

## LEGISLATIVE COUNCIL,

*Monday, 12th July, 1886.*

Crown Agents' Deposit Account—Public Health Bill: second reading—Bout Licensing Bill: in committee—Chinese Immigration Bill: in committee; progress reported—Legislative Council Act Amendment Bill: third reading—Message (No. 6): assenting to Bills—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

## PRAYERS.

## CROWN AGENTS' DEPOSIT ACCOUNT.

MR. SHENTON, in accordance with notice, asked the Acting Colonial Secretary to lay on the table of the House a Return showing how the sum of £95,328 7s. 8d. had been expended—that amount being the difference of the Crown Agents' deposit account, bearing interest—from the 1st January to June 30th, 1886.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) laid on the table the Return asked for.

## PUBLIC HEALTH BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading of a bill to amend the law relating to public health, said that for many years past the attention of the Government and of the public had been called to the question of the regulation of the public health, by the Colonial Surgeon and also by many other medical officers and medical practitioners, throughout the colony; and more particularly had attention been called to the sanitary condition of the towns of Perth and Fremantle, and chiefly of Fremantle. After many attempts to deal with the question, after various committees had examined into it, and commissions had been appointed and their reports placed before the House, the question had now been taken up by the Government; and, following upon the report of the Commission last session, the result had been the bill now before the House. The difficulty that seemed to have been experienced in the past with regard to this matter was that the regulation of the health of these towns had been entrusted to the Town Councils, and for some reason or other, which he was not pre-

pared to give—possibly because these Councils were elected bodies—the law on the subject, contained in "The Municipal Institutions Act, 1871," had been nothing more than a dead letter. That Act contained numerous provisions relating to public health and the suppression of nuisances, but he was not aware—except perhaps in an isolated case or two—that any of those provisions had been enforced. Certainly no general attention had been paid or directed to them, while at the same time he was aware himself that constant complaints had been made, and that the medical profession continued to reiterate their warnings from time to time, as to the necessity of some scheme being enforced in certain localities. Undoubtedly in Perth and Fremantle, as well as in the country generally, with the exception of an outbreak of scarlatina at Albany, which some years ago created some little scare, there had been nothing else to alarm the public on the score of the public health, to any extent. But he thought it was as well to have a measure of this description on the statute book, so that we may be armed at all points to resist any epidemic that may break out. We were now extending our relations with the outer world, and in frequent communication with Singapore, Mauritius, and other places from whence disease might readily be imported, but, under the law at present in force, if an epidemic of cholera or small-pox or any such disease was to break out, we should be quite unable to cope with it, under the Municipal Institutions Act. The Commission that sat last year reported that there should be a Central Board of Health appointed, as well as Local Boards, and that the appointment of these boards should rest mainly in the hands of the Government. As he had already said, possibly it had been seen that nothing could be expected from the Town Councils, under the Municipalities Act, and therefore it was suggested that the members of these boards, both the Central Board and the Local Boards, should be appointed by the Government. It would be found that the present bill adopted that principle, and, according to the recommendation of the Commission, provided that the Central Board shall consist of five persons, one of whom shall be a legally qualified medical practitioner, another a civil en-

gineer, and another a practical builder. He was not prepared to say by what process of reasoning the Commission arrived at the suggestion that one of the members of the Central Board of Health should be a practical builder; at the same time, a practical builder was certainly as fit as any other practical man to be a member of the Central Board or of a Local Board. The Government at any rate had followed the report of the Commission as closely as they possibly could, and the Central Board would be constituted as he had already mentioned. This Board was to have the whole supervision of the execution of this Act. The Board would appoint their own officers, and would be empowered to make regulations and to issue orders from time to time for the purpose of carrying out the provisions of the Act as they might think fit. He should have stated perhaps earlier that the Act at present would be limited in its operation to the city of Perth and the town of Fremantle, but its provisions might be extended by the Governor-in-Council, on the representation of the Central Board, to any other municipality now existing or that hereafter may be declared and proclaimed. The Local Board of the municipality would be empowered to apply certain provisions of the Act to certain portions of the town, or, if considered necessary, extend the provisions of the Act in their entirety to all parts of the town. Should it be proved to the satisfaction of the Central Board that any Local Board of Health made default in the performance of its duty, in regard to the abatement of nuisances under the Act, it would be in the power of the Central Board to authorise any officer of police, or member of the police force acting within the jurisdiction of the defaulting board, to institute any proceedings which the Act authorised with respect to the abatement of nuisances. Further than that, if any Local Board made default in enforcing any provisions of the Act which it was their duty to enforce, the Central Board might make an order limiting a time for the performance of the Local Board's duty, and, if such duty should not be performed within a given time, the Central Board might enforce it by writ of mandamus, or they might appoint some other person or persons to perform the

