

he will find that we have agreed to it. We have added to it, but we have agreed to the resolution.

Question put and passed.

PAPERS PRESENTED.

By the Minister for Mines: 1, Appointment of the Royal Commission on Miners' Lung Diseases (ordered on motion by Mr. Heitmann); 2, Application for forfeiture, Mikado gold mining leases (ordered on motion by Mr. Taylor).

House adjourned at 9.5 p.m.

Legislative Council,

Thursday, 23rd November, 1911.

	PAGE
Papers presented ...	385
Message: Standing Orders, Lapsed Bills ...	385
Bills: Appellate Jurisdiction, re-com. ...	385
Local Courts Act Amendment, 1a. ...	385
Public Works Committee, 1a. ...	385
Veterinary, 2a., Com. ...	385
Deputy Governor's Powers, Com. ...	390
Criminal Code Amendment, 2a. ...	391
Game, 2a. ...	393

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Copies of Orders in Council under Audit Act; 2, Copies of approval to amendment of regulations under Audit Act; 3, By-laws of road boards—Yilgarn, Broomehill, Swan, and Drakesbrook.

MESSAGE—STANDING ORDERS, LAPSED BILLS.

Message from the Assembly received acquainting the Council that it had passed a resolution in reference to lapsed Bills similar to that passed by the Council.

BILL—APPELLATE JURISDICTION.

Recommittal.

On motion by the COLONIAL SECRETARY Bill recommitted for amendment.

Clauses 1 to 8—agreed to.

New Clause:

Hon. D. G. GAWLER moved —

That the following be added to stand as Clause 6:—"No appeal to the Full Court from an order absolute for dissolution or nullity of marriage shall hereafter lie in favour of any party who, having had time and opportunity to appeal to that Court from the decree nisi on which such order may be founded, shall not have appealed therefrom."

Under the present Act an appeal was allowed on a decree absolute within three months. A period of nine months might elapse before the decree nisi was made absolute, and the people concerned would not be able to marry during that period. This provision was in the English Act. The period which might elapse between the decree nisi and the decree absolute varied up to six months, and the new clause provided that having had time up to a period of three months and not appealed, the parties should be precluded from appealing after the decree absolute was made.

New Clause put and passed.

Title—agreed to.

Bill reported with an amendment.

BILLS (2)—FIRST READING.

1, Local Courts Act Amendment.

2, Public Works Committee.

Received from the Legislative Assembly.

BILL—VETERINARY.

Second Reading.

Debate resumed from the previous day.

Hon. T. F. O. BRIMAGE (North-East): In supporting the Bill before the House I think some steps should be taken in regard to the regulation of the practice

of veterinary surgery in this State, but I am not quite satisfied that it should be necessary to establish a separate department as proposed by the Bill. If licenses for the practice of veterinary surgery were granted by the Chief Inspector of Stock of the State, and by one or two other officials, that I think would be sufficient. The police could be given the necessary powers of prosecuting anybody practising without a license. However, the Government have thought fit to bring in a Bill to regulate the practice of veterinary surgery, and I think some measure of the kind was necessary, or some action was necessary to stop the continued butchery of horseflesh which has been going on in this State, therefore I am glad the measure is before the House. I notice in Clause 3 provision is made for five members of the board. I think three members would be sufficient for the State at the present time. We do not require to go to any great expense in the matter. No doubt these board members will receive fees, and there will be other expenses. I think this board would work better with a less number than five. When the Committee stage is reached I shall move, if no other member does, that the number of the members of the board be reduced from five to three. I sincerely trust, too, that some consideration will be given to some of the existing practitioners in this State. I may say that some of the leading men who are practising veterinary surgery in this State at the present time do not hold credentials from any veterinary college, and it would be a hardship to stop them practising.

Hon. A. G. Jenkins: They have only to pass an examination.

Hon. W. Patrick: This is provided for in the measure.

Hon. T. F. O. BRIMAGE: I was just going to say that I was glad to see that some consideration is to be given them. I know, in two instances at any rate, that these are very able men in this particular branch of business. No mention is made of the fees to be paid to the chairman and other members of the board.

Hon. F. Davis: They are honorary positions.

Hon. T. F. O. BRIMAGE: That is cheap. Nearly all the boards we form receive fees, and I think that fees should be paid in a case of this kind. I do not intend to delay the House, to any extent, beyond saying that I welcome a measure of this kind. I think it is one that is very necessary in Western Australia. I have seen blacksmiths at veterinary surgery who should not be allowed to carry on this work. I am sure that the Bill is necessary, and I intend to give it my support.

