

AYES.  
 Hon. M. S. Smith  
 Hon. S. Burt  
 Hon. J. Forrest  
 Hon. J. A. Wright  
 Mr. Harper  
 Mr. Loton  
 Mr. Marmion  
 Mr. Pearse  
 Mr. Randell  
 Mr. Shenton  
 Mr. Sholl  
 Mr. Venn  
 Mr. Wittenoom  
 Mr. Scott (Teller.)

NOES.  
 Mr. Brockman  
 Mr. Burges  
 Mr. Crowther  
 Capt. Fawcett  
 Mr. Grant  
 Mr. McRae  
 Sir T. C. Campbell, Bart.  
 (Teller.)

The House adjourned at a quarter to eleven o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Thursday, 15th July, 1886.*

Goods Shed at Cossack—Perth Gas Co. Bill introduced  
 —Chinese Immigration Bill: further considered in  
 committee—Public Health Bill: in committee—  
 Adjournment.

THE SPEAKER took the Chair at noon.

### PRAYERS.

#### GOODS SHED AT COSSACK.

MR. McRAE asked the Director of Public Works if it was the intention of the Government to construct a Goods Shed in connection with the Cossack Jetty and Tramway; and, if so, when such work is likely to be commenced?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied that it was the intention of the Government to construct a Goods Shed at Cossack at the terminus of the Tramway, and that so soon as they were enabled to see what balance there would be remaining after the completion of the Tramway itself, and the Lighthouse and buildings on Jarman Island, then in hand, the work would be undertaken.

#### PERTH GAS COMPANY BILL.

MR. PARKER, in accordance with notice, moved for leave to introduce

a private bill to extend the powers and privileges of the Perth Gas Co., Limited, and to give to the said company other powers and privileges.

The motion was agreed to.

MR. PARKER said the bill was not yet printed, and he did not know whether the House would agree to its being read a first time now. The last private bill that was brought in was the Church of England Collegiate School Bill, last session, and he did not remember now whether that bill was printed before it was read a first time, or not. He wished to follow the usual practice as regards the first reading of private bills.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it was he who introduced the Collegiate School Bill, and that bill certainly was printed before its first reading—not by the Government Printer, but outside. It was in print before it was ever brought in.

MR. PARKER said he would have the present bill printed, and have some future day fixed for its first reading.

#### CHINESE IMMIGRATION BILL.

On the order of the day for going into committee for the further consideration of this bill,

THE ACTING ATTORNEY GENERAL (Hon. S. Burt), in moving the Speaker out of the chair, said it would be in the recollection of the House that there was a clause in the bill relating to certificates of exemption to be granted to certain Chinese officials who might come to the colony as ambassadors, or upon some mission; and he believed that some hon. members regarded such a clause as exhibiting a considerable degree of foresight on the part of the Government, and it had been laughed at, he believed, in a public print known as the *Daily News*. But he might inform the House that since that clause was in print a despatch had been received by the Governor, notifying that the Government of China were at the present moment sending to this colony and to the other Australian colonies the very officials contemplated by this clause. They were coming here he believed on a special mission for the purpose of inquiring into the trade and commerce of the colony so far as they affected their own subjects, and to inquire

generally into their social position; so that very shortly we should have to welcome amongst us two of these high officials of the Chinese Empire, one being Mr. General Wang Yung Ho and another gentleman rejoicing in the name of Wee Yu Lee (or something to that effect). It would be seen that the Government after all were not very far wrong when they made provision in this bill exempting Chinese, of high official rank, from the operation of the bill, and from paying a poll tax.

The House then went into committee.

Clause 12—"The sum of £10 aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel, unless he shall land from such vessel."

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that when the bill was in committee before, it was pointed out that this clause would subject the master of a vessel to a heavy penalty if he allowed any of his Chinese crew to come ashore, on ship's business, without previously paying a poll tax. To meet that difficulty he would move that the clause be expunged, with the view of introducing another clause in lieu of it.

This was agreed to, and the clause expunged. The remaining clauses of the bill elicited no discussion.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that after the discussion that took place the other evening, as to who was a Chinaman within the meaning of the bill, and the doubt thrown on the subject of Chinamen's parentage—one hon. member going so far as to suggest that a Chinaman might possibly be born of one parent—and, after the debate upon the question of whether a Chinaman who, by obtaining letters of naturalisation, had become a British subject, would be exempted,—in order to remove all doubt on the subject, he had prepared a new clause, stating definitely that the bill did not apply to any Chinese who had become British subjects.

The new clause was adopted, without opposition.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) then moved a new clause (in lieu of clause 12), providing that the penalties and restrictions imposed by the bill shall not be held to be

applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in Western Australia, and who shall not be discharged from the vessel, or land except in the performance of his duties in connection with the vessel.

The clause was agreed to, and the bill reported to the House, with amendments.

## PUBLIC HEALTH BILL.

### IN COMMITTEE.

Clause 1—Short title and division of Act; the Act to come into operation on the 1st January, 1887:

Agreed to.

