

Legislative Council,

Tuesday, 11th September, 1900.

Election Returns, new Provinces—Address-in-reply, Presentation—Papers presented—Question: Perth High School—Question: Payment of Members—Question: Katanning Railway Sheds—Question: Telephone at Katanning—Question: Railway Platform Removal, Falkirk—Constitution Amendment Act Errors Bill, all stages—Supply Bill, £500,000, all stages—Game Amendment Bill, in Committee, reported—Commercial and Business Holidays Bill, second reading, referred to Select Committee—Adjournment.

THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

ELECTION RETURNS, NEW PROVINCES.

THE PRESIDENT reported the return of election writs issued by him for the two new provinces, Metropolitan Suburban and South; from which it appeared that the following six members had been duly elected:—Hon. George Bellingham, South; Hon. Thomas Frederick Outridge Brimage, South; Hon. William Gordon Brookman, Metropolitan Suburban; Hon. John Thomas Glowrey, South; Hon. Adam Jameson, Metropolitan Suburban; Hon. James Montgomery Speed, Metropolitan Suburban.

Three of the new members present, Hon. A. Jameson (Metropolitan Suburban), Hon. J. T. Glowrey (South), and Hon. J. M. Speed (Metropolitan Suburban), took the oath and subscribed the roll.

ADDRESS-IN-REPLY — PRESENTATION.

At twenty minutes to five o'clock the PRESIDENT, accompanied by hon. members, proceeded to Government House to present the Address-in-reply to the opening Speech of His Excellency; and having returned, the PRESIDENT reported that

His EXCELLENCY had been pleased to reply as follows:—

MR. PRESIDENT AND HON. GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I thank you for your Address-in-reply to my opening Speech, and for the assurance of your desire to deal with all questions that may come before you in such a manner as to promote the advancement and welfare of this portion of Her Majesty's dominions.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, By-laws, Fremantle Municipal Council;

2, Statistical Abstract for August, 1900; 3, Annual Report Aborigines Department; 4, Annual Report Police Department; 5, Meteorological Observations, 1900; 6, Australian Federation and Commonwealth Bill, Correspondence; 7, Annual Report Governors of High School; 8, Annual Report Chief Inspector of Fisheries; 9, Annual Report Mines Department.

Ordered to lie on the table.

QUESTION—PERTH HIGH SCHOOL.

HON. R. S. HAYNES (without notice) asked the Colonial Secretary when he intended to lay on the table of the House the return moved for the session before last, showing the cost of the education of boys at the High School, Perth.

THE PRESIDENT: The Clerk informed him that the return was laid on the table at the end of last session.

QUESTION—PAYMENT OF MEMBERS.

HON. R. S. HAYNES (for Hon. J. M. Drew) asked the Colonial Secretary: 1, Is it not a fact that the Government are pledged to submit the question of payment of members of Parliament to a referendum of the people at the next general election? 2, And, if so, do the Government propose to introduce, at the present session of Parliament, legislation to enable the referendum to be legally taken?

THE COLONIAL SECRETARY replied: 1, In the Legislative Assembly on 19th July, 1899, the Government moved: "That the question of payment of members should be referred to the electors of the colony for an expression of their opinion at the next general election," and the motion was carried unanimously. 2, The Government intend carrying out this undertaking.

QUESTION—KATANNING RAILWAY SHEDS.

HON. W. MALEY asked the Colonial Secretary, What is the amount received for rent of railway sheds at Katanning during the last four years, and the quantity of produce stored during that period, and term of occupation of premises?

THE COLONIAL SECRETARY replied: The carriage shed at Katanning was

leased to Messrs. A. E. Piesse and Company from 20th February, 1899, at a rental of £10 per annum. The total rent paid to date is £15 16s. 5d. The aggregate quantity of produce which has been stored there up to date amounts to about 400 tons. The premises are occupied for about five months in the year. A railway carriage or two has been kept there for emergency, and this permitted of only a portion of the shed being used.

