LEGISLATIVE COUNCIL,

Tuesday, 6th November, 1888.

Aborigines Bill: second reading—Civil Service Life Insurance Bill: first reading Chinese Immigration and the Intercolonial Conference—Yilgarn Goldfield; Prospectors' rights (Petition)—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

ABORIGINES BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I rise, sir, to move the second reading of "a Bill to provide for certain matters connected with the Aborigines." Hon. members are aware that under the Constitution Bill which it is proposed to bring into force very soon now there is a provision made whereby a sum of £5,000 is to be set apart annually out of the consolidated revenue for the use of the Aborigines Protection Board; and the object of this bill is to confirm the establishment of that Board. The creation of this Board and the placing of it beyond the control of the Ministry of the day, under our proposed new Constitution, has given rise to a considerable amount of adverse comment on the part of some members of this House; and there has been a strong feeling, I think, throughout the country, that it is a reflection upon the character of our colonists. But I do not think, if we examine this matter closely, we will come to that conclusion, because we, of our own motion, two years ago, passed an Aborigines Protection Act which is almost identical, as regards the powers of the Board appointed under it, with the powers given by this Act. Therefore I think it is merely a matter of sentiment this opposition to the creation of this Board under the new Constitution. It must be remembered that the members of this Board will not be chosen from outside the colony, but that those composing the Board will be colonists, of good repute and good standing, and persons who are likely not only to have the interests of the natives but also the interests of the colony at heart. Nor do I think that any difficulty will arise, or is likely to arise, between the Ministry of the day and the persons appointed to carry out this Act, as some people seem to anticipate. I think myself that is most unlikely. The fourth section of the bill gives power to the Governor to appoint this Board—not the Governor in Council or in other words the Ministry of the day, who will have nothing to do with the appointments or the actions of the Board. But I do not think we have a right to think for a moment that the Governor, whoever he may be, is likely to act contrary to the wishes of the people or of his Ministry. The Governor will not be debarred from consulting the Ministry or the Premier, but he must act upon his own responsibility. Clause 6 also provides that the powers now vested in the Governor under the existing Aborigines Protection Act, 1886, and the Pearl Shell Fishery Regulation Act, 1873 (dealing with the employment of natives in the pearl fishery), will, under the present bill, be exercised by the Governor himself, and not by the Governor in Council. Clause 8 empowers the Governor to set apart reserves for the use and benefit of the natives of the colony, which reserves shall be vested in the Aborigines Protection Board. I do not think any hon. member is likely to take any exception to the provisions of this bill; they have been already thoroughly discussed, and, I think, are well understood. For my own part, I do not take any exception to them at all. I believe that, instead of being a source of trouble or annoyance to the Ministry of the day, it will prove of great assistance, and a relief to them. I do not think we have any right to assume for a moment that the Governor and this Board are likely to run amuck of public opinion, and that, although rendered independent of Parliament or the Ministry, either the Board or the Governor will act in opposition to the wishes of the Legislature or the Ministry of the day. Both the Governor and the members of this Board will exercise their powers under the watchful observation not only of Parliament but of the public at large. Therefore, sir, I have no hesitation in recommending this bill to the favorable notice of hon. members, and I beg to move that it be now read a second time.

MR. PARKER: It appears to me, sir, that so far as this bill is concerned, our passing it is a matter of necessity. We

know—for we have been informed more than once by the Secretary of State—that one of the conditions upon which we are to take upon ourselves the right of self-government is that the management of the aboriginal natives shall be taken out of our hands. Some of us have looked upon that as a reflection upon the people of the colony, and we ourselves have disapproved of it, and passed a resolution condemning the proposal, contending that we ought to have the same power over the aboriginal inhabitants as over the white population. But we have been informed positively that this is a matter upon which the Secretary of State will not give way. Therefore, if we desire to proceed in the matter of Responsible Government, it appears we must accept this bill. I do not think myself it is a matter of great importance after all, the appointment of this independent Board; while, on the other hand, I think it may be a matter of congratulation to any Ministry to be relieved of all trouble and anxiety connected with the management and control of aboriginal affairs. Under the circumstances, it appears to me we have no other course open to us but to adopt the second reading of this bill, which may be said to be a natural corollary of the Constitution Bill read a second time the other evening.

