

WESTERN AUSTRALIA.

PARLIAMENTARY DEBATES.

Legislative Council—Session of 1878.

Opened on Wednesday, 29th May, 1878.

LEGISLATIVE COUNCIL,

Wednesday, 29th May, 1878.

Opening of Council—The Governor's Speech—Privilege Bill—Leave of Absence to the Member for Wellington (Mr. Steere)—Decease of Captain Roe, R.N.—Adjournment.

OPENING OF COUNCIL.

THE Council was prorogued by His Excellency The Governor on the 17th August, 1877, to the 26th November next ensuing; thence to 20th February, 1878; thence to 2nd May; thence to Wednesday, 29th May; on which day it met for the despatch of business.

The Council met at 3 o'clock, p.m.

Shortly afterwards, HIS EXCELLENCY THE GOVERNOR entered the Chamber, and took the Chair.

THE GOVERNOR'S SPEECH.

HIS EXCELLENCY was then pleased to deliver the following Speech:—

“MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

“It affords me sincere pleasure to meet for the first time the Representative Body of the Colony assembled in Council.

“The time selected for summoning you together is somewhat earlier than that which you have named as best suiting the convenience of members generally; but the pressure of important business which it is my duty to bring under your notice, will, I trust, be considered to justify, on this occasion, a departure from

your expressed wishes—to which it will be my pleasure, as it is my duty, to give at all times my earnest attention.

“3. The finances of a Country are undoubtedly the most important matter with which its Administration has to deal. This time last year there seems to have been reason to believe that there was a considerable balance to the credit of the Colony, and it was anticipated that it would be larger by the end of the year. I regret to say that these anticipations have not been fulfilled, and although there is nothing in our financial position to give cause for apprehension, I think it will be found necessary to use economy in our expenditure during the remainder of the current year. I have caused to be prepared a Return, showing what will probably be the actual Revenue and Expenditure of the present year, and you will thus be enabled to judge how far it will be expedient to adopt the course I have suggested.

“4. The Estimates for the coming year have received from me the most careful consideration, and I trust that you will be of opinion that, to the full extent of our probable Revenue, provision is made for all that is needed for the efficient conduct of the Government, and in the true interests of the people. It may perhaps be thought that the Estimate of Revenue has been taken rather low, but although we have almost a right to assume that we shall in the next year begin to reap the benefit of those works which have been undertaken with the

view of developing the resources of the Country, it has been thought safer to be guided by recent results and to leave the future to declare itself.

"5. Next in importance, and intimately connected with its finances, come the Public Works of the Colony. The most important of those which have been completed during the present year is the Telegraph Line from Eucla to Albany, connecting the Colony with—I may say—the world. It cannot be expected that the Colony will be at once rewarded for the foresight and energy which have prompted it to undertake this extensive and costly work, but when those brighter days, which I trust are not far distant, arrive, its value will be gratefully recognised.

"6. Hardly less important is the Geraldton and Northampton Railway, which is drawing to completion, and may be expected to be open for traffic at the close of the year. I regret to find that it will be necessary to provide a further sum to meet expenditure on it, for which due provision has not been made.

"7. Of the proposed Railway from Fremantle to Perth I shall not now speak. I am informed by the Secretary of State that the papers connected with it were despatched to me by the last mail, and may be expected in a few days. I shall then be able to lay the whole case before you, with the expression of the Secretary of State's views upon it, and it will be my duty to ask you to pass a Bill for raising a Loan for the execution of the work.

"8. I take this opportunity of suggesting that this Railway might conveniently and appropriately be called "The Eastern Railway," a term which would be equally applicable to it when extended—as I trust it may yet be—to the Eastern Districts of the Colony. In like manner, the existing line might very properly be called "The Northern Railway," a designation which would correctly represent its present direction and any extension at either end.

"9. The condition of the Roads of the Colony was one of the first things which attracted my attention on my arrival, and very shortly afterwards I addressed a Despatch to the Secretary of State, recommending that a Loan should be

raised for the purpose of improving their condition. This Despatch, with the Secretary of State's reply, will be laid before you, and I beg to invite your earnest attention to the question which it raises.

"10. On the withdrawal of the Pensioner Force from Perth, the Imperial Government placed at the disposal of the Colony certain large public buildings which it no longer required, and which will enable us to provide very much needed accommodation to some of our Public Departments at a very small cost.

