

"An Act to regulate Superannuations and other Allowances to persons having held Civil Offices in the Public Service under the Colonial Government."

"An Act to amend the Laws relative to Juries."

"An Act to prohibit the Export of Arms, and Munitions of War."

Government House, Perth, 9th August, 1871.

ELEMENTARY EDUCATION BILL.

Recommittal.

Mr. STEERE, pursuant to notice, moved that the Bill be recommitted with a view to inserting the following clause:—

In Government Schools the District Boards shall fix such times as may be most convenient, before or after the four hours devoted to secular instruction, when the Bible shall be read and religious instruction may be given by teachers, or by Ministers of Religion, or by other approved persons. Provided that in regard of any particular school the Boards shall consider and determine upon any application by managers or parents who may show special cause for exception of the school from the operation of this clause in whole or in part.

The COLONIAL SECRETARY (Hon. F. P. Barlee) objected to the recommitment of the Bill for the purpose named, inasmuch as provision was already made in it for religious instruction, and that a clause nearly similar to that now proposed to be introduced had, after a very lengthened discussion, been rejected by the House.

The ATTORNEY GENERAL (Hon. R. J. Walcott) concurred.

Mr. LOGUE supported the motion, which, after some further observations from Mr. STEERE, was affirmed.

In Committee.

New clause—

Mr. STEERE moved that the following new clause be inserted:—

In Government Schools the District Boards shall fix such times as may be most convenient before or after the four hours devoted to secular instruction, when the Bible shall be read and religious instruction may be given by

teachers, or by Ministers of Religion, or by other approved persons. Provided that in regard of any particular school the Boards shall consider and determine upon any application by managers or parents who may show special cause for exception of the school from the operation of this clause in whole or in part.

He said the Bill in its present form merely enacted that out of five hours during which instruction was to be given in schools, four hours should be devoted to secular education, and no provision was made for the remaining hour, during which the children might play marbles or cricket, if they choose. He therefore desired to provide that that hour should be devoted to religious instruction as defined in the clause which he had named.

The COLONIAL SECRETARY (Hon. F. P. Barlee) contended that if the additional clause was affirmed it would tend more than any other clause in the Bill to foster denominational education, which he deprecated. He still firmly maintained that the original Bill, as introduced by the Government, was a good Bill, and one that provided perfect equality to all classes; but, as at present altered, he believed it would simply end in creating all kinds of ill-feelings amongst various sections of the community, and he was of opinion that those who clamored loudest against the Bill in its original form would yet seek an educational measure analogous in its provisions to the one introduced by the Government, and that agitation would now come from an opposite direction. The clause under discussion took away all power from the Central Board in regard of the one hour to be devoted for religious instruction, either before or after school hours, and left it entirely in the hands of the local boards. He would wish to know how that could be rendered consonant with another clause in the Bill which enacted that the Central Board of Education should exercise a general supervision over all schools receiving Government aid, and that it should be empowered to make general bye-laws and regulations. Under the provision of the clause now sought to be introduced the Central Board would be precluded from exercising any supervision over, and from making any regulations in regard of, the religious instruction proposed to be taught during the hour set apart for that purpose. He very much regretted the desire to insert a clause of the nature of the one under discussion, and he most sincerely believed that nothing but evil would result from its adoption.

Mr. BROWN opposed the motion.

Mr. NEWMAN intimated his intention of supporting the motion, as the Bill in its present form contained no provisions for religious instruction. The 24th clause, which provided that the instruction to be given in Government schools should not be less than five hours, four of which should be devoted to secular instruction, was incomplete—as, indeed, was the whole Bill—inasmuch as it did not provide for attendance during the fifth hour. He would support the resolution.

Mr. MARMION opposed the motion, contending that ample provisions were already made for religious instruction.

