

**THE HON. J. G. H. AMHERST:** I have much pleasure in supporting this bill, although I cannot see any provision as to net-fishing. There is no doubt this kind of fishing has done a great deal of injury. The Swan is one of the finest rivers in Australia for fishing, and it will be a great misfortune if it is allowed to be destroyed; but I do not see in this bill what is to prevent it. I should like to see some restriction as to the size of the mesh used.

**THE COLONIAL SECRETARY (HON. G. SHENTON):** There is a special provision as to that in another Act.

**THE HON. J. G. H. AMHERST:** Then my argument fails. With the other provisions of the bill I am in accord. There is not the slightest doubt that native animals, such as the kangaroo, wallaby, and tamar, have been killed simply for the sake of their hides, and their carcasses have been left to provide food for native dogs, which they naturally attract. I am glad to see a bill of this sort, for it will induce people to come here. Men coming from India, for instance, ask what sport there is, and if we are able to say, "Come out into our tamar thickets and have a shot at a tamar," they will think there is something here. I have, therefore, much pleasure in supporting this bill.

**THE HON. T. BURGESS:** I have no opposition to make to this bill, but I notice that in the fifth and sixth clauses a penalty is provided without any provision for its recovery.

**THE COLONIAL SECRETARY (HON. G. SHENTON):** That is provided by clause 14, which incorporates the Shortening Ordinance.

**THE HON. J. W. HACKETT:** I have great pleasure in supporting this bill, but I must follow my hon. friend opposite in asking where the provisions against net-fishing are. Two kinds of exotic fish are likely to be introduced here in a short time,—trout and salmon trout—fish which have been acclimatised so successfully in Victoria, and it is essentially necessary to protect them.

**THE COLONIAL SECRETARY (HON. G. SHENTON):** It was found difficult, I believe, to deal with fishing in this bill. However, I will confer with the Attorney General as to the remarks of hon. members,

**THE PRESIDENT:** I might point out to hon. members that it is quite out of order, on the second reading of a bill, to ask questions in the way they have been. On the second reading they make their speeches and ask questions when in committee.

Question—That the bill be now read a second time—put and passed.

#### ADJOURNMENT.

The Council, at 8:45 p.m., adjourned until the following day at 3 o'clock.

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### Legislative Assembly,

Thursday, 7th January, 1892.

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Petition from Mr. Joseph Hillman—Legislation to enable Local Boards of Health to raise funds—Improvements of Fremantle Lunatic Asylum—Analysis of Alcoholic Beverages—Opening of Yilgarn Telegraph Line—Closing of Perth Cemetery: motion for adjournment—Protection of Women and Girls Bill: first reading—Third Judge of the Supreme Court Bill: second reading—Goldfields Act, 1886, Amendment Bill: second reading—Adjournment.

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**THE SPEAKER** took the chair at 7:30 p.m.

#### PRAYERS.

#### PETITION.

**MR. CANNING** presented a petition from Joseph Hillman, late Chief Clerk in the Railway Department (who had been called upon to resign his appointment under the Government), praying the House to redress his grievances as set forth in the petition.

The petition was received and read.

**THE SPEAKER:** I cannot help thinking that there has been an evasion of Standing Order 90 in this petition. That rule says: "No letters, affidavits, or other documents shall be attached to any petition, except it be a petition for a private bill." Certainly, it cannot be said that letters have been attached to this petition,

but they have been embodied in it. I think they have no more right to be embodied in the petition than they have to be attached to it; and I am of opinion that for that reason this petition is irregular, and ought not to have been presented to the House.

MR. CANNING: So far as I can understand—the petition was only placed in my hands late last night, and I read it in order to satisfy myself that there was nothing in it disrespectful to the House—and, so far as I can see, I must say, with all due deference and respect to your Honor's ruling, that the petitioner, it seems to me, was forced to embody this correspondence in his petition in order to make it clear. For the moment, at any rate, it is not very obvious how he could have stated his case without embodying these letters in the petition. With all due deference and respect, I submit that for your Honor's consideration.

THE SPEAKER: I admit it is rather a doubtful point, and I do not blame the hon. member in the matter. Still, I think it is an evasion of the spirit of the rule I have referred to. Any person who wished to evade the Standing Order would simply have to embody his letters in his petition, instead of attaching them to it.

MR. CANNING: I may state that there was a document connected with the petition when given to me, which I carefully detached from the petition; but it appeared to me that the correspondence embodied in the petition was essentially necessary to enable the petitioner to make out his case. I may perhaps be allowed to add that the petitioner—whatever may be said or thought of the merits of his case or of the justice of his claims—is only exercising the right of every British subject in coming to this House to seek redress.

