

Legislative Council,

Tuesday, 19th January, 1892.

Sessional Order—Crimes committed by natives at the North—Settled Land Bill: third reading—Supreme Court Act Amendment Bill: second reading—Affirmations Bill: second reading—Public Officers Bill: in committee—Bills of Sale Act Amendment Bill: first reading—Death of the Duke of Clarence and Avondale: Address of Condolence—Third Judge Bill: in committee—Municipal Institutions Act Amendment Bill: in committee—Sharks Bay Pearl Shell Fishery Bill: in committee—Game Bill: in committee—Fremantle Harbor Works: Message from the Legislative Assembly—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 3 o'clock.

PRAYERS.

SESSIONAL ORDER.

THE COLONIAL SECRETARY (Hon. G. Shenton), by leave, without notice, moved, That unless otherwise ordered, the Council will meet for despatch of business on Tuesdays and Fridays, at 3 o'clock, p.m.

Question—put and passed.

CRIMES COMMITTED BY NATIVES AT THE NORTH.

THE HON. E. T. HOOLEY, in accordance with notice, asked the Colonial Secretary, Whether the Government are aware that serious crimes have been recently committed by aboriginal natives in the Northern districts of the colony; also whether the Government intend taking any additional steps to deal with these offenders (over and above the ordinary police patrols), and the nature of the steps proposed.

THE COLONIAL SECRETARY (Hon. G. Shenton): The Government is aware of the depredations of the natives in the outlying portions of the Upper Murchison and Gascoyne, and it proposes to increase the Police Force and to propose also new legislation, giving powers to inflict summary punishment in certain cases.

SETTLED LAND BILL.

This bill was read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): This bill has been brought in by the Government at the request of the Judges of the Supreme Court, in order that the court, with the concurrence of the Colonial Treasurer, may fix the fees to be taken. The Judges consider the bill necessary; and I now move that it be read a second time.

Question—put and passed.

AFFIRMATIONS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have now to move the second reading of this bill. Hon. members are aware that there are certain members of the community who decline to take the oath, but are willing to make an affirmation. This bill will meet a case of this kind. The first clause deals with the manner in which affirmations are made, and clause 2 provides that persons making a false declaration shall be punished as if they had committed perjury under the present law.

Question—put and passed.

PUBLIC OFFICIALS TITLES BILL.

This bill was agreed to in committee without amendment.

BILLS OF SALE ACT AMENDMENT BILL.

This bill was read a first time.

DEATH OF THE DUKE OF CLARENCE AND AVONDALE.

ADDRESS OF CONDOLENCE.

THE PRESIDENT: I have to inform hon. members that I have received a message from the Legislative Assembly enclosing a copy of an address of condolence which has been adopted by that House. The address reads:—

“MAY IT PLEASE YOUR MAJESTY,—

“We, your Majesty's loyal and dutiful subjects, the members of the “and Legislative Assembly of Western “Australia, in Parliament assembled, “humbly approach Your Majesty with “feelings of the deepest devotion to “Your Majesty's Throne and Person.

"We desire to assure you of our great sympathy and sorrow for Your Majesty, for the Prince and Princess of Wales, and the other members of the Royal Family, in the sad affliction and bereavement that has fallen upon Your Majesty and your family, by the lamented death of His Royal Highness the Duke of Clarence and Avondale.

"We pray that the blessing of the Almighty may rest upon Your Majesty and your family, and that you may be thereby sustained in your great and heavy affliction."

The Standing Orders were suspended, in order to allow of the message being at once taken into consideration.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to move that the words "Legislative Council" be inserted in the address sent from the Legislative Assembly to this honorable House. The Address to Her Majesty the Queen which the Assembly has sent up to us asks us to join with them in expressing our condolence with Her Gracious Majesty and the Royal Family in the great bereavement which has fallen on them by the death of His Royal Highness the Duke of Clarence and Avondale. At the last meeting of the Council I had the melancholy duty of conveying to honorable members the distressing intelligence received by cable informing His Excellency the Administrator of the sad calamity, and this House, as a token of respect, at once adjourned its sitting. We should now continue the procedure commenced on that day by joining with the Legislative Assembly in passing this address. Those who have read the telegrams in the papers must, I think, have seen with satisfaction of the addresses that have been sent from all parts of Her Majesty's dominions to Her Majesty since this sad affair. Although our population may not be so large as that of other parts of Her Majesty's empire, I feel sure that this colony has condoled with Her Majesty and the Prince and Princess of Wales over the sad loss which has befallen them. I do not think it is necessary for me to make a long speech, as I spoke rather fully in moving the adjournment of the House on Friday. In conclusion I shall, in the ending words of the address, say that I hope that the blessing of the Almighty may rest upon Her Majesty

and her family, and that she may be thereby sustained in her great and heavy affliction.

