amendment. Consideration of the amendment might be postponed for some time.

[11·5 o'clock.]

THE PREMIER: A great deal of time had been wasted right through the sitting. He had no wish to force the clause through to-night or to a division, but the hon. member was unfair and unjust, and if the Standing Orders would allow him to say so, most untruthful in his attacks on the Government. The hon. member accused the Government of carrying on the sitting to an undue length. It was within the knowledge of members that the present hour was far earlier than that at which adjournments were asked for in previous sessions.

MR. HOPKINS: Not at such an early period of the session.

THE PREMIER: At this early period of the session many times the House had sat until 11 o'clock or half-past 11, and even later. Considering that only two clauses of the measure had been passed, it was not unreasonable that we should go on until at least a quarter past 11 o'clock. He was quite willing that progress should be reported at the hour named. At the same time if members insisted on delivering speeches like that which members had just listened to, he was quite prepared to go on for a longer period. He was anxious to see the business of the country carried on in a dignified and proper fashion. He did not wish to ask members to sit for undue hours; he had never made such a request to the House; but the Government asked that a reasonable amount of work should be done each day, and the Government fairly expected the support of members on both sides in that respect. He trusted at this early stage of the session there would be no desire on the part of members to prevent the Government from carrying out useful work. He had made no accusation in that direction, and he wished to make none, but at the same time he would have no hesitation, if speeches like that of the member for Boulder were repeated, in making that accusation, and at the same time insisting, if he had the power to do so, on devoting a longer time to the consideration of measures. Reasonable speeches, touching on the matter involved, should be made by members.

MR. NANSON: There was no desire on the Opposition side to indulge in what might be called stonewalling. The member for Boulder no doubt felt strongly on his proposal, and that might have induced him to speak at greater length than usual in regard to it. There was a good deal to be said as to the remarks of the Premier that nothing should be added to the present Bill, but that another Bill should be brought in later on to amend the Arbitration Act in farther particulars. If the Premier holding that opinion consented to report progress at this stage, it would give the member for Boulder, and other members who thought with him, an opportunity of more maturely considering the proposal. There was something to be said for the proposal of the Premier, as all sections wanted to get this amendment of the Arbitration Act passed as quickly as possible, so that any congestion of work in the Arbitration Court should be prevented in future.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 12 minutes past 11 o'clock, until the next afternoon.

# Legislative Council.

*Wednesday, 12th October, 1904.*



The PRESIDENT took the Chair at 4·30 o'clock p.m.

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Report of Public Works Department 1903.

BILLS (2), THIRD READING.

Metropolitan Waterworks Act Amendment, *passed.*

Tramways Act Amendment, *passed.*

MOTION—BREAD ACT PENALTIES, HOW PAYABLE.

Debate resumed from the previous day, on motion by the HON. M. L. MOSS affirming that penalties recovered under the Act be paid to the municipality concerned.

THE MINISTER FOR LANDS (Hon. J. M. Drew): There was no objection on the part of the Government to the proposal of the hon. member. The fines should be paid to the municipalities which undertook the carrying out of prosecutions under the Act. It was the intention of the Government during this session to make an amendment of the Municipal Institutions Act, and an amending Bill was now before another place. In it provision would be made in the direction indicated by the motion.

HON. M. L. MOSS (in reply as mover): The announcement just made was satisfactory to this extent, that apparently legislation was promised for the future. But what he asked the House to do in the motion was to assist him in carrying it as a direction to the Government that the penalties recovered under this Act from the commencement of the financial year, July 1, should be paid to the municipalities which undertook the carrying out of the Act. Expenses had been incurred in prosecutions, and the penalties recovered thereby were justly due to the municipalities concerned.

Question put and passed.

NOXIOUS WEEDS BILL.

IN COMMITTEE.

THE MINISTER FOR LANDS in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

SIR E. H. WITTENOOM: With regard to the definition of "owner," did it include a mortgagee?

THE MINISTER: If there was uncertainty on the point, the clause might be postponed.

HON. M. L. MOSS: It would include the mortgagee if he had entered into possession of the land.

SIR E. H. WITTENOOM: As soon as the mortgage was paid off the land would revert to the mortgagor, so that the mortgagee could not be called the owner. This was an important matter, and a definition was necessary.

HON. G. RANDELL: When the same question was before the House previously, he remembered distinctly that an opinion was expressed that as a last resort the mortgagee would have to pay the charges incurred in carrying out the Act. This Bill appeared to give power to recover from him in the last resort.

THE MINISTER: It seemed to be clear that the person who was registered in the Titles Offices as owner should be made liable under the Bill for any charges necessary in clearing the land of noxious weeds.

HON. W. KINGSMILL: If the mortgagee were registered, the liability for expenses in clearing the land would fall on him, and not as a last resort.

