

our requirements. He believed it was the intention of some of those who were interested in this matter to make inquiries, so as to find out which of those Acts would best answer our purposes here, and to offer some suggestions to the Attorney General, so that he might embody these provisions in our own Act.

Motion—put and passed.

ADJOURNMENT.

The House adjourned at ten minutes to 5 o'clock, p.m.

Legislative Council,

Wednesday, 9th March, 1892.

Police Bill: error in—Report of Select Committee—
Newspaper reports: error in: personal explanation
—Custom Bill: third reading—King George's
Sound Garrison Discipline Bill: first reading—
South-Western Railway Act Amendment Bill:
second reading: committee—Geraldton Harbor Im-
provements—Adjournment.

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

PRAYERS.

POLICE BILL: ERROR IN.

THE HON. J. W. HACKETT brought up the report of the select committee appointed to consider Message No. 39 of the Legislative Assembly, which was read as follows:—

"Your Committee, having carefully considered the matter referred to them by your Honorable House, have arrived at the conclusion that the Council cannot deal with a Message from the Assembly asking it to concur in an amendment to a Bill which has passed through all its stages in both Houses of the Legislature.

"Your Committee have discovered no precedents bearing upon the circumstances which have arisen, but they

"advise that a Message be sent to the Assembly, informing it of the conclusion above stated, and further, of the Report of the Clerk of Parliaments on the subject of the amendment to which Message No. 39 of the Assembly refers.

"Should the reply of the Assembly show that the action taken by that body in regard to sub-clause 18 of clause 96 of the Police Bill was in accordance with the report of the Clerk of Parliaments, it will be for the Council to determine whether, in order to meet the difficulty which has occurred, it shall authorise that officer to amend the Bill as the Assembly had desired.

"T. COCKBURN-CAMPBELL,

"Chairman."

THE HON. J. W. HACKETT: I may mention with regard to the report which has just been read that four members were appointed as a committee, but inasmuch as the Honorable the Colonial Secretary could not attend, the report is the report of the three constituting the Standing Orders committee of the House. I beg to move that the following message be sent to the Assembly:—

"The Legislative Council informs the Legislative Assembly that it is unable to deal with Message No. 39 of the Assembly, asking it to concur in an amendment to a Bill which has passed through all its stages in both Houses of the Legislature.

"The Council, at the same time, apprises the Assembly of the fact that it has received a report from the Clerk of Parliaments stating that an amendment appeared to have been made by the Assembly affecting sub-clause 18 of clause 96 of the Police Bill, which amendment had not been communicated to the Council for its concurrence, the consequence being that he was unable to place the enjoined certificate upon the Bill prior to presenting it to His Excellency the Administrator for Her Majesty's assent.

"The Council desires to know what was the precise action taken by the Assembly in regard to the sub-clause of the clause above mentioned."

I have only to add that the committee made due and diligent examination of the precedents which might guide them, but it was found that they were unable to obtain any assistance in that direction

whatever, and as it appeared that they had only the alternative of committing an irregularity, or of losing the Bill, they decided to recommend this House to take a step which will save the bill, and at the same time lead to the very smallest amount of irregularity possible. And it appeared to them advisable, as the report indicates, to send a message to the Legislative Assembly informing them that the Clerk of Parliaments had brought the fact of this amendment to their notice. In other words to send the report of the Clerk of Parliaments to the Assembly, and to ask what exactly were the steps they had taken with regard to the amendment. We shall then have the matter before us, if the Assembly thinks fit to reply, and we shall be able to deal with it at a later stage. This is more or less a formal matter, giving the Legislative Assembly information as to what has been discovered by the Clerk of Parliaments. I beg to move that this message be now adopted and sent to the Legislative Assembly.

Question—put and passed.

ERROR IN NEWSPAPER REPORT— PERSONAL EXPLANATION.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.): Before proceeding to the ordinary business of the evening, I will make a short statement. I wish to inform the House that my attention has been called to a report published in both morning and evening papers (although I have not seen it myself), in which I am reported as having said, with regard to clause 96 of the Police Bill, that the error in *Hansard* arose from the question being improperly put. As this has caused a great deal of pain and annoyance to a gentleman for whom I have the greatest respect (the chairman of committees in the other House), I feel bound publicly to state that I really said nothing of the kind; although I understand how the mistake probably arose. What I did say was that the manner in which the question was put was the proper and technical way, and that this had probably caused a misunderstanding on the part of the reporter.

CUSTOMS BILL.

This Bill was read a third time and passed.

KING GEORGE'S SOUND GARRISON DISCIPLINE BILL.

