

amount now asked for salaries will be quite sufficient to enable us to carry on for a year, even if we undertake all the works provided for on these Estimates. Members will notice that at the end of these Estimates, on page 16 and onwards, there is a statement showing the probable state of the various loan undertakings on the 30th June next, and also the progress anticipated to be made with each work during the year. I think members will gather a considerable amount of information from these statements, because they show not only the amount expended on the works from the beginning, but also the estimated outstanding liabilities, and the estimated balance that will remain to the credit of each item at the end of the financial year. All this information is just the information which members require, and it cannot fail to be of interest. At the end of the Estimates members will notice we have dealt with the Loan of 1893, passed this session; and there again we show exactly the proposed expenditure during the year upon each item, the estimated outstanding liabilities, the estimated balance at the end of the financial year, and the progress anticipated to be made with each work during the year. They will notice that, in addition to railway construction, we propose to undertake harbour improvements, jetty extensions, dredging, the construction of roads, the providing of a water supply for our goldfields, the erection of schools, and other works, which this House has sanctioned. I do not know that it is necessary for me to say anything more in introducing these Estimates, except that I am sure my friend the Director of Public Works will be prepared to furnish any information which members may require, as we go through the various items in committee.

On the motion of MR. R. F. SHOLL, progress was then reported, and leave given to sit again on the following day.

#### ADJOURNMENT.

The House adjourned at 23 minutes past 5 o'clock p.m.

## Legislative Council,

*Wednesday, 4th October, 1893.*

Homesteads Bill: committee—Constitution Act Amendment Bill: conference with Legislative Assembly—Homesteads Bill: committee—Stamp Act Amendment Bill: first reading—Eastern Railway Improvement Bill: first reading—Mineral Lands Act Amendment Bill: first reading—Imported Labour Registry Act Amendment Bill: second reading: Bill laid aside—Chinese Immigration Act Amendment Bill: second reading—Immigration Act, 1883, Repeal Bill: second reading—Appropriation Bill: second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

#### PRAYERS.

#### HOMESTEADS BILL.

##### IN COMMITTEE.

Clause 18.—“Governor may set apart lands for homestead leases”:

THE HON. J. MORRISON: I have to move, as an amendment, that the words “if situated within forty miles of the railway,” in lines 3 and 4, be struck out. I make this motion because there will otherwise be a great deal of expense attached to the classification of the land, and with a view to a further subsequent amendment by which the method will be more simple, because then all lands beyond 40 miles from a railway will be third class, and all land within 40 miles second class.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The striking out of these words are intended to limit the power of the Governor; but they will really give greater power. It is hardly likely that any man will take up land further away than 40 miles from a railway. It is for the House to say whether they will give this extra power.

THE HON. J. W. HACKETT: Surely, as this Bill is an experiment, it will be better to proceed as cautiously as possible. I believe the smaller the limits the better.

THE HON. J. MORRISON: The lands near the railways are already improved lands; but we want people to take up lands further out and improve them. It is my intention to move that second-class lands be such as would be set apart in the South-Western Division, or in the Eastern or Eucla Division, if situated

within 40 miles from the railway or sea coast; and the third-class, such land as would be set apart situated more than 40 miles from the railway or sea coast. The sea coast has been altogether ignored in this Bill, and persons might take up leases close to important seaports.

THE COLONIAL SECRETARY (Hon. S. H. Parker): They could not take it up until the land was set apart.

THE HON. J. MORRISON: It is quite on the cards that the Government might set it apart.

THE COLONIAL SECRETARY (Hon. S. H. Parker): If your amendment is carried, they can set it apart.

THE HON. J. MORRISON: The Eucla Division is included.

Amendment put and negatived.

THE HON. J. A. WRIGHT: I move that the whole clause be struck out. The clause is as wrong as the whole Bill is.

THE CHAIRMAN (Hon. Sir G. Shenton): You can vote against the clause.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I take it the hon. member wishes to strike out the whole of Part II.

THE HON. J. A. WRIGHT: Yes.

THE CHAIRMAN (Hon. Sir G. Shenton): We cannot go back now.

Question—That the clause proposed to be struck out stand part of the Bill—put.

The committee divided.

Ayes ...	...	...	10
Noes ...	...	...	3
Majority for			7

#### AYES.

The Hon. J. G. H. Amherst  
The Hon. H. Anstey  
The Hon. D. K. Congdon  
The Hon. G. Glyde  
The Hon. J. W. Hackett  
The Hon. E. Hamersley  
The Hon. R. W. Hardey  
The Hon. J. F. T. Hassell  
The Hon. G. Randell  
The Hon. S. H. Parker  
(Teller).

#### NOES.

The Hon. G. W. Leake  
The Hon. J. Morrison  
The Hon. J. A. Wright  
(Teller).

Clause agreed to.

Clause 19 agreed to.

Clause 20.—“Area of homestead leases and term of leases:”

THE HON. J. A. WRIGHT: I move that the word “five” be struck out, and the word “three” be inserted. I hope I shall have a majority of hon. members with me on this occasion. This will make a homestead lease of second-class land 3,000 acres instead of 5,000 acres.

