

29 does not provide sufficient protection in the case of sheep imported from an infected district into a clean one; and clause 29 relaxes the proper stringency of the principle and provisions of the bill. Because the words 'any person' are larger and more comprehensive than the word 'owner' in clause 29, including, as it does, both consignor and consignee." He moved that the reasons be agreed to.

Question—put and passed, and it was ordered that a message be sent to the Legislative Assembly, acquainting them, that the Council insists on the amendments made in clauses 43 and 44 of the bill for the reasons agreed to, but does not insist on its amendments in clause 45.

Subsequently the following Message was received from the Legislative Assembly: "The Legislative Assembly acquaints the Legislative Council that they have agreed to the requirements of the Legislative Council as regards clauses 43 and 44 of the bill intituled 'An Act to repeal 'The Scab Act, 1885,' and to re-enact the same with amendments.'"

ADJOURNMENT.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the Council, at its rising, adjourn until Thursday, 26th February, at 11:30 o'clock, a.m.

Question—put and passed.

The Council adjourned at twenty minutes to twelve o'clock, p.m., until Thursday, 26th February, at half-past eleven o'clock, a.m.

Legislative Assembly,

Wednesday, 25th February, 1891.

Motion for Adjournment: Housing and protection of Immigrant Girls upon their arrival in the colony—Appropriation Bill, 1891; second reading; in committee; third reading—Tobacco (Unmanufactured) Duty Bill: third reading—Public Health Act Amendment Bill: third reading—Darling Range Railway and Timber Concession (Mr. Keane's)—Scab Act Amendment Bill: Amendments of the Legislative Council—Adjournment.

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

PRAYERS.

HOUSING AND PROTECTION OF IMMIGRANT GIRLS UPON THEIR ARRIVAL IN THE COLONY.

MR. PARKER: There is a subject upon which I should like to ask some information from one of the hon. gentlemen opposite. I do not know exactly under which Minister the Immigration Department is placed,—I believe it is the Colonial Secretary; but no doubt the Premier can throw some light on the subject. To place myself in order I shall conclude by moving the adjournment of the House. I understand that on the last occasion, and on previous occasions also I believe, when female immigrants landed at Fremantle there were some disgraceful scenes. The girls on landing on the jetty were rushed and inveigled into public houses; and the ladies who went down to conduct them to the Immigrant's Home or barracks were quite shocked at the disgraceful scenes that took place. Even when they reached the Home, they were not safe from the attentions of drunken fellows who forced themselves in, and, as I am informed, scenes occurred which it is to be hoped will never be repeated again. I am only speaking from hearsay, but the facts have been represented to me by one of the ladies who was actually present on the occasion referred to. I believe, also, that representations on the subject were made at home, in England, by a lady who takes a great interest in selecting female emigrants,—the Hon. Mrs. Joyce. I understand that Mrs. Joyce has written out to the colony, stating that if these disgraceful proceedings are repeated there will be no prospect of obtaining decent girls to emigrate to Western Australia. I think it would

be better if we adopted the course adopted in other countries, and have these immigrant girls, immediately they land, placed on board the train and conveyed direct to Perth, instead of allowing them to remain at Fremantle.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): There is more virtue in Perth than Fremantle; is that it?

MR. PARKER: I believe the virtue of the people of Perth is greater than that of the roving population of a seaport town like Fremantle. I am not alluding to the permanent residents of the place, but to the floating population, such as sailors. It was men of that class, I believe, who created the disgraceful scenes alluded to. It is not only advisable to remove these girls from the temptation of public houses, but also to prevent them from renewing on shore the acquaintanceship and associations which they may have formed with the sailors on board ship. Even in our own interests it appears to me we are bound to do all we can to protect these girls from temptation. It appears to me ridiculous that we should pay about £20 each for the purpose of importing young women who, on their arrival in the colony, are allowed to go astray and to become a source of disgrace to us, and eventually perhaps become a burden upon our public funds. We do not provide an immigration vote for that purpose. It may be said that those girls who went astray must have been so inclined; but, at any rate, it is our duty to do all we can to keep those who are weak out of temptation's way. And I hope the Government—as I believe they will, having had their attention called to the matter—will see that in future these immigrant girls, as soon as they are landed at Fremantle, will be brought up at once by train to Perth, and kept in the Home there until they are engaged. I would suggest also to the Government that the Matron who comes out in charge of these immigrants, and who after several weeks' experience of them on board, must be able to exercise some control over them and know their weaknesses, should be kept in charge of them, after they land, for a week or a fortnight, until they are engaged. I believe there is a very worthy

person at Fremantle to whom these immigrants are consigned on their arrival; but she does not appear to be able to exercise any control over them whatever. It would be much better if the Government retained the service of the Matron who comes out with them. I believe that a number of girls are now on the way out, and are shortly expected to arrive; and I understand they are in charge of a very respectable chaperon, a Miss Monk, whose services might be retained to look after these girls until they obtain engagements. There are a number of places where these girls could get respectable employment at once, where they would be out of the way of temptation, have good mistresses and good homes, where they would be kept in a straight path; and I hope the Government will do their utmost to promote the well-being of these immigrants, so that they may become eventually respectable wives and the mothers of colonists. I notice a statement that appears in an English paper called the "Girls Friendly Reporter," from Mrs. Joyce, the lady I have referred to, in which she refers to the fact that the attention of Governor Robinson has been called to this matter, and that His Excellency had promised Mrs. Joyce that he would do his best to see to the proper reception of immigrant girls on their arrival in the colony, and their distribution afterwards. I hope the Government will take care that this is done. I think it would be a national disgrace to us, if, from the want of proper supervision on their arrival, we allowed these girls to be led astray and to go to the bad. I have brought forward the matter, believing that it has only to be represented to the Government, and that they have every desire themselves to do what I hope and trust they will do for the protection of these female immigrants. I beg to move the adjournment of the House.

