Legislative Assembly,

Friday, 15th December, 1905.

THE SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

QUESTION—LAND LEGISLATION, RESIDENTIAL LEASES.

MR. HOLMES asked the Minister for Lands: Is it the intention of the Government to introduce during this session a Bill to amend the Land Act, 1898? If so, will provision be made enabling holders of residential leases to convert same on equitable terms into freehold estates?

THE MINISTER FOR LANDS replied: None beyond the Bill already introduced. No; but it is intended to deal with this question in a consolidating and amending Land Bill which the Government propose to introduce next session.

NOTICES, WHEN TO BE GIVEN.

MR. GULL having given notice of a motion after several questions had been asked,

MR. SCADDAN raised a point of order.

MR. SPEAKER: The hon. member was hardly in order. He impressed on members the importance of adhering to the rule which prevailed of giving notices when called for at the beginning of business; and he hoped that such a case as this would not occur again.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Introduced by the MINISTER FOR LANDS, and read a first time.

SITTINGS, ADDITIONAL DAY.

THE PREMIER moved—

That in addition to the present business days and hours, the House, unless otherwise ordered, shall meet for despatch of business on Mondays at 2·30 p.m., and sit until 6·30 p.m. if necessary, and if requisite from 7·30 onwards.

MR HOLMAN: The Premier should give some reason for this additional sitting day. During the past few weeks the House had not been sitting on all the days on which the House could sit. He was anxious to see the business of the country carried on in as speedy a manner as possible; but under the circumstances, considering the state of the weather and the hours members had been sitting, there was no reason why the Government should rush matters. Members were asked now to sit both day and night. It was not fair to any member to be asked to sit day and night when no good purpose could be served.

MR. TAYLOR: There was no desire on his part to extend debates or prolong the sittings of the House, but he could not allow this opportunity to pass without pointing out to the Premier the generosity of the Opposition, so far as the conduct of the business was concerned. When the House first met, the Premier desired that we should grant not alone an extra sitting day, but start two hours earlier each day, with the object of getting through the business as soon as possible. There was no opposition to that proposal, but he wished to emphasise the fact that the Government had not kept sufficient business before the House. Members of the Opposition had given every facility for the transaction of business as speedily as possible. On very small pretences the House had adjourned. A dinner or a luncheon on a gunboat was of more interest to the Government than the business of the House. Therefore it was necessary he should enter his protest against this action. The House had also to be adjourned because the Government could not keep sufficient business before the Chamber. He had often wondered why the Premier had suggested sitting at 2·30 when the House generally rose at 5 o'clock or 8 or 9 o'clock at latest.

MR. SPEAKER: That was not the question.

MR. TAYLOR: If a member interjected in a debate, the member addressing the House had a right to reply. Some of the most eminent orators in the English House of Commons could make speeches on interjections alone, and we had an exhibition of that in this Chamber.

Members on the Opposition side addressed the House, but there was a conspiracy of silence among members on the Government side. He protested against the Premier's desire for the House to sit on Monday, after the way in which he had treated the House for its generosity in not alone allowing an extra day, but also fixing the time of meeting an hour earlier.

THE PREMIER supposed he was in duty bound to return his thanks to His Majesty's Opposition for the extreme generosity which they had shown towards him; but if he was to judge of this generosity from the attitude of his friend who had just addressed the House, he could very well spare it. When the late Government met Parliament far less legislation was ready to be dealt with than was the case this session. Then, as to the way business had been dealt with, it was impossible to gauge from one day to another whether a simple little Bill would be allowed to pass through—he would not for a moment include the Leader of the Opposition in these remarks—or whether it would be seized upon and torn to shreds, thrown up in the air, picked up again, thrown out of the window, fetched back again and the most extraordinary sport made of what in other circumstances would have been a comparatively harmless measure.

MR. BATH: The Premier should be able to come to a conclusion as to the action likely to be taken from the nature of the Bill.

THE PREMIER: One ought to have been able to form an opinion in some degree as to what would happen from the nature of the Bill, and from the nature of people. Too much had been made of the fact that some of his colleagues and himself had been invited to visit the Admiral at the port. They accepted the invitation, and it had been alleged that they had all sorts of extraordinary delicacies; one member had stretched his imagination so far as to say they had salmon brought from England. There were certain laws of courtesy which one had to abide by, and the Government could at least be the judge of what was right. The Leader of the Opposition knew that the House would be adjourned, and certainly there was no inconvenience caused to anyone.

Question put and passed.

BILL—MUNICIPAL INSTITUTIONS ACT AMENDMENT.

Received from the Legislative Council, and read a first time.

BILL—LAND ACT AMENDMENT.

SECOND READING.

THE MINISTER FOR LANDS (Hon. N. J. Moore) in moving the second reading said: I would like to say that it is the intention of the Government in the next session to introduce an amending consolidating measure dealing with the Acts which are in force at the present time. It was not the intention to submit an amending measure this session, but this Bill has been rendered obligatory from the fact that the Land Act Amendment Act of 1904, which was introduced by the late Government in December of last year, provides, by the last section, that the Act shall only remain in force until the first day of January, 1906. Consequently members will recognise that it is imperative that this Bill should be passed before the end of the year, in order that the Act of 1904 may remain in force. It will be remembered that the Amending Act dealt particularly with the timber question. It provided that royalties should be substituted for licenses and also provided for an advisory board and contained provision for making regulations under that Act. In connection with the present measure, the principal desire is to as far as possible facilitate dealings with the department by empowering the Under Secretary, or officer appointed, to deal with various routine matters which at present have to come before the Minister for his signature. More especially does this refer to the residential leases. The Act provides that the Under Secretary may only sign Crown grants and leases for terms not exceeding 30 years; consequently a goldfields residential lease, instead of being signed by the present land officer on the fields, as has been done at Kalgoorlie, has to be sent down to the Minister for signature; whereas very often these matters could be dealt with very much more expeditiously by the officer in the particular locality. Clause 4 of this Act is an amendment of the Land Act of 1898, Section 88, dealing with the question of workmen's blocks. This provision will

allow the value of selectors' dwelling-houses to be counted as improvements on workmen's blocks. At the present time, before a man can secure a block it is necessary that he shall spend on improvements double the value of the block. Consequently, very often on the fields, where it is only a quarter-acre block, it is rather difficult for a man to do on that block improvements worth double the value of the block, if the house is not included in that improvement. I believe it is a reasonable alteration, and that it will tend to make this class of holding more popular than it is at the present time. The proposed amendment in Clause 5 also provides that another officer besides the Minister may be empowered to sign all transfers. The next amendment is for an amendment of Section 6 of the Land Act Amendment Act, and relates to the closing of roads already laid out. It has been read that a road or street shown on the plan shall not be closed without an Act of Parliament. We wish to empower the Governor in Council to close such sreet, provided the permission of the local authority, the roads board authority, is obtained. I think it will serve the purpose better and lessen the number of roads and streets that have to come under the Streets Closure Act, if the proposed alteration be made. The next clause, Clause 7, provides for the payment of half the cost of survey, the first payment being payable on the application, and the balance on the rental day after the survey has been completed. Members will recognise that very often the country has to pay a very large expenditure in the case of surveys for persons who are taking up blocks for speculative purposes. I think if persons find they have to pay half the survey fees, it will tend very considerably to make them careful in regard to selection. When we recollect that it is possible for a man to take up a 160-acre block in the last quarter of the year for something like 12s. 6d., and he might be able to throw it up in three months' time, after the expenditure on survey fees alone of something like £5, some proportion of the amount of survey fees should be paid. In Victoria, if an expenditure of more than £5 is incurred in surveying any land selected, the Minister may direct that the fees be paid by instalments spread over six years. In New South Wales, the total survey fee is lodged with the application for conditional purchase lease. In Queensland, one-fifth of the cost of survey accompanies the application, and the balance is paid in equal instalments. In South Australia, the selector is charged with the cost of survey in case of subdivisions of one or more blocks. In New Zealand, the selector of unsurveyed land is charged with the cost of survey. Charging the selector with the cost of survey is almost universal. Clause 8 provides that other improvements may be accepted in lieu of fencing. This will apply more particularly to the South-Western portions of the State, where the country is often very patchy. The selector may take up a 200-acre block, containing only 20 acres of good land. It would be far better if the expenditure entailed by fencing were put into other improvements. Let the selector clear the good land, concentrate his efforts on that area, and reap a speedier return for his work and his outlay. This provision will apply more particularly to patchy country. A man has to fence, say, a 200-acre bock, and possibly, after fencing it, has not money to procure stock. I therefore think a great improvement will be effected if the Minister can accept other improvements in lieu of fencing. Clause 9 empowers the Governor to grant leases of reserves. We have many reserves in different parts of the State, and have no power to lease them, say for cattle runs, from year to year. The clause may enable us to raise some revenue from such lands. It was intended to make this provision in the Land Act of 1898; but the clause provided only for the reservations being leased for the special purpose for which they were set apart. That is not what we desire. We want power to lease a reserve for any purpose, irrespective of the original intention. Clause 10 provides that the acceptance of rent shall not be deemed a waiver of covenant. The need for this clause has been apparent on more than one occasion. From time to time we have found that we have been unable to forfeit conditional purchase and other leases because rent has been accepted in respect of them. The next clause is very important, and gives power to cancel homestead blocks before survey. Under present conditions, if a

man takes up a homestead block he pays £1 to the revenue; yet notwithstanding that he may leave the State on the following day, the Government have not power to cancel the block until a survey has been made. Since 1899 some 507 homestead blocks have been cancelled. They represent an expenditure on survey fees alone of some £4,000. The Act gives no power to forfeit for non-fulfilment of conditions until the block has been surveyed, though there may be every reason for believing that the selector has abandoned the land and does not intend to proceed. I am sorry to say that a large number of homestead blocks is abandoned before any work is done on them; and it is unreasonable that the department should be put to the expense of surveys. The last clause in the Bill repeals the concluding section of the Land Act Amendment Act (Forestry), passed in December of last year, in reference to the timber industry. The section which we propose to repeal determines the duration of that Act. These are the main features of the Bill; I think they will commend themselves to members; and I shall be pleased to receive their suggestions.

MR. T. H. BATH (Brown Hill): Regarding this Bill, I may say that the bulk of the clauses have my cordial approval; in fact the majority were amendments which I proposed embodying in a Land Bill which I should have introduced but for circumstances over which I had no control. The second and third clauses give the Minister the right to delegate his power of signing leases for a term of over 30 years. Owing to the fact that the old system of leasing for 21 years was replaced by a system of leasing for 999 years—a method adopted on the goldfields, with much satisfaction and expedition to business—the officials were hampered by the fact that the leases had to be sent down to Perth for signature by the Minister. I am inclined to join issue with the Minister as to Clause 4—the proposal that improvements to the selector's house shall count in lieu of fencing. Improvements to the land were prescribed with a view to preventing its being held for speculative purposes.

