

Mr. BURT said he had an amendment to move in this clause. He proposed to make it apply to a magisterial district, instead of a scab district. These scab districts, as at present defined, were very extensive, and though one part of the district might not be clean, another part, perhaps at the extreme end of the district, might be free from scab; yet sheep-owners residing in every part of the district had to pay their contributions. For instance, the Albany district might be clean, but the Williams district—which he regretted to say had been a nest of scab—might not be clean; yet, both being within the boundaries of the same scab district, had to contribute under the Act. This appeared to him manifestly unfair; and, in order to remedy it, he proposed to make the provisions of the clause apply to magisterial districts only. He moved, as an amendment, to insert the word “magisterial,” after the word “any,” in the first line.

Mr. BROWN said this was a point that had not occupied the attention of the select committee in any way, and he should have thought that the question of boundaries might be safely left to the Board of Advice.

THE COLONIAL SECRETARY (Hon. M. Fraser) pointed out, by-the-by, that there was no provision in this bill, nor in any other Act, for the establishment of this Board of Advice, which, though a most useful institution, had no statutory existence whatever.

Mr. BURT said the Board had worked very well so far, without any statutory rights; and he had not concerned himself in the present bill as to the status of the Board.

The amendment was accepted, and the clause as altered agreed to.

The remaining clauses of the bill elicited no discussion.

Preamble and title:

Agreed to.

Bill reported.

#### CUSTOMS ORDINANCE, 1860, AMEND- MENT BILL.

Read a third time and passed.

#### LOAN ACT, 1881, AMENDMENT (RE- APPROPRIATION) BILL.

Read a third time and passed.

The House adjourned at quarter to 6 o'clock, p.m.

#### LEGISLATIVE COUNCIL,

*Wednesday, 23rd September, 1885.*

Scab Bill, 1885: third reading—Message (No. 27): Replying to addresses—Tramways Bill: in committee—Enforcement of provisions of Rabbit Act—Contract Mail Services: Right to Cancel—Land Regulations (Message No. 3): Report of select committee: adjourned debate—Federal Council (Adopting) Bill: second reading: in committee—Revised Loan Estimates, 1885, and Loan Estimates, 1886: reported to the House—Appropriation Bill, 1886: second reading: in committee—Adjournment.

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

PRAYERS.

#### SCAB BILL, 1885.

Read a third time and passed.

#### MESSAGE (No. 27): REPLYING TO ADDRESSES.

Mr. SPEAKER announced the receipt of the following Message from His Excellency the Governor:

“The Governor has the honor to inform the Honorable the Legislative Council that he will carry out, or endeavour to carry out, the recommendations contained in the following Addresses:—

“No. 6, dated 5th August, 1885 (Transfer of Imperial Convict Establishment).

“No. 17, dated 17th August, 1885 (Proposals for Sugar Planting in the Kimberley District).

“No. 19, dated 19th August, 1885 (Immigration).

- "No. 29, dated 15th September, 1885  
 "(Bunbury and Vasse Mail Service).  
 "No. 32, dated 16th September, 1885  
 "(Defence of Albany and Fremantle).  
 "No. 33, dated 16th September, 1885  
 "(Mandurah and Pinjarrah Telegraphs).  
 "No. 34, dated 17th September, 1885  
 "(Mr. Waddington's Land Grant Railway Contract.)  
 "No. 37, dated 18th September, 1885  
 "(Extension of Close Season for Birds).  
 "No. 38, dated 21st September, 1885  
 "(Concession to Mr. Malcolm for an Ostrich Farm).  
 "No. 39, dated 21st September, 1885  
 "(Freight Charges, Northern Railway).  
 "And that he will inquire into and carefully consider the proposals contained in the following Addresses:—  
 "No. 30, dated 16th September, 1885  
 "(Opium Duty).  
 "No. 31, dated 16th September, 1885  
 "(Duty on Goods consumed on Pearl Banks).  
 "Government House, Perth, 23rd September, 1885."

#### URBAN TRAMWAYS BILL.

On the order of the day for going into committee on this bill, which had been referred to a select committee,

THE ENGINEER-IN-CHIEF (Hon. J. A. Wright), who was chairman of the select committee, said so many amendments were introduced into the original bill that he had to ask for leave to introduce another bill in lieu of that in possession of the House.

This was agreed to, and the House went into committee on the new bill.

THE ENGINEER-IN-CHIEF (Hon. J. A. Wright) said it would be remembered that the hon. member for Perth brought in the original bill, which consisted of only a few clauses, giving power to Municipal Councils to authorise the construction of tramways, and making it necessary for the promoters of tramways to bring in a special bill of their own. That bill, introduced by the hon. member for Perth, was referred to a select committee, who, after giving the

matter their consideration, drafted the present bill, which was based upon the English general Tramways Act, which was also in force in the neighboring colonies. The bill enabled any persons who wished to construct tramways, in any town, to apply at once for a provisional order from the local authorities, pending the introduction of a bill, which, if granted, would enable the applicants to proceed with the work, and at the next session of the Legislature a bill would be brought in legalising the scheme. By this means a great deal of time would be spared, besides a great deal of trouble and expense. The bill, in short, bore the same relation to tramways as the Railways Act did to railways, and, he thought, would be found a very useful measure. It was rather a long bill, but it was based, as he had already said, upon the English Act, and the same legislation was already in force in the other Australian colonies.

MR. RANDELL said that, as one of the members of the select committee who had gone through the bill, he might state that he had carefully compared it with the Tramways Act of South Australia, and that there appeared to be no novel principle introduced. He had satisfied himself that the bill fully protected the rights of the public, and conserved the rights of Municipalities over their streets, while at the same time it gave reasonable facilities to companies to form tramway lines. It also protected the interests of private persons, generally, with whose property these lines might interfere. Although power was given to local authorities to issue provisional orders sanctioning the construction of tramways in their streets, these provisional orders were subject to the ratification of the Legislature, in all cases, so that the final decision would rest with that House.