MR. MARMION: Sir, if I do not show any open hostility to the bill before us, it is simply for the reason mentioned by the hon. member for Sussex, that probably it would be useless our offering any opposition to it, if we have made up our minds to adopt Responsible Government. But I can see danger in it,—the danger of creating an *imperium in imperio*. I see a danger of the people of the colony being brought into open hostility with the Governor of the colony, which, I submit, ought not to be the case under the system of Ministerial Government, when the Governor is not supposed to take any active part in politics, but simply perform the functions appertaining to the representative of Royalty. I see a serious danger, sir, under this bill, of the Governor of the colony and the people and Parliament of the colony coming into collision and active open hostility, which I think we should all deplore. I venture to predict that very few years will pass before we may possibly find the words I have now uttered come true, and my prediction prove a correct one. I am sorry, sir, that to a very great extent it was due to the recommendation of the Governor of the colony for the time being that this measure has been thought advisable. I am very sorry for it. I think it is very unfair that this hard and fast line should be drawn, that this *sine qua non* condition should be imposed by the Home Government, "If you want Responsible Government you must set up in your midst a Board which shall be independent of your Parliament, to look after native affairs." In theory, it may be all very well to say this will relieve the Ministry of a great deal of responsibility, but I think when it comes into practice it will be found it will result in collision between the Ministry and the Governor, and between this Board and the Government. I am sorry on this account that this bill has become a necessity—a necessity which I cannot see any way of getting over—if I saw any loophole I would get out of it, but I don't. I do not feel justified in offering any hostile opposition to the bill, as I see it would be useless; and I have only said what I have said out of the fulness of my feelings on the subject. I hope that what I have predicted may not come to pass, but I feel that in all probability it will come to pass, and that before many years are over.

MR. RICHARDSON said if he didn't object to the bill as a whole, he objected decidedly to some of it. Under clause 8 the Governor could set apart, on his own individual responsibility, any land in any part of the colony he might choose, without reference to the Ministry or to Parliament, or to anybody else, for the use and benefit of the natives. [The COMMISSIONER OF CROWN LANDS: He can do that now.] That might be so. But we were now about to enter upon a different Constitution, and under that Constitution the Ministry and Parliament of the day were to have entire control over the lands of the colony, so far as this part of the colony was concerned. Here it was proposed to give another authority supreme power to do what he liked with these lands, for the use and benefit of the native population, without reference to any Ministry or Parliament. He thought this clause at any rate would require some modification, and hedging round

with some restrictions or safeguards, when the bill went into committee.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): It will not be taken into committee this session.

MR. SHOLL: I am very pleased to see other members taking exception to what I intended taking exception to myself. According to this clause, the Governor for the time being may set apart large areas of land—there is no limit—in any part of the colony, including these Southern parts, solely for the use of the aboriginal natives. The Secretary of State, in the Constitution Bill, makes it a condition that the Crown lands north of a certain parallel of latitude shall be placed under the control of the Home Government; but South of that boundary the lands of the colony are to be placed under the control of the Legislature of the colony, or the Ministry of the day, to manage them as they think fit. But this 8th clause says that the Governor, acting alone—influenced of course by the Secretary of State in England—may set apart "any lands, being Crown lands within the meaning of the Land Regulations" now in force, for the use of the natives, and the Ministry or Parliament can't say a word. Why should the Governor be allowed to do this, with the lands that are supposed to be under the control of the Parliament of the day? The whole meaning and intention of this bill is to let people see that we in this colony are not to be trusted with the care of our natives, that, if we were, we would set no land apart for them, or do anything else for them, if we had our own way. That appears to me to be the view taken of the matter by the Secretary of State, and I am sorry to say by the Governor; for it was the Governor in the first instance who recommended that this should be done. I don't see at all why the power contained in this 8th clause should be given to the Governor, independent of the Ministry; and, unless the Government will consent to alter it, and put in the Governor in Council I shall move that this bill be read a second time this day six months. I think this bill is a slur upon the people of the colony, and I shall do all I can in opposing it, unless the words I have suggested are inserted.

MR. HORGAN said he remembered reading some extracts in a Blue Book published by the Governor in reference to the famous Gribble case, and in that Blue Book the present Governor lauded up the colonists to the highest degree for their treatment of the natives; but now the representatives of the people were asked by this same Governor to pass a bill which was tantamount to saying that they were not fit to be trusted with the care of the natives, or with the control of the land so far as to set apart any of it for the use of the natives. He fully agreed with the hon. member who had last spoken, that this bill ought to be read a second time that day six months. It was an insult to the people and to the representatives of the people. Governor Broome had brought all this trouble upon us, by his action in that Gribble case, and his conduct had been most inconsistent, one day blowing hot and another day blowing cold. If we had anybody to thank for this bill it was the Governor; and he should have great pleasure in supporting the proposal of the hon. member who had last spoken.

MR. BURT: I cannot help thinking there is a great deal of sentiment and nothing else in connection with this question. If we can get rid of the natives into other hands, and their management, so far as I am concerned if I am to take any part in political life in this colony, I shall feel very much relieved. The natives in this colony are, unfortunately, unlike the native population of any other part of the world; and, so far as this 8th clause is concerned giving power to the Governor to set apart reserves for the natives, I fear little or nothing from it. The Governor has had that right for many years—ever since the foundation of the colony, in fact—to set apart land for the benefit of the natives; but it has never been done, so far as I know. I believe there was a reserve, comprising some millions of acres once set apart for them, somewhere in the Murchison district, by a notice in the *Government Gazette*, but you cannot get the natives to use it; you cannot get them to stay on that land, and you never will, nor on any other land set apart for their use and benefit. We in this colony know that very well. Let the Secretary of State carry out his fad, if he wishes it; we know our natives won't stay on