"11. The last, but certainly not the least, important question connected with Public Works, which I have to bring to your notice, is the improvement of Fremantle Harbor. Copies of an exhaustive report on this subject, by Sir John Coode, will be laid before you, and on being favored with your views on the subject, I shall be prepared to take the matter up.

"12. The Report of the Central Board of Education will give you the means of judging of the progress of a work which, viewed in its bearing on the future of the Colony, it is one of our most important duties to foster.

"13. The maintenance of Charitable Institutions, under the peculiar circumstances of its population, must always be a heavy tax on the Colony. I am glad to say that, with the strict supervision which is exercised, this burden is not materially on the increase.

"14. My attention has been specially called to the Police by the debates which took place in Your Honorable Council on the subject during the last Session. An opinion was then expressed that the force was both larger and more costly than it need be, and, under the pressure put upon it, the Government agreed to a compromise, and to accept a fixed sum for the maintenance of the force during the present year. The result of this arrangement is that the present Government finds itself called upon to provide for the protection of life and property, and the maintenance of order throughout the Colony, for a sum considerably less than that which the previous Administration had estimated to be necessary for the purpose. The position is rendered the more difficult by the expression of opinions—which I am bound to respect—regarding certain officers whose services

are considered not to be required, whilst it is not suggested how the requisite supervision is to be provided on their removal.

"15. The experience of those who have to control bodies of men whose duties require discipline, habits of order, sobriety, honesty, and respect for the law, shows that to ensure those important objects constant supervision is needed, by officers of a class superior to the men, and of a position and character which are guarantees that their duties will be faithfully and honorably discharged. I need hardly point out that where the individual is left to act much on his own responsibility, this supervision is more imperatively needed, and it will, I think, be apparent that it must be still more required in a Colony like this, where districts hundreds of miles distant from one another are placed in the charge of a single Police Constable. I allude to this feature of the case, as the principle, though acknowledged, is not always acted upon, and a departure from it was the cause of those scandals which have recently drawn attention to one Department of the London Police.

"16. On consideration of this case in all its bearings, I came to the conclusion, that to attempt to effect the saving desired, a complete reorganisation of the force would be expedient, and I have, therefore, gone very carefully into every item connected with the force, their number, distribution, duties, pay, and allowances,—with all matters connected with their upkeep, and classed in the Estimates under the head of "Contingencies," all have been passed in review, and the result will be found in the report of the Superintendent of Police, which I have caused to be laid before you. Care has been taken in this to give the fullest explanation on all the points I have referred to, and I think it will be found that no cause exists for the complaints that have been heretofore made on this head. In inviting your consideration of the revised arrangement I have sanctioned, I will take the opportunity of saying that, in my opinion, the Force now proposed is not larger than is required for the proper discharge of its primary duty, nor could its cost be diminished without risking its efficiency. It is easier to pull down than to build

up, and I trust that the present arrangement, the result of careful and experienced observation, will be allowed a fair trial.

"17. It has been for some time contemplated to make arrangements for the disposal of the stock of Guano on the Lacepede Islands, on terms which would induce capitalists to enter into the business on a large scale, and thus enable them to offer the Government better terms than they have now to accept. With the concurrence of the Executive Council, a proposal has been put forth, which it may be expected will lead to the desired results.

"18. During the course of the last Session the question of Steam Communication between West Australia and the Eastern Colonies, and also Singapore and India, formed at various times the subject of discussion, and eventually resolutions were passed empowering the Government to enter into arrangements for the establishment of Steam Communication on both those lines, on certain terms. Acting on those resolutions, I have made attempts, as regards the Northern Line, through Singapore and elsewhere, to effect the object which the Legislature had in view; but I regret to say, as yet, I have received no proposal which seems likely to attain this end. In regard to the other line, I have adopted a course which my predecessors had found on other occasions very successful, and availed myself of the services of the Surveyor General, who promptly acceded to my request, that he would proceed to Adelaide (and, if necessary, Melbourne), and endeavor to open negotiations with any substantial firm for a regular Steam Communication monthly, from Western Australia and Melbourne or Adelaide, which should ensure:—1st, That passengers and cargo shipped at either end of the route should be carried through, without transshipment or delay, to the other end. 2nd, That the time of the two steamers to be employed should be so arranged that the mails to and from Europe and the Colonies should be carried to their destination with the least possible delay. From the paper that will be laid before you, it will be seen, that after having made a provisional contract with a firm at Melbourne, who are also owners of the "Rob Roy," they

have declined to carry out their engagement. I have therefore agreed that the "Rob Roy" shall continue under her present contract for the present. It is desirable that the matter should receive your attention at an early date.

