

when the Loan Bill was considered, I did not consider the construction of this railway as hopeless. Although a strong supporter of the Government, I must say I feel indignant at the manner in which this House has been treated by the Assembly. All through the session the suggestions which we have made have been treated as if they had emanated from a lot of boys. We have been told that we are a youthful lot. I feel rather indignant at this, but do not think much good is to be gained by keeping the controversy going; therefore, I hope the proposition of the Colonial Secretary will be carried. At the same time, I should like to see some attention given by the Assembly to the suggestions which come from this House. Although we may be a young House, we are willing to do the best we can. I do not blame the Government, but rather the members of the Assembly. However, we shall do no good for ourselves nor for the Assembly by creating more friction; and I shall, therefore, support the motion of the Hon. Colonial Secretary.

**THE HON. F. T. CROWDER:** I move that we report progress.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** I shall be only too delighted to report progress if any reason can be shown for doing so. We have a very full House, and I believe every member has expressed his views and is not likely to change them. It seems to me, therefore, that now is the best time to decide the question. I regret, therefore, I must oppose the motion.

**THE HON. F. M. STONE:** I think we should report progress. Hon. members seem to be tired, and there is no necessity to hurry the matter.

The committee divided on the question that progress be reported.

|             |    |
|-------------|----|
| Ayes ... .. | 7  |
| Noes ... .. | 10 |

|                 |   |
|-----------------|---|
| Majority ... .. | 3 |
|-----------------|---|

|                           |                           |
|---------------------------|---------------------------|
| <b>AYES.</b>              | <b>NOES.</b>              |
| The Hon. R. W. Hardey     | The Hon. D. K. Congdon    |
| The Hon. S. J. Haynes     | The Hon. E. W. Davies     |
| The Hon. J. E. Richardson | The Hon. C. E. Dempster   |
| The Hon. E. Robinson      | The Hon. J. C. G. Foulkes |
| The Hon. E. J. Saunders   | The Hon. J. W. Hackett    |
| The Hon. F. M. Stone      | The Hon. Ernest Henry     |
| The Hon. F. T. Crowder    | The Hon. H. McKernan      |
| (Teller).                 | The Hon. E. McLarty       |
|                           | The Hon. C. A. Piessé     |
|                           | The Hon. S. H. Parker     |
|                           | (Teller).                 |

Motion negatived.

**THE HON. J. W. HACKETT:** I move that the question be now put.

Question put and passed.

The committee divided on the question that the words proposed to be struck out stand part of the resolution.

|             |    |
|-------------|----|
| Ayes ... .. | 10 |
| Noes ... .. | 7  |

|                 |   |
|-----------------|---|
| Majority ... .. | 3 |
|-----------------|---|

|                           |                           |
|---------------------------|---------------------------|
| <b>AYES.</b>              | <b>NOES.</b>              |
| The Hon. D. Congdon       | The Hon. F. T. Crowder    |
| The Hon. E. W. Davies     | The Hon. R. W. Hardey     |
| The Hon. C. E. Dempster   | The Hon. J. E. Richardson |
| The Hon. J. C. G. Foulkes | The Hon. E. Robinson      |
| The Hon. J. W. Hackett    | The Hon. H. J. Saunders   |
| The Hon. Ernest Henry     | The Hon. F. M. Stone      |
| The Hon. H. McKernan      | The Hon. S. J. Haynes     |
| The Hon. E. McLarty       | (Teller).                 |
| The Hon. C. A. Piessé     |                           |
| The Hon. S. H. Parker     |                           |
| (Teller).                 |                           |

Resolution agreed to and reported.

Ordered—That the resolution be transmitted to the Legislative Assembly.

**ADJOURNMENT.**

The Council, at 10-20 o'clock p.m., adjourned until Friday, 22nd November, at 7-30 p.m.

**Legislative Assembly,**

Tuesday, 20th November, 1894.

Opening of Tobacconists' and Barbers' shops on Sunday—Medical Bill: third reading—Closure of Streets in Bunbury Bill: second reading; in committee; third reading—Elementary Education Act Amendment Bill: consideration of committee's report; third reading—Perth Waterworks Purchase Bill: in committee—Imported Labour Registry Act Amendment Bill: second reading; adjourned debate; in committee—Insect Pests Bill: Message from Legislative Council—Adjournment.

**THE SPEAKER** took the chair at 4-30 p.m.

**PRAYERS.**

**OPENING OF TOBACCONISTS' AND BARBERS' SHOPS ON SUNDAYS.**

**MR. WOOD,** with leave without notice, asked whether the Government were aware that tobacconists and barbers were allowed

to open their shops on Sunday morning, and whether the opening of these shops on Sundays was legal?

THE ATTORNEY GENERAL (Hon. S. Burt) said that Clause 60 of the Police Act provided that "Every person, other than a chemist, druggist, or eating-house keeper, who shall trade or deal or keep open any place for the purpose of trade or dealing (the shops or houses of butchers, bakers, fishmongers, and greengrocers until the hour of 10 in the forenoon, and of bakers and pastry cooks between the hours of 12 noon and 2 in the afternoon, respectively, only excepted) on the Lord's Day shall, on conviction, forfeit and pay for every such offence a sum not exceeding £5." Tobacconists' and barbers' shops, to which the hon. member had referred, were not exempted, and therefore were liable under the clause. At the same time he did not think it was unusual for barbers' and tobacconists' shops to open on Sundays in other places. The question of summarily closing them would be a matter for consideration.

#### MEDICAL BILL.

Read a third time, and transmitted to the Legislative Council.

#### CLOSURE OF STREETS IN BUNBURY BILL.

##### SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): Members will notice that the Bill is a small one, and its object is to close certain streets in the town of Bunbury, necessitated by the fact that the line of railway and the new station building now cut off these streets from the foreshore. The matter has been represented to the Municipality, and they have no objection whatever to the streets being closed. It is only a matter of form. I move that the Bill be read a second time.

