

Legislative Assembly,

Thursday, 1st October, 1896.

Judges' Pensions Bill: third reading—Message: Assent to Bills—Loan Bill, 34 millions: third reading—Construction of Jetties on Swan River: Legislative Council's resolution—Railways Bill: second reading moved—Colonial Passengers Bill: in committee—Evidence Amendment Bill: in committee—Australasian Federation Enabling Bill: second reading—Adjournment.

THE SPEAKER took the chair at 4:30 o'clock, p.m.

PRAYERS.

JUDGES' PENSIONS BILL (No. 2).

THIRD READING.

Bill read a third time (Mr. Illingworth dissenting), and transmitted to the Legislative Council.

MESSAGE—ASSENT TO BILLS.

The following Message from His Excellency the Governor was delivered to and read by Mr. Speaker:—

"GERARD SMITH,

"Governor.

"The Governor has the honour to inform the Legislative Assembly that he has this day assented, in Her Majesty's name, to the undermentioned Bills:—

"1. *An Act to repeal the Duties on certain Articles and things.*

"2. *An Act for reducing the Duty on Unmanufactured Tobacco.*

"3. *An Act to authorise the substitution of certain Roads and Streets for certain existing Roads and Streets, and for closing certain portions of such existing Roads and Streets.*

"4. *An Act to amend the Post Office Savings Bank Consolidation Act, 1893.*

"5. *An Act to authorise the Closing of Certain Roads and Streets.*

"Government House,
"Perth, 30th September, 1896."

LOAN BILL, 34 MILLIONS.

THIRD READING.

Bill read a third time, and transmitted to the Legislative Council.

CONSTRUCTION OF JETTIES ON SWAN RIVER.

LEGISLATIVE COUNCIL'S RESOLUTION.

The Legislative Council having passed a resolution, and transmitted it by message for the concurrence of the Assembly, the resolution was now considered, as follows:—"That, in the opinion of this House, no rights or leases should be granted by the Government to any company or person to construct jetties in the Swan River, without providing that the public have free access to such jetties and the right to use the same at all times; and that any rights granted after the 1st day of January, 1896, not providing for such free access and rights, be at once determined."

IN COMMITTEE.

THE PREMIER (Hon. Sir J. Forrest) said the resolution which had come down from the Legislative Council appeared to him to have been passed without sufficient consideration. The practice hitherto pursued by the Government, in giving leave to private persons to construct jetties at approved places on the foreshore of the Swan River, was to make the permission subject to a short tenure and terminable by notice. Persons who had received this permission, and had constructed jetties in the only two or three cases he knew of, were in the position of tenants-at-will, or tenants for a short period, under the control of the Lands Department. It seemed to him that it was not quite reasonable to say, as the resolution of the Council did, that when jetties had been constructed with the consent of the Government, on a short tenure, such jetties should be opened for use by the public. It would be better to prohibit the making of jetties altogether, rather than impose so unreasonable a condition. He did not think that persons would be willing to construct jetties for their own convenience, even when permission was given, if the concession was to be subject to the condition stated in the Council's resolution, that these private jetties should be thrown open to public use at all times. In the case of a landowner having a frontage to the river, his land going down to high-water mark, he might put up a jetty for his boat; and, if the Council's resolution were adopted, this private jetty would immediately become a resort for anybody who chose

to use it; and, in fact, might be used as a public thoroughfare. Take another case. Certain persons might desire to build jetties for the convenience of their steamboats plying on the river; and, after obtaining permission to erect a jetty at a certain place for landing passengers, and incurring the expense of doing so, at the same time being subject to short tenure terminable at a few months' notice from the Government, they might find that some rival steamboat company was claiming a right to use the jetty also, as the result of this proposal being passed by Parliament. He did not believe such a practice was permitted anywhere. In Sydney or other places, where jetties or wharves were erected by private persons on the fore-shore of the river or harbour, he did not believe the public were allowed to use these private structures without the consent of those who erected them. It was not reasonable to suppose this would be so, where the public insisted that this permission should be granted subject to a short tenure; therefore he was rather inclined to say 'the resolution of the Council should not be adopted by this House. There was plenty of power in the hands of the Crown for dealing with the erection of jetties, or their removal when necessary; and of course the jetties could be removed by withdrawing the license, whenever they interfered with the convenience of the public. To give permission to a man to erect a jetty for his own convenience or for his own business, and at the same time permit the public to use it at all times, was not a reasonable proposition. There were persons who had erected jetties for trading purposes on the Swan River, and the permission was held on a short tenure; therefore what about their case, if this resolution was to be carried into effect? For instance, the Yacht Club, which had erected a pavilion and jetty fronting the river, and the Swan River Rowing Club, which had similar conveniences, subject to a short tenure, could not be expected to allow the public to use their jetties or go into their rooms without any restriction; and yet that would be the effect of carrying out this resolution. The Royal Charter Yacht Club had erected buildings on the fore-shore, yet he believed its tenure was only

a very short one; and was it intended, by the Council's resolution, that the jetty and rooms of this club should be used by the public, and that anybody could go into the club's rooms when they liked? These cases would show how unreasonable the proposition would be in operation, and he was not prepared to assent to it. He thought that, so long as the Crown had the matter in its own hands and granted permission to erect jetties on only a short tenure, the rights of the public were sufficiently safeguarded. He could not understand what reason had been advanced, in the Legislative Council, in supporting the resolution, seeing that there were scarcely any jetties on the river between Perth and Fremantle. If the resolution were adopted, it would prevent permission being given, even for a short tenure, for the erection of a jetty which he believed a company desired to erect for the convenience of the public in connection with the plying of steamers between Perth and Fremantle. The promoters who had such objects in view ought to be encouraged, instead of imposing these restrictions for giving the use of their jetties to any one who came along, after the owners had been at the expense of erecting the structures. He should be glad to hear the opinions of hon. members on the subject, as perhaps they would be able to present it from a different point of view; but he regarded the resolution as unnecessary. It would discourage facilities being given to the public in connection with the use and enjoyment of the river. He moved that the Legislative Council's resolution be not agreed to.

MR. ILLINGWORTH said he imagined there must have been some misapprehension in the mind of the member who moved the resolution in the Legislative Council, and in the minds of those members who supported it. After hearing the explanation of the Premier, he could not see what objection there could be, in permitting jetties to be erected for the convenience of the public, upon a short tenure of ownership. It would be a different thing if leases were granted giving any one the right to monopolise pleasure resorts. He supposed that what the Council aimed at, when the resolution was adopted, was that no charge should be made against

the public for going upon a jetty. Under the circumstance that leases of jetty sites were not granted absolutely, he did not think it was desirable to interfere with the rights of the owners of jetties at the present time.

Mr. **RANDELL** cited the case of the Swan River Shipping Company, or their predecessors, Messrs. Randell, Knight, and Co., who had spent quite £4,000 in constructing a large and substantial jetty; and said an injustice would be done if the Council's resolution were to be acted upon, by taking away the control of the owners, and allowing any persons to use the jetty for their business purposes. No injury could accrue under the present system of permissive occupancy. The Government might be safely left to consider, on its merits, every application for permission to erect a jetty. It was in the general interest that jetties should be erected; but no one would go to the expense of these works if they were to be dispossessed of the right of control over them. Such a deprivation as that contemplated by the Council's resolution would be a gross injustice. The present system did not interfere with the rights of the public in any way, as people were just as free to land on the bank of the river as if no jetties had been erected at the expense of private citizens. He supported the motion that the Council's resolution be not agreed to.

Mr. **JAMES** said the argument of the member for Perth, in regard to the large expenditure incurred by the Swan River Shipping Company or their predecessors, showed how difficult it would be to cancel rights granted to owners of jetties; for it could always be urged that, as the owners had spent so much money on their jetties, they ought not to be disturbed, and that would practically give them a perpetual ownership. Hence, although in theory those owners were only tenants-at-will, or although the privileges granted to them could be resumed on giving a few months' notice, yet, as a matter of fact, they would hold their jetty sites in perpetuity, as it would always be urged that they had been at the outlay of making the jetties, and that it would be a hardship to interfere with private rights. The foreshores were valuable, and ought not to be parted with for a mere peppercorn rent, as this would be. The country

ought not to be asked to give away substantial concessions for the benefit of individuals or companies, without receiving value for the same. If these rights were granted to one person, how could they be refused to another? He considered that permission to erect jetties should be granted only to persons who had their own freehold land to erect them upon. It was dangerous to accept the principle that it would be a hardship to take away a site from the owner of a jetty, in the public interest, because he had spent money in erecting the jetty.

