Amendment thus passed; the clause also consequentially amended, by striking out Subclause 2, and agreed to.

Progress reported.

House adjourned at 10.58 p.m.

Legislative Council,

Tuesday, 8th November, 1910.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

DEMISE OF KING EDWARD VII.: ACCESSION OF KING GEORGE V.

Despatches in Reply.

The PRESIDENT: I have received a memorandum from His Excellency the Governor transmitting copies of the following despatches, which he has received from the Right Honourable the Secretary of State for the Colonies for communication to the members of the Legislative Council of Western Australia:—

Downing Street, 30th September, 1910.

Sir,—I have the honour to acknowledge the receipt of your despatch No. 64 of the 29th August, and to request that you will convey to the members of the Legislative Council the thanks of His Majesty the King for their message of their sympathy with him in the death of King Edward VII.

I have the honour to be, sir, your most obedient humble servant (signed) Crewe.

Governor, Sir Gerald Strickland, K.C.M.G., etc.

Downing Street, 30th September, 1910.

Sir,—I have the honour to acknowledge the receipt of your despatch No. 65 of the 29th of August transmitting an address to His Majesty the King from the Legislative Council of the Parliament of the State of Western Australia.

In reply, I have to request that you will convey to the Legislative Council an expression of His Majesty's thanks for their assurances of loyalty and devotion and for their wishes for the length and prosperity of his reign.

I have the honour to be, sir, your most obedient humble servant (signed) Crewe.

Governor, Sir Gerald Strickland, K.C.M.G., etc.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Inspector General of the Insane for 1909. 2, Report of the Under Secretary for Lands for 1909-10. 3, W.A. Government Railways—Rates and General Regulations for conveyance of passengers, parcels, etc. 4, Roads Act, 1902—By-laws of (a) Serpentine Road Board; (b) West Arthur Road Board. 5, By-laws of the following Municipalities:—(a) Menzies; (b) Boulder; (c) Norseman; (d) South Perth; (e) Perth.

BILLS (2)—THIRD READING.

1. Game Act Amendment, transmitted to the Legislative Assembly.

2. General Loan and Inscribed Stock, *passed.*

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: As the title of the Bill indicates, this is a small amendment of the Fisheries Act of 1905. A similar Bill was introduced in a former session but did not pass another place before the close of that session. Section 30

of the Fisheries Act provides that exclusive licenses may be granted for a term not exceeding 14 years for any product of the sea other than food fish. It was found in the definition of the Act that food fish covered marine animal life, such as the turtle. There is a great number of turtles along the North-West coast, extending over a distance of probably 1,000 miles, between Dirk Hartog Island and as far North as Wyndham. These marine animals abound in thousands there and they have a great market value but, unfortunately, in the past no use has been made of these particular animals. Several applications have been made to establish works from time to time for the preservation and utilisation of these turtles; but these people will not take up the work unless they can be granted exclusive licenses, the same as can be granted for other products of the sea. At present there are three applications in. One is from the well-known London firm of Bellis, who do a very large business in turtles. They have applied on several occasions, and have offered to put up £10,000 capital and go into the business properly, and to agree to any reasonable restrictions that may be imposed upon them. Another London firm is prepared to put up at least £25,000 in working the industry; and a local syndicate has also recently made application for an exclusive license; but owing to the definition of "food fish" in the Act of 1905 it is not within the power of the Governor-in-Council to grant an exclusive license, as the turtle, as marine animal life, comes within the definition of "food fish." This small amendment is provided to get over the difficulty. Undoubtedly it would be a valuable industry to the State if some use could be made of these turtles, because now they are simply dying off from old age, or are being destroyed by their natural enemies, whereas they might be turned into a valuable product and employ a large amount of labour. In connection with these applications, one stipulation will be that the whole of the work will have to be carried out in Western Australia; that is to say, the animal will be reduced to the full manufactured state before it leaves the State. The turtles will not simply be caught and cut up and sent home in the dry state, but they will be converted into a marketable commodity before leaving Western Australia.