Motion put and passed.

Bill read a second time.

##### IN COMMITTEE.

The Bill passed through committee, without comment.

##### THIRD READING.

The Standing Orders having been suspended, the Bill was read a third time, and transmitted to the Legislative Council.

#### ELEMENTARY EDUCATION ACT AMENDMENT BILL.

On the Order of the Day for the consideration of the committee's report, and the question being put, "That the amendment made by the committee be agreed to,"

MR. CONNOR said, if not out of order, he would move that the report of the committee be considered that day six months.

THE SPEAKER said the hon. member could submit a motion to that effect when the question was put that the Bill be read a third time.

MR. MORAN said he would support the motion, if put, merely as a protest. He did not think the amendment made in the Bill the other day was in accord with the views of an absolute majority of members.

The motion was not pressed; and the report of the committee was adopted.

##### THIRD READING.

The Standing Orders having been suspended, the Bill was read a third time, and transmitted to the Legislative Council.

#### PERTH WATER WORKS PURCHASE BILL.

##### IN COMMITTEE.

Clauses 1 to 5, inclusive:

Put and passed.

Clause 6.—"If no such demand (for a poll of the ratepayers) is made as aforesaid, or if upon a poll being taken as aforesaid two-thirds of the votes of the persons on the municipal electoral list for the time being authorise the council to enter upon the proposed contract, the council may thereupon purchase the said waterworks and property, as proposed":

MR. A. FORREST thought members would agree with him that, in any case, it would be impossible to get two-thirds of the ratepayers to agree to the purchase of anything, unless every ratepayer in the city voted, because probably one-third lived out of Perth altogether. He thought if they provided for an absolute majority to give their consent it would be quite enough, without insisting upon two-thirds of the ratepayers agreeing. He moved, as an amendment, that the words "two-thirds" be struck out, and that the

words "a majority" be inserted in lieu thereof.

MR. LEAKE said, when the Bill was read a second time, this clause was pointed out as one of the safeguards which the citizens had against the purchase of these works being forced upon them; but now, after members had been induced to vote for the principle of the Bill, an attempt was made, without a word of warning, to take the backbone out of the Bill. He hoped the committee would not agree to it. All he could say was, if the amendment were carried, there would, of necessity, follow other amendments, and he, himself, would be prepared to submit some other provisions in lieu of this safeguard which it was proposed to take away. He was perfectly certain the result would be that the Bill would not be passed this session—that was, if the Government persisted in their desire to prorogue Parliament within a few days.

MR. JAMES said that, in agreeing to the second reading of the Bill, the House affirmed the principle of giving the City Council power to purchase these works. Having given the Council that power with one hand, they now asked the House to take it away with the other hand—which would be the case if a two-thirds vote was insisted upon. The Council desired to throw the responsibility of purchasing the works upon the ratepayers, and they were anxious to afford the ratepayers every reasonable protection; but he would ask the committee whether it was reasonable to insist upon two-thirds of the ratepayers on the roll—not two-thirds of the actual number voting, but two-thirds of those whose names appeared on the roll—voting in favour of the proposed purchase before the purchase could be made? Would not the vote of a simple majority be sufficient protection to the citizens? It would be impracticable to get any proposal carried out if they insisted upon two-thirds of the ratepayers voting in its favour. A mere handful of malcontents would knock the whole thing in the head. It would not be so difficult to obtain a two-thirds majority if all the electors resided in Perth, but many of the ratepayers did not live in Perth themselves, and a good lot of them lived out of the colony. These absentees were mostly

men who had the cumulative voting power in their hands; and, in their absence, it would be manifestly unfair to insist upon two-thirds of the votes on the roll being recorded in favour of the proposition before the purchase could be undertaken. It practically nullified the very power which the House had given to the corporation when it agreed to the second reading of the Bill. He might also point out that if a Board of Works were appointed to take over this property, the citizens would have no voice in the matter at all. They would simply have to find the money and look cheerful.

MR. RANDELL said the clause was introduced by whoever was responsible for the drafting of the Bill, for the purpose of safeguarding the interests of the community at large. So far as he had been able to follow the history of this waterworks question, he saw nothing to induce him at present to give the City Council power to purchase them. They had no information as to the value of the works, or their stability or efficiency, or as to the actual cost of the works; and it appeared to him that the Council itself at the present moment was to a large extent in the dark. He thought it was to be deprecated that at the very closing hours of the session a Bill of this importance, involving the revenues of the city for years to come, should be pressed upon them, without an opportunity of having that light thrown upon it which might be expected from a more protracted debate. He hoped the committee would not agree to this amendment. For himself he unhesitatingly said he was not prepared to entrust the City Council with the purchase of these works, without the fullest investigation and the concurrence of the general body of the ratepayers.

MR. A. FORREST said all he could say was, if the committee was not prepared to agree to the amendment, he would move that the Bill be read that day six months, because the Bill would be utterly useless for the object it had been introduced if this clause remained as it now stood. The Bill would simply be a dead letter if these works could not be purchased unless two-thirds of the votes on the electoral roll were recorded in favour of it. There was no such thing as getting two-thirds of the electors