The ATTORNEY GENERAL (Hon. R. J. Walcott) characterized the original Bill as the most logical and comprehensive measure that was ever introduced into the Council, and contended that in its present form it provided fully for all that was essential in regard of religious instruction. Under the provisions of the clause under consideration all power was taken from the hands of the Central Board—of which no two members should belong to one of the same religious denomination—as regarded religious education, and transferred the power into the hands of district boards, who might possibly be all members of one communion, and all the evils which it was intended to avoid, would operate against the satisfactory working of the system. Religious doctrines and dogmas would be forced down the throats of children whose parents objected to their being taught. In fact the whole tendency of the present clause was towards a denominational system of education, and he trusted hon. members would not be so illogical as to return to that system. If the original Bill had passed in its entirety there would have been no cause for the introduction of such a clause as that one proposed to be inserted by the hon. member for Wellington, and if the clause was affirmed, the title and preamble of the Bill should be altered, and, instead of an Act to provide for public elementary education, the measure should be cited as a Bill to provide for denominational education, and to encourage sectarian teaching in schools.

Mr. LOGUE moved, as an amendment, the insertion of the words—"and such religious books as may be approved by the Central Board shall be read."

The COLONIAL SECRETARY (Hon. F. P. Barlee) enquired if the hon. member intended that the Bible should be read without note or comment.

Mr. LOGUE replied affirmatively.

After some further discussion,

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that if the hon. gentleman would assent to the amendment being put in the following words he would support it:—

In Government Schools the Central Board shall fix such times as may be most convenient, before or after, or before and after, the four hours devoted to secular instruction, when the Bible, and such religious books as may be approved by such Board shall be read without note or comment: provided, that in regard of any particular school the Central Board shall consider and determine upon any application by any District Board, or by parents who may show special cause for exception of the school from the operation of this clause in whole or in part.

He did not desire to take any power away from the district boards, but he did maintain that, in order, so far as practicable, to ensure uniformity in all Government schools throughout the colony, the general supervision should be left in the hands of the Central Board.

A brief discussion ensued, and Mr. Logue, having ultimately assented to the proposition as amended by the Hon. the Colonial Secretary, the motion was put to the House and affirmed.

Amendment agreed to.

New clause, as amended, agreed to.

Clause 24: The instruction to be given in Government schools shall not be less than five hours a day, four hours of which shall be devoted to secular instruction—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved for the insertion in the clause of the words "and assisted," so that the clause should provide that instruction to be given in all schools receiving Government aid should not be less than five hours a day, four hours of which should be devoted to secular instruction.

Amendment agreed to.

A few verbal corrections and alterations were also agreed to.

Bill again reported, with further amendments.

Third Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a third time.

Mr. NEWMAN protested against the motion, and maintained that the Bill was one that would, by no means, meet the educational requirements of the colony. He would

press for a division, merely to show that the Bill had not been affirmed in that House without opposition, and so that the names of those who voted with him should be placed on the records of the Council. As an amendment, therefore, he would move that the Bill be read a third time on that day six months.

Amendment put, "That the Bill be read a third time this day six months," upon which a division was called for, the result being as follows:—

Ayes	3		
Noes	14		
Majority against	11		
Ayes.		Noes.	
Mr. Russell		The Hon. M. Fraser	
Mr. Moore		The Hon. R. J. Walcott	
Mr. Newman (Teller.)		Mr. Phillips	
		Mr. Brown	
		Mr. Drummond	
		Mr. Logue	
		Mr. Monger	
		Mr. Gull	
		Mr. Carr	
		Mr. Shenton	
		Mr. Steere	
		Mr. Hassell	
		Mr. Marmion	
		The Hon. F. P. Barlee	
		(Teller.)	

Amendment thus negatived.

The Bill was read a third time and passed.

SMALL DEBTS ORDINANCE AMENDMENT BILL.

In Committee.

After a brief discussion the Bill was rejected.

LAND REGULATIONS.

Select Committee Report.

Mr. STEERE brought up the following report of the select committee appointed to consider what alterations are required in the existing Land Regulations in the colony:—

Report of the Select Committee appointed to consider and report what alterations are required in the existing Land Regulations in the Colony.

Your Committee have under their consideration a memorandum of proposed Land Regulations which were laid on the Council table by command of His Excellency the Governor; and it having been an instruction to your Committee that

the said memorandum should be considered with a view to make it a basis of discussion, have to report to the Council as follows:—

That in each district of the colony there should be laid out, as may be required, blocks of land for agriculture, to be called "Land for special occupation," and that within such areas land shall be alienated on the system of deferred payments, on condition of occupancy and improvement.

Your Committee, whilst recommending that these agricultural reserves shall be laid out for the purposes above specified, are of opinion that free selection throughout the colony should still be permitted, but that land so selected should be paid for at once; that it should be in blocks of not less than one hundred acres, and that the purchaser should have no right of running stock outside the land purchased.