THE SPEAKER: Certainly.

MR. CANNING: I am sure the House would be inclined to give a liberal interpretation to the Standing Orders, under the circumstances. I feel sure that the only desire of all members must be to give the fullest opportunity afforded by our Constitution and by the rules of our Legislature to anyone seeking redress at the hands of the House; and I cannot but think that this is a case in which a very liberal interpretation of the rules might reasonably be asked for.

The matter then dropped.

#### LEGISLATION ENABLING LOCAL BOARDS OF HEALTH TO RAISE FUNDS FOR SANITARY PURPOSES.

MR. TRAYLEN, in accordance with notice, asked the Premier, Whether the Government proposed to introduce legislation this session, as desired by the Perth Local Board of Health, to enable Local Boards to raise funds for better methods of sanitation than those now in vogue?

THE PREMIER (Hon. Sir J. Forrest) replied that, with the information before it, the Government could not promise to introduce legislation on this matter. When it was decided by the municipal authorities what was best to be done, the Government would be very willing to consider the best means of carrying out such decision.

#### IMPROVEMENTS TO FREMANTLE LUNATIC ASYLUM.

MR. TRAYLEN, in accordance with notice, asked the Premier, Whether the Government could find funds for—(a.) Additions to the Fremantle Asylum buildings; and for (b.) Additional attendants.

THE PREMIER (Hon. Sir J. Forrest) replied: (a.) That the Government hoped to be able to provide an amount on the Estimates for these additions; (b.) There had not been any complaint recently of an insufficiency of attendants.

#### ANALYSIS OF ALCOHOLIC BEVERAGES.

MR. TRAYLEN, in accordance with notice, asked the Premier, Whether the Government Analyst had been employed to test the quality of alcoholic beverages; and if so, with what results.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government Analyst had not yet been employed to test the quality of alcoholic beverages.

#### OPENING OF YILGARN TELEGRAPH LINE.

MR. A. FORREST, in accordance with notice, asked the Director of Public Works, What steps the Government intended to take re opening of Yilgarn Telegraph Line, now completed to Southern Cross.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied: Although the contractor has the tele-

graph wire absolutely into Yilgarn, the contract is not completed, as certain portions are not up to specifications. The contractor is engaged in having this put right, and when the line is passed, and taken over by the Government, it will be opened for transmission of messages without any delay whatever.

## CLOSING OF THE CEMETERY AT PERTH.

### MOTION FOR ADJOURNMENT.

MR. CANNING: I wish to call attention to the fact that it is considered in many parts of this city a matter of extreme urgency that the present Cemetery should be closed at as early a date as possible.

THE SPEAKER: Does the hon. member intend to conclude with a motion?

MR. CANNING: Yes, sir; a motion for adjournment. I wish it to be clearly understood that in raising this question I have no intention of shocking the feelings of any person or of disregarding what some people may think a very proper sentiment. I think that sentiment in certain cases is deserving of every consideration; and I do not wish for a moment, should any movement be made with a view of carrying out the object I have in view, to shock the feelings of any person in the community by suggesting that the present cemetery should be converted into any other purpose than that to which it has been dedicated. But it is generally considered desirable—and I must say, although I am not directly or indirectly interested in the matter myself, except as a resident in the city, that I think it is most desirable—that this cemetery should be closed, at the earliest date possible, for interments. It should be left as it is, but it should be closed for interments. It was said yesterday, in reply to my question, that there is a place set apart for the purposes of a cemetery, at some distance from the city, near Claremont, but that it was considered an inconvenient and distant site. I must confess I do not see that in this instance, regard being had to the situation, that the distance is a matter for consideration at all,—except that the cemetery should, of course, be as far as possible from the centre of population. But if the site fixed upon is at

Claremont, I do not see that the question of distance comes into consideration at all, any more than if the site was (say) at Subiaco, because the conveyance of the corpse and the funeral *cortège* would have to be by rail, so that it matters very little whether the distance be three miles or six miles. I rather think it is all the better that the cemetery should be a considerable distance from any centre of population or any place likely to become a centre of population. In view of the very slight expense that would be necessary for the purpose of putting this piece of land in a fit state for the purpose for which I understand it is intended, I really do not see that there is any reasonable ground for any long delay in carrying out the necessary arrangements to give effect to the wishes of the people. I trust the Government will see that this cemetery at present is of very little use, while, at the same time, it is a source of danger to the whole community of the city. It also tends to depreciate the value of property in that part of the city. I do not know that that should be a paramount consideration in such a case as this, but certainly the public health is a matter of the first consideration, and I therefore submit that this is a question which the Government should take into consideration at as early a period as possible, and that they should endeavor to carry out the necessary arrangements, as I said before, to give effect to the wishes of the people with the least possible delay. I beg to move the adjournment of the House.