THE HON. G. RANDELL: Before a vote is taken, perhaps the hon. member will give us the reasons for his amendment.

THE HON. J. A. WRIGHT: I am not aware that I am bound to give my reasons. I move the amendment and leave it to the judgment of the House. In the first place I think my proposal better than that contained in the Bill, and in the next place I think the whole of this Part is wrong. We are now simply proving what was urged as an argument against our having Responsible Government, namely, that as soon as we got control we should grab the greater part of the lands of the country and divide them up.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I have none of it.

THE HON. J. A. WRIGHT: There is no knowing what you will do when you have the power. I propose to limit this grabbing as far as I can. Under any circumstances, the Act will be subject to the gravest abuse, for large estates of 5,000 and 10,000 acres may be held by individuals to the detriment of the country.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yours was the original proposal of the Government.

THE HON. J. MORRISON: I shall have much pleasure in supporting the amendment, because the area proposed is a great deal too large. A man with a reasonably large family might swamp a whole district, and it looks, as the Hon. Mr. Wright says, as if we were attempting to divide up the country. As far as I can see, this Part of the Bill is to enable freeholds to be taken up as leaseholds and at a very low rental. It will, in my opinion, do far more harm to the country than the revenue from it will do good.

Amendment put and passed.

THE HON. J. A. WRIGHT: I now move, as a further amendment, to strike out the word “ten,” in the fourth line, and insert “five.” The object of this is to reduce the area of leases of third-class land from 10,000 acres to 5,000 acres.

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It being now 5 o'clock, the hour appointed for the conference with the Legislative Assembly on the Constitution Bill, I move that progress be reported.

THE HON. J. W. HACKETT: It is not necessary to report progress, is it?

THE CHAIRMAN (Hon. Sir G. Shenton): No, it is not. Then I will leave the chair during pleasure.

The House resumed.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair.

# CONSTITUTION ACT AMENDMENT BILL.

## CONFERENCE WITH LEGISLATIVE ASSEMBLY.

THE PRESIDENT (Hon. Sir G. Shenton) reported the receipt of the following Message from the Legislative Assembly:—

Message No. 36.

"Mr. President,

"The Legislative Assembly informs "the Legislative Council, in reply to its "Message No. 31, that it has agreed to "the time and place suggested by the "Legislative Council for the holding of a "conference as therein indicated.

"JAS. G. LEE STEERE,

"Speaker.

"Legislative Assembly Chamber,

"Perth, 3rd October, 1893."

THE PRESIDENT (Hon. Sir G. Shenton) then left the chair during pleasure. The Managers proceeded to the Conference.

The Managers having returned, the PRESIDENT took the chair.

THE HON. G. W. LEAKE: I have to report, sir, that five members of the Council met five other members from the Legislative Assembly, and the members of the Legislative Council elected to stand to their determination.

THE COLONIAL SECRETARY (Hon. S. H. Parker): To insist on the amendments made in the Bill. You had better move that the report be adopted.

THE HON. J. W. HACKETT: What is the course to be adopted by those who are prepared to dissent from the report, or move an amendment.

THE PRESIDENT (Hon. Sir G. Shenton): I see that the report should be considered in committee. In a similar case the report was taken into consideration by a committee of the whole Council.

THE HON. J. W. HACKETT: Then we can move as we please.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Then I move that you do leave the chair.

Question put and passed.

## IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It would be as well if the hon. member would hand in the report in writing, so that we may have something to go on.

THE HON. G. W. LEAKE: Very well. I cannot see very well, but if the clerk will do me the favour of writing it I will sign it.

Subsequently the HON. G. W. LEAKE brought up the following signed report:—"The Managers of this Council have been at the Conference, which was managed on behalf of the Legislative Assembly by Sir John Forrest, Mr. Quinlan, Mr. Solomon, Mr. Loton, and Mr. DeHamel, and beg to report that they advise this Council to insist on the amendments in 'The Constitution Act Amendment Bill' in respect of which the Conference was invited."

THE COLONIAL SECRETARY (Hon. S. H. Parker): Will the hon. member move that the report be adopted.

THE HON. G. W. LEAKE: I move that the report be adopted.

THE COLONIAL SECRETARY (Hon. S. H. Parker): As an amendment, I beg to propose that all the words after "that" be struck out, and the following words inserted in lieu thereof:—"The Council does not insist on its amendments to the Constitution Act Amendment Bill in respect to which the Conference was invited." I do not propose, sir, to say a word on the subject, but simply go to a division.

Question—That the Report of the Managers be adopted—put.

The committee divided.

Noes	...	...	...	7
Ayes	...	...	...	6

Majority against ... 1

AYES.	NOES.
The Hon. H. Anstey	The Hon. J. G. H. Amherst
The Hon. G. Glyde	The Hon. D. K. Congdon
The Hon. J. F. T. Hassell	The Hon. J. W. Hackett
The Hon. E. T. Hooley	The Hon. E. W. Hardey
The Hon. J. Morrison	The Hon. G. Randell
The Hon. G. W. Leake	The Hon. J. A. Wright
(Teller).	The Hon. S. H. Parker
	(Teller).

