

LEGISLATIVE COUNCIL,

Wednesday, 18th August, 1880.

Returns—Public Land held by Government Officials—Destructive Insects and Substances Bill: further considered in committee—Adjournment of the House.

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

PRAYERS.

RETURNS FURNISHED.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid on the Table the return asked for by Mr. Brown on the 16th August, showing the number of all Main and Minor Roads in the Colony; also a return relative to the visits of the Superintendent of Roads to the Southern Districts, asked for by Mr. Carey, on the 9th August.

PUBLIC LAND HELD BY GOVERNMENT OFFICIALS.

MR. STEERE, in accordance with notice, moved, without comment, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to inform the Legislative Council whether any rules have yet been made dealing with the manner in which Government Officers and gentlemen connected with the Survey Staff are to be allowed to lease or purchase the public lands of the Colony."

Motion agreed to.

DESTRUCTIVE INSECTS AND SUBSTANCES BILL.

This Bill was further considered in Committee.

IN COMMITTEE.

MR. STONE said hon. members would observe on reference to the Select Committee's report (*Vide* proceedings of August 13th) that the Committee, after duly considering the Bill, recommended that its provisions should be so altered as to provide merely against the introduction into the Colony of such insects as it referred to, and the Committee expressed an opinion that the first clause of the Bill would be quite sufficient to answer that purpose. Therefore, in

order to carry out the recommendation of the Committee, he would now move, in the first place, that Clause 2 be struck out. This clause, it would be observed, gave power to the Governor "to make such orders as he may think expedient for preventing the spreading in the Colony of any such insect."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): It seems to have escaped the notice of the Select Committee that the objects of the Bill are twofold—first, to prevent, as far as possible, the introduction of this pest, and, in the next place, should it be found to have appeared in any part of the Colony (which is far more likely than that it should be introduced knowingly),—notwithstanding the precautionary measures adopted to prevent its introduction,—that the Government should be empowered to adopt the necessary measures for stamping it out. Once you find out that a vineyard is infested with the phylloxera vastatrix, it will be utterly impossible to put it down, unless indeed you eradicate the vines that are so infested. That, I find, is what is done in Sicily, and also to a vast extent in the vine-growing area of France. In the neighboring Colony of Victoria such also is the case,—where vineyards have been found to be infested with this pest, in the neighborhood of Geelong, and where vineyards have been eradicated, in order to prevent the spread of the phylloxera. And unless you have some provision of the sort here, it will be utterly impossible to consider this Bill as a remedial measure,—as, in fact, anything more than merely conveying a threat that any person introducing these insects will be prosecuted. If this clause is struck out, there will be no provision in the Bill to prevent the spread of the pest, and if you cut off that provision you lop off the most important portion of the Bill. I need hardly point out how disastrous would be the application of the same principle to imported stock. Supposing, for instance, the Bill dealt with diseased animals, and that it merely prohibited the importation of stock affected with pleuro-pneumonia, or the foot rot, or any other malady to which these animals are subject, giving no power to the local authorities to prevent the spread of such disease, when it was

discovered that, notwithstanding the exercise of every precaution, the malady had been introduced,—what would be the result? You would simply be without any means to prevent the dissemination of a disease that might in its ravages devastate the whole of the flocks and herds of the Colony. The clause which it is here proposed to strike out appears to me to be one of such very grave importance, that I shall feel it my duty to take the opinion of the Council on the subject.

THE CHAIRMAN OF COMMITTEES pointed out that when the Bill was in Committee before, the portion under consideration was the fifth sub-section of the third clause, and the question before the Committee of the whole Council when the Bill was referred to a Select Committee was the amendment to strike out the words "in his (the Governor's) judgment," in that sub-section. It would not be competent for the Committee at this stage to revert to a previous clause, and he would suggest that the hon. member now in charge of the Bill should proceed with the subsequent clauses, *pro forma*, and, on the motion for the third reading of the Bill, to move, as an amendment, that it be re-committed. This was the only way in which the recommendation of the Select Committee as to expunging clauses in the Bill which had already passed through Committee of the whole Council could be adopted.

The motion to strike out the second clause therefore lapsed, for the present, and the Committee proceeded to deal with the remaining sections.