THE ATTORNEY GENERAL (Hon. S. Burt) said the system under which permission was granted to erect jetties had better be left unaltered. There was no doubt some reason behind this resolution of the Council. The public interests had not suffered from any of the cases in which permission had been given to erect jetties. He did not agree with the member for Perth that the Swan River Shipping Company ought not to be deprived of their wharf site, if it was found to be desirable to do so. The company or their predecessors had been granted a lease of that site for 21 years, and, that term having now expired, the concession could be revoked without injustice, as the proprietors, in accepting the occupation for the term named, had doubtless calculated that during that term they would derive a benefit from the jetty which would be an equivalent for the cost of erecting it. In another case the right of occupation had been granted in consideration of certain reclamation being done on the foreshore; and, in another case, that of a site granted for the letting of boats on hire, that was really for the accommodation of the public. The action of the Government had not been wrong in any of the cases in which they had exercised the power of granting licenses, and the rights of the public had not been interfered with in any case. Of course the Government would not permit a portion of the foreshore approached by a public road to be monopolised by individuals for the erection of a jetty. If an owner, in subdividing an estate, desired to construct a jetty which would communicate with a road, he would be warned that the Government reserved to the Crown the right of giving to the public a free access to the jetty. In such a case no one

would be permitted to monopolise the foreshore. The Council's resolution went too far, as it would give a right to every one who chose to trespass on a jetty property erected by an individual or a company. The Government had been careful to protect the public interests in the matter of granting the right to erect jetties; and it would be inexpedient to adopt the Council's resolution, for it would have the effect of preventing the erection of jetties by steamboat owners for the convenience of the public, and would even allow the dressing rooms of yacht and boat clubs to be invaded by strangers. He did not believe the mover of the resolution in the Council had realised the full meaning of it.

MR. VENN agreed with the Attorney-General that the Council's resolution was of too sweeping a character. It would be very unwise to prevent jetties being erected by steamboat owners for the service of passengers. It would be absolutely unfair not to give those who were at the cost of constructing the jetties any ownership of the property. It was not likely that any company would prevent boating parties from using their jetties, but the owner should have the control of the pier, and be able to use it as he desired for his own purposes. The owner would not have this right, if the Council's resolution were passed.

Question—that the Council's resolution be not agreed to—put and passed.

Resolution of the committee reported to the House, and report adopted.

Ordered, that a Message be transmitted to the Legislative Council accordingly.

RAILWAYS BILL.

SECOND READING MOVED.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: This Bill is a corollary of the Public Works Bill. Up to the present, the law relating to railways and public works has been enacted together; but this Bill, together with the Public Works Bill which has been placed before the House, has been framed so that, in future, the enactments relating to the two departments shall be separated. In the one case, this Bill relates simply to the working of open railways; and, in the other case, that Bill makes provision

for public works. The latter Bill deals with the acquirement of land for railway purposes, and with arbitration to decide the price to be paid for it; and it gives powers to the Commissioner in relation to the construction of public works. In this Railways Bill, we deal simply with the provisions necessary for the carrying on of open railways. Therefore, this is a Bill to consolidate the law relating to the management of railways open for traffic; and the schedule repeals so much of the old Acts as now remain unrepealed. The greater number of these Acts have been repealed in the Public Works Bill, which, as I have said, is now before the House; and this Bill repeals the remainder, so that in place of the repealed enactments we shall have these two consolidation Acts. It cannot be denied that the work of the Railways and Public Works Departments will be greatly facilitated, by being governed by two Acts instead of having a dozen. This Railways Bill which, as I have said, deals with the working of open railways, provides for the making of by-laws; regulates the fixing of rates and charges to be paid on goods and by passengers, and also for the use of railway lands; together with other matters affecting the general management of the lines. There is nothing new whatever in this Bill. There is no new subject at all. All these matters are dealt with somewhere or other in the present statutes, and there is nothing here that I know of absolutely new. Under the Bill regulations will be made and matters may be done and authorised, in the same way as at the present time in regard to the management of the railways. In Section 10, we get provisions with regard to by-laws, and all that is provided for under the present law, as well as to the publication of the by-laws at the stations and in other ways. As to delivery of goods, Section 11 contains amplified provisions on that subject, from the provisions in the present Railways Act, which was passed in 1878. There may be some new detail in this provision, where power is given to the Commissioner to use his own conveyances in collecting the goods at the stations; for if there is no private conveyance for the doing of this work, he may start his own conveyance and collect the goods. This function

he may exercise within certain limits, throughout the colony. Where he can see his way to earn an honest penny, and if there is no private carrier to do the work, he may undertake it; and that is a provision found in all Railway Acts. Sub-sections 6, 7, and 8 of Section 11 prevent anyone from bringing an action against the Commissioner for loss or damage, after the expiration of three months. I cannot see why this length of time is given; but, if necessary, it can be altered in committee. If you look at the back of a bill-of-lading, you will generally find set forth that a claim for damage or loss has to be made within seven days; whereas here we fix the period at three months, and I think that is ample time. It is also provided that sufficient notice shall be given to the Commissioner of any cause of action, the notice being a month; but I do not know whether that applies to all actions. Such a long notice might be a little too stringent, in the case of the loss of a small parcel. That point, too, can be considered in committee, as I am now only dealing generally with the principles of the Bill. Section 25 provides for all matters usually placed in measures of this sort, such as issuing a table of fares, and exhibiting them at all stations; goods left without owners, having to be sold, penalties provided for giving a false weigh-bill, and so forth. It provides that, where people will not pay the charges, the goods may be sold to pay those charges; and it also sets forth certain penalties that may be inflicted on the railway servants. Section 26 sets forth the penalties to be inflicted on persons tearing down and defacing notice boards, obstructing servants on the railway, or altering tickets with a view to avoiding payment. There is a new provision in Clause 34, as to the publication of monthly accounts, which, no doubt, the House will be pleased to see. It is provided that the Minister shall, every month, cause to be prepared an account showing the cost of working the railways, the receipts from each section of the railways, and the total expenditure during the preceding month. These accounts have also to show the total cost of construction of any railway or section of a railway, including rolling stock and incidental expenditure. In Section 38, power is given to the Minister to lease

railways and buildings in connection with them. Should a small portion of railway become non-payable, power is given in that case, to the Minister, to grant a lease of that railway and its buildings. I hope such case will never arise here; but, if it does, it is provided for in this clause, and the clause also sets forth that the terms and conditions of the lease shall be submitted to Parliament. The railway to Northampton is an instance of the kind of railway that might be leased. I do not know whether that line is paying its way now or not; but, at any rate, it may some day happen that this line or some other might prove non-payable, and if that should happen we can grant a lease. It may not happen in our time, but perhaps it will happen in the time of the hon. member for Nannine. The latter portion of the Bill, beginning at Clause 45, gives power to the Minister to agree with the owners of private railways to use them in connection with the Government railways, and arrange for an interchange of traffic, and make terms upon which the traffic shall be run. Clause 49 deals altogether with the inspection of Government railways, and the use of private railways and private tramways. Clause 50 and the following clause give power to the Minister to inspect the working of private railways, and instruct his officers to see that the rolling stock is in good order, and the permanent way sound, in the interests of the public. For instance, he could examine the Jarrabdale line and the rolling stock, because passengers are carried on that line. This is a very necessary power, for the public travel on these private lines. The Government lines and rolling stock are subject to inspection, and it is only reasonable to provide that private lines shall also be subject to inspection. The last clauses, respecting the inspection of private railways and tramways, complete the sections. This is, I think, a very useful Act, for it gives the Commissioner everything that is necessary, and every power that he ought to have, and none that he ought not to have. There are clauses in this Bill that are to be found in all similar Acts—in Acts for waterworks, gasworks, and railway companies; and in most cases they are to be found there word for word. There is nothing novel in the Bill, and no clause that will not be found in

Railway Acts or Public Works Acts all through the colonies and elsewhere. I do not know if there is anything new here at all; but if there is, it can be pointed out in committee, and we can consider whether we have gone too far in any direction. I have much pleasure in moving the second reading of the Bill.

MR. VENN: I shall have great pleasure in seeing this Bill passed. For several years it has been the desire of the department that the Railway Acts should be consolidated, with improvements for making clearer the powers vested in the Commissioner of Railways. I think this is the right time for this Bill to come into force, seeing that we have had a Public Works Bill also brought forward. We will now have a Railways Act and a Public Works Act, and the Commissioner of Railways and Director of Public Works may not always be the same individual. When there are two Ministers instead of one in charge of these departments, it will be more convenient for them to work under distinct statutes, which will prevent confusion. Many of the provisions in this Bill have been known to the department to be absolutely necessary, in view of the consolidation of the various Acts being effected. As the Attorney General says, although there is nothing very new about the Bill, there are many improvements in it upon the old Acts. These improvements have been taken from the New Zealand Public Works Act, and they are of great advantage to us, for they make the position of the Commissioner clearer, and give him, if I may use the expression, a better footing. There is one point to which I think the Attorney General might have drawn the attention of the House more fully, and that is the power given to the Commissioner to use his own vehicles for the collecting and delivering of goods. I think this provision is absolutely necessary, and I am better able to speak with regard to it as being an independent member, than if I were on the Government benches; because when an attempt is made to enforce this provision, there will be a great howl from one section of the public. It is a principle, however, which will have to be adopted throughout the colony, wherever it is possible. It is necessary, in conducting a carrying business, that the

transit of goods should remain in the hands of one individual, from the time those goods are received until they reach the hands of the consignee. People will say, if this is done, that it is an interference with private enterprise. When the department introduced the system of parcels delivery, I was then Commissioner, and I was burnt in effigy, while an effigy of the Traffic Manager, in the form of a billygoat, was carted round the city. You will have the same thing happen when the Government propose to collect and deliver goods; but I am sure that, eventually, the general public will recognise the system is a very good one in their interests. I think the time is not far distant when the Railway Department will have trollies and carts for the collection and delivery of goods in the city. The publication of the railway accounts monthly is a very wholesome provision, but one that would have been impossible to carry out in the past. The Railway Department then was growing in a rapid way, and the Accountant's branch was not in that efficient state that would enable it to produce a monthly statement with the accuracy and fidelity which are so desirable. With the introduction of new blood, however, into the Accountant's branch, the officers are able to do it, for there is now a most efficient Accountant, who came from New South Wales, and I think this provision of the Bill can be carried out with regularity and accuracy. The Chief Accountant, no doubt, is a good man, and I believe he is appreciated by the other officers in his department. I do not know whether hon. members have read the Bill, but I am cognisant of many of its provisions. In conjunction with Mr. O'Connor, I have discussed these matters, and I think the whole of the provisions will meet with the approval of this House. With regard to giving notice of claims to the Minister, I rather fancy the Minister would desire to insist upon having a month's notice; but, from a public point of view, I agree with the Attorney General that it is perhaps asking for a little too much, and the time for notice may be modified. In matters of this kind, if you do not ask for sufficient time, you will not get any time at all. At any rate, that question can be dealt with when in committee. I shall have much

pleasure and interest in seeing this measure pass the House.