of Perth to record their votes for any object. He was very sorry to hear the hon. member for Perth (Mr. Randell), who had himself occupied the position of mayor, saying he would not trust the City Council to purchase these waterworks. His (Mr. Forrest's) opinion of the members of the Council, after two years' experience, was that they were above suspicion. The works which they carried out, and all their actions, were fully known to the public. There was nothing underhand about anything they did. The ratepayers had the remedy in their own hands if they thought their representatives did not do what was right. He defied any member of that House to say one word against the integrity of the City Council. He did not think they were likely to abuse any powers given to them. He would be very sorry himself, representing as he did a large amount of property, to see any heavy burden placed upon the people of Perth, if he thought it was not in their own interest. They were tied at present by a certain agreement—one of the most infernal agreements, he called it, that ever was drawn. He had had no hand in the making of it, and when he was first elected as Mayor of the city, and came to look into it, he wondered that the people of Perth did not cry shame upon those who had made such an agreement. Amongst other things it provided that for every £1 spent by the company they were to receive £1 6s. 8d. from the citizens; so that, according to this agreement, they might have to pay £220,000 for what was worth £165,000, if they allowed the present opportunity to slip. Owing to the depression in the other colonies, where the people who now owned these works lived, the City Council had now a chance of buying the works at a much lower rate than they would hereafter; and this was one reason why he was anxious that the Council should have the power to negotiate for their purchase. Why should they refuse to give the Council this power, if a majority of the ratepayers agreed to it? Why should they insist upon two-thirds agreeing to it? In other matters, the voice of the majority decided. They did not want a two-thirds majority in that House to carry anything; they were satisfied with a simple majority. Why shouldn't they have the same prin-

ciple in this Bill? If the purchase of these works, on advantageous terms, would be a benefit to the citizens, why should they prevent the Council from purchasing them, if a majority of the citizens were agreeable? So far as he was personally concerned, he did not think he would buy these waterworks at all; but he thought it was in the interests of everyone in Perth to see that they were purchased from the present holders, if the present agreement was binding upon the city. He had asked the Attorney General, and offered him a large fee, if he could show the Council any way out of the agreement, or point out any flaw in it.

AN HON. MEMBER: Bribery and corruption.

MR. A. FORREST said there may have been bribery and corruption when this agreement was drawn out; he did not say anything about that. But he had asked the Attorney General if there was no get out of it, and he told him it couldn't be done. What the Council now wanted was power to get out of this bad bargain, and the only way they could do so was to purchase the works themselves on behalf of the city. But if this clause remained as it now stood, the Council would never be able to purchase.

MR. LORON: Why was the clause put in?

MR. A. FORREST said he never knew it was in until the other night, when the Bill came on for its second reading, and he then said that it would have to be altered. The City Council got the Attorney General to assist them in drafting the Bill, and he was responsible for it. But this clause would simply make a dead letter of the Bill.

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member who had just sat down had made some allusions to him with reference to this Bill. First of all, he said the Attorney General was responsible for the Bill. That was a statement which he (the Attorney General) could not accept. The Government had nothing to do with the Bill, nor had the Attorney General. A gentleman named Mr. Burt had drafted the Bill, and Mr. Burt had done his best, with the instructions before him, in the interests of those who had employed him. That was all he had had to do with the Bill.

He believed the Mayor had paid him the compliment of saying that it was a splendid Bill. He did not know whether the Mayor was right in saying that; but he believed the Bill was suitable for carrying out its object, at any rate. The same hon. member, referring to the present agreement between the Council and the company, said—he would not repeat the hon. member's language—it was an adjective agreement, and that he had asked him (Mr. Burt), and offered him a big fee, to show the City Council some way of getting rid of the agreement. The hon. member may have asked him the question, but he certainly never gave him any answer—one good reason being that the legal firm he (Mr. Burt) belonged to represented the company. If it was an iniquitous agreement, so far as the Council was concerned, it seemed to be a pretty good one on the side of the company. With regard to the amendment, and the objection to a two-thirds majority, it should be borne in mind that it did not refer to two-thirds of the number of ratepayers, but to two-thirds of the votes. Some property holders had each four votes, whereas a very large number of ratepayers had only one vote; and it was the votes that would count, and not the number of persons voting. If twenty men held four votes each, that would be equivalent to eighty men with only single votes, and it would require eighty-one single voters to give them a preponderating vote over the twenty four-voters. Therefore, he did not know but what there would be ample protection for the ratepayers if they reduced this two-thirds majority to a simple majority, seeing the number of votes in the hands of the larger property holders. He did not think, if these property holders objected to the purchase, it would be possible for the one-vote men to carry it.

MR. JAMES said, with regard to the Bill itself, he never saw it, until the second reading, or he would have objected to this provision. He thought it would be absurd for the House, with one hand, to give the Council the power to purchase, and, with the other hand, to take that power away. If members thought that a simple majority would not give the ratepayers sufficient protection, they might add the words "with the consent of the Governor-in-Council."

MR. ILLINGWORTH said the very reason why he voted against the motion of the hon. member for Greenough (who opposed the second reading of the Bill) was because of the protection which this clause, with its two-thirds majority, provided for the citizens. It had presented itself to his mind in this way: that they were not empowering the City Council to buy, but empowering a very decided majority of the citizens to buy, if they so wished. If they were going to give the corporation the power to purchase these works, in his opinion they ought not to be allowed to purchase unless the ratepayers were distinctly in favour of the purchase. The persons who would be mostly affected by the transaction would be those who were largely interested in property, the persons who had three or four votes, and he did not think there would be any great difficulty in getting these persons to vote upon an important question like this, affecting their pockets, when £150,000—he hoped it would not be more—was at stake. That sum represented the whole revenue of the city for ten years.

MR. A. FORREST: There is a special rate.

MR. ILLINGWORTH was aware there was a special rate; and it was because there was to be a special rate that he thought the citizens should have a paramount voice in a question that so intimately affected them. If he had thought that this right of purchase was to be left in the hands of the City Council, rather than in the hands of a decided majority of the citizens, as provided by this clause, he would not have supported the second reading of the Bill. It was all very well to say that you could never get two-thirds of the ratepayers to vote on any question. There might be a difficulty in getting them to come to the poll when the question was simply whether Jones or Brown was the better man of the two; but the question of the city purchasing works at a cost of £150,000 was a question in which every citizen ought to be interested. If not, he thought it would be hardly fair that those who were not sufficiently interested to vote should be saddled with responsibility and with taxation by the vote of a bare majority. For these reasons he must oppose the amendment.