Hon. V. HAMERSLEY (East): I recognise that this Bill is a move in the right direction, and I am pleased that the Government have brought this measure forward, but, like Mr. Brimage, I feel somewhat for those who have been practising in the State for a few years. From the remarks made by some hon. members it seems that provision is made for these men in Clause 21, but I am satisfied that it will depend very much on who constitute the controlling board. They may be putting up a ring fence which will enable them to debar any of those who are quite in the lead of the profession at the present time in this State. We have to recognise, also, that although we want fully qualified men, we have at the present time men who are fairly competent in veterinary surgery without actually having diplomas, and who are more successful in the cases they treat than some of the men with diplomas of whom we have had experience. It would be a hardship to have the businesses which they have built up in the last few years taken away from them, although by passing an examination they would, perhaps, according to Clause 21, be permitted to continue to practise. The seven years' term, I know, would be too great for several who have been practising very successfully, and I say again that it will depend entirely on who sets the examination. There may be a ring fence created by those who have diplomas and who want to keep the practice entirely amongst a few. Practically they would debar some who in the back-blocks are satisfied to go amongst the settlers and treat their animals very satisfactorily. There would be difficulties in the way of

some of the back blocks settlers getting the qualified men who might be in the City. The men in the outback country would, of course, prefer a qualified man if he were available, but very often there is not a sufficient amount of business in this veterinary work to warrant some of those with the highest diplomas practising in these distant parts. I hope that in Committee we will be able to discover some means of leaving a loophole by which a man could practise without having the highest diplomas, which, it seems to me, are likely to be required by the board controlling these examinations. I have very much pleasure in supporting the Bill as a whole.

Question put and passed.

Bill read a second time.

Committee stage.

The COLONIAL SECRETARY moved—

That the House do now resolve into Committee to consider the Bill.

He said: If members think this Bill is entitled to more consideration, and I may say some of the country members notified me that they would like it postponed, I am willing to delay the consideration, but I am not prepared to take the responsibility on my own shoulders. I am ready to go on.

Hon. Sir E. H. WITTENOOM: Go on with it.

The COLONIAL SECRETARY: We will go as far as possible and, if necessary, the measure can be recommitted later.

Question put and passed.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Constitution of board:

Hon. Sir E. H. WITTENOOM: Although at first inclined to support the clause as it stood, keeping the membership at five, with a view perhaps to having a mixed board, partly of veterinary surgeons and partly of lay members in-

terested in stock, after careful consideration he had come to the conclusion that it would be far better to have a board of three members to be composed entirely of qualified veterinary surgeons. The appointment of this board would be entirely in the hands of the Government, and it would, perhaps, be difficult to say whether they would always choose the best men if they had to appoint some lay members. If, however, the personnel of the board were restricted to veterinary surgeons they would know what they were doing, and unless these men were qualified they could not take a seat on the board. In those circumstances he moved an amendment—

That the word "five" in line 3 be struck out and the word "three" inserted in lieu.

Hon. V. HAMERSLEY: What was the intention of the Government in regard to the personnel of the board?

The COLONIAL SECRETARY: It had been his intention to move for a reduction of the number of members from five to three, but having consulted several members from the agricultural districts who wished for the representation of lay members, he had decided to allow the clause to continue in its present form. If the membership of the board were reduced to three there was likely to be some difficulty, because in Subclause 3 of Clause 6 it was provided that—"Before or during any absence of the Chairman the board may choose a member to perform his duties and exercise his powers in his absence as vice-chairman." If the chairman was absent there would be only two members of the board and one would be chairman, which would make a rather peculiar situation. The matter had been fully considered, and he had been asked by the Chief Inspector of Stock to support a board of three members, because there were very few qualified veterinary surgeons in the State at the present time and it would be difficult to find five.

Hon. J. D. Connolly: You have more than three in your Agricultural Department now.

The COLONIAL SECRETARY: There were several in the Agricultural Depart-

ment, but it was not desired to appoint all the members from the Government service.

Hon. A. G. JENKINS: Some members feared that there would be a close corporation. That was more likely to happen if there were three members instead of five. Frequently with the absence of one member the affairs would be run by two persons if the board were restricted to three. For that reason, it would be better to allow the board to be comprised of five members, especially as they would have to examine a large number of unqualified veterinary surgeons at the present time practising in this State.