THE MINISTER FOR LANDS: What improvements can be made on a quarter-acre block?

MR. BATH: The clause would apply not so much to goldfields as to agricultural blocks. The Hon. G. Throssell, who introduced the proposal, thought it a proper method of holding the balance between advocates of the freehold and advocates of the leasehold. He thought that by compelling selectors to improve the land itself in workmen's blocks in agricultural areas, he would be encouraging *bona fide* settlers and preventing the speculative holder from taking advantage of the Act. But if under this provision the holder is allowed to count his house as an improvement, an opportunity is given to the speculator to erect houses on such blocks, and thus to hold the land for speculative purposes. If the Minister will peruse the reports of his officers, he will find they are opposed to the suggestion. I should like to know from whom the suggestion for this clause came to the Minister—whether the idea is that of his Under Secretary, or whether the Minister has considered the report of the conference of officers from various branches of the Lands Department, who dealt with this amongst other matters. Clause 5 is a necessary amendment; and the proposal in Clause 6 may work with advantage in some instances, though on occasions it may do great injustice. We know that the Streets Closure Bill, placed before members, seemed on the face of it a very harmless measure; but when examined by those interested in the City of Perth, material interests were found to be affected. By striking out the words "or townsites," and giving an extended power to close roads, we shall be doing an injustice to residents of townsites.

THE MINISTER FOR LANDS: The roads cannot be closed without the consent of the local authority.

MR. BATH: But the consent of the local authority was actually obtained in the case I have mentioned; and harm would have resulted had it not been for the interference of certain persons interested. Clause 7, as to the payment of one-half the prescribed cost of survey by selectors under parts V., VI., VII. and VIII. of the Bill, is a very important innovation. Last night I made some reference to it when dealing with the cost of administration, and pointed out that by making surveys free of

charge our cost of administration was considerably increased as compared with that of other States. I think it is infinitely better for us to ask for the payment of at least one half of the cost of the survey, and by that means to lessen the call on the revenue for the payment of survey fees and for the payment of surveyors, and to pay for contract surveys. Also it would set free a larger amount of our revenue to give assistance to the settler when he is on the land by giving him facilities to get his goods to market at cheap rates. Thus we should be encouraging and assisting him more than we now do by this provision for free surveys. There is a great deal of contention in regard to Clause 8. Personally, I am in favour of the proposal submitted; but I think that if the Minister submits it to the Manager of the Agricultural Bank, whose opinion carries great weight in these matters, he will find that the manager of the bank is strongly opposed to allowing the lessee to substitute, for fencing "any other prescribed improvement of equal value." Mr. Paterson is a strong believer in retaining the section in the Act; and if the Minister will consult him, Mr. Paterson will advance strong reasons why the present system should be retained. Clause 10 is proposed to get over a difficulty that cropped up in regard to the proposals to forfeit certain leases for non-observance of the conditions of timber leases; and it provides that the acceptance of rent shall not be deemed a waiver of the right of His Majesty to enforce the observance of any covenant, condition, or regulation. I believe that is a necessary provision that will stop a considerable amount of trouble and correspondence between various departments. Clause 11 will remedy what constituted a great abuse of the very liberal conditions which surrounded our homestead farms system. We know that people used to come from various parts of the goldfields and, on the payment of £1, get free passes to visit the agricultural districts. They enjoyed these free trips and perhaps took up 360 acres of land for a few pounds, involving the department in the cost of surveying the block, while the department could not effect its forfeiture until the expense of a survey had been incurred. I commend the Minister for the insertion of this clause in the Bill. On the whole, I think the measure will commend itself to members; but I should like to have farther information from the Minister for Lands as to the comments of his officers regarding Clause 4, and also I should like to know whether the Minister has consulted the Manager of the Agricultural Bank in regard to Clause 8.

MR. C. A. HUDSON (Dundas): I approve of most of the provisions of this Bill, the bulk of which are regarded as machinery clauses; but I observe there is a provision dealing with homestead farms; and I desire to take the earliest opportunity of drawing the attention of the Minister for Lands to Section 73 of the Act of 1898, which provides that homestead farms may only be granted in certain districts within 40 miles of a railway. There are certain lands in this State upon which reports have been made. I refer particularly to a large belt of country fit for farming, which would support a large population if it could be taken up in the same way as other lands, and I intend at a later stage to attempt to have this Section 73 of the Act of 1898 amended to enable homestead farms to be granted in the South-Eastern part of the State, between Norseman and Eucla, upon which a report has been made to the Minister. I desire to bring this under the notice of the Minister, so that he may not be taken by surprise if the Bill goes into Committee at an earlier stage than I anticipate.

HON. F. H. PIESSE (Katanning): I regret there is not more time to deal with matters connected with land administration and land settlement not included in this Bill. On the whole, the provisions made in this Bill commend themselves to me; but I feel that it requires careful consideration in regard to the points raised concerning improvements under Clause 4. Dealing with the old Act, a great deal of discussion arose regarding this provision regarding houses, and it was thought that it would leave room for persons who were perhaps not *bona fide* settlers to abuse the provisions of the Act by erecting a house and then taking advantage of it as an improvement to secure possession of the land without carrying out farther improvements. If

this Bill be passed, it will be necessary to have strict supervision in regard to this matter, because there are likely to be abuses in some directions. Some years ago I spoke in favour of such a provision being passed. There are some good grounds for allowing the house to be counted as part of the improvements, provided that it is not done in such a way as to evade the carrying out of other improvements. It is all a question of supervision. There are many ways of evading the Act; and it is evaded just as much under the present provision as it would be if this clause were in force. It becomes a matter of supervision, the Minister being guided by the advice of his inspectors. It is a good provision in many respects. I think some encouragement should be given to the settler to make some improvement in regard to his dwelling. It would be an encouragement to settlers to put up better houses than they do under present conditions. If you go on some of these farms, you will find that the houses in which the people live are not fit for habitations; and if it were not for the reason that the house does not count as part of the improvements, I think we would see better accommodation provided. One of the reasons which prevent a man from making improvements to his house is that it does not count as an improvement and would prevent him spending his money in effecting improvements in other directions. I believe that the provision for the payment of half the cost of the survey fees is a step in the right direction. Some provision should be made to insure the payment of part of the cost of the survey of lands. It is the rule in regard to a grazing lease, but not in regard to homestead farms and conditional purchase leases; and it has not acted harshly in respect to grazing leases, though the repayment in that case extends over ten years instead of being in two instalments, as provided in this clause. I think some information should have been supplied as to the cost of surveys. I understand that the cost of surveying a conditional purchase lease of 500 acres is from £10 to £12. The amount is not very great, but it may materially affect a man who, after all, has not too much money to spend in this direction. It may act as a deterrent against the speculator, but the sum is so small that I do not think it will affect him very much. This is a matter that can be supported, because it insures a return to the State in a direction that will not fall very harshly on the applicant for land. I am glad to see some provision with regard to the cancellation of homestead leases. The present methods are most tedious. If we allowed it to continue, we would have the same impositions as in the past; but with a clause such as this, no delay should take place in regard to cancellations. There is also the question of fencing not being made obligatory. I take it this refers to lands of such a character as not to need fencing. Perhaps a portion of a block selected may not be suitable for fencing and may be excised from the fencing provisions; but it is not well to allow fencing to be dispensed with altogether. The fencing of a block should be completed at some period. We should not omit fencing entirely. It is one of the most necessary conditions. However, I am in favour of some relaxation in the fencing provisions; perhaps in the direction of not requiring a man to fence the whole of his block, because it might not be necessary to do so in some cases, though it insures the occupant carrying out his improvements more carefully if fencing is required of him; and land without a fence is of little use to a man intending to cultivate it. With reference to the Manager of the Agricultural Bank, that gentleman goes rather too far in some instances in asking that more fencing should be done than is absolutely necessary. Of course it is erring in the right direction so far as the State is concerned; but to the man of little means it acts as a deterrent and causes him to spend on exterior fencing money that in some cases might be spent on clearing with greater advantage. The matter needs careful consideration before we allow fencing to be dispensed with altogether, or even a portion of it, at the will of the Minister. So much depends on the inspecting officer. There are one or two matters I should like to see included in this Bill, but I understand that matters in connection with a Land Act Amendment Bill will come up at a later session, and I prefer to let my proposals rest rather than move amendments at this stage. There is one

question regarding homestead farms. At present the man on the homestead farm wishing to get some assistance by way of loan, no matter how much he may have done on his block by way of improvement, has only one method by which he can raise money, and that is through the Agricultural Bank. There are many cases where a man takes up land around his homestead farm but carries out his improvements on the homestead. He cannot give his homestead farm as security to any institution willing to lend him money on that security, other than the Agricultural Bank. There are some instances in which it would not suit him to borrow from the Agricultural Bank and where security could be given to his advantage. This is a matter which needs consideration. Then there is the question of the transfer of lands. If an owner dies and his widow comes into possession by inheritance or the executors take the land, letters of administration have to be taken out or probate granted. Permission might be given to allow of a transfer, providing the Minister is assured of the *bona fides* of the persons to whom the land is to be transferred. In this way expense would be saved. Outside these matters, there is not very much to complain of in the Bill, at the same time I feel it would have been better if the whole subject could have been left over until next session, but some of the matters I understand are pressing.

MR. J. MITCHELL (Northam): I am very pleased indeed that the Minister for Lands has made some attempt to improve the land laws of the country. I believe he is quite right in insisting on the payment of survey fees within 12 months, or otherwise the object would be defeated. With regard to fencing, I think the Minister makes a mistake in introducing that clause. I think the conditions of improvement are too lenient and should be made more stringent. A man taking up a homestead is only asked to fence 40 acres in the first five years, the cost of which is very small. The fencing conditions under C.P. are more easy still, and I am not in favour of making them more easy, for if people hold land they ought to improve it. I believe the Minister, when he brings in his Bill next session, will insert a clause with that object. This should apply to land near railways and land through which it is proposed railways shall be constructed. I do not see the reason why people should not be compelled to clear land within a few years; in five or six years they might clear three-quarters of their land. The country is suffering because of the easy conditions under which land can be held. To-day we have sold 11,000,000 acres of land and only 300,000 acres are under cultivation, and when we remember that the Agricultural Bank helps people to clear their holdings, it is to be hoped the Minister, if he is satisfied, will soon have the whole of the 11,000,000 acres cleared. As to free homestead farms, I do not think selectors should be allowed to select indiscriminately. It is useless for a man to go 20 or 30 miles from a railway, in a dry district, and select 160 acres, for it is impossible to live there. A man takes a selection and spends a little money on it and then he is compelled to abandon it under the circumstances. If we are to give people, who want free farms, the land, we ought to give them the best land. If a poor man has to take a small bit of land he ought to have the best land. I hope the Minister will consider that in the new Land Bill.