MR. ILLINGWORTH: I move the adjournment of this debate. My reason for doing so is that the member for North Fremantle (Mr. Moss) has some strong objections to this Bill, and is unable to be in his place to-day.

Motion, for adjournment of debate, agreed to, and the debate adjourned.

COLONIAL PASSENGERS BILL.

On the motion of the Attorney General, the House went into committee to consider the Bill.

IN COMMITTEE.

Clauses 1 to 6, inclusive—agreed to.

Clause 7—Number of passengers limited:

MR. RANDELL drew the attention of the Attorney General to that part of the clause where a steamer was allowed to carry one passenger for every two tons. This provision seemed a most extraordinary thing, especially if applied to vessels of 2,000 or 3,000 tons. It struck him there must be some error in the clause.

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause was simply a repetition of the present law.

MR. RANDELL said he had seen a vessel of between 5,000 and 6,000 tons register, with 500 souls on board, and she had as many then as she could carry.

THE ATTORNEY GENERAL said the Collector of Customs had had a great deal to do with the Bill; and, if anything was wrong, the error had escaped his notice.

MR. HIGHAM said the Bill simply applied to vessels trading on the coast. For instance, there were vessels trading between Broome and Cossack of 10 to 15 tons, and the Bill would apply to those vessels, for they carried passengers. It would be observed there was a qualification in the clause to the effect that there must be proper accommodation below deck for the passengers carried.

MR. ILLINGWORTH said the clause meant that, in the case of small vessels, they should not carry a larger number of passengers than one for every two tons, whereas in the case of large ships it would be necessary that there should be

below-deck accommodation for all the passengers carried.

THE ATTORNEY GENERAL said the Bill applied only to vessels engaged in the coasting trade, and the inter-colonial steamers would not come under its provisions, but would be under the provisions of the British Merchant Shipping Act.

MR. GEORGE said it seemed to him that when a steamer from Melbourne or Adelaide left Albany for Fremantle or Geraldton, she became a coasting vessel, and would be subject to the provisions of the Bill.

THE ATTORNEY GENERAL said he did not think the Bill would apply to intercolonial vessels, as in clause 3.

MR. GEORGE said the Attorney General had referred him to a portion of clause 3, but there he found that a "colonial coasting vessel" should mean any kind of seagoing vessel, whether a Western Australian ship or not, and whether British or foreign, engaged for the time being in the coasting trade of this colony. Therefore the point raised by the member for Perth was worthy of consideration.

THE ATTORNEY GENERAL said if the hon. member thought a steamer coming here from London, and then going on to Geraldton, was also a coasting vessel engaged in the trade of the colony, there was nothing in the Bill to give him that impression; and how could it be said that a vessel coming from the other colonies was engaged in the coasting trade of this colony? The coasting trade of this colony was from one port in the colony to another port in the colony, and nowhere else. When vessels came here from Melbourne, they came over the ocean, and were under the provisions of the Merchant Shipping Act; but the coasting shipping law did not apply to them.

MR. GEORGE said it was well known that big ocean steamers frequently ran excursions at Fremantle, and took more passengers than they could accommodate. That case should be dealt with.

MR. RANDELL said an intercolonial steamer was a coasting steamer to all intents and purposes, according to the interpretation in the Bill; but the saving clause was that the vessel should be subject to inspection by the harbour

authorities, to see that the passengers were duly accommodated under deck. He moved, as an amendment, in line 6, that the word "two" be struck out with a view of inserting "four" in lieu thereof.

MR. ILLINGWORTH said that, with this amendment, a 20-ton schooner might take only four passengers, including the crew; therefore many small coasters would not be allowed to carry passengers at all. That was not intended to be the effect of the Bill. The authorities had power to prevent a ship from clearing out, if she had on board more persons than she could accommodate below deck.

THE ATTORNEY GENERAL said the present provision had been the law for 30 years, and what would prevent overcrowding was the port authority doing his duty.

MR. HIGHAM suggested that the amendment should be withdrawn, as it would upset the pearling trade, for some of the small luggers would not be allowed even to carry a sufficient crew, under the amendment.

Amendment put and negatived, and the clause passed.

Clause 8 and 9—agreed to.

Clause 10—vessel to be commanded by certificated master, and with certain exceptions, to carry certificated mate; and certain steamships to carry two certificated engineers:

MR. RANDELL said it was evident, from the clause, that the interpretation of the term "colonial coasting vessels" was intended to apply to a larger class of vessels than pearling luggers.

MR. GEORGE said what the Attorney General had stated, with regard to clause 7, was contradicted by another clause; and it looked very much as if he had not read the Bill.

THE ATTORNEY GENERAL said he had had years of experience with the operation of this provision in the Bill; and if the member for the Murray would put some intelligible point, he would try to argue it; yet, knowing nothing about the matter, the hon. member had accused the members of the Ministry of being ignorant. There was nothing new in the Bill, and it would not be wise to try and make amendments in a law which had stood without any complaint for years.

MR. GEORGE said he preferred to follow the lead of the hon. member for Perth, who was a man of experience, a man of years and common sense.

Clause put and passed.

Clauses 11 to 32, inclusive—agreed to.

Clause 33—Right of appeal:

THE ATTORNEY GENERAL moved, as verbal amendments in line 3, that the word "there" be inserted before the word "of"; also, in line 4, that the words "the Full Court" be added.

Put and passed, and the clause, as verbally amended, agreed to.

Clauses 34 to 37, inclusive—agreed to.

Schedules 1 and 2—agreed to.

Title—agreed to.

Bill reported, without amendment, other than verbal.

Report adopted.

At 6-20 p.m. the SPEAKER left the chair.

At 7-30 p.m. the SPEAKER resumed the chair.

EVIDENCE AMENDMENT BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: The object of this Bill is to extend the provisions of the old ordinance, 16th Victoria, No. 9; and the object of that ordinance was that documents of a public character, such as the registers of births, deaths, and marriages, or any public documents that may be kept as required by any statute, should be, in a word, public documents, in order to make them, or officially certified copies of them, available as evidence in the courts of this colony. The old ordinance, although it allowed copies of the registers of births, deaths, and marriages, when such copies were received from England, to be produced as evidence in courts in this colony, did not provide for the case of copies of documents of a similar character being produced as evidence from any of the adjoining colonies. Therefore, although we can prove a birth, death, or marriage that has taken place in England by producing a certified copy of the register, we cannot, in like manner, prove a similar fact in relation to the public registers kept, say, in Melbourne or

Sydney. It is thought well that we should repeal the old ordinance passed in 1852, and bring it up to date by the provisions contained in this Bill, so as to make the old law apply to any part of Her Majesty's dominions. Hon. members will observe that in each clause the corresponding section of the adopted Act No. 9 is quoted. Our old Act is based on that Act, namely the 14 and 15 Victoria, chapter 9; and we now desire to extend its operation, so as to include public documents and registers that are kept pursuant to statute in any part of Her Majesty's dominions. We have lately found great difficulty in proving, in this colony, the registry of marriages which took place in other colonies; and particularly in the case of prosecution for bigamy, in which case this provision is very necessary; otherwise witnesses must be brought over from other colonies, at considerable expense, to give evidence in a court here. The absence of this provision in relation to the other colonies was no doubt an omission in the old Act, it having been passed at a time when there was practically no intercourse between this and the other colonies of Australia. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

The Bill passed through committee without amendment, and was reported.

Report adopted.

AUSTRALASIAN FEDERATION ENABLING BILL.

SECOND READING.