MR. S. H. PARKER said that the original bill was found to be so incomplete as to be almost useless, and the Engineer-in-Chief himself had been good enough to devote a large amount of his time to the preparation of the present bill, which, he might say, had been drawn up most carefully from the Imperial statute. The bill was then considered by the select committee, and the hon. member Mr. Randell had the South Australian Act, and a comparison

was made of all the clauses, with the result that the committee, having satisfied themselves that the bill afforded every protection to the public, approved of the principle and of the details of the bill as now introduced.

Clauses 1 to 7 were agreed to, *sub silentio*.

Clause 8—"Every tramway in a town which is hereafter authorised by provisional order shall be constructed and maintained as nearly as may be in the middle of the road: and no tramway shall be authorised by any provisional order to be so laid at a less distance than ten feet between the outside of the footpath on either side of the road and the nearest rail of the tramway, if one-third of the owners, or one-third of the occupiers of the property abutting upon the part of the road where such less space shall intervene as aforesaid shall in the prescribed manner express their dissent from any tramway being so laid."

MR. MARMION thought this clause—glancing at it hastily, for there was no time to read it—might prove very inconvenient in some towns—Fremantle, for instance, where the streets were very narrow. If a tramway were constructed in the middle of the street it would materially interfere with all other traffic.

THE ENGINEER-IN-CHIEF (Hon. J. A. Wright) pointed out that there must be 10ft. clear between the tramway lines and the pavement on either side. A lesser intervening space could not be sanctioned, except with the concurrence of all the owners or occupiers of the adjoining property.

MR. MARMION said that might be so, but it was very difficult to grasp a bill of this kind at a moment's notice. The House must take it for granted that the select committee had gone carefully through the bill.

The clause was then agreed to.

Clauses 9 and 10 were adopted, without comment.

Clause 11—"After a provisional order is ready and before the same is delivered by the Commissioner of Railways, the promoters, unless they are a local authority, shall within the prescribed time and in the prescribed manner and subject to the prescribed conditions as to interest, repayment, or

forfeiture, pay as a deposit into the hands of the Colonial Treasurer the sum of money prescribed, which shall not be less than five pounds per centum on the amount of the estimate by the promoters of the expense of the construction of the tramway, or deposit with the Colonial Treasurer any security of the prescribed nature the then value of which is not less than such sum of money."

MR. S. H. PARKER said this colony as yet was somewhat peculiarly situated as regards tramways, the experiment having never yet been tried here, and a great deal of it was still merely speculative. He thought it would be unwise to hamper the promoters of any scheme needlessly, and he did not know why they should insist upon a deposit of 5 per cent. on the amount of the estimated cost of construction. He was aware this was done in England, and also in the other colonies, where there was a large amount of traffic and the prospects of large profits to the promoters. But, here, the circumstances of the colony were different, and it was just possible that to insist upon this 5 per cent. deposit might have the effect of preventing a company being formed.

THE ENGINEER-IN-CHIEF (Hon. J. A. Wright) thought it would be better to let the clause remain as it stood, with power to the Government to refund the money deposited, as the work progressed, if necessary. It must be a very poor company that could not find 5 per cent. of its capital to deposit with the Government.

MR. BURT was inclined to think with the hon. member for Perth that this deposit money would be found to prove a very serious detriment. Once the Government got hold of any money it was very difficult to get it back from them, without going through a great many formalities. He would suggest as an alternative that the amount of the deposit money be reduced to 2½ per cent.

The clause, upon being put, was adopted as printed.

The remaining clauses of the bill elicited no discussion.

Schedules agreed to.

Preamble and title agreed to.

Bill reported.

MR. PARKER congratulated the Engineer-in-Chief upon the fact that this

his first attempt at colonial legislation had met with such general approval as to be allowed to pass through committee without a single amendment.

**THE COLONIAL SECRETARY** (Hon. M. Fraser) said he called it rather smart legislation for Western Australia.

**THE ATTORNEY GENERAL** (Hon. A. P. Hensman) said it was wonderfully quick and remarkable legislation, and he was only pleased to find that the Legislature of this colony was able to do its work so expeditiously. Fifty-three clauses in fifteen minutes was certainly very smart legislation.

#### ENFORCEMENT OF PROVISIONS OF RABBIT ACT.

**MR. BURT** said he had been asked by the hon. member for the North (Mr. Grant) to move the notice standing in his name—"That, in the opinion of this House, it is of great importance that immediate steps be taken to put in force the provisions of the Rabbit Act." As the House had passed an Act providing for the destruction of rabbits, he thought, if such a measure was necessary, immediate action should be taken by the Government to put into force its provisions. The motion of the hon. member for the North, he might say, was originally worded in much stronger terms, but he hoped it was only necessary to keep the Government in mind of the existence of such an Act on our statute book.

**SIR T. COCKBURN-CAMPBELL** thought there was very good reason why this motion should be passed, because as a matter of fact no action whatever had been taken by the Government to put the Act in operation, and he believed that in one or two districts there was just a danger of rabbits spreading. He thought it was highly desirable that every effort should be made to prevent the introduction and spread of this terrible pest, and he hoped the Government would not allow themselves to be lulled into a false sense of security.

**THE COLONIAL SECRETARY** (Hon. M. Fraser) saw no objection to the motion; it was superfluous but harmless.

**SIR T. COCKBURN-CAMPBELL**: It is not superfluous, for no action whatever has been taken up to the present to put the Act into force.

**THE COLONIAL SECRETARY** (Hon. M. Fraser): Simply because there are no rabbits to put it in force against.

The motion was then adopted.

