

I believe that many thousands of pounds might be saved that are now spent in repairing and maintaining roads that are cut up unnecessarily. I beg to move that the Order of the Day for going into committee on the Bill be discharged.

Question put and passed.

Order discharged.

Bill withdrawn.

#### PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

##### SECOND READING.

MR. TRAYLEN: I beg to move that this Bill be read a second time. I do not think I need labour the question, which I put before the House a few days ago.

Motion put and passed.

Bill read a second time.

##### ADJOURNMENT.

The House adjourned at 28 minutes past 9 o'clock p.m.

### Legislative Council,

*Tuesday, 3rd October, 1893.*

Advertising Yilgarn Railway facilities in Eastern Colonies—Immigration Act, 1883, Repeal Bill: first reading—Homesteads Bill: committee—Constitution Act Amendment Bill: conference with Legislative Assembly requested—Appropriation Bill: first reading—Engine Sparks Fire Prevention Bill: Bill laid aside—Elementary Education Amendment Bill: committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 2:30 o'clock p.m.

##### PRAYERS.

#### ADVERTISING YILGARN RAILWAY FACILITIES IN EASTERN COLONIES.

THE HON. J. A. WRIGHT asked the Colonial Secretary:—1. If in the arrangement made between the Government and Mr. MacDowell for the opening of the

Yilgarn Railway for passenger traffic any understanding was come to by which the Government undertook to advertise the advantages of the contractor's railway in the Eastern colonies? 2. From what funds are these advertisements paid, and by whose authority? 3. Does the Government consider it right to advertise one railway and one seaport in the colony to the detriment of the others?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—1. No. 2. From the votes for the Railway Department. 3. No; and the Commissioner of Railways has withdrawn the advertisement complained of.

#### IMMIGRATION ACT, 1883, REPEAL BILL.

This Bill was introduced, and was read a first time.

#### HOMESTEADS BILL.

##### IN COMMITTEE.

Clauses 1 to 3 passed.

Clause 4.—“Application for homestead farm may be made:”

THE HON. J. MORRISON: This clause refers to the sole head of the family. Who is the sole head?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I imagine the word is used to enable the mother of the family to take up land if the father is dead.

THE HON. J. A. WRIGHT: There might be a difficulty as to who was the sole head, even if the husband were not dead.

THE COLONIAL SECRETARY (Hon. S. H. Parker): He would be the sole head.

THE HON. J. A. WRIGHT: Not always.

THE HON. J. W. HACKETT: He ought to be.

Clause agreed to.

Clause 5.—“Statutory declaration to be made by applicant:”

THE HON. J. F. T. HASSELL: After the Government has taken the land from the lessees, and handed it over to the selectors, the lessees under this clause would be liable for trespass of their stock, even although it had not been fenced, and the selectors are not bound to fence it for seven years. Unless the land were fenced, all sorts of difficulties would arise, and no shepherd would be able to keep his sheep off another man's land

where the line of separation was not defined. It seems to me to be a great hardship that the lessee should be at the mercy of the man who takes up 160 acres in this way. I think it would be quite sufficient if we made the Trespass Act now in force applicable to these cases.

THE HON. J. MORRISON: Before we come to this matter, I wish to do away with the office fee of £1 payable by persons who apply for homestead farms. This fee of 20s. is equal to half a year's rent at the present rate, and if we are going to be so liberal with our land, we might just as well do away with this payment. I move that the words "on payment to him of an office fee of £1" be struck out.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is not a payment on account of the land; but a payment of the office fee for recording the application. I do not think any applicant would object to the payment.

THE HON. J. W. HACKETT: I think this fee should remain, because it is the only evidence we shall have of the *bona fides* of the selector at the start. A man will think twice before he pays a pound; but he will not mind making a declaration which costs nothing.

Amendment put and negatived.

THE HON. J. F. T. HASSELL: I would again call attention to the point I have raised, for unless some amendment is made, the clause will lead to considerable trouble between the selector and the lessee.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Persons who take up homestead farms will be in a different position to those who take up land in the ordinary way, for I presume that the farms will only be available in land set apart specially for the purpose. Before any land can be so set apart, and which is to be taken from pastoral leases, it is provided by Clause 30 of this Bill that Clauses 51 and 63 of the Land Regulations will have to be complied with. That is before the Commissioner can withdraw any lease he has to give 12 months' notice, and has to publish a description of it, and lay it before Parliament prior to taking possession. This applies to lands in the Eastern and Eucla divisions, and with regard to the South-West division it is provided that the Commissioner, before

withdrawing a lease, must give six months' notice. The probabilities are that a homestead farm will never be situate inside a lease. Portion of a lease may be taken, but not so much as will leave the homestead farms surrounding it. It also seems to me that no homestead farmer could obtain any damages for trespass unless his land were fenced, in pursuance of the provisions of the Trespass Act, because it is specially provided that no owner shall be entitled to recover unless his land is enclosed by a sufficient fence. In order, however, to make this perfectly clear I am willing to assent to the striking out of the words "and to bring and maintain actions for trespass."

