

WESTERN AUSTRALIA.

PARLIAMENTARY DEBATES.

Legislative Council—Second Session of 1873.

Opened on Thursday, 20th November, 1873.

LEGISLATIVE COUNCIL,

Thursday, 20th November, 1873.

Opening of the Council—Swearing in of Member—The Governor's Speech—Papers Tabled—Address in Reply to the Governor's Speech—Breach of Privilege—Construction and Maintenance of Railways Bill: first reading: Suspension of Standing Orders: second reading—Geraldton and Northampton Railway Bill: first reading: suspension of Standing Orders: second reading—Adjournment: suspension of Standing Orders.

OPENING OF THE COUNCIL.

The Council was prorogued by His Excellency the Governor, on the 2nd August, 1873, to the 20th November, 1873, on which day it met for the despatch of business.

The Council met at 2 p.m.

PRAYERS.

SWEARING IN OF MEMBER.

The Clerk of the Council read a Commission from His Excellency the Governor authorizing the Speaker to administer the Oath of Allegiance to Members of the House.

The SPEAKER administered the Oath of Allegiance to Mr. Birch, member for Perth, who thereupon took his seat.

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 Honorable Gentlemen of the Legislative Council,—

In your last Session of Council you unanimously passed a Loan Act to raise the sum of One hundred thousand pounds for the construction of a Railway from Geraldton to Northampton, and for the extension of Tele-

graph Lines; and I am now able to inform you that the Act, which it was my duty to reserve for Her Majesty's assent, has received the approval of Her Government.

The great richness of the Mineral District through which this line is to run is daily becoming more apparent. It was amply evidenced to me during my recent visit thither, and no reasonable doubt can be entertained of the success of the undertaking which you have sanctioned.

I am now instructed by the Secretary of State for the Colonies, that before commencing the actual construction of the line, certain legal provisions are desirable or requisite, which, embodied in two Bills, will now be laid before you; and it is on this ground that I have called upon you to meet in Council at an unusual season.

I do not propose to bring forward general business in a Session called for a special purpose, and consequently but thinly attended; but I will nevertheless, without asking for any final decision upon the subject, direct your attention to the opportunity which may probably be offered to us by the far-sighted and liberal policy of South Australia, to put, at an early period, and at no undue cost, this isolated Colony into Telegraphic Communication with the rest of the world, via Eucla and Adelaide.

I have been, and am, carefully carrying out, in respect to the question of Harbor Works, the course of action decided upon by your Honorable Council.

The recent discoveries of gold have opportunely coincided with the arrival of the prospecting parties that you have empowered me to introduce from Victoria. You will unite with me in wishing them success.

It is not, however, my intention even to allude to many subjects of great interest which would fitly find place in an address at the commencement of an ordinary Session; and I will

only say that, whether we look to the state of the revenue, or to the commercial position, or to that of our industries, this Colony was never in a more prosperous condition or could more hopefully look forward to the future,—especially should it please the Almighty to bless us, as may be now anticipated, with at least a moderately good harvest.

I now declare this Session opened.

Having handed a copy of the Vice-Regal Speech to the Speaker, His Excellency, accompanied by his staff, withdrew from the House.

The SPEAKER took the Chair.

PAPERS TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee), laid on the Table of the House copy of a Despatch from His Excellency The Governor to The Right Honorable The Earl of Kimberley, dated 16th July, 1873, forwarding the Loan Act of 1873 for Her Majesty's Assent; also, copy of a Despatch from Earl Kimberley to His Excellency in reply, dated 5th September, 1873; and moved that the same be read.

Question put and passed.

The Despatches were read.

ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

Mr. BIRCH rose to move that an Humble Address be presented to His Excellency in reply to the Speech which he had been pleased to deliver to the Council. With a few well-chosen words, he briefly reviewed the special purpose for which the House had been called together, expressing his support for the measure submitted for the consideration of members.

Mr. DEMPSTER seconded the motion.

Question put and passed.

Mr. MARMION moved that the Address which he then held in his hand be now read.

Question put and passed.

The Address, read at the table by the Clerk, was as follows:—

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Members of the Legislative Council of Western Australia, in Council assembled, in thanking Your Excellency for the Address with which you have opened this Session, learn with great satisfaction that the Act which it was Your Excellency's duty to reserve for Her Majesty's Assent has received the approval of Her Government, and we concur with you in thinking that the great richness of the mineral district through which the proposed line of Railway is to run is daily becoming more apparent,

and that no reasonable doubt can be entertained of the success of the undertaking.