these reserves. Let them set apart the whole colony for the natives, if they like, it won't make a bit of difference; we can use it just the same. I wish they would set apart all the runs that I hold, for the use and benefit of the natives. It is nothing but sheer sentiment. You are not going to get the natives of Western Australia to crowd together upon any particular piece of land, whether it is set apart by the Governor or by anybody else. They have been roaming about all their lives, and will roam about to the last; and you can't alter them. Therefore, I say there is nothing at all in this clause that we need be frightened about; and we need not be alarmed at such great powers being placed in the hands of the Governor, to set apart land for natives. He may set apart as much as he likes, they will never use it, and it will never interfere with the occupation of the country by the whites, in any degree. I anticipate no trouble whatever in the future with our natives, from this clause. The natives in this Southern portion of the colony, unfortunately, are rapidly dying out; in a very few years, unhappily, a black man will be unknown in these parts. I believe that in the Perth district now there are only two or three natives remaining: I remember the time when there were perhaps a hundred or more. In the Northern districts, of course, we find more natives, and there, no doubt, the Governor and this Board will be perfectly content to leave the natives as they are, in the service of the white settlers, where they are fed and cared for just as well and better than by any Aborigines Protection Board. If this Board or the Governor attempted to interfere with the present system of native labor, and to disturb the present mutually good relations which exist between the natives and the white settlers at the North, where in return for a certain amount of labor the natives are well fed and well cared for, and of some benefit to themselves and their employers —if any attempt is made by this Board to interfere with the present relations of black and white at the North, all I can say is there will be war, and the Aborigines Protection Board will be swept away. But if things continue to proceed in the same satisfactory manner as they have done for many years, I anticipate no trouble, and, for my part, I shall be content to let the Governor and the Board set apart as many reserves as they like. Therefore I hope the hon. member for this Gascoyne will not attempt to throw out this bill on that account. We must recollect, as has been pointed out by the hon. member for Sussex, that we are in this unfortunate position—we have a Constitution Bill surrounded with certain conditions which we have agreed to surrender, and one of them is the appointment of this Native Board, and I cannot see how we can go back from that tacit understanding, unless we want all our efforts to obtain a new constitution thrown away.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Sir, the principles of this bill were, in fact, adopted by the House last night, when the second reading of the Constitution Bill was carried by a majority of 13 to 9, because clause 58 of that bill makes provision for the establishment and endowment of this Board, which, as has already been explained by my hon. colleague, is simply a continuance of the Board now existing, established of our own mere motion. This little bill is simply the necessary attachment to the Constitution Bill, in order to make it perfectly clear how that Board is to work under the new Constitution, and how these matters connected with the management of the natives are to be dealt with. Hon. members when they talk about there being but few natives left seem to think that we are at present brought into contact with all the aboriginal population of the colony. I may say, sir, without fear of contradiction, that there are far more natives in this colony than we have ever seen or come in contact with; and I think it is absolutely necessary, as well in the interests of our own settlers as of the natives themselves, that provision should be made for the care and control of these natives. We know very well that in the Kimberley district, with all its potentialities of wealth, we have hardly yet come into contact with the native population in the sense of having had anything to do with the amelioration of their lot. Unfortunately, lately, some of the settlers were brought into contact with some of these natives, under circumstances that were

calamitous to the natives concerned. But the object of this bill and of that part of the Constitution Bill relating to native affairs is to provide for the future management and care of all these natives; and, in order to do that, it is necessary that reserves should be set apart for their use and benefit. We have heard a great deal about Canada and the United States of America in connection with the bill to establish a Constitution here; hon. members must be aware that when the war in that country which threatened to extirpate the Red Indians ceased, one of the first things which the Government did was to set apart reserves where those Indians could locate themselves. I maintain, sir, it is the duty of the Government of this colony to see that the aboriginal population are cared for, and that their welfare should be made one of the first objects of attention on the part of the new Government. A great deal has been said about the fatherly care (if I may so term it) of the Colonial Office in insisting upon provision being made for that under the new Constitution, but I am quite sure, however hon. members expatiate, on occasions, about this being a slur upon the colonists, and so forth, they must feel in their heart that the object in view is a good one, and that this Board should be removed from the arena of political strife and party warfare. There can be no ground whatever for suggesting that the bill should be read this day six months. The House has already affirmed the principle involved, and this bill is simply a pendant to the bill passed last night to establish a Constitution, merely dealing with matters of detail, in order to make this Board work smoothly. It is intended that the bill should be proceeded with concurrently with the Constitution Bill through all its stages; and it will be taken no further this session than the second reading.

