

I desire to explain that I intend to ask leave to withdraw this Bill, with the intention of introducing a more suitable measure to cope with the existing difficulties; a measure which will allow the Governor from time to time, at the request of the president of the Arbitration Court, to appoint a Judge of the Supreme Court, or any person qualified to be appointed a Commissioner under the provisions of Section 12 of the Supreme Court Act 1880, as deputy president of the Arbitration Court, to act in respect of any matter or proceeding mentioned in his appointment; and that the person so appointed shall have all the rights, powers, jurisdiction, and privileges at present conferred on the president by the existing Act. I think that will remove the difficulties with which we are now confronted, and will allow of the court being properly constituted. The court will then be able to travel all over the country, and to hear cases speedily and with as little expense as possible to disputants. I may say that we are in this respect following the provisions of the New South Wales Act, which permits of appointing a deputy president. Though I think it provides that the deputy president shall be a Judge of the Supreme Court, we all know that in New South Wales more Judges are available than in this country; and we must therefore adopt the best possible means of meeting the present difficulty. A Commissioner of the Supreme Court is next in rank to a Judge.

**MR. RASON:** Will you not first move for leave to introduce this Bill, and then explain your reasons for its introduction?

**THE MINISTER:** I move: "That the Bill be withdrawn, and that leave be given to introduce another Bill."

Question passed, the Bill withdrawn, and leave given to introduce a Bill in lieu.

#### BILL NO. 2.

**THE MINISTER** farther moved that the Bill be now read a first time.

**MR. RASON:** Without notice?

**THE SPEAKER:** Yes. I have looked up the matter, and have advised the Minister that this procedure is quite in order when the first Bill has been withdrawn.

Question put and passed.

Bill read a first time.

#### ADJOURNMENT.

The House adjourned at a quarter to 10 o'clock, until the next Tuesday after noon.

### Legislative Council,

*Tuesday, 4th October, 1904.*

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**THE PRESIDENT** took the Chair at 4:30 o'clock, p.m.

#### PRAYERS.

#### PAPERS PRESENTED.

**THE MINISTER** laid on the table the following papers:—1, The Mining Act 1904—Return of exemptions granted during the year ended 30th June, 1904; 2, Aborigines Department—Report for Financial Year ending 30th June, 1904; 3, Annual Regulations for Ticket-of-leave Holders.

#### QUESTION—PERTH PUBLIC HOSPITAL

**HON. W. KINGSMILL** asked: In view of the serious congestion which must without the provision of additional accommodation, inevitably take place at an early date at the Perth Public Hospital is it the intention of the Government to at once proceed with the erection of the new wing at that institution for which plans have been for some time prepared?

**THE MINISTER FOR LANDS** replied: It is the intention of the Government to provide additional accommoda-

tion at the Perth Public Hospital. The reason of the delay which has occurred in proceeding with this work is that the lowest tender was considerably in excess of the authorisation; and an effort is being made to so amend the specification as shall enable necessary accommodation to be provided without expending a larger sum than that which Parliament has sanctioned.

**QUESTION—RAILWAY TICKET, FREMANTLE-SOUTH-WESTERN.**

HON. M. L. MOSS asked: 1, Is the Government aware that the cost of a railway ticket from Fremantle to any station east of Midland Junction and beyond East Perth, on the South-Western line, is in excess of the combined fares for two tickets Fremantle to Perth and Perth to such other stations? 2, Is it intended to perpetuate this anomaly?

THE MINISTER FOR LANDS replied: 1, Attention has just been drawn to this fact. 2, The subject will be considered and dealt with in connection with the new issue of the Coaching Rates Book.

**PAPERS—RAILWAY WORKSHOPS, ROCKY BAY.**

HON. M. L. MOSS: I move "That there be laid upon the table of the House all papers relating to the leasing of lands at Rocky Bay for carriage workshops, and to the contracts entered into by the Government with Messrs. Hudson and Ritchie for the construction of rolling-stock for the Railway Department." I understand the Minister will, subject to some slight modification, not object to the motion, and I require the papers for necessary information.

THE MINISTER FOR LANDS: I have no objection to the motion, except in so far as I am going to state. These papers are in constant use in the department, and it would be seriously inconvenient if they were to be laid on the table of this House and remain during the remainder of the session. To obviate that inconvenience, I move as an amendment that the words "shall be laid on the table" be struck out of the motion, and the following inserted in lieu:—  
"The Minister for Railways be requested

to submit for the inspection of any member." This will enable any member of this House or of another place to peruse the papers if desired.

HON. M. L. MOSS: I accept the amendment.

Question passed.

**BILLS (3), FIRST READING.**

TRAMWAYS ACT AMENDMENT, received from the Legislative Assembly.

METROPOLITAN WATERWORKS ACT AMENDMENT, received from the Legislative Assembly.

FRIENDLY SOCIETIES ACT AMENDMENT, received from the Legislative Assembly.

**INDUSTRIAL STATISTICS ACT AMENDMENT BILL.**

Read a third time, and *passed*.