#### CONTRACT (INLAND) MAIL SERVICES.

**MR. BROCKMAN**, in accordance with notice, moved, "That in the opinion of the House the contract (inland) mail services would be better performed if the Government omitted the clause 'reserving the right to cancel the contract at any time.'" The hon. member said he noticed that in calling for tenders in the *Gazette* for the performance of some inland mail services, lately, the Government made it one of the conditions of the contract that they shall have the right to cancel it at any time, by giving notice to the contractor. He thought this had a tendency to prevent contractors from going to much expense to enable them to carry out a contract, seeing that they might be deprived of it at any time, and that the result was that the efficiency of the service was likely to be impaired. He thought it would be much better if the Government were not to reserve the right of cancelling the contract. This would give the contractor a greater sense of security, and justify him in going into greater expense for carrying out the service. He failed to see what the object was in reserving this right to cancel a contract at any moment.

**THE COLONIAL SECRETARY** (Hon. M. Fraser) said he failed to appreciate the remarks made by the hon. member. He thought it was far more convenient, and better both for the public and the Government, that this provision should remain in our inland mail contracts. It was a provision that had existed for years past, and which also existed in the contracts made by the Governments of the other colonies; and it simply meant that, if good cause should arise, the Government might, by giving due notice, terminate a contract. It would not be at all to the advantage of the public if this provision were omitted in the contract; nor could he admit, from past experience, that it had had the effect which the hon. member imagined it had, of impairing the efficiency of our mail services. On the contrary, he thought it was calculated to have a diametrically

opposite effect. He hoped the hon. member would not press his motion, but content himself with having registered his opinion among the records of the House.

The motion, not being withdrawn, was put, and negatived on the voices.

**LAND REGULATIONS (MESSAGE No. 3).  
—REPORT OF SELECT COMMITTEE.**

On the order of the day for the further consideration of the report of the select committee on the land regulations,

Mr. BROWN said that when the hon. member for Geraldton moved the other day that the consideration of this subject be deferred until the next session of Council, and that the Government be requested to renew all leases falling in meanwhile, for a period of one year, he moved that progress be reported; and he did so in order to enable the Surveyor General, if possible, to take his seat again in the House this session, so as to give hon. members and the country at large an explanation of the objects which the select committee (of which the hon. gentleman was chairman) had in view, in proposing these regulations, and what in the opinion of the committee would be the effect of them if passed into law. He considered it highly desirable that such a statement should have been made by the chairman of the select committee, for, as he had already stated, he felt some delicacy himself in discussing these regulations in the absence of that explanatory statement. He felt that delicacy particularly because the regulations, he would go so far as to say, were based upon principles entirely opposed to those which he had endeavored to press upon the committee. He might say he had been antagonistic to the principle upon which these regulations had been based—all through, he was going to say; but there were of course some few portions of the report in which he agreed. He did not, however, feel that he would be the proper person in any way to attempt to give to the House an explanation of the views of the majority of the committee, and therefore he did not intend now to discuss them. If he did, he should mainly have to object to the regulations formulated by the committee. Those which he objected to largely were the regulations affecting lands in what was

now known as the Central District of the colony. He must say that he considered the regulations of the committee wholly unsuited to the requirements of the colony with regard to these lands. But time would not permit now of a full discussion of these regulations, during the present session. He should have another opportunity, outside the House, of showing the country his own views on the subject, and that would be through the columns of the press,—an opportunity which he intended to avail himself of. He was sure hon. members would rather read what he had to say, than to sit there for hours listening to him expounding his views. He considered that the only course now open to them was to pass the resolution moved the other day by the hon. member for Geraldton, deferring the consideration of the whole question until next session, and that, meanwhile, the Government be requested to renew all leases falling in, for a period of another year.

Mr. MARMION said he had an amendment to add to that resolution. Many of the Kimberley leases, in consequence of non-compliance with the stocking regulations, would next year be liable to a double rental, and he thought many of these leases would be thrown up if that condition were enforced, with the result that the colony would lose a considerable amount of revenue, which at this period it could ill afford to lose. It was quite probable that if this double-rental condition were not enforced, these lessees might continue to hold their land, and probably be able to stock it within a reasonable time; and, as the new regulations now before the House did not contemplate a double rental, but offered further inducement for stocking, he thought the amendment he had to propose would be considered fair and reasonable. It was this: "That in the case of 'all Kimberley leases which shall during '1886 become liable to double rental, in 'consequence of failure to stock in 'accordance with the existing land regulations, the payment of such double 'rental shall not be enforced.'"

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he desired just to say one word. The Land Regulations of this colony were made under Imperial statute, and they had the force of law in

this colony. They had the force of law until they were altered and superseded by other regulations; but, so far as he understood the amendment that had just been put, it was that, in the event of certain lessees of Crown land becoming liable to pay a certain rent next year, the existing regulations should not be enforced. He was bound to say, speaking off-hand, without considering the matter at all previously, that he feared this resolution would not ensure the desired effect. He did not know of any power that could dispense with an Imperial statute, which had the force of law in the colony.

MR. BROWN thought the Attorney General was laboring under a mistaken impression.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he understood this resolution and the amendment were simply intended as a mere expression of opinion on the part of the House. In order to give the resolution any valid effect, it would have to meet with the approval of Her Majesty's Secretary of State. Without the sanction and approval of the Secretary of State, as a mere resolution of that House, it was not worth the snap of a finger; but, as an expression of the opinion of the Legislature, it would be laid before the Secretary of State, and any regulation based upon it, sanctioned by the Secretary of State, would have the force of law.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought there might have been some misunderstanding upon that point, which was the reason he had spoken on the subject.

MR. MARMION hoped that whatever regulations would be drafted would be promulgated in good time, so as to prevent any lessees throwing up their land. It had been thoroughly understood in that House that it was a mere matter of courtesy on the part of the Imperial Government to allow them to deal with the land regulations of the colony; but, as a rule, it had been found that the recommendations of the House had been supported, and he had very little doubt but that the present recommendation—for it was nothing more—would be confirmed.

MR. BURT said he was very loth indeed to start a discussion upon these

land regulations, and he desired not to do so, for he was afraid that if any one member started it there was no knowing where it would end. But he should like to know whether it was intended that these regulations should be hung up until that time next year, or whether the Government contemplated having an intermediate session, about the commencement of the year, for the purpose of discussing these regulations.