Clause 3—as amended in Committee of the whole, on 23rd July—was negatived, and struck out.

Clause 4.—"Government Residents to execute orders of Governor in Council, and keep a record relative to proceedings in pursuance of this Act."

MR. STONE, following up the recommendation of the Select Committee, moved, "That the clause be struck out."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I really cannot see what reason there is for expunging this clause. Surely it is necessary that some record should be kept and retained of such important proceedings as are contemplated by this Bill, in the event of any high-handed action; and

who so fit to be entrusted with that duty as the Government Residents. If this clause be struck out, we shall simply be left without any official record whatever of any proceedings taken under the Act.

MR. STONE thought the section had special reference to the orders to be made by the Governor, under the provisions of the second clause; and as it was hereafter proposed to strike out that clause this section would be superfluous.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): At any rate, the section ought to be allowed to stand until the other clause is expunged.

Question put—That the clause proposed to be struck out stand part of the Bill.

Committee divided, with the following result:—

Ayes	...	...	4
Noes	...	...	15
Majority against	...	...	11

AYES.	NOES.
The Hon. G. W. Leake	Mr. Brown
The Hon. M. Fraser	Mr. Burges
Mr. S. S. Parker	Mr. Burt
The Hon. E. T. Goldsworthy (Teller.)	Mr. Carey
	Mr. Crowther
	Mr. Grant
	Mr. Hamersley
	Mr. Higham
	Mr. Marmion
	Mr. S. H. Parker
	Mr. Randell
	Mr. Shenton
	Mr. Steere
	Mr. Venn
	Mr. Stone (Teller.)

Question—That the clause proposed to be struck out be struck out—put and passed.

The clause was accordingly expunged.

Clause 5.—"Every order of the Governor in Executive Council made under this Act shall be published in the *Government Gazette*; and any such order shall be published by any Government Resident in such manner as the Governor may direct, or, in the absence of any such direction, in such manner as the Government Resident may think sufficient and proper to ensure publicity."

MR. STONE moved, "That all the words after '*Government Gazette*' be struck out."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) pointed out how desirable it was that every possible publicity should be given to any orders

made under the Act. The *Government Gazette* was no doubt a very entertaining and useful periodical, but it was a question whether it was the best medium for the promulgation of rescripts which it was necessary should be known and proclaimed as widely as possible.

Question—That the words proposed to be struck out stand part of the clause—put. Committee divided.

Ayes	...	...	3
Noes	...	...	15
Majority against			12

AYES.	NOES.
The Hon. G. W. Leake	Mr. Brown
Mr. S. S. Parker	Mr. Burgess
The Hon. E. T. Golds-	Mr. Burt
worthy (Teller.)	Mr. Carey
	Mr. Crowther
	Mr. Grant
	Mr. Hamersley
	Mr. Higham
	Mr. Marmion
	Mr. S. H. Parker
	Mr. Randell
	Mr. Shenton
	Mr. Steere
	Mr. Venn
	Mr. Stone (Teller.)

Question—That the words proposed to be struck out be struck out—put and passed.

Clause 5, as amended, agreed to.

Clause 6.—“Orders made under the provisions of this Act to be laid before the Legislative Council within ten days after the making thereof, if Council then sitting; if not, then within ten days after its next meeting.”

Agreed to, *sub silentio*.

Clause 7.—“The expenses of the execution of this Act shall be paid out of the general revenue of the Colony.”

Mr. BURT failed to see what expenses were likely to be incurred under the Act as it stood amended by the Select Committee, and if they allowed this clause to remain in the Bill it would be only tempting the Government to incur expenses, when there was really no need for it. There was no necessity for the House to do that. He would therefore move that the clause be expunged.

Mr. STONE pointed out that some expenses might have to be incurred in connection with the first clause (providing against the introduction of prohibited insects or substances.) For instance, any person attempting to land any insects or substances, any tree, shrub, or plant, in contravention of the Act,

would forfeit the same, and there would necessarily be some expenses incurred in connection with the prosecution; also in the destruction of infected vines or crops.

Mr. S. H. PARKER: Sir—as I observe the opposite benches are empty, and that the Government is not represented in the House, I move that the debate be adjourned.