duty. The members of the Local Boards, as he had already said, would be appointed by the Governor; and the Mayor or Chairman of any municipality would be *ex officio* a member of such board. That was adopting another recommendation of the Commission. A health officer was to be appointed by each Local Board, subject to the approval of the Central Board, which officer was to be paid such remuneration for his services as the Local Board might fix. It would be the duty of this officer to perform such duties in connection with enforcing the provisions of the Act as the Board might direct, and to keep the inspectors of nuisances up to their work. Two or more Local Boards might, with the approval of the Central Board, join in the appointment of a health officer. Inasmuch as certain works would have to be performed and certain expenses incurred in connection with carrying out the provisions of the Act, it would be necessary that some fund should be provided for that purpose; and he thought all hon. members would agree with him that the charges incurred in connection with an Act of this description should fall upon the shoulders of the local ratepayers. He thought it would be impolitic to ask the country generally to contribute out of the general revenue such expenditure as might be necessary to be incurred by a Local Board in keeping free from infection any part of a particular town. Undoubtedly, the expense of these Local Boards would be very small indeed, because in respect of all acts required to be done under this bill the expense in the first instance would be chargeable to the owner of the property upon which these acts had to be done; and, if an owner could not be found, and there was no occupier, the expense would remain a charge upon the property, and, ultimately, after a lapse of three years, the bill provided that the Local Board might take possession of the property, and let it, in order to reimburse any expense incurred in connection with the property, under the Act. Further, if the property in question should not be claimed by any owner within a reasonable time, twelve years, power was given to the local body to sell and dispose of it altogether. He did not suppose it was likely that any property, in Perth or

Fremantle at any rate, would remain without some claimant for twelve years; but power was placed in the hands of the Local Board, if they incurred any expense in connection with the property, to make such expense a charge against the property. As it was considered that the Local Boards should be empowered to levy a rate upon the inhabitants of the town for the purpose of carrying out the provisions of the Act, and as it would be necessary that some machinery should be provided to enable this rate to be levied and collected, it was considered better, instead of encumbering the present bill with the very numerous provisions which would be necessary for the purpose of levying and recovering rates, to take advantage of the machinery which already existed, under "The Municipal Institutions Act, 1871"; therefore the provisions made with regard to a health rate in the present bill were these—that the Town Council, when declaring the annual rate for general or special purposes under the Municipalities Act, should at the same time, and upon the same basis, declare a public health rate,—the amount of which would have to be settled when the House went into committee on the bill. He did not anticipate that there would be any great expense, and the rate possibly would be a very small one indeed, at any rate for the first few years. The expenses of the Central Board were to be paid out of moneys that might be voted for that purpose by the Legislative Council. Provision was also made in the bill to enable the Governor-in-Council, in the event of an epidemic, endemic, or contagious disease being introduced into the colony, to make general orders applying the provisions of the Act to any portion of the colony where there might not exist a Local Board for putting into execution the provisions of the Act; and, upon such order being made, the Central Board would step in and exercise the powers which were detailed in section 35, as regards (amongst other things) the disinfection of houses, schools, or other places of assembly; the disinfection of bedding; house-to-house visitation; the speedy removal of nuisances, and the interment of the dead; the gratuitous dispensing of medicines to persons afflicted with such epidemic, endemic, or

contagious disease; and generally to do all that was required for preventing or mitigating any disease of a serious character. At the present time there was a short Act in force (42 Vic. No. 5) which gave the Governor some small power to make rules and regulations with respect to any disease breaking out in any part of the colony; and he proposed to retain that Act on the statute book, as it was easier for some one man to act upon an emergency, and in a short time, than for a public body to do so, the members of which would have to be got together; so that any order that the Governor-in-Council might make would be immediately telegraphed to any part of the colony where disease might break out and where there was no Local Board of Health to cope with it. As soon as the Governor made this order the Central Board would have power to cope with the disease, and, if necessary, to abrogate the rules and regulations previously made by the Governor, and take the whole thing into their own hands. But probably a week or a fortnight might elapse before the Central Board would be in a position to put things into working order, and, in the meantime, the Governor's orders would be acted upon. Hon. members might recollect the difficulty that was experienced at Albany, on the occasion of the outbreak he had alluded to, in isolating certain houses where small-pox was stated to exist. Full provision was now made to meet such cases as that. The bill also dealt generally with offensive or noxious trades. It was proposed that persons who sought to carry on such trades should register their establishments, once every year, and pay a fee for doing so. That was a provision that seemed to exist in all Public Health Acts, and, in his opinion, it was a very reasonable provision. It might not perhaps be required at present in this colony, but, as time went on and the colony advanced, such a provision would become necessary in the interests of the public health; and he might here observe that this bill had been framed generally as a bill that it was hoped would answer its purpose for a considerable time to come without amendment. Many of its provisions perhaps were somewhat in advance of the times, but it was considered that it would be better to take further powers than