Motion negatived.

Amendment put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I move that you report the resolution to the House.

Question put and passed.

**THE PRESIDENT** (Hon. Sir G. Shenton) took the chair, and reported.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I move that the report be adopted.

Question—put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I beg now to move that a message be sent to the Legislative Assembly informing them that this House does not insist on its amendments to the Constitution Bill, and requests them to return the Bill to this House for amendment.

Question put and passed.

**THE PRESIDENT** (Hon. Sir G. Shenton) left the chair until 8 o'clock p.m.

On resuming,

#### HOMESTEADS BILL.

##### IN COMMITTEE.

Clause 20.—“Area of homestead leases and term of leases:”

**THE HON. J. MORRISON**: I beg to move the following amendment: “To insert the words ‘1894, or from the first day of January.’” I do this in justice to the colonists who are far away from Perth, and who may wish to take advantage of the Act. If the Bill is assented to at once, the lands may be taken up as from the 1st January, 1893.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): The object of the hon. member is a good one, and it is to prevent undue preference; but it will not meet the case. Besides this, the land could not be taken up from January, 1893, as the hon. member suggests, because it will be impossible for the Government to set the lands apart. I should imagine that if the work is done in three months it will be done expeditiously. Then the lands have to be classified, and this will take at least six months. I do not think, therefore, that there is any necessity for the amendment.

Amendment, by leave, withdrawn.

Clause 21 passed.

Clause 22.—“Homestead leases may be increased on certain conditions:”

**THE HON. J. MORRISON**: Under that portion of the Bill referring to

homestead farms, no one can have a farm who already holds 100 acres of land. Why is there no such restriction in regard to homestead leases.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): The only answer I can give is that I presume the Lower House thought it inadvisable to insert any such restriction. As far as I can see, these leases will be taken up by persons who are already large holders of land. I doubt whether it will be worth anyone's while to take such leases unless those who take them up are already holders of freehold land, and besides this, those who take them up must have a good deal of capital or they will not be able to do the improvements. The homestead farms will be granted out of first-class lands, and the leases out of second and third-class lands, and the leases will only be fit for pastoral purposes, if improved. I take it that the lands which will be leased are those which are now lying idle, or those which, if they carry stock, have about one sheep to 50 acres upon them. These are the lands the Government desire to see improved, to increase the carrying capacity per acre, and to do this will mean the expenditure of a considerable amount of money. In these circumstances it is not deemed advisable, I should imagine, to restrict the leases in the way the hon. member suggests.

**THE HON. J. MORRISON**: What is there to prevent the Railway Companies applying for the leases and holding the land until they have sold their own?

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): We shall be getting the rent.

**THE HON. J. MORRISON**: Eighty pounds in two years.

Clause passed.

Clause 23.—“Conditions of lease:”

**THE HON. J. A. WRIGHT**: I do not see why the survey should be paid for in instalments. Surely the lessee should have sufficient money to pay for this. I move that the clause be struck out.

**THE HON. G. RANDELL**: I think I can see the reason for the insertion of this clause. It is evidently intended that every encouragement should be given for occupation, and hence the terms are made as liberal as possible. I do not think it wise to increase the difficulties for intending occupiers.

**THE HON. J. A. WRIGHT:** There has never been any difficulty about occupying improved lands, and the railways have made these lands, which had no value before, accessible. In consequence of the enormous sums of money the Government has spent in railways, these lands have become improved, and I do not see why intending occupiers should not pay the whole cost of survey when the work is finished. This idea of liberalising by giving away of land is altogether absurd.

**THE HON. G. RANDELL:** There is no question about giving the land away.

**THE HON. J. A. WRIGHT:** It is to be thrown away.

**THE HON. G. RANDELL:** The length of the lease is to be thirty years.

**THE HON. H. ANSTEY:** And then it becomes freehold.

**THE HON. G. RANDELL:** I think the clause is a fairly liberal one, and one calculated to getting the lands taken up.

**THE HON. J. A. WRIGHT:** There is no question about the liberality. The liberality, to my mind, is most uncalled for, and is as absurd as the whole Bill is.

**THE HON. J. F. T. HASSELL:** The Government wish to have the land settled which has been unoccupied since the foundation of the colony, and they intend to make the conditions as liberal as possible.

Amendment negatived.

**THE HON. J. MORRISON:** I now move that all the words after "survey," in the third line, be struck out. Five thousand acres will mean 11 miles of survey. Half the cost of that will be about £28, and surely this is not too much to ask anyone to pay.

Amendment put and negatived. Clause passed.

Clause 24.—"On non-performance of conditions lease to be forfeited."

