

some steps myself by inquiring into the whole matter. I believe they are allowed considerable freedom, except that they have to observe regular hours; I do not think they are required to do any work in the Depôt; and I believe they are allowed as much freedom and are treated with as much kindness and consideration as possible. I know many persons in Perth who take some interest in the Depôt, and visit all the old men who are maintained there. With reference to the last part of the motion, the Colonial Secretary has inquired into that matter also, some time ago, and has given instructions that the medical officer should visit the place more frequently than had been the practice; the Depôt has also been connected by telephone, so that communication with the Colonial Hospital can be had at any moment. As to the pensions, though not in possession of the exact facts at present, I am informed that very little deduction is made from the amount of the pension in any case; that the men generally go out of the Depôt shortly before pension-day, draw out the money, and usually spend it before going back to the Depôt. I was informed yesterday, by the Colonial Secretary, that this is the usual practice. I quite sympathise with these old men, and the hon. member who moved the motion has spoken in a most feeling way in reference to them. But, if we were to harden our hearts, we might say their services were not rendered particularly to this colony, but to the mother country; and the Imperial authorities who pay the pensions might have something to say on the subject, as well as we in this colony. If the hon. member will withdraw his motion, he may rest assured I will personally investigate the matter, and see how far we can improve the condition of these old pensioners. There are some difficulties in the way. These men are probably addicted to drink, to some extent, and it is not so easy to deal with them; but I will see if we can do anything to remove any disabilities they may labour under, and to improve their condition.

MR. MOLLOY: After the assurance given by the Premier, I am sure there is no necessity to press my motion. I take the assurance in all good faith, feeling that the intention I had in placing this motion on the paper will have the desired effect, and that the condition of

these men will be made better by the investigation which the hon. gentleman has promised to make. Under the circumstances, therefore, I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

#### ADJOURNMENT.

The House adjourned at 5 o'clock, p.m.

### Legislative Council,

Monday, 2nd October, 1893.

Public Institutions and Friendly Societies Lands Improvement Act Amendment Bill: third reading—Homesteads Bill: second reading, adjourned debate—Elementary Education Act Amendment Bill: second reading—Wines, Beer, and Spirit Sale Act Amendment Bill: Legislative Assembly's Amendments—Imported Labour Registry Act Amendment Bill: first reading—Chinese Immigration Act Amendment Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 8 o'clock p.m.

#### PRAYERS.

#### PUBLIC INSTITUTIONS AND FRIENDLY SOCIETIES LANDS IMPROVEMENT ACT AMENDMENT BILL.

##### THIRD READING.

This Bill was read a third time, and passed.

#### HOMESTEADS BILL.

##### SECOND READING.

##### ADJOURNED DEBATE.

THE HON. J. W. HACKETT: In supporting the motion that this Bill be read a second time, I have to congratulate the Government on falling into the course which is so familiar in the history of the other colonies. Of all questions, the land question has occupied the attention of Australian Governments more than any other. More Bills have been passed on

this subject than upon any other, all of which have been attended by a conspicuous amount of failure. This, I believe, is the first attempt on the part of the Government of Western Australia to alter the land laws since we have obtained the privilege of self-government. It would be almost hopeless to go through the history of the other colonies and point out the number of attempts to alter the land laws. In Queensland alone, within twenty-five years of her obtaining Responsible Government, no less than twenty-eight Land Acts, or Amending Land Acts, were passed. I am willing to admit that our land laws, or Regulations as they are called, require improvement; but I am also disposed to think that, considering the land legislation of this colony is more or less at the experimental stage, the more cautiously we proceed, the more careful we are to wait until we see what is the result of each progressive change, the better; and the more surely shall we find out the true answer to this problem which has been attempted by many, but discovered by none. I am not going to delay the House with many remarks, for I am satisfied that most hon. members will agree with the Colonial Secretary that something more than we have is required to popularise our land laws, and promote the settlement of the soil throughout the length and breadth of the colony. I said I thought this was the first attempt; but I am wrong; it is the second—and this differs from the other in two important respects. This deals only with the settled and more temperate parts of the colony; while the other dealt with the North. This is an endeavour to promote settlement, not by making the terms unduly easy, but by fixing conditions on those who desire to take up land. The other was an endeavour to relieve our fellow-colonists of the obligations they were under, and which the Legislature in its wisdom said should be forgiven. I am not disposed to congratulate the Government on having made the law dealing with the Southern part of the colony more liberal than that dealing with the North; still I am convinced that a distinct advance has been made in the laws relating to the more temperate parts of the colony. In the first place, we all desire to promote settlement. It is nothing more than a

