

they do not come before this House in any other form than as a grant of £7,000 or £10,000, as the case may be. Hon. members are placed in the position that they must either take action to destroy the bureau altogether, or pass the amount placed by the Government to the credit of this institution. The management of the bureau ought to be under the control of Parliament, and this should be a part of the institutions of the colony. I suggest that the member for Geraldton (Mr. Simpson) might accept this amendment, or something like it, which I accordingly move:—

That all the words after "that," in the first line, be struck out, and the following words be inserted in lieu thereof: "In order to still further secure the efficiency of the Agricultural Bureau, a select committee be appointed to report on the advisability or otherwise of placing it under direct Government control."

MR. SIMPSON: I accept the amendment moved by the hon. member.

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

A ballot for the select committee having been taken, the following members, in addition to the mover (Mr. Simpson), were elected: Mr. Harper, Mr. Illingworth, Mr. Lefroy, and Mr. Mitchell.

Ordered, that the committee have power to call for persons and papers; and to report to the House on Thursday, 2nd December.

#### ADJOURNMENT.

The House adjourned at 5:20 p.m. till the next Monday.

## Legislative Assembly,

Monday, 22nd November, 1897.

Message (appropriation): Loans Reappropriation Bill: first reading—Paper Presented—Question: Whitby Lunatic Asylum—Question: Erection of Gates at Railway Crossings, Perth—Question: Post and Telegraph Officials on Goldfields—Question: Wages of Electric Linemen—Bills of Sale Bill: first reading—Divorce Act Amendment and Extension Bill: first reading—Dentists Act, 1894, Amendment Bill: first reading—Industrial Statistics Bill: Amendments on report—Employment Brokers Bill: recomittal—Sale of Liquors Act Amendment Bill: Amendments on report—Annual Estimates: Debate on Financial Policy: motion to adjourn debate; Division Early Closing Bill: second reading—Municipal Institutions Act Amendment Bill: in committee—Immigration Restriction Bill: second reading (debate concluded)—Adjournment.

THE SPEAKER took the Chair at 7:30 o'clock, p.m.

#### PRAYERS.

#### MESSAGE—LOANS REAPPROPRIATION BILL.

A Message from the Governor was presented by the Premier and read, recommending a reappropriation from the General Loan Fund to works stated in the Loans Reappropriation Bill.

At a later stage,

Bill introduced by the PREMIER, and read a first time.

#### PAPER PRESENTED.

By the PREMIER: Report of Metropolitan Waterworks Board for 1897.

Ordered to lie on the table.

#### QUESTION—WHITBY LUNATIC ASYLUM.

MR. LYALL HALL, in accordance with notice, asked the Premier, Whether he was aware that, in the transfer of a number of lunatics from the Fremantle Asylum to the new asylum grounds at Whitby, an officer was appointed in charge of the latter place who had been but a short time in the service; and, if not, would an inquiry be instituted as to why such appointment was made over the heads of competent officers of many years' service.

THE PREMIER (Right Hon. Sir J. Forrest) replied: The officer appointed was Warder Gallagher, for eight years employed in asylum work in New Zealand. He was also, for two years, a gaoler at Derby. He was specially recommended

for the position by the principal Medical Officer, who reports that he has filled the position to his entire satisfaction. It was considered that he had special qualifications for the position.

**QUESTION—ERECTION OF GATES AT RAILWAY CROSSINGS, PERTH.**

MR. LYALL HALL, in accordance with notice, asked the Commissioner of Railways, Whether it was the intention of the department to take steps to minimise the danger at the Mackie Street and Lord Street railway crossings by the erection of gates similar to those erected at the William Street crossing; and, in the meantime, if the Minister would consider the advisability of placing a man in charge of each of the crossing places referred to.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied:—It is the intention of the department to erect gates at Mackie and Lord Street railway crossings, but in the meantime it is not intended to place men in charge of these crossings.

**QUESTION—POST AND TELEGRAPH OFFICIALS ON GOLDFIELDS.**

MR. ILLINGWORTH, for Mr. Vosper, in accordance with notice, asked the Minister of Education:—1. Whether it was true that serious difficulties were placed in the way of employees of the Post and Telegraph Department obtaining annual and other leave. 2. Whether it was the intention of the Government to provide medical attendance for such employees when located on the goldfields. 3. Whether the Government intended to arrange for the classification of telegraph officers according to merit. 4. Whether an annual increment of salaries was now granted, or would be so granted.

THE MINISTER OF EDUCATION (Hon. H. B. Lefroy) replied:—1. No more than is unavoidable, as leave has always been granted to those whose length of service entitled them to such, and when the exigencies of the service allowed of leave being granted. 2. When there is a Government medical officer resident in a goldfields town, employees in the Post and Telegraph Department are already provided with medical attendance. Attempts have been made to extend this indulgence in other places,

but, so far, no satisfactory arrangement has been arrived at. The Government has not decided to provide medical attendance in all places. 3. This has already been done, and the present Estimates are framed accordingly. 4. An increment has been granted in all cases where it was deemed necessary.

**QUESTION—WAGES OF ELECTRIC LINEMEN.**

MR. ILLINGWORTH, for Mr. Vosper, in accordance with notice, asked the Commissioner of Railways:—1. Whether it was true that the wages of men employed on electric lines used by his department had been reduced by one shilling per day. 2. If so, what was the reason assigned for such action. 3. Whether the reduction was intended to be permanent. 4. Why it was made retrospective.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) replied:—1. Yes; four men only were reduced. 2. New classification and regulations. 3. Yes. 4. The new regulations came into force on 1st October. The staff was duly notified, but owing to delay in the printing of the regulations, it was some ten or twelve days before the whole of the staff was supplied with copies of such regulations.

**BILLS OF SALE BILL.**

Introduced by MR. EWING, for Mr. James, and read a first time.