MR. SCOTT: Sir, in principle I absolutely object to the bill. I think, whatever the Colonial Secretary may say to the contrary, it *is* a slur upon the colony to have it go forth that Western Australia of all the colonies of the group is the only one that requires some restraints placed upon it, and upon its Legislature, in the management and control of the native population. I think it has been pretty well proved that, as a rule, the natives of this colony are very well taken care of by the settlers as a body. If we come to regard exceptional instances to the contrary, in regard to occasional ill-treatment, surely we may with equal force refer to cases of exceptional ill-treatment of persons of our own race by their fellow-beings in every civilised community. Do we not every day read of horrible ill-usage of men, women, or children of our own race, in various parts of the world; and are we going to condemn or distrust a whole community simply because there are occasional instances of ill-treatment? I think it would be most unjust. Nor do I think that the machinery of this bill will prevent occasional instances of misconduct in the future. I venture to say there is not a colony of the group where the native population are better treated by the settlers than here, and where there is less need for this exceptional legislation. But we are here pledged now to the adoption of Responsible Government, and I think, if we hesitate to pass the second reading of this bill, it may, to a very great extent, endanger the speedy realisation of our desires in that respect. Therefore, I do not propose to object to the second reading of this bill. I shall not object to it for another reason: for, although we pass the second reading, in the same way as we have passed the second reading of the Constitution Bill, it is not proposed to carry the bill any further this session, and it will go to the country with the other bill. It will surprise me very much if the people of this colony will not be highly indignant, in the first place, at the action of the Governor (as my hon. colleague has put it) in "blowing hot and cold" in this matter—at one time speaking of the colonists of Western Australia as being almost an ideal people in their treatment of the native race, and, at another time, recommending the Secretary of State to take care that under Responsible Government special safeguards should be provided to protect the natives from the Legislature of the colony, and the Ministry elected by the people. With these remarks, I shall support the second reading of the bill.

SIR T. COCKBURN-CAMPBELL: Sir, I don't wish to prolong this discussion, because I think it is perfectly useless. The clause of the bill dealing

with setting apart reserves for native purposes certainly appears at variance with the provision in the Constitution Bill, giving Parliament control of the lands, in this division of the colony, and I presume it will require some amendment. But I don't think the bill contains anything that it is of sufficient importance to induce us to treat it in a way that would prolong the delay in the introduction of Responsible Government. For my own part I should not object to it—except as to some of its details—were it not for the manner in which it has been introduced. I agree with members in thinking that it was a slur to a certain extent on the people of the colony, the manner in which the Governor intimated to the Secretary of State that this bill was requisite. I do not believe that His Excellency intended it as such, but certainly it had that appearance, and still more did it appear a slur upon us when the Secretary of State admitted the necessity of it—that word "necessity," to my mind, is most galling of all. However, it is useless to prolong the question, for, no doubt, it is mainly a matter of sentiment, but a matter of sentiment we have a right to feel strongly about. I think, however, we have made up our minds to give up all active opposition to this measure. But the Colonial Secretary has not replied to the objection of the hon. member for Gascoyne, which to my mind is one of some importance,—I mean as to clause 8. Under the new Constitution the disposal of the waste lands South of a certain parallel or boundary is to be vested in the Legislature; but clause 8 says the Governor, independent of the Legislature or the Ministry, is to have power to reserve and set apart any of these lands for the use and benefit of the aboriginal inhabitants. What we would like to know is how such a provision as that is to be reconciled with the fact that the Legislature is to have absolute control over land legislation, as regards the Southern portions of the colony. Perhaps the Attorney General, who has not yet spoken, will reply to the hon. member for Gascoyne, and enlighten us how it is proposed to reconcile these apparently clashing principles.

MR. HARPER: The principle involved in the bill before us is one which I cannot see any objection to, but, when it comes to carrying it out, I think with the hon. member for Fremantle we may anticipate a great deal of danger, unless some care is taken to prevent certain outside influences to come into play. If, as I remarked last night, when speaking to the Constitution Bill, the carrying out of this Aborigines Bill is to be left in the hands of those of our own colonists appointed for that purpose, to deal with it as they think fit, and as their experience teaches them will be the best in the interests of the colony and of the natives, I do not think much harm will accrue. But if outside influences and sentimentality are to be brought to bear upon this Board or the Governor, I can see great danger of collision and failure. We all know, sir, that there is latent in human nature generally an innate feeling of hypocrisy, which occasionally comes up to the surface, and we have all heard of a certain school of philanthropists known generally as the "Exeter Hall" school; we also know that some Governors of colonies are influenced to a certain extent by the prejudices and ideas of that school. Well, sir, if it should happen that we had a Governor here of that stamp, who would try to rule this Aborigines Board in accordance with the well-intentioned no doubt but utterly impracticable sentiments of that school, I am sure that no independent-spirited man, experienced in native ways, would consent to retain his seat on the Board for a day. There, sir, I see danger lurking. Another objection I see, which may or may not be serious, is this: it would be very difficult for a member who had a seat in this House also to occupy a seat on that Board. We are told that a man cannot serve two masters, and, as this Board is to be independent of the Legislature, and of everybody but the Governor, who appoints it, it is quite possible that a man who was a member of the Board and a member of the Legislature would find it very difficult to occupy the two positions, dominated by the Governor on one hand and having his constituents behind him on the other. It might occasionally occur that the two would clash. But, if the Act is to be carried out entirely by representative colonists, independent of outside influences, I do not see that much harm is likely to arise. On the other hand, if we are going to have this

Board subjected to interference from what I may call the Exeter school, I can see dangers ahead.