MR. A. J. WILSON (Forrest): In connection with this Bill, the portion I feel most keenly interested in is Clause 12, which practically re-enacts laws that have been passed during the last Parliament dealing with timber land. I would like the Minister when replying to place at the disposal of members any information he may have as to the operation of those measures during the time they have been in operation. I think, when we are doing something, as we purpose doing in connection with this Bill, which will have the effect of continuing the measure that was originally passed for a period of 12 months, we ought to know something of the operations proceeding, and the effect the Act has had with regard to forest lands of the State. I know there has been a good deal of complaint in regard to the measure. A complaint has been made that the Act places one section of the timber cutters in an unfair position, from a trading point of view, as against some of the older and better established sawmilling

companies in other parts of the State. Take for instance the position in which Millar's are placed, holding their leases as they do under the original Land Act of 1898, Section 113, and the position of advantage they are placed in of holding certain concessions which are on more favourable terms than the £20 per square mile provided by Section 113. The new regulations introduced in consequence of the Land Act will still continue, and I think we ought to have some information as to what would be the effect of the system of royalties on people who have taken up land under the system and the numbers of people who have taken up land. Then the House will be in a position to say more definitely and with greater certainty whether or not this measure should be re-enacted, or whether or not the whole thing ought not to be allowed to lapse and continue the old condition of affairs until the Government can bring down a comprehensive measure. It occurred to me in regard to the question of surveys that the object, particularly with the land laws of the State, has been to make the facilities as easy and cheap as possible, all for the purpose of assisting settlers on the land. I think the idea of introducing the proposal is not for the purpose of taxation or putting an additional impost on selectors but primarily it is put there to prevent the boomster or speculative selector who happens to get word of some proposed spur line in some portion of the State selecting a piece of land where the railway is to run. And if the railway goes in the vicinity he sells out at an enhanced value without doing anything to the land. I would like the Minister to consider, seeing the clause aims at penalising only one class of people and as there is no justification for penalising the legitimate selector, some provision providing that whilst every lessee or selector under parts 5, 6, 7, and 8 of the Act paying half of the prescribed cost of the survey, after a certain period of time, when the Minister is satisfied he is a *bona fide* selector, should have the money which has been paid, for the half cost of the survey fees, remitted to him, or he should be given credit for the amount of the survey fee in lieu of rent. If that were done, no additional hardship would be placed on the shoulders of the legitimate selector, while the object sought, of penalising the illegitimate selector, would be served and the difficulty in connection entirely removed.

Mr. J. J. HOLMES (East Fremantle): I did intend to move an amendment to the Bill in Committee, but the answer to the question to-day by the Minister for Lands and the distinct promise that we shall deal with the matter when he introduces a consolidated Land Bill next session, has done away with the necessity at this stage. The amendment I intended to introduce would have had for its object, the granting to residential leaseholders in townships, such as Fremantle, Collie, and other places on the goldfields, the option to acquire a freehold instead of a leasehold. The difficulty these men holding blocks labour under at the present time are many. They have to leave their homes in search of work and the lease becomes liable to forfeiture. Under the amended regulations given effect to by the Labour Administration, these leases were extended from 30 years to 999 years with the right to the Crown to readjust the rental every 10 years. What is the position of these unfortunate people? With the advancement of the towns and the improvement in the value of the property the leaseholder is penalised by additional rent, while the freeholder on the other side of the street (we have the anomaly in Fremantle, the leaseholder on one side of the street and the freeholder on the other) benefits by the increased value accruing from the conditions. Members will see that these unfortunate leaseholders who are trying their best to make their homes permanent are penalised in that direction. Another difficulty they labour under is that there is no hope of acquiring an advance from any banking or financial institution, because they have not a title to offer which is a sufficient security. We, in this State, having one-third of the territory of the Commonwealth at our disposal, might well afford one-eighth of an acre of land for those hard-working men to make a permanent homestead. What do we do with people coming here with the object of permanently settling on the land in back blocks? We give them 160 acres.

MR. LYNCH: Is the hon. member in order in expressing his opinion about a motion which he does not intend to move?

MR. SPEAKER: I did not notice the hon. member make that remark. On the second reading a member can speak generally on the question before the House.

MR. LYNCH: The hon. member said he intended to wait till the consolidating measure arrives to include the very provision he is speaking on at great length.

MR. SPEAKER: I rule that the hon. member is within his right in speaking generally on the Bill, and expressing his intention to deal with the question later at another stage.

MR. HOLMES: I have abandoned that for the time being. I am discussing the Bill on the second reading, as I have a right to do. I was pointing out when I was, I was going to say rudely, interrupted by the member opposite, that we offer facilities for those who go on the land to make homes in the country by giving them 160 acres of freehold, conditionally that they are prepared to live upon it and make certain improvements; whereas in the townships, where these men are struggling to make their homes, we refuse to let them have a freehold even by payment. Members who claim to represent the democracy of this country deny these legitimate residents the right to acquire the freehold.

MR. BATH: They knew the conditions under which they took them up.

MR. HOLMES: They took them up because there was no better offer. What did the hon. member do when he wanted to acquire a home at Subiaco? He did not ask for any 999 years' lease.

MR. BATH: Are there any available?

MR. HOLMES: He wanted the freehold. There are many other points that one might dwell upon, showing the disadvantages those families located on these residential leases have to labour under. I merely mention these two or three at this stage in order that the Minister, when introducing his consolidating Bill next session, may make provision for this very desirable class of people, which has been so much neglected in the past.

MR. J. SCADDAN (Ivanhoe): I had no intention of saying anything on this Bill, but as I understand we can only discuss the question brought before the House by the member for East Fremantle during the second reading of this measure, as he does not intend to move an amendment——

MR. HOLMES: I have a direct promise that it will be done next session.

MR. SCADDAN: The hon. member took all sorts of care to debate the question from his own standpoint, and as this is the only opportunity of replying to the statement he made, I wish to say that the leasehold system, with probably some of the conditions altered, is a better system than the freehold system. In reply to the statement made by the member for East Fremantle, I know that in a great majority of cases where this leasehold system is now in existence workmen are holders of their own homes; but in other countries, and even in this Commonwealth where this leasehold system is not in existence, workmen are paying fines in the form of rents to fat landlords. The hon. member knows that in and around Kalgoorlie and Boulder, these leaseholders are to a considerable extent owners of their homes—more so, probably, than in any other portion of the State, probably 95 per cent.

THE MINISTER FOR MINES: And most of them would like the fee simple.

MR. SCADDAN: That is a moot point on this side. Several members have been returned to this House from those constituencies where residental leases are in existence to a great extent; so I do not know that the remarks of the Minister for Mines are correct. I believe it is not our desire to give a man all he wants; but what we need to look at is the greatest benefit to the greatest number. And whilst it may be to the advantage of a person holding a leasehold to obtain the fee simple for the purpose of selling it, it may not be to the advantage of workmen generally. That is the standpoint we have to take up. We know that the conditions in the past have not been what they might have been. We know that the Act under which these leases were first granted has been administered to a great extent by Ministers totally out of sympathy with this particular system. Therefore we found the same thing in regard to this as in regard to many other Acts on our Statute-book. Ministers who administer them find there are difficulties attached to them, and they make them appear as undesirable as possible so that they may

obtain what they wish when the question is before the House. I think that if Ministers were agreeable to the leasehold system we should not hear of the matter. The Minister for Mines refers to the regulations introduced by the present leader of the Opposition, or to a great extent are under his supervision. I believe those regulations are very beneficial. Probably they do not give all that people desire, but we have to consider other things. There is complaint to some extent against the provision not permitting one to mortgage except under certain circumstances. If we gave them power to mortgage, when the mortagee put in his claim the Crown would have to grant it irrespective of his being owner of one or two other blocks. They would have to grant it in spite of his already being a Crown tenant. We have had considerable agitation on the fields, led by certain people, but we generally find that those who have been leaders in the agitation are land jobbers or land agents. (Interjection.) Very often money lenders. Under the leasehold system the poor man is able to obtain a block of land on which to erect a home instead of having to spend his last few pounds in buying the land or paying rent to some other person. If the object of the member for Fremantle is to take away these homes from the working men, I am going to offer my strongest objection to it.

MR. HOLMES: My desire is to give them the option of purchase, and to let them continue their lease, if necessary.

MR. SCADDAN: The option of purchase would only make the position more ridiculous, if it be possible to do so. If you permit one man to get possession of the freehold the owner of the adjoining property will also wish to get the freehold. We know that if he wants to obtain an enhanced value he will endeavour to get the freehold. We know freehold is more valuable than leasehold simply because capitalists and land jobbers can buy up these holdings and let them, and get considerable interest by way of rent from working men, which is not a desirable thing.

MR. HOLMES: I would not give anyone but the leaseholder the right to have the freehold.

MR. SCADDAN: If you grant the fee simple of these blocks, you cannot prevent one man from owning as many as he likes; you cannot prevent him from selling to whom he likes. Perhaps the whole street will be held by one man. We must have a leasehold system for Crown tenants, if we desire that people shall have only one holding. I agree with the member for East Fremantle, and I think he was not so anxious about the result as he was to make his opinions heard, in the hope that his observations will have some effect at a later period. However, I am sorry that this opportunity has not been the best possible, and I offer these suggestions in opposition, as I should offer them on any other occasion.

THE MINISTER FOR LANDS (in reply): I think that the latter part of the discussion is rather outside the scope of the Bill, being a discussion as to the relative desirableness of residential leases and freeholds. Regarding the Bill, and the working of the department generally, it is my intention, while endeavouring as far as possible to provide every facility for persons selecting, to see that the conditions on which lands have been alienated are fulfilled. And this I consider to be at the present time the principal duty of the Lands Department. With that object, it is not the intention of the Government to classify grazing leases for the present; because we desire that the inspectors, now employed inspecting conditional leases, may not be taken away from that work to classify grazing leases.

MR. BATH: Have you considered the pastoral leases?