**DIVORCE ACT AMENDMENT AND EXTENSION BILL.**

Introduced by MR. EWING, for Mr. James, and read a first time.

**DENTISTS ACT, 1894, AMENDMENT BILL.**

Introduced by MR. EWING, and read a first time.

**INDUSTRIAL STATISTICS BILL.**

**AMENDMENTS ON REPORT.**

Order of the Day, for consideration of report, read.

Clause 2—Interpretation:

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) moved that lines 11

to 17 be struck out, and the following inserted in lieu thereof:—

“Industrial establishment” means any factory, workshop, or mill where either four persons or more have been employed at any time during the year, or where an engine driven by steam, gas, or electricity has been used, whatever be the number of persons employed, and any mine which has been worked at any time during the year, whatever be the number of persons employed.

Put and passed.

Clause 4—Persons required to make returns:

THE ATTORNEY GENERAL moved that, in line 4, the words “or is the head of an industrial establishment” be inserted after the word “stock.”

Put and passed.

Clause 9—Registrar to make abstract of returns:

THE ATTORNEY GENERAL moved that, in line 5, after the word “speed,” there be inserted the words “arrange the same according to the several electoral districts and.” He wished to meet a point raised by the Commissioner of Crown Lands, whose desire was that, whilst the magisterial districts could be used for obtaining the statistics, when the statistics had been obtained they could be made to show the statistics for the electoral districts.

Put and passed.

Clause 13—Returns required from head of industrial establishment:

THE ATTORNEY GENERAL moved that the words “in which, being a mine or quarry, 20 persons or more are employed, or in which, not being a mine or quarry, four persons or more are employed,” be struck out.

Put and passed.

Clause 19—Registrar may require fresh returns in case of failure or omission:

THE ATTORNEY GENERAL moved that, in line 1, the word “electoral” be inserted between the words “any” and “district.” This was consequential on an amendment already made.

Put and passed.

Report adopted.

#### EMPLOYMENT BROKERS BILL.

On the motion of MR. VOSPER, Bill recommitted for amendment.

#### IN COMMITTEE.

MR. VOSPER moved that the following new clause be added to the Bill:—

Every clerk of petty sessions shall keep in his office a book, in which complaints may be entered by any person against any holder of a license under this Act, and such book shall be produced at every meeting of the licensing magistrates for their perusal and information.

The object of the new clause was to give opportunity for the lodging of complaints against licensees by persons whose avocations took them into various parts of the colony, and who could not attend in person at the licensing court. If there was a good number of these complaints, the licensing magistrate might find in them good reason for refusing the license. The proposed clause could not hurt the Bill, and might make the measure more effective.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The amendment was inconsistent with our sense of common law, right, and justice. It meant that a person could go behind the back of another, and make complaints which would be reserved until the person complained against came forward for a renewal of his license. No magistrate ought to act on a complaint by a person who disappeared and did not substantiate the complaint by evidence. The clause would inflict an injustice, without conferring any corresponding benefit on those whom the hon. member wished to befriend.

MR. VOSPER: If the Government were against the clause, he had no desire to press it. His impression was that the late Attorney General (Mr. Burt), when in charge of the Bill, seemed to favour such a clause. He (Mr. Vosper) could see the force of the objections now raised. The clause, however, might be enlarged so as to allow the police to investigate the complaints, and make a report on their investigation. Men were sent by employment brokers to bogus situations, and at present there was no remedy for that state of affairs. The object of the clause was to help persons who, by reason of their avocations, could not attend the licensing court to substantiate complaints made.

THE PREMIER (Right Hon. Sir J. Forrest): Unless persons aggrieved took the trouble to come forward and substantiate complaints, it would be impossible to

give them satisfaction. Many people did not do all that was desired, but persons aggrieved, unless they took proceedings, had to put up with their grievance. It would be hard if a man had to answer *ex parte* statements made by a person who might be actuated by all sorts of motives, and who cleared out without substantiating his complaints. People often had complaints against lawyers, for instance, but unless the complainants came forward, no stigma rested on the legal profession.

MR. EWING: The amendment would be a dangerous one. It would place before magistrates, as evidence, a number of statements which were really not admissible as evidence. The present law fully provided for making complaints against licensees. A man who felt he was aggrieved might complain to the licensing inspector at any time, and have the matter investigated by the police authorities; and then, if there were anything in the complaint, an information could be laid. If the police did not lay an information, the man could do so himself, and on conviction and then only, should any stigma rest on a licensee. If the new clause were passed, applications for licenses or renewals of licenses would be prejudiced by statements for which there might be no foundation whatever.

MR. VOSPER asked leave to withdraw the new clause.

Clause, by leave, withdrawn.

Bill reported without further amendment, and report adopted.

#### SALE OF LIQUORS ACT AMENDMENT BILL.

##### AMENDMENTS ON REPORT.

Order of the Day, for consideration of report, read.

Clause 7—Sale or possession of adulterated liquor:

MR. RASON moved that after the word "labour," in the 14th line, the following words be added: "and render the person convicted liable, at the discretion of the magistrates, to be declared disqualified from applying for or obtaining a license, or a renewal or a transfer of a license, under the Wines, Beer, and Spirits Sale Act for any term not exceeding three years."

Put and passed.

MR. RASON moved, as a further amendment in the same clause, that the

last sentence be struck out. He said the amendment previously made in the clause had taken away from justices of the peace the power of reducing or mitigating the fine.

Put and passed.

New Clause:

MR. RASON moved that the following new clause be added to the Bill:—

The provisions and penalties herein expressed shall apply in equal manner to all dealers in wines, beer, and spirits, whether wholesale or retail.

He wished to make it perfectly clear that all penalties provided in the Bill should be applicable to both wholesale and retail dealers.