MR. CANNING: I second the motion for adjournment. I noticed in the newspaper report published to-day the names of certain persons connected with the Railway Workshops who were blamed in this House yesterday for alleged misconduct. No doubt the mention of these names in a public newspaper was an oversight, but I think it is greatly to be regretted that the names of any persons

who are charged under such circumstances should appear in the newspapers until such charges are thoroughly investigated. I think the hon. member who brought the matter forward certainly performed his duty in taking action in the matter, and there was not a particle of objection to his mentioning the names in this House; but I think it is greatly to be deprecated that these names should be published in the newspapers. The object of the motion, I believe, was that an investigation should be made into the state of things alleged to exist in that department of the public service. The charges could in no way be held to have been proved, and it was not just to those persons who were blamed that their names should be paraded before the public until the charges had been thoroughly investigated. It can only have the effect of prejudicing the case against them, and—

THE SPEAKER: I really think the hon. member is not in order in discussing this subject.

MR. CANNING: It is upon a motion for adjournment.

THE SPEAKER: That motion was made for a definite object, the discussing of this immigration question, and the treatment of immigrant girls on their arrival in the colony. The hon. member is not in order in addressing his remarks to an entirely different object.

MR. CANNING: If my recollection serves me rightly, I believe it is exactly the course followed in every other colonial Legislature whose proceedings I have ever noticed. A member speaking to a motion for adjournment is not necessarily confined to one and the same subject.

THE SPEAKER: I think the hon. member is out of order.

MR. CANNING: Then I must bow to your Honor's ruling.

MR. TRAYLEN: Am I in order in addressing myself to the subject referred to by the hon. member for York?

THE SPEAKER: Perfectly in order.

MR. TRAYLEN: I shall be very brief, because the subject has been so very ably put before members that I have only need to say that the same representations were made to me as were made to the hon. member for York; and I am, therefore, from hearsay, able to endorse what he said. I trust that, in the interests of

political economy, as well as in the interests of morality, the Government will be able to take such steps as have been indicated by the hon. member for York, and that these immigrants, on their arrival at Fremantle, will be conveyed to Perth as soon as possible.

THE PREMIER (Hon. J. Forrest): I am much obliged to the hon. member for York for bringing this matter under the notice of the Government, and I can assure him it will receive attention. At the same time, I believe his informant has grossly exaggerated the facts. Of course it is very well for him to rise in his place and quote from an authority in England; but we on the spot should know the actual facts. I was a member of the Immigration Board at the time the hon. member referred to, and I do not remember any such cases of misconduct brought under the notice of the Board, except to a very slight extent. I believe the matter has been greatly exaggerated both in England and here, and those who have seen for themselves will not bear out what the hon. member has stated. I have been in Fremantle myself when a shipload of immigrant girls were landed, and I did not see anything outrageous or improper. I saw them marched up to the Immigration Depot, and my hon. friend the Commissioner of Crown Lands was there too. No doubt there may have been things done that we did not altogether approve of; at the same time, I cannot think that things have been anything like so bad as has been represented. At any rate, it was never brought under the notice of the Immigration Board, or, if it was, I have not been present at their meeting. But that does not alter the good intentions of the hon. member for York; and I will communicate with the Colonial Secretary, and when the next batch of immigrants arrive we will take every precaution to see that they are safely landed and properly cared for.

MR. SCOTT: I do not know what may have been seen by the Premier, but I know that on one occasion, about twelve months ago, my wife and I went down to Fremantle to try and get one of these immigrant girls; and I actually saw no less than three of these girls, within a few hours after they landed, in a public house at Fremantle drinking spirits,—

actually spirits. Whether it is disgraceful or not, it is the fact. I made inquiries about the matter, and, from all I could hear, exactly what the hon. member for York says is the real fact. There seems to be no control over these girls. I saw drunken men and others going up to the receiving house or Home, and there was no control whatever exercised over the girls; and I hope the Government will try to avoid a repetition of such scenes.

MR. KEANE: I do not think we can find any fault with the Immigration Board, for I do not think that once the immigrants are landed it is the duty of the Board to look after them. But I can quite endorse what has fallen from the hon. member for Perth; for I myself went down to Fremantle on the arrival of the last batch of girl immigrants, and saw what he has described. Opposite the Home there is a public house. [The PREMIER: No, no.] I beg your pardon; right opposite to it there is a public house on the other side of the road, to my own personal knowledge; and, this afternoon, I was down there upwards of an hour, and saw these girls coming out of this Home, and, if there was one man waiting for them there were a dozen. I think the hon. member for York has done a good thing in calling attention to this matter, not only in the interests of these girls themselves but also for the sake of the good name of the colony. As to the facts, there can be no doubt about them; a man must believe what he sees with his own eyes.