QUESTION—TELEPHONE AT KATANNING.

HON. W. MALEY asked the Colonial Secretary, Whether the telephone line stretching across the town of Katanning is the property of the Government, and the revenue derived from same during the past five years.

THE COLONIAL SECRETARY replied: This line is private property; nothing to do with the Government. Messrs. F. and C. Piesse applied for and obtained permission to run a telephone line from their office at Katanning to the factory in the orchard, in March, 1897. There was no rent chargeable to Government, nor had the Government anything to do with the erecting of same. They, however, have paid the £1 per annum—the license fee.

QUESTION—RAILWAY PLATFORM REMOVAL, FALKIRK.

HON. R. S. HAYNES asked the Colonial Secretary: 1, If a railway platform was erected at Falkirk, opposite Ferguson's foundry. 2, If the station was subsequently removed to Maylands. 3, What was the date of the removal, and what was the distance. 4, What was the reason of the removal. 5, Who are the owners of the Maylands Estate.

THE COLONIAL SECRETARY replied: 1, 2, 3, and 4: There never was a platform opposite Ferguson's foundry, but trains used to set down passengers when required. 5, Maylands Estate consists of portion of Swan Location Y, which is subdivided and sold in small allotments by the "Gold Estates of Australia, Limited" to numerous purchasers, among whom are John Davies, John Tregerthen Short, and Thomas Patterson, all of Perth. To give all the names would entail some labour.

CONSTITUTION AMENDMENT ACT ERRORS BILL.

ALL STAGES.

Received from the Legislative Assembly, and read a first time.

The Standing Orders having been suspended,

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading of the Bill, said: I have only to state that certain amendments were made, I believe in this House, to the boundaries of certain districts, and the corresponding amendments were not made in the old districts. It is surely necessary that as soon as possible this state of things should be amended, and this Bill is brought in for that purpose. The amendments are embodied in the schedule relating to the Bunbury, Menzies, Nelson, Roebourne, Sussex, and Wellington districts. It is a mere matter of form.

Question put and passed.

Bill read a second time.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

SUPPLY BILL, £500,000.

ALL STAGES.

Received from the Legislative Assembly, and read a first time.

The Standing Orders having been suspended,

THE COLONIAL SECRETARY (Hon. G. Randell), in moving the second reading, said: This Bill, which of course has only just come into my hands, is to a large extent formal, the object being to enable the Government to carry on the business of the country until such time as the annual Estimates are passed. Seeing that we have arrived at almost the middle of September, members will agree that the measure is highly desirable and necessary for the proper carrying on of the public service of the colony. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and *passed*.

GAME ACT AMENDMENT BILL.
IN COMMITTEE.

Clause 1:

THE COLONIAL SECRETARY moved that the words, "for Lands," line 3, be struck out, and "administering this Act" inserted in lieu.

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

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 2:

After the expiration of ten days from the commencement of the period proclaimed as a close season for any bird or animal of a kind mentioned in the First Schedule of the principal Act, and before the termination of such period, no person, unless licensed under Section seven of the said Act, shall knowingly sell, buy, or have in his possession or control the dead body of any such bird or animal, whether native or imported; and every person contravening this section shall be guilty of an offence, and, on conviction thereof, shall be liable to a fine of One pound for every such dead bird or animal in his possession or control, unless the Justices hearing the case are satisfied that such dead bird or animal was imported from beyond the Colony, the proof of which shall lie on the person accused.

This was taken verbatim from an Act in another colony, and intended to do away with the inducement for hunters to destroy game. Although it was made illegal for a shopkeeper to have game exhibited for sale, it was not easy to obtain a conviction; therefore it was advisable to proclaim a close season for birds and animals mentioned in the schedule of the Act. This would enlarge the powers of the present Act considerably, for to some extent the Act was inoperative, it being very difficult to prove that game exhibited for sale was shot in the close season. The department administering the Act thought this further power should be given. The latter part of the clause protected people from vexatious prosecution.