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

SOUTH-WESTERN RAILWAY ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): In moving the second reading of the South-Western Railway Act, 1891, Amendment Bill, I would merely state that the Bill is brought in to slightly alter the route detailed in the original Bill passed last session. Under the provisions of that Act there was power to deviate five miles, but we think it better, now the line has been finally surveyed, to bring in this amendment, which clearly lays down the route of the railway. The line starts on the Eastern Railway about 11 miles 40 chains from its commencement at Fremantle (somewhere near North Perth Station), and proceeds in an Easterly, South-Easterly and then Southerly direction. In all probability there will be a double line from the point at which this South-Western line joins the Eastern Railway, so that it is necessary to describe where the line will actually commence.

Question—put and passed.

Bill read a second time.

IN COMMITTEE.

The Bill was then considered in committee, and agreed to without amendment.

GERALDTON HARBOR WORKS.

The House went into Committee to consider message No. 36 from the Legislative Assembly.

THE COLONIAL SECRETARY (Hon. G. Shenton): Before proceeding with the debate, I may state that the attention of the Government was called by an hon. member of this House to a mistake made in the plan of harbor works at Geraldton. It was not the same as the plan laid before the Assembly. I sent for that plan at once and compared it, and found that one of the draughtsmen in the Survey Office had made a mistake and coloured more land than he should

have done. The error has been rectified, and the plan now on the table is a correct one.

THE HON. J. W. HACKETT: In moving the adjournment of the debate, my object was to obtain further information with regard to the estimate of cost of these harbor works, and I must express my strong sense of disappointment that this is not yet forthcoming. I hope I shall not weary the House if I just repeat the reasons why we should have this and other like estimates. It will be recollected that last session, when we passed the Audit Act, this House arrived at a compromise with the other House, whereby we, to a certain extent, were prepared not to press our right of breaking up the loan schedule, and in return for which the other House agreed to place before us the estimates for the larger public works, so that we might be able to give a distinct vote upon each of them. With regard to railways such must be done, for it is the law of the land; and, with regard to harbor works, a clause was inserted in the Audit Act which provided that whenever it was proposed to undertake any new works for the improvement of any harbor, the cost of which was intended to be defrayed out of loan money, plans, sections and estimates should be laid on the table of this House. If anyone will, for a moment, go into the reason why we asked for, and obtained, the insertion of this clause, they will see that it is the only channel to put us in full information of the amount of money to be expended on the harbor works. I would point out that if we lose this opportunity of discussing the amount of money which will be required for the completion of the jetty at Geraldton, we lose it for ever; because in the future it will only come before us in the shape of loan estimates, and over these loan estimates we have for the moment agreed to forego our legal right to take them to pieces and to discuss each item in detail, and give a separate vote upon it. The hon. the Colonial Secretary has not given us the information which we required. For my part, I am prepared to be satisfied with something of a very general character. I do not want a lengthy specification and detailed estimates of the work which is to be done in connection with the jetty, but I do ask for some

details of the cost of the jetty, the land to be resumed and the land to be reclaimed. We have nothing whatever in this direction. I claim that it is part of the arrangement which is in existence that we should be in full possession of some of these details. I only ask for the more salient ones as part of the arrangement which was entered into, and I claim that they should be given on this occasion, as it will be the last opportunity we shall have of giving a direct vote to our approval, not only of the design (which is a matter of small importance), but of the moneys this work will require.

THE COLONIAL SECRETARY (Hon. G. Shenton): The clause in the Audit Act referred to by the hon. member states:—"Whenever it is proposed to undertake any new works for the improvement of any harbor, the cost whereof is intended to be defrayed out of Loan moneys, the plans and sections of the proposed works, or copies thereof, together with a statement showing the nature and extent thereof, shall be laid before both Houses of Parliament for their approval." The plans and sections have been prepared in accordance with this section of the Audit Act, and they have been laid before the Assembly. The Assembly was satisfied with the information that was given in them, and they have accepted them, and have agreed to a resolution asking that this jetty shall be made.

THE HON. J. W. HACKETT: They will have the Loan Estimates before them.

THE COLONIAL SECRETARY (Hon. G. Shenton): So shall we.

THE HON. J. W. HACKETT: Then that disposes of my objection.

THE COLONIAL SECRETARY (Hon. G. Shenton): You will have the opportunity of seeing them. A statement has been made that the work now under consideration has not been personally inspected by the Engineer-in-Chief, but I must emphatically contradict it. Both the Engineer-in-Chief and the Commissioner of Public Works went up specially to decide the question of the jetty at Geraldton, and the result of their mission was that plans were prepared and laid on the table. Hon. members will agree that it would be unwise on the part of the Government to make public the amount they consider fair for compensation to be

paid for land resumed. Such a thing has never been done with regard to any work before. The Government would be showing their hand, which is not desirable. No one knows that better than the Hon. Mr. Wright, who, when he was head of the department, was very secret about such matters. Then a question was raised by the Hon. Mr. Wright as to the power of the Government to resume land; but that is a matter that can be safely left to the Government. The Government act under the advice of their law officers, and they would not endeavor to resume any land required, unless they were perfectly certain they had the power to do so. The plans as prepared are those recommended by Sir John Coode; the estimates for these plans are in his report, which is one of the records of the House. It is proposed to carry out the scheme, with some slight modifications, as shown on the plans before hon. members. That is all the information I can give. The amount on the Loan Bill is £25,000, and the Government cannot go outside that amount.