THE MINISTER FOR LANDS: No; they are not mentioned in the Bill. The member for Northam (Mr. Mitchell) has pointed out that while we have 11 million acres alienated or in course of alienation, only some 330,000 acres are under crop. All of us must recognise that is not a fair proportion, and that it is the duty of the department to see that the conditions on which that land is alienated are fulfilled. The leader of the Opposition (Mr. Bath) has referred to the question of improvements; and, after consultation with him, I propose to add a clause which will as it were split the difference between the previous Act and the proposal in the

Bill. We shall provide that in a small block, say of a quarter of an acre, the value of a house shall be counted as half the improvements prescribed. That will meet the hon. member's objection, and be a reasonable provision. It is competent for a man to spend twice the value of the land in improving a 5-acre block; but it is hardly possible for him to do so on a ¼-acre block without counting the cost of his house. The hon. member referred also to fencing. I have for some time been aware that the manager of the Agricultural Bank is not very partial to allowing the fencing provision to be waived; but this provision will refer to the Lands Department only, and will merely give the Minister the right to permit of other improvements in lieu of fencing. It does not necessarily follow that the manager of the Agricultural Bank must advance a loan on land that is not fenced. The member for Dundas (Mr. Hudson) has referred to extending to the South-East the homestead-block provisions; but at the present time we can hardly do so. With a view to meeting his wishes, I shall be pleased to consult with him regarding the other Bill that is now on the stocks. The member for Katanning (Hon. F. H. Piesse) has asked for more information regarding the cost of surveys. As a rule, a 100-acre block costs about £5 for survey and a 1,000-acre block about £15. The provision for the acceptance of half the cost of survey will be an advantage, inasmuch as selectors will take up a 1,000-acre block if they have to pay the cost of the survey, rather than take up ten 100-acre blocks. If they now take up ten 100-acre blocks, it costs the country £50 for survey; whereas if they take up one block of 1,000 acres the survey will cost the country only £15. If the selector realises that he will have to pay only £7 10s. in the one case as against £25 in the other, that will have an effect in preventing his selecting blocks all over the country, and will at the same time stop the speculator who may possibly be under the impression that a railway is to be laid down in a certain direction. If he can select blocks all along the route which he thinks the railway will traverse, and hold the land for the nominal fee of 1½d. per acre, every facility is offered to him; and he is the gentleman we wish to checkmate. The hon. member considered that when a selector died, his executors should have an opportunity of transferring his land to his heirs without any additional cost. That is a matter which cannot be dealt with in this Bill. I shall be pleased to give it every consideration when dealing with the other measure to which I have referred. Members know that our land laws are really the most liberal in the world. A man can now take up a 160-acre block for the sum of £1, with the survey made for him. He can take up a 1,000-acre block at 6d. per acre, with 20 years in which to pay the price—the price amounting merely to interest on the capital cost of the land; and he can also take up another 1,000-acre block by effecting improvements of twice the ordinary value. Until recently he was able, under the grazing-lease sections, to take up 3,000 acres of second-class grazing lease at 6s. 4d., and 5,000 acres of third-class; so that a man can take up 10 blocks of 160 acres for a very nominal fee; and if he has children over 18 years of age, he can accumulate a very large estate which in a few years the country may have to purchase under the provisions of the Lands Purchase Act. The member for Forrest (Mr. A. J. Wilson) has referred to the operation of a measure introduced by the late Government, amending the Land Act with respect to the timber industry. I have not much information regarding the operation of that Act; but I can say that several permits have been granted, and that the regulations appear to work fairly satisfactorily. One or two slight alterations are to be made regarding the standard of timber to be cut, which I think will give every satisfaction. Only yesterday I met the manager of the co-operative society who have a permit in the Collie district; and he tells me the society have any number of orders, and are very well satisfied with the regulations. I am pleased to say that the timber trade now appears to be looking up; and those engaged in timber-cutting have every prospect of doing very well. I am pleased with the reception accorded by members to this Bill, and I beg leave to move its second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the MINISTER FOR LANDS in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of 62 Vict., No. 37, sec. 12:

MR. BATH: Where were the representatives of the agricultural districts while this important measure was going through Committee? Not one of them appeared on the Ministerial side of the House.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Amendment of 62 Vict., No. 37, sec. 88:

MR. BATH: Half the cost of the house should be counted with improvements, especially in 5-acre blocks. Such an amendment might well be made in another place.

THE MINISTER: That would be attended to.

Clause put and passed.

Clause 5 to end—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—PUBLIC EDUCATION ACT AMENDMENT.

Order read for consideration of the report from Committee stage.

THE PREMIER (Hon. C. H. Rason): At the request of the member for Kalgoorlie (Mr. Keenan) he had promised to consider the definition of "truant." Though a truant was not defined in the parent Act, the point was fully covered by the regulations, which would not inflict hardship on any child. He moved:

That the report of the Committee be adopted.

MR. N. KEENAN (Kalgoorlie): By Clause 3, a truant child might be sent to an industrial school, a place for the retention of juvenile criminals. For a child to be sent there would be a distinct slur on it in after life. In the old country truant schools were provided for children guilty of this minor offence. The main object of a parent should be to keep children as far as possible from any association with those who had fallen into the habits of crime. The Premier should reconsider the subclause, to see if some step could not be taken to prevent the association of ordinary truants with those who had fallen into habits of crime.

THE PREMIER: There was considerable force in the remarks of the hon. member, but at present we had no truant schools. A child who was a habitual truant was in some cases one over which the parent had no control. Such a child went to the industrial school. He did not think that the children in our industrial schools were children of the criminal class, though there might be some. Slight hardship might be created under the clause, but if the hon. member would withdraw the amendment it would be seen if something could not be done to act as the hon. member desired.

MR. TAYLOR: Care should be exercised in the administration of the Act. It would perhaps be better to leave children to be dealt with by parents, rather than that they should be sent to industrial schools where there were juvenile criminals. The Government should consider the question of erecting a truant school.

THE PREMIER: The promise had just been given.

MR. H. BROWN: There was not much fear in passing the clause. A truant was generally incorrigible, and parents were only too glad to get rid of the child. Also, when a child was before a magistrate, there was usually someone in court representing church reformatories, or such like institutions, to which the child could be sent, in preference to being sent to the State industrial schools. The children were better looked after in these schools than by their parents.

Question passed, report adopted.

BILL—ELECTRIC LIGHTING ACT AMENDMENT.

SECOND READING.

THE MINISTER FOR WORKS (Hon. F. Wilson): I feel sure this measure will not cause any controversy between members opposite and myself, and I am quite sure it will not necessitate the member for Mt. Margaret opening the vials of his wrath against Ministers, nor the member for Kanowna airing his eloquence in the Chamber; because it has for its object

what the hon. member has promised to give assistance towards—the lightening of the work of Parliament. This Bill is to amend the Electric Lighting Act of 1892 by striking out the words "'Council' means municipal council," and inserting in lieu, "'local authority' means the council of a municipality or the board of a roads district." At present only municipal councils can enjoy the benefit of the Act of 1892, but members will understand that there are numbers of small townships in the State that are controlled by roads boards. The idea is to give them power to arrange for the instalment of electric lighting plant, if they desire it, or, on the other hand, to permit of electric cables passing through their area. It does not give the power to roads boards to construct lighting works, because they have no power to borrow money for that purpose. They have only power to borrow money to make roads, and nothing else. In fact, the Electric Lighting Act of 1892 does not confer on municipalities the power to borrow for the purpose. They get the power in the Municipalities Act. Roads boards are limited in their borrowing to making roads. If a roads board wished to instal an electric lighting plant of its own, it would need to come to Parliament to obtain the necessary borrowing powers to provide the capital. On the other hand, it can reap all the advantages from this Act by way of making an arrangement with some company or with some corporative body to contract with it to supply light. This has been done in several instances, notably at Cottesloe, where the roads board entered into a contract under powers specially obtained from Parliament for the lighting of the Cottesloe district, including Peppermint Grove. Katanning, which is controlled by a roads board, also obtained special powers for the same purpose, and some roads boards in the Kalgoorlie district have done likewise. The sole object of the Bill is to obviate the necessity of roads boards coming to this House whenever they wish to make arrangements to have their towns lit by electricity.

MR. N. KEENAN (Kalgoorlie): This is a Bill to which I take exception. After having listened carefully to the reasons given by the Minister, I fail to grasp the sufficient necessity for placing the Bill on the statute book. By the original Electric Lighting Act of 1892 only municipal councils have the right to enter into a contract with undertakers for the supply of electric light, and that position of affairs was no doubt established because it was recognised that, outside municipalities, there never could be any legitimate reason for works being entered into for the purpose of supplying electric light for the district controlled by any corporation. If we give this power to roads boards what will be the certain result? Nobody imagines for a moment that a roads board will want to enter into contracts for lighting any portion of the district that is not immediately adjoining a town, and if roads boards are allowed to make contracts with private undertakers for electric lighting for that portion of the district adjoining a town, the certain result will be when the municipality wants to extend, it must extend in the direction of closer settlement, it will find itself hampered by the engagements entered into by the roads board. Roads boards are excellent institutions for looking after the roads of open country districts, but they are not institutions for looking after closer settlement, and although the Minister for Works refers to towns governed by roads boards that may want electric lighting, surely he thinks the House is rather inclined to pessimism, if it believes these towns, which are so small, want electrical appliances placed in their streets. There is not a town in the whole State of any size that would justify contemplating the institution of an electrical lighting plant that is not long ago a municipality.

THE MINISTER FOR WORKS: What about Cottesloe?

MR. KEENAN: Possibly that may be one exception, but it does not prove, because of the exception of Cottesloe, that is the rule. I want to point out to the House that if roads boards desire to get special powers, and special circumstances exist, there is no difficulty in coming to the House and getting a special Bill, and it is well that that practice should be followed, because the rights of all parties should be properly investigated, and if there is any danger of the granting of powers giving undue restriction on some neighbouring municipality the powers will

not be granted. In the Kalgoorlie roads board district a special Act was passed through the House to allow it to have electric contract with the Supply Company. I think it is absolutely necessary and proper that any exercise of that power should only be granted under conditions that now exist. If you give a roads board power to enter into contracts with private undertakers that may hamper the extension of municipalities, and in a young country that is a very serious difficulty to create. I know this measure has not been considered by municipalities or we should have had a universal protest if it had been generally known amongst municipal councils in Western Australia, and if the scope of the measure had been explained. There is no justification for hampering the extension of municipalities, for that reason I oppose the Bill.