MR. BROWN said the resolution of the hon. member for Geraldton was that the consideration of the select committee's report be deferred until the next annual session, but he (Mr. Brown) intended to move to strike out the word "annual."

MR. MARMION believed that the word had been inserted advisedly, the object being to prevent an interim session being held, at which it might not be convenient for members residing a distance to attend.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it would never do to have a special session, with the majority of members interested in this land question absent. It was a question that should only be discussed in a full House.

MR. BROWN did not think there would be many members absent if it were known that the land regulations were to be discussed.

MR. BURT said there was only one member, residing at the far North, who would be inconvenienced if a short session were held for this special purpose, and he was sure that hon. member would not think of putting his own personal inconvenience against the interests of the country. There might or there might not be a necessity for calling an earlier session of the House than usual, or it might be considered advisable to do so; but, as the resolution stood at present, His Excellency might conceive that it would be repugnant to the feeling of the House that it should be summoned at any earlier date than the usual date of meeting.

MR. S. H. PARKER said it appeared to him, considering that the Governor had sent a very courteous and lengthy message down to the House on this subject, that the resolution as now worded was an extremely curt one. After all the time the subject had been—he

would not say before the House, but submitted for their consideration by His Excellency the Governor, they replied to His Excellency's message in these words: "That the further consideration of the proposed Land Regulations be deferred until the next annual session of the Legislative Council, and that the Governor be requested to renew all leases falling in, for a period of one year." It certainly appeared to him that they might have drawn up a resolution that would express what was intended to be conveyed, in a little more courteous manner, for he would point out to hon. members that His Excellency was under no obligation to refer the question of these land regulations to that House at all. It was a mere act of courtesy on His Excellency's part, and if they treated his message in this curt and cavalier way, the Government might take into their minds to prepare these regulations themselves. It was absurd to say that the "further consideration" of the regulations be deferred, for as a matter of fact they had received no consideration yet at all, on the part of the House.

MR. MARMION said the object of the hon. member for Geraldton in putting forward this resolution was not as a formal reply to His Excellency's message, but merely as an expression of opinion that the regulations should not be dealt with definitively this session.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the resolution, certainly, was very curt and brusque, and was no answer at all to His Excellency's message.

The amendment submitted by Mr. MARMION having been withdrawn,

MR. BROWN moved, as an amendment upon the original resolution:— "That, replying to His Excellency's Message No. 3, this House respectfully begs to state that having now before it the report of a select committee appointed during the session to consider and report upon the question of what amendments are desirable in the Land Regulations, has come to the conclusion that for divers reasons it is expedient for the present to defer the expression of its opinion. The House, however, hopes that His Excellency will be pleased to bring the question again before the Legislature at its next session, and begs to suggest that meanwhile

"provision be made whereby all leases falling in may be renewed for one year; and that in case of Kimberley leases which shall during the year 1886 become liable to double rental in consequence of failure to stock, in accordance with the existing Land Regulations, the payment of such double rental shall not be enforced during such year."

MR. BURT said he desired to say a few words before the question was finally disposed of, but he trusted that nothing he should say would be of a contentious nature. He simply desired to keep himself free to an expression of any opinion hereafter upon these regulations. It was well known that the select committee sat, he thought, almost daily for over four weeks, and he knew that on several occasions they sat twice in the same day. Occupied as he had been, it was impossible for him to give the same attention to the meetings of the committee which some members of it may have been able to give, and his attendance had therefore been somewhat spasmodic. He thought, however, he might say, without saying too much, that he gave some considerable time to the subject—though nothing like what other hon. members of the committee had devoted to it—but he had not been able to join in the general discussion that took place upon the various regulations as he should have liked. It would be noticed that, although other members had done so, he had added no rider to the report himself, and he did not do so because he thought it could hardly be said that he was on the committee, considering the limited time he had been able to devote to its sittings. He now simply desired to say that he considered himself quite free to express his opinion generally upon these regulations, when the time arrived for doing so. He thought it would then be found that every member of this committee would have very decided views to put forward, and that not one single member of the committee agreed thoroughly in the whole of this report. Some of them agreed with very little of it, others in more, but none at all in the whole report; and a great portion of it was to his own knowledge in opposition to the views expressed personally by the Surveyor General himself. He had simply risen

to say that he should consider himself perfectly at liberty hereafter to express his dissent from any portion of the report which he might think fit.

MR. HARPER said he also desired to keep himself free and independent with regard to the conclusions of the committee as to any particular portion of their report. As stated by the hon. member for Murray, they were hardly unanimous on any one point; and, therefore, as the report had to be hurried on in order if possible to have it discussed this session, it was considered sufficient to say in general terms that it represented the views of the majority, which would give each member liberty of action and freedom of opinion when the subject came to be debated. He should just like to say one word in explanation upon a point which had been considerably discussed out of doors, and condemned by many people, and that was with regard to the question of security of tenure for pastoral lessees. He did not think he was in any way guilty of a breach of confidence when he stated that on this point there was very considerable divergence of opinion among the members of the committee; and, although they endeavored to meet on some common ground, and to draw up a report that would harmonise with the views of both sections of the committee, they found that was impossible, and therefore they came to the conclusion to have the matter threshed out in the House. Consequently he might state that this portion of the committee's report remained in what he might call a crude state, which perhaps, to those who were not on the committee, would account for what some people considered to be the revolutionary character of these proposals. The regulations now submitted did not represent anything like the unanimous opinion of the committee upon that point, and, as he said before, it was left to the House to thresh the matter out.

MR. McRAE objected to the word "annual" being omitted from the amended resolution. It was inserted in the hon. member for Geraldton's resolution at the instigation of all the members for the Northern districts, it being considered undesirable that this question should be dealt with at any session except the annual session of the Council, as it

might not be convenient for members living a long distance out of town to attend a special session; and he thought if the resolution in its present form had been introduced when all the Northern members were present, it would not have been carried. He thought it was very unfair to these Northern members, in their absence, to try and force this motion through the House.