Hon. B. C. O'Brien: Will white labour only be employed?

The COLONIAL SECRETARY: There is no provision for that. I do not think it would be possible to insert a provision of the kind in a Bill of this nature. I do not suppose it would receive assent if anything of the kind was tacked on to it.

Hon. J. W. Langsford: Was not that the difficulty last session?

The COLONIAL SECRETARY: No. This Bill is practically the same as was introduced last session. There is also another difficulty about granting these licenses. As most members are aware, turtles are not caught in the water, but they are caught on the foreshore when they come up to lay their eggs; and there is no power under the present Act to grant any lease of the foreshore; so provision is made in this Bill with that object. There are certain provisos in the Bill. It is provided that the exclusive license shall not apply to hawks'-bill turtle, nor to bêche-de-mer (trepang), nor dugong, and that persons may take these animals within the restricted area for their own use, for food. There is a further provision that where a lease is granted extending over more than 75 miles of the coastline, the agreement must be laid on the Table of each House for 14 days before it is granted. Thus Parliament can see whether the agreement is in accordance with its wishes; if not, it will be competent for either House, by motion or otherwise, to reject the agreement. To those members who have had no experience of these waters 75 miles may seem a huge area, but as a matter of fact, it is not a huge area. It is only 75 miles of the coastline. But even with 75 miles it may only be possible to obtain a few miles, or less of coastline that will be of any use to a company for this purpose; because it is only the sandy beaches that they can make use of. As they will have

to take the 75 miles in a continuous area, there may be only a small beach here and there of which they can make any use.

Hon. J. W. Hackett: What about the islands?

The COLONIAL SECRETARY: An area of 75 miles would probably take in a great many islands. Where the turtles abound the North-West coast is studded with numerous islands; and invariably the west coasts of these islands are rocky, while a good deal of the east coast of the islands may be rocky; it is only the sandy beaches on the east coast of the islands will be of any use to these people. I move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill debate adjourned.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This Bill contains a number of small but very necessary amendments to the Aborigines Act of 1905. It is brought before the House firstly because the experience gained in the working of the Act during the past five years has shown that the Act is deficient in certain points, and secondly because since the Act was passed the administration of the Act has altered. For instance, at the passing of the Act, and until a few years ago, the Aborigines Department did not have to administer lock hospitals, the same as we have now established at Bernier and Doree Islands; nor did the department have to administer cattle stations such as we have now established for the welfare of the natives in the Kimberley district. For these reasons it was found necessary to introduce the amendments contained in the Bill now before the House. The first amendment is in Clause 2, providing that the Governor may appoint a Deputy Chief Protector of Aborigines. At the present time the Chief Protector, being the Chief Protector for the whole State, must necessarily be absent from his office a great deal. Just now he is somewhere on the Isdell and Robinson Rivers, north of Derby. He has been there some months; and though he will return to Perth shortly, next winter he will go back there, or to a district a little to the south. Altogether it is more than probable he will be away from his office at least six months in the year, because it is in the remote parts of the State that the aborigines mostly live, and the principal duty of the Chief Protector lies in those remote portions of the State. There was no provision made in the Act of 1905 for appointing a Deputy Chief Protector; and as there are certain statutory duties to be performed under the Act by the deputy remaining in Perth, it is necessary to make the provision contained in Clause 2 for the appointment of a Deputy Chief Protector. Clause 3 amends Section 8 of the principal Act, and takes away from the mother of an illegitimate half-caste child her right over the child. It is practically giving the same power under the Aborigines Act that we take under the State Children Act. It is undesirable, as hon. members will recognise, that half-caste aboriginal children should be allowed to continue with the tribes. From time to time they are gathered up and placed in the different missions; and this will, of course, continue; but difficulty arises at times that the mother may claim her illegitimate half-caste child; and there is no power under the Aborigines Act to withhold that child from her. This clause provides for taking away from the mother the power over the child and vesting it in the institutions until the child is 16 years of age. It is exactly the same power as is used when children are sent to an orphanage under the State Children Act.