MR. G. TAYLOR (Mount Margaret): I listened with great patience to the member for Kalgoorlie and I recognise that the hon. member speaks with some authority and eloquently on the working of municipalities, but I fail to recognise in his argument any sound reasons why a local governing body such as a roads board, should not be just as capable as a local governing body, such as a municipality. When Colonial Secretary the Municipal Act was administered by me and I had frequent occasions to deal with certain differences of opinion between the roads boards and municipalities, and these differences generally cropped up in connection with the roads boards of Boulder and Kalgoorlie, and the Kalgoorlie Municipal Council or the Boulder Municipal Council. A roads board I may say, is not quite so arrogant as a municipal council. I think the roads board thinks it would be a benefit to Kalgoorlie and Boulder if the municipalities were done away with and the roads board controlled the area administered by those municipalities. I know the district mentioned by the Minister in introducing the Bill, which is now being served so well by the electric light—Cottesloe. The same thing will obtain in other districts, and I think the Minister in pointing out that this Bill will lessen the work of Parliament used a good argument why this power should be placed in the hands of roads boards, without coming to Parliament for a special Act to do so. I support the Bill introduced by the Minister for Works. I recognise that the member for Kalgoorlie has been Mayor of Kalgoorlie for a considerable time, and I also have a keen knowledge of the conflicts which the Kalgoorlie council have had with the roads board. When we are discussing a Bill that will affect the roads boards throughout the length and breadth of the State, we should not base our arguments on the parochialisms of one council and one roads board why the Bill should not pass. This Bill gives the same power to the roads board that the Municipal Act confers on municipalities, and if there is any argument against the measure, there is an argument against the Municipal Act, for there is the same power in the Municipal Act as this Bill desires to confer on roads boards. I hope the Bill will pass.

THE MINISTER FOR WORKS (in reply): I would like to point out to the member for Kalgoorlie that his opposition to the Bill is ill-founded. The only argument he adduces against the measure is that municipalities may wish to extend their boundaries and be hampered because of agreements entered into by a roads board adjoining. In nine cases out of ten roads boards are not absorbed by adjoining municipalities, but they are converted into municipalities of their own; and it would be manifestly unfair to hamper operations of numerous thriving centres controlled by roads boards that are miles away from any municipality, because of the fear that some municipality at some distant date may wish to extend their boundaries. What about Cannington, for instance? Is the roads board there to be denied the right of lighting the town by electricity? What about Maylands and Pinjarra on the South-Western railway system, a thriving centre controlled by a roads board? What about Dongarra and Northampton? Will the hon. member tell me that he would deprive these people of the comfort and facility of electric light, such as the municipality of Kalgoorlie has. I can understand there may be loss of occupation for gentlemen of the legal profession in preparing Bills when roads boards want measures of the kind, but I do not wish to infer that has any weight in the

argument. Still why should the House be bothered with considering numerous small measures when the one Act can apply equally to roads boards as it does to municipalities. If we can conserve the time of the House and at the same time grant facilities which municipalities enjoy under the Act to roads boards, always safe-guarding the interests of the ratepayers, by the fact that they cannot borrow money without a special Act, we ought to do so; there is no reasonable argument against it. I hope members will support me in passing the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—ABORIGINES.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the MINISTER FOR COMMERCE AND LABOUR in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

MR. WALKER desired to have some better definition of the word "reserves."

THE MINISTER FOR COMMERCE: That was dealt with in another part of the Bill.

MR. WALKER: A definition of "half-caste" was also necessary.

THE MINISTER took it that quadroon would come under the term, and probably octoroon. It was intended to bring half-caste children into institutions where they would be educated.

MR. WALKER: The object of the Bill was to give protection; but the effect of it was to make a very invidious and humiliating distinction. We knew what had been done in the slave trade in America, where some person in consequence of having a black spot on the nail could be sold by public auction and go through all the degradation of the slave trade. Although we had not a slave trade in that form, we had such a thing as putting natives on reserves, and although nominally protected they were really isolated. He had read authorities who held the opinion that a black race, even if not removed from its aboriginal stock, would be capable, under experiment, of civilisation, and if that were so in the case of aboriginals, it was much more so in the case of half-castes, quadroons, and octoroons. The provision should not extend beyond half-castes.

MR. GULL: Under the present Act, half-castes could go and get liquor, and they had been the principal medium in transmitting drink from hotels to the blacks. Under this measure the half-caste was placed in the same category as the black.

THE MINISTER favoured an alteration of the provision, so that "half-caste" should not extend to quadroons.

THE MINISTER FOR LANDS suggested an alteration whereby the term "half-caste" should be construed to mean half-castes only throughout the measure, unless the context otherwise required.

THE MINISTER FOR COMMERCE moved an amendment that after the word "aboriginal" at the end of the paragraph in question, the words "shall not extend to quadroons" be inserted.

Amendment passed and the clause as amended agreed to.

Clause 4—The Aborigines Department:

MR. WALKER: We required information on this point. What would the department consist of, and how would it be administered? The protector of aborigines would have to provide for the education of aboriginal children all over the State, and if the work was to be done properly, the department would be a very big one. Would the chief protector be someone who resided in Perth and from his armchair administered the Act? Would every permit be registered by the department?

THE MINISTER FOR COMMERCE: The department would be administered from Perth, by the Chief Protector, who must be located in Perth because of his business relations with other departments, such as Lands and Education. Sub-protectors would be appointed for the various districts, to report to the Chief Protector.

MR. GULL: Food and clothing were now supplied to natives through squatters, storekeepers, and others, vouchers being passed and examined by local inspectors. If Government depôts for food and cloth-

ing were contemplated, a huge department would be needed to manage them.

MR. LYNCH moved an amendment—

That the words "medicine and medical attendance," be inserted after "clothing," in line 4.

THE MINISTER: Clause 6 made the amendment unnecessary; nevertheless, it would not be opposed.

MR. TAYLOR drew attention to the devastating effect of contagious disease upon the natives.

MR. WALKER: It was difficult to perceive how any department could carry out the duties indicated by Clauses 4, 6, and 7, without an organisation like that of the Education Department. In a blacks' camp near Perth he had recently found a woman who had been for some days seriously ill; but her friends had not understood the need of sending for the white doctor.

MR. TAYLOR: Wherever in Australia he had travelled beyond the white man's limit, he had not found any venereal disease amongst the blacks.

MR. WALKER: The point was how to treat the patients. Was the magnitude of the undertaking thoroughly understood by the Minister? The existing Act had objects somewhat similar to those of this Bill—to take paternal charge of the natives. Yet the natives had been left to themselves, or sometimes at the mercy of brutal whites; sometimes to the charity of humane whites.

THE MINISTER: As to medical comforts, all natives working under agreements were provided with medical comforts by their masters. Any native not under agreement was provided with medicines by the resident medical officer, if there was one in the district; otherwise by the police. These medical officers administered to the needs of the natives, and very often were paid by the department for doing so, in addition to receiving their special subsidies from the Government.

MR. MALE: Clause 22 provided that in every agreement provision must be embodied by which squatters should give medicine and medical attendance to natives where practicable. As a rule, most natives on stations were engaged under agreement. Out beyond the stations the natives lived in their natural ways and were fairly safe, while in the towns, or within the provinces of civilisation, they were under the protection of medical officers whose duty it should be to attend to the natives. Also on the stations, the squatters were compelled to look after the natives working for them under agreement; and it was not possible that a squatter would fail to attend a native when sick, even though the native was not under agreement.

MR. LYNCH: The amendment should be passed, if only for the reason that medicines and medical attendance should rank equally with food and clothing.

Amendment passed, and the clause as amended agreed to.

Clause 5—Sum to be placed at the disposal of the department:

THE CHAIRMAN intimated that this Clause 5, printed in erased type, would be moved as a new clause at the end of the Bill.

Clause 6—agreed to.

Clause 7—Protectors may be appointed:

MR. WALKER: This clause limited the power of the Chief Protector, by giving power to the Minister to appoint protectors according to his own tastes. It should be specifically stated that the management of the subordinate protectors should be entirely in the hands of the Chief Protector. The whole business depended on the protectors. With protectors possessing no more than the instincts of the ordinary policeman, we would not get the good we were aiming at. We must have men with some sympathy for the blacks, some instincts of humanity and some sympathetic power of communicating improvement to the blacks, if such men were to be found. It was recognised that the Chief Protector could not travel through the whole of the districts of the State, so the real work would be left in the hands of the various protectors in the districts. Therefore they must be men the Chief Protector could trust. It was essential that the Chief Protector should be responsible for the selection of his subordinates.

THE MINISTER: The protectors would report to the Chief Protector, though they would be under the control of the Minister. Great care would be taken to get the best men.

MR. TAYLOR: Would they be appointed by the Public Service Commissioner? We needed men of humane

instincts and with kindly yet firm dispositions. One could not come into contact with the Chief Protector without recognising in him these qualities. The Minister should take care in selecting the travelling protectors. It was impossible for the Chief Protector to reside far from the metropolis. Presumably the salaries for protectors would not be great, and men might be chosen out of over-manned public departments; but they should be accustomed to the bush and should know the habits and ways of the aborigines, besides being possessed of the qualities already mentioned. If the Minister would keep these qualities in mind in making appointments, he (Mr. Taylor) had no hesitation in saying that the aborigines would be benefited by the passing of this Bill.

MR. C. A. HUDSON: By whom were the appointments to be made? According to the clause the Minister would appoint them. But the member for Kanowna suggested that they should be appointed by the Public Service Commissioner. As the Chief Protector was responsible for the administration of the department, he should have some say in the appointment of the protectors. The Minister might, on the recommendation of the Chief Protector, appoint the protectors.

THE MINISTER FOR COMMERCE AND LABOUR: Every care would be taken in selecting protectors, and no doubt if the chief protector knew suitable men the Minister would accept his recommendation. The protectors in the north would send down periodical reports so that the department would be in touch with their work.

MR. TAYLOR: The Chief Protector would be practically in charge of the aborigines, and would be careful in the selection of his protectors, and the Minister would no doubt be guided by the advice of the Chief Protector.

Clause passed.

Clause 8—Chief Protector to be guardian:

MR. WALKER: Why the limitation to sixteen years of age? Was not the Chief Protector the guardian of every aborigine and half-caste? Was there some reason why the limitation should be placed at sixteen years?

MR. GULL: A native over the age of sixteen could make a contract for himself, but under the age of sixteen he could not.

MR. WALKER: That was the very thing one wanted to avoid. Take a boy of sixteen years of age, he was not able to enter into a contract or an agreement. A boy at the age of sixteen was not capable of realising his future interests; the age ought to be raised to eighteen.

THE MINISTER: The intention was that the clause should apply to orphans. Natives of sixteen years of age fully understood their surroundings.

Clause put and passed.

Clause 9—Preservation and removal of aborigines:

MR. HUDSON: In the case of an aborigine employed in droving, that aborigine might be taken by the drover over a great extent of country, and out of one magisterial district into another.

THE MINISTER: This was an important clause. It was far from uncommon in this country for persons droving to take a native from one part of the country to another and leave him stranded. We must protect them.