MR. BROWN said he was quite sure that the Northern members would have had every consideration at the hands of the House if they were present, and he was equally sure that their interests would not be overlooked in their absence. The question referred to was not debated at all in the House, and his own views on the subject were that they ought not to tie the hands of the Government as to when the consideration of these land regulations should take place. He knew that many members considered it very desirable that they should be dealt with at an intermediate session, but it was for the House now to decide whether it should be left an open question to the Government, or whether a hard and fast line should be laid down by the House informing His Excellency that the desire of the Legislature was that the question should not be dealt with until the annual session, twelve months hence.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he could assure the hon. member for the North (Mr. McRae) that no advantage would be taken of the absence of the Northern members. The hon. member might rest satisfied on that point.

The amended resolution submitted by Mr. Brown was then put and passed.

#### FEDERAL COUNCIL (ADOPTING) BILL.

On the order of the day for the resumption of the debate upon the motion for the second reading of this bill,

MR. S. H. PARKER pointed out the importance of the step which the colony was about to take in joining the proposed Federal Council. Although the bill, he said, had been brought in at a very late period of the session, he trusted that those hon. members who had not deserted their seats would still give the matter their careful consideration, because there could be no doubt that it was a



very important measure indeed, as affecting this colony. Hon. members who had perused the Imperial statute would have observed that it was proposed that this Federal Council shall have certain legislative powers. The 3rd section of the Imperial Act provided that within Her Majesty's possessions in Australasia this Council shall have power to make laws for certain specific purposes. Those purposes, as defined in the 15th clause, were as follows:

(a.) "The relations of Australasia with the islands of the Pacific:

(b.) "Prevention of the influx of criminals:

(c.) "Fisheries in Australasian waters beyond territorial limits:

(d.) "The service of civil process of the courts of any colony within Her Majesty's possessions in Australasia out of the jurisdiction of the colony in which it is issued:

(e.) "The enforcement of judgments of courts of law of any colony beyond the limits of the colony:

(f.) "The enforcement of criminal process beyond the limits of the colony in which it is issued, and the extradition of offenders (including deserters of wives and children and deserters from the Imperial or colonial naval or military forces):

(g.) "The custody of offenders on board ships belonging to Her Majesty's Colonial Governments beyond territorial limits:

(h.) "Any matter which at the request of the Legislatures of the colonies Her Majesty by Order in Council shall think fit to refer to the Council:

(i.) "Such of the following matters as may be referred to the Council by the Legislatures of any two or more colonies, that is to say—general defences, quarantine, patents of invention and discovery, copyright, bills of exchange and promissory notes, uniformity of weights and measures, recognition in other colonies of any marriage or divorce duly solemnised or decreed in any colony, naturalization of aliens, status of corporations and joint stock companies in other colonies than that in which they have been constituted, and any other matter of general Australasian interest with respect to which the Legislatures of the several colonies

"can legislate within their own limits and as to which it is deemed desirable that there should be a law of general application. Provided that in such cases the Acts of the Council shall extend only to the colonies by whose Legislatures the matter shall have been so referred to it and such other colonies as may afterwards adopt the same." He had read these sub-sections of the statute to hon. members so that they might bear in mind the very extensive powers of legislation with which it was proposed to invest this Federal Council. The 20th clause provided that all the Acts of the Council, on being assented to, shall have the force of law in all the colonies where the Adopting Act was in operation. When it was borne in mind that this Federal Council would only consist of eight or ten members—even taking it for granted that they would be the very best men that could be selected, he thought it must be admitted that these were very large legislative powers indeed to entrust to so small a body. These powers once granted to them, any colony joining the movement would be bound by the Acts of the Council. For instance, among the matters that were to be dealt with by the Council was that of the general defences of these colonies, and probably one of the first questions the Council would deal with was the defence of King George's Sound. This colony, then, must be prepared to accept the consequences and the expense of any legislation which the Federal Council may adopt in connection with the defence of Albany. If the Council came to the conclusion that Albany should be fortified, and garrisoned, and that Western Australia should pay one half the cost of the maintenance of this garrison out of the general revenue of the colony, Western Australia would simply have to bow to that decision. We should be obliged to pay the money, without reference to our own Legislature. The decision of the Council would in fact bind the Governor of the colony to pay these charges as much as the Constitution Act bound him to pay what was known as the Civil List charges, without reference to that House at all. We might, under the circumstances—he did not say we should, but we might—find ourselves compelled to pay much larger sums of money than we anticipated or that we

could afford. The same argument applied to the question of a lighthouse at Cape Leeuwin: we might have to pay a great deal more than we bargained for towards the erection and maintenance of that lighthouse. It had been mentioned in the course of the discussion that took place in the House that these and other expenses would be calculated upon the basis of population, but there was no such provision in the Imperial statute. The only matter in respect of which the population of a colony was to be taken as the basis was the mode of defraying the necessary expenditure connected with the business of this Federal Council. Certainly, then, if we passed the present bill, we would be placing very great confidence indeed in the gentlemen who may constitute this Council. He was not going to oppose the passing of the bill, he merely wished to point out that it was a most serious and important step we were about to take, and that the bill was one that required very grave consideration. No doubt hon. members would think that we may fully trust those gentlemen who would be appointed to represent the other colonies and ourselves on this Council, and that they would do us no injustice. No doubt, also, we might fairly consider it a great honor for Western Australia to be represented in this Federal Council. The bill now before the House did not appear to him to be different in principle from the bills introduced, or to be introduced, into the Legislatures of the other colonies; and, if we were prepared to accept this adopting Act, he did not think himself that we could take any exception to the bill itself. He did not intend to say anything further than this—that he hoped hon. members would consider the question very carefully before passing the bill into law.