scandal that this immense territory of 1,000,000 square miles is not populated to a greater extent than by 65,000 persons. In the next place, it is equally a scandal that such a vast amount of imports, in the shape of commodities, come to the colony, which can quite as easily be produced here as in any other colony, and which, in the course of their production, would give employment, not only to a large number of individuals, but which would create traffic for our railways, and revenue for the Government. On all these grounds I am prepared to support that part of the Bill which deals with homestead farms, and also because it will largely stimulate the process of alienation. At the same time we have not been altogether standing still in the past, for we have been progressing to a far greater extent than many hon. members will give credit for. I do not feel disposed to detain the House by reading out the figures; but I may say that last year no less than 125,000 acres of land passed into the hands of conditional selectors, or persons prepared to occupy it as farms. I am somewhat doubtful if the advantages of the clauses in this Bill dealing with homestead farms will accrue to the extent which is contemplated, unless supplemented by other provisions, such, for instance, as the Premier originally proposed—to supplement the resources of the free selector by moneys either lent by the State or from private sources. I have never yet heard of any country being able to carry out any large and comprehensive and successful scheme of farming settlement without capital being placed at the disposal of the selectors, for unless men come with capital, which is not the case in one instance out of ten, it has to be obtained, and there is only one way I know of obtaining it, and that is by mortgaging the land to companies or individuals. Under one clause of this Bill, a selector is absolutely forbidden to mortgage or sell his land, and how he is to provide himself with the money which is indispensable to him, I do not know. Nevertheless I am prepared to accept the experiment, although I believe a little experience will show that the Bill will have to be altered and supplemented by conditions which it now lacks, in the shape of providing a means for the selector to obtain capital to improve his holding.

With regard to the homestead leases, I am still more doubtful; in fact I should have been glad if the Government had come to the conclusion to have postponed the consideration of this part of the Bill until a later session. The more I look into it, the more I am doubtful about its effect, and although a great deal of good may be done, a great deal of harm may also result. I cannot myself quite understand the principle. It is said that large patches of country which would not be taken up under the present conditions will be taken up under the Bill. But is that the case, and if so, will it work to the advantage of Western Australia? It seems to me, when we recollect that of the land which has been alienated 9-10ths, or, perhaps, I should not be far wrong in saying 19-20ths, remains in its pristine state, and just as it was when it was acquired by its first holders, much more good would be done by inducing the present holders to cultivate their areas which represent the best part of the colony, or to part with their estates, than by attempting to throw away larger areas of the public estate in the vain effort of getting that done which has not been done on the richer and more valuable lands. What is second and third-class land? The value of land depends upon two conditions. In the first place it depends upon the quality of the soil, and in the second place upon its position. Land within a mile of Perth, if it only consists of barren sand, may possess a high value, and in the same way land, which borders on a railway, such as that in the direction of the Serpentine, and which appears to be absolutely unfit for growing anything but scrub and blackboys, may prove to be of the highest value on account of its more accessible position, which is the second great element of value. Much of it may be found to be eminently adapted for the growth of soft woods and pines. According to the evidence we have, those large tracts of pure drift sand along the sea coast are highly suitable for the growth of certain kinds of pines, which, if planted, would, in a few years, become of immense value in the market. I allude to this matter because under this Bill the person who is authorised to classify the lands is the Minister for Crown Lands, and although we may have every confidence in

the present Government and may be aware that the gentlemen composing the present administration are fully acquainted with the value of the lands, and who are filled with the patriotic intention of doing the best they can for the colony, others may come in who may play ducks and drakes with the public estate on grounds which no one can question. I notice in the nineteenth clause that the lands so set apart shall be classified by the Minister, with the approval of the Governor, into second and third-class land and shall be duly gazetted, and shall be defined on the maps in the office of the Minister at Perth, and may be applied for, and, on approval by the Minister, may be occupied as hereinafter provided. There is no power given to the Minister to alter the classification. Once the land is classified and gazetted it remains so, and if a gold mine or silver mine were discovered it could not be withdrawn from being homestead leases. I shall not, however, detain the House longer, but I do say that power should be given not only to cancel the leases or withdraw them, but something more should be done to enable Parliament to understand what has been done by the Ministry with regard to the areas. As to the homestead farms, I think it is the intention of the Government that they should be selected from the agricultural areas. I think that is correct.

THE HON. J. A. WRIGHT: The Bill does not say so.

THE HON. J. W. HACKETT: I think that is the intention of the Government; but I would point out to the Colonial Secretary that, unless this Bill is altered, it will prevent anything of the kind being done. There is no power given to a selector to take up a farm on an agricultural area. If we turn to Clause 33, we shall see that it provides the conditions, but in no case is it provided that a homestead farmer may take up a holding out of an agricultural area. Again I would draw attention to Clause 14, which says: "In connection with any land set apart, "either exclusively or partly for selection "as homestead farms, the Governor may "declare a village site or sites, and such "village site or sites may be sub-divided "into allotments not exceeding in area "one acre each." It does not mention what distance the village site shall be

from the farm. Unless some limit is provided, it may be possible for a man to take up a farm in the Harvey area and have his village lot on the Great Southern Railway.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It would have to be with the approval of the Minister.

**THE HON. J. W. HACKETT:** It is probable that the Minister might not refuse, especially when we find resolutions tabled against him in another place for exercising his discretion. Unless there was no valid objection, he must give way. Finally, in Clause 29, there is an ambiguity. The clause says that the lessee may transfer after five years, on certain conditions, with the approval of the Minister. This applies to homestead leases, and not to farms, and it is doubtful whether it refers to the context or to the approval of the Minister in writing. It may refer to both or either. On the whole, I believe this Bill is an honest attempt, and to some extent a liberal attempt, to deal with the question. If we do something to put the land laws on a better footing, and offer attractions to people who are looking about for new places of abode, our efforts will not be in vain; but changes of one kind or another will have to be made in order to make the Bill less dangerous and more useful.