MR. SIMPSON: I have very much pleasure in rising to support the motion of the hon. member for East Perth. I think the time has come, in the interests of the colony, and certainly in the interests of the city of Perth, when new interments should be done away with in the present cemetery. Here, in Perth we have a site perhaps unrivalled for building a city, and we have dumped down in the midst of it a cemetery. In the early days of Australian settlement, as we all know, people at that time did not imagine that Australia would grow to what she has become; and for this reason no great amount of foresight or discrimination was exercised in the selection of sites for cemeteries. We have an instance in point at Sydney, where in the early

days of the colony what is now the Town Hall and the site of the Anglican Cathedral was a burial ground. We have now an opportunity of avoiding such a contingency in the case of the City of Perth. I wish to speak with the tenderest sentiments and the utmost regard for those who have allotments in the present cemetery, where deceased relatives have been interred. I suppose one could walk through that ground and read largely the past history of this colony; and my idea about it is that the ground should now be closed for interments, except to those who have relatives or connections buried there, and that no new burial places should be permitted to be opened. I challenge contradiction when I say that there is no medical man, nor anyone interested in the health of the city, who would not state publicly, if required, that a continuation of interments in that position is a menace to the public health of the town. We have an opportunity here to establish a city which, I trust, later on, when we have larger means, will perhaps be, as regards its sanitary condition, the most satisfactory in Australia. But if we continue to use as a burying ground a place so close to the heart of the town, within a stone's throw almost of our Town Hall and of our Houses of Parliament; if we persist in continuing this place as a ground for the interment of the dead, it is not likely to redound much to our credit hereafter, or to our foresight, as the conservators of the public weal. I entertain feelings of the gravest respect for the bones already deposited there, and I should be sorry to shock the sentiments of anyone who has friends or relations buried there, but I do consider, looking at the matter in a practical light, that graver regard should be paid to the interests of the living. I think it would be in the interest of the city eventually, and very shortly, and certainly it would be a feature likely to improve the appearance of the city, if the Government could possibly see their way to establish the present cemetery as a reserve, allowing only those who already have ground there to continue interments there, and that under strict arrangements. Steps might also be taken to make this spot more attractive. Most of us have seen cemeteries in other cities converted into beautiful grounds, and I think that a

small expenditure in improving and beautifying our own cemetery, by fencing it properly with a neat iron rail, by forming gravel paths, and appointing a caretaker, would result in converting what is now a very gloomy place into a spot that would be a lasting credit to the city, and at the same time do away with any possibility of its ever becoming a menace to the health of the community. I have much pleasure in supporting the views expressed by the hon. member for East Perth.

MR. CLARKSON: I rise to oppose the adjournment of the House. The House has been in session for about a month, and it seems to me we have done nothing else but adjourn. This constant adjourning is certainly very irritating to country members. It is all very well for those who reside in town; it does not matter to them whether the House sits or not; as soon as they leave the chamber they are at their business again. But to those who, like myself, represent country constituencies, and who reside in the country, and who cannot get home when the House adjourns from day to day, it is very irritating indeed. I hope members in future will bear this in mind, and let us endeavor to get through as much business as we can. There are some subjects of course that may necessitate an adjournment, as for instance the question of harbor works at Fremantle that came before us last night; but, as for such matters as are on the Notice Paper for this evening, I think there is no necessity whatever for an adjournment. I merely avail myself of this opportunity to make these remarks, in the interests of country members, who I am sure will join me in protesting against these constant adjournments.

Motion—put and negatived.

#### NEW BILL.

THE ATTORNEY GENERAL (Hon. S. Burt) obtained leave to introduce a bill to make better provision for the protection of women and girls, and for other purposes.

Bill read a first time.

#### THIRD JUDGE OF THE SUPREME COURT BILL.

THE PREMIER (Hon. Sir J. Forrest), in moving the second reading of this bill, said it was not necessary for him to say

anything with reference to the object of the bill, as the matter had been thoroughly discussed on the resolution that he had brought before the House the other day. The bill simply provided for the salary of a third Judge, which was fixed at £900 a year.

Motion agreed to.

Bill read a second time.