**ABORIGINES PROTECTION BILL.**

**SECOND READING (MOVED).**

THE MINISTER FOR LANDS (HON. J. M. DREW): In moving the second reading of this measure, I do not intend to reflect in any way on the treatment of the aborigines of the State by the main body of settlers. I sincerely believe the natives here, on the whole, have been humanely treated; and farthermore I cannot help saying, from my experience and the investigations I have made during the course of my private profession, that I am convinced many calumnies have been circulated against the State in relation to the treatment of aborigines by white settlers. Abuses have been committed and crimes have been committed against aborigines, just as a white man will act in a barbarous manner towards another white man in the large cities of this State. But as abuses have occurred and do occur, and are likely to occur in the future, some provision must be made with the object of endeavouring to minimise those abuses. I may point out that this is no novel legislation. It is partly taken from the Aborigines Act of 1886 and partly from an Act which was passed in Queensland about seven years ago, and I think members will come to the conclusion, if the measure has given satisfaction in Queensland and has been in existence there something like seven years and no attempt has been made to interfere

with the existing legislation, that the legislation is fairly satisfactory at any rate, and there is some good reason why the Government of this State should introduce a Bill of this description. Some of the clauses of the measure may appear stringent, but I am assured it is necessary to provide for a full share of protection to the aborigines. In introducing this Bill I have a right to explain the main principles of the measure. In the first place, it is proposed that the Government should have the power to inquire as to how the subsidies received by the aborigine institutions are expended. That power does not exist at the present time. It is proposed to make a chief protector of aborigines a protector in something more than name. This Bill makes him the legal guardian of every aboriginal child. Clause 19 abolishes the indenture system, which I think every reasonable person is prepared to admit should no longer be continued. Under existing conditions in Western Australia a magistrate can indenture an aboriginal child to any person immediately that child is 21 years of age. If the measure be passed, all such indentures will be cancelled six months after the commencement of the Act. We shall thus end a system which I think has given rise to a lot of adverse criticism in the past. By Clause 20 it is proposed to provide that no aborigine shall be employed without a permit, the granting or refusal of which rests with the protector. [MEMBER: Under the age of 18.] The object is to prevent the natives being engaged by undesirable employers such as Malays and Japanese, which renders it undesirable that they should have the custodianship of these blacks. Should the protector refuse a permit, the applicant can appeal, in the first place, to the chief protector, and if he refuses, the applicant can apply to the Minister. Members will therefore see that every reasonable safeguard is thus adopted to ensure justice being done. By Clause 30 it is provided that an agreement may be cancelled at any time by the protector. The responsibility, therefore, is thrown on a permanent Government official. As in other cases, there is always the right of appeal to the chief protector, and after the chief protector to the Minister, if it is considered necessary or desirable.

DR. HACKETT: The agreement is subject to a permit?

THE MINISTER: In the first instance there must be a permit. Clause 35 provides that any child born of a half-caste or aborigine mother may be placed in an industrial home. There is no power to do this now, consequently a half-caste who possesses few of the virtues and nearly all the vices of whites, grows up to be a mischievous and very immoral subject. This Bill will tend, in a great measure, to remedy the abuse. I may say it may appear to be a cruel thing to tear away an aborigine child from its mother, but it is necessary in some cases to be cruel to be kind. I am fully convinced a reasonable amount of discretion will be used in carrying out the provisions of that clause. In cases where there is reason to believe the parentage of a half-caste child can be established an action may be taken against the alleged father to compel him to contribute to its maintenance; that is, if the child is supported in a Government institution the protector may take action against the father to endeavour to make him contribute towards the maintenance of the child. By Clause 38, any person who is found living at a native camp is brought under the law. Hitherto it has been punishable only to supply spirituous and fermented liquors to aborigines, but Clause 47 also prohibits the supply of opium to aborigines. If the measure passes, it will become an offence under the Bill to supply aborigines with opium. This clause has been found essential in Queensland, and no doubt some necessity exists for its insertion in this Bill. These are pretty well the main principles of the measure and I hope they will receive the approval of members. There is nothing of an experimental nature in the Bill. The provisions, as I have said, are taken from the Aborigines Act of 1886 and from the Queensland Act, I am given to understand. I beg to move the second reading.

On motion by the Hon. R. F. SHOLL, debate adjourned.

#### NOXIOUS WEEDS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. J. M. Drew): In moving the second

reading of this Bill, I think I may say there is ample justification for the introduction of this measure. One reason is the presence of a number of noxious weeds in the State at the present time; and secondly the possible introduction of farther weeds in the future and the necessity for efficient legislation to deal promptly and efficiently with the pest. In the third place, it is absolutely necessary to amend the present Act, which has proved cumbersome in many particulars and in some cases unworkable. There are several important differences between this Bill and the measure which was thrown out last session. In making these differences the Government have taken into consideration the wishes of the Legislative Council. Clause 10 of the old Bill gave the Minister power to recover the cost of clearing noxious weeds from private property, if the owner neglected to do so. This was objected to last session, and the proposal has been deleted from the present Bill. Clause 12 of last year's Bill provided that owners should not only clear their land of noxious weeds, but should also clear one-half of the road to which the land might abut. This provision introduced last session was strongly objected to by members of the House. The Legislative Council unanimously urged that the clearing of roads should be a charge against the local authority, whether roads board or municipality. This suggestion has been adopted in the Bill, so that members will see that we have given due consideration to suggestions thrown out by the Council—if not to every suggestion, as far as possible to the suggestions made. Clause 13 of the old Bill making moneys expended a charge on the land has been omitted, and a new clause has been inserted authorising a mortgagee to add to his mortgage debt any sums expended, contributed by or recovered from him under the Bill.