**THE HON. J. F. T. HASSELL:** I shall have much pleasure in supporting this Bill. It must be remembered that the country has lately been going to great expense in building railways, and in order to meet the liability for interest it has become necessary to introduce a measure of this kind to promote the settlement of the soil. To my mind, the provisions of this Bill will lead to a great deal of land being brought under cultivation, but there are in it one or two clauses which I do not understand. I do not know why, for instance, a man who makes all his improvements in 12 months should not be entitled to the fee simple of the land. To my mind, he should be given the preference over the man who takes the full term of seven years to do the improvements, and who keeps the country back all that time. Under this Bill there is no inducement for a man to do his improvements quickly, and yet by fulfilling the conditions quickly he is a greater benefactor to the country than

the man who takes the full seven years. With regard to the other clauses of the Bill, the Assembly and the Government have given them a good deal of consideration, and I do not think they need any amendment. With regard to the leases, I cannot see any objection to them. It appears to me that this part of the Bill has been well thought out, and the prices fixed seem to me to be quite as much as the land is worth. We have thousands of acres of this sort of land, and unless we have some such provisions as these we shall never get people to take it up. In my district we have thousands of acres of sand plain.

**THE HON. J. W. HACKETT:** Do you think they will be taken up under this Bill?

**THE HON. J. F. T. HASSELL:** I hope so. I shall have great pleasure in supporting the Bill.

**THE HON. J. A. WRIGHT:** I regret that I have to interfere with the harmony of the proceedings, but I am obliged to move the rejection of this Bill absolutely as being wrong in every possible way. In the first place the Colonial Secretary, in introducing it, spoke of the land in a manner which did us good to listen to. He painted it in such colours that the land only had to be seen to be quickly taken up by selectors; but there is one important essential to which he did not allude, and that is that the whole of the lands contemplated as being available for free farms are lands improved in the highest degree from the fact that they have railways running through or near them. The Bill states that the whole of the lands offered must be within 40 miles of a railway, and secondly that every possible improvement—

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** You have not read Clause 3.

**THE HON. J. A. WRIGHT:** The clauses all through state that the land must be within 40 miles of a railway.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** Clause 3 reads:—"The Governor may define and set apart for selection, either exclusively or partly, for free farms, to be called homestead farms, any portion of Crown land in the South-West Division of the colony, and also any Crown lands in the Eastern or Eucla Divisions of the colony if situated

"within forty miles of a railway. Such selection shall, unless the Minister otherwise orders, be confined to alternate blocks of the lands so set apart, and no selection shall be allowed until the lands so set apart have been surveyed into sections and notified in the *Government Gazette* as open for selection."

THE HON. J. A. WRIGHT: At all events I will go on with the point I am raising. I ask whether the whole Bill is not a policy of repudiation on the part of the Government?

THE HON. J. F. T. HASSELL: No.

THE HON. J. A. WRIGHT: My hon. friend, in his speech, has not enlightened us very much, but perhaps by interrupting he may. Up to the present time, at all events, I have not gained much by what he has said. It appears to me that this land is to be offered to an impecunious lot of cockatoos. A man is offered 160 acres of land because he cannot afford to pay £4 per year for it under the present Regulations. Is it fair to people who have already taken up land and paid for it? Are we to offer land to persons who cannot pay what the Government now asks them to pay without being hampered by any of the obligations fixed by this Bill? Under the present Regulations people can get the same quantity of land for £4 per year for 20 years, and only by the end of five years have they to fence it, and I say that if this Bill passes we shall be inducing people to take up land under false representations. Then as to these leaseholds. One of the grievances against this colony is the locking up of large areas of land, and now, by this Bill, we are not only perpetuating it, but we are offering a premium to people to lock up further blocks. One of the arguments used against granting this colony Responsible Government was that as soon as we got the reins into our own hands we should grab all the land and divide it among the people here, and this seems to me to be the policy of the present Government. Supposing the land is within 40 miles of a railway, and the leases are of 10,000 acres each, it would only take five landholders to lock up every mile of frontage. Is not that exactly what we wish to see stopped? People who already own large areas of land are unable to improve them, simply because they hold too much,

and yet we are going to give them an opportunity to increase their quantity and thus render more land unworkable and out of use to the colony. Would it not have been better to have made the farm blocks 20 acres? The poorer men could have taken these up and improved them, whilst, at the same time, they could have worked for their neighbours, and so obtained the means of improving their own holdings. The Premier, when introducing the Bill in another place, was, I believe, actuated by the best of ideas. He thought he could increase the population, and induce people to settle on the soil; but members of another place at once grasped the whole position, and saw that they had before them their only opportunity of grabbing the whole of the land fit to be grabbed, and the result is the Bill we have before us, and which I oppose. I may, perhaps, be allowed to refer to its unfairness to the Land Grant Railway Companies. The railways belonging to these companies were laid down on the understanding that the land was of a certain value, and now the Government repudiates the whole thing by stating that the land is so valueless that they are obliged to give it away, because no one will take it if it has to be paid for. Thus the land companies are driven out of the market altogether. At the same time, these companies are bound to sell their land in order to provide for the working of the lines, and now, by their action, the Government virtually says that these companies shall no longer sell it. The whole thing is nothing but a policy of repudiation, and, so far as the colony is concerned, it cannot do much good to advertise to the world that the lands are so valueless that they have to be given away. I move that the Bill be read a second time this day six months.