**THE HON. J. W. HACKETT:** This clause reads: "If the lessee fails or neglects to comply with, perform or fulfil all or any of the conditions mentioned in the next preceding section, his homestead lease and the lands comprised therein, and all improvements thereon, shall be forfeited." Some words appear to have been left out.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** I have several amendments already prepared; but I have not

yet put them into shape, nor shall I do so until I see the feeling of the committee on the various principles of the Bill. Amongst other things I intend to redraft Clauses 23, 24, and 25. If hon. members have no objection to the principle, they need not trouble themselves about the wording.

**THE HON. J. MORRISON:** One important omission is made in this clause. No provision is made for two or three men buying blocks contiguous to one another. I think any fence erected between two leases should count as a fence to each lease.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** Undoubtedly.

**THE HON. J. F. T. HASSELL:** I think that is provided for by the Fencing Act.

Clause passed.

Clause 25.—"Crown grant at end of lease, if conditions performed":

**THE HON. J. A. WRIGHT:** I think it would be better to report progress, until we see what the Colonial Secretary's amendments are.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** They will not alter any of the principles agreed upon; only the language will be changed. I may say, with regard to the question of residence, that the Bill does not say by whom this condition is to be fulfilled. I propose to make residence by an agent sufficient, and I am going to say that the residence must be for nine months in each year. I intend, further, to provide that all forfeitures may be waived by the Governor-in-Council, which is the same principle as exists under the Land Regulations at the present time.

**THE HON. J. MORRISON:** Under Clause 12 the homestead farmer who does his improvements quickly is handicapped by having to pay 5s. an acre if he wants his title at once, but the proviso in this clause is an inducement for a man to do his improvements quickly. It does not say that he is to get his land; but, I take it he will, as soon as he has done the improvements.

**THE HON. G. W. LEAKE:** I think it will be letting in a dangerous principle if the Ministry are enabled not to enforce forfeiture. The very same principle crept in, in New South Wales, twelve years ago. The people there never carried out the

conditions, and no Ministry ever dare enforce the forfeiture.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): Yesterday this House objected to that in regard to homestead farms. Under the present Land Regulations forfeiture may be waived, and the holder may be allowed to retain his land by paying up the rent.

**THE HON. J. W. HACKETT**: I cannot allow this to pass without raising my voice against the reading of the present Land Regulations, as stated by the hon. member; for I think that nothing is more likely to work against the liberty of the subject than the way that power is exercised by the Government. They exercise it with all honesty; but the result is an immense amount of favouritism—probably done unconsciously—but which will drift on until it becomes a prime factor of corruption in this colony.

**THE HON. J. F. T. HASSELL**: I think the Government have acted very fairly and honourably, and, as far as I know, there has been no favouritism. The land is advertised, and can be regained up to the time of sale.

**THE HON. J. W. HACKETT**: What the hon. member says has nothing whatever to do with the subject. I wish the hon. member, when he rises to correct another hon. member, would grasp the point.

**THE HON. J. F. T. HASSELL**: It is the very thing.

**THE HON. J. W. HACKETT**: Nothing to do with it at all.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): The Governor may waive any penalty or forfeiture, and forfeiture includes non-performance of conditions and improvements. If this committee deems it advisable to retain the words, making the land liable to forfeiture, which are not so strong as those I suggest, they may say so, and I shall draw the amendments accordingly. I think it would be a very harsh thing not to give the Governor power to waive forfeitures which might occur through inadvertence, for instance, or through a man dying and leaving his widow and family unable to do the improvements. Would the hon. member like to see forfeiture under such circumstances as these? The conditions are very stringent, and if a man, after spending five years on the

land, and doing his improvements, through inadvertence or through death, did not complete the balance, it would be very hard to see the land, with everything upon it, forfeited absolutely. Although it may leave it open to favouritism, of the two evils let us choose the lesser, and certainly to leave it open to the Governor to waive the forfeiture is that one.

**THE HON. J. W. HACKETT**: The system of waiving forfeitures, not only in land but in mining, has grown to an alarming extent. I trust before long that measures will be taken to bring to light the quantity of forfeitures waived by the present Government, and when it is done I will undertake to say that it will astonish and shock the public.

Clause passed.

Clauses 25 and 26 agreed to.

Clause 27.—“In case of death representatives may perform conditions:”

**THE HON. J. A. WRIGHT**: I think a clause with the word “lease” instead of “farm” should be introduced here. As it is, the Bill makes one law for the rich and another for the poor.

**THE CHAIRMAN** (Hon. Sir G. Shenton): You can move a new clause when we have gone through the other clauses of the Bill.

Clause passed.

Clause 28 passed.

Clause 29.—“Lessee may transfer after five years, on certain conditions:”

**THE HON. J. W. HACKETT**: This is a clause I might draw the attention of the Colonial Secretary to as being necessary to re-cast. It is open to the objection raised by the Hon. Mr. Wright as being one law for the rich and another for the poor. In this instance a mortgage is permitted from the first, but the homestead farmer, who would probably need money more than the lessee, cannot borrow a penny.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): It is intended that the lessee shall not borrow during the first five years.