THE HON. J. W. HACKETT: I am sure every hon. member of this House will thoroughly concur with the motion which my hon. friend the Colonial Secretary has proposed. It is a happy circumstance that during the long reign of Her Majesty, a reign just now completing its 55th year, she should have been visited so seldom by the shadow of domestic sorrow. She has lost her admirable consort but among her own children she has had only to mourn the loss of but two; and the grief she must feel in consequence of the death of Prince Albert Victor is as great as that which she can have experienced for any of those who have gone before. There is something peculiarly sad not only for Her Majesty, but for the nation, in the fact of this young Prince being called away when he was just about to add to the duties of Princehood the performance of the duties of a citizen and a man. He was about to enter into a marriage for which all preparations had been arranged; a marriage founded on the truest of all foundations—mutual esteem and affection; a marriage which in every way appeared to promise a long and salutary life of domestic peace and happiness. It is a mournful coincidence that at the very time the wires were flashing the fact through Western Australia of the great calamity which had fallen on the Royal House, the newspapers announcing the Royal engagement were being distributed in this colony. The news of the engagement was received with one universal outburst of approval from one end of the nation to the other. It is not for me to dilate on the character of the young Prince whose untimely death we mourn. Qualifications of a high standard are now required of those who aspire to the exercise of a wide authority, or to the duties of an exalted position, but in no case has the education of a prince been watched with more care or more tender solicitude than has been the case with Prince Albert Victor. The endeavors of his Royal father to fit him for such a position, caused him to make him, as far as possible, acquainted with the dominion over which he might have some day ruled, and among other places he visited the shores of

Western Australia. Everyone will agree with me when I say that when this young prince left us, the estimation of his character and the affection for his person stood appreciably higher than when he came. I heartily join in this address of respectful affection and loyal sympathy, and if anything could be a consolation to our Queen and her suffering family, it surely ought to be that the grief which has overtaken the Royal Family has been found to be one common grief, not only to the nation and the Empire, but to the entire world as well. Sir, I second the address of condolence and sympathy.

THE HON. J. G. H. AMHERST: Although it may be unusual for another member of the House to speak on a motion of this kind, I cannot permit the opportunity to pass without offering my heartfelt testimony of the many good and excellent qualities of Prince Albert Victor. I had the honor in 1881, when I was private secretary to the Governor of Fiji, of being in personal contact with him, and, during the whole of the stay of the young Prince there, of seeing a great deal of him at Government House, and I can speak of the amiable interest he showed in all entertainments that were given in his honor. Again, in London, I had the honor of meeting Prince Albert Victor when Sir Frederick Broome read a paper on Western Australia. At the finish of the proceedings the late Prince came up to me and shook me warmly by the hand, and in answer to his interrogations, I informed him that I was shortly leaving for Western Australia. He wished me all good fortune out here, and said he had spent some very pleasant days at Albany. I join most sympathetically with the expressions of grief and sorrow in the loss which has fallen on the British Empire.

Question—put and passed.

THIRD JUDGE BILL.

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

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3—"Property exempt from rates":

THE HON. J. W. HACKETT said that sub-section (f) exempted hospitals, benevolent asylums, orphanages, public schools, private schools, public libraries, public museums, and mechanics' institutes. He agreed with the whole of the exemptions except as to private schools.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that it was only intended that premises used exclusively as private schools should be exempt, such as the Grammar School at Fremantle. If there was a dwelling house attached it would not be exempt.

THE HON. J. W. HACKETT said that this did not remove the difficulty. These private schools were matters of private speculation, and if they were exempt it would open the door to all kind of abuses. For instance, what was a private school? Would a house used as a night school twice a week come within the definition? Would a room where shorthand lessons were given, or a dancing academy, come under the clause? If they went outside the principle of the bill, that all buildings and land except those belonging to the Crown or used for public purposes, should be taxed, they would land themselves in a sea of difficulty. If they exempted private schools, he would like to add a number of other things. He moved that the words "private school" be struck out.

THE COLONIAL SECRETARY (Hon. G. Shenton) said the intention of the Government was to encourage education, but buildings under the bill which would be exempt would have to be used exclusively for school purposes. On the second reading of the bill he had instanced the Fremantle Grammar School.

THE HON. J. W. HACKETT said they might as well exempt printing offices where apprentices were trained, for they were quite as useful for technical purposes as schools.