THE HON. J. MORRISON: When we consider by whom this Bill was initiated, it is entitled to the greatest consideration. It was brought in with the best of motives, and in order to raise up amongst us an industrious peasantry and a bold yeomanry. On the land question, in this colony, there is no one whose opinion is entitled to more weight than the Premier. Still, I have given this Bill as much attention as I could, and I must say at once that even the preamble is misleading. It says it is a Bill for "An Act to provide

"facilities for permanent settlement, by "free grants of land for homestead farms, "and by homestead leases; and for other "purposes." Now, if anyone thinks he is going to get a free gift of 160 acres of land, under this Bill, he is entirely mistaken, and I am quite certain that everyone who takes up land under its provisions will be greatly disappointed. What I am afraid of, however, is that the Bill will do a great deal of harm and damage to the colony if it is found that we are about to alienate our land wholesale and for nothing. As the Hon. Mr. Wright has stated, it will be said of us that as soon as we have got Responsible Government we have set to work to divide the country between us. The part referring to homestead leases I do not think at all fair to the original holders of land who paid to the Government what they thought was the lowest price it could be got for, and on whose funds the Government has, to a certain extent, for many years, depended. It seems to me—and I do not think anyone can put me down as an ardent friend of the land grant companies—that these companies did their work fairly and well, and this country should act fairly and squarely to them. I do not think we should induce capitalists to lay down railways in exchange for our land, which, on account of the large quantities taken, was valued at 5s. an acre, and then enter into an unfair competition with them by giving the land away. The Hon. Mr. Hackett has said that the homestead farmer would require some capital; but I notice the Government have given him a fine chance to get it, under Clause 5. Having applied for a farm, and having paid a fee of 20s., which is 6d. per acre on 40 acres, he can get a certificate to occupy, and that having been obtained, he can bring actions for trespass. The first few years the selector will need to do nothing more than live on the land and impound his neighbour's cattle.

THE COLONIAL SECRETARY (Hon. S. H. Parker): He must pay a pound and erect a pound.

THE HON. J. MORRISON: He has not much to do for the first two years; but after that the trouble comes. Under Clause 8 he must do certain improvements. I calculate he will have to spend £497 during the first seven years on the 160 acres.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Will the hon. gentleman give us the items?

THE HON. J. MORRISON: He would have have to put up a house at say £30. Then 160 acres would take two miles of fencing. I put that down at £30 per mile. Then clearing, at £2 10s. per acre, would cost £400. There would be his pound into which to impound stock, and the cost of the survey—altogether about £497. No reasonable man would ever dream of taking up land under this Bill when he can get it so much easier under the present Regulations. Under Clause 11 I see that, in the event of a man dying, his legal representatives, if they choose to carry on the farm, will be entitled to the fee simple. In what position would the family be in case of death? It would certainly not be fair for any Government to enforce a forfeiture; but I do not see any clause to enable the family to work the land, and if it be forfeited all that the unfortunate selector had will go with it. Then I think Clause 12 is a most extraordinary one to put in a liberal Bill. This sort of work will not do for the eight hours a day man. He has to clear 160 acres and keep it in proper order for seven years.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Where is the clearing in this clause? He has to do 40 acres.

THE HON. J. MORRISON: The selector who likes to dawdle can take seven years even to do that; and no inducement is held out to the man who, perhaps, has two or three children, and who, by his energy, manages to do the work in eighteen months. The energetic man reaps no benefit, but has to pay 5s. per acre for the land if he wants the title, and consequently the Bill is a premium to laziness.

THE HON. J. W. HACKETT: Land sharks would get the whole of the country if you gave the man the land as soon as he had done the improvements.

THE HON. J. MORRISON: Then Clause 17 states that the Act shall remain in force for five years only from the date of its proclamation by the Governor. I do not think this is fair, and for this reason: some years ago we had a clause in the Land Regulations under which we gave 50 acres of land to immigrants. Certain immigrants came out, and they applied for the land; but during their pas-

sage out a proclamation had been issued, under which no further grants were to be made, and consequently they did not get the land.

**THE HON. G. RANDALL:** A good job for them too.

**THE HON. J. MORRISON:** Still it was a disappointment. We may have the same thing repeated here. So much then for the homestead farms; except that I may say that the poor man who touches them will be still poorer. Although the Government desire to put people on the land, there is no large class that desire to go there, and no Government can force them there, any more than you can force a horse to drink if he does not want to. Then, with regard to the leases, I am surprised to find that any number of men should propose to break up the country in this way. The leases are to be within 40 miles of a railway.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** That does not apply to the South-Western Division.