Hon. Sir J. W. HACKETT: It had happened when an incorporating Act had been passed in connection with one of the professions in the State that the persons appointed to regulate the corporation deliberately excluded others. There was no necessity to mention names, but it was a well known fact that these persons failed to make any regulations or arrangements, with the result that at the end of the year they were in possession of the whole field.

Hon. M. L. MOSS: The only qualifications which would entitle a person in the future to become registered were that he must hold a diploma of competency as a veterinary surgeon from the Royal College of Veterinary Surgeons of Great Britain or from some other college or institution recognised by the board. That was a tremendous impost to put on persons who were legitimately carrying on the profession in Western Australia. When a similar Bill was introduced in 1894 dealing with dentists, and the Act was still in force, it was provided that a board of six members should be appointed, three medical practitioners and three dentists, and there was a provision saving the position of the man who was carrying on that particular profession at the time the Act became law. That liberal provision was made to protect vested interests. If a man was bona fide engaged in dentistry for twelve months before the passing of the Act he was allowed to continue without examination.

Hon. A. G. Jenkins: He ought to pass examinations.

Hon. M. L. MOSS: There were certain vested interests; certain men were practising this profession and their rights should be recognised. Whether in dentistry or in chemistry, or whether in Australia or in New Zealand, those people who had been carrying on their professions before the passing of legislation were always protected. The board should be composed of five members, but all should not be nominated by the Governor in Council. All other similar boards were elected by the members of the professions concerned, and that should be done in this instance. It was a mistake to make the whole thing departmental, and if we reduced the number to three it would become a close borough indeed.

Hon. F. DAVIS: In Subclause 3 of Clause 5 it was provided that in the absence of the chairman, the board could choose a member to perform his duties and exercise his powers in his absence as vice-chairman. If the board were reduced to three members and only two, who would form a quorum, were present, one would be vice-chairman and the opinion then might be divided and there would be a deadlock. The matter under discussion might also be something which would require to be dealt with promptly.

The COLONIAL SECRETARY: The clause as it was printed had been sanctioned by the Government, but since the Bill was prepared and passed through Cabinet a question had arisen as to whether there were sufficient qualified veterinary surgeons whose services could be secured for the board. Personally, he thought it was very necessary for the reasons explained by members that there should be five on the board. It must be clearly understood that it would be almost an impossibility to obtain the services of five duly qualified men, and it might be necessary therefore to appoint some laymen on the board. That, he understood, was the wish of some members.

Hon. Sir E. H. WITTENOOM: When the measure was going through the second reading stage there were no objections

advanced to any of the conditions and it was presumed from that, that they were approved of in their entirety by members. There was some question about the members to constitute the board, and he was still of opinion that three would be ample. It was a very small matter; there were not many people involved, and he did not for one moment think that the appointment of three people would make the board exclusive.

Hon. W. Patrick: Not if some of them are laymen.

Hon. Sir E. H. WITTENOOM: What sort of laymen would the hon. member guarantee would be appointed? If the board were to consist of three veterinary surgeons it would be known who would be appointed, and if laymen were to be appointed there was no compulsion as to what class of laymen was to be chosen, whereas the veterinary surgeons would be duly qualified men and the choice of the Government would be limited to these. He was only prepared to follow the wishes of the House, and as to what had been anticipated by Sir Winthrop Hackett he did not think the position would be as drastic as that. If we were to have these dreadful results we need not have the Bill at all. He was in the hands of the Committee, and if members desired he would withdraw the amendment.

Hon. T. H. WILDING: Would the Colonial Secretary give the Committee a guarantee that the laymen who might be appointed would be breeders of stock?

Hon. B. C. O'Brien: A knowledge of stock would be sufficient.

Hon. T. H. WILDING: A good many people claimed to have a knowledge of stock, but if we used the term breeder it would ensure the appointment of men who had a knowledge of stock. It would, however, be better to have three qualified veterinary surgeons on the board, and they should be selected from the government service, for instance the Chief Inspector of Stock, the director of the Zoological Gardens, and another officer. That would meet the case, and he would support the amendment.

The COLONIAL SECRETARY: The guarantee asked for by the hon. member could not very well be given, but it was to be presumed that any Government entrusted with the selection of laymen to fill positions on the veterinary board would take special care that the men had some practical knowledge of stock.

Hon. V. HAMERSLEY: The clause was better as it stood. There was safety in numbers and five on the board would the better prevent the doing of injustice.

Amendment put and negatived.

Clause put and passed.

Clause 4—Tenure of office:

Hon. A. G. JENKINS: Three years was too long a term for a board appointed by the Governor-in-Council to hold office. With a view to inserting "one year" he moved—

That in line 2, Subclause 1, the words "three years" be struck out.