MR. A. FORREST pointed out that at present the citizens were paying the waterworks company between £4,000 and £5,000 a year for the ordinary water supply of the city, and those who wanted more than their allowance paid them in addition, so that the present income of the company must be between £6,000 and £7,000. Therefore, if the City Council could buy these works for £150,000 or £160,000 they would not be making a bad bargain. If they did not accept the present offer he was informed, on the best local authority, that if they did not purchase until the present agreement (which was for 21 years) expired, the purchase money would then mean about £300,000. He could hardly say what he thought of the men who had agreed to such a bargain, which was all in favour of the contractors, and nothing in favour of the Council. He wished, while he had the honour of occupying the position of Mayor of the city, to be able to do something to put an end to this agreement, and make some other arrangement by which the ratepayers would benefit. How any body of men could have been a party to such an agreement he could not understand.

AN HON. MEMBER: I suppose they were "squared."

MR. A. FORREST did not know whether they were "squared" or not: he knew this - it was one of the most infernal agreements that was ever made, and he appealed to the members of that House to give the City Council power, if they thought fit, and the ratepayers thought fit, to extricate themselves from such an agreement, and to make some bargain that would be more advantageous to the city.

THE CHAIRMAN said although he considered the existing agreement was one that deserved to be characterised by a very strong adjective, he did not think the hon. member should use the word "infernal"; it was scarcely parliamentary.

MR. WOOD intended to support the amendment. He thought it was a pity that the amendment of the hon. member for the Greenough (on the motion for the second reading) had not been carried; the question then would have come up in another form. He thought the Government would be the proper authority to purchase these works; but, as they did

not seem to have any inclination whatever to do so, he presumed the next best thing would be for the City Council to undertake the work. But it seemed to him that unless the House adopted the amendment, and did not insist upon a two-thirds majority giving their consent, the council would never be in a position to purchase. Speaking from his own experience of municipal affairs, extending over a good many years, he felt sure it would be impossible to get a majority of two-thirds of the ratepayers on the roll to record their votes; therefore the Bill would be a dead letter, if passed in its present form. On this ground he supported the amendment. While he thought they ought to surround the citizens with every safeguard, he at the same time did not consider it was necessary to hamper the council with impracticable conditions, thus rendering the Bill of no effect whatever.

MR. LOTON said it appeared to him, after listening to the various arguments brought forward, there could be no doubt in the minds of members that it was desirable that these waterworks should be purchased and taken over from the present owners for the benefit of the citizens. The House, in fact, had agreed upon that point already. As to the appointment of a Board, he would have preferred a Board himself; still, after all, who were the parties interested? The ratepayers themselves. After their experience of the very bad agreement originally made, he hoped the voters would rally up on this occasion, and support the council. They had had a pretty severe warning. They were now paying an extortionate price for their water, which was not of first-class quality, and not always sufficient in quantity; and the sooner they took some steps towards purchasing the works, on the best terms practicable in the interests of the city, the cheaper and the better bargain they would be able to make, for, as the population of the city increased, the amount of the rates would increase, and the revenue derived by the company increase. The more the value of property increased, and the more the rates mounted up, the larger would be the income of the company, under the present agreement; therefore, the longer the citizens delayed the purchase, the higher would

be the price they would have to pay. It appeared to him that, if this clause passed as it stood, the Bill would be inoperative. It would be practically impossible to get two-thirds of the ratepayers to go to the poll to give their consent to the council purchasing. They knew what apathy prevailed on these occasions. The only thing that troubled him was this: they had had such a bad example of the contract or bargain which the council had made in reference to these works in the past that he was loth to entrust them with the same powers again. Still, there seemed no other way out of the difficulty; and, as to the amendment, he was inclined to think that, so long as the purchase could not be effected without the consent of a majority of the ratepayers, that would be sufficient protection.

MR. A. FORREST said that, so far as the City Council itself was concerned, the council had no particular wish to purchase; the only thing was, they wanted to have the power to do so, in the event of their being able to obtain the works on favourable terms, and with the concurrence of the ratepayers. If he thought that one-third of the ratepayers of the city were absolutely against the purchase, so far as he was personally concerned he would never bring the proposal forward.

MR. SOLOMON thought the citizens would be fully protected if the amendment were adopted. It would be practically impossible to get a two-thirds majority of the ratepayers to support any proposal. They simply would not go to the trouble of recording their votes. There was the greatest amount of apathy among ratepayers in this colony, and very little active interest was taken in any question submitted to them. They had an illustration of that recently at Fremantle, in connection with the proposed loan, when a test question was made of the proposal to devote £1,000 out of the loan for a certain purpose. Very few ratepayers went to the trouble of recording their votes; and it would be the same with this question of the waterworks. So long as there was an absolute majority in favour of the purchase, he thought that would be ample protection.

Amendment put and passed.

MR. RANDELL moved, as a further amendment in the same clause, that the words "with the consent of the Governor-in-Council" be inserted after the word "thereupon." He did so as a further protection to the citizens, so that these works could not be purchased without the consent of the Governor-in-Council, as well as the concurrence of a majority of the ratepayers.

MR. A. FORREST said the City Council would have no objection to that.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7—Council empowered to borrow £200,000:

MR. LOTON did not think it was desirable to empower the corporation to borrow so large a sum as £200,000. Surely these waterworks were not going to cost that much?

THE ATTORNEY GENERAL (Hon. S. Burt) pointed out that the wording of the clause was "any sums of money not exceeding altogether the sum of £200,000." It might be necessary to extend the water mains hereafter, the cost of which would have to be defrayed out of this money. The ratepayers would have to approve of the sum proposed to be paid as purchase money for the works.