"19. Having reason to believe that the system of Assisted Immigration which you have been sanctioning for the last three years was not conducted in conformity with your intentions or the interests of the Colony, I inquired into the matter, with the result,—as is shown by the papers which will be laid before you,—that I have suspended all further Immigration, until your wishes on the subject are made known.

"20. Papers will also be submitted for your consideration, explaining the steps that have been agreed to by some of the other Australian Colonies, for improving the Telegraphic communication with Europe. It has appeared to this Government inadvisable to enter into any further arrangement involving expenditure on this object, unless it is clear the Colony will derive some considerable advantage from it. As the measure now proposed would confer very little benefit on the Colony, would entail some expense, and would effectually prevent the carrying out at a future time of the only scheme calculated to be of real service, viz., a Cable from the North-West Coast in connection with the land line through the country to Eucla, I have felt it my duty to decline any action upon it, a course which I trust will commend itself to your approval.

"21. Reports by the Heads of Departments in the Post Office, Survey, and Crown Lands, Meteorological, Public Health, and others, have been prepared for your use, and, independently of the valuable information they contain on points of so much interest to the progress and condition of the Colony, will show also the zeal and attention bestowed upon them by the Officers to whose care they are entrusted.

"22. The Select Committee appointed to inquire into the over expenditure of the year 1876 suggested the appointment, by the Governor, of a Commission to make an investigation into the administration of the Hospitals, Gaols, and Poor Houses, and such other establishments as His Excellency might deem

expedient. I have lost no time in acting on this recommendation, and have just received the report of the Commission, which will be laid on the Table as soon as I shall have had the opportunity of considering it. Meanwhile, I may state that whilst containing most valuable recommendation for the better and more economical administration of some of our establishments, it also bears testimony to the efficient manner in which they are, as a rule, managed.

"23. After a careful consideration of our requirements, it has been decided to submit, for your consideration, Bills for dealing with

"The Trespass Act of 1872.

"The Wines, Beer, &c., Sale Act, 1872.

"The Licensing of Boats and Vessels.

"Vaccination.

"The Waste Lands Unlawful Occupation Act, 1872.

"The Municipal Institutions' Act, 1876.

"The Perth Drainage Rate Act, 1875.

"The Wild Cattle Nuisance Act, 1871.

"The Spread of Contagious Diseases.

"The Regulation of Jetties.

"The Transfer of Land Act, 1874.

"With several measures, having for their object the amendment of the Law relating to Real Property, so as to assimilate it to the existing Law of England.

"The only measures which seem to require comment are,—the Vaccination Bill, which is introduced in consequence of the present Act being found ineffectual to secure the important object it contemplates, and

"The Licensing of Boats, &c., Bill, which provides for the Licensing of Boats on a simple and more comprehensive plan than that now in force, and also for the examination of Steamers and their Officers.

"The other measures are, in the main, amendments which speak for themselves.

"24. Before concluding, I desire to record my satisfaction at the very creditable state in which I find your Volunteer Force, and my appreciation of the zeal which prompts the Volunteers to make, in many instances, very considerable sacrifices for the sake of sharing in that which is the first duty of every citizen,—the protection of his country. I shall be very glad to see this feeling spread in the

Colony, and will gladly do anything in my power to foster it.

"25. And now, Mr. Speaker and Gentlemen, in concluding my review of the measures I have to submit for your consideration during the Session, I ought perhaps to apologise for the length to which my remarks have extended, but I have thought you would prefer, on the occasion of this my first addressing you, that I should explain, in more detail than will be necessary another time, the views I entertain regarding some of the most important subjects I have brought under notice. From all I have heard of the past proceedings of your Honorable Body, I am sure they will be approached in a spirit of freedom from prejudice, and a desire to consult only the interests of the Colony; and if to this be added the exercise of that sound common sense which you bring to bear in your own personal affairs, you need not be apprehensive but that success will attend your efforts. Any assistance which you think it at any time in my power to render you, will be always cheerfully given to the best of my ability; and I earnestly trust, actuated by the same spirit and feeling, our efforts may be blessed by the Almighty, to the good of the people and the prosperity of the land."

HIS EXCELLENCY having handed a copy of the speech to Mr. Speaker, withdrew from the Council Chamber.

PRIVILEGE BILL.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) presented a Bill to amend "The Trespass Act, 1872." It was read a first time *pro formâ*, and the second reading made an Order of the Day for Monday, 3rd June.