**THE HON. J. A. WRIGHT:** It is very unfair if it does not.

**THE HON. J. MORRISON:** I should have thought that the second-class land would have been that within 40 miles of a railway and third-class lands that beyond this distance. If we are going to have it all within the 40 miles we shall have some fine inspectors' billets open. If anyone takes up second-class land to the extent of 5,000 acres he will pay in rent during the first 15 years £675, and during the second fifteen years £937 10s.; so that in the 30 years he will have paid £1,562 10s. In addition to that he has to pay half the cost of survey, which I believe would amount to about £2 13s. 4d. or £3 per mile. He has, besides, to fence it, and for ten years he has to spend eightpence per acre, or £1,666, or a total of £3,228. Thus the 5,000 acre block would cost over £3,000, or about 12s. 6d. per acre. However, the unearned increment is what the lessee will have to look to. I am not in favour of the leases, and especially so because I do not think the country will be benefited by dividing large blocks of land between a few. We shall only have happen what has already occurred in the past. If the Hon. Mr. Hackett had lived here for the last 25 years he would know why so many large blocks remain unimproved; but I have

no doubt that when we get a greater population here we shall see them opened up and improved. I should rather see the settled districts improved than that we should go into the back country and improve these 5,000 and 10,000 acre blocks. I believe that after men have taken up some of these leases they will find the outlay so great that they will have to come to the Government and ask for a reduction of the rent. Another objection to granting these leases in the way proposed is that gold may be found upon them.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** Gold is reserved.

**THE HON. J. MORRISON:** I thought if they agreed to pay 2s. an ounce royalty they were entitled to it. I will not, however, delay the House further. I may, nevertheless, say that I think the Government have adopted a good plan in having sub-agents all over the country, to whom applications for land can be made. I notice that under Clause 44 the Government may make regulations imposing conditions of improvement on town and suburban lands. As I understand, if a man buys a Perth lot, he may be told that he must put a certain class of house upon it.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** The Regulations will be published first, and persons can then buy or not, as they please, under them.

**THE HON. J. MORRISON:** This is the iron hand in the velvet glove, if you like. No one will buy under these conditions. When we consider, however, the source from whence this Bill has arisen, and the care and attention that has been bestowed upon it, I shall not be inclined to support any motion for throwing it out; but at the same time I have very grave doubts about the effects of it. The first part of it, I feel sure, is quite useless, and the second part, I am afraid, is dangerous.

**THE HON. G. W. LEAKE:** Owing to an inadvertence, I believe the amendment of the Hon. Mr. Wright was not seconded. I will second it.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It is too late now.

**THE PRESIDENT (Hon. Sir G. Shenton):** No motion can be put from the chair unless it is seconded at the time.

**THE HON. G. W. LEAKE:** It was not put.

THE PRESIDENT (Hon. Sir G. Shenton): Because it was not seconded.

THE COLONIAL SECRETARY (Hon. S. H. Parker): You can move it now.

THE HON. G. W. LEAKE: Then I move that it be read a second time this day six weeks. I do so not with a view to being factious, but because I think the arguments of the Hon. Mr. Wright are worthy of all attention. And there is another reason, namely, that there is nothing to compel these people who enter into contracts to do improvements, to carry them out. In 1881 there was free selection before survey in New South Wales, and the Government found their purchasers in arrear to the extent of £1,000,000 sterling, and the number of these selectors was so great that it positively affected the existence of the Ministry to a degree that they dare not enforce the conditions. Another grave objection to this Bill is that it enables men to obtain more land than they can use, and we are offering it, as the Hon. Mr. Wright says, to impecunious purchasers. I hardly think it is requisite, at this stage of the Bill, to do more than urge the important objections the Hon. Mr. Wright has raised, for I think they deserve the attention of the House.

THE HON. J. A. WRIGHT: I think I have the right to second the amendment?

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member has already spoken, and he cannot speak again until the amendment becomes the main question.

THE HON. D. K. CONGDON: It is my intention to support the second reading. I look upon the Bill as an experiment to settle the land in small holdings. We can see from the Blue Book the amount of our importations, and the necessity for production within the limits of the colony. We are unable to produce sufficient of the necessities of life even for the people already here, and it is time we should do so. With regard to the Hon. Mr. Wright's remarks as to repudiation, I was never aware that this colony bound itself to limit its price for land when it entered into the contracts with the land companies. There were certain conditions, and they have all been carried out.

THE HON. J. A. WRIGHT: By the company.

THE HON. D. K. CONGDON: And by the Government.

THE HON. J. A. WRIGHT: That is all you know about it.

THE HON. D. K. CONGDON: I was in the old Legislative Council at the time the contract was entered into, and there was nothing in the conditions to warrant the hon. member in now saying that there has been any repudiation. I shall support the Bill.

The Council divided.

Ayes ...	...	...	11
Noes ...	...	...	2

Majority for	...	9
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AYES.	NOES.
The Hon. J. G. H. Amherst	The Hon. G. W. Leake
The Hon. H. Anstey	The Hon. J. A. Wright
The Hon. D. K. Congdon	(Teller).
The Hon. G. Glyde	
The Hon. J. W. Hackett	
The Hon. E. W. Hardey	
The Hon. J. F. T. Hassell	
The Hon. E. T. Hooley	
The Hon. J. Morrison	
The Hon. G. Randell	
The Hon. S. H. Parker	
(Teller).	

Question—That the Bill be now read a second time—put and passed.