MR. PARKER: Perhaps I may be permitted to ask the Premier whether a petition has not been already presented to the Government on this subject by some ladies?

THE PREMIER (Hon. J. Forrest): I have not seen it. Perhaps the Colonial Secretary has received it.

Motion for adjournment put and negatived.

APPROPRIATION BILL, 1891.

This bill was read a second time without comment, and passed through committee; and (the Standing Orders being suspended) was read a third time, and transmitted to the Legislative Council.

TOBACCO (UNMANUFACTURED) DUTY BILL.

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

PUBLIC HEALTH ACT AMENDMENT BILL.

On the order of the day for the third reading of this bill,

THE ATTORNEY GENERAL (Hon. S. Burt)—in the absence of Mr. DeHamel—said: In moving the third reading of this bill, I desire to say a word or two, in explanation, to the hon. member for Greenough. It will be in the recollection of the House that the hon. member moved the insertion of a new clause increasing the power of the Board to raise the health rate from 3d. to 6d., for the purpose of enabling the Local Board of Health to deal more effectually with this question, and to carry out the scheme of sanitation recommended by a certain committee or commission. But the hon. member was ruled out of order, as he was, apparently, in attempting to impose an increased rate or tax; and he was given to understand that it was only the Government that could introduce such a clause. I am sorry to say that the Government have not had time to consider this question, and the question of the borrowing powers of the Board; and I have come to the conclusion it would be better to postpone this question until next session, when we shall have had the report of this commission before us, and it will have been considered by the City Council, and also by the citizens. I think it would be rather hurrying the question to introduce this clause at present.

Bill read a third time.

DARLING RANGE RAILWAY AND TIMBER CONCESSION: PROPOSED CONTRACT WITH MR. E. KEANE.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise to move, "That this House approves of the proposed contract laid upon the table between the Government and Mr. E. V. H. Keane, relative to the construction of a line of railway on the Darling Range, and the working of a timber concession thereon." I may say at once, in moving this resolution, that we do not desire, this evening, to press the House for its approval of this con-

tract, because, although (as will appear when I have explained the contract) it is a small matter and a simple one, still it might look as if it was being hurried too much; and, if there is the slightest desire to postpone this approval, the Government will be most happy to, and must, in fact, fall in with that view. The contract, which is on the table, is, as I have said, a simple one. Mr. Keane is the holder of a certain timber license or right, which has been in operation for a considerable number of years, in one shape or the other. The concession was first of all Mason and Bird's concession, on the Canning; subsequently it was re-granted for a term of 42 years to a Mr. Shaw, and is now held by Mr. Keane. Under that concession or license there is nothing binding the holder of it to erect any machinery or to work it in any way whatever. The license, which was known as $\frac{1}{2}$, gave a right to the Government to sell any portion of the land over which the right to cut timber was held, at any time, under the Land Regulations. The consequence of that was—and I think the House will appreciate the disadvantage under which it placed the holder of the license—the consequence was that any person who desired to block the operations of the licensee or company working the concession had only to apply to purchase a 50 or a 100-acre block out of the concession, selecting it of course at the head of the company's tramway for the time being. The value of this timber concession would thus be brought to nothing. To my mind the two things are perfectly incompatible. The lease is worth little or nothing to anyone so long as that right of selection and purchase remains. It was not intended, I dare say, that it should operate in that way by the Government who granted this license; I believe they thought no one would buy any of the land included in the concession. But, this being the term of the lease, there it stands. Upon application for purchasing any portion of the land being made by anyone, the Government are bound, under the Land Regulations, to grant it; and the timber lessee is at the mercy of any person who may desire to block his operations. The present licensee, Mr. Keane, comes now and asks for that to be re-

medied; and the Government, after consideration, thought that, as he was working the concession with the view of improving his lease, and proposed to carry on operations on an extensive scale and to construct a railway for that purpose,—the Government thought it was only right that they should ask for some *quid pro quo*; and the result is this proposed contract. What we propose to do for the licensee is this: to allow him an unassailable right to cut timber over this concession, and not a sham right as it is under the present lease; but, in return, we ask him, as he is making a railway to his timber mill, to bind himself to carry the public, and also the general traffic of the district, on that line of railway. The first 45 clauses of the contract deal with the construction of this railway which Mr. Keane proposes to build, and to maintain it for a certain time, and to allow public traffic to run on it. That part of the contract is based altogether on the contract approved by this House in the case of Messrs. Millar Bros. But they obtained 2,000 acres of land and other concessions for the construction of their line, whereas here Mr. Keane gets nothing whatever from the Government for the construction of his line,—not a rood of land, nor any other consideration whatever, except that which I have named, namely: that whereas the Government now hold the right to sell any portion of the lessee's land to anyone who chooses to apply for it, by which the lessee's operations might be completely blocked, we propose to give him an absolute right to all the timber under that concession, and agree not to sell any of this land upon which marketable timber grows. But, as soon as the land is denuded of all marketable timber, any portion of it will be open for sale. As a matter of fact, a considerable quantity of the land is already available for sale, having been so denuded. Therefore it amounts to this: we get a railway, 20 miles in extent, simply for securing to the lessee the right to all the timber on his lease—a right which it was intended he should have from the first. As I have said, in the first 45 clauses, the terms of the Messrs. Millar's contract have been followed. The only departure is as regards the rolling stock and the engines. In clause 9 we say that "the contractor shall lay out and