HON. F. M. STONE: This appeared to be a very necessary clause. The present Act had been evaded in several instances in Perth. In the close season one had only to walk along Hay street to see scores of ducks hanging up in shops; and if one asked why the shopkeeper was not prosecuted, the answer given was that it was not possible to prove that the game had not been imported. One had only to

look at the ducks to see fresh blood dripping from them, showing that the birds had been killed on the previous day.

Clause put and passed.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 3:

No person shall use a swivel gun or punt gun, or any gun other than one fired from the shoulder, for the purpose of wounding or killing any native bird; and every person contravening this section shall be guilty of an offence, and, on conviction thereof, shall be liable to a fine of not more than Five pounds, and to the forfeiture of the gun so unlawfully used.

The object of the clause was to prevent the wholesale destruction of wild fowl, and to instil true sportsmanlike dealings. He did not think there was a swivel gun in the colony at present; but modern inventions increased rapidly, and no doubt such a gun might be introduced. A whole flock of birds could be destroyed by a swivel gun at a time. A similar provision was in the Acts of all the other colonies.

HON. F. M. STONE: It was desirable that the Minister charged with the administration of the Act should not go to extremes. There were birds protected by the Act which should not be. The wattle-bird, for instance, which owners of gardens knew destroyed the fruit, was protected. These birds could be seen along the river gardens, by Gallop's, in hundreds, and he had seen them in the President's garden at Crawley. The swamp-hen, too, was protected. It was a very pretty bird, but the gardeners would say that they had to lay poison to kill this bird every season, which rendered them liable to prosecution.

HON. J. W. HACKETT: The Minister could remove these birds from the schedule.

HON. F. M. STONE: Sometimes a Minister would listen to a person who wanted a certain kind of bird protected. At one time the shag was protected because it was thought that the production of guano at the Abrolhos would be lessened.

Clause put and passed.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 4:

All offences against this Act shall be punishable, and orders and convictions in respect thereof shall be subject to appeal, as if they were offences against the principal Act.

It was a right and good principle, which every learned member would indorse, to allow an appeal.

Clause put and passed.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 5:

The Governor may appoint inspectors to assist in enforcing the provisions of the principal Act and this Act.

It was highly necessary to have machinery for the carrying out of a law of this description, and the power given to the Governor would be rightly used.

Clause put and passed.

New Clause:

THE COLONIAL SECRETARY moved that the following be added, to stand as Clause 6:

The Governor may make regulations for the better carrying into effect of the principal Act and this Act.

Clause put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

COMMERCIAL AND BUSINESS HOLIDAYS BILL.

SECOND READING.

HON. A. B. KIDSON (West): I rise to move the second reading of this Bill, which is short and simple, and was before this House in a previous session. On that occasion I introduced the Bill, and the second reading was carried in this House; but owing to lateness when the measure was introduced, the House thought it better to postpone the further consideration until some future occasion. The object of this Bill is to provide uniformity in connection with the closing of shops on holidays; and the holidays on which it is proposed to enforce this uniformity are those mentioned in the first schedule of the Bill. I may mention, for the information of hon. members who perhaps may have forgotten it, that this Bill is the outcome of the joint deliberations of the Chambers