The COLONIAL SECRETARY: There was no necessity whatever for the proposed amendment. Under it the Governor would have to appoint new members of the board every year. If any member of the board proved unsuitable for his office he could be removed at any time.

Hon. M. L. MOSS: That is a power very seldom exercised.

Hon. J. D. CONNOLLY: The amendment was worthy of acceptance. No Minister would care to remove a man for anything short of misconduct. If, as the Colonial Secretary had previously said, there was going to be a difficulty in the first instance about finding five men qualified to hold these positions, was it not the more necessary that an opportunity should be taken annually for selecting other men?

Hon. M. L. MOSS: There were special reasons why the tenure of office should be one year. The Minister did not believe that there were five persons in Western Australia qualified to sit upon the board.

The Colonial Secretary: I said six.

Hon. M. L. MOSS: Even if we made it ten it was a small number. That being the case it was likely that during the first

or the second year a number of other persons would qualify themselves and be registered under the provisions of the Bill when it became an Act. If the tenure of office were made one year, these men who qualified subsequently could be availed of for seats on the board. The Minister must know that the power of removal would never be exercised against a person merely because he possessed inferior qualifications to one who had qualified subsequently.

The COLONIAL SECRETARY: No object could be gained by the amendment. If, as had been suggested, members of the board proved incompetent, who was to judge of their incompetency? If guilty of misconduct they would be removed at once.

Hon. C. SOMMERS: The Colonial Secretary would be well advised to reduce the terms to 12 months. In the first instance mistakes might be made in choosing the board; if, on the other hand, its members were well chosen it would be very easy to reappoint them.

Hon. B. C. O'BRIEN: In view of what had been said in favour of a shorter tenure would it not be well for the mover of the amendment to accept a compromise and make it two years?

The CHAIRMAN: The question before the Committee was that the words "three years" proposed to be struck out should be struck out. What was to be inserted subsequently would be the subject of a subsequent motion.

Hon. M. L. MOSS: When we once had legislation of this sort on the statute book highly qualified veterinary surgeons from other places would probably be attracted to Western Australia, and the Government might then find themselves in the position that they would be desirous of obtaining some of these highly qualified men to serve on the board, whereas the hands of the Government would be tied for three years.

Amendment put and passed.

Hon. A. G. JENKINS moved a further amendment—

That in line 2, Subclause 1, the words "one year" be inserted in lieu of the words struck out.

Amendment passed; the clause as amended agreed to.

Clause 5—agreed to.

Clause 6 (consequentially amended)—agreed to.

Clauses 7 to 13—agreed to.

[Clause 14—Financial—to be dealt with by Assembly.]

Clauses 15 to 20—agreed to.

Clause 21—Qualifications of practitioners:

The COLONIAL SECRETARY: An amendment would be moved to this clause. Notice had been given but unfortunately it was not on the Notice Paper.

Hon. M. L. MOSS: The great fight would hedge round this clause. It would be well if the clause were postponed so that members could have amendments put on the Notice Paper. We should see that no injustice was done to any person now practising.

On motion by the COLONIAL SECRETARY, clause postponed.

Clauses 22 to 26—agreed to.

Clause 27—Regulations:

Hon. M. L. MOSS: Could regulations be made prescribing the payment of fees to members of the board? Was that intended?

The COLONIAL SECRETARY: No, it would be an honorary board. At any rate if any step was taken in the direction indicated the regulations would need to be laid on the Table in both Houses and the vote of either House could disallow them.

Clause put and passed.

Clauses 28 and 29—agreed to.

Progress reported.

BILL—DEPUTY GOVERNOR'S POWERS.

In Committee.

Bill passed through Committee without debate; reported without amendment, and the report adopted.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill seeks to reform a branch of the law which, despite the progress of civilisation, has not enlisted the amount of attention which it appears to deserve. It is intended to be the ground work of a further advance in a similar direction. Our forefathers regarded the criminal as a being outside the pale of civilisation. This Bill strikes a different note and strikes out also on different lines. It aims at showing a little feeling towards the criminal. It does not condone crime, it does not attempt to minimise the gravity of crime, but at the same time it recognises that the criminal is a section of the human race—although perhaps a diseased section, still a section all the same. Very often, I think it will be admitted by hon. members, the criminal is not altogether responsible for his own degradation. He may be the direct, or indirect, result of circumstances over which he has had no control. He may be a criminal owing to the fact that his early training had been neglected, or that he had practically no training at all. There are among the criminal classes also those who suffer from mental malformation, which may in a large degree be responsible for their criminal career. Upon that basis it seems to me the criminal to a large extent is, or should be at any rate, more the object of pity than of hatred. The Bill keeps that point always strictly in view. It shows some compassion for the habitual criminal. It tries to give him a chance and more than a chance; it seeks to put him under observation, and to submit him to more humane treatment, more humane at any rate than he receives at the present time. Here, in this State, we have had no court of appeal except in regard to points of law where criminal cases are concerned. There is an appeal court in England, and this Bill, in so far as it makes provision for an appeal for criminals, is, with a few exceptions, a copy of the Act which was passed in England a few years ago. The