THE PREMIER (Hon. Sir J. Forrest), in moving the second reading, said: In rising to move the second reading of this Bill, I may say I do so with a great deal of pleasure. The object of the Bill is to permit of this colony being represented and taking part in an Australasian Convention which it is proposed to assemble, to consist of 10 members from each colony which passes a Bill similar in its provisions to this one. The colonies which propose to be represented at that Conference are South Australia, Victoria, New South Wales, Queensland, Tasmania, and, if this Bill passes, our own

colony of Western Australia. Hon. members will therefore notice that there will be six colonies represented at this Convention, and the number of delegates or representatives present will be 60. It will be a matter of congratulation for all of us in this colony, seeing that our numbers are so small as compared with the populations of the other greater colonies of Australia, that it is proposed each colony shall be represented by the same number of delegates, and that, therefore, we will meet on equal terms as regards to membership with every other colony represented at the Convention. I think that must be a satisfactory matter to us, and it shows that those colonies which propose to take part in this Convention are desirous that our colony shall be fairly represented, and not only fairly, but very liberally. It will be remembered that at the Federal Convention of 1891, which met in Sydney in the early part of that year, just after this colony had obtained self-government, we were represented by seven members, that being the number from each colony, with the exception of New Zealand, which does not propose to come into this Convention at the present time, and which, on that occasion, sent only three members, though I believe the fact has been regretted since; because that colony, being so represented, was not in the position the other colonies were in with regard to the discussions, and also in the divisions that took place. I suppose that meeting in Sydney, in the early part of 1891, was the most distinguished gathering of public men ever brought together in Australia. I may further say that no such body of men ever met in the southern hemisphere as were congregated on that occasion. Everyone knows that the Convention, after a good deal of labour and considerable discussion—although a discussion maintained throughout in a friendly and generous spirit; I think I may say that—passed a Federal Constitution Bill which, though I cannot say it was carried unanimously, was at any rate passed by a considerable majority, and I think the third reading was passed without any opposition at all. Although that Constitution Bill was passed, yet for one reason or another—which I do not propose to go into to-night, though hon. members are

no doubt aware of them or some of them—that Bill was not proceeded with. It was proceeded with to some extent in certain colonies. I believe in Victoria it was passed through the Legislature with amendments. In South Australia also I think it passed through all stages. It was passed in Tasmania. But in the great colony of New South Wales, which had been the prime mover in promoting the Convention, the Bill was taken up and, after a short debate, was abandoned. There is no doubt, however, that the Convention of 1891 did excellent work. I feel sure that the Bill which was framed and passed by it will be the foundation of any federal legislation, whenever that may come about. Whenever a Federal Bill actually comes into existence and becomes the law of Australia, or a part of Australia, there can be no doubt whatever that the Federal Constitution Bill, called the Commonwealth Bill of 1891, will be the foundation of that legislation. In regard to that measure, I should like to read to hon. members the eloquent words, I may almost say the beautiful words, the noble language of Sir Henry Parkes, the President of that Convention, which he uttered at the close of its sittings on the 9th April, 1891. He said: “Looking to the future from the point at which we have now arrived, I feel that I only state the plain truth in stating that this Bill, for the preparation of which my hon. friend, Sir Samuel Griffith, deserves so much praise, will be a document remembered as long as Australia and the English language endure. This is a bold expression, but not an extravagant one. The colonies must federate, or, in other words, they must come together and be one, some day or other. I assume, for a moment, that that day has not arrived now. If this be the case, it cannot be far off; and, whenever the time comes, this admirably drawn Bill—so clear, so instinct with the true spirit of well-ordered liberty, so instinct with the true appreciation of stable and sober laws, so pervaded by the very spirit of toleration and mutual consideration—that come whenever that day may, this Bill must be the foundation of the edifice of federal liberty. It can never be forgotten, it can never be depreciated, it can never be made less than it is to-day. And supposing

“another constitution should be framed by other men, to a very large extent the provisions of this Bill must be embodied in that constitution; so that this Convention has breathed into this Bill the breath of an immortal life. As long as these colonies exist, so long as the language we speak exists, this will be one of the great foundation stones in raising towards heaven the temple of the nation’s liberties.” These I may term noble, eloquent words, coming from that great New South Wales statesman. As I have said, no decided action was taken by all the colonies in regard to the Bill passed by the Convention in 1891. No action was taken in this colony, and there were various reasons, which I need not refer to at length, but will merely touch on one or two of them. We had at that time so much to do here, for we had only just obtained self-government, and we were so pleased with our position that we did not feel inclined to give up so soon any part of our advantages or the liberty we possessed. The other colonies of Australia were not then in accord with regard to the subject, and it was thought by many of us—by myself, at any rate—that until the larger colonies of Australia came to some agreement in regard to this matter, it would not be necessary for us to take a prominent part. I have no hesitation in saying that, besides these reasons, the people of this colony were indifferent to this great question, and they are, to a large extent, indifferent to it at the present time. There were many other reasons. Unfortunately, financial trouble came upon the Eastern colonies at that time, and the people here saw those colonies in trouble while we were sailing along on a smooth sea with a fair wind, and we were not so anxious to join with the other colonies in a federation. All these things and others delayed the matter, so that very little indeed of a practical nature was done until early in 1895, when the then Premier of New South Wales, Mr. G. H. Reid, who is still the Premier, managed to arrange for a meeting of all the Premiers of Australia in Hobart; and at that time, in February, 1895, the Federal Council, which was also holding its meeting in Hobart, gave new life to the federal question. The Federal Council at that time passed a resolution that the Commonwealth Bill of 1891,

which had been laid aside to some extent, should be considered by the Parliaments of Australia, and that a second Convention should be held to deal with any amendments made by these Parliaments. I may say that was the course which had been intended all along. There is no doubt that the course suggested by the Federal Council, and which, as I have said, was the course intended all along, would have been, in my opinion, a wise one if carried out. Here we had, in the Commonwealth Bill of 1891, an excellently drawn and complete Bill, which only awaited consideration from the Parliaments of the various colonies; but, for the reasons I have stated, and some others—and I am afraid there were some bad ones—that course did not please the majority of the politicians who were assembled at Hobart in 1895; and that proposition was not adopted. It was, in fact, decided to begin afresh. I may say, however, that in my opinion it is impossible to commence afresh, while we have the Commonwealth Bill of 1891 staring us in the face, and standing in the way; for I believe it must be the foundation stone, whenever we do begin afresh. The holding of a second Convention having been generally agreed upon, the question as to how the Convention was to be elected or appointed had to be considered; and it was decided by New South Wales, Victoria, South Australia, and Tasmania that ten delegates should be elected by the voters of the Legislative Assemblies of the several colonies, and that in each case the whole colony should vote as one electorate. It was thought, by this move, to lead the people of the various colonies to believe that it would be a people's Convention—I think that was the term used—as against the statesmen's Convention of 1891. If the people of the colonies are so easily blinded by a remark of that sort, I cannot help it. I hope they are not. It was sought to make the electors of the various colonies believe that by this plan they, the people, the voters of the Lower House of the Legislature, would be able to elect the members of the Convention. That might be all very well, in theory, but I venture to think that, in practice, it would not be the result. In reality, the elections will be—I give my own opinion—handed over to a few people in the

central parts of each colony, to nominate the members for election to the Convention; and those nominations will go throughout the length and breadth of the country, and the people will be asked to vote for persons of whom, in many cases, they may never have heard or have no knowledge, and perhaps do not even know their names, and will certainly not be able to judge, therefore, very clearly of their fitness. I expressed myself pretty clearly and definitely in regard to this matter at the Federal Council meeting in Hobart last year. My own opinion was that, if you require to frame a constitution—an intricate and delicate operation---you require for that task persons of great knowledge and experience in the framing of constitutions, and in the working of constitutions in their own country as well as the working of constitutions in various parts of the world. I think I said, at Hobart, that if you wish to have a report, or if you wish to get anything done which requires an intricate knowledge and a special experience, you generally seek out those persons who are best qualified by their experience and their education and their knowledge of the subject to deal with it. It seemed to me that, in selecting representatives for the Convention, we ought to be careful that we select the very best men, the men with the most knowledge and the largest experience, and possessing the fullest information in regard not only to the working of their own constitution, but also the constitutions of other places. As I have said, the colonies of New South Wales, Victoria, South Australia, and Tasmania have each passed Bills by which the whole colony will be one electorate, and the people will all have one vote for each of the ten persons to be elected in the colony. They will be able to vote for ten persons, and those persons who have a majority of votes will be the representatives at the Federal Convention. In the meeting of Premiers at Tasmania, I was alone in opposing this proposal. I was of opinion that it would be very much better to proceed, to continue, from the point at which we had left off, and to take up the Commonwealth Bill of 1891; that it should be referred to the parliaments of the various colonies, and that another Convention should be appointed to deal with the various amend-

ments and alterations suggested by those parliaments—I think I said after a general election. However, somewhat to my surprise, I have since been pleased to find that Queensland has taken up the position, the exact position or as nearly as possible, that I advocated at Hobart. Therefore the Bill I am introducing to-night is not framed upon the principle that the whole of the colony shall be one electorate, and that every man upon the rolls shall have ten votes; but the principle embodied in this Bill is that the whole people of the colony shall be the nominators of the representatives of the Convention, and that the members of both Houses of Parliament shall be the voters. [MR. ILLINGWORTH: Hear, hear.] We propose that the members of the Convention shall be elected by the members of both Houses of Parliament sitting together as one body of electors. In Queensland, they have not adopted that principle, because their Upper House is a nominated Upper House, and they have found a difficulty in embodying that principle in their Bill. The subject is now under discussion between the two Houses in Queensland. Of course I am not able to say what will be the result. I am assured by those who are somewhat behind the scenes, and who can speak with authority, that if the Upper House of Queensland had been an elected House such as ours is, they would have embodied the same principle in their Bill; that is to say, that where both Houses were elected by the people, those Houses should, as under this Bill, sit together as one electorate to elect the members of the Convention. By these means, there will be, in this colony, 21 members of the elected Legislative Council, and 33 members of the Legislative Assembly, or, if the election does not take place until after our general elections and our numbers are increased, there will be 44 members of the Legislative Assembly and 24 members of the Council, or 68 voters in our two Houses. I think with 68 voters we should be able to elect ten members as our representatives at the Federal Convention, who will be well qualified to represent the people of this colony. There is one great difference, I should like to point out, between the whole people electing and the members of Parliament electing. It will be agreed