#### ELEMENTARY EDUCATION ACT AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): In rising to move the second reading of this Bill, I may say that I had hoped to have been able to introduce a measure which would have repealed the whole of the existing education laws, and have consolidated the various existing Acts. The present Act, as well as those amending it, are very incomplete; but, unfortunately, at this late stage of the session, it is not deemed advisable by the Government to bring forward anything beyond the present Bill, which is absolutely necessary in order to redeem the pledges made by Ministers. It will be observed that we propose to place the administration of the Education Act in the hands of a Minister, in substitution of the present Board. That board has existed for upwards of twenty years, and it has attended most carefully to the duties imposed upon it, and it has given universal satisfaction. It may be remembered that the Government has been pressed on several occasions by the House to take upon itself the responsi-



bility of educational affairs, and it has been recognised that now we have self-government, Ministers should not shirk the responsibility attaching to this department of the State any more than others. Such being the case, it is proposed to abolish the Central Board, not because it has not done good service in the past, but because we shall be the better carrying out the objects of self-government, by making the Ministry of the day responsible for educational matters. The district boards, at the present time, are supposed to be elected to hold office for three years. An election was held in November last, which was, as a matter of fact, absolutely void, and it is proposed by this Bill to make them valid. This Bill also provides that the qualification for district boards shall be (1) a householder habitually residing within the district, and occupying a dwelling-house of the clear annual value of £10; or (2) the father, or if he is dead, or absent, or otherwise incapacitated, the mother of any child attending any Government or Assisted school within the district; or (3) the guardian or other person who maintains or has the custody of any child attending any Government or Assisted school. All these persons will be qualified to have their names on the roll. The Minister who has the control of education is empowered to appoint persons to compile the rolls, and the Governor is empowered to make regulations prescribing the time and the manner in which they shall be made up. Each district board will consist of five members, and my hon. friend Mr. Morrison will be pleased to observe that under certain circumstances the mother of a child will be able to record her vote for the election of members of these boards. It is further provided that the Governor-in-Council may nominate a board which is constituted for the first time. It is proposed to hold the elections every three years. There are also some minor matters in the Bill which I need not refer to now, and I will pass to the question of religious instruction, which is the main object of the introduction of this Bill. The Government has promised several religious bodies to introduce an Education Act similar in its provisions to that which appertains in New South Wales. The law at present is that religious instruction may be given

before or after school hours by any minister of the gospel; but the complaint is that the children either do not go to school in time, or after the master has left in the afternoon there is no discipline. In New South Wales the law is that religious instruction may be given during school hours, and Clauses 18 and 19 of this Bill are virtually the clauses of the Act of that colony. It will be observed that it is provided that portion of each day, not exceeding one hour, may be set apart for religious instruction. Then it is provided that if a clergyman does not attend, the time shall be devoted to the ordinary secular instruction. It is further provided that no child need receive the religious instruction if the parent objects. I hope that these provisions may have a good effect, and may be reported on as favourably in this colony as a similar clause in the New South Wales Act has been reported on. As an addendum to the provisions in reference to religious instruction, Clause 24 says that when at any Government school children are in attendance who are not instructed in some special religious teaching, the district board may fix such times as they shall think fit when the Bible, or other religious books, may be read without note or comment. The Bill further provides that the Governor-in-Council shall have power to make regulations on a number of matters which are set out. I have now stated the main principles of the Bill, which are really two only. Firstly, there is the question of whether the Central Board shall be abolished and a Minister substituted; and secondly, whether religious instruction shall be given in the manner provided by this Bill. I now move the second reading of the Bill.

THE HON. G. RANDELL: I will take this opportunity, sir, of making a few remarks on the various clauses of the Bill. In the first place I may say that I do not like the title which has been given to the Minister. It would have been better, I think, to have had a shorter title—the Minister of Education—rather than the Minister Controlling Education, as he is called under the Bill. Then as to the qualification of voters. It will be noticed that a considerable difference has been made in the qualifications, and I do not know whether it is worth while to have all the qualifications as set out in Clause

11. To my mind the second qualification would have embraced the whole of the others, and perhaps to advantage. This second sub-section says that the father, or if dead, or absent, or otherwise incapacitated, the mother of any child attending a Government or Assisted school, may be qualified to have his or her name placed on the electoral roll for the district. It is, I think, an open question whether this privilege should be extended to the parents of all children attending schools, inasmuch as those belonging to one denomination, and who have a separate organisation, work to a large extent in competition with the Government schools. I hope and trust it will be the desire of every member of Parliament, at a very early date, to bring about a national system of education. I do not, however, intend to discuss the question now; but there are many reasons why we should endeavour to bring about such a system. When we come to Clause 12 I shall be inclined to move that the voting shall be by ballot, and that there shall be no proxy voting, except in the case of persons residing at a distance from the polling place. Under the present Act it is provided that anyone, unless habitually resident in the district, may vote by proxy; and the result has been that elections have been conducted without due regard to order, and they have been productive of much ill-feeling. Under Clause 18, which provides for religious instruction, I may say that there is an important difference in what is contained in the New South Wales Act and what is imported into this Bill, and unless great care is taken by those who have to appoint the hours for religious teaching, considerable friction will arise, and a vast amount of injury will be done to the secular portion of the education. When in committee, I shall move that the religious instruction shall be given either at the beginning or at the close of the secular instruction for the day. If that be agreed to, the objection which a considerable section of the community entertain to this religious instruction will be obviated. For myself, I may say that I have no great confidence in catechisms and creeds, although I do not, of course, expect hon. members to entertain the same opinions as I do. I do not, however, think they are calculated to make