THE HON. J. W. HACKETT: If they do go outside we shall not be able to check it.

THE COLONIAL SECRETARY (Hon. G. Shenton): According to the Audit Act the Government may not accept any tender unless they have the money at their disposal.

THE HON. J. A. WRIGHT: We have asked certain questions, and I think they should be answered as far as possible, and not be replied to in the evasive manner they have been to-day. We have not had an answer to a single question put to the Colonial Secretary. Under the late constitution the hon. member himself would have been the first to have moved the adjournment of the House if any responsible member on the Government bench had acted as he has done this evening. No single question asked by the House has been answered by the Colonial Secretary. We simply know that there was a plan, which plan was wrong. This plan was deposited on the table of this House; and it had no right to leave this House, or be taken away to be altered. It has now been amended without our knowledge. It is therefore not the same as we were debating

upon the other night. Although the Colonial Secretary refuses to tell us whether there is any estimate or not, he states that this is Sir John Coode's scheme. It is not. Sir John Coode's scheme was for a jetty, and not for the reclamation of land about Geraldton. We know the value of this land, which is proposed to be resumed. Sir John Coode's estimate of cost of the jetty was £25,000; the reclamation and resumption of land will cost equally as much, and, therefore, if we are about to vote £25,000 for the construction of a jetty, we are really committing this House to double that amount. What was asked in this House was simply for an estimate of what the work would cost—so much for the jetty, and so much for the land. We simply ask the Government to give us some little idea of how much the colony is being committed to.

THE HON. J. W. HACKETT: The Government interpret what was done in honor and in faith last year to mean that they give us what information they like. We are really now not so far advanced as we were this time last year.

THE HON. T. BURGÈS: I feel that I should say a few words about this harbor question at Geraldton. It is a matter which concerns the district very much, and the inhabitants of Geraldton have more than once expressed their opinion as to its necessity. I most certainly agree with the hon. members who have spoken that when this House came to an agreement last year we understood that we should have certain plans and estimates placed before us for our consideration before any extensive harbor works were undertaken in any part of the colony. It now seems that we have simply before us a plan which is certainly not that suggested by Sir John Coode. To my mind it appears that we should have some more information than that which is before the House. I feel sure that the plan Sir John Coode—the plan is not before us and I only speak from my recollection of it—differs very much indeed from the plan on the table. I do not remember any land being marked out to be resumed in the direction which this plan shows. From my knowledge of the property which it is proposed to resume to enable this scheme to be carried out, it will cost a very large sum of

money. It is not my province to say what I think the value of this ground may be, but I feel sure it will cost a very large amount indeed. It is not only the part which is being resumed from one street to another, but there is another portion which it is proposed to resume, on half of which are buildings, and I feel certain it will take a large amount to compensate the holders of the property. I think it would be proper and within reason for this House to know a little more about the cost than we do at present. I do not say we want actual details, but some idea should be given as to the amount the jetty will cost, and how much the goods-sheds will cost; because it is not only necessary to construct the jetty, but we must have proper shed accommodation for the protection of goods. These works will absorb a large amount of money, and if we have no idea of what they are going to cost before we pass the plans, we may find ourselves landed in very great difficulties, because, to my mind, seeing the amount of land to be resumed, £25,000 will not be anything like sufficient.

THE HON. E. T. HOOLEY: It seems to me that if there is any fault anywhere it is with the Audit Act. As far as I can see the Government are complying with the Audit Act in placing plans and sections upon the table of the House for approval. It seems that a sum of £25,000 was voted for this jetty, and I think the responsibility rests with the Government to do the work with that money. The Geraldton people certainly require a jetty. I know a little of Geraldton, and can say, from my own knowledge, that the wharf accommodation there is very bare indeed, and I do not see why we should not leave the Government to do the best they can with the £25,000.

THE COLONIAL SECRETARY (Hon. G. Shenton): With regard to what the hon. member Mr. Wright said as to the plan not being Sir John Coode's scheme, I said distinctly the jetty was to be built in exact accordance with Sir John Coode's plan.

THE HON. J. A. WRIGHT: I did not say the jetty was not in accordance with Sir John Coode's plan.