Bill has practically two purposes. First of all it establishes this appeal court so necessary to a prisoner, and, I submit also, necessary to justice, because although we have had a Court of Crown Cases Reserved, whereat points of law could be argued, if the point of law went in favour of the prisoner the prisoner was released, and that was not always justice. A prisoner may, on some technicality, escape the just penalty of the offence; and that a man known to be guilty of a charge should escape just on a bare technicality, does not seem to be in harmony with substantial justice. Hitherto we have had no means of securing a complete review of a case upon its merits, upon the facts presented, or of dissenting from the sentence of the judge or the verdict of the jury. The Bill now provides this. In any case in which a jury has given a decision the prisoner can secure an appeal. The Crown has not the same right. The Crown has the right to appeal on a point of law, but the prisoner has not only the right to appeal on a point of law but also the right to appeal on the facts of the case. He has the absolute right to appeal on a point of law, but not the absolute right to appeal in connection with the facts; in the latter case he must first have the consent of the Court of Appeal. The Bill also provides for the treatment of habitual criminals, men who have been convicted of crimes many times and are brought up for trial on charges of a light character on the same class. If a man has already been twice convicted of the crime on which he stands charged, or of crimes of the same class, and if he is convicted at the trial, a new charge can be laid against him of being an habitual offender. That is only if a man commits a new offence. There are certain crimes of a special character which will make a person liable to be treated as an habitual criminal. In Clause 9 members will see the definition of an habitual criminal; that clause says—

Every person shall be deemed to be an habitual criminal who (a) commits any crime comprised in Class I., II., or III., after having been twice previously convicted of a crime of the same class.

Class I. refers to murder, attempted mur-

der, manslaughter, conspiracy to murder, inflicting grievous bodily harm, unlawfully wounding and suchlike crimes; Class II. refers to offences against morality, unnatural offences, defilement of girls, etcetera; Class III. relates to injuries to property, such as arson, obstructing and injuring railways, injuring animals, malicious injuries, sending letters threatening to burn or destroy, etcetera; Class IV. relates to stealing, robbery, burglary and similar offences; Class V. relates to forgery, etcetera; and Class VI. to coining, etcetera. If an individual commits these crimes twice and he is afterwards charged, on a third occasion, with the same or like offence, if he is found guilty—and not before—there can be a second count charging him with being an habitual criminal. There are other offences referred to in the Bill.

Hon. Sir E. H. Wittenoom: Not if he commits three different offences?

The COLONIAL SECRETARY: They must be cases of the same character. I think it will be agreed by most members that when a man has been convicted of an offence against morality and is brought up a short time after for a similar offence that man is scarcely responsible for his actions and should be treated in some special way.

Hon. C. Sommers: Must he commit four offences?

The COLONIAL SECRETARY: No; a third offence. In the first place he is charged with the third offence and if he is not found guilty of it he goes. If he is found guilty of the third offence the question as to whether he is an habitual offender or not is submitted to the jury. That jury tries the man again in his capacity as an habitual offender and the jury enter on the consideration of the case in that way, and he is either convicted of being an habitual offender or is acquitted. I think it would be for the good of society, and the protection of society, that such a man should be isolated from the rest of the community. The Bill also provides that such a person shall be kept in confinement of a special character. He shall be allowed, or rather made to work at some trade or calling

and whilst at work he shall be paid certain remuneration or be granted some allowance at the discretion of the Governor. The allowance or remuneration may be disposed of at the discretion of the Governor for the support of the man's wife and children or any relatives or any dependents upon him. If the man has none of these the money can be set aside to enable him when he comes out of prison to make a fresh start in life. The object of that is to try and look after the criminal so that he may be fed and kept employed. In this Bill it is proposed as far as possible to take this class of criminal from the four walls of the gaol into the country and start him in clearing the land, doing some valuable work in the interests of the State.