CAPTAIN FAWCETT could see no difficulty at all in dealing with natives in the Southern parts of the colony, and it was only the settlers at the North who were in any way interested in this subject. There were no natives, comparatively speaking, left at the South, and, so far as the South was concerned, it would be perfectly ridiculous to have a Board at all. Whatever legislation or regulations were made with regard to the native population it couldn't affect this part of the colony. The natives were nearly all dead here, and in a few years they would be quite a scarcity, and it would be a novelty to see a blackfellow. This bill would be useless so far as the country between Albany and Champion Bay was concerned. He thought it would be a great mistake to have a lot of townspeople on this Board who knew nothing about the natives and their habits. As to having areas of land set apart for the natives, it would be perfectly ridiculous. You could no more get them to settle on one particular area than you could the flies—which he should very much like to see settle on some particular area. He really hardly knew whether to vote for or against the bill, because it had nothing to do with the settlers between Geraldton and Albany.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I must say again, I do not share the feelings of those hon. members who seem to think that their honor is attacked by this bill. It appears to me that when any attempt is made to legislate for the protection and benefit of the aborigines, some members seem to regard it as a personal affront to themselves. [SEVERAL MEMBERS: No.] I see nothing to object to in this bill. I think, myself, it is the duty of the Imperial authorities, to whom this country belongs, to look after the interests of the aboriginal inhabitants, from whom the country was taken. [Mr. SCOTT: No one disputes that.] All that is proposed now is to read the bill a second time; if there are any details that require altering, they can be altered when we go into committee. [Mr. SHOLL: But we are not going into committee—so we are told.] Not this session. With reference to this 8th clause, I think it contains a very necessary provision. I consider it very desirable that there should be reserves set apart for our natives. I don't agree with the hon. and gallant member for Murray and Williams that these natives will not stop in any one place. We have not tried them. We have not had any reserves where they could go, but allowed them to wander about our towns, drinking and getting demoralised. We have never tried to provide them with a home, where they could have food and clothing, and be cared for. I believe myself if the plan were tried it would be attended with considerable success. There is a reserve, I believe, set apart by the Aborigines Board, but the natives are not provided with any food or shelter there of any kind. I believe, myself, if an attempt were made in that direction, we might be able to do a great deal of good. We have done very little hitherto, in this way. [Mr. RICHARDSON: How much land would be required?] [Mr. MARMION: Why doesn't the Aborigines Board do it now?] Hon. members have had their say; please let me have mine. I think it must pain everyone of us to see these poor old decrepit natives, almost dead, wandering about our streets, with nowhere to go to; and I hope yet to see a home of some sort made for them. I see nothing at all objectionable in this 8th clause. [Mr. SHOLL: It is only the Governor I object to having this power. Make it the Governor in Council, and I shall have no objection.] I see no danger at all, myself. After all, as the hon. and learned member for the North pointed out, this question of setting apart reserves will never be a very important matter, with our enormous territory. Natives, we know, soon disappear before the white man. There is not much danger that the Governor, or this Board who will consist of colonists of standing and good sense, will go out of their way to set apart large reserves for the natives. If they did, I think they would only err on the right side. These natives, as the original possessors of the soil, have a claim upon us, and I don't see why we should be jealous of their having an inch of land for themselves. [Mr. SHOLL: No one is jealous, or wants to deprive them of anything they will make use of.] Why should we object to their having reserves set apart for their

own use and benefit. [Sir T. COCKBURN-CAMPBELL: The hon. gentleman does not understand the point.] No; and I hope I shall not understand it in the way it has been put forward just now—that there should be no power given to set apart a few reserves for these wretched people. I hope the House will not listen to such arguments. The Imperial Government recognise their duty and their responsibilities towards a subjected race, whom they have deprived of their territory; and I see nothing in the bill reflecting upon my feelings or my honor as a colonist in this matter. Nor can I see how hon. members can detect in this bill any attempt to cast any reflection upon the people of the colony.

MR. KEANE said it had not been his intention to say anything, for he knew little or nothing about natives himself, and it appeared to him this was a very small matter to get so excited about. All that was wanted was that clause 8 should be amended, so as to read the "Governor in Council," instead of the "Governor." Under the new Constitution the lands of the Southern division of the colony would be under the control of the Ministry of the day, or the Governor and his Executive Council, and he failed to see why the same power should not deal with the lands for the natives. If we could trust the Ministry to deal with the lands of the colony, so far as the rights of the white population were concerned, there could be no harm in allowing them to deal with the lands, so far as the rights of the blacks were concerned.

Motion agreed to.

Bill read a second time.

