCIL,

*Tuesday, 30th July, 1872.*

Opening of the Council—Swearing in of Members—Election of Speaker—The Governor's Speech—Grants of Patents Bill: first reading—Papers Tabled—Address in Reply to the Governor's Speech.

### OPENING OF THE COUNCIL.

The Council was prorogued by His Excellency the Governor, on the 17th August, 1871, to the 1st November, 1871; thence to the 10th January, 1872; thence to the 10th March, 1872; thence to the 30th July, 1872, on which day it met for the despatch of business.

The Council met at 2 p.m.

### SWEARING IN OF MEMBERS.

The COLONIAL SECRETARY (Hon. F. P. Barlee) announced that His Excellency the Governor had authorised him to administer the Oath of Office to the Members. Thereupon all the Members present took and subscribed the Oath of Allegiance.

### ELECTION OF SPEAKER.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that Mr. L. S. Leake be the Speaker of the House.

Mr. STEERE seconded the motion.

Mr. LEAKE returned thanks for the honor proposed.

Question put and passed.

The Colonial Secretary (Hon. F. P. Barlee) and Mr. Steere conducted the Speaker to the Chair.

The SPEAKER returned thanks for the honor conferred.

Members proceeded with the Speaker to Government House to notify election. Upon return to the Council the Speaker announced that His Excellency the Governor had been pleased to approve the choice of Speaker.

### THE GOVERNOR'S SPEECH.

The Sergeant-at-Arms announced the approach of His Excellency the Governor. The Governor came into the Council Chamber with the Speaker.

His EXCELLENCY was then pleased to deliver the following Speech:—

Mr Speaker, and Honorable Gentlemen of the Legislative Council,—

In opening this first session of the second Legislative Council of Western Australia, I may congratulate you upon the generally sound financial position of the colony, and upon improved material prospects, which I trust the disastrous floods and tempests which have marked this season will not have materially affected.

The inauguration of a representative form of Government, the constitution of municipal and other institutions of local self-government, the rapid reduction of the convict establishment, and the settlement of ecclesiastical and educational questions, have marked the last three years in the history of this colony.

To you it remains especially to devote your attention to forwarding the material progress of the country, which, though depending far less upon the action of Government than upon the exertion of colonists themselves, may be much promoted by your enabling me to commence works of public utility,—at least such

as have already received the approval of the Legislature and that of Her Majesty's Secretary of State, and which will, I trust, be but the commencement of greater undertakings.

With this object, a Loan Bill will be submitted to you; and should you give effect to it I shall at once set on foot public works which have been long required—such as improvement of river navigation, coast surveys, erection of lighthouses, extension of wharves and jetties, and railway surveys for the mineral district of Champion Bay.

A proposition has been made to Government by an eminent firm to construct a line of railway from Geraldton to the mines, and to supply the necessary funds on terms which appear liberal, and which will be submitted for your consideration.

Extension of jetty accommodation at Fremantle is a work of immediate and pressing necessity. I have, in order to obviate delay, already obtained authority from Her Majesty's Secretary of State to assent to a loan for that purpose, subject, of course, to the decision of your Honorable Council. Plans of the proposed work will be laid before you.

The late Council, by an unanimous vote, recommended the purchase of the telegraph lines. The control and working management of the telegraph system has already, by an Act of the Legislature, been placed in the hands of the Government, and the interest on the purchase money would not exceed the sum at present annually paid by the Government to the company, so that, should you place means at my disposal for purchase, the only effect will be extension of the lines at probably a reduced expense, and the liberation of private capital now locked up in telegraph shares for circulation and more profitable investment.

Information regarding a railway to the eastern districts will be laid before you.

A company has agreed, subject to your approval, at once to supply a want which is a first and essential requisite to progress, by establishing steam communication along your coasts; and I earnestly recommend you to vote the subsidy required, which, in my opinion, is moderate in proportion to the consequent advantages.

You will be asked to consider the advisability of expending a small sum, should the survey appear to warrant it, upon the improvement of the navigation of Challenger Passage, and of entering into negotiation with the Peninsular and Oriental Royal Mail Steam Ship Company, with a view to the selection of a position at Garden Island,

Cockburn Sound, or elsewhere in the vicinity of Fremantle, as their port of call and coaling depot.