MR. BROWN said he had been much interested by the speech which they had just heard from the hon. member for Perth. That hon. member, at any rate, had given much consideration to the Imperial statute, and everyone would agree with the hon. member that it was a very important step which the House now contemplated taking. The consideration which he (Mr. Brown) himself had given to the question led him to believe that the Imperial Act

had received an immense amount of attention at the hands of the framers of it, and that, as far as possible, the interests of each colony had been duly and properly guarded. He thought the hon. member would find that there was not much danger likely to accrue to Western Australia in the matters referred to by the hon. member. The hon. member said that one of the questions likely to be dealt with by the Federal Council was the question of the general defences of these colonies, and the hon. member referred to the defence of Albany as being likely to form one of the first subjects to be dealt with by the Council, and that we may be saddled with enormous expenses in connection with the fortification of that place—that, in fact, this colony would be committed to any scheme adopted by the Federal Council, no matter what the cost may be. But he would point out to the hon. member that the Federal Council would only have power to do that in case this colony itself referred this very question to the Council. Clause 15 distinctly provided that this question of defence could only be dealt with by the Federal Council in the event of its being referred to the Council by the Legislatures of any two or more colonies, and there was a proviso that in all such cases the Acts of Council shall extend only to the colonies by whose Legislatures the matter in question shall have been referred to the Federal Council. He saw no reason why a local matter such as the defence of Albany should not be decided without reference to the Federal Council; but, if Western Australia should consider it advisable to refer the question of defence to the Federal Council, it would be competent for her to do so upon condition that the expense of any scheme of defence adopted shall be calculated upon the basis of population, or upon such terms as the colony was prepared to accept. He might also point out that every Act passed by this Federal Council would not necessarily receive Her Majesty's assent. The 17th clause of the Imperial Act provided that "Every bill passed by the Council shall be presented for Her Majesty's assent to the Governor of the colony in which the Council shall be sitting, who shall declare according to his discretion, but subject to the provisions of this Act

"and to Her Majesty's instructions, either that he assents thereto in Her Majesty's name, or that he withholds such assent, or that he reserves the Bill for the signification of Her Majesty's pleasure, or that he will be prepared to assent thereto subject to certain amendments to be specified by him." Seeing that the Governors of the other colonies were above all parties, or party feeling, he thought we might consider that the interests of any colony would be in the hands of the Governor of the particular colony in which the Council might happen to be sitting; and if this or any colony considered that a greater burden was imposed upon it than it could bear or than it ought to have imposed upon it, they might depend that the Governor would take care to protest against any injustice, and would bring the matter forcibly before the Governor of the colony where the Council was sitting, and the probability was that the question would be reserved for the signification of Her Majesty's pleasure thereon, as provided by the 17th clause of the Imperial Act. Under these circumstances he did not think there was any cause for such apprehensions as the hon. member for Perth had referred to. He looked upon it as a privilege himself for this colony to be able to take part in this great federal scheme.

MR. BURT said no doubt the bill now before them was quite a tentative measure. Nobody could anticipate in any way how it may work. It was an important measure undoubtedly, — they must all view it to be such. It would put in the hands of the few gentlemen who would hereafter constitute this Federal Council great powers, no doubt; but he felt pretty sure they would proceed to work in a very guarded manner indeed, for the first few years, for the Council would certainly be aware that the least thing approaching an injustice towards any colony, or any serious antagonism, would tend to jeopardise its existence, inasmuch as under the 31st clause of the Imperial Act any colony could secede from the union when it thought fit. The questions that were to be submitted to the jurisdiction of this Council, as defined in the 15th clause, were subjects which undoubtedly urgently required federal action in respect of them. He quite agreed with the

hon. member for the Gascoyne that we had some safeguard against any injustice that might arise; for instance, in the event of any pecuniary burden out of all proportion to its population being sought to be placed upon the colony—in view of the 31st clause especially. He questioned, himself, whether it was ever intended that this Federal Council should impose any pecuniary burdens upon a colony without the consent of the local Legislature. In any case the Governor of the colony where the Council was sitting might, upon representation being made to him, refuse his assent to the measure, or reserve it for the signification of Her Majesty's pleasure. It would be seen on reference to the 15th clause, sub-section (1), that such matters as the general defences and quarantine, and any other question of general interest to the several colonies, must in the first place be referred to the Federal Council, not by the Legislature of one colony alone but by the Legislature of at least two colonies. Therefore, this question of the defence of Albany would have to be referred to the Council not only by this colony, but also by one or more of the other colonies. We could not refer it ourselves, we must get some other colony to join us; and, if another colony joined us in doing so, we might safely assume it would be a colony that was friendly to the views we were ourselves putting forward. We would not refer the question of the defence of Albany to the Council, except upon a certain basis, such as that the expenditure shall be defrayed by all the colonies in a certain proportion. The question would not go to the Council in its bare aspect, without being safe-guarded with certain conditions. The 16th section, again, referred to the power proposed to be given to the Governors of our colonies, as well as to the local Legislatures, in referring questions to the Federal Council. It said: "The Governors of any two or more of the colonies may upon an address of the Legislatures of such colonies refer for the consideration and determination of the Council any questions relating to those colonies or their relations with one another, and the Council shall thereupon have authority to consider and determine by Act of Council the matters so referred to it." There-

