

Legislative Council,*Friday, 25th November, 1892.*

Midland Railway: report of—Colonial Hospital: telephonic communication at—Primogeniture, abolition of custom of—Safety of Defences Bill: committee—Treasury Bills Bill: postponement of Order of the Day relating to—Companies Bill, 1892: committee—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 3 o'clock.

PRAYERS.

MIDLAND RAILWAY—REPORT OF.

THE HON. J. MORRISON asked: (1). If the attention of the Government has been drawn to the directors' report to the shareholders of the Midland Railway Company, published in the *West Australian* of 21st inst.; (2). Whether it is the intention of the Government to take steps (through their Agent General or otherwise) publicly to refute the various mis-statements and reflections cast upon the Government of Western Australia therein. He said: In asking this question I would like to make one or two remarks as to my reason for asking it. I thought, perhaps, that only having seen the report in the newspaper the Government might not have taken notice of it; but they must be aware now that certain printed reports have been circulated in this colony, and knowing as well as I do of the assistance which has been rendered by this colony—

THE PRESIDENT (Hon. G. Shenton): The hon. member must not debate; he may explain only.

THE HON. J. MORRISON: That is all I wish to do. The report says one thing, and we know what the Government has done. I wish to point out that in this report there are many improper inferences drawn—inferences which are certainly unfair to this colony. I notice that this report is made for the shareholders, and right through they keep harping on their inability to get the land as their reason for not going on with the work. They say that they have constructed a certain number of miles of line which are open for traffic; but the contract says distinctly that the railway shall be completed and equipped, and they leave this fact out of their report, knowing full well that they have not complied with these conditions.

THE PRESIDENT (Hon. G. Shenton): The hon. member is exceeding the limits of an explanation. The rule is distinct on the point. It says that in putting a question no argument can be used or opinion given. If the hon. member wishes to discuss the matter the only way he can do it is by motion.

THE HON. J. MORRISON: Then I beg to ask the question.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Government have seen the report, and intend to take steps to refute the mis-statements contained therein; but at present have not determined upon the mode of doing it.

TELEPHONIC COMMUNICATION AT COLONIAL HOSPITAL.

THE HON. J. W. HACKETT asked, If the Colonial Hospital alone amongst our larger institutions is not provided with a telephone; and whether, if this be not so, the Government will take steps to supply one.

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied: The Colonial Hospital is not supplied with a telephone, because no application has been made for it. The Colonial Surgeon informs me that he sees no need for telephonic communication with the Hospital.

THE HON. J. W. HACKETT: Then I give notice that I will move that in the opinion of this House the Colonial Hospital should be provided with a telephone.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I may say that the Government have no objection, and if a telephone is asked for, it will be given at once.

PRIMOGENITURE—ABOLITION OF CUSTOM OF.

THE HON. J. W. HACKETT: I have to ask the Colonial Secretary whether he intends to take any steps this session to carry out his promise that he would introduce, during the present session, a Bill to abolish the custom of primogeniture in this colony? I put this question to the hon. gentleman rather in his capacity as a private member than as Colonial Secretary.

THE COLONIAL SECRETARY (Hon. S. H. Parker): When I made this promise I was an independent member of

the Lower House, but it now seems to me that any measure I bring in now should have the concurrence of the Government. I have not, as yet, consulted my colleagues on the subject, but at any rate there will not be time this session to bring in the measure. During the recess I hope to lay the matter before them, and if they agree with me I trust that during next session the Bill will be brought in. My formal reply is that I do not intend to take any steps during the present session to introduce the Bill referred to, but I trust the Government will do so next session.

SAFETY OF DEFENCES BILL.

IN COMMITTEE.

Clause 1.—“Sketching, etc., of fortifications prohibited, save by permission :”

THE HON. J. W. HACKETT: Would it not be as well to give power to revoke the permission?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have no objection.

THE HON. J. W. HACKETT: Then I move, after the words “West Australian Military Force” to add the words “but such permission may be revoked by the Minister at any time.”

Amendment—put and passed; and the clause, as amended, agreed to.

Clauses 2 and 3 passed.

