

THE PREMIER said there were no Bills on the Notice Paper of such importance as to demand very deep study.

The House adjourned at 10-58 p.m. until the following Monday.

Legislative Assembly,

Monday, 29th November, 1897.

Papers Presented—Jury Act Amendment Bill: Report of Select Committee—Public Notaries Bill: Report of Select Committee—Circuit Courts Bill: Report of Select Committee—Motion: Leave of Absence—Message: Temporary Supply: Suspension of Standing Orders: in Committee of Supply; in Committee of Ways and Means; Supply Bill passed all stages—High School Act Amendment Bill: in committee—Imported Labour Registry Bill: second reading; Division—Workmen's Lien Bill: second reading—Bills of Sale Bill: second reading (moved)—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER:—(1.) First Annual Report of the Inspector of Explosives; (2.) Meteorological Report for the year 1894.

Ordered to lie on the table.

JURY ACT AMENDMENT BILL.

REPORT OF SELECT COMMITTEE.

Report of select committee brought up by MR. BURT, and read.

Ordered to be printed.

MR. BURT moved that the report be adopted.

Put and passed.

PUBLIC NOTARIES BILL.

REPORT OF SELECT COMMITTEE.

Report of select committee brought up by MR. BURT, and read.

Ordered to be printed.

MR. BURT moved that the report be adopted.

Put and passed.

CIRCUIT COURTS BILL.

REPORT OF SELECT COMMITTEE.

Report of select committee brought up by MR. BURT, and read.

Ordered to be printed.

MR. BURT moved that the report be adopted.

Put and passed.

MOTION—LEAVE OF ABSENCE.

On the motion of the PREMIER, leave of absence for one fortnight was granted to the member for East Kimberley (Mr. Connor), on account of urgent private business.

MESSAGE—TEMPORARY SUPPLY.

A Message from the Governor received and read, requesting provision to be made (temporarily) for the public service.

STANDING ORDERS SUSPENSION.

THE PREMIER (Right Hon. Sir J. Forrest), according to notice, moved that the Standing Orders be suspended so as to permit of a Supply Bill being passed through all stages in one day.

Put and passed.

THE PREMIER further moved that the House resolve itself into Committee of Supply. The Government, he said, required temporary supply in order to carry on the business of the country, until the annual Estimates now before the House had been passed. There was no reason whatever why hon. members should not give the supply asked for, because they now had before them the Estimates, in which could be seen the provision proposed for the public service. For the service of this year the Government had already had to ask twice for supply—once during the short session in April last, when supply was given for two months, and again during the last short session. Now, he regretted to say, the Government had to ask hon. members for further supply, in order to provide for the public service.

Put and passed.

IN COMMITTEE OF SUPPLY.

THE PREMIER moved "That there be granted to Her Majesty, on account of

the service of the year 1897-8, a sum not exceeding £350,000."

Put and passed.

Resolution reported to the House, and report adopted.

WAYS AND MEANS.

On the motion of the PREMIER, the House resolved into Committee of Ways and Means; and, a resolution having been passed, it was reported to the House, and the report adopted.

SUPPLY BILL, £350,000.

Introduced by the PREMIER, and read a first time.

Bill read a second time, without debate; and, having passed through committee without amendment, was read a third time, and transmitted to the Legislative Council.

HIGH SCHOOL ACT AMENDMENT BILL.

Passed through committee without debate, reported without amendment, and report adopted.

IMPORTED LABOUR REGISTRY BILL.

SECOND READING.

THE PREMIER (Right Hon. Sir J. Forrest): I rise for the purpose of moving the second reading of this Bill. Hon. members are no doubt aware that a law at present exists, called the Imported Labour Registry Act. It has been thought by a good many persons—those who have not made any inquiries into the matter—that the existing Act, which has been in existence for many years, facilitates the introduction of coloured labour. As a matter of fact, the contrary is the case, for the Act places a restriction upon the introduction of coloured labour. It provides that before this class of immigrants can come here they must have an agreement, which must be entered into by the parties and certified on their arrival by a magistrate; also that the immigrants shall be inspected and be free from disease; and there is a provision which is optional, that they shall be returned to their own country. In no way does the existing Act facilitate the introduction of coloured races into the colony. In the case of Chinamen, the Chinese Restriction Act provides that only one Chinaman shall be brought into the colony to every 500 tons burden of

the ship. Notwithstanding the restrictions placed upon the introduction of immigrants by the Imported Labour Registry Act, an impression prevailed amongst some organisations in this city that the Act promotes their introduction. I clearly proved to them, however, some time ago, when they asked me to repeal the Act, that they were in error in thinking it facilitated the introduction of coloured races. They admitted their error, after repeatedly returning to the subject. The introduction of undesirable persons into this colony has increased, not through the operation of the existing Act, but because there is no Act at all to prevent their coming here. They can come here if they like to pay their passage, except in the case of Chinamen; that is to say, Afghans, Malays, or Japanese can come by the hundred, if they like to pay their passage—in fact, anyone who is not a Chinaman can come, if he likes to pay his passage; and the only restriction which prevails in regard to Chinamen is the one I have mentioned. The result is a general feeling in the colony that there are too many of these classes here, and that some further restrictions other than those at present existing should be placed on this form of immigration. With that object in view we passed a Bill the other day, which I hope will soon become law, placing further restrictions on coloured labour; but that Bill does not interfere in any way with the Imported Labour Registry Act. The Government have come to the conclusion that that Act is not stringent enough, and that it gives too great facilities to coloured persons coming here; and therefore we have introduced this Bill for the consideration of hon. members, making it more difficult and more stringent, and having this great point, that the return of the coloured labourer is made a *sine qua non*. Speaking for myself, and I may say for almost all hon. members of this House, if we could do without this Bill it would be very much better. We have stated in the plainest language that we do not want this class of immigration to come to Australia, and the only reason why there is any exception made is that there is an industry in the Northern part of this colony which it is believed would suffer if this kind of labour were absolutely excluded from coming here. As hon. members are

aware—at any rate I am aware, having had experience of it—a portion of this colony is situated in the tropics, where it is very hot, especially in the summer, so hot indeed that I do not think a white man can labour there in the sun with any advantage to himself. I think it would soon tell on his constitution. I allude to the country lying north of the tropic of Capricorn. The difficulty is that in that part of the colony where the cattle and sheep stations are situated there must be hewers of wood and drawers of water, especially as cooks on the stations, and the class of men affected by this Bill are those who can do the work under conditions which would seriously injure the health of white people. Of course it will be said that if it is too hot for a man to work in the sun it would be too hot for him working underground in the mines, but it is much cooler underground in the mines than it is in the sun. My friend the member for Pilbarra (Mr. Kingsmill) will tell you more about that than I can, but there is a difference between underground working and working above ground in that part of the colony. There may be other disadvantages connected with working underground which may make it injurious to health, but the piercing heat of the sun is not felt to such an extent underground, where it is rather cooler in a well-ventilated mine than it is above ground. There is a very great difference between working underground in tropical Australia and working in the blazing sun. Everyone would wish that we could do without this Bill. I do myself. I have thought it over very carefully. I am aware it is not a Bill the introduction of which will give me any kudos. If I were to take the other line altogether, and say that we do not care what industry suffers, we are not going to have any of this class of persons in the limits of Australia, I should get a great deal more kudos than by introducing a Bill of this nature to the House. But I am not in the position of some hon. members. I have my duty to perform, and I must do it whether it is popular or otherwise. There is a provision in this Bill that no immigrant can be introduced under the Imported Labour Act, now in force south of latitude 26. He shall be subject to punishment and imprisonment, and liable to be deported

from the colony for working south of the latitude named. There is also a provision in the Bill that, after having entered into an engagement to come here and serve a master for a limited time, an immigrant must be returned by that master—who has to enter into a bond with sufficient securities to guarantee to return him—unless the immigrant engages with another master, and that can only be done with the consent of the first master, and the second master has to enter into a similar engagement to that which the first one had entered into. The Bill therefore provides that if an immigrant comes here he does not come to stop, and he can never come south of latitude 26. If we exclude those undesirable persons under the Bill we passed the other day, and if we limit the introduction of this class of labour to those under engagement, with a proviso that they must be returned, and that they shall not come south of latitude 26, and furthermore that they shall not work in any mine or in any township, or in any goldfield, I think we shall be doing a great deal in the way of restricting these persons to the labour for which they are admitted to be so necessary. To those hon. members who hold very strong views as to the absolute exclusion of this class of persons from the colony, I would say that the best way to arrive at what they desire is by moderate legislation and by moderate means, rather than by trying in one Act to absolutely exclude every one of this class from coming here. We all desire, I am sure, to assist the pastoral industry in the colony. It is a very important industry, capable of supplying us with a large quantity of wool for export, as it does now, and it is capable of greater things than that. It is also capable of supplying us with all the meat, or with a large portion of the meat, which we require; therefore no one can say it is not an industry which is important to everyone in the colony, both individually and collectively; and I myself should be sorry to do anything which would interfere with that industry, or put those who are carrying it on to greater trouble with regard to labour than they are at present. My friends who are acquainted with the Northern parts of the colony will be able to tell you of the difficulties they at present experience; and I think that no great harm can result from the legislation

that we are instituting. Hon. members will recollect that the main features of this Bill are that no one can come here unless he is under an engagement. The fact of that engagement has to be certified to by a European authority in the place where the labourer lives. When he arrives in this country, his engagement is to be certified to by a magistrate on landing. He cannot change his employment without the consent of the first employer; he cannot be employed upon a mine; he cannot be employed in any goldfield or township; he cannot be employed south of latitude 26, and the person importing him is bound to return him to where he came from. I do not think that the amount of immigration under these conditions will be very large; in fact it will perhaps be so small that some may say, why use this large piece of machinery to achieve so small a result? At the same time we have to consider the wishes of other people in this large colony. I am sure it would be a serious matter for many of the stock-owners, and other people in the northern parts of the country, not to have this class of labour. We must remember that the number of labourers will not be very great; and we also must not forget that this Bill is a great improvement on the law as it exists at the present time. With all these circumstances in its favour, I think that I may fairly commend it to hon. members. If, after a time, it is found to work any injury—I cannot think it will, seeing that it is so limited in its operation, and so restricted in every way—if it is found to act injuriously to anyone, or to the colony at large, then we will legislate again; but I am sure that the legislation we have already passed in regard to this class of labour, with the additional legislation which is comprehended in this Bill, will have the effect of removing all cause of complaint in respect of the introduction to this colony of undesirable persons. I beg to move the second reading.