CIVIL SERVICE LIFE INSURANCE BILL.

Read a first time.

CHINESE IMMIGRATION.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I rise, sir, for the purpose of moving, "That, in the opinion of this Council, the existing laws for regulating Chinese immigration to this colony are sufficient, for the present." It will be in the recollection of hon. members that a few months since a Conference was held in Sydney, for the purpose of considering a question which was at that time causing considerable agitation in the colony of New South Wales, and, I may say, was of grave import at the time, so far as that colony was concerned. We were told by the Premier, Sir Henry Parkes, that when the Government of New South Wales agreed to this Conference being held in Sydney, it was after a gathering of some 40,000 people had met in that city for the purpose of putting pressure upon the Government, to place greater restrictions upon the immigration of Chinese into that colony; and, as members are aware, New South Wales passed a very stringent measure—a prohibitory measure, in fact—to prevent the further influx of Chinese population into the colony, and especially into Sydney, where their presence had become obnoxious to the colonists. I may add that I think this agitation was somewhat premature, considering that the Chinese population of the whole of the Australian colonies, including Tasmania, was not over 40,000. About one third of that number were located in New South Wales, another third in Victoria, the remainder being divided between the other colonies. In Tasmania, I believe, the number of Chinese was taken to be about 4,000, and in Western Australia the estimated number at that time was something over 400. I may say that the representative of this colony at the Conference (namely, myself) attended the Conference at the request of the Secretary of State; but the part that I took there was rather that of a watcher than of one taking any active part in the discussions and deliberations of the Conference. A bill dealing with Chinese immigration was drafted by the Conference, and it was approved of by the representatives of Queensland, New South Wales, Victoria, and South Australia; it was opposed by the representative of Tasmania, and your own representative did not vote in the matter. But although I did not vote, I engaged that a copy of the bill should be placed before the Legislature of this colony; at the same time, I informed the Conference that I was unable to state what action the Government here would be able to take in the matter. That bill, together with the papers relating thereto and the proceedings of the Conference, and the correspondence submitted to the Conference

were laid on the table of the House when the session opened, and are now in the possession of hon. members. I may say that I was invited to be a member of the committee that drafted the bill; but for the reason that I was not under instructions to take any active part in the proceedings, I declined the invitation. The bill, as hon. members who have perused it are aware, provides what amounts to a prohibition of Chinese immigration into those colonies which may adopt the bill. It states that no vessel shall enter any port in the colony carrying any Chinese on board in any larger proportion than one for every 500 tons of the tonnage of such vessel. I am not aware of any vessel trading with this colony, likely to bring Chinese into the colony, of a greater tonnage than 500 tons; so that the provisions of the bill, so far as we are concerned, would be to virtually shut the doors of the colony against the Chinese nation. We have already, as hon. members are aware, passed certain Acts dealing with this question of Chinese and Asiatic immigrants. One of these Acts provides for the registration of all persons imported into the colony or employed therein, who are natives of India, China, Africa, etc. That is the Imported Labor Registry Act, which passed this House in 1884, and received the Royal assent in the following year. The other local Act dealing with the subject is the Chinese Immigration Act, further restricting the introduction of Chinese into the colony. I may say that I informed the Conference of the exact condition of our laws with regard to Chinese immigration, and pointed out that under the Imported Labor Registry Act provision was made that no Chinese laborer could be introduced into the colony unless a contract had been previously made with him by his employer prior to his shipment, and that other restrictions were provided which in the opinion of this House at the time would afford an adequate check upon any indiscriminate influx of Chinese into the colony. I pointed out that, following upon that, it was considered desirable to provide in the Goldfields Act of 1886 still further restrictions upon Chinese immigration, that Act excluding any Asiatic alien from any goldfield proclaimed in this colony for a term of five years after the proclamation of such goldfield. I also pointed out to the Conference that, under the Chinese Immigration Act of 1885, any vessel arriving in any port of this colony carrying more than one Chinese to every 50 tons of the tonnage of such vessel, the owner of the vessel was liable upon conviction to a penalty not exceeding £100 for each passenger in excess; and, further, that a poll tax of £10 per head was leviable in respect of each Chinaman arriving by such vessel. Hon. members would thus see the state of affairs as regards the existing laws dealing with this question of Chinese immigration, and I think it will be conceded that the statutes already in force are sufficient for the purpose of effectually checking any considerable influx of Chinese into this colony. For these reasons, sir, I ask the House to affirm the resolution which I now move.

MR. PARKER hoped the Colonial Secretary would not object to an adjournment of the debate until hon. members, having heard the hon. gentleman's statement, had an opportunity of considering the matter. So far as he was at present advised, he was completely in accord with the resolution.

Debate adjourned.

YILGARN GOLDFIELDS REGULATIONS: PETITION OF CERTAIN PROSPECTORS.