Clause 2—Interpretation of terms:

MR. RANDELL said he merely rose to say that he intended moving an amendment in a subsequent clause, which would probably, if adopted, alter the interpretation of the term "Local Board" within the meaning of the Act. The amendment he intended proposing related to the constitution of the Local Boards of Health which it was proposed to establish under the bill.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) hoped the hon. member, and all other hon. members who intended proposing any amendments, would give due notice of such amendments. It was impossible at a moment's notice to realise whether an amendment was in harmony with other provisions of a bill or not. As had been pointed out before, no other legislative assembly in the world probably ever attempted to deal with amendments unless they appeared on the notice paper. It was unfair to the member in charge of a bill that amendments should be sprung upon him from all parts of the House, without notice.

THE CHAIRMAN OF COMMITTEES pointed out that the bill might be re-committed if the amendment proposed to be introduced in a subsequent clause should be agreed to, and it necessitated any alteration of the clause now before the committee.

The clause was then put and passed.

Clause 3—Application of Act, at present, to be limited to Perth and Fremantle:

Agreed to without comment.

Clause 4—Governor to appoint members of the Central Board of Health,

which is to consist of five persons, one of whom shall be a medical practitioner, another a civil engineer, and another a practical builder. Governor also to have power to remove all or any of the persons so appointed :

MR. CROWTHER was afraid that the bill would be something like that other monstrosity, the Municipal Institutions Act, quite unworkable. He for one had a very strong objection to so much power being placed in the hands of any Governor as this bill proposed to place. Every member of the Central Board and of all the Local Boards were to be the Governor's own men. Nothing could be done under this bill by any one, it seemed to him, except with the approval of the Governor: and he thought the best thing they could do with the bill was to refer it to a select committee, and not pass it this session at all. In any other country it would take weeks to pass such a bill as this.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he was unable to appreciate the hon. member's objections to the bill. As to the appointment of this Central Board there were many other boards in the colony appointed exactly the same way as it was proposed to appoint the members of this board.

MR. CROWTHER: That does not prove it is desirable that it should be so.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he was not aware that any Governor had exercised his powers of appointment or removal arbitrarily, or abused the authority vested in him. It was not likely that a Governor would remove any member of this particular board without some reasonable cause. He would not remove a man off the board because his hair was black instead of white, or because his moustache curled. There must be some reasonable ground for a member's removal. The medical member of the board might be ill, or the civil engineer might become a lunatic, or the practical builder might take it into his head to die, and there must be some power to replace a retired member. As to the bill being unworkable, it had never yet been tried. He had studied it very carefully himself, and he saw nothing unworkable about it: on the contrary, he thought it

would be found to work very well. Hon. members must not be frightened of the bill because it had a large number of clauses; there were few, if any, Public Health Acts probably with so few clauses. If hon. members thought the bill went too far in any particular direction, that was another thing; but, as to the framework of the bill, there could be no question about that. The bill would work right enough.

MR. VENN thought they were rather making a mistake in merely reading the marginal notes, instead of the clauses, in an important bill like this. It often happened that when clauses were being read by the Clerk, hon. members would discover something which they would like to be enlightened upon. It would be a great mistake to allow such a bill as this to pass through committee as a matter of course. They were legislating now, not for the present alone, but for the future also, and he thought they could not devote too much time to the consideration of important measures of this sort, and have every clause read over, word for word, so that they might know what they were doing, instead of running through the marginal notes, in the way they were now doing.

THE CHAIRMAN OF COMMITTEES: I should like to point out that this is the only House that I know of, under the British constitution, in which the clauses of bills are read, when passing through committee. Hon. members are always supposed to have made themselves conversant with the provisions of a bill before they go into committee upon it.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): I should like to add to that—and I am sure the hon. member for Wellington will excuse my saying so—if any hon. member has not only not read but also not studied a bill, he has no business to make any objection to it. Hon. members have no right to spring upon the House any objection that may happen to strike them as a clause is being read, when they have never read the clause for themselves. Of course, when an hon. member is seeking for information, those who sit on this bench will always be happy to furnish him with it, if they can; but I do not think that hon. members should

jump up, here and there, raising objections and suggesting amendments to which they have never given a thought until they hear a clause read for the first time, in the House. As a rule hon. members find they have only discovered a mare's nest,—as a rule, I say.