Hon. B. C. O'Brien: In certain instances you might allow the child to remain with the mother.

The COLONIAL SECRETARY: Yes, the State has no desire to keep the children unnecessarily. It is exactly the same as with white children. If the aboriginal woman becomes married to a white man and leads a proper life she may have the child with her.

Hon. W. Kingsmill: It does not say that she must be an aboriginal. Suppose she is a white woman?

The COLONIAL SECRETARY: I do not know of any case where a white woman has an aboriginal half-caste child.

Hon. W. Kingsmill: There are cases.

The COLONIAL SECRETARY: There may be, but they are not numerous. Clause 4 amends Section 10 of the principal Act. That section provides that not more than 2,000 acres may be proclaimed as an aboriginal reserve in any magisterial district. I do not remember why the area was restricted to 2,000 acres, but it is not at all a workable proposition. I was a member of the House at the time the Act was passed, but I am not quite clear what was the reason for this restriction. Mr. Kingsmill may know.

Hon. W. Kingsmill: The reasons were given in the report of the select committee.

The COLONIAL SECRETARY: At present we are faced with a difficulty. We have Bernier and Doree Islands running into many thousands of acres and used exclusively as lock hospitals for aborigines, yet it is not possible to proclaim them as aboriginal reserves, as there can be only 2,000 acres proclaimed. Again, we have the Moola Bulla cattle station in Kimberley, containing 800,000 acres; and again only 2,000 acres can be proclaimed as an aboriginal reserve. In order to get over the difficulty and proclaim them aboriginal reserves it is proposed to strike out the 2,000-acres restriction and leave the area without limit. Clause 5 amends Section 18 of the principal Act. That section provides for protectors issuing permits for the employment of native labour. It so happens in remote districts, say a station some 200 miles from the coast, where a protector is a manager of a station, there may not be another protector within 100 miles, and therefore this protector is given power to issue a permit to himself or his employees. In some instances, I regret to say, this power has been abused, and the Bill places some restrictions upon it. The protector will not be able to grant a permit to himself, or his owner, or his employees, without getting special premission from the Chief Protector of Aborigines. Clause 6 is an amendment suggested by the Crown Law Department. It is to amend Section 19. Section 19 is a repetition of Section 21 and, therefore, is repealed. Clause 7 is an amendment to Section 21 of the Act, making the meaning of aboriginal camp plainer. At present a prosecution can only be sustained if a person is caught cohabiting with an aboriginal in or on premises. It has been held recently in the Supreme Court that a black's camp is not "premises." For instance, blacks may be camped or they may go around where teamsters are, and these teamsters may cohabit with them and thus commit a breach of the Act. At the same time it is held that these localities are not premises. In order to get over that difficulty and make it applicable the amendment has been inserted.

Hon. J. W. Hackett: Where does it say anything about premises?

The COLONIAL SECRETARY: The word "premises" appears in the Act. The clause repeals Section 21, and provides, as I have just explained, for making the definition of camp plainer than it is at the present time. Clause 8 provides for an amendment of Section 43 of the principal Act. Previous to the passing of the Aborigines Act of 1905 it was provided that any white man who habitually lived with an aboriginal woman should be compelled to marry her or be prosecuted for living with her. It is proposed to alter that. Previous to the passing of the Act of 1905 there were some men living with aboriginal women in the North, and they had gathered around them large families. Some of these men were quite willing to marry the aboriginal women with whom they had been living, but in one or two instances the men demurred, and the only course left was to prosecute them. That however, would mean forcing them, in some cases, to leave the children to provide for themselves. It is not proposed to allow any habitual cohabitation between white men and native women, but in the instances I have mentioned it will mean that the Chief Protector will be given certain powers, that is to say, no prosecution shall lie under this clause without the consent of the Chief Protector

of Aborigines. If the Chief Protector is satisfied that there is a case in which there would be more hardship brought about by enforcing the provisions of the Act, then he shall have power in such an instance to waive the prosecution. I admit there are not numerous cases of this kind, but there are one or two, and it was thought wise to have a provision of this kind.