**THE HON. J. MORRISON**: I notice that after five years there is nothing to prevent a man transferring to another who, in turn, could transfer to one who already holds a lease.

**THE HON. J. A. WRIGHT**: I was going to call the attention of the committee to this myself. The original holder may be

a man of straw, and he could transfer to another who, probably, had found the money for the improvements and whose lease it really was.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): There is a difference between the leases and the farms. The farm is to be a free gift; but the lessee will pay to the extent of 6s. 3d. an acre for second-class land and 3s. 9d. an acre for third-class land. I doubt whether many will be prepared to give even this when we bear in mind that first-class land is only 10s. an acre, with the payment extended over 20 years. If a man transfers, he will only transfer his interest in the lease. I may say that I shall so re-draft the clause that no one will be able to transfer to another who already holds a homestead lease.

**THE HON. J. W. HACKETT**: As the Bill stands, a person can transfer before he has done anything.

**THE HON. J. A. WRIGHT**: I hope something will be inserted to provide against sickness, for it strikes one that the lessee will be more likely to be sick even than the homestead farmer.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): There is no necessity for the lessee to reside on the land; he may do it by an agent, and if the agent gets sick another can be appointed.

Clause passed.

Clauses 30 to 43 agreed to.

Clause 44. — "Governor may make Regulations imposing conditions of improvement on town and suburban lands."

**THE HON. J. MORRISON**: This is an innovation. Certainly no one would buy town lands with the understanding that the Governor was to be allowed to impose conditions of improvements.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): The answer to that is that if any one objects to the conditions he need not buy. There is no hardship on the individual. Is it not better to provide that town lands shall be improved instead of allowing them to lie idle until others, by their industry and labour, increase the value of the lands held by speculative owners?

Clause passed.

Clauses 44 to 46 passed.

Clause 47. — "Commencement of Act":

**THE HON. J. A. WRIGHT**: As a last amendment I shall move that all the

words after "force" be omitted. It will then read: "This Act shall not come into force." This seems to me to be the proper way to deal with this Bill.

Amendment negatived. Clause passed.

New Clause:

**THE HON. J. A. WRIGHT**: I have now to move the addition of the following clause, to stand as Clause 27: "Every assignment, transfer, or mortgage of, and every agreement to assign, transfer, or mortgage any homestead lease or any part thereof or any interest therein made or entered into before the issue of the Crown grant, shall be null and void, and the person so assigning, transferring, mortgaging, or making an agreement to assign, transfer, or mortgage, shall forfeit his homestead lease, and all his estate, right, title, and interest therein to the Crown, and shall not be permitted to make another application for a homestead lease." My reason for this is that I think it wrong to make one law for the rich and another for the poor. The Bill as originally brought in was to promote settlement and to provide for the poor man. This individual is debarred from borrowing money, although we know he will want it more than the lessee, and I do not see why there should be an embargo placed on the farmer and not on the lessee.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): This amendment is a direct contradiction to Clause 29, and I do not think the committee will go with the hon. member in carrying it.

Clause put and negatived.

Title:

**THE HON. J. A. WRIGHT**: I move to strike out the words "permanent settlement." If we say that we are going to provide for the settlement of pauper lunatics we may be right.

Amendment put and negatived.

Bill reported.

#### STAMP ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

#### EASTERN RAILWAY IMPROVEMENTS BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

## MINERAL LANDS ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

## IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

## SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The object of this Bill is to amend the Imported Labour Registry Act. That Act deals with the importation and engagement of coloured labourers, and this Bill is incorporated with it. Section 16 of the principal Act is repealed, as also is the proviso contained in Section 6, and a new mode of entering into a contract is substituted. It is provided that if any person desires to import any labourer, he must deposit with the Resident Magistrate of the district, where it is proposed to land such labourer, such a sum as may be prescribed as security for the return of such labourer to the place whence he came, and the money is to be retained until the labourer is returned. The Magistrate is to give a certificate that he holds the money, and which is to be presented to the officer of Customs before the labourer will be permitted to land. No labourer will be allowed to land without the production of such certificate, and any labourer landing contrary to this provision may be arrested, and taken back to the vessel by which he came; or, if she has gone to sea, he may be kept in custody until he can be returned. The master of any vessel who knowingly or willingly allows any labourer to land, contrary to the provisions of this Bill, will render himself liable to a penalty of not less than £50, nor more than £100. Then it is provided that the labourer must be returned to the port from which he was shipped. Clause 6 of this Bill says: "On or before the termination by reason of effluxion of time, rescission, or otherwise of any contract made under the principal Act or this Act, the labourer who was a party to such contract may enter into a new and subsequent contract for service, for any period not exceeding three years, under any employer or person wishing to employ such labourer; such new and subsequent contract to commence from the date of the termination of the previous contract." At the expiration of the new