the children better or more honest or charitable. I believe that the creeds and catechisms which have been introduced into Christian churches have led to much strife, and have been productive of much injury to Christianity itself. The real result of this Bill, I am afraid, will, in many districts, lead to the children being instructed by the religious teacher of one denomination—I mean the Church of England. Owing to the superior organisation of that body, it will be found that it will be the only denomination able to take advantage of this clause. It is generally well known that, in some districts, the minister of the Church of England is almost always secretary and chairman to the district board, and, in fact, he is, in some cases, the board itself. I do not think the provisions in the Bill are sufficiently explicit to secure the children of other denominations from interference in the principles of religion in which their parents may wish them brought up. It is true that a parent may signify his objection to any religious instruction being given to his children; but we know that parents do not like to take the extreme step of writing to the board to that effect. Then the Bill provides that during the religious instruction the children shall be separated; but in many districts this is almost impossible. If a clergyman went to some schools to give religious instruction to the children of his own denomination, the secular instruction to the rest would have to cease, and the children would have to go into the bush, because there are no class rooms or other facilities which exist in the larger schools. I may say that in my opinion this provision is entirely uncalled for, and I am not prepared to believe that it has worked with the success which it is said it has in New South Wales. Still, perhaps, my objections may be minimised by having a time for religious instruction set apart either in the morning or afternoon, or if desired, half-an-hour both morning and afternoon. In the second sub-section to Clause 18, I should like to limit the powers of the district boards by providing that the hours they set apart shall be subject to the approval of the Minister. I have already referred to Clause 20, under which a child's parent can signify his objection to any religious teaching, and I would only point out that

parents would rarely take such a course on account of the invidious position in which it would place both them and the child. Sub-section 2 of Clause 21 says that the Governor may prescribe and define what subjects of secular instruction shall be given in Government and Assisted schools, and the character of the books to be used in Government schools. I shall propose to extend the whole of this sub-section to Assisted as well as Government schools. I think it only right that the Minister should examine the books used in Assisted as well as Government schools, to see if they are fit to be used or not. Then Clause 24 seems to me to be thoroughly retrograde. I remember the interest which was taken in the present Act when it was introduced, and the hard fight which good Bishop Hale had to engage in to get what we have at the present moment. It was attempted to make the Government schools deserving of the name of "godless" by the efforts of a late Governor to exclude the reading of the Bible. I find that this attempt is being made again, and I fail to see any justification for such a course. If hon. members will look at the clause they will see that it is only permissive. I take exception to it in the present form, and I shall move, at the proper time, that the provision be made imperative on district boards, with the consent of the Minister, to make arrangements for the reading of the Bible every day. Other books might be used in lieu of the Bible, if considered necessary, so long as they did not contain any dogmatical teaching. The time has come, and the wonder is, as a newspaper writer puts it, that a Minister of Education has not been substituted for the present Central Board, long ago. Up to the present it is generally allowed, I think, that the board has performed its duties fairly well. Speaking for the members of it, I may say we have endeavoured to do our best to carry out the Act as it is. Some of us have not been in accord with all its principles, nevertheless we have tried to faithfully and loyally administer its provisions; but the members have for some time been unanimously of opinion that under our new form of Government the board should be abolished, and that a Minister should assume control of the education of the colony. In many re-

spects he will do the work better. Perhaps he will not have the same consideration for the teachers, for he will be bound to abide more closely to the letter of the Act than the board did. I hope some of the amendments I have suggested may be adopted, for if the Bill be passed in its present form it will create a considerable amount of dissatisfaction and may lead to some amount of proselytising. With reference to continuing the present system, I should like to say a few words. I think the time should soon come when the system which prevails of having Assisted schools side by side with Government schools should cease. We all recognise the effect of one denomination,—which by its splendid organisation, centred as it is in one individual,—taking advantage, as they do, of the Act of 1871. They have laid themselves out to build schools in which to instruct their own children (and we must give them all honour for the self-sacrifice they have made), and the material they have at their disposal enables them to compete upon more than equal terms with the Government schools, although they only receive from the State half the money the Government schools get the advantage of. Those of us who have been members of the Central Board are fully alive to the fact that the Assisted schools have been most injurious to the Government schools. It may be a moot question whether in large centres, such as Perth and Fremantle, they do not conduce to the better education of the children by stimulating other schools. In consideration of the efforts this denomination has made, and in consideration of the money they have expended, I think they should be given ten years in which to make provision for the change, which I believe should be brought about at the earliest possible moment. To a certain extent the existence of these schools has cultivated a feeling of alienation, and has given expression to a feeling that while we are here in one country, we are really two people, and this is undesirable. If we examine the statistics of America and England, we shall find that where no definite instruction by catechisms or creeds is given, the moral character of the children taught will bear comparison with those where definite religious instruction is given, thus showing

that creeds and catechisms cannot make good Christians or better citizens.

THE HON. J. W. HACKETT: I will not detain the House for more than a minute to express my entire approval of this Bill in all its principles, believing, as I do, that the time has come for the substitution of a Minister for the Central Board. The mere fact that this board expends the moneys raised from the taxpayers renders it necessary that Parliament should have some voice in the matter. With regard to the question of religious instruction, I would point out that I very largely agree with what my hon. friend has said. To my mind there is something very painful in the barriers—many of them of an artificial character—which are raised between the different creeds; but it is an undeniable fact that a large number of persons complain that the clergymen of their churches are not allowed to enter the State Schools.

THE HON. G. RANDELL: That is not correct.