MR. LEAKE said he did not understand the object of the new clause. In nearly all clauses of the Act, the penalty for each particular offence was specified; and there was also a general provision as to penalties for all other offences not specifically provided for. He asked whether the Attorney General had considered the effect of the new clause.

THE ATTORNEY GENERAL said he had not.

MR. LEAKE: What sort of offences would it apply to?

MR. ILLINGWORTH: It made the penalties apply to the wholesale man as well as to the retailer.

MR. RASON: If legal members of the House would give assurance that all the provisions of the Bill would apply to the wholesale as well as to the retail dealer, he would be satisfied. Perhaps that was already expressed in the Bill; but, so far as he could see, it was not clearly set forth that all the provisions of the Act, such as giving to inspectors the power to make searches and take samples, should apply to the wholesale as well as to the retail seller. The new clause would make that point clear.

Put and passed.

Bill reported with amendments, and report adopted.

#### ANNUAL ESTIMATES—DEBATE ON FINANCIAL POLICY.

##### MOTION TO ADJOURN DEBATE—IN COMMITTEE OF SUPPLY.

The Financial Statement having been made by the Premier and Treasurer, upon introducing the Annual Estimates on

Tuesday, 16th November, and the first item having been moved.

MR. LEAKE (Albany), in resuming the debate, said: Before venturing to criticise the Financial Statement made by the Premier a few evenings ago, I wish to test the feeling of the House upon a question which appears to me to be one of very considerable importance. We are asked now to discuss the financial position of the country; but unless we are furnished with the fullest possible information as to every branch of the finances, it is impossible for hon. members to do justice to themselves or to their constituents. The policy of the Government, for the past few years, has been to keep information to themselves until the very last moment, and especially information which is in the slightest degree damaging to themselves. [THE PREMIER: Very good, that!] We had the admission the other day, in the right hon. gentleman's Financial Statement, to this effect, that he gave the country that information which he thought it ought to have, and no more; that he did keep certain things back until the last moment. In that respect I agree with him, and it is that very matter which I complain of. The financial policy, we know, consists chiefly in spending money. The Estimates prove that; the Excess Bill for the year ending 30th June, 1896, proves that; and what I want, before we proceed with the consideration of the Financial Statement, is the Excess Bill for the year ending June 30th, 1897.

THE PREMIER: It is in these Estimates.

MR. LEAKE: We are entitled to demand that, as a right, before we proceed.

THE PREMIER: Every excess is in these Estimates.

MR. LEAKE: Oh, hardly.

THE PREMIER: Every one.

MR. LEAKE: The last Excess Bill, for the financial year ending 1896, amounted to half a million of money; and I have no doubt the Excess Bill for the financial year ending 1897 will be another half million. We are entitled to have this Excess Bill on the table, before we are asked to consider the Estimates.

THE PREMIER: The expenditure of every item is in these Estimates—every

excess item and the estimate too. You have here the vote that was taken, and the estimate for the vote.

MR. LEAKE: We are entitled to have the Excess Bill; and, with the Excess Bill, we are entitled to have, at this time at any rate, the Auditor General's report; because there can be no doubt that, if the Auditor General does his duty, as I have no doubt he will, considerable light will be thrown on those excesses; and I ask hon. members to support me in refusing to consider these Estimates until we have had ample opportunity of considering the whole of the financial position. The suggestion that I make, if carried out, will in no way operate as a delay of Parliamentary work. There is amply sufficient business for hon. members to consider, apart from the Estimates. We have a mass of Bills to get through, so that this suggestion is in no way a block on the proceedings of Parliament. The Estimates this year are before the House some weeks earlier than usual, no doubt with the idea of terminating the session at an early date; and I would remind hon. members that, once we pass these Estimates, the Government can prorogue, and can prevent further work being done. [THE PREMIER: Don't pass them, then.] That is just what I do not want to do. I do not want these Estimates to be passed, and I do not want to give the Government an opportunity of bringing in their Appropriation Bill, which can be forced through Parliament without any trouble at all, until we have had full opportunity of considering the whole of the financial position; and that we cannot do unless we have the Excess Bill.

THE PREMIER: This course has never been taken before.

MR. LEAKE: We have no opportunity of seeing how much money voted for special purposes has been diverted, or how much that has been spent is unauthorised; and I ask hon. members to support me in the proposal that I make, to report progress and ask leave to sit again a week hence, to enable the Government to bring down the Excess Bill. I move that progress be reported, and leave asked to sit again.

THE CHAIRMAN: The motion must be put without debate.

Motion (to report progress) put, and division taken with the following result:—

Ayes ... ..	13
Noes ... ..	13
<hr/>	
A tie ... ..	0

AYES.	NOES.
Mr. Ewing	Mr. Conolly
Mr. Gregory	Mr. Doherty
Mr. Illingworth	Sir John Forrest
Mr. James	Mr. Hubble
Mr. Kenny	Mr. Holmes
Mr. Leake	Mr. Kingsmill
Mr. Oats	Mr. Lefroy
Mr. Simpson	Mr. Mitchell
Mr. Solomon	Mr. Peacockfather
Mr. Vosper	Mr. Plesse
Mr. Wallace	Mr. Rason
Mr. Wilson	Mr. Wood
Mr. Oldham (Teller).	Mr. Sholl (Teller).

THE CHAIRMAN: I shall give my casting vote with the ayes, on the principle of voting for delay in order that the matter may be further considered.

THE PREMIER: The Excess Bill is ready, and will be laid on the table tomorrow, and I hope hon. members will have their speeches ready. The only reason for delay has been that the report by the Auditor General was not ready.

EARLY CLOSING BILL.

SECOND READING.

