

go on to a run and take a number of men and muster (say) 30,000 sheep?

THE COLONIAL SECRETARY (Hon. S. H. Parker): That is the law now.

THE HON. E. RICHARDSON: Then it is very hard.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The fact that the hon. member did not know of it shows that the law has worked no hardship. Inspectors do not muster sheep from mere whim or caprice.

Clause agreed to.

The remaining clauses were passed; and the Bill reported.

THE PRESIDENT (Hon. Sir G. Shenton), at 4.45 o'clock p.m., left the chair until 8 o'clock p.m.

On resuming,

PHARMACY AND POISONS BILL.

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

GOLDFIELDS ACT AMENDMENT BILL.

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

APPROPRIATION BILL.

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

LANDS RESUMPTION BILL.

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

ADJOURNMENT.

The Council, at 8.10 o'clock p.m., adjourned until Monday, 19th November, at 7.30 o'clock p.m.

Legislative Assembly,

Thursday, 15th November, 1894.

Dipping Travelling Sheep at Mingenew—Pharmacy and Poisons Bill: third reading—Goldfields Act Amendment Bill: third reading—Appropriation Bill: third reading—Lands Resumption Bill: third reading—Early Presentation of Estimates to Parliament—Insect Pests Bill: Legislative Council's Amendment—Medical Bill: in committee—Chinese Immigration Restriction Act Amendment Bill: second reading—Loan Estimates, 1894-5: Legislative Council's Amendment—Adjournment.

THE SPEAKER took the chair at 7.30 o'clock p.m.

PRAYERS.

DIPPING OF TRAVELLING SHEEP AT MINGENEW.

MR. HOOLEY, in accordance with notice, asked the Premier whether, in view of the large number of sheep which would come in from the Irwin by rail, the Government had made any provision for having sheep dipped at Mingenew; and, if not, whether they intended providing for dipping at that point.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government had the matter under consideration, and hoped to make safe and satisfactory arrangements.

PHARMACY AND POISONS BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

GOLDFIELDS ACT AMENDMENT BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

APPROPRIATION BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

LANDS RESUMPTION BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

EARLY PRESENTATION OF ESTIMATES TO PARLIAMENT.

MR. RANDELL, in accordance with notice, moved—"That when Parliament

assemblies before the 30th day of June, the Estimates should be presented before the 15th day of July then next, if Parliament be then sitting; or that the Estimates should be presented within fourteen days after the commencement of each session, when Parliament does not assemble until after the 30th day of June." He said: I understand the Government are willing to accept the motion. In moving it, I have no desire to adhere strictly to the number of days mentioned therein, and possibly the Premier may state what time he thinks might be specified. I think it is the desire of the House, and I believe it is in accordance with the practice elsewhere, to have the annual Estimates presented at as early a date as possible. One can see how desirable it is that the Assembly should be put in possession of the Estimates at the earliest possible date.

THE PREMIER (Hon. Sir J. Forrest): I agree with the hon. member that it is very necessary the Estimates should be on the table as early as possible; but I think fifteen days after the end of the financial year is too short a time for this purpose, in the circumstances of this colony and with existing appliances, because, as hon. members are aware, we give the expenditure of every department in our Estimates when printed, and much labour is required for finding out what has been the actual expenditure, considering that the final accounts for the year are not paid till about the 10th of the following month, thus leaving only five days in which to complete the Estimates and get them printed for presentation to the House. I think if the mover would agree to substitute the 30th day after the end of the financial year, instead of the 15th, in his motion, that system would be a great improvement on what we are doing at present; and if, after a trial, it is found that the interval can be further shortened, I promise that it shall be done. It is the desire of the Treasury to get out the Estimates as soon as possible after the end of the financial year, but we have not been able to do it so early as we wish, for various reasons. Still, with this resolution before us, we will have to do it. The departments will have to supply the necessary information more promptly; and great complaints have been made by

the Treasury that some of the estimates have not been prepared in sufficient time. If the hon. member will accept my suggested amendment, I will promise the House that, if we can get out the Estimates sooner than the 30th of July, we will be glad to do it. I move, as an amendment, that the word "15th," in line 2 of the motion, be struck out, and the word "30th" be inserted in lieu thereof; and that the word "fourteen," in line 3, be struck out, and the word "thirty" be inserted in lieu thereof.

MR. RICHARDSON: Another reason why the laying of the Estimates on the table should not be too hurried is that hon. members very often, after the meeting of Parliament, discover matters which they would like to have included in the next Estimates, and members in the far-off districts have not before them the necessary information before the session of Parliament opens, or before the 15th of July, specified in the motion. Constituencies which have at various times applied for funds to be expended on important public works may not realise that it is necessary to bring their matters forward again until after the session of Parliament has begun. Therefore the hands of the Government would be somewhat tied, for want of time, even if disposed to assist constituencies in such cases. For that reason it is not desirable that the Government should be hurried unduly in placing the annual Estimates on the table.

MR. RANDALL: I accept the amendment proposed by the Premier. As to what the hon. member for the De Grey has just said, I may remark that, if further need arises, other items can be introduced into the Estimates, as indeed is the practice now.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): It is very inconvenient to introduce new items into the Estimates after they have been made up by the Works Department; for instance, because the Treasury has to arrange the finances according to the amount of expenditure which the Works Department deems necessary, and the amount available is generally cut so fine that if hon. members want additional works for their districts to be included in the year's Estimates, the Treasury may

then have a difficulty in providing the further funds.

Amendment put and passed.

Motion, as amended, agreed to.

INSECT PESTS BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

(*Vide p. 1427, ante.*)

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the amendment be not agreed to. He said that on referring to page 2, clause 3, line 5, as stated in the schedule sent down from the Council, he failed to find the words between which the Council proposed to insert certain other words; therefore he thought there must be some mistake in the amendment made by the Council. It was proposed to insert, between "may" and "without," the words "on producing his appointment in writing"; but the clause would not then say who was to produce "his" appointment, and clearly "their appointment" should be the grammatical meaning intended. He could not see how the Council's amendment could be made to fit into the clause without further altering the language. Therefore he could not ask this House to accept the amendment sent down to it.

MR. RICHARDSON said that if the amendment could be made to fit in properly with the sense, there would be no harm in adopting the amendment. The inspector was to be something like a detective, paying surprise visits for the object of detecting insect pests that might spread to other places and cause injury or loss. To say persons were likely to go about misrepresenting themselves as inspectors was to imagine something that was not likely to occur.

THE ATTORNEY GENERAL (Hon. S. Burt) said he did not object to the intention of the amendment, but it did not fit in with the clause, and he did not see how it was to be altered for the purpose. An assistant inspector, for instance, was not likely to have an appointment in writing; or a labourer called in to spray an infected tree in an orchard would not be likely to have an appointment in writing. The only way of making the amendment fit would be to strike out the words "without notice," and this House could not do that.

Question put and passed.

Resolution reported.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that Mr. Paterson, Mr. Harper, and the mover be a committee to draw up reasons for disagreeing to the amendment of the Legislative Council.

Question put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) afterwards brought up the report of the committee, as follows:—

Reasons of the Legislative Assembly for disagreeing to the Amendment made by the Legislative Council in the Insect Pests Bill.

The amendment, although unobjectionable as regards its intention, would, by reason of its wording, create a difficulty if inserted in the clause, as the subsequent words, "without notice," would then appear to apply to the words of the amendment. The amendment would, moreover, entail a written appointment being given to each and every assistant, no matter how trivial his temporary duty might be.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the committee's reasons be adopted.

Question put and passed.

Ordered—That a message be transmitted to the Legislative Council, informing them that the Assembly had disagreed to the amendment, and forwarding the reasons for such disagreement.

MEDICAL BILL.

IN COMMITTEE.

Clauses 1 to 10, inclusive:

Agreed to.

Clause 11.—Persons entitled to be registered:

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, that the following paragraph be inserted, after the sixth line: "(a) He is registered under the Medical Ordinance, 1869, hereby repealed, or that." This would meet the case of those practitioners who had been permitted to practise under the Act of 1869, on the ground that they had been practising before, though not then having proper qualifications. Some of those practitioners were still alive.

Put and passed.

MR. JAMES moved, as a further amendment, that paragraph (d)—requir-

ing six months' residence in the colony—
be struck out.

Put and passed.

Clause, as amended, agreed to.

Clauses 12 to 14, inclusive:

Agreed to.

Clause 15:

Mr. JAMES suggested that, there being no marginal note to this clause, the following should be inserted: "Practitioner, on registration, entitled to certificate."

Marginal note inserted, as suggested.

Clause put and passed.

Clause 16.—Coroner may summon practitioner on inquest:

Mr. LEAKE asked whether the Attorney General had considered the effect of this part of the Bill, as containing provisions relating to coroners' inquests, such provisions being foreign to the purposes of a Medical Bill.

Mr. JAMES said that, in framing this Bill, he had copied these provisions from the Victoria Medical Act of 1890. He thought that example was a good one, and the provisions as to inquests would be very useful in this part of the Bill.

THE ATTORNEY GENERAL (Hon. S. Burt) said he would be delighted to support either of his learned friends opposite, as both were right in their contention, to a certain extent. These provisions in the Bill would be useful, and although a little misplaced in this Bill, the balance of advantage lay with the hon. member for East Perth. The provisions could be rectified in another Bill, on the first proper occasion.

Put and passed.

Clauses 17 to 22, inclusive:

Agreed to.

Clause 23.—"No person other than a medical practitioner registered under this Act shall be entitled to practise, &c.":

Mr. JAMES moved, as an amendment, that the words in line 2, "registered under this Act," be struck out.

Put and passed.

Mr. JAMES moved, as a further amendment, that the following words be added at the end of the clause:—"Nothing in sub-section (1) contained shall affect the business or occupation of a chemist registered under 'The Pharmacy and Poisons Act, 1894'; and nothing in this

section contained shall prejudice or affect the business or occupation of a dentist registered under 'The Dentists Act, 1894.'"

Put and passed.

Clause, as amended, agreed to.

Clause 24:

Agreed to.

Clause 25:

Mr. JAMES said that, there being no marginal note, he suggested the insertion of the words "recovery of penalties, &c."

Marginal note inserted, as suggested.

Clause put and passed.

Clause 26:

Agreed to.

New clause:

Mr. JAMES moved that the following new clause be added to the Bill, and be numbered 24:—"Every person who shall exhibit or publish, or cause, permit, or suffer to be exhibited or published any letter, circular, placard, handbill, card, or advertisement of any kind whereby any person advertises or holds himself out contrary to any part of section 23, or attempts so to do, shall be liable for each and every such offence, upon conviction, to a penalty not exceeding ten pounds."

Mr. WOOD asked whether this clause would prevent chemists from advertising patent medicines, or would prevent Mr. Murray, for instance, from advertising his "Great Australian Remedy?"

Mr. JAMES said the clause was intended to prevent an unqualified person from advertising himself as qualified to give medical advice.

Mr. WOOD said the clause appeared to him unnecessary, and that the public should look after themselves, without such interference by Parliament.

Mr. RICHARDSON asked whether there was sufficient reason why a man who was not a registered practitioner should be prevented from advertising himself in the public prints.

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

Ayes	...	...	...	13
Noes	...	...	...	10

Majority for ... 3

AYES.

Mr. Burt
Mr. Clarkson
Sir John Forrest
Mr. Illingworth
Mr. James
Mr. Leake
Mr. Lefroy
Mr. Paterson
Mr. Phillips
Mr. Randall
Mr. Throssell
Mr. Veun
Mr. Monger (Teller).

NOES.

Mr. Connor
Mr. A. Forrest
Mr. Hooley
Mr. Marston
Mr. Pearce
Mr. Richardson
Mr. H. W. Sholl
Mr. Solomon
Mr. Wood
Mr. Keep (Teller).

New clause agreed to.

Schedule 1:

Agreed to.

Schedule 2:

MR. R. F. SHOLL said the schedule applied to medical qualifications obtained in the United Kingdom; but there were very expert medical men of other nationalities who, under this schedule, would be excluded from practising in this colony. Some of the greatest experts in medicine were Germans; and it would not be in the public interest to exclude duly qualified medical men, trained in Germany, from practising in this colony.

MR. JAMES said this was the same provision as was in operation in the sister colonies, also in England. An expert medical man, as a rule, did not travel to a colony where the language was different from his own.

MR. SOLOMON said that in South Australia many of the medical men were Germans, and were looked up to.

MR. RICHARDSON said if there was any country where diplomas of a low standard were issued to medical men, it might be wise to exclude such men from practising here; but to say that this exclusion should apply to medical men from all countries, except the United Kingdom, was too sweeping. It was said that American diplomas were obtained too easily to be of high value. It was desirable to be prudent in this matter, within reasonable limits.

MR. CLARKSON said this protection to doctors was carrying protection too far.

MR. WOOD said the schedule was too conservative and restrictive.

THE ATTORNEY GENERAL (Hon. S. Burt) said the case might be met by adopting a provision from another statute; and he moved, as an amendment, that the following words be added to the end of the schedule:—"Any person who shall prove, to the satisfaction of the Board, that he has passed through a regular

course of medical study, of not less than three years' duration, in a British or foreign School of Medicine, and has received, after due examination, from some British or foreign university, college, or body duly recognised for that purpose, in the country to which such university, college, or other body may belong, a medical diploma or degree certifying to his ability to practise medicine or surgery, as the case may be."

Amendment put and passed.

Schedule, as amended, agreed to.

Preamble and title:

Agreed to.

Bill reported, with amendments.

CHINESE IMMIGRATION RESTRICTION ACT AMENDMENT BILL.

SECOND READING.