Clause put and passed.

Clauses 8 to 10, inclusive:

Put and passed.

Clause 11.—"The provisions of any "Municipal Institutions Act now or hereafter to be in force relating to the sinking fund to be formed for the liquidation "of any loan, the keeping of a separate "account thereof, and the audit thereof, "and the repurchase of the debentures, "and to the appointment of a receiver or "receivers, shall, so far as such provisions "are applicable and not inconsistent with "this Act, apply to the moneys to be "raised under this Act and the interest "thereof, and the water rates, special "rates, and other moneys upon which "the debentures issued under this Act "are charged."

THE ATTORNEY GENERAL (Hon. S. Burt) said it had been suggested by the City Council that they might not be able to provide a sinking fund and also pay interest during the first few years after borrowing the money, until the revenue of the city increased. He therefore proposed to relieve them of the

liability in respect of a sinking fund for a period of five years after the first issue of debentures. In the case of our public loans, the sinking fund did not commence for four years after the loan was raised. The City Council desired to have five years, and he had prepared an amendment to that effect, which he now moved. It was to add the following at the end of the clause: "Provided that the contributions to the sinking fund for the repayment of the moneys raised under this Act shall commence five years from the date of the first issue of the debentures, and not before."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 12.—How water rates are to be applied:

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, that the following words be inserted after the word "secondly," in line 8: "subject to the proviso of the last preceding section."

Amendment put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as a further amendment, that the word "extending" be inserted before the word "maintaining," in line 13, so as to give the Council power to extend the works, as well as maintain them, in the event of their purchasing the works.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 13 to 16, inclusive:

Put and passed.

Schedules agreed to, with a consequential amendment.

Preamble and title:

Agreed to.

Bill reported, with amendments.

At 6 p.m. MR. SPEAKER left the chair.

At 7:30 p.m. MR. SPEAKER resumed the chair.

#### IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

SECOND READING—ADJOURNED DEBATE.

Adjourned debate, on the motion for the second reading of the Bill, resumed.

MR. R. F. SHOLL: With regard to this Bill, I think the Government could very well have dispensed with it, and not have introduced an important measure of this description in the present session.

There has been no public demand for this Bill. It was brought forward this session simply because a question was asked by a young member of this House, the hon. member for York, who is continually flying off at some particular question, and has been himself one of the greatest sinners in the wholesale importation of Chinese, but did not know how to manage them. The Bill was brought in last session to check the influx of Chinese into this country, caused principally by the hon. member for York, and by some of the Chinese here importing their countrymen wholesale. The present law, which restricts the importation to not more than one Chinaman for every 500 tons of ship's register, is a perfect check on Chinese immigration. I have said before, and say again, that those colonists who do not wish to exclude Chinese altogether are, at the same time, not desirous that Chinese should be introduced in such numbers as will unduly compete with our own people. But they recognise that in certain parts of the colony Chinese are just as necessary to the settlers as beasts of burden. The Chinese undertake certain avocations which are not suitable to the European race. It has been stated with regard to the North that there are plenty of native blacks who will do the work—that statement being made by a gentleman who professed to be conversant with the North; but although I believe he has been in one of the Northern towns and has travelled up the coast, yet he has not had any experience with regard to the requirements of the Northern districts. I am alluding to the hon. member for York, and I believe he was in Roebourne a short time, and then went up to Kimberley. I say it was quite unnecessary for the Government to have introduced the present Bill. There has been no clamour for it, no demand from the country. A question was simply asked in this House, without any debate, whether the Government intended to re-introduce the Bill which was thrown out by the Legislative Council last session. Before the Government introduce a Bill of this kind, there ought to be some expression of opinion from the House or from the country.

THE PREMIER (Hon. Sir J. Forrest): We passed the Bill in this House last session.



MR. R. F. SHOLL: Yes; but it was thrown out by wiser heads than we possess in this House; and because the member for York asked the Government whether they intended to introduce the Bill again, the Government have brought it in with some alteration. As to the title of the Bill, a title more to the point would be "The Imported Labour Prohibition Act;" for it is perfectly clear that under this Bill no Chinese or Asiatic labour could be or would be imported, except for pearling, I suppose, and even with reference to pearling, this Bill would be a hardship, and would not be approved of by the pearlery. One firm which imports labour for pearling has also a pastoral station in the same locality, and during certain months of the year, when no pearling can be done, the firm employs the labourers in improving the carrying capacity of the station, by constructing fences and other improvements. This Bill will not permit that firm to utilise the imported labourers in this way. Only one firm does that, so far as I know, but it is the largest firm of employers in the pearl fishery. The Bill also requires that before or immediately after the landing of imported labourers, they shall be vaccinated. That is a wise precaution; but, since the small-pox scare, the vessels trading with immigrants to Northern ports have enforced vaccination as a necessary precaution on their own account. Under this Bill, immigrants may be vaccinated before leaving Singapore, yet they have to be vaccinated again after landing in this colony. That is quite unnecessary, and may cause some opposition to the measure. Looking round the House, and seeing that nearly every Northern member who is interested in the matter, except the Attorney General, is absent, I do not wish to prolong this discussion; but I will say that if the Government are not satisfied, and individual members are not satisfied, with the reasonable provisions already made for preventing an influx of Chinese, they wish to ride this question to death. If we were to deal with the influx of Afghans, it would be of more practical use than legislating further against Chinese. Many of the Chinese who come here are British subjects, and I question very much whether any Act we may pass can exclude them from coming into this British colony, without

the consent of Her Majesty's Secretary of State. But the Afghans are not British subjects, and yet we are allowing them to come into the country, to go anywhere over our goldfields, and also in the towns. This Bill does not touch them. It deals with those aliens on whom we have already imposed severe restrictions. I move, as an amendment, that the Bill be read this day six months.