MR. VENN: It just amounts to this: we have a bill put into our hands of 128 clauses, a most important bill, and we are expected, within two or three days, to grasp all its provisions, and also the provisions of perhaps half-a-dozen other bills. Year after year we are called upon in this way to hurry through the legislation of a session that ought to occupy months of our time. Some years ago the Government adopted a very good course of sending bills round to every member before the session opened, stating the object of each measure and the reason for its introduction. Members thus were able to read the bills at their leisure before coming to deal with them, and they knew pretty well as much about them as the Government themselves. That course, however, is no longer followed. It is impossible for members, with their multiplicity of duties, to master the details of a bill like this in the course of a few hours. Probably it may take months to concoct such bills, and the Government have a whole year to prepare them; yet we are expected to know all about them in two or three days after they are placed in our hands. I have read this bill probably as carefully as any other hon. member; at the same time I do not feel myself capable of arguing every clause in committee, upon hearing the marginal note read.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): If the hon. member wishes to have more time to consider the bill, that is quite another thing, and I, for one, should be sorry to see the bill hurried through. I would sooner see it postponed for a week or a fortnight, if, in the meantime, hon. members who have any amendments to propose will have them placed on the notice paper, so that we may see what we are doing.

MR. VENN said he had no particular wish to have the bill postponed for a week or a fortnight. If hon. members did not care about it, he didn't. The bill did not affect him very much; there

was nothing much the matter with *his* health.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said this question of dealing with the public health had been discussed in the House and out of the House for years past, and the bill itself was mainly based upon the report which the House had under its consideration last session. There was nothing novel about its provisions.

MR. RANDELL thought, himself, it was very desirable, with such a bill as this, that hon. members should have every opportunity afforded them not only to read it, but also to mark, learn, and inwardly digest it. The practice of only reading the marginal notes might answer well enough in the House of Commons, or in the other colonies, where the Legislature sat for months together; but he agreed with the hon. member for Wellington that the practice was not always a good one. He was quite sure that when the land regulations came to be dealt with, the same course would not be followed.

MR. WITTENOOM said it was all very well for hon. members who lived in Perth to say that they did not object to this and that bill being postponed for a fortnight, but all this delay was a serious matter for country members. If those hon. members who lived in town would only attend to their parliamentary duties like country members did, there would be no necessity for all these adjournments. Instead of this, they were careful only to attend to their own private affairs—some of them; and if hon. members attended to their private business and neglected the public business, they could not expect to find country members prepared to waste their valuable time in this manner.

THE CHAIRMAN OF COMMITTEES: With reference to what the hon. member, Mr. Randell, said, as to the reading of marginal notes on bills, I would point out that it is contradictory to Parliamentary practice to read the clauses of a bill in committee. All that is done is to read the number of the clause and the marginal note, and I certainly have no intention of taxing the Clerk by asking him to read through all the clauses of a bill like this, unless the committee expressly wish it.

Mr. SHENTON then moved that progress be reported, and leave given the committee to sit again on Tuesday, July 20th.

Agreed to.

The House adjourned at one o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Friday, 16th July, 1886.*

Mandurah Breakwater—New Land Regulations (Message No. 3) : adjourned debate—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

### MANDURAH BREAKWATER.

CAPTAIN FAWCETT moved, "That an humble address be presented to His Excellency the Governor, praying that he would be pleased that, out of the money at present voted on the Loan Estimates for the Mandurah breakwater, a party of men be immediately engaged to repair the present Mandurah breakwater, and to quarry stone ready for the extension of that work, as recommended by Sir John Coode, as soon as the Director of Public Works has had time to complete his specifications." The hon. member said the bar at Mandurah was then perfectly dry, and boats had to be dragged over it, and he believed that with a very small expenditure at the present time some improvement could be made. A small breakwater had been constructed there some years ago, which for a long time had the result of preventing the bar from being silted; but this breakwater had seen the best of its days and was now of little or no use, and it required to be

extended. He thought that in the interests of the district, which had many industries, something ought to be done at once to enable boats to cross the bar. It was no use waiting any longer for Sir John Coode's report, and the best thing that could be done was to spend the money already voted for this purpose.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said he must apologise to the hon. and gallant member, and to all hon. members, if he did not make himself sufficiently clear when he answered the hon. and gallant member's question on this same subject the other day. He then said that the result of touching the present breakwater, without having a sufficient sum of money to carry out the necessary improvements, would simply be disastrous. As he then said, the question of the Mandurah breakwater was a difficult one to solve. The amount placed on the Loan Estimates, 1884, of £1,300, was totally inadequate for the purpose, and, were it commenced with that sum in view, it would, as he had said in his report, more probably lead to permanent harm to the estuary than to any good. Sir John Coode was asked for an opinion on this subject, and Sir John quite agreed with him in what he had stated. He would, however, have a proper survey, soundings, etc., made, so as to arrive at the total amount required to finish this work, in order that in a future loan the amount they now had may be supplemented by the requisite amount to carry the work to completion. In his opinion, despite what had fallen from the hon. member for the district, if they were to begin this work, and attempted to tinker with this breakwater without sufficient means to make a proper thing of it, the result would be to permanently close the river. He himself at any rate—and, he believed, the Government—would oppose the expenditure of this small amount of loan money to no practical use. If what the hon. and gallant member really wished was that the money should be spent in the district—if that was all he wanted—it would be better that he should say so plainly, and have it expended upon some really useful work, where it might do some good.

The motion upon being put was negatived.