SIR E. H. WITTENOOM: The Bill provided that the person who received the rent should pay any charges for clearing; but the mortgagee might not be receiving the rent.

HON. C. SOMMERS: The difficulty was not important, because the mortgagee could recover such expense from the mortgagor.

SIR E. H. WITTENOOM: Would the mortgagee be considered the owner, under this definition?

THE MINISTER: Certainly, if he was entitled to receive rents or was registered as owner.

HON. M. L. MOSS: This would throw on mortgagees of land a responsibility of which some members might not approve. All would be well if the definition of "owner" ended with "licensee of land," in line 4; otherwise every mortgagee entering on land might incur serious liabilities. This was a poor recompense to a mortgagee who might not be able to get either principal or interest; and it would prevent the lending of money on the security of land bearing noxious weeds.

THE MINISTER: The mortgagee must be included in the definition, else the owner could mortgage his land to the hilt, leave the State, and the Government could not secure the eradication of weeds.

SIR E. H. WITTENOOM: Then the Minister admitted that "mortgagee" was included in "owner"?

THE MINISTER: Yes.

Clause put and passed.

Clause 4—Minister may declare plants to be noxious weeds:

HON. W. MALEY: This would entail much useless expense on the State. Any plant might be declared a noxious weed, and such declaration varied from time to time or was revoked. One Minister might wisely select half-a-dozen weeds for eradication, and his successor might vary the *Gazette* notice so that the expenses entailed by the first declaration would be wasted. The old system of specifying noxious weeds in a schedule to the Bill was preferable. Dr. Jameson, when Minister for Lands, predicted the eradication of stinkwort; but all knew there was as much stinkwort now as ever.

HON. G. RANDELL: Section 4 of the parent Act provided that the Government might, on the recommendation of a municipal council, roads board, or the advisory board to the Department of Agriculture, gazette any plant as a noxious weed, and might revoke such declaration. This clause deprived the Minister of valuable advice; though it was necessary that he should have the expert advice of disinterested parties. This Bill, like others now before Parliament, sought to supersede popular control, and substitute the autocratic will of the Minister for the time being. A short schedule should be added.

THE MINISTER: Some discretion should be given to the Minister, else the Act must be repeatedly amended.

DR. HACKETT: There was always a provision permitting the schedule to be varied.

THE MINISTER: The power was not likely to be exercised by the Minister without first consulting the advisory board.

HON. C. SOMMERS: The insertion of a schedule would be of little assistance. Some delay might arise in getting necessary authority to deal with new weeds. The clause might be amended by substituting the words of the corresponding section in the existing Act.

HON. E. M. CLARKE: The Bill must have some such clause. Formerly the Government could declare certain weeds noxious. One of these was stinkwort, and the Government recognised that its eradication was impossible; and as they were the greatest transgressors in respect of noxious weeds, stinkwort would not find a place in the schedule. Throughout the South-West, the thorn apple or prickly pear would be found on all unoccupied Crown lands. Its seeds were washed down every creek; and it could not be eradicated save at enormous cost. Within the last two or three years, the weed known as Guildford grass had extended along the railways and roads from Guildford into Bunbury. The Bathurst burr was the only weed that should be scheduled. Do not trouble about weeds that already existed here; for nothing short of a fortune or two would suffice to eradicate them. The Government should have power to declare noxious any weed imported after the Bill passed. He supported the clause, as arbitrary Ministerial action was not likely to be taken.

SIR E. H. WITTENOOM sympathised with the Minister who would have to administer the clause. Great difference of opinion existed in certain districts as to whether various weeds were noxious. Some agriculturists thought the Spanish radish absolutely useless; some stock-owners maintained it was excellent sheep feed. How would the Minister act? In the Geraldton district the weed known as lupin, a cultivated flower gone wild, flourished extensively. Until last year he (Sir Edward Witteooom) was under the impression that the weed was fatal to all neighbouring vegetation; but he then learned that it was a most fattening food for sheep and horses, and was often eaten when green. This was another knotty point for the Minister to decide. The Minister for Lands would have to take great care in describing the noxious weeds, and if the Bill became law a distinct duty would be cast upon the Minister to find out the noxious weeds and have them eradicated. If the Government saw that people were trying to clear their land of noxious weeds, then no efforts should be spared by the

Government to clear Crown lands of noxious weeds.

HON. C. A. PIESSE: The clause should not pass. If there was any need for the Bill, the Government should know what weeds existed in the State to-day, and should name them in the Bill; then the public would know what was being done. Many of the clauses were taken from the New Zealand Act. He (Mr. Piesse) had seen the New Zealand Act in operation; but in New Zealand the Government did not attempt to entirely eradicate the weeds. They were not so foolish as that, but they had the weeds cut down just before the seed matured. The New Zealand Government asked the settlers to do their best so that the weeds should not spread. It was the duty of the Government to name the noxious weeds in the Bill, for we might have a Minister to-day who knew something about the matter, but another Minister might come into power to-morrow who knew nothing about it. He was not inclined to give the power which the clause provided.

