

FIFTH SCHEDULE: *Goods free of duty.*
Agreed to without discussion.

The House adjourned at a quarter past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 9th August, 1882.

Scab Act Amendment Bill: second reading—Jury Act, 1871, Amendment Bill: second reading—Imported Labor Registry Bill: second reading—Masters and Servants Act Amendment Bill: second reading—Hawkers Bill: recommitted—Customs Ordinance, 1860, Amendment Bill: in committee—Adjournment.

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

PRAYERS.

SCAB ACT AMENDMENT AND CONSOLIDATION BILL.

MR. STEERE, in moving the second reading of a Bill to amend and consolidate the laws for preventing and exterminating scab in sheep, said the Bill was mainly introduced for the purpose of consolidating existing Ordinances, rather than for amending the principal Act; but it also sought to alter a few clauses of that Act, which at present were more or less ambiguous. The 7th clause of the Amendment Act passed last year required immediate notice of infection to be given to the inspector and also to the Colonial Secretary, but, owing in some cases to the long distances which notices had to be forwarded to the Colonial Secretary, it was considered by the Board of Advice that it would be more convenient if the notices of infection were sent to the inspector and the nearest Resident Magistrate (as originally provided in the principal Act). The next amendment and the most important one was that provided in clause 14 of the Bill. It had been held by legal authorities that under the present law an inspector had no right, during the continuance of a

compulsory license, to enter upon a man's run and take such steps as he may think proper to endeavor to clean a neglected flock, but the present Bill removed all doubt on that point, and rendered it lawful for the inspector "at any time" during the continuance of the license to step in and compel the owner to take necessary measures for the cleaning of his sheep, or to cancel his license. The next amendment would be found in the 18th clause of the Bill (dealing with clause 16 of the present Act). It had been found that, although provision was made for punishing a man who allowed sheep which were not infected to be admitted within the quarantine boundary, no provision was made to secure a conviction for permitting the sheep to remain within such boundary. The only other amendment was one made in clause 22 of the present Act, which provided that no owner of sheep, without a written permission to do so from an inspector, shall drive any sheep upon or across another man's run without having first given the owner of such run notice of his intention to do so. But, as a rule, the owners of sheep did not drive them in person, and no provision was made to punish the owner who directed another person to commit a breach of the Act in this respect. The 24th clause of the present Bill remedied that defect, and rendered the owner liable if he shall cause or permit his sheep to be driven upon another man's run without giving him due notice. These were the only amendments provided for in the Bill, which otherwise was merely a consolidation of existing Ordinances.

Motion for second reading agreed to *sub silentio*.

Bill read a second time.

JURY ACT, 1871, AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in moving the second reading of this Bill, said: I dare say hon. members will feel some annoyance at this constant appearance of small Acts amending other Acts, but, if they will exercise a little patience, they will find that they are unavoidable. By the Supreme Court Act, of 1880, His Excellency the Governor has power to appoint a Commission for the trial of cases, within the

jurisdiction of the Supreme Court, at other places than Perth; and it is quite obvious, under these circumstances, that there should be a jury summoned at any place where such trials may be held. No provision, however, is made in the Jury Act for summoning of juries except for trials at the Supreme Court itself, or at the Courts of Quarter Sessions, where they can be summoned for those sessions only. Therefore, if the Chief Justice should be going down, at any time, with the Supreme Court, for the purpose of holding trials out of Perth, it would be impossible for him to have a jury to meet him, for the purpose of conducting such trials; and the object of the present Bill, which is a very short one, is to empower the authorities at such outlying places in the Colony where the Supreme Court may be likely at any time to be sent down to summon a jury for the purpose I have indicated.

Motion agreed to without discussion.

Bill read a second time.

IMPORTED LABOR REGISTRY BILL, 1882.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in moving the second reading of a Bill to provide for the registration of certain persons who shall be imported into the Colony, or employed in any manner within the territorial dominion thereof, said the House was aware that, in 1874, an Act was passed entitled the Imported Labor Registry Act. That Act was repealed and re-enacted in the present Bill, with the addition of certain clauses, the purport of which was this: that there should be provision made for the protection and maintenance of persons imported into the Colony under the provisions of the original Act. No doubt the House was aware there were certain stringent provisions in that Act, under which masters of vessels were obliged to furnish a list containing full particulars relating to natives introduced from India, China, the Malayan Archipelago, and other places, and that none of these people should be allowed to land until the list in question had been verified. That Act, however, did not prevent the introduction of old and infirm coolies, and it had constantly come to the notice