We will gladly give our attention to any resolution that may be placed before us having for its object the placing at an early date, and at no undue cost, this Colony in Telegraphic Communication with the rest of the world, via Eucla and Adelaide.

We concur with Your Excellency in thinking that it is now unnecessary to allude to many subjects of great interest which would fitly find place in an Address at the commencement of an ordinary Session; but we desire to join with you in recording the satisfaction with which we view the state of the Colony and its future prospects.

Mr. MARMION moved, that the Address now read be adopted.

Question put and passed.

BREACH OF PRIVILEGE.

Mr. BICKLEY called the attention of the House to a breach of privilege. The subject was a very painful one for him to treat of, relating as it did to an action for libel which arose out of some action he had taken as a member of the select committee on Departmental Expenditure, in connection with the Harbor Master's department. He had stated his opinion in committee that the officers of that department should be employed entirely in the discharge of the duties appertaining to that branch of the public service, in which expression of opinion every member of the select committee had concurred. When the Estimates were brought forward, as a mover of a resolution to the above effect in committee, it was his duty, in his place in the House, to direct the attention of the House to the subject, and he had done so. Had he omitted to do so, entertaining the opinion he did on the matter, he considered he would have been unworthy of the position he held in that honorable House. In doing so he had been actuated solely by a sense of public duty, but in the case to which he now desired to direct the attention of the House, and which constituted the breach of privilege he complained of, not only had his action in the House been termed improper, but the basest motives had been attributed to him in the matter, and not to him alone, but motives equally base, and culpable weakness, had been attributed to His Excellency the Governor. While admitting the propriety of every reasonable latitude being accorded to the Press in dealing with the actions of public men, he contended that such latitude of expression should not overstep the balance of decency, and he complained that the article he alluded

to most decidedly did overstep, and very considerably, too, such bounds, in attributing malevolent motives to any member of that honorable House, and still more so in accusing His Excellency the Governor of motives equally base in carrying out a resolution unanimously acquiesced in by the Council. He, therefore, had deemed it his duty to move that some notice be taken of the action of the Press. With the permission of the House, he would simply submit the question, whether or not the comments of the Press in relation to the subject he alluded to were such as constituted a breach of the privileges of the House and of its members?

The COLONIAL SECRETARY (Hon. F. P. Barlee) would not have thought it necessary to offer any remark on the matter alluded to by the hon. member, had it not been that the name of the Governor of the colony had been brought into question, and, he thought, in a way which justified the hon. member in bringing the subject to the notice of the House. He conceived that the hon. member's object was to uphold the privileges of that honorable House and its dignity, and to make it clearly understood that whatever any member in his place in the House gave utterance to, so long as it was done with propriety and decorum, was privileged, and that base and malevolent motives should not be publicly attributed to any hon. member in the discharge of what he conscientiously believed to be his public duty. Under the circumstances, he thought that the hon. member had exercised a wise discretion in submitting the matter to the attention of the House. Not alone to the hon. member had spiteful motives been attributed, but His Excellency himself had by implication been accused of participating in that feeling of petty spite. His (the Colonial Secretary's) object in rising to address the House was to state very plainly what actually had taken place in connection with the Harbor Master's department. The hon. member Mr. Bickley had never spoken to the Governor on the subject relating to the duties of the officers of that department; he had made no communication whatever to His Excellency in the matter, directly or indirectly. Other people, however, did offer suggestions, having for their object the restricting of the officers of the Harbor Master's department to the discharge of the duties connected with that department; but His Excellency had declined to interfere, had said it would not have been reasonable to expect him to interfere, on mere private representations, without the matter being brought before the Legislative Council in due form. If that were done, and a resolution to that effect were adopted by the Council, His Excellency would

