

**Legislative Council,***Wednesday, 24th February, 1892.*

Drought in the North—Protection of Women and Girls Bill: first reading—Public Health Act Amendment Bill: first reading—Masters and Servants Act Amendment Bill: in committee—W. A. Turf Club Bill: in committee—Aborigines Protection Act Amendment Bill: in committee—High School Act Amendment Bill: referred to select committee—Game Bill: Legislative Assembly's Amendments—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 8 o'clock.

**PRAYERS.****DROUGHT IN THE NORTH.**

THE HON. R. E. BUSH moved, "That in the opinion of the House it is desirable, and in the public interest that the Government should consider the very serious position of the pastoral settlers affected by the prolonged drought in the Northern districts of the Colony, with a view of taking such steps as may be deemed most advisable and efficacious for affording them early relief in their overwhelming difficulties." He said: In moving the motion standing in my name on the Notice Paper, I feel I have the sympathy of the House; but I hope that sympathy may be the more pronounced by this motion being passed unanimously. I do not know whether hon. members are aware of the calamitous state of affairs existing in the northern parts of the colony at the present time—a state of affairs, I regret to say, owing to the continuance of the drought, is day by day becoming worse and worse. As I have said in the motion, the difficulties the settlers are experiencing are overwhelming and through no fault of their own; but it is through a direct act of Providence those who legislated for us in the past could not have foreseen. I noticed yesterday that one of the public papers stated that the loss of sheep would probably amount to a quarter of a million; but from the information I have received (and I have had good opportunities of learning) I believe that the losses up to the present time will amount to more like one million than a quarter of a million. Speaking in this great sheep-breeding continent a million sheep does not seem

a very large number; but as regards this colony this million is equal to 15,000,000 or 20,000,000 in New South Wales. This is not an ordinary drought; and I honestly believe from the various facts we know of, that such a state of affairs has not been experienced for the last 100 years. It is true that we have only had 28 or 30 years of white experience, but some of our oldest settlers say that they have seen nothing approaching this drought during their sojourn in the district, and some of the blacks, who are 60 or 70 years of age, who have been questioned on the subject, say that they have never known anything like it before. In addition to this we see trees which must be 100 years old dying simply for the want of moisture. I make these statements to show that this is not an ordinary drought; and I believe that it is more serious than anything which has ever happened in Australia before. And, sir, it has been a matter of considerable surprise to me that although there have been very many expressions of the deepest sympathy with the northern settlers the Government have not thought fit to render some practical help to them in their trouble. With such a sympathetic Government as we have, this must strike everyone as being strange. They are most solicitous about the difficulties of those who are not resident in the colony, and who have no real live stake here, are in. We see them, to use a bush phrase, "breaking their necks" over the Midland Railway; and why do they not do something for these northern settlers, who have devoted the best years of their lives in a tropical climate—of course in the first place to do what they can for themselves—in conducing to the welfare of the colony? I cannot see how this Government can refuse to give some real help to these settlers. I do not think it is within our province to propose any direct method of dealing with the difficulties, and therefore I have worded the motion in the most general and abstract form. I feel that some of the members of the Government are desirous of affording some help; but I believe one of the reasons why nothing is done is that they would be largely benefiting themselves by anything that might be done. Surely, sir, this must be a sign of great weakness. Because individually the members of the

Government would be benefited, are they going to be afraid of public opinion, and neglect to help a body of what I maintain are the best colonists in the whole of Western Australia? I have brought these few facts before the House, trusting that they will receive, at the hands of hon. members, the deepest consideration. I hope all hon. members will support this motion, for I feel certain that the Government only desire to have their hands strengthened.

THE HON. J. MORRISON seconded the motion.

THE COLONIAL SECRETARY (Hon. G. Shenton): I think it is hardly necessary that this resolution should pass. Already—on the 1st February last I think it was—the Government, in reply to a similar resolution in another place, stated that they would take the whole matter into their consideration. I may now say on behalf of the Government that the matter has been receiving our serious consideration for some days past; and with that assurance I think it is hardly necessary for this motion to be passed.