THE HON. J. F. T. HASSELL: A stranger taking up land under this Bill would not be cognisant of the Trespass Act, and if these words were left in he might impound, and perhaps bring trouble upon himself.

THE HON. E. T. HOOLEY: I beg to move that the words "and to bring and maintain actions for trespass" be struck out. If no land is to be taken from the lessees without notice, as the Colonial Secretary says, there is very little to be gained by this Bill; for after a man has travelled all over the country to find a farm he may be told that he cannot have what he wants because it is portion of a lease.

THE COLONIAL SECRETARY (Hon. S. H. Parker): A man cannot travel about the country in that way; he can only select from land set apart for selection.

THE HON. J. W. HACKETT: The amendment seems to me to be a death-blow to homestead farms.

THE HON. J. F. T. HASSELL: Not at all.

THE HON. J. W. HACKETT: When the hon. member has finished I will continue. I say it will be so, and I speak with a knowledge of the operation of something equivalent to this in New South Wales. In that colony free selection was allowed very much under these terms, except that a man had to pay so much per acre for the land. In some parts there was a regular league formed for the purpose of organised trespassing and destruction of the farms. The men had no right to maintain actions for trespass, and in a short time they were only too

glad to throw up their farms and sell out for what they could get, to certain persons in the neighbourhood. If selectors are not to be entitled to maintain actions for trespass what is the use of giving them homestead farms? By the 8th clause, in two years a man must build a house or expend £30 in clearing and grubbing or preparing two acres; but he need not fence for five years, and if no right of action is given it would be an easy thing for anyone to turn stock in the moment the land was cleared and prepared. No one will take a farm unless he has the right which is given by this Clause 5.

THE HON. H. ANSTEY: The cockatoo farmers are allowed to select out of the leases of the people who rent large quantities of land from the Government, and it seems to me to be very different to the New South Wales plan.

THE HON. J. W. HACKETT: In New South Wales there were special areas.

THE HON. H. ANSTEY: In South Australia they select anywhere.

THE HON. J. F. T. HASSELL: The hon. member who has just spoken does not know what he is talking about.

THE HON. H. ANSTEY: Does that refer to myself or the Hon. Mr. Hackett?

THE HON. J. T. F. HASSELL: To Mr. Hackett. He has had very little experience in these matters. If a man buys 160 acres he is supposed to have the land fenced in before he brings actions for trespass. If he puts in 10 acres of orchard, he should be able to protect it with a fence, not only on account of his neighbours' stock, but to keep out the kangaroo, wallaby, and other things which eat wheat and destroy vines. Besides, the amendment I suggested will prevent the selector and the squatter from having disputes.

THE HON. J. W. HACKETT: But the leaseholder does not come in, for the land has been withdrawn from his lease.

THE HON. J. T. F. HASSELL: Suppose a man is travelling stock, how will this clause come in then? The land is of no value until it is fenced.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not object to striking out these words, because if you give a man the right to occupy land, it carries with it the right to maintain actions, and these words, unless they are completely

contradictory of the Trespass Act, are nugatory. Whenever a man has the right to possession of land, he has the right to maintain actions for trespass, but the Trespass Act provides that where a person buys out of a lease he shall not maintain an action unless the land is fenced, except the trespass be malicious. If these words are intended to allow the selector to maintain trespass, notwithstanding the Trespass Act, then they have not gone far enough. They should have provided that, notwithstanding the Act, the selector might maintain his action. As they stand they are quite valueless. We might strike them out, and when the Bill is returned to the Lower House, if it is thought advisable to give the right of action whether the land be fenced or not, they will return it and say so.

Amendment put and passed, and clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7.—“In case of illness, &c., absence from farm allowed”:

THE HON. J. MORRISON: This clause seems to me to be too vague, and gives too much power to one who is not in a position to judge of the *bona fides* of each case. I think the Colonial Secretary might frame a better clause. The Minister is just as liable to refuse leave of absence where it should be given, as he is liable to grant it on false pretences.