MR. MARMION, in accordance with notice, moved: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to take into his consideration the Memorial of and from a number of prospectors, holders of miner's rights, and others interested in the development of the Yilgarn Goldfield, and that His Excellency will be pleased to grant the prayer of the petitioners." The hon. member said the petition contained within itself so much information on the subject that it would be quite unnecessary for him to dilate upon the prayer of the memorialists, if he thought hon. members had all perused it. But he might be allowed briefly to refer to the more salient facts set forth. The petitioners were holders of miner's rights under the provisions of the Goldfields Act, and represented a large number of prospecting parties engaged in searching for gold in the Yilgarn district. They had been granted a considerable number of protection areas,

under the regulations of the 2nd February last, and they had faithfully carried out the requirements of those regulations. They had done this at a very heavy expense —some thousands of pounds having been spent in the effort to develop these auriferous areas. The petitioners themselves estimated their expenditure at not less than £15,000—and he did not think it was over-estimated. Up to the present time this large expenditure had brought them no return, and it was felt that it was not likely to do so for some time to come, and until further expenditure had been incurred in obtaining the necessary machinery. The present outgoings of these companies amounted to about £2,000 a month, for wages, maintenance, and so forth; and, it was owing to the enterprise of these prospectors that the Government had felt justified in declaring a goldfield in this locality. When this goldfield was proclaimed, the Governor in Council issued a fresh regulation as follows: "A 'protection area' under the regulations dated the 2nd Febuary, 1888, may continue to be held under the terms of the said regulations for 50 days, but no longer, from and after the day upon which such 'protection area' shall be within the limits of a proclaimed goldfield." This fresh regulation came into force with the proclamation of the field on the 1st October—about five weeks ago, so that there only remained another fortnight during which these people could hold their present rights. The memorialists dealing with this point, said: "Your petitioners fear that—if carried into effect—this Regulation will prove oppressive and disastrous to them and to others who have spent and are continuing to spend large sums of money in prospecting the Yilgarn District, and in developing those 'protection areas' of 400 yards by 400 yards that have been granted them, under the Regulations of 2nd February, 1888, and each one of which they have held and worked, in the belief and confidence that they were entitled to continue to hold such areas, and would not be deprived of any one area, while they continued faithfully to fulfil the requirements of those Regulations, until payable gold—as defined in the Goldfield Regulations of 1st October, 1886—was found thereon." He thought there was a great deal of weight in what the petitioners said, and, from what he knew of the position of affairs, he felt certain that there was good ground for apprehending that, unless further time was given, the result in many cases would be disastrous. The 12th paragraph of the petition pointed out that if the additional regulation of the 1st October were enforced, the protection areas at present held must cease in the course of a few days, and the expected return for their large investment of capital would be lost, and that if they wished to avail themselves of the conditions now imposed they would be put to a large extra expense for rental and additional labor. This, too, as they very properly pointed out, before it could possibly be known whether payable gold would be obtained on their areas. Their argument was this—and it certainly appeared to him to carry much force: these protection areas having been granted under certain specified regulations, and the conditions of those regulations having been faithfully observed, the full rights attached to them should be allowed to continue, until payable gold (as defined under the regulations) was obtained. The petitioners were in fact in the position of people who had taken up land under such regulations as might be in force at the time being—surely it would be most unfair to these people, if other regulations happened to come into force during their tenure of the land, that they should be subject to these regulations rather than the regulations that were in force when they took up the land. In the 14th paragraph of their petition the memorialists said: "Your petitioners would further respectfully point out that—in depriving them immediately of the rights to which they have hitherto been entitled to hold such extent of protection area, and in throwing the greater portion of each such area open for selection by other persons who have not hitherto assisted, by the employment of capital or otherwise, in the development of the auriferous district, and who have been wanting in the enterprise that your petitioners and other prospectors have engaged in—such persons would acquire, without expense to themselves, the full benefit and advantage of the knowledge resulting from the work that has hitherto been done by your petitioners and others at such great cost,