MR. JAMES (East Perth): I rise to move, at an unexpected time, the second reading of this Bill. It is as simple as I could possibly make it, without sacrificing explicitness of language. I think I am right in saying there is an overwhelming majority of European shopkeepers, not only in Perth, but throughout the larger country towns, who are in favour of legislation being introduced which will protect them against the unfair competition of Asiatics and others, who are not subject to the same influences as Europeans are. I propose that every shop shall close at 6 p.m., excepting on Saturday evenings, when those shops which, having been closed on the half-holiday proclaimed under the provisions of this Bill, may remain open up to 9 o'clock. Certain shops named in the schedule are by Section 3 exempted from closing at 6 p.m., such as chemists and druggists' shops, tea and coffee houses, fish and oyster shops, restaurants, newspaper and booksellers' shops, and undertakers' shops; as also hotels. Section 12 provides that the

assistants employed in shops and premises such as I have named shall have a half-holiday on some one working day in the week. In ordinary cases, the shops have to close on fixed days, but in these special cases a half-holiday may be taken on any day in the week. There is no need in such special cases for shopkeepers to close their premises. The half-holiday is to be fixed by the Minister from time to time. Power is given by Section 8 for the Minister to fix a day or days during the week for the half-holiday, so that if, in the opinion of the Minister, it is desirable to have one half-holiday for wholesale stores and another for retail shops, that can be done. In the metropolitan area here, the wholesale shops have one day for a half-holiday and the retail shops another. I wish to make the Bill as flexible as possible, so as to meet existing conditions. The Act is only to come into force within the metropolitan area on the first of February, 1898—in Perth, Fremantle, and the suburbs surrounding those municipalities. Outside the metropolitan area the Act will not come into force until it may be applied from time to time by the Minister in charge of it. With the exception of the metropolitan area, the Act will be practically a permissive one, because I take it that the Minister will not declare the Act to be in operation unless some desire is expressed for its provisions to be brought into force. Clauses are inserted imposing penalties for breaches of the Act. Section 9 provides for a penalty of £5 if an assistant is employed half-an-hour after the time fixed for closing, or after one o'clock on a half holiday, provided, however, that assistants may be employed for three hours on any day after closing hours, but not more than 42 days in the year, during which time the shop is to be closed. The object of this clause is to enable the necessary stock-taking to be carried out. During the time this clause is being taken advantage of, it must not be made an excuse for keeping the shop open for the carrying on of business. Section 10 provides a penalty for non-closing of shops at the stated hours and on half-holidays; provided that on the three days preceding Christmas Day all shops may be kept open till nine o'clock. Section 11 provides that no shopkeeper

shall employ a woman, or anyone under the age of 16 years of age, in the shop for more than 52 hours in the week, nor for longer than nine and a half hours a day, except that, when the shop may be kept open till nine o'clock under the provisions of the Bill, they may be employed for eleven and a-half hours. I do not think hon. members will object to that section as going too far. Section 12 provides penalties for the non-compliance with the Bill in the cases of shops mentioned in the schedule. Section 13 provides that no licensed victualler or shopkeeper shall allow any employee in the bar to be engaged on Sunday. Section 14 provides for an inspector who is to be appointed by the Minister, and whose duty will be to see that the provisions of the Bill are carried out. Before entering a building he is to produce his authority. Section 18 provides that a record shall be kept of the trading name of the shopkeeper, and of the hours of work and meals. Section 20 provides that proper seating accommodation shall be provided to the satisfaction of the inspector, for all females employed in shops or bars. Section 21 contains a series of provisions to enable females employed in shops or bars to be seated when not engaged in work, and to prevent employers from dismissing or reducing the wages of any female on the ground that she has made use of such seating accommodation, unless it be proved that she has used it for an unreasonably long time. Clause 22 provides that shop-assistants shall be entitled to one hour for dinner, and Clause 23 makes it compulsory for every shop to be kept clean, and proper accommodation provided for assistants. According to Clause 24, if an offence is committed by an agent, the shopkeeper is responsible for the act of the agent. This clause will enable a Bill like this to become operative. It is intended to meet the case of shops being run by managers. Clause 25 is merely formal. I have endeavoured as far as possible to make the Bill flexible, and I believe a majority of members are in favour of the principle embodied in the Bill, which will enable shopkeepers to have one half-holiday a week. I believe I am right in saying that the majority of the shopkeepers are in favour of a legislative provision

of this nature—at any rate, since I spoke of introducing such a Bill, I have received the warm support and commendation of many shopkeepers, even from Bumbury, and I have not the least doubt that, had I reason to believe that the right hon. gentleman would not support the measure, that doubt would now be removed, seeing I have the strong commendation from Bumbury, where the evil exists. So far as the districts outside Perth are concerned, I do not wish to excite the opposition of members representing country districts, but I may say that I am quite willing that the Bill shall come into force in outside districts, if hon. members representing those districts desire. I think I am right in saying that the representatives of the metropolitan district are in favour of the Bill coming into force at once in connection with their district. I have put Clause 6 into this Bill to enable the provisions of the measure to come into force at once in the metropolitan district. I commend the Bill to the favourable consideration of hon. members, and in committee I will endeavour to meet the wishes of those who think that some of the clauses should be modified. I think I am appealing to a favourable House when I place before it a Bill of this nature, which asks that no injustice should be done to any individual, but that the House should place on the statute book some power for carrying out what is the expressed wish of a majority of the shopkeepers, I may safely say, throughout the whole of this colony.

MR. ILLINGWORTH (Central Murchison): The silence on the Government benches evidently indicates that this Bill meets with the entire approval of the Government, and it is not necessary to debate the Bill on this side of the House. I desire to express my great pleasure that at last I am able to support a Bill of this character. I hope the hon. gentleman who has introduced the measure will allow me to make one or two slight amendments when in committee. It is not for me to occupy the time of the House now, except to express my very great desire to see the Bill carried into law as soon as possible.

Question put and passed.

Bill read a second time.

MUNICIPAL INSTITUTIONS ACT  
AMENDMENT BILL.