HON. E. McLARTY: It was difficult indeed for the Government to name the noxious weeds. He could not name them himself. What in some districts were considered noxious weeds were in other districts regarded as good feed. Lupin was excellent feed for sheep, and the Spanish radish was good feed for pigs. If paddocks were stocked heavily with sheep, almost any weed could be eradicted. On his land the greatest pest was a bulb, which neighbours had planted, and it had now taken possession of the land. He believed it was poisonous to stock, for animals would not eat it unless very hungry. The bulb was a cultivated plant which some people had prized in the past. There was not much in the Bill, and he would rather see it knocked out altogether. Settlers should be allowed to protect themselves. The Bill would become a dead letter.

HON. J. W. HACKETT: The Government were entitled to some credit and gratitude for endeavouring to deal with the question, although they were only carrying out the action of the past Government in introducing the measure. He agreed with some members that the Bill was likely to become a dead letter. Had the Minister any objection to insert the words, which were in the old Bill, "under the direction of the advisory board of the Department of Agriculture." That board was brought into existence for taking cognisance of such questions as this. Let members be sure the Minister was taking advice of some kind. One did not care where the advice came from so long as it was competent, and the advisory board of the Department of Agriculture was competent. He moved an amendment:

That in line 1, between the words "time" and "by," the following be inserted: "On the recommendation of the advisory board of the Department of Agriculture."

The clause might work a serious evil, for it would be in the power of a Minister to ruin settlers in the South-West Province by declaring sorrel a noxious weed. Everybody knew what sorrel was, and if the settlers were instructed to eradicate it they would become ruined.

THE MINISTER: There was no objection to the amendment. No doubt the advisory board would have been consulted in any case by the Minister.

Amendment passed, and the clause as amended agreed to.

Clause 5—agreed to.

Clause 6—Inspector may enter upon land:

HON. J. W. HACKETT: Some words had been left out, according to the Bill which was introduced last session. Ought not an inspector to give notice before he entered upon land of which he had received information that it was unclean?

THE MINISTER: There was no reason why the inspector should give notice to the owner, for he was entering as an official.

HON. J. W. HACKETT: No doubt the inspector would give notice.

HON. C. SOMMERS: An inspector might be hampered if he had to give notice.

Clause passed.

Clause 7—Notice to be served:

HON. G. RANDELL moved an amendment:

That in line 2 between "may" and "by" the words "with the approval of the Minister" be inserted.

He had no very great confidence in the experts as inspectors, and it was very true that in many cases the inspectors might use their power inadvisedly. We should protect owners. As Mr. Clarke

had pointed out, there had been some weeds in this State for 40 years and they had not been eradicated. These weeds were not seeding all the time, and there was plenty of opportunity to get the approval of the Minister, and not take the drastic steps provided for in the clause.

Hon. E. M. CLARKE supported the amendment. In some respects the inspectors were like doctors, for they frequently differed. There was this exception that doctors knew a great deal about their profession, while in some cases the inspectors were absolutely incapable. A settler in the South-West sent a consignment of fruit to Perth to three different persons, and the department seized two cases of the fruit. What was done with them no one knew, but the cases were destroyed on account of having the fruit fly in the fruit. The owner of the property was served with a notice and an inspector searched his orchard for fruit fly. The inspector and the owner looked over the orchard very carefully but failed to find any fruit fly. There were hundreds of cases of fruit lying about, and the inspector selected two cases but failed to find any fruit fly amongst the fruit. There could be no greater injury to a fruitgrower than for it to get abroad that his orchard was infected with the fruit fly. Such arbitrary powers should not be placed in the hands of a person incompetent. He gave this as an illustration. An officer in Perth found the fruit fly, or thought he did. A telegram was sent to a man in a district away down south to inspect a certain orchard, and that man found there was nothing of the sort, and said so. A case like that was calculated to do a person a considerable amount of harm. In regard to this measure, the least that could be done was to serve notice, so that one could see if there were noxious weeds in existence.

Hon. W. MALEY: The amendment would be supported by him because he considered that before a notice was served on an occupier or owner, that notice should receive the hall-mark of the Lands Department. Otherwise mistakes would, he thought, be frequently made; because, as we all knew, land was frequently changing hands, and the inspector was not to know who were the owners.

The MINISTER: If this amendment were passed it would make the Bill just as cumbersome as the old Act, which had been found to be practically unworkable owing to this condition. There would be a lot of red tape, and the damage would be done in the meantime.

Hon. J. A. THOMSON could not see the utility of the amendment. There was no evidence that an inspector would be incapable. The Minister would have to be guided, after all, by the reports sent by the inspector, unless called upon to inspect properties himself, in which case the duties of the Minister would be taken up in works of detail, which it would be impossible for him to carry out.