MR. KINGSMILL (Pilbarra): While congratulating the Government upon this measure, I must say at the same time that I think it is to be regretted that there should be a necessity for its introduction; and I should like to make it clear that it is not so much the arduous nature of the duties required to be per-

formed by the people whom it is proposed to import under this Bill, as the poor wages that the industry alluded to by the right hon. the Premier is able to pay, that renders it necessary. One good feature I note in the Bill is that the clause limiting the number of labourers to be introduced to one for every 500 tons of a ship's capacity applies not only to Chinese immigrants as heretofore, but also to natives of India, Asia, Africa, and the islands of the Indian and Pacific Oceans, &c. Under the former Bill, Asiatic and African aliens could pour into the colony without any restriction whatever. Under this Bill I am glad to see that they will not be able to do so. Again I must congratulate the Government upon the clauses which keep a tight hold upon the floating population, consisting of such of these people as are out of employment. I may point out to hon. members that the evil of having this class of persons in the community is very much accentuated by the fact of their being vagrants, and wandering over the face of the country. I should like to disclaim, on behalf of that portion of the country which I have the honour to represent, the reputation for a climate bordering, I might say, upon the infernal, which it is popularly supposed in this House to possess. I think that the climate north of latitude 26 has very little to do with the introduction of this class of labour. It is the languishing state of the pastoral industry that compels its introduction. I have seen just as good and capable work done by white men far north of latitude 26 as I have seen in any other part of the colony. I shall have much pleasure in supporting the Bill.

MR. JAMES (East Perth): I shall support the Bill, at the same time expressing my regret that it should be necessary to deal with this matter in the manner in which we are compelled to deal with it. Efforts have been made previously—during last session—to improve on existing legislation in connection with the importation of labour; and on both occasions when the Bill passed this House it was rejected by the other Chamber. I think, however, that they have been good to us in doing that; because the present Bill is a distinct improvement upon the previous one; and I am hopeful that this improvement is one of those signs by

which we may recognise the fact that new blood has been introduced into the Ministry. I regret that we should have to bring forward a Bill like this, because I am not one of those who think that it is essential in the interests of the race to make any distinction whatever between the northern and the southern parts of the colony. I really believe it is quite possible—to put it on no stronger grounds than that—for white labour to live in the North and discharge its duties efficiently and well; and I am not one of those who think that a rule which is repudiated so far as the southern parts of the colony are concerned, and which is largely repudiated in various matters connected with commerce, should apply in respect of the northern parts of the country. I think the real reason why this distinction between the North and South is asked for is the idea that this class of labour is cheaper than European labour. I do not think it is cheaper, if we take the word “cheaper” in its true sense. I do not think it is more efficient, or that employers get more for their money than they do from European labour. We all admit that, to a large extent. We do not think that because labour is poorly paid it is more efficient in the long run. I fail to see why the same rule that governs the importation of labour in the southern parts should not also apply to the northern parts of the colony.

THE PREMIER: The passage money of the labourer will have to be paid for in and out.

MR. JAMES: True. That will be a distinct improvement on past legislation; and I think, as the right hon. gentleman pointed out, our present legislation is not sufficiently stringent; but, although I welcome this Bill as being a distinct improvement on existing legislation, I doubt whether it will be an efficient check on the importation of undesirable immigrants. There is one important provision which I think is absent from this Bill. It does not provide that no native importer can import labourers.

THE PREMIER: I think that is here somewhere.

MR. JAMES: If it is not here, I feel quite certain the right hon. gentleman will rectify that matter during the passage of the Bill through committee. I did not notice it when I was looking

through the measure, and I hope the Premier will bear it in mind. Section 32 refers to the pearlshell fishery, and the effect of it is substantially to exempt from the operation of this Bill all labourers employed in that industry. In the case of the Bill which we passed the other evening dealing with undesirable immigrants, we also excluded from its operation persons engaged in this employment, and I think we are going a little too far in this direction.

THE PREMIER: We have the power to make regulations, you know.

MR. JAMES: That is true; but I think it hardly goes far enough, and I should prefer to see, if it were possible, something in connection with this matter embodied in the Bills themselves. I do not think the pearling industry is nearly so valuable as some people believe. At present it is largely carried on by coloured people; and, if the result of this legislation would be to exclude such persons from the occupation, I should not look upon that as being by any means a disadvantage. I do not think that industry is nearly so useful to the country as it was a comparatively few years ago, when it was carried on by our northern settlers, and tended to afford some direct benefit to the colony. Year by year we find it getting more and more into the hands of foreigners, and more particularly of this class of foreigners; and the same thing has happened in connection with this industry in Thursday Island on the Queensland coast, where it is almost wholly carried on by Japanese. I am afraid the same state of things will soon obtain here. Somehow or other they seem to be able to outdo the Europeans. I strongly object to making any exemption which would permit of its being run by Japanese; for if this is done, I am afraid it will soon be controlled by that nationality. I notice that the definition of “labourer” only includes male persons. I think the Bill ought to apply to all undesirable persons, whether male or female.

THE PREMIER: They cannot bring in any but males.

MR. JAMES: I see, then, that to strike out the word “male” would be to restrict the operation of the Act. Then I should like to ask the right hon. the Premier whether he thinks we have

sufficient machinery in this Act to prevent nomadic Chinamen or other undesirable immigrants from travelling below latitude 26 south. It is very difficult to identify these gentlemen, one Chinaman being so like another. When we bear in mind that we already have large numbers of Chinese north of the 26th parallel, we must recognise that if a Chinaman is travelling southward, and we ask him who he is, there is a danger that he will be entitled to say: "I am one of the Chinamen introduced before this Act came into force."

THE ATTORNEY GENERAL: He cannot come southward.

MR. JAMES: He cannot come southward? And can no Asiatic of any sort come southward?

THE ATTORNEY GENERAL: No; not after the passing of this Bill.

MR. JAMES: Well, suppose he comes here under the Bill passed the other evening, will this Bill apply to him then? If an immigrant comes here voluntarily, and passes the examination prescribed by the Bill passed the other evening, he will be entitled to travel from one part of the colony to another. Now we have not provided in that Bill, that when a man has passed the examination, he shall be given a certificate by which he can be identified.

THE ATTORNEY GENERAL: None of them will ever pass.

MR. JAMES: How can you say that? He is entitled to pass. Any Chinaman who answers the tests prescribed by the Immigration Restriction Bill is entitled to enter West Australian territory. If a coloured labourer who came here under agreement wants to travel South, will this Bill prevent him from travelling South?

THE PREMIER: He would be an imported labourer.

MR. JAMES: Then the Bill would not apply to him. If Mr. Ah Sam was travelling beyond this parallel of latitude, and he came in as an imported labourer, how would you deal with him if the man said "I came in under the provisions of this Bill?"

THE PREMIER: His certificate would show what he was.

MR. JAMES: There is no provision under the old Act to give him a certificate. Numbers of Chinamen travel hundreds

of miles from the Northern Territory of South Australia to get to Queensland.

THE PREMIER: The present Act would stop them all.

MR. JAMES: But if they once land, how can you stop them?

THE PREMIER: I do not say you could stop every single man.

MR. JAMES: I want to point out that there is a danger of a serious leakage. There are hundreds of coloured labourers in the North-West who are not covered by this Bill. They came in as independent immigrants, and they are entitled to go to any part of the colony they wish. I would like to see some provision that every Chinaman and every coloured labourer should be covered by this Bill, and, that unless they produce certificates by some magistrate, they could be dealt with by the law. I admit at once that I do not believe a Chinaman is as good as a European. We cannot have this Bill strong enough when dealing with these coloured labourers, and I hope the Premier will see his way clear to make the machinery of this Bill more efficient to check the wandering Chinaman. I welcome the Act as an improvement on existing legislation.

MR. BURT (the Ashburton): I would like to say a word or two on this Bill. It will be in the recollection of hon. members that some years ago I introduced a measure very much on all fours with this Bill, and it passed through this House very rapidly, but it met with a different fate in another place, for the reason that hon. members there did not understand it. If the Bill had been understood elsewhere, it would have been passed at once. It has always appeared to me that something should be done in order to assist the southern portion of the colony in carrying out their desire to put a restriction on the immigration of these people, and to stop the gradual and imperceptible flow of this class of labour from the northern portion of this colony. I conceived it to be my duty to point out to the people in the southern portion of the colony that there was a leakage, and I endeavoured to stop it. The people in the South did not wish this labour to precolate to that portion of the colony. The Bill before the House will, I think, effectually stop coloured labour from coming over the imaginary line, because, when the labourer is landed, he is under

an agreement that casts an obligation on the employer to give an undertaking to the Government, or a bond to the Government, that he will pay the labourer's passage back again at the end of his agreement if he is not wanted then. Under the present Act, these coloured labourers come in under contract, and, when they get ashore, they do practically what they like. The first thing they do is to decline to work for the man who has imported them, although it has cost him some £30 or £40 to bring them here. These coloured labourers refuse to work for the employer who has imported them for the £2 or £3 per month for which they have come to work under their agreement, and they go elsewhere, after being imprisoned for the non-fulfilment of the agreement. I know one man who has been imprisoned eight times for not working, and ultimately he escaped from his agreement and went to work for another master for higher wages. That will all be put a stop to now. The labourer must be registered at the police magistrate's office; the police have particulars of him and know where he is going and, further than that—and that is where the present Act stops—they will know when he leaves his first situation. Under this Bill it will be impossible for the labourer to go anywhere else without the approval of the magistrates and the registration of his further employment. This Bill will prevent him from refusing to carry out the engagement under which he was imported. He will have to serve his first master and if, at the end of his time, he makes bones about working, he is at once shipped off at the expense of his employer. It is impossible, under this Bill, for a Chinaman, or any coloured labourer imported under it, to be at large at all in the northern district without an engagement. If he is not under a contract he may be arrested at once; that is provided for by Clause 21. It is competent for any policeman sighting a labourer to ask him for his contract, and if he does not produce an unexpired contract he can be arrested at once and sent back to his country at the expense of the man who first employed him. That puts a certain restriction on the employer, who may be called on to pay the expense of returning this man. Supposing a coloured labourer has served three years under his first

employer, that employer is always liable for the return of the man within five, six, or even ten years afterwards. The employer is the person to whom the Government look to send the imported labourer back again if he is not required. As soon as a coloured labourer attempts to leave the service of his employer he can be arrested at once, if he has not an unexpired contract for service in his pocket. Inasmuch as these contracts must become known to the police, there is very little danger of this class of labour percolating below the 26th parallel of latitude. The Bill is hedged about with every precaution, and it will be found that, if the magistrates and the police administer it in the way it should be administered, there will be very little danger of these coloured labourers getting to other parts of the colony. The coloured labourers in the northern portion of the colony are chiefly Chinamen, and this Bill prohibits them from coming South below the 26th parallel of latitude. I will not say it is impossible for a man to walk down South and elude the police, but there is always the chance of catching him. It did occur to my mind to make every coloured man register himself. I do not know whether that would effect the object of the Bill. It will be very easy for the police seeing anyone on the road from the North to make him produce his contract, and whatever contract he has of course he would not be working under it, and, under this Bill, he could be shipped off at once and his first employer be put to that expense. I make an appeal to the House on behalf of the settlers in the North on account of the terrible droughts and misfortunes which have overtaken those engaged in pastoral pursuits, to allow the Bill to have a trial. We can repeal it if it does not attain the object we have in view. If there is any reason to suppose that labour is percolating down here, I say myself, stop it by all means at once. It is impossible to obtain white labour for cooking and water drawing in the North. It is not a question of cheap labour, because these men get just as much as is paid to white labour at the present time. There is no distinction in the wages paid to the white man. The coloured man is paid an equal amount, but it is impossible to get a white man in

the northern districts to do the work of cooking or water drawing.