"construct the railway upon the same gauge as the Eastern Railway, with steel rails of not less than 46 pounds to the yard, timber bridges, and culverts of approved design, sand bottom ballast of not more than eight inches thick with proper boxing up of stone or gravel; and the whole of the permanent way plant and rolling stock shall be subject to the approval in all respects of the Commissioner,"—that is, the Commissioner of Railways. In Messrs. Millar's contract the plant and rolling stock had to be the same as those used on the Eastern Railway, but here it is proposed that they shall be subject to the approval of the Commissioner of Railways. It is not thought that such heavy carriages and engines will be required for this small line as might be required for the Great Southern or the Midland line. With that exception this contract does not depart in any way from Messrs. Millar's contract already approved by the House. The next portion of the contract commences at clause 46, and there are a few sections there showing the whole pith of the proposed arrangement with Mr. Keane. Clause 46 says: "In consideration of the construction of the said railway and of the premises, the Governor in Council shall grant to the contractor the right, and he shall hereafter be at liberty to fell, cut, stack, prepare for market, and remove all such indigenous timber as may for the term of the said license yet to run be standing, growing, or on the area of 100,000 acres comprised in such license, subject nevertheless to any regulations which from time to time hereafter may be made by the Government, or by any act of Parliament, for the better working or conservation of timber forests, and to the provisions of these presents." The next clause deals with the question of the sale of any of the land included within the concession; and it will be seen that "no sale or other disposition of any lands within the area of the said license shall be made by the Government excepting of such lands whereon there is no marketable timber in the opinion of the Commissioner of Crown Lands for the time being, and his decision on this point shall be final and conclusive." Therefore any portion of the area upon which there is no "marketable timber" may be sold at once, and the judgment of the

Commissioner of Crown Lands as to whether there is any marketable timber or not is to be final and conclusive. The next section gives the contractor the necessary rights as to constructing and laying tramways, railways, and other roads, and as to the erection of buildings, sheds, mills, etc., necessary for the working of the timber. In section 49 we put a liability on the lessee that he never had under the old lease, and that is that he shall "forthwith erect or complete the erection of machinery upon some part of the area of the said license capable of cutting 20 loads of timber per day, and in the event of the output from the said machinery being less than 20 loads of timber per month for six consecutive months (except by reason of the timber on the said area having become exhausted) the unexpired term of the said license, together with the said machinery, shall thereupon be forfeited to the Government, who may seize and sell the said machinery, or make other disposition thereof as to the Government may seem expedient." Under the old lease there was no necessity for the lessee to put up any machinery at all. The next clause provides that the contractor shall at all times be bound to carry timber for the public upon his railway, provided it be not intended for export. A similar clause exists in the present lease. No one has a right to cut timber for export on any portion of it. These are the principal portions of the contract. It will also be seen that Mr. Keane is bound, under this agreement, to maintain this railway up to the end of 1899. At that date, or any time afterwards, the Government will have the right to purchase the line. If by that time settlement takes place along this line (as I believe myself it will), and the traffic justifies it, the Government may, if they like, purchase the line from the contractor, at a price not exceeding £1,000 per mile. They are not obliged to purchase. If they do not deem it expedient, they can leave it alone; and, in the event of the Government not caring to carry it on, we do not compel him either to carry it on after that day—the 31st December, 1899, which seems to me a fair condition. These are the main provisions of the contract. The reason

this is brought before the House is that no such contract can be made under the Land Regulations without the approval of Parliament.

MR. PARKER: The Regulations say the "Legislative Council."

THE ATTORNEY GENERAL (Hon. S. Burt): We read that as "Parliament" now.

THE SPEAKER: I am inclined to make a statement here with reference to one clause in this contract, clause 53, which says that "the Government shall promote, at their own cost, the passing of "any Act to confirm these presents." This is very generous on the part of the Government, but the Government have it not in their power to say that a private bill shall be a public bill; and this bill would certainly be a private bill. I take it, there will have to be a bill brought in to confirm this contract, and I shall have to rule it to be a private bill.

THE PREMIER (Hon. J. Forrest): It seems to me we have been making mistakes of the same kind in connection with other contracts—the Midland Railway contract, for instance.

THE SPEAKER: Of course the mere fact of the Government bringing in a bill of a private character does not convert that bill into a public bill; they are as much bound by the rules as private members are.