Clause 4.—“Penalty on persons trespassing :”

THE HON. T. BURGESS: This strikes me as being a somewhat severe clause, for under it any person visiting the fort, without the slightest intention of doing any harm, is liable to be apprehended. I think it should read, “any person trespassing without a permit.”

THE HON. J. W. HACKETT: Is not that rather a bull?

THE HON. T. BURGESS: I do not see any provision for issuing a permit. I know in some parts of the world if you wish to see a fort you can get a permit.

THE HON. E. T. HOOLEY: If a person has a permit he will not be a trespasser.

THE HON. T. BURGESS: But there is no provision for a permit. I do not know whether the Government intend to fence the works in. If not, it seems to me to be an arbitrary clause, because anyone even accidentally there is liable to arrest. I move to add the words ‘with-

out a permit” after the words “any person trespassing.”

THE HON. G. W. LEAKE: People who go to take a sly glance at the fort are just those you want to keep off.

THE HON. T. BURGESS: According to this clause no one must visit the fort, because there is no provision for a permit. I know that at Gibraltar you can obtain a permit, and can then inspect all the defences.

THE COLONIAL SECRETARY (Hon. S. H. Parker): A person would not be a trespasser if he had a permit, and therefore you do not want to add these words.

THE HON. D. K. CONGDON: Would not the insertion of the words suggested by the hon. member imply that a permit might be granted.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The word “trespasser” implies that.

THE HON. T. BURGESS: Then I withdraw the amendment.

Amendment withdrawn, and the clause as printed agreed to.

The remaining clauses were then agreed to, and the Bill reported. The report was adopted, and the third reading made an Order of the Day for the next sitting of the House.

TREASURY BILLS BILL.

On the Order of the Day for the consideration of this Bill in committee being called on—

THE COLONIAL SECRETARY (Hon. S. H. Parker) said: I move, sir, that the consideration of this Bill in committee be made an Order of the Day for the next sitting of the House. I do so in order that I may in the meantime confer with the Government on some questions relating to it before proceeding further.

Question—put and passed.

COMPANIES BILL, 1892.

IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3: “Interpretation :”

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, after the words “The Joint Stock Companies Ordinance, 1858,” to add the words: “In Part VII. ‘company’ means a company registered under ‘The Joint Stock Companies Ordinance, 1858,’ ‘The Mining Companies

Act, 1888,' or this Act. In Part IX. 'company' means a company registered as a no-liability company under the Mining Companies Act, 1888; or this Act." He moved this amendment in consequence of the remarks of the Hon. Mr. Hackett, and to make it perfectly plain as to whether companies in existence could take advantage of the provisions of this Act.

Amendment—put and passed.

THE HON. J. W. HACKETT moved, that before the word "contributory" in the third sub-section, the words "colony means the colony of Western Australia," be added.

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 4 to 7—put and passed.

Clause 8—"Appointment of Registrar:"

THE HON. J. W. HACKETT moved, to strike out the word "master," and insert "Registrar."

THE HON. G. W. LEAKE said that "master" was the superior title, and he thought they should retain it in preference to "Registrar."

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 9 to 33—put and passed.

Clause 34,—“Power to close register.”

THE HON. J. W. HACKETT moved, to strike out the word "six" in the fourth line of the clause, in order to limit the period during which a company could close its register to 30 days in any year.

Amendment—put and passed.

THE HON. J. W. HACKETT then moved, to add the following proviso to the clause: "Provided that the register shall not be closed at one period for more than seven consecutive days." He said that this was to prevent any manipulation of the register.

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 35 to 37—put and passed.

Clause 38—"Registered office of company:"

THE HON. J. W. HACKETT said that as the clause stood it might be possible for a company to defeat the object of the Bill. The object of the clause, he took it, was that each company should have a registered office where communications could be made, or where legal processes could be forwarded. It

was quite possible, under the clause as it stood, for a company to locate its office at Eucla or Wyndham while carrying on business in Perth. He moved to add the words "the office shall be in some town or place in the colony to be approved of by the Registrar." This would give the Registrar the right of saying whether the company was acting honestly or not.