A MEMBER: What are they paid?

MR. BURT: £7 a month. Of course employers there do not pay goldfields wages.

A MEMBER: What will they pay under this Bill?

MR. BURT: The same money. These coloured labourers know what the wages in the North are, and they do not come now for thirty shillings or £2 a month. It is possible they did at first, but they know now what to demand. The amount of wages that a man can obtain is reported about, and these coloured labourers get to know it. It has been suggested that the people in the North are urging the passage of this Bill to obtain cheap labour. This is an argument which I do not think should be used in the House. It is an absolute impossibility to get white labour to cook or for water-drawing purposes. The white man says that is a blackfellow's work. I have travelled many miles about the country between the Gascoyne and the Ashburton, and I never saw on any station a white man cooking or drawing water: generally, Chinamen do the work, and I have always been informed that it is impossible to get a white man to cook or draw water. If hon. members read the Bill, they will see that, after the coloured labourer is landed, he has to be registered by the authorities, and when he is out of employment he has no right to go searching about the country for another job; and if his employer does not want him, and he does not find the labourer another employer, his first employer has to ship him away. Therefore there is an inducement for the employer to find a second employer for the labourer, or he must ship him away.

MR. GREGORY: What about Clause 28?

MR. BURT: In committee we can deal with the different clauses, but Clause 28 deals with the production of the labourer when required.

MR. GREGORY: According to the last paragraph, Clause 28 does not apply to any labourer who has resided for more than two years in the colony.

MR. BURT: The latter portion of the clause reads:—

If any employer shall fail to produce a labourer when requested as aforesaid, he shall

be liable to a penalty of not less than Two pounds and not exceeding Ten pounds for every such default, unless he shall prove, to the satisfaction of the magistrate or justice or justices before whom the case shall be heard, that there was some reasonable ground or excuse for the non-production of such labourer as aforesaid: Provided that this section shall not apply to any labourer who shall have resided within the colony for a period exceeding two years.

I see the last paragraph sets a limit to the operation of the clause. For my part, I would not seek to retain the provision with that paragraph. My idea is that every labourer who comes under this Bill should be subject to the control of the authorities the whole time he is in the country. Such a labourer is not a desirable immigrant. By force of circumstances we permit him in the country under certain stringent conditions; and he should be produced at any moment by the employer who has him under agreement. I hope this House will consent to read this Bill a second time, and allow it to go into committee.

MR. EWING (the Swan): It is not necessary at any length to object on principle to a Bill of this kind. I take it that almost every member of this House, as a matter of principle, does object to the employment of pauper labour of any sort in Western Australia. Only extraordinary circumstances and peculiar conditions would justify the passing of this Bill, which appears to be framed for the purpose of enabling certain persons in Western Australia to obtain labour under conditions which are not open to other members of the community. The argument in favour of the Bill appears to be that the climatic conditions in the North are such as to prevent white men from carrying out work satisfactorily there. But, after hearing the hon. member for Pilbarra (Mr. Kingsmill) who, no doubt, is speaking advisedly, it would appear that it is not so much the inability of the white man to work in the northern climate, as the languishing state of the pastoral industry which calls for this legislation. That hon. member, who ought to know, says the climatic conditions are not such as to prevent white men from working in the North satisfactorily.

THE PREMIER: I have been there, and I know the climate.

MR. EWING: In other parts of the Australian colonies I have had some little

experience of legislation of this kind. The same argument as to the climatic conditions being unsuitable for white men is always urged in the colony of Queensland in favour of the importation of kanakas. There, sugar-growers in public contend that black labour is necessary, because the climate is too hot for white men to work. Yet throughout Queensland we see the blackfellow and the white man working side by side in the cane fields. In the North of Western Australia we would find exactly the same state of things. As a fact, white men can, and do, work under conditions which the blackfellow cannot endure. If the Queensland sugar-grower talks quietly and confidentially, he admits it is not so much affection for the white labourer that causes the exclusion of the latter from the privilege of working in the North, as the knowledge that black labour can be got for 6s. a week. Then, again, the black labourer is under a contract, which, in my opinion, is contrary to the principles of British law; because only one party thoroughly understands the nature of the contract. I have seen thousands of instances where coloured labourers have been imported into Queensland and other countries without knowing the conditions of the work, without knowing in the slightest degree what they would have to do when they arrived, and ignorant of the rate of wages current, or the value of their services in the new land. A contract, in the eye of the law, requires mutuality. Each party should be in a position to judge of his rights before being allowed to contract. The reason we do not allow a mad person, or anyone not fully in his senses, to make a contract is because such a person is incapable of understanding what he is doing. Still it is proposed to allow a blackfellow, without the slightest advantage of education or knowledge of the conditions in this country, to enter into a contract under this Bill, which further provides that if the labourer, after he is imported, does not obey the demands of his employer he shall go to gaol.

THE PREMIER: The labourer has first to go before a British authority.

MR. EWING: True, he has to go before a British authority. But the Queensland agent who goes out in the labour schooner has to make a declaration

that the kanaka understood the contract before he entered into it.

THE PREMIER: The kanakas are not a civilised people.

MR. EWING: The South Sea islanders, in one sense, are pretty civilised. The missionaries have been amongst them for years, yet the islanders do not understand the contracts into which they enter. On that ground alone the Bill does not deserve consideration. Another reason the Queensland sugar-grower gives for employing black labour is that such labour is cheap and reliable. The black labourers are brought into that colony under contract, and whether they like their work or not, whether their master is reasonable with them or not, whether they are fairly treated or not, they are bound to comply with the terms of the contract to the bitter end, under pain of imprisonment. In the northern parts of Queensland the magistrates in many cases are themselves employers of black labour. All a Queensland sugar-grower has to do is to step across to the neighbouring sugar-grower, who happens to be a brother magistrate, and get an order for the imprisonment of a black labourer who may be deemed to have broken his contract.

THE PREMIER: Our magistrates are not honorary, but Government resident magistrates.

MR. EWING: The hon. member for the Ashburton says that these imported black labourers cannot come below a certain line. Surely that hon. member, in the course of his legal training, has become aware there is such an Act as the Habeas Corpus Act. Under that Act it is against the law of a British-speaking country to imprison a man unless he has committed an offence.

THE PREMIER: A blackfellow will have committed an offence under this Bill before he is punished.

MR. EWING: I shall show the Premier that the blackfellow will have committed no offence. A provision, even by a Legislature, which creates an offence when there is really no offence, and prevents the right of a subject—

THE PREMIER: The black labourer is not a subject.

MR. EWING: A provision which seeks to prevent any person who resides in a British-speaking country from living in that country, and imprisons him merely

because he is living in the country, is against the Habeas Corpus Act. The Supreme Court of Queensland has been engaged in the consideration of a similar provision in the Imported Labour Act of that colony. The case which came before the court was that of a kanaka who was imprisoned for not going back to his native land at the expiration of his term of engagement of three years. A writ of habeas corpus was applied for, and the Full Court held that the man could not be detained in prison, he having committed no offence against the law of the community. The Queensland Act provides that a labourer must go back to his country at the expiration of his agreement, and that, if he does not do so, he may be imprisoned. But the Supreme Court of Queensland held that this provision is contrary to the provision of the Habeas Corpus Act, and that, therefore, the kanaka was entitled to be liberated, and he was liberated. If people were arrested in Western Australia under this Bill, the Supreme Court of this colony would, I firmly believe, also say that in arresting him a departure had been made from the broad principle of British justice. The Court would, I believe, hold that a man cannot be prevented from exercising his liberty—for that is what it amounts to—unless he has committed an offence; and it is not an offence to be at liberty in the country. The provision in the Queensland Act, which is similar to that in this Bill, is, under the decision of the Supreme Court of that colony, absolutely ineffectual. For these reasons I oppose the Bill. It would only be under extreme conditions that I would support a Bill for the purpose of importing pauper labour into this community. I cannot see that in Western Australia there are the conditions which justify the importation of coloured labour. It is provided in the Bill that there shall be a safeguard for the southern parts of the colony; but, as a matter of law and of fact, it will be impossible to exclude black labourers from the South if they be allowed into the North.

MR. GEORGE (the Murray): I do not propose to go into the legal aspect of the question. That can be left to the legal gentlemen to fight out and settle. But this Bill will not carry out what the Premier in his speech at Bunbury gave

the country to understand he intended to do in this Parliament. If I understood that speech aright, and I think I did, and if I understand the feelings of the great bulk of the population in the big towns of this colony, it is not a question of what provision shall be made for these black labourers when they arrive, but what provision can be made to keep them out of the country altogether. If I read the lessons of the last election aright, the great majority of the people of Western Australia say, "We don't want to perpetuate a system of slavery in Western Australia."

THE PREMIER: We passed one Bill like this when you were away.

MR. GEORGE: If I understand what the people require, it is that we shall not legalise slavery, and it seems to me that we shall be doing so if we pass this Bill, because it provides practically what is enacted in the United States in regard to the black labour introduced there. If this Bill provided simply for labourers being brought here for three years, and that they should be deported at the expiration of that time, it would be another matter; but Section 22 states distinctly that the labourer may enter into a new and subsequent contract, and there is nothing that I can see to prevent him entering into new and subsequent contracts so long as he shall be permitted to remain in the colony. There are provisions that the employer shall enter into a bond to return him at the end of the time; but there is no penalty, no deposit, nothing by which you can bind him. I submit that this case might occur, that a man might introduce this labour, and if he wished to evade the consequences of his bond he would simply have to turn bankrupt. The law would allow him to turn bankrupt and become a thief in this matter, as in matters of ordinary business.

THE PREMIER: Two sureties are provided.