contract, if the labourer is not re-engaged, he is to be returned to the port whence he came. Then there are certain provisions as to what shall be the conditions of any new contract entered into. They are: That "(a.) the consent in writing of the last employer of the labourer making such contract is obtained thereto. That (b.) a copy of such contract is, as soon as practicable after the making thereof, sent to the Magistrate with whom the deposit aforesaid has been made, and a copy of such contract is also given to the labourer making such contract. That (c.) such contract is in writing and contains all the specifications and stipulations requisite for a contract for service under which a labourer is imported under the principal Act. That (d.) such contract is signed, or marked in lieu of signature, by the contracting parties, in the presence of an attesting witness who has no interest, directly or indirectly, in the subject matter thereof." By Clause 7:—"Any labourer, being a party to a contract for service under the principal Act or this Act, and imported after the passing of this Act, is sentenced to any term of imprisonment,—(1.) If such contract expires after the time of the committal of the offence in respect of which such sentence is given, and before the termination of such imprisonment, such labourer shall be sent back to the port or place from which he was shipped, at the expense of the last employer of such labourer. (2.) If such contract is unexpired at the time of the termination of such imprisonment, such labourer shall be sent back to the place of employment under such contract, at the expense of the employer of such labourer under such contract." The Bill winds up by giving the Governor-in-Council power to make such regulations as may be necessary for the carrying out of the Act. Hon. members will pardon me if I have not gone as fully into this Bill as I might have done; but as we have several other matters to attend to this evening, I have been obliged to reserve my powers of speech, otherwise I fear I shall not be able to get through the business. I move the second reading of the Bill.

THE HON. G. W. LEAKE: As an amendment, I move that this Bill be read a second time this day six months. There appears to be a general set made against



the Chinese by those who call themselves the working classes—persons who are not entitled to that cognomen; for they neither earn nor deserve it. I think it will be a great pity if the colony is deprived of the Chinese, who are assiduous and skilful. Why should these people incur the grave disadvantages which are created against them through prejudice? I recollect Governor Kennedy, in Queensland, saying how valuable they were, and how well they observed the law. I have filled all sorts of posts in this colony, and I may say that my experience is that the Chinese are conspicuous for their obedience to the law and make the very best of servants. I see no reason why they should be hunted as they are, and I shall move that the Bill be read a second time this day six months.

THE HON. J. F. T. HASSELL seconded the amendment.

Question—That the words proposed to be struck out stand part of the question—put.

The Council divided.

Ayes	...	...	...	4
Noes	...	...	...	6

Majority against	...	2
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<p><b>AYES.</b>          The Hon. J. G. H. Amherst          The Hon. D. K. Congdon          The Hon. G. Glyde          The Hon. S. H. Parker          (Teller).</p>	<p><b>NOES.</b>          The Hon. E. Hamaraley          The Hon. R. W. Hardey          The Hon. J. F. T. Hassell          The Hon. E. T. Hooley          The Hon. J. A. Wright          The Hon. G. W. Leake          (Teller).</p>
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Question—That the words proposed to be struck out be struck out—put and passed.

Question—That the words proposed to be inserted be inserted—put and passed.

Bill laid aside.

#### CHINESE IMMIGRATION ACT AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The object of this Bill is to impose conditions on masters of vessels arriving in this colony with Chinese on board. In 1889 an Act was passed in this colony which was virtually in accord with the law in the other colonies. It provided that no vessel should come here with more than two Chinese to every 500 tons burthen; but we inserted a proviso that the Act should not

apply to any person who held a certificate as having been brought into the colony under the Imported Labour Registry Act. The effect of this exception has been that Chinese have come here in any numbers, and, according to the return presented to this House some time since, there are now 1,355 Chinese in the colony. Under the Imported Labour Registry Act it is possible for the Chinese here to engage their fellow-countrymen abroad and bring them here. It has now been deemed advisable to check this class of immigration, and to bring the law into complete accord with that of the other colonies. It may be said that the Chinese are a law-abiding race and that they are thrifty and industrious, and I do not intend to say anything against them as labourers. I have no doubt that in some cases they are good labourers and that they are industrious and frugal; but they do not belong to the European race, and the question is, do we desire Western Australia to be overrun with Chinese, to the exclusion of the Anglo-Saxon race? Do we desire this colony to be peopled by an Asiatic race, or do we desire to see it peopled by a race akin to our own? If the latter, it is obvious we must keep the Chinese out. We must also bear in mind that they only come here for a time, and that while they are here they save all they can and eventually return with it to their own country. They do not bring their wives or families, and only to a limited extent do they settle the soil. Are we then to exclude our brother Anglo-Saxons to encourage this alien race because they are more thrifty and because (although I do not admit it) they are more law-abiding? Whatever else may be said of them, this is certain, that a considerable number of them find their way into the Lunatic Asylum. When I recently visited that institution I was quite surprised to see the large number of Malays and Chinese located there, and it is evident that insanity is a disease which attacks Asiatics more than Europeans. I am sure my hon. friend who moved the rejection of the last Bill is desirous of seeing a federated Australia—

THE HON. G. W. LEAKE: I do not care a straw about it.