LEAVE OF ABSENCE TO MR. STEERE.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) notified to the House that leave of absence during the present Session had been granted by His Excellency the Governor to the member for Wellington (Mr. Steere).

THE GOVERNOR'S SPEECH.

MR. BURT: As the speech just delivered by His Excellency the Governor deals with matters of such importance

and interest to the Colony at large, I think it will be the wish of the hon. members that at least before discussing the speech we should have an opportunity of perusing it; and as I understand there is not likely to be any opposition to the proposition, I shall simply move that the consideration of the speech be made an Order of the Day for the next sitting of the Council.

The motion was put and carried.

DEATH OF CAPTAIN ROE, R.N.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): I rise on this occasion, with very great regret, to bring before the House the subject of the death of an old and prominent colonist, Captain Roe, R.N., the late Surveyor General, which took place yesterday morning. The deceased gentleman occupied in this Colony a position of great importance for very many years, and in the discharge of the onerous public duties connected with that position he secured for himself the entire confidence of the community and the unqualified approbation of his superiors. The intelligence of the death of one whose public and private worth was so well known and appreciated has created no ordinary feeling of deep concern throughout the Colony, and I think every hon. member will agree with me that the most appropriate acknowledgment the House could offer to the public character of the deceased, and the most fitting tribute of regard and esteem for his valuable services and the benefits he conferred upon this the land of his adoption, will be that all further business for the day be suspended. I would therefore move, in order to note the feeling of the House, and in witness of the high estimation in which Captain Roe was held by all classes of the community, that this House do now adjourn until to-morrow. I may add that His Excellency the Governor, in view of the eminent public services of the deceased gentleman, has directed that his remains shall receive the honor of a public funeral.

SIR T. COCKBURN-CAMPBELL: I wish to move an amendment. I think it is always usual in the other Colonies on the occasion of a public funeral for the Houses of Parliament to suspend their

sittings for that day, and I think this Council would more fittingly acknowledge its estimation of the public and private worth of the late Surveyor General by not meeting at all to-morrow, on the occasion of the deceased's funeral. I shall therefore move, as an amendment upon the motion before the House, that the House do now adjourn until Monday next.

Mr. S. H. PARKER seconded the amendment.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the only object the Government had in view in moving the adjournment of the House only until the following day was to expedite the business of the Session. At the same time, the Government placed itself entirely in the hands of the House, in the matter.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said there could be no possible objection on the part of the Government to the proposed adjournment of the House until Monday, if such was the wish of hon. members. He had simply suggested a shorter adjournment in order that the work of the Session should be proceeded with at as early a date as practicable.

Amendment put and carried.

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

LEGISLATIVE COUNCIL,

Monday, 3rd June, 1878.

Public Loan of 1873—Trespass Act, 1872, Amendment Bill, 1878: second reading—Address in reply to Governor's speech—Steam Communication between Western Australia and the Eastern Colonies.

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

PRAYERS.

PUBLIC LOAN OF 1873.

MR. SHENTON asked the Colonial Secretary to lay on the Table of the House a return showing the net amount

realised by the public loan of 1873. The hon. member said his reason for asking for the return in question was that there was an impression abroad that the floating of the loan referred to had cost the Colony a large amount of money; and as the Council in the course of the present Session was likely to go in for another loan he thought it very desirable that the House should be placed in possession of the information which he now asked for.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The return moved for by the hon. member shall be laid on the Table at my earliest convenience.

TRESPASS ACT, 1872, AMENDMENT BILL, 1878.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), in moving the second reading of the Bill to amend "The Trespass Act, 1872," said hon. members would observe that the Bill was a very short one, and was intended simply to extend the provisions of the seventeenth section of the existing Act, so as to make it applicable to lessees and licensees, as regards parties using boundary fences paying a moiety of the value of such fences. The present Act provided that in the event of any person erecting a sufficient fence to divide his land from the land adjoining thereto, and the occupier of the adjoining land, in enclosing the same, availed himself of the dividing fence so erected, he should be liable to pay to the person or persons having for the time being an estate for life (or other greater estate) in the land by the owner or tenant whereof the fence was erected, the half of the then value of so much of the dividing fence as he had availed himself of. In the Bill now before the House, it was proposed to extend these provisions,—as regards the liability to pay a moiety,—to lessees and licensees of land not alienated from the Crown, as well as to persons having for the time being an estate for life in the fenced land. The hon. gentleman said he thought the object of the Bill was such as would commend it to the favorable consideration of the House, and he would therefore content himself by moving that it be now read a second time.