#### GOLDFIELDS ACT, 1886, AMENDMENT BILL.

THE PREMIER (Hon. Sir J. Forrest) : I beg to move the second reading of this bill. As members will observe, the whole of it is contained in one clause, the object being to prohibit the issuing of any lease, or license, or permit, on any goldfield, to Chinese, or any Asiatic or African alien. When we passed our Goldfields Act, in 1886, there was a clause inserted making it unlawful to issue a lease or miner's right or permit to any Asiatic or African alien within five years after the first proclamation of a goldfield. That term of five years has now elapsed as regards the Kimberley goldfield, and the question now comes before us as to whether we should still continue to prohibit the granting of licenses on our goldfields to Chinese. The opinion of the Government is that it is still undesirable that a miner's right, or license, or lease should be issued to these people, and we now propose to make the prohibition perpetual, instead of limiting it, as we did in 1886, to a period of five years after the proclamation of a goldfield. I do not think I need say anything more. The whole Act is contained in this one clause, and refers to this one matter.

MR. R. F. SHOLL : I rather object to this, myself. I think that under our Goldfields Act—I am speaking from memory (if I am wrong, members will correct me)—but I am under the impression that under our Goldfields Act no man can be employed on a goldfield unless he is possessed of a miner's right.

THE PREMIER (Hon. Sir J. Forrest) : There is nothing in the Act about that. What the Act provides is that no mining lease or permit shall be issued to these aliens.

MR. R. F. SHOLL : I shall look the matter up, and deal with it in committee; but I am under the impression that you

cannot even employ a Chinaman or Asiatic on a goldfield unless he has a miner's right. If such is the case, I would like to draw the attention of the Government to the fact that in all probability we shall find that it will be absolutely necessary to employ Chinese or some other Asiatic labor, if we are going to develop these Kimberley goldfields. I feel certain that such will have to be done; and if this bill will preclude Chinese or any cheap labor being employed on these fields, I shall enter my protest against the bill. I think it is perfectly right they should not be allowed to take up claims on their own account, but I am sure it will be in the interest of the development of these Northern goldfields that cheap labor should be employed there. Not to the exclusion of European labor; I do not mean that. But it is impossible to obtain European labor, and the climate is not fit for European labor. Of course, if this bill does not touch that point, I have no objection to it.

THE PREMIER (Hon. Sir J. Forrest) : No man can work on the field now unless he has a miner's right.

MR. R. F. SHOLL : He can be employed.

THE PREMIER (Hon. Sir J. Forrest) : No, not as a miner. He can be employed as a cook, or in any capacity like that; but he cannot work as a miner.

MR. R. F. SHOLL : Then I am afraid that, in committee, I shall probably have to move to amend that clause.

THE ATTORNEY GENERAL (Hon. S. Burt) : I think the hon. member will find some difficulty in legislating in the direction he wishes, to allow these Chinese simply to work on the goldfields as laborers, and to keep them in that position as hired laborers only, and debar them from rising to any other position and working on their own account. Such a provision has never been introduced into any legislation that I know of, as yet; and I think the more the matter is considered the more will it be found surrounded with difficulty. It would be novel legislation to me to provide that a man, whether he is a Chinaman or not, may be allowed to work as a hired laborer for another, but if through his thrift and industry he aspired to rise to a higher position, and be allowed to work on his own account, he should be debarred from

doing so. That seems to me to savour of something like slavery. This matter has been rather fully considered by the Government already, and we think the only way of dealing with it is the way we propose to deal with it in this bill.

MR. SIMPSON: I have much pleasure in rising to support the second reading of this bill. I am utterly opposed to the introduction of Chinese to do work in Western Australia when we can secure Anglo-Saxons to do it, with better results. I have yet to learn that a colored man can do as much work, under equal conditions—

MR. R. F. SHOLL: Live and learn.

MR. SIMPSON: I am content to live and learn, and, if the hon. member will give me the opportunity, I will leave him long in the rear. There are about 50,000 male adult Chinese in Australia to-day. These people do not live under equal conditions with men of our own race. They do not contribute to the revenue, nor do they become a factor in the prosperity of the colony, like our own people do. The hon. member for the Gascoyne seems to me to suggest that it would be a wise plan in Western Australia to establish a race of "hewers of wood and drawers of water," who are never to become anything more than "hewers of wood and drawers of water." I think, sir, that it would become a curse to the settlement of the colony if we had established amongst us an alien race who had no sympathy with any of our sentiments, who did not share any of our hopes, and who did not appreciate any of our aspirations. In fact, the hon. member would allow these people no aspirations at all. They are for ever to remain in one position, the position of a hired serf. I think the idea of a human being who is contented, absolutely contented, with his lot and with the conditions that surround him is alien to the Anglo-Saxon mind. My private opinion is that as soon as a man becomes absolutely contented with his lot, he should be shot or done away with in some other equally effective way. I maintain that to establish these Chinese on our goldfields would be a standing menace to the community. It would not be safe. It has been tried before in other parts of Australia, with disastrous results. I