Hon. B. C. O'Brien: With the consent of the Minister for the time being, I take it?

The COLONIAL SECRETARY: It will be left to the Chief Protector and probably he will refer the matter to the Minister. Clause 9 amends Section 44 of the principal Act, but I might quote that section to make the matter clear. It says—

> Any person who entices or persuades an aboriginal or half-caste girl under the age of 16 years to leave any school or aboriginal institution without the consent of a protector, or to leave any lawful service without the like consent, shall be guilty of an offence against this Act.

According to the way in which the section is printed it is not an offence to induce a black girl to leave an institution if she is over the age of 16. It is proposed now to strike out 16 and provide that if any person induces an aboriginal girl to leave any institution or service he shall be guilty of a breach of this Act. It is just as necessary to protect the girls over the age of 16 as it is to protect those who are under 16. Hon. members will readily understand—those who have had any experience—that half-castes, unless exempted, have been treated as aborigines. Hon. members also will understand the difficulties in the way of half-caste girls remaining moral after they have attained the age of 16 years. Clause 10 amends Section 45 of the principal Act and it provides, too, for a very necessary amendment. A great difficulty that we have to contend with in connection with looking after aborigines at the present time is with regard to the drink that they are able to obtain from certain people. The penalty which is provided for at the present time is not sufficiently severe and the clause under discussion provides one which is severe, and not only does that, but it also makes it an offence for the native to take the liquor. I venture to say that our native race would be in a much better state of health to-day and there would be less crime among them if they were not able to obtain intoxicating liquors. With the view of trying to minimise this unfortunate state of affairs Clause 10 has been inserted. I trust that it will have the desired effect. Clause 11 will provide a new section, and it will stand as 56a. It will give the governing authority of any institution the same power over aborigines and half-castes under their care as is given the governing authority of an institution in which are housed white children, institutions such as reformatories or orphanages.

Hon. W. Kingsmill: Do you think it is wise to add a letter to the number of the clause?

The COLONIAL SECRETARY: That is the Parliamentary Draftsman's idea; it saves re-numbering the whole of the Act. Clause 12 will also provide for a new section in the Act, and it will be a very important one indeed. It will take the place of the section in the existing Act. At the present time when an aboriginal is brought before a court for any offence he is allowed to plead for himself. These unfortunate natives very often have not a great knowledge of the English language and they do not realise the nature of the questions put to them. For instance a magistrate may ask a native questions, or may repeat anything that may be said, and the native will always answer "yes," and he is then convicted on his own admission of guilt. The new clause provides, as hon. members will see, that no court, magistrate, or judge shall take the plea of an aboriginal native by himself, the native must be represented in court by a protector, and that protector must plead for him, unless the magistrate takes the plea of the native with the consent of the protector.

Hon. J. W. Kirwan: Has the protector any power to appoint a lawyer to defend a native?

The COLONIAL SECRETARY: A protector has full power to appoint a

lawyer, and that is frequently done. It is also done in capital or serious offences. These natives, or a great number of them, live in most unsettled parts of the State, such as Kimberley. If a native has to be tried at Wyndham no lawyer can be obtained within a distance of 100 miles, and it would not be possible to get one there inside a month. In order to get over the difficulty it is provided in the Act that the protector shall have the right to appear in court and plead for that native exactly as a lawyer does in the ordinary course of justice.

Hon. F. Connor: Does this clause appoint the protector to appear for the native?

The COLONIAL SECRETARY: Yes; the native must at all times be represented by a protector.