may be for the moment required, rather than to take insufficient powers and have to amend the bill. With regard to nuisances generally, the provisions on that subject in "The Municipal Institutions Act, 1871," had been repealed and imported into this bill, so that after the passing of the present measure the Municipal Councils of Perth and Fremantle would have nothing to do with the suppression of nuisances affecting the public health. With regard to the closing of wells in certain portions of the town of Fremantle, the Municipal Council of that town had taken some steps with regard to this matter, and he believed that a sub-committee of the council had reported that there existed certain wards in parts of the town where the water in the wells was more or less polluted, and that the wells ought to be closed and filled up. Under this bill the Local Board of Health would be able to do so,—to close all wells and tanks which they considered injurious to the public health, and which by their position were a nuisance. The Local Boards of Health would also be in a position to insist on the filling up of any cesspits in any portion of the town, and, in lieu thereof, to insist upon the establishment of dry earth closets or any other system which they thought fit; and the bill provided that for the future no cess-pool shall be constructed within the limits of such part of a municipality as the Central Board might by a by-law define. There was also a provision to enable the Local Board to provide for the cleansing of any private premises, the state of which they considered injurious to health. Possibly there were only one or two places at present where this would be necessary, but the power to do so was provided, as was usually done in other towns. There was also a provision empowering Local Boards to compel owners of premises to deposit their rubbish in some convenient situation for removal, and to make provision for the periodical removal of such rubbish in receptacles provided for that purpose. It was believed that in the course of time this would prove a small source of revenue to the boards, and enable them to meet some of the expenses incidental to the collection and removal of this rubbish. Having said that much, he did

not know that he need go any further in explanation of the details of the bill, because all Public Health Bills ran pretty much on the same lines, and the present bill only contained the usual provisions to be found in similar measures elsewhere. He did not claim that there was anything new or novel in it, or very little that was new. The constitution of the boards was new decidedly, because in most cases—in every other case that he knew of—the municipal bodies were the Local Boards of Health; but, as he had already said, it had been found here, and to some extent elsewhere too, that one great drawback to the strict enforcement of the provisions of such an Act as this by municipal bodies was the fact that these bodies were elected by the rate-payers of the town, and they therefore did not care to annoy or offend people in the enforcement of such provisions as were to be found in measures of this description. Therefore he thought if they expected anything to be done at all in this direction, their hopes must lie in having these Boards of Health appointed by the Governor, and made so to speak independent of the ratepayers and the electors.

Mr. SCOTT congratulated the Acting Attorney General upon the very comprehensive and carefully prepared bill now before them. It had been objected to, he believed, by some hon. members and also by some people outside the House, as being too elaborate for our present requirements and our present population; but he thought that when they came to take an unbiassed view of the matter, they would come to the conclusion that a radical reform in the direction of sanitary improvement was urgently required. Going back as long ago as 1874, they found the then acting Colonial Surgeon (Dr. Shaw) representing to the Government the urgent necessity of improving the condition of the city from a sanitary aspect. They also found the Colonial Office authorities at home cordially endorsing Dr. Shaw's recommendations that something ought to be done in this direction. It was well known that the earlier such measures as these were introduced and stringently observed, the smaller proportionately would be the expense of carrying them out. With regard to the bill before

them, the Attorney General told them that these Boards of Health were to be independent bodies. This he regarded as a step in the right direction. He was aware that it had been generally the practice to combine the functions of such boards with those of the municipal bodies, but it was a well-known fact that municipal bodies all over the world did not administer sanitary laws in so stringent a manner as the public interest demanded. Sanitary questions within the last twenty years perhaps had engaged the attention of the medical profession more than any other study. It was known and acknowledged now that the wretched sanitary condition of many towns in England had led to the population of those towns being almost decimated, not so much by the actual presence of disease in any acute form as through the neglect of sanitary precautions; and he thought the sooner that the observance of the laws of health were insisted upon in any community the less would such laws be felt. He therefore congratulated the Government upon having brought forward this measure, and making these Local Boards of Health independent of the municipal authorities. He would not at this stage address himself to the details of the bill, for he hoped to have an opportunity of dealing with them in committee; but he did trust that the House would deal with this, to his mind, most important question seriously and with as much care and attention as they would deal with that other great question, the land regulations, for it must be acknowledged that the sanitary condition of our towns was just as important as the land regulations were to the country, for if our towns did not prosper the country could not be expected to prosper.

MR. SHENTON said that, as one of the members of the Commission that sat on this question last year, he should like to say a few words. The necessity for some improved sanitary regulations was a question that must have impressed itself long ago upon all the members of that House. It was perfectly impossible for the municipal bodies to deal with the question as it ought to be dealt with. These bodies were only elected for short periods, and as a rule they did not care to take upon themselves the serious re-