Hon. W. KINGSMILL could not see any great value in the amendment, because, presumably, the Minister in all cases would be absolutely guided by the inspector, who was his technical adviser. At the same time, one would like to enter a respectful protest on behalf of these unfortunate inspectors. There appeared to be a tendency in this House to look upon an inspector as being more or less not a harmless but a harmful lunatic. In regard to the Factories Act, inspectors were spoken of as being the most overbearing and tyrannical persons, and in this case, too, they were supposed to work wholly to the detriment of the individual, instead of, as they very likely would, for his interests as well as for the interests of the State.

Sir E. H. WITTENOOM did not see how any inspector could act arbitrarily under the circumstances. It was not as if he had to declare what were noxious weeds. Noxious weeds were already gazetted, and if the inspector saw a noxious weed, as declared, growing on land, it was his duty to get rid of it. How could the Minister find out whether the state of affairs was truly described?

Hon. F. M. STONE: Apparently either Clause 7 or Clause 8 should contain some provision for the better protection of the owner of property. Under Clause 7 if an inspector found a noxious weed, he would give notice to clear it, and under Clause 8 if the owner neglected to clear the land in accordance with that notice, he would be liable to a penalty of £50. There was no inquiry before a magistrate or any other tribunal to show whether or not the weed was a

noxious one. There might be certain noxious weeds gazetted, but one ought to go farther and show that the inspector was right in saying that a particular plant was a noxious weed under the Act. An inspector went into a garden in Perth and gave notice to the owner that he was to spray a certain fig tree, but it turned out that the tree was really a castor-oil tree. Take another case of the arbitrary manner in which an inspector acted. Inspectors went to a certain garden in the hills and said "You must clear off all the oranges, ripe and green." The man said he would not do so, and they went into his garden and stripped his trees of every orange, the reason they gave being, "The fruit fly is in this district, and we are going to strip every orange tree of fruit, so as to starve the fruit fly out." Luckily these persons had a little money and they went into court, and the board, or whoever it was, had to pay for it. He (Hon. F. M. Stone) was not in favour of the inclusion of the word "Minister," but it was advisable that some provision should be made. He suggested that Clause 7 be left as it stood, and that Clause 8 should be amended in the way he had indicated, so that proof of the existence of the weed would have to be given.

THE MINISTER failed to see that any amendment was required. In the first place the inspector must prove that the weeds were noxious weeds, and in the second place that notice was given to the owner. Then it rested with the justices to decide.

Amendment put and negatived.

HON. W. PATRICK: Sometimes notices had been served, and the time specified was only three or four days. The clause ought to specify that so many days' notice should be given. In the Eastern States it was usual to allow 21 days. He moved an amendment:

That the words "and the time so specified shall not be less than 21 days," be inserted after "notice," in line 4.

THE MINISTER: The amendment was inadvisable. The time required for clearing depended upon the area of the land and the degree of infestation. It might be wise to allow a man with half an acre no more than a week for clearing, and the man with a thousand acres perhaps two months.

Amendment put and negatived.

HON. J. W. LANGSFORD moved an amendment:

That the words "in the case of sheep or cattle stations," in line 6, be struck out.

It would improve the clause if in all cases where noxious weeds were found the inspector should indicate the portion of the land where the weeds were growing.

THE MINISTER: There was no objection to the amendment.

Amendment passed, and the clause as amended agreed to.

Clause 8—Penalty for neglect to clear after notice:

HON. F. STONE moved an amendment:

That the words "of any noxious weeds" be inserted after "land," in line 1.

THE MINISTER: There was no necessity for the amendment.

HON. C. A. PIESSE: The amendment would prevent any error occurring, and would provide an extra safeguard to the landowner, because the inspector might make a mistake.

HON. W. KINGSMILL: The schedule specified that the notice sent out must describe the weed.

HON. C. A. PIESSE: At the same time we would prevent the responsibility of proving a weed was not a noxious weed falling on the occupier.

HON. C. SOMMERS: The amendment was useful because it would assist a justice of the peace in his interpretation of the Act.

HON. W. KINGSMILL: The words were redundant. The occupier was required to clear land in accordance with a certain notice, and that notice must specify the particular noxious weeds to be cleared. In all cases the justice of the peace would insist on the production of the notice and a specimen of the weed for identification to determine whether it was noxious.

Amendment put and negatived.

HON. E. M. CLARKE moved an amendment:

That the words "and not less than five pounds," in line 3, be struck out.

HON. C. A. PIESSE supported the amendment. We would in most cases be dealing with large areas, and owners would do their best to eradicate weeds;

but notwithstanding all their efforts, they might not succeed, and in the event of a prosecution the justice of the peace would have to inflict a fine of not less than £5.