THE PREMIER (Hon. J. Forrest): Of course, after your Honor's ruling, the Government will withdraw that clause, or, at any rate, we will not act upon it. Members are aware that the Land Regulations give the Governor certain powers to do certain things, but there is a proviso that in some cases it shall be subject to the approval of the Legislature; and that is the reason why the Government have brought this matter before this House. I have looked through this agreement, and it is founded upon the Hordern contract, and I think we cannot go wrong in approving of it; and, for this reason, this 100,000 acres of land included in this lease is already held under a timber license. The timber is gone from the Crown during the term of the license, and we cannot get it back. It is there, in the hands of the licensee, so long as he pays his rent. Whether he uses it or not, it cannot be at the disposal of the general public nor of the Government. There-

fore it is to the advantage of the colony that this timber should be worked, and it is now proposed to do so on an extensive scale, to erect machinery, and to build a railway 20 miles in length through the ranges. These capitalists are prepared to do all this, and to build this railway through somewhat difficult country in some parts, and one can easily see that they intend to develop the timber trade, and that this country will be put to some use. I know it often happens that a thing we consider of no value at all, so long as nobody proposes to make use of it, becomes invested with much value the moment somebody else desires to possess it. But I know that this particular area included in this lease has been lying idle for years and years, and most people who have had anything to do with it have been ruined almost, owing to the difficulty of transit chiefly. In fact they have offered almost to give it away, but without success. I cannot help thinking that this offer to build a railway and to allow public traffic to run over it, without any expenditure of public money, is a very good bargain for the country. I wish to impress upon members that we are not giving any concession of timber to these people; they have already got it. The only thing we are giving them is a greater security of tenure, as regards their right to the timber upon their lease. We undertake not to sell any of this land while there is any marketable timber on it; but, as soon as it is denuded of its timber, the land will be at the disposal of the Government to sell or otherwise dispose of it. I must say I think it is an excellent arrangement, so far as the colony is concerned. It will also be a good thing for the persons interested, no doubt, to have this security of tenure, by which they will be able to raise money for the construction of this railway, the erection of machinery, and the development of this timber trade. Without that security of tenure we know very well they cannot do it. No one will invest a large amount of capital in an enterprise when they are liable at any moment to have their operations blocked. I do not know that I need say any more; but I think it is a contract we may safely enter into. We run no risk; we are giving nothing away that we should not; and it cannot fail to be productive of

great good to this part of the colony. Perth will benefit largely by having all this timber cut so close to it; and it will, I hope, be the means of developing a large export trade. I have much pleasure in seconding the motion, that this House approves of the proposed contract being entered into.

Mr. PARKER: From the statement made by the hon. and learned gentleman who brought this question forward, I have no doubt this will be a contract that will prove beneficial both to the Government and to the contractor. The Premier spoke of this area as one that had been lying idle and in the market for many years, and that the holders of it had almost offered to give it away. But I firmly believe it is a splendid timber area; in fact, from what I have heard, it is one of the best timber areas in the colony. I do not say that, with any idea that this House should seek to impose any additional terms upon the contractor. I think that gentleman is entitled to every consideration at our hands. He is about, at his own expense, to construct a railway through some very difficult country for the special purpose of opening up this timber area, which has been lying idle for years, and which cannot be worked profitably without a railway. He does not ask for any concession like other contractors, in the shape of land. It appears to me only a most fair and reasonable stipulation to make, that, if he constructs this railway, and allows the public the use of it, we shall not sell any of this land included in his lease while there is marketable timber on it. I think it would be a very happy day for Western Australia if she had many such enterprising gentlemen as Mr. Keane. The only thing I regret is that this line, I fear, will carry with it a large amount of the traffic that the proposed Bunbury railway might have taken. We were told by the Premier that we would be warranted in building that railway if only for the timber traffic; but it strikes me that when Mr. Keane has his railway running through this splendid timber country, the Government line will have no chance of competing with it; in fact, I shall be agreeably surprised if any timber is carried on that line, with this other railway placed in a much more advantageous position for supplying it.

I believe it will cut out the Government line altogether, so far as the timber traffic is concerned. From the explanation of the contract given by the Attorney General, I believe it will meet with the universal approval of members; but, so far as I am personally concerned, I should like to have an opportunity of perusing the contract before I express myself as approving of its terms. I therefore propose that this debate be adjourned until tomorrow.

Agreed to.

Debate adjourned, accordingly.

SCAB ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

This Bill was returned from the Legislative Council with the following schedule of amendments:

- "No. 1.—On page 5, Clause 8, line 1:
"Strike out the words 'three months,'
"and insert 'calendar month when
"possible,' in lieu thereof.
- "No. 2.—On page 14, Clause 43, line
"1: After the word 'land' insert
"'or sea'; and in line 9, between
"the words 'of' and 'the,' insert
"'or be landed in.'
- "No. 3.—On page 14, Clause 44, line
"1: After the word 'land' insert
"'or sea'; and in line 10, between
"the words 'of' and 'the,' insert
"'or be landed in.'
- "No. 4.—On page 14, Clause 45, line
"1: Between the words 'land' and
"'from' insert 'or sea.'
- "No. 5.—On page 14, Clause 45, line
"7: Between the words 'dipped'
"and 'at' insert 'if in the opinion
"of the inspector it be considered
"necessary.'
- "No. 6.—On page 14, Clause 45, line
"15: Strike out the words 'on
"being dipped once only,' and insert
"'without being dipped,' in lieu
"thereof.
- "No. 7.—Insert the following new
"clause, to stand as Clause No. 52:
"—'Upon the conviction of any
"owner under this Act, it shall be
"lawful to make distress and sale,
"not only of his goods and chattels,
"but also of any sheep in his pos-
"session or charge, or which were in
"his possession or charge at the
"time of the commission of the

"offence in respect of which such owner has been convicted, and any such last mentioned sheep may be followed and seized wherever they may be found."