THE COLONIAL SECRETARY (Hon. S. H. Parker): A selector is only bound to spend half the year on his farm, and it is only in cases of illness or urgent matters of a private nature that the Minister may extend the term. I do not think there is anything objectionable in this.

THE HON. J. MORRISON: Would it not be better if the Minister had an agent in each district? Suppose a man was taken ill on his farm, it would be very nearly a week before he could get an answer from the Minister giving him leave of absence.

THE COLONIAL SECRETARY (Hon. S. H. Parker): He could have six months without leave.

THE HON. J. MORRISON: He may have already been away for six months. I think in the case of illness the magistrate of the district should be allowed to give the permission.

**THE HON. J. F. T. HASSELL:** I do not think it necessary to make any alteration in this clause.

**THE HON. J. W. HACKETT:** That settles it.

**THE HON. J. G. H. AMHERST:** Suppose a man is away six months in England, and when he comes back he is quarantined on account of small-pox on board, what would happen then?

**THE HON. J. A. WRIGHT:** It will be discretionary with the Minister. I think the clause, like the rest of the Bill, is utterly unworkable and absurd.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It is intended that the power of granting leave of absence shall be vested in the Minister only. The object of the Bill is not to allow people to take up holdings and live away from them; but it is provided that in case of sickness, or where private affairs have to be attended to of an urgent character, the Minister may give permission to the selector to leave his holding for longer than six months. It is not provided that he shall give the leave; it only says that he may do so, and he is to be the judge of the necessity of the case. The clause is intended to provide for cases of emergency. What can be the object of having an agent or magistrate? Do hon. members expect the Government to have agents and magistrates living alongside every selector? It would be quite as easy for the selector to write to the Minister as to the agent or magistrate.

**THE HON. J. A. WRIGHT:** It seems to me that this clause can be improved by providing that where the selector felt symptoms of approaching illness he might apply.

**THE HON. J. W. HACKETT:** I may point out that the clause does not say who is to be ill, the selector, his wife or children, or the Minister. Perhaps the Colonial Secretary will make it more definite as to who is to be ill. Is it the man, or his cattle and horses?

**THE HON. J. A. WRIGHT:** I move to insert the words "in case of symptoms of approaching illness or."

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** I think the clause may stand. If the Minister finds that illness of any kind necessitates the absence of the selector, he may grant permission. If it were the illness of his wife and family,

and it were necessary for them to spend the summer in the salubrious climate of King George's Sound, he would probably grant the permission; but if it were his maid servant I do not suppose he would.

**THE HON. H. ANSTEY:** If a man broke his leg he would probably go to the doctor first and to the Minister afterwards.

**THE HON. G. RANDELL:** I move that the question be now put.

Amendment negatived, and the clause agreed to.

Clause 8.—"Improvements to be performed before issue of Crown grant":

**THE HON. J. A. WRIGHT:** I do not see any provision for the informer. It appears to me that the Act will be unworkable unless we have the informer.

**THE HON. J. W. HACKETT:** The inspector can be made the informer.

Clause passed.

Clause 9.—"Forfeiture of farm by non-compliance with conditions":

**THE HON. J. W. HACKETT:** I think it should be forfeitable not forfeited, because there may be some circumstances which may require the interposition of the Minister.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** I move as an amendment that the words "together with any village allotment selected or occupied by him in connection with his homestead farm under the provisions hereinafter contained" be inserted between the words "farm" and "shall," in line 11.

Amendment put and passed.

**THE COLONIAL SECRETARY (Hon. S. H. Parker)** moved, as a further amendment, that the word "forfeited," in line 11, be struck out, and that the words "liable to forfeiture" be inserted in lieu thereof.

**THE HON. G. RANDELL:** I am glad to see this amendment introduced, because it seems to me that many of these clauses are so stringent as to make the Act inoperative. Under this ninth clause I am sure a person would think twice before making a selection.

Amendment passed, and clause agreed to.

Clause 10 passed.

Clause 11.—"When and on what conditions a Crown grant shall issue:"

**THE HON. J. MORRISON:** I think if a man dies, and leaves a wife and young

children, we should have some provision which would protect them, and enable them to get the Crown grant. A woman and her young family would not be able to do the improvements, and the husband may have left no money by which labour could be employed.

THE HON. J. W. HACKETT: I hope something will be done in this direction, for I am sure we shall have a larger percentage of widows if these conditions are to be carried out.

Clause passed.

Clause 12.—“Crown grants may be obtained after twelve months on certain conditions.”