Hon. J. A. THOMSON: The clause also provided that a justice of the peace might suspend proceedings for the recovery of any penalty inflicted for three months on being satisfied that the defendant was using reasonable exertions to clear the land.

Amendment put and passed.

Hon. C. A. PIESSE moved an amendment:

That the words "not exceeding three months," in line 6, be struck out.

It should be left to the discretion of justices as to what period should be allowed. A man with a large area could not clear his land in three months.

Hon. W. KINGSMILL: The period of three months only provided for the collection of the penalty.

The MINISTER: The clause was very liberal; and no power should be given to the justices to extend the time in which the penalty should be paid.

Hon. G. RANDELL: The old Act had a similar clause, but no time limit was specified for the collection of the penalty. As we were dealing with unknown quantities of land the justices should be given discretion.

Hon. W. KINGSMILL: The mover of the amendment was under several misapprehensions. The three months were not a final limit of time in which noxious weeds must be eradicated. The clause gave power to extend the time specified by three additional months, and this was very reasonable.

Hon. C. A. PIESSE: The question hinged on what was meant by "neglect." Would it be neglect in the case of a man who had made reasonable efforts to clear his land of noxious weeds? If neglect applied in such a case, the word should be struck out. The justices should be able to fix the limit of time.

Hon. W. T. LOTON: To strike out the words would hardly achieve the object of the mover. The extension of time was only to stay proceedings for recovery of penalty. The clause did not give farther time for clearing the land than that fixed in the original notice, but only farther time for recovering the penalty.

Hon. M. L. Moss: He would still be liable.

Hon. W. T. LOTON: What the mover wanted was that, so long as the justices were satisfied that reasonable efforts were being made to clear the land, they should have power to grant extension of time when the time mentioned in the original notice appeared to them not sufficient.

Hon. W. MALEY: The original three months and the 21 days added would not be sufficient time for clearing noxious weeds in all cases. Stinkwort, for instance, flowered in January, and the only time at which it could be destroyed effectively would be in the ploughing season of September or October. If extension of time could be granted at the option of justices, they would have power to extend according to circumstances; therefore the amendment should be agreed to.

Hon. M. L. MOSS: This appeared to be a lot of trouble over a very little matter. Referring back to Clause 7, the inspector should be credited with reasonable intelligence; and having given in his notice what he considered fair time for clearing the noxious weeds, if he found the work was not completed within the time, it was not likely he would lay an information straight away unless convinced that no effort was being made. The first paragraph in Clause 8 meant that the justices had power to suspend proceedings for three months for recovery of penalty if satisfied that the owner was making reasonable efforts to clear the land of noxious weeds. The second paragraph was similar to that in a statute dealing with public nuisances; for in that case power was given to suspend proceedings for a period, as was provided in this clause. The justices, under this clause, would have power to give an owner three months more if satisfied that, although he had broken the law, he was then making reasonable efforts to clear his land of noxious weeds. In addition to this provision, there was always the ordinary prerogative of the Crown to remit any fine in a case of arbitrary treatment. Therefore the clause should be passed as printed.

Hon. G. RANDELL: No reason was apparent why the provision in the original Act was departed from in this matter. The words in the Act were, "has used and is using reasonable exertion to destroy

such weeds." That was a reasonable provision; and if the present amendment were withdrawn, he would move that the second paragraph of the clause be struck out, and the words he had read be inserted as in the original Act.

Amendment by leave withdrawn.

HON. G. RANDELL moved an amendment that the following words as in the original Act be inserted in lieu of the second paragraph in the clause:

Provided that it shall be lawful for such justices to suspend any conviction upon being satisfied that the person so receiving such notice has used and is using reasonable exertions to destroy such weed.

THE MINISTER: This would not help the owner of land having noxious weeds on it, because if he had used and was using reasonable efforts to clear the land, he should not be convicted at all.

HON. J. W. HACKETT: The provision in the Bill would suspend all proceedings for three months. The provision in the amendment would suspend a conviction.

SIR E. H. WITTENOOM: If the justices suspended proceedings for the recovery of "such penalty," was that a penalty imposed by them, or the penalty of £50 mentioned in the preceding subclause?

HON. M. L. MOSS: Certain evidence was taken, and the justices, if satisfied that the offender was doing what was reasonably necessary, might suspend the proceedings for three months, as well as suspending the penalty to which the offender was liable for noncompliance with the inspector's notice. The proceedings should be quashed rather than suspended.

On motion by the MINISTER, progress reported and leave given to sit again.

## BILLS (2), FIRST READING.

MINES REGULATION ACT AMENDMENT, received from the Legislative Assembly.

INSPECTION OF MACHINERY, received from the Legislative Assembly.

## FRIENDLY SOCIETIES ACT AMENDMENT BILL.

### IN COMMITTEE.

Resumed from the previous day; the MINISTER in charge of the Bill.