THE HON. E. T. HOOLEY: I am sure it must be satisfactory to hon. members to hear the reply which has been given to this motion by the hon. the Colonial Secretary; nevertheless, I should like to say a few words. We all regret the necessity which has caused the Hon. Mr. Bush to bring forward this motion, and I hope I am right in saying that all hon. members will agree that the time has arrived when something should be done to alleviate the distress among the Northern settlers. As a body of men, they are self-reliant and industrious, and they would not seek any assistance from the Government unless there was absolute necessity for it. Since the country was first settled the Government have been asked to do very little for these people, and, therefore, when a calamity has overtaken them, they are justified in asking for some practical assistance. Even in good seasons their lot is not a bed of roses, and this I can speak to from experience. They commence work, perhaps, at four o'clock in the morning, and do not finish till dark. They toil no eight hours a day, but 14 hours a day, and often 18 hours. They have none of the comforts of life we have

here. They often are living on damper and mutton, and lately, in many cases, only on one of these articles. I should like to read a couple of extracts from a letter from the North, showing the privations which these people are now undergoing; but, before doing so, I may state that on one station where, a little over 12 months ago, there were 28,000 sheep, there are now only a little over 1,000. In the same district another gentleman I know had, about a year ago, 14,000, and at his last count the number was 1,723. At an adjoining station 18 months ago there were 12,000 sheep, and to-day there are only 800, and unless rain falls within a few weeks there will not be one left. With the permission of the House I will now read an extract or two from letters written by a young man—who is a very deserving young man—and who has but recently gone to the district. He says, on January 10th, 1892:—"The drop of rain we had here at Xmas was a fraud, as no more followed it, and there was not enough to do any good. One of the native teamsters came in yesterday. The team is stuck about 120 miles from here; in fact he had to leave half his load about 30 miles out of port, and now he is stuck with the rest. Half the bullocks are dead; the rest so weak that they cannot move another mile. He sent in the native to fetch some more bullocks, but there is hardly one here fit to go. In any case he cannot be here for another month. We have just two bags of flour left. On the next station they are completely out of everything, no tea even, and are living on meal and water." . . . "January 26th. Very many thanks for letters I have just received. Luckily I am in at the station just in time for the mail. Two of the horses I had with me got bogged and died, so we are getting from bad to worse. Yesterday a native who was with the team I told you had gone down to port two months ago came in and reported that the team was stuck up 60 miles away; four more bullocks dead and the rest so bad from want of food they cannot work. We had no more fit to send, and are completely at an end for provisions. About half a bag of flour is all that is left. I have a quarter of a pound of tobacco left, and when that is gone there will not be

"even a smoke to be had. Knowing we cannot follow them, about half the natives have run away, and we believe are killing a flock of sheep up the river wholesale. Things are in a pickle to be sure. I am seriously beginning to think I have had enough of it, and there is no knowing when I may put my best leg forward for civilisation once more. Of course I shall in any case stop as long as they really need me, as all the fellows round are decamping, and leaving the squatters in the lurch, just when they are most needed, which I call shabby. Until the mail came yesterday, we had not seen a stranger for two months, the roads are so bad." I think these extracts (which are from a trustworthy and truthful young man) will give some idea of the state of affairs there, and such details as these show that we cannot be too soon in assisting these settlers. For the past 20 years we have received a considerable revenue from these Northern districts, and it will not bear heavily upon us if we now part with a small portion of it. The settlers as a body, with perhaps one or two exceptions, will be ruined—they will be unable either to pay their rents or to buy stores. For these reasons, sir, I commend the motion to the House.