MR. JAMES: In moving the second reading of this Bill, I do so with the feeling of a man who leads a forlorn hope, because I am fully seized of the fact that I shall not be successful in convincing members to adopt this resolution. I think I shall be right in saying that, in dealing with immigrant Chinese, the policy of Australia has been in one direction—that is, for the total exclusion of Chinese. For years there was no restriction on the importation of Chinese into Australia, and the consequence was that Australia became almost flooded with Chinese, until there was forced on the authorities of the different colonies the absolute need of adopting some restriction. The matter became so important that in 1888 a Conference was held at Sydney, in which all the colonies were represented; and the fact of that Conference shows how prominently this matter had been brought before the attention of the various Governments of Australia. That Conference recommended the lines on which restrictive legislation should go. The Conference suggested that the restriction should be based on the proportionate tonnage of vessels bringing immigrant Chinese, so that no vessel should be allowed to bring to Australia more than one Chinese to so many tons of registered tonnage. Beyond that, there was some difference of opinion as to whether there should or should not be a poll tax. That proposal, however, was left an open question. I think most of the colonies, after

that Conference in the early part of 1888, adopted legislation dealing with the question. Although the advisability of imposing a poll tax on Chinese was not placed prominently before that Conference, and was not adopted as a resolution, yet a few months after the Conference the question cropped up in New South Wales and also in Queensland. In the latter colony, a Bill imposing a poll tax on Chinese was passed unanimously, thus going farther than the Conference had thought necessary; and in the debate on that Bill, not one of the members of the Queensland Assembly questioned the need of having a poll tax of £30, in addition to a tonnage restriction on vessels bringing Chinese. New South Wales has imposed a poll tax of £100, Tasmania has fixed the poll tax at £10, and New Zealand at £10. I am not quite certain about South Australia or Victoria, but believe they have not got a poll tax. At all events, the majority of the colonies have, in addition to the restriction as to tonnage, placed a poll tax on the immigration of all Chinese; and I, in this Bill, ask that a poll tax of £50 should be imposed on Chinese coming into this colony. The highest amount is £100 in New South Wales, and the lowest amount is £10; therefore I think the fairest way is to split the difference by fixing the amount here at £50. The position of New South Wales and of Queensland, in reference to Chinese immigration, is different from that occupied by other colonies. For instance, New South Wales, by virtue of its large exportation of coal, is brought into almost direct contact with Chinese ports. Queensland also has a regular shipping service between its shores and those countries where Chinese exist. West Australia is in a similar position, for we have a regular steam service between Singapore and our Northern ports. The position of Queensland, in this respect, is more nearly the position of this colony than that of Victoria or other Eastern colonies. Australasia as a whole having determined, as strongly as it possibly can, that Chinese are not wanted in our midst, we in this colony ought to adopt the logical conclusion and do our best to restrict their importation: and, if they do come into the colony, we ought to

prevent them from coming into competition with Europeans in trade or labour. I am well aware there are members of this House who believe that for a certain industry cheap labour is essential; and, for the purpose of a compromise, I provide, in a subsequent part of the Bill, a certain restrictive regulation, but making an exception in favour of that industry for which cheap labour is thought to be desirable. Some members may ask: Why should we exclude Chinamen? Am I not right in saying it is too late in the day to discuss that question? On every statute book in Australia there is restrictive legislation, more or less stringent, against the Chinese; and there was the conference of 1888, which clearly showed that the opinion of Australia was very strongly hostile towards the influx of Chinese. Under our Customs Act we have provisions for preventing persons who are too poor from landing on our shores—that is for excluding paupers: and if we have the moral right to exclude those immigrants who are paupers, simply because they happen to be poor, I say we may equally claim to have a moral right to exclude from our shores those alien immigrants with whom we can never mix. The Premier, last session, stated most emphatically that the opinion of Australasia was settled on this, that we clearly recognised we never could mix with this alien race. And, recognising that, are we not put in this position, that by the existence of Chinese in our midst we have a race that has a demoralising influence on public opinion, and on public industry, as a system of slavery, almost? The greatest objection I take is that the existence of Chinese in our midst creates these two divisions which cannot mix; the one division that holds itself to be superior, and looks on the other with a certain kind of contempt, and the other division that occupies an undesirable position. Now, I ask hon. members if that is not really the position, in connection with the presence of Chinese in Australia? The feeling against Chinese may perhaps be wrong—I am not arguing that question—but what I want to point out is the fact of its existence, and that in every true Australian there is a very strong hatred towards those of the Chinese race. I am myself an Australian, and do not feel ashamed to admit the feeling.

I feel I have too much respect and too much hope of Australia to contemplate the introduction of an inferior class. I have a great fear that by introducing these people into our colony we shall either have, on the one hand, a race of people who are almost merely the hewers of wood and drawers of water, who are looked on with the same contempt as slaves are looked on, or, worse than that, we shall have the mixing of the two races. In either event, it is a very bad look-out for Australia. This is not an imaginary evil, because it has had to be dealt with in America. Hon. members know the Chinese trouble has existed in America many years, that the Chinese question there is one of the most difficult of problems, and that the evil is recognised there as a curse. In America there has been the opportunity of seeing whether the two races will mix; and I think the result is that, if you go into those parts of America where Chinese are numerous, you see repeated in their worst forms all the degradation that exists in parts of China. I have not been to San Francisco, but I have read reliable reports, and other hon. members who have also read such reports must view with alarm the possibility of anything like that happening in Australia. Whatever may be the opinions of this House as to the advisability of having Chinese here as hewers of wood and drawers of water, simply for carrying on industries wherein cheap labour is essential, I ask is there any member of this House who thinks it is a desirable state of things to have these Chinese entering into competition with tradesmen and mechanics? In the early history of Australia, the Chinese came to the Eastern colonies for the purpose of going on the goldfields, and they did that; but after a while it was found that, not content with such opportunities, they rushed into the towns and carried on various trades and occupations. The consequence is that to-day, in spite of the restrictive legislation that has been enforced in Victoria and elsewhere, the Chinese are practically monopolising certain classes of labour and certain divisions of industry. I think we ought to prevent that, if we are going to have the Chinese here, and tolerate them simply as cheap labour. We have a right to insist that they should follow

those industries, and those only, which are thought, by some hon. members, to require cheap labour essentially. In this colony we find that this practice is being attempted. I have heard from some members of this House complaints as to the difficulty of obtaining Chinese labour on a farm or station. The Chinese labourers come into Perth and other towns, for a spell, and, having mixed here with other Chinese, and got into their gambling dens, they get demoralised, so that it is difficult to get them to return to their employment in the country districts; and the consequence is that the feeling which was so strong in favour of having Chinese labour in country districts, is now dying out. Whether that speaks favourably for Perth or not is another matter. If it does not speak favourably, it shows we are gradually creating in our midst those dens of infamy which are reported to exist so plentifully in San Francisco and elsewhere. The fact remains that the usefulness of Chinese, in supplying cheap labour, is very much lessened by their growing inclination to come into the towns and become demoralised. In the first part of this Bill I ask that provision should be made for a poll tax. I ask that because I say if New South Wales thought it essential to impose a poll tax of £100, simply because the trading relations of that colony bring it into close contact with Chinese ports, on account of the coal export, and if Queensland felt it necessary to impose a poll tax for practically the same reason, on account of that colony being closely in touch with China, so also should we, living much closer than other colonies to the Chinese settlements, take action for the same reason, by imposing a poll tax in addition to the restriction as to the tonnage of vessels bringing Chinese immigrants. At present, by the regular trading steamships, some 30 odd Chinamen can be imported into this colony frequently; and if that number come here for the purpose of settling in our town population, and competing against our own people in trades and occupations, the present evil will be increased rapidly. In legislating on this question, it is important to remember that there is another class of immigrants who are more undesirable even than Chinese. A Chinaman will work, sometimes, but I have never known an Indian work at all;

and if we are striking at Chinese, every reason for doing so applies with stronger force to the necessity of extending the restrictive legislation to all Asiatic races. The first of the amendments I desire to see made in the present Act is to extend the operation of the word "Chinese" so as to cover not only a native of China, or refer to the Chinese race, but also a native of India, China, Africa, Japan, Java, or any of the islands of the Indian or Pacific Oceans, or of the Malayan Archipelago. That, I think, will strike not only at the Chinese but at those who are practically in the same position—those who never can mix with us, and who come only for the purpose of scraping together money as fast as they can and then leaving the country—those who take no part in our public life, and discharge no duty as good citizens. I also desire to amend the Act of 1889, by striking out sub-sections (5) and (6) of section 5. In this Bill there is a misprint, which says "(4) and (5)," instead of (5) and (6). I want to strike them out, because I do not see what reason there is for any exemption under section 5. If they have not obtained their certificate of exemption by this time, within the five years specified in the Act, I think we well may say it is their own fault, and that they ought to have looked after the rights given them by the Act. At present there is a great risk that those who came into the colony after the passing of the Act of 1889 have applied or will apply for this certificate of exemption, and will thus defeat the object of the Act. In asking for the striking out of the exemption under sub-section (6), it is to ascertain whether the powers can be exercised at the mere caprice of a Minister, or only in a certain defined emergency. Also I provide, by clause 6 of the Bill, that in future no certificate of naturalisation shall be issued to any Chinese. That will perhaps startle some hon. members, but it does not startle me, because I think that if any Legislature passes restrictive Acts, as we have done—if any Legislature, by an almost unanimous vote, uses a strong word about the Chinese, I think they are not fit objects to be made British subjects. If the Chinese race can justify the feeling which there is in Australia towards them, I think they are not desirable persons to be British subjects. I

have copied that section of the Bill from New South Wales, also sub-section (2) of the same section, which provides that if a Chinaman has arrived in the colony and subsequently leaves it, he then becomes subject to the same provisions of the Act as if he came here for the first time. That is necessary, because it is so easy for a Chinaman to evade identification. Even if the House refuses to follow me as far as I have gone—and I have proposed nothing in this Bill that cannot be vouched for by the example of the sister colonies—nothing new, nothing startling—

MR. R. F. SHOLL: You won't allow the Japs to come in. They can eat up the Chinese.

MR. JAMES: I think most hon. members will agree that, if we are going to have restrictive legislation, although this Bill may be going too far, yet if the restrictions are to extend to those of the Chinese race, a strong and good case can be made for extending the same restrictions to the natives of any Asiatic race. But whether hon. members will agree or not as to imposing a poll tax, I do ask them to pass the second reading of this Bill, and to agree with me in the provisions of section 7, which proposes to regulate the trades and occupations in which any Chinese may engage in this colony. I think hon. members will agree that, if we should import Chinese, we want them simply for the purpose of carrying on menial labour. We do not want them to compete against Europeans in many kinds of labour and in trades, as they do at present. If they do come here, we should tolerate them simply as labour machines and for cheap labour. I ask members, is it not desirable that we should introduce provisions for preventing the possibility of that happening here which has happened in Sydney and Melbourne, where the furniture trade is wholly monopolised by Chinamen, and where, as a consequence, there are scenes of degradation and vice that are equalled perhaps only in San Francisco and certain parts of China? That will happen here, if allowed. When the attention of the whole of Australia is directed to this colony, now is the time to nip in the bud any chance of such a thing happening; and if hon. members will not go with me as far as I desire, yet I ask them to adopt the provisions in section 7. By

the first sub-section, I want to prevent Chinese from entering into trade, and this does not extend to any shop now open, so that the prohibition is not retrospective. Is there a member of the House who will object to this provision? Is it right that these men should be allowed to carry on shop-keeping? Is it right that the overwhelming majority of Europeans in this colony should be asked to carry on their business in competition with Chinamen? The great difficulty of dealing with this question is that Chinamen are not likely to come into competition with those who sit in this House. It happens to be the good luck of those who sit in this House that their professions, occupations, or businesses do not attract the competition of Chinamen; because, if they did attract that competition, we should see a much more ready sympathy in dealing with such matters in this House. In sub-section (2) of Clause 7 I want to prevent Chinese from engaging in mining. The existing law provides that no miner's right, permit, lease, or license shall be granted to an African or Asiatic alien; but, in addition to that, the sub-section I propose would prevent such aliens from being employed upon any mining interest. I have the assurance of one of the mining representatives that they are employed here in mining. I understood from the Government benches, in remarks made on the Collie coalfield, that our coal deposits are much more valuable than our gold deposits; that there are untold millions of value in the Collie coalfield, which is going to be worked by private speculators; and I want to prevent Chinamen from being employed in those coal mines. Sub-section (3) prevents them from being interested in any lease, license, etc. The Act at present simply prevents a lease or permit from being issued to them, but there is nothing to prevent them from getting a European, if they can, to obtain or hold a lease as trustee for them. I want to keep them off the goldfields and the coalfields entirely. In sub-section (4)—though it may be to a certain extent surplusage—I provide that no Chinaman shall “employ or engage himself, or be employed or engaged in any trade or occupation whatever other than the occupation of a farm labourer, station hand, menial servant, or gar-