"C. LEE STEERE,

"Clerk of the Legislative Council.
"25th February, 1891."

THE SPEAKER: Standing Order 308 provides that when a bill is returned from the Legislative Council with amendments, the Message with such amendments shall be ordered to be printed, and a day fixed for taking the same into consideration. That would cause considerable delay in this instance, when the Government desire to have the business completed as soon as possible. It will be for the House to consider whether it will suspend that Standing Order, so that it may proceed with the consideration of the Council's amendments this evening.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the Standing Order in question be suspended, and that the House resolve itself into a committee of the whole for the consideration of the Legislative Council's Message and amendments.

Agreed to.

THE ATTORNEY GENERAL (Hon. S. Burt) said the first amendment suggested by the Council was in the 8th clause, which provided that a list of all diseased flocks should be published in the *Government Gazette* once in every three months. The Council proposed to strike out "three months," and insert in lieu thereof the words "calendar month, when possible," so as to ensure the publication of this list monthly instead of quarterly. The Government had no reason to disagree with that amendment; therefore he proposed to move that it be assented to.

Agreed to.

THE ATTORNEY GENERAL (Hon. S. Burt) said the next amendment proposed by the Council was in Clause 43, which dealt with the removal of sheep from a clean district into any other district. The clause as it stood said: "It shall not be lawful for any person to introduce by land any sheep from a clean district into another district," etc. The Council proposed to insert after the words "by land" the words "or sea."

The clause would then read: "It shall not be lawful for any person to introduce by land or sea any sheep from a clean district," etc. The mover of that amendment, apparently, had overlooked clause 29, which had been the law since 1885; and he was not aware that any complaint had been made as to its working. The 29th clause provided that "every owner of sheep imported into any seaport, either coastwise or from parts beyond seas, shall report in writing the fact of such importation, as soon as practicable after their arrival, to some inspector or Resident Magistrate at or near to such seaport, and shall not remove such sheep from such seaport until they shall have been declared clean by the certificate of an inspector or of some other person appointed by the Governor for that purpose; nor until they shall have been, to the satisfaction of an inspector or other person appointed as aforesaid, well and sufficiently dipped," etc. It was therefore unnecessary to introduce the amendment proposed by the Council in the 43rd clause, as this 29th clause dealt with sheep introduced by sea, and the 43rd clause only dealt with sheep introduced by land. He therefore moved that this amendment be not agreed to.

Question—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) said a similar amendment had been made by the Council in Clause 44, and, for the same reason, he moved that the proposed amendment be not agreed to.

MR. CANNING: The words proposed to be inserted are really surplusage?

THE ATTORNEY GENERAL (Hon. S. Burt): Just so. Clause 29 deals with the subject of the introduction of sheep by sea.

Question—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) said the same amendment had been made in Clause 45, and, for the same reason, he moved it be not agreed to.

Question—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) said they came now to an important amendment (No. 5), in Clause 45, dealing with the dipping of sheep introduced from an infected district into a clean district. The Council proposed to

insert the words "if in the opinion of the inspector it be considered necessary," after the word "dipped." The clause would then read: "When any sheep are introduced by land from any infected district into any clean district, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray at a greater distance within the said clean district than three miles from the part of the boundary of the said district at which such sheep are introduced, until such sheep have been effectually dipped (if in the opinion of the inspector it be considered necessary) at least twice within fourteen days, etc." The Council sought by that amendment to make this dipping discretionary with the inspector, whereas the clause as agreed to in that House made it imperative. The clause as it passed in the Assembly rendered it necessary for all sheep, other than fat sheep going to market, to be dipped twice if coming from an infected district, and he thought the House agreed with him that it was a necessary precaution if they ever expected to get rid of this disease. It would not do to argue supposititiously that some sheep might not require to be dipped twice; and it was surprising to him that such an argument could be used by sensible men. If they wanted to get rid of this scab they must take such measures as would deal with it beyond doubt; it would not do to assume that this flock or that flock might not require it. They must make it compulsory all round. It would never do to leave it to the discretion of an inspector to say whether sheep should be dipped or not, coming from an infected district to a clean one. Look at the influences that would be brought to bear upon an inspector by the owner of the sheep! The owner would say he had not been near any infected sheep. The inspector would ask, "Did you see any infected sheep on your way?" The answer would be "Oh, no! I never saw nor heard of any scab;" and the inspector might be induced to let them go. But the Government desired to prevent any possible chance of infection, and, in order to avoid any risk, it was absolutely necessary that all sheep should be dipped. To leave it to the discretion of the inspector would be no preventive at all. Some members had considered it would

be better to make some concession as regards fat sheep driven to market, and the clause had been amended to that effect—though the Government did not wish to do so; but, finding that there was a strong feeling in favor of it, they had given way. Now the Council proposed to go a step further, and provide that all sheep should be allowed to come from an infected to a clean district, subject to the discretion of the inspector as to dipping, whether going North or coming South. He would move that this amendment be not agreed to, and he trusted the committee would support the Government in this matter, for they considered this clause as it stood one of the best clauses in the bill. In fact, this and clause 29 were the only two clauses, in their opinion, which would effectually help to stamp out this disease.