## IN COMMITTEE.

(Clause 1: Amendment of section 137 principal Act):

MR. ILLINGWORTH: The Act which this Bill proposed to amend forbade any one from erecting a building on a street or lane less than 20 feet in width; but this measure proposed to allow a habitation to be erected on a lane 16ft. 6in. in width.

THE PREMIER: Subject to some conditions.

MR. ILLINGWORTH: There were no conditions at all.

THE PREMIER: There were in the original Act.

MR. ILLINGWORTH: Not at all. section 137 of the original Act said:

No person shall hereafter make or lay out any new street within a municipality unless the same, being a carriage road, be at least 33ft. wide, or, not being a carriage road, be at least 20ft. wide, or any alley or court unless of the last-mentioned width; and no person shall erect or cause to be erected for human habitation any building or erection fronting or abutting on any street, alley, or court of less than 20ft. in width, unless such building or erection also abuts on a street of the width of 20ft.

The clause in the Bill simply reduced the 20ft. to 16ft. 6in. The Government should withdraw the Bill, as it could not be the intention of the Government to do what the Bill proposed.

MR. DOHERTY: The reason for this Bill was that some dispute arose as to a building at Fremantle, where the municipality insisted on a 20ft. right-of-way. The original Act provided that a right-of-way should be not less than 20ft. in width, but that was too much.

MR. LEAKE: That was a public right-of-way. There was a distinction between a public and a private right-of-way.

MR. DOHERTY: This matter came up last year, and counsel's opinion was taken upon it, and it appeared that people had to make a carriage way of 10ft. in width, so that those who bought land were losers by that amount.

THE PREMIER: This Bill was required because 25 links were considered sufficiently wide for a right-of-way. If hon. members liked to leave the width of a lane at 20ft., he would not mind. Twenty-five links for a back way he

thought quite enough, and if hon. members thought it was necessary to have 20ft., he would withdraw the Bill. There was some reason for the Bill, which was not submitted for nothing. Perhaps he was not well acquainted with the necessity for the measure, and it would be better to report progress, when he would be able to consult those responsible for the Bill.

MR. ILLINGWORTH: The object of Section 135 of the original Act was to prohibit buildings fronting narrow streets, but in doing that it was made compulsory that there should be a 20 feet right-of-way; and the result of the operation of the Act was that, when people cut up land they had to give a 20 feet right-of-way. The object of the Bill was to remove the bar that existed, but there should be a provision that no building should be made to a right-of-way.

MR. JAMES: Section 137 of the principal Act did not prohibit persons from having private rights-of-way of any width they desired.

MR. EWING: When a person laid out a subdivision of land for the public, any streets or lanes provided became public streets; and, under the 137th section, those streets must be not less than twenty feet wide. In many cases, where there was a frontage to a road, it was desirable that there should be a back entrance also; and it was hard that a person who desired to supply a back entrance should be compelled to make a right-of-way twenty feet wide, when such a width was not necessary. It should be discretionary with the person who subdivided the land as to what additional access he gave. There should be a frontage to a main road, and no building should be erected fronting a narrow lane; but any additional access provided should be of such dimensions as the owner liked. In nine cases out of ten, rather than make a right-of-way of twenty feet in width, the owner of the land gave no accommodation for a back entrance.

MR. JAMES: The law on this question ought to be decided by a court of law, and not by the Titles Office. It was absurd to say that an Act which dealt with municipalities affected private rights-of-way.

MR. DOHERTY: In the case of land at Fremantle, to which he had referred,



the late Attorney General (Mr. Burt) advised that a 10ft. right-of-way would not be accepted at the Titles Office. That was the opinion of Mr. Burt, although he was solicitor for the vendor. The consequence was that no right-of-way was given to the buyers of the land.

**THE PREMIER**: Under the law as it stood, it seemed that if there was a right-of-way, it had to be of a certain width; but that an owner, unless he chose to do so, need not provide any right-of-way. That was not a satisfactory state of affairs, seeing that an ordinary person would rather not provide a right-of-way than give 20ft. of width for the purpose. If hon. members thought the point worthy of further consideration, he would move that progress be reported and leave asked to sit again. If, on the other hand, it was felt that the law was all right as at present, it would be better to withdraw the Bill. He moved that progress be reported.

Progress reported, and leave given to sit again.

#### IMMIGRATION RESTRICTION BILL.

##### SECOND READING — DEBATE RESUMED.

**MR. ILLINGWORTH** (Central Murchison): I congratulate the Government on making a distinct effort to deal with this most important question. The Bill will, in some respects, have a powerful effect in the desired direction; but, as at present drawn, the measure will not meet all the present difficulties. At the last general election this matter was discussed on nearly every platform, not only by hon. members sitting on this side of the House, but by hon. members sitting behind the Government. The hon. member for West Perth (Mr. B. C. Wood), who is a very strong supporter of the Government, went so far as to say he would be prepared to support a measure which would have the effect of transhipping all Asiatics from these shores. All this Bill proposes to do, and all it will do, is to prohibit the immigration of Asiatics in the future. And that will only be done, provided the clauses are strictly carried out by the Government. Unless there be a very distinct alteration made in the definition of prohibited immigrants under Clause 3, I am afraid the desired object will not be attained. A suggestion I have to make, and one which I hope the Gov-