sponsibilities of carrying out such a bill as this. But he hoped that the appointment of these independent Boards of Health would have the result of doing something to improve the sanitary condition of our towns. They found in the case of the Central Board of Education and also the Board of Advice under the Scab Act that those bodies had worked well and done much good, and he saw no reason why a Central Board of Health should not work as satisfactorily and do as much good as the other Boards he had referred to. One of the provisions of the bill—that relating to the compulsory closing of polluted wells—brought into prominence the consideration of another question: if these wells were closed some provision would have to be made to ensure an adequate water supply for the inhabitants. He noticed that it was proposed to expend £7,000 in improving the water supply at Fremantle; but this question of water supply at Fremantle was not such a difficult one as the same question in Perth. According to Mr. Hardman a sufficient supply of good water could be obtained for Fremantle by sinking wells in the Convict Establishment yard, but in Perth he was afraid that great difficulty would be experienced in obtaining a good water supply. This was a question which the House would have to deal with, if not this session, at no distant date. He thought he was right in stating that it had been found to be sound policy for the State to take the water supply of towns into its own hands, for, once water-works were established and in good working order, they were about the most paying investment a State could make. It was found so in other countries, and surely the same advantages to the State would accrue here, where, he anticipated, there would not be the same expenditure to be incurred as in other countries. With reference to the expense of carrying out the provisions of this bill, he thought, considering the limited number of the population of these two towns, that the expense ought to be charged upon the general revenue rather than upon any local rate. In other Australian colonies, he believed, the towns received certain grants-in-aid out of the public revenue to supplement their local income; but here our municipalities had to find

all the money necessary to meet local expenditure. In that respect the inhabitants of these towns stood apart from the other inhabitants of the colony, who were only taxed indirectly through the State, without the additional burden of local rates. He therefore certainly thought that the expenditure under this bill should be made a charge upon the general revenue. There were several other matters of detail which would require consideration in committee, and he would merely add now that he thought the thanks of the community were due to the Acting Attorney General for the bill now placed on the table.

Mr. RANDELL said the bill was a very comprehensive one, and he should be sorry to see it less comprehensive. Although there might be many provisions in it which would not have to be put into operation for some time to come, yet as they were about to legislate on this subject, it was as well to provide for all future contingencies. He did not, however, agree with the previous speakers with reference to the constitution of the Local Boards, and there were some other matters of detail which he thought would require very careful consideration. He thought that having already municipal bodies, those bodies were the proper authorities to undertake the duties of Local Boards of Health. He believed that was the case in almost every other place, the local sanitary boards being elected from amongst the municipal representatives; and he thought the proposal here contained of having these Local Boards of Health nominated by the Governor was contrary to the principle of free institutions which we had adopted in other matters, and he should be sorry to see that principle departed from with reference to these Local Boards of Health. He thought such departure was altogether unnecessary, because, having a Central Board invested with great authority, that board would only have to issue its mandate and the local authorities would have to obey it. He thought whatever might be said about the supineness and indifference of municipal bodies with reference to sanitary matters, they could not be fairly charged with neglecting their duties. He thought there was another objection to the bill, and that was that the Governor was the

person who was to appoint the members of both the Central Board and the Local Boards. He quite agreed with the Governor having the appointment of the members of the Central Board, and that they should have all the powers proposed to be entrusted to them under this bill; but, he maintained, as he had asserted from the beginning—when acting upon the Commission he expressed the same views—that the municipal bodies should by every right be entrusted with the duties of Local Health Boards under this bill, if it became law. He was somewhat surprised to find such a pronounced Home Ruler as the junior member for Perth not taking objection to the principle of appointing these Local Boards as it was proposed to appoint them, not by the suffrages of the ratepayers but as Government nominees. He had fully expected that such a champion of free institutions as the junior member for Perth would have waxed quite eloquent in his opposition to any proposal that was subversive of that principle. He was surprised that an hon. member who professed to look forward to the early adoption of a system of self-government for the whole colony, should not have taken objection to the proposal here made to detract from the powers possessed by the only self-governing bodies in the colony—the Municipal Councils. He should have thought the hon. member would have been found as a staunch supporter of the only truly representative institution that we possessed, and would have protested against any interference with the privileges of municipal institutions. He did not know how the hon. member would be able to reconcile his professions in favor of free institutions and self-governing assemblies, when he came forward, as he had now done, as the advocate of nominated boards rather than boards elected by the people themselves. He now passed to one or two matters of detail which he should like to refer to, very briefly. In the 37th clause he found that when any infectious disease broke out in any house, the occupier of the premises had to report the existence of such disease to the Local Board. He thought it would be much better—and he believed it was the practice in some of the other colonies—if this duty were cast upon the doctor attending the patient. He saw an

account the other day where a medical man was fined very heavily for not reporting to the authorities a case of small-pox which he was attending. He did not see that the occupier of the premises should be called upon to report the existence of infectious disease on his premises; he thought that was a duty that ought to be made incumbent upon the medical attendant.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): There is a clause to that effect.

MR. RANDELL said he had not noticed it. He had not had time to go very carefully into every line of the bill, and he had failed to discover any clause which directed the doctor to report the existence of disease, in any private house, to the Board of Health. He thought it was very essential that doctors should be called upon to do so. In the 51st clause he found that it was intended to make any costs incurred by the Local Board, in the removal and maintenance of any infected patient in a hospital a charge against the patient, and as a debt due from the patient to be recovered in a summary way, or, in the event of the man's death, to be recovered from his estate. He thought, as the removal and isolation of the sick person was for the public good, that the costs incurred should be at the public expense. It would not be denied that the removal and isolation of the patient was done in the public interests, for the protection of the public, and it appeared to him that a reasonable corollary of such a provision was that the public should bear the incidental charges. It was true that most likely the Board would not insist upon being reimbursed by the sick person, but this clause empowered them to do so; and he thought it would be better that the bill should provide that in every instance where a sick person was removed from his own house, for the public good, the charges incidental to such removal should be paid out of the public revenue. He noticed that the 61st clause provided how complaints about the existence of nuisances were to be made by the person aggrieved. He presumed that the bill was a compilation from other Acts, but it appeared to him unnecessary to make such elaborate provisions in the case of any person