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 39 to 64 were agreed to with verbal amendments. [*Vide Council Minutes, 1892, p. 18.*]

Clause 65—"Power of company to change name:"

THE HON. J. W. HACKETT said that as regards the necessity of advertising the change in a newspaper published nearest to the registered office of the company, some difficulty might arise where two newspapers were published in a town as to which was "published nearest." He moved to insert "near" in lieu of "nearest."

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 66 to 94—put and passed.

Clause 95—"Effect of registration under Act:"

THE HON. G. W. LEAKE said that the words "insolvency" and "insolvent" were used, and it was now a term unknown to our law. He moved to strike them out, the word "bankruptcy," preceding them, being sufficient.

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 96 and 97—put and passed.

Clause 98—"Part V. not to apply to limited mining company:"

THE COLONIAL SECRETARY (Hon. S. H. Parker) said that to make this clause more clear he moved to add the following: "but shall apply to all other companies registered under the said Act, or 'The Joint Stock Companies Ordinance, 1858,' or this Act." The section would then read: "This part of this Act shall not apply to a limited company registered under 'The Mining Companies Act, 1888,' but shall apply to all other companies registered under the said Act or 'The Joint Stock Companies Ordinance, 1858,' or this Act."

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 99 to 194—put and passed.

Clause 195—"Power of Registrar to strike names of defunct companies off register :"

THE HON J. W. HACKETT said that this clause gave the Registrar a very beneficial power, but it was marred by leaving it altogether to the Registrar to take the initiative. Under the Bill the Registrar would have so much to do that when asked why he did not move in the matter he might reply that it was no business of his. He proposed to amend the clause by adding the words, "of his own knowledge, or upon information supplied in writing by a creditor or a shareholder," between "Registrar" and "has" in the first line. This would enable a creditor or shareholder to put the Registrar in motion.

Amendment—put and passed, and the clause, as amended, agreed to.

Clause 196—"Foreign company not to commence or carry on business until provisions of this section complied with."

THE HON. J. W. HACKETT said that sub-section 5 provided that the company should have an office in the colony, and he took the same objection here as he had done in a previous clause. He thought they should compel the company to have an office or place of business in a town or place approved by the Registrar, otherwise a land company, for instance, might carry on business in Perth and have its office in Wyndham. He moved that the words "some town or place to be approved of by the Registrar in" be added to the end of line 1 of the clause.

Amendment—put and passed, and the clause, as amended, agreed to.

Clauses 197 to 200 put and passed.

Clause 201—"Penalty on company not complying :"

THE HON. J. W. HACKETT said that while there was a penalty for non-compliance with the Act, it would be, in certain cases, impossible to enforce it. However, he believed there was no way out of the difficulty.

Clause agreed to.

Clauses 202 to 248 agreed to, with verbal amendments. [*Vide* Council Minutes, 1892, p. 19.]

THE HON. J. W. HACKETT moved—That progress be reported.

Question—put and passed.

ADJOURNMENT.

The Council, at 4:40 p.m., adjourned until Tuesday, 29th November, at 3 o'clock p.m.

Legislative Assembly,

Friday, 25th November, 1892.

Report of Mr. Allison Smith upon Railway Workshops
—Export Timber Branding Bill: first reading—
Perth Gas Company's Act Amendment (Private)
Bill: Report of Select Committee—Public Health
Act Further Amendment Bill: point of order:
referred to a Select Committee—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

REPORT OF MR. ALLISON SMITH UPON RAILWAY WORKSHOPS.

MR. R. F. SHOLL, by leave without notice, asked the Commissioner of Railways whether it was his intention, and when, to lay Mr. Allison Smith's report upon the Locomotive Branch of the Railways upon the table of the House.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that the matter was still under the consideration of the Government, but no decision had been arrived at. If there was a desire that they should do so, the Government would not object to lay the report upon the table.

EXPORT TIMBER BRANDING BILL.

MR. PATERSON, in accordance with notice, moved for leave to introduce a Bill to provide for the branding of jarrah and karri timber prior to exportation.

Agreed to.

Bill introduced, read a first time, and ordered to be printed.