MR LOTON said he was opposed to the Council's amendment. What was wanted, if they really wished to get rid of this pest, was a thoroughly stringent measure. It was unnecessary to labor this question again; it had been thoroughly discussed when the clause was considered in committee. If people were to be allowed to pass sheep from an infected district to a clean one, without dipping, we might as well be without a Scab Act at all.

MR. CLARKSON said he was very much surprised when he heard that the other branch of the Legislature had proposed this amendment. He thought that every sheep-owner in the colony believed it was nearly time this disease was stamped out. It was a disgrace to the colony that it had been allowed to remain in our midst so long. At present there was only one district affected with it, Champion Bay; but unfortunately all sheep passing North or South must go through that district, and he regretted to think that the opposition to this clause came from gentlemen who were sheep-owners in that infected district. If this proposal of the Council's were adopted, in his opinion they might as well make no alteration in the Act at all. The opposition to the clause came from gentlemen from the North, who sent fat sheep to the market down here. Of course it would cause some little expense and some delay to have their sheep dipped; but he could

hardly believe these Northern gentlemen could be so selfish as not to care whether infection was spread all over the colony, so long as they were not inconvenienced. It would be throwing too much responsibility altogether to give this discretionary power to the inspector, who was already clothed with very large authority; and the only safe way was to insist upon all sheep being dipped, if coming from an infected district.

Question put—that the amendment be not agreed to.

Carried.

THE ATTORNEY GENERAL (Hon. S. Burt) said the next amendment proposed by the Council was in the same clause dealing with fat sheep travelling to market. They proposed to strike out the words “on being dipped once only,” and insert the words “without being dipped” in lieu thereof. The effect of this would be that fat sheep, coming from an infected district, need not be dipped at all. He moved that the amendment be not agreed to.

Question—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) said the next amendment (No. 7) proposed the insertion of a new clause, which he thought they might agree to. It would be seen that the clause made any sheep found in possession or in charge of a person convicted under this Act, seizable. When an owner was convicted and had sheep of his own, of course such sheep were seizable, but this clause went further than that, and dealt with the case of an owner leasing sheep from another. In a case like that, when a warrant of distress for default was directed to seize his goods and chattels, the lessee would say, “These sheep are not mine; they are So-and-so’s, and you must not seize them.” That would make a man very indifferent in the matter of keeping his sheep clean; and this amendment was intended to remedy that, and proposed that, when default was made, any sheep in a man’s possession or charge could be seized, whether he was the actual owner or not. He thought they might accept that amendment.

Amendment agreed to.

The House resumed.

THE CHAIRMAN reported that the Committee had considered the amend-

ments suggested by the Legislative Council, and had agreed to some, and disagreed to others.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that a Committee be appointed, consisting of Messrs. Loton, Clarkson, and the mover, to draw up reasons showing why the Assembly was unable to agree with certain of the amendments suggested by the Council.

Question—put and passed.

The Committee retired, and, having returned, presented their reasons, which were as follows:—

- “Reasons.—The Legislative Assembly
 “disagrees to the amendments of
 “the Legislative Council in section
 “43, on the ground that the subject
 “proposed to be dealt with, namely,
 “regulating the introduction of sheep
 “by sea, is already dealt with by
 “section 29 of the Bill.
 “The Assembly, for the same reason,
 “disagrees with the amendments
 “proposed in section 44.
 “The Assembly, for the same reason,
 “disagrees with the amendment pro-
 “posed in the first line of section 45,
 “and with the other two amend-
 “ments on the ground that such
 “amendments would entirely remove
 “the protection sought to be pro-
 “vided against the introduction of
 “scab from an infected to a clean
 “district, and place in the mere dis-
 “cretion of an inspector a matter of
 “supreme importance.”

Ordered—That the Scab Bill be returned to the Legislative Council, together with the amendments agreed to and disagreed to by the Assembly, and the Reasons for such disagreements.

THE SPEAKER then left the Chair, during pleasure.

FURTHER MESSAGE FROM THE LEGISLATIVE COUNCIL (SCAB BILL).

At a later hour, the following Message was received from the Legislative Council:—

- “The Legislative Council acquaints
 “the Legislative Assembly that it
 “insists on its amendments in clauses
 “43 and 44 of the Scab Bill, for the
 “reasons indicated by the annexed
 “Schedule.

"The Council does not insist on its
"amendments in clause 45, with
"which the Legislative Assembly
"have disagreed.

"The Bill is returned herewith.

"T. COCKBURN-CAMPBELL,
"President.

"Legislative Council Chamber,
25th February, 1891.

"Reasons.—Because clause 29 does not
"provide sufficient protection in case
"of sheep imported from an infected
"district into a clean one; and clause
"29 relaxes the proper stringency of
"the principle and provisions of the
"Bill.

"Because the words 'any person' are
"larger and more comprehensive
"than the word 'owner' in clause
"29, including as they do both 'con-
"signor and consignee.'"