“dener, or as a diver or assistant, or otherwise in connection with pearling.” With those exceptions, I say we do not want Chinamen employed here at all; and if there is an instance of a trade or occupation in which Chinamen are useful, and which is not included in the sub-section, I shall be glad to include it. Under sub-section (5), I provide that the Bill shall not extend to existing shops. The persons interested in those shops are required to register their names, under by-laws provided for in section 8; for although the shops now open are exempted from these enactments, still we ought to make provision for compelling the owners to register. Clause 8 carries out the intention of those members who opposed my motion *re* the early closing of shops; and as those members were good enough to say that if I had, by that motion, given special power to municipalities for making by-laws to regulate the opening and closing of Chinese or European shops they would have supported it, I now give to those members an opportunity of testing their sincerity. I provide that the municipality shall have the power of determining the times within which shops shall be open for business. As to the objection of those hon. members to entrust to a municipal council the right of saying when shops shall be closed, I ask is it right that these Chinese and Indian shops should be allowed to be kept open, as now, until eleven or twelve o'clock at night, and thus carry on unfair competition against European traders? I think I shall carry members with me, so far as that section is concerned. Perhaps a majority of members may think that the provisions of this Bill are too strong, but I am glad to think that the strongest sections are not stronger than the sections existing elsewhere. The sections as to the poll tax and naturalisation are the strongest, and they exist elsewhere, as I have stated. I do ask hon. members, is it right that Chinamen who come here, and whom we recognise as being a distinct race with which we do not want to associate, and whom we want to keep separate from our own race as far as possible—is it right that we should allow them to come here as hewers of wood and drawers of water, and directly they get here to rush into

towns and carry on trades and occupations in competition with Europeans? Surely it must be in the interest of those members who want Chinamen for country labour to adopt these provisions, because they will prevent the towns from becoming so attractive to Chinamen as they are at present. Chinamen would thus be prevented from coming into the towns, except as menial servants or as vegetable gardeners. I hope members will give this Bill a fair discussion. I am told that, to a large extent, members of a Legislature are like sheep—they follow a leader; and as members of this House happen to know there is a majority against this Bill, they may be disposed to laugh at it. But I do not mind that, for I bring it forward now to see how far members believe in the principle of Chinese immigration. Do they agree with the words of the Premier when he said last session, in the clearest language, that we do not want Chinamen? I ask the Premier, is he prepared not only to put restrictions on the importation of these men coming here, but that after arrival here they shall not be allowed to enter into unfair and unjust competition with Europeans in trade or occupations, but be restricted simply to carrying on the work they are more essentially required for, in those industries where it is thought that cheap labour is essential—though I do not admit for a moment that cheap labour is always the best? I ask hon. members to give the Bill a fair consideration, and, if they cannot agree with every part of it, to adopt those parts which they do agree with. The evils existing in the sister colonies are being intensified, and they do not exist here to a large extent simply because we have been comparatively unknown; but when West Australia is becoming an object of attraction all over the world, now is our time to nip these evils in the bud, and to prevent that happening here which has happened elsewhere. I do think that if we pass this Bill now it will go a great way towards preventing, in this colony, a repetition of those conditions and evils that exist in the sister colonies in connection with Chinese.

MR. RICHARDSON: I fail to see where the necessity for this Bill comes in. We have passed a Chinese Immigration Restriction Act, which provides that no

steamer or ship shall import Chinese into this country in excess of one Chinese to every 500 tons of registered burden; and knowing that such provisions exist in our law, all the debating of the hon. member is something like beating a shadow, or quarrelling with a dead lion, because I cannot see where all these tremendous evils are going to happen when we know that such a restriction exists. As to the necessity for imposing all these restrictions, together with a poll tax of £50 each, I do not think there will be any necessity to make provision or exemption for any one of them. It will be seen that the hon. member includes not only Chinese proper, but also any person apparently a native of India, China, Africa, Japan, Java, or any islands of the Indian or Pacific Oceans. But we know many of these persons are British subjects, and the Bill would be somewhat of an interference with international law. Indeed, I do not know that we are engaging in legitimate legislation at all. We are entering a province into which we have no right to intrude; and, having such severe restrictions in existence, I think the introduction of this measure is unnecessary. There are districts in this colony where it would be impossible to carry on those occupations which Chinese are engaged in, without some form of foreign labour, Chinese or otherwise. We know that very few Chinese can come in under the existing restrictions, and that with the amount of steamer accommodation we have now, we cannot introduce more than twenty or thirty Chinese over the whole coastline of three thousand miles. Considering these facts, it appears ludicrous to labour this question, and debate it for hours, and pass a tremendously cumbersome measure like this. For these reasons I think the Bill is entirely unnecessary; and I therefore move, as an amendment, that the Bill be read this day six months.

MR. ILLINGWORTH: I am not prepared to support the Bill in all its details, but to the main principle I must give my hearty support. With reference to the objection raised by the hon. member for the De Grey, who says it is impossible to carry on certain occupations in the North without Asiatic labourers, I desire to call his attention to the fact that this Bill does not prevent such labour from being

obtained. The Bill does not propose that no Chinese shall engage in labour as servants on farms, or as market gardeners, and the like. Then, as to the proposed poll tax of £50 being almost prohibitive of the number of Chinese labourers that may be imported into the colony, I may inform the House that in Victoria there are large manufacturing firms which think nothing of paying £50 or £100 per head to get in Chinese labour. I will give the House this fact to consider, that before the introduction of Chinese labour into cabinet-making in Melbourne, an ordinary chest of drawers was sold for £8 10s.; but since the employment of Chinese in that industry, the same style of article is to be seen ticketed at £1 17s. 6d. in the shop windows. I do not give in my adherence to the proposition that it is good policy to buy in the cheapest market, or that we should promote a system of sweating even amongst Chinese workmen. I know there are large manufacturing firms in Victoria which engage Chinese workmen, and treat them worse than any negro labourers in South America were treated in the olden time. I have seen these Chinese almost naked, working fourteen and sixteen hours a day, for the smallest possible pittance, labouring not for themselves, but for certain employers, who used them and reduced them to the lowest possible living wage. Those employers kept these imported Chinese under conditions in which they could not learn the English language and customs; kept them close in little hovels, thirty or forty men herding together under conditions that are an absolute menace to the public health, not to speak of its moral effect. These men are simply parasites on the body politic. They are engaged under conditions in which it is almost impossible for Chinamen to live. It may be said that is not the condition here; but I can inform the House that some of these firms, which supply their stock from workshops carried on in that way, are now making arrangements to open the same kinds of business in this city of Perth, and it will be with the object, in fact, of carrying on their work under the same conditions. I ask hon. members whether they would like to see business carried on under such conditions in Perth? It is all very well for the few Chinese we

have here now; but when Perth begins to grow and take the form of a busy city, you will have all these conditions of which I speak, and conditions which are destructive to the body politic. I say these people are simply parasites on the body politic; that their conditions of life are adverse entirely to our own; that their circumstances are such that they cannot possibly amalgamate or associate with us on even conditions. Holding these views, I must give the Bill my support.

MR. R. F. SHOLL: The hon. member who has just spoken was, as he always is on any matter he takes up, most eloquent; but the hon. member is imbued with the ideas existing in Victoria, from where he has come. Before Victoria was overrun by the Chinese race, there had not been the restrictive measures that were passed afterwards. We have here passed an Act which restricts the importation of Chinese. We have regulated the importation, and have prevented Chinamen from importing their own countrymen into this colony, that being the abuse most complained of. It has also been enacted that not more than one Chinaman for every five hundred tons of ship's register shall be landed in this colony. Having now these restrictions, it is not necessary to go to extremes. Every hon. member will agree we are not going to allow the Chinese race to elbow our own people out of this country, and it is only a question how far we shall go. I think some hon. members are going to an extreme. We require gardeners, and in the Northern parts labourers are required, because white men will not do some of the work. White men will not turn ti-tree and bull-rush swamps into vegetable gardens; and Chinese are also necessary as cooks and domestic servants in the Southern parts. I think we should be reasonable in these matters. With regard to the goldfields, we have prohibited Chinese from obtaining miners' rights; but I do not see why miners should not be allowed to employ Chinese as cooks. By preventing Chinese from coming into the country, you prevent their use as gardeners and cooks on the goldfields or elsewhere, in places where white labour cannot be obtained for such occupations. I cannot agree to exclude them entirely nor to place a poll tax of £50 each on them.

By restricting their importation I think we have taken action in good time. I will support the amendment, because I think the Bill is unnecessary, and that the legislation already adopted is sufficient to prevent any large influx of Chinese. As to the argument that Queensland is on a par with this colony because we have direct communication with Singapore, it should be remembered that Queensland has very large steamers running monthly, whereas this colony has only small steamers running, and there is not the slightest danger of any large influx of Chinese into this colony. This Bill, in defining a Chinese, says in section 2: "Chinese" shall mean any person apparently a native of India, China, Africa, Japan, Java, or any one of the islands "of the Indian or Pacific Oceans, or of the Malayan Archipelago." But the natives of India are really British subjects, and it would be protection with a vengeance when we protected ourselves against British subjects coming into the colony. I do not think such exclusion would be sanctioned by the British Government, no matter whether the British subject be a Chinese or Indian or Malay. I think the hon. member has got his brief from some one who would have been better if he had kept out of the colony. If the hon. member, in framing this Bill, had excluded some slippery labour agitators, the measure might have received some support, because one slippery labour agitator would do more harm to this colony than a thousand Chinamen. I believe the Chinamen are useful in their way; the Malays are also good in their way; but they should be restricted, and they are already restricted by legislation. I shall certainly vote against the Bill.

MR. CLARKSON: If the hon. member for East Perth could induce the members of this House to follow him, and to import Japanese, we should see no more Chinamen. I am surprised the Chinese Government do not retaliate in some way for this harsh treatment of Chinese in Australia, by placing some restriction upon British subjects entering their country. I must confess I do not like Chinamen, and never employ them if I can do without them. At the same time they are useful in their way, and I think the present legislation is a sufficient pro-

tection. I have lately been reading a book written by a celebrated Frenchman who calls himself "Max O'Rell," and he says the Chinese are worthy to be followed by Europeans in many ways. I must say I agree with him. They are careful, sober, and industrious, and they set an example to European labourers in some respects. I have no fear that this colony will be overrun by Chinese, and it cannot be overrun so long as the present law is enforced. It cannot be denied that the Chinese are very useful in the Northern districts of this colony, where they perform work that it is difficult to get European labourers to do. In the Southern parts of the colony they are useful as gardeners; and what would be the position of Perth to-day if it were not for the Chinese gardeners? Vegetables would, in fact, be at a very high price, if you could procure them at all. In country districts the Chinese seem to be better than Europeans in the cultivation of vegetables. The great objection to the Chinaman is that he works for a lower rate of wages, and does more work than a European can be got to do. As to a chest of drawers being reduced in price from £8 to £1 17s. 6d., is that any reason why we should exclude Chinamen? I say the cheaper these things are, the better for the people who have to pay for them. I shall certainly not support the Bill, but vote for the amendment.

MR. HOOLEY: I hope the House will not be led away by the eloquence of the mover in introducing this Bill. The hon. member is evidently not an employer of labour, or he would not have introduced this Bill. He quotes Queensland and New South Wales, but I maintain that the regulations suitable for those colonies are not suitable for this colony, our circumstances being totally different. In colonies that have comparatively an English climate, Europeans can labour without difficulty; but, if the hon. member has been three months in the Northern parts of this colony—[MR. JAMES: I was there three years and know all about it.]—I will go farther, and say if the hon. member had the misfortune to possess a little property in a Northern district, he would soon change his mind about Chinese labour. As to the degradation of the Chinese, we will admit there

is degradation; but I ask the hon. member whether he will not find signs of degradation in countries occupied by Europeans. He says this Bill will not restrict the employment of Chinese as assistants to farmers, but he forgets that his Bill proposes a poll tax of £50 upon each immigrant Chinese; therefore, if a Northern station owner required five Chinamen, he might experience some difficulty in raising £250 to pay the poll tax. In pearling, for instance, there are sometimes as many as twenty to fifty labourers imported, and, if fifty came here, the poll tax payable under this Bill would be £500. A short time back, when travelling in a Northern district, I spent a day at a station, and was one of twelve travellers who slept there that night. The woman of the house, being unfortunately without any help, had to cook for and wait on these twelve travellers; carrying one child in her arms and another clinging to her skirts. The Chinaman cook was ill, and the woman had been unable to obtain a white cook; so this unfortunate lady had to do all the hard work under these circumstances. If the hon. member wished to assist the shopkeepers of Perth, why not introduce a short Bill, in accordance with sub-section (7) of this measure? Then he might carry the House with him. Sub-section (4) of this Bill is, I maintain, a trap, because, before a labourer can be imported to carry on the trades specified, a poll tax of £50 must be paid. I have much pleasure in supporting the amendment.