THE HON. J. W. HACKETT: Sir Thomas Campbell, I have very few words

to add, and they are that this question, which commenced very simply, has within the last few minutes assumed a very much more serious complexion. May I again be allowed to allude to the debate of last session and to point out that the question then at issue was really whether this House was to have any control whatever over the Loan Estimates. That is the simple issue that was debated during two days of last session, the events of which are, no doubt, fresh in the memories of hon. members of this House. There were some who believed that it was not constitutional for us to pull the Loan Estimates, then in the shape of a schedule to the Loan Bill to pieces, and I was one of a small minority who advocated that view. The numbers were 4 to 10, and there was then every probability of a deadlock; but it was eventually agreed and fully ratified by hon. members that in return for the surrender of their right to take the Loan Estimates and Loan Schedule to pieces, the Legislative Council should be placed in such a position as would allow it to vote yea or nay upon all the larger works that were proposed to be undertaken. We had that right already with regard to railways, and it was only in respect to harbors that we insisted upon our strict legal rights. The clause that was inserted in the Audit Act was submitted to me before it was brought down to this House, and I had the honor of supporting it. There were certain difficulties in the way of inserting the word "estimate," to which I need not refer now. They were difficulties of a constitutional character, but I certainly understood that when these plans were laid before us they were to be accompanied, as in the case of railways, with an estimate, more or less full, of the probable cost. To my astonishment I heard the Colonial Secretary, by inference at any rate, state that the words of the Audit Act did not at all involve the condition of acquainting us with one single item of the expenditure which the Government proposed to engage in, and I am still more astonished to hear my hon. friend on my left (Hon. E. T. Hooley) propose to throw away one of our most valuable and important privileges. After the protracted debate in this House, which all hon. members must remember, and which resulted in the in-

section of this clause in the Audit Act, we are asked, upon the first occasion there is a necessity to put it in practice, to treat the clause as a sham and as nugatory from first to last. Now if we agree to the proposition of the Government and pass this vote for the construction of these works without knowing what is behind it, I say we shall not only prove false to our trust, but we shall be looked upon as fools for allowing—for this occasion will always be quoted against us hereafter—our rights to be taken away. I wish to say as little as possible upon the subject, for I feel strongly upon it; but rather than allow this to become a precedent, I trust this committee will insist upon receiving the information which it is their right to demand; and that, in the event of their not obtaining it, they will demand the attendance of the Engineer-in-Chief at the bar of the House, that they might obtain from his own lips that which they have been denied by the proper authority.

THE COLONIAL SECRETARY (Hon. G. Shenton): There is only a certain amount of loan money available for the construction of this work. There were no plans or details laid on the table of the House for the railways we passed, and here we have plans of the jetty and all other works prepared, and we show that they will be constructed on the plans as proposed by Sir John Coode. I beg to move that progress be reported.

THE HON. J. A. WRIGHT: I shall oppose the motion that progress be reported. We have asked for information which we have a right to demand, and I object to shirking the question.

THE PRESIDENT: Unless progress be reported the information cannot very well be obtained.

Question—That progress be reported—put and passed.

ADJOURNMENT.

THE COLONIAL SECRETARY (Hon. G. Shenton): I move that the House do now adjourn.

THE HON. J. W. HACKETT: I would really point out that the Game Bill has now been before us a very long time. It will not take long to consider this matter, and I trust there will be no further postponement of the question.

THE COLONIAL SECRETARY (Hon. G. Shenton): I propose to take that on Friday next.

THE HON. J. W. HACKETT: I am perfectly satisfied with that assurance.

The Council, at ten minutes to 5 o'clock p.m., adjourned until Friday, March 11, at 3 o'clock p.m.

Legislative Assembly,

Wednesday, 9th March, 1892.

Spread of Scab—Appointments to the Legislative Council—Medical officer for Greenough—King George's Sound Garrison Discipline Bill—Appropriation Bill, 1892: in committee—Governors of High School Appointment Bill: second reading—Trial survey of railway from Minginoo to Mullewa: adjourned debate—Error in Police Bill: Message from Legislative Council—Customs Bill: Legislative Council's amendment—Additional funds required for Geraldton-Mullewa Railway: adjourned debate—Fremantle Harbor Works: Breakwater from Bous Head—Adjournment.

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

PRAYERS.

SREAD OF SCAB IN VICTORIA DISTRICT.

MR. CANNING: I wish (without notice) to ask the Premier—who I suppose represents the Colonial Secretary in this House, the Colonial Secretary being the Minister to whom the matter I wish to allude to belongs—whether the reports that have recently come down as to the continual spread of scab in the Northern part of the colony are true, and, if so, whether the Government intend to use more energetic measures to prevent the extension of this disease. We know that during the last twelve months, since the new Scab Act was passed, this disease instead of decreasing has continued to spread in every direction. I think this is a matter that requires immediate action on the part of the Government.