THE HON. J. W. HACKETT: After school hours, perhaps, but the children will not give up their play time to attend lessons in religious instruction. It is, I say, an undeniable fact that many feel it a grievance that their clergymen are not able to enter the schools and impart religious instruction in place of the teacher, who may be unequal to it. As long as this system continues there must be a real weakness in the education system. We give one of our most important churches a large number of schools to themselves, and to the rest we say, you must not come in. This grievance is acutely felt by the Anglican community, which contains half the population of the colony, and as long as it remains so the Government school system cannot be on a secure and definite basis. With regard to the New South Wales system, it may be true that the clauses of that colony's Act may not have been availed of as freely as was supposed they would be at the time the Bill was passed. I have heard that, and I may say that during my recent visit to Sydney I made inquiries into the matter. I went to one of the leading schools, and was in communication with the Chief Inspector, and the head master and mistress, and the universal verdict was that while the system was carried out in a thorough and loyal way it gave com-

plete satisfaction to the people, and removed the serious grievance which had been felt by the clergy. Under these circumstances I shall support the Bill, and I trust it will become law as it is. I agree that a number of details will require alteration, but these we can consider in committee.

Question—That the Bill be now read a second time—put and passed.

#### WINES, BEER, AND SPIRIT SALE ACT AMENDMENT BILL.

#### LEGISLATIVE ASSEMBLY'S AMENDMENTS. IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The amendments of the Legislative Assembly, in this instance, are amendments upon our own amendments, and are really amendments which I suggested myself to rectify some slight anomalies. They will be found fully set out in Message No. 32 from the Assembly. [*Vide* Council Minutes, 1893, pp. 98, 99, and 100.] The only amendments really made are in Clause 5. We proposed that sub-section (e) of that clause should read: "That the entrance and subscription fees provided for by the rules of the club have been paid by the number of ordinary members hereinbefore mentioned in this section," and the Assembly suggest that it should read: "That an entrance fee of not less than £1 10s., and a subscription fee of not less than half-a-guinea, has been paid by the number of ordinary members hereinbefore mentioned in this section." It has been suggested that clubs might change their entrance fees, and that a club requiring to be registered might not have the number of members who had paid their entrance fee by the rules, but might have paid the lesser fee. Then sub-clause (f), subparagraph 2, which says that the rules shall state the purposes to which the funds of the club are to be applied, is struck out. Of course this is quite unnecessary, because it is elsewhere provided that the club shall provide accommodation for its members, and that no person shall derive any advantage or benefit over another person. So far as my experience goes, I have never known any club to have a surplus. When these institutions become prosperous they em-

bark in such undertakings as buildings, and I know of no easier mode of sinking money than that. I move that this House agrees with the amendments.

THE HON. J. W. HACKETT: After this, one is almost encouraged to move that the consideration of this matter be further postponed in order that the sagacity of the hon. member may have an opportunity of discovering more blots. There is no question that every alteration the Colonial Secretary has made is for the better, and everyone has tended to make a better Bill of it, and will the better stop the existence of bogus clubs, and at the same time will let the measure pass with less harshness on legitimate institutions. I shall support the motion of the hon. member.

Question put and passed.

#### IMPORTED LABOUR REGISTRY ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

#### CHINESE IMMIGRATION ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

#### ADJOURNMENT.

The Council, at 10:30 o'clock p.m., adjourned until Tuesday, October 3, at 2:30 o'clock p.m.

## Legislative Assembly,

Monday, 2nd October, 1893.

Land Selection alongside the Northam-Yilgarn Railway—Eastern Railway Improvement Bill: first reading—Conditional Purchase Regulations—Mineral Lands Act Amendment Bill: first reading—Stamp Act Amendment Bill: first reading—Electoral Bill, 1893: first reading—Railway Parcels Delivery: Cost of Working, etc.—*Re* Application of Mr. J. N. Cox for Conditional Purchase of Pastoral Lease 66/026—Message from Legislative Council, agreeing to Tariff Bill—Message from the Legislative Council: Amendments in Constitution Bill—Message from the Legislative Council, forwarding Friendly Societies Lands Improvement Bill: Bill read a first time—Imported Labour Registry Act Amendment Bill: third reading—Chinese Immigration Act Amendment Bill: third reading—Appropriation Bill: second reading: in committee—Water Supply on the Cue Goldfield—Width of Tires Bill: Order of the Day for going into committee discharged—Public Health Act Further Amendment Bill: second reading—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

#### PRAYERS.

#### LAND SELECTION ALONGSIDE NORTHAM-YILGARN RAILWAY.

MR. MONGER, with leave, without notice, asked when the Government intended to permit the selection of lands along the Yilgarn Railway, outside the declared agricultural areas?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that these lands were not open for selection at present, but that in the Homesteads Bill there was a provision by which land within 40 miles of the railway might be declared open for selection as agricultural areas; and, if the Bill passed, steps would be taken as soon as possible for that purpose. At the present time, notice had been given to the lessees of land within five miles on each side of the railway, that the land held by them would be open for selection as specially declared areas, and a surveyor was now engaged upon those areas. As soon as the report was received steps would be taken to throw the lands open.

#### AMENDMENT OF CONDITIONAL PURCHASE REGULATIONS.

MR. SIMPSON, in accordance with notice, asked the Commissioner of Crown Lands whether he proposed, during the present session of Parliament, to amend the Land Regulations, so as to admit a