Clause 2—Amendment of 58 Vict., No. 23, Sec. 7:

HON. W. KINGSMILL moved an amendment:

That the words "twenty-five," in line 4 of Subclause 2, be struck out, and "one hundred" inserted in lieu.

As the Bill was constructed on the lines of the Imperial Act, the clause should follow that Act more closely. It could not be the intention of the Government to restrict the registration of future societies which might wish to pay a sum exceeding £25 on the death of a member or for his funeral expenses. The English Act permitted a provision not exceeding £200. The Minister said that in this State a regulation prohibited the registration of any society which paid more than £25; but that regulation could be altered without parliamentary authority.

THE MINISTER opposed the amendment. The restriction of £25 for a member and £15 for his wife was made purely at the instance of the registrar. This matter was of no personal concern to the Government. Since 1895 a regulation was in force that no society should register whose funeral provision exceeded £25; and the clause sought to confirm that regulation, which had worked well. No society with a funeral benefit in excess of the sum mentioned had yet applied to be registered. The limitation of the benefit meant a limitation of the contributions; and thus the benefits were within the reach of almost every person in the community. Should need arise, societies wishing to increase the amount payable could establish two or more funds. Already the Druids had two funds. But if a substantial increase were needed, why not patronise life assurance companies? Two years ago the hon. member (Mr. Kingsmill) approved of a similar clause brought in by the James Government; and this clause had already received the assent of the House in January, 1902. It was impossible, from present contributions, to provide a fund which would enable £200 to be paid. Any increase in the present customary funeral benefit of £25 would necessitate a corresponding increase in the weekly payments; and the registrar must be satisfied that the payments were sufficient to secure solvency. This Act was based on the Victorian Act; and the Victorian Royal

Commission of 1877 reported that the limits then adopted by friendly societies should be expressly fixed by law; that no registered society should be allowed to engage in any operations connected with life assurance; that the organisation of such societies was wholly unfitted for safely conducting such business, the object of which was totally different from that for which the societies were founded; that the medical examination of the societies was by no means so strict as that for life assurance; that the £20 payable at death was not an insurance on life; and that the business of life assurance required special organisation. The usual funeral benefit in English friendly societies was from £7 to £12 on the death of a member, and the payment of £200 was by way of life assurance. In this State the payment was for burial expenses.

HON. W. KINGSMILL: Why the words "at death"?

THE MINISTER: If a member were drowned at sea, there would be no funeral expenses; therefore it was considered advisable to make provision that £25 should be paid to the widow or executors. If the amount were fixed at £200, friendly societies would become like life assurance societies and might be brought under the Act which provided that insurance societies should lodge with the Government £10,000.

HON. W. KINGSMILL: It was not compulsory, if the amount payable at death was fixed at £100, that such amount should be paid for funeral expenses. The question seemed, after the explanation of the Minister, fairly satisfactory, but the arguments were not at all convincing, because they did not bear on the point at issue. The Government seemed to think that when a friendly society contracted to pay a sum more than £25 at death or for funeral expenses the society became an insurance company. In his (Mr. Kingsmill's) opinion if friendly societies paid a sum at death or for funeral expenses of £100, that was a fair amount, and beyond that it was not desirable to go. If people wished to secure benefits farther than £100 they should insure their lives. If societies had worked so well under the present regulations, what was the necessity of embodying this provision in the Bill? The sum of £100 was not excessive, and would not unduly interfere with the vested rights and interests of insurance companies.

HON. M. L. MOSS: Instead of condemning the benefits of friendly societies, the Legislature should offer inducements to widen their scope. Mr. Randell, in speaking the other day, said the desire was to cut down as far as possible the amount expended in burial fees; but the £25 was not to be entirely applied to funeral expenses. In its nature it was an insurance fund, partly with the object of defraying burial costs and to provide the widow with a few pounds. The whole question was purely one of contribution. Section 9 of the Friendly Societies Act of 1894 stated that no society should be entitled to registry unless the tables of contributions certified by the registrar or by some actuary, approved by the Governor-in-Council, who had exercised the profession of actuary for at least five years, be lodged with the registrar with the application for registry. The Minister had stated that the object was to keep the institutions solvent. The fixing of the amount at £25 or £50 or £100 was simply a matter of regulating the contributions and making the monthly or weekly contributions sufficiently high to ensure that the societies could carry on in a proper way. It should not be necessary to restrict societies to the amount of £25. The reason which induced him to support the proposal of Mr. Kingsmill was that the amount of £25 was paid out to the representatives of the deceased member without any will, or putting the family to the cost of obtaining probate. There was a form which had been settled by the Registrar of Friendly Societies enabling a member to nominate during his lifetime a person to whom the amount could be paid at death. It seemed an exceedingly good thing that the money should be given to the representatives of the deceased without any reduction for legacy duty or the cost of obtaining probate. The duty of Parliament was to assist these societies, providing the contribution was high enough to ensure the payment of the amount. He preferred to follow the lines of the Imperial legislation rather than that of Victoria.