by everyone that, taking the members of Parliament as a body, they have a greater knowledge of the public men and the men who are fitted by their knowledge, experience, and education, to take part in this matter. They have far greater knowledge than the ordinary electors living all over the colony, and it would be strange if they had not. I do not think anyone can say it could be otherwise. Each member of the Legislative Council and of the Legislative Assembly, in giving his vote for each of the ten persons that he has a right to vote for, will be giving his vote for persons with whom he is well acquainted; persons whose characters and qualifications he knows something about; and I think he will be deliberate in the act he will perform. It will be undertaken with a full knowledge of each individual person for whom he gives his vote. I am sure it never can be said in this colony—it would be ridiculous for it to be said in this colony—that this is not so; and in Victoria or New South Wales or the other colonies, where the population is so much greater and where it is so scattered, it could not be said with anything like the same degree or to the same extent as it can be said in regard to the members of the Legislative Assembly and the Legislative Council of this colony. I think I may say, too—perhaps it is a rash statement to make, but I make it—that each member of the Legislature of the country, elected as he has been by his fellows to go into Parliament and represent them, will cast his vote for members of the Convention with a far greater sense of responsibility than he would if he were voting simply as an elector in the country, and had not been chosen by his constituency. This is not a new principle that the colony of Queensland and this Government propose to introduce into this matter. We find it in the great republic of the United States. We find that the senators are elected by the statesmen of the Legislature; that they are not elected directly by the people; and everyone knows it is said, and I have no doubt that it is true, that there is no more distinguished body of men in any legislature in the world than the senators of the United States of America. Now, if hon. members have taken the trouble to look through this Bill, they will come to the

conclusion that it is a very simple Bill. It is not a long one either; only thirty-two clauses. It provides for the nomination and the election of members, it also provides for the duties of the Convention; then it sets forth what the duties of the Convention shall be. That duties will be to frame a federal constitution. After they have framed the constitution, they can adjourn for sixty days, but not longer than 120 days; and it is proposed that, during the period of adjournment, the Bill they will have drafted shall be sent to each of the Governors of the respective colonies; and it is proposed that the Bill as drafted shall be forwarded to the Governments, and be submitted to each House of Parliament for consideration. It will not be submitted in the way that ordinary Bills are submitted—that is, it is not to go to one House and then go to the other—but each House will be independent in dealing with this Bill, and will suggest the amendments they think necessary, after which the amendments of both Houses of the Legislature, each House separately in each of the colonies, will be sent back to the Convention to be considered; and when the Convention has considered the amendments that are proposed by the various Houses of the colonies—proposed by the two Houses separately in each of the colonies—the Convention will finally settle the Bill after its own fashion, according to what it considers best, having taken into consideration the proposals that have been made to it; and that will end the labours of the Convention. Now we have got this far, that the Federal Bill is being framed; and, having got away from the Convention, and its labours having come to an end, it is then proposed that the Bill as framed by the Convention shall be submitted to the Parliament of each colony; and, if it is approved by the Parliament, hon. members will notice that, by the 28th section, the draft constitution as finally adopted by the Convention, if approved by Parliament, shall be submitted, in our case, to the decision of the electors of Western Australia by their vote. If a majority of the electors voting on such question signify their approval of such constitution, the same may be adopted by this colony, provided that any number of votes in the affirmative less than six thousand shall be

equivalent to the rejection of the constitution. In the case of Queensland, the adverse vote sufficient to reject the constitution is 25,000; therefore I have placed it at 6,000 for this colony, as it occurred to me to be something like a fair proportion of our population to the population of Queensland; but that is a matter which, in committee, we can discuss and deal with. It will be noticed that there will be no power for Parliament to alter the Bill as it comes from the Convention. It can be sent on, or need not be sent on. If it is approved by Parliament, then it will be submitted to the decision of the voters; and if the voters of the colony are in favour of it, then hon. members will notice that, by Clause 29, the adoption of the constitution may be signified either by the passing of an Act or by a joint resolution of both Houses of Parliament, and both Houses may thereupon adopt addresses to the Queen, praying that the constitution may be passed into law by the Imperial Parliament, subject to the adoption of similar addresses by at least two other colonies, of which New South Wales shall be one. It will be noticed that, throughout, the procedure is definite and very simple; and I am glad indeed to be able to say—and I do not believe I should have anything to do with it if it were not so provided in the Bill—that Parliament is supreme throughout this Bill. Parliament has power to select the representatives, and then has power to say whether it shall send on the Bill that is framed by the Convention; whether it will send it to the people, to the voters; and it has another power, the last power, the right to say whether the Bill shall go to Her Majesty and be passed into law by the Imperial Parliament. I think I have dealt with all that is necessary in regard to the provisions of the Bill. I will now make a few remarks in regard to the question itself. First of all, I think we cannot afford in this colony—in fact, it would not be doing what is right or equal to the responsibilities that are cast upon us, and I do not think we can afford to do so—to stand out of any great federal movement, or stand aloof from any great question that is being dealt with by the people of this continent. I am prepared to admit that, under our existing circumstances here, this

is not what might be called a burning question; but I think anyone who takes the trouble to look into this matter, and who really does so with a desire to judge for himself as to what the future of this great continent of Australia is to be, must come to the conclusion that one day or other—it may be soon or it may be a long way off—this continent will be a federated dominion. I see no reason why it should not, and I see every reason why it should. We have the same people sprung from the same race. We bear allegiance to the same throne. Our ideas, our religion—everything, in fact, is in common. There is nothing to keep us apart. We are all one people; and why should we be divided by imaginary lines drawn upon a map, which in a great many instances are drawn haphazard? It is very inconvenient to have these dividing lines in many places. Why we should be separated one from another for long seems difficult to understand. Take, for instance, one or two instances which I will give. In one of these instances, the colonies of New South Wales and Victoria are divided by a river. All along that river is a fertile valley, and on one side and the other side towns have arisen with the same people, having the same habits, the same customs, the same religion, the same nationality—they are separated from one another by this river, a small brook in some places, and they are separated by hostile tariffs, by different laws and different Governments; and what for? I cannot see any reason why they should be separated; and I may say that those who separated them by a river alone did the very worst thing possible—a river is the very worst boundary that can separate two peoples. This has been proved, I think, in the older parts of the world as well as in the new. I can understand the division between one country and another being by an impassable range of mountains, but not by a river and a fertile valley. If there is one division that is bad it is a river bed; and the people won't stand it for long. There are the same people in the two colonies, and they will not tolerate for very long being separated by a rivulet running between them.

MR. GEORGE: It is a fair "rivulet."

MR. R. F. SHOLL: They have stood it now for a long time.

THE PREMIER: Well, it is very inconvenient and bad. I think that consideration will show that the two peoples living on opposite banks of the river are not going to be separated for long. In fact, the Customs duties alone are most annoying, and will surely end in making them desire to be federated. There is no doubt, as I said just now, this Australian continent will be federated. I am positive of it, myself. If we are ever to take our position in these southern seas, dominating the southern seas, as we always say, how are we going to do it unless we are federated, unless we are to become a dominion or a nation? I think it is quite certain we shall federate, and I think it is our bounden duty at the present time to take advantage of any great national movement that is going on upon this continent. It must be right to do so. Following out the opinion I have expressed, whether we join the commonwealth now or at some later date, it is very important for us that we should take part in the framing of the constitution, because it will be a matter for great regret hereafter, if we then wish to do it, that we should have to join a commonwealth the constitution of which we had no part in framing, although we had the opportunity to do so. It seems to me we may be able, with ten members from this colony, to exercise a wise influence upon the provisions of any Constitution Bill which may be useful to us hereafter, when we should like to join the Convention, if we do not do so at the present time. It is often asked by people—probably someone may ask it to-night; at any rate, I have asked the question a good many times myself when I wished to get up an argument—what good will federation do for us? Will it pay? Will it do us any good, from a financial point of view? Well, in answer to that question, I think it really will. There is one thing that it will do, and I think every thoughtful man who takes any interest in what is going on in Australia, and in his own colony, will admit it will lift us up in our political life. I think there is no doubt that we will be less parochial, if we have a federated Parliament, than we are at the present time. Of course it must be remembered always that it will not do away with our local