ernment will accept, is that after Sub-clause (f) in Clause 3, there shall be added another Sub-clause (g), providing that amongst prohibited immigrants is "any person being an Asiatic who is unable to produce papers proving to the satisfaction of the Colonial Secretary that he or she is a British subject." Unless that condition be added, we shall have a continued influx of aliens—of Chinese, at any rate—and we shall not be able to effect that prohibition which the country desires. The Bill is of a class which depends altogether on administration. The Government, if they are really in earnest, could exclude all Asiatics under this measure. [**THE PREMIER**: Nearly all?] Well, nearly all, except the educated and cultured. I regret there is no proposal to deal with the Asiatics we already have amongst us. The presence of these aliens gives rise to crying complaint, and to difficulties that are causing a great deal of feeling. Their mode of living in this country is materially injuring a great many people. There should be a clause providing that all persons in business be licensed, and that no license be issued to an Asiatic. The object of such a provision would be to make it unprofitable for Asiatics to come to these shores. When we contemplate the millions and millions of overflowing Asiatic populations so near Australia—people who are just as much at home in this climate as in their own—their proximity becomes, and will remain, a serious matter until some drastic means are taken to prevent their further influx into this country. This Bill, I admit, goes a long way in the direction of dealing with the future; but I should like to know whether the Government will attempt to do anything with regard to the present, or are we simply to allow things to stand as they are? The Government evidently do not intend to do anything with regard to such undesirable aliens as are now in the colony. But taking the Bill upon its merits, as dealing simply with the future, I should support it strongly, if the Government would accept this amendment as an addition to Clause 3:—

Any person, being an Asiatic, who is unable to produce papers proving to the satisfaction of the Colonial Secretary that he or she is a British subject.

I do not see any reason why we should not take up this position. Whatever may be said with regard to our fellow subjects of the great Indian Empire, there seems to be a little difference of opinion as to whether that empire is not a separate empire from the British Empire.

**THE PREMIER:** This Bill excludes British subjects as well as others. Your provision would let them in, if they are British subjects.

**MR. ILLINGWORTH:** Undoubtedly.

**THE PREMIER:** Under this Bill, we will not allow them to enter, unless they can read and write.

**MR. ILLINGWORTH:** As the Premier has admitted, when introducing this measure, the crux of the Bill is the £100 penalty upon any person who brings prohibited immigrants. If the shipping people are liable to this penalty, and will also be compelled to take back the rejected person, they will take care, before they take him on board, to ascertain whether he can prove that he is a British subject. This clause which I propose does not interfere with the existing clauses in any way. It does not remove any of the conditions, but merely provides that, if the immigrant, in addition to being a person herein described, is an alien Asiatic, then he becomes a prohibited immigrant; and that is what I desire to have. Of course, if the Government object to the insertion of the clause, I shall have to be thankful for what mercies we can get.

**THE PREMIER:** There is no mention of nationality in the Bill.

**MR. ILLINGWORTH:** I know the Government are not prepared, perhaps, to go so far as I am on this question, and I shall be very thankful to have the Bill passed as far as it goes; but I hope that when we go into committee, the Government will see their way to make this Bill more drastic than it now is. If they cannot do so, we shall have to take what we can get. The Bill does not provide all I want, but its tendency is in the right direction, and will minimise the importation into the colony of this class of persons; and, if the provisions of Clause 3 are faithfully enforced, there is no doubt they will materially help towards the solution of this great question. I congratulate the Government on having

the courage to face the question so strongly as they have done; but I wish they had gone a little further.

**MR. MORAN (East Coolgardie):** I had the duty of presenting a petition from the goldfields, the other evening, in connection with alien immigration. During the last Parliament this question cropped up on two or three different occasions, and I had the misfortune, on those occasions, of being obliged to vote against the Government; but I am pleased to see that, with the advance of the times, they are advancing also; and, so far as my knowledge goes of legislation of this kind, I think this measure is about as drastic as is to be found in any British colony. I think this is the Natal Bill, as nearly as possible.

[**THE PREMIER:** Yes.] Well, that Bill is very effective there; and if it be effective in Natal, which is so close to the homes of many of these alien races, so close to Asia, I think such a measure will be still more effective in Western Australia, where our population has not become intermixed with alien blood, as is the case in some portions of South Africa. I congratulate the Government on sub-section (f) of Clause 3; and I can assure the House that this sub-section is absolutely necessary. It is not enough to prohibit aliens or Asiatics, but we must also prohibit certain classes of Europeans from coming into this country. Syndicates are trading in this sort of thing on the goldfields, in a most scandalous and open manner. A class of men, the vampires of humanity, are existing now in the large centres on the goldfields, who will be met by this sub-section. I hope that, when the Bill is in committee, we shall be able to find some way of making them amenable to the law; because they are here now, and these detestable monsters of humanity should be dealt with in some way. These detestable males, who may be reached by that part of the clause I have mentioned, do prowl about the goldfields at the present time, and we have seen them dealt with in open court in Coolgardie, not long ago. I am perfectly certain that I shall have the support of every man in this Assembly in saying that, if it be possible to lay the hand of the law upon these detestable males, it should be done. I congratulate the Government, therefore,

upon this sub-section. Decent Chinamen are far better, in my opinion, than this class of European; and if we are going to shut out alien Asiatics, British subjects and others, we do not want the scum of any of the British European possessions. Some of these persons are not to be mentioned in the same breath with decent Chinamen. We have only to look round us to perceive that the Parliament and the Government of Western Australia are progressing. This is a progressive, up-to-date measure; and I for one am greatly pleased to find that the Government are grasping such matters and bringing forward practical measures. I am certain the member for East Perth (Mr. James)—and all credit be to him for taking a leading part in the House in matters of this kind—will be ready also to congratulate the Government on this Bill. And we who, in years past, tried to bring this matter on a little earlier, have no cause to regret what we did then, but have every cause to congratulate the Government upon their dealing with these social questions, especially in a short session like this, when they might not have attempted to deal with any social legislation whatever. It is not a pleasant prospect to have to sit here over Christmas and New Year; and therefore all credit is due to the Government. I congratulate not only them, but the country, and I am sure the whole population of Western Australia will reap the benefit of this measure. If this Bill becomes law in its present state, we can, without tampering with it in any way, find means of applying it to those objectionable creatures to whom I have referred.