of Commerce in the colony. It emanated in the first instance from the Chamber of Commerce in Fremantle, where the matter was taken up with very great interest, and it was then submitted by them to the different Chambers of Commerce throughout the colony, and these Chambers of Commerce, in conjunction with the Fremantle Chamber of Commerce, decided upon the measure which is now before the House for the consideration of members. The difficulty found hitherto in connection with the matter is that on the public holidays which are at present prescribed, and those which are mentioned in the first schedule of the Bill, there has been by no means uniformity in connection with the closing of business houses, with the result that business men have found that this want of uniformity has militated to a very considerable extent against them. On the holidays some places of business have been closed whilst others have been open. Some places have taken one day for a holiday and other places another, with the result that matters have been at sixes and sevens; and those persons who desire to close on the holiday, and who form a great majority, have been influenced to a great extent by the minority of the business houses remaining open. The persons engaged in business have felt so strongly on the subject that the matter was brought before the Chamber of Commerce, with the result that I have mentioned. As I have already said, the measure passed the second reading in this House last session. I think that fact will commend the Bill to members. I do not intend to proceed with the Committee stage at once, but, in the event of this House passing the second reading of the measure, I propose to ask for a select committee to consider its provisions. I shall do so because on the former occasion when the Bill was before the House, one or two members mentioned that some slight amendment might be required in its provisions. With the object, therefore, of having the very fullest inquiry into the measure, I shall, as I say, ask for a select committee to be appointed. I myself can see one or two slight amendments that might be made with advantage, therefore I am all the more forced to the conclusion that it will be wise to take the step I have mentioned. It will

be seen that this measure will only apply to shops other than those mentioned in the second schedule to the Bill, and on the days that are mentioned in the first schedule. It will be compulsory upon all shops other than those mentioned in that second schedule to close their business premises on those days. Clause 3 provides that the Bill shall not apply to establishments mentioned in the second schedule. Clause 4 provides that from and after the coming into operation of this measure the several days mentioned in the first schedule to the Bill shall be commercial and business holidays. Clause 5 provides that the Governor may proclaim a holiday, and Clause 6 provides that the Governor may alter a holiday, Clause 7 provides for the closing of shops, whilst Clause 8 refers to the question of penalty, and Clause 9 is as to the ordinary legal procedure. I do not think it is necessary for me to labour the question, because I am sure that a Bill so much desired by those most particularly interested will meet with the approval of members. Therefore I feel I can safely leave the matter in their hands, and content myself with moving the second reading of the Bill.

Question put and passed.

Bill read a second time.

On further motion, the Bill was referred to a Select Committee, consisting of Hon. R. S. Haynes, Hon. F. M. Stone, and Hon. A. B. Kidson as mover; to report on the 18th September.

ADJOURNMENT.

On motion by the COLONIAL SECRETARY, the House adjourned at 5:42 o'clock until the next Tuesday.

Legislative Assembly,

Tuesday, 11th September, 1900.

Papers presented—Seat Vacated, West Perth—Question: Artesian Bore at Dardanup—Question: Culvert, Wokalup and Mornington—Supply (temporary); Supply Bill, passed all stages—Public Service Bill, in Committee, Clauses 1 to new clause, progress; a Division—Papers ordered: Erection of Central Winery—Return ordered: Mail Steamer Dues at Fremantle—Return ordered: Culverts (cost), Wokalup and Mornington—Motion: Police Department, Royal Commission to Inquire; Division (negative)—Adjournment.

THE SPEAKER took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER OF MINES: Report of Mines Department, 1899.

By the PREMIER: 1, Mail Steamers calling at Fremantle, letter from General Post Office, London; 2, By-laws, Fremantle Municipality, Weights and Measures.

Ordered to lie on the table.

SEAT VACATED, WEST PERTH.

COMMISSIONER OF RAILWAYS.

On motion by the PREMIER, the seat for West Perth was formally declared vacant, Mr. Wood having accepted an office of profit under the Crown (appointed Commissioner of Railways).

QUESTION—ARTESIAN BORE AT DARDANUP.

MR. HOLMES asked the Premier: 1, Whether the artesian bore at Dardanup was on Government or private land. 2, If on private land, what amount was expended, and what proportion was paid by owner. 3, What amount was paid to relatives of workmen killed on works.

THE PREMIER replied:—1, The artesian bore at Dardanup is on private land. 2, The arrangement with the owner was, in the first instance, the usual one in regard to boring, that is to say, the Government agreed to find the plant, and the owner had to pay wages, etc., etc. After 453 feet had been bored the boring got out of plumb and the rods jammed, and as the Government foreman was in a measure responsible, it was agreed to put the bore down in a fresh place at the expense of the Government