THE HON. T. BURGESS: I have much pleasure, sir, in supporting the motion before the House. Although the hon. the Colonial Secretary has assured us that the matter referred to in this resolution is already before the Government, I think it will strengthen their hands in any steps they may think of taking, if we agree to what the Hon. Mr. Bush has put forward. The facts of the case, as already stated by the Hon. Mr. Bush, should be sufficient to convince this House and the Government that the present state of things is a very serious one indeed. It involves for one thing a very great decrease during the next few years in the export of wool. Everyone must admit that the wool industry is one of the principal items that in the past have kept the colony afloat. Young men have gone to the North; they have spent their all there, and for a considerable time they were successful. By their efforts they have greatly benefited the colony, and now that they have been overtaken by the severest drought, within the experi-

ence of the oldest settlers, the colony has ever known of, and have lost, as the Hon. Mr. Bush says, one million sheep, the colony should help them. As to the facts stated by the Hon. Mr. Hooley, I know they are within the mark, for I am in possession of very similar information. If this drought continues for another month, I am afraid to state how small the number of sheep will be from the Gascoyne to the furthest point North, except perhaps Kimberley. There I do not know that the drought has been so bad, but under the circumstances I think the Government will be fully justified in taking the matter into their consideration, and any concession they can grant—even the remission of land rents or assistance in restocking their runs—will be a great boon. I know of several young men who have had to leave the district, because they saw no hope whatever of recovering themselves. There are others who are in a little better position, and who with some assistance might be able to recover themselves. The north has been settled for 20 or 25 years; but never has such a drought been experienced before. It extends from the DeGrey to—

THE HON. J. A. WRIGHT: To Eucla.

THE HON. T. BURGESS: Perhaps so, but nothing to be compared with what it is like from the Murchison to the DeGrey. They are short of water; they cannot keep their servants, and the consequence is that the whole of the responsibilities fall upon the owner, who cannot face the difficulties without help. This year thousands of pounds have been spent on horse fodder alone, which has had to be imported to enable the teams to be fed. I know of one small station where £600 has already been spent for horse fodder, and I have no doubt that others have spent considerably more than this. This money has been spent with the hope of keeping the station and stock together until the drought should break up. But here we are in the middle of February and unless the drought breaks up within the next six weeks the settlers will simply have to leave their holdings and retire. I see no inducement for them to carry on. Their stock has gone, and what prospect is there for them? I do trust that the Government will take the matter into their most serious consideration because it is not something

that concerns only the settlers—it concerns everyone from the banking and financial institutions down to the laboring classes. Some years ago the farmers at the Greenough were overtaken by red rust. The whole of their fields of wheat, which had been calculated upon, were swept away within a week. Some of them were left without the means of buying even the seed for the next year and the Government very properly came forward and helped them. They found them in seed wheat and remitted the rents in order that they might recover themselves. I think that the young pioneer squatter, who spends his capital and faces the difficulties of a distant settlement with the trouble with the natives has a far greater claim to assistance than had these farmers, and I do hope, that after this motion has been passed the Government will give the matter their most favorable consideration.

**THE HON. J. A. WRIGHT:** It appears to me, sir, that the resolution which has been moved is one all right-thinking West Australians must take a most pronounced interest in. It requests the Government to give the matter their serious consideration, and I have no doubt, as the hon. the Colonial Secretary has informed us, that consideration which is asked for is now being given to it. It appears to me, however, from the speeches we have just heard that we shall have to draw the line somewhere. From what the Hon. Mr. Burges has said it is a question how far North we should go in rendering any aid, and whether we should include also the Geraldton and Greenough districts. Then I believe that some of the districts in the South have also suffered from the drought, although perhaps not to so great an extent as those at the North, but this is probably because there are not so many sheep. Still all have suffered, and it is a question whether the whole colony should not participate in what the Government, in their wisdom, are about to do. And again the question arises as to how far the squatters are to be the only persons who are to receive the charity of the State, for there are just as many other people indirectly interested in this matter as they are. Even for the railway I have the honor to represent I might just as well ask the

Government for a contribution, because there are not so many bales of skins or so much wool to be carried this year as we anticipated. Others may say that they have also suffered—the butchers, the bakers for instance, and therefore, however much we may sympathise with the squatters in their losses (and I regret it as much as anyone else), these others have as much right to have something doled out to them as they have. Beyond this, to devote the funds of the State in the way suggested, will establish a dangerous precedent—one which the Government should be warned against establishing.

