

Legislative Council,

Friday, 19th February, 1892.

Delay of mails at the North—Desks for Council Chamber—Patent Act Amendment Bill: third reading—Bankruptcy Bill: recommitment—Masters and Servants Act Amendment Bill: second reading—W. A. Turf Club Bill: second reading—Aborigines Protection Act Amendment Bill: committee—Game Bill: committee—Report of Conference with Legislative Assembly—Adjournment.

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

PRAYERS.

DELAY OF MAILS AT THE NORTH.

THE HON. R. E. BUSH: I rise to ask the Colonial Secretary if the contract existing between the Government and the Adelaide Steam Navigation Co., Limited, allows the steamship company to delay the delivery of Her Majesty's mails in order to enable the said company to tow vessels from one port to another.

THE COLONIAL SECRETARY (Hon. G. Shenton): In reply I have to state that the action of the company in causing delay by towing the vessel referred to was irregular, and the company have been referred to on the subject.

DESKS FOR COUNCIL CHAMBER.

THE HON. R. E. BUSH: I rise to ask the Colonial Secretary what action has been taken with regard to the motion standing in my name concerning desks for Council Chamber, made and passed on 13th February, 1891.

THE COLONIAL SECRETARY (Hon. G. Shenton): It was found impossible to place desks along the floor of the House owing to want of space; the centre table was therefore lengthened, and drawers provided for each member.

THE PRESIDENT: This matter, after the appointment of the House Committee, which consists of the hon. the Colonial Secretary, the Hon. J. G. H. Amherst, and myself, came within our duties. We found that had desks, such as those they have in the Legislative Assembly, been supplied, they would have come very nearly to the line of matting, and it would then have been impossible for anyone to pass up and down the Chamber. We next tried if it

were possible to provide single desks, such as are used in America and South Australia, but it was found that single desks would take up even more room than the other desks would, so that the only thing we thought we could do was to lengthen the tables. Hon. members will see that we have had lockers placed under the seats for papers. It is necessary that we should give space in the centre in case of messages from His Excellency the Governor; and if we had tried any of the methods proposed by the hon. member last session, the House would have been completely blocked.

PATENT ACT AMENDMENT BILL.

This bill was read a third time and passed.

BANKRUPTCY BILL.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to ask the House to recommit this bill, in order to make an amendment in the third clause. As the bill now stands, the Act would come into force on the 1st April. The Government Printer, however, has informed the Attorney General that, owing to pressure of work, it is quite impossible for him to have the necessary papers printed and ready by that date. It is therefore suggested that the date of the coming into operation of the Act may be postponed until the first day of May. I move that you do leave the chair.

Question—put and passed.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Shenton): I beg to move, in clause 3, to strike out the word "April" and insert "May" in lieu thereof.

Question—put and passed.

Bill reported.

MASTERS AND SERVANTS ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I may state that this bill is similar to a bill that was introduced into the late Legislative Council some years back, but which at that time was thrown out. It has been considered advisable in the present session of Parliament to introduce it again. It is

similar in its provisions to the English Act. The magistrate in this Act has power to compel an engagement to be fulfilled, or he has power to annul it, and he can only imprison in case of default of payment of fine. In this Act there is no power to imprison a female for any breach of the Act; only male offenders can be imprisoned. The bill does not deal with native offenders, because they are dealt with in a separate Act. This measure places masters and servants upon an equal footing. It was found that the Act now in force did not work well; therefore the Government thought it advisable to introduce the present bill.

Question—put and passed.

WEST AUSTRALIAN TURF CLUB BILL.

SECOND READING.

THE HON. J. MORRISON: I move the second reading of this Bill.

Question—put and passed.

ABORIGINES PROTECTION BILL.

IN COMMITTEE.

The House went into committee on this Bill.

Clauses 1 and 2 passed.

Clause 3—Punishment of aborigines for breach of contract:

THE HON. G. W. LEAKE: I think that in this Act the employer and the native servant should be placed on an equality as regards punishment. Hon. members will recognise the fact that men employ natives who have not one penny to bless themselves with, and to inflict a fine of £20 would be simply nonsense. I think, inasmuch as the native is not quite aware of the contract into which he enters, the employer should be placed, at all events, upon the same footing as he is. I propose, then, to add to the clause the words "or to be imprisoned for a term of not exceeding three calendar months with or without hard labor."

THE COLONIAL SECRETARY (Hon. G. Shenton): If the fine is not paid it can be enforced summarily and imprisonment inflicted in default, as the Shortening Ordinance is incorporated with the principal Act.