self-government. We will have our State Legislature, as we have now; and we may have our two Houses of Parliament, as we have now, or we may have one—whichever plan we like. Some colonies have two, and some have one State House. However that may be, all the local matters will be dealt with in a way not very dissimilar from the way in which they are dealt with at the present time. I feel quite sure that one of the important effects of federation in the country will be to lift us up from our petty parochial ideas, and give us a wider range and wider ideas in regard to the politics of the country. There is no doubt that, if Australia were federated, she would be a far greater power in the world, and have a far greater influence everywhere, than she has at the present time. We all would know something about Australia. The people in other parts of the world would know something about Australia if she were federated. Who knows anything about Australia now? Who knows who is the Prime Minister of any of the colonies of Australia? No one, except in Australia itself. Indeed, I very much question whether that is known even here. The people do not know about it, but they can tell us who is the Prime Minister of Canada, but they cannot tell us of the State Legislatures of Canada. Most people know about the Dominion of Canada; and there is no doubt we, as Australians, would have a far greater prominence in the world if we were federated. Then again, financially, I think we might be able to get better terms for our inscribed stock. Our stock would be very much better regarded, if we were federated. It is all very well to talk about it now, but we know that Canadian stock generally ranks better than Australian stocks. That would not be so, were we federated; but Canada has a great federated dominion, and the dominion stands in a far higher position in the eyes of the world, compared with the position the Canadian people would occupy if they were divided into provinces, such as the province of Quebec, the province of Ontario, or the province of British Columbia. They are a federated dominion, and hold a position in the world which they could never have attained if they had remained separated. When we remember that we have such

an immense territory in Australia, that it belongs to our own nation, that we are not separated from one another by any portion of it being occupied by another race; when we know also that we have within our race all the elements of empire; I think these considerations should make us feel that we are not going to be long separated from one another, as if we were foreign countries. At the present time, the different colonies are separated from each other as if they were foreign countries. We have hostile tariffs, and I do not know that in any way we treat one another better than if we were foreign nations. But there is another question, and a very important one too—I used to make a point of it—that the Government of this continent would be far more stable under a federated constitution than it is in any part at the present time. We would never have so many changes as those which have taken place in the Governments of Australia. The changes that have taken place are something terrible. How can a Government possibly do any good, if it is in office only a year or two—if Ministers are hardly to be in their seats before they are out of them again?—although I notice that, since adversity came upon the other colonies, they have not been so eager for changes of Government. If we were federated, the Government would not be influenced by any little public meeting in one part of the continent or the other part. There is another reason why it would be a great advantage to be federated. The Government would be more stable, and a country that has not a stable Government cannot be prosperous for long. At any rate, there is a chance for those in authority to do their duty to the country; and we must not forget, too, that we have examples in other parts of the world of federated Governments. We have the great United States of America, the great republic that has sixty millions of people, divided into self-governing States, subject to the federal constitution and the system of government by two Houses of Parliament. Then we have the Dominion of Canada that has entered into this federation; and, as far as I am able to judge, and I travelled through that country once, I never found any public man with whom I came in contact bewailing or lamenting

the step they had taken in federating. On the other hand, they seem satisfied to know they have done so. We can study those two great examples of what federation is doing for those countries, and it will be for us to consider whether we shall follow their example or not. I must point out that, in presenting this Bill to the House, we are not obliged to enter into federation, unless Parliament and the colony approve of every stage of it. Hon. members will notice, from the few remarks I have made, that there is in the Bill every safeguard against this colony entering into federation except after careful and due consideration by Parliament; and when the Bill has been approved by Parliament, it will be sent to the electors; and after it comes back from the electors, Parliament will have to approve of an address to the Queen. In fact, from beginning to end, the Parliament is supreme throughout this matter. There is one thing I have omitted, and which must not be forgotten, and that is that this commonwealth which it is proposed to establish on Australian soil, embracing the Australian continent, is to be a commonwealth under the Crown of Great Britain and Ireland. Our allegiance to the old country will not be in any way weakened. It will be strengthened by federation. I do not wish to be misunderstood in regard to this Bill. I do not wish to press it unduly upon anyone in this House. My duty is only to place it before hon. members, and let them judge for themselves. I may say this, that it would be most unwise, in my opinion, if we did not agree to take part in this Convention. In fact, as I said just now, we would not be doing our duty, I think, if we kept aloof from any great movement that is going on in Australia. It seems to me that, by joining this Convention, we will not be pledging ourselves to anything; but we will be gaining this great advantage, that if the Bill passes, and if it should be decided that it is not desirable to enter into federation at the present time, we shall feel in the future, if we do afterwards enter into federation, that we had been able to exercise an influence for good in the framing of the federal constitution. When the day arrives for us to enter into that federation—and that day certainly will come; I am as certain of that as

I am certain of anything—we will be able to enter into a federation the constitution of which this colony has taken some part in framing. I do not think I have anything more to say, beyond that I leave the Bill with hon. members. As I said just now, it is not my desire or wish to influence unduly anyone; but, at the same time, I most strongly urge that the second reading of this Bill be agreed to.

MR. ILLINGWORTH: I think that, in all probability, the Premier has voiced the sentiment of this House, and that there is not likely to be much, if any, divergence of opinion in reference to this Bill. I am pleased that the Bill has been introduced, and that we have an opportunity of deciding the question whether we shall join this Convention or not. Whatever may be the opinion of this colony as to the desirability of federation, as a question, I think there can be hardly a second opinion as to the desirability of joining this particular Convention; because, supposing we stand out, we shall not stop the Convention, and some decisions will be arrived at in reference to this great question, and those decisions may materially affect this colony. Whether we are represented in the Convention or not, and whether we join in federation or not, certain things will be done; always assuming that a sufficient number of colonies decide to form a commonwealth. Some basis of union will be formed, and whether we are connected with it or not, we shall be influenced by it, and, to a certain extent, be subject to it. If we can succeed in so influencing that Convention that the members will devise a constitution which is absolutely, or to a large extent, agreeable to the people of this colony, there then can be no reason why we shall not enter into the federation. If the influence which our delegates or our members exercised upon that Convention was not sufficiently powerful to direct or to frame that constitution in the way that would be harmonious to the people of this colony, we have still the alternative of not joining the federation. But it would be impossible for ten members to go from this colony, and take part in those debates, without materially influencing the decisions, although we might not influence them so fully as to make a constitution wholly acceptable to

this colony. I think we have everything to gain and nothing to lose, by joining this Convention. I am pleased that this is one of those questions in which we can lay aside entirely all views in reference to parties. This is not a party question, but a national question, and as such I think we shall all be able to approach it. When this subject is before us, I think it is fair to remember the work which has been accomplished in this particular direction by those who have gone before us. I think the Premier will agree with me that, behind the Convention to which he has referred, and which has had so powerful an influence upon this question, we must look back to the initial stage when the Honourable James Service gave an impulse to the movement that resulted in the Federal Council. The sentiment began there, and grew until it culminated in the great Convention to which the Premier has alluded. From that moment, from the first meeting of the Federal Council in Tasmania, I am pleased to remember, and was pleased then, and have been always pleased and proud of the fact that Western Australia joined at a very early date, although some other colonies stood out, even New South Wales. Western Australia has been represented in that Federal Council, and has always taken a full part in connection with it. I say Western Australia has done her part towards creating a desire for a national life, a desire for the creation of the Federal Commonwealth of Australia. In so great a question, there will always be a difference of opinion in reference to detail. One thing is pleasing in the proposals now before the Australian people. There could be nothing more pleasing, to all who desire to honestly and fairly look at this question, than the mutual trust and confidence which are reposed in the colonies by a proposal which says: "Irrespective of the number of your population, send ten representatives." There is something in that of a generous character, which seems to say to us: "We simply desire to meet as brothers" "on this Australian shore, and devise" "some constitution, some basis of amity," "on which we can come closer together." "We are not going to make this simply a" "commercial question, and say that unless" "you can show us sufficient financial and" "numerical power behind you, you shall

"not have the voice and influence to which" "you are able to contribute." This proposal says simply to the peoples of this Australian continent: "Send us your" "best intelligence, your most capable" "men, as your representatives; let us" "come together and discuss this great" "question, and endeavour to devise some" "scheme upon which we may all unite." There is something generous in that proposal; and whatever may be the differences of opinion in regard to detail, there is an honest generosity underlying this one proposal that, I contend, should commend itself to every honest-minded man in the community. At first I had a strong feeling in favour of the proposal which suggested that the people of the colony should be asked to decide this question. It did seem to me very much on the basis, to use the illustration of a wedding, in which the bride and bridegroom meet; for if the colonies were to come together in such close relationship, it was the people and not the Governments that were to come together. It was not the Parliaments that proposed to federate, but the whole people; and it did seem to me desirable that the question should be submitted, apart from all political questions and apart from all Government influence and parliamentary influence; that the people should say, as a whole, whether they would or would not thus come together. I am afraid that, even in this Bill, and in the proposal which is before this colony and the sister colony of Queensland, there is somewhat of a slight weakness in this particular direction. I do not think we should suffer very much in the case of this colony, or that Queensland would suffer much; but, as a matter of principle underlying it, it seemed to me possible that the representatives chosen for these two colonies would not representatively express the mind of their people. You notice that the proposal of the Bill is based on the principle that practically, as the Premier has put it, Parliament is supreme; but in Parliament the Government is supreme, and the majority which they can command would necessarily, even though it was joined in by both Houses, be the majority which would select the representatives. The Bill simply comes to this, that the largest portion of the House, the majority, must