MR. GEORGE: Sureties are not very much. I should prefer to see a provision in this Bill by which a deposit would have to be made of a sufficient sum that would ensure this coloured person being returned at the end of three years. I do not like that part of the Bill in which a coloured person can enter into a new and subsequent contract, and I shall oppose it

in committee. I can conceive no use in a white country for any alien labour whatever.

THE PREMIER: Go up North.

MR. GEORGE: I have no wish to go there, but I can take the opinion of those who have been there. This is a white country, for white men. By the present Bill the Premier has not strengthened the position he previously took up.

THE PREMIER: It is proposed to make the present law more stringent.

MR. GEORGE: If there is a law, where is the reason for this Bill?

THE PREMIER: To make the existing Act more stringent.

MR. GEORGE: The right hon. gentleman at Bunbury promised the country that he would stop any more of these undesirable immigrants from coming in.

THE PREMIER: We have done it.

MR. GEORGE: What is the use of saying you have done it when you introduce this Bill?

MR. VOSPER (North-East Coolgardie): As a matter of principle, I feel myself bound to oppose a Bill of this nature. I only rise now, not for the purpose of quarrelling with its provisions, but to give some of the reasons which have led me to record my vote against it. Clause 3 says:—

“Labourer” means any male person apparently a native of India, China, or Africa, or of the islands of the Indian or Pacific Oceans, or of the Malayan Archipelago, and brought into the colony as a labourer or servant, or for any other similar employment.

The member for the Swan just now referred to the fact that many men are recruited from the South Sea Islands for working in Queensland sugar plantations, who are not acquainted with the nature of the contracts which they make. I am in a position to confirm that, and I also, from my experience of the trade in Queensland and elsewhere, can say something about the way in which the contracts are made. The member for the Ashburton (Mr. Burt) said something about the ruling rate of wages in the north-west of this colony. He stated that hewers of wood and drawers of water get paid there from £6 to £7 per month. Now kanakas can be got in Queensland for doing the same kind of work for £6 or £7 a year. If this Bill is passed, the employers of labour in the north-west of this colony will soon

find that they can obtain labourers from the islands of the Indian or Pacific oceans for a very much cheaper rate than what they are at present paying. They will soon engage kanaka labour and will bring it here. With reference to the contracts to which reference has been made, not only are they utterly unintelligible to the majority of kanakas, but in the majority of cases the kanakas are forced to make the contracts. In the old days it was customary to send out recruiting vessels to obtain “black birds,” as they were called, by any means in their power, and the traders were extremely unscrupulous in the methods they employed. The practice now is for a recruiter to go to the chief of the tribe on a certain island and offer him articles of trade or so many dollars in exchange for so many kanakas. The kanaka who has thus been sold by his chief has the option of going with the recruiter or directly into the cooking pot. In the vast majority of instances he signs the contract. He has not the same conscientious objections to going to Australia that we have to his coming here. Very similar are the conditions which prevail in the Malayan Archipelago. The islands there are governed by rajahs, who exercise a despotic sway over their subjects. They are in a position to impose very similar pains and penalties on their subjects if they object to enter into these contracts, as the chiefs are in the South Sea Islands. The Malayan races not being in such a state of semi-civilisation as the natives of the South Sea Islands, the chiefs are able to inflict the most awful torments on those who refuse to leave the island. This sort of thing is likely to occur if this present Bill is carried. What has been done in the past is likely to be done again in the future, and we shall be repeating in this colony the history of the kanaka trade in Queensland. This Bill, in fact, will be bringing about what will be nothing less than slavery. It will be legalising the “black circle.” We have slavery in actual practice in different parts of the British Empire under Acts such as this present Bill. I would never dream of voting for a Bill which would make us introduce into our midst and perpetuate a system of slavery. Section 4 provides that

No labourer brought into Western Australia under this Act, or who has already been so brought under the Act repealed by this Act,

or under the Imported Labour Registry Act, 1882, shall enter by land or sea into any part of this colony South of the twenty-sixth parallel of South latitude.

The right hon. gentleman opposite interjected, while the member for the Swan was speaking, that the Chinese were a civilised people, and therefore not likely to make contracts which they did not understand. John Chinaman is very acute: there is no man who understands more about evading the law than he. This system of establishing a sort of line over the colony has been tried in some parts of Mexico, and in the old days in the United States, and failed. It was attempted to prevent the negroes from going into the Northern States. It conspicuously failed in every case in which it has been attempted, and I do not think we are likely to succeed here after all the rest of the world has failed. I do not see how and in what way we are going to keep a negro or a Chinaman or any person of that sort from crossing that particular parallel. If he once gets away from his master, there is no means of preventing him from crossing that parallel unless the Premier proposes to establish an armed frontier line. It is impossible to keep these men from coming down South. It cannot be done, more especially in regard to Chinamen. The most difficult thing one can have to face is to identify a Chinaman.

THE PREMIER: They only come by sea now.

MR. VOSPER: Granted sufficient temptation and they will go South, if not by sea then by land. The one thing that has kept Chinamen off the goldfields has been not the legislative prohibition, but the rough handling that they knew they would get from the miners if they went. It is a mere subterfuge to introduce a clause of this kind into the Bill. The only possible way to prevent a Chinaman from going South would be to give people in the South the right of shooting them at sight, and that of course cannot be done. Short of doing something of that sort, I think it is absolutely impossible to keep Chinamen within the specified limit. It would be no more possible than to keep out the rabbits. Once you get them in the colony, you may be sure that they will remain there and that they will spread. Clause 5 provides that—

Labourers shall not be imported into Western Australia in any ship in a greater number than one labourer for every five hundred tons of the ship's capacity; the tonnage, in the case of a British ship, being taken as the registered tonnage, and, in the case of a foreign ship, being measured according to the rules of measurement provided in the Merchant Shipping Act, 1894.

I take that to be copied from the existing Act. [THE PREMIER: Yes.] It goes to show how exceedingly well that clause has been carried out when we find that the Saladin landed twenty-five Asiatics at Fremantle three weeks since.

THE PREMIER: Some of them had certificates enabling them to return to the colony from China.

MR. VOSPER: The Saladin would have to be 13,000 tons burden to bring so many.

THE PREMIER: The clause has been repealed which allowed Chinamen who were here at the time of the passing of the Act to go back to China and return.

MR. VOSPER: A long advertisement has been sent to this colony from a Cingalese firm, offering to find any number of coloured labourers, on contracts signed by magistrates in Ceylon. This advertisement sets forth that the labourers can be obtained at much cheaper rates than any coolies exported from Ceylon or India at the present time. Here we have a firm—and I suppose there are many such up and down the coasts of Asia—which can arrange everything like that. The operations of one or two firms of this kind beating up men from the back blocks of India and Ceylon will very soon have the effect of reducing wages; and therefore to suggest that those men will continue to be paid at the same rates as white men is the veriest nonsense. It means that we are going to get cheap and nasty labour, and what is practically slavery. Of course the Premier said just now that a labourer, on entering into a fresh contract after his first three years of service, would be a more useful servant. I do not doubt that. Having had three years' training, he would necessarily be more useful. At the same time, the very fact of his being more useful makes him a great deal more dangerous. He knows better how to avoid the law; he gets into communication with his fellows in the South, some of whom have certificates which can

easily be exchanged through the post; and, as it is almost impossible to tell one of these men from another, it is very easy for them to make arrangements by which they can come South, and we shall thus have a regular influx of these people to the southern parts of the colony. There are already numbers of persons in this colony who hold certificates under the old Act, and they will continue to hold those certificates.

THE PREMIER: When they come back they will have to give them up.

MR. VOSPER: How does the right hon. gentleman propose to distinguish between Ah Fat and Ah Toon?

THE PREMIER: Every certificate is impounded when the holder of it is returning.

MR. BURT: They photograph every man who gets a certificate, and they have done this for some time past.

MR. VOSPER: I am afraid there is a remarkable family likeness between all the photographs. I observe that the hon. member for the Ashburton (Mr. Burt) remarked just now that it was impossible to get white men in the North to do drawing of the water, the cooking, and the hewing of wood and work of that kind. I observe also that the 25th Clause of this Bill provides that

No labourer brought into Western Australia under this Act shall be employed on any mine, either underground or on the surface, or in any township in any goldfield.

I would like to ask the hon. member in that case how they manage for cooks and hewers of wood and drawers of water in the conditions existing in the North at the present time? They must employ somebody.

THE PREMIER: They get ladies.

MR. VOSPER: Well, if it is possible to get women to go to out-of-the-way places like Marble Bar and Wyndham, surely it is possible to do the same thing on the coast.

THE PREMIER: They have Japanese there, I think.

MR. VOSPER: They may have. But the right hon. gentleman told me a short time ago that I was not to suppose. He must not give me anything that he does not know to be a fact. If the goldfields townships can get over this difficulty, why should not the coastal townships do so? Is the work any more degrading on the coast than it

is on the goldfields? In spite of the fact that these places are a long way inland, the freights high, and the roads difficult and somewhat dangerous, the right hon. gentleman tells the House that they can get better accommodation at Pilbarra and Marble Bar than at places like Roebourne or Wyndham on the coast. If the white woman and the white man can get better accommodation, better treatment, better food and greater conveniences on the coast than on the goldfields, how does it happen that they will not work on the coast and that they will work on the goldfields? Under this Bill they will have to be employed on the goldfields. A hotelkeeper is bound to employ white labour, because this Bill prohibits the employment of coloured persons. Where is the difference between the coastal town and the goldfields town?

THE PREMIER: People will go to towns when they will not go into the country.

MR. VOSPER: Roebourne is a bigger town than Pilbarra or Marble Bar; yet this Act supposes that people prefer a remote village like Marble Bar to a town like Roebourne. The real reason why white people will not go to the coastal towns is that on the goldfields they can get white man's or white woman's wages, whereas in the coastal towns they can get nothing of the sort. If a white man wants to work there at all, he must work at the rate paid to Chinese labour.

THE PREMIER: You are wrong on that point.

MR. VOSPER: That is the real danger of all measures of this kind. That is what it is desirable to prevent. I have seen something of this system of paying white men at the same rate as you pay Chinamen. I suppose there is no place in the colonies where there are more Chinamen—with the exception, perhaps, of Port Darwin—than on the Johnstone River in Queensland. I have known white men there doing work at the same rate as was paid to Chinamen, and when the work was accomplished it was worth 3s. 6d. a cord. What white man could live on such wages, and surrounded, too, by all kinds of difficulties, and even by positive dangers? The Chinamen have brought wages down to that level, the same wages being given to white men as to Chinamen; and it is

because white men have been obliged to work for Chinamen's wages that we object to Bills of this kind. I do not want to see any white man working on the same level as the Chinaman; and I contend that the wages paid in the northern parts of this colony now are a great deal less than the services are worth. It is surely worth more than 30s. a week to go into such a country as that, and work as a cook or in any other capacity; and the fact that fair wages cannot be obtained for such work as that is pretty good proof that Chinamen and coloured people generally have had the effect of reducing wages below the point at which a white man can exist. The result is that there is a moral, financial, and general degradation on all sides. Knowing these things and feeling them strongly, I for one cannot vote in favour of a Bill like this, and I shall do my best to oppose it through every clause or amendment suggested.