THE HON. J. F. T. HASSELL: It is very unfair to the man who has grown-up sons, and who can do his improvements in twelve months, to make him pay 5s. an acre for the land because he has done his improvements quickly, when by Clause 8, if he dawdles and takes seven years over them, he can get the land for nothing. I shall move to strike out the words “by paying 5s. an acre for the land.”

THE HON. J. W. HACKETT: The objection to the granting of the land to the selector in twelve months, is patent. It is this: that a person who desires to get large blocks of land can put his dummy up, and provide the means of making the improvements, and then have the land transferred to him. We are entitled to look at the other colonies to see how this sort of thing has worked.

THE HON. J. MORRISON: I think when any individual has been plucky enough to select land and reside on it for six or twelve months, and spend £500 on it, he should have it.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Will the hon. member give me the figures?

THE HON. J. MORRISON: To enable him to comply with the Statute he will have to spend £30 on a house. The fencing would cost £60, although it might safely be put down at £80, and then there is the clearing of 160 acres, at £2 10s. an acre. If it is good land it will cost £3 10s. an acre. To put the whole of the land in first-class order will cost the selector £497.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The Hon. Mr. Morrison has given us two items—£30 for a house

and £60 for fencing, which make a total of £90; but he has not given us a single figure to show us how the rest of the £497 is made up. I defy him to show £497. Clearing might cost £2 10s. an acre; but we know that in the Eastern districts it would not cost anything like that. With the aid of tree pullers, land is cleared at very much less than that now. £2 per acre would be the outside cost. In some parts it would cost £15 per acre; but no poor man could embark on such an undertaking as that. At £2 an acre the clearing required by this Bill would come to £80, and, added to the £90, we have a total of £170, which is all that has to be expended to obtain a Crown grant under this Bill.

THE HON. J. F. T. HASSELL: What about water?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I presume the Government will select areas upon which there is water.

THE HON. R. W. HARDEY: What about Katanning?

THE COLONIAL SECRETARY (Hon. S. H. Parker): That portion of the colony suffers from want of rain. We know that in the Eastern districts, where the land has been cleared, springs break out everywhere. The Hon. Mr. Hassell says why should not a man who performs his improvements in 12 months be placed in an equal position to the man who dilly-dallies and takes seven years over them. My hon. friend has not read the Bill. No man can dilly-dally for seven years. In two years he must build a house, or clear or crop or plant two acres; within five years he must fence one-fourth of the land and crop an eighth; and within seven years he must fence the whole and crop one-fourth. The reason for all this is that we wish the people to live on the land, and bring up their families upon it, and thus promote the settlement of the soil. That is the reason why we provide that they must be on the land seven years before obtaining the Crown grant. If it were otherwise, persons in the position of the Hon. Mr. Morrison and the Hon. Mr. Hassell might take up all the land they thought proper. If it is desirable to allow wealthy persons to obtain these lands, then let hon. members agree to the amendment.

**THE HON. J. F. T. HASSELL:** I cannot follow the Colonial Secretary. For my part, I do not think many men would care to take up these blocks, and it would certainly be madness to get dummies, for you are entirely in their hands, and they may transfer or not, as they please. Nothing the Colonial Secretary has said will induce me to change my opinion.

**THE HON. G. RANDELL:** It would be almost impossible to do what is required by the ninth clause within 12 months. I must say it does seem to me to be rather like putting a penalty on a man who can do the improvements quickly not to let him have the land when he has completed them.

**THE HON. J. MORRISON:** I quite grant the capitalists might clear the land for £2 10s. an acre, but we are not legislating for them, but for the man who, under our very liberal Land Regulations, cannot pay 6d. per acre—the men who cannot pay £4 a year rent. The capitalists can buy tree pullers, but the poor men cannot.

**THE HON. J. W. HACKETT:** As an additional argument to those used by the Colonial Secretary, I might say that if a man could get his land at once, it would lead to land sharks possessing themselves of large blocks of country and picking the eyes out of the colony. Anyone who wants the fee simple of the land at once can get it under the Land Regulations.

The committee divided.

Ayes ...	...	...	10
Noes ...	...	...	4

Majority against ... 6

<b>AYES.</b>	<b>NOES.</b>
The Hon. J. G. H. Amherst	The Hon. G. W. Leake
The Hon. H. Anstey	The Hon. J. Morrison
The Hon. D. K. Congdon	The Hon. G. Randell
The Hon. G. Glyde	The Hon. J. F. T. Hassell
The Hon. J. W. Hackett	(Teller).
The Hon. E. Hamersley	
The Hon. R. W. Hardey	
The Hon. E. T. Hooley	
The Hon. J. A. Wright	
The Hon. S. H. Parker.	
(Teller).	