THE ATTORNEY GENERAL (Hon. S. Burt) moved the House into Committee for the consideration of the above Message, and said the effect of the amendments which the Council insisted on in Clauses 43 and 44, but not in Clause 45, was simply this: whereas Clause 29 merely imposed upon the owner who imported sheep into any seaport the obligation of not removing them until they were pronounced clean, the amendments in Clauses 43 and 44 provided that further notice should be given of the intention of any person who wished to introduce sheep from an infected district to a clean district, whether by sea or by land. So that it seemed to him it came to a mere question of notice. As to the "reasons" given by the Council for insisting on these amendments, he could only say he was unable to understand them. One of their reasons was because the words "any person" were larger and more comprehensive than the word "owner" in Clause 29, including as they did both "consignor and consignee." He did not know what that had to do with it. Possibly he did not understand the matter as they did. He was not aware that these amendments made any inroads into the Act, except that they made it somewhat inconsequential. He thought the House might rely that this Government would insist upon dipping sheep sent by sea from an infected district, both on starting and at the port of landing. The Legislative Council should

recognise that that House had strained every possible point on this question in order to agree with them; still they seemed to insist upon their amendments, and he must say he thought they insisted without reason. But he did not see that these amendments could do much harm; and as they desired to have as much agreement and as little disagreement as possible between the two Houses, he thought it was incumbent upon him to ask that House to agree to these amendments rather than jeopardise the whole bill.

MR. LOTON said they were told by the Attorney General that these amendments did not affect the stringency of the Act, but it appeared to him that they did affect it. With regard to sheep coming South from the Northern Districts, anywhere north of the Victoria District, under the bill as it passed that House, those sheep, having come by land, would have had to be dipped, at all events once, if they passed through the Victoria District, because they had passed through an infected district, and it would have been open to the inspector to say whether they should not be dipped more than once. But as it was proposed now, with the amendments of the Council, the very same sheep, coming from the Northern Districts and travelling through the Victoria District overland, could on their arrival at Geraldton be shipped there, and landed either south of Champion Bay or north of Champion Bay, without being compulsorily dipped at all, but simply left to the discretion of the inspector. That was his reading of the amendment of the other House. He did not agree with it. He thought it left the door open for a state of things that should not be allowed to exist, and he was sorry to see that the members of the Legislative Council had not fully considered or clearly understood the meaning and object of this bill, which that Assembly had been struggling to pass so as to effectually eradicate this scab, especially in the Victoria District; and he was sorry to think that it was the people of that district and those interested in that district who had been the means of sending this bill back to them in this way. He was strongly opposed to the passing of the bill as it was now proposed to pass it. He regretted it; but, if there was a majority in favor of

it, of course it must pass. At the same time, he thought we might as well go on with the existing Scab Act as this, if these amendments were adopted.

MR. CLARKSON said he understood from the Attorney General that sheep shipped at Champion Bay would come under the definition of "suspected" sheep, and on that account would be dipped before they left that district for a clean district. If he had not correctly understood the Attorney General in that, he should certainly oppose this amendment, with the hon. member for the Swan; it was only another way of allowing fat sheep to come to these Southern Districts from an infected district.

THE ATTORNEY GENERAL (Hon. S. Burt) said that members would see from the definition of "suspected" sheep that such sheep included all sheep travelling through an infected district; therefore, any sheep coming down to the port of Geraldton to be shipped there would be "suspected" sheep; and there was a clause in the bill, Clause 17, which left it optional with the inspector to direct the dipping of any suspected sheep as often as he thought necessary. By another clause in the bill, Clause 48, the Governor in Council was empowered to make regulations for the guidance and instruction of inspectors, for carrying this Act into effect; therefore an order or regulation could be made at once that all sheep leaving Champion Bay should be dipped twice. That being the case, he did not think the object which certain gentlemen in another place had in view would be attained. Any sheep coming down by steamer from the Victoria District could be dipped twice, under regulations framed by the Governor-in-Council; and the inspector, when they arrived at Fremantle, could have them dipped again. So that, in common parlance, the Government would have the pull of these sheep, and it would be found that it would be easier for them to travel by land than by sea. Therefore, the object which some gentlemen had in view would perhaps be frustrated.

MR. LOTON said there were always two ways of putting these things. Of course the Government would have the power to do this under the regulations, but the question was whether the Gov-

ernment would insist upon its being done. He dare say the present Government would; but he thought the Attorney General would have preferred to have seen it in the bill itself rather than in the regulations. [Mr. Burt: Certainly.] He must again express his regret that the other Chamber in its wisdom had not seen fit to follow the larger experience of the Assembly, and pass this bill as it was sent up to them.

MR. CLARKSON said it appeared to him the Upper House had shown no wisdom or reason at all in this matter, and he was very sorry to see a wish on their part to continue this great scourge. As opposition, however, at this stage might endanger the passage of the bill this session, and as it was very necessary it should come into force at once, he should offer no further opposition to this amendment.

Amendments of the Council, in Clauses 43 and 44, agreed to.

The House then resumed.

Ordered—That a Message be transmitted to the Legislative Council, informing them that the Assembly had agreed to their requirements as regards the amendments in Clauses 43 and 44.

The House adjourned at half-past 11 o'clock, p.m.

Legislative Council,

Thursday, 26th February, 1891.

Railway and Timber Concession, Darling Range; contract with Mr. E. Keane; adjourned debate—Suspension of sitting—the Prorogation—Assent to Acts—The Prorogation Speech—Close of Session.

THE PRESIDENT (Sir T. C. Campbell, Bart.) took the chair at 11:30 o'clock a.m.

PRAYERS.