THE HON. T. BURGESS quite agreed that if these words were left in the bill they would lead to all sorts of difficulties. Only one school had been mentioned, but others might spring up all over the colony, and it was a question how far they ought to go in exempting them from taxation.

THE HON. J. MORRISON said that under this clause the buildings must be used exclusively as schools, and he was

certain that no building would be so used only to save the rates.

THE HON. J. W. HACKETT asked if the building would still be exempt if a theatrical entertainment were given in it.

THE COLONIAL SECRETARY (Hon. G. Shenton) thought in that case the benefits of the Act would be lost.

THE HON. G. W. LEAKE said he agreed that they would be running themselves into a sea of difficulty if they allowed these words to stand. There was no definition of what a school was. It might be a school of pugilism, a school of art, or a school of infamy.

Amendment agreed to.

THE HON. J. G. H. AMHERST asked whether sub-section 2, which exempted lands permanently appropriated for purposes of public recreation, would cover the new cricket ground, or the Perth Oval, as it was called.

THE COLONIAL SECRETARY (Hon. G. Shenton) said it was the intention of the Government that this ground should be exempt.

The clause was agreed to.

The remaining clauses were passed and the bill reported.

SHARKS BAY PEARL SHELL FISHERY BILL.

IN COMMITTEE.

Clause 5—"Such licenses shall be of two kinds—an 'Exclusive License,' which shall give the sole right to gather, collect and remove pearls and pearl shells from a specific area defined in the license and from no other locality; and a 'General License,' which shall give a general but not exclusive right to gather, collect, and remove pearls and pearl shells from such portions of Sharks Bay as shall not be held under 'Exclusive License,' and the right under a 'General License' shall immediately cease over any specific area defined in an 'Exclusive License' as soon and as often as any such last-mentioned license may be granted":

THE HON. J. W. HACKETT said he had given notice of a new clause which would allow of these waters at Sharks Bay being dealt with in the same way as land. The unit in the case of a pastoral lease was 1,000 acres, and the unit, he suggested, in regard to these waters was six square miles. There would, he thought, be a considerable amount of difficulty in

going below this area. The object of the bill was to enable the Government to lease the grounds in sections, and under the clause he proposed they would be better able to carry that principle out than under the bill as it now stood. They could let one section and close another, or make any arrangements they thought fit, whereas under the bill as it stood exclusive licenses were contemplated which would make it possible for one person to control the whole Bay. By the means he suggested they would also be able to see what each lessee was doing. After consultation with some gentlemen who were intimately acquainted with the fishery he had suggested this method of dealing with the pearling grounds at the Bay. In order to carry the suggestion out it would be necessary to alter the present clause; and he proposed that instead of the clause reading "and remove pearls and pearl shells from such portions of Sharks Bay as shall not be under exclusive license," it should read "and remove pearls and pearl shells from such portions of Sharks Bay as shall be named therein"—that was, in the license. He moved to strike out the words "not be held under exclusive license," with a view to inserting the words "be named therein."

THE HON. T. BURGESS thought the amendment very desirable. It would simplify the matter very much, both in the interests of the pearlers and the Government.

THE HON. M. GRANT said they were now commencing a new era in legislation. He had read the many reports and pamphlets by Mr. Saville-Kent, and had become quite a convert to the view of the Government that this gentleman had done wonders in connection with the oyster fisheries of Queensland. It was evident that a great deal could be done by artificial means, and they should leave no stone unturned in the direction of replenishing the banks with the mother-o'-pearl oyster. Then they had the river, in which he believed the edible oyster would do splendidly, and he must say that he was very much surprised that no steps had been taken to find out what class of oysters had been in the river. There were tons of shell to be found anywhere, which looked as if they were only two or three years old. He had

been reading in the *Encyclopædia Britannica* with what success the cultivation of the oyster had been carried on in other parts of the world, and he did not see why something similar could not be done here. He thought, however, that before they went in for any legislation on the subject they should wait until Mr. Saville-Kent arrived. As to the area of six miles, suggested by the Hon. Mr. Hackett, he hardly thought that it would be sufficiently large to induce people to prosecute the industry with any vigor. He would give away areas where oysters had never been found before, so as to induce people to cultivate them; and, as regards the river, he would give long leases of land along the banks so as to get people to foster the growth of the edible oyster.

THE HON. W. D. MOORE said that he thought it was highly desirable that some such provision as was suggested should be made in order to prevent the complete destruction of Sharks Bay. He did not, however, agree with the proposal to lease for 21 years. It was somewhat too long. He thought fourteen years would be ample time to give those who wished to make experiments in replanting and cultivating the oyster.