**THE HON. G. W. LEAKE:** We have heard a great deal about the disastrous state of things at the North, and we are now learning an important truth, which we did not know before, that the North of this colony, like the other portions of Australia, is liable to excessive drought. But what remedy can the State afford? Are they to give the settlers a bag of sugar, or a chest of tea, or a bag of flour? We are told by the Colonial Secretary that it will not be wise, as the Government are considering this matter, to press this motion, and I do not see what else we can do than to adopt his suggestion. Let the Government ascertain the facts and then let them bring them before the House. At the present time we have nothing before us to warrant us in saying in which part of the colony the drought is most excessive. I happen to know from one who is interested in the matter, that the road to the goldfields is impassable. You can get a certain distance, and there you must stop; but we do not know the exact extent of it, and until we do—until the Government have ascertained the facts—I do not see what we can do. I do not think that the settlers of this colony under any circumstances are going to the Government for pauper relief and, therefore, although we may sympathise with them, I do not yet see what practical good we can do. The Government might import bales of chaff, but they cannot give showers of rain. As a means of affording substantial relief, I should be glad to see the Geraldton-Mullewa and the Yilgarn railways pushed on as fast as possible. I have no doubt that all we have heard is true, but I cannot see what the Government can

do to alleviate the distress. They can consider it and do the best they can.

THE HON. J. MORRISON: I support the motion of the hon. member on account of its ambiguity, for it simply asks the Government to help a worthy set of settlers. Although we all sympathise very much with them, I fail to see how very much that is practical is to be done, and again I fail to see, if the Government do render assistance, where it is to stop. I have thought over the matter carefully and the only way I see of helping them is to import a number of ewes with which they could commence to re-stock as soon as the drought breaks up. We might, perhaps, import 20,000 or 30,000 ewes and drop them along the coast wherever required. Many of the settlers started years ago with 500 ewes, and although practically they would by this means have to start again it would be better than nothing. I do not think the Government should do it all; private enterprise should assist, and I am sure it would be only too glad to do so. There are, I am sure, many in these parts of the colony who would willingly give a contribution to enable these settlers who have suffered by the drought to start again. The Hon. Mr. Leake says that they have droughts in the Eastern Colonies, and that we are now only in the same position as others have been. That is not so, because if a drought occurs, say in Queensland, it is a simple matter, when the break-up comes, to go over the border and obtain sheep to re-stock with; but we cannot do that here. We are perfectly blocked in this respect, and the only way we can get fresh ewes is by shipping them. They have had a good season in the other colonies, and if those resident in this part of the colony were to come forward and assist, with some little aid from the Government as well, something practical and substantial might be done. If we give them one year's remission of rent it will do no good. They do not want money on paper; they want sheep that will walk about and rations they can eat. I am quite prepared to support anything that is done for the settlers at the North on a fair and constitutional basis; but the Government must be careful not to establish a precedent which, as the Hon. Mr. Wright says, would be a dangerous one.

THE COLONIAL SECRETARY (Hon. G. Shenton): Supposing the motion is passed, what good will it do? It cannot be considered by the other House, because there an almost similar motion has been adopted.

THE PRESIDENT: I told the hon. member that the proper course would be to have the motion sent to the other House; but I did not know then that a similar resolution had been passed there.

THE COLONIAL SECRETARY (Hon. G. Shenton): I thought the hon. member would have accepted my assurance that the Government were considering the matter.

THE PRESIDENT: Perhaps the hon. member will be satisfied with that?

THE HON. R. E. BUSH: I have listened attentively to the remarks of hon. members, and there is no doubt that on the 1st February, in another place, a great deal of what has been said here to-night was said there. In reading that debate—

THE PRESIDENT: The hon. member must not refer directly to a debate in another place.