MR. MONGER: If ever the hon. member for the Gascoyne attempted to pay me a compliment, he did so this evening, when he said the honour of the introduction of this Bill was attributable to a question asked in this House by me. He has said there has been no public outcry on this question. I can tell him that, when we were on the hustings, there was hardly a candidate in the elections who did not pledge himself to support some such measure as this, for preventing the reckless importation of Chinese, Afghans, and other aliens. I admit the Bill, as originally brought in, was very much at fault in not also preventing Afghans and other coloured races from coming here in numbers, as they are doing under labour contracts, to persons here of their own race. I hope the word "labourer" will be so defined in the Bill as to cover Afghans and other coloured races. The hon. member for the Gascoyne was also good enough to say I had been one of the largest importers of Chinese into this colony. I take this opportunity of saying I never imported a Chinaman in my life.

MR. A. FORREST: Your firm did.

MR. MONGER: What has that to do with me? I do not see how anyone can throw such a stain on me. I tell the hon. member for the Gascoyne it was the one thing I always objected to, and I shall always object to it; and perhaps it is the large experience I have had with those gentry that has led me to the conclusion I have now formed. That hon. member also said I did not know how to manage them. I am very glad I do not know, and hope I never will. The only argument used by the member for the Gascoyne against the Bill was that the pearling industry cannot be carried on without imported cheap labour. I am quite prepared to see a provision put into the Bill for limiting the restrictions of the Bill to every other portion of the colony

except the pearling districts, and to every other industry except the pearling industry. However, in my opinion this is a measure which might well have been brought on earlier in the session, and probably had it not been for the lengthy arguments we have sometimes listened to from the hon. member for the Gascoyne, this Bill would have gone through the necessary stages earlier. We may be certain that when it reaches another place it will not meet with the same fate as it did last session. I fail to see how this House can do any other than carry this Bill in its entirety, after the manner in which hon. members voted on it last session, when it was carried by a threefold majority, and I think if we had a full House to-night the Bill would be carried by a still larger number. Excepting the hon. member for the Gascoyne, and perhaps his brother, I think every other member will fall in with the ideas conveyed in this Bill, and support the second reading.

**THE PREMIER (Hon. Sir J. Forrest):** I really think the hon. member for the Gascoyne can not have carefully read this Bill, but has trusted to his memory, and is confusing it with some other Bill. The fact remains that this Bill passed through this House last session, with scarcely any discussion on the clauses that are in it now, the discussion then being in regard to some provisions that have been now left out, and some new provisions which were proposed in committee. One new provision then proposed was to reduce the tonnage limit from 500 to 200 tons of ship's register.

**MR. R. F. SHOLL:** That was in reference to the Bill previously passed, and not this Bill.

**THE PREMIER (Hon. Sir J. Forrest):** However, this Bill passed through this House without discussion, except in reference to some clauses I agreed to leave out. With those exceptions, the members representing the North agreed to accept the Bill; and the only thing in the Bill that particularly affects the Northern districts is that which was always intended by the Imported Labour Registry Act, but not enforced, namely, that the imported labourers must be returned to the country from which they came, at the expiration of their period of service. This Bill does away with the proviso in

the Act, which was a means of evasion, and which stated that the omission of the condition as to returning the labourer to the place from whence he came should not interfere with the contract. What does the hon. member for the Gascoyne want now? He wants the settlers to be allowed to import Chinamen as labourers, and, having got them here, to let them go where they like. The hon. member does not wish to have cast on these employers the obligation of returning the imported labourers to the country from which they came. That is the only provision in the Bill that is adverse to the employer, but there are many provisions in it favourable to the employer. A Chinaman imported under contract must finish his contract, and must go back at the end of the term, unless he re-engages with his former employer, or unless he engages with a new employer by consent of the former employer. I think the pastoralists will be glad to have this Bill, for although it requires them to undertake to pay the £10, or whatever the amount is, as passage money for returning the labourer to the country he came from, yet the Bill is otherwise in favour of the employer, by providing that the labourer must not leave the hired service before the period expires, and then must return to his own country, and that he must not engage with any other employer, without the first employer's consent, after the period of service has expired. The necessity for such provisions was recognised last year, by members representing Northern districts, when we discussed the Bill in this House; for they felt that while the Bill placed on employers an obligation that was always intended, still there were counterbalancing provisions in favour of employers who imported labourers, while also protecting the labourers.

**MR. CONNOR:** I support the second reading of the Bill; but had it not been for one clause I see in the Bill, I would have felt bound to oppose it—that is Clause 11. If this Bill could have interfered with the pearling industry, I would have opposed it; but we want the country for our own people, and can do without any coloured labour, except for the pearling industry.

**MR. H. W. SHOLL:** I am sorry to say I cannot support this Bill. With

reference to the hon. member for York, he was, some years ago, manager of an estate belonging to his firm, but he was not up to the work of managing the Chinese labourers on that estate. I have some idea this Bill will interfere with the pearlers. During the height of the pearling season, the labourers live on board their boats; but there are three or four months during which the boats cannot be worked. One of the largest firms engaged in the pearling industry have a pastoral station, and put their labourers on it when there is no pearling to be done. Will this Bill prevent the working of these men on shore in that way? During the hurricane season the boats must go into shelter, and are these men to be kept idle during that period? The firm I mention keep that station at Roebuck Bay for the employment of their men in the hurricane season. Will Clause 11 interfere with that?