Amendment negatived.

Clause agreed to.

Clause 13.—“Applicant for farm may apply for additional land under laws in force.”

**THE HON. J. A. WRIGHT:** Under this clause a man can have one holding free, and any further quantity of land he may choose to take up under the Land Regulations. The Bill is altogether pre-

mature, and we are talking quite in the dark about it. It would have been infinitely better had the Ministry set out the district which it is proposed to set apart for these farms, and then we should have known what we were arguing about. One hundred and sixty acres of land are more than one man can work; at least it is either too much or too little. One hundred and sixty acres are enough to beggar him, and yet we are going to let him have more. I move that it be struck out.

**THE HON. J. W. HACKETT:** I think this clause has slipped in without full consideration being given to it. It is exceedingly dangerous, to my mind, to leave in the words “with the special consent of the Minister.” In the other colonies such matters as these are left as little as possible to Ministers, for the effect is frequently determined by the persistence of this or that member representing the district in which the farmer resides.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** This clause gives no further rights than those to which the selector is at present entitled. However, if the Hon. Mr. Wright will withdraw his amendment, I will agree to recommit the Bill, and in the meantime we can further consider the matter.

**THE HON. J. A. WRIGHT:** Very well. Amendment, by leave, withdrawn.

Clause passed.

Clause 14.—“Governor may declare village sites:”

**THE HON. J. W. HACKETT:** This clause fixes no limit to the distance that village sites may be away from the farms. A man might have his farm in one place and his village lot 20 or 30 miles away.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It is intended that the allotment shall not be more than three miles from the farm. I will undertake to amend this clause or one of the others—I am not sure whether it should not be the fifteenth.

Clause passed.

Clause 15.—“Provision in cases of owners of homestead farms residing in a village:”

**THE HON. J. A. WRIGHT:** Have the Government calculated the number of 160 acre blocks that will be contained within the three miles?

Clause passed.

Clause 16.—“Holder of homestead farm may select an allotment in a village.”

THE COLONIAL SECRETARY (Hon. S. H. Parker): I propose to move an amendment that all the words after “farm,” in the fifth line, be struck out, and that the following words be inserted in lieu thereof:—“So soon as a selector is entitled under the Act to a Crown grant of his homestead farm he may, upon the payment to the Minister of the sum of one pound and the expenses of surveying the allotment and the fees for a Crown grant and registration, as provided by the Land Regulations, obtain a Crown grant of the village allotment (if any) selected by him as aforesaid.”

Amendment put and passed.

Clause, as amended, agreed to.

Clause 17.—“Limitation of operation of Section 4.”

THE HON. J. A. WRIGHT: The whole Bill is an absurdity, and during the debate we have pretty well proved so. That it will be inoperative there can be no question. No one would ever think of taking up the land.

THE HON. G. RANDELL: Is the hon. member in order?

THE HON. J. A. WRIGHT: I am in order.

THE HON. G. RANDELL: The hon. member must confine himself to the clause.

THE HON. J. A. WRIGHT: I propose to strike out the word “years,” and insert “minutes.” The Bill will then be in operation for five minutes.

Amendment negatived.

THE HON. J. MORRISON: The clause says that the Bill shall last for five years, unless sooner repealed; and then it says that the Governor may suspend its operation from time to time. This seems to me like playing with legislation. I move that the words “unless sooner repealed” be struck out.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Looking at this Bill from a legal point of view, these words are quite unnecessary. They are only inserted for the benefit of laymen who may read the Bill, and who may not otherwise know the law. There is no objection to striking them out, and no harm can result from leaving them in.

Amendment negatived.

THE HON. J. MORRISON: I will move that before section 4 can be repealed, as

provided by this clause, six months notice shall be given.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I think that suggestion is a good one, and if the hon. member will allow the clause to pass I will give him an opportunity later on of carrying out his wishes.

Amendment, by leave, withdrawn.

Clause passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that progress be reported.

Question put and passed.

#### CONSTITUTION ACT AMENDMENT BILL.

#### CONFERENCE WITH LEGISLATIVE ASSEMBLY REQUESTED.

THE PRESIDENT (Hon. Sir G. Shenton) announced the receipt of the following Message from the Legislative Assembly:—

“Mr. President,

“The Legislative Assembly requests “that a conference be granted to it, on “the subject of Message No. 28 from the “Legislative Council, respecting ‘The “Constitution Act Amendment Bill.’ “Should the Conference be agreed to by “the Legislative Council, the Legislative “Assembly will be represented at such “conference by five members.