of the Government that decrepit, worn-out, and diseased people were introduced into the Colony under the Act, and that there was no means of prohibiting them. These people became a burden upon the Government and a nuisance to themselves and everybody who had anything to do with them. Consequently the Government considered it necessary to re-enact the provisions of the original Act, and further to enact that no coolie shall be imported into the Colony hereafter without a medical certificate, which, under the provisions of the present Bill, might be obtained in one or other of two ways,—from any person who is a recognised medical practitioner at or near the port where the laborer is shipped in order to be brought here, or, if that should be impossible, it was rendered lawful for the person importing him to obtain a medical certificate through the Government Resident at the port where the man was unshipped. He did not think they could possibly have rendered it more easy to procure a certificate, supposing it to be required, than this Bill did. The form of certificate was given, and the mode in which it was to be obtained was provided for. The Bill also expressly enacted that no laborer, introduced from the countries referred to, shall be employed in the Colony, even after landing and obtaining a medical certificate, until he shall have entered into a contract with his employer; and the form of contract was provided in the schedule appended to the Bill. This contract would have to be explained to the laborer, and be signed, in the presence of a Resident Magistrate. There was another section to which he wished to invite the attention of the House,—the 12th section, which provided that all expenses incurred by the Government in affording hospital or medical relief to any sick laborer shall be chargeable to the employer of such laborer, and be recovered from him by process of law. Another clause enacted that a duplicate copy of every contract made under the Act shall be forwarded by the employer to the office of the Colonial Secretary, for the purpose of reference, in case of dispute; also that all such contracts shall be regarded as having been made under the provisions of the Masters and Servants Act. The 16th section pro-

vided that the employer of any laborer, within the meaning of the Act, shall be bound to produce such laborer to the proper authorities, when called upon to do so,—a precautionary measure the necessity for which, in certain cases, would be obvious. The remaining clauses of the Bill simply re-enacted the provisions of the original Act. Shortly, then, the Bill left the present law absolutely untouched, but, in addition, necessitated the production of a medical certificate, and a contract to be entered into between the employer and his men. These were the cardinal principles which were new in the Bill before the House, and which he now begged to move be read a second time.

Motion agreed to *sub silentio*.

Bill read a second time.

MASTERS AND SERVANTS ACT AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in moving the second reading of this Bill, said: This is another of those annoying little Bills for which I have had to make a sort of quasi apology to the House; but I think the object of it is one that will commend itself to the favorable consideration of hon. members generally. Under the present Masters and Servants Act, in certain cases of breach of contract, it is incumbent upon magistrates to inflict a punishment of imprisonment in the first instance. That has been thought by the Government a very great hardship, and an imposition of a very unnecessary punishment in a great many cases. This Bill simply enables magistrates deciding such cases to inflict the penalty of a fine in lieu of imprisonment, in the first instance, but it does not deprive them of the power of inflicting imprisonment in cases where they consider the gravity of the breach deserves such punishment.

Motion agreed to *sub silentio*.

Bill read a second time.

HAWKERS BILL.

On the Order of the Day for the third reading of this Bill,

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That it be recommended.

Agreed to.

IN COMMITTEE.

Clause 3 reverted to:

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in order to meet the views of the hon. member Mr. Randell, as expressed on the occasion of the previous recommittal of the Bill, that books should be excluded from its operation, moved, That between the words "any" and "newspaper," in the eleventh line of this clause, the words "books or" be inserted.

Agreed to.

MR. CROWTHER thought it was desirous that provision should be made to prevent those persons who were allowed to hawk books or other wares, without a license, under this clause, from disposing at the same time of spirituous liquors. At present the Bill only dealt with licensed hawkers selling grog, but he thought it was equally necessary to deal with the other class of hawkers, and he would therefore move that the following words be added to the clause: "Provided, also, that if any person "hereby authorised to offer for sale "goods without a license shall, whilst "hawking or offering for sale such goods, "be found to be carrying, or to have in "his possession, or in or upon any cart, "vehicle, or animal, any fermented or "spirituous liquors, such person shall, "upon conviction thereof for every "offence, forfeit a sum not exceeding "twenty pounds."

Question—put and passed.

Clause, as amended, agreed to.

Bill reported.

CUSTOMS ORDINANCE, 1860, AMEND- MENT BILL.

This Bill was passed through Committee *sub silentio*.

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