THE HON. R. E. BUSH: If I understood what was said properly, it was that if there were any remission of rent it would not benefit the settlers so much as others; but why should these financial houses and banking institutions not be benefited? Do we not hear every day in this colony of the necessity there is of bringing capital here, and such remarks as we have heard on this question are certainly not calculated to inspire these houses with confidence. I regret that the Colonial Secretary has not accepted the abstract resolution I have tabled. I notice that the motion which was passed elsewhere asks the Government to consider this subject at an early date. Now that motion was passed on the 1st February, and this is the 24th February, and yet nothing has been done. Every day the drought continues the effect is intensified. The remarks made by the Hon. Mr. Wright convince me that he has utterly failed to grasp the calamitous state of affairs at the North, especially when he attempted to compare with them the condition of the Southern districts. I prefer, however, to believe that the hon. member does not mean that the positions are anything like identical;

and it is, therefore, with regrettable surprise that I heard the argument attempted. I am glad I have this opportunity of speaking on behalf of the settlers of the North. They are men who have never gone begging to the Government as paupers for help in ordinarily bad seasons; but in this instance circumstances are perfectly different, and the state of things existing there is such as has never been experienced before, and I am sure that no hon. member thinks that the South is in anything like the same position. I thought this motion would strengthen the hands of the Government, and it does not bind them to anything; and, if I am in order, I shall wish to press it.

THE COLONIAL SECRETARY (HON. G. SHENTON): What are you going to do with it when passed?

THE HON. R. E. BUSH: I think this House can pass any motion it likes, so long as it is slightly differently worded to anything which has been passed in another place.

THE PRESIDENT: This House is at perfect liberty to pass this motion, notwithstanding that a similar motion has been passed elsewhere; but the other House having already agreed to a motion analogous to this would not be likely to debate the question again. If the House passes this resolution the hon. the Colonial Secretary will, no doubt, communicate it to the Government, and that will serve every purpose that can be desired.

THE HON. G. W. LEAKE: Is it really a fact that because the other branch of the Legislature has come to a determination on a subject this House cannot come to an identical determination?

THE HON. J. A. WRIGHT: The President says we can.

THE HON. R. E. BUSH: I brought forward the motion in the hope that the Government would now give us some definite information on the subject, seeing that they have had it under consideration since the 1st February; but we have received exactly the same answer that was given three weeks ago.

Question—put and passed.

#### PROTECTION OF WOMEN AND GIRLS BILL.

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

#### PUBLIC HEALTH ACT AMENDMENT BILL.

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

#### MASTERS AND SERVANTS ACT AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 to 7:

Agreed to.

Clause 8—"If the order shall direct the fulfilment of the contract and shall direct the party complained against to find good and sufficient security as aforesaid, and the party complained against shall neglect or refuse to comply with such order, a Justice may, if he shall think fit, by warrant under his hand commit such party to any gaol, there to be confined and kept until he shall so find security; but nevertheless so that the term of imprisonment, whether under one or several successive committals, shall not exceed in the whole three months: Provided, always, that the Justices hearing the information or complaint as aforesaid may, if they think fit, assess and determine the amount of wages, compensation, or damage to be paid to the party complaining, and direct the same to be paid whether the contract is ordered by them to be annulled or not; or, in addition to the annulling of the contract of service and discharge of the parties from the same, may, if they think fit, impose a fine as hereinbefore authorised: Provided, always, that no apprenticeship indenture or agreement shall be annulled except upon proof of ill-treatment of the apprentice by the master, or incompetency on the part of the master to teach such apprentice, or wilful neglect so to teach such apprentice, or incorrigible misconduct on the part of the apprentice: Provided also that the Justices if they rescind or annul any agreement or indenture of apprenticeship may, if they think fit, order the whole or any part of the premium paid on the binding of the apprentice to be repaid to the person or persons paying the same: Provided also, that nothing herein contained shall authorise the Justices to adjudicate where the amount claimed exceeds Fifty pounds, or to make an

"order for the payment of any sum exceeding Fifty pounds (exclusive of the costs incurred in the case), or to require security to an amount exceeding Fifty pounds from any defendant or his surety or sureties":

THE HON. T. BURGESS moved to strike out all the words between "to" in the 44th line and "require" in the 49th line. The intention of the Act, he took it, was to give a speedy means of settling disputes rather than to compel persons to go to higher courts. Many contracts were for sums considerably over £50, although under the terms of those contracts men were employed as servants. Fencers were employed, for instance, as servants, but their contracts frequently exceeded £50, and as this bill now stood the justices would be prohibited from dealing with such a case. He, therefore, moved that the words referred to be struck out.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that on behalf of the Government he must oppose this amendment, because £50 was quite large enough a sum to come within the scope of this bill. Where there was a large amount in dispute it was only right that the matter should come before a higher court.