THE HON. G. W. LEAKE: In these cases I should say that an employer should be liable to imprisonment for a term of

three months in the first instance, because it may turn out that the employer has been guilty of something more than a mere dereliction of contract.

THE COLONIAL SECRETARY (Hon. G. Shenton): I take it that this is provided for by the Act of 1886. Clause 46 of that Act provides:—"All penalties imposed by this Act may be enforced by summary process, before a Justice or Justices of the Peace in petty session;" and clause 47 incorporates the Shortening Ordinance with the Act. I presume the Attorney General in drawing up this bill had these two clauses before him, which give every power to the Court, in case the penalty is not paid.

THE HON. G. W. LEAKE: That is simply for the enforcement of the penalty, whereas, I say, that besides the penalty there should be an option of imprisonment.

THE HON. J. W. HACKETT: The Act of 1886 fully protects the native from the fraudulent employer. Clause 28 provides that "Every person who should forge or alter, or who shall produce or make use of, knowing the same to be forged or altered, with intent to defraud any contract purporting to be a contract under this Act, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding five years nor less than three years, or to be imprisoned with or without hard labor for any term not exceeding two years." It seems to me that this provides every safeguard.

THE HON. G. W. LEAKE: I say it does not. You can impose a penalty of £20 enforceable by imprisonment for a term not exceeding three calendar months with or without hard labor, but I wish to put the fraudulent employer on the same terms as the servant, and therefore I say that the master shall either be fined the sum of £20, which is absolute, or—and this should be absolute also—be imprisoned for three months with or without hard labor.

THE HON. J. W. HACKETT: I have an objection to an amendment such as this being sprung upon the committee. We have already been taunted with having passed amendments in this House which have clashed with other clauses in Acts already in force, owing to their having been suddenly proposed. Only the

other day I was taunted with the fact that in the Police Bill we had made an amendment in one clause regarding an offence which was dealt with in another Act, and thus we had assigned two distinct penalties for the same offence. I would say that if the hon. member wishes these words added, time should be given us to look into the law on the subject.

THE COLONIAL SECRETARY (Hon. G. Shenton): I am of opinion that this matter is fully dealt with in the clauses of the Act of 1886 which I have quoted. Under the circumstances I must move to report progress and ask leave to sit again.

Question—put and passed.
Progress reported.

GAME BILL.

CONFERENCE WITH THE LEGISLATIVE ASSEMBLY.

The business of the Council was suspended, and the Colonial Secretary and the Hon. J. W. Hackett proceeded, as Managers for the Council, to a conference with the Legislative Assembly respecting the Game Bill; and, having returned, the Colonial Secretary delivered the following Report:—

Report of the Managers appointed by the Legislative Council to confer with the Managers appointed by the Legislative Assembly on the subject of the Assembly's disagreements to the Council's amendments in the Game Bill, 1892:—

Amendment No. 1:

The Conference recommend that the amendment of the Assembly to the Council's amendment in clause 1 be accepted.

The Conference recommend the adoption of the Assembly's amendment to the Council's amendment in clause 5, and as consequential amendments—

(a.) That the words "Second Schedule" in the interpretation of "Native Game" in clause 2 be struck out, and the words "First Schedule" be inserted in lieu thereof.

(b.) That the Schedules be transposed.

Amendment No. 6:

The Conference, with the exception of the Hon. J. W. Hackett, recommend the acceptance of the Assembly's amendment to the Council's amendment in clause 9.

THE HON. J. W. HACKETT: It is, I think, the usual course, and one prescribed by the Standing Orders, that notice shall be given of the consideration of this report. It is all the more essential, as we have now simply a bare quorum of the House.

THE PRESIDENT: I take it this report is for the guidance of the House, which is still in committee on the message.

THE HON. J. W. HACKETT: I would point out that very short notice was given of this Conference. It was generally understood that there would be longer notice, and it seems to me to be only fair to those hon. members who are not present that they should be informed that the conference has come to some decision, and has reported to the Council.

THE PRESIDENT: Why does not the hon. member move the adjournment of the consideration of this message?

THE HON. J. W. HACKETT: I was hoping the Colonial Secretary would meet us in that respect.

THE COLONIAL SECRETARY (Hon. G. Shenton): The House has, I think, no reason to complain as regards time, as we have not met since Tuesday. At the same time if it is the wish of hon. members, I have no objection to postpone the consideration of the question till Tuesday next. I move that progress be reported.

Question—put and passed.

ADJOURNMENT.

The Council, at 4.45 o'clock p.m., adjourned until Tuesday, 23rd February, at 3 p.m.