Hon. J. D. Connolly: You can do that now.

The COLONIAL SECRETARY: As I have said before all this is not to be done for nothing, some allowance is to be made to the prisoners. If after a time the prisoner shows that his moral sanity is being restored, his freedom can be given to him and he will be allowed to mingle with the rest of the world. In certain circumstances a license will be granted to a prisoner if he is sentenced to any term and if his conduct is good he may go free under certain conditions. If a prisoner commits any breach of the regulations he may be put in gaol again.

Hon. Sir E. H. Wittenoom: That is the ticket of leave again.

The COLONIAL SECRETARY: It is called license in the Bill. With regard to this class of offenders, committees of citizens will be formed and once at least in every six months these committees will interview the prisoner and see whether he is receiving proper treatment and whether his moral sentiments are growing in a more rightful way. By these reports the Governor will be kept more or less in touch with what is progressing in the open air reformatories.

Hon. W. Kingsmill: By what process will they examine his moral sentiments?

The COLONIAL SECRETARY: Just by observation. The Bill gives the Attorney General the right to refer peti-

tions to the appeal court. Oftentimes petitions are received by the Attorney General which should perhaps be referred to a more impartial source. There may be political offenders and it is not right that the Attorney General who is a politician should assist in any way in the consideration of such petitions. The Attorney General can refer the petition to the court of appeal established under the Bill. The Bill also provides that if a prisoner appeals from a sentence in a criminal court the judges may order a new trial. In the old times it was thought you should approve the sentence or dismiss it, but under this Bill a prisoner can apply to the court and the court can consider all the matters of detail and if necessary order a new trial. If a prisoner appeals against a sentence the court has not only to revise the sentence or quash the conviction, but the court has power to increase the sentence if necessary. There is this distinction between this Bill and the English Act that we also allow the Crown to appeal. In England the criminal can appeal if there are just grounds, but the Crown has no right to appeal; the benefit is given entirely to the criminal. It has been thought right, however, that where a point of law is involved, on that point of law only the Crown may appeal. The Bill does not propose in any sense to interfere with the verdict of the jury when it is against the prisoner but where it is against the Crown. If the verdict is against the prisoner the prisoner has a right to appeal, but the Crown has no right to appeal. If the prisoner is acquitted it is considered that it would be cruel to involve a man in the humiliation of a second trial before a judge. Much of this law is already in force in New South Wales, and as I have already said the appeal court is established in England. Every clause of the Bill will have to be carefully considered in Committee, consequently today I have only dealt with the general principles, and I dare say in Committee I shall have to give an explanation on almost every clause.

Hon. W. Kingsmill: Has the Bill already passed another place?

The COLONIAL SECRETARY: Yes. Hon. Sir J. W. Hackett: Was it much discussed?

The COLONIAL SECRETARY: Not much. I move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill debate adjourned.

BILL—GAME.

Second Reading.

Debate resumed from the previous day.

Hon. V. HAMERSLEY (East): It is not my intention to speak at length upon this Bill. I asked for the adjournment under the impression that several other members wanted to speak, but who were absent from the House at the time. This is undoubtedly a measure that has been required for some time. I must congratulate Mr. Kingsmill on the measure which he has brought forward. I certainly think it is a measure we can all feel perfectly satisfied with. We recognise that there are many of our birds and animals that are fast becoming extinct in some parts of the country, and I think it is wise to save them from time to time, particularly during special seasons, so that we will have for many years to come these native animals and birds, and I only hope that this Bill will be the means of dealing more strictly in many cases than has been the case in the past with those who are continually destroying them, especially in districts where we have not been fortunate enough to save many valuable birds and animals which we had in days gone by. I have nothing to add by way of improvement to the Bill unless it may be perhaps the addition of a few birds missing from the second schedule. I do not know what provision has been made as to certain clubs who derive a fair amount of sport by the hunting of game. I hope there is sufficient provision to enable them to continue their sport. If not, in Committee I think it would be wise to make provision to enable these clubs to continue their sport, because I recognise that no very great harm can be done by them.

These clubs are of very great service to the community. I refer to some of the sporting clubs we have near the City and in large centres.

Hon. W. Kingsmill: What are they?

Hon. V. HAMERSLEY: The Hunt Club for one.

Hon. W. Kingsmill: But they do not destroy the thing they hunt.

Hon. V. HAMERSLEY: They hunt the kangaroo, do they not?

Hon. W. Kingsmill: But do they kill it?