THE HON. T. BURGESS said that frequently fencing contracts were for £300, £400 or £500.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that such cases were certainly matters for a higher tribunal to deal with.

THE HON. T. BURGESS said that if two justices were capable of trying a case involving £50, he did not see why they were not competent to try a case where £200 or £300 was concerned.

THE HON. R. E. BUSH said he would support the amendment. Very few contracts such as those alluded to would now come under this bill at all, and there was not one man in a hundred who worked for less than £50 a year. He could not see that the hon. the Colonial Secretary had given any reason for his objection to this amendment.

THE COLONIAL SECRETARY (Hon. G. Shenton) said his objection to it was that where amounts such as those stated were involved, the case should be tried by a higher court.

THE HON. T. BURGESS said that shepherds sometimes had as much as £100 to draw, and if there was any dispute about it, the case, under this bill, could not be tried without going to a higher court and incurring considerable expense. The old Act did not prevent a servant recovering his wages by summary remedy, and he did not see why this bill should limit him.

Amendment—put and negatived, and the clause agreed to.

Clauses 9 and 10:

Agreed to.

Clause 11—Imprisonment to be in discharge of compensation:

THE HON. T. BURGESS said that this clause exonerated a man from all liability after he had served three months in prison. This, he thought, was hardly fair, because many a man would rather serve three months in prison than pay £50.

THE HON. J. W. HACKETT said that the clause would only operate if the man were destitute and had nothing to levy upon.

Clause agreed to.

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

#### W. A. TURF CLUB BILL.

THE HON. J. MORRISON moved that the President do now leave the chair for the purpose of considering this bill in committee.

THE HON. J. W. HACKETT said that a most unprecedented course had been taken with regard to this bill, it having been read a second time without a word of explanation or comment. Since then he had, on glancing at it, found that it was a private bill, and it was well known that such bills must by implication or otherwise take away something from someone else. For this reason there were certain formalities which had to be observed before such bills could be introduced.

THE PRESIDENT said that he had stated when the bill came up from the Assembly that the report of the select committee was attached to it.

THE HON. J. W. HACKETT said that no explanation whatever had been given of the bill, and he would move that the Order of the Day be read and discharged.

THE HON. J. MORRISON said he was asked, in the absence of the Hon. Mr. Hooley, to take charge of the bill. He was told that all the necessary formalities had been observed, and that the report of the select committee accompanied it. The object of the bill was to vest in the W. A. Turf Club the property which was now vested in trustees and to enable the chairman to sue and be sued in the name of and on behalf of the club.

THE HON. J. A. WRIGHT said he had to congratulate the hon. member on the way he had jockeyed his first bill past the post.

THE HON. J. W. HACKETT said that after the lucid and satisfactory explanation of the hon. member he would withdraw his amendment.

Amendment withdrawn.

IN COMMITTEE.

The bill was considered in committee, agreed to without amendment and reported.

ABORIGINES PROTECTION ACT  
AMENDMENT BILL.

IN COMMITTEE.

Clause 3—"Subject to the provisions of part II. of the principal Act, any employer of an aboriginal who shall be guilty of any breach of a contract under the principal Act shall, upon the complaint of any Justice of the Peace, Protector of Aborigines, or other person, and upon conviction before any Justice of the Peace, forfeit and pay a sum not exceeding twenty pounds,"—to which the Hon. G. W. Leake had moved to add the words "or be imprisoned for any term not exceeding three calendar months, with or without hard labor :"

THE COLONIAL SECRETARY (Hon. G. Shenton) said he had moved to report progress in order that he might consult the Attorney General on this amendment, and that gentleman did not think the addition of the words necessary. In the case of an employer a fine might be of some use, but in the case of the native the imposition of a penalty was only a farce.