MR. MITCHELL: I, too, congratulate the Government upon bringing forward this Bill; and I believe it will have the unanimous support of the House. For years past the people of the colony, or at any rate a portion of them, have been clamouring for some sort of measure to prevent coloured persons from coming here. I quite agree with that; but I have always foreseen that there will be some difficulty in bringing a measure of this sort forward, because I do not think we have a legal right to exclude the natives of a friendly nation. Therefore I think the Government have acted wisely in viewing this question of the exclusion of undesirable immigrants, not merely from a social but from a moral point of view.

It has been suggested that we should have some sort of poll tax; and I have heard a tax of £100 mentioned once or twice. But we have not gone so far as that; and the restrictive measure now proposed will have the advantage of not wounding the susceptibilities of any nation. We are asking foreign countries to send only people who are fit to live amongst us. Had we asked for a heavy poll tax, they would say we wanted to make money out of them. We are not doing that. I congratulate the Government sincerely on bringing this measure forward, and I think good fruits will accrue from it.

MR. JAMES (East Perth): It must be gratifying to those who have for years past felt strongly on this question of the influx of undesirable immigrants to find that, year after year, the strength of the opposition to this class of persons is increasing, until now we find a Bill containing such drastic provisions as the one before the House can be introduced, and apparently meet with the approval of every member of this Chamber. That is to me a source of great gratification and pleasure; and I have always looked forward with confidence to the time when we shall have a unanimous feeling throughout the length and breadth of Australia, that this continent of ours shall be reserved for the race to which we belong, or at all events for races of European extraction. Year after year I find we are becoming more and more hostile to the introduction of these more or less undesirable Asiatic people. This Bill does not aim, on the face of it, only at undesirable Asiatic aliens; but I think I am right in saying that the feeling which prompts its introduction, and which supports it in this House and in the country, is a feeling of hostility towards the Asiatic immigrant, and not so much of hostility towards the undesirable immigrant of European extraction. We know that we are bound somewhat to hide our ideas and to conceal our aims, by introducing the Bill in this general form. I think it must be a source of regret to all of us that we are not able to do openly what we desire to do openly. I have always desired and claimed to be one who is strongly attached to the race to which we belong, and to the old mother country; but if it is to be

understood that the interests of Australia are to be subordinated to the interests of India, I am afraid there will be a great alteration of opinion in this respect. It certainly did pain me when I read the remarks of the Secretary of State for the Colonies (Mr. Chamberlain), to learn that the reason why he objects to the fruition of the hopes of Australia in regard to this legislation—which, say what you will, represents the matured thought of the whole continent—is the fear that it might injure the feelings of the Indian Empire, which he looked upon as being, I think he said, the brightest jewel in the crown of the Empire. I am afraid the people of Australia will not rest satisfied with that. They are loyal enough now to the British crown, and proud of the race to which they belong, and may submit for the time being; but I am satisfied that this agitation will go on, that it will gather strength and volume as it grows, and that the time will come when we shall be able to say, openly and emphatically, that we are not going to have any of these Asiatics amongst us, whether they are nominally British subjects or not; because, after all, their allegiance to the British Crown is simply nominal in their own country, where they are more or less slaves. There they have no political or social rights. What rights do they possess which usually attach to those who claim to be British subjects? Absolutely none. In their own country they are kept more or less in subjection—if not subject to military discipline, certainly to a strong military administration. We have to thank the Premier for having introduced this Bill, knowing how strongly he feels on this question. I quite realise his position, and that he is not at liberty to give expression to the feelings of dissent that I am able to do, sitting on this side of the House and occupying an irresponsible position. I hope the Premier will pardon me if I say—I may be wrong, and I hope I am—that the statutes dealing with the Chinese are not, in my opinion, carried out as they ought to be. If the provisions of the existing law had been enforced, we should have had fewer Asiatics and Chinese than we have at the present time. It seems to me that we could have prevented a number of Afghans from coming here.

THE PREMIER: There is no law to do that.

MR. JAMES: What provision has been made for enforcing the Act in connection with the Chinese who come to Albany? We are supposed, under the Chinese Restriction Act, to insist on the captains of ships giving certain particulars of the Chinese whom they have on board. I would like the right hon. gentleman to inquire if these provisions have been carried out.

THE PREMIER: I believe they have, every one of them. I have drawn attention to the matter several times.

MR. JAMES: I am glad to be corrected, but I have always thought there was a certain laxity in the carrying out of the provisions of the Act. Twenty or 30 Chinese came the other day from Singapore, and it seems to me there must be something wrong in an Act which allows that. It is incorrect to suppose that because a Chinaman comes from Singapore, therefore he is a British subject.

[THE PREMIER: We do not hold that.] I do hope, whatever it costs, that we shall have proper inspectors to see that the Act is carried out vigorously. If it is carried out, I think it will be useful. It won't go so far as I should like it to do, and as I think it ought to do. I think we shall have more spirited legislation dealing with Asiatics in the future than we have at present. The member for Central Murchison (Mr. Illingworth) referred to the difficulty of dealing with Asiatic aliens. I can understand that it is altogether inadvisable for us to interfere in any radical way with the existing Bill. We must make no material alteration in it if we want to get it passed. The idea of the member for Central Murchison would be met if the provisions of the Chinese Restriction Act were extended and made to apply to all Asiatic aliens. I should think there would be no objection to that.

THE PREMIER: We had better not introduce that alteration in this Bill.

MR. JAMES: I do not suggest that. I have prepared a short amending Bill to extend the operations of the Chinese Restriction Act to make it include all Asiatic aliens. We should make the Chinese Restriction Act more stringent than it is at present. I regard this Bill as a very great step in advance. I regret we can-

not go openly for what we desire, and that Australia should be thought of less importance than sentimental considerations in respect to India. I congratulate the Government upon the introduction of this Bill, and I urge the Premier to see that it is strictly and vigorously enforced, and to keep out of the colony as many Asiatics, alien or otherwise, and as many undesirable Europeans as possible.