HON. M. L. MOSS: I cannot see any provision entitling a mortgagee to do anything. This provision seems to have been taken from some Act without a previous provision.

THE MINISTER: The hon. member can point that out when he speaks, and I shall be glad of any suggestions which he may make. The real bone of contention in the Bill of last session was the

liability of the Crown to clear unoccupied lands. That provision still remains. Last session the Government offered to introduce a provision that all Crown lands, being public reserves for stock routes or camping grounds, and all railway reserves, should from time to time be cleared. This did not satisfy the Council, but the Government were not prepared to do more, and the Bill was abandoned. In the present Bill, however, the Government may clear infested lands. [MEMBER: Shall.] I fail to see how we can say "shall" to the Crown.

DR. HACKETT: In a case like this?

THE MINISTER: The Government may clear infested lands adjacent to freehold or leasehold land, where it is absolutely necessary that clearing must be done; but no one can expect the Government to clear lands, say, 300 miles from any settlement. There is no clause compelling the Government to clear any land. From what I know in connection with the matter, I am quite positive the Government intend expending a large sum of money in clearing Crown lands of noxious weeds, where it is found to be absolutely necessary. Last session several members referred to poison lands as coming under a previous Bill; but the matter has been decided, and it is the opinion of the law advisers of the Crown that many poison weeds do not come under the head of "noxious weeds." I shall be prepared to hear the Bill fully discussed, and I hope it will receive early consideration. Our only desire is that a perfect measure shall be placed on the statute book, and that it shall receive fair criticism from hon. members. I move that the Bill be now read a second time.

[A pause ensued.]

Question put and passed.

Bill read a second time.

Ordered, That the Bill be considered in Committee this day week.

ADDRESS-IN-REPLY, PRESENTATION.

THE PRESIDENT invited the opinion of members as to the presentation of the Address-in-reply to His Excellency the Governor, now that he had returned to Perth.

Resolved, That the President do present the Address to his Excellency on behalf of the House.

## ADJOURNMENT.

On motion by the MINISTER, resolved that the House at its rising do adjourn until this day week.

The House adjourned accordingly at 5·5 o'clock, until the next Tuesday.

**Legislative Assembly,***Tuesday, 4th October, 1904.*

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THE SPEAKER took the Chair at 3·30 o'clock, p.m.

## PRAYERS.

## RESIGNATION, EAST PERTH.

THE SPEAKER informed the House that he had received the resignation of Mr. Walter James, the member for East Perth.

THE PREMIER (Hon. H. Daglish): In pursuance of this resignation, I have to move that the seat for East Perth be declared vacant; and in doing so I may express my sense of regret at the fact that the House is losing the services of the member for East Perth (Mr. Walter James), who I venture to say during the whole time of his service to the State has been an ornament to the House by reason of his great usefulness in that service when sitting on either side of the House. I think that on this occasion, however, the loss the House will sustain will be more than compensated by the gain the State will get in the transfer-

ence of the hon. member's services to London, where he can exhibit that remarkable ability and that intense persuasiveness which characterise all his public utterances. While feeling assured that the hon. member will render greater services there than could at the present moment be rendered by him here, I have at the same time to express my sense of regret in knowing that the House will lose for the time being his services; and I trust that the loss will be only temporary, and that we shall regain the services of the hon. member here when his time of office as Agent General expires.

MR. C. H. RASON: I second the motion.

Question passed, and the seat declared vacant.

## QUESTION—LAND SURVEYS, ARREARS.

MR. HOPKINS asked the Premier: What were the total arrears in each division of the Survey and Drafting Branches of the Lands Department on the 31st day of August last?

THE PREMIER replied: On the 31st of August the arrears in the Survey Branch of the Department were: Surveys—Roads to be marked, about 356 miles; Town lots to be marked, 460; Locations to be marked, 2,300; also a considerable amount of general surveys that it is difficult to particularise. Chief Draftsman's Division—20-scale compilation plans, 22; 20-scale to duplicate plans, 182; Standard plans, 80 and 300 scale, 13; Public plans for head office, 14; Land agents' plans, 28; Diagrams to chart on 20-scale compilations, 2,871; Diagrams to chart on standard and working plans, 99. Inspector of Plans Division—Surveyors' diagrams to be passed, 1,084; Original plans to be passed, 101; Instructions for surveyors to be issued, 146. Deeds Division—Crown grants to be prepared, 64; Conditional purchase leases to be prepared, 4,520; Pastoral leases to be prepared, 1,150.

## QUESTION—RAILWAY SPARK ARRESTERS.

MR. HORAN asked the Minister for Railways: 1, How many locomotives on the Government Railways have been