MR. HUDSON: There were some stations in the South-Eastern portion of the State to which it would be impossible to apply the conditions. Recognisances had to be entered into with sureties. An aboriginal could be removed without authority. He knew of cases where the boundary line of a magisterial district ran through a station.

MR. GULL: This was one of those conditions which had to be left to the administration of the protector. A lot of power was placed in the hands of the department; and that power would not be given if the country did not consider the protectors would use it properly. If so many obstacles were to be placed in the way of protectors, the Bill would become a dead-letter.

THE MINISTER: The objection of the member would perhaps be removed if we included justices of the peace as well as the protector.

MR. HUDSON: They were few and far between in his district.

MR. GULL: A justice of the peace in many cases was an employer of labour. Authority had been taken from justices

so that one justice should not assign boys to another justice.

MR. TAYLOR: While there was some force in the argument of the member for Dundas, he did not see how a better clause could be drafted. A person might take a black boy to help him drove or round up horses, and the boy might be stranded. It would be difficult for the boy to get back to his country, as he might have to travel through strange tribes. There was necessity for strict supervision before any person should be allowed to take an aborigine from one district to another without ensuring his return. He did not think there would be any difficulty in regard to employing a black boy on a station which was divided by a district boundary line, for the employer could get a permit. If the employer wanted to take the boy a distance he would have to assure the protector that he would pay the expense of the boy's return. Where aboriginals were plentiful it would be unwise to give to justices of the peace power to issue permits, because justices were drawn from people who employed aboriginals. He did not think the justices themselves would care to have the power.

MR. COLLIER: Why not make it a punishable offence to remove an aboriginal to a strange district and leave him there? If the clause were passed as drawn, it would occasion a hardship in the Eucla district if carried into effect, and he would ask that Eucla should be excluded from its operations.

THE MINISTER would discuss the matter with the Chief Protector, and see if he could do anything to overcome the difficulty.

MR. MALE failed to see how a penalty was to be inflicted if a man went away from a place altogether, taking a native with him and shifting his stock.

Clause put and passed.

Clause 10—Reserves:

MR. WALKER: To put blacks into these big cages, so to speak, and expect them to stay there in contentment for the remainder of their lives was an absurdity. The blacks would never submit to the coercion implied by the creation of those reserves. Notwithstanding tribal jealousies and strife it might be possible to have a large reserve—if we got it large enough—somewhere in the north of this great continent, where we might do something like the American Government had done in regard to the Indian races. There different tribes were brought together and had been permitted to live in peace. He suggested that all the words after the first two lines be struck out. The reserves contemplated under the clause would intensify the evils existing, and make more possible contamination of blacks by whites.

MR. H. BROWN: This was synonymous with what we knew of Kaffir locations. It was a reserve outside a town or municipality from which the blacks must not be absent after a certain time at night. In Africa no native was allowed in the town after eight o'clock, and there was a certain location to which they must go. Two thousand acres would be more than sufficient for the object aimed at. Fifty acres would do, so long as the natives were kept there after a certain time. The location was the place where the native should be; and no matter whether it was near Perth, Broome, or any of these municipalities, 50 acres would be sufficient. So long as the natives were on these locations during certain hours of the night and the whites were kept away from them, that would meet the case. Nothing would be lost by leaving out the size of the reserve.

THE MINISTER: It would be better to leave the clause as it stood—not to exceed two thousand acres. It was not likely that for the purpose contemplated such a large area would be required. The object was to keep the natives out of the town. He quite agreed with the member for Kanowna that we should have bigger reserves up to a quarter of a million or half a-million acres, but those could be provided for under a section of the Lands Act.

MR. WALKER: Why put this provision in the measure, if it was contemplated to repeal it at an early date? His object was to call attention to a large reserve for the whole of the blacks of the country, where they could hunt, or fish, if they were in the neighbourhood of the sea, and where they could gradually get rid of their customs and

take up the habits of the white men. He moved:

That the words "not exceeding in any magisterial district an area of 2,000 acres," in lines 2 and 3 of Subclause 1, be struck out.

MR. HUDSON supported the amendment. The Minister should have a free hand in selecting the areas in which to declare reserves. The reserves provided for in the Bill would be impracticable.

MR. TAYLOR: There was surely no intention to put the aborigines as a whole on reserves. To put on one reserve natives belonging to different tribes would result in murder. Evidently the reserves intended were small camps to which natives could be ordered so as to keep them out of towns after sundown. It should be a punishable offence for any unauthorised white to visit such reserves.

Amendment passed, and the clause as amended agreed to.

Clause 11—agreed to.

Clause 12—Aborigines may be removed to reserve:

THE MINISTER FOR COMMERCE moved that the following paragraph be added:—

In every prosecution under this section, an averment contained in the complaint, that the Minister directed the defendant to be removed to or kept within a reserve or district, shall be deemed to be proved in the absence of proof to the contrary.

MR. WALKER: This clause seemed very dangerous, and difficult of comprehension until the reserves were actually proclaimed. The Minister might cause any aboriginal to be placed on a reserve or to be removed from one reserve or district to another. There seemed some confusion between "district" and "reserve." The reserves appeared to be in the nature of gaols.

THE MINISTER: Only for troublesome natives.

THE MINISTER FOR LANDS: At the present time, native women in the vicinity of seaports such as Bunbury, could for their own protection be placed on reserves.

MR. WALKER: At seaport towns such compounds might be necessary; but could not some means be devised of regulating the morals of the blacks without resorting to imprisonment?

THE MINISTER: The Government would consider any suggestion from the hon. member.

MR. WALKER: The principle was wrong to attack human liberty in order to secure morality.

Amendment passed, and the clause as amended agreed to.

Clause 13—Exceptions:

MR. HUDSON: What was the meaning of a permit to be absent from a reserve? Must every aboriginal not on a reserve have a permit?

THE MINISTER: No.

Clause put and passed.

Clauses 14, 15, 16—agreed to.

Clause 17—Aborigines not to be employed without permit:

MR. WALKER: One would like to see a specimen of this permit. A sadder sight than the old form of indenture could scarcely be conceived.

THE MINISTER: There were not very many indentures.

MR. WALKER: Would there be any real difference between an old indenture and the new permit? We had taken their lands from the natives, and had removed their every chance of subsistence on game, and we had condemned them for ever to work for us, or to starve, or to risk becoming outlaws through killing settlers' stock.

THE MINISTER: The majority of people could be entrusted with permits to employ natives. The clause gave that permission, but cut out the undesirable people who could not be entrusted to employ natives.

MR. WALKER: Permits and agreements were taken together. The employer obtained a permit and the employment took place, and it was a binding contract.

THE MINISTER: The permit only permitted the employer to employ natives. The natives might or might not enter into a contract with the employer.

MR. GULL: A permit was only a privilege or license to employ blacks.

MR. WALKER: No employer would obtain a permit unless he had the blacks to employ. The permit was the means by which the white man could make agreements, and the permits and agreements taken together were practically a continuation of the old indenture system.

THE MINISTER: There was no necessity for the native to make an agreement. A native could work for a squatter holding a permit without entering into an agreement, but a white man must obtain a permit or license to employ a native. The master must get permission to employ natives, but natives need not make agreements with the master. Agreements were not compulsory. The clause provided a safeguard by which a man must prove to the department he was a fit and proper person before he would be permitted to employ natives.

MR. HORAN: Could not the form of agreement be put in the schedule?

MR. HUDSON: Not very well, because the conditions might vary in different localities.

MR. WALKER: The system gave power to the squatter to be a slave-driver. It was provided that on the death of the holder of a permit the permit should continue in force for four months afterwards. There was a difference between engaging white and black labour. The man who engaged black labour practically became the guardian of the black.

THE MINISTER: The native could well look after himself.

MR. WALKER: Then the native was not the dullard he had been represented to be during the discussion on this Bill.

THE MINISTER: Had anyone said so?

MR. WALKER: It was said that the native was absolutely incapable of assimilating himself with any of the stages of our civilisation.

MR. A. J. WILSON: As long as provision was made for agreements to be subject to the approval of the protector, the member for Kanowna had little to complain of.

MR. HUDSON: Clause 28 provided that agreements should be subject to the approval of the protector. The Bill provided that a license to employ a native could be given to any person approved by the protector, and the master could employ a native either by written agreement or by oral agreement. An oral agreement would not have any validity in a court, and an aboriginal might leave his master's service at any moment. On the other hand, the parties might bind themselves in a strictly legal way by a written agreement. There was necessity to provide for natives who obtained casual employment doing odd jobs in townships, such as chopping wood. Was it intended to penalise people who gave natives casual work.

THE MINISTER: A later clause provided for certain exemptions.

MR. HUDSON: Yes, by issuing a certificate of general exemption, but that hardly met his objection. There was no harm in giving employment to a native for two or three days or a week.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. HUDSON: Some provision should be made for casual employment.

THE MINISTER FOR COMMERCE AND LABOUR: No amendment was needed. The employer who held a permit could employ an aboriginal for a week or a day.

MR. HUDSON understood that it would be necessary to get a permit to employ a native for a short period.

Clause passed.

Clause 18—Form and duration of permit:

MR. MALE moved—

That in line 1 of sub-clause 2, the words "Not exceeding 12 months" be struck out.

To limit the time of a permit would be a serious handicap to a man living on a station far inland, miles away from the protector, where during certain seasons of the year he would be cut off from the protector. Under Clause 60, regulations could be made for the purpose of apprenticeship and under Clause 17 it was necessary to have a permit to employ a native, therefore a native could only be apprenticed for 12 months. The permit was safeguarded by Subclause 6 which said that a permit might be cancelled at any time by the protector.

THE MINISTER: The hon. member might strike out all the words after "period."

MR. WALKER: It was to be hoped the Minister would not consent to the amendment. If there was one safeguard for the blacks it was this. By means of the limitation of time, the holders of permits were kept in view for they had to apply for a renewal and there would be an opportunity for personal interference.

Mr. BATH: Subclause 6 did not appear to be a sufficient safeguard. It would be absolutely impossible for the protector to have supervision over every aboriginal.

MR. BOLTON: The amendment should not be carried. A permit should be renewed from time to time. In a previous clause it was provided that should a person who had been granted a permit die, that permit would hold good for four months before being renewed. It was necessary that every 12 months the holder of a permit should come under review.

THE MINISTER: Members must recognise that in the far North, it was a question of long distances. The holder of a permit might have to travel 400 or 500 miles to the protector. He felt inclined to accept the amendment. It was a hardship that at the end of 12 months the holder of a permit should have to go 500 miles to find the protector.