THE HON. G. W. LEAKE said that that was not the point. A master certainly might be fined £20, and in case of non-payment he might be imprisoned for

three calendar months. But a case might be so flagrant and bad that he should be imprisoned without the option of a fine.

Amendment—put and negatived, and the clause agreed to.

The remaining clauses were agreed to and the bill reported.

HIGH SCHOOL ACT AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that this bill be referred to a select committee.

THE HON. J. W. HACKETT said he had great pleasure in supporting this proposition. He had to thank the hon. the Colonial Secretary for the courtesy he had shown in meeting his repeated requests for adjournments. He had hoped that in the meantime the governors of the school might have been got to meet to consider the difficulties which arose in clauses 1 and 2 of the bill. The principle of the old Act was that there should be periodical renewals in the offices of governors; but unfortunately, as this bill was worded, it would allow nearly half the Board to go out in one year. This was never contemplated by anyone, he was sure; and if they referred the matter to a select committee, which he was glad to find the Colonial Secretary prepared to do, it would be put into something like workable form.

Question—put and passed.

A ballot having been taken, the President and the Hon. J. W. Hackett were elected, in addition to the mover, to serve on such Committee.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the Report of the Committee be brought up on Tuesday, 1st March.

Question—put and passed.

GAME BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the further amendment proposed by the Assembly in clause 1 be accepted.

Question—put and passed.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the Assembly's amendment on the Council's amendment in clause 5 be agreed to.



Question—put and passed.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the Assembly's amendment on the Council's amendment in clause 9 be agreed to.

THE HON. J. W. HACKETT said that, as one of the members who had been appointed managers to represent this House at the Conference with the Legislative Assembly on this bill, he might be allowed to say a few words on this report, in which it was said that the conference agreed with the Assembly rather than with the Council. As to the first two recommendations, they were mere verbal changes; but the third raised a question of principle, and a very important principle it was. The original bill provided that "if any person shall be found offending against the provisions of this Act, and shall not give his name and address, and shall not deliver up any imported bird or animal or native game, or any instrument or means used to kill, destroy, take, or disturb, such game, to any person who may demand the same, respectively, it shall be lawful for such person, with any assistance he may require, or for any police constable, to take and detain such person in custody until he can be brought before a Justice of the Peace, to be dealt with according to law. And any person who shall assault or resist any such person so demanding such game or instrument or means as aforesaid shall on conviction forfeit and pay a penalty not exceeding Ten pounds, besides any other penalty he may have incurred under this Act, and shall forfeit such game, instrument, or thing." This House believed that the power given in this clause was excessive, and decided to introduce an amendment by which the number of persons who were entitled to exercise this arbitrary power, and this robbery of arms and instruments, should be limited to the constable, the owner of the bird, or the owner of the land. At the Conference they were met fairly well by the Attorney General, who acted as spokesman for the managers of the Assembly. He drew attention to the fact that a clause similar to this was now in force here as well as in the other colonies, and he said if we limited it, as suggested, there would be some difficulty in regard

to game upon Crown Lands. He must say that he remained wholly unconvinced by these arguments, and more so because one of the members of the Conference looked up and said that he never knew that this power of arrest existed, and he (Mr. Hackett) was sure that very few people in Victoria knew it existed. During his eight years' residence there he did not know of it. He had looked through four English Acts on the subject, and had found that the power of arrest was confined either to the constable, the owner or occupier of the land, or the person possessing the shooting rights; but no other person could arrest another and deprive him of a means of obtaining a livelihood, or perhaps use the power for the purposes of levying blackmail. He would make one other allusion to the Conference. The managers for the Assembly were the Attorney General, Mr. Loton and Mr. Parker. One of them (he would not say who) had been reading a book nearly all the time, but presently he looked up and said "The next time I want a couple of ducks for breakfast I shall meet the first person I see with them and take them from him." This showed the absurdity of the bill as it stood. He claimed that no one had a right to interfere with the liberty of another, except the owner or occupier in the case of private land, or a constable in the case of Crown land. He pressed that point as strongly as he could, but he was beaten down, and had to retire in a minority. It was now for the House to say which view should be taken. If hon. members were prepared to allow these arbitrary proceedings, or these invasions of the rights and liberties of the subject, it was for them to say so; but if not they should stand by the original motion, or a slight amendment of it, which he intended to propose. In the original motion the words were somewhat awkwardly expressed, and he now proposed to substitute for them the following:—"The Council is unable to agree to the Assembly's amendment on the Council's amendment in clause 9, and suggests, That all the words between 'any,' in the fourth line, and 'to,' in the seventh line, be struck out, and the following words inserted in lieu thereof, 'police constable or the owner of such imported bird or animal or his authorised agent, or the owner or occupier of the land from