The proposal to allow to tillage lease holders the right of acquiring the fee-simple of their lease on payment of the balance that may be due for the price of the land, deducting therefrom the amount that has already been paid in rent, has met with the approval of your Committee, but they are of opinion that no more than eight years' rent should be allowed to go towards the redemption of such lands. The majority of the Committee are of opinion that no other conditions should be attached towards redeeming these tillage leases, but Mr. Logue was of opinion that the lessees should be compelled to clear and cultivate a certain portion before they could claim the fee-simple.

With regard to pastoral lands, your Committee are not able to recommend the system of poll-tax as proposed in the memorandum before referred to. If all the land could be classified, and valued according to classification, such a plan might be adopted with advantage; but in the present state of the colony it would be impossible, and at all times would be difficult, to make the necessary valuation. It is proposed to abolish the present distinctions between Class A and B, and it is considered that the present rental of £1 per thousand acres is altogether fair and equitable, and such as will meet with general approval. From this decision of the Committee, Mr. Phillips dissented.

Your Committee are of opinion that the purchaser of any portion of a pastoral lease on which improvements have been effected should pay to the lessee the value of such improvements.

It has appeared to your Committee extremely desirable that inducements should be held out to persons to occupy and improve the large portion of land infested with the poison plant; and with this view they have placed before you very liberal proposals, which they hope will have the desired effect, and thus utilize a great deal of country at present lying idle and unproductive.

Your Committee, however, were divided in opinion as to whether these liberal concessions should be extended to lands already occupied, or whether they should merely relate to unoccupied lands, and they leave it to your honorable Council to decide which would be the preferable course to adopt.

With regard to Mineral lands, your Committee have recommended such regulations as they believe will have the effect of inducing many more persons to embark in mining enterprise than has heretofore been the case, and they confidently submit their proposals for your approval.

For all further information with regard to details, your Committee would refer you to the proposed new regulations attached to this report. They have anxiously and carefully considered them, and they trust that in principle they will meet with sanction, and will be such as will conduce to the general prosperity of the colony.

Mr. STEERE moved that the further consideration of the report be made an order of the day for Thursday, the 10th August, 1871.

Question put and passed.

The Council adjourned at 8.40 p.m.

LEGISLATIVE COUNCIL,

Thursday, 10th August, 1871.

Appropriation Bill: first reading—23rd Victoria, No. 11, Repeal Bill: first reading—Representation of the People Bill—Land Regulations: select committee report: in committee.

The SPEAKER took the Chair at 12 noon.
PRAYERS.

The Minutes were read and confirmed.

APPROPRIATION BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved for leave to introduce a Bill to appropriate the sum of £98,036 14s. 2d., out of the General Revenue of the colony for the services of the year 1872.

The Bill was read a first time.

23rd VICTORIA, No. 11, REPEAL BILL.

First Reading.

The ATTORNEY GENERAL (Hon. R. J. Walcott), in accordance with notice, moved for leave to introduce a Bill to repeal the 23rd Victoria No. 11, intitled "An Ordinance to consolidate and amend the laws prohibiting the distillation of ardent spirits in Western Australia, and for repealing a certain Ordinance relating thereto."

The Bill was read a first time.

REPRESENTATION OF THE PEOPLE BILL.

Mr. STEERE asked the Colonial Secretary why the provisions of the Constitution Act had not been complied with in reference to the "Act to amend the Representation of the People Bill," to which Her Majesty's assent had been given. The Bill at present was entirely nugatory, and would continue so until, in accordance with the provisions of the Constitution Act, His Excellency had notified to the Council, or in the *Government Gazette*, that Her Majesty had affirmed the Bill.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that the despatch conveying the notification of Her Majesty's assent to the Bill was, immediately upon its arrival, placed upon the Table of the House, and published in the local newspapers. As no immediate steps could be taken in regard of the provisions of the Act, His Excellency had intentionally postponed the necessary proclamation to the Council, deeming it would be more respectful to the House, in a matter of so much solemnity and importance as a change in the Constitution, that he should himself notify to the House, in person, the assent of Her Majesty to the Bill. This His Excellency would avail himself of an opportunity of doing before the close of the session.