fore, apparently, the Legislatures of the various colonies referred the questions mentioned in sub-section (i) to the Federal Council, and the Governors of any two or more colonies could refer to it any other questions relating to those colonies, or to their relations with one another; which gave the Governor of this colony very great powers indeed. He noticed it was only by an address of the Legislatures of such colonies that the Governors could do this,—which was, no doubt, a further safeguard. Under these circumstances he thought we might be sure that the Council would proceed to work very cautiously, and with every desire not to give offence to any colony belonging to it. He thought the clause which gave the right for any colony to withdraw from the union would have a salutary effect in that respect. As it required four colonies to join, in order to maintain the union and to keep this Federal Council together, and as at least one colony looked askance, if not with positive disfavor, upon the movement, they might be sure the Council would be very careful not to do anything that was likely to cause one of the federated colonies to secede. There were also other safeguards against any colony being imposed upon, and he did not apprehend any of the evils hinted at by the hon. member for Perth, so far as this colony was concerned. At the same time, he looked upon the step we were now taking as a leap in the dark. Nobody could foresee what the result of this bill might be. For the first few years of the existence of the Federal Council he did not anticipate any evil results, himself; but when it began to get bolder, and found that the colonies swallowed its legislation readily, it might proceed to a length probably that would result in one colony or more putting the 31st clause into operation—the clause under which any colony had the power to withdraw from the union; and once that clause was put in operation then good-bye to the Federal Council. For his own part he was sorry to see this clause introduced into the Imperial Act. He was afraid it would prove a very sore point, and one upon which the Council was likely eventually to be wrecked; and he was very sorry that the Government of this colony had intimated its concur-

rence in the proposal to introduce the clause.

SIR T. COCKBURN-CAMPBELL said he would like to point out one thing in regard to the anxieties which appeared to be felt by some hon. members in agreeing to the passing of the measure. In Canada, when a similar measure was introduced—only on a much more extended scale—exactly the same fears were expressed by some of the Canadian provinces, and especially what were called the “Blue Nose” provinces; and it was a considerable time before some of them consented to join the union. The bill introduced there was a much more extensive measure than this; it constituted a regular Federal Parliament, with two Houses, possessing much larger powers than it was proposed to give this Federal Council, and several of the provinces viewed the movement with the same feelings of anxiety and alarm as some hon. members appeared to regard this federal movement in Australia. But, in the result, those fears were found to have been utterly unfounded, and everybody who knew anything about the present condition of political feeling in Canada must be aware that the Dominion or Federal Parliament had been wonderfully successful, and he did not believe there was a province of the group that would now wish to withdraw from the union. The hon. member for Murray said this was a leap in the dark. To a certain extent it was; but he thought the result would be of immense advantage. He thought it could not fail to be of immense advantage to these colonies to have this central authority, to legislate upon questions of federal importance; and he hoped that out of this Federal Council will in future years grow a Federal Parliament. He failed to see why hon. members should all at once feel this sudden anxiety with regard to the movement. The question had been before them for nearly two years, and, for his own part, he saw no cause for alarm or anxiety. He did not think the colony would ever have cause to regret having joined this federal movement.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he should be sorry to see the bill pass without saying a few words. He thought that in his position it would show a want of respect towards

this very important subject, and an appearance of a want of interest in it. He agreed with those hon. members who had already spoken, that the subject was one of the most important subjects that had ever occupied the attention of the Legislature of this colony. Why he liked the measure itself was because it was of that tentative and cautious character which was so peculiarly characteristic of Imperial legislation. There was nothing heroic about it. There was no attempt, at one jump, so to speak, to unite Australia in a federal dominion. It was a measure which proceeded in a most cautious manner, and which carefully defined and limited the subjects which were to be legislated upon by this Federal Council. It would be observed that there were three classes of subjects that could be dealt with. Firstly, there were the relations of Australasia with the islands of the Pacific; the prevention of the influx of criminals; and questions relating to fisheries in Australasian waters beyond territorial limits. With regard to these matters every bill passed in respect of them must either have been previously approved by Her Majesty, or be reserved for Her Majesty's pleasure, for it was obvious that they were questions which might bring these colonies into contact with other countries and involve Imperial interests. Next, they got five other classes of subjects which they might look upon as natural subjects for such a Council to legislate upon. There were—(1) the service of civil process of the Courts of any colony, out of the jurisdiction of the colony in which it was issued; (2) the enforcement of judgments of Courts of law of any colony beyond the limits of that colony; (3) the enforcement of criminal process beyond the limits of the colony, and the extradition of offenders; (4) the custody of offenders on board Her Majesty's ships; and (5) any other matter which, at the request of the Legislatures of the colonies, Her Majesty might think fit to refer to the Council. These were matters which, *primâ facie*, the Council would have to deal with, and there was nothing about them which need cause any alarm. Then there was power given for any two or more colonies to refer several other matters to the Council, foremost among them being the questions of defence and

quarantine. It had been said that there might be some danger in referring the question of defence to the Council, as it might involve the colony in a large expenditure, which it could ill afford, or be altogether beyond its means. But this was one of those matters which could only be dealt with by the Council upon its being referred to it by at least two colonies, and, whatever the decision of the Council might be, it would only operate with regard to those colonies that had consented to refer the matter to the Council. There were also further safeguards. The bill must be assented to by the Governor of the colony where the Council happened to be sitting at the time, and it would be also open to review by Her Majesty. Therefore, there did not appear to be anything in the bill or in the constitution of the Council likely to lead to any danger to the interests of this or of any other colony. He thought there was one matter that must strike them at once in connection with the bill, and that was that the position of the representative of the colony in this Federal Council must be one of great importance. Some years ago when, in England, there was a vacancy in the office of Speaker of the House of Commons, the *Times* had a leader upon the subject, which caused great interest at the time, dealing with the qualifications necessary in a Speaker,—such as a handsome presence, a commanding manner, eloquence, and so on. The writer went through so many good qualities and so many essential qualifications that the general opinion of the public was that it would be impossible to find a perfect Speaker. In this colony we had one as nearly perfect as could be; at the same time they knew it was an office that required many good qualities; and it appeared to him that whoever represented any of the Australian colonies upon this Federal Council should also be a person of many and varied attainments. Although it was an office that would only be held for a time, and although the holder of it was liable to be removed, yet it seemed to him that a representative of any colony in this Council was invested with very great power and great responsibilities, for it might happen that upon the casting vote of any one member important legislation that might remain in