THE ATTORNEY GENERAL (Hon. S. Burt): To hear the hon. member for East Perth, one would have thought there was no existing legislation on this subject; but long before the hon. member came into this House, the Government of the country had decided to take steps in the same direction as had been taken in other colonies for restricting the influx of Chinese, and in 1886 a poll tax was imposed. In consequence, however, of the Conference held at Sydney in 1888, and the recommendations there made, the poll tax in this colony was given up, principally for the reason mentioned by the hon. member for Nannine, that employers of labour in the larger cities could afford to pay the poll tax for the purpose of sweating their Chinese workmen. It was to stop that sort of thing that the Con-

ference recommended the abandonment of the poll tax, and the adoption in its stead of the principle that the importation of Chinese should be restricted to one Chinese for every 500 tons of ship's burden. A report of the speech of the then Colonial Secretary, delivered in 1889, when introducing the present Chinese Immigration Restriction Act, informed the House as follows:—"The object was to harmonise our legislation as regards Chinese immigration with the legislation adopted by the sister colonies, with certain adaptations to meet the local requirements of this colony. It was the outcome of a Conference held in Sydney last year, at which he had the honour of representing this colony, and he might say that all the other colonies had already adopted the measure. It was passed by New South Wales in July, 1888, by Queensland in September, by South Australia in December, and by Victoria in the same month, so that Western Australia was now the only colony that had not yet accepted the recommendation of the Conference." I may say the Legislature in this colony at once accepted the Bill and passed it, with one alteration, which was that, in view of the condition of things in the North of this colony, and to enable the settlers to import stock hands and so on, the Bill was made to exempt Chinamen imported under the Imported Labour Registry Act. That was the law, and it continued so until last year, when this Government gave attention to the matter; and, in order to bring our legislation up to that in the other colonies, we repealed that exemption under the Imported Labour Registry Act; and now, therefore, no Chinaman can be imported except under the provisions of the Act of 1889, which imposes restrictions on the influx of Chinese according to the tonnage register of ships bringing them to our shores. Therefore, it seems to me our legislation upon this subject is on all fours with the legislation of other colonies. I have not looked into the matter closely, but have relied on the statement made by the Colonial Secretary in 1889, when he told the House that the Bill then proposed, on the recommendation of the Conference, had been passed by each of the other Australian colonies. Whether any of the colonies afterwards went back

from what had then been done I do not know. But as to the remarks of the hon. member, about the iniquity, and so forth, with very much of what he said I agree; but still, while we have this Act in force, it is impossible for the Chinese to crowd here. The Government think this is a subject with which they should deal, and not a private member; because the consequences are very far-reaching, and any Bill on the subject should be well considered, and be introduced by the Government of the day. With the Bill now before the House for amending the Imported Labour Registry Act, we think the Chinese Immigration Restriction Act will be very much assisted in its operation; and we think the Imported Labour Registry Bill, which is down for second reading, can be so worded as to do very much the same as the hon. member wishes to do in his Bill. The Government cannot forget that the circumstances of some parts of this colony differ very much from the circumstances of other parts. The pearling industry in the North-West, and the settlers in the Northern districts, have to be considered. But, as to the South, we think the circumstances are altogether different, and we cannot think of allowing Chinamen to crowd in the towns and cities. The subject is an important one, and one on which, when we do take action, we regret to be driven to do something for preventing the free coming and going of a particular race. It has always been the boast of Englishmen that on British soil men are free to come and go as they think fit, and therefore it is a little repugnant to an Englishman's sense of justice to be driven to adopt restrictive legislation of this character. I admit there is a necessity for it, in the case, at any rate, of Chinamen in towns—there can be no getting out of that. But, keep the Chinaman out of town, and I do not know but that he may be of use to the settlers in country districts. Chinese should not be allowed to come in freely, at any rate. Looking at this question as one of some magnitude, the Government are not able to support the hon. member for East Perth, and feel bound to vote for the amendment.

MR. WOOD: I am bound to support this Bill, because I think we ought to do

what we can to restrict the immigration of Chinese; but I should like to see some special legislation to suit the circumstances of the Northern districts, so that those settlers who want this kind of labour should be able to obtain it. If Chinamen are to be imported as servants, and as servants only, I should be very strict in making the importer send back these servants at the end of their term. We should restrict the Chinese from entering into business in the towns; and in reference to those Chinese who are carrying on business here at present, I think that, with a due regard to vested interests, we should give them a period of notice within which they might make up their accounts and clear out. To make the restriction effective, that must be done. Some hon. members say the Chinese should be kept out of the towns, but be allowed to go into the country districts; but those hon. members don't say a word about these Chinese competing against the country storekeepers. I shall support the Bill.

MR. CONNOR: I am in sympathy with the ideas of the mover of the Bill, but I agree with the Attorney General in saying this is a subject that should be dealt with by the Government. The hon. member for East Perth cannot say the Government were not willing to bring forward legislation on the subject. We are agreed it is against the interest of the country generally that the Chinese should get any very considerable hold here; and we are agreed that they should not be able to take and hold land, nor act as holders of claims and leases on goldfields. If this Bill passes the second reading, there are many clauses which I shall have pleasure in supporting; but some other of the clauses require to be carefully looked into. The most objectionable clause is the second, which defines the meaning of the word "Chinese" so as to include several other races. If the Bill were carried in this shape, it would have a bad effect on the pearling industry, by shutting it up effectually, that being an industry which cannot possibly be carried on without the employment of Asiatic labour. The Attorney General said the one great objection to Chinese is that they come into the towns and settle there. I agree that is a great objection, but it is

not the only one. Look to the history of the Northern Territory of South Australia, where there should be a flourishing settlement; but the Chinese having been introduced, under the plea that they would benefit the country, we find now that in a great measure the entire territory is in a bad state indeed. There should be a population of thousands of people, making a good living. The gold mines in the Northern Territory are equal to some of the mines in this colony, and are being worked by Chinese, but they are not of the slightest benefit to that country, as the gold won by the Chinese does not go into circulation in any form, for the Chinese workmen live on rice and some opium, the latter being principally smuggled into the country, and they do not trade with Europeans. I have been there, and have seen the effects of the system. If the Attorney General had said we will not have Chinese in connection with mining, as holders of leases or licenses, or as persons acquiring property, I should have been glad to hear that statement. If we have them as labourers alone, it is possible they may be a benefit to the country, though I do not absolutely think they will be. In speaking against the Bill, I am speaking against my individual interests. If Chinamen were employed in the Northern parts of the colony, as labourers only, I should not object. Should the Bill pass the second reading, I shall support the principal part of it, for I think it contains some provisions that should be passed into legislation.

MR. A. FORREST: I regret that the Bill goes far beyond what any reasonable man can agree with. In the first place, all those districts northward of the North-West Cape would have to be abandoned if this Bill were carried. Especially would that be so in the town of Broome, where the whole population is Asiatic. It would also be impossible to carry on the pearling industry, if each imported labourer is to cost £50 a poll tax. The hon. member should have proposed that all the districts northward of the North-West Cape should be exempted from this Bill, for it would be impossible for those districts to carry on without Asiatic or Chinese labour. I suppose no man objects to Chinamen more than I do, and I am sorry there are so many in

our towns, competing with European labour; but representing, as I do, one of the Northern districts of the colony, I cannot support the Bill, because the district I have the honour to represent would be wiped out altogether, the pearling industry in particular being carried on with such labour. I shall support the amendment; and I agree with the Attorney General that a measure of this kind should be introduced only by the Government. This Bill is too far-reaching, and I do not think any hon. member will agree with all its provisions. To alter the Bill in committee might spoil it, and we had better agree with the amendment.

MR. SOLOMON: When an hon. member introduces a Bill, it is generally with the consent of the House; and when a Bill is introduced by a private member, the Government should have a copy of it, so that they might be able to say whether they would vote against the introduction of the Bill. When a private member takes the trouble to draft a Bill and introduce it, the Bill should receive every attention. This subject has been before the country on various occasions, and the constituencies have to a great extent approved of the principle of excluding Chinese from the country. I shall support the second reading of this Bill, but there are many parts of it I cannot support. The interpretation of the word "Chinese" does not meet with my approval, and the including of many nationalities in the Bill would no doubt cause trouble in the administration of it. I think those Chinese who come here in the future should be restricted in their employments. We have quite enough competition from those who are aliens, and it is impossible for tradesmen who pay high wages and high rents to compete successfully against these alien traders, on a basis of fair profit. One great fault has been the fact of the Imported Labour Registry Act not being carried out in its entirety. I understand that in many instances when the imported labourers have been discharged from their employments they have not been sent back to the country from whence they came; and this sort of thing has brought the question more prominently before the public. Many of those aliens who came here previously have lived to fill our pri-

sons and asylums, especially the Chinese. I have made inquiry at the prison and Lunatic Asylum in Fremantle, and find that in many instances these men, on arrival, were almost imbecile, and in many instances before the men had been in the colony many weeks they had to be placed in the prison or the asylum. If they go to prison first they probably become lunatics, and end their days in the asylum. With regard to the circumstances of the North, some allowance should be made; and I should be in favour of a clause providing that settlers in the North should be allowed to import alien labourers for special purposes. I shall support the second reading.

MR. MORAN: I look upon this as one of the greatest questions that has been fought out in Australia; and it embraces the question of coolie labour, which we have seen fought out in Queensland, where a very strong Ministry was absolutely routed for supporting the coolie system, and the very Ministry which routed it did afterwards turn round and re-introduce the same policy themselves. This Bill deserves consideration. The question has been raised as to whether you can refuse to admit a British subject coming to this colony. The whole of India belongs to Great Britain; any part of China may become British; and at any time the most despicable class of Indians or Chinese might be imported into this colony. If we objected to the introduction of such races into our community, I do not think the Government of Great Britain would take advantage of the nominal claim of such persons to be British subjects, and would not refuse assent to our legislation for excluding them.

[Attention called to the absence of a quorum. A quorum having been formed, the debate proceeded.]

MR. MORAN, resuming, said: The objection as to a Chinese or Afghan being a British subject does not hold good, because we cannot, in practice, rely on the distinction between a British-born Chinaman and one who is to us a foreigner; for one might pass his naturalisation paper over to another, and there is no means of preventing this. Great Britain may conquer the whole of India, including the portions now under British protection, and the whole of the Indian

people might thus claim a right to come to this country as British subjects. That is not to be tolerated. Britain might also extend her power and take in a portion of China, and the same result would follow. I do not think this House will be disposed to support the Bill in its entirety, because it includes in the definition of "Chinese" the South Sea Islanders, who are a distinct race, and not so objectionable as the Chinese. I reserve to myself the right to say whether I should be inclined to include people who might be engaged in the sugar-cane industry. It is a moot question in Queensland yet, and not decided by experience, whether white men can satisfactorily cut sugar-cane in hot climates. I have seen many who have attempted it, and who have paid the penalty, very often with their lives. The Northern parts of this colony might engage in the industry of sugar-growing. With regard to station work in the North, I consider that white people are equally well able to perform all sorts of labour, outside that of growing sugar-cane—indeed, better than alien races. As to the hardship which a certain lady had to undergo, as mentioned by one hon. member, that has no bearing on the question. We might bring forward a thousand cases of horror and misery to be seen in the Chinese quarters of towns in Australia. One object of the Bill, which should commend it to the House, is that it would exclude Chinese from engaging in shopkeeping or any kind of factory labour. The Bill also affects the goldfields, and the question of Afghan labour. We have seen already that Afghans and white men have come into collision on the goldfields, and I know that the habits of Afghans on the fields are most repugnant to the white population. We have to admit that, up to the present, the Afghans may have done a certain amount of good work, in teaching white men the use and management of camels, in the drier regions of the colony; but now it is recognised that white men are equally well able to manage these beasts of burden, and can carry out the operations better than Afghans. That being so, I think the time has come to stop the importation of Afghans, and particularly to prohibit them from going on the goldfields. The Government appear to be in doubt as

to whether some of these Afghans are engaged in keeping shops on goldfields. I can remove that doubt. They are carrying on very large businesses, and can afford to sell cheaper than the white traders. The diggers, as a class, have never been inclined to support alien races, on the score of cheapness, as dealers in stores. I venture to state that 99 per cent. of the digger population would vote solidly for the exclusion of alien races from our goldfields. I should have been better pleased with the remarks of the hon. member for the Gascoyne if he had not used the words "slippery labour agitator." I do not know whom he refers to. If he means a man who aspires to a position in this House, I say such a man has just as much right to seek election to it as any member here. But that kind of remark, in treating this question, is to be deprecated entirely. It has been stated by a member of the Government that the present Act is sufficient. Sufficient for what? Sufficient to keep away the Chinese? If it is sufficient, why should there be objection to make it stronger still? If the Government are in favour of preventing Chinese from coming here, they should vote for this Bill, and cast out, in committee, the clauses they do not like. It is a significant fact that in Queensland the Griffith administration, after having turned out the McIlwraith administration on the coloured labour question, brought back the Kanaka labour for the sugar districts. The Kanaka is a labourer pure and simple, and does not enter into competition in business. I shall vote for the second reading of the Bill.

MR. MONGER: I am indeed sorry to find that one of the most important private measures ever introduced into this House does not receive that support from the Government which one naturally expected from the arguments used last session, when the Government introduced the Bill for amending the Imported Labour Registry Act. They seem to be in full accord with the objects which are sought to be attained by the present measure. References to the sentiments expressed in the Premier's speeches have already been made, but how he and his colleagues can reconcile the sentiments quoted with the opposition now expressed in reference to this measure, simply

because it is brought forward by a private member and not by the Government, is a surprise to me, and appears to be contrary to the ordinary principles which the members of the Ministry have hitherto adopted. As a rule, it has been their custom to support measures which have for their principal object the best interests of the people. Seeing that the Government introduced a very similar measure last session, when the Premier delivered one of his very able speeches in favour of restricting Chinese immigration, and seeing that this House unanimously passed that Bill, it seemed to me, until just now, that no objection could be raised by the Government to the Bill which has been introduced by the hon. member for East Perth. I, at any rate, am glad to be able to support this Bill, not as a democratic representative, not as a representative of the labour interest, but as a member who has been more nearly associated with the importation of Chinese into this colony than perhaps any other member of this House. I may be permitted to call the attention of the Government to the state of the Chinese population in this city of Perth, and to the way in which their dens are managed. If one could only induce the Premier and the Attorney General to visit those quarters, they would come to the conclusion at once that some legislation is urgently necessary for preventing any more of those people from coming into Western Australia. It is all very well to hear the arguments of gentlemen who have interests in the North; but, as one who has perhaps as many interests in that portion of the colony as any other member, I may say that I should like to see the Chinese excluded even from the Northern districts. I say the general impression of the people resident in Cossack, Roebourne, and other Northern parts, where we are told no white man can work, is that there are more Chinese and more coloured men there now than work can be found for. And these men are not found away out on the stations nor at the pearling grounds, but they are found in the towns of Cossack, Roebourne, and Broome. Yet some of the people, whose interests lie in those quarters, represent to this House and the Government that it is absolutely necessary for the welfare of those districts that these Chinese and coloured men should

be allowed to come in as they like. Well, I say that if the interests of those portions of the colony depend on a greater influx of these Chinese, Afghans, and other coloured races, the sooner the Government make arrangements to hand over the Northern part of the colony to some Power in another part of the world—to China or Afghanistan—the better it will be for the interests of the people who now reside there. I have been in the Northern portions of the colony, and have been connected with certain stations up there, and until recently I had always heard it was necessary to employ Chinamen to perform a certain portion of the station work; but I say we have sufficient aborigines to carry on the whole of the station work in those districts. Still, if it is necessary, and if that is to be the condition, then by all means allow the Government to make such amendments of this Bill in committee as will enable the portions of the colony northward of Champion Bay to employ Chinese, or allow Chinese to come in and carry on trade there; but, in that case, let us restrict them to those parts, and exclude them from these portions where white labour is to be had simply for the asking, and where white labour is unemployed to such an extent as a result of so many aliens being allowed to come in and trade amongst us. I fail to see how the Government can reconcile themselves to the opposition of this Bill, after the speeches which Ministers made upon the Hawkers and Pedlars Bill, and upon the Bill for amending the Imported Labour Registry Act last session. If the Premier can get up to-night and conscientiously say he made a mistake when he introduced the Bill for prohibiting the licensing of hawkers and pedlars, and when he introduced the Bill for amending the Imported Labour Registry Act, which was carried by a large majority last session, then I shall be sorry to think his policy has altered in so few months. I feel the greatest pleasure in supporting the Bill which has been so ably placed before the House by the hon. member for East Perth; and as long as that hon. member introduces Bills which have similar objects in view, I shall have pleasure in supporting them.