MR. A. FORREST: As representing a Northern district, I am pleased this Bill is again brought forward. I do not think that even the Northern members wish to introduce coloured labour into the colony. There are certain industries in the North that must have coloured labour, and this Bill provides fully for that. Clause 11 provides that imported labourers may work in the pearling industry, but we say that when their period of service is up they must be sent back. The hon. member for Roebourne asks whether these labourers can be employed on land during the willy-willy months. I do not think there is anything in the Bill to restrict the employment of imported pearlers on land during that time, nor would anyone object to these pearlers being employed on a cattle or sheep station during the time their boats are laid off. I represent the pearling industry in my division, and have been returned by the pearlers and settlers, who are perfectly satisfied with the way in which I represent them. A petition from that district has been handed to the Premier, and it asks that the importation of Asiatic labour shall be restricted. I do not think anyone settled in the colony wants to see Asiatics or Chinamen brought in; but there are certain industries which require imported labour. I hope we shall agree, as far as possible, in preventing this colony from being

settled by any Asiatic race. The pearling industry must have Malays or Chinese, some such labour being absolutely necessary; but, having provided for the pearling industry, we should watch carefully to see that these men do not come Southward, where they are not wanted, for in the Southern portion of the colony the Chinese are a curse—the majority of them are. We admit they supply us with certain things cheaper than Europeans do, but we do not like the Chinese among us and do not want them.

MR. R. F. SHOLL: Referring to *Hansard*, I find this principle was attacked in the Bill last year, as recorded at page 851; and there was a division taken on the second reading. The hon. member for the De Grey spoke strongly against the measure, though I find he did not vote at all in the division. He walked out of the House before the division, as he usually does. Those voting against the second reading were Messrs. Clarkon, Darlôt, De Hamel, Phillips, H. W. Sholl, and R. F. Sholl.

MR. SOLOMON: I shall support the second reading. I think the Northern members should also support it, and in committee some addition might be made to Clause 11 for securing what the Northern members want. No member representing a Southern district would like to deal hardly with a Northern industry.

MR. RANDELL: I quite agree with the general principle that it is desirable to limit the immigration of coloured labour into the Southern parts of the colony, at any rate; yet I think a great deal of the language used in this debate is extreme and somewhat misleading. It should be remembered that Britain, as a civilised nation, sent its ships of war to open Chinese ports for trading purposes; we have also sent some of our best men to introduce our civilisation into their midst; the British people continue to spend large sums of money for the purpose of Christianising and civilising the Chinese; and yet we in this colony are expressing great fear that we shall be injured by the introduction of Chinese labour. This seems to be contrary to our boasted civilisation. No one can dispute that there are among the Chinese some excellent men, who are found useful in various departments of labour. I admit

it is not desirable to have large numbers of them among us, but we have restrictive legislation which will, I think, effectually prevent that; and I certainly do feel that we should consider what our own people in other parts of the world have been doing amongst these coloured races; that the diplomacy of England and all the skill and talent of British statesmen in India are endeavouring to keep the Afghans loyal to the British Crown, as a buffer State between British India and another great power which we think has designs upon India, and which designs we hope the Afghans will render us considerable assistance in frustrating. Then we should remember that many of these coloured races are British subjects. Natives of South Africa should be British subjects. I do deprecate the undue prominence that is given to the prevention of some of these people, at any rate, coming into our midst. I know some Chinamen now in Perth who are quite a credit to the colony, by the way in which they conduct themselves and manage their business. I believe that in Perth and other parts of the colony they have undertaken important contracts; and if we had not a number of these men we should suffer considerably. It is not to the credit of our European manhood to fear these coloured races as we do. There is an element amongst them which is not to the benefit of the community at large. I know there are vices amongst them which are injurious to our civilisation; but there are not more black sheep amongst them than there are amongst Europeans. One of their virtues is their patient and persistent industry; also, in many cases, their obedience to the law of the land. I am not going to oppose this Bill. It to a certain extent safeguards the interests of the employers of coloured labour in Northern districts. I find that Clause 11 does protect the pearling industry to a considerable extent, and I hope that those carrying on the industry may be enabled, during the hurricane season, to have their labourers employed on shore. I do object to the extreme tone which is often taken, not only by some hon. members in this House, but by persons outside. There are two distinct sides to this question, and we ought to be able to look on the one side as well as on the other.

MR. WOOD: I intend to support the second reading, and I hope the Government will introduce some provision specially applicable to the circumstances of the Northern parts of the colony, say, to apply Northward of a certain latitude, because the conditions there are so different from those in the South that the employers of labour in the North cannot do without imported labour either on land or sea.

THE ATTORNEY GENERAL (Hon. S. Burt): I would like to point out that Clause 11 provides that "With the exception of the last preceding section"—labourers to be vaccinated—"none of the foregoing provisions of this Act shall apply to labourers imported into the colony for employment in the pearl shell fishery, and kept employed under contract in such fishery." This provision is intended to exempt the pearling industry and the men employed therein, so long as the men are *bona fide* employed in the fisheries; and, of course, if the men were landed, say, at Cossack or Broome, the fact of having to go on shore would be none the less an employment in the fishery; but if the men were sent out to a pastoral station, I do not know that it could be said they were being employed in the fishery, if they were kept on the station over a month or two, during the hurricane season. But that difficulty can be met by an amendment providing for the temporary employment of labourers on shore, and such temporary employment can be made subject to regulations, providing that labourers in the pearling industry may be employed at a station on shore for a month or two, under some guarantee that they shall be returned to the pearling ground within a certain time. The employer in each case might be required to enter into a bond of £10 a day that he would return the men to the pearling ground within a certain time. Of course if employers got their men to a station a hundred miles away, the men might run away, and the Act would be defeated. What we seek to do in this Bill is to make effective in every respect the Chinese Immigration Restriction Act; for, so long as Chinese can be imported under the existing conditions, there is a chance that the Act may be evaded. These men are brought in now to the number of