HON. J. W. LANGSFORD agreed to a large extent with the Minister. If

friendly societies were allowed to pay £100 at death, the funds from which the amounts were derived might become large and might require a board of directors and staff of officers to administer them. At present this did not obtain, nearly all the work being done voluntarily. If we raised the status of friendly societies to that of life assurance societies, then the institutions would have to submit acturial reports to the Government annually and would have to make a deposit of £10,000 before they could start business in Western Australia. Friendly societies had nothing to pay before commencing business. Some of the friendly societies had branches in the other States, and these societies were intended for persons of small means. The provision of £25 was a fair sum. He opposed the amendment.

HON. M. L. MOSS: Friendly societies must invest all their money locally.

Amendment put, and a division taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 11 |
| Noes | ... | ... | 5 |
| Majority for | ... | ... | 6 |

| AYES. | NOES. |
|---|---|
| Hon. E. M. Clarke | Hon. J. M. Drew |
| Hon. J. W. Hackett | Hon. G. Randell |
| Hon. W. Kingsmill | Hon. C. Sommers |
| Hon. R. Laurie | Hon. J. A. Thomson |
| Hon. W. T. Loton | Hon. J. W. Langsford *(Teller).* |
| Hon. E. McLarty | |
| Hon. M. L. Moss | |
| Hon. F. M. Stone | |
| Hon. Sir E. Wittenoom | |
| Hon. J. W. Wright | |
| Hon. Wm. Patrick *(Teller).* | |

Amendment thus passed.

At. 6·35, the CHAIRMAN left the Chair.
At. 7·30, Chair resumed.

HON. W. KINGSMILL moved a farther amendment, that in the last line of Subclause 2 the word "fifteen" be struck out, and "fifty" inserted in lieu, to read "fifty pounds." This amendment was almost consequential, and he hoped it would be accepted by the Minister.

Amendment passed, and the clause as amended agreed to.

Clauses 3, 4, 5—agreed to.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

[The ACTING PRESIDENT took the Chair, in the unavoidable absence of the President.]

## ABORIGINES PROTECTION BILL.

### SECOND READING.

Debate resumed from the previous day.

[A pause ensued.]

THE MINISTER FOR LANDS (in reply as mover): I am glad to see the general attitude taken by hon. members in regard to the Bill. If I may judge by the tenor of the second-reading speeches, I conclude there will be no opposition to the main principles of the measure. Hon. members have exercised their undoubted right of criticism, and have pointed out some clauses they consider impracticable; but on the whole I think the Bill has had a fairly good reception. It seems to be the opinion of more than one member that the Bill should remain in abeyance until the return of Dr. Roth from the North and the reception of his report. I am unable to agree with that view, for I have to state that on Monday last the Government received a telegram from Dr. Roth in which he expresses a wish that, as the result of his investigations, the Bill now before Parliament should be proceeded with forthwith.

HON. R. F. SHOLL: Where is Dr. Roth?

THE MINISTER: At Broome. In the circumstances, hon. members will see that the Government have no option but to proceed with the measure. Mr. Sholl has asked, why is a permit necessary? I shall endeavour to explain. At the present time there is no power to prevent any person from employing an aboriginal native.

HON. R. F. SHOLL: I said, have the permits and abolish the agreements.

THE MINISTER: In certain portions of the State this right is grossly abused, chiefly by Malays and Chinese, who get natives under agreement and practically use them for very unworthy purposes.

HON. R. F. SHOLL: The permit will do away with that.

THE MINISTER: Hon. members will understand what I mean by the abuse that is made of the existing right to

engage natives. In many instances also there is abundant evidence, and I think Mr. Piesse went into the matter, that low-class whites also enter into agreements with natives, and procure their services for some improper purpose for a term of 12 months. It is with the object of preventing such abuse that this provision is made in the Bill.

Hon. G. Randell: What abuse?

The MINISTER: Abuse in connection with the employment of aborigines by Malays and Chinese, and by low-class whites. I am sure that when the system proposed in the Bill comes into operation, it will prove unobjectionable to the conscientious settler.

Hon. R. F. Sholl: Suppose an agreement is witnessed by a magistrate or a police constable?