THE PREMIER: This Bill is an improvement on the law as it now stands.

MR. VOSPER: That may be; but I want another law altogether.

MR. HASSELL (Plantagenet): I was not in favour of the previous Bill on this subject, and I shall vote against this Bill.

MR. OLDHAM (North Perth): I was inclined to support this Bill, but the remarks contained in the speech of the hon. member for the Ashburton (Mr. Burt) compel me to vote against it. He proved very conclusively that the object of the Bill was to turn the northern portion of this colony into a black man's country. He stated—I think I took down his words correctly—that the constituencies in the North valued this kind of labour; that they were anxious to keep it; and that, therefore, they would do their best to see that it did not filter down into the southern portions of the colony. But it is impossible, or next to impossible, to tell one Chinaman from another; and, as the hon. member for North-East Coolgardie (Mr. Vosper) pointed out, we shall get enough of this cheap labour in virtue of the Bill which we passed the other night—the Immigration Restriction Bill. The advertisement in the *Goldfields Chronicle* invited applications from employers in Western Australia, and gave a list of the various trades and callings in

respect of which they could supply employers with workmen. The list included every trade carried on in the city of Perth at the present time. Carpenters, cooks, cabinet-makers, and almost every class of tradesman required in any civilised town or centre of population were to be found in it.

THE PREMIER: This Bill will stop that.

MR. OLDHAM: I do not think so.

THE PREMIER: It is far better than the Act now in force.

MR. OLDHAM: Have we not repealed it?

THE PREMIER: No.

MR. OLDHAM: Then it is about time we did repeal it.

THE PREMIER: We are repealing it by this Bill.

MR. OLDHAM: You are substituting one that is little better. The Bill we passed the other night with regard to the undesirable immigrant gives sufficient latitude for importing that person into the colony. The only good I can see in this Bill is that, if it does pass, it will prove very conclusively, and prove it in the very near future, that there is only one proper way of dealing with the Asiatic, and that is to prevent his coming into the colony.

MR. WALLACE (Yalgoo): I have heard the explanation of this Bill given by the late Attorney General, the member for the Ashburton (Mr. Burt); but, having had a little experience in the north of Queensland, where the climate is similar to that of the northern portion of this colony, I am in a position to assert that the positions on the stations which it is here desired to fill by coloured labour can be filled equally well by white men. It seems to me that it is desired to get this Bill through in order to supply with cheap labour certain people in the northern portions of this colony. We have been told by the member for the Ashburton (Mr. Burt) that the same rate of wages is paid to the coloured labourer as is paid to the white man, and that the rate is £7 per month. That is a fair wage for a white man; but I think the hon. member was mistaken when he said that coloured people are paid as much as that. They certainly are not paid at that rate in Queensland, where wages are much higher than they are here. It has been

shown that white women can be obtained as cooks in the inland mining towns; and there is therefore no reason why squatters should not employ married couples at a fair wage, as is done on the stations in the North of Queensland, which are far more remote from the centres of population than are any in this colony. As regards the occupation of a drawer of water, I had heard very little of it till I came to this country; but I fail to see why they cannot get white people to do this work for the wage which the member for the Ashburton informs us is paid to coloured labourers at the present time. The hon. member drew attention to the imaginary line which would be drawn, south of which the introduction of coloured labour was prohibited; but, having lived in the North-Western part of Queensland for many years, I know the trouble the Government of that colony have had in preventing the influx of Chinese over the South Australian border. I say that if the Government think they are going to draw an imaginary line across the colony, and keep this undesirable class of immigrants in the North, they will require a very strong force along the line, and then I do not think they can keep them back. The reason for introducing this class of people into the northern portion of the colony is only for the purpose of getting cheaper labour. Some years ago it was the custom to import Chinamen to work on farms in a portion of the colony, and it was found that these Chinamen were constantly leaving their employers who brought them to the colony, and the authorities were put to a great deal of expense in tracking them. When arrested, the labourers were brought before the magistrates, and the importer was compelled to prosecute these Asiatics. Altogether, I think that if the people in the North consider thoroughly what they are doing, they will come to the conclusion that it is not at all a cheap class of labour, but a most expensive one. These coloured people do not do the same amount of work as white men; they give an endless amount of trouble; they are always absconding, and they require a ganger to almost each man to keep him at his work. Sub-clause 2 of Clause 21, which the hon. member for North-East

Coolgardie (Mr. Vosper) referred to, points out that the country is put to expense to arrest these absconders. That, in itself, is sufficient to warn the Government to be very careful in legislating in this way, to allow this undesirable class to come to the country, even if under an agreement. It is so difficult to distinguish them; and as to photographing and taking a description of every one, I fear that there will be so many photographs and so many descriptions alike, that it will appear there is only one man. There is no way to keep this coloured class of people from the southern portion of the colony; therefore, I again express my strong opposition to the Bill. There are many clauses in the Bill of which I disapprove, and, in committee, I shall express my opinion upon them. At the present time I express my strong opposition to the measure.

MR. HUBBLE (the Gascoyne): I intend to support the Bill, as I think it is a good one. If many members had taken the trouble to go round a number of the stations in the far North, as I have done myself, they would see the necessity of having a certain class of coloured labour on the stations. It is impossible to get white cooks to stay in the northern parts. From one end of the Gascoyne to the other hon. members will not see a white person as a cook. Hon. members have heard a good deal about having this class of servant on account of the cheapness of labour. It is nothing of the sort. I consider £7 a month and food a good wage, and I think it is equal to the wages of many white cooks in this part of the colony. The hon. member for East Perth (Mr. James) tried to throw a stigma on our pearlshell fisheries. There is no doubt that that industry has been a very great help to us in the past, not only for the revenue obtained from it, but in consequence of the amount of shell which has been received. If hon. members will look at the Bill in the right light, they will fight for it instead of opposing it, as it is a matter of impossibility to get on in the northern parts of this colony without this coloured labour. It will mean ruination in the North if this Bill is not introduced.

MR. SIMPSON (Geraldton): I do not think the impossibility of introducing a few cooks is going to ruin us. It is said

that these coloured labourers are not coming south of the 26th parallel. I hope they may not. The Bill is too much wrapped up in administration, and if the day should come that we have in power in Western Australia a Ministry in favour of the employment of coloured labour, I think we shall find that this undesirable class of persons will be admitted into the colony. I do not say that would occur under the present Administration, who endeavour to carry out the mandate of Parliament to the best of their ability. I think there is only one course for us to adopt to keep ourselves abreast of Australian sentiment and to insure to our own countrymen and men of our race employment, and that is to thoroughly exclude, in every possible way, coloured labour.

MR. ILLINGWORTH (Central Murchison): I have already spoken very strongly on this subject when the Imported Labour Registry Bill was before the House, and I am inclined to think this Bill is required. The present Bill ought to pass, but it ought to pass with only one clause, and that clause should be: "The Imported Labour Registry Act of 1884 is hereby repealed." I would like to impress this on the House. I think hon. members will see, come what will, this Bill is better than the existing Act. The Bill before the House permits the admission into the colony of these undesirable people northward and under the conditions stated in the Bill. When we say we are opposed to the Bill itself, and I think all hon. members on this side of the House are of that opinion, it should be distinctly understood, only on the condition that this Act of 1884 be repealed, because I judge that every hon. member who has spoken on this side of the House would prefer to pass the Bill in its present form rather than allow the Act of 1884 to remain on the statute book. The question for hon. members is not the rejection of the Bill, but its amendment in committee. The position I am prepared to take and desire to take is to amend the Bill by striking out all the clauses and words after the word "repealed" in Clause 2. A great deal has been said about the desirability of having these coloured people in the North. I always feel humiliated when I hear that kind of argument. I have been led to suppose from my observations of the British race

that the Britisher is capable of working under any sun, in the coldest as well as the hottest climate, everywhere between the equator and the pole. A Britisher will go to the pole: he will go to Klondyke if it pays him. He will go to Wyndham and cook if it pays him. It is not that he cannot work there, but he very wisely and justly refuses to go and work for Chinaman's wages. It is impossible to hide from our eyes the fact that the Act of 1884 exists to enable people in the North to obtain cheap labour: that is the meaning of it. It is not that the climatic conditions are such that the Britisher cannot work there: [A MEMBER: He does not.] A Britisher does not like to work in the tropic of Capricorn for the same amount of wages he would receive down South. If you make it worth his while, the Britisher will go to the tropics, to the equator or to the pole. He is to be found all over the world working under all conditions. Make it profitable to him and he will go. As I said, it is no use shutting our eyes to the fact that the real object of this Bill is to let people obtain cheap labour. The Bill before the House is bad enough, but the original Act ought to be repealed. The Act allows practically a system of slavery. It has been pointed out by the hon. member for North-East Coolgardie (Mr. Vosper) that one excuse is made for all this kind of legislation, and that is that the Britisher cannot work in certain climates. I deny that he cannot work. I admit that he will not work in certain climates, and I do not blame him. I would not work in a very hot climate myself if I could get away from it, but if you make the money value sufficient, a Britisher will go to any place in the world. I hope hon. members who have spoken, and have expressed their intention to vote against the second reading, will take into consideration this fact, that if they reject the Bill on the second reading they will leave in existence the Act of 1884. I want to call the attention of the House to this, because I think it is a point of immense importance to those who hold the views which I think they should hold. We should pass the second reading of the Bill. When hon. members say they are going to vote against the measure, they are practically saying that

they are going to vote for the continuance of the operation of the Act of 1884. We must get beyond that legislation; we must take a step forward. I hope hon. members on both sides of the House will vote for the second reading, and I also hope, when in committee, they will stand by me, and insist that the Bill should stop just where I say it should stop—"The Imported Registry Labour Act of 1884 is hereby repealed." That is as far as we want to go, as far as it is necessary to go, as far as it is desirable to go, and as far as it is reasonable we should go. It is of the highest importance that we should go that far, and get rid of the Act of 1884. For these reasons I propose to vote for the second reading of the Bill, in the hope of amending it in committee in the direction stated.