MR. JAMES: I have to thank, very greatly, the members of the House for

the manner in which they have dealt with this Bill. I have to thank the Attorney General for the speech he delivered, for it seemed to show that he, at all events, is in sympathy with the main objects of the Bill; and I take it that, as no other member of the Government has spoken in the debate, the Attorney General has expressed the views of the Government. I am glad to think the Premier has stood by what he stated in the debate on the Chinese question in August last, when he said:—“This is a British country, and we wish to build up a British community here, and we do not want the civilisation of oriental countries to be thrust into this Australian continent.” I hope he will always stand by that. I am glad to think the only reason the Government have for opposing this Bill is that it ought not to have been brought in by a private member—though I cannot admit that—and that we should wait until we are driven to this legislation. I do not agree with that, for I think we ought to anticipate evils as far as possible, and, having the experience of the sister colonies, we ought to take time by the forelock, and pass this legislation for preventing evils from arising. Complaint has been made that the Bill interferes with the right of British subjects; but that interference has not always been a bugbear in the minds of British politicians. Hon. members will recollect the time when Sir Henry Parkes, then the Premier of New South Wales, sent back a whole shipload of Chinese immigrants who wanted to land in that colony. That was an illegal action, and in violation of treaty rights; but in defending his action he said he cared nothing about quibbles of technical law, but believed that in the interests of the colony, and for the future of Australia, it was essential that Chinese immigration should be altogether restricted, and that the Chinamen then in the country should be prevented from entering into unfair competition with Europeans. As to the probable action of the British Government, which has been referred to, I believe that if we were to send a Bill like this to England, it would receive Her Majesty's assent. The Governments of Australia have always had their way in this matter, and I think we should not be afraid of passing this Bill merely because it interferes with

the rights of British subjects coming into the colony. Those Chinamen who come here are most likely to be British subjects; and, in the case of Chinese born in Singapore, how can we prevent such a person from handing over his naturalisation paper to some other Chinaman? That has been done time after time, and, unless you do prevent that, you practically override the intention of the Act. In dealing with the Hawkers Act, the men whose licenses were thus taken away were British subjects, and that legislation was aimed directly at British subjects. In whose interest was that Bill brought forward? Not in the interest of the working classes, but of the very gentlemen who have opposed the second reading of this Bill to-night. I regret that those who oppose this Bill, strangely enough, are gentlemen who employ Chinese labour, either directly or indirectly. I regret that, instead of their approaching this subject with a desire of adopting so much of the Bill as they consider good and rejecting that which they consider bad, they pick out a particular clause and say, "That is bad; therefore I oppose the second reading of the Bill." As to the poll tax being restrictive against a Chinaman coming here from the Northern Territory overland, he would have to get a permit on entering this colony. I thank those hon. members who have supported this Bill, and I am quite certain that the result of this discussion will be that next year we shall see further legislation introduced for imposing more restriction on Chinese, and particularly for preventing them from competing in trade and occupations against Europeans.

THE PREMIER (Hon. Sir J. Forrest): The Attorney General has expressed the views of the Government on this subject; but anyone listening to the hon. member who introduced the Bill would come to the conclusion that we are a long way behind the times in regard to legislation on the Chinese question in this colony. Now, I wish distinctly to say we are abreast of the other colonies, and that our legislation on the question is the same as that existing in all the colonies. The only difference is that in one or two colonies there is a poll tax. The hon. member seems not to have known, when drafting this Bill, that we legislated on this question quite recently, because in some of

the clauses he has made provisions which already exist in the Act lately passed. I do not think the hon. member has been at all generous in his remarks on the present Government or on this Parliament. The gist of what he said was that the Chinese question is a great menace, and that a serious evil is growing in our midst. Anyone hearing his remarks must have thought we are far behind all the other Australian colonies; but I say that in South Australia and Victoria there is exactly the same legislation on this subject as exists in this colony. Therefore, considering we have had Constitutional Government hardly four years yet, it cannot be said the legislation of this colony, on the Chinese question, has lagged behind the legislation of other colonies, which have had Constitutional Government thirty or forty years. The Government brought in last session a Bill for amending the Imported Labour Registry Act, by making it illegal for a Chinaman, when he comes here as an imported servant, to engage with another master at the end of the period of service, unless with the consent of the employer who imported him; and also making it incumbent on the employer to send the imported servant back, at the end of the period, to the place from which he came. That Bill passed this House, but the Legislative Council threw it out; so that the Government cannot be blamed for not having taken action. That Bill is on the Notice Paper again, for second reading, this session. The Government have thus been doing a good deal in the direction in which the hon. member wishes to go; and the hon. member cannot point to any colony that has gone as far, in such legislation, as he asks us to go now, at the tail-end of the session. He cannot show us that any one of those great democratic colonies has gone nearly so far as he wishes us to go to-night. I think that what the Attorney General said was very reasonable; and, in regard to the admission of alien races into the colony, there is no doubt that any action which is considered necessary should be proposed on the responsibility of the Government, and not be introduced by a private member at the tail-end of the session. Although I do not go back one tittle from anything I have previously said on this question,

yet the Government will not be able to support the second reading of this Bill for the reasons I have stated, and for those stated by the Attorney General.

Question—That the word “now,” proposed to be struck out, stand part of the question—put and division taken, with the following result:—

Ayes ...	...	...	8
Noes ...	...	...	19

Majority against ... 11

AYES.	NOES.
Mr. Connor	Mr. Burt
Mr. James	Mr. Clarkson
Mr. Monger	Sir John Forrest
Mr. Moran	Mr. A. Forrest
Mr. Pearse	Mr. Harper
Mr. Solomon	Mr. Hooley
Mr. Wood	Mr. Keep
Mr. Illingworth (Teller).	Mr. Leake
	Mr. Lefroy
	Mr. Marnion
	Mr. Paterson
	Mr. Phillips
	Mr. Randell
	Mr. Richardson
	Mr. H. W. Sholl
	Mr. Throssell
	Mr. Traylen
	Mr. Venn
	Mr. R. F. Sholl (Teller).

Question thus negatived.

Amendment—That the words “this day six months” be added to the motion—put and passed.

LOAN ESTIMATES, 1894-5.

LEGISLATIVE COUNCIL'S AMENDMENT.

THE PREMIER (Hon. Sir J. Forrest): The Loan Estimates that were forwarded by this House and submitted to the Legislative Council, in accordance with the provisions of the Audit Act of 1891, have resulted in a message being sent down to this House, acquainting us that the Legislative Council have agreed to the Loan Estimates for 1894-5, with the exception of Item 3, “Railway from Donnybrook towards Bridgetown, £21,950.” I feel a difficulty in rightly understanding what the Legislative Council are aiming at, in regard to this matter, or on what the Council base their right to send back to us Estimates that have been submitted to them, stating that they have agreed to all except one item. I should like, and I think this House would like, to have been informed by the Legislative Council upon what precedent they base the practice which they have now adopted, and whether they can point to any similar instance, in any self-governing colony in the Empire, in which a

Legislative Council has sent back a measure of this kind to the Legislative Assembly. If this House, if the people of this colony, recognise the right thus claimed by the Legislative Council of Western Australia to strike out one item, or to approve of all but one item, in the Loan Estimates, we must also accept and recognise the right of the Council to strike out all the items except one. I say again, if you once recognise the right of the Council to strike out one item in the Loan Estimates, you must recognise their right to strike out any number of items; and, further, you must also, as a consequence, recognise their right to strike out one or more items in the Schedule of the Appropriation Bill. I will be able to show, directly, that the action which the Council have taken on the present occasion is stronger than it would have been even if they had altered the Schedule of the Appropriation Bill. Now, I wish at once to say that this Legislative Assembly, since I have had the honour of a seat in it and up to the present time, has never tried in any way to infringe upon the privileges or the rights of the Legislative Council. The members of this House have at all times tried their best to act in accordance with constitutional usage, as it obtains in England and in the Representative Assembly of every British community; and I will defy anyone to say that we, in this Assembly, have ever tried to infringe in any way on the rights and privileges of the other House of Parliament in this colony. This same question came before this House and before the Legislative Council in 1891, in the first session after the inauguration of Responsible Government. The same point, the very same action, that the Legislative Council have taken in regard to these Loan Estimates was sought to be taken by the Council in 1891, in regard to the items in the Schedule of the Loan Bill. I do not for a moment suppose that the members of the Legislative Council, before taking their present action, have looked back to see what was said in the debates upon this question in 1891, or to the ruling of the President of the Council at that period—a man who was a Constitutionalist, who, as we all know, had made a study of Constitutional Government, and whose opinions on such questions were of the greatest value; but in the

Hansard Reports for the 13th February, 1891, there is to be found an elaborate ruling by the then President, Sir Thomas Cockburn-Campbell, in regard to the rights of the Council in dealing with the schedule of the Loan Bill of that year. By reference to this ruling, I will be able to show that the action which the present Council are taking, in regard to these Loan Estimates, is stronger even than if they were trying to alter an item in a Loan Bill submitted to them. The President gave his ruling on that occasion, after referring to the practice of self-governing colonies, by concluding in these words:—"I feel bound to rule in accordance with general practice, and to state that, in my opinion, this House has only four courses to pursue in regard to Bills dealing with appropriation or with taxation: either to accept them as a whole, to reject them as a whole, to send them back to the Assembly with suggestions, or to seek a conference with that body for an amicable settlement of the differences which may have arisen." That was the conclusion the President came to, and the opinion then expressed was deliberately made in writing, and is recorded upon the Minutes of the Proceedings of that House. But it seems to me that the present Legislative Council—though the members probably were not aware of it at the time—have completely ignored that ruling in regard to the action they have taken in dealing with these Loan Estimates. The Government have prepared a form of resolution, which I intend to move, with a view to its being transmitted to the Legislative Council. Printed copies of this resolution are in the hands of members; and I would particularly draw attention to the four methods stated by Sir Thomas Campbell as open to the Council, in the ruling he gave to the Council in 1891, in dealing with appropriation or taxation in Loan Bills. The resolution I am about to move, after reciting the four methods set forth in that ruling, goes on to say:—

Such being the recognised procedure, and a procedure hitherto followed by the Council in regard to Money Bills, which necessarily initiate some policy, how much greater must be the restriction of the Council's powers in regard to Estimates of loan moneys, based upon legislation to which the Council must have previously assented, and which commit the Council to no action of the Government

that has not been previously authorised by both Houses of Parliament.

Now, if we in this remote colony were legislating without any knowledge of constitutional government and constitutional procedure, we might be asked: Why should not the Legislative Council, when the items of a Loan Bill or of Loan Estimates come before it, be allowed to strike out one item, inasmuch as the Council have not previously had an opportunity of expressing an opinion in regard to such Bill or Estimates? The reply, however, is that such is not the constitutional procedure; that the Legislative Council have not the constitutional power to strike out items from a Loan Bill or from Loan Estimates; that the Council must, according to the settled practice, take them as a whole or reject them as a whole. And what are these Loan Estimates? Their purpose is to carry out certain objects which both Houses of Parliament have previously approved of. Parliament as a whole has approved of the Loan Bill, in which certain works are enumerated; and the items of the Bill, as approved of by both Houses of Parliament, are at present the law, that measure being now an Act of Parliament. What are the Government proposing to do in the Loan Estimates? They are simply carrying out, in the way they think best, the law as it exists, and which has been passed only a few days ago by both Houses of Parliament. It has been argued—and I really cannot understand how anyone can argue in this way—that the sole power of the Legislative Assembly, in regard to Money Bills and in regard to Estimates, is the power to initiate. If that were the only power this House possessed, in dealing with Money Bills, it would be a very small power indeed; for what does the power of initiation mean? Under our Constitution, every Money Bill and every Estimate must come to this House by message from the Governor; and if that provision in the Constitution carries no more right than the mere initiation, it would be a very little power indeed, and not worth fighting about; because the Governor might just as easily send his message to the Legislative Council, and let the members there have the pleasure of first threshing it out, if they have the same power of dealing with Money Bills

as we in this Assembly have. That would be no power at all, if the initiation did not carry any more privileges than the mere fact that the Money Bill or the Estimates must come to this House first. The power of initiation carries with it the power of control—the same power of control as is possessed by the House of Commons in England, and which exists in like manner in the Legislative Assembly of every British country. We must not carve out a procedure for ourselves, in matters that have had the attention of the greatest minds in our own mother country. Surely, in this colony, where we are only beginning to work as a self-governing community under a Constitution, is it to be expected that the Legislative Council, just constituted for the first time as an elective body, is to have the power of making a new procedure in parliamentary functions? I say the Council have no right to do so; that the Council must be guided by the procedure of other British countries which have similar Constitutions. And I say that when the time comes, the people of this colony will expect that the Council shall be guided by the rules and procedure that have been established in the mother country and in the great self-governing countries throughout the British dominions. This Legislative Assembly does not want anything more than it is entitled to. We want only the powers and privileges that the House of Commons in England possesses; we want only the powers and privileges that the Lower House in Canada possesses, that the Lower House in Victoria has, that the Lower House in New South Wales has, that the Lower House in every British colony has. We want only that to which we are entitled; and that we must certainly have. I do not think it is necessary for me to make a long speech to-night; but I certainly must express my surprise at the action that has been taken by the Legislative Council in this colony. If we admit their action is right in striking out one item from the Loan Estimates, we shall thereby be giving away everything that this Assembly, the people's House, and everything that the House of Commons possesses; because, if the Council can amend our Loan Estimates by striking out one item, they can also amend our Loan Bills in detail,

and they can also amend our annual Estimates in detail—in fact they can then do any or everything in regard to finance that this House can do. That is not done in any other part of Australia, nor in any British country in the world; and I cannot see why the Legislative Council in this colony should try to take away from this House powers and privileges which justly belong to us, and which do not belong to them.