Hon. V. HAMERSLEY: Well I certainly would not continue hunting for long myself if I did not kill. I suppose they would kill the game sometimes. I would not like to stop this sport. I do not think they do much harm to the kangaroo or anything else they like to hunt. As to the Bill as a whole, I congratulate Mr. Kingsmill on bringing it forward.

Hon. Sir J. W. HACKETT (South-West): I was unfortunately detained by duty, in its strictest meaning, and was away and did not hear the introductory speech of Mr. Kingsmill on this Bill. As a matter of fact only to-day the Bill was put into my hands and I could only give it a very cursory note in my mind, so that I shall only detain the Council for a few minutes, and my remarks will be more or less of a superficial character. Let me join with my friend Mr. Hamersley in congratulating Mr. Kingsmill on his work. I am quite sure a good deal of it will not be open to revision as I understand it is the intention of Mr. Kingsmill, after the second reading is carried, to secure the examination by a select committee for all its clauses. In that way a Bill will be produced that will be a real advantage to the cause of acclimatisation, and what is a great matter, it will be able to obtain the approval of dwellers in the country districts. If not, it will be almost hopeless to give full effect to the Bill. I am sorry to say that acclimatisation has not been a great success in Australia, and it is all the more creditable to Mr. Kingsmill that he still goes on looking for the best, and hoping to reform the bad characters amongst the imported animals. As a matter of

fact acclimatisation has been pronounced by many who are familiar with it to be a failure. With regard to fishes, they degenerate in their flavour; the animals often prove a greater nuisance than an advantage, and even the deer has a natural liking for the more succulent herbage to be found in a farmer's garden rather than for the hardy and more ready pasture to be found growing on the mountain ranges. And in regard to birds, we have found that powers have been given for the acclimatisation of certain species, and then Bills have had to be passed for their extermination, and the exterminators have found that the task of getting rid of the more undesirable of the species an absolute impossibility. Therefore when the Bill comes to be administered I hope there will be an endeavour to preserve the more desirable birds, whether for the table or for sport, and to get rid of the others. In regard to the acclimatisation committee, in only one instance were we perfectly satisfied with our results, and that was in the attempt to acclimatise the ordinary English perch in Western Australian waters. I would suggest that if it is possible in this little Bill, the hon. member should see if he can introduce those clauses—there are not many of them in our book of statutes—which deal with fish. Very few clauses will be found covering all the enactments by the Western Australian Parliament in connection with the preservation or sale of fish. I hope he will take that into consideration. As to the other points in the Bill, I am not going to dwell upon them at any length. It is possible that those who have views on the subject will be called upon to give evidence before the select committee or, at all events, may offer themselves for that purpose, and it will rest with the committee to accept or reject their proffered ideas. I hope, at any rate, an opportunity will be given for an expression of views before the select committee. I only desire to deal with a couple of points. In Clause 22 it is provided that no imported or native game shall be exported from the State of Western Australia unless with the written consent of the Minister. As I men-

tioned a minute ago, this clause takes no notice of whether the game be alive or dead. I fancy it is live game to which the clause refers.

Hon. W. Kingsmill: Yes.

Hon. Sir J. W. HACKETT: But if the immense variety of feathered game which abounds in Western Australia is to be preserved, and it ought to be the purposes of a Bill if this character to see to their preservation, more words will be required to allow of the scope of the Bill extending to both live and dead animals. I was on a steamer going to England and a bird fancier had immense cages of birds all destined for the one purpose—to supply ornaments for the heads of ladies in London and Paris. He boasted that he had no less than 4,000 birds on board, living and dead, and they were packed close enough to lead one to believe that he was not over-stating. I consider such an act a criminal one, but there are no means of meeting this case under the present law. If the hon. member can introduce into this measure a clause to prohibit the robbing of nature of some of her most delightful charms for the purpose of adding for a few months to the ornamentation of the headgear of ladies in the old country he will have done good work, and his time will not have been wasted. Clause 24, I would suggest, will be hardly one for this House to deal with. It will have to be placed in italics, to the extent of destroying it. The purpose of italics is usually to draw attention to a thing, but in this case they would be used to indicate a portion of the measure that we must pass over without noticing it. The Bill is a step in the right direction, and if the penalties in such cases seem a little drastic I hope they will be forgiven in view of the fine object the Bill is intended to serve. It has my warmest support.