THE COLONIAL SECRETARY (Hon. S. H. Parker): At any rate, if we are desirous of seeing it, we must bring our

views on this subject, as well as on others, into accord with those of our larger neighbours. By Clause 3 of this Bill—"No labourer of the Chinese race shall be imported or brought into the colony under the provisions of 'The Imported Labour Registry Act, 1884,' in contravention of any of the provisions of the principal Act; nor shall any such labourer be imported or brought into the colony by any person of the Chinese race." The Bill further provides that—"The master of every vessel arriving at any port or place in this colony from parts beyond the colony, and having any Chinese on board, shall forthwith upon arrival, and before making any entry at the Customs, deliver to the Collector or other principal officer of Customs at such port or place a list showing the number and names of all the Chinese on board such vessel, including the crew thereof. Such list shall show clearly the place of shipment and the destination and the calling or occupation of each such Chinese, distinguishing crew, passengers, and stowaways (if any). The master, on delivery of the list, shall, if required by the Collector or other officer as aforesaid, produce the vessel's articles, and muster the whole of the crew and passengers of the vessel for examination, and the Collector or other officer as aforesaid may search or cause a search to be made in every part of such vessel, with a view of ascertaining whether any Chinese have been introduced contrary to the provisions of the principal Act; and the master of every vessel shall afford to the Collector, or other officer as aforesaid, every facility for making such search. For any default in the observance of any of the provisions of this section such master shall, on conviction, be liable to a penalty of One hundred pounds." And further it is provided that the master of a vessel is to muster the Chinese on board before leaving to see that he has the right complement on board. I now move the second reading of the Bill.

THE HON. G. W. LEAKE: I shall oppose this Bill also. It is only one class that clamours for the exclusion of the Chinese. That they are valuable settlers, or servants, is not sought to be denied; and it is not for their vices that they are sought to be excluded, but merely be-

cause it is the bidding of the voters of the other colonies. I have filled many positions under the law of this colony, and I can fairly say that from a criminal standpoint they bear a very creditable comparison with the white men. The word Anglo-Saxon—I suppose it is a euphonious expression—has been rung into our ears, and because these Chinese do not happen to belong to that race we are not to have them. I can recollect as far back as the year 1849, when Governor Fitzgerald arrived. He was pestered with a number of addresses; and one of them, which came from the Murray, said that owing to Providence and the Chinese the colony had been able to tide over considerable difficulties. We rarely find the Chinese drunk, or unclean, or disorderly, and it would be a great pity if the colony were deprived of their services. I shall, therefore, propose that the Bill be read again this day six months.

THE HON. J. F. T. HASSELL: I rise to second the amendment, because I do not think the time has arrived when the Chinese should be excluded. I have had a great deal of experience of them, and find them very useful. Moreover, people who take up homestead farms will require them as labourers. Besides this, in the towns they are a great advantage, and of benefit to the community in growing vegetables.

THE HON. G. RANDELL: I shall vote for the second reading of this Bill. Most of us are aware that the Chinese, as a rule, are orderly and well-conducted members of the community. Still we have 1,400 of them in the colony, and it seems to me that we have arrived at the number it is prudent to have; and I think, therefore, we should be doing right to restrict any further influx. I have had considerable intercourse and dealings with the Chinese, and I must say I have found them honest and honourable; they work well and are industrious, and we know they are thrifty. One argument brought against them is that they save considerable sums of money and remit it to China, and I believe there is a great amount of truth in it. In this respect they work a serious injury to the colony, and that counterbalances any benefit we may derive from their labour. I have noticed the fact the Colonial Secretary has referred to, that considerable numbers

of them find their way into the Lunatic Asylum, and in this respect they are a source of danger to the community. And, again, when we recollect that there is an illimitable field in China from which to draw upon, we should certainly do something to restrict them from coming here. When we remember the short distance China is from Australia, it is easy to see how quickly it would be possible for the Chinese to get a footing in Australia, and, if we are not careful, to obtain a predominance in a very short time. I shall vote for the second reading of the Bill.

**THE HON. R. W. HARDEY:** I shall also support the second reading of this Bill. I may say that I have had a good deal of experience with Chinese, and I think they have been of the greatest benefit to the colony; but the time has come when we should place some restrictions on their coming into the colony.

**THE HON. D. K. CONGDON:** I shall support the second reading of this Bill. I shall say at once that I have no great admiration for the Chinese. I think they are an undesirable class as colonists, and they compete unfairly with the white labourer. This Act does not prohibit them coming here; it only restricts them.

**THE HON. G. GLYDE:** I shall support the second reading, for, considering the large number of Chinese we now have in the colony, it is time the influx was restricted.

**THE HON. J. A. WRIGHT:** I intend to support the second reading, but for different reasons to those which have been given. We have heard of the virtues of the Chinese, and yet everyone wishes to exclude them. For my part, I think the introduction of Chinese would be beneficial, if only for the working of the Homesteads Bill. It seems to me that this wholesale restriction is not fair, and is only brought about by agitation in the other colonies. I shall vote for the second reading, and when in committee we can amend it to suit the exigencies of this colony.