Hon. F. Connor: The native cannot be tried unless represented by a protector?

The COLONIAL SECRETARY: A magistrate may take the native's plea with the consent of the protector. The latter part of the clause provides a further safeguard. For instance, members of the police force are frequently appointed protectors of aborigines because there are no other suitable persons to appoint. It provides—"No member of the police force, being a protector of aborigines, whose duties as a member of the police force connect him with the particular prosecution, shall be entitled to approve of or assent to any plea of guilty under subsection two of this section in such prosecution." Thus no injustice will be done.

Hon. W. Kingsmill: Who will you get for a protector if the resident magistrate tries the case and the police are prosecuting?

The COLONIAL SECRETARY: There are always a number of policemen and all of them will not be prosecuting, and as the hon. member knows, in places like Wyndham or Derby there are half a dozen protectors who are generally business people in the town, and in such cases one of them can be asked to take part in the proceedings. The latter part of the clause provides for a rather important alteration to the present Act. It has been contended by the residents of Kimberley that imprisoning natives has anything but a good effect. After having served sentences for cattle-spearing or other offences and they are returned to their native places they become even worse than they were before their imprisonment. The only way to get over cattle-killing and other crimes is to debar these natives from returning to their tribal districts. I know that natives have a great fear that they will not be allowed to return to the places from whence they came. Considerable difficulty was experienced in connection with the establishment of the lock hospitals. There was a number of diseased natives along the coast and immediately the police were sent after them they became scared and disappeared for fear that if they were removed to these hospitals they would never be returned to their districts. Consequently, at the outset it was a difficult matter to secure the natives to take them to the islands where the hospitals are, but since a number of them have been treated and cured, and then returned to their districts, there has been no further difficulty with regard to securing others and sending them to the hospitals. I only mention this to show that the natives have great fear that when they are taken away from their own district that they will not be sent back. The latter part of the clause provides that where natives who have received Government rations and have been convicted a second or a third time power is given to the Minister to transport them to another part of the State. I do not know that there is any great use in putting the amendment in the Bill. It will be rather inoperative I am afraid; because we could not bring a Kimberley native to the South-West and leave him there; he would not remain there; he would travel back to his native place. Therefore, the only way to deal with them would be to put them on islands; and even then they could escape; but I thought it well, from the experience of the administration of the Act, to give the matter a trial. If there is a very bad case, if a man is constantly offending and getting into

gaol, we might send him to Bernier or Doree Island, and it might have a good effect on the rest of the tribe in this particular district. However, as I have indicated, it cannot be availed of to any great extent. Clause 13 is an amendment to Section 66 of the Act. Unfortunately there is a great amount of immorality between the coloured men working on the boats on the North-West coast and the native women. In order to make better provision against this, power is taken in Clause 13 to declare any portion of the coast a prohibited area which these boats cannot use. Any portion of the coast near an aboriginal mission, or where aboriginal women are likely to be found, may be proclaimed a prohibited area, and the coloured crews from the luggers cannot land at those particular spots. It is very difficult at present to protect these women from the coloured men, and I trust this provision will have the desired effect. Clause 14 is the last clause of the Bill I need mention. It amends Section 64, the financial section of the principal Act. This section prescribes a trust account at the Treasury to be operated upon as in the case of a banking account, namely, by drawing on it by cheque; and also prescribes a balance-sheet showing assets and liabilities of the department, also an income and expenditure account, and such other statements as may be required by the Minister. It is quite impossible to get out a balance-sheet of the Aborigines Department; it is not done in any other departments, and I think it was a mistake in having the Act drawn up in that way. The Aborigines Department works exactly the same as any other department. If any buildings have to be put up they are put up by the Works Department just as is done for other departments. The Auditor General, however, drew attention to Section 64 and refused to sign the balance-sheet attached last year to the annual report of the Chief Protector. The provision in the clause in the Bill is to amend the section so that, instead of a balance-sheet showing assets and liabilities, and an income and expenditure account, a simple cash statement of receipts and payments will be provided, and this will be certified to by the Auditor General. It would be impossible to have a balance-sheet, which would mean the annual assessing of the assets of the department; and I do not think Parliament ever contemplated it when the Act was passed. For instance, it would be necessary to have a muster of the stock on the aboriginal stations so as to arrive at the value of the stock. The Bill is small, but it is a very important one, because it makes many very important amendments to the Aborigines Act, occasion for these having arisen firstly through the alteration in the administration of the Act, and secondly by the experience gained during five years of working the Act. I move—