MR. TAYLOR: The Minister should not accept the amendment. We desired to place on the statute-book a Bill which would deal fairly with the employer and employee. There was greater necessity for care and safeguards in regard to coloured employees than in regard to white people. There was no hardship in compelling an employer to renew his permit every 12 months, for a protector would be stationed in the North-West, and he could be found in a few weeks.

THE MINISTER: It would take three months at least.

MR. TAYLOR: The safeguard should remain in the Bill. The holder of a permit would always remember that he had to renew his permit every 12 months. This was a safeguard which the Committee ought to insist on for the protection of the aborigines.

MR. WALKER: The provision that there should be a renewal of these permits every twelve months would not only clear out holders of permits who were not fit to have them, but would also be a safeguard to the natives, inasmuch as it would make a man keep his character as an employer.

MR. MALE: Under Clause 60 aborigines might be apprenticed, and the provision in relation to permits almost made that clause unnecessary, because the Bill provided that if a native was employed a permit must be obtained.

HON. F. H. PIESSE: If we were going to strike out the period of employment, it would be better to strike out the subclause altogether, because the subclause would then be superfluous. Before the subclause was passed it should be looked into a little more closely. Something should be done with regard to the time. Perhaps it should be increased.

MR. TAYLOR: It was taken for granted that apprentices would be youths, either male or female. We had already passed Clause 8, under which the Chief Protector would be the guardian of youths under 16. He would be able to apprentice them, and he (Mr. Taylor) did not think the time limit would apply to those under 16.

MR. COLLIER objected to Subclause 2 because it would affect apprenticeships. If the time in relation to permits were extended to two years, the same difficulty would be experienced at the end of those two years as would be experienced at the end of twelve months, if twelve months were the period fixed. The holder of a permit would know when it expired and would have plenty of time to make application for renewal. Clause 17 might be recommitted, and it might be provided that it should not apply to apprentices or children under 16.

THE MINISTER: The member for Kimberley need not fear about apprenticeships. Supposing under the measure a man had to get a permit each year, that would not affect apprentices, even if the apprenticeships were for five years. If a person who had apprentices misbehaved, the apprenticeship could be cancelled. He thought the hon. member might withdraw his amendment.

MR. MALE was willing to withdraw the amendment provided the Minister could assure him that this matter of apprenticeships would be properly provided for in Clause 60.

THE MINISTER gave the assurance asked for.

Amendment by leave withdrawn.

Clause put and passed.

Clause 19—Youths and females not allowed on ships:

MR. MALE: If the words "any female aboriginal or female half-caste" were retained, the provision might do a lot of harm. In the Kimberley district there was a mission which took care of chil-

dren, part of whose work was beach-combing, collecting shell, and going into the sea at low water and collecting *bêche de mer* and other sea products. The effect of the clause would be that natives under 16 could not be made use of in this way, and much harm would be occasioned, because to make the natives familiar with the sea and the handling of boats and that sort of thing it was necessary that they should start young, going into the water almost when babies. However, as the Minister had given an assurance that the matter of apprenticeships would be properly safeguarded, he would not move the amendment which he would otherwise have done.

Clause passed.

Clauses 20, 21—agreed to.

Clause 22—Agreements:

MR. BOLTON: Better strike out "justice of the peace," in Subclause (*a*), line 1. The power given to justices to witness agreements had caused a great outcry at public meetings and elsewhere against the treatment of the aborigines. He said nothing against justices, except that most of them employed blacks. Better give the power to police officers. As the law stood, one justice could witness agreements for his brother justices.

THE MINISTER: If all justices were prohibited from witnessing agreements, great difficulty would arise. Clause 24 provided that anyone making a false attestation should be guilty of an offence. As a justice could witness an ordinary agreement, why should he not witness an agreement with an aboriginal?

Clause put and passed.

Clauses 23, 24—agreed to.

Clause 25—Penalty for breach of agreement by aboriginal:

MR. TAYLOR: Some such clause was certainly needed; but we must remember that the aborigines never became more than semi-civilised. A native employed on a station, on learning by bush telegraphy that his tribe were contemplating holding a corroboree or other bush festival, would ask for leave to attend, indicating the length of leave desired; and if it were granted he would always come back punctually. If leave were not granted, he would generally run away that night. Possibly the employer with only one native would be less likely to lose him; but the risk of losing native servants would increase in proportion to the number employed. If they ran away, they must be brought back by the police, by stockmen, or by the employer himself; and men who for three or four days had ridden through the bush to find natives were not likely to be in a good temper, hence the stories we heard of natives being dragged back at the stirrup-iron and flogged back to the station. By the clause they would be liable to three months' imprisonment. Protectors should impress on employers that holidays must be granted. The cruelties inflicted on natives were probably no worse in this State than in others; but our civilisation was younger than that of Queensland or New South Wales. It was idle to try to make the aborigines work against their will. The present generation of aborigines was the first that had to work, and though blacks would do good work for people who knew how to treat them, they must be humoured, for they had their racial and their tribal peculiarities. If properly treated they would work well; but the laborious work done by the white man must not be expected of them. He was adverse to imprisoning a blackfellow because he would not work.

MR. GULL endorsed most of the remarks of the preceding speaker; but to strike out the clause would make the Bill useless. A penalty was provided for breach of the agreement by the employer, and if no penalty were imposed on the native for a like offence, the native would soon ascertain this, and it would be impossible to keep him at work. Holidays were provided for in Clause 30—not less than 14 days in a six months' agreement and not less than 30 days if the agreement exceeded six months. The native was glad to go away for his holiday, and equally glad to get back; and one of the severest penalties was to order him into the bush. Nevertheless, the absence of a penalty for running away would render him useless. The natives being useful to the squatter, he was not likely to ill-treat them. Blackfellows hunted off a station would soon beg to be taken back. If the clause were struck out, the agreement would not be worth the paper it was written on.

MR. HUDSON agreed with some of the remarks of the member for Mount Margaret (Mr. Taylor) that the aboriginal

had an instinct for wandering and had tribal rites which were to him in the nature of a religion. It was impossible and unjust to attempt to force the native under a threat of imprisonment to remain in any particular place or to perform any particular services. At certain periods of the year, although they might have had their holiday as provided in Clause 30, this feeling became dominant in their minds, and it was almost impossible for them to resist their natural inclination to wander off into the bush. He (Mr. Hudson) objected to the clause on the principle that in these days of civilisation there should not be punishment by imprisonment for a breach of a civil contract. The employer had discretion as to whom he should employ, and in the exercise of his discretion must take the risk of the natural instincts of the native and should let the latter go at will. We might just as well insert a similar provision in laws dealing with civil contracts between white men, and make a breach of contract punishable by imprisonment. Also, was the Minister going to enforce at the expense of the State a civil contract between an employer and an aboriginal? The expense would be especially great if, as was mentioned, the magistrate might hold court five hundred miles from the station on which the native was employed.

THE MINISTER FOR COMMERCE AND LABOUR: There was a great deal in what the member for Mount Margaret had said, but we must protect an employer, whether white or black, to some extent. If a white man broke a contract, we inflicted a penalty.

MR. HUDSON: No. The employer must find his own remedy.

THE MINISTER was adverse to inflicting imprisonment on a native, but saw no way out of the difficulty. A less term might be inserted. Members must remember that the employer was also liable to a conviction for breaches of the Act, though the conviction was a monetary penalty.

MR. HUDSON: That also should be struck out.

THE MINISTER: There was no way out of the difficulty unless we could inflict a monetary penalty on the native; but the natives did not receive wages.

MR. MALE: There was a great deal of truth in the remarks of the member for Mount Margaret, but we must protect the employer as well as the employee. Sometimes natives left in charge of wells absented themselves without notice, and the stock in their charge might perish unless someone happened along that way. If a native gave notice to an employer that he desired to attend a corroboree, the employer would put no obstacle in his way, knowing well that in any case the native would go; but natives should not be allowed to go without that notice.

MR. WALKER: The arguments adduced for the retention of the clause induced him to oppose it. It was testified by every one that it was the nature of the black to get fits of idleness and distaste for work, and the native was too undisciplined to overcome that cessation of energy. It was no crime to the native; yet the white race by this law were going to make it a crime and were going to punish a man as a criminal for what he could not help and for what was his nature, and for what he would do, despite all the penalties, until we had altered the nature of the black by discipline. The white man had gone through all these stages. The British were savages once, but had been disciplined by long centuries of serfdom. Feudalism had been necessary to teach the British to work, and it had taken centuries to teach the British the nature of a contract, yet here we expected black men to understand the nature of a contract. To expect the black's nature to be disciplined to overcome these temporary lapses of energy was absolute stupidity, and to pass laws in accordance with that stupidity was not the function of an enlightened Assembly. He trusted that the Minister would see this was legislating against nature, and substituting the gaol for the whip of Simon Legree.

MR. GULL: Would the hon. member substitute the whip for the gaol?

MR. WALKER: Undoubtedly no. It was discovered last century that we could do as much by kindness as was formerly done by the whip and gaol. This clause, instead of civilising the savage, was a testimony to our own barbarity.

Clauses 25 and 26 postponed.

Clauses 27 to 34—agreed to.

Clause 35—Aboriginal prisoners may be employed outside prisons:

MR. WALKER: This clause required explanation. He objected to the exposure of prisoners, black or white, outside the prison gate. We showed our humanity best by being able to exercise it towards the lower creatures, and if it were objectionable to have white gangs of prisoners outside a prison, it was equally objectionable to have black gangs; it shocked the public sentiment. We should treat the prisoners decently without sending them outside to work.

THE MINISTER FOR COMMERCE AND LABOUR: There could be no objection to employing prisoners outside the gaol if there was not work enough inside.

MR. SCADDAN: There was an agitation in certain portions of the State to have the artificial fertilisers on certain islands worked through the medium of black prison labour. He would like the assurance of the Minister that it was not the intention of the Government to make use of these prisoners in that direction. He was opposed to the Government utilising prison labour in competition with white labour.

THE MINISTER: The hon. member was asking for something which could not be carried out. He did not believe in black labour if placed in competition with white labour, but we were dealing with prison labour and when the Labour Government were in power they had certain work done in the prison by black labour.

MR. SCADDAN: There was no objection to prisoners being employed so as to earn something towards their upkeep, but he objected to the introduction of black labour to under-cut white labour. These black prisoners were to be employed so that the fertilisers could be obtained at a cheap rate.

THE MINISTER FOR COMMERCE AND LABOUR said he knew nothing about that.