force for years might be passed; and he for one should not envy the representative of any colony in this Federal Council. This was a measure that had not yet been tried, and they all knew that if anything went wrong, how ready they were to blame any person who had a hand in it; and they might depend upon it that if anything went wrong with this Council, or if its legislation should prove obnoxious to any colony, the lot of the representative of that colony would not be a happy one. But the measure was now before them, and he thought they ought to hail it with great satisfaction as a step towards that future union which they all hoped eventually to see. He could not agree with the hon. member for the Murray, who said he objected to Clause 31, because he thought the hon. member's arguments rather showed the justice and desirability of that clause. It said that "this Act shall cease to be in operation in respect of any colony, the Legislature of which shall have passed an Act or Ordinance declaring that the same shall cease to be in force therein." If, as the hon. member said, this was a leap in the dark, he thought it would hardly be wise to take a leap in the dark without providing some means to retrace your steps or to withdraw from any false position in which that leap in the dark might land you. This seemed to him one of the wisest provisions of the bill, considering that the bill was of a tentative nature and an experiment; and that it would be rash to agree to join in a scheme with regard to which they had no atom of experience as to how it would work, or how it would turn out, without at the same time providing some means of withdrawing in the event of its turning out badly. He thought, if it was necessary that he should say any more, it was merely to express a hope that this experiment may lead to that closer union of the colonies which every patriotic person in that House must desire, eventually, to see.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he should like to remark, in reply to what the hon. member for Perth had stated, that neither by the committee of the Sydney Convention who drafted the original bill of which the bill now before the House was almost a counterpart, nor by the Convention where the bill was afterwards discussed,

was it imagined for one moment that any vote of the Federal Council would affect to the extent of one half-penny the general revenue of any colony belonging to it. That was clearly understood and clearly expressed by nearly every member. The question was raised and discussed, and there was a general consensus of opinion that, before any action be taken by the Federal Council involving an expenditure out of the revenues of any colony, a vote would have to be taken from the local Legislature of that colony. He might say without hesitation that it was not probable—he would go further than that, it was not possible—that any vote of the Federal Council would have any effect upon the revenue of any colony joining it, except with the consent of the Legislature of that colony. If hon. members would turn to the 26th clause of the bill passed by the Imperial Parliament, they would see that the necessary expenditure connected with the meetings of the Council were to be defrayed in the first instance by the colony wherein the expenditure was incurred, but afterwards to be contributed and paid by the several colonies, in proportion to their population; and that the amount payable by the several colonies was to be assessed and apportioned, in case of any difference arising, by the Governor of Tasmania. Why was that put in? Because it was felt that it would be very hard upon any colony, and especially upon a comparatively poor colony, to have its revenues charged with the expenses incurred in connection with the business of the Council, simply because the meeting of the Council happened to be held in that colony. With regard to any other expense entailed by reason of any act of the Council, he was perfectly satisfied that neither this colony nor any other colony need be under any apprehension that it would be subjected to the payment of a stiver until the local Legislature had given its consent to such expenditure being incurred.

MR. MARMION said one thing had struck him in the course of the debate. Allusion had been made to the subjects to be referred to the Council at its first meeting, which he understood would shortly be held, and it was stated that in all probability the question of the defence of Albany and of a lighthouse at Cape

Leeuwin were likely to be discussed. If it was desired by this colony that these subjects should be discussed, was it not necessary that an address should be passed by that House, otherwise the Governor would not be able to bring these questions before the Federal Council. Subsection (i) of clause 15 provided that such matters as the question of defence could only be dealt with by the Federal Council when referred to it by the Legislature of the colony concerned; and, if it was intended that the defence of Albany should be brought before the first meeting of the Council, in January next, it would be necessary, he presumed, that some resolution to that effect should be passed at the present session.

THE COLONIAL SECRETARY (Hon. M. Fraser) did not think there would be any occasion for that, as these matters were matters of common concern, with regard to which there had been correspondence going on between this and the other colonies for some time past, and he had no doubt that when the Federal Council was summoned these questions would be brought before it. At the same time, perhaps, it might be judicious, when this bill passed, to move an address to the Governor on the subject.

The motion for the second reading of the bill was then put and passed.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that the bill be now considered in committee.

Agreed to.

#### IN COMMITTEE:

Clause 1—Federal Council Act to be in force in Western Australia from 1st December, 1885, or afterwards on adoption of the Act by three other colonies:

Agreed to, without comment.

Clause 2—Representative of Western Australia to be appointed by commission under the hand of the Governor and the seal of the colony:

Agreed to, *sub silentio*.

Clause 3.—“Every person appointed as a representative must, at the time of his appointment, be a member of the Legislative Council, or have been a member of the Legislative Council at some time within six months before the date of his appointment.”

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that this clause be struck out. On reconsideration, he had

been desired to do this, so that it might extend the field of selection to others than the members of the House. Hon. members, he was sure, would agree that it was desirable that the field open for selection of a representative of the colony should not be limited; and, although there was every probability of some member of that House being selected, at the same time there was no necessity that such a restriction should be included in the bill.

MR. BROWN thought perhaps all members would agree that it was desirable to strike out this clause. No doubt it was highly probable that the representative of the colony would be selected by the Governor from amongst the members of that House; at the same time, as a matter of principle, he believed in striking out a clause which compelled the Governor to do so. The appointment rested with the Governor of the colony, and he thought it was very unwise in all matters of this kind to limit the field of choice.

The clause was then struck out.

The remaining clauses elicited no discussion; and, the preamble and title having been agreed to, the bill was reported.

#### REVISED LOAN ESTIMATES, 1885.

THE CHAIRMAN OF COMMITTEES reported that the committee had considered the Revised Loan Estimates for 1885, and had agreed to resolutions granting supplies amounting to £263,750 11s. 3d.

The report was adopted.

#### LOAN ESTIMATES, 1886.

THE CHAIRMAN OF COMMITTEES reported that the committee had considered the Loan Estimates for 1886, and agreed to supplies amounting to £207,232 4s.

The report was adopted.

#### APPROPRIATION BILL, 1886.

This bill was read a second time and passed through committee *sub silentio*.

The House adjourned at a quarter to eleven o'clock, p.m.