“JAS. G. LEE STEERE,

“Speaker.

“Legislative Assembly Chambers,

“Perth, 3rd October, 1893.”

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved,—(1.) That the conference be agreed to as requested by the Legislative Assembly in its Message No. 34. (2.) That the time and place of holding the conference be the committee room of the Legislative Council, at the hour of five o'clock to-morrow afternoon. (3.) That the Honourables E. T. Hooley, E. Hamersley, J. F. T. Hassell, G. Glyde, and G. W. Leake be the managers to represent the Council at the conference requested by the Legislative Assembly. (4.) That a Message be sent to the Legislative Assembly transmitting the foregoing Resolutions. He said: Hon. members are aware that this House has insisted on its amendments to the Constitution Bill, the effects of which were to combine the districts of Perth and Fremantle in one province,

and to reduce the number of members of the Legislative Council from 21 to 18. The Legislative Assembly are unable to agree to this and desire a conference, and so far as I know there is no reason why one should not be held. The Legislative Assembly will be represented by five members, and it will be for us to be also represented by five members. In my view of things the members representing us should be those who voted with the majority in insisting on the amendments, so that they may argue with the members of the Assembly and put forward the view of the majority of this House to the best possible advantage.

Question put and passed.

#### APPROPRIATION BILL.

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

#### ENGINE SPARKS FIRE PREVENTION BILL.

The Order of the Day for the further consideration of this Bill in committee having been read,

THE COLONIAL SECRETARY (Hon. S. H. Parker) said: I move that the Order of the Day be discharged. I have conferred with the Engineer-in-Chief, and after due consideration I doubt, even if the Bill had been passed in its original form, whether we might not have been prejudicing persons who might otherwise have good causes of action against persons who run engines. If we do compel the use of spark arresters of a certain form, and also the use of steam jets in the ash-pans, and fires do occur, it will be open for companies who use them to urge that they are not guilty of negligence, because they have complied with the law. They might fairly say that the Legislature had provided that a certain class of spark arrester should be used, and that, having used it, they could not be said to be guilty of negligence. And, again, if we say that they shall burn at a certain time, and a fire occurred the day before the time prescribed, they might have an excuse for not having burnt before. Bearing in mind that this Council has thought fit to eliminate the clauses relating to spark-arresters and steam-jets, I

do not think it is wise to proceed with the Bill further. I move that the Order of the Day be discharged.

THE HON. J. A. WRIGHT: I have much pleasure in seconding this motion, and I have to thank the Colonial Secretary for accepting my suggestion. I have always been of opinion that some amendment of the Bush Fires Act is necessary to allow companies to burn the sides of their lines at such times as they think necessary, and this seems to me to be the only way out of the difficulty.

Question put and passed. Bill laid aside.

#### ELEMENTARY EDUCATION ACT, 1871, AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 and 2 passed.

Clause 3.—“Central Board of Education abolished, and Minister Controlling Education substituted.”

THE HON. G. RANDELL: I move, as an amendment, that the word “controlling,” in the tenth line, be struck out, and that the word “of” be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 and 5 passed.

Clause 6.—“Appointment of officers:”

THE HON. J. W. HACKETT: Would this clause include truant officers?

THE COLONIAL SECRETARY (Hon. S. H. Parker): It includes every officer. The appointment of the compulsory officer, at present, has to be confirmed by the Central Board. The District Board appoints subject to the approval of the Central Board, and the Minister will now take the place of the Central Board.

THE HON. G. RANDELL: And as regards pensions, will the officers be considered as members of the Civil Service?

THE COLONIAL SECRETARY (Hon. S. H. Parker): I hardly know about the pensions, but they will be exactly on the par of other Civil servants who are appointed at the same time that they are.

THE HON. J. W. HACKETT: Under this Bill, the compulsory officers are to be appointed by the Governor-in-Council; but I am afraid if they are made State officials it will relieve the District Boards of their responsibility, and the work will



be done even less efficiently than it is now.

Clause passed.

Clauses 7 to 10 agreed to.

Clause 11.—“Qualification of electors:”

**THE HON. G. RANDELL:** In order to test the feeling of the House, I move to strike out the word “assisted” in the following clause:—“Any person who is (1.) A householder habitually residing within the district, and occupying a dwelling house of the clear annual value of ten pounds sterling; 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 for such time as is prescribed by the regulations made under this Act, or (3) The guardian or other person who maintains or has the custody of any child attending any Government or Assisted school as aforesaid, shall be qualified to have his or her name placed upon the electoral roll of the district.”