A moderate vote for gold prospecting, and testing our extensive quartz reefs, which are already known to be auriferous, will be proposed to you.

I trust that you will enable me to take a step in the direction of immigration, by affording assistance to nominated immigrants on such terms as may appear, after due deliberation, best fitted to promote the introduction of a really useful class of immigrants, and at the same time husband the resources of the State.

Mr. John Forrest, who has already done honor to this colony, and advanced her interests by his adventurous explorations, has projected a yet greater undertaking—to penetrate from the Murchison eastward, until, in the centre of Australia, he may hope to reach the telegraph line now in the course of construction by the South Australian Government, from the south to the north of this continent. The expenses of so great an adventure ought not, in my opinion, to be thrown entirely upon the enterprise and patriotism of private individuals, and it will be for you to say how far you are disposed to afford some aid from the public funds.

To pay the interest of the contemplated loan, and to meet all these requirements, but slight additional taxation will be needed, and that to an extent which will still leave this colony by far the most lightly taxed of the Australian group, when direct as well as indirect taxation is taken into account. In expenditure some reduction will be shown; and as occasion offers I should propose, by amalgamation of offices or otherwise, to lessen the public charges as far as the efficiency of the service will permit.

On the other hand, I propose to take off all duty leviable on certain articles now imported, and to admit, free, materials and substances used in agricultural and pastoral pursuits, manufactures, and industries that are or may be carried on within this colony.

I confidently trust, should you support me in these measures, that they will greatly conduce to the material progress of the colony.

One measure of a more strictly political character will be introduced into your Council. A Bill to give a Member of the Legislature to the northern district, a district which has especial claims to a separate representation. As this, however, would put another nominee seat at my disposal, I also propose an additional elected Member for the Murray and

Williams, thus giving direct representation to an important agricultural district, and leaving to the electors of Fremantle, our principal port, the individual selection of their own Members.

I had intended to have sent down to you a comprehensive measure for the better Government of the northern district and the regulation of its sea industries; but a legal difficulty having arisen regarding the right of this Legislature to legislate over waters held by the Crown under international law, I am compelled, at present, to defer making propositions upon a subject which has occupied my serious attention. It may be necessary to re-assemble this Council for that especial purpose.

A Bill to regulate Grants of Patents, and a Licensing Act, will be submitted to you.

It would ill become me to conclude this Address without reference to the mercy which it has pleased God to show to the great nation of which this colony is a part, in preserving to its prayers the life of the Prince of Wales; and I doubt not but that your Honorable Council will take this opportunity of testifying your loyalty to Her Majesty the Queen, and your devotion to Her Royal Family.

Lastly, turning back to the consideration of local matters, I cannot but mark with gratification that the improvement which has taken place in the prices of colonial produce, the great development of the pearling industry, and we may hope, next season, an increased production of all our exports, is enabling this colony to bear up against a very great reduction of convict expenditure; and it ought to be a subject of thankfulness that if progress be but gradual, our advance is no longer adventitious and dependent on Imperial expenditure, but such as may warrant the anticipation of a not distant time when Western Australia may, like her sister colonies, go forward, leaning upon no other aid than that of the efforts of her own colonists and on the help of Divine Providence.

Having handed a copy of the Vice-Regal Speech to the Speaker, His Excellency, accompanied by his staff, withdrew from the House.

The SPEAKER took the Chair.

#### GRANTS OF PATENTS BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) with leave, without notice, in order to

assert the rights and privileges of the House, moved that leave be given to bring in a Bill to regulate grants of patents for inventions in the colony of Western Australia.

The Bill was read a first time.