have myself seen a township where the Chinese obtained the upper hand, and that was Tingha, where a large proportion of the production of tin in New South Wales was obtained, where they turned out seven million pounds of tin in as many years. I have seen the Chinese obtain the upper hand there over the few European residents. A European was murdered, and the Chinese population rose against law and order, and murdered the police who went to assist him. This was done in a colony where Chinese were supposed to be excluded. In Victoria, so far as I remember the figures now, there are 13,000 or 14,000 Chinese; in New South Wales, about 17,000; in the Northern territory of South Australia, about 7,000; and, according to the latest census returns there are about 980 in this colony. To that number we should add Malays and Japanese, which would bring it up to about 2,000. If we compute the proportion of our own race in the colony, according to the latest returns of the Government Statist, I think we shall find that these aliens already number fully five per cent., if not more, of our population. As household servants, considering the great difficulty in connection with the servant girl question, I think Chinese may be useful; but I do maintain, considering what we have heard about the richness of the goldfields of the colony, considering that on Yilgarn we can pay dividends and pay £3 12s. a week wages (which is the rate there now for Anglo-Saxon labor), considering these things, I do maintain that the day has not yet come when we should employ the "heathen Chinese" to try to win from the earth the wealth that we have got there. There are plenty of people of our own race, our own kindred, who would only be glad to come here and settle amongst us, and become useful citizens, amenable to law and order, and assisting us in the development of our country, without our going to an alien people who have no sympathy in any way with the hopes and aspirations of the race to which we belong. I hope this bill will be passed, and I hope it will be a perpetual enactment that in the development of our goldfields and of other main industries of the colony, Chinese and aliens shall not have an opportunity of competing under equal

conditions with the laboring men who are our brothers and our kindred.

Motion put and passed.

Bill read a second time.

#### ADJOURNMENT.

The House adjourned at 8:30 p.m.

### Legislative Council,

Friday, 8th January, 1892.

Police Bill: third reading—Boyanup-Busselton Railway Bill: third reading—Sharks Bay Pearl Shell Fishery Bill: in committee—Game Bill: in committee—First Offenders Bill: second reading—Adjournment.

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

#### PRAYERS.

#### POLICE BILL.

This bill was read a third time, and passed.

#### BOYANUP-BUSSELTON RAILWAY BILL.

This bill was read a third time, and passed.

#### SHARKS BAY PEARL SHELL FISHERY BILL.

On the motion that the House resolve itself into a committee of the whole to consider this bill,—

THE HON. G. W. LEAKE moved that the bill be referred to a select committee. He said: I may point out to the House how short a time has been given to consider this bill, proposing as it does, in a most drastic and virtually irrevocable manner, to deal with that most important asset of this colony—the product of that arm of the sea which gives us a pearl

which, for texture, clearness and lustre, is equal to that obtained on the coast of Persia and elsewhere. If we refer to the 6th section of this Act we find that it enables the Government to grant licenses to work the banks for a year, and also to grant exclusive licenses to persons for terms not exceeding 21 years. To my mind this enables the granting of a monopoly of one of the most important assets of the colony for a long term, and these licenses are grantable by any Ministry which may happen to be in power. I know the members of this Ministry, and I am sure that they would not do any dishonest act, but we must bear in mind that this Ministry will be succeeded by another, and this Act will provide a most important counter in the hands of a Ministry to gamble with—a counter they may use by giving these exclusive rights for the purpose of gaining votes. I do not say it would be done; but I have heard of such things being done in the neighboring colonies. Still it gives a Ministry an opportunity of conferring a monopoly on certain individuals in connection with an important item of commerce. I do not move that this bill be referred to a select committee in any spirit of hostility to the Ministry. I wish rather to help them, and I am sure that is only the wish of every member of this House. I have some reason to believe (and it only requires a very cursory perusal to show it) that this bill was not drawn by a lawyer. It has been drawn somewhat upon the lines of the Land Regulations, and it allows any Government, whatever may be its political aims, to grant for a period of 21 years the exclusive monopoly of the pearls at Sharks Bay.

THE HON. J. G. H. AMHERST: A portion only.

THE HON. G. W. LEAKE: Well, say a portion, and that may be 99-100ths. Again, there is nothing in the bill to prevent the lessee from destroying the grounds. You may place what restrictions you like upon him, but it will only be when the oysters are swept away that the remedy will become enforceable. There are a number of other matters which require careful consideration, and therefore I ask that the bill be referred to a select committee, a committee upon which I should be glad to see the hon. the Colonial Secretary. I propose this