**THE HON. J. W. HACKETT:** I am entirely with my hon. friend; but how are we to distinguish when perhaps the child may be attending a Government school one week and an Assisted school another week?

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** There is no alteration of the law here, and although district boards may not have the same control over Assisted Schools as over Government Schools, I still think the parents of all schools should have a voice at the elections.

**THE HON. G. RANDELL:** I am not very strong on the point, because it looks very much like penalising the parents of children who attend Assisted Schools. At the same time, we must bear in mind the last election in Perth, and the peculiar organisations of the Roman Catholic body, owing to which they are enabled to fill most of the places on the district boards. This is both undesirable and unfair to those who have sympathy with the State system of education. It seems to me to be monstrous that those who have denominational schools of their own, which interfere with the State Schools, should have so large a voice in the control of schools they disapprove of and are in opposition to. This state of things arises from

the supineness of the other Christian Churches. In other places arrangements are arrived at by which all denominations are represented according to their numerical strength; but I can see the difficulty the Hon. Mr. Hackett has pointed out.

**THE HON. J. W. HACKETT:** It is a very serious question that my hon. friend has raised—the case of the party in opposition to the State Schools returning a majority of members to the district boards to manage the Government Schools. Could we not insert something in regard to this matter similar to that which now applies to the Central Board? Under Clause 3 of the principal Act, it is provided that only two members of one denomination can sit; but this is only a half-hearted way of getting rid of the difficulty.

**THE HON. G. RANDELL:** As chairman of the board at the present time, we have a man respected by all, and any remarks I have made will not, I hope, be taken to imply that I do not think he is doing his best. I know he has done so, and has not used his position for the purpose of furthering the interests of Assisted Schools or his own denomination.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It is quite true that the Catholics returned a majority of members; but on the other hand it must be borne in mind that that denomination takes the greatest interest in the schools. Last Christmas my wife and I were asked to distribute the prizes at one of the schools. She went to the Girls' School and I to the Boys' School, and so far as my recollection goes, no member of the district board put in an appearance except the chairman—a gentleman who belongs to the persuasion the hon. member has referred to.

**THE HON. G. RANDELL:** There might have been circumstances which prevented other members attending.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It is strange that the circumstances occurred on two different occasions.

**THE HON. G. RANDELL:** I am not prepared to point out a remedy, and, having called attention to the matter, I will withdraw my amendment. I may say that, on the occasion referred to by the Colonial Secretary, I was prevented

from attending, and I know another member of the board was also.

Amendment, by leave, withdrawn.

Clause passed.

Clause 12.—“Number of votes:”

THE HON. G. RANDELL: I propose to add, at the end of the clause, the words: “and such voting shall be by ballot.”

THE HON. J. W. HACKETT: This clause allows the whole five candidates to be voted for by one person. I should prefer to see single voting, for, as it is now, any communion possessing a small majority could return the whole of the members.

THE COLONIAL SECRETARY (Hon. S. H. Parker): As a matter of fact, in the country districts they arrange these matters.

THE HON. G. RANDELL: And so they did in Perth and Fremantle, up to a certain date.

THE COLONIAL SECRETARY (Hon. S. H. Parker): After all, these boards will have very little power. The appointment of the teachers will be taken away, and they cannot, therefore, do much harm.

THE HON. J. W. HACKETT: No doubt most of the powers are taken away, but one important one is left—the power to settle the course of religious instruction—and this is a large power in the hands of one communion. Perhaps the Colonial Secretary will allow a right of appeal to the Minister from the decision of the district boards?

THE COLONIAL SECRETARY (Hon. S. H. Parker): Yes.

THE HON. J. G. H. AMHERST: I shall support the amendment. That anyone should have to sign his name to a voting paper is contrary to the ideas of a free man.

THE HON. J. W. HACKETT: John Stuart Mill thought differently.

Amendment agreed to.

Clause passed.

Clauses 13 to 16 agreed to.

Clause 17.—“School fees, to whom payable, and how recoverable:”

THE COLONIAL SECRETARY (Hon. S. H. Parker): I may point out that the teachers have made a strong objection to being responsible for the payment of fees, because in many cases they lose by it. I do not propose to make them further

responsible; although I think they might be employed to collect them.