who might think fit to make a complaint as to the existence of a nuisance. The 67th clause contained what he could only regard as an objectionable principle. The clause provided that any cellar in which any person passed a night shall be deemed to be occupied as a dwelling within the meaning of this part of the Act—that relating to premises unfit for human occupation. A person might occupy a cellar without the occupier knowing anything about it, and it would be rather hard upon him that he should come under the penal clauses of the Act, when he knew nothing about it. This, however, was only a small matter, and all his objections to the bill were as regards matters of detail which might be discussed in committee—with the exception of the principle he had already referred to, as to depriving municipal bodies of their present powers and conferring them upon boards nominated by the Government. That he thought was an important departure. No doubt the Government would be willing to accept any reasonable suggestions which hon. members might feel it their duty to make when the bill was in committee. There was one other matter he should like to refer to, though not properly appertaining to this bill, but still it was a matter of importance as affecting the health of the occupiers of the poorer classes of dwelling houses. He alluded to the practice of building the floors of houses with the joists resting upon the soil, than which, in many parts of the town, he could not conceive anything more prejudicial. He had mentioned the matter last session when the amended Municipal Institutions Act was before the House, but he was then told that the subject was one more fit to be dealt with in a Building Act, and possibly he would be met with the same objection now. But as there was no intention to amend the Building Act this session, he would suggest to the Attorney General the desirability of introducing a short clause into the present bill dealing with this matter, which to his mind was a very important one. He was very pleased to see the Government bringing in such a bill, for he thought it was high time that we moved in the direction of public health.

MR. CROWTHER thought that if municipal bodies had not done as much

as had been expected of them it was the fault of the Act under which they worked rather than the fault of the municipalities. He very much doubted whether they would get any two municipal councils in the colony to give the same decision in interpreting any portion of that Act, and he was quite sure that no two magistrates would ever agree about it. He had understood last session that it was intended to amend and consolidate the various Municipal Acts this session, and he hoped that would not be lost sight of, for the law as it stood at present was not only unworkable but unfathomable. With regard to the present bill there was one thing he could not understand at all; he failed to see why the towns of Perth and Fremantle should have their healths looked after at public expense, when country places were compelled to pay their own boards. He understood that the expenses of the Boards of Health at Perth and Fremantle were to be met out of the money voted by that House; if so, he thought that other towns should be placed on the same footing. Like his hon. friend on the left (Mr. Randell) he had been somewhat startled when he heard the junior member for Perth approving of placing all the powers under this bill in the hands of the Government, and taking them out of the hands of the people and their municipal representatives. Hitherto he had thought the hon. member for Perth was, in his political aspirations, considerably in advance of the times; but it appeared that circumstances altered cases. He should like if his hon. friend the Attorney General would be good enough to tell him why the principal towns should have their health machinery paid for out of the public revenue, when country places had to find their own machinery, and pay their own officers. He thought that the revenue of the colony was where all this expenditure ought to come from. He entirely disagreed with the hon. and junior member for Perth when he stated that the country depended for its progress upon the towns. It was quite the other way round; if the country did not prosper, he was sure the towns would not go ahead, no matter how healthy they were.

MR. SCOTT would like to say one word in explanation, upon a subject with regard to which he seemed to have been

misapprehended. He might inform the hon. member for the Greenough and the hon. member Mr. Randell that, with them, he did not quite agree with the appointment of the members of the Local Boards by the Government. He was inclined to think that the Local Boards should be appointed by the Central Board.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Before the debate closes I should like to set the hon. member for Greenough right. I think the hon. member will find that he is in error if he is under the impression that the Government are to pay the expenses of the Local Boards of Perth and Fremantle out of the public revenue. Such is not the intention. The expenses of the Central Board, who will be charged with superintending the execution of the Act, generally, throughout the whole colony, are to be paid out of the public revenue, but the expenses of the Local Boards will be defrayed out of local rates, and, in this respect, Perth and Fremantle will be exactly on the same footing as any other towns to which the Act may be made to apply.

The motion for the second reading of the bill was then agreed to.

#### BOAT LICENSING BILL.

The House went into committee on this bill

Clause 1.—“Every Licensing Board shall have power to regulate the number of persons to be employed in the working of any boat, vessel, or steamer to be licensed, and the manner in which goods (including passengers' baggage) shall be stowed or carried in any such boat, vessel, or steamer when carrying passengers, and every such regulation as aforesaid shall be specified in the “license.”