MR. DOHERTY (North Fremantle): I am aware of the difficulties attaching to a Bill of this kind and to the question of coloured labour generally; and if experience would lend its aid to our deliberations, a better result would probably be obtained. There are members of this House who have had no experience of the North. To those members I would point out that on a station with which I am connected it was decided to make an effort to do away with Chinese as cooks. We sent to Sydney and got a married man, whose wife was to be cook, while he worked about the station. And what was the result? As soon as the lady arrived, the men came galloping in to see her, and she held levees in the kitchen. When she was not holding levees she was attending to the wants of her visitors. In fact she took charge of the whole place, and would do nothing but act as lady of the house. That is pretty much the experience of all employers in the North. It is good sentiment in Perth to talk about doing without coloured labour, but it is bad practice up North. Whether this Bill is the best that could be introduced I am not sure; but I certainly think that, as cooks, white people have been failures in the North. At the present moment, on the station I have mentioned, there are four white men employed as cooks, and continual complaints arise as to their being unequal to the work. Our attempts to do without Chinese are a failure. I, myself, should like to see Chinese entirely done

away with, if labour quite as good as theirs for those latitudes could be obtained. The northern climate operates against white men, who can only work there occasionally, even if they are paid four or five pounds a week.

MR. GREGORY (North Coolgardie): The Government are, no doubt, trying to improve past legislation; but if I had my way I would get rid of every Chinaman and Japanese in the country as soon as possible. At any rate, I would stop any more of these nationalities coming into the country, and place restrictions on those who are here. Nothing would tend more to the injury of the labouring classes here than the power which this Bill gives of making contracts with people residing in foreign countries. For these reasons it is my intention to oppose the motion for the second reading.

MR. KENNY (North Murchison): I also intend to oppose the Bill, because I look on it as an attempt to upset the very comprehensive measure which was passed last week in the form of the Immigration Restriction Bill. It would be a pity to introduce legislation which would in any way interfere with that measure. It is an open question whether this Bill is an improvement on the Act of 1884 or not. Several hon. members are of opinion that it would be better to substitute this Bill for the Act of 1884, but there are others who regard the Act now in force as preferable.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I will do my utmost to secure the second reading of the Bill. I have listened with great attention to the various arguments used during the course of this debate, more particularly by those hon. members who are opposed to the measure. In those arguments I find absolutely no reason for rejecting this measure. Whenever the question of coloured labour is introduced in this House, certain members seem as if struck by disease. It is a peculiar characteristic of some of those members that when asked to legislate on a subject of this kind, they cry out without reason, "We will wipe the coloured man off the face of the continent." That would, no doubt, be all very well if it were possible to carry it out. But is that the way to treat any subject in a deliberative Assembly? In

a considerable portion of this colony the climatic influences are so severe that ordinary white men cannot do certain classes of work without so impairing their health as in a short time to leave them but a wreck of their former selves. Some members say that white men could work in a northern climate if they were paid a high wage; and the hon. member for Central Murchison (Mr. Illingworth), in an endeavour to be logical, declared the question to be merely one of payment. And so it is. There is no part of the world in which there cannot be produced plants whose natural home is in an opposite zone. But the question is, will it pay? Is the huge tract of territory in the North to lie unproductive merely because men will not, even in a deliberative Assembly, keep their senses and calmly deal with subjects placed before them. Are those people who have invested their all in that part of the country to be sacrificed simply because of the cry against coloured labour raised in this House? Arguments have been addressed by hon. members whose experience in Queensland must necessarily have been so short as to leave them with very distorted views of the subject. I could not help smiling at the allegation of the hon. member for the Swan (Mr. Ewing), when he said he had seen white men working side by side with the black men in the cane fields.

MR. EWING: So I did; and they were Irishmen.

THE ATTORNEY GENERAL: The hon. member could not have given a better illustration. Unfortunate people, driven out of their own country, will work anywhere. If the hon. member had only taken the trouble to inquire, he would have found that those white men worked in the field for only a very limited time. I have been in the canefields of Queensland, and know what is done there. When employers engage white labour, it is only from sheer necessity. Black men can work constantly in a broiling sun, whereas white men, if they only work for two or three days, are sure to be laid up at the end of the week. Is it to be for a moment contended that the land in the northern parts of this colony can be successfully cultivated for any purpose without any coloured labour? Certain hon. members seem to treat this subject with

levity, if not buffoonery. That certainly reflects anything but credit on them. In this Bill we are dealing with the properties of persons who have a right to serious consideration from hon. members of this House. When hon. members so far forget themselves as to treat this matter lightly, it shows what sort of arguments may be expected on an attempt being made, not only to regulate, but to restrict the employment of coloured labour.

MR. SIMPSON: What a good parson you would make!

THE ATTORNEY GENERAL: I do not know whether I should make a good parson for the benefit of my friend opposite, but I could, at any rate, read him a lecture on polite conduct, which no gentleman should forget. One argument against this Bill is that it legalises "slavery," but the hon. member who used that argument has not given us a definition of the term "slavery." The hon. member for North-East Coolgardie (Mr. Vosper) has said that he opposes this Bill "on principle." But the hon. member opposes "on principle" every Bill that deals with labour. He is the apostle of labour.

MR. VOSPER: You will never be an apostle of anything.

THE ATTORNEY GENERAL: It will be realised some day that persons who, in a community, are always talking about and pretending to protect "the people," have invariably an object in view, and a decidedly personal object too. A man who wants to take advantage of another does not say straight out, "I am your enemy," but says "I am your friend; come under this cloak, and I will protect you from the avaricious grasp of the capitalist." Of course, the hon. member for North-East Coolgardie objects "on principle" to the Bill.

MR. SIMPSON: And now what about the Bill?

THE ATTORNEY GENERAL: I never heard the hon. member for Geraldton so weak, so lame, so halting as he was in his address this evening. It all shows he was speaking against his own convictions. He is a man gifted with wonderful fluency of tongue, and when he halts and hesitates, and his ideas do not flow readily, depend on it, it is because he is endeavouring to sacrifice his intellectual power for the sake of his party. I sincerely deplore that the

hon. gentleman keeps such company, and has allowed his intellect to become subservient to his party.

MR. STIMPSON: I always liked bad company.

THE ATTORNEY GENERAL: I would like to ask members who oppose this Bill, by what means do they intend to regulate coloured labour?

MR. VOSPER: By total exclusion.

THE ATTORNEY GENERAL: Of course the hon. member rises again with his cloak around him, ready to exclude the aborigines if he had his own way. The sentiments of the hon. member may do very well in the back blocks, but they are out of place in a civilised community, when an attempt is being made to deal with vested interests. I trust that hon. members opposite will recollect they owe a debt to the country in which they live, and that they will not be carried away by those extreme cries which such gentlemen as the hon. member for North-East Coolgardie invariably indulge in.

THE PREMIER (in reply): The member for Central Murchison (Mr. Illingworth) realises exactly the position in regard to this Bill; that is, the existing Imported Labour Registry Act will still be the law of the land unless this Bill is passed.

MR. ILLINGWORTH: Will you accept my amendment?

THE PREMIER: No.

MR. ILLINGWORTH: Then I shall have to vote against the Bill.

THE PREMIER: I am trying to improve the existing Act by making it much more stringent, and less objectionable to those persons like myself who do not desire that this country shall be what is termed a black man's country. I want to see this country peopled by a white race, and so far as possible this Bill will be in that direction. But I am not so unwise as to rush like a bull at a gate, to try and get my own way at once, contrary to the wishes of a large section of the community, and at the same time to do an injury to the vested interests of the colony. My idea is that this Bill will altogether prevent any large introduction of undesirable persons. In the first place, the source of much of this alien immigration is the large ocean steamers trading between Ceylon and the southern ports of this colony. Under this Bill that source

will be altogether removed, because no imported labourer will be able to land south of parallel 26, somewhere near Sharks Bay. Then we must remember that no ship will bring this class of persons with the view of landing them in the colony, the penalties are so great, unless the captain is certain that these people will be able to land when they arrive here. Therefore the only way of getting into the colony will be by means of the two or three trading steamers between Singapore and the northern parts of this colony. It seems to me that as these steamers can only bring one immigrant to every 500 tons—that is to say about two apiece—there will be very little danger of our being overrun by undesirable persons. We must remember, too, that there is no other class that can come into the colony except those I have mentioned. The other colonies are taking steps to prevent coloured people coming in to any large extent. They are proposing to apply to aliens generally the limit of one to 500 tons, so that if an educated gentleman were to come here, being an alien and coloured, he would not be able to land in those colonies, except at the rate named. We do not propose to go so far as that, because we think that that class of persons is not undesirable. As a matter of fact, many of them do not come because the inducements are not sufficient. The only reason I take part in this legislation is on account of the difficulty which the northern settlers have in getting labour at a reasonable rate. Of course if they paid higher wages than the industry in which they were engaged would allow them to give, they might be able to get people to go there, in time; but if they are only to pay the ordinary wages ruling in the colony—and we can hardly ask them to pay more—then they should be permitted to do as they have done in the past, and engage coloured people to do the work which white men do not care to perform. The wages ruling for white men in the northern part of this colony are far in excess of the rate of wages which prevail in the southern part. The farming man here does not get nearly as much wages as if he went up North, where the conditions are worse, where it is much hotter, where it is extremely disagreeable to do any arduous toil, and where work takes a great deal

more out of a man than it does in the temperate portions of the colony. That is why men are not anxious to go to the torrid zone. A few years ago I spent about 12 months in the tropical part of the colony, and I know what it is. I have seen tanking and fencing done there by white men, it is true, but that is not often the case. Ordinary hands here become masters there. They are a sort of foreman, generally, who have charge of the natives (the aborigines); sometimes they are in charge of the teams, their duty being not to do the work themselves but to see that the aborigines do it. I never saw very much hard work done by white men when I was there. It is very disagreeable, and no one would do it from choice. You can get stock-drivers there and probably station hands in shearing sheds superintending native labour, the aborigines very often; but in the northern part of the colony you do not often find white men doing hard manual labour, and if they do it is not very pleasant. That being so, and these people having enjoyed the use of this kind of labour for so long, we do not think it advisable under the circumstances to deprive them of it at present.

MR. VOSPER: Would not the loss of the Bill deprive them of it?

THE PREMIER: No. Unless the existing Imported Labour Registry Act were repealed, they would not be deprived of the use of coloured labour. I do not know what the voting power of a full House may be on this point, but to throw out this Bill and to leave the Imported Labour Registry Act unrepealed would be like cutting off your nose to spite your face: it would be ridiculous. You would be refusing to pass a Bill which goes part of the way you wish to travel, and practically voting in favour of an Act which leaves the door wide open for the introduction of coloured labour. This Bill three-parts closes that door, while the existing Act allows anyone to enter who will.