THE HON. J. G. H. AMHERST agreed with the hon. member that twenty-one years was too long a period to grant a lease for, although he would not object to fourteen years. He would like to know how the areas were to be defined. Would the Government buoy out each lease?

THE HON. M. GRANT would also like to know whether the areas would be let by lot or be thrown open for selection.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that as one or two important questions had been raised, he would move that progress be reported in order that he might consider them.

THE HON. T. BURGESS said all these questions would be answered by the regulations.

THE HON. J. W. HACKETT said that the regulations were not before the House, and they must frame the bill in such a way as to govern the regulations.

THE HON. T. BURGESS pointed out that in regard to pastoral leases the lessees marked out their own boundaries.

THE HON. J. MORRISON was of opinion that the regulations should have

been framed with the bill. One thing that struck him was, what position the Government would find themselves in if, after passing the bill, Mr. Saville-Kent did not agree with what had been done? Therefore, perhaps, it might be advisable to allow the bill to stand over.

THE HON. J. W. HACKETT said he had no objection to the fullest time being given for the consideration of the proposal he had made to the House; for the more it was examined the more it would commend itself to the community at large. He was glad to find that no objection had been raised to the system of area leasing instead of general leasing. With regard to the measuring of the areas, he thought the Government would certainly have to take some such steps as were taken in regard to land. They would have to survey the areas, and they would be well able to afford the expense out of the very large revenue he was sure they would receive from the leases.

THE HON. M. GRANT said he objected to the leases for less than 21 years, because under such conditions no one would take them up. It took seven years for the oyster to mature, and therefore unless a long lease were granted no one would undertake to plant the ground.

Question—That progress be reported—put and passed.

GAME BILL.

The Order of the Day for the consideration of the Committee's further report on this bill having been read,—

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the report be adopted.

THE HON. J. W. HACKETT moved, as an amendment—That the bill be again recommitted.

Amendment—put and passed.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the word "January," in clause 1, be struck out, and the word "February" inserted in lieu thereof.

Question—put and passed.

THE HON. J. W. HACKETT moved that paragraph 3 of clause 2 (dealing with imported game) be struck out.

Question—put and passed.

THE HON. J. W. HACKETT moved

that the words "bird or animal, and being in the First Schedule to this Act subject to the provisions of section 14," be inserted in lieu of the word "game," in line 5 of clause 5.

Question—put and passed.

THE HON. J. W. HACKETT moved that the words "bird of imported game," in line 3 of clause 7, be struck out, and the words "imported bird" inserted in lieu thereof.

Question—put and passed.

THE HON. J. W. HACKETT moved that the words "being the owner of such imported bird or animal, or native game, or his authorised agent" be inserted after the word "who," in line 4 of clause 9.

Question—put and passed.

The bill was then reported.

FREMANTLE HARBOR WORKS—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

Mr. President,

"The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee consisting of five members, to join with a similar Committee of the Legislative Council, for the purpose of inquiring into the question of providing harbor accommodation at Fremantle; and having regard to the amount at present available or likely to be available for this purpose, to report what plan could be most advantageously undertaken with a view to the early completion of a harbor affording secure accommodation to the largest class of ocean-going mail steamers; with power to call for papers and persons, and to report on 25th January; and requests that leave may be given to a similar Committee of the Legislative Council to join with a Committee of the Legislative Assembly for the purpose aforesaid.

"JAS. G. LEE STERE,

"Speaker.

"Legislative Assembly Chamber, Perth,
January 19th, 1892."

He said: I understand that the Legislative Assembly are desirous of having an early answer to this message, and, therefore, perhaps, the Colonial Secretary will

move in the matter now. There is nothing, I may say, in the Standing Orders directly bearing on a matter of this kind.

THE COLONIAL SECRETARY (Hon. G. Shenton): I think the committee should be elected by ballot, and I do not think it would be fair to go on with a ballot now.

THE HON. J. W. HACKETT: I do not know whether this is permissible by our Standing Orders; but I believe that these joint committees have been appointed at Home, and have proved very useful. The Speaker of the Legislative Assembly has advised me that such a committee may be appointed here, and therefore, although we have no Standing Order on the subject, I hope the motion may be put.

THE COLONIAL SECRETARY (Hon. G. Shenton): I move that the message be taken into consideration at the next sitting of the House.

Question—put and passed.

ADJOURNMENT.

The Council, at 5 o'clock, p.m., adjourned until Thursday, 21st January, at 8 o'clock, p.m.