necessarily make the choice. Suppose, for instance, we had a Government with a party behind it absolutely adverse to federation, and that there was a strong feeling in the country in favour of federation, then the party in the House guided by the Ministry of the day would necessarily elect ten representatives expressing, not the mind of the country, but the mind of the Ministry and the majority that was with them. That would be the effect. Supposing, then, that such representation took place, we can see it is possible to have ten representatives who do not express the mind of the country, and that the effect of their action could not be remedied. I am aware that any decision come to would be amenable to the country; but, as far as the first representation is concerned, it could not possibly be remedied until too late. I am aware that we can take the converse view, and suppose the Parliament to be in favour of federation, and the people against it; then the influence of the representatives upon that Conference would almost certainly produce a Bill which, when it came back to the people, would be rejected. When we come back to the view which I first spoke of, it is possible, as I said, to have ten representatives sent from this colony whose sentiments shall be adverse to federation, and who shall express in that Conference views adverse to federation, when the colony itself is in favour of it. Consequently, I say my first impression was that it was desirable the people should be asked to elect the representatives; and I think, still, that would be the safer basis. But it does not to-day, after thinking of the question for some time, present itself with that amount of force it did when the question was first considered by me. At that time, it seemed all-important; but to-night, after thinking a great deal over the question, and after looking at what is involved in the Bill, at what is proposed to be done in the other colonies, and at what is being discussed in the other colonies, and conscious that I am now more conversant with the general feeling of the people of this colony than at the time I first entered into the consideration of this question, I do not think it presents the same force that it did at first. By this I mean that I do not think it very

likely the Government as a Government, or the supporters of the Government as a party, will seek to exercise or to use a power which would be adverse to the general opinion of the people. Consequently, while I would much have preferred that these representatives should be chosen by the people as a whole, as they are being chosen in three of the other colonies, yet I am fully prepared to waive that particular point, because to me the important question is as to the sending of representatives. As to the issue, that remains in the great unknown. I agree to every word the Premier has uttered in reference to the absolute certainty that there will be a federation of these great Australian colonies. I think, with him, it would be a grave mistake if, in this new start on the question, Western Australia was not represented. The future of this colony demands that we should have a large voice in this matter; and I am perfectly satisfied the West Australian representatives in that Convention, apart from their personal qualities, apart even from the arguments they will present, will, from the mere fact that they are Western Australian representatives, command an influence which the representatives of no other single colony will possess. This influence will simply arise out of the fact that the eyes of all Australia, as well, I dare say, of the world, are at present fixed upon this colony. I think this question, this great question, is connected with another and greater question, and that is federation of the British race. I look upon it simply as a stepping-stone, and my conviction is that when once the English-speaking peoples of the world are in a position to speak with one voice—that is to say, when they can say legally what they all say to-day in sentiment, and can unite the powers which they undoubtedly possess—the questions which agitate the world will be within the power of the British race. All experience has taught, all history tells us, that the general trend of British influence, despite its mistakes, and they have been great enough, and despite its wrongs, and they have been large enough also, has been upon the side of righteousness, justice, equality, and the brotherhood of man. I look upon this movement as tending in this direction, and I think there will be no second opinion in regard to the

desirability of passing this Bill. There may be some discussion with regard to the details. For instance, I am glad the Premier has indicated that the provision in section 28 is not a fixture exactly. It does seem to me that a majority of 6,000 people, when we look upon them as voters, is rather too great a number to expect in the decision of this question. It is probable that when this vote is cast there will not be more than 24,000 electors in the colony. I hope it will be otherwise, but, at any rate, there are not 24,000 electors to-day, and we know the difficulty, even when all the influences of a general election are brought to bear, of getting anything like a large number of the votes cast. Supposing there are 30,000 voters on the rolls at the next general election, I do not think, although great interest may be awakened by the presence of a large number of candidates and active systems of canvassing, there will, throughout the whole colony, be 20,000 votes cast. It will be more difficult to induce the people to cast their votes on an occasion when no local influences are at work, when there are no local surroundings, when the question at issue is not a personal question, when it is one that does not come into the daily life of the people, one that, so far as they are concerned, is a question of sentiment rather than of practical politics; for it must be admitted that, to a large number of people for years to come, this will be strictly a question of sentiment and not of practical politics. Supposing there are 30,000 people on the roll when the votes come to be cast upon this federation question, I do not think more than 12,000 people at the most will go to the poll, and it is possible there may not be 10,000. I have to ask, therefore, whether it would be fair to allow the existence of this Bill to depend upon getting an absolute majority of 6,000 persons.

THE PREMIER: It is only 25 per cent.; the same proportion as in Queensland.

MR. ILLINGWORTH: The Premier knows that registration is far more general in Queensland than here, and the circumstances are different; and that large numbers of people in this colony are not on the roll, and are not likely to get on the roll for some time to come; consequently the conditions are not the same. A larger proportion of the people

in Queensland have the qualification to vote than hold that qualification here. Of course, this is merely a detail, and I hope the Premier will agree, when in committee, to a reduction of these figures. It is not necessary to say much on this question, because it is not one in which we are likely to disagree. There is, however, one sentiment in connection with this question that I would like to express, in conclusion. It is this. The federation movement will, in my judgment, bring about a feeling of mutual sympathy, and mutual helpfulness amongst the people of this great Australian continent. A feeling of opposition, of rivalry—I do not mean healthy trade rivalry or healthy legislative rivalry, but a kind of rivalry that is adverse to the best interests of the people—necessarily exists and grows up and is fostered by these strangely marked boundaries to which the Premier has referred, and by these vexatious hostile tariffs. I have had some experience of this kind of thing, both on the river and within the five miles of boundary country that the colonies have been fighting over for the last thirty years, and I have observed the feeling that has been aroused between the colonies. When we find that a feeling of this sort has been roused, and that it is adverse to the best interests of both parties, we shall agree that it would be a great thing to get rid of the cause, and bring about a feeling of mutual helpfulness and sympathy. Depend upon it there will be issues in our great national life in which we shall require this mutual helpfulness. The British nation has a part to perform in the service of history which will demand the fullest sympathy and the most united and most earnest help of all her sons in all parts of the British dominions; and the sooner and the closer we are brought one to another on these Australian shores, the greater will be our power for helping one another when the day of trial comes, and the larger will be our influence and power in helping the great nation of which we form a part, and the larger will be our influence over the great things in which this world will have to take its part. I trust this Bill will pass without any opposition, and that the choice of the representatives at this great Convention will be made with the wisdom and judg-

ment which I feel sure will be exercised, and that the event will warrant and justify the action which I feel the Parliament of Western Australia will undoubtedly take.

MR. LEFROY: I congratulate the Government on the Bill laid on the table of the House, and also on the way in which the member for Nannine, as representing the Opposition, has dealt with it. I admire the broad-minded manner in which the hon. member has waived some of the objections he may have to the Bill, and in which he has endeavoured to unite all parts of the House in supporting the measure before us. I do not think there should be much disagreement in this House on the measure. The question of the federation of Australia is, I believe, dear to all thinking Australians. Notwithstanding our Anglo-Saxon-Norman blood, there is still a considerable amount of sentiment in the race; and, although the alliance proposed to be initiated under this Bill may be, in the first instance, founded only on sentiment, I consider that an advantage. I think it well, in dealing with the question in this House, that we should not forget that some of the grandest and noblest alliances have been founded on sentiment alone; and, being founded on sentiment, I think they are more likely to continue to last than if founded on complicated material interests, which are bound to become destroyed in course of time. Founded in the manner I suggest, federation is likely to be permanent and more lasting. As the Premier has told us in introducing the measure, the Bill before us is only a small Bill, but I think the provisions contained in it are wise ones; and when we look through the Bill we see that not one single action that has to be dealt with under the Bill is to be done hastily; that everything is to be done quietly and in order; that nothing is to be done without mature consideration; and although Bills in our Houses here have to pass a considerable ordeal before they become law, yet the ordeal which this Convention Bill has to pass before it becomes law is, to a very large extent, even greater than the ordeal any ordinary Bill has to go through, great as it may be, in our two Houses of Parliament. Federation cannot be brought about at once; it has to grow; it has to be evolved

out of small things; and I think that what is being done now, and the labour that has been expended in the past to bring about federation, will not be lost. No thinking man can possibly imagine that a great question of this kind can be dealt with in a single day. It has to grow with the people, and enter into their lives, before they can possibly agree to it; and all that has been done in the past has been a leading up to the great federation question being established and settled here. Even though this Convention, which it is proposed to elect members to attend under this Bill, may meet and may consider this great question, yet that may not be the end of it. There may still be something wanting in the future to decide this great question. Still, even then it will not be lost, for we shall be leading up to the end we all look forward to and desire. I think the Government have done well in deciding or in proposing that the delegates to this Convention shall be elected in the manner proposed in this Bill; and I think the Government have shown their wisdom in deciding or in proposing that both Houses of the Legislature shall sit together as one body to elect the representatives who are to be sent from this colony. Although some hon. members may think it would be better if this matter of electing delegates should be referred to the people of the country, still I have always been of opinion, since this question was first mooted, and am still of opinion, that Parliament, comprising the representatives of the people, will form a better judgment as to the mode that should be adopted for electing representatives to this Convention, than if the question were placed directly before the people of the country. I fear—and I do not say so with any disrespect to the people—that if we refer this matter to the people of the colony, they would not consider their responsibility in reference to it, to the same extent that their representatives would consider the question. The members of the Houses of Legislature are sent here not altogether to voice the opinions of the people, because it is impossible in many instances to tell what the opinion of the people is. Certainly the people may have expressed an opinion, but there are many opinions which are unexpressed, and it is for us in this House to voice

also the unexpressed opinions of those we represent. This question of federation is one that requires the greatest amount of consideration, and it is one which the average elector does not, perhaps, consider in the light in which it ought to be considered. I think that in the members to be sent, under this Bill, to represent the people, we will, perhaps, have a better body of men elected than we should have if the other course were adopted. I do not propose to enter at great length on this occasion into the matter of federation, for it is a subject we will have to deal with hereafter; but I am pleased to see that the Bill has been received in the first instance so cordially in this House, and I hope the Bill, as it now stands, will be the foundation of an edifice that will create harmony within our borders and peace without.