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said hon. members were aware that this bill had been referred to a select committee, who had recommended several amendments, which it was proposed to incorporate with the bill. These amendments, for the most part, would be found embodied in the new clauses which appeared on the Notice Paper, and which he would presently move. In this clause, pursuant to the recommendation of the select com-



mittee, he had to move to add, at the end of the clause, the following words: "But no such regulation as aforesaid shall be made to apply to any boat, vessel, or steamer to be licensed to carry goods only."

Amendment agreed to.

Clause, as amended, put and passed.

Clause 2—Boards may exempt steamers or steam launches from obligation to carry a boat astern, conditionally upon the necessary number of life buoys being carried on board:

Agreed to, without comment.

Clause 3.—"This Act and 'The Boat Licensing Act, 1878,' shall be read and construed together:"

Agreed to, without discussion.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) then moved the following New Clauses, in pursuance of the recommendations of the select committee:

New Clause:—"The words 'anywise unsound or incomplete,' in the 13th line of the 6th section of 'The Boat Licensing Act, 1878,' are hereby repealed, and words 'unsound or incomplete in any material particular' shall be inserted and read in lieu thereof."

New Clause.—"The license of every boat, vessel, or steamer now licensed, or that may be granted before the last day of February next, under 'The Boat Licensing Act, 1878,' shall, subject to the provisions of the said Act, remain in force until the last day of February next."

New Clause.—"From and after the last day of February next every license granted to any boat, vessel, or steamer shall, subject to the provisions of the said Act, remain in force until the last day of February next following the date from which the said license shall commence."

New Clause.—"Any Licensing Board may extend a license granted to any boat, vessel, or steamer for a period not exceeding one month, on payment of the full license fee for the ensuing year."

New Clause.—"Any Licensing Board may grant a temporary license to any boat, vessel, or steamer for a period not exceeding seven days, on payment of a fee of One pound."

New Clause.—"In lieu of the Scale of Charges for Licenses and Surveys contained in Schedule B. of the said Act, the following Scale shall be substituted:—

*License Fees.*

|                                | £ | s. | d. |
|--------------------------------|---|----|----|
| For every boat ... ..          | 0 | 10 | 0  |
| For every vessel or steamer... | 1 | 0  | 0  |

*Survey Fees.*

|  |   |   |   |
|--|---|---|---|
| For surveying the hull and gear of any boat, vessel, or steamer ... .. | 1 | 1 | 0 |
| For surveying the boiler, engine, or machinery of any steamer ... ..   | 1 | 1 | 0 |

The foregoing new clauses were adopted, *sub silentio*.

Preamble and title agreed to.

Bill reported with amendments, and report adopted.

CHINESE IMMIGRATION BILL.

The House went into committee for the consideration of this bill in detail.

Clause 1.—"For the purposes of this Act, the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—

"Chinese,"—Any native of China or its dependencies, or of any island in the Chinese seas, not born of British parents, or any person born of Chinese parents.

"Vessel,"—Any ship or other sea-going vessel, of whatsoever kind or description.

"Master,"—The person, other than a pilot, for the time being in actual command of any such vessel."

MR. MARMION asked the Acting Attorney General whether a Chinaman born in China but naturalised in this colony or elsewhere as a British subject would come under this definition clause? Also, whether a Chinaman born in this colony of Chinese parents would be considered a Chinese?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said if a Chinaman was born of parents who were naturalised he would still be a Chinaman under this clause: it made no difference whether he was born here or anywhere else.

MR. MARMION: Should not the Act expressly say so? It appears to me there is nothing here to define what a naturalised Chinaman is.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the definition was the same as in the Victorian Act. In fact, he believed the Acts of all the other colonies had the same definition, with this difference only, that in the Victorian Act, as in the present bill, the words "or any person born of Chinese parents" were added.

MR. RANDELL: Does not a person who becomes a naturalised subject of the Queen become entitled to all the rights and privileges of a British subject?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) pointed out that the naturalisation of aliens was in the hands of the Government, and, as the object of the Government in introducing the bill was to endeavor to restrict the introduction of Chinese, they were not likely to grant these people letters of naturalisation if they could avoid it. Seeing that it was proposed to put a poll tax upon them, as a check upon their admission into the colony, it was not likely that it would suit the policy of the Government to grant letters of naturalisation to these aliens. Those who were already naturalised would, of course, not be affected by the bill.

MR. SCOTT suggested the insertion of the words "parent or parents."

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Does the hon. member think that a Chinaman could be born of one parent?

MR. SCOTT said that persons might come here from China who were not born of two Chinese parents, but the father or mother may have been a Mongolian, and the other parent a European.

The clause was then put and passed.

Clause 2.—"The master of every vessel having Chinese on board shall, immediately on his arrival from beyond this colony in any port of the colony, and before making any entry at the Customs, deliver to the Collector or other Principal Officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese. And for each default herein, such master will be liable to a penalty not exceeding two hundred pounds."

MR. MARMION asked whether it was the intention of this clause that masters of vessels having Chinese among their crews should hand in a list, giving all these particulars, as to the place of their birth, apparent age, ordinary place of residence, and so on?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said a return would have to be handed in of all Chinese on board the vessel, but the Act would not apply to them if they did not intend to come ashore.