THE SPEAKER: According to the rules, the resolution should be moved in committee. You can move that the House resolve itself into a committee.

THE PREMIER (Hon. Sir J. Forrest): I should like, sir, before going into committee, to take this opportunity of asking for your ruling, as Speaker of this Assembly, upon the action which the Council have taken in this matter. You have, on other occasions, placed before the members of this House your views on the Constitutional position of Messages or amendments from the Legislative Council; and I venture to say that nothing which the Council have done during this session is nearly so important as their action on this occasion. In fact, that action strikes at the very fundamental rights of this House. Therefore, if you, sir, are able to-night to give this House the benefit of your views in regard to the action of the Council in sending this Message, I am sure hon. members will be much obliged to you for doing so.

THE SPEAKER'S RULING.

THE SPEAKER said: I have given this matter a great deal of consideration, since the question arose in reference to this amendment of the Loan Estimates, and I think the reasons conveyed in the printed form of resolution, which has been placed before hon. members by the Premier, uphold the well-established principle that the Legislative Assembly must retain the control of the financial legislation for the year, and that the Assembly cannot permit the Legislative Council to interfere with that control. I am of opinion that the Loan Estimates are analogous to a loan application or to a Money Bill, and that it is not in the power of the Legislative Council to alter or amend the Loan Estimates; that the Council must accept them as a whole, or reject them as a whole.

IN COMMITTEE.

The Message was read, as follows:—

"Mr. Speaker,

"The Legislative Council acquaints the Legislative Assembly that it has agreed to the Loan Estimates for 1894-5, with the exception of Item 3, 'Railway from Donnybrook towards Bridgetown,' £21,950."

"GEO. SHENTON.

"President.

"Legislative Council Chamber, Perth, 13th November, 1894."

THE PREMIER (Hon. Sir J. Forrest) moved that the following resolution be agreed to:—

"The Legislative Assembly has had under careful consideration the Message No. 38 of the Legislative Council, 'That the Council has agreed to the Loan Estimates for 1894-5, with the exception of Item 3, "Railway from Donnybrook towards Bridgetown, £21,950." Any agreement by this House with the Resolution of the Council, conveyed by this Message, would be an abandonment of the undoubted right of the Assembly to control the details of public expenditure. The practical effect of the resolution of the Council, if agreed to, would be to defeat the policy of the Government and the decisions of the Legislative Assembly; and to give the Council a control over the details of Loan Estimates that is neither claimed nor exercised in regard to the Estimates of the Annual Expenditure."

"The Council, by the constitutional practice of all self-governing British communities, and by the ruling of its late President, on the 13th February, 1891, is restricted to four courses in regard to Bills dealing with appropriation or taxation, namely:—

- "1. To accept them as a whole, or
- "2. To reject them as a whole, or
- "3. To send them back to the Assembly with suggestions, or
- "4. To seek a conference for the settlement of the difficulty that may have arisen.

"Such being the recognised procedure, and a procedure hitherto followed by the Council in regard to Money Bills which necessarily initiate some policy, how much greater must be the restriction of the Council's powers in regard to Estimates

of loan moneys, based upon legislation to which the Council must have previously assented, and which commit the Council to no action of the Government that has not been previously authorised by both Houses of Parliament.

"The question now raised by the Council was raised and decided in February, 1891, when the Council suggested to this House that each item of the Schedule of a Loan Bill should be made the subject of a separate Loan Estimate, a course which this House was unable to assent to for the reasons set out in *Hansard*, vol. i. (new series), page 830.

"The resolution of the Council involves an amendment of the Loan Estimates, and is altogether outside a constitutional exercise of the Council's powers.

"This Assembly has every reason to think that the Council will desire to follow the ruling of its late President in 1891, before referred to, and that it will recognise that it is impossible for the Assembly to concede to the Council a control in regard to public expenditure which is not contemplated by the Constitution, nor possessed or exercised by similar bodies in any part of Her Majesty's dominions."

MR. R. F. SHOLL: This resolution appears to me to be a direct challenge to the Upper House to throw out the Loan Bill altogether. Instead of the Government adopting a conciliatory tone towards the Upper House, they have adopted a most hostile tone; and, speaking for myself, if I were a member of the Upper House, I consider I should be upholding the dignity of that House by either insisting on the amendment or suggestion which it has sent down to this House, or rejecting the Loan Estimates altogether. It is all very well for the Premier, and even for our Speaker, who is an authority on constitutional practice, and for whose authority in dealing with precedents we have the greatest respect; but we must bear in mind that the members of the Council have been elected from the people, having been only lately returned from the country, and that they represent the people of the colony just as much as do the members of this Assembly—that, in fact, they represent the people who have to pay the taxes to a greater extent than we represent them.

THE PREMIER (Hon. Sir J. Forrest): That does not affect the question at all.

MR. R. F. SHOLL: The members of the Council are of no use there unless as a check on hasty legislation, and unless they can deal with such matters as the Loan Estimates. The House of Lords in England is a hereditary House, and the existence of the House of Commons is not constituted by statute law; whereas in this colony we have a statute bringing into existence the Assembly and also the Council. The Council have certain powers, and it is true they are elected on a higher franchise, and not on a manhood suffrage vote: they are elected by the men who reside in the country and pay the taxation. When the Government are defeated in the Assembly on a question of policy, they cannot exist without a working majority; but, though a Loan Bill as a whole may be approved by the country, the Government may tack to it some items of policy which may not have the approval of the country, and the Government may try to carry them through the Upper House. When the Council are an elected body, it is their duty to check hasty legislation, and prevent any Government from tacking to a Loan Bill some items which may not meet with the approval of the country.

THE PREMIER (Hon. Sir J. Forrest): The Loan Bill has been passed. These are the Loan Estimates.

MR. R. F. SHOLL: I know. I say the Council will be perfectly right now to undo the mistake they previously made, and no doubt they were misled and hoodwinked in doing so. If these two particular items were placed before the country they would be rejected; and I say you might just as well sweep away the Council if they cannot step in and prevent any Government from dealing with the finances in a manner which would not meet with the approval of the country. The Council are a check on abuses; they are a check on hasty legislation; and if the members of the present Council, who have been elected by those people who have to pay the taxes, and not by persons resident six months in the colony, cannot check the Government in this matter, I say you had better sweep away the Council and have only one House, and allow the Government to do anything they like

with the finances of the country. There is not the slightest doubt the Council have been put there to check hasty legislation, and to reject any proposed expenditure that is not in the interest of the country. In their wisdom—it may be wrong, though I believe it is right—the members of the Council have rejected certain items of expenditure in the Loan Estimates, in connection with works which they have previously plainly told this House they will not sanction, when the Bills for authorising those works come before them—namely, the Collie coalfield railway and the Bridgetown railway. What course have the Government taken? Before the Bills for those railways have even been introduced, the Government have brought in these Loan Estimates, which include items of expenditure for those two railways. Naturally the Council say: "You ask us to sanction the expenditure of this money, when we have already told the Assembly we won't sanction those railways." I say the Government made a mistake in placing in these Estimates that sum for expenditure in connection with the Bridgetown railway, and I think that, in doing so, they were flouting the Council. I do think it is very bad taste on the part of the Government to go on trying to force this matter through Parliament, merely because the money is likely to be expended in the district represented by the Premier, by the Commissioner of Railways, and by another hon. member.

THE PREMIER (Hon. Sir J. Forrest): Not this amount. It is for rails and fastenings.

MR. R. F. SHOLL: It is for rails and fastenings for the Bridgetown railway. That is the question before the House. I have no desire to tumble over the dead body of a Minister, or to jump over it; but I do think that when another portion of Parliament objects to the expenditure, this House ought to treat the other House in a conciliatory spirit, by meeting it fairly and arguing the point of difference. If members of this House do not agree with the suggestion made by the Council, we should ask for a conference. To refer to the ruling of a previous President of the Council, as the resolution does, is casting a reflection on the present President.

THE PREMIER (HON. SIR J. FORREST): The present President has never given a ruling on this question.

MR. R. F. SHOLL: I think he gave a ruling with regard to the powers and privileges of the Legislative Council. I certainly think this resolution, if carried, is likely to create a deadlock, and will possibly result in the rejection of the Loan Estimates.

MR. ILLINGWORTH: I do not think there is any question that is likely to come before this Parliament which has in it the importance and signification that this question has. It is a simple question as to whether, in a small colony like this, we shall supinely throw away what our forefathers battled for, and what over three hundred years of legislation has proved to be the consummate wisdom of the nation. There was a time in British history when both Houses of Parliament had the control of the public purse; and it was found, in British history, that the effect of such control was the absolute tyranny of a few over the vast majority. And the people, after submitting to this tyranny for a considerable number of years, rose in their strength and swept away the principle from the statute book of the nation. At no subsequent time has it been proposed, in England, to turn back the hands of time upon that principle of British legislation; but to-night we are asked by the Legislative Council to accept a principle which is absolutely destructive of the whole principle of parliamentary legislation during the last three hundred years. The position taken up by hon. members in another place is that they have the power to make alterations in a Money Bill—in other words, that they have the power to control the taxation of the country, and to say in which direction it shall or shall not be expended. Now, has the Legislative Council a power different in character from the power which is possessed by similar organisations elsewhere? If we refer to our own Standing Orders, we find in the very first chapter this absolute statement:—"In all cases not provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms, and practice of the Commons House of the Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they

"can be applied to the proceedings of the Council." Now, is it arguable that there has been any change, or any special privilege under these Standing Orders, that gives to the Legislative Council a power to interfere with, to alter, and to restrain the expenditure of public funds by the Legislative Assembly? I say, no. Is there any restrictive power, by special legislation, given to the Legislative Council? If not, we are bound by the practice of the British Parliament; and the practice of the British Parliament has, during all these years, been an absolute control by the House of Commons of the whole of the monetary legislation. The House of Lords in England, and the Legislative Councils in these colonies and in Canada, have never attempted to alter such a Bill as this. There has been friction between the Councils and the Assemblies, but whenever this friction has taken place it has always been upon some minor question. The most severe and trying tests of the relation between the two Houses, in British colonies, have arisen out of an attempt by the Legislative Assembly to tack on to an Appropriation Bill things which did not properly belong to that Bill, and the friction has always arisen from that cause. Never has a Legislative Council attempted to interfere with financial legislation. There have been attempts which raised a vast amount of conflict, in which Legislative Assemblies have endeavoured to force, by means of the undoubted right which they possess, by misuse, of linking to it other things that are not strictly monetary legislation. I do not remember, in all my reading, and I do not think any member of this House can quote a case in the British Parliament, or the Parliament of the Canadian Dominion, or any of the Australian Parliaments, in which a Legislative Council has attempted to alter a simple, strict, Money Bill. It is argued that there are differences between an elected House and a hereditary or nominee House? I admit there are differences. The elected House is linked with the people; but the principle in reference to all taxation has been "no taxation without representation." This House is the people's House, and I regret that in this colony there is not that wide extension of the franchise that I would desire, but

still, as far as the people are concerned, they are represented in this House. It is for this House to deal with the whole question of taxation, both in the manner of raising the taxes and the manner of expending the taxes. I regret that on a former occasion this House did not stand sufficiently firmly upon the question then presented to it; but I do hope that to-night there will be in this House an absolutely united vote, even though the hon. member for the Gascoyne has expressed himself somewhat adversely. The time has come for this House to settle this question once and for ever; and if there is one single variation from Parliamentary practice on this question, the destruction, the absolute destruction, of either one House or the other will be the inevitable consequence. To depart now from the principle laid down by past legislation and by Parliamentary practice means that this Assembly would be co-equal and co-ordinate with the Legislative Council—co-ordinate in all its powers—and that would work absolute destruction in this way, that the dual system in Parliament will not work, for there cannot be two Houses dealing with questions of finance. If it were so, the Legislative Council, as having the final, or rather the later, decision on monetary questions, would subordinate this House to the Council—subordinate this House in this sense, that the Council would make or unmake Ministries; because the position of the Government of the day is that they must either stand by this House or they must resign their positions at the dictation of the Legislative Council; and I hope this House will never consent that any Ministry, possessing the confidence of this House, shall resign their portfolios at the dictation of hon. members in another place. I say it will come to this, if the later decision in relation to monetary legislation is handed over to or is left in the control of the Legislative Council, that the Council will subordinate this House, and there will then be with that House the power of making and unmaking Ministries. I affirm that the country will not submit to that state of things—that the country will never entertain such a proposal, and that sooner than admit the claim of the Legislative Council to interfere with monetary legislation, the country will