Mr. BROWN: I think we can get through the Bill very well without the help of the Government, and possibly make a good Bill of what was originally a bad one. It appears to me it would be a mistake to strike out this clause, for no doubt some expenses will be incurred under the Act, and those expenses ought to come out of the general revenue.

Mr. BURT could not think, in the absence of all the occupants of the Government benches, of pressing his motion to strike out the clause, and, with the leave of the House, he would withdraw it.

Leave given.

Clause 8.—Shortening Ordinance:

Agreed to.

Clause 9.—Short title:

Agreed to.

Preamble agreed to.

Title read:

Mr. STONE moved, “That the words “and spreading’ be struck out.”

Question put and passed.

Title, as amended, agreed to.

Bill to be reported.

THE SPEAKER took the Chair.

THE CHAIRMAN OF COMMITTEES reported, That the Committee had further considered the Bill, and had agreed to the same, with further amendments.

Mr. STONE moved, That the Report be now adopted.

Agreed to.

Mr. STONE moved, That the third reading of the Bill be made an Order of the Day for Friday, 20th August.

Mr. BROWN moved, as an amendment, “That all the words after the “word ‘That’ be struck out, and the “words ‘the Bill be recommitted on “‘Friday, 20th August,’ be inserted in “lieu thereof.”

Amendment agreed to.

ADJOURNMENT OF THE HOUSE.

Mr. STEERE: Sir,—I do not think there is any business on the paper for

to-morrow, and therefore there will be no necessity for us to meet. I therefore move that the House at its rising do adjourn until Friday evening. I am sorry, Sir, that it should devolve upon me to discharge this duty, for I think it is one that properly belongs to the leader of the House, and I regret indeed to notice what I cannot help considering as an act of disrespect towards this Council—namely, that all the seats on the Government benches should be vacant. I do not suppose that in any other Representative Assembly in the world would you find the ministerial benches empty and the Government entirely unrepresented during any part of a debate—more especially when a Government measure was under discussion in the House. I say again, I am very sorry indeed to have to rise in my place, under such circumstances, to move the adjournment of the House—a motion which, as I have already said, should properly come from the Colonial Secretary, as the recognised leader of the House.

MR. CROWTHER seconded the motion, and in doing so, said: I endorse every word that has fallen from the mover of the proposition. I think the conduct of the Executive members is, to say the least of it, derogatory to the dignity of the House, and disrespectful towards the representatives of the people having seats in it. Many of those representatives, and especially members coming from the country, attend here at great personal inconvenience and some expense, in order to do what they believe is best in the interests of the Colony. And this is how they are treated by the representatives of the Government. From the very opening of the Session—or at any rate from the first day I have been in attendance—the conduct of those hon. gentlemen has been suggestive of the conduct of so many spoiled children. They want their own way in everything, even to the “top brick off the chimney,” and if they do not get what they want, they go into sulks and show off their tantrums, leaving us to do the best we can. Thank goodness, we can do very well without them,—even if they never come back at all. Sir, I hope, in all seriousness, that it may be within your province, in some way or other, to

draw the attention of the head of the Executive to the fact that the Government is thus left entirely unrepresented in this House, when matters of importance to the country are under discussion. They bring in a Bill in a most crude and impracticable form, and they then in their wisdom hand it over to a Select Committee of the Council to do what in their opinion may be best in order to render the measure acceptable to the House. And then when that is done, and because the amendments proposed are not in harmony with the preconceived notions of the hon. gentlemen, they leave the House, and leave the Bill to its fate, and they don't care two straws whether it answers the object in view or not. I say again, Sir, I sincerely hope—if within your province—that the attention of His Excellency will be called to the conduct of his ministers, conduct which I submit is not only personally disrespectful, but derogatory to the dignity of this honorable House.

The House adjourned at half-past eight o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 20th August, 1880.

Messages (Nos. 7, 8, 9, and 10) from His Excellency the Governor—Audit Bill: report of Select Committee—Returns—Financial Statement—Confusion in Post Office Accounts—Correspondence relative to Haward reports—Recognition of Mr. Alexander Forrest's services—Supreme Court Bill: Resumption of Debate—District Roads Act, 1871, Amendment Bill: further considered in committee—Adjournment.

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

PRAYERS.