MR. MARMION said that the crews of many vessels coming to Fremantle were Chinese, and they were allowed to come ashore like any other sailors. Surely it was not intended that the master of the vessel should pay a poll tax of £10 in respect of every Chinese sailor that came ashore to go to the butcher or the baker for ship's supplies.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) referred the hon. member to the 12th clause, which provided that the poll tax should not be payable in respect of any Chinese who was one of a crew of any vessel, unless he landed from such vessel. It might be necessary perhaps to modify that clause. The intention was to exempt sailors attached to a vessel, but if they came ashore and remained ashore they would come under the operation of the Act.

MR. MARMION: And the master of the vessel according to this clause might be fined £200. I should have thought the clause only applied to Chinese brought here as passengers.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) pointed out that there would be nothing to prevent an unscrupulous master from bringing a hundred Chinamen, and entering them all on the ship's books as his crew.

The clause was then put and passed.

Clause 3.—"If any vessel shall arrive in any port in this colony having on board a greater number of Chinese passengers for any port in the colony than in the proportion of one to every fifty tons of the tonnage of such vessel, according to the registry thereof if British, and if not, then according to the measurement defined by the Merchant Shipping Act, 1854, the owner, charterer, and master of such vessel shall each be liable, on conviction, to a

"penalty not exceeding One hundred pounds for each Chinese passenger so carried in excess."

MR. CROWTHER failed to see why the charterer of a vessel should be held responsible for the number of passengers.

MR. MARMION thought that some date ought to be fixed for the Act to come into operation, otherwise it might work considerable hardship in the case of masters of vessels now on the way.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it was very desirable to bring the Act into operation as soon as possible, in order to catch any Chinamen now on the way to the colony, in view of the gold discoveries.

The clause was then agreed to.

Clause 4.—"Before any Chinese arriving from beyond this colony shall be permitted to land from any vessel, and before making any entry at the Customs, the master of the vessel shall pay to such Collector or other Principal Officer the sum of Ten pounds for every such Chinese, to be applied in manner hereinafter provided; and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made. And if any master shall neglect to pay any such sum, or shall land, or permit to land, or suffer to land or to escape from such vessel at any port or place in the colony any Chinese, before such sum shall have been paid by such master or his agent, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty not exceeding Fifty pounds for each Chinese so landed, or permitted or suffered to land or to escape, and in addition to such penalty shall also pay the sum hereby required to be paid for each Chinese. And in every such case, in addition to any such penalty, the vessel shall be forfeited and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs."

MR. MARMION: Here is another very severe provision as regards masters of vessels, which happen to have Chinese among their crew. How could the master of the ship be held responsible if one of these men escaped?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said a great commotion had been made in Sydney over this same thing. A number of Chinamen came there as sailors on board a vessel, and afterwards ran away and joined another vessel, the sailors on board which had struck for higher wages. If the Act was going to be of any use at all it must be surrounded with every safeguard against its provisions being violated, otherwise the object in view would not be attained.

MR. MARMION said that masters of vessels were bound to give their crews a certain amount of liberty when they came into port, and it would be very hard indeed if they could not allow any Chinese they might have amongst the crew to come ashore without subjecting themselves to these penalties. He had no great love for the Chinese himself, and he should be sorry to appear as their champion, but at the same time it appeared to him this clause would act very harshly. The result would be that masters of vessels would not employ any Chinese on board any vessel coming into this colony. He had no personal objection to that himself, but he had not been aware that such was the intention of the bill.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) could only say that legislation of this character was pressed upon the Government by that House, and, inasmuch as the Secretary of State had assented to our adopting any legislation on the subject similar to that adopted by the other Australian colonies, the present bill was based upon the Acts already adopted in those colonies. If hon. members wished to tone it down, well and good. There was no doubt that there was this to be said: while under the Imported Labor Registry Act we sought to provide facilities for the introduction of Chinese, under the present bill we sought to do all we could to restrict their introduction. If the sense of the committee was that this was rather a severe penalty upon the masters of vessels, and they thought there was not much chance of Chinese being imported into the colony under the guise of crews and so seek to evade the poll tax,—if the committee wished to modify the stringency of the

clause, the Government would consider the matter.

MR. SCOTT pointed out that although the maximum penalty, £200, was certainly high, it did not necessarily follow that the full penalty would in all cases be imposed.

MR. MARMION: They are not only liable to pay a penalty, but also to forfeit the vessel.

MR. CROWTHER thought there certainly ought to be some modification of this clause, otherwise masters of vessels would have to pay £10 for every Chinaman amongst their crew before they could enter their vessel at the Custom house.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): On the other hand masters of vessels might land a number of Chinamen somewhere on the coast, and thus evade the Act. The bill is not intended to apply to the ports of Fremantle and Geraldton alone, but to every portion of the colony, so far as it is possible to make it apply. The Government, however, have no desire to press these somewhat stringent provisions; and, if the committee desire at this stage to report progress so as to give further time to consider the clause, the Government have no objection. I may here say that I intend to somewhat moderate the provisions of the 12th clause of the bill, applying to Chinese crews, so as to allow them to land in the performance of their duty in connection with the vessel.