sweep away the Council. Hon. members in another place, by setting up this claim, are simply playing into the hands of a rising minority in the country, who hold that there should be only a single Chamber; they are simply playing into the hands of that rising and influential minority, by attempting to interfere with the monetary legislation of this House. It is not for hon. members in this House to speak to hon. members in that House. We have a simple duty to perform—to carry out the functions which belong to us as a Legislative Assembly—to enforce, maintain, and preserve the privileges which have been placed in our hands. We are not simply legislating for this present Assembly. If we take action we make precedents which will affect every Legislative Assembly, and we lay down precedents which will affect this Assembly in the future. This is not simply a question of the Bridgetown railway, against which I am as much opposed as are some members in another place; but it is a question as to whether the present principle of legislation by two Chambers—one a revisionary Chamber, the other a directory Chamber—shall continue or not. It is a question as to whether the people's House, which raises the taxation, shall have the right to spend the money which is so raised. It has never been claimed, even in the present case, that the Legislative Council should have the power to raise taxation; and if they do not claim that power—and they do not—I ask by what principle do they claim to have the power to expend the taxes? If they have not the power—and they have never claimed it—to say they can tax the people, surely the House that has the power to tax the people is also entrusted by the people with the power of saying in which way the people's money shall be expended. I say the Message which comes to us from another place is a destructive Message. It calls upon us to give away our birthright. It calls upon us to surrender a power by which we make and unmake Ministries. It calls upon us to surrender the power of the purse, which has been ours as a people and a nation for three hundred years. And it calls upon us, in this little, isolated community, to lay down the foundations—I will not say that, but rather it calls upon us to put a charge

of dynamite into the very foundations which were laid three hundred years ago, and which those who made them, and their successors, have endeavoured to strengthen ever since. Whatever feelings we may have in reference to the wisdom or un wisdom of the Bridgetown railway, and whether it ought or ought not to be constructed, I do hope this House will be absolutely united in its decision upon this question. I hope that no hon. member in this House will be prepared to throw away the powers which this House undoubtedly possesses. But it may be said—indeed it has been said—the Government propose to spend £21,000 in connection with a railway which the Legislative Council has already intimated to this House it does not intend to pass. Well, we hope that wiser counsels will prevail. The Government do not propose, as I understand, to bring in the Bridgetown Railway Bill during the present session; and, if so, I desire to call attention to an interjected remark made by the Director of Public Works, to the effect that this money is not proposed to be expended in the construction of the railway, but in the purchase of movable goods—rails and fastenings—things which, if Parliament decides in the next session that the Bridgetown railway shall not be made, can be easily transferred to another line of railway, or be utilised for other purposes. If it were proposed, by means of this item of £21,000 in the Loan Estimates, to construct certain permanent works for the Bridgetown railway, the argument against it might have some foundation; but it is not the proposal. Hon. members can understand it would be impossible for the Government to legally proceed with the construction of the Bridgetown railway until they have passed a Bill authorising its construction; and that Bill will have to be placed before the Legislative Council, which will have an opportunity of dealing with it as in their wisdom they see fit. If after, we will suppose, the rejection of that Bill in another place, this House should desire to confer with the Council on the subject, or should decide to meet the Council's wishes by laying aside that Bill, then no harm will have been done by the expenditure of the £21,000 which is now in the Loan Estimates, and which item the Council have rejected. I would

remark, also, that supposing this were a case in which the Legislative Council felt that a duty rested on them, as a conservative force in Parliament, to check hasty legislation, the course they have taken for doing so is not constitutional. The course which they should have taken was to reject the whole Estimates. That cannot be disputed. Take up "May," take up "Bourinot," take up the report of any debate in any British Parliament, you will find the position is absolutely unchangeable and unalterable, that the Council may reject the whole of a Money Bill, but the Council may not alter it. If the Legislative Council in this colony wished to affirm their position, and to follow up the notice which they gave in the previous Message sent to this House—and which I very much regret the Government had not the courage to face at the time, as I still feel they ought to have done, by then and there claiming the rights of this House; and, if they had done so, I venture to think the debate of to-night would not have taken place—I say if the Council had desired to repeat their objection to the Bridgetown railway, their course of action was to have declared against the whole of the Estimates, and given that railway as their reason; and then the Government might, in their wisdom, have recalled those Estimates, and have presented others without that item. What is the position? As I understand it, the position is this, that we decline, as a House—I hope unanimously—to consent to the Message which has been sent to us. In this position, what can we do? We can appoint a committee to confer with a committee of the Council; but that is a step I should not like to see taken, for, if we appoint a committee at all, the overture should come from another place. There is a fear that some hitch may take place that will prevent these railways from being constructed; but, still, the difficulty can easily be got over; for, supposing the Council are unwise enough to take the course of rejecting the whole of the Loan Estimates, it will be easy to prorogue Parliament for a week, and then to meet again and bring forward other Estimates, or the same Estimates, and, after they are passed by this House, present them to the Council, and see whether they will reject them again. Of

course it is not for me to advise the Ministry as to their course of action. All I want to do to-night is to throw in what little weight of opinion I have in this House, for obtaining a united vote. Hon. members know my mind on this question. Union is strength, and this is a time when our strength should be exerted to the fullest. I hope there will not be one single dissentient voice on this question; that there will be no halting or turning aside; that hon. members as a whole will say that, whatever may be the consequence, whether it be the rejection of this railway or the other railway, we will not throw away the powers that belong to us as an Assembly representing the people; that we will not sacrifice the people's rights; that we will not bend to a Council which has not, by statute or by Constitution, the power to dictate in which direction the taxes of the people shall be expended; that we will not throw away the birthright which has been ours for over three hundred years. I do earnestly ask every hon. member to waive all side issues and all small considerations of supporting or opposing the Ministry, all questions of wisdom or unwisdom as to this public work or another; to deal with this as a question of our own Constitution, our very existence as a portion of the West Australian Parliament, and to say, once for all, that we will settle this question by declaring that, at all hazards and all consequences, we stand by the principles laid down by the Parliaments in the British dominions everywhere, and that we reject the overture which comes to us in this way. I hope there will be a united voice upon this question, and let the consequences be what they may.

MR. LEAKE: I do not think there is any doubt upon the Constitutional question which this Message involves. It seems to me this question was fully threshed out upon a previous occasion, and it was well established then that this House recognises the principle that the Legislative Council has no power to amend money measures. The practical effect of the Message which has been sent down to us is to amend the Loan Estimates. The course which was open to the Council, as has been pointed out by the hon. member for Nannine, was either to

reject the Estimates as a whole or to pass them as a whole. That course, too, would have been in accordance with the dictum of the former President of the Council, and upon whose authority the Government appear to rely. If we must take any step, I certainly urge hon. members not to consent to any amendment in the Loan Estimates which were passed by this House, but to intimate to the Council that we only recognise their right to reject or accept as a whole those Estimates which we have passed. What steps the Council may take, after we remit to them our resolution, we do not know; nor, so far as this Constitutional question is concerned, need we care. We are not at the moment fighting for the Loan Estimates, but for a Constitutional principle, and upon that point we should be unanimous. Although there are one or two objections which I take merely to the phraseology of the Premier's motion, I shall support the tenor of it. But there is another way of looking at this subject, and I cannot help thinking that, owing to the irresolution which was shown by this House when we had to consider the same question on a previous occasion, that if we had not then placed ourselves in a false position we would not have encouraged the Council to dispute with us upon this Constitutional question. We admitted then that they had the power, and we allowed them to exercise the power, practically to force our hand. They forced us to give certain reasons, which some of us contended we ought not to give. We gave way to them on that point, and here comes the trouble which must follow. I repeat that, on the constitutional question, pure and simple, the Council are absolutely and irretrievably wrong; but what has brought that about? I put the blame on the Government for this—most certainly I do. It is their fault. They would have us believe it is the fault of the Council. I say that is not so. And what do we find? That the representative of the Ministry in the Upper House argues, one day, that we are practically two Houses of Parliament, with co-ordinate and co-equal rights and powers—two Commons Houses, if you like—and of course when the Premier afterwards addressed his constituents at Bunbury, he had to tell

them and the country that the Minister who represents him in the Council, where all the trouble arose, is wrong. I agree with the Premier that the Colonial Secretary is wrong; but why don't the Ministers be unanimous on this question? That is where the trouble comes in—no unanimity in the Ministry—fighting in the Ministerial meetings, fighting in Parliament. And what were the other steps which were resorted to in regard to this Loan Bill? The Bill was sent to the Council, which expressed clearly and emphatically the opinion that they would not pass this particular railway when it came before them on a future occasion. And the Council were told certain things in regard to that item in the Loan Bill—in fact, the hon. member for the Gascoyne has to-night said they were “tricked” into passing the Loan Bill. Well, if the word “tricked” does not apply, it does not far exceed the bounds. But they were induced to pass the Loan Bill on the understanding that they would not be thereby committed to the expenditure of any money upon the the Bridgetown railway, until that matter came before them again in the form of a Bill next session.

THE PREMIER (Hon. Sir J. Forrest): I never told them that. That was the Collie railway.

MR. LEAKE: Well, the two railways were bracketed. I do not say it was said in this House; it was said in the Council; and if the mouth-piece of the Government in that House misleads the Council, it is rather hard for us now to turn round on the Council and say they are acting improperly. In maintaining our own dignity, do not let us detract from the dignity of the other House. What is the next step taken, after the passing of the Loan Bill? The Government bring down the Loan Estimates, including an item which involves an expenditure of money upon a work which the Council have practically told the Government they will not assent to. Now it is true that this expenditure is not for permanent work in connection with that railway. It is principally for rails, but there is a portion of it for permanent work, namely, surveys. These Loan Estimates will authorise the payment of a sum of money—no matter how small—for a permanent work in connection with that railway; and supposing

the Bridgetown Railway Bill does not pass through the Council, when brought forward, the Government will then find they have spent some hundreds of pounds without proper parliamentary authority.

THE PREMIER (Hon. Sir J. Forrest): No, no. We nearly always make the survey before the Bill.

MR. LEAKE: Not when you have had an intimation like that from the Council.

THE ATTORNEY GENERAL (Hon. S. Burt): We have got the money for the railway now. The Loan Bill is passed, and we could raise the money to-morrow.

MR. LEAKE: Yes; and that is where the expression “trick,” as used by the hon. member for the Gascoyne, applies.

THE PREMIER (Hon. Sir J. Forrest): No; it is all straightforward.

MR. LEAKE: You have no right to spend a penny on that railway unless the Loan Estimates are passed. If you do, it is unauthorised; and if you can do that in a small matter, so can you do it in a large matter. The Council were told, in effect: “You have practically committed yourselves by passing the Loan Bill, and you will only stultify yourselves if you do not pass the Loan Estimates.”

THE PREMIER (Hon. Sir J. Forrest): I do not think the Colonial Secretary ever told the Council that the Government would not do anything in connection with that railway.

MR. LEAKE: It was reported that the Council had authorised the Government to expend the sum of £80,000 in the construction of a railway towards Bridgetown. And what did the Premier say at Bunbury? That the Government were enabled, by hook or by crook, to get their Loan Bill passed; and he went on to say that, if the money for that railway had to be reappropriated, the Council would have to go over their dead bodies before the money could be diverted to other purposes.

THE PREMIER (Hon. Sir J. Forrest): I did not use the word “dead.” I used the word “bodies.”

MR. LEAKE: I should be sorry to see so many “dead” bodies in the House; but that was what the newspaper report said. It is clearly asserted that the Government regard the Council as bound to the passage of the Bridgetown Railway Bill, because the Council have assented

to the Loan Bill, and that they must consequently pass the Loan Estimates. So the assurance that the Government has given to the Council is mere wind. That is not regarding the utterances or the actions of a deliberative body in a proper way; and I say that if blame is to attach to anybody, it is to the Government, for the difficulties which have arisen. The Council were told distinctly that these railway Bills would be brought down. The Council relied on that assurance. They were afterwards astonished, as much as some members of this House were astonished, when the Government took all this for granted. The Loan Bill had been fought pretty closely in this House, so that there was plenty of intimation and warning of what would be likely to occur afterwards in another place. I refer to this matter now because, if blame is to be attached, I want to see it fixed to the proper parties, and I do not want to see any slur or reflection cast on the Council or on their action. If the Council have erred, they have erred because they were misled by the Government; and the Government have admitted that their representative in the Council has not expressed the views of the Government upon the question. Again I say that, on the Constitutional question pure and simple, I support the Government. I say the Council have no right to amend these Loan Estimates; and if they have no power to amend them, they must not do that which amounts to an amendment, as they have done by sending down this Message; therefore, we cannot, as a Legislative Assembly, allow our rights to be interfered with or trespassed upon. As to the form of the resolution before us, I would ask the Premier to amend it by striking out of the sixth and seventh lines the words "defeat the policy of the Government and the decision of the House of Assembly, and to." We do not want any controversial element as to the policy of the Government in this resolution. The words I principally object to are "the policy of the Government," because we on this (the Opposition) side of the House do not want the policy of the Government thrust down our throats.

THE PREMIER (Hon. Sir J. Forrest): We will accept part of the suggested amendment, and the hon. member need

not move it. The words "policy of the Government" can be struck out.