MR. SOLOMON (South Fremantle): For the last two or three years people, especially in the central districts, and also on the goldfields, have been crying out about the importation of these Asiatics. I feel sure that if the Bill is enforced it will tend to stop that importation. I do trust that hon. members will not cavil at any of the clauses, but will pass the Bill as quickly as possible. We know very well that by almost every steamer from Singapore large numbers of these Asiatics arrive here, and the sooner a stop is put to that the better.

THE PREMIER (Right Hon. Sir J. Forrest): I am much obliged to hon. members for the reception they have given to this Bill, and I think that when it becomes law, we will be able to administer it in such a way as to carry out what we desire. I hope the member for Central Murchison will not move the amendment of which he spoke; because we do not wish to mention anything in this Bill about the nationality of anyone. The reason why a good many undesirable persons, from our point of view, have come into the colony during recent years has been, first of all, that there is no prohibition under our statutes against any class of Asiatic aliens except Chinese. A restriction prevails of one Chinaman to every 500 tons burden; but there is no law to prevent Chinese coming into the colony, except that paupers are not allowed to come. One reason why a good many Chinamen have come to this colony is that the Chinese Restriction Act did not apply to persons who were in the colony at the time the Act was passed. These persons were able to obtain certificates from the Resident Police Magistrates enabling them to return. I investigated the matter myself, and found that all the Chinamen returned possessed what appeared to be genuine certificates, but I am not so certain that the same individuals returned as went away. I believe

that Chinamen went to Singapore, not intending to return, and disposed of their certificates at a considerable price. This Bill puts a stop to that. The time has gone by when persons, who were here so long ago as the period when the Act was passed, should be able to avail themselves of this privilege. If they want to leave the colony and return, provision is made in this Bill to enable them to obtain a certificate from the Colonial Secretary. I have no doubt that greater care will be taken in the future in issuing these certificates than has been exercised by the magistrates during recent years. I sent a circular to magistrates some time ago, warning them to take every care in issuing these certificates, and I have no doubt that had some effect. I should advise hon. members to pass the Bill in its present shape, because it is a Bill that has been assented to by the Imperial authorities, and I have no doubt that the Attorney General will advise the Governor to assent to it here without sending it Home for approval, if it is essentially the same as the Bill that received the Imperial approval. The other Australian colonies have all passed very stringent Bills in regard to coloured immigration, and all of them—I think everyone of them—had them hung up for want of the royal assent. They now propose to introduce legislation almost exactly on the lines of this Bill, with the object of getting something further afterwards if present legislation does not meet all the requirements. With regard to the remarks made by the member for East Perth (Mr. James), I do not suppose any of us desires that this country shall be overrun by alien races. I have stated over and over again that it is my earnest wish that this continent should be peopled by a white race, and if possible by men of our own race; but in regard to these matters we cannot always get what we desire. I think if the hon. member were to place himself in the position of the Right Hon. Joseph Chamberlain, Secretary of State and Minister of the Crown of Great Britain, he would find that he would be bound to speak with the same caution and reserve in regard to these matters as that right hon. gentleman has had to do. We have to be practical in this as in everything else. We must remember that Great

Britain is not only a great nation, but aspires to be a great empire as well. Many different races are under the rule of the mother country. Whether we go to America, or Asia, or to any other part of the world, we find people of all colours subject to the rule of Great Britain, and it goes without saying that the susceptibilities of these nations have to receive a certain amount of consideration. That being so, we cannot be surprised that Imperial Ministers do not wish to tread unduly hard upon the susceptibilities of the people of India. There are certain classes of people here whom we do not desire to see in our midst; but there is a very large class of people to whom none could have any objection. There is the educated Indian nobleman, who lives in splendour in his own country: he is a man of polish and culture. No one could have any objection to meeting him, or associating with him in any part of the world. He is not the undesirable person we wish to exclude from running over this country. He is equal, if not superior, to anyone by education and by birth, and stands second to none whether he be white or black. That is not the class of people we are aiming at. These persons have great power and influence in India, and no one can deny that India has been a source of wealth and increment to the British Empire. That being so, how can we expect British statesmen, who have to look at the matter from all sides of the question, to deal in any way harshly or hurt the susceptibilities of a nation from which a great deal of wealth and a great deal of power is obtained. That is a matter which we have to consider loyally and properly, being an off-shoot, although a small off-shoot, of the empire to which we belong. We desire to build up a nation. We shall be a nation before long. At the same time we only have four millions or so of people at the present time, which is only a small proportion of the great empire we belong to. I want to impress upon everyone that we must not think this world is made only for the people of Australia, and not for the people of other countries. We desire to restrict this country, so that it shall not be overrun with races whose sympathies, and manners, and customs, and religion are not as ours. There is another reason

—and perhaps this is a very strong reason—that these peoples we wish to restrict are so close to us. There are millions of them, and if we do not place some restrictions on them they will overrun the country, and, instead of being a British country, this will be an Asiatic country. We do not want that. I am sure of this, and I have some reason to speak with confidence, that the British Government and the British people do not wish that to occur. They are in sympathy with us, and all they want is to find some means of placing the restriction so that it will not tread too harshly on the susceptibilities of this great nation which they are in friendship with, and from which they derive a considerable amount of power and wealth. I think that altogether we will do wisely in passing this Bill. I do not object to even more restrictive measures than the Bill proposes, because I want to preserve this country as far as possible to a white race. At the same time I am not prepared to aim a blow at any class; and if we avoid that, and leave it to administration, we shall act wisely and not get the mother country into any trouble or difficulty. We do not wish to incur the displeasure of any race, by naming that race in the Bill.

Question put and passed.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at 9.50 p.m. until the next day.