MR. VOSPER: If the existing Act satisfies the squatter, why change?

THE PREMIER: The present Act allows too much. There are a great many people, farmers in the Northern part of the colony and others, who think the Imported Labour Registry Act should continue in force. The Government think, on the contrary, that the door

which that Act leaves wide open should be three-parts closed. We say, "We won't close the door absolutely, not above latitude 26°. The action which the Government are taking in introducing this Bill is far more calculated to exclude coloured people from entering this colony than the action taken by hon. members who vote against the Bill, because they would be leaving the door wide open which we propose to three-parts close; that is unless they repeal the Act of 1884. I do not think we are likely this session to move for the repeal of that Act. We are going as far as we can now. I think the Government have shown that they are thoroughly in earnest about it. We have brought in a Bill for excluding all undesirable persons, except those who came in under the Act of 1884. We now propose to amend the Act of 1884 by making it more restrictive, and by making it apply to only one part of the colony. I think the Government can claim to have shown *bonâ fides* all through. We have not absolutely closed the door for the present. We say here that would be too strong a measure to take in the interests of our own people, those who are trying to earn a living in the northern parts of the colony. If this Act of 1884 is allowed to go on unamended, these coloured people can leave their masters, can come South, can work in mines, and can go on the goldfields. If hon. members will look over the Bill they will see that the Government have done almost everything they could do in the direction of preventing alien immigration, and that they have not quite closed the door in the interests of the struggling squatters, who have been nearly all ruined in their attempts to make their industry successful. I have no desire, I never have had a desire, to see this country overrun by an alien race. I only wish I could join hands with the hon. members who oppose this measure and who wish the absolute exclusion of the aliens. I have thought over the matter very seriously, but I have not been able to make myself believe that I would be acting in the interests of those living in the northern part of the colony if I were to altogether exclude coloured labour from entering this colony.

MR. ILLINGWORTH: I understand you won't accept my amendment.

THE PREMIER: No.

Question put, and division taken with the following result:—

Ayes	15
Noes	11
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Majority for	4

AYES.	NOES.
Mr. Burt	Mr. Ewing
Mr. Doherty	Mr. George
Sir John Forrest	Mr. Hassell
Mr. Hall	Mr. Illingworth
Mr. Harper	Mr. Leake
Mr. Holmes	Mr. Oldham
Mr. Hooley	Mr. Simpson
Mr. Hubble	Mr. Solomon
Mr. James	Mr. Vosper
Mr. Lefroy	Mr. Wallace
Mr. Locke	Mr. Kenny (Teller).
Mr. Pennefather	
Mr. Phillips	
Mr. Piesse	
Mr. Quinlan (Teller).	

Question thus passed.

Bill read a second time.

WORKMEN'S LIEN BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): I beg to move that this Bill be read a second time. Hon. members will see that the Bill has for its object to secure for working men the better payment of their wages. It is no doubt within the knowledge of many hon. members that where contracts, and particularly large contracts, are taken, there are, unfortunately, in this as in every other community, many persons who will perpetrate a fraud and rob the poor workman of his wages, by assigning or releasing their interest in the contract behind the workman's back; so that, when he has recourse to the courts, and gets his judgment, he very often finds that it comes too late; that all the interest of the person who employed him has gone to some third party. The first part of the Bill provides that, directly a workman has secured an order against a contractor for the amount of his wages, he can there and then give and serve a notice of the amount so due upon the person who pays the contractor, who is designated in the Bill "the contractee." Upon receipt of that notice the contractee is bound to hold his hand for seven days before paying the money. The reason for the delay of seven days is that, if the contractee happened to have only a small sum of money in his hands, it would be unreasonable that one workman should, so to speak, "mop up" the

whole of the available cash; and therefore the contractee is to stay his hand for seven days, so as to enable the other workmen, during that time, to stand in upon equal terms with the man who served the notice. Then comes the question of priority of assignments. So far as *bonâ fide* assignments are concerned, this Bill does not deal with them, as that would be manifestly unfair; but, in all other respects, the payment of the workmen's wages is practically a first charge on the contractor's assets. There is a second part of this Bill, which is new. The first part is taken from an Act which has been in force in Victoria for a great number of years, and has been of great service there; but it was defective in regard to providing for the payment of wages before an order from a magistrate could be obtained. In this Bill there is an attempt—and, I think, a very fair attempt—to cope with this difficulty by providing that, when a workman has money owing to him, he need not wait till he obtains his judgment; but the contractor, when he goes to draw his money from the person who employs him, or with whom he makes his contract, is bound to supply such contractee with a list of the names of his workmen and of the amounts due to them. Then the contractee, having this list before him, has to pay these men. He stays his hand for seven days. Then all the men come in together and get their wages from him. If the contractee does not pay according to that notice, then he is personally liable for the wages. In other words, this provision shifts the burden from the man by whom the workmen were employed to the man who pays the contractor; and it does not matter to the man who has the money whether he pays it to the contractor or to the workmen. Then there are some provisions at the end of a general nature, which are merely ancillary to, and do not in the least subtract from, any provisions already in existence in favour of workmen. This Bill does not attempt to deal with any case in which there is a prior assignment. That would be manifestly unfair. Even if it were done by law, it would be none the less a confiscation; but the Bill protects all prior *bonâ fide* assignments of any nature whatsoever. I have great pleasure in introducing this measure to the House, and I think hon. members

will see that it is requisite in order to protect workmen, as far as can reasonably be done, from being defrauded of their wages after they have earned them.

MR. OLDHAM (North Perth): I desire sincerely to congratulate the Government and the hon. gentleman in charge of this Bill, upon its introduction; for it is a measure which the past experience of workmen engaged on contracts in this colony proves to be very necessary. But I wish to point out to the hon. the Attorney General (Mr. Pennefather) that the Bill ought to go further than it does with respect to any prior assignments. I do not quite see why a person who has a prior assignment on any contract should be able to "scoop the pool," as he could do under this Bill, to the detriment of the workmen engaged upon the contract after the assignment was made. I believe, from what I know of the trade, that the object of the Bill will in many instances be defeated if this clause be allowed to stand as printed. I do not think, on the other hand, that the contractor should be placed at a disadvantage in the manner proposed in the clause providing for the making of a declaration as to the amount of wages that is payable. It is to be remembered that, in all contracts, or nearly all, a provision is made which is quite sufficient to cover the liability of the contractor to the workmen, without making it necessary that the contractor should deliver to the contractee a statement of all wages due in respect of the contract. Any person who has any knowledge of contracts will recollect that contractees do not pay more than 80 per cent. upon the value of the work as it proceeds. The remaining 20 per cent. is quite sufficient to cover all the liabilities which the contractor has incurred. I should be glad if the Attorney General could see his way to deal with these two clauses for the purpose of putting them in better form. If he cannot do so, I beg to give him notice that I shall endeavour, when in committee, to make some amendments upon these clauses, which I hope will meet with the approval of the House.

MR. KENNY (North Murchison): I heartily congratulate the hon. the Attorney General upon the introduction of this measure. I see in it another step in the

direction of bringing the laws of our country into line with those of the Eastern colonies, and another instance of the benefit which the Government have already derived from the infusion of new blood into the Ministry. I am sure that the labouring classes of the colony will feel deeply indebted to the hon. gentleman for the interest he has exhibited in their welfare by bringing forward such a measure, which I have no doubt will meet with hearty support from every section of this House. I have very great pleasure in supporting the second reading.

MR. JAMES (East Perth): I shall support the second reading, because the Bill is a step in the right direction, but I should be altogether wrong if I said that I think this Bill goes nearly as far as it ought to go. It seems to me entirely inadequate to carry out the object intended. If a workman expends his labour in connection with an ordinary chattel of which he obtains possession, he is entitled, by the common law, to a lien founded, I think, on the obvious justice of the case. If a person by his labour improves the value of a chattel, he is entitled to retain that chattel in his possession until he has been paid the money which represents the correct value which his labour has given to it. That principle should be extended to all classes of work; and, until it is so extended, no legislation of this kind will meet with my entire approval. If a person undertakes to build a house—because it is to this class of work that I think the Bill relates, and it will deal more particularly with building contracts—the work which is put into that house should be a charge upon the land itself. There should be, in connection with that class of work, an expansion of the principle which enables an employee to have a lien upon a chattel of which, for the time being, he has possession. Of course he cannot have possession of land. When a workman is engaged in the construction of a building, the owner of the land benefits by the services the workman renders; but there ought to be cast on the owner of the land the obligation of seeing that the man, by virtue of whose labour the land has been improved, is paid for the services rendered to enable the improvements to be carried out. Until we have legislation which

carries out that principle, and protects the workman in the only effective way that he can be protected, I cannot be satisfied with any Bill brought forward. Nor do I see that this Bill will meet with the approval of the House, unless some radical alteration is made, to make the lien which the Bill gives a first charge over all assignments between the contractor and the contractee. If a builder accepts a contract now, he may go to some financial person for assistance. I want hon. members to bear in mind that in the ordinary case of a contractor who is able to carry on his contract with his own resources, there is no need for this Bill. A man who is able to carry out his contract in 99 cases out of 100 is able to pay his men. The class of contractors aimed at are those who have no money, who from the inception of the contract go to some person for the purpose of receiving financial assistance. When you give a prior charge to assignments made between the contractor and the contractee, you destroy the Bill in the very instances in which it is essential, and I venture to think for which the Bill alone is essential. In cases where a man financially seeks assistance, and as a condition he has to give an assignment of the contract and the money that comes from the contract, that assignment overrides the lien which, by this Bill, is purported to be given to the workmen. With due respect, I wish to submit to the House that the very cases by which this Bill puts the lien of the workmen in a secondary position, are the very cases which require that the lien shall be paramount, and alone justify the introduction of the Bill. The individual whose land is improved should take some steps to see that those who improve his land, who create the improvements by which he is to benefit, are paid. It seems to me that there is no answer if the position is put like that. The member for North Perth (Mr. Oldham), suggested an amendment providing that in every contract that relates to buildings, a certain percentage should be retained week by week or month by month until the actual receipts are produced by the contractor to the building owner that the labour has been paid. If the House adopts some machinery like that, I can see no injustice whatever being done to the individual. I think