THE HON. G. RANDELL: There has always been a difficulty with regard to this matter, especially as some magistrates have held that the payment cannot be enforced. If hon. members, however, knew the working of the system, they would agree that the teachers are the best persons to collect the fees, notwithstanding there may be some objections to it. That they have been obliged to pay fees themselves which they have been unable to collect is quite true; but as the Central Board had to collect them, they took the best possible means of doing so. At one time the fees so dwindled down that the board had to make the teachers responsible, otherwise they could not have executed the small repairs that were necessary, or kept some of the smaller schools going. To have appointed persons to collect on commission would have entailed a great expense; but lately the board has allowed the teachers 10 per cent., and that has removed a great deal of the dissatisfaction which prevailed.

THE COLONIAL SECRETARY (Hon. S. H. Parker): My idea is to continue this policy. In the larger number of cases the teachers would collect, and in other cases it might be better to appoint someone else. Even if the teacher is employed, I do not think I should go so far as to charge him with fees he cannot collect. The salaries are already small, and if teachers are to be mulcted in £5 or £6 a year for fees they cannot collect, it seems to me to be very unfair. At Albany, that flourishing seaport to the South, the teacher lost £5 in one quarter, because he could not collect the fees, and the amount was a matter of importance to the teacher.

THE HON. J. W. HACKETT: I have received many complaints from teachers on this score. They say they not only lose the fees, but the mere fact of having to enforce payment puts them in an invidious position with regard to the children. Some teachers will desire to collect, and others will object to it most strongly.

Clause passed.

Clause 18.—“Hours of instruction. Religious instruction may be given:”

THE HON. G. RANDELL moved, as an amendment, that the words “which shall be either at the beginning or at the end

of the secular instruction of the day" be inserted between the words "hour" and "may," in the second line. He said: Taking into account that we have Sunday Schools and ministers of religion, it seems to me that half-an-hour at the morning, and half at the afternoon, will be quite enough to take out of the period for secular instruction. I should like to see every child well instructed in religious matters, although I have no particular like for dogmatical teaching.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): At this stage I propose to report progress. Before I do so, I may say that if this amendment is carried, it will do away with the benefits which are anticipated will be derived from the insertion of the provisions of this clause. The present law provides that the religious instruction may be given before or after school hours, and as I have already pointed out, at the present time the children do not come in the morning, and after the master has gone in the afternoon, there is no one to maintain discipline. The object of the present clause is to enable the instruction to be given when the master is present to keep order.

**THE HON. G. RANDELL:** I do not think the Colonial Secretary has understood the purport of the amendment. I do not intend that the teaching should begin before or after school hours, but that it shall be during school hours. I do, however, think it objectionable that a minister of religion should enter a school at any time, during school hours, and disturb the course of secular instruction. In some cases it might be distasteful to the teacher to be present during the teaching of the catechism, say, of another denomination to that to which he belongs. I may say that I intend to move that there shall be a right of appeal to the Minister as to the hours for teaching religious matters which may be fixed by district boards. I shall also move that the Government shall have the power of fixing the books to be used in the Assisted schools for secular education, and that in schools where the children do not receive special religious instruction the Bible and religious books of an undenominational character, to be fixed by the Governor-in-Council, must be read.

**THE HON. J. W. HACKETT:** In the New South Wales schools the teacher has

the power to deliver a lecture of an undenominational character on scriptural subjects, and I have been assured that these are the most popular lessons. I was present at the Fort Street School—the largest in Sydney—when one of these lessons was being held, and I never saw children display such deep interest in any subject as they did in that.

Question—That progress be reported—put and passed.

#### ADJOURNMENT.

The Council, at 5:20 o'clock p.m., adjourned until Wednesday, 4th October, at 4:30 o'clock p.m.

### Legislative Assembly,

*Tuesday, 3rd October, 1893.*

*National Park Reserves—Appropriation Bill: third reading—Constitution Act Amendment Bill: Legislative Council's Amendments: Proposed Conference—Stamp Act Amendment Bill: second reading: in committee—Eastern Railway Improvement Bill: in committee—Message from Legislative Council re Amendments in Wines, Beer, and Spirit Sale Act Amendment Bill—Public Institutions and Friendly Societies Lands Improvement Act Amendment Bill: second reading: in committee—Mineral Lands Act Amendment Bill: second reading: in committee—Message from Legislative Council, agreeing to proposed Conference with reference to the Constitution Act Amendment Bill—Public Health Act Further Amendment Bill: in committee—Loan Estimates, 1893-4: introduced—Adjournment.*

The **SPEAKER** took the chair at 2:30 p.m.

#### PRAYERS.

#### NATIONAL PARK RESERVES.

**MR. TRAYLEN**, in accordance with notice, asked the Commissioner of Crown Lands whether it was the intention of the Government to reserve National Parks at all places likely to attract tourists, including the caves at the Margaret River?