and which has been done solely in the belief that the rights to such areas, acquired under the Regulations of 2nd February, 1888, would continue to the holders, always subject to the finding of gold in payable quantities, when they would have the option of retaining the whole of such areas on fulfilling the requirements of the Goldfield Regulations in that case made and provided." He was fully in accord with the petitioners there, and he thought the House would also agree that there was a great deal of force in what the petitioners said. The prayer of the memorialists was that His Excellency be asked to amend the regulation of the 1st October, by extending the limit of 50 days to six months, exclusive of such periods of exemption from working as the Warden, in his discretion, might see fit to allow, or, in the alternative, until payable gold was found within a protection area. He did not think that any great hardship would fall upon anybody if the prayer of the petition were granted. It had been said that these prospectors, and the way they were going to work, were keeping away outside capital from being invested in the development of these goldfields. He denied it. He should like to be shown where any capital from outside the colony had come towards developing these fields, or was likely to come until the success of the field was an accomplished fact. It was from the pockets of Western Australian people alone that the money required for the development of the Yilgarn goldfields must come, until the value of the fields was shown beyond any doubt. Then, possibly, we should have outside capital coming in, but not before; and every encouragement ought to be given to our own people to continue in their enterprise until they received—as he hoped some of them would—the reward they were entitled to.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had listened with very much attention to what the hon. member for Fremantle had said, and he could assure him that the Government were most anxious to promote in every way the development of these fields. He might briefly state what the Government felt they were able to do in this matter, which was this: within the area proclaimed as a goldfield, all "protection areas" that were granted prior to the proclamation of the field would be allowed to continue under the regulations affecting protection areas in localities outside a proclaimed goldfield —in other words, under the regulations in force at the time these rights were granted, without being affected by the additional regulation, and, therefore, would be allowed to run for the full term of one year from the date when they were granted. Provided that in the meantime "payable gold" was not found upon such areas; as soon as "payable gold" was found, the proclaimed goldfields regulations would apply, but, until gold was found in payable quantities, these areas would continue under the regulations applying to localities outside a proclaimed goldfield, and would be allowed to run their full term of one year from the date they were originally granted. Provided also that the labor conditions were complied with—two men upon each area; and the Warden would be instructed to insist upon these conditions being carried out, and to grant no exemptions. He thought it would be agreed that the course which the Government proposed to adopt was a liberal one, and he believed it would meet the exigencies of the case. Of course, members were aware that in some cases a good deal of the twelve months' grace had already gone by; in other cases the time had not been running so long. He did not think the proposed conditions would in any way retard the progress and development of the field, nor would they act prejudicially to the interests of any *bonâ fide* prospector. It would be observed that it was only those who complied with the labor conditions, by keeping at least two men employed, who would be entitled to this consideration; any area that was not worked under those conditions would be at once forfeited, and it would be open to anyone to apply for it.

MR. SHOLL: It is not proposed to grant any more of these protection areas, I presume?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): That will be for the Warden.

MR. MARMION: After the tenure of the present areas has expired, I presume

they will come under the regulations applying to a proclaimed goldfield?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Yes; or as soon as payable gold is found, if that should take place first.

MR. SHOLL: It is not clear to my mind yet what the Government propose to do. I understand they intend allowing the owners of those protection areas, who comply with the labor conditions, exemption for twelve months from the regulations applying to a proclaimed goldfield, unless in the meantime payable gold is found on any claim. Who is to judge of that?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): The Warden, under the Goldfields Regulations, which define when a claim shall be deemed to be payable.

MR. SHOLL: We know the present Warden at Yilgarn is not an experienced man; and, although I am one of those interested in these goldfields, I am inclined to think that it would be in the interests of the country if these Goldfields Regulations were to be carried out at once. I have visited the goldfield myself, and seen large areas of land, occupied by syndicates, upon which nothing was being done to test their real value.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): They will have to work their claims now, or forfeit them.

MR. SHOLL: That is more than many of them were doing when I was up there. I agree that every consideration should be shown to the *bonâ fide* prospector, who is spending his money in developing these fields, but I think we should not offer a bonus to mere speculators, and keep really practical and good men from the field. Many of these companies have wasted a lot of money in sending up inexperienced men, and done neither themselves nor the colony any good.

MR. PARKER: These goldfields, as proclaimed, cover a very large area of country, about a hundred miles square, and I understand that on one part of this area, a recent discovery known as "Parker's find," there is no water within less than 25 miles of the spot. Therefore it appears to me it will be absolutely impossible to work this ground, and to comply with the labor conditions, until there is a water supply. We cannot expect people to cart water a distance of 25 miles, in order to comply with the labor conditions. The Government, I presume, will bear these things in mind, when issuing any fresh regulations or instructions.

The resolution was then put and passed.

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

LEGISLATIVE COUNCIL,

Monday, 12th November, 1888.

Why Grant-in-aid refused to Church of England Elementary Day School, in Charles Street, Perth—Railway Siding at North Fremantle—Contracts for supply of Police and other Clothing—Patents Bill, 1888: first reading—James Dixon: why allowed to practise in Local and Police Courts, Bunbury—Statements by Perth correspondent of Melbourne *Argus*—Mooring Buoys, etc., for Bunbury and Vasse Message (No. 4): Assenting to Appropriation (Supplementary) Bill—Message (No. 5): Secretary of State's reply *re* proposed Loan—Leave of absence for Mr. Hensman—Church of England Trustees Bill: second reading—Harbor Trust (Albany) Bill: first reading—Roads Bill: in committee—Inquests on Infants Bill: in committee—Quarantine Bill: in committee—Adjournment.

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

PRAYERS.

CHURCH OF ENGLAND DAY SCHOOL, PERTH: WHY GRANT-IN-AID REFUSED.

MR. SCOTT, in accordance with notice, asked the Colonial Secretary the following question: Inasmuch as "The Elementary Education Act, 1871," recognises the principle of assisting Elementary Schools, and that principle has been acted on in the City of Perth, on what grounds is a grant-in-aid refused to the Church of England day School, situate at the corner of Charles and Duke Streets, dis-