you will find in a majority of cases, almost in every case, that an employer, rather than be harassed by conditions like that, would insist when a contractor accepts a contract, that the contractor shall give a substantial guarantee for the performance of the conditions of the contract. I do think members will agree with me when I say that the person who ought to be responsible in the first instance for the work placed on the land should be the individual who owns the land. He is the person who is effectually able to protect the workmen from wrong. If we are not going to recognise that principle, but only to modify a principle contained in the Bill, there ought to be no restriction to allow prior assignments to override the workmen's lien. The prior assignment is absolutely useless unless the work has been done. Unless workmen work and devote their energy and attention and labour to the carrying out of a contract, the assignee cannot get a penny. Is it not wrong that the very men, by whose labour the money became due, are put on one side to allow the assignee to receive the money the workmen have earned? I think that is wrong. I think the workmen should have a paramount lien over all the assignments. There is one very strong reason in favour of insisting on workmen having a lien against the land itself. In a great number of instances, and these instances would be multiplied by the Bill, a nominal contractor would be put forward, and the land which is being improved would belong to a third person. We have known instances in which an indigent husband has put land in the name of his wife, and then accepted a contract for a building in his own name, to be placed on the land. The husband has practically nothing, and when at the end of the contract the settling up comes, the builder is left in the lurch, as the wife who owns the land has the improvements, and does not pay anything for them. This is no imaginary case. Such instances have occurred in Perth during the last few years, where houses were being built under contract in the name of the husband, on land belonging to the wife. Under the conditions of our laws, it is impossible to get at this state of affairs. A provision should be made in the Bill recognising that those who benefit by the improve-

ments—the land owner whose land is benefited by the erection of the premises—should have an obligation cast on him to see that the workmen are paid. I have suggested how that can be done without working any hardship on the contractor. We ought to see that no undue obligation is placed on the owner of the land, and I think we could avoid undue obligation by providing that a certain percentage should be retained. I shall, in committee, endeavour to obtain some modification in the Bill. If we turn to Clause 17, it will be found that there are words used for the purpose of protecting the rights which are specified in the contract between the contractor and the contractee, and under this clause the contractor and the contractee could altogether contract themselves out of the operations of this Bill. A building owner and a builder could, under Clause 17, make any contract they liked. By this clause all previous clauses are made a fraud and a delusion. It would never be known what the true position was, until the contract between the building owner and the builder had been seen. Whatever the rights of working men are, they ought to be clearly defined by this Bill, and no opportunity should be given to the building owner and the builder to make a private arrangement by which working men may be deprived of their rights. Whether the lien extends as far as I think it ought to extend, or whether it is going to be a real or a limited lien, the lien ought to be made clear by the Bill. I shall support the Bill as a step in the right direction. I am not a person who would sacrifice half a loaf in a vain endeavour to get a whole one; but I urge on the Attorney General that this Bill cannot be really effective unless it is insisted that the lien given shall be paramount, and above all other liens, charges, and assignments whatsoever.

Question put and passed.

Bill read a second time.

BILLS OF SALE BILL.

SECOND READING (MOVED).

MR. JAMES (East Perth), in moving the second reading, said: During the last session of last Parliament I introduced a Bill which was substantially the same as that now before the House. It is a

measure to consolidate the law relating to bills of sale; and certain amendments are introduced. It is desirable that the various laws dealing with bills of sale should be consolidated; and amendments are required, not only so far as the principle involved in the existing law is concerned, but also for the purpose of introducing new legislation. Recognising that, I have in this Bill introduced new matter. The Bill I previously introduced, passed this House, but was rejected by the members of the other Chamber, owing to the late period of the session at which it reached them. The first important amendment is presented in the provision which deals with the registration of leases of chattels. The object of the registration of bills of sale is to secure that, as far as possible, any individual who is in possession, or apparent possession, of certain property shall be deemed to be the owner. This is to enable persons who advance money to know that the individual who professes to be, or appears to be, the owner of the property is really the owner. Secret arrangements are sometimes made, by which an individual appears to be the owner, while, as a matter of fact, he is not. The consequence is that a man who lends money under a bill of sale may find that the property taken as security belongs to a third person. In connection with the leasing of chattels, exactly the same trouble arises, and the Bills of Sale Act does not at present reach those cases. A merchant may give credit to an individual, naturally thinking he is the owner of certain property. When it becomes necessary for the merchant to seek payment of his money, and he obtains a judgment, some third person comes in and says, "Oh, these goods are not the goods of the debtor, but belong to me: the debtor only holds them under a certain lease." Unless the debtor is made bankrupt at the time the goods are in his apparent possession, under the reputed ownership clause, it is impossible for the creditor to obtain the goods. The consequence is that, in a great number of cases, creditors are defrauded of their just rights. I propose by this Bill, following the New Zealand principle, to provide that every lease of chattels must be registered in the same way as a bill of sale is registered now. Unless the lease is registered, the same

disabilities will attach as now attach to an unregistered bill of sale. There is another amendment which was not in the Bill as introduced on the previous occasion. That amendment is contained in Clause 5, towards the end of the first paragraph. The principle which justifies a bill of sale registration also applies in every case in which a man holds chattels, whether the money has been lent on a written document or not. Under the existing legislation, unless the mortgagee gives a written document, there is not a bill of sale within the meaning of the Act. If a man lent you £500 on the security of your furniture, if it was merely a verbal understanding, the existing Act would not apply. Though the same evil might arise, the Act would provide no remedy. It is also held that an ordinary receipt does not constitute a bill of sale. I want, by inserting certain words in the Bill, to insist that whether an agreement be in writing or otherwise it must be registered, so that a man will not be able to evade the principle of this Bill by simply giving verbal agreements. Section 6 states more clearly than our existing legislation what is required to be stated in a bill of sale. It is copied almost word for word from the legislation of South Australia, which seems to put the matter far more clearly than our existing legislation does. The following sections are a copy of the existing legislation dealing with bills of sale. When this Bill was before us on the last occasion, there was some agitation before the Chambers of Commerce as to whether we should adopt the Victorian principle, by which, before a person can register a bill of sale, he has to advertise it, or whether we should enable creditors to protect themselves against bills of sale being acquired. The Victorian plan seems to be objectionable for the reason that, when you want to give a bill of sale, you are bound to stay your hand for a certain time, and even then the notices you are called upon to give may not reach the persons whom it is intended they should reach. I have tried to get over the difficulty by Clause 33, which provides that

Every bill of sale given absolutely or by way of security shall be fraudulent and void as against all sheriffs, bailiffs, and other persons

seizing the chattels, or any part thereof, comprised therein, in the execution of any process of any Court under any writ or warrant of execution issued within three months from the registration of the said bill of sale, on a judgment or order entered, made, or obtained in respect of a liability incurred by the grantor before the registration of the said bill of sale, and also against every person on whose behalf such process shall have issued, except as by the last preceding section mentioned.

The effect of that will be that if, within three months after a bill of sale has been registered, you obtain judgment and issue execution in respect of a debt incurred before the bill of sale was registered, then the bill of sale shall not prevail against you, except in so far as the actual value of any consideration given at the time. I do not think anyone will desire to take away from a person, who has given valuable consideration at the time a bill of sale was granted, the security which the bill of sale would have offered. It seems to me that the system embodied in this clause is better than the Victorian principle. It enables you to obtain registration promptly and effectively, and at the same time provides that a person to whom the grantor of the bill of sale was previously indebted shall not be injuriously affected by the bill of sale. Clause 44 contains the present legislation dealing with bills of sale over wool. It seems to be desirable that all the legislation *re* bills of sale shall be under one Act. Clauses 44 to 47 are repetition of existing legislation. It is made somewhat clearer as to the lien over wool than the existing legislation. Section 51 is substantially the same as existing legislation, only made more extensive. I think hon. members will find that this Bill is very necessary. It is an extension of existing principles. It is desirable as far as possible to have all the legislation on this subject concentrated in one Act. I have endeavoured to comply with that object; and, in dealing with existing legislation, I have only made those alterations that are absolutely essential. I now beg to move the second reading of the Bill.

MR. BURT (the Ashburton): This Bill last year met with our approval, and I beg to support the second reading.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): At this late hour I do not think it is right to go into the

matter, and I therefore move that the debate be adjourned.

Motion (for adjournment of debate) put and passed.

ADJOURNMENT.

The House adjourned at 11 p.m. till the next day.

Legislative Council,

Tuesday, 30th November, 1897.

Papers presented—Compensation *re* Hainault Leases—Local Courts Evidence Bill: third reading—Loans Reappropriation Bill: third reading—Cemeteries Bill: in committee—Bankruptcy Act Amendment Bill: in committee; recommitment—High School Act Amendment Bill: first reading—Mines Regulation Act Amendment Bill: in committee; division on Clause 5—Adjournment.

THE PRESIDENT took the Chair at 4:30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER OF MINES: (1.) First annual Report of the Inspector of Explosives. (2.) Meteorological Report for 1894. (3.) Return *re* Crown Law Officers.

Ordered to lie on the table.

COMPENSATION *RE* HAINAULT LEASES.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) said that on Thursday last the Hon. R. S. Haynes asked by whom the £500 compensation in connection with the Hainault leases was paid. The fact had slipped his (Mr. Wittenoom's) memory at the time that he had paid the money himself to Mr. Jones, a solicitor, who had power of attorney from the persons to whom the money was due.

HON. R. S. HAYNES: The answer of the Minister was scarcely an answer to the question that had been asked. The

question really was: With whom did the Premier make the agreement under which the money was paid?

THE PRESIDENT suggested that the hon. member should give notice of the question.

HON. R. S. HAYNES said he was quite sure that, without formal notice, the Minister would obtain the information.

LOCAL COURTS EVIDENCE BILL.

On the motion of the Hon. R. S. HAYNES, Bill read a third time, and *passed*.

LOANS REAPPROPRIATION BILL.

Read a third time, and *passed*.

CEMETERIES BILL.

IN COMMITTEE.

Consideration in committee resumed.

Postponed Clause 6—Prohibition of burial in closed cemetery:

THE MINISTER OF MINES (Hon. E. H. Wittenoom): Hon. members had asked that an inquiry should be made before further proceeding with this measure; but the Bill was purely a consolidation of existing Acts dealing with cemeteries, and did not introduce the slightest new legislation. To make this clause more comprehensible, he moved that the words "In or within a mile from the townsite," in the third line be struck out, and the same words be inserted between the words "burial" and "of." The meaning of the clause was that, so long as there was a cemetery in a townsite, no person could assist at a burial in any place except in that cemetery, or within a mile of the townsite. A body could be taken to any other cemetery, or it could be taken a mile and a half from the town and buried, and if there was no cemetery, or if the existing cemetery was closed, then the body could be buried as heretofore. If hon. members deemed any fresh legislation necessary, the Government would be glad to give careful consideration to any proposals made.

HON. J. W. HACKETT asked the Minister to postpone the consideration of this measure. At the meeting of the Karakatta Cemetery Board on the previous day this proposed legislation was dis-