MR. TAYLOR said he had a decided objection to any persons who were undergoing imprisonment being worked in gangs under the public gaze. When he was Colonial Secretary he received applications from various centres in the State for prison labour to be lent, as it were, to councils and roads boards, and these bodies offered to pay for the officer in charge of the gang. The men were to be employed in road making and the labour was asked for because of a shortage in funds. He refused the applications from Geraldton and Carnarvon, because he thought those places were sufficiently financial to employ white labour to make their roads. When the Leake Government were in power provision was made by which prisoners could be shifted from Derby to Roebourne, and to have the black prison located at Roebourne so that the labour could be utilised in road making. An estimate was prepared showing the saving effected. There were between 100 and 150 prisoners at Roebourne undergoing sentence, and provision must be made in some way for their up-keep. Most of the roads about Cossack, Derby, Roebourne, and Broome were made by aborigine prisoners. When he was Colonial Secretary he had some regulations drawn up providing the hours during which the black prisoners should work. While he had a decided objection to prison labour being exposed to the public gaze, in this instance if it was the intention of the Minister to only confine the labour of these aborigines confined in the gaols in the far north to road making instead of locating the prisoners at Broome, then there could not be much objection; there was no other way of utilising their labour. At present there was a proposal to locate some of these prisoners on one of the islands so that they could work the guano deposits. It would be less difficult to keep the prisoners on an island. In all the States of Australia we had prisons where white men worked and occupied their minds, and they came out of prison in many instances better than they went in. It would be very unwise to prevent white prisoners from being taught trades. As to aborigines, he did not know how at Broome their labour could be profitably used in prison so as to help them get through their sentences in the best way. Whilst he did not like labour outside gaols he had no desire to oppose the clause, because he felt sure the intentions of the Government were only to follow on in the way he had indicated, by working the aborigines at Broome for road-making purposes.

MR. MALE: The most humane way to treat aboriginal prisoners was to let them do work in the fresh air. To coop them up in prisons would be cruel. As regarded the treatment inside prisons, their food was excellent. They were treated better in gaols than ever they were in their natural conditions outside.

Clause passed.

Clause 36—Persons prohibited from frequenting camps:

MR. LYNCH moved an amendment, that the word "five" be struck out and "forty" inserted in lieu. The intention was to prevent people from visiting native camps for unlawful purposes, and to place a longer distance between them and the achievement of their purposes. It was well to increase the distance to half a mile at least.

MR. H. BROWN thought the amendment would be very unfair. These camps would be for natives to come into after sundown. The amendment might be very well for the North-West district, but if there were a camping ground in Perth it would be impossible to have a camp 40 chains from a residence.

THE MINISTER: We had better leave the Bill as it stood.

Amendment put and negatived.

MR. PRICE wished the Minister to explain what object would be served by the last two lines in the second part of the clause. Nothing should be done to minimise the possibility of prosecuting anyone who offended against this clause. He moved an amendment—

That the word "chief" be struck out.

THE MINISTER: There was a good deal in the contention of the member for Fremantle.

MR. DAGLISH: It would be advantageous to extend the powers of prosecution to the police.

Amendment passed; the clause as amended agreed to.

Clauses 37, 38—agreed to.

Clause 39—Prohibited areas:

MR. LYNCH suggested an amendment, that after "fit" the words "on the application of the local authority," be inserted. His object was to provide a remedy where tribes of aborigines were a nuisance and none could take it upon themselves to remove them to a distance.

MR. TAYLOR: If the amendment were carried, it would limit the operation of the Act. If natives were a nuisance, the mayor, the protector of aborigines, the police, or secretary of the road board or progress committee could write to the Chief Protector of Aborigines or warden pointing out that these people were a nuisance. The warden, who knew the feeling of the citizens, would advise the Chief Protector of Aborigines, who would recommend the Minister to ask for a proclamation to be issued. We had no power at present by which we could move natives out of town before sundown. They must commit a breach of the law before they could be removed.

MR. MALE: That would be one of the duties of the new Chief Protector.

Clause put and passed.

Clause 40—Females not to remain after sunset at creeks used by pearlers.

MR. WALKER opposed the clause. If the descendants of the savages for whom we were legislating ever succeeded in writing a history of their race, they would find in such clauses as 40, 41, and 42 abundant testimony that we were now at the aboriginal level. The Chief Protector would be the custodian of the morals of the aborigines, and sub-protectors, police officers, justices, municipalities, and roads boards would all assist to drive the blacks away from towns; the white male population was penalised for interfering with the aboriginal women; yet this clause sought to penalise any female aboriginal who between sunset and sunrise was found within two miles of a creek used by pearlers. Could we not draft a clause to keep the pearlers two miles distant from female aborigines? Must we wreak all our vengeance on the blacks, who could see no crime in being within two miles of a creek after sunset?

Clause put and passed.

Clauses 41 to 45—agreed to.

Clause 46—Prohibition against disposal of articles issued to aborigines:

MR. GULL: The clause was too drastic. We could not prevent natives from exchanging clothes. He moved an amendment:

That the words "to any white person" be inserted after "same" in line 5.

MR. WALKER: It was doubtful whether the amendment would meet the

difficulty. But why penalise those poor people for what they could not help? They could no more avoid swopping their blankets than they could swopping tobacco. Was it not absurd for a paternal Government to give blankets to the blacks and then to assume that the blankets were only lent? Could such subtle and complex notions of the custodianship of public property be cognised by the natives? The sense of personal right was stronger in the savage than in the white man. If a savage transferred his blanket to his brother, our civilised Government would send the donor to gaol. To understand such a law, a high degree of civilisation would be needed in the blackfellow; yet the Bill assumed throughout that he was not civilised, hence it appointed protectors of aborigines.

MR. TROY agreed in principle with the amendment; but it should be altered to read, "or sell or dispose of the same to any person other than an aboriginal, without the sanction of the Protector." In the north were Malays, Chinese, Japanese, and other Asiatics.

MR. GULL accepted the suggestion.

Amendment as amended passed; the clause as amended agreed to.

Clause 47—Prohibition of the use of guns by aborigines, without license:

MR. H. BROWN: It was idiotic to allow natives to have a gun at all. In Africa, for a native to be found with a gun was a high crime, and it was penal for any trader to supply guns to aborigines. It was one of the greatest curses in South Africa, and the selling of guns to natives was one of the most remunerative businesses. For the protection of the whites in Western Australia we should delete this clause, especially when we remembered the murders that had taken place in the North-West.

MR. GULL agreed with the member for Perth so far as the North-West districts were concerned; but it would be arbitary to say that the natives in the Southern districts should not be allowed to carry guns to kill the kangaroo. The fact of the country being occupied rendered it impossible for the natives to get game otherwise. We could have no hard-and-fast rule in this matter.

MR. TAYLOR: It was evident the member for Perth had not done any prospecting. Prospectors engaged native boys as horse-boys, but those horse-boys would never be able to leave the prospectors' camps without the protection of guns. Probably the clause might be altered to make the employer responsible for the license.

MR. MALE: Common sense must be used in administering a clause like this. Due precaution would be taken to see that fair play was given.

Clause put and passed.

Clauses 48 to 55—agreed to.

Clause 56—Jurisdiction of justices:

MR. LYNCH moved an amendment—

That the words, "Any resident magistrate or in his absence" be inserted at the beginning of the clause.

We should avail ourselves of the services of the resident magistrate in the district whenever possible. Dr. Roth had recommended this particularly; and one of the witnesses before Dr. Roth had stated that the justices of the peace in the North-West would have nothing to do with the natives or their troubles.

Amendment passed; the clause as amended agreed to.

Clauses 57 to 62—agreed to.

Clauses 63—Power to exempt certain half-castes from the Act:

MR. WALKER: The clause was ambiguous and required explanation. This seemed to be one of the few powers acting towards the redemption of the half-castes, to bring them into the fold of the whites; but what was to be the determining factor in judging half-castes?

THE MINISTER: There were half-castes in the southern part of the State living in civilisation. The degree of civilisation would be a matter for the determination of the protector.

MR. WALKER: There was a half-caste of his acquaintance named Mr. Harris, who, in the matter of intelligence, would stand on a level with most men. Was it to be left to the judgment of the protectors in the various districts, or was it to be a purely arbitrary matter? Could all half-castes claim the right, having attained to a certain degree of civilisation?

MR. TAYLOR knew a number of half-castes who would be able to come under the clause, and he felt sure the Protector of Aborigines would faithfully advise the Minister on the point and

those eligible to be exempted would be exempted. He did not see how we could meet the desire of the member for Kanowna without exempting all half-castes.

Clause put and passed.

Clauses 64, 65, 66—agreed to.

Postponed Clause 25—Penalty for breach of agreement by aboriginal:

THE MINISTER moved—

That in line 11 all the words after "Act" be struck out.

MR. HUDSON: That would leave it optional with the magistrate but it still left the principle of imprisonment for a breach of a civil contract.

THE PREMIER: What did the member suggest?

MR. WALKER: The omission of the the clause.

Amendment passed; the clause as amended agreed to.

Postponed Clause 26—Penalty for breach of agreement by employer:

THE MINISTER FOR COMMERCE AND LABOUR moved—

That in line 15 all the words after "Act" be struck out.

Amendment passed; the clause as amended agreed to.

New Clause:

THE MINISTER moved that the following be inserted as Clause 5:—

The Colonial Treasurer shall in every year place at the disposal of the department out of the Consolidated Revenue Fund a sum of £10,000 and such further moneys as may be provided by Parliament to be applied to the purposes of the department. If in any year the whole of the said annual sum is not expended the unexpended balance shall be retained by the department and expended in the performance of the duties thereof in any subsequent year.

MR. HUDSON: Was the £10,000 in addition to the £8,000 appearing on the Estimates?

THE PREMIER: Provision was made for the remainder of the financial year.

MR. HUDSON: With the wide scope of the measure, sufficient money was not provided to carry out the intentions of the Bill.

THE MINISTER: In 1892 a sum of £5,000 odd was spent in this department and the amount had gradually increased until this year £14,000 was spent. In 1903, £11,000 was spent: in 1904, £12,995. Members would see that the department was well looked after.

Question passed, the clause inserted.

Schedules, Preamble, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 9·45 o'clock, until the next Monday afternoon.

Legislative Assembly.

Monday, 18th December, 1905.

THE SPEAKER took the Chair at 2·30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: Copies of Orders in Council, issued under Section 35 of "The Audit Act, 1904."

QUESTION—FEDERAL INFORMATION.

PASSENGERS BY GERMAN STEAMER, NATIONALITIES.

THE PREMIER: I desire to state that I have an answer to the question asked by the member for Kanowna (Mr. Walker) on Friday, 1st instant. It is as follows:—In connection with the questions asked by the hon. member for Kanowna on the 1st inst., I have, in