That the Bill be now read a second time.

On motion by Hon. B. C. O'Brien, debate adjourned.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Bill read a third time and *passed.*

ADJOURNMENT—STATE OF BUSINESS.

The COLONIAL SECRETARY (Hon. J. D. Connolly) moved—

That the House at its rising adjourn until Tuesday, the 15th November.

Hon. J. W. Kirwan: Why not a fortnight?

The COLONIAL SECRETARY: I thought the House might have received the Licensing Bill from another place today, and that it might have been read a first time. However, it has not come down. It is a very big Bill and I think it would be wise to get on with it as soon as possible. It will be read a first time on Tuesday next and a second time on the Wednesday. The measure is now printed as amended in another place, and members can obtain copies of it, and they will have until Tuesday to peruse it.

Hon. Sir E. H. WITTENOOM: I would like the Minister to make the ad-

journment for a fortnight. There are large gatherings in one or two parts of the State that take place only once a year —I allude to Carnarvon particularly— and a fortnight's adjournment would give an opportunity to some members to visit their constituents. If it would not inconvenience the business a fortnight's adjournment would be of advantage to them.

The COLONIAL SECRETARY : I am willing to make it a fortnight if it is the will of the House.

Motion by leave withdrawn.

The COLONIAL SECRETARY moved—

That the House at its rising adjourn until Tuesday, the 22nd November.

Question passed.

House adjourned at 5.28 p.m.

Legislative Assembly,

Tuesday, 8th November, 1910.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—DAIRYING LAND.

Mr. HEITMANN asked the Minister for Lands: What is the estimated acreage of Crown lands in the State suitable for dairying purposes?

The MINISTER FOR LANDS replied: Probably 6,000,000 acres of Crown lands, having a rainfall of 20 inches and over.

QUESTION — WATER SUPPLY, HOFFMAN'S MILL.

Mr. O'LOGHLEN asked the Premier: 1, Is he aware that the water supply at Hoffman's Mill is unfit for human consumption? 2, Did the inspector for the Central Board of Health make certain recommendations *re* the said supply? 3, Were these recommendations carried out? 4, If not, why not? 5, Will the inspector's report be made available?

The PREMIER replied: 1, No. The main supply is wholesome. The last inspection showed that the supply was free from any contamination. 2, Yes; that the main supply be extended to that portion of the settlement now supplied by the creek. 3, The recommendations were transmitted to the company (Millars'), who have communicated with the mill manager. A further inspection will be made as soon as an inspector is available. 4, Answered by No. 3. 5, Yes.

QUESTION — PINJARRA-MARRADONG RAILWAY EXTENSION.

Mr. O'LOGHLEN asked the Premier: 1, It is the intention of the Government to immediately bring down a Bill for the extension of the Pinjarra-Marradong Railway? 2, Seeing that the co-operative society will during the next three months supply over 10,000 tons of freight, will the Government immediately build another three miles of line? 3, Failing prompt action by the Government will they arrange with the co-operative society to build this extension and so give facilities to many hundreds of residents?

The PREMIER replied: 1, The Government propose to introduce a Bill for the extension of the Pinjarra-Marrinup Railway towards Marradong as soon as the business before Parliament will permit, and if passed the construction of the line will be proceeded with without delay. 2 and 3. Answered by No. 1.