which such native game has been taken or his authorised agent, who may demand the same respectively, it shall be lawful for such police constable, or such owner, occupier, or authorised agent, with any assistance he may require."

THE COLONIAL SECRETARY (Hon. G. Shenton) said that this matter had been fully discussed at the Conference, where it was pointed out that the powers now complained of had been in force for the last seventeen years, and that the fact of their never having been enforced showed that there was no hardship from them. In Queensland and Victoria, similar enactments were in force, and there had been no abuse of the power. To carry out a Game Act properly there must be very wide powers, and this the Conference, with the assistance of the Attorney General and Mr. Parker, admitted. He did not think, therefore, that they should flout their opinion against that of these two gentlemen.

THE HON. J. A. WRIGHT said he agreed with every word that had fallen from the Hon. Mr. Hackett, for under the clause as it stood it would be open for any person to levy blackmail against another. There was not only the power of arrest given, but any person who resisted it was liable to a penalty of £10. If any person had shot any animal or bird, and was carrying it home, he was liable to be blackmailed by any larrikin he met, and then if he did what he (Mr. Wright) and every other man would—knock him down—there would be a penalty of £10 inflicted. Under these circumstances this was an Act to enable larrikinism of the worst possible description to be carried on.

THE COLONIAL SECRETARY (Hon. G. Shenton) said they did not hear of such things occurring in the other colonies, where there was more chance of blackmailing being carried on than here.

Question—That the Assembly's amendment on the Council's amendment in clause 9 be agreed to—put.

The committee divided.

Ayes	...	...	...	3
Noes	...	...	...	5

Majority for the Noes 2

THE HON. J. W. HACKETT then moved the amendment indicated by him.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that progress be reported.

Question—put and passed.

#### ADJOURNMENT.

The Council, at 10-20 o'clock p.m., adjourned until Friday, 26th February, at 3 o'clock p.m.

### Legislative Assembly,

Wednesday, 24th February, 1892.

Assistance to the Northern settlers—Bullen's Railway Station—Public Health Act, 1886, Amendment Bill: third reading—Protection of Women and Girls Bill: third reading—Estimates, 1892: further considered in committee, and reported to the House—Closing of Roads (Wonnepup) Bill: first reading—Electric Lighting Bill: first reading—Excess Bill, 1891: first reading—Re-organisation of the existing system of Elementary Education—Further assistance to Midland Railway Company—The Law of Primogeniture—Adjournment.

THE SPEAKER took the chair at 7-30 p.m.

#### PRAYERS.

#### ASSISTANCE TO NORTHERN SETTLERS.

MR. RICHARDSON, with leave, without notice, asked the Premier whether the Government had yet resolved upon the course of action they intended to pursue in reference to the motion agreed to the other day with regard to affording some assistance to the Northern settlers, in view of their losses from drought; also, if the Government had arrived at a decision on the subject, whether the settlers would shortly be notified of the nature of that assistance?

THE PREMIER (Hon. Sir J. Forrest) said the matter was now under consideration, but the Government had not yet arrived at any decision in the matter, but they would very shortly, when an announcement would be made of their decision through the medium of the public press.

MR. A. FORREST asked if the Government still intended to give the settlers three months grace, in respect of the rents due on the 31st March, as promised?