#### PAPERS TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid on the Table of the House the following papers:—

1. By-laws of the Central Board of Education.
2. Annual return required under the Friendly Societies' Ordinance, of "John Shipton" Lodge of Odd Fellows, No. 5796.
3. Do., Fremantle "New Swan" Lodge do., No. 4406.
4. Do., Perth Lodge do., No. 4702.
5. Returns connected with P.O. Savings' Bank, as required by the Ordinance regulating the proceedings of that Institution.
6. Journal of exploring expedition under command of Mr. A. Forrest.
7. Report on Police Force in Western Australia, by the superintendent.
8. Land regulations, proclaimed on 20th March, 1872.
9. Papers relative to a jetty at Fremantle, proposed at the last session of council.
10. Various despatches between His Excellency the Governor and the Right Honorable the Secretary of State for the colonies, viz.:—1, as to probable discovery of a gold field; 2, additional testimony as to the suitability of jarrah timber for ship-building purposes; 3, proposed Elementary Education Act; 4, alteration in the land regulations; 5, relative to public works and the Loan Bill; 6, prorogation of the Legislative Council; 7, coast and marine surveys; 8, Thompson's Road steamer; 9, regarding the establishment of a High Court of Appeal for the Australian colonies; 10, as to restrictions upon the sale of intoxicating liquors; 11, respecting postal communication between England and Australia; 12, tour of inspection to eastern and southern districts; 13, visit to north-west coast, in H.M.S. "Cossack"; 14, progress of the jarrah timber trade.
11. Despatch as to supply of colonial Governments with new silver coin from the Royal Mint.
12. Reports of the Government Geologist.

### ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

Mr. BICKLEY in moving the Address in Reply to the Governor's Speech, said:—In addressing this honorable House for the first time, I feel it desirable, though possibly somewhat out of order, to advert to a personal matter. Hon. members are generally aware of my defective hearing, and it is quite within the range of probabilities that this defect may lead me into occasional error;—it shall not be willingly, but should it occur at all, I must entreat the indulgent consideration of the House. Having said this much, I have now the honor to proceed with the duty for which I have risen:—to move that an humble Address be presented to His Excellency the Governor expressive of the opinion of this honorable Council as to the satisfactory nature of the Speech from the Vice-Regal chair. I do this with the more confidence because I find the subjects adverted to in His Excellency's Speech not only show the desire of Government to meet all the reasonable requirements of the colony, but also because the wide range which they occupy evince that during the recess the Government have been minutely and carefully investigating every matter likely to tend to our material progress, and further because the tone of His Excellency's Speech is so conciliatory, and so trustful in the support and wisdom of this honorable Council, that is seems quite impossible anything but a reciprocal good feeling can prevail. Of course, during the discussion of the several subjects hereafter, differences of opinion will undoubtedly occur, and it is every way desirable to the end of good government that such differences should be freely ventilated, but just now we have only to look to the satisfactory nature of His Excellency's Address, and, in framing a reply, record our adoption of it accordingly. I will now, with your kind permission, advert cursorily to the subjects touched upon in His Excellency's Speech. With regard to the first and last paragraphs I may remark, as to the blending of the good and bad, that, as after a stormy night the morning sun peeps through the murky clouds and finally breaks forth with due effulgence, so may we after our night-time of adversity trace the gleams of sunshine struggling over the horizon of the colony, leading, we may hope, ere long, to substantial prosperity. No doubt in the cognizance of each member of this honorable House there yet exist many cases of distress and causes for depression, but still there can be no doubt of a great though gradually improving state of affairs, and when it is borne in mind the seasons of adversity the colony has latterly gone through, and the stagnation caused by the constantly decreasing

Imperial expenditure, it must be clear that only for a wonderful inherent vitality and elasticity, the distress and depression must have been far more intense. There are two other paragraphs which may be conveniently classed together;—the first alluding to the measures of self-government introduced during the past session, and the other proposing additions to the representation. With regard to the first it may be said that these have all been improvements over the old state of affairs and will lead naturally in time to still greater amendments,—and as respects the last, that the proposed additions to the representation seem especially desirable, and, doubtless, will afford the districts more immediately interested the greatest satisfaction. As respects the allusion to a public loan by means of which it is proposed to inaugurate several works of public necessity and utility, it must be apparent to all that without such aid no commencement can be made, and it is to be hoped that the success attending these primary undertakings will lead the Imperial Government to admit the advisability of placing us in a position to undertake works of far greater magnitude and importance. There can be no doubt that there are many works which time will show would tend to our material progress, but the world has been laboring for several years under a false impression as to our capabilities, and is yet slow to believe in them; hence it will be true policy to proceed somewhat cautiously, so that we may not, by falling into error on the one hand, destroy the prestige we may derive from success on the other. The paragraphs relating to the telegraphs; the construction, under terms of contract, of a railway in the Champion Bay district; steam communication on our coast; and opening of negotiations with a view to this part of this colony becoming the mail depot for steamers, appear to me particularly satisfactory. As respects the first, the expense of the working already falls upon the Government, and it surely cannot be doubted that sooner or later the entire property in, and control of, the telegraphs, must be in the hands of the State, as elsewhere has been found imperative; therefore, it would seem more satisfactory to do that now while it can be done conveniently and cheaply, than to defer it to a period when serious obstacles may intervene. As respects the railway, I consider that no reasonable offer should be refused, which would have the effect of opening out the vast mineral resources of the Victoria district; and as regards steam communication there can, I conceive, be only one opinion,—that every effort should be brought to bear so as to render it as complete and comprehensive as possible. The benefits would be