Hon. R. D. McKENZIE (North-East): Unfortunately the people who live in that portion of Western Australia where I reside have very little interest in the preservation of the native game of Western Australia, but I desire to also congratulate Mr. Kingsmill on having brought this measure forward. It is now some 20 years since the parent measure, which this

Act repeals, was brought into existence in Western Australia and placed on the statute book, and no doubt it has served its purpose well, but it is time it was amended in some respects, and the thanks of the Legislature are due to Mr. Kingsmill for having gone to such trouble to bring this measure before the Chamber. The reason I rose to support the Bill is that I notice that the opossum has been omitted from the second schedule. This is not only a useful animal, for it is being slaughtered in millions and the skin is very valuable, but it is one of the indigenous animals that ought to be protected. Some time ago by regulation the opossum was protected for two years, and if this measure goes to a select committee I think opportunity should be taken to include the opossum in the second schedule.

Hon. W. Kingsmill: These schedules are not complete.

Hon. R. D. McKENZIE: I hope, also, that the regulation preventing the destruction of the opossum will be extended. It was made to cover a term of two years, and I believe is about to expire, but I think it should be renewed for another two years at least. The animal is already practically extinct in the older settled portions of the State, and is fast becoming extinct in the newer settlements. I hope that when the select committee is appointed they will consider the claims of this animal for inclusion in the Schedule. I have much pleasure in supporting the Bill.

Hon. W. KINGSMILL (in reply): I have no desire to detain the House, but I wish to thank members for the kindly and complimentary reception they have given this Bill, and to thank them also for the hints they have thrown out in regard to the various ways in which it may be improved. I should like to explain one or two things for the benefit of those members who were not present when I moved the second reading. I then confessed that I could see that the measure was susceptible to a good deal of improvement. In connecting with the drafting I practically did not call in any outside assistance, and one of the most important witnesses to come before the select committee will be

the Parliamentary Draftsman, a gentleman on whose already too much occupied time I did not desire to entrench. I want to explain also that the Schedules do not pretend to be complete; they are simply a skeleton which may be extended and enlarged from time to time. They do not, for instance, include the birds and animals that have been protected by proclamations since the parent Act was passed in 1892, so that hon. members will realise that they will have to be considerably added to before these Schedules are in any way complete. I have considered what Sir Winthrop Hackett has said in regard to the inclusion of fish in the Bill. If that could be done I should be glad to have fish, especially imported fish, brought within the purview of the Bill. I know there are a great many difficulties in the way, but, perhaps, these difficulties can be overcome. With regard to the export of native game, my intention in adopting that clause was that it should apply more particularly to live game. In regard to the wholesale exportation of birds, to which Sir Winthrop Hackett has referred, I think that abuses of that character are provided for in the Federal legislation passed last year. Without further delaying the House, I desire to again thank hon. members for the kindly reception they have given this Bill.

Question put and passed.

Bill read a second time.

Select Committee.

On motion by Hon. W. KINGSMILL, Bill referred to a select committee, consisting of Hon. J. E. Dodd, Hon. J. D. Connolly, Hon. E. M. Clarke, Hon. W. Patrick, and the mover, with the usual powers to report on the 7th December.

House adjourned at 6.13 p.m.

Legislative Assembly,

Thursday, 23rd November, 1911.

	PAGE
Papers presented	396
Bills: Local Courts Act Amendment, 3a.	396
Public Works Committee, 3a.	397
Health Act Amendment, Report	397
Industrial Conciliation and Arbitration Act Amendment, 2a., Com.	397

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Minister for Works: 1, Special by-laws relating to valuations by the Swan, Drakesbrook, and Yilgarn roads boards; 2, Special order fixing the general rates for the current year of the Broome-hill roads board.

BILL—LOCAL COURTS ACT AMENDMENT.

Third Reading.

The ATTORNEY GENERAL (Hon. T. Walker) moved—

That the Bill be now read a third time.

Mr. E. B. JOHNSTON (Williams-Narrogin): It had been his desire to see an amendment inserted in the Bill increasing the jurisdiction of local courts up to £500. There was a desire in certain country districts that competent magistrates should be empowered to adjudicate on matters of greater value than that to which they were restricted at the present time. However, he understood from the Attorney General that the Government intended to bring in a comprehensive measure dealing with local courts next year, and the Minister had given an assurance that the advisability of increasing the jurisdiction would then be considered. In these circumstances he (Mr. Johnston) would leave the matter alone for the present. In the Great Southern district there was a highly competent magistrate, and it was the desire of the people of the district that Mr. Burt should have power to adjudicate on matters up to £500. He (Mr. Johnston) looked with confidence to the Bill to be brought down next session.