not hesitate in giving effect to the wishes of the House. Such a resolution was proposed and fully agreed to by a select committee, and when the report of that committee was brought up, Mr. Bickley, the mover of the resolution, as in duty bound, called the attention of the House to the subject, and the resolution was unanimously affirmed. It was only when that resolution was submitted to the Governor that His Excellency issued instructions prohibiting the Harbor Master and others connected with his department from holding private surveys, and requiring of them to devote all their time to the discharge of the duties appertaining to that branch of the public service. Under the circumstances, he (the Colonial Secretary) thought the comments complained of by the hon. member Mr. Bickley were anything but complimentary to him as a member of that House, and certainly anything but complimentary to His Excellency the Governor, both of whom were charged with being actuated, not by a proper sense of their public duties, but by personally spiteful motives. He would ask, what was the use of having a Legislative Council, if, when it unanimously adopted a resolution recommending certain alterations in matters of departmental arrangements, the Governor declined to carry out the wishes of the Council as expressed through the medium of such a resolution? If His Excellency had not acceded to that unanimous expression of opinion on the part of the members of the House, it would have been a great slur upon the Legislative Council of the colony, and they might as well have no Representative Council at all. No sooner was a unanimously-affirmed resolution of the House, urging certain departmental changes, submitted to His Excellency, than immediate action was taken with the view of carrying out those changes, and for his prompt action in the matter the Governor was entitled to commendation rather than blame. He (the Colonial Secretary) was glad that an opportunity had been given him to make this explanation—an opportunity he had not anticipated was going to be afforded him.

The SPEAKER asked Mr. Bickley if he desired to have anything placed on the records of the House.

Mr. BICKLEY: Merely that the subject has been brought forward, with the view of affording some protection to hon. members in future, against such breaches of privilege.

The SPEAKER said he did not know to what particular breach of privilege the hon. member alluded. He was not supposed to read all that appeared in the public newspapers, and no reference had been made to any particular comments in any particular journal. He knew

nothing about the breach of privilege complained of, and could, therefore, take no cognizance of the matter.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he really was not aware whether or not His Honor was in the habit of reading the papers, but the hon. member had made out a very plain case of breach of privilege. If His Honor would consult the records of other Legislative Assemblies he would find that breaches of privilege of much less gravity than the one complained of by Mr. Bickley were not overlooked.

The SPEAKER: The hon. member has called my attention to some obnoxious remarks which he said appeared in one of the public journals, but he does not even mention the name of the paper in which the remarks were published. He makes no definite charge of a breach of privilege against any particular journal, and, under the circumstances, I really can take no cognizance of it.

The matter then dropped.

CONSTRUCTION AND MAINTENANCE OF RAILWAYS BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), with leave, without notice, and in order to assert the rights and privileges of the House, moved that leave be given to bring in a Bill to make provision for the Construction and Maintenance of Railways authorized by any Act of the Legislature.

The Bill was read a first time.

Suspension of Standing Orders.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved for the suspension of Standing Orders, with a view to now moving the second reading of the Bill.

Question put and passed.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

GERALDTON AND NORTHAMPTON RAILWAY BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), with leave, without notice, moved that leave be given to bring in a Bill to authorize the construction of a Railway from Geraldton to Northampton, out of monies authorized to be raised by "The Public Works Loan Act, 1873."

The Bill was read a first time.

Suspension of Standing Orders.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved for the suspension of Standing Orders, with a view to now moving the second reading of the Bill.

Question put and passed.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

Suspension of Standing Orders.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved for the suspension of Standing Orders, with a view to the Council adjourning until Friday, 21st November, at 2 p.m.

Question put and passed.

The Council adjourned at 3.20 p.m.

LEGISLATIVE COUNCIL,

Friday, 21st November, 1873.

Telegraphic Communication with South Australia—Damaged Articles of Food—Private Bond Warehouses—Construction and Maintenance of Railways Bill: in committee—Geraldton and Northampton Railway Bill: in committee—Adjournment: suspension of Standing Orders—Mooring—Harbor Improvements—Adjournment.

The SPEAKER took the Chair at 2 p.m.

PRAYERS.

TELEGRAPHIC COMMUNICATION WITH SOUTH AUSTRALIA.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved,—

That, in the opinion of this Council, the establishment of Telegraphic Communication between this Colony and other parts of the world by means of a Line to connect with the South Australian Telegraphic System, *via* Eucla, is an object of main importance to the progress of the Colony.

That it is desirable that the Government should at the commencement of next Session be in a position to lay definite proposals on this subject before the Council for its consideration, and that such proposals should be then considered in connection with correlative questions of Public Works and Finance.