seventy or eighty a year, at least, and every one of them might become absorbed in the population; therefore it might be urged that we had not got our legislation on a par with that of other colonies for the restriction of Chinese immigration, because they were being regularly imported into the Northern districts, and might gradually percolate Southward. The Northern settlers cannot but see the justice of the contention that, while this House consents to the importation of coloured labourers for Northern industries, it should leave no loophole through which these men may get into the Southern parts. The object of the Bill is to prevent that, by providing that as soon as a coloured immigrant wants to go on his own account, after having served his period of engagement, he must then be sent back by his employer to the country from which that labourer came; and in that way this Bill will more effectually carry out the intention of the existing restrictions on Chinese immigration. With regard to Afghans, and such like persons coming into this colony, it would not effect the object to include them in this Bill, because they are not included in the existing statutes which restrict immigration. Afghans or others not included in the existing restriction can come in as they think fit, and they may defeat the provisions of the Imported Labour Registry Act by not coming here under contract of service. They could enter into a contract when they got here; and as only men of their own race import them into this colony, that would be the policy they would pursue for evading the Act. Therefore, unless we restrict the coming of these races, as we have restricted the Chinese, I do not see that it would serve any purpose to include them in this Bill.

Question put and passed.

Bill read a second time.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the Speaker do leave the chair, and the House resolve itself into a committee of the whole to consider the Bill.

MR. R. F. SHOLL: I hope the Government will not insist on the House going into committee on this Bill to-night, when so many members who are interested in the subject are not present. I do not think it is creditable on the part

of the Government to try and rush through committee a Bill affecting the Northern part of the colony, when many members are absent. I protest against the Bill being taken in committee to-night.

THE PREMIER (Hon. Sir J. Forrest): This is a very small Bill, and, excepting one or two matters not now in the Bill, this measure passed through committee last year without discussion, in the presence of all the Northern members. I cannot find that anything was said, in committee, on the first nine clauses, except by myself. One or two clauses, objected to, were struck out at my suggestion. I think we might well go into committee on the Bill now.

MR. R. F. SHOLL: I feel it is absolutely useless to oppose the motion for going into committee, seeing the large power the Government have at their back.

Question put and passed.

#### IN COMMITTEE.

Clauses 1 to 10, inclusive:

Agreed to.

Clause 11.—Application of Act to labourers in pearl shell fishery:

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, that the following words be added to the end of the clause:—"or in temporary employment on shore, according and subject to the Regulations made under this Act." He said this provision would enable labourers imported for pearling to be employed on a pastoral station or in a town during the hurricane months, and thus be a convenience to employers in the pearl fisheries. The Regulations to be made for the purpose would be framed by the Government, and would fix the period during which such employment on shore should be permitted.

MR. ILLINGWORTH hoped the Regulations would be sufficiently restrictive to ensure that the labourers should get back to the pearling. He hoped the Regulations would be so stringent that the Chinese would not be able to scatter themselves through the country, and become a nuisance in Southern districts.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 12 and 13:

Agreed to.

Schedule:

Agreed to.

Preamble and title :

Agreed to.

Bill reported, with an amendment.

#### INSECT PESTS BILL.

##### LEGISLATIVE COUNCIL'S AMENDMENT.

The following Message was delivered to and read by Mr. Speaker :—

“ *Mr. Speaker,*

“ With reference to the Legislative Assembly's Message No. 42, disagreeing to the amendment made by the Legislative Council in ‘ *The Insect Pests Bill,*’ the Legislative Council acquaints the Legislative Assembly that it insists on the said amendment.

“ *GEO. SHENTON,*

“ *President.*

“ *Legislative Council Chamber, Perth,*  
“ *20th November, 1894.*”

*Schedule showing the Amendment made by the Legislative Council in “ The Insect Pests Bill.”*

On Page 2, Clause 3, line 5.—Between “ *may*” and “ *without,*” insert “ *on producing his appointment in writing.*”

*C. LEE STEERE,*

*Clerk of the Council.*

Ordered—That the consideration in committee of the foregoing Message be made an Order of the Day for the next sitting of the House.

#### ADJOURNMENT.

*THE PREMIER (Hon. Sir J. Forrest)* moved that the House, at its rising, do adjourn until Thursday, 22nd November, at half-past seven o'clock, p.m.

Question put and passed.

The House adjourned at 8:38 o'clock, p.m.

## Legislative Council,

*Thursday, 22nd November, 1894.*

Subiaco platform: cost of Pharmacy and Poisons Bill: committee; third reading—Medical Bill: second reading; committee—Roughly Street Closure Bill: committee—Elementary Education Act Amendment Bill: second reading; committee; third reading—Perth Waterworks Purchase Bill: first reading—Imported Labour Registry Act Amendment Bill: first reading—Adjournment.

**THE PRESIDENT (Hon. Sir G. Shenton)** took the chair at 7:30 o'clock p.m.

#### PRAYERS.

#### SUBIACO PLATFORM, COST OF.

**THE HON. J. C. G. FOULKES** asked the Colonial Secretary the cost of the present railway platform at Subiaco.

**THE COLONIAL SECRETARY (Hon. S. H. Parker)**: The old station platform at North Fremantle was taken down and removed to Subiaco, and additional length added to it. The removal and cost of additions was covered by the sum of £160. The Railway Department cannot, without longer notice, give the cost of the old platform.

#### PHARMACY AND POISONS BILL.

##### IN COMMITTEE.

Clauses 1 to 3 passed.

Clause 4—Commencement of Act:

**THE HON. E. HENTY**: I have been asked to move, by some of those interested in this Bill, that it shall be allowed to come into operation on the 1st January next, instead of on the 1st March. I therefore move that the word “ *March*” be struck out, and “ *January*” be substituted.

**THE COLONIAL SECRETARY (Hon. S. H. Parker)**: This Bill was brought in at the request of the chemists and druggists, and this date has been fixed by them. I imagine certain things have to be done before this Bill can be brought into operation, and two months will not be too long for the purpose. I hope, therefore, the amendment will not be pressed.

Amendment put and negatived.

Clause agreed to.

Clauses 5 to 12 agreed to.