The MINISTER: First you must get a permit, and if you wish to enter into an agreement with a native, that agreement must be witnessed by a justice of the peace, a protector, or a police constable. Under the present law any person may enter into an agreement to employ a native, and there is no alternative at present on the part of the police, who have to witness the agreement; but under the provision in the Bill, the first step is to get a permit from the protector. I quite recognise the possible force of the argument used by Mr. Sholl, that in out-of-the-way places it would be difficult to procure the services of a protector under ordinary circumstances; but if this measure passes, it will be the duty of the Government to appoint protectors in every locality where aborigines are likely to be largely engaged. I take it that the position will be an honorary one. [Interjection by Mr. Sholl.] So far as I can see, it is possible to get a permit by post. In regard to Clause 15 (aborigines may be removed to reserves), this removal can be made only with the authority of the Minister; and it is not likely that any Minister charged with the administration of this law would act without very good reason in removing natives to reserves. No doubt reserves will be declared, but unless there is some very good reason why aborigines should be removed to them, I do not think any Minister would feel inclined to take action. If, however, action is taken, it will be to remove natives from localities where they are troublesome to settlers. Objection has been raised to the power given to a protector to cancel agreements; but it must be remembered there is an appeal to the chief protector, and after that an appeal to the Minister, so that there is not much probability of injustice being done. If an agreement is cancelled on good grounds, and if the employer is not, acting as he should towards a native in his employ, I do not think that employer is entitled to much consideration, and certainly is not entitled to any compensation from the State. It has been urged that no hotelkeeper can have his license cancelled without appeal; and it is said that this being the law, it should apply also to agreements with aborigines. But there is no parallel between the two cases, for in the one case property is affected, and in the other a supremely higher interest is involved; for if we regard the aborigine as a human being, we must come to that conclusion. One member asked how the age of a native could be fixed. By Clause 50 it will be seen that justices have power to decide on their own judgment as to the age of a native; and it is also provided that "nothing herein shall be construed so as to prevent the age of such aboriginal or half-caste child being proved." The same hon. member expressed an opinion that there was no limit to the term of agreement provided in the Bill. It will be seen in Clause 21 that a permit is restricted to a period not exceeding 12 months for employment on land, or not exceeding eight months for employment on any ship or boat; so that the agreement is limited by the period of the permit. I do hope the second reading will be carried. I do not object to investigation of every clause in the Bill, but I hope it will be carefully analysed, and that when the measure does pass it will be such as will be generally acceptable.

Hon. G. RANDELL (Metropolitan): There is a general feeling that farther time should be given to the consideration of the measure. I move that the debate be adjourned to this day three weeks, to give time for farther consideration.

The MINISTER: I must strongly oppose this adjournment. I have evidence in my possession that there is a strong necessity for the Bill, and I see no

necessity for postponing the measure for so long as three weeks. If some postponement is desired, I shall not object to a postponement for one week, which will give ample time for the hon. member and others to make themselves acquainted with the provisions of the Bill.

HON. F. M. STONE: Is the Minister in order in discussing a motion for adjournment of the debate?

THE ACTING PRESIDENT: There should be no discussion on a motion for adjournment of the debate.

Motion passed, and the debate adjourned for three weeks.

ADJOURNMENT.

The House adjourned at 7·45 o'clock, until the next day.

# Legislative Assembly,

*Wednesday, 12th October, 1904.*



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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Museum and Art Gallery Committee's report for 1903-1904; 2, Importation of Cattle across the South Australian border, papers moved for by Mr. Henshaw; 3, Townsite at Collie-Cardiff, papers moved for by Mr. Henshaw.

QUESTION—TELEGRAPH CABLE AT COTTESLOE BEACH.

MR. NEEDHAM asked the Premier: 1, What form of tenure has the Eastern Extension Telegraph Company on lands held by them at Cottesloe Beach? 2, What conditions are attached to the granting of same? 3, Have those conditions been forfeited?

THE PREMIER replied: 1, A 99-years lease from the 1st January, 1900, at a peppercorn rent. 2, That the lessee shall at all times during the said term use the lands for the purpose of laying and working the new cable or other lines for the efficient maintenance of telegraph service between Europe and Australasia, and in the event of the land becoming disused for said purpose, the land to be surrendered to the Crown.

QUESTION—MINING REGULATIONS, GAZETTING.

MR. GORDON asked the Minister for Mines: When does the Government intend gazetting regulations in connection with the Mining Act which came into operation on the 1st March last?

THE PREMIER (for the Minister for Mines) replied: The Mining Regulations will be gazetted as soon as they have been revised by the Crown Law Department. The Crown Solicitor is fully engaged in legislative work, but has promised to give the Mining Regulations early attention.

BILLS (2), THIRD READING.

MINES REGULATION ACT AMENDMENT, transmitted to the Legislative Council.

INSPECTION OF MACHINERY, transmitted to the Legislative Council.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2).

IN COMMITTEE.

Resumed from the previous day.

New Clause (previously moved)—Members of Parliament not to appear as advocates in Arbitration Court:

THE MINISTER FOR WORKS (Hon. W. D. Johnson): Perhaps the member for Boulder would withdraw the proposed new clause, pending the introduction of a comprehensive measure dealing with various amendments to the Conciliation and Arbitration Act.