**THE HON. J. MORRISON:** I am quite agreeable to support the Hon. Mr. Leake. I look upon the Chinese as a means of elevating the working classes, who should be in the position of superintendents over Chinese or as employers of Chinese, but I would not allow Chinamen to remain in the colony for a longer period than three

years. The Chinese question should be taken in hand not by the people who import them, but by the Government, who should let them out. The Colonial Secretary says that Chinamen get softening of the brain, but in such cases their wages should be retained to send them back at their own expense.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** You cannot send back a lunatic.

**THE HON. J. MORRISON:** They should be inspected before they are sent. Then I should not allow the Chinamen any rights of citizenship, and as long as you look on him as a mere machine you have a very valuable lever.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** A two-horse power engine.

**THE HON. J. MORRISON:** So many Chinamen power. I shall support the amendment.

Amendment put and negatived.

Bill read a second time.

#### IMMIGRATION ACT, 1883, REPEAL BILL.

##### SECOND READING.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** This is a Bill to repeal the Immigration Act of 1883, by which a Board was constituted for the purpose of dealing with immigration. Since the adoption of Responsible Government the whole of the business has been carried on in the Colonial Secretary's department. At one meeting of the Board, no quorum attended; and I may say that so little interest has been manifested that I have since done everything myself, without the concurrence of the Board. Under this form of Government, this is one of the matters the Government are bound to take the responsibility of, and we do not desire to shelter ourselves behind a Board. This Bill is a very short one, and it simply abolishes the Board. I move that it be read a second time.

Question—put and passed.

#### APPROPRIATION BILL.

##### SECOND READING.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** We are not at liberty, I take it, to amend this Bill, nor do I think this House will desire to in any way interfere with what is peculiarly the

province of the other House to deal with. I move that the Bill be read a second time.

Question—put and passed.

#### ADJOURNMENT.

The Council, at 10:30 o'clock p.m., adjourned until Thursday, 5th October, at 4:30 o'clock p.m.

## Legislative Assembly,

Wednesday, 4th October, 1893.

Facilities for landing Live Stock at Fremantle—Report of the Locomotive Workshops Commission—Railways Act Amendment Bill: first reading—Constitution Act Amendment Bill: Conference with the Legislative Council—Stamp Act Amendment Bill: third reading—Eastern Railway Improvement Bill: third reading—Public Institutions and Friendly Societies Lands Improvement Act Amendment Bill: third reading—Mineral Lands Act Amendment Bill: third reading—Electoral Bill, 1893: second reading—Constitution Act Amendment Bill: Message from the Legislative Council—Loan Estimates, 1893-4: further considered in committee; transmitted to the Legislative Council—Bonus for production of payable Lead and Copper Ore—Native Troopers and Truckers for the Kimberley Districts—Government Advertisement in the *Argus* as to the best route to the Eastern Goldfields—Adjournment.

THE SPEAKER took the chair at 4:30 p.m.

#### PRAYERS.

#### FACILITIES FOR LANDING LIVE STOCK AT FREMANTLE.

MR. RICHARDSON, with leave, without notice, asked the Director of Public Works whether his attention had ever been drawn to the absence of any convenience, in any shape or way, for the shipping or landing of live or fat stock at Fremantle, or its neighbourhood?

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) said his attention had been very forcibly drawn, on the previous day, on the occasion of the shipping of some sheep, to the absence of facilities for such purposes at Fremantle; and he had issued instructions

that a portable race be at once made to provide such facilities. The demand, up to the present, for conveniences for loading sheep or stock had been very small—in fact, he might say that no such demand had been made—but he thought that improved facilities should be provided; and instructions to that effect had accordingly been issued.

#### REPORT OF THE LOCOMOTIVE WORKSHOPS COMMISSION.

MR. HARPER: Might I ask the Premier if he can give the House any information as to when the Locomotive Workshops Commission is likely to make its report?

THE PREMIER (Hon. Sir J. Forrest): The report was sent in to me yesterday. I have not had time to read it yet. The evidence is very voluminous, and it will be impossible for me to have it printed before the end of the session. I shall be glad, however, to place the manuscript upon the table of the House for the information of members.

#### RAILWAYS ACT AMENDMENT BILL.

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

#### CONSTITUTION ACT AMENDMENT BILL.

##### CONFERENCE WITH THE LEGISLATIVE COUNCIL.

At five minutes to 5 o'clock p.m. the business of the House was suspended, and, the names of the Managers for the Conference with the Legislative Council upon the Constitution Act Amendment Bill having been called, the Managers withdrew.

At half-past 7 o'clock p.m. the House resumed.

The Managers having returned, Sir JOHN FORREST reported to the House that the Managers of the Assembly had acquainted the Managers of the Council that the Assembly hoped that the Council would recede from those of its amendments to which the Assembly had disagreed, but that the Managers for the Council had insisted upon their amendments.

Report adopted.