inestimable. The assistance proposed to be afforded to gold prospecting will, I fancy, be deemed a desirable expenditure. I should be glad to see a similar movement as regards coal. There can, I think, exist no difference of opinion as to the propriety of steps being taken to induce an immigration to these shores. In conclusion, the only portion of His Excellency's Speech which may, at first sight appear unpalatable, is that which alludes to the necessity for some addition taxation; but we cannot have all good, and we must cheerfully bear such burthens as may appear to be necessary, recollecting that they cannot be avoided, and looking upon them as an evil only that good may arise. I have much pleasure in moving the adoption of the Address.

Mr. BUSSELL seconded the adoption of the resolution, briefly adverting to the various subjects alluded to in the Vice-Regal Address.

Mr. STEERE moved the adjournment of the debate until 6 p.m. the following day.

Mr. CARR seconded the motion.

Question put and passed.

The Council adjourned at 3.30 p.m.

#### LEGISLATIVE COUNCIL,

*Wednesday, 31st July, 1872.*

Election Petition—Swearing in of Members—Standing Orders—Chairman of Committees—Address to Her Most Gracious Majesty—Public House and Sale of Fermented and Spirituous Liquors Bill: first reading—Confirmation of Expenditure Bill: first reading—Address in Reply to the Governor's Speech.

The SPEAKER took the Chair at 6 p.m.

#### PRAYERS.

#### ELECTION PETITION.

The ATTORNEY GENERAL (Hon. R. J. Walcott) presented a petition on the part of Mr Gray, of Geraldton, one of the candidates for the representation of that district, against the return of the elected member, Mr. George Shenton, on the grounds of bribery, corruption, and undue influence on the part of his electioneering agents and committee. The Attorney General, in submitting the petition, did not wish to be understood that he identified himself with its contents; he was actuated by no other motive than the principle that no man should be denied the constitutional right of appealing to the House by petition, which could only be done through the agency of one

of the members. He was merely prepared to vouch that the petition contained nothing of a scandalous or impertinent nature.

A conversation ensued as to whether or not the petition should be read, and it appearing that there was a general desire that it should,

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved, and the ATTORNEY GENERAL (Hon. R. J. Walcott) seconded, that the memorial be read. This being carried, the Clerk of the Council read it, and a motion that it be forwarded in due course to His Honor the Chief Justice was adopted.

#### SWEARING IN OF MEMBERS.

The SPEAKER announced that he had received a Commission from his Excellency the Governor, empowering him to administer the usual Oath of Allegiance to members.

The Commission was read.

#### STANDING ORDERS.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved that the Standing Orders of the last session of the last Council be now adopted.

The ATTORNEY GENERAL (Hon. R. J. Walcott) seconded the motion.

Mr. STEERE intimated that he wished to propose certain amendments in some of the rules, and a conversational discussion ensued as to whether the Standing Orders should be accepted, *pro tem.* in their present form, or whether the House should proceed to consider the proposed amendments of the hon. member for Wellington. Ultimately, it was agreed that the motion of the hon. the Colonial Secretary be adopted, and Mr. Steere gave notice that on Thursday he would propose that the Standing Orders be amended.

#### CHAIRMAN OF COMMITTEES.

Mr. NEWMAN, in eulogistic terms, proposed that Mr. Carr be appointed to the position of Chairman of Committees. Mr. DRUMMOND seconded the motion, which was adopted *nem. con.* Mr. CARR thanked the House for the confidence placed in him, which was a guarantee to him that he had, during the last Council, conducted the business efficiently. He would further endeavor to discharge the duties of his office to the best of his ability. Mr. Carr also entered into an explanation to show that though his colleague and himself had consented to accept office, the electorate which they had the