MR. RICHARDSON: One of the issues of the question is the policy of the Government being defeated by the action of the Upper House. The stand taken is that the action of the Council should not be allowed to defeat the policy of the Government, because, to allow that, would go towards what is called the making and unmaking of Governments, which is the function of the Lower House. Therefore I think it is rather an important reason for us to say the action of the Upper House, if assented to, would defeat the policy of the Government. You would be allowing the Council to handle the finances in such a way as to make it impossible for the Government to carry on, and that is one of the greatest Constitutional stands that can be taken. As to the previous action taken by the Council, and upon which we raised the Constitutional question, I did not agree at all with the action taken by this House or with the tone of the debate, because I considered then, and do consider still, that the Council were at that time acting well within their rights, and were merely sending down suggestions to this House, asking us to amend certain Bills. The Council, on that occasion, were simply doing their duty to the country in trying to prevent an expenditure which they did not consider to be advisable. But now I cannot help seeing that the Council have gone a step further, and ventured actually to do what is the same as amending a Money Bill. This is not a suggestion sent down to this House, but a positive amendment; therefore, on Constitutional grounds, I cannot think that their action can be defended. Whether they may have other reasons, upon side issues, or some provocation, is another matter. I rather think they have, because it cannot be gainsaid that they had an assurance by the representative of the Government in the Upper House that separate Bills would be sent up for these two railways, and that no expenditure would take place in reference to them for twelve months. This House also had that distinct assurance.

THE PREMIER (Hon. Sir J. Forrest): No; never. Only as to the Collie railway.

MR. RICHARDSON: Yes; the distinct assurance was that the Blackwood

railway was not to be commenced for twelve months.

MR. RANDELL: I understood that.

MR. RICHARDSON: Directly I saw that item of expenditure on the Loan Estimates, I took exception to it, and I was rather surprised—I regret to say it—as I thought it was a kind of challenge to the other House, after having given out this reservation as to the two railways, to put an item of expenditure in the Loan Estimates for one of those railways. It was injudicious to put in that item, which has caused trouble, and I was afraid at the time that it would cause trouble. It is possible the Council felt somewhat sore, after having been perhaps induced to pass the Loan Bill as a whole upon the assurance given, to find inserted in the Loan Estimates this item of expenditure, and they then attempted to exercise rather more power, as a check upon expenditure, than they were legally entitled to. For this reason I think we should be somewhat temperate in our censure of the Upper House for having taken this course. I do not defend their action in any way, constitutionally. If members of the Council would think over the constitutional question quietly, they must see it would be almost impossible to carry on the Government, if two Houses had co-equal powers in dealing with Loan Estimates or other finances; because if the Council had power to amend Money Bills, they might practically be ousting a Ministry, which they have no Constitutional power to do. If the Lower House does not retain the power of the purse, it must be practically impossible for the Government to carry on.

THE ATTORNEY GENERAL (Hon. S. Burt): I should like to say, after what has fallen from some hon. members as to what the Government said was their intention with regard to this railway, that I am very much surprised to hear the opinion of some hon. members, because, if they will reflect, they will see they were in error in making those statements. During the passing of the Loan Bill, the Government never gave rise to any impression that they would do otherwise than bring in the Bill this year, and commence the work as soon as they could. On the Loan Bill, what they said was that, in reference to the

Collie railway, they gave a distinct assurance that nothing would be done within twelve months except a small amount of survey work, and that a Bill for authorising that railway would not be brought in during the present session. But as to the Bridgetown railway, it will not be found on record in any way that the Government said they would not bring in a Bill this year—beyond this, that they said the two railways to goldfields would take precedence, and that the Government did not think much would be done during the first twelve months. It was the full intention of the Government to bring in the Bridgetown Railway Bill within a few days of the passing of the Loan Bill; and, even now, if the surveys were far enough advanced to enable that Bill to be introduced, it might be done, and if the session continues as it is continuing, possibly there may be a chance yet to introduce that Bill. I say distinctly that, for some days beyond the passing of the Loan Act, there was no intention on the part of the Government that that Bill would not be brought in during this session. Indeed I was prepared to set to work at any moment and draft a Bill, as soon as the distances and the route could be given. The hon. member for Albany has given support to the Government on the main question, and I think it is a pity perhaps that he travelled beyond the Constitutional point raised, because I do not think this is a time when we should haggle as to how the decision was arrived at. We should stand shoulder to shoulder. It is idle to say the Council were jockeyed or tricked into passing the Loan Bill. I defy any member of the House to say in what way the Government tricked the Council. The representative of the Government in the Upper House did not say anything to assure the Council beyond what had been said in this House—that the Bridgetown railway was to be undertaken after the two railways to goldfields, and that possibly very little would be done during the year. The hon. member for Albany would have us think the Loan Bill was passed by the Council, with the Bridgetown railway item in it, because they were tricked into passing it; but I say it was because they thought they would let themselves down from a terrible position

by asking this House to give reasons. And, contrary to the opinion of the hon. member for Nannine and others, that we were weak-kneed in our willingness to give reasons, surely there was a proper wish—perhaps a wrong wish on our part—to be as courteous to that House as it was possible to be; and as that House had asked simply for reasons, we thought we would strain a point by courteously giving reasons. Our having done that is no reason why the Council were tricked into passing the Loan Bill. I remember that when the hon. member for the Gascoyne said the Council would chuck out the Bridgetown Railway Bill when it came before them, I told him they would not do anything of the sort, because if they passed the Loan Bill they would have to pass the other Bill; and the hon. member for the Gascoyne spoke to-night rather lightly on this subject. I was sorry to hear him use the language he did. He began by saying it was all very fine for the Speaker to compare this House with the House of Commons in England, or to compare the Council with the House of Lords. The Speaker had ruled upon the analogies existing between this House and the House of Commons. The hon. member for the Gascoyne said it was the duty of the Legislative Council to stay hasty legislation; but this is no staying of hasty legislation. If it were so, he must admit that the Council, according to their own mind, were not doing their duty in allowing the Loan Bill to pass through.

MR. R. F. SHOLL: You know very well they were tricked.

THE ATTORNEY GENERAL (Hon. S. Burt): The hon. member told us again he was opposed to the Bridgetown railway, but he finds that the Legislative Council as a body have passed that railway. The hon. member for Nannine alluded to the precedent of 1891, on this point; and there is no doubt, as we state in this resolution, that this very point then came up for decision, and was decided by the Council of that day. The President then gave a distinct ruling on the constitutional rights of both Houses, when the Loan Bill of 1891 first came before the Council, and his ruling will be found on page 262 in the first volume of *Hansard* for that year. That ruling was

a lengthy statement of the President's opinion. Then again, and notwithstanding that intimation of opinion, the President was afterwards called upon to rule upon a suggestion made by a member of the Council, the Hon. J. A. Wright; and that suggestion raised exactly the question that is raised here, with this exception, that it must be seen in this case there is even less ground for conceiving for a moment that this House could tolerate interference on their part. The precedent of 1891 concerned a Money Bill, but this is actually amending an Estimate; and, as the hon. member for Nannine has said, in no part of the world, in Great Britain or the colonies, was it ever attempted on the part of an Upper House to interfere with Estimates. Such a thing was never dreamt of. An Upper House may have attempted to amend Money Bills, at times; but I never heard of an attempt to amend an Estimate, which bristles with money. The Estimate is nothing but money itself. It is a far better case for this House to be setting up its rights and privileges with regard to an Estimate than to be opposing the amendment of a Money Bill. It has been stated, and rightly, that this House will never allow its financial legislation to be interfered with by the Council; and, as the hon. member for Nannine has pointed out, the only case in which friction has arisen elsewhere has been where the Assembly has endeavoured improperly to steal a march on the Council by making what is known as a "tack"—that is to misuse the powers and privileges which the Assembly possesses, and which it has at times exercised against the Upper Chamber. It is only when the Lower House has attempted to misuse its powers, by using the "tack" for trying to get through some point which they know they ought not to do, under cover of privileges which are well established. But in the present case this Assembly has attempted nothing of the sort. The Loan Bill having been passed, and being law now, it stands to reason that the Government have to submit to Parliament, necessarily, the Estimates of that authorised expenditure; and I say it is no argument in the mouth of any member of the Council to say the Council understood at the time that the Government were not going to bring forward

the Bridgetown Railway Bill this year. What sense can there be in saying the Council are not going to pass the Bridgetown Railway Bill, the Council having already passed the Loan Bill authorising the raising of money for the construction of that railway and for other works in the schedule? I feel sure that when hon. members recollect the Government have been authorised to raise the money for a particular railway, they will see it is too late to speak of striking that railway out of the schedule of works passed for construction. The Loan Bill having been passed, the Government are perfectly at liberty to ask for money, not to undertake construction, but simply to obtain necessary material, and the obtaining of which will in no way affect the action of the Legislative Council hereafter, in reference to a particular work. In proposing to purchase materials, such as rails and fastenings, what is the desire of the Government? Does anyone think it is the desire of the Government to use that money upon the work of construction? If so why should we not have included the rails and fastenings for the other line also? If this House were to submit to this action of the Council, in virtually striking out the Bridgetown Railway from the Loan Estimates, what would there be to prevent the Council, on a future occasion, from striking out a railway item in a Loan Bill? I say the Council have nothing to do with the expending of this money. Their opportunity was to throw out the Loan Bill as a whole, if they thought that legislation was hasty. It rests with this House and the Ministry to spend the money which has been placed under the direction of the Government. I trust this resolution will have the support of every member of the Assembly. This question should not be judged by the immediate effect of what has been done—that is, the effect on this railway item, of which we have different views—because if we do give in to this exercise of power by the Council, we may find we have parted with a right which we ought to have retained. I notice that very much stress has been laid on that section of the Constitution Act which relates to our privileges, and which states that both Houses have the like privileges and powers with the Commons House in England. If anyone takes

the trouble to read “Todd” on the point, I am sure the meaning and construction of that provision in our Act will be made clear, for it is pointed out that it is impossible to compare the Houses of Legislature in a colony with the House of Lords, the latter having privileges of a personal nature, and therefore these Houses are compared to the House of Commons; but that the two Houses together are to be like the House of Commons, not as between themselves, but as occupying that position in regard to other bodies outside their sphere. This very point, as the Premier mentioned on the last occasion, arose in New Zealand some years ago, and was by that Legislature sent to England for the opinion of the then Law Officers of the Crown, Sir John Coleridge and Sir George Jessel, who gave it as their opinion that, “Independently of ‘The Parliamentary Privileges Act, 1865’ (N.Z.), the Legislative Council was not constitutionally justified in amending ‘The Payments to Provinces Bill, 1871,’ by striking out the disputed Clause 28. We think the Bill was a ‘Money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of aid or supply is too narrow, and would not be recognised in the House of Commons in England.” But I say that here we have a stronger case, because we are dealing with the Estimates. The Law Officers of the Crown go on to say:—“We are of opinion that ‘The Parliamentary Privileges Act, 1865,’ does not confer on the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect, and did not affect, the Legislative powers of either House of the Legislature in New Zealand. We think that the claims of the House of Representatives, contained in their message to the Legislative Council, are well founded; subject, of course, to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives, having for its object to vary the management or appropriation of money prescribed by an Act of the previous session.” I quite agree

with the hon. member for Nannine, that there never was an instance, in any colony belonging to Great Britain, in which the Upper Chamber attempted to amend an Estimate.

MR. RANDALL: It may be argued, what is the use of having an Upper House at all, unless they are to consider the matters sent to them from the Legislative Assembly? I think it would have been better to leave out of the resolution the words objected to by the hon. member for Albany. I think it is quite out of the province of the Upper House to question the decisions of this Assembly upon taxation and expenditure. Still, the resolution proposed by the Premier goes too far, for I think that if the words "and the decisions of the Legislative Assembly" be struck out, our case will be simpler and very much stronger; also, that it will not open the door to controversy, if the resolution is read without the words I have mentioned, and without the words objected to by the hon. member for Albany. I think that will be putting the case in the best possible way; but when you put in the other words you detract from the strength of the resolution. That is an opinion shared also by some of my friends on this side of the House very strongly. The case has been put very ably by the Attorney General and the hon. member for Nannine, and I only wish to say it is desirable that we should, if possible, come to a unanimous decision on the subject. It seems to me the powers claimed by the Legislative Council virtually upset the arrangements of Government altogether. If it is conceded that the Council have the power to amend Money Bills, then the Ministry ought to be represented in the Council to a larger extent than they are at present. That the Council should have the power of questioning the decisions of the Assembly and discussing the policy of the Government is a valuable right which they should exercise; but if the words I have objected to are left in the resolution, the Council can reply to us very forcibly.

THE PREMIER (Hon. Sir J. Forrest): To meet the views of the hon. member (Mr. Randall), I think that, with the omission of the words he has mentioned, the resolution will be equally strong, if not stronger. I now move, as a further

amendment, that the words in line 6, "to defeat," and the words in line 7, "the decisions of the Legislative Assembly and," be struck out of the motion. We have already agreed to leave out the words "the policy of the Government," as suggested by the hon. member for Albany.

MR. LEFROY: I fully agree with what has fallen from the leader of the Opposition. I do not think we wish to take away any power belonging to the Council. Of course they have the power to amend certain Bills, but not Money Bills.

Further amendment put and passed.

Motion, as amended, agreed to.

Resolution reported.

Report adopted.

Ordered—That the resolution of the Assembly be transmitted by Message to the Legislative Council.

ADJOURNMENT.

The House adjourned at 12:42 o'clock, midnight.

Legislative Council,

Monday, 19th November, 1894.

Leave of Absence to Hon. T. H. Marshall—Telegraph Office for Perth Railway Station—Southern Cross—Coolgardie Railway Bill: third reading—Mullewa—Coo Railway Bill: third reading—Scab Act Amendment Bill: third reading—Droving Bill: Legislative Council's Amendments—Pharmacy and Poisons Bill: second reading—Goldfields Act Amendment Bill: second reading: committee—Appropriation Bill: second reading—Lands Resumption Bill: second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 7:30 o'clock p.m.

PRAYERS.