MR. GEORGE: I cannot allow this Bill to pass without adding my few words, feeble though they may be, of congratulation to the Premier that it should have fallen to his lot to bring before this Parliament a Bill the principle of which must receive a cordial affirmative from every member of Parliament. So far as I can judge of the Bill, there are no points on which there is likely to be much, if any, divergence of opinion, and that is a matter on which we can congratulate ourselves. If the principle of federation embodied in this Bill is to be successful, it is because it expresses, through the medium of this House as the voice of the people, the fact that they are of one opinion and one heart on this great question. It seems to me that though the day of federation may be in the future, and perhaps many years may elapse before federation becomes an accomplished fact, still it is working throughout the whole of the Australian colonies, and is showing, at any rate, that to the great nation from which we have sprung, and under whose flag many of us were born in the old country, there is still the same principle of allegiance under the Southern Cross to the land and the flag which have done so much for the world. It also shows that as soon as opportunity may come, as soon as our little differences vanish, as soon as men become quite convinced as to how the basis of this federation should be arranged, the Anglo-Saxon race embodied in these colonies shall stand hand-in-hand and shoulder

to shoulder against the rest of the world, and show that in these later days there is still the same spirit that has carried the English flag forward so many times; that there is still the same spirit of justice and strength and freedom actuating the people in these Southern lands. To be one of the members of the Legislature of Western Australia in helping forward this matter in its progress is to me a very proud feeling, and I am sure every member of this Assembly will feel the same. I again congratulate the Premier on his good fortune in having to introduce this Bill in an Assembly which is certainly not likely to have one dissentient voice.

MR. LOTON: I desire to add but a few words of cordial support to the second reading of this Bill. The desirability of passing it has been so well placed before members by the Premier and the member for Nannine, that I think it would be useless for me to attempt to go over pretty much the same ground, and I should not be able to do it so completely as it has been done by those hon. members. I only desire to say this in regard to it, that if we decide, as we no doubt shall decide, to pass this Bill, I suppose the next thing to do is to arrange to send the best possible men to go as representatives from this colony. After careful consideration, I think the mode laid down in this Bill is likely to result in the selection of the best men in the colony. At the same time, I should have been glad, and to my mind it would have been much better, had the mode of electing delegates from the different colonies been a universal mode, and that there should have been no divergence of method; that if the people are to elect them in one colony, the people should elect them in all the colonies in like manner; therefore I regret that two of the colonies, at any rate, have departed from that course. Still, the people have now, in the first instance, an opportunity of naming and really of electing a number of men from whom the choice will afterwards be made, so that the people will have a voice in the first instance; and we must remember that the people will have a second voice, when this Federal Constitution Bill has been drafted by the best men that can be sent to the Convention by the several colonies, for the

people will then have an opportunity of saying whether they will accept that Bill or not. So that it seems to me the people can have no grievance on the subject; for if they do not like the Bill as prepared by the Convention, they need not adopt it. But I do hope that even the passing of the Bill now before this House will lead the people of the colony to take some interest in this great question of federation. It is a difficult question. There are very many details to be fought before we shall get it settled, and the details are the things that will trouble us, although we need not face them now. In every colony we shall have to be prepared to lose something, but we all ought to bear in mind that we shall gain a great principle. It is the principle we must go for, and the small things we shall lose, although they may appear large to us, we must try to forget. We must try to look to the power and the influence in the world which this change will give us as a federated people. I have very much pleasure in according my support to the second reading of this Bill.

MR. VENN: I rise to support the second reading, and I do it with the same degree of pleasure as is expressed by every member of this House who has spoken. As an Australian I feel now, as I have felt for many years, that the question of federation is coming to a point and coming to an issue. I mean to say that, years ago, I dreamed and felt that the only mature course is for us to become a dominion, and be a great people, representing the principle of federation; and I thought then, in view of the diverse interests of each colony, that probably the federation of Australia would not take place for some years to come; but I now see that this Bill brings the matter most pointedly before every Australian elector and before every Australian Parliament. Although it is said great movements should and do emanate from the people, I do not think that is always the case, for movements do not always emanate from the people themselves, but they emanate from small beginnings, and are then transmitted to the people by enthusiasts; and although it has been said that in this colony the people do not care much about federation so long as they are making money, yet I do say that

if the Legislature is inspired by a feeling of enthusiasm, the members of the Legislature will spread that feeling broadcast among the people in their several districts, and their influence among the electors will induce the people to respond to the movement. Unless the Legislature do that, they cannot expect the electors to take as keen an interest in it as the subject deserves. I say that advisedly, because it strikes me, as a logical sequence, that the electors in each district do send to the Legislature the best men from among them, or, at any rate, the representative is elected as their best man, having a majority of votes, and they rely on him to take an interest in the affairs of the nation. Therefore, if the Legislature, as a body, is lukewarm on any subject whatever, the people who elect those members will not rise to the occasion as they ought to rise. But when the Legislature as a body rises to the occasion, and has enthusiasm, and feels a great interest in a particular question, then that interest is spread abroad, so that the electors of the colony will also take an interest in that question. I am altogether opposed to the idea of having these delegates to the Convention elected by the voice of the people. I think it is the voice of the people through this Legislature that the Bill now before the House will express; and I have not the slightest hesitation in saying that the ten members who will eventually be chosen by the votes of the two Houses of Parliament will represent the electors of Western Australia as a body—there cannot be the slightest doubt of that—and I have a strong feeling and presentiment that the majority, if not the whole of those ten members who are to be elected as representatives to the Convention, will be chosen from the men who are at the present moment members of one or other of the Houses of Legislature. It is only reasonable to suppose that the majority of those who are to be elected as representatives to attend the Convention will be chosen from those members which the districts have sent to Parliament at the present time, though there may be changes at the next general election. The people of the colony know in whom they can trust, and they will have the same confidence in giving them support as delegates sent to repre-

sent this colony in the Federal Convention as they have in giving them support as representatives in this Legislature. I do not think there is a doubt in the mind of any member of Parliament that we should be represented at the Federal Convention. It is the universal opinion that we should be represented, and I do not expect there will be a dissentient voice in either House of Parliament as to the course we ought to take. There may be discussion as to some clauses of this Bill. I have not read the Bill very carefully, but as far as I am acquainted with it I do not see upon what ground there should be any point for discussion. The Bill is clearly drawn, and it is in accordance with the attitude taken up by the whole of the other colonies on the question of federation. The appointment of ten members to represent us at the Convention will, I feel sure, commend itself to both Houses of Parliament, and I feel sure it will commend itself to the electors of this country. I do not think this is the time when hon. members should speak fully on the question of federation; certainly I do not wish to do so to-night; and there will be many other opportunities for us to air our eloquence on that subject. I have no doubt the forthcoming Convention will be an eye-opener to the whole of Australia, inasmuch as the gentlemen who will be chosen to represent the colonies will be representative of the force and the intellect and the intelligence of Australia as a whole. There will be no doubt about that, and the eyes of the whole world will be centred on what they may do. I shall feel proud to read reports of the debates and proceedings of the Convention. As far as the general question of federation is concerned, I concur with the Premier that the big lion in the path will be the Bill of 1891. The question of federation will hinge on that Bill, although many of the details may be discussed and altered. As an Australian, I feel proud that the Bill now before us, which will largely constitute the Federal Constitution of Australia, was framed in the first instance mainly by an Australian-born lawyer, namely, the Chief Justice of Queensland (Sir S. Griffith). I do not intend to say more now than that this Bill has my cordial support.

Question put and passed.
Bill read a second time.

SYMPATHY WITH THE PREMIER, IN BEREAVEMENT.

THE PREMIER (Hon. Sir J. Forrest) having moved that certain Orders of the Day be postponed until after Order No. 13,

MR. VENN said: I want to speak on this question. I was not here at the opening of the sitting of the House this afternoon, and was somewhat surprised to find the House sitting. I have thought that probably some other members would have spoken on this subject. It would be proper on the part of the House to show some mark of respect for the Premier, in the bereavement that has overtaken his family, if the proceedings of this House should not continue to a late hour.

MR. ILLINGWORTH: I think there is no pressing business on the Notice Paper for to-night's sitting, and I am sure the Premier has the fullest sympathy of the members of this House, and of the people of the colony, under the painful circumstances of the death of Mr. Hamersley, and we are desirous of showing some mark of our regret. I should be sorry to move in this matter without the concurrence of the Premier, but if the Premier will accept from me an expression of the desire of the House to mark their feeling of sympathy with him, and with his family, by adjourning, I will move that the House do now adjourn.

Question put and passed.

ADJOURNMENT.

The House adjourned accordingly at 9.27, p.m., till the next Tuesday.