The clause was then passed, upon that understanding.

Clause 5.—Poll tax payable in respect of Chinese arriving in the colony other than by sea; clause 6—certificate of sum paid to be given and admitted in evidence on behalf of Chinese having paid poll tax; clause 7—application of moneys received under the Act; clause 8—penalty on nonpayment of fee for entrance to the colony; clause 9—evidence of person being Chinese within the meaning of the Act:

These clauses were agreed to without discussion.

Clause 10.—“It shall be lawful for ‘the Colonial Treasurer or any person ‘authorised by him, upon the application ‘of any Chinese, and upon being satisfied that such Chinese was at the time ‘of the passing of this Act a *bond fide*

‘resident of this colony, and that he ‘desires to be absent therefrom for a ‘temporary purpose only, to grant to ‘such Chinese a certificate that he is ‘exempt from the provisions of this Act ‘for a time to be specified in such ‘certificate. And during the time so ‘specified, the holder of such certificate ‘shall be exempt from all payments ‘under this Act.’”

MR. MARMION asked how it would be in the case of a Chinaman who, having got this certificate once, made use of it for the purpose of coming to and going out of the colony when he pleased. Was it intended that the man who once paid his poll tax and got a certificate should be liable to pay again if he left the colony and wanted to come back again; or would he only pay the poll tax once for all?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): I take it that that certificate would not protect him a second time; he would have to pay the poll tax again upon his readmission into the colony. This certificate of exemption under the present clause applies to Chinamen now in the colony, to enable them, if they desire it, to leave the colony for a temporary purpose. This is not the certificate referred to in the 6th clause.

The clause was then put and passed.

Clause 11.—“The provisions of this ‘Act shall not be applicable to any ‘Chinese duly accredited to this colony ‘by the Government of China, or by or ‘under the authority of the Imperial ‘Government, on any special mission, ‘nor to any ‘laborer’ within the meaning of ‘The Imported Labor Registry ‘Act, 1884,’ brought into the colony ‘under the provisions of that Act.’”

MR. BURGESS asked whether any provision was proposed to be made to prevent Chinese imported under the Labor Registry Act taking advantage of that Act to evade the payment of this poll tax. It was quite possible that some Chinamen introduced here under that Act might, after a short residence, make themselves, purposely, so obnoxious to their employers that their employers would be glad to get rid of them.

MR. MARMION thought there were other difficulties to be considered, as well as that pointed out by the hon. member opposite. As the hon. member said, any

number of Chinese might be introduced into the colony under the Imported Labor Registry Act, and once they got here they might make themselves so disagreeable that their employers would be glad to get rid of them, and these men would be at liberty to go to any part of the colony they pleased. A master of a vessel might engage them in China or Singapore under the Imported Labor Act, in order to evade payment of the poll tax.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the bill was of course open to the danger referred to; but there was this protection as regards the goldfields,—the Mining Act which the Government proposed to introduce would contain a clause debarring all Chinese from obtaining any mining rights, or working upon the goldfields in any capacity whatever, for three years after the proclamation of the goldfield. He thought that with such a clause as that in force, they need not be under any apprehension of any serious danger from the Imported Labor Act. Without such a clause, he could see that there would be some danger of that Act being taken advantage of for the introduction of Chinese without the payment of a poll tax.

MR. SHOLL pointed out that a clause in the Mining Act prohibiting Chinamen from going to the goldfields would not prevent their going to the pearling grounds at Sharks Bay.

The clause upon being put was adopted.

Clause 12.—“The sum of £10 aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel, unless he shall land from such vessel.”

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said, as he intended introducing a clause modifying the provisions of this section, he thought this would be a good time to report progress.

Progress was then reported, and leave given to sit again another day.

#### LEGISLATIVE COUNCIL ACT AMENDMENT BILL.

Read a third time and passed.

#### MESSAGE (No. 6): ASSENTING TO BILLS.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

“The Governor informs the Honorable the Legislative Council that he has this day assented, in Her Majesty’s name, to the undermentioned Bills:—

- “1. *An Act to confirm the Expenditure for the services of the year One thousand eight hundred and eighty-five, beyond the grants for that year.*
  - “2. *An Act to authorise the Construction of a Railway from Geraldton to Greenough.*
  - “3. *An Act to authorise the Construction of the Spencer’s Brook-Northam Branch of the Eastern Railway.*
  - “4. *An Act to authorise the Construction of the Cossack-Roebourne Tramway.*
  - “5. *An Act to alter the law relating to the procedure under ‘The Designs and Trade Marks Act, 1884,’ and ‘An Act to regulate grants of Patents for Inventions in the Colony of Western Australia.’*
  - “6. *An Act to provide for the Licensing of Land Surveyors.*
  - “7. *An Act to consolidate and amend the law relating to the Pearl Shell Fishery Special Revenue.*
- “2. The authenticated copies of the Acts are returned herewith.  
“Government House, Perth, 12th July, 